

**FINAL
FINDING OF NO SIGNIFICANT IMPACT**

**NORTH BRANCH BASKET CREEK
EMERGENCY STREAMBANK STABILIZATION PROJECT
DELAWARE COUNTY, NEW YORK**

The Philadelphia District, U.S. Army Corps of Engineers in cooperation with the Delaware County Department of Public Works proposes to conduct an emergency stream bank stabilization project along North Branch Basket Creek and Delaware County Route 28 near the Town of Hancock in Delaware County, New York.

The project is authorized under Section 14 (Emergency Streambank and Shoreline Erosion Protection) of the 1946 Flood Control Act, as amended. The Corps of Engineers has the authority, provided under Section 14, to construct bank protection works to protect endangered highways, highway bridge approaches, and other essential and important public works.

The project involves the complete removal of a 600-foot long dry-laid stone retaining wall, the adjacent existing roadbed and embankment, and construction of a new roadbed and retaining wall using a post and panel structure. Monitoring of the existing retaining wall has led to the conclusion that imminent failure is expected and long-term repair or replacement is needed. The retaining wall is utilized for support of Delaware County Route 28 along North Branch Basket Creek just north of the Delaware/Sullivan County line near the Town of Hancock. Steel support frames have been installed at two main bulges in the wall by the Delaware County Department of Public Works to provide temporary protection against wall failure and potential road collapse. The project will require dewatering of a portion of the stream during the construction period. No long-term manipulation of flow will occur. The stream will be returned to its current configuration upon completion of the project. No construction equipment shall be placed in the stream.

An Environmental Assessment has been prepared which evaluates the potential environmental impacts associated with the proposed project. The Environmental Assessment was prepared in accordance with the provisions of the National Environmental Policy Act of 1969, as amended. Potential impacts were assessed with regard to the physical, chemical, and biological characteristics of the aquatic and terrestrial ecosystem, endangered and threatened species, hazardous and toxic materials, aesthetics and recreation, cultural resources, and the general needs and welfare of the public.

All practicable means to avoid or minimize adverse environmental effects are incorporated into the selected plan. The project was coordinated with the following Federal and State agencies: U.S. Environmental Protection Agency; Department of the Interior, U.S. Fish and Wildlife Service and National Park Service; Delaware County Soil and Water Conservation District; New York State Office of Parks, Recreation and Historic Preservation; New York State Department of Environmental Conservation; and all other known interested parties. All comments received on this proposal were given appropriate consideration.

The Environmental Assessment has shown that the proposed activity is not likely to jeopardize the continued existence of any species or the critical habitat of any fish, wildlife or plant, which is designated as endangered or threatened pursuant to Section 7 of the Endangered Species Act, as amended.

Work in Waters of the United States typically require a permit under guidelines found in Section 404 of the Clean Water Act. To comply with Section 404 (b)(1) of the Clean Water Act, an impacts analysis has been performed. In accordance with Section 404 of the Clean Water Act, no negative impacts are anticipated to waters of the United States.

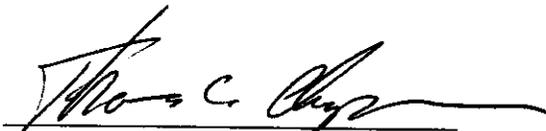
The State of New York requires a water quality certification for any work, which may affect water or waterways in the state. The water quality certification for this action has been received from the New York State Department of Environmental Conservation. The Delaware County Department of Public Works will request an extension of this certification prior to work commencing on the project.

In accordance with guidelines established under Section 106 of the National Historic Preservation Act of 1966, as amended, the New York State Office of Parks, Recreation and Historic Preservation have reviewed the proposed project. They are of the opinion that the proposed project will have no effect on historic resources in the area.

Upon reviewing the Environmental Assessment, I find that potential negative environmental impacts associated with implementation of the proposed project will not be significant. Any adverse impacts will occur over a relatively small area and will be short-term in nature. The North Branch Basket Creek emergency stream bank stabilization project will ensure public safety by preventing catastrophic and unpredictable wall and road failure; a positive gain will be seen in the local and regional economy by avoiding emergency and potentially long term closure of Delaware County Route 28; and the project will prevent potential sedimentation, disruption of flow, and subsequent negative impacts on aquatic habitat in North Branch Basket Creek in the event of the retaining wall and road failure. Based upon this finding, preparation of an Environmental Impact Statement is not required.

Date

9 Nov '03



Thomas C. Chapman, P.E.
Lieutenant Colonel, Corps of Engineers
District Engineer



**US Army Corps
of Engineers**

Philadelphia District

FINAL

ENVIRONMENTAL ASSESSMENT

**NORTH BRANCH BASKET CREEK
STREAMBANK STABILIZATION PROJECT
DELAWARE COUNTY, NEW YORK**

**Prepared By:
Philadelphia District
U.S. Army Corps of Engineers
Philadelphia, Pennsylvania 19107**

October 2003

FINAL
NORTH BRANCH BASKET CREEK STREAMBANK STABILIZATION PROJECT
DELAWARE COUNTY, NEW YORK
ENVIRONMENTAL ASSESSMENT

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-FINAL-
ENVIRONMENTAL ASSESSMENT
NORTH BRANCH BASKET CREEK
EMERGENCY STREAMBANK STABILIZATION PROJECT
DELAWARE COUNTY, NEW YORK

1.0 PURPOSE AND NEED OF THE PROPOSED ACTION

The North Branch Basket Creek stream bank stabilization project is located along Delaware County Route 28 in Hancock, New York (Figure 1). Monitoring of the existing retaining wall has led to the conclusion that imminent failure is expected and long-term repair or replacement is needed. The retaining wall is utilized for support of Delaware County Route 28 along North Branch Basket Creek. Steel support frames have been installed at two main bulges in the wall by the Delaware County Department of Public Works to provide temporary protection against wall failure and potential road collapse (Figures 2 and 3).

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 Project Background. Section 14 (Emergency Streambank and Shoreline Erosion Protection) of the 1946 Flood Control Act, as amended, permits construction of bank protection works to protect endangered highways, highway bridge approaches, and other essential and important public works. The U.S. Army Corps of Engineers, under this authority, proposes to construct a replacement of the Route 28 retaining wall on Basket Creek. The Delaware County Department of Public Works is the non-Federal sponsor for the project.

2.2 Current Proposed Action. The project involves the complete removal of a dry-laid stone retaining wall, the adjacent existing roadbed and embankment and construction of new roadbed and retaining wall using a post and panel structure. The existing wall is approximately 600 feet long and is located along North Branch Basket Creek just north of the Delaware/Sullivan County line near the Town of Hancock. The project will require dewatering of a portion of the stream during the construction period. No long-term manipulation of flow will occur. The stream will be returned to its current configuration upon completion of the project. No construction equipment shall be placed into the stream.

3.0 ALTERNATIVES CONSIDERED

3.1 The "No-Action" Alternative. The no-action alternative would not achieve protection of the existing roadway, stabilization of the failing retaining wall, maintain safe public use of Delaware County Route 28, and avoid unplanned public detours with wall and road failure.

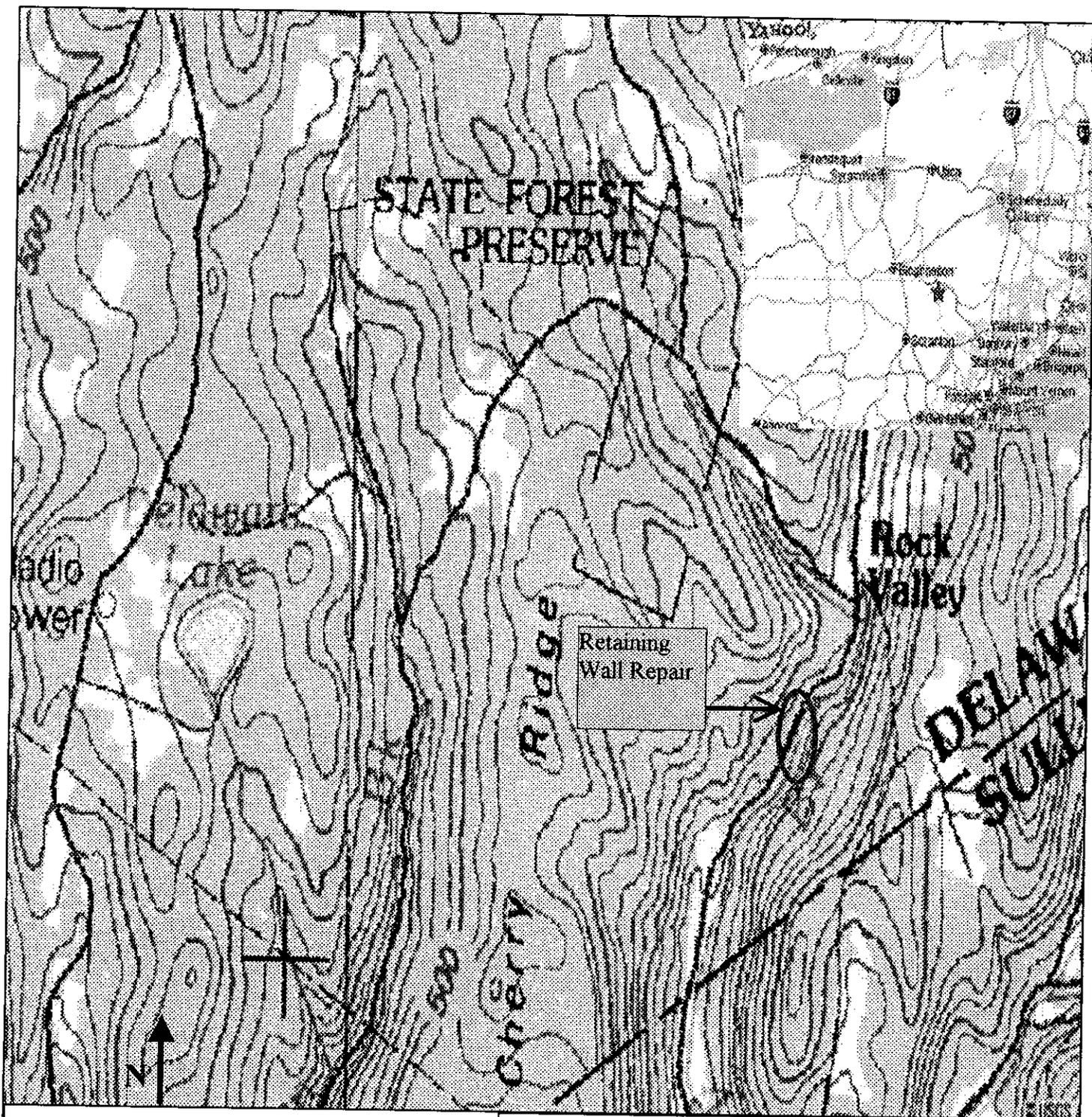


FIGURE 1

**North Branch Basket Creek Stream Bank
Stabilization Project
Delaware County, New York**

Source: Horton, NY 1986 USGS 7.5 Minute Topographic map



**US Army Corps
of Engineers**

Philadelphia District



Figure 2. Photograph of the retaining wall facing downstream on North Branch Basket Creek.

