



U.S. Army Corps
of Engineers
Buffalo District

Report

FINDING OF NO SIGNIFICANT IMPACT AND ENVIRONMENTAL ASSESSMENT

**EMERGENCY STREAMBANK PROTECTION PROJECT
CAYUGA CREEK (ZURBRICK ROAD)
VILLAGE OF DEPEW/TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK**

February 1999

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

EMERGENCY STREAMBANK PROTECTION PROJECT CAYUGA CREEK (ZURBRICK ROAD) VILLAGE OF DEPEW/TOWN OF CHEEKTOWAGA ERIE COUNTY, NEW YORK

The U.S. Army Corps of Engineers-Buffalo District has assessed the environmental impacts of the following proposed project in accordance with the National Environmental Policy Act of 1969:

Section 14 Streambank and Shoreline Protection for Public Facilities Emergency Streambank Protection Project Cayuga Creek (Zurbrick Road) Village of Depew/Town of Cheektowaga Erie County, New York

Cayuga Creek has eroded its left bank along a 370-foot section of the north side of Zurbrick Road where it forms the boundary between the village of Depew and town of Cheektowaga in Erie County, New York. The creek eroded the top of the 30-foot high bank four to five feet thus endangering the road, several large trees and utility lines, including electric and telephone lines and poles, and a six-inch diameter water line. In March 1997, three to four feet of bank were lost during a single high-flow event on the creek. Additional bank failure would likely result in the closure of one or two lanes of the road and relocation of the affected utility lines. Local traffic would have to be detoured until the affected section is replaced.

The recommended plan would involve the construction of stone riprap bank protection along the affected section of Cayuga Creek. The protection would extend for a distance of approximately 370 feet along the streambank and would extend approximately halfway up the slope. To prepare the bank for construction of the project, it would first be cleared and grubbed of vegetation and provided a uniform slope of 1V:2H with the placement of compacted earthen fill. A perforated drain pipe would be installed in a trench excavated atop the entire length of the new slope to reduce saturation of the bank and possible slope failure. Construction of the stone protection would begin with the placement of a six-inch thick layer of bedding stone. An 18-inch thick surface layer of stone riprap would then be placed with a bench provided approximately five feet above the new creek elevation, thickening the riprap layer to 27 inches down to the toe. The streambank protection would incorporate a 10.25-foot wide by 27-inch thick toe at its base to protect it from stream scour and possible failure. Existing storm water drain pipes would be extended to meet the grade of the new slope and a grouted riprap outfall would be provided to direct drainage into the creek. The new slope above the protection would be fertilized, seeded, and mulched.

Since the proposed bank protection would extend into Cayuga Creek and effectively alter the existing channel cross-section, the right bank of the creek would have to be cut back in order to maintain adequate channel capacity. It is estimated that this bank would have to be excavated back up to 25 feet. Any suitable material excavated along the streambank during the course of project construction (about 80 percent of the excavated volume) would be used as backfill material at the project site. The remaining material would be transported to an approved upland disposal site.

Depending on creek levels during the construction period, the contractor may be required to install a temporary culverted causeway across the creek. Construction of the project could begin as early as September 1999 and should be completed within approximately 90 days. However, it may be desirable to delay construction until the low-flow period (July 2000) in order to minimize or eliminate the need for the temporary causeway.

Alternatives to the proposed action have been considered; however, all were dismissed since they were either environmentally unsound, technically infeasible, or economically nonviable. The "No Action" alternative was considered, but was dismissed since it would accomplish nothing to solve the existing erosion problem and a viable alternative was identified.

The project is limited in scope and analysis has shown that it would have no significant adverse effect on the quality of the human environment. Public coordination to date has uncovered no areas of environmental controversy. Based on these factors, I have determined that an Environmental Impact Statement will not be required.

The attached Environmental Assessment presents the results of the environmental analysis. Those who have information which may alter this assessment and lead to a reversal of this decision should notify me within 30 days.

DATE: _____

Mark D. Feierstein
Lieutenant Colonel, U.S. Army
Commanding

Attachment

ENVIRONMENTAL ASSESSMENT

EMERGENCY STREAMBANK PROTECTION PROJECT CAYUGA CREEK (ZURBRICK ROAD) VILLAGE OF DEPEW/TOWN OF CHEEKTOWAGA ERIE COUNTY, NEW YORK

The purpose of this EA is to provide sufficient information on the potential effects of the proposed action to determine if the project is a major Federal action significantly affecting the quality of the human environment. This EA facilitates compliance with the National Environmental Policy Act and includes discussions of the need for the action, its environmental impacts, alternatives, and a list of agencies, interested groups and individuals consulted.

1. NEED FOR THE PROPOSED ACTION

1.1 Cayuga Creek has eroded its left bank along a 370-foot section of the north side of Zurbrick Road where it forms the boundary between the village of Depew and town of Cheektowaga in Erie County, New York (Figure EA-1). The creek has eroded the top of the 30-foot high bank four to five feet thus endangering the road, several large trees and utility lines, including electric and telephone lines and poles, and a six-inch diameter water line. In March 1997, three to four feet of bank were lost during a single high flow event on Cayuga Creek. Additional bank failure would likely result in the closure of one or both lanes of the road and relocation of the affected utility lines. Local traffic would have to be detoured until the affected section is replaced.

2. AFFECTED ENVIRONMENT

2.1 The Cayuga Creek watershed encompasses 128 square miles in Erie County and Wyoming County, New York. Cayuga Creek is the smallest drainage area of the three major tributaries which form the Buffalo River watershed. The project area considered in this assessment is located approximately 7.3 miles upstream of the creek's confluence with the Buffalo River. This area is located at a sharp meander in the stream where its left bank has been cut by the creek to form a steep 30-foot bluff. Zurbrick Road and its associated utility lines are located along the top of this bank. The normally slower velocities along the inside (right) bank of this meander result in the deposition of stream sediments and direct the flow of the creek towards the eroding left bank.

2.2 Soils in the project area are classified as Teel silt loam, a moderately well to somewhat poorly drained soil. The Teel series may also include inclusions of poor to very poorly drained Wayland soils (USDA-SCS). Anecdotal information and field investigation indicate that the area may have been used for the disposal of miscellaneous household waste and debris. One nearby

resident noted that local bottle hunters may be contributing to the instability of the left bank by excavated several small pits along its slope (Appendix EA-A). Exposed debris and rubble piles are visible on both sides of the creek. The Depew Sewage Treatment Plant is located immediately north of the project area. Due to the possibility that proposed excavation activities along the right streambank could expose contaminated material which could be transported into Cayuga Creek, three composite soil samples were collected along the creek and subjected to laboratory analysis for heavy metals, cyanide, volatile and semi-volatile organic compounds, pesticides, and polychlorinated biphenyls. Figure EA-2 shows the three sampling locations. Table EA-1 presents the results of this analysis.

2.3 Cayuga Creek is classified as Class C fresh surface waters by the New York State Department of Environmental Conservation (NYSDEC). No site-specific fisheries data is available for the project area. However, two fisheries surveys were conducted by the NYSDEC in 1991 and 1993 at other sites on Cayuga Creek. Table EA-1 presents the results of these surveys.

Table EA-1. Fishery survey information for Cayuga Creek, New York (NYSDEC, 1999).

Clinton Street Bridge (0.2 mi. above mouth) (5/22/91)				Union Road Bridge (3.5 mi. above mouth) (7/7/93)
Bulk Fish Collection	Individual Fish Collected			Bulk Fish Collection
	Species	No. Collected	Min. - Max. Length (mm)	
Common carp	Rainbow trout	2	300-335	Smallmouth bass
Common shiner	Smallmouth bass	13	69-390	Rock bass
Bluntnose minnow	<i>Moxostoma</i> sp.	11	207-360	Northern pike
Brown bullhead	Pumpkinseed	3	120-125	Golden shiner
Rock bass	Northern hog sucker	2	120-265	Pumpkinseed
Pumpkinseed	Bluegill	4	52-150	<i>Moxostoma</i> sp.
Logperch	White sucker	1	132	Northern hog sucker
<i>Moxostoma</i> sp.				Stonecat
				Brown bullhead
				Freshwater drum
				Mimic shiner
				Common shiner
				Yellow perch

2.5 Vegetation in the project area consists of a relatively mature, open-canopy flood plain forest. Dominant vegetation consists of box elder (*Acer negundo*), quaking aspen (*Populus tremula*), red/black oak (*Quercus* spp.), buckwheat (*Fagopyrum sagittatum*), teasel (*Dipsacus sylvestris*), and lesser celandine (*Ranunculus ficaria*). No wetlands have been identified within the project area. The area provides food, cover, and nesting habitat for terrestrial wildlife species. Mammalian species which might be expected to be found in this type of environment include house mouse, Norway rat, skunk, opossum, raccoon, cottontail rabbit, chipmunk, and eastern gray squirrel. Robin, starling, house sparrow, rock dove, mourning dove, crow, red-winged blackbird and belted kingfisher are among the avian species which may be expected to nest in the area. Ducks and geese migrate through the area and may also be expected to rest and feed in the area. In addition, other migratory birds such as raptors (owls and hawks) pass through the area to a limited extent and may also use it to rest and feed.

2.6 No threatened or endangered species or their critical habitat are known to exist within the project area.

2.7 Consultation with the National Register of Historic Places, New York State Office of Parks, Recreation and Historic Preservation, and Cheektowaga Historical Museum has identified no significant archaeological sites or historic properties within the project area. Field inspections of the project area revealed active erosion along the left bank of Cayuga Creek and significant sloughing has occurred along the base of the streambank. Evidence of ongoing disposal of yard waste and past disposal of miscellaneous household debris (*i.e.*, broken glass, aluminum cans, plastic, *etc.*) was also present along the face of the slope. The right bank of the creek is a depositional sand and gravel feature. Overall, substantial ground disturbance has occurred within both areas due to natural and human activities. Therefore, both affected areas have a low potential for yielding significant cultural resources.

3. PROJECT PLANS AND ALTERNATIVES

3.1 The Proposed Action.

3.1.1 The recommended plan would involve the construction of stone riprap bank protection along the affected section of Cayuga Creek (Figures EA-2 and EA-3). The protection would extend for a distance of approximately 370 feet along the streambank and would extend approximately halfway up the slope. To prepare the bank for construction of the project, it would first be cleared and grubbed of vegetation and provided a uniform slope of 1V:2H with compacted earthen fill. Figure EA-4 displays typical cross-sections of the proposed protection. A perforated drain pipe would be installed in a trench excavated atop the entire length of the new slope to reduce saturation of the bank and possible slope failure. Construction of the stone protection would begin with the placement of a six-inch thick layer of bedding stone. An 18-inch thick surface layer of stone riprap would then be placed with a bench provided approximately

five feet above the new creek elevation, thickening the riprap to 27 inches down to the toe. The streambank protection would incorporate a 10.25-foot wide by 27-inch thick toe at its base to protect it from stream scour and possible failure. Existing storm water drain pipes would be extended to meet the grade of the new slope and a grouted riprap outfall would be provided to direct the drainage into the creek. The new slope above the protection would be fertilized, and mulched.

3.1.2 Since the proposed bank protection would extend into Cayuga Creek and effectively modify the channel cross-section, the right bank of the creek would have to be cut back in order to maintain adequate channel capacity. It is estimated that the bank would have to be excavated back up to 25 feet. Suitable material excavated along the streambank during the course of project construction (about 80 percent of the excavated volume) would be used as backfill material at the project site. The remaining material would be transported to an approved upland disposal site.

3.1.3 Depending on creek levels during the construction period, the contractor may be required to install a temporary culverted causeway across the creek. Construction of the project could begin as early as September 1999 and should be completed within approximately 90 days. However, it may be desirable to delay construction until the low-flow period (July 2000) in order to minimize or eliminate the need for the temporary causeway.

3.2 Alternatives to the Proposed Action.

3.2.1 Several alternatives to mitigate the erosion problem were evaluated. Road and utility line relocation would be excessively costly and may require the relocation of residences south of Zurbrick Road. The use of steel sheet pile or gabions (stone-filled wire baskets) would also be relatively more expensive and would be more detrimental to the natural appearance of the stream channel. The use of gabions was also eliminated because of their poor past performance in withstanding ice action and their excessive maintenance requirements. The use of an articulated concrete block revetment system was considered to be more costly than the recommended plan and would also provide a less natural appearance than the stone riprap.

3.2.2 The "No Action Plan" was considered as a possible alternative. Under this plan, no Federal action would be taken to mitigate the erosion problem along the road. This alternative was removed from consideration because it would do nothing to solve the existing problem and probably result in the eventual loss of Zurbrick Road.

4. IMPACTS

4.1 Social Impacts

4.1.1 *Noise.* The transportation of materials to the project site and construction activities would result in a short-term increase in local noise sources. Generally, energy-equivalent noise levels at

public works construction sites range from 75 to 89 dBA (A-weighted decibels). The single vehicle noise output of a heavy truck similar to those which would be used to haul stone to the project site ranges from 80 to 90 dBA (the peak noise level of a loud motorcycle at 20 feet is 110 dBA) (Canter, 1977). For the purposes of this evaluation, adjacent land uses have been used to estimate noise levels and potential impact on ambient conditions at the project site. Since land uses adjacent to the site include residential areas, increased noise levels during project construction would be a concern. Because most of the activity would occur below the top of the streambank and Zurbrick Road thereby distancing the work site from private residences along the south side of the road, the noise generated would have most of its effect on parties in close proximity to the project area (primarily construction workers). To minimize any adverse impacts, the eventual construction contractor would be required to use methods and devices to control noise emitted by their equipment. Since active commercial sources of construction materials would be used, no increase in noise levels at these areas would occur.

4.1.2 *Displacement of People.* No effect.

4.1.3 *Public Health and Safety.* Protection of the streambank would insure the safety of those individuals walking along the top of the bank and those using Zurbrick Road. Protection of Zurbrick Road would preserve its continued use by emergency response vehicles and avoid the need to utilize alternative routes during potentially time-critical emergencies.

4.1.4 *Aesthetic Values.* The presence of construction equipment would temporarily detract from the local aesthetic quality. Construction activities would temporarily increase turbidity levels in Cayuga Creek at the project site downstream of the site. Construction of the stone bank protection would alter the existing appearance of the shoreline since a man-made structure would replace the vegetated, albeit actively eroding streambank. The removal of large trees along the top of the bank would eliminate a natural visual screen which currently obscures the view of the treatment plant and its retention basins located north of Zurbrick Road from residences south of the road. In order to protect the structural integrity of the french drain to be installed above the streambank protection, these trees cannot be replaced in-kind, but may be able to be replaced with low, dense shrubs or similar landscaping. Since the material used to construct the revetment would be obtained from existing commercial sites, no excavation at previously undisturbed sites would be required.

4.1.5 *Transportation.* The transportation of construction materials would temporarily increase and/or disrupt local traffic on the transportation routes from the source areas to the project site. Direct access to the left streambank is available via Zurbrick Road. However, access to the right bank would require the clearing of a temporary roadway from Village of Depew-Department of Public Works property off Rutherford Road to the creek. Although no detours are anticipated, traffic may be temporarily disrupted during construction, particularly along Zurbrick Road. Since the Contractor/Supplier would be required to adhere to all local traffic laws and speed limits, no major conflicts with other motorists or pedestrians are anticipated along the transportation routes between the construction material source areas and the project site. The

Contractor would be required to insure the least inconvenience to vehicular and pedestrian traffic and to erect and maintain necessary barricades, flashing warning lights, steady burn lights, reflectors, and signs at the project site.

4.1.6 *Community Cohesion.* Protection of Zurbrick Road would preserve its value as a transportation link for social interaction among local residents.

4.1.7 *Cultural Resources.* No effect.

4.2 Economic Impacts

4.2.1 *Public Facilities/Services.* The primary benefit of the proposed project would be erosion protection provided to preserve Zurbrick Road. Protection of the road would insure its continued use by the public, especially for use by emergency response units and school transportation vehicles.

4.2.2 *Employment/Labor Force.* Construction of the proposed plan would result in a short-term increase in employment opportunities, specifically in the construction trades.

4.2.3 *Business and Industrial Activity.* There would be a slight increase in business and industrial activity prior to and during the construction period.

4.2.4 *Tax Revenues.* No effect

4.2.5 *Property Values.* Construction of the project would maintain access to private residences located south of Zurbrick Road thereby protecting their property values.

4.2.6 *National Economic Development.* If the proposed plan is constructed, total first costs would be \$501,200 and average annual costs would be \$42,400. Average annual benefits would total \$47,500 and net benefits (average annual benefits - average annual costs) would be \$5,100. The benefit/cost ratio (average annual benefits/average annual costs) for this plan would be 1.12 to 1.

4.2.7 *Regional Growth.* No effect.

4.2.8 *Displacement of Farms.* No effect.

4.2.9 *Land Use.* No effect.

4.3 Environmental Effects

4.3.1 *Man-made Resources.* No effect.

4.3.2 *Natural Resources*. Construction of the proposed plan would require the commitment of approximately 1,700 tons of stone riprap, 360 tons of bedding stone, and 3,700 cubic yards of compacted earth fill for the life of the project. Assuming that 1 percent of the total first construction costs would be expended on fuel, approximately 5000 gallons of fuel (at \$1.00 per gallon) would be consumed.

4.3.3 *Air Quality*. The operation of the construction equipment (front-end loader, backhoe, dump trucks, bulldozer/grader) would result in increased emissions of pollutants (suspended particulates, nitrogen dioxide, carbon monoxide) into the local atmosphere. The release of these pollutants is not expected to result in any long or short-term exceedance violations of State air quality standards. Since existing commercial sites would be used, increased activity resulting from the extraction of construction materials for the proposed project would not significantly degrade local air quality.

4.3.4 *Water Quality*. Short-term impacts on water quality would include a temporary increase in turbidity and the possibility of accidental spills of fuel, oil and/or grease into the water during construction. All excavated slopes would be protected as soon as practicable after the completion of rough grading to prevent any significant erosion and sedimentation into the creek. Construction of the project would substantially reduce future erosion of streambank material into the creek. Water quality at the borrow sites would be protected by existing regulations which must be adhered to by the operators.

4.3.5 *Plankton and Benthos*. Construction activities at the site would directly result in the destruction of some immobile and sedentary benthic species residing in the sediment along the streambank. Approximately 7,000 square feet of existing streambank and streambed would be replaced with stone riprap. The replacement of some of the existing submerged habitat (silt/clay/gravel substrate) with stone would provide a more diverse habitat for the colonization of benthic fauna.

4.3.6 *Fish and Wildlife*. Fish and avian species would temporarily avoid the area during the construction period. The existing streambank is currently disturbed by erosion, so the impact on small mammals would be minor. The armor stone would provide some new fishery habitat by providing shelter and feeding sites.

4.3.7 *Threatened and Endangered Species*. No effect.