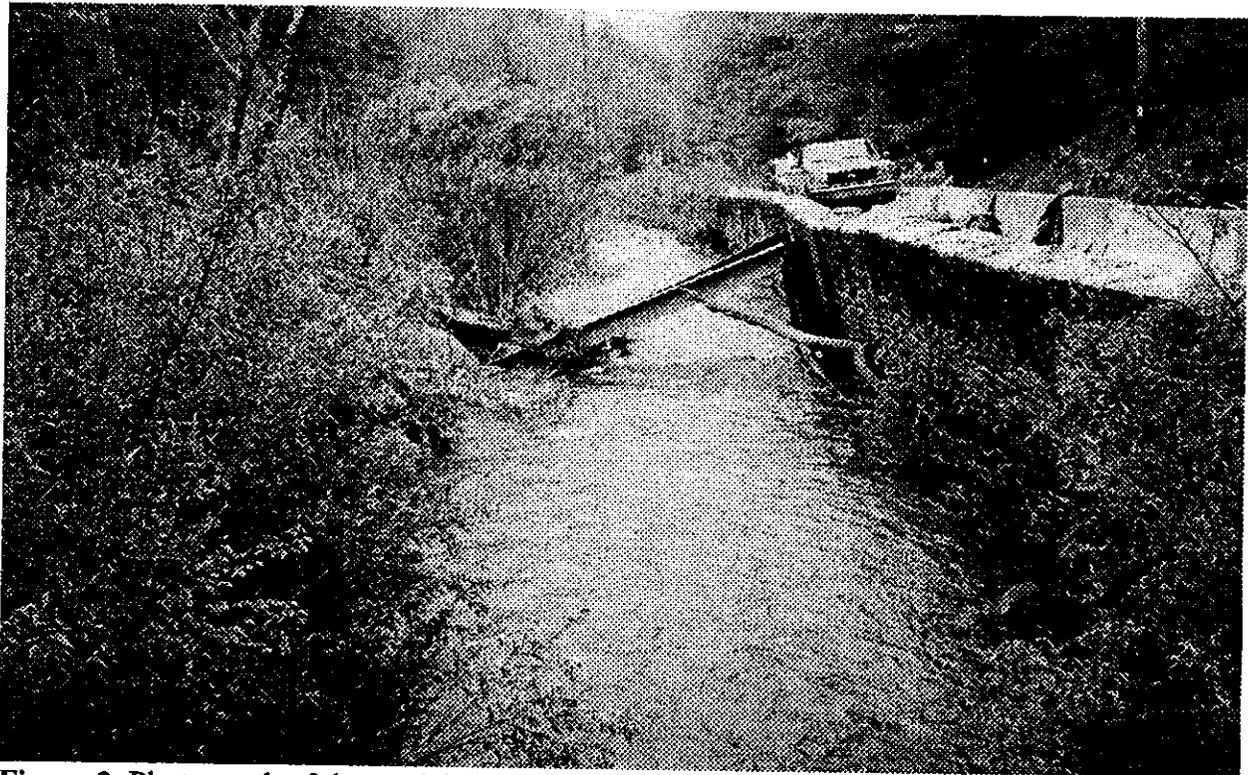


Figure 3. Photograph of the retaining wall facing downstream on North Branch Basket Creek.

3.2 Investigated Construction Alternatives. Numerous alternatives were investigated in regard to rebuilding the wall or replacing the existing wall (Table 1). These include rebuilding the existing wall “as is” and replacing the existing wall with a geosynthetic reinforced earth structure; replacing the existing wall with sheet piling; replacing the existing wall with reinforced concrete; replacing the wall with a post and panel structure; and replacing the wall with stacked concrete slabs. Local community interests hired a private engineering firm to develop an additional project alternative. Their alternative included the bracing and pushing of the wall into a stable position. Anchoring devices would be used to anchor the wall into the fill area under Route 28. The Delaware County Department of Public Work reviewed and investigated the alternative. In addition, an independent technical review of the retaining wall repair proposal was conducting by an engineering consulting firm. Based on these reviews, the structural stability of the wall and logistics (i.e. road closure) of conducting the work as proposed were of concern. It was concluded that the alternative to brace, push and anchor the existing wall is not feasible as presented. Construction feasibility and project cost evaluations resulted in the selection of a preferred alternative, the post and panel structure. The Delaware County Department of Public Works determined that the cost of the post and panel structure would be reduced because recycled panels are available to the county.

| Alternative Description | Estimated Cost |
|---|-----------------------|
| Rebuild the dry-laid stonewall and use a geosynthetic wall system behind it | \$780,000 |
| Conventional concrete retaining wall | \$660,000 |
| Post and panel wall | \$640,000 |
| Concrete slabs stacked flat and pinned in place | \$550,000 |

Table 1. Project alternative cost comparison developed by Delaware County Department of Public Works.

3.2.1 Post and Panel. The preferred project alternative involves the complete removal of a dry-laid stone retaining wall, the adjacent existing roadbed and embankment and construction of new roadbed and retaining wall using a post and panel structure. Delaware County Department of Public Works has offered to save and store the existing bluestone on private property provided by the local community. The existing wall is approximately 600 feet long and is located along North Branch Basket Creek just north of the Delaware/Sullivan County line near the Town of Hancock. The project will require dewatering of a portion of the stream during the construction period. No long-term manipulation of flow will occur. The stream will be returned to its current configuration upon completion of the project. No construction equipment shall be placed into the stream. If additional funding becomes available or local interests pursue it independently, a stone facade can be placed over the post and panel face to create a stonewall appearance. In addition, the Delaware County Department of Public Works has offered to rebuild the wall if the community raised the difference in cost between the post and panel and wall-rebuilding alternative. The local community has not provided additional funding so this alternative has not been considered further. In accordance with Executive Order 13101, 14 September 1998, *Greening the Government through Waste Prevention, Recycling, and Federal Acquisition*,

recycled tire chips will be used as part of the fill material to facilitate road subsurface drainage in the project area.

4.0 EXISTING ENVIRONMENT

4.1 Project Area Description. The North Branch Basket Creek stream bank stabilization project is located along Delaware County Route 28 in the Town of Hancock, New York. Monitoring of an existing road retaining wall has led to the conclusion that imminent failure is expected and long-term repair or replacement is needed. The retaining wall is utilized for support of Delaware County Route 28 along North Branch Basket Creek.

4.2 Geology and Soils. The Upper Delaware topography consists of rolling and occasionally rugged hills, broken intermittently by valley clearings. The highlands of the southern Catskill and Pocono Mountains are the dominating characteristics of the Upper Delaware River Basin Region. Geologically the region is part of the "hard" rock area where bedrock is resistant to erosion. It is almost completely forested, with mixed hardwoods predominating, and almost totally glaciated. The region exhibits the characteristics of a plateau of flat-lying rocks with narrow valleys that have been deeply carved by the river and its tributaries. A geotechnical engineering evaluation of the project area was conducted by Delaware County Department of Public Works in 1992. The U.S. Army Corps of Engineers conducted a subsequent geotechnical investigation in 2002. Ongoing geotechnical investigations by the U.S. Army Corps of Engineers has shown no evidence of significant long-term sliding of the hillside toward the stream in the project area.

The headwaters of the Delaware River lie in the portion of the Appalachian Plateau that is underlain by the Catskill Formation (Pennsylvania) and West Falls Group (New York) of the Devonian Period. The formation extends south to the Delaware Water Gap, and is primarily comprised of horizontal layers of sandstone, although some shales and conglomerates are also present. The Appalachian Plateau is a landscape with glacial lakes and swamps. The altitudes vary from 2,200 feet in the uplands to about 500 feet. V-shaped valleys with steep slopes characterize the area. Rapid changes in the topography are common over relatively short distances. This province transitions into more highly folded sedimentary formations of the Ridge and Valley Province to its south near Delaware Water Gap. The immediate project area is predominantly sandstone. The soils encountered atop the bedrock are Pleistocene Epoch till and fluvial outwash materials, as well as more recent alluvial deposits in localized occurrences.

4.3 Climate. The climate of the Delaware River basin is of interest with particular regard to its effect on floods, droughts and general availability of water. Although very near the Atlantic coast, the climate of the basin is largely humid continental. The air masses that influence the climate move predominantly from the interior of North America, being modified by influences of the Great Lakes and the Appalachian Mountains to the west. Generally west to southwest airflow with extended overland travel brings the hot dry weather that is responsible for occasional summer droughts. North to south airflow occurs in winter, originating in the cold highs over Canada and bringing arctic air into the basin. Canadian high-pressure systems bring heavy snowfall and cold temperatures to the upper portions of the region. The average annual temperature is about 51 degrees Fahrenheit (°F), and temperatures below zero or above 100 °F

are rare. Precipitation is moderate, about 45 inches per year, and is well distributed throughout the year. Summer totals of precipitation are slightly higher than winter. Most of the winter period is cold enough to retain a snow cover of varying depths (U.S. Army Corps of Engineers 2003).

4.4 Air Quality. EPA uses six "criteria pollutants" as indicators of air quality, and has established for each of them a maximum concentration above which adverse effects on human health may occur. These threshold concentrations are called National Ambient Air Quality Standards. The six criteria pollutants include ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter, and lead (Pb). When an area does not meet the air quality standard for one of the criteria pollutants, it may be designated as nonattainment. Nonattainment classifications may be used to specify what air pollution reduction measures an area must adopt, and when the area must reach attainment. The technical details underlying these classifications are discussed in the Code of Federal Regulations, Part 81 (40 CFR 81). Based on a review of nonattainment areas in the State of New York, Delaware County was not listed as a non-attainment area for any of the six criteria pollutants.

The air quality of the project area is good. Since the region is largely forested with some agricultural development, the air quality would be expected to be good. The nearest air quality monitoring stations for Delaware County, which lies within New York States Division of Environmental Conservation Region 4, are located in Albany, New York. Air quality readings on 25 February were classified as good (New York State Department of Environmental Conservation 2003).

4.5 Water Quality.

4.5.1 Surface Water. The North Branch Basket Creek is a tributary of the Delaware River. The watershed is largely forested and has excellent water quality. As a result, Salmonidae and other aquatic species found in similar environments in the region are also found in the North Branch Basket Creek. As outlined in a 20 February 2003 coordination letter from the New York State Department of Environmental Conservation, the North Branch of Basket Creek has a classification and standard of C(T) and is subject to Article 15 (Protection of Waters). A stream disturbance permit is required for projects that disturb the bed or banks of North Branch Basket Creek. In-stream work may only be conducted from June 15 to September 30 as per a state required timing restriction.

4.5.2 Groundwater. Only a small portion of the precipitation falling within the Upper Delaware Basin infiltrates the land surface to become groundwater. There are two major types of aquifers in the Basin: the consolidated bedrock aquifers where most of the groundwater is stored and transmitted by fractures in the rock; and the unconsolidated aquifers consisting of granular materials deposited by streams or glaciers. Groundwater is usually plentiful in both the consolidated rocks and unconsolidated glacial deposits and more recent sediments.

4.6 Aquatic Resources and Wetlands. No wetlands or other aquatic resources were identified in the project area after an examination of National Wetlands Inventory maps and coordination with various natural resource agencies. The stream corridor is heavily forested. The immediate

project area contains a few riparian plant species such as willow and other shrub species. The riparian zone in the project area has been modified due to a private residence on one side of the creek and Route 28 on the other.

In a letter dated 25 February 2003, the United States Fish and Wildlife Service recommended conducting a fluvial geomorphic investigation of the project area to determine potential placement of instream flow and habitat structures. The existing substrate at the site is predominantly bedrock with the bank opposite of the existing wall being well vegetated and naturally armored with large rock. No significant signs of erosion are evident along the project reach. A visual assessment of instream meso-habitat above, below and within the project reach identified similar types and ratios between the assessed reaches. The current conditions appear stable and instream habitat does not need to be supplemented for aquatic organisms as discussed on site with representatives of New York State Department of Environmental Conservation, Region IV Fisheries Office on 18 March 2003.

4.7 Vegetation. Most of the land area in the Upper Delaware basin is in forest cover. The North Branch Basket Creek watershed is well forested with some shrub and sapling species in the project area. A review of resource materials identifying plant species common to the Upper Delaware Basin including the project area was performed. The following vegetation list contains species commonly found in the region: Basswood (*Tilia Sp.*), Elm (*Ulmus sp.*), Alder (*Alnus sp.*), Sumac (*Rhus sp.*), Elderberry (*Sambucus sp.*), Oaks (*Quercus sp.*), Birch (*Betula sp.*), Sugar Maple (*Acer saccharum*), Poplars and Aspens (*Populus sp.*), Locust (*Roninia sp.*), Hemlock (*Tsuga sp.*), Pines (*Pinus sp.*), American Sycamore (*Platanus occidentalis*), Black Gum (*Nyssa sylvatica*), Maples (*Acer sp.*), Willow (*Salix sp.*), Gray Birch (*Betula populifolia*), Sweet Gum (*Liquidambar tulipifera*), Ash (*Fraxinus spp.*), Sassafras (*Sassafras albidum*), Spicebush (*Lindera benzoin*), Northern Arrowwood (*Viburnum recognitum*), Greenbriar (*Smilax spp.*), mosses (*Cladonia spp.*), White Oak (*Quercus alba*), Black Oak (*Quercus velutina*), Chestnut Oak (*Quercus prinus*), Mountain Laurel (*Kalmia latifolia*), Poison Ivy (*Rhus radicans*), May Apple (*Podophyllum peltatum*), Indian Pipe (*Monotropa uniflora*), Rattlesnake Plantain (*Goodyera sp.*), Wild Rose (*Rosa sp.*), Cardinal Flower (*Lobelia cardinalis*), Monkey Flower (*Mimulus ringens*), and Purple Loosestrife (*Lythrum salicaria*).

4.8 Wildlife Resources. The Upper Delaware Basin has been and will continue to be a popular area for fishing. The New York State Department of Environmental Conservation has continued to promote and make available the State's fish and wildlife resources. North Branch Basket Creek and other regional streams typically have a good fish population.

The Upper Delaware Basin supports a variety of native fish and wildlife species, which can be observed in their natural habitat and harvested during the fishing and hunting seasons for those designated as game animals and game fish. Wildlife utilizing a particular area is dependent on a variety of habitats to provide necessary food, water, and cover. A review of resource materials identifying fish and wildlife species in the Upper Delaware Basin, including the project area, was performed. The following is a summary list of both migratory and resident fish and wildlife species potentially utilizing the project area at various times throughout the year.



Birds: Wild Turkey (*Meleagris gallopavo*), Ring-necked Pheasant (*Phasianus colchicus*), Woodpeckers (*Picidae species*), Chickadee (*Parus species*), Bobwhite Quail (*Colinus virginianus*), Red-winged Blackbird (*Agelaius phoeniceus*), Gray Catbird (*Dumetella carolinensis*), Red-tail Hawk (*Buteo jamaicensis*), Common Crow (*Corvus brachyrhynchos*), Mourning Dove (*Zenaida macroura*), American Robin (*Turdus migratorius*), Ruffed Grouse (*Bonasa umbellus*), Northern Cardinal (*Cardinalis cardinalis*), Mallard (*Anas platyrhynchos*), American Black Duck (*Anas rubripes*), Canada Goose (*Branta Canadensis*), Common Merganser (*Mergus merganser*), Common Pintail (*Anas acuta*), Wood Duck (*Aix sponsa*), Blue-Winged Teal (*Anas discors*), Cooper's Hawk (*Accipiter cooperii*), Great Horned Owl (*Bubo virginianus*), Common Screech Owl (*Otus asio*), Slate-Colored Junco (*Junco hyemalis*), and European Starling (*Sturnus vulgaris*)

Mammals: Striped Skunk (*Mephitis mephitis*), Eastern Gray Squirrel (*Sciurus carolinensis*), Raccoon (*Procyon lotor*), Red Fox (*Vulpes fulva*), Eastern Mink (*Mustela vison*), Woodchuck (*Marmota monax*), Eastern Cottontail (*Sylvilagus floridanus*), White-tailed Deer (*Odocoileus virginianus*), Eastern Chipmunk (*Tamias striatus*), Porcupine (*Erethizon dorsatum*), Mice (*Cricetidae species*), River Otter (*Lutra canadensis*), Black Bear (*Ursus americanus*), and Beaver (*Castor canadensis*)

Amphibians/Reptiles: Northern Black Racer (*Constrictor constrictor*), Northern Copperhead (*Ankistrodon contortrix*), Eastern Timber Rattlesnake (*Crotalis horridus*), Spring Peeper (*Hyla crucifer*), Wood Frog (*Rana sylvatica*), Pickeral Frog (*Rana palustris*), and Eastern Garter Snake (*Thamnophis sirtalis*)

Fish and Others: Rainbow Trout (*Onchorynchus mykiss*), Brown Trout (*Salmo trutta*), Brook Trout (*Salvelinus fontinalis*), and numerous macro-invertebrate and minnow species.

4.9 Threatened and Endangered Species. The State of New York has approximately 686 state plant species with Protected Native Plant status (New York Department of Environmental Conservation 2000). Table 2 shows species listed as endangered, threatened, and of special concern in the State of New York (U.S. Army Corps of Engineers 2003). In addition, 20 animal species and 6 plant species are listed as Federally threatened or endangered in the State of New York.

| | Endangered | Threatened | Special Concern |
|-------------------|-------------------|-------------------|------------------------|
| Mollusks | 7 | 3 | 3 |
| Insects | 10 | 5 | 15 |
| Fishes | 8 | 11 | 5 |
| Amphibians | 2 | 0 | 7 |
| Reptiles | 7 | 5 | 6 |
| Birds | 10 | 10 | 19 |
| Mammals | 10 | 1 | 3 |

Table 2. New York State endangered, threatened and species of special concern (NYDEC 2000).

Coordination with the U.S. Fish and Wildlife Service has revealed that except for occasional transient individuals, no Federally listed or proposed threatened or endangered species under U.S. Fish and Wildlife jurisdiction are known to occur within the vicinity of the proposed

project site. In addition, no habitat in the project area is currently designated or proposed “critical habitat” in accordance with the Endangered Species Act.

4.10 Prime and Unique Farmlands. The United States Department of Agriculture, Natural Resources Conservation Service identified the Barbour-trestle complex, a prime farmland soil, in or near the North Branch Basket Creek area.

4.11 Wild and Scenic Rivers. No nationally designated wild and scenic rivers or river segments are located within the North Branch Basket Creek project area. The project area is located outside of the Upper Delaware Scenic and Recreational River corridor, but is a tributary of the Upper Delaware River.

4.12 Cultural Resources. Local public interest in establishing historic landmark status for the wall has been ongoing. The wall is known locally as the “Rotzler Wall”, named after Donald Rotzler, the designer and construction manager of the wall and others like it in the 1930’s. The wall is made of bluestone, which is indigenous to the region and considered an important element of the area’s cultural heritage. At the present time, the wall has not been given historic landmark status.

Coordination with the New York State Office of Parks, Recreation and Historic Preservation has revealed that the proposed demolition and rebuilding of the wall, as described in the selected plan, will have No Adverse Effect upon properties in or eligible for inclusion in the State and National Registers of Historic Places.

4.13 Hazardous, Toxic, and Radioactive Substances. Based upon the historical use of the areas surrounding the proposed project, there is no evidence of hazardous, toxic or radioactive substances in the project area.

4.14 Infrastructure.

4.14.1 Traffic and Transportation. Delaware County Route 28 is a narrow and winding road that connects State Route 17 near Fishs Eddy, New York with State Route 97 near Long Eddy, New York for a distance of approximately 13 miles. County Route 28 had an average daily traffic count of 177 and 221 recorded in 1997 and 2003, respectively. This is the smallest traffic count of any of the county roads in Delaware County. Because the project is located in a narrow valley, temporary road closure will likely occur during some periods of construction. Approximately 2-4 months of road closure is expected.

4.14.2 Utilities. A utility line exists on the west side of County Route 28 near the project area. Right of way restrictions exist in this area. Construction plans will be developed to avoid impacts to this utility line.

4.15 Socioeconomic Conditions. Geographically, Delaware County is one of the larger counties in New York with land area of 1,460 square miles. The County is predominantly rural with thousands of acres of public land and over 700 miles of fishable streams. Delaware County is

widely used by residents and non-residents for recreational and commercial purposes such as hunting, fishing, camping, and other related activities. Table 3 provides a compilation of census data for Delaware County in 1980, 1990 and 2000.

| Census Date | Estimated Population | Number of Jobs | Median Annual Income |
|--------------------|-----------------------------|-----------------------|-----------------------------|
| 1980 | 46,824 | 17,372 | \$7,078 |
| 1990 | 47,225 | 17,988 | \$14,078 |
| 2000 | 48,055 | 17,731 | \$20,346 |

Table 3. Census data for Delaware County, New York (U.S. Army Corps of Engineers 2003)

County Route 28 is vital to the regional economy. The road is a major transportation artery for local residence, businesses, emergency vehicles and others. Although impacts to the regional economy will occur due to the wall construction and road repair, impacts in the event of catastrophic wall and road failure are potentially significant.

4.16 Environmental Justice. No low income and/or minority communities are located in the immediate vicinity of the project area, per visual evaluation and coordination with the Delaware County Department of Public Works.

5.0 ENVIRONMENTAL CONSEQUENCES

5.1 Project Area Description. No significant changes to the project area are expected as a result of the project. Visually, the stonewall will be replaced with concrete slabs. This is determined to be a minimal impact. Preventing the failure of the existing wall will reduce the potential for future environmental degradation of North Branch Basket Creek and concerns over public safety.

5.2 Geology and Soils. No significant changes to the North Branch Basket Creek project area geology and soils are anticipated due to the proposed project. Demolition of the road and existing wall and subsequent construction of the new wall and road will cause minimal disturbance to the geology and soils of the project area.

5.3 Climate. No impact to the climate in the region is expected as a result of the project.

5.4 Air Quality. The project will result in a temporary increase in emissions from construction vehicles during construction activities at the project site (mobile sources). Minor short-term emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), particulate matter and volatile organic compounds (VOC's) from construction and personal vehicles and other equipment are likely. The project area is in attainment for all National Ambient Air Quality Criteria. As such, the project meets the requirements of general conformity under the Clean Air Act.

5.5 Water Quality. The amount of sediment that is discharged to the stream, as a result of construction activities, will be controlled through the use of approved erosion and sediment control techniques. Construction equipment will work from adjacent banks, therefore reducing physical impact to the streambed and discharge of disturbed sediments. The project will be completed "in the dry" by isolating the stream channel from the wall by using heavy mesh synthetic fabric bags, filled with washed stone. Reinforced poly sheeting will be used to produce a watertight barrier. Minor leakage will be pumped to an upland grassy area. All dewatering material will be removed from the stream following the completion of construction. As a result, temporary and minor impacts to the water quality of the North Branch Basket Creek will result from this project. No impact to the groundwater is expected as a result of the project.

An Article 15, Title 5 Protection of Water Permit and Water Quality Certification were received from the New York State Department of Environmental Conservation on 3 June 2002 for the replacement of the retaining wall on North Branch Basket Creek. The effective date of the permit action is 15 June 2002. Delaware County Department of Public Works will submit a permit extension request and receive approval from the State prior to construction activities commencing.

Information obtained from the U.S. Army Corps of Engineers Waterways Experimental Station in Vicksburg, Mississippi and other scientific investigations have revealed that the potential of water quality contamination from heavy metals leaching from concrete are either immeasurable or significantly below levels allowed for drinking water (European Cement Industry 2003) and is most prevalent when water can seep directly through concrete (Young 1981).

Studies of pre-cast ash-concrete products has shown that as long as the physical integrity of these types of products are maintained, there is no concern of adverse effect on the environment because of leaching of trace metals when in contact with rainwater (Shieh 1993). Concrete surfaces can be cleaned with techniques such as power washing to remove contaminants (oils, grease etc.) attached to the surface of concrete to remove any potential water quality contaminant residual (U.S. Army Corps of Engineers, Waterways Experiment Station personnel communication 2003).

Based on coordination with the U.S. Army Corps of Engineers Waterways Experimental Station in Vicksburg, Mississippi and review of other scientific investigations, the potential of water quality contamination from leaching of contaminants from the concrete panels does not pose a significant environmental risk to the water quality of North Branch Basket Creek.

5.6 Aquatic Resources and Wetlands. The New York State Department of Environmental Conservation has not identified any critical environmental areas near the project site. Riparian vegetation growing from the wall or rooted at the base of the wall will be removed. Impacts to these resources are thought to be minor and will only occur along the existing wall. The new wall will be constructed within the general footprint of the existing wall. No impact to instream habitat or flow patterns will occur other than those seen during temporary diversion activities. Impacts will be short-term and temporary during the construction period.