4.3.8 *Vegetation*. Grading of the existing left streambank would necessitate the destruction of about 0.4 acre of streambank vegetation including several deciduous trees which are either perilously close to the top of the bank or have had their root system exposed by active erosion. The new backfill above the proposed protection along the left bank would be covered with topsoil and fertilized, seeded, and mulched to establish a continuous vegetative cover.

Approximately 0.2 acre of natural vegetation would be cleared and grubbed as the stream channel

is relocated approximately 25 feet to the north. An additional 0.5 acre of scrub/shrub understory and perhaps some trees would also be cleared to provide temporary access for construction equipment to the project area from the north. After construction is completed, this area would be topsoiled, seeded and mulched.

4.3.9 *Wetlands*. No effect.

5. COMPLIANCE WITH ENVIRONMENTAL PROTECTION STATUTES

5.1 Archaeological and Historical Preservation Act, as Amended; National Historic Preservation Act of 1966, as Amended; Executive Order 11593 (Protection and Enhancement of the Cultural Environment). Consultation with the National Park Service, New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), Cheektowaga Historical Museum and review of the National Register of Historic Places has indicated that there are no known archaeological sites or historic properties within or adjacent to the project area. This EA has been submitted to the Advisory Council on Historic Preservation, National Park Service and NYSOPRHP for final review and comment on this determination. The project's impacts on cultural resources have been evaluated in accordance with ER 1105-2-50 and 36 CFR 800.

5.2 Clean Air Act, as Amended. Copies of this EA have been sent to the Regional Administrator of the U.S. Environmental Protection Agency (USEPA) requesting comments in compliance with the Clean Air Act.

5.3 Clean Water Act. A Public Notice and Preliminary Evaluation have been prepared for the project pursuant to Section 404 of the Clean Water Act. Copies of these documents are being circulated for public review with this EA (Appendix EA-A) and in accordance with Section 401 of the Act, State Water Quality Certification has been requested from the New York State Department of Environmental Conservation.

5.4 Coastal Zone Management Act of 1972, as Amended. Not applicable.

5.5 Endangered Species Act of 1973, as Amended. No Federal or State-listed or proposed threatened or endangered species or their critical habitat are known to exist in the project area.

5.6 Federal Water Project Recreation Act; Land and Water Conservation Fund Act. In planning the proposed project, full consideration has been given to opportunities afforded by the project for outdoor recreation and fish and wildlife enhancement. Review copies of this EA have been provided to the U.S. Department of the Interior in regard to recreation and fish and wildlife activities for conformance with the comprehensive nationwide outdoor recreation plan formulated by the Secretary of the Interior.

5.7 Fish and Wildlife Coordination Act. Coordination with the U.S. Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation was initiated on March 26, 1998. In a letter dated April 22, 1998, the USFWS recommended the use of bioengineering erosion control measures (*e.g.*, articulated concrete blocks or stone riprap with erosion controlling vegetation) in project construction. USFWS noted that these materials would benefit local wildlife and be more aesthetically pleasing than bare riprap (Appendix EA-A). Although the proposed protection would indeed be constructed of stone riprap, erosion controlling vegetation has not been incorporated into the design of the structure. The Corps of Engineers believes that the bedding layer of six-inch stone would adequately prevent the migration of fine bank material through the structure into the creek. Over time, the interstices of the structure would be colonized by native plant species providing food and cover for wildlife.

5.8 River and Harbor Act of 1970. Corps of Engineers planning actions have fulfilled the requirements of the Act. All 17 points identified in Section 122 of the Act (P.L. 91-611) have been evaluated in this EA.

5.9 National Environmental Policy Act. With the circulation of this EA and FONSI, the proposed project is in partial compliance with the Act. Full compliance will be attained when the EA/FONSI are provided for a 30-day public review, no significant adverse impacts are identified, and the FONSI is signed.

5.10 Wild and Scenic Rivers Act. Not applicable.

5.11 Executive Order 11988, Flood Plain Management, May 24, 1977. The Corps of Engineers has concluded that there is no practicable alternative to the proposed action, which would occur within the base (100-year) flood plain of Cayuga Creek, and that the recommended action is in compliance with the Order.

5.12 Executive Order 11990, Protection of Wetlands, May 24, 1977. Since no wetlands occur at the proposed project site, the recommended action is in compliance with the order.

5.13 Analysis of Impacts on Prime and Unique Farmlands, CEQ Memorandum, August 30, 1976. Since the proposed work would not affect prime or unique farmlands in any manner, the recommended action is in compliance with this memorandum.

6. AGENCIES/PUBLIC CONTACTED

6.1 Coordination. Copies of this EA have been sent to the following agencies and individuals for review and comment:

Federal:

Advisory Council on Historic Preservation
Federal Emergency Management Administration
U.S. Department of Agriculture:
 Farm Service Agency
 Forest Service
 Natural Resource Conservation Service
U.S. Department of Commerce:
 National Oceanic and Atmospheric Administration
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Housing and Urban Development
U.S. Department of the Interior:
 Fish and Wildlife Service
 National Park Service
U.S. Department of Transportation - Federal Highway Administration
U.S. Environmental Protection Agency

State:

Department of Environmental Conservation
Division of the Budget - State Clearinghouse
Office of Parks, Recreation and Historic Preservation

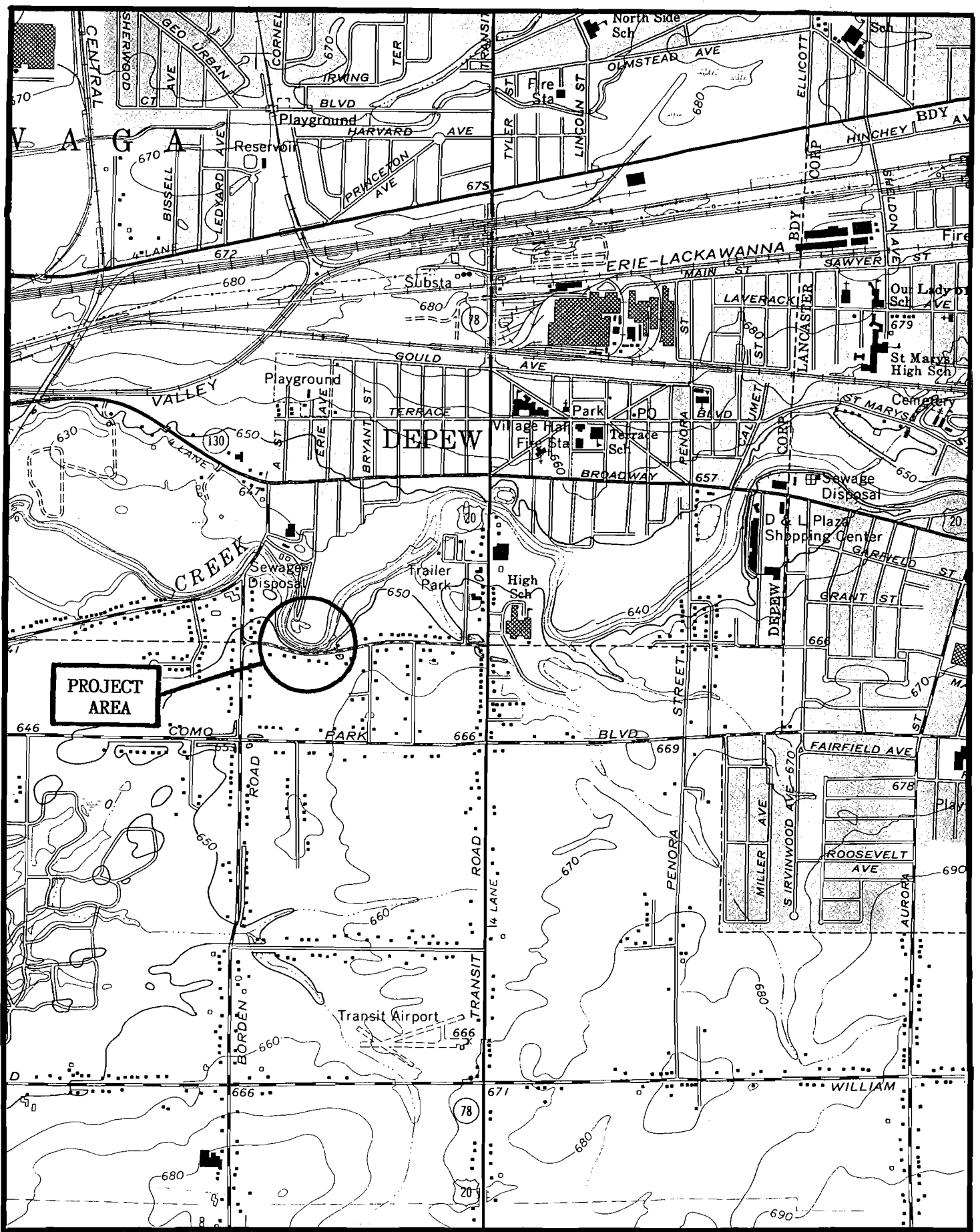
Local:

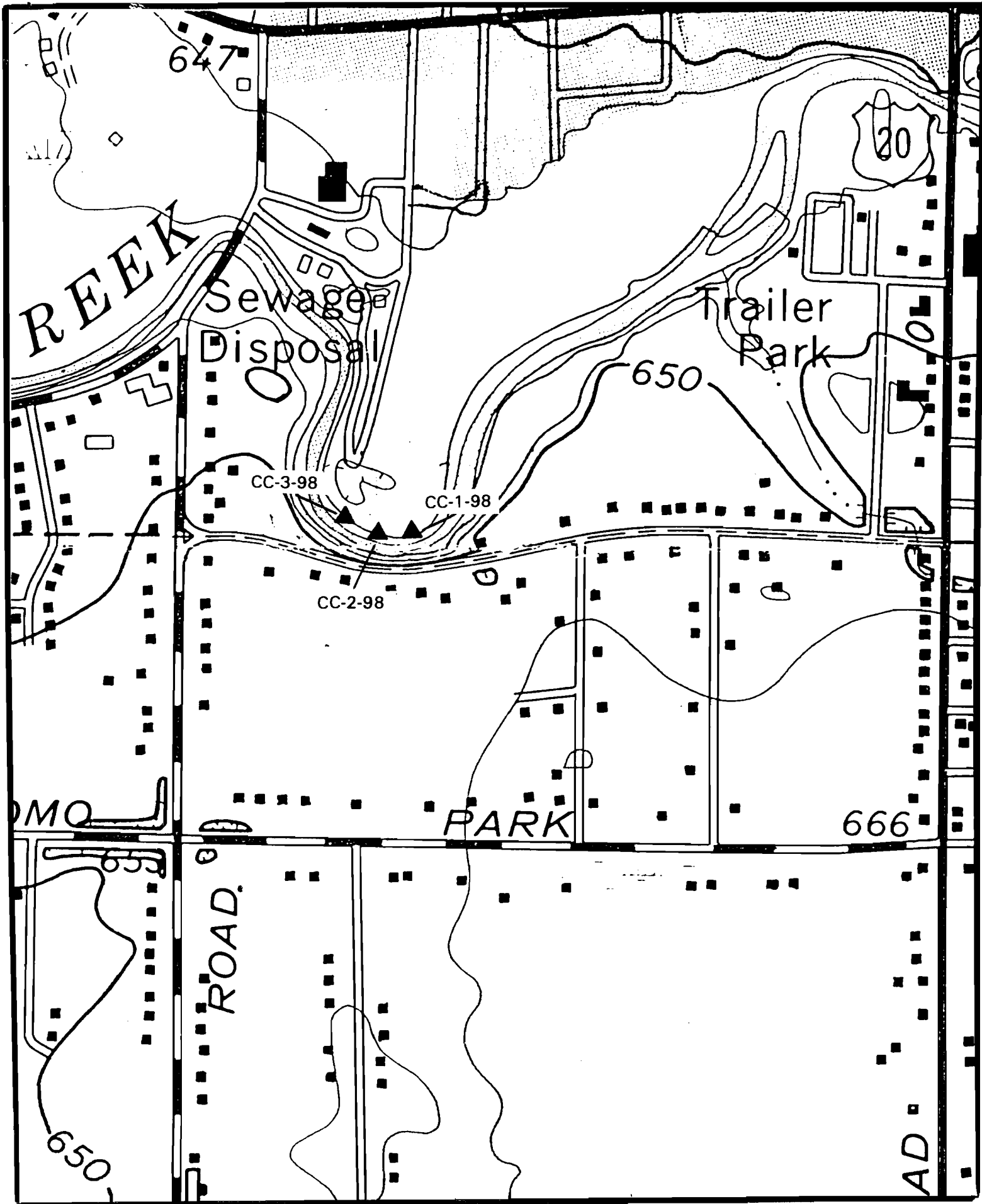
Erie-Niagara Counties Regional Planning Board
Erie County Department of Environment and Planning
Town of Cheektowaga
Village of Depew
Cheektowaga-Sloan School District

Individuals/Organizations:

Audubon Society of New York State
Buffalo & Erie County Historical Society
Cheektowaga Historical Museum
Great Lakes Tomorrow
Great Lakes United, Inc.
Trout Unlimited New York Council
Individual property owners

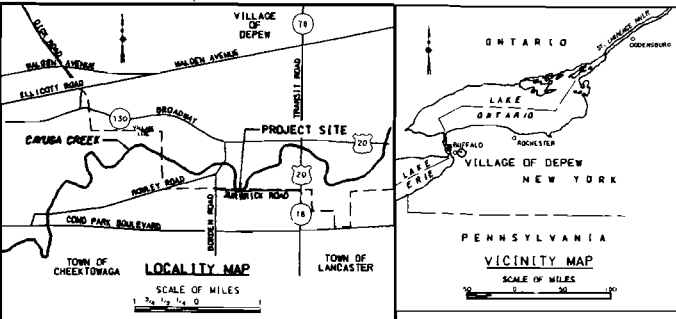
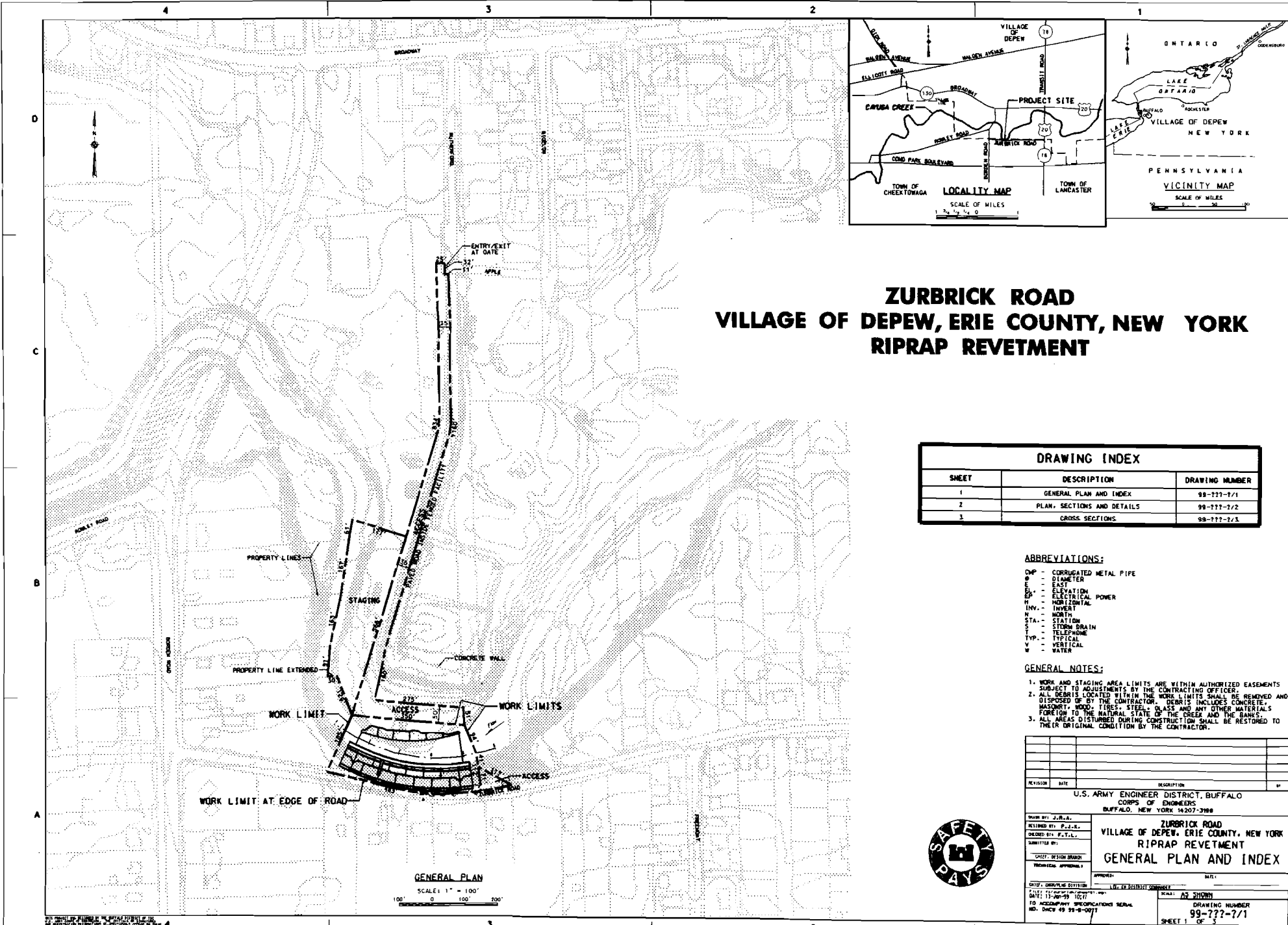
NOTES





EA-14

Figure EA-3. General Plan



ZURBRICK ROAD VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK RIPRAP RETEMENT

DRAWING INDEX		
SHEET	DESCRIPTION	DRAWING NUMBER
1	GENERAL PLAN AND INDEX	99-777-7/1
2	PLAN, SECTIONS AND DETAILS	99-777-7/2
3	CROSS SECTIONS	99-777-7/3