No instream bed manipulation is planned for this project. The stream cross-section will not deviate from existing conditions. The post and panel structure will be slightly notched into the existing bedrock. As a result, lateral migration is not expected to occur at the toe of the wall. The opposite bank is naturally armored, well vegetated and stable. This bank will not be impacted during the construction activities. No head cutting, aggradation or degradation of the streambed is expected because it is primarily bedrock. The invert of the streambed will not be changed as a result of the project. Due to the conditions described above, current and future flow patterns do not need to be modified with instream flow structures. As a result, instream flow modification structures and habitat are not necessary to maintain stability and habitat following construction activities.

5.7 Vegetation. Removal of vegetation growing alongside and within crevices of the existing wall will be removed. This will be a minor impact to the project area vegetative community.

5.8 Wildlife Resources. The project may result in some temporary impacts to wildlife. During construction activities, heavy equipment will be used. This will potentially cause noise disturbance and physical disturbance to nearby wildlife and their habitat. These impacts will be minor and short term. Due to the extensive nature of habitat available to wildlife in this area, this should not result in a significant impact on the local wildlife populations.

The Corps does not anticipate any long-term adverse impacts on the macro-invertebrate or fisheries resources of the North Branch Basket Creek as a result of this project. Once construction is complete and the stream is returned to its normal wetted channel, organisms displaced will be able to migrate back into the previously dewatered area. Therefore, The

selected project alternative will only have minor and temporary impacts on the aquatic macro-invertebrates and fish residing near the existing wall in this area. A time of year restriction for in stream work, to protect these resources, has been established by the New York State Department of Environmental Conservation. Instream construction activities are permitted from 15 June to 30 September.

5.9 Threatened and Endangered Species. It is anticipated that no Federal or State listed threatened or endangered species will be impacted by the proposed project. The New York Department of Environmental Conservation noted no knowledge of the occurrence of any rare, threatened or endangered species near or effected by the project. Coordination with the U.S. Fish and Wildlife Service has revealed that except for occasional transient individuals, no Federally listed or proposed threatened or endangered species under U.S. Fish and Wildlife Service jurisdiction are known to occur within the vicinity of the proposed project site. In addition, no habitat in the project area is currently designated or proposed "critical habitat" in accordance with the Endangered Species Act.

5.10 Prime and Unique Farmlands. Due to the nature of the project and based on coordination with the Natural Resources Conservation Service, no major negative impacts to the resource are expected.

5.11 Wild and Scenic Rivers. No National or State designated wild or scenic rivers exist in the immediate project area. North Branch Basket Creek is a tributary of the Upper Delaware River and activities in the project area has the potential to affect the water quality of the Delaware River. No significant impact to this resource is expected as a result of construction equipment not being placed directly in the stream, erosion and sediment control measures, and timing restrictions.

5.12 Cultural Resources. There are no reported significant historic and/or archeological properties located at or near the proposed project. In accordance with guidelines established under Section 106 of the National Historic Preservation Act of 1966, as amended, the New York State Office of Parks, Recreation and Historic Preservation have reviewed the proposed project. They are of the opinion that the proposed project will have no effect on historic resources in the area. The Delaware County Department of Public Works has offered to save and store the existing bluestone wall on private property if provided by the local community. It will be made available to the public for other projects in the area.

5.13 Hazardous, Toxic, and Radioactive Substances. Due to the project being located in a rural area with no major industries nearby, the likelihood of the presence of hazardous, toxic, and radioactive substances being located at and affected by the project are low.

5.14 Infrastructure.

5.14.1 Traffic and Transportation. As a result of reconstructing the retaining wall and the section of County Route 28, portions of the construction period will require road closure and traffic detour. Various road detour options exist. The shortest detour involves a "loop" of

County Route 28, Anderson Road, Hoolihan Brook Road, State Route 97 and County Route 28. This detour is approximately 9 miles. A portion of this route will only be open seasonally that coincides with the summer construction season. It cannot accommodate heavy construction vehicles but it can accommodate emergency vehicles. A preferred signed detour would include County Route 28, John Milk Road, Klondike Road, State Route 97 and County Route 28. This alternative is capable of supporting heavy truck traffic and is approximately 15.9 miles. As a requirement of U.S. Army Corps of Engineers policy, a detour option must be identified of equal quality to the road being closed. This would require the detour route to be County Route 28 to State Route 17 to State Route 97 to County Route 28. This would require the detour to be approximately 35.2 miles. Closure of Route 28 is required to accomplish the project. The construction period will occur during the summer, resulting in minor impacts to school transportation. This closure will therefore result in minor and short-term impacts to transportation during the construction period.

5.14.2 Utilities. Construction activities will occur near an adjacent utility line. Coordination with appropriate utility companies has been conducted. Measures to avoid impact to utilities in the project area will be in place during construction activities. No impact to utilities is therefore expected.

5.15 Socioeconomic Conditions. Economic impact to the region as a result of road closure for a one-year period was estimated to be \$792,614.00. The construction period for the project is estimated to be 4 months. Road failure would result in a construction period exceeding 4 months due to unplanned mobilization, preparation, coordination and construction. As a result, the economic impact on the region from a road failure would be expected to exceed the actual planned construction and road closure and may result in a safety hazard.

No significant permanent adverse impacts to the economy or social structure of the project area are anticipated. Some access restrictions to County Route 28 and the nearby private residence are expected during the construction period. These impacts are considered short-term, but necessary to repair the road. Potential impacts associated with road failure would severely impact the regional economy.

5.16 Environmental Justice. This project is not expected to adversely impact any minority or low-income communities in the project area, because none exist.

5.17 Cumulative Impacts. Cumulative impacts are impacts on the environment, which result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of who undertakes these actions.

The wall repair on North Branch Basket Creek will benefit the water quality and aquatic organisms of North Branch Basket Creek and Upper Delaware River by preventing potential sedimentation and disruption of flow in the event the wall fails catastrophically. A positive gain will be seen in the local and regional economy by avoiding emergency closure of Route 28. Repair of the wall insures public safety by preventing catastrophic and unpredictable wall and road failure. All impacts associated with the wall repair are expected to be minor and short-term.

The overall cumulative impacts associated with the project, as described in this document, are expected to be positive.

5.18 Environmental Permits and Regulatory Compliance. A summary of project compliance with applicable environmental statutes is given in Appendix A. Work in Waters of the United States typically require a permit under guidelines found in Section 404 of the Clean Water Act. To comply with Section 404 (b)(1) of the Clean Water Act, an impacts analysis has been performed and is attached as Appendix B. The State of New York requires a water quality certification for any work, which may affect water or waterways in the state. The water quality certificate for this action has been received from the New York Department of Environmental Conservation. Delaware County Department of Public Works will submit a permit extension request and receive approval from the State prior to construction activities commencing. An approved erosion and sediment control plan will be secured prior to construction activities commencing.

6.0 COORDINATION

The proposed project has been coordinated with the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, National Park Service, Delaware River Basin Commission, Delaware County Soil and Water Conservation District, New York State Office of Parks, Recreation and Historic Preservation, and New York State Department of Environmental Conservation. Copies of environmental coordination correspondence with Federal, State and local agencies and interests are provided in Appendix C.

Numerous public meetings and announcements have been conducted by the Delaware County Department of Public Works. Public information meetings have been conducted at the town office building in the Town of Hancock on April 11, 2001; December 19, 2001; and March 12, 2003. An announcement for the March 12 public meeting was placed in the local newspaper on March 5th and 12th. A Draft Environmental Assessment and public notice dated July 2 2003 were provided to known interested parties and resource agencies. Public and agency comments and responses to these comments are provided in Appendix D.

7.0 CONCLUSIONS

This Environmental Assessment has evaluated the proposed emergency removal and replacement of an existing but failing dry-laid stone retaining wall and an adjacent existing roadbed and embankment on North Branch Basket Creek adjacent to County Route 28 near the Town of Hancock in Delaware County, New York. The findings herein have been prepared in accordance with the National Environmental Policy Act of 1969, as amended. Potential impacts to environmental and cultural resources resulting from the proposed action have been described and evaluated in this document. Based on the results of this analysis, it is concluded that no significant adverse or long-term impact are expected as a result of the proposed project.

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Appendix A
Regulatory Compliance

**REGULATORY COMPLIANCE REQUIREMENTS
NORTH BRANCH BASKET CREEK
EMERGENCY STREAM BANK STABILIZATION PROJECT
DELAWARE COUNTY, NEW YORK**

| <u>Federal Statutes</u> | <u>Level of Compliance</u> |
|---|-----------------------------------|
| Anadromous Fish Conservation Act | N/A |
| Archeological and Historic Preservation | FULL |
| Clean Air Act | FULL |
| Clean Water Act | FULL |
| Coastal Barrier Resources Act | N/A |
| Coastal Zone Management Act | N/A |
| Comprehensive Environmental Response, Compensation and Liability Act | N/A |
| Endangered Species Act | FULL |
| Estuary Protection Act | N/A |
| Federal Water Project Recreation Act | N/A |
| Fish and Wildlife Coordination Act | FULL |
| Land and Water Conservation Fund Act | N/A |
| Marine Mammal Protection Act | N/A |
| National Historic Preservation Act | FULL |
| National Environmental Policy Act | FULL |
| Resource Conservation and Recovery Act | N/A |
| Rivers and Harbors Act | N/A |
| Watershed Protection and Flood Prevention Act | N/A |
| Wild and Scenic Rivers Act | FULL |
| <u>Executive Orders, Memoranda, etc.</u> | |
| Protection and Enhancement of Cultural Environment (E.O. 11593) | FULL |
| Floodplain Management (E.O. 11988) | N/A |
| Protection of Wetlands (E.O. 11990) | FULL |
| Prime and Unique Farmlands (CEQ Memorandum, 11 Aug 80) | FULL |
| Environmental Justice in Minority and Low Income Populations (E.O. 12898) | N/A |

Note:

Full Compliance (Full): Having met all requirements of the statute, E.O. or other environmental requirements for the current stage of planning.

Partial Compliance (Partial): Not having met some of the requirements that normally are met in the current stage of planning.

Non-Compliance (NC): Violation of a requirement of the statute, E.O. or other environmental requirement.

Not Applicable (N/A): No requirement for the statute, E.O. or other environmental requirement for the current stage of planning.

On Going Coordination (OGC): Currently coordinating to meet the requirements for this stage of planning.

Appendix B
Section 404(b)(1) Evaluation

**CLEAN WATER ACT
SECTION 404(b)(1) EVALUATION**

**NORTH BRANCH BASKET CREEK
EMERGENCY STREAMBANK STABILIZATION PROJECT
DELAWARE COUNTY, NEW YORK**

OCTOBER 2003

I. PROJECT DESCRIPTION

a. Location – The North Branch Basket Creek stream bank stabilization project is located along North Branch Basket Creek and Delaware County Route 28 just north of the Delaware/Sullivan County line near the Town of Hancock, New York. The project is located within the Delaware River watershed.

b. General Description – The project involves the complete removal of a dry-laid stone retaining wall, the adjacent existing roadbed and embankment, and construction of a new roadbed and retaining wall using a post and panel structure. Monitoring of the existing retaining wall has led to the conclusion that imminent failure is expected and long-term repair or replacement is needed. The retaining wall is utilized for support of Delaware County Route 28 along North Branch Basket Creek. Steel support frames have been installed at two main bulges in the wall by the Delaware County Department of Public Works to provide temporary protection against wall failure and potential road collapse.

The existing wall is approximately 600 feet long. The project will require dewatering of a portion of the stream during the construction period. No long-term manipulation of flow will occur. The stream will be returned to its current configuration upon completion of the project. No construction equipment shall be placed in the stream.

c. Authority and Purpose- The project is authorized under Section 14 (Emergency Streambank and Shoreline Erosion Protection) of the 1946 Flood Control Act, as amended. The Corps of Engineers has the authority, provided under Section 14, to construct bank protection works to protect endangered highways, highway bridge approaches, and other essential and important public works. The U.S. Army Corps of Engineers, under this authority, will replace the Route 28 retaining wall on North Branch Basket Creek.

d. General Description of Dredged Material – Not Applicable

e. Description of the Proposed Discharge Sites -

1. Location: Toe of existing wall

2. Size: The bedrock will be notched at the toe of the existing 600 linear foot wall following its removal that will have an approximate width of one foot for the entire 600 feet at a depth of no more than one foot.
 3. Type of Site: Bedrock below the surface water substrate.
 3. Type of Habitat: Dewatered edge of stream
 4. Timing and Duration of Discharge: During the initial wall anchoring preparation period
- f. Description of Discharge Method – The existing wall will be removed. A notch will be excavated into the existing bedrock where the current wall was located. The base of the concrete panel shall be placed into this notched area.