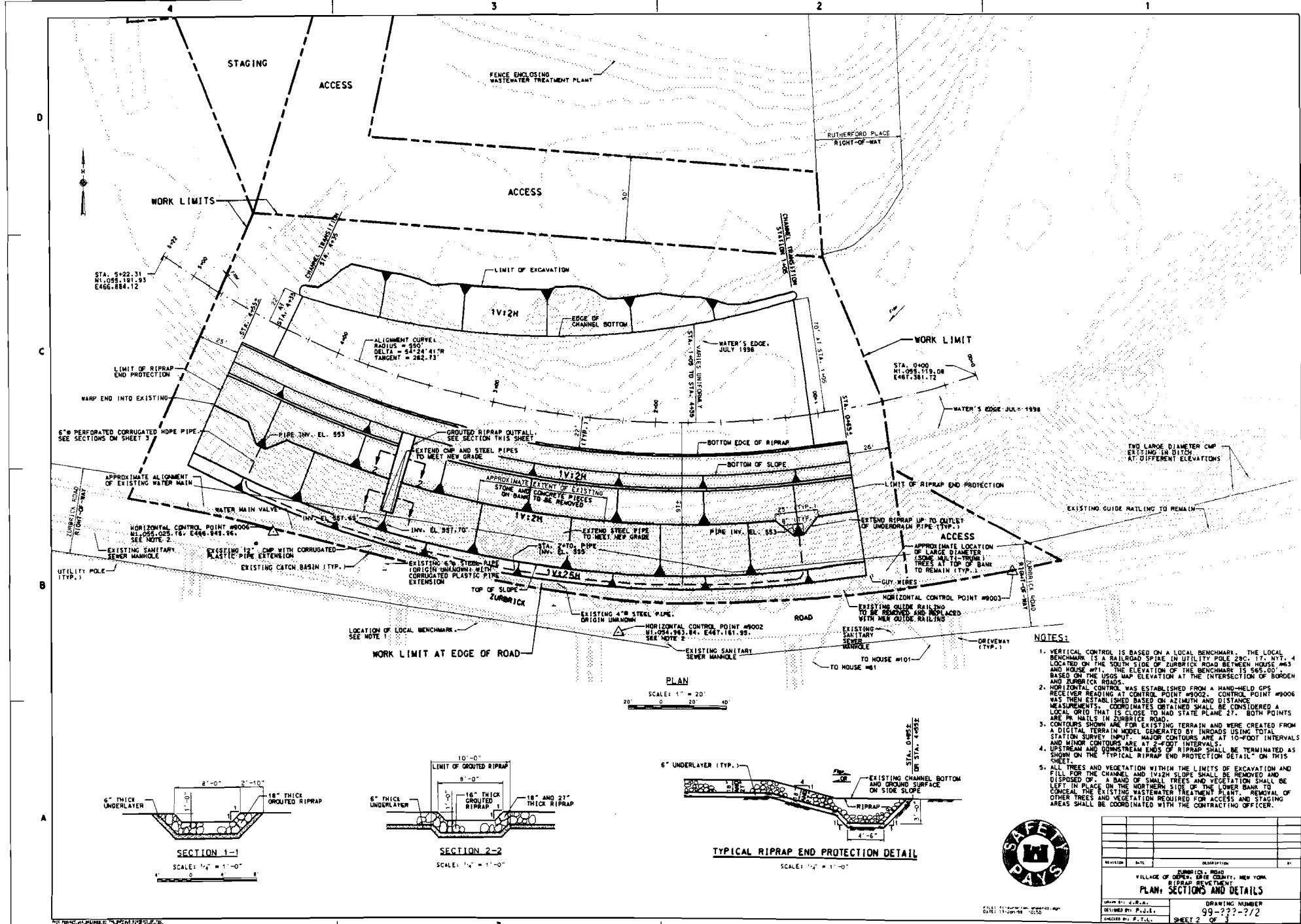
ABBREVIATIONS:

- CMP - CORRUGATED METAL PIPE
- Ø - DIAMETER
- E - EAST
- E₆' - ELEVATION
- EP - ELECTRICAL POWER
- H - HORIZONTAL
- Inv. - INVERT
- N - NORTH
- STA. - STATION
- S - STORM DRAIN
- T. - TELEPHONE
- TYP. - TYPICAL
- V - VERTICAL
- W - WATER

GENERAL NOTES:

1. WORK AND STAGING AREA LIMITS ARE WITHIN AUTHORIZED EASEMENTS SUBJECT TO ADJUSTMENTS BY THE CONTRACTING OFFICER.
2. ALL DEBRIS LOCATED WITHIN THE WORK LIMITS SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR. DEBRIS INCLUDES CONCRETE, MASONRY, WOOD, TIRES, STEEL, GLASS AND ANY OTHER MATERIALS FOREIGN TO THE NATURAL STATE OF THE CREEK AND THE BANKS.
3. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THEIR ORIGINAL CONDITION BY THE CONTRACTOR.

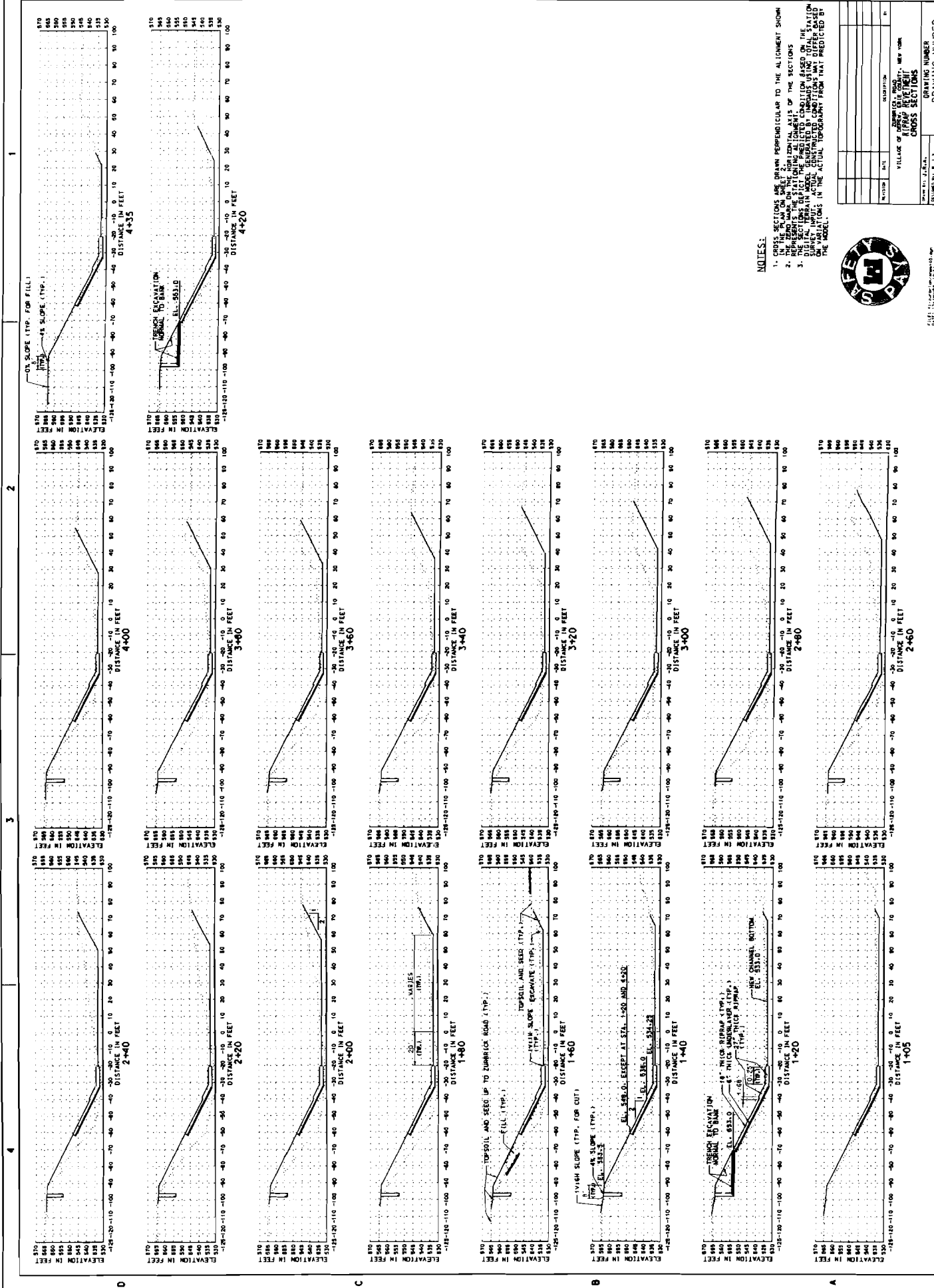
REVISION DATE _____ DESCRIPTION _____ BY _____	
U.S. ARMY ENGINEER DISTRICT, BUFFALO CORPS OF ENGINEERS BUFFALO, NEW YORK 14207-3100	
ZURBRICK ROAD VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK RIPRAP RETEMENT GENERAL PLAN AND INDEX	
DRAWN BY: J.R.A. CHECKED BY: F.V.L. DESIGNED BY: F.V.L. SUBMITTED BY: (OFFICE DESIGN BRAND) TECHNICAL APPROVAL: _____	APPROVED: _____ DATE: _____ LIAISON ENGINEER: _____ DATE: 11-APR-99 10:17 TO ACCOMPANY SPECIFICATIONS SERIAL NO. DWG 49 29-0077
DRAWING NUMBER: 99-777-7/1 SHEET 1 OF 3	



REVISION	DATE	DESCRIPTION	BY

ZURBRICK ROAD
VILLAGE OF OPEN, DEWITT COUNTY, NEW YORK
PLAN: SECTIONS AND DETAILS

DATE: 11/19/99
DRAWING NUMBER: 99-222-2/2
SHEET 2 OF 3



NOTES:

1. CROSS SECTIONS ARE DRAWN PERPENDICULAR TO THE ALIGNMENT SHOWN.
2. THE ZERO MARK ON THE HORIZONTAL AXIS OF THE SECTIONS IS THE CENTERLINE OF THE ROAD.
3. THE SECTIONS ARE BASED ON THE PROPOSED ALIGNMENT BASED ON THE DIGITAL TERRAIN MODEL GENERATED BY INTERPOLATING TOTAL STATION DATA TO THE CENTERLINE OF THE ROAD. VARIATIONS IN THE ACTUAL TOPOGRAPHY FROM THAT PREDICTED BY THE MODEL.



DATE	DESCRIPTION	BY

VILLAGE OF ALPHARETTA
 ALPHARETTA, GEORGIA
 CROSS SECTIONS
 DRAWN BY: J. B. B. A.
 CHECKED BY: P. J. A.
 DATE: 11/20/2013
 DRAWING NUMBER
 SHEET NO.

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)

PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>INORGANIC ANALYSIS (mg/kg)</i>			
Aluminum	3868	3153	6718
Antimony	12.7	0.61B	2.03U
Arsenic	6.18	6.72	7.64
Barium	35.2	34.53	56.7
Beryllium	0.50B	0.96U	1.29U
Cadmium	0.75B	0.74B	0.85B
Calcium	22792	19160	38545
Chromium	7.38	8.02	15.07
Cobalt	4.16	4.22	7.28
Copper	18.0	14.5	36.6
Iron	9685	10190	16683
Lead	1.10	1.33U	1.78U
Magnesium	4.52	5.68	6.56
Manganese	1.72	2.07	2.77
Mercury	0.06U	0.07U	0.09U
Nickel	0.92	1.11	1.49
Phosphorus	10.0	12.5	14.5
Potassium	14.7	18.5	21.4
Selenium	0.18U	0.22U	0.30U
Silver	1.44U	1.74U	2.33U
Sodium	117	147	170
Thallium	0.28U	0.33U	0.45U
Vanadium	0.83U	1.00U	1.34U
Zinc	2.51	3.15	3.64
Cyanide	0.61U	0.74U	0.99U

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)			
PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>Volatile Organic Analysis (µg/kg)</i>			
1,1,1,2-Tetrachloroethane	0.9U	1.1U	1.5U
1,1,1-Trichloroethane	1.5U	1.8U	2.4U
1,1,2,2-Tetrachloroethane	1.8U	2.2U	2.9U
1,1,2-Trichloroethane	1.3U	1.6U	2.1U
1,1-Dichloroethane	2.4U	2.8U	3.8U
1,1-Dichloroethene	3.1U	3.8U	5.1U
1,1-Dichloropropene	1.2U	1.4U	1.9U
1,2,3-Trichlorobenzene	1.3U	1.6U	2.1U
1,2,3-Trichloropropane	2.2U	2.6U	3.5U
1,2,4-Trichlorobenzene	1.3U	1.6U	2.1U
1,2,4-Trimethylbenzene	0.8U	1.0U	1.3U
1,2-Dibromo-3-chloropropane	7.3U	8.8U	11.8U
1,2-Dibromoethane	1.3U	1.6U	2.2U
1,2-Dichlorobenzene	1.3U	1.6U	2.1U
1,2-Dichloroethane	1.5U	1.8U	2.4U
1,2-Dichloropropane	0.9U	1.1U	1.4U
1,3,5-Trimethylbenzene	1.2U	1.4U	1.9U
1,3-Dichlorobenzene	1.1U	1.3U	1.7U
1,3-Dichloropropane	1.5U	1.8U	2.4U
1,4-Dichlorobenzene	1.0U	1.2U	1.6U
2,2-Dichloropropane	1.2U	1.4U	1.9U
2-Butanone MEK	73.4U	88.7U	118.6U
2-Chloroethyl vinyl ether	22.1U	26.8U	35.8U
2-Chlorotoluene	1.6U	1.9U	2.5U
2-Hexanone	25.1U	30.3U	40.5U

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)

PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>Volatile Organic Analysis (µg/kg) (cont'd)</i>			
4-Chlorotoluene	1.6U	1.9U	2.6U
4-Isopropylbenzene	1.0U	1.3U	1.7U
4-Isopropyltoluene	0.8U	1.8U	1.4U
Acetone	84.6B	78.9U	105.4U
Benzene	1.4U	1.7U	2.2U
Bromobenzene	0.9U	1.1U	1.4U
Bromochloromethane	1.7U	2.1U	2.8U
Bromodichloromethane	1.2U	1.5U	.20U
Bromoform	1.5U	1.8U	2.4U
Bromomethane	10.2U	12.3U	16.5U
Carbon disulfide	12.0U	14.5U	19.4U
Carbon tetrachloride	1.1U	1.4U	1.8U
Chlorobenzene	1.1U	1.3U	1.7U
Chloroethane	1.5U	1.9U	2.5U
Chloroform	1.3U	1.5U	2.0U
Chloromethane	0.9U	1.1U	1.5U
cis-1,2-Dichloroethane	1.5U	1.8U	2.4U
cis-1,2-Dichloropropene	1.4U	1.7U	2.3U
Dibromochloromethane	0.4U	0.5U	0.7U
Dibromomethane	1.4U	1.7U	2.2U
Dichlorodifluoromethane	1.3U	1.6U	2.1U
Ethylbenzene	1.0U	1.2U	1.6U
Hexachlorobutadiene	2.1U	2.5U	3.3U
Iodomethane	9.6U	11.6U	15.6U
Isopropylbenzene	1.0U	1.3U	1.7U

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)			
PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>Volatile Organic Analysis (µg/kg) (cont'd)</i>			
m + p-Xylene	1.4U	1.6U	2.2U
Methyl tert-butylether	3.2U	3.8U	5.1U
Methylene chloride	0.8U	1.0U	1.3U
MIBK methyl isobutyl ketone	19.1U	23.0U	30.8U
Naphthalene	1.8U	2.2U	2.9U
n-Butylbenzene	1.0U	1.2U	1.7U
n-Propylbenzene	0.9U	1.1U	1.5U
o-Xylene	1.1U	1.3U	1.8U
sec-Butylbenzene	0.8U	1.0U	1.3U
Styrene	0.7U	0.9U	1.2U
tert-Butylbenzene	1.1U	1.4U	1.8U
Tetrachloroethene	0.9U	1.1U	1.5U
Toluene	0.9U	1.1U	1.5U
trans-1,2-Dichloroethene	5.2U	6.3U	8.4U
trans-1,3-Dichloropropene	1.6U	1.9U	2.5U
Trichloroethene	1.3U	1.5U	2.0U
Trichlorofluoromethane	1.5U	1.8U	2.4U
Vinyl acetate	30.5	36.8U	49.2U
Vinyl chloride	1.4	1.7U	2.3U

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)

PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>Semivolatile Organic Analysis (µg/kg)</i>			
Naphthalene	33U	40U	53U
Acenaphthylene	36U	44U	59U
Acenaphthene	41U	50U	66U
Fluorene	41U	49U	65U
Phenanthrene	38U	45U	61U
Anthracene	47U	56U	75U
Fluoranthene	44U	53U	71U
Pyrene	55U	66U	88U
Benzo[a]anthracene	48U	58U	77U
Chrysene	38U	46U	61U
Benzo[b]fluoranthene	127U	153U	205U
Benzo[k]fluoranthene	132U	159U	213U
Benzo[e]pyrene	86U	104U	139U
Benzo[a]pyrene	87U	106U	141U
Indeno[1,2,3-cd]pyrene	25U	30U	40U
Dibenz[a,h]anthracene	46U	56U	74U
Benzo[g,h,i]perylene	40U	48U	64U

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)			
PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>PESTICIDE ANALYSIS (µg/kg)</i>			
alpha-BHC	8.53U	10.1U	12.8U
beta-BHC	8.30U	9.79U	12.5U
delta-BHC	7.63U	9.00U	11.5U
Lindane (gamma-BHC)	8.30U	9.79U	12.5U
Heptachlor	9.87U	11.6U	14.9U
Aldrin	14.8U	17.5U	22.3U
Heptachlor epoxide	8.75U	10.3U	13.2U
Endosulfan I	10.5U	12.4U	15.9U
Dieldrin	13.2U	15.6U	19.9U
4,4'-DDE	10.1U	11.9U	15.2U
Endrin	29.4U	34.7U	44.3U
Endosulfan II	33.7U	39.7U	50.7U
4,4'-DDD	13.9U	16.4U	21.0U
Endosulfan sulfate	18.9U	22.2U	28.4U
4,4'-DDT	20.0U	23.5U	30.1U
Methoxychlor	13.9U	16.4U	21.0U
Endrin ketone	13.2U	15.6U	19.9U
Endrin aldehyde	35.0U	41.3U	52.7U
alpha-Chlordane	7.63U	9.00U	11.5U
gamma-Chlordane	8.30U	9.79U	12.5U
Alachlor	26.3U	31.0U	39.5U
Toxaphene	510U	601U	767U
Chlorobenzilate	28.7U	33.9U	43.3U
1,2-Dibromo-3-chloropropane	21.8U	25.7U	32.8U
Diallate A	574U	677U	865U

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)

PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>PESTICIDE ANALYSIS (µg/kg) (cont'd)</i>			
Hexachlorobenzene	8.98U	10.6U	13.5U
Hexachlorocyclopentadiene	19.7U	23.3U	29.7U
Isodrin	8.30U	9.79U	12.5U
Mirex	13.2U	15.6U	19.9U

TABLE EA-1. Soil Analysis, Cayuga Creek, New York (Anacon, Inc., September 1998)			
PARAMETER	SAMPLE SITE		
	CC-1	CC-2	CC-3
<i>PCB ANALYSIS (µg/kg)</i>			
Aroclor 1016	69.3U	78.9U	102U
Aroclor 1221	89.8U	102U	132U
Aroclor 1232	171U	195U	253U
Aroclor 1242	71.6U	81.5U	106U
Aroclor 1248	194U	221U	287U
Aroclor 1254	168U	191U	247U
Aroclor 1260	62.9U	71.6U	92.7U

Data Reporting Qualifiers:

- B analyte found in the associated blank as well as the sample
- U compound was analyzed for but not detected. The sample quantitation limit is corrected for dilution and percent moisture.

REFERENCES

Canter, L.W., Environmental Impact Assessment, 1977.

Salkin, P.H., Archaeological Excavations at the Creekside Grove Site (UB 1503), Erie County, New York, 1981.

U.S. Army Corps of Engineers-Buffalo District, Flood Plain Information, Cayuga Creek in the Towns of West Seneca, Cheektowaga, and Lancaster, May 1967.

U.S. Army Corps of Engineers-Buffalo District, Final Environmental Statement, Section 205 Local Flood Protection, Cayuga Creek, Erie County, New York, August 1979.

U.S. Department of Agricultural-Soil Conservation Service, Soil Survey of Erie County, New York, December 1986.

**APPENDIX EA-A
CORRESPONDENCE**



Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

May 4, 1998

Richard P. Leonard
U.S. Army Corps of Engineers
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Leonard:

RE: CORPS
Streambank Stabilization
Cayuga Creek/Zubrick Road
Cheektowaga/Depew, Erie County
98PR1133

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. The documentation which you provided on your project has been reviewed by our staff. Preliminary comments and/or requests for additional information are noted on separate attachments accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any attachments have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each attachment.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 require that agency to initiate consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director, Historic Preservation
Field Services Bureau

RLP:vib
attachment(s)

ARCHEOLOGY COMMENTS

98PR1133

Based on reported resources, your project area may contain an archeological site. The Office of Parks, Recreation and Historic Preservation (OPRHP) does not have concerns with the use of stone riprap, gabions or sheet piling as long as ground disturbing activities are not proposed. The relocation of road, utilities and/or any excavations would warrant that a Phase 1 be conducted, unless substantial ground disturbance can be documented.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The Phase 1 survey is divided into two progressive units of study including a Phase 1A sensitivity assessment and initial project area field inspection, and a Phase 1B subsurface testing program for the project area. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, the land use history, and/or current soil borings that verify past disruptions to the land. Please note that agricultural activities do not constitute significant disturbance, and many sites extend below the plowzone.

If you have any questions concerning archeology, please call Cynthia Blakemore at (518) 237-8643 ext. 288.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 LUKER ROAD
CORTLAND, NY 13045

April 22, 1998

Lt. Colonel Michael J. Conrad
District Engineer, Buffalo District
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207-3199

Attention: William Butler

Dear Colonel Conrad:

This responds to your request for comments for the scoping coordination process for the Section 14 Emergency Streambank Protection Project, Cayuga Creek, Village of Depew and Town of Cheektowaga, Erie County, New York, dated March 26, 1998.

These comments provide technical assistance only and do not constitute the review of comments of the Department of the Interior on any forthcoming Environmental Impact Statement (EIS) under the National Environmental Policy Act (42 U.S.C. 4321-4347). These comments do not preclude separate evaluation and comments by the Department of the Interior which may be necessary pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), if implementation requires a permit from the U.S. Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act of 1972, as amended (P.L. 92-500). Nor does it preclude additional U.S. Fish and Wildlife Service comments under the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), or other legislation on any Federal permits that may be required.

The documents associated with this project should address the possible impacts to fish and wildlife and their habitats and measures to be taken to minimize possible impacts from any proposed work for this project. This would include the reduction of turbidity associated with any proposed work.

The Service recommends using erosion controls that are beneficial to fish, wildlife, and invertebrates. The Service recommends that biotechnical erosion controls be considered. An example of this technique would be the use of articulated concrete block with erosion controlling vegetation or riprap in combination with erosion controlling vegetation. This vegetation should include plant species which will benefit wildlife such as red-osier dogwood (*Cornus stolonifera*), perennial pea (*Lathyrus latifolius*), and deertongue (*Panicum dichanthelium*). In addition to benefitting wildlife, the vegetation would be more aesthetic than bare riprap. Examples of biotechnical erosion control projects and articulated concrete block revetment systems are enclosed. The mention of trade names or commercial products does not constitute endorsement or recommendation for use by the Service.

We hope these comments are useful in your development of the proposed project. Please direct any questions to Diane Mann-Klager at (607) 753-9334.

Sincerely,



For Sherry W. Morgan
Field Supervisor

Enclosures

cc: NYSDEC, Olean, NY (Env. Permits)
EPA, Chief, Marine & Wetlands Protection Branch, New York, NY
USFWS, LGLFRO, Amherst, NY



United States
Department of
Agriculture

Natural Resources
Conservation
Service

The Galleries of Syracuse
441 S. Salina Street, Suite 354
Syracuse, NY 13202-2450

April 13, 1998

U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207-3199

Attn: Mr. William E. Butler

Re: Section 14 Emergency Streambank Protection Project, Cayuga Creek (Zubrick Road),
Erie County, New York

The USDA - Natural Resources Conservation Service has reviewed the documents contained in the March 26, 1998 correspondence we received from the Buffalo District Corps of Engineers. Due to the nature of the project being constructed within a water course, the following comments are offered:

1. It is suggested that the contract specifications provide language that would minimize the operation of construction equipment within the waterway in order to minimize sediment transport due to construction activities.
2. If and where it is feasible, it is suggested that shaping of the streambank, placement of riprap and other construction activities be accomplished from the road side of the streambank rather than the streambed.
3. If it is deemed that sediment release into the waterway could be significant, would it be reasonable to require the contractor to erect a device to trap sediment and minimize its transport in the watercourse?

Should you have questions regarding this correspondence, I may be contacted at telephone number (315)477-6540. Thank you for the opportunity to provide input to your project.

Clyde B. Giaquinto, P.E.
Planning Engineer

cc: R. Swenson, State Conservationist, NRCS, Syracuse, New York
S. Machovec, Resource Planning Staff Leader, NRCS, Syracuse, New York

April 7, 1998

William E. Butler
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199

Re: Project, Section 14 Emergency Streambank Protection Project, Cayuga
Creek (Zurbrick Rd.), Erie County, New York

Dear Mr. Butler:

I received the scoping fact sheet dated March 26, 1998 regarding the stream bank on Zurbrick Rd. across from my home at 71 Zurbrick Rd. I've reviewed the various plans and would like to offer the following comments:

1) Excavation of a diversion channel across the opposite bank would be the most acceptable and least destructive option. Removal of vegetation on the north bank is undesirable as it would make the sewer retention basin more visible to residents on the south side of Zurbrick Rd.

2) Installation of gabions or sheetpile on the south bank is acceptable if it is kept below the top of the bank and all the trees are not removed. If vegetation must be removed, it should be replaced in order to block the view of the retention basin and maintain the country appearance of the surrounding area. The homes on the south side of the street also have basement foundation drains that run under the roadway to the creek bank. I would hope that care would be taken to insure that they are not disturbed as this would result in basement flooding.

3) Relocation of the present roadway would be the least desirable option and I would be opposed to this option completely.

I've lived at this location for 27 years and disagree with your findings that the creek bank has eroded and placed the road and utilities in danger. The previous resident at 81 Zurbrick told me that over 40 years ago the bank eroded and it was backfilled with broken concrete and debris. This can be observed when looking over the bank into the creek bottom.

Approximately 15 years ago the Town installed a storm pipe across the street between 63 & 49 Zurbrick. The pipe extended out of the upper bank approximately 10 feet and undoubtedly contributed to some erosion in that area. I've observed that the Village attached plastic pipe to this storm line and ran it down to the creek bottom which will eliminate this problem.

con't.

p. 2
4/7/98
Zurbrick Rd.

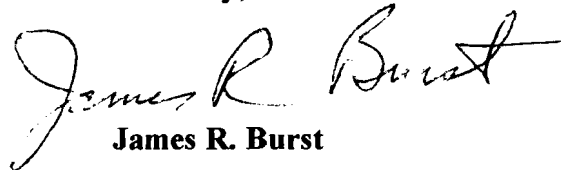
Several individuals have dug into the bank near the creek bottom searching for old bottles and on several occasions I've asked them to stop because of the possibility of undermining the highway.

On April 6, 1998, I walked the creek bottom along the affected area and observed that individuals have dug along the entire bank . Broken glass and debris is everywhere along the bank. After inspecting the damage that has been done to the existing bank, I believe some sort of stabilization is necessary to the south bank.

Please keep me informed regarding the progress of this project and keep in mind that we would like the country atmosphere of our area preserved as much as possible.

I can be contacted at my residence 681-4336 or my office 896-7502.

Sincerely,



James R. Burst

cc: Supervisor Dennis Gabryszak
Councilmember Thomas Johnson
William Pugh, Town Engineer

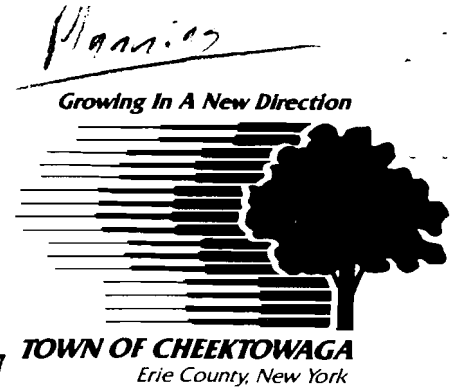
JB/ji

Office of The Town Clerk

Richard M. Moleski
Town Clerk
686-3434

Mary F. Holtz
1st Deputy
686-3433

Vickie L. Dankowski
2nd Deputy
686-3982



23 JAN 98 09 57

January 21, 1998

001 21-TH-S

Colonel John W. Morris, U.S. Army Commanding
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3111

Dear Colonel Morris:

Enclosed please find certified copies of a resolution adopted by the Cheektowaga Town Board on January 20, 1998 regarding:

Request to include remediation of south bank of Cayuga Creek in the failure area, on Zurbrick Road, Town of Cheektowaga, Village of Depew, as a project eligible for Federal assistance under Section 14 of the 1946 Flood Control Act.

Very truly,



RICHARD M. MOLESKI
Town Clerk

Enc.

TRACTS FROM MINUTES OF CHEEKTOWA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 20th day of January 1998 at 7:00 o'clock p.m. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas Mazur

ABSENT: 0

Motion by Councilmember Johnson seconded by Councilmember Rogowski

WHEREAS, settlement and failure of a portion of the embankment of Cayuga Creek adjacent to Zurbrick Road has occurred on the south side leading to the instability of the Zurbrick Road infrastructure, AND

WHEREAS, said highway forms the boundary line between the Village of Depew on the north and the Town of Cheektowaga on the south, AND

WHEREAS, continued erosion slumping and settlement of the stream bank may cause some portion of both the road and the waterline, located in the road shoulder, to be lost or compromised, AND

WHEREAS, the resultant impacts pose a potential hazard and safety risk upon the citizens of the Town of Cheektowaga and Village of Depew residing on Zurbrick Road, AND

WHEREAS, the Village of Depew has requested through Nussbaumer & Clarke, Inc., the Village Engineering Consultant, that the U.S. Army Corps of Engineers include the remediation of the south bank of Cayuga Creek in the failure area as a project eligible for Federal assistance under Section 14 of the 1946 Flood Control Act, AND

WHEREAS, said project would also benefit the citizens of the Town of Cheektowaga residing on or traveling Zurbrick Road, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board concurs with and hereby supports the Village of Depew in its request to the U.S. Army Corps of Engineers for funding the remediation of the south bank of Cayuga Creek along Zurbrick Road in the fiscal year 1998 under Section 14 of the 1946 Flood Control Act, AND, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes that Congressman Jack Quinn continue his diligent efforts on behalf of both the Village of Depew and Town of Cheektowaga in securing Federal assistance through the U.S. Army Corps of Engineers for the necessary remedial project, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to transmit a certified copy of this resolution to Colonel John W. Morris, U.S. Army Commanding, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207-3111 and to Congressman Jack Quinn, 403 Main Street, Suite 240, Buffalo, New York 14203-2199.

Upon roll call....

Supervisor Gabryszak	Voting	AYE
Councilmember Jaworowicz	Voting	AYE
Councilmember Rogowski	Voting	AYE
Councilmember Johnson	Voting	AYE
Councilmember Swiatek	Voting	AYE
Councilmember Jankowiak	Voting	AYE
Councilmember Mazur	Voting	AYE

AYES: 7
NAYES: 0
ABSENT: 0

JACK QUINN
30TH DISTRICT, NEW YORK

TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES:

SURFACE TRANSPORTATION
WATER RESOURCES AND ENVIRONMENT
RAILROADS

VETERANS' AFFAIRS'

SUBCOMMITTEE CHAIRMAN:

BENEFITS

Colonel John W. Morris
U.S. Army Commanding
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207-3111

Dear Colonel Morris,

On behalf of the Village of Depew, I would like to take this opportunity to urge you to include in the Corps budget, the remediation of the south bank of Cayuga Creek in the failure area.

I understand that remediation of the failure area is eligible for federal and state assistance under Section 14 of the 1946 Flood Control Act. It is imperative that this project be designated as a priority project for fiscal year 1998.

The instability of the Zubrick Road infrastructure and adjacent Cayuga Creek Embankment poses a potentially hazardous and unnecessary safety risk to both the residents of the area and persons who travel this public roadway.

Now is the time to address this situation, and with your help we can ensure that all residents and visitors of the Village of Depew are protected. I am confident that the Village of Depew will receive every funding consideration that it truly deserves.

Thank you for your kind consideration to this very important matter. Please feel free to contact me if I can be of any assistance to you.

Very truly yours,



Jack Quinn
Member of Congress

JQ:vc



Congress of the United States

House of Representatives

Washington, D.C. 20515-3230
December 17, 1997

22 DEC 97 10 45
MAIL ROOM
05117-11-5

PLEASE RESPOND TO:

WASHINGTON OFFICE:

331 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-3306
FAX: 226-0347

MAIN OFFICE:

403 MAIN STREET
SUITE 240
BUFFALO, NY 14203-2199
(716) 845-5257
FAX: 847-0323

SATELLITE OFFICE:

1490 JEFFERSON AVENUE
BUFFALO, NY 14208
(716) 886-4076



Nussbaumer & Clarke, inc.

Consulting Engineers Surveyors

3556 Lake Shore Rd., Suite 500 • Buffalo, New York 14219-1494

(716) 827-8000

Fax (716) 826-7958

Branch Offices:
Oswego, New York
Cornelius, North Carolina

December 1, 1997

Mr. Philip Berkeley
US Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Re: Village of Depew
Zubrick Road/Cayuga Creek Bank Failure
NCI Project No. 97-153

Dear Mr. Berkeley:

In March of this year, a failure of the Zubrick Road/Cayuga Creek bank occurred just east of Borden Road. Presently, the upper portion of the bank has dropped approximately 3'- 4' along the visible line of failure which extends an estimated 70' - 250' along Zubrick Road. According to the geotechnical evaluation prepared by SJB Services, Inc., the translation of the failed soil mass (soft surficial soils) should be expected to continue as a relatively slow creep resulting from seasonal saturation, slope geometry, and erosion at the toe of slope.

At the center of the failure location, the top of bank is approximately 4'- 5' off the edge of pavement. The Village is concerned that the road and water line (which runs in the north shoulder of the road) are in jeopardy.

Therefore, on behalf of the Village Board, we are requesting that the Corps of Engineers and the New York State Department of Environmental Conservation (NYSDEC) consider this immediate area of the south line of Cayuga Creek for remediation under Section 14 of the 1946 Flood Control Act.

As confirmed this morning with Mr. Ted Myers of the NYSDEC, we look forward to meeting with yourself and Mr. Myers Tuesday afternoon, December 2, 1997, to examine the failure area and confirm eligibility for consideration of financial assistance under the Section 14 legislation.

Upon confirmation of eligibility, we will submit, as required, a more complete application package.

If you have any questions or comments, please call at your earliest convenience or hold for our meeting tomorrow.

Yours truly,
NUSSBAUMER & CLARKE, INC.

Bruce L. Shearer, P.E.
Village Engineering Consultant

APPENDIX EA-B

**SECTION 404(a) PUBLIC NOTICE
AND
SECTION 404(b)(1) EVALUATION**



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF

18 FEB 1999

CELRB-PE-EA

**EMERGENCY STREAMBANK PROTECTION PROJECT
CAYUGA CREEK (ZURBRICK ROAD)
VILLAGE OF DEPEW/TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK**

This Public Notice has been prepared and distributed pursuant to Section 404(a) of the Clean Water Act (33 USC 1344). Its purpose is to specify what fill materials will be discharged into the waters of the United States by implementation of the proposed project. This notice provides an opportunity for any person who may be affected by such discharge to submit comments or request a public hearing.

The area considered in this notice is located on the boundary between the village of Depew and town of Cheektowaga in Erie County, New York. The proposed work site is located along Cayuga Creek at Zurbrick Road (Figure EA-B-1).

The proposed project is authorized under Section 14 of the Flood Control Act of 1946, as amended. This legislation provides the Corps of Engineers authority for construction of emergency streambank and shoreline protection of public works and nonprofit services.

Cayuga Creek has eroded its left¹ bank along a 370-foot section of the north side of Zurbrick Road where it forms the village-town boundary. The top of the 30-foot high bank has receded to within four to five feet of the road thus endangering the road, several large trees and utility lines, including electric and telephone lines and poles, and a six-inch diameter water line. In March 1997, three to four feet of bank were lost during a single high flow event on the creek. Additional bank failure would likely result in the closure of one or both lanes of the road and relocation of the affected utility lines. Local traffic would be detoured until the affected section is replaced.

The recommended plan would involve the construction of stone riprap bank protection along the affected section of Cayuga Creek (Figures EA-B-2 and EA-B-3). The protection would extend for a distance of approximately 370 feet along the streambank and would extend approximately halfway up the slope. Figure EA-B-4 displays typical cross-sections of

¹The left-right streambank designation is referenced while facing downstream.

of the creek. Figure EA-B-4 displays typical cross-sections of the proposed project.

Depending on creek levels during the construction period, the contractor may be required to install a temporary culverted causeway across the creek. (The installation of this causeway is authorized under Nationwide Permit 33 which permits temporary construction, access and dewatering. Consequently, this project feature is not addressed further in the attached evaluation.) Construction of the proposed project could begin as early as September 1999 and should be completed within approximately 90 days. However, it may be desirable to delay construction until the low flow period (July 2000) in order to minimize the need for a temporary causeway.

A Cultural Resources Assessment of the proposed project has concluded that no registered properties, or properties listed as being eligible, for inclusion in the National Register of Historic Places would be affected by the proposed construction activities.

Based on the review of available environmental data and consultation with the U.S. Fish and Wildlife Service, it has been determined that the proposed project would not affect any species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor would it affect the critical habitat of any such species. Therefore, unless additional information indicates otherwise, no further consultation pursuant to Section 7 of the Endangered Species Act Amendments of 1978 will be undertaken with the U.S. Fish and Wildlife Service.

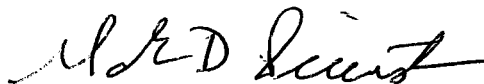
Preliminary assessment of the impacts of the project (as discussed in the Section 404(b)(1) Evaluation applying the guidelines for specification of disposal sites for dredged or fill material in 40 CFR 230) concludes that the proposed construction would not cause unacceptable disruption to the water quality uses of the affected aquatic ecosystem.