II. FACTUAL DETERMINATIONS

- a. Physical Substrate Determinations
 1. Substrate Elevation and Slope: Slopes for a Type “B” stream using the Rosgen (1996) methodology typically are 4-7%.
 2. Sediment Type: The stream contains predominately cobble and bedrock substrate
 3. Dredged/Fill Material Movement – Not Applicable
 4. Physical Effects on Benthos – Temporary effects will be seen due to dewatering of the site during construction
 5. Actions Taken to Minimize Impacts – Applicable environmental protection measures will be employed to avoid impacts to the aquatic environment to include construction specifications that insure applicable environmental protection regulations for pollution control and abatement are followed.
- b. Water Circulation, Fluctuation, and Salinity Determinations
 1. Water
 - (a) Salinity - No change expected.
 - (b) Chemistry - No change expected.
 - (c) Clarity - No change expected.
 - (d) Color - No change expected.
 - (e) Odor- No change expected.
 - (f) Taste - No change expected
 - (g) Dissolved Gas Levels - No change expected
 - (h) Nutrients - No change expected
 - (i) Eutrophication - No effect
 - (j) Others as Appropriate - None.
 2. Current Patterns and Circulation
 - (a) Current Patterns and Flow – During construction, a portion of the stream will be dewatered to allow work to be conducted in the dry.
 - (b) Velocity – Temporary increase in velocity will occur during construction when the stream is restricted to a smaller wetted channel width.
 - (c) Stratification - No change expected.
 - (d) Hydrologic Regime - No change expected.
 3. Normal Water Level Fluctuations - No change expected.

4. Salinity Gradients - No change expected
5. Actions to Minimize Impacts – The selected construction plan will be designed to avoid impacts to aquatic habitat. Construction will be performed in the dry where no equipment will be placed in the stream. An approved erosion and control plan will be adhered to.

c. Suspended Particulate/Turbidity Determinations

1. Expected Changes in Suspended Particulate and Turbidity Levels in the Vicinity of Project Sites – Minimal change would be expected during the construction period due to dewatering of the site and placement of erosion and sediment control structures.
2. Effects on Chemical and Physical Properties of the Water Column
 - (a) Light Penetration - No change expected.
 - (b) Dissolved Oxygen – No change expected.
 - (c) Toxic Metals and Organics - No change expected.
 - (d) Pathogens - No change expected.
 - (e) Aesthetics – Visual aesthetics may be impacted by removing the stonewall and replacing it with a concrete faced wall. This impact is minimal due to the wall only being visible by one residence that is used as a recreational home.
 - (f) Others as Appropriate – None
3. Effects on Biota:
 - (a) Primary Production: No change expected.
 - (b) Suspension/filter feeders: No change expected.
 - (c) Sight feeders: No change expected.
4. Actions Taken to Minimize Impacts: The selected construction plan will be designed to avoid impacts to aquatic habitat.

d. Contaminant Determinations

1. Physical characteristics of sediments: Refer to Section 4.2 and 5.2 of the Environmental Assessment
2. Results of chemical testing of material in the project area: Not Applicable
3. Existing water quality conditions in the vicinity of the site: Refer to Section 4.5 and 5.5 of the Environmental Assessment.
4. Mixing and dilution by tidal action: Not Applicable

e. Aquatic Ecosystem and Organism Determinations

1. Effects on Plankton – No adverse impacts are anticipated.
2. Effects on Benthos – Temporary adverse impact during construction due to loss of habitat for dewatering are anticipated.
3. Effects on Nekton - No adverse impacts are anticipated. A timing restriction applies.
4. Effects on Food Web - No measurable effects are expected.
5. Effects on Special Aquatic Sites
 - (a) Sanctuaries and Refuges – Not Applicable
 - (b) Wetlands - No wetlands exist in the project area
 - (c) Tidal flats - No effect
 - (d) Vegetated Shallows - No effect
6. Threatened and Endangered Species - No adverse impacts are anticipated.

7. Other Wildlife - Temporary Displacement
 8. Actions to Minimize Impacts - The selected construction plan will be designed to avoid impacts to aquatic habitat. Coordination with applicable resource agencies has been conducted. An approved erosion and sediment control plan will be in place. The project construction period will comply with the State mandated construction timing restriction of June 15 through September.
- f. Proposed Disposal Site Determinations
1. Mixing Zone Determinations – Not Applicable
 2. Determination of Compliance with Applicable Water Quality Standards: No adverse impacts are anticipated. Federal and State natural resource agencies have been consulted. A water quality certification has been received from the New York State Department of Environmental Conservation.
 3. Potential Effects on Human Use Characteristics
 - (a) Water Related Recreation: No adverse impact expected.
 - (b) Recreational and Commercial Fisheries - Temporary adverse impact to fishing use is expected during the construction period.
 - (c) Aesthetics - No adverse impact expected.
 - (d) Parks, National and Historical Monuments, National Seashore, Wilderness Areas, Research Sites, and Similar Preserves - No adverse impact expected. Coordination with resource agencies to ensure no adverse impacts is ongoing.
- g. Determination of Cumulative Effects on the Aquatic Ecosystem - This project is anticipated to have a positive environmental affect on the aquatic system of North Branch Basket Creek and associated aquatic systems due to preventing future catastrophic failure of the retaining wall and subsequently an uncontrolled sediment discharge.
- h. Determination of Secondary Effects on the Aquatic Ecosystem - No effects

III. FINDING OF COMPLIANCE

- a. No significant adaptations of the Section 404(b)(1) Guidelines were made relative to this evaluation.
- b. The no action alternative has adverse impacts on the safety of the public and potential water quality of the North Branch Basket Creek.
- c. The proposed project is not anticipated to negatively affect any endangered species or their critical habitat.
- d. The proposed project will not result in significant adverse effects on human health and welfare, including municipal and private water supplies, recreation and commercial fishing, plankton, fish, wildlife, and special aquatic sites. The life stages of aquatic life and other wildlife will not be adversely affected. Significant long-term effects on aquatic ecosystem diversity, productivity and stability, and recreation, aesthetic, and economic values will not occur.

- e. Appropriate steps to minimize potential sediment discharges to North Branch Basket Creek will be a requirement of the project plan

APPENDIX C
Environmental Coordination

Environmental Resources Branch

FEB 19 2001

Dear Mr. Dave Soete
Upper Delaware Council
P.O. Box 192
211 Bridge Street
Narrowsburg, New York 12764-0192

Dear Mr. Soete:

The Philadelphia District, U.S. Army Corps of Engineers is preparing an Environmental Assessment (EA) for a proposed streambank stabilization project on Basket Creek along County Route 28 in Delaware County, New York (Enclosure 1). The restoration project will be funded under Section 14 (Emergency Streambank and Shoreline Erosion Protection) of the 1946 Flood Control Act, as amended. The project was initiated and is co-sponsored by the Delaware County Department of Public Works. In addition, two future streambank stabilization projects on Beaver Kill along County Route 17 in Delaware County, New York are also being investigated under the Section 14 authority. The projects are located near Tweedie Road & Elk Brook Road (Enclosure 2). The purpose for this correspondence is to solicit your agency's comments regarding potential environmental effects of the proposed projects.

The objective of the Basket Creek project is to replace, in-kind, an existing stonewall with a post and panel wall. The project involves the complete removal of a dry-laid stone retaining wall and adjacent existing roadbed embankment and the construction of a new retaining wall and roadbed. The existing wall is approximately 600 feet long and is located along Basket Creek just north of the Delaware/Sullivan County line near the Town of Hancock. Portions of the wall are near collapse condition. Failure of the wall would require closure of County Route 28 and a lengthy traffic detour over a steep, narrow and winding gravel road. The project will require dewatering of a portion of the stream during the construction period. No long-term manipulation of flow will occur. The stream will be returned to its current configuration upon completion of the project. The project plans for the streambank stabilization work located near Tweedie Road and Elk Brook Road along County Route 17 have not been developed yet. We expect a similar level of construction disturbance to be applied at these locations.

An Environmental Assessment (EA) will be prepared in accordance with National Environmental Policy Act (NEPA) regulations, the Council on Environmental Quality's (CEQ's) regulations for implementing NEPA and *U.S. Army Corps of Engineers Procedures for Implementing NEPA, Engineering Regulation (ER) 200-2-2*. The EA will assess existing environmental, cultural, and socio-economic conditions at both project sites and will evaluate the effects of project alternatives on existing resources in the immediate and surrounding areas.

FEB 12 2003

To assist us in identifying environmental issues that may effect the implementation of these projects, please provide written comments concerning interests within your agency's area of responsibility. Specific issues of concern include transportation; infrastructure; cultural resources, including viewshed and aesthetic resources; the presence of rare, threatened or endangered species; fish and wildlife resources; jurisdictional wetlands or other critical habitats; wild and scenic rivers; prime and unique farmlands; air and water quality, and /or highly erodible soils at or near the proposed project sites.

Your response within 15-days of the date of receipt of this letter will be greatly appreciated. If you have any questions regarding this letter or need additional information, please contact Gregory Wacik of the Environmental Resources Branch at (215) 656-6561.

Sincerely,

Robert C. Johnson, P.E.
Acting Chief, Planning Division

Enclosures

Mr. Dave Soete
Upper Delaware Council
P.O. Box 192
211 Bridge Street
Narrowsburg, New York 12764-0192

Mr. Michael Reuber
Upper Delaware Scenic and Recreational River
RR2 Box 2428
Beach Lake, Pennsylvania 18404

Mr. Mike Stoll
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, New York 13045

Mr. Alex Chmielewski
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, New York 13045

Ms. Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi-Media Programs Branch
USEPA Region II
290 Broadway
New York, New York 10007-1866

Mr. Robert L. Limbeck, Environmental Scientist
Delaware River Basin Commission
P.O. Box 7360
25 Sate Police Drive
West Trenton, New Jersey 08628-0360

Mr. Mike Clifford
Delaware County SWCD
44 West Street, Suite 1
Walton, New York 13856

Mr. John Feltman
NYSDEC, Region 4
65561 State Highway 10
Suite 1
Stamford, New York 12167