By this Public Notice, the Corps of Engineers is requesting that the New York State Department of Environmental Conservation provide Water Quality Certification or waiver thereof, in accordance with Section 401 of the Clean Water Act.

This Notice is being published in conformance with 33 CFR U.S. Code of Federal Regulations 209.145. Any person who has an interest which may be adversely affected by the construction of this project may request a public hearing. The request must be submitted in writing to the District Commander within 30 days of the date of this Notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

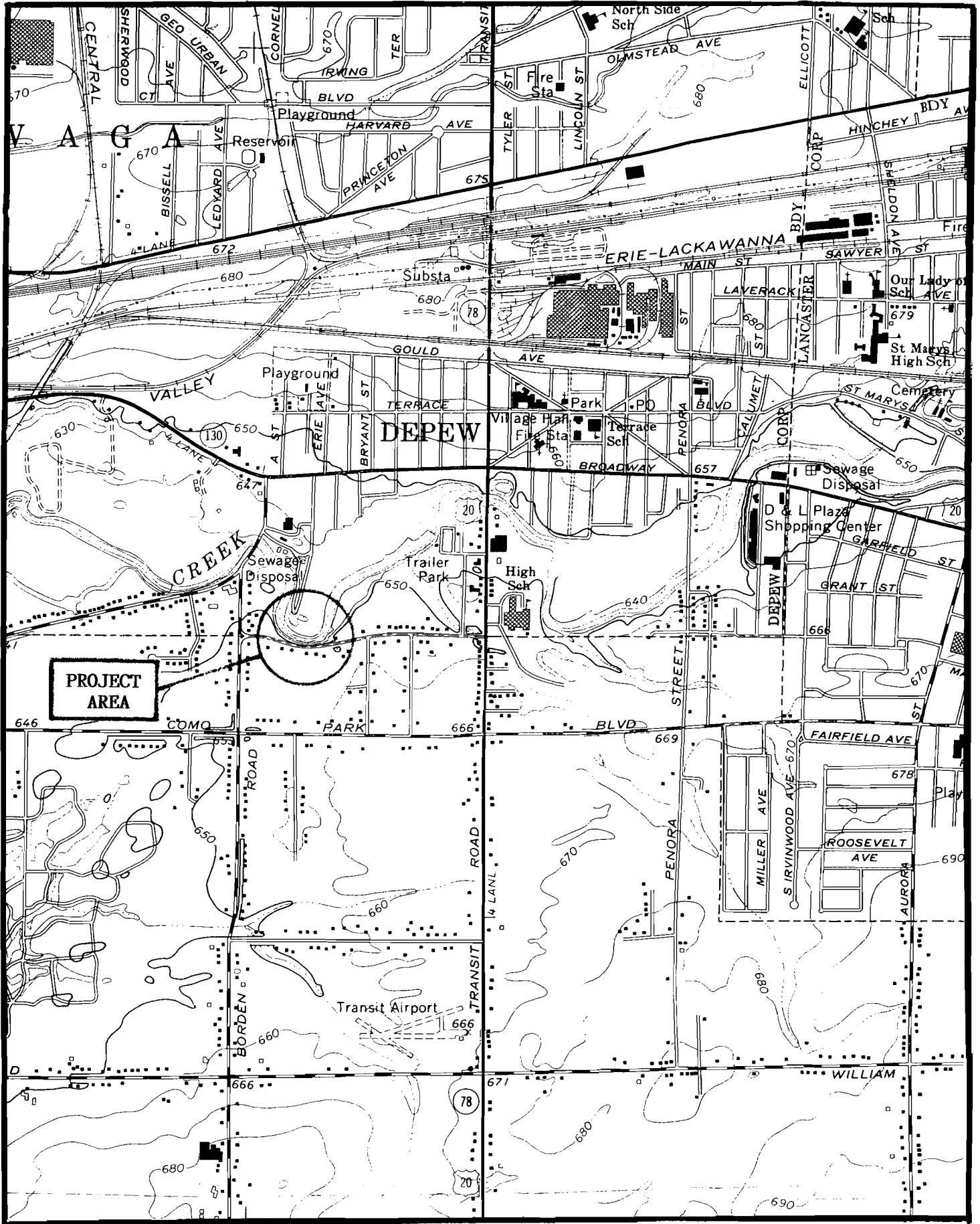
Any interested parties and/or agencies desiring to express their views concerning the proposed project may do so by filing their comments in writing no later than 4:30 p.m., 30 days from the date of issuance of this Notice. A lack of response will be interpreted as meaning that there is no objection to the proposed work.

The point of contact pertaining to this matter is Mr. William E. Butler of our Environmental Analysis Section, who can be contacted by calling 716.879.4268 (FAX: 716.879.4355; E-mail: william.e.butler@usace.army.mil) or by writing to the above address.



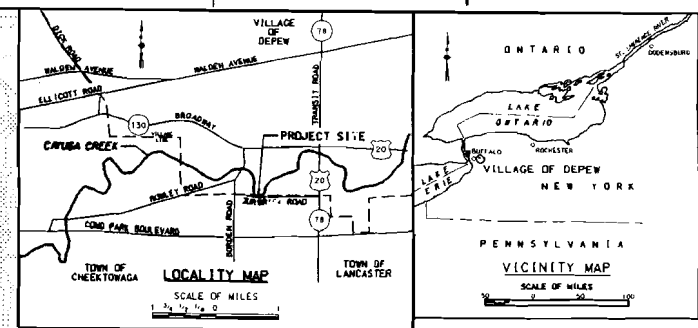
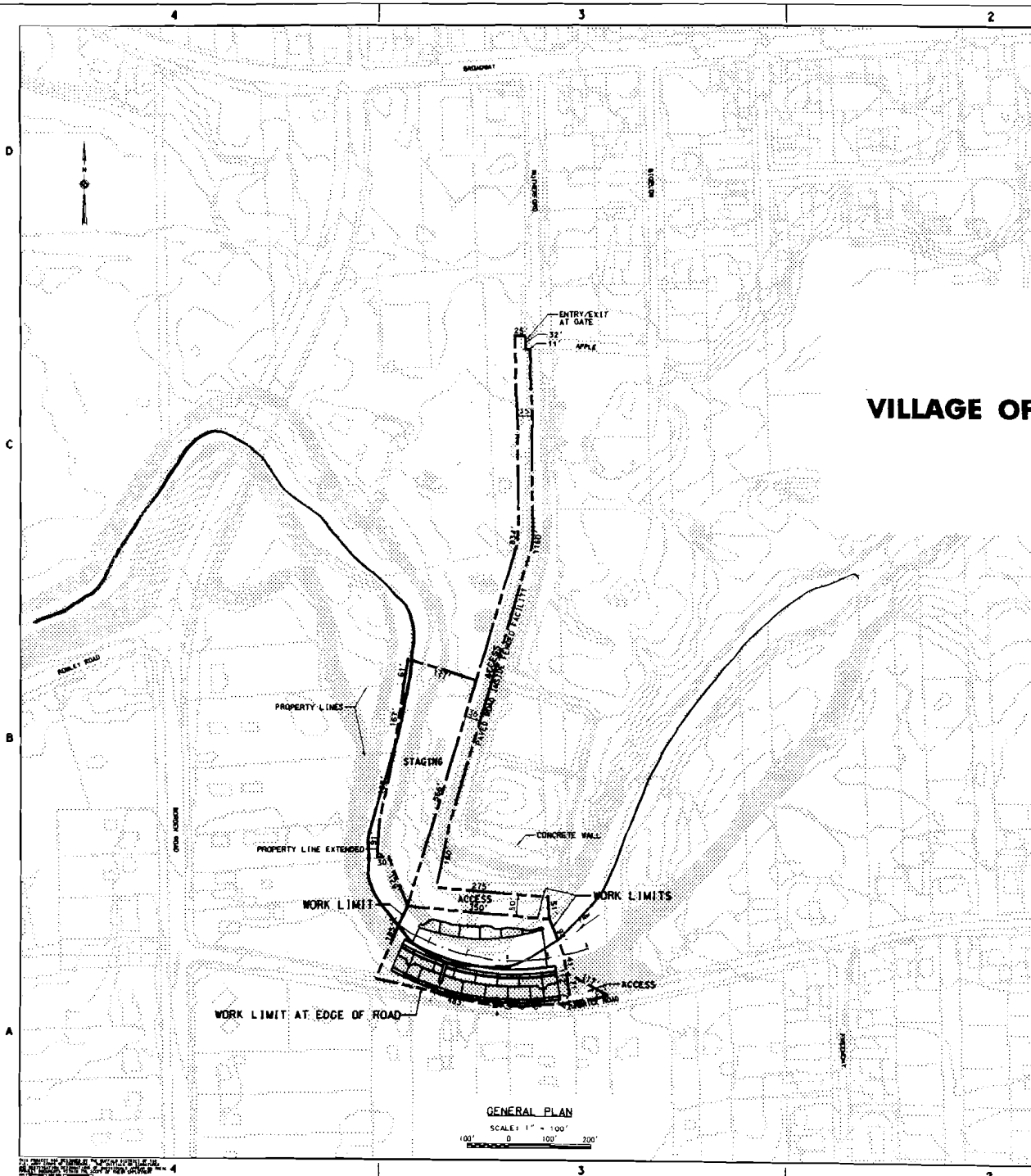
Mark D. Feierstein
Lieutenant Colonel, U.S. Army
Commanding

Attachment



EA-B-5

Figure EA-B-2. General Plan



ZURBRICK ROAD VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK RIPRAP REVETMENT

DRAWING INDEX		
SHEET	DESCRIPTION	DRAWING NUMBER
1	GENERAL PLAN AND INDEX	99-777-7/1
2	PLAN, SECTIONS AND DETAILS	99-777-7/2
3	CROSS SECTIONS	99-777-7/3

ABBREVIATIONS:

- CMP - CORRUGATED METAL PIPE
- Ø - DIAMETER
- E - EAST
- EL - ELEVATION
- EP - ELECTRICAL POWER
- H - HORIZONTAL
- INV - INVERT
- N - NORTH
- STA - STATION
- S - STORM DRAIN
- T - TELEPHONE
- TYP - TYPICAL
- V - VERTICAL
- W - WATER

GENERAL NOTES:

1. WORK AND STAGING AREA LIMITS ARE WITHIN AUTHORIZED EASEMENTS SUBJECT TO ADJUSTMENTS BY THE CONTRACTING OFFICER.
2. ALL DEBRIS LOCATED WITHIN THE WORK LIMITS SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR. DEBRIS INCLUDES CONCRETE, MASONRY, WOOD, TIRES, STEEL, GLASS AND ANY OTHER MATERIALS FOREIGN TO THE NATURAL STATE OF THE CREEK AND THE BANKS.
3. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THEIR ORIGINAL CONDITION BY THE CONTRACTOR.

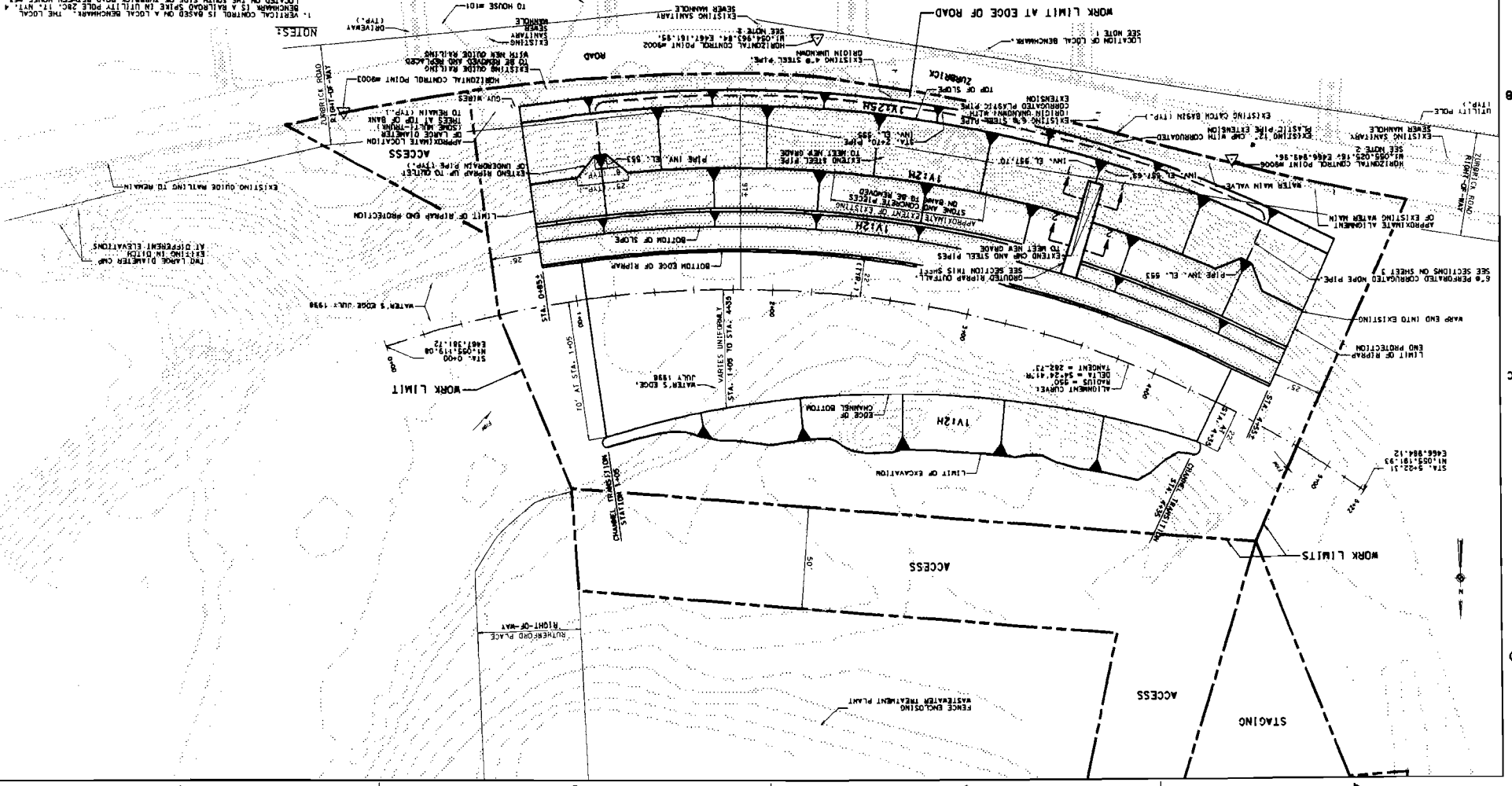
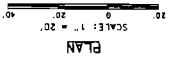
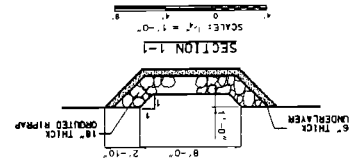
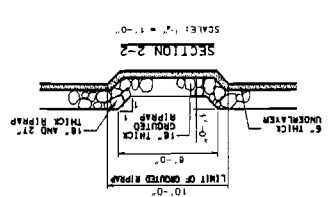
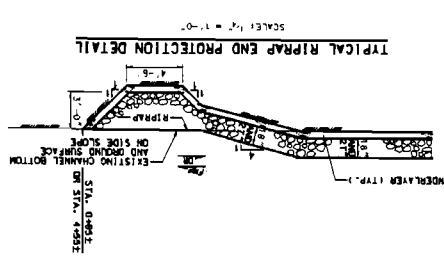


REVISION	DATE	DESCRIPTION
U.S. ARMY ENGINEER DISTRICT, BUFFALO CORPS OF ENGINEERS BUFFALO, NEW YORK 14207-3100		
ZURBRICK ROAD VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK RIPRAP REVETMENT GENERAL PLAN AND INDEX		
DRAWN BY: J.R.A.		
DESIGNED BY: P.J.A.		
CHECKED BY: F.T.L.		
SUBMITTED BY:		
TECHNICAL APPROVAL:		
CRIP: ENGINEERING DIVISION	LTC, 10 DISTRICT ENGINEER	DATE:
SCALE: 1" = 100'	DRAWN: AS SHOWN	DATE:
TO ACCOMPANY SPECIFICATIONS SERIAL NO. DWG 49 99-10-007		
DRAWING NUMBER 99-777-7/1		SHEET 1 OF 3

DRAWING NUMBER		99-233-2/2	
SHEET 2 OF 3			
PLANNING DEPARTMENT PLANNING AND DESIGN DIVISION CITY OF NEW YORK			
DATE	REVISION	DATE	REVISION



- NOTES:
1. THE LOCAL BENCHMARK IS BASED ON A LOCAL BENCHMARK. THE LOCAL BENCHMARK IS A BENCHMARK SHOWN ON THE UTILITY RECORD. THE LOCAL BENCHMARK IS BASED ON THE ELEVATION OF THE BENCHMARK IS 555.00.
 2. HORIZONTAL CONTROL WAS ESTABLISHED FROM A HAND-HELD GPS AND BENCHMARK.
 3. CONTAINS SHOWN ARE FOR EXISTING TERRAIN AND WERE CREATED FROM A DIGITAL TERRAIN MODEL (DATUM) OF INTERVALS 2.0 METERS. A DIGITAL SURVEY INPUT. MAJOR CONTOURS ARE AT 10'-00" INTERVALS.
 4. STATION AND DOWNSTREAM ENDS OF RIBRAPS SHALL BE TERMINATED AS SHOWN ON THE TYPICAL RIBRAP END PROTECTION DETAIL ON THIS SHEET.
 5. ALL TREES AND VEGETATION WITHIN THE LIMITS OF EXCAVATION AND UNDERLAYERS SHALL BE REMOVED AND STAGING AREAS SHALL BE COORDINATED WITH THE CONTRACTING OFFICER.



1

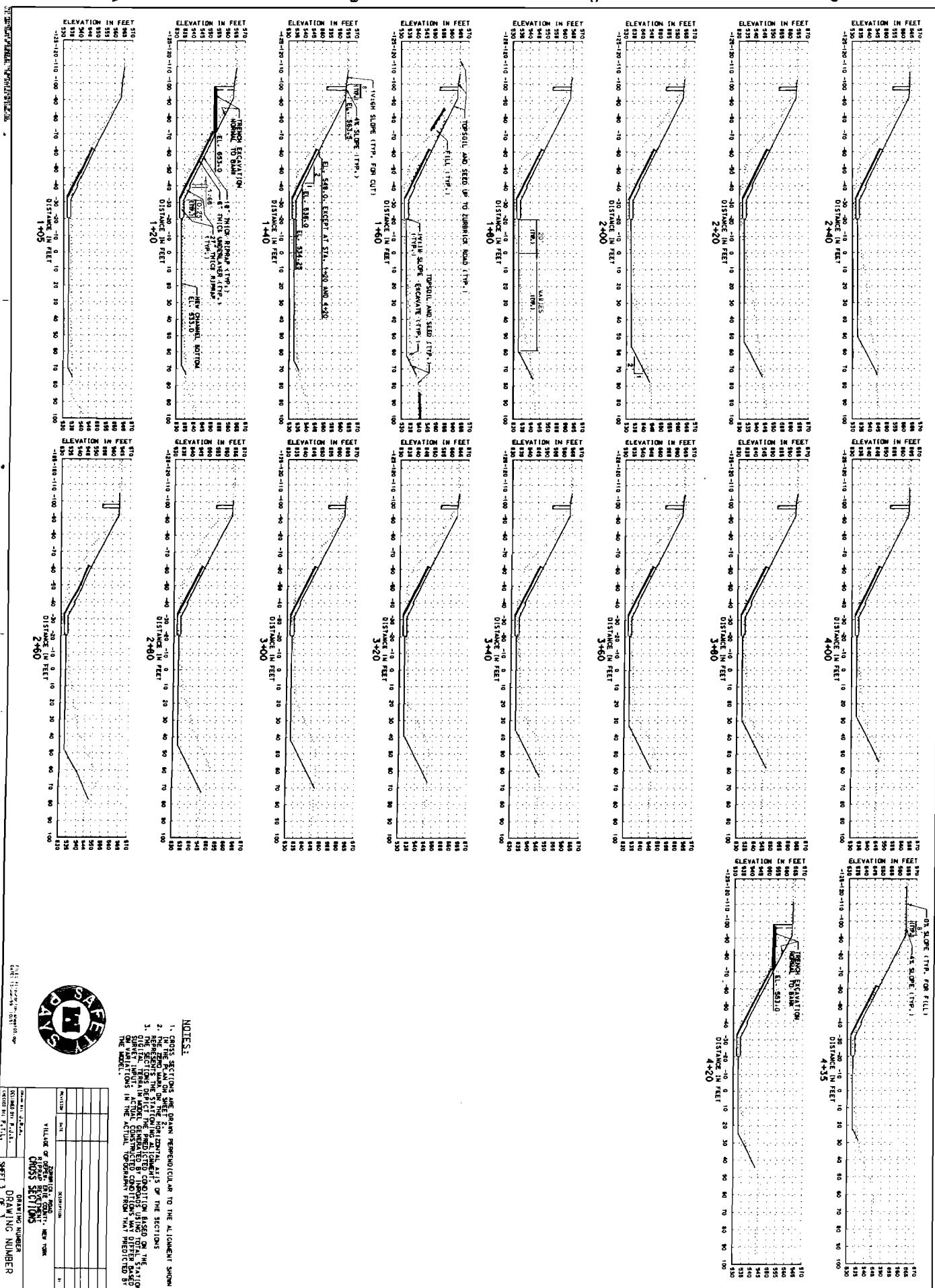
2

3

4

Figure EA-B-3. Recommended Piar

EA-B-6



- NOTES:**
1. CROSS SECTIONS ARE DRAWN PERPENDICULAR TO THE ALIGNMENT SHOWN IN THE PLAN ON SHEET 2.
 2. REPRESENTS THE PREDICTED CONDITION BASED ON THE SURVEY DATA. ACTUAL CONSTRUCTION CONDITIONS MAY DIFFER BASED ON THE ACTUAL TOPOGRAPHY FROM THAT PREDICTED BY THE MODEL.



DATE: 11/20/2023 10:28:33 AM
PROJECT: NEW YORK STATE TOLL ROAD
SHEET NO: 3 OF 3
DRAWING NUMBER: EA-B-7
SCALE: AS SHOWN
DESIGNED BY: J. J. J.
CHECKED BY: J. J. J.
APPROVED BY: J. J. J.

SECTION 404(b)(1) EVALUATION

EMERGENCY STREAMBANK PROTECTION PROJECT CAYUGA CREEK (ZURBRICK ROAD) VILLAGE OF DEPEW/TOWN OF CHEEKTOWAGA ERIE COUNTY, NEW YORK

1. PROJECT DESCRIPTION

1.1 Location. The project area is located on the boundary between the village of Depew and town of Cheektowaga in Erie County, New York. The proposed work site is located along Cayuga Creek at Zurbrick Road (Figure EA-B-1).

1.2 General Description.

1.2.1 The recommended plan would involve the construction of stone riprap bank protection along the affected section of Cayuga Creek (Figures EA-B-2 and EA-B-3). The protection would extend for a distance of approximately 370 feet along the streambank and would extend approximately halfway up the slope. To prepare the bank for construction of the protection, it would be cleared and grubbed of vegetation and provided a uniform slope of 1V:2H with compacted earthen fill. Figure EA-B-4 displays typical cross-sections of the proposed protection. A perforated drain pipe would be installed in a trench excavated along the entire length of the new slope to reduce saturation of the bank and possible slope failure. Existing storm water outlet pipes would be redirected away from the newly sloped bank to minimize additional saturation. Construction of the stone protection would begin with the placement of a six-inch thick layer of bedding stone. A 18-inch thick surface layer of stone riprap would then be placed with a bench provided approximately five feet above the new creek elevation, thickening the riprap to 27 inches down to the toe. The streambank protection would incorporate a 10.25-foot wide by 27-inch thick toe at its base to protect it from stream scour and possible failure. Existing storm water drain pipes would be extended to meet the grade of the new slope and a grouted riprap outfall would be provided to direct the drainage into the creek. The new slope above the protection would be fertilized, seeded, and mulched.

1.2.2 Since the proposed bank protection would extend into Cayuga Creek and effectively alter the channel cross-section, the right bank of the creek would have to be cut back in order to maintain adequate channel capacity. It is estimated that the bank would have to be excavated back up to 25 feet. Suitable material excavated along the streambank during the course of project construction (about 80 percent of the excavated volume) would be used as backfill material at the project site. The remaining material would be transported to an approved upland disposal site.

1.2.3 Depending on creek levels during the construction period, the contractor may be required to install a temporary culverted causeway across the creek.

2.2 Authority and Purpose. This project is authorized under Section 14 of the Flood

Control Act of 1946, as amended. The investigation to determine the applicability of Section 14 was initiated in response to a letter dated December 1, 1997 from the Village of Depew's engineering consultant.

2.3 General Description of Fill Materials.

2.3.1 *General Characteristics of Material.* The primary materials which would be required to construct the proposed project would be stone riprap (18 inches per unit), bedding stone (six inches per unit), and compacted fill.

2.3.2 *Quantity of Material.* Project construction would involve the placement of 1,700 tons of stone riprap, 360 tons of bedding stone, and 3,700 cubic yards of compacted fill.

2.3.3 *Source of Material.* Construction materials would be obtained from existing commercial sources. Suitable material excavated from along the right bank of the creek would also be used as compacted fill (about 80 percent of the excavated volume).

2.4 Description of the Proposed Discharge Site.

2.4.1 *Location.* All proposed work would be located along Cayuga Creek at Zurbrick Road in the village of Depew and town of Cheektowaga in Erie County, New York (Figure EA-B-1).

2.4.2 *Size.* Approximately 0.4 acre of streambank and streambed would be affected by the placement of compacted fill and stone riprap.

2.4.3 *Type of Site.* The proposed discharge site is unconfined.

2.4.4 *Type of Habitat.* At the proposed discharge site, Cayuga Creek is normally one to two feet deep and between 60 and 120 feet wide. The bottom has a riffle and pool configuration consisting of boulders, cobbles, and gravel over bedrock with some silt and sand accumulation in the pools.

2.4.5 *Timing and Duration of Discharge.* Construction of the proposed project could begin as early September 1999 and should be completed within approximately 90 days. However, it may be desirable to delay construction until the low-flow period (July 2000) in order to minimize or eliminate the need for the temporary causeway.

2.5 Description of Discharge Method. Construction of the proposed project would be conducted along the top of the bank along Zurbrick Road and would also require the construction of a temporary access road extending from Village of Depew property off Rutherford Road. Construction equipment would clear and grade the left streambank with equipment anchored along the top of the bank as well as equipment approaching the bank from the north across Cayuga Creek.

3. FACTUAL DETERMINATIONS

The construction materials to be used are chemically inert and physically immobile under existing conditions. These characteristics eliminate the possibility of chemical-biological interaction and any testing specified under Section 230.61 is not applicable in this instance.

3.1 Physical Substrate Determinations.

3.1.1 *Substrate Elevation and Slope.* The existing streambank and a portion of the streambank would be replaced by the 1V:2H slope of the proposed protection and its horizontal toe protection.

3.1.2 *Sediment Type.* Construction of the proposed project would result in the replacement of silt, sand and gravel streambed materials and exposed bedrock with large stone units.

3.1.3 *Fill Material Movement.* No changes in the substrate as a result of erosion, slumpage, or other movement of the fill are anticipated outside of the discharge site.

3.1.4 *Physical Effects on Benthos.* The placement of fill would adversely affect bottom-dwelling organisms at the site by direct burial of immobile forms or forcing mobile forms to migrate. The submerged portions of the proposed protection would increase local benthic habitat diversity and may increase the diversity of local benthic communities.

3.1.5 *Other Effects.* Some compaction of the existing substrate would occur as a result of project construction.

3.1.6 *Actions Taken to Minimize Impacts.* Stone sizes for the proposed project have been selected to provide the required erosion protection and remain stable under anticipated streamflow conditions.

3.2 Water Circulation and Salinity Determinations.

3.2.1 *Water:*

- a. Salinity - Not applicable.
- b. Water Chemistry - No significant effect.
- c. Clarity - Construction activities would result in a short-term increase in turbidity.
- d. Color - Water color at the project site would be temporarily altered during construction activities.
- e. Odor - No significant effect.
- f. Taste - Water taste may be affected during and for a short period following the

completion of construction activities due to the presence of suspended particulates in the water column.

- g. Dissolved Gas Levels - No effect.
- h. Nutrients - No effect.
- i. Eutrophication - No effect.

3.2.2 *Current Patterns and Circulation:*

- a. Current Pattern and Flow - No effect.
- b. Velocity - No effect.
- c. Stratification - No effect.
- d. Hydrologic Regime - No effect.

3.2.3 *Normal Water Level Fluctuations.* No effect.

3.2.4 *Salinity Gradients.* Not applicable.

3.3 Suspended Particulate/Turbidity Determinations.

3.3.1 *Expected Changes in Suspended Particulates and Turbidity in the Vicinity of the Discharge Site.* Project construction is expected to increase local turbidity during the actual work period. No violations of State water quality standards are anticipated. Elevated suspended concentration associated with these activities would be confined to the immediate vicinity of the project site and would dissipate rapidly after completion of the project. Any turbidity plume that might develop would be influenced by stream discharge and velocity conditions occurring at the time of project construction.

3.3.2 *Effects on Chemical and Physical Properties of the Water Column:*

- a. Light Penetration - Construction activities and resultant turbidity increases would temporarily decrease light penetration at the project site.
- b. Dissolved Oxygen - No significant effect.
- c. Toxic Metals and Organics - No significant effect.
- d. Pathogens - No effect.
- e. Aesthetics - Increased turbidity in the project area may be temporarily aesthetically displeasing. However, the turbidity plumes generated should dissipate before affecting widespread areas. In addition, localized natural turbidity levels may be sufficiently high so

that any temporary increase in turbidity at the project site may not represent an excessive change. The streambank protection project would help reduce loadings of suspended solids into the creek thereby contributing to a long-term reduction in turbidity levels. The presence of the protection would present an artificial, man-made appearance, however, the existing erosion scars along the streambank would be eliminated.

3.3.3 *Effects on Biota:*

a. Primary Production and Photosynthesis - Temporary increases in turbidity and suspended solids generated during project construction may cause minor decreases in primary production and photosynthesis. Some aquatic macrophytes (aquatic plants) may be covered as a result of construction activities.

b. Suspension/Filter Feeders - No significant effect.

c. Sight Feeders - No significant effect.

3.3.4 *Actions Taken to Minimize Impacts.* The Contractor would be required to minimize accidental spills of fuel, oil, and/or greases. All disturbed soil areas would be seeded with appropriate grass species to provide vegetative cover to prevent further erosion into Cayuga Creek.

3.4 Contaminant Determinations. The construction materials or excavated material would not introduce, relocate, or increase any contaminants.

3.5 Aquatic Ecosystems and Organisms Determinations.

3.5.1 *Effects on Plankton.* Only minor short-term adverse impacts would be expected to affect plankton due to limited, temporary increases in turbidity and suspended solid levels during project construction.

3.5.2 *Effects on Benthos.* The placement of fill material would cover and/or destroy immobile bottom-dwelling organisms. However, submerged portions of the proposed protection would increase local benthic habitat diversity.

3.5.3 *Effects on Nekton.* Free-swimming aquatic organisms would temporarily avoid the project area during the construction period. Submerged portions of the proposed protection would provide improved feeding and shelter habitat for these species.

3.5.4 *Effects on Aquatic Food Web.* Only minor, temporary effects on food webs are expected at the project site, primarily due to the mortality of some benthic organisms as discussed in paragraph 3.1.4. Other effects would reflect the mortalities of plankton and nekton from physical impacts. Rapid recolonization of the project site is anticipated.

3.5.5 *Effects on Special Aquatic Sites:*

a. Sanctuaries and Refuges - Not applicable.

- b. Wetlands - Not applicable.
- c. Mud Flats - Not applicable.
- d. Vegetated Shallows - Not applicable.
- e. Coral Reefs - Not applicable.
- f. Riffle and Pool Complexes - Not applicable.

3.5.6 *Threatened and Endangered Species*. No effect.

3.5.7 *Other Wildlife*. Disruption and disturbance by equipment during construction activities would result in a short-term avoidance of the project area by local wildlife species. No significant wildlife habitat would be impacted.

3.5.8 *Actions Taken to Minimize Impacts*. During construction, the Contractor would be required to minimize turbidity and accidental spills of fuel, oils, and/or greases.

3.6 Proposed Discharge Site Determinations.

3.6.1 *Mixing Zone Determination*. Since the construction material would consist of inert stone fill, a mixing zone determination would not be applicable for this project.

3.6.2 *Determination of Compliance with Applicable Water Quality Standards*. The proposed discharge would be in compliance with the State of New York's Regulations for Surface Waters and Groundwaters (6 NYCRR Parts 700-705) in that it would not introduce harmful or toxic conditions or substances. Section 401 Water Quality Certification, or waiver thereof, will be granted pending the New York State Department of Environmental Conservation's favorable review of this Section 404(b)(1) Evaluation.

3.6.3 *Potential Effects on Human Use Characteristics*:

- a. Municipal and Private Water Supply - No effect.
- b. Recreational and Commercial Fisheries - No effect.
- c. Water-Related Recreation - No effect.
- d. Aesthetics - Construction activities would temporarily increase turbidity in the creek, thereby detracting from the appearance of the area. The presence of the proposed protection would alter the appearance of the streambank from its naturally vegetated state to a more uniform slope of large stone units.
- e. Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves - No effect.

3.7 Determination of Cumulative Effects on the Aquatic Ecosystem. No effect.

3.8 Determination of Secondary Effects on the Aquatic Ecosystem. No effect.

FINDING OF COMPLIANCE

EMERGENCY STREAMBANK PROTECTION PROJECT CAYUGA CREEK (ZURBRICK ROAD) VILLAGE OF DEPEW/TOWN OF CHEEKTOWAGA ERIE COUNTY, NEW YORK

1. No significant adaptations of the Section 404(b)(1) guidelines were made relative to this evaluation.
2. Alternative plans were evaluated for the protection of the Zurbrick Road. Placement of various types of protection along the road and its relocation were considered as alternatives to the recommended plan. However, the economic benefits to be gained by these plans would not justify their additional costs. Since the recommended plan would yield the greatest net economic benefits without detrimental social or environmental effects, it has been recommended for construction.
3. The planned placement of fill materials at the project site would not violate any applicable State water quality standards. The construction operation would not violate the Toxic Effluent Standards of Section 307 of the Clean Water Act.
4. Use of the selected fill site would not harm any threatened or endangered species or their critical habitat.
5. The proposed placement of fill material would not result in significant adverse effects on human health and welfare, including municipal and private water supplies, recreation and commercial fishing, plankton, fish, shellfish, wildlife, or special aquatic sites. The life stages of aquatic life and other wildlife should not be adversely affected. No significant adverse effects on aquatic ecosystem diversity, productivity and stability, or recreational, aesthetic and economic values would occur.
6. Appropriate steps to minimize potential adverse impacts of the discharge on aquatic systems would be taken. During construction, the Contractor would be required to minimize turbidity and accidental spills of fuels, oils, and/or greases.
7. On the basis of the guidelines, the proposed sites for the discharge of fill materials is specified as complying with these guidelines.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

EMERGENCY STREAMBANK PROTECTION PROJECT CAYUGA CREEK (ZURBRICK ROAD) VILLAGE OF DEPEW/TOWN OF CHEEKTOWAGA ERIE COUNTY, NEW YORK

The U.S. Army Corps of Engineers-Buffalo District has assessed the environmental impacts of the following proposed project in accordance with the National Environmental Policy Act of 1969:

Section 14 Streambank and Shoreline Protection for Public Facilities Emergency Streambank Protection Project Cayuga Creek (Zurbrick Road) Village of Depew/Town of Cheektowaga Erie County, New York

Cayuga Creek has eroded its left bank along a 370-foot section of the north side of Zurbrick Road where it forms the boundary between the village of Depew and town of Cheektowaga in Erie County, New York. The creek has eroded the top of the 30-foot high bank four to five feet thus endangering the road, several large trees and utility lines, including electric and telephone lines and poles, and a six-inch diameter water line. In March 1997, three to four feet of bank were lost during a single high-flow event on the creek. Additional bank failure would likely result in the closure of one or two lanes of the road and relocation of the affected utility lines. Local traffic would have to be detoured until the affected section is replaced.

The recommended plan would involve the construction of stone riprap bank protection along the affected section of Cayuga Creek. The protection would extend for a distance of approximately 370 feet along the streambank and would extend approximately halfway up the slope. To prepare the bank for construction of the project, it would first be cleared and grubbed of vegetation and provided a uniform slope of 1V:2H with the placement of compacted earthen fill. A perforated drain pipe would be installed in a trench excavated atop the entire length of the new slope to reduce saturation of the bank and possible slope failure. Construction of the stone protection would begin with the placement of a six-inch thick layer of bedding stone. An 18-inch thick surface layer of stone riprap would then be placed with a bench provided approximately five feet above the new creek elevation, thickening the riprap layer to 27 inches down to the toe. The streambank protection would incorporate a 10.25-foot wide by 27-inch thick toe at its base to protect it from stream scour and possible failure. Existing storm water drain pipes would be extended to meet the grade of the new slope and a grouted riprap outfall would be provided to direct drainage into the creek. The new slope above the protection would be fertilized, seeded, and mulched.

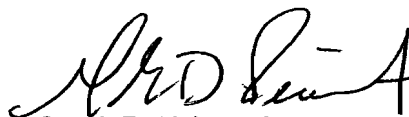
Since the proposed bank protection would extend into Cayuga Creek and effectively alter the existing channel cross-section, the right bank of the creek would have to be cut back in order to maintain adequate channel capacity. It is estimated that this bank would have to be excavated back up to 25 feet. Any suitable material excavated along the streambank during the course of project construction (about 80 percent of the excavated volume) would be used as backfill material at the project site. The remaining material would be transported to an approved upland disposal site.