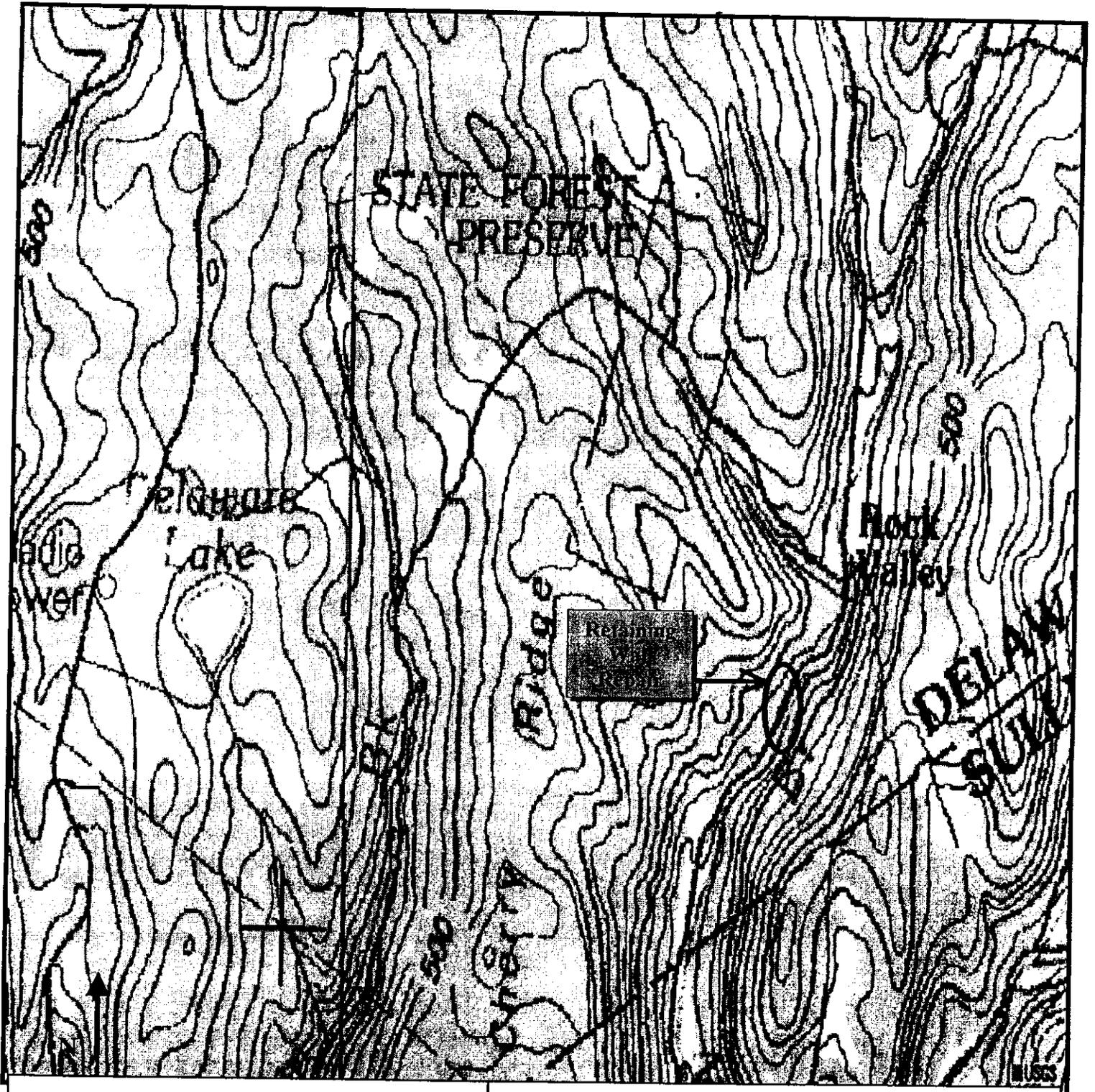


FIGURE 1

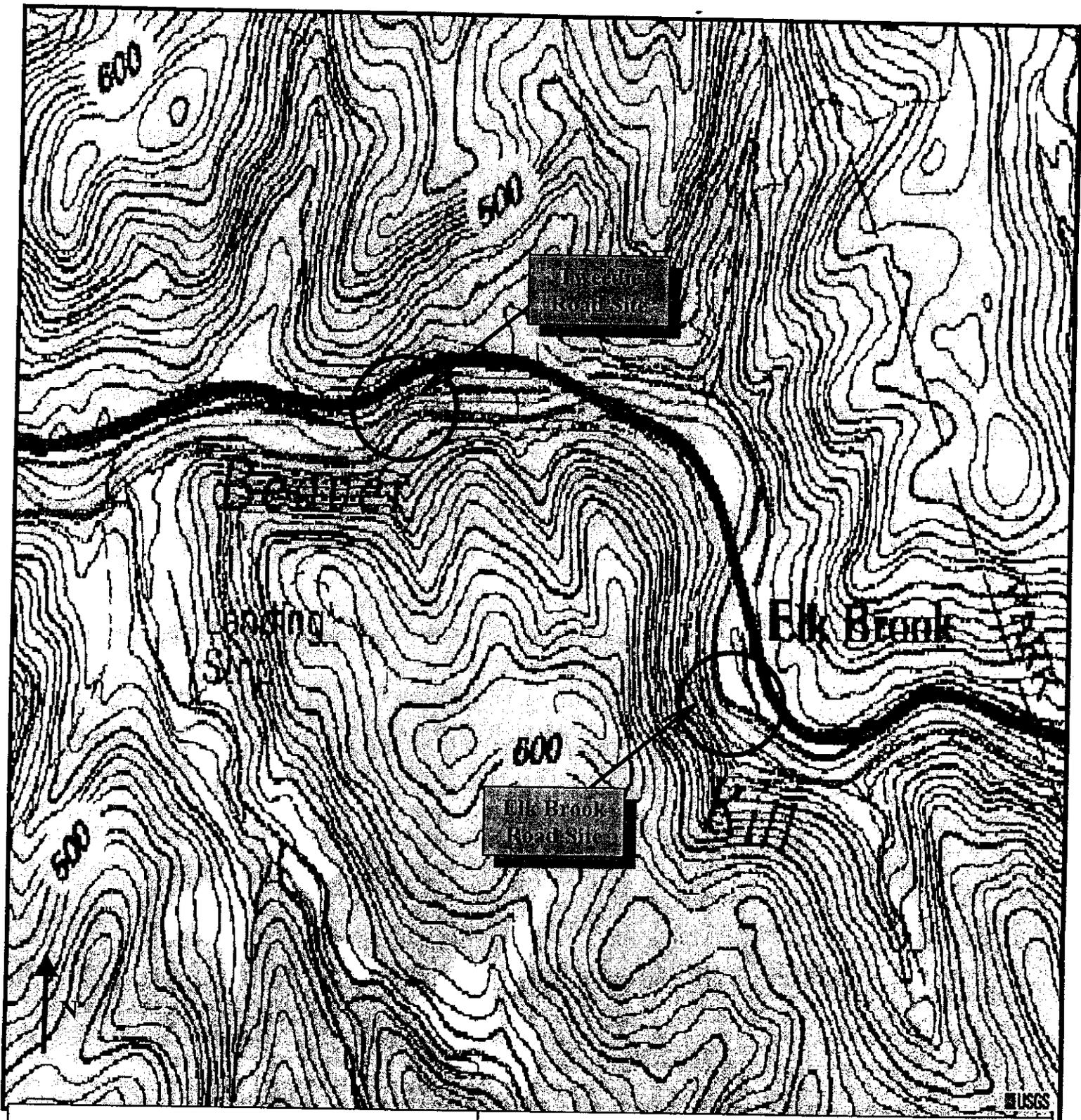
**Basket Creek Stream Bank Stabilization Project
Location in
Delaware County, New York**

Source: Horton, NY 1986 USGS 7.5 Minute Topographic map



**US Army Corps
of Engineers**

Philadelphia District



**US Army Corps
of Engineers**

Philadelphia District

FIGURE 2

**Beaver Kill Stream Bank Stabilization Project Site
Locations in
Delaware County, New York**

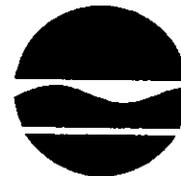
Source: Horton, NY 1986 USGS 7.5 Minute Topographic map

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

65561 State Highway 10, Suite 1, Stamford, New York 12167-9503

Phone: (607) 652-7741 FAX: (607) 652-2342



Erin M. Crotty
Commissioner

February 20, 2003

Mr. Robert C. Johnson, P.E.
Acting Chief, Planning Division
US Department of the Army
Corps of Engineers, Philadelphia District
Wanamaker Building, 100 Penn Square East
Philadelphia, PA 19107-3391

RE: Jurisdictional Review
Basket Creek & Beaverkill
(T) Hancock, Delaware County

Dear Mr. Johnson:

This letter is in response to your transmittal of February 12, 2003 regarding three proposed streambank stabilization projects. Specifically these projects are located on County Route 28 along the North Branch of Basket Creek, and along County Route 17 near the Beaverkill.

Based on the information and maps you provided, we have conducted a jurisdictional review and determined that there are no Article 24 Freshwater Wetlands within or near these sites. Both the North Branch of Basket Creek (water index #D-59-3) and the Beaverkill (water index #D-70-20) have classification and standards of C(T) and are therefore subject to Article 15 (Protection of Waters). A stream disturbance permit is required for a project that will involve the disturbance of the bed or banks of these streams. Please be aware that the in-stream work season is June 15 to September 30 and you should therefore apply for permits well in advance of these dates.

The proposed projects do not appear to be located within an area of historical or archeological significance according to our Geographic Information System (GIS) database. You should contact the New York State Office of Parks, Recreation and Historic Preservation for a formal determination.

Our GIS database does not show that any of the project sites contain any of the following; rare, threatened or endangered species, wild, scenic and recreational rivers, or critical environmental areas.

Thank you for the opportunity to review this project at this time. If you have any questions, please call.

Sincerely,

Martha A. Wood
Agency Program Aide
Region IV

/mw

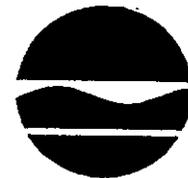
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

65561 State Highway 10, Suite 1, Stamford, New York 12167-9503

Phone: (607) 652-7741 • FAX: (607) 652-2342

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner



June 3, 2002

Wayne D. Reynolds, Commissioner
Delaware County DPW
PO Box 311
Delhi, NY 13753

Re: DEC ID# 4-1236-00414/00001
CR 28 Retaining Wall @ Basket Creek
Hancock (T), Delaware County

Dear Permittee:

The permit you applied for is enclosed. Please read it carefully and note the special conditions that are included in it. The permit is valid for only those activities expressly authorized therein. Work beyond the scope of the permit and the approved project plans may be considered a violation of the law and subject to appropriate enforcement action. Should you object to the permit as issued and are unable to resolve such objections with this office you may, within 30 calendar days of this transmittal, send a written request for a hearing to the attention of the Regional Permit Administrator.

If this permit is associated with a project that will entail construction of new pollution control facilities, or is a modification to existing facilities, the plans for the system design must be approved by this Department or if indicated in the permit by either the NYS Department of Health or delegated local Health Department.

Please note the effective and expiration dates of the permit. If you need additional time to complete your project you must submit your request in writing prior to expiration of the permit. Provide an explanation of why additional time is needed, and how much additional time you are requesting. Applications for the permit renewal must be made in advance of the expiration date. Please refer to the general conditions listed in the permit for specific instructions. The number(s) listed above pertain(s) to this permit and should be referenced on all correspondence related to this permit and any future applications for permits associated with this facility or project.

If you have any questions on the extent of the work authorized, or your obligations under the permit, please feel free to contact me.

Sincerely,

Martha A. Wood

Martha A. Wood
Agency Program Aide
Region IV

Att.
cc: Law Enf. (gw)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



PERMIT

Under the Environmental Conservation Law (ECL)

| |
|--|
| DEC PERMIT NUMBER 4-1236-00414/00001 |
| FACILITY/PROGRAM NUMBER(S) |

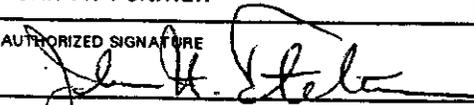
| |
|---|
| EFFECTIVE DATE June 15, 2003 |
| EXPIRATION DATE(S) September 30, 2003 |

| | | | | |
|--|----------------------------------|---------------------------------------|--|--|
| TYPE OF PERMIT (Check All Appropriate Boxes) | | | | |
| <input checked="" type="checkbox"/> NEW | <input type="checkbox"/> RENEWAL | <input type="checkbox"/> MODIFICATION | <input type="checkbox"/> PERMIT TO CONSTRUCT | <input type="checkbox"/> PERMIT TO OPERATE |