Depending on creek levels during the construction period, the contractor may be required to install a temporary culverted causeway across the creek. Construction of the project should be completed within approximately 90 days and it may be desirable to delay construction until the low-flow period in order to minimize or eliminate the need for the temporary causeway.

Alternatives to the proposed action have been considered; however, all were dismissed since they were either environmentally unsound, technically infeasible, or economically nonviable. The "No Action" alternative was considered, but was dismissed since it would accomplish nothing to solve the existing erosion problem and a viable alternative was identified.

The project is limited in scope and analysis has shown that it would have no significant adverse effect on the quality of the human environment. Public coordination to date has uncovered no areas of environmental controversy and no significant adverse comments were received during the official 30-day public review period. Based on these factors, I have determined that an Environmental Impact Statement will not be required.

DATE: 13 Jun/00



Mark D. Feierstein
Lieutenant Colonel, U.S. Army
Commanding

Attachment

DEC PERMIT NUMBER
9-1430-00255/00001

FACILITY/PROGRAM NUMBER(S)



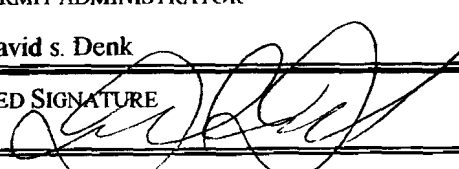
PERMIT
Under the Environmental Conservation Law

EXPIRATION DATE
June 30, 2002

NEW
TYPE OF PERMIT: 6NYCRR Part 608: Water Quality Certification

PERMIT ISSUED TO U.S. Department of the Army, Buffalo District , Corps of Engineers		TELEPHONE NUMBER (716) 879-4135	
ADDRESS OF PERMITTEE Engineering and Planning, 1776 Niagara Street, Buffalo, New York 14207-3199			
CONTACT PERSON FOR PERMITTED WORK Marianne Rodgers, Project Manager		TELEPHONE NUMBER (716) 879-4135	
NAME AND ADDRESS OF PROJECT/FACILITY			
LOCATION OF PROJECT/FACILITY Cayuga Creek, North Side of Zurbrick Road, between Transit and Borden Roads			
COUNTY Erie	TOWN Cheektowaga	REGULATED SITE RESOURCE Cayuga Creek	NYTM COORDINATES E 197.4 N 4755.7
DESCRIPTION OF AUTHORIZED ACTIVITY Cleaning and grubbing of vegetation; placement of fill to provide a uniform slope; placement of a perforated drain pipe atop the new slope; placement of bedding stone and stone riprap along an approximately 370 linear feet of the south bank of Cayuga Creek . In addition, the north bank will be excavated back up to 25 feet (to maintain channel capacity) and used as backfill or disposed of in an upland site.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with NYS Environmental Conservation Law (ECL), all applicable regulations, the specified General Conditions (pages 2 and 3) and all Special Conditions contained herein.

DEPUTY PERMIT ADMINISTRATOR David s. Denk	DIVISION OF ENVIRONMENTAL PERMITS, 270 MICHIGAN AVENUE, BUFFALO, NY 14203-2999, (716) 851-7165	
AUTHORIZED SIGNATURE 	DATE OF ISSUANCE June 6, 2000	PAGE 1 OF 8

GENERAL CONDITIONS



Inspections

1. The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by authorized staff of the NYS Department of Environmental Conservation (the Department) to determine whether the permittee is complying with the terms, conditions and requirements of the permit, including but not limited to ECL 201.0301 and SARA 401(5). A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by Department staff is a violation of this permit.

Permit Changes and Renewals

2. Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.
3. The Department reserves the right to modify, suspend or revoke this permit when:
 - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
 - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
 - c) new material information is discovered; or
 - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
4. The permittee must submit a separate written request/application to the Department for renewal, modification or transfer of this permit. Such request/application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
5. The permittee must submit a renewal request/application at least 30 days before the expiration date of this permit.

Other Legal Obligations of Permittee

6. The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, agents and assigns for all claims, suits, actions, damages and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.
7. The permittee shall require its independent contractors, employees, agents and assigns to comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violation of the Environmental Conservation Law as those prescribed for the permittee.
8. If the Department deems it necessary, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department may require, remove all or any portion of the structure, fill or work and restore the site to its former condition. No claim shall be made against the State because of any such removal or alteration.
9. That if future operations by the State require an alteration in the position of the structure, fill or work herein authorized or if, in the opinion of the Department, it shall cause unreasonable obstruction to navigation, flood flows or endanger the health, safety or welfare of the people of the State or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structure, fill or work without expense to the State and to such extent and in such time and manner as the Department may require, remove all or any portion of the completed/uncompleted structure, fill or work and restore the site to its former condition. No claim shall be made against the State because of any such removal or alteration.
10. The State shall in no case be liable for any damage or injury to the structure, fill or work herein authorized which may be caused by or result from future operations undertaken by the State for improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
11. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.
12. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

GENERAL CONDITIONS

13. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, State Office of General Services or local government which may be required.
14. Any dredged or excavated material shall be removed evenly, without leaving large refuse piles, ridges or deep holes along the bed, banks or floodplain of any watercourse or water body.
15. All necessary precautions shall be taken to preclude contamination of any wetland, watercourse or water body by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other project related environmentally deleterious materials.
17. The Department hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Section 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

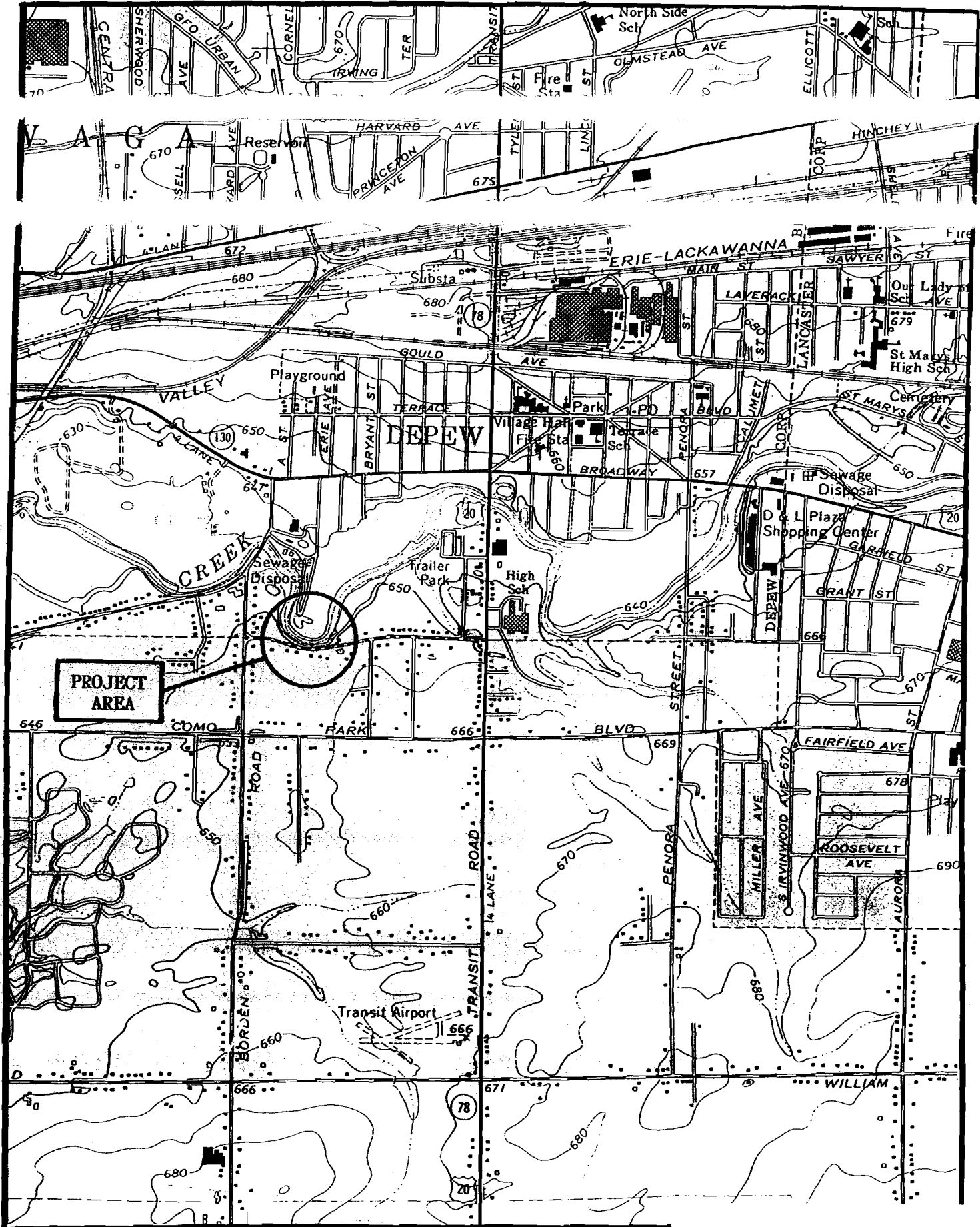
SPECIAL CONDITIONS

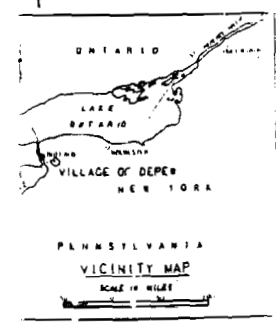
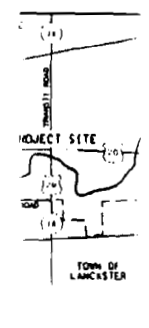
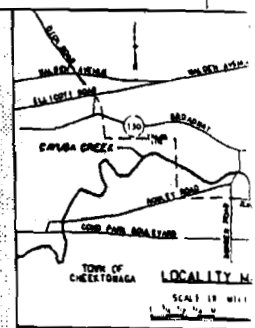
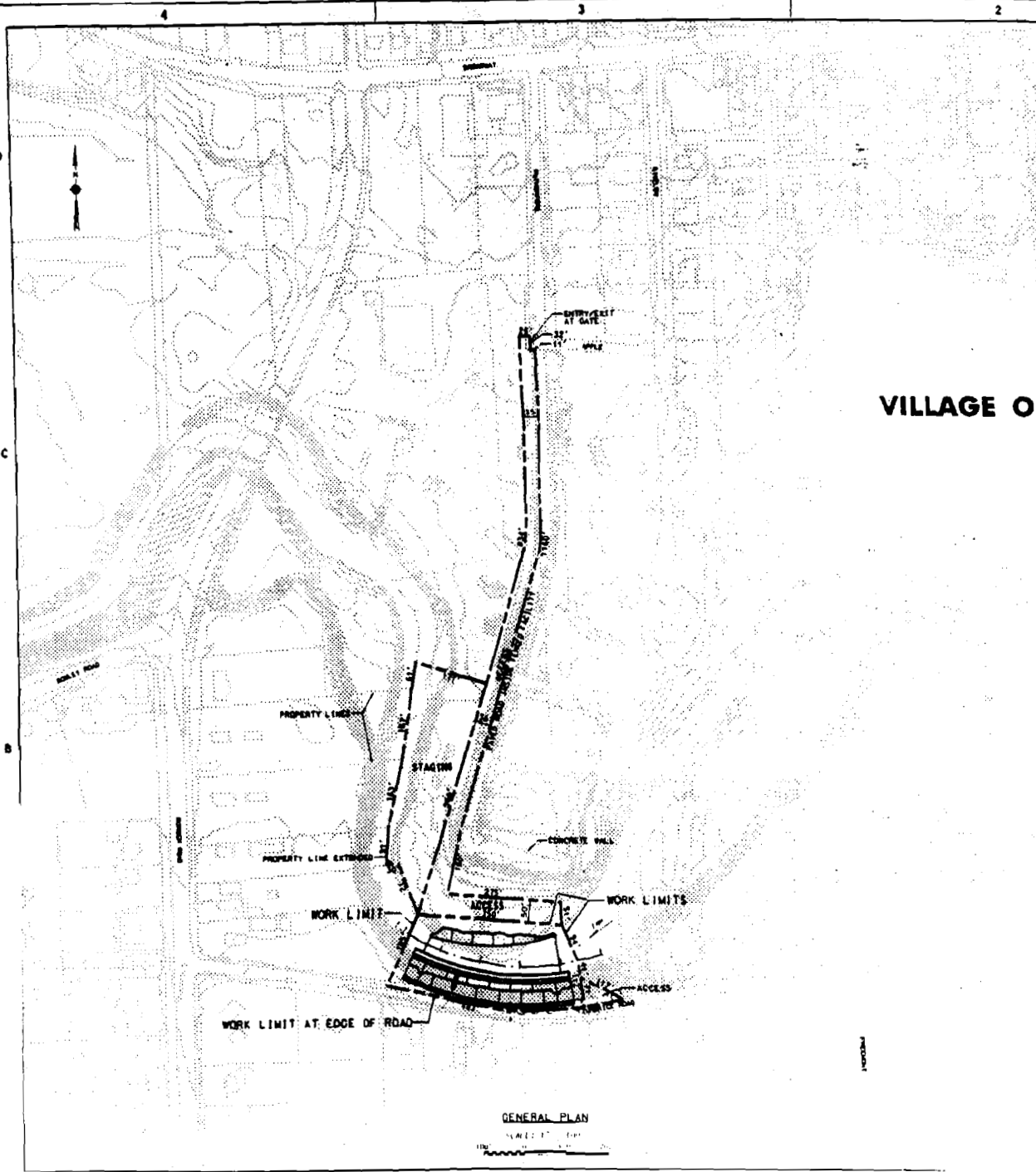
1. All work authorized under this permit shall be performed in strict accordance with the attached plans attached as permit pages 6, 7 and 8.
2. Siltation prevention measures, such as filter fabric screens, staked hay bale barriers, sediment traps or settling basins, etc., shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site and into any watercourse, stream, water body or wetland.
3. During the bank sloping operation, soil shall not be pushed or placed into the stream bed or the flowing water.
4. Wherever feasible, bank grading shall be carried out by equipment operating from dry land, rather than from the stream bed or flowing water.
5. Before commencing gravel removal, all flood debris (if any) on the gravel bar shall be removed to upland locations above the reach of high water at least 50 feet from the top of the stream bank.
6. Gravel and/or soil shall not be pushed across the stream flow, but shall be carried to prevent unnecessary stream bed disturbance and siltation.
7. Gravel shall not be stockpiled on the gravel bar and stream banks, but shall be immediately trucked away or stored at an upland site above the reach of high water more than 50 feet from the edge of the stream bank.
8. All excavated material not used as backfill, shall be disposed of at an upland location and not used as fill for residential use.
9. All disturbed stream banks and upland areas from which soil could erode into the stream shall be seeded and mulched (immediately/within 7 days) of project completion. Mulch shall be maintained until suitable vegetative cover is established. Seeding shall be according to the formula provided by the U.S. Department of Agriculture, Natural Resources Conservation Service/County Soil and Water Conservation District and must be repeated until successful. If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth.

SPECIAL CONDITIONS

It is hereby directed, in its discretion, may waive the requirements for timely submission of renewal applications (General Condition Number 5) when deemed appropriate by the Regional Permit Administrator.

cc: Captain Gary Bobseine, Region 9 Division of Law Enforcement
Mr. Michael Wilkinson, Region 9 Division of Fish and Wildlife
Mr. David J. Conley, U.S. Department of the Army, Corps of Engineers, Environmental Analysis Section,
Attn: Mr. William Butler
The Honorable Robert M. Kucewicz, Village of Depew
The Honorable Dennis H. Gabryszak, Town of Cheektowaga





ZURBRICK ROAD VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK RIPRAP REVETMENT

SHEET
1
2
3

DRAWING		EX
DESCRIPTION	DRAWING NUMBER	
GENERAL PLAN AND INDEX	99-777-771	X
PLAN SECTIONS AND DETAILS	99-777-772	
CROSS SECTIONS	99-777-773	

ABBREVIATIONS:

- Ø - CORRUGATED METAL
- Ø - DIAMETER
- E - EAST
- E - ELEVATION
- EA - ELECTRICAL
- N - NORTH
- INV - INVERT
- N - NORTH
- Sta. - STATION
- S - STORM DRAIN
- T - TELEPHONE
- TYP - TYPICAL
- V - VERTICAL
- W - WATER

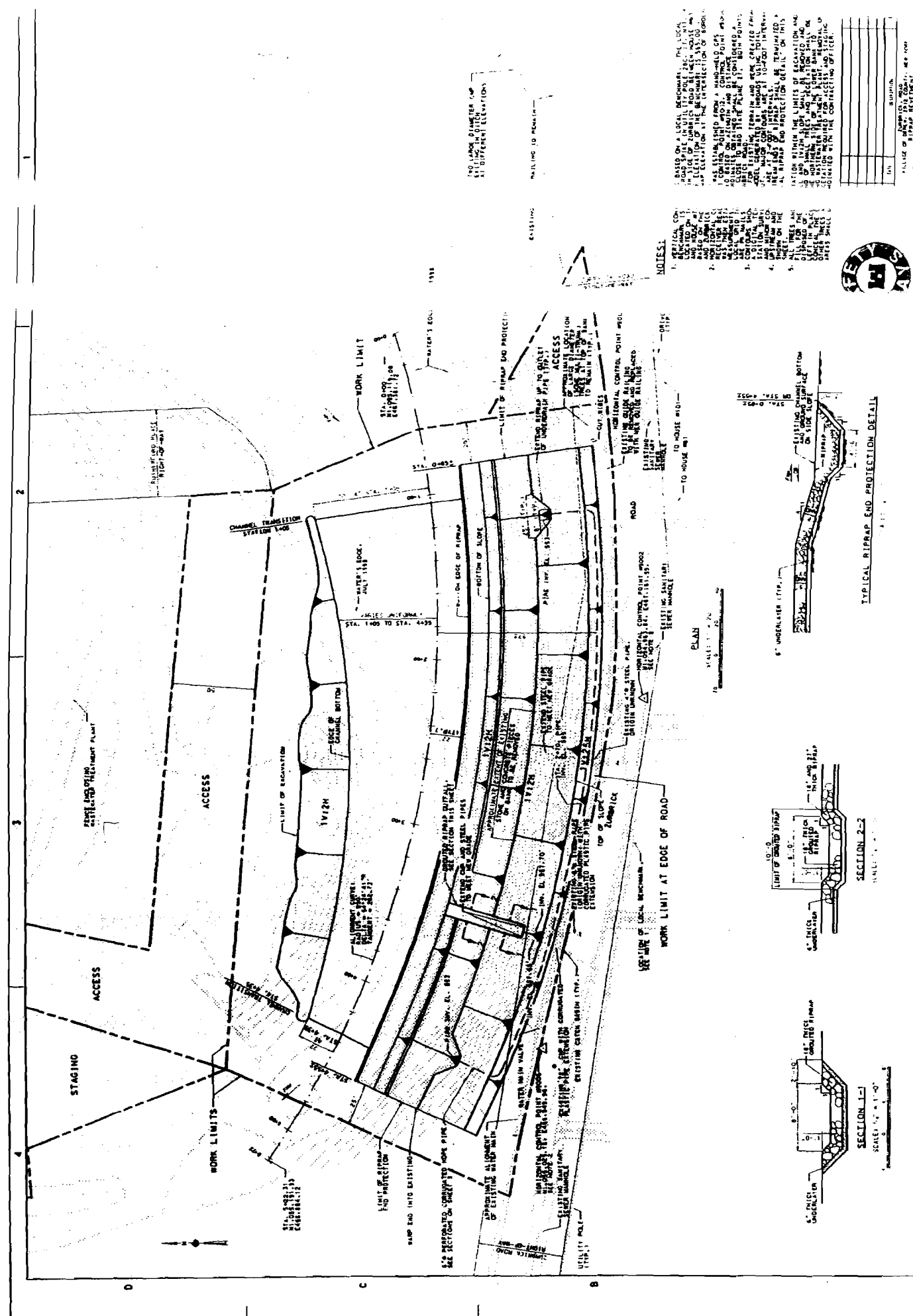
GENERAL NOTES:

1. WORK AND STAGING SUBJECT TO ADJUSTMENT WITHIN THE WORK LIMITS SHALL BE REMOVED AND DISPOSED OF BY CONTRACTOR.
2. ALL DEBRIS TO BE REMOVED AND DISPOSED OF BY CONTRACTOR.
3. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION BY THE CONTRACTOR.