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> ARTICLE 15, TITLE 5: PROTECTION OF WATER | <input type="checkbox"/> ARTICLE 17, TITLES 7, 8: SPDES | <input type="checkbox"/> ARTICLE 27, TITLE 9; 6NYCRR 373: HAZARDOUS WASTE MGMT. |
| <input type="checkbox"/> ARTICLE 15, TITLE 15: WATER SUPPLY | <input type="checkbox"/> ARTICLE 19: AIR POLLUTION CONTROL | <input type="checkbox"/> ARTICLE 34: COASTAL EROSION MANAGEMENT |
| <input type="checkbox"/> ARTICLE 15, TITLE 15: WATER TRANSPORT | <input type="checkbox"/> ARTICLE 23, TITLE 27: MINED LAND RECLAMATION | <input type="checkbox"/> ARTICLE 36: FLOODPLAIN MANAGEMENT |
| <input type="checkbox"/> ARTICLE 15, TITLE 15: LONG ISLAND WELLS | <input type="checkbox"/> ARTICLE 24: FRESHWATER WETLANDS | <input type="checkbox"/> ARTICLES 1, 3, 17, 19, 27, 37; 6NYCRR 380: RADIATION CONTROL |
| <input type="checkbox"/> ARTICLE 15, TITLE 27: WILD, SCENIC & RECREATIONAL RIVERS | <input type="checkbox"/> ARTICLE 25: TIDAL WETLANDS | <input type="checkbox"/> ARTICLE 27, TITLE 3, 6NYCRR 364: WASTE TRANSPORTER |
| <input checked="" type="checkbox"/> 6NYCRR 608: WATER QUALITY CERTIFICATION | <input type="checkbox"/> ARTICLE 27, TITLE 7: 6NYCRR 360: SOLID WASTE MANAGEMENT | <input type="checkbox"/> OTHER: |

| | | | |
|---|-------------------------------------|--|----------------------------------|
| PERMIT ISSUED TO Delaware County Department of Public Works | | TELEPHONE NUMBER 607-746-2128 | |
| ADDRESS OF PERMITTEE PO Box 311, Page Avenue, Delhi, NY 13753 | | | |
| CONTACT PERSON FOR PERMITTED WORK Wayne D. Reynolds, Commissioner | | TELEPHONE NUMBER | |
| NAME AND ADDRESS OF PROJECT/FACILITY County Route 28 Retaining Wall, CR 28, Rock Valley, NY | | | |
| LOCATION OF PROJECT/FACILITY CR 28 @ Basket Creek south of Biedekapp Road and north of the Delaware/Sullivan County line | | | |
| COUNTY Delaware | TOWN/CITY/VILLAGE Hancock | WATERCOURSE/WETLAND NO. D-59-3 | NYTM COORDINATES E: N: |
| DESCRIPTION OF AUTHORIZED ACTIVITY: Replace approximately 580 feet of laid-up stone retaining wall along Basket Creek, adjacent to County Route 28, with a concrete post and panel wall in accordance with the Special Conditions contained herein. | | | |

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

| | | | |
|--|---|-------------|--|
| PERMIT ADMINISTRATOR: John H. Feltman | ADDRESS NYS DEC, Region 4 Field Office, Stamford, NY 12167 | | |
| AUTHORIZED SIGNATURE  | DATE 6/3/02 | Page 1 of 4 | |



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

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.

Item D: No Right to Trespass or Interfere with Riparian Rights

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.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

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 or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

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.

General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 4
1150 North Westcott Road, Schenectady, NY 12306
(for: Albany, Columbia, Greene, Rensselaer,
Montgomery, & Schenectady Counties)

NYSDEC Deputy Regional Permit Administrator, Region 4
Stamford Field Office, Rte. 10, Stamford, NY 12167
(for: Delaware, Otsego, & Schoharie Counties)

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- 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.

Additional General Conditions
 FOR ARTICLES 15 (Title 5), 24, 25, 34, 36 and 6 NYCRR Part 608

5. That if future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or 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 structural work, obstructions, or hazards caused thereby without expenses to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
6. That the State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
7. Granting of this permit does not relieve the applicant of responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
8. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
9. Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
10. There shall be no unreasonable interference with navigation by the work herein authorized.
11. If, upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expenses to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill or restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
12. If granted under Article 36, this permit does not signify in any way that the project will be free from flooding.
13. If granted under 6 NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 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.
14. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

| | | |
|--|----------------|---------------------------|
| DEC PERMIT NUMBER 4-1236-00414/00001 | | |
| FACILITY ID NUMBER | PROGRAM NUMBER | PAGE <u>3</u> OF <u>4</u> |



Special Conditions
FOR ARTICLE 15, TITLE 5: (PROTECTION OF WATER)

1. The permittee shall notify the Regional Permit Administrator 3-5 days prior to the commencement of work that work will begin on the approved project. Notification shall be made by completing and mailing the enclosed blue postcard to the Regional Permit Administrator.
2. The project shall be constructed in accordance with the narrative entitled " County Route 28 Retaining Wall Replacement Project, Project Description", date stamp received by the Department March 13, 2002, and the plans, both submitted as part of the application.
3. All necessary precautions shall be taken to insure that no contamination of the waterway occurs from any solids, sediments, fuels, solvents, lubricants, paints coatings, concrete, leachate or any other environmentally deleterious materials associated with the project or its components.
4. Instream or stream bank work shall be accomplished only from June 1, 2003 through September 30, 2003.
5. This permit shall expire on September 30, 2003 unless sooner revoked.

| | | |
|---|----------------|---------------------------|
| DEC PERMIT NUMBER 4-1236-00414/00001 | | |
| FACILITY ID NUMBER | PROGRAM NUMBER | PAGE <u>4</u> OF <u>4</u> |



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

518-237-8643

November 6, 2001

Phillip C. Pierce, P.E.
Deputy Commissioner of Public
Works/Engineer
P.O. Box 311
Delhi, New York 13753

Re: CORPS
Stone wall/CR 28
(rebuilding)
Hancock, Delaware County
01PR1072

Phil
Dear Mr. Pierce:

Thank you for continuing consultation with the State Historic Preservation Office (SHPO) regarding the emergency demolition and rebuilding proposed for the falling stone wall. We have had an opportunity to review the latest proposal work in accordance with Section 106 of the National Historic Preservation Act of 1966 and relevant implementing regulations.

Based upon our review of the proposed demolition and rebuilding of the subject stone wall using recycled concrete slabs, it is the SHPO's opinion that the project will have **No Adverse Effect** upon properties in or eligible for inclusion in the State and National Registers of Historic Places.

Once again, if you have any questions, please feel free to contact me at your convenience. Ext. 3273.

Sincerely,

Kenneth Markunas
Historic Sites
Restoration Coordinator

| | | | | | |
|------------------|--------------|---------|--------------|------------|---|
| Post-It Fax Note | 7671 | Date | 11-6-01 | # of pages | 1 |
| To | Phil Pierce | From | GEN MARKUNAS | | |
| Co./Dept. | | Co. | | | |
| Phone # | | Phone # | | | |
| Fax # | 607-746-7212 | Fax # | | | |



United States
Department of
Agriculture

Natural Resources
Conservation
Service

44 West Street, Suite 1
Walton, NY 13856
Ph 607-865-6713
Fax 607-865-5535

February 14, 2003

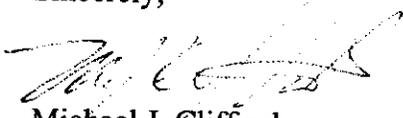
Robert C. Johnson
Department of the Army
Philadelphia District, Corps of Engineers
Wanamaker Building, 100 Penn Square East
Philadelphia, Pennsylvania 19107-3391

Dear Mr. Johnson,

Thank you for the notification regarding your future work in Delaware County, NY.

There are some prime farmland soils in or near all three of your sites: Barbour-trestle complex soils in the Basket Creek area, Riverhead loam A and B in or near the Elk Brook site, and Riverhead loam B in or near the Tweedie Road site. I assume that there will be very little soil loss due to the close proximity of the projects to the river and the stabilization may indeed be beneficial to the preservation of these soils if in the immediate area. Therefore, in my estimation, there will be no major negative impact on these resources. If you have any questions, please call me at (607) 865-7161, or write using the address above.

Sincerely,



Michael J. Clifford
District Conservationist



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



February 28, 2003

Mr. Robert C. Johnson, P.E.
Acting Chief, Planning Division
U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3391

Attention: Mr. Gregory Wacik

Dear Mr. Johnson:

This responds to your letter of February 12, 2003, requesting information on the presence of endangered or threatened species in the vicinity of streambank stabilization projects proposed at the following locations:

1. Beaver Kill near Elk Brook Road along County Route 17 in the Town of Hancock, Delaware County, New York.
2. Basket Creek near County Route 28 in the Town of Hancock, Delaware County, New York.
3. Beaver Kill near Tweedie Road along County Route 17 in the Town of Hancock, Delaware County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the respective project impact areas. In addition, no habitat in the respective project impact areas is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no further Endangered Species Act coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally listed and proposed endangered and threatened species in New York is enclosed for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

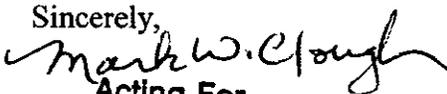
New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters of the United States, including wetlands, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information or assistance please contact Michael Stoll at (607) 753-9334.

Sincerely,

Acting For

David A. Stilwell
Field Supervisor

Enclosures

cc: NYSDEC, Stamford, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, New York, NY



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

February 25, 2003

Robert C. Johnson, P.E.
Acting Chief, Planning Division
U.S. Army Corps of Engineers
Philadelphia District
Wanamaker Bldg., 100 Penn Square East
Philadelphia, PA 19107-3391

Attention: Greg Wacik

Dear Mr. Johnson:

The U.S. Fish and Wildlife Service (Service) has reviewed the notice of intent to prepare an Environmental Assessment for the Basket Creek Stream Bank Stabilization Project dated February 12, 2003. The U.S. Army Corps of Engineers (Corps) and the Delaware County Department of Public Works are co-sponsoring the replacement of approximately 600 feet of an existing stone wall adjacent to Basket Creek in the Town of Hancock, Delaware County, New York. The notice also mentioned two future stream bank stabilization sites in Delaware County. We request the opportunity to review and comment on the proposed project when more definitive plans are developed.

This is the report submitted by the Service and the Department of the Interior pursuant to, and in accordance with, provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). Comments on the proposed projects pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) will be sent under a separate cover.

In general, the Service recommends against "hard stabilization" of stream banks in favor of biotechnical erosion control or a more natural stream channel design. We recognize that there is very little room to work between the stream bank and the adjacent slope and that the stream is already armored. We have reviewed the slide show from the public meeting that described the various alternatives and feel that if practicable, the stacked concrete slab structure is the least environmentally damaging. The interstitial spaces between the slabs are likely to provide some habitat for aquatic invertebrates.

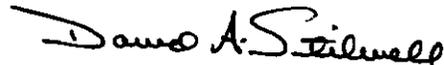
Based on the photos in the electronic slide show, Basket Creek, in the project area, is a B or a Ba stream channel using the Rosgen stream classification system (Rosgen 1996). Structures such as check dams or rock vanes, if properly installed, would help reduce pressure on the banks, increase stream stability and life of the new wall, and provide some aquatic habitat. We

recommend that the Corps perform a fluvial geomorphic analysis of the project area to determine where structures should be placed to protect the new wall and provide aquatic habitat.

We recommend that in-water work be performed during a low water period between June 1 and September 15 to minimize project impacts on spawning fish species. If possible, the work should be done "in the dry" using a flume or a pump-around system.

We hope these comments are useful in your project evaluation. Please contact Alex Chmielewski at 607-753-9334 if there are any questions regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "David A. Stilwell". The signature is written in a cursive style with a prominent initial "D".

David A. Stilwell
Field Supervisor

Literature Cited:

Rosgen, D. 1996. Applied River Morphology. Wildland Hydrology. Pagosa Springs, Colorado.

cc: NYSDEC, Stamford, NY (Env. Permits)
EPA, Chief, Water Programs Division, New York, NY



Upper Delaware Council

P.O. Box 192, 211 Bridge Street, Narrowsburg, New York 12764-0192 (Tel.) 845-252-3022 • (Fax) 845-252-3359

William E. Douglass, Executive Director • David B. Soete, Senior Resource Specialist
Laurie Ramie, Public Relations/Fund Raising Specialist • Carol Coney, Office Manager

March 5, 2003

ROBERT C. JOHNSON, P.E., ACTING CHIEF
PLANNING DIVISION, DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING 100 PENN SQUARE EAST
PHILADELPHIA PA 19107-3391

RE: Basket Creek Stream Bank Stabilization Project,
County Route 28, Town of Hancock, Delaware County, NY

Dear Mr. Johnson:

The Upper Delaware Council (UDC) Project Review Committee and staff have reviewed the information you sent to us regarding the "Basket Creek Stream Bank Stabilization Project" located along County Route 28 in the Town of Hancock, Delaware County, New York. As noted in your February 12, 2003 letter to us, *"The restoration project will be funded under Section 14 (Emergency Streambank and Shoreline Erosion Protection) of the 1946 Flood Control Act, as amended. The project was initiated and is co-sponsored by the Delaware County Department of Public Works."* Your letter also states:

"The objective of the Basket Creek project is to replace, in-kind, an existing stonewall with a post and panel wall. The project involves the complete removal of a dry-laid stone retaining wall and adjacent existing roadbed embankment and the construction of a new retaining wall and roadbed. The existing wall is approximately 600 feet long and is located along Basket Creek just north of the Delaware / Sullivan County line near the Town of Hancock. Portions of the wall are near collapse condition. Failure of the wall would require closure of County Route 28 and a lengthy traffic detour over a steep, narrow and winding gravel road. The project will require dewatering of a portion of the stream during the construction period. No long-term manipulation of flow will occur. The stream will be returned to its current configuration upon completion of the project."

The UDC is the oversight body responsible for the coordinated implementation of the River Management Plan for the Upper Delaware Scenic and Recreational River, a component of the National Wild and Scenic Rivers System. Voting members are the two states (NY and PA) and eleven local governments (NY Towns and PA Townships), including the Town of Hancock, which border on the Upper Delaware River. The Delaware River Basin Commission (DRBC) is a non-voting member of the Council. The UDC operates under a direct contractual relationship with the National Park Service for the oversight, coordination, and implementation of many elements of the River Management Plan.

Working together to conserve the Upper Delaware Scenic and Recreational River

Town of Hancock • Town of Fremont • Town of Delaware • Town of Cohecton • Town of Tusten • Town of Highland • Town of Lumberland
Town of Deerpark • Lackawaxen Township • Shohola Township • Westfall Township • State of New York • Commonwealth of Pennsylvania
Delaware River Basin Commission • In partnership with the National Park Service

While this proposed project is located outside of the Upper Delaware Scenic and Recreational River corridor, Basket Creek is a tributary of the Delaware River, and as such, could directly impact on the Upper Delaware River's water quality. One of the objectives stated in the Water Resources Management section of the Upper Delaware Scenic and Recreational River Management Plan is to "Maintain or improve the existing quality of the water in the Upper Delaware River." Another stated objective is to "Ensure that water resources development on tributaries of the Upper Delaware River do not invade the area or unreasonably diminish the resource values for which the river was designated."

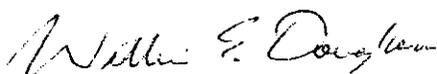
All necessary precautions should be taken to prevent any erosion and sedimentation during and after construction. We suggest that all work be done during low-flow conditions and timed so as not to interfere with Brown/Brook Trout spawning in the Spring or Rainbow Trout spawning in the Fall.

We would like to point out that the proposed replacement of this existing bluestone wall, known locally as Rotzler Wall, has been very controversial for the last couple of years. Many local residents would like to see this wall restored, rather than replaced. Numerous articles and letters-to-the-editor regarding this subject have appeared in *The Hancock Herald* and the *Sullivan County Democrat* newspapers. The bluestone industry is very important to this region and it is a big part of its heritage.

We suggest that there is a need on the part of Delaware County Department of Public Works and the Army Corps of Engineers to hold one, or more, public hearings in the area about the proposed project. All alternatives to replacing the wall should be considered and fully explained to the local citizens. Their concerns should be addressed.

Thank you for the opportunity to comment on this proposal.

Sincerely,



William E. Douglass,
Executive Director

- cc: Samuel N. Rowe, Jr., Supervisor, Town of Hancock
F. Gerald Mackin, Town of Hancock Representative to the UDC
Jim Serio, Town of Hancock Alternate Representative to UDC
James Greier, Supervisor, Town of Fremont and Alternate Representative to UDC
Jack Niflot, Town of Fremont Representative to UDC
Carol Collier, DRBC Executive Director and Representative to the UDC
Bill Rudge, NYS DEC - Region 3 and Representative to the UDC
Donald Slingerland, Fisheries Manager, NYS DEC - Region 4
Wayne Reynolds, Commissioner, Delaware County Public Works Department
Nicole Franzese, Director, Delaware County Planning Department
Alan Sorensen, Commissioner, Sullivan County Dept. of Planning &
Economic Development
David Forney, Superintendent, National Park Service - UPDE
file

617 Rock Valley Road
Long Eddy, New York 12760

March 10, 2003

Robert C. Johnson, P.E.
Acting Chief, Planning Division
Department of the Army
Philadelphia District Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, Pennsylvania 19107

Re: Basket Creek Stream Bank Stabilization Project

Dear Mr. Johnson:

I understand that your office is preparing an Environmental Assessment (EA) for a proposed stream bank stabilization project on Basket Brook along County Route 28 in Delaware County, New York (the "Project"). I live on County Route 28, not more than a quarter of a mile from the site of the Project. On behalf of the surrounding community, I would like to share with you some of our concerns relating to the Project.

1. The Brook. As you know, the Basket Brook is a federally-protected trout stream, and is one of the streams that feeds into the Delaware River. In the Spring, rainbow trout come upstream to spawn in the Basket Brook, while brown trout do the same in the Fall. We would, therefore, like some assurance that the Project if approved will take into account the spawning seasons of these trout.

We are very concerned that the Project calls for the replacement of bluestone with cement slabs salvaged from a State highway site. We are worried that these salvaged cement slabs will damage the pristine brook, together with the fish that reside there. We understand that such salvaged slabs may contain contaminants, such as oil, tar and other chemicals, which may leech into the Basket Brook over time. If this were to happen, it could have quite a deleterious effect on the environment.

2. The Wall. The bluestone wall that the County proposes to demolish is known in the community as the Rotzler Wall, named after Donald Rotzler, the local man responsible for designing and supervising the construction of the wall in the early 1930s. We believe the Rotzler Wall was financed by the Works Progress Administration, which was responsible for funding many of the highway projects in the area during the 1930s. The stone used to construct the Rotzler Wall came from local bluestone quarries. Bluestone, as you may know, is indigenous to the region, and is an important element of the area's

Mr. Robert C. Johnson, P.E.
March 10, 2003
Page 2

cultural heritage. We are hoping to be able to secure formal landmark status for the Rotzler Wall in order to help prevent its demolition.

Because the community values the Rotzler Wall as a cultural resource, we have made plain to the County our opposition to a plan that calls for demolition of the bluestone wall and its replacement with salvaged concrete slabs. We continue to engage in advocacy around this important issue.

3. Transportation Concerns. We understand that the Project at present calls for the total closure of County Route 28 for the duration of the Project. The Community is very concerned about the prospect of a prolonged road closure. County Route 28 is a main artery in the area, and its closure for any prolonged period of time will create significant safety issues for area residents. Emergency vehicles will be unable to access affected homes and businesses, school bus routes will be disrupted, and local businesses will suffer economically as a result of the closure of County Route 28. We are very concerned about the detour route that is being proposed during closure of County Route 28. The Klondike Road, a steep, narrow and winding gravel road, will simply be unable to handle the increased traffic, and, more importantly, will be unable to accommodate emergency vehicles that would be required to use that route.

Closure of County Route 28 could prove to be nothing short of disastrous for area residents.

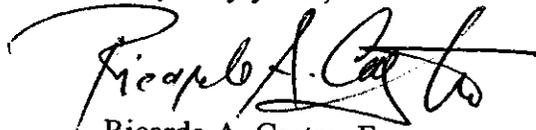
4. An Alternative Plan. Because of the various concerns outlined above, members of the community retained a civil engineer to determine whether there are any possible alternatives to the Project as proposed by the County. Specifically, we asked the engineer to determine whether it would be possible just to repair the two portions of the Rotzler Wall that are buckling, while leaving the remainder of the wall in its current intact state. We also asked the engineer whether one-lane traffic could be maintained during the work and whether the work could be done more cheaply than the Project proposed by the County. Our engineer, Mr. Henry Illing, P.E., devised a plan that would accomplish all of these goals. By using a system of tie-back anchors, Mr. Illing concluded that it would be possible to repair the buckled parts of the wall, while leaving the remaining portions of the wall alone. With the exception of brief periods during the work, Mr. Illing believes that one-lane traffic can be maintained.

The County disagrees with Mr. Illing's plan, and, unfortunately, has declined our invitation to adopt a plan that is more in line with the plan devised by Mr. Illing. We would be happy to share with you the plans drawn up by Mr. Illing.

Mr. Robert C. Johnson, P.E.
March 10, 2003
Page 3

I hope that knowledge of our concerns will assist your office in preparing its EA. I am available to supply any additional information you may require regarding this matter. I may be reached during office hours at (212) 548-0149.

Very truly yours,



Ricardo A. Castro, Esq.

cc: Gregory Wacik
Dave Soete,
Upper Delaware Council

Appendix D
Public Notice, Draft Environmental Assessment
Comments, and Responses

THIS IS NOT A PAID ADVERTISEMENT



**US Army Corps
of Engineers**

Philadelphia District

Public Notice

Public Notice No.

CENAP-PL-E-03-03

Date

02 July 2003

Internet Homepage <http://www.nap.usace.army.mil>

In Reply Refer to: Environmental Resources Branch

NOTICE IS HEREBY GIVEN, that the Philadelphia District, U.S. Army Corps of Engineers in cooperation with the Delaware County Department of Public Works, proposes to conduct a stream bank stabilization project along North Branch Basket Creek and Delaware County Route 28 near Hancock in Delaware County, New York (Figure 1).

The project is authorized under Section 14 (Emergency Streambank and Shoreline Erosion Protection) of the 1946 Flood Control Act, as amended. The Corps of Engineers has the authority, provided under Section 14, to construct bank protection works to protect endangered highways, highway bridge approaches, and other essential and important public works. The U.S. Army Corps of Engineers, under this authority, will conduct a replacement of the Route 28 retaining wall on North Branch Basket Creek.

The project involves the complete removal of a 600-foot long dry-laid stone retaining wall, the adjacent existing roadbed and embankment, and construction of a new roadbed and retaining wall using a post and panel structure. Monitoring of the existing retaining wall has lead to the conclusion that imminent failure is expected and long-term repair or replacement is needed. The retaining wall is utilized for support of Delaware County Route 28 along North Branch Basket Creek. Steel support frames have been installed at two main bulges in the wall by the Delaware County Department of Public Works to provide temporary protection against wall failure and potential road collapse (Figures 2 and 3). The project will require dewatering of a portion of the stream during the construction period. No long-term manipulation of flow will occur. The stream will be returned to its current configuration upon completion of the project. No construction equipment shall be placed in the stream.

A Draft Environmental Assessment has been prepared which evaluates the potential environmental impacts associated with the proposed project. The Environmental Assessment was prepared in accordance with the provisions of the National Environmental Policy Act of 1969, as amended. Potential impacts were assessed with regard to the physical, chemical, and biological characteristics of the aquatic and terrestrial ecosystem, endangered and threatened species, hazardous and toxic materials,

aesthetics and recreation, cultural resources, and the general needs and welfare of the public.

Several alternatives were investigated in regard to rebuilding or replacing the existing wall. These include no action; rebuilding the existing wall "as is"; replacing the existing wall with a geosynthetic reinforced earth structure; replacing the existing wall with sheet piling; replacing the existing wall with reinforced concrete; brace, push and anchor the existing wall; and replacing the existing wall with a post and panel structure. Construction feasibility and project cost evaluations resulted in the removal of all but one alternative, the post and panel structure.

All practicable means to avoid or minimize adverse environmental effects are incorporated into the selected plan. The project is being coordinated with the following Federal and State agencies: U.S. Environmental Protection Agency; Department of the Interior, U.S. Fish and Wildlife Service and National Park Service; Delaware County Soil and Water Conservation District; New York State Office of Parks, Recreation and Historic Preservation; and New York State Department of Environmental Conservation.

The Draft Environmental Assessment has shown that the proposed activity is not likely to jeopardize the continued existence of any species or the critical habitat of any fish, wildlife or plant, which is designated as endangered or threatened pursuant to Section 7 of the Endangered Species Act, as amended.

To comply with Section 404 (b)(1) of the Clean Water Act, an impacts analysis