LIMITS ARE WITHIN AUTHORIZED EASEMENTS BY THE CONTRACTING OFFICER. WITHIN THE WORK LIMITS SHALL BE REMOVED AND DISPOSED OF BY CONTRACTOR. DEBRIS INCLUDES CONCRETE, SLAG, GLASS AND ANY OTHER MATERIALS. STATE OF THE CREEK AND THE BANKS. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION BY THE CONTRACTOR.

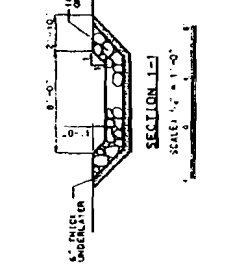
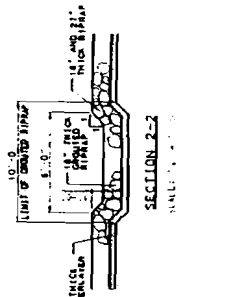
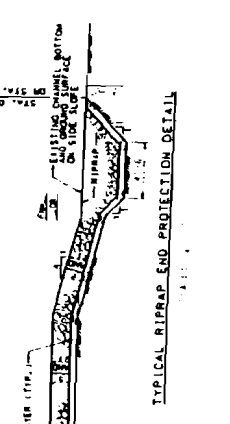


DATE: 10/1/99	SCALE: AS SHOWN
DESIGNED BY: P.E.L.	DRAWING NUMBER: 99-777-771
CHECKED BY: P.E.L.	
APPROVED BY: P.E.L.	
PROJECT: ZURBRICK ROAD	
LOCATION: VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK	
ENGINEER: JAMES J. DEWITT	
ENGINEER DISTRICT: BUFFALO	
PROF. OF ENGINEERS	
NO. NEW YORK 14207-388	
ZURBRICK ROAD VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK RIPRAP REVETMENT GENERAL PLAN AND INDEX	



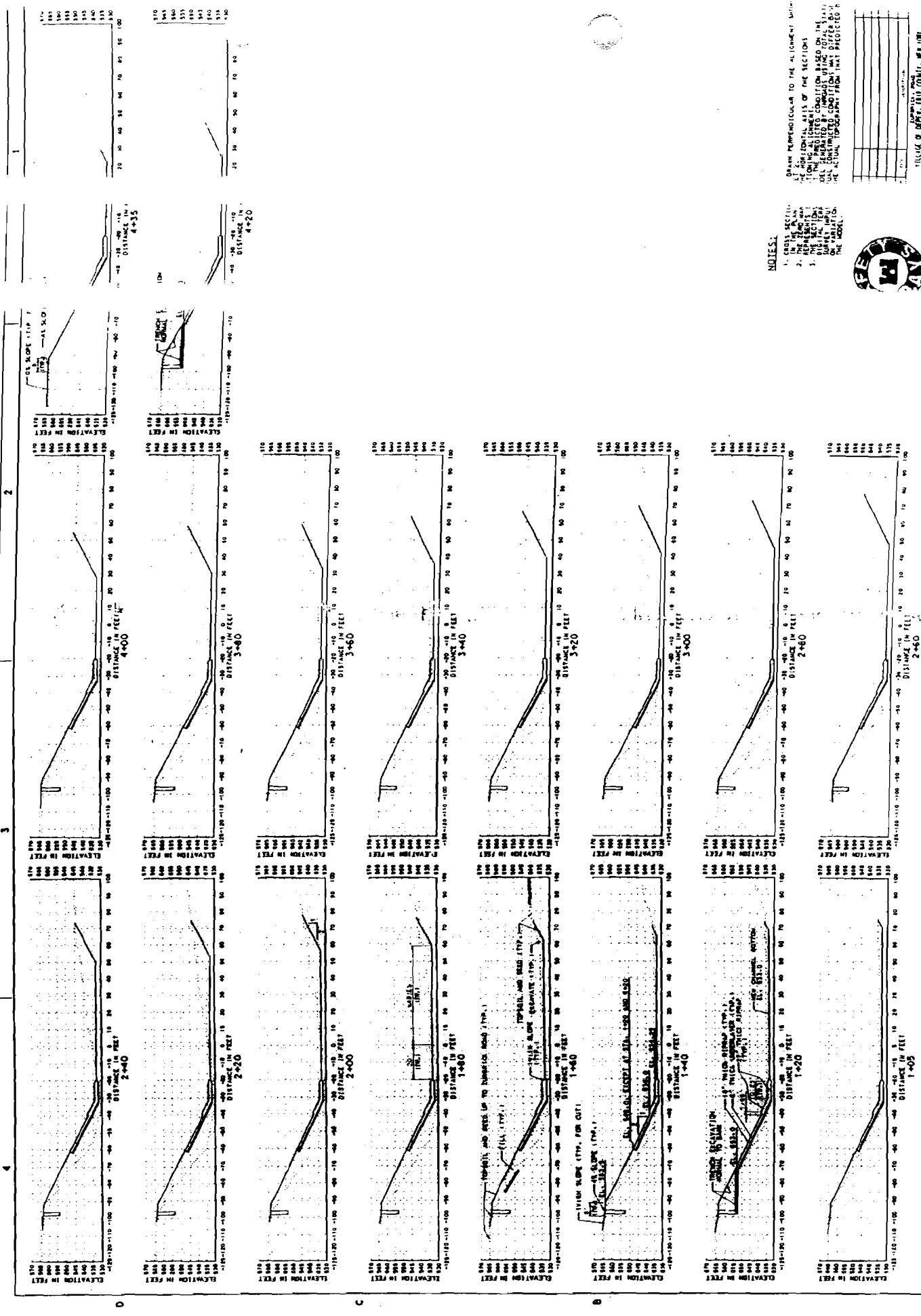
NOTES:

1. ALL EXCAVATIONS TO BE PROTECTED BY A RIPPAP END PROTECTION DETAIL.
2. ALL EXCAVATIONS TO BE PROTECTED BY A RIPPAP END PROTECTION DETAIL.
3. ALL EXCAVATIONS TO BE PROTECTED BY A RIPPAP END PROTECTION DETAIL.
4. ALL EXCAVATIONS TO BE PROTECTED BY A RIPPAP END PROTECTION DETAIL.
5. ALL EXCAVATIONS TO BE PROTECTED BY A RIPPAP END PROTECTION DETAIL.



DATE: 9-15-72
 DRAWING NUMBER: 99-27-272
 SHEET: 15

NO.	DESCRIPTION
1	CONCRETE CURET
2	CONCRETE CURB
3	CONCRETE CURB
4	CONCRETE CURB
5	CONCRETE CURB
6	CONCRETE CURB
7	CONCRETE CURB
8	CONCRETE CURB
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14	CONCRETE CURB
15	CONCRETE CURB
16	CONCRETE CURB
17	CONCRETE CURB
18	CONCRETE CURB
19	CONCRETE CURB
20	CONCRETE CURB



NOTES:

1. CROSS SECTION IS DRAWN PERPENDICULAR TO THE ALIGNMENT WITH THE HORIZONTAL AXIS OF THE SECTIONS.
2. THE ELEVATION POSITION IS BASED ON THE ORIGINAL SURFACE POSITION.
3. THE ELEVATION POSITION IS BASED ON THE ORIGINAL SURFACE POSITION.

INCLUDE A COPY OF THE QUALITY REPORT CROSS SECTIONS





New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

Commissioner

March 29, 2000

Environmental Protection Specialist
Environmental Analysis Section
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Butler:

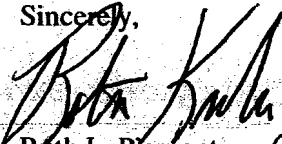
Re: CORPS
Streambank Stabilization/Cayuga Creek/
Zubrick Road
Cheektowaga/Depew, Erie County
98PR1133

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon our review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,


Ruth L. Pierpont
Director *for RLP*

RLP:bsd



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 25 1999

Environmental Analysis Section
Department of the Army
Buffalo District Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Smith:

The Environmental Protection Agency (EPA) has reviewed the draft finding of no significant impact and environmental assessment (EA) for the Cayuga Creek emergency streambank protection project in Erie County, New York. Cayuga Creek has eroded its left bank along a 370-foot section of Zurbrick Road between the Village of Depew and the Town of Cheektowaga.

The EA evaluated several alternatives to mitigate the erosion problem. The recommended plan involves the construction of stone riprap bank protection along the affected section of Cayuga Creek. The no-action alternative was eliminated from consideration since it would not alleviate the erosion problem and would probably result in the eventual loss of Zurbrick Road.

Based on our review, we do not anticipate that implementation of the preferred alternative will result in significant adverse impacts to the environment. Accordingly, EPA has no objections to its implementation.

If you have any questions concerning this letter, please contact Deborah Freeman of my staff at (212) 637-3730.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Grace Musumeci".

Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi-Media Programs Branch



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

Commissioner

March 23, 1999

Acting Chief
Environmental Analysis Section
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Smith:

Re: CORPS
Stream Bank Stabilization/Cayuga
Road
Cheektowaga/Depew, Erie County
98PR1133

The State Historic Preservation Office (SHPO) has reviewed the copies of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for this project. The SHPO review has been in accordance with Section 106 of the National Historic Preservation Act and relevant implementing regulations.

Our office previously provided comments dated May 4, 1998, regarding the need for a Phase 1 archeological survey if ground disturbing activities were to take place (enclosure). The recent submission indicates that the project has been expanded to include the creation of an access road and other ground disturbance along the right bank of Cayuga Creek as well. Therefore it is the recommendation of the SHPO that the Phase 1 archeological survey is warranted to assess all the areas to be impacted as a result of this project.

If you have any questions, please contact Cynthia Blakemore at (518) 237-8643, extension 288.

Sincerely,

Ruth L. Pierpont
Director, Historic Preservation
Field Services Bureau

Enclosure



Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

May 4, 1990

Richard D. Leonard
U.S. Army Corps of Engineers
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Leonard:

RE: CORPS
Streambank Stabilization
Cayuga Creek/Zubrick Road
Cheektowaga/Depew, Erie County
98PR1133

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. The documentation which you provided on your project has been reviewed by our staff. Preliminary comments and/or requests for additional information are noted on separate attachments accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any attachments have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each attachment.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 require that agency to initiate consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director, Historic Preservation
Field Services Bureau

RLP:vib
attachment(s)

ARCHAEOLOGY COMMENTS

98PR1133

Based on reported resources, your project area may contain an archaeological site. The Office of Prehistoric Preservation (OPRHP) does not have concerns with the use of stone riprap, gabions or sheet piling as long as ground disturbing activities are not proposed. The relocation of road, utilities and/or any excavations would warrant that a Phase 1 be conducted, unless substantial ground disturbance can be documented.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The Phase 1 survey is divided into two progressive units of study including a Phase 1A sensitivity assessment and initial project area field inspection, and a Phase 1B subsurface testing program for the project area. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, the land use history, and/or current soil borings that verify past disruptions to the land. Please note that agricultural activities do not constitute significant disturbance and many sites extend below the plowzone.

If you have any questions concerning archeology, please call Cynthia Blakemore at (518) 237-8643 ext. 288.

March 18, 1999
71 Zubrick Rd

William E. Butler
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199

Re: Project, Section 14 Emergency Streambank Project, Cayuga Creek (Zubrick Rd.),
Erie County, New York

Dear Mr. Butler:

I recently received your correspondence regarding the streambank protection project for Zubrick Rd. I'm disappointed that the trees on the south side of the street have to be removed. In my letter to you dated 04/07/98, I expressed my concern regarding tree removal. The trees provide a screen from the sewer retention basin directly across from the homes on the south side of the street. If it is necessary to remove the trees, I would ask that some type of pine tree or other suitable vegetation be planted to block the view of the retention basin.

The drawing on page EA15 shows an existing 4" pipe (origin unknown) which is the basement drain for my residence at 71 Zubrick and a second location indicates a 6" pipe (origin unknown) which is the basement drain for house #63. In my previous letter I also requested that care be taken not to damage the basement drains.

Could you once again review your plans and ensure that care is taken by the contractor so as not to damage any facilities from the residences on the south side of the street.

Sincerely,



J. Gabryszak

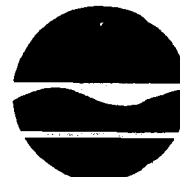
Basement Drains?
into Stream.

SPDES necessary?

JB/ji

cc: Supervisor Gabryszak
Councilmember Thomas Johnson
Town Engineer William Pugh

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2999
Phone: (716) 851-7165 FAX: (716) 851-7168



John P. Cahill

Mr. Tod D. Smith, Acting Chief
Environmental Analysis Section
U.S. Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Smith:

**CAYUGA CREEK (ZURBRICK ROAD) EMERGENCY
STREAM BANK PROTECTION PROJECT
TOWN OF CHEEKTOWAGA, ERIE COUNTY
DEC NO. 9-1430-00255/00001
OPRHP NO. 98PR1133**

This letter is in response to your letter dated February 18, 1999, requesting comments and Section 401 Water Quality Certification (WQC) for the above-referenced project. This office has reviewed the Finding of No Significant Impact and Environmental Assessment (FONSI) for this project and offers the following comments:

1. The need for this project is well documented in the report.
2. The Environmental Assessment report indicates that no significant archaeological site or historic properties were identified within the project area. However, in a May 4, 1998 letter from Ms. Ruth L. Pierpont, NYS Office of Parks, Recreation and Historic Preservation (OPRHP), to Mr. Richard P. Leonard of the U.S. Army Corps of Engineers, she indicated that the project site may contain an archeological site. In a telephone conversation between Mr. Charles Cranston of my staff and Ms. Cynthia Blakemore of OPRHP, she indicated that a Phase 1A investigation, and possibly a Phase 1B (depending on the findings of Phase 1A) were warranted for this project. Accordingly, this Department is not in a position to issue WQC for this proposal until documentation has been received from OPRHP that the requirements of the NYS Historic Preservation Act have been satisfied.
3. The soil samples analysis values presented were below sediment criteria levels established by the Department's Divisions of Fish and Wildlife and Marine Resources and, therefore, are not considered contaminated and potentially harmful to marine or aquatic ecosystems. This Department agrees that use of this material is appropriate for backfill material at the project site. However, if any remaining material is transported off site, this Department recommends that this soil not be used as fill for residential use.

Should you have any further questions, please contact Mr. Cranston or me at the above number.

Respectfully,

Steven J. Doleski
Regional Permit Administrator

CDC:vm

cc: Mr. Theodore Myers, NYSDEC Division of Water
Ms. Cynthia Blakemore, NYSOPRHP

N. Y. S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NEW YORK 14203-2999
(716) 851-7165



HALF WHEN PROVIDING THE INFORMATION REQUESTED ON THE ACCOMPANYING
NOTICE OF INCOMPLETE APPLICATION.

YOUR DOING SO WILL HELP US EXPEDITE YOUR PERMIT PROCESSING. THANK YOU

DEC Contact: CHARLES D CRANSTON
Batch ID: 424397
Application ID: 9-1430-00255/00001
Owner ID: 9320
Date Received: 02/25/99
Date Incomplete: 03/12/99
Application Type: NEW
Applicant Name: U S DEPT OF THE ARMY
Facility Name: ZURBRICK ROAD @ CAYUGA CREEK
Project Desc: STREAMBANK PROTECTION PROJECT

PLEASE PROVIDE REQUESTED INFORMATION ON OR BEFORE: *****

SAVE THIS PART !

✂ DETACH ✂

N. Y. S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
9 - NYSDEC REGION 9 HEADQUARTERS

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Information Due On Or Before: *****

PLEASE ATTACH THIS HALF SO IT IS DISPLAYED PROMINENTLY ON YOUR RESUBMISSION

RETURN THIS PART !

RETURN THIS HALF OF THIS FORM WHEN PROVIDING
THE INFORMATION REQUESTED ON THE ACCOMPANYING
NOTICE OF INCOMPLETE APPLICATION.



COUNTY OF ERIE

DENNIS T. GORSKI
COUNTY EXECUTIVE

RICHARD M. TOBE
COMMISSIONER

February 23, 1999

STANLEY J. KEYSA
DEPUTY COMMISSIONER OF
PLANNING & ECONOMIC
DEVELOPMENT

Mr. Ted D. Smith, Acting Chief
Environmental Analysis Section
Department of the Army
1776 Niagara Street
Buffalo, NY 14207-3199

Re: Cayuga Creek (Zurbrick Road) Emergency Streambank Protection Project

Dear Mr. Smith:

With reference to your February 18, 1999 request for status of the Intergovernmental Review of this above-referenced project by the Erie and Niagara Counties Regional Planning Board, I have the following comments to offer.

At the present time, the Erie and Niagara Counties Regional Planning Board (ENCRPB) is undergoing a reorganization phase, during which a streamlined Intergovernmental Review procedure is being evaluated by both Counties for use by the Board. As soon as this procedure is approved by the ENCRPB, we will notify all prospective agencies.

Therefore, at this time, the ENCRPB will not be offering comments on this proposal. The clearance received from the State Clearinghouse in Albany coupled with this letter, should assist in responding to requests for the review status of this project.

Should you have any questions, please contact me at (716) 858-6926.

Very truly yours,

SPENCER P. SCHOFIELD
Senior Planner

SPS:ss

cc: Alice Roth, ENCRPB Chairperson

sps812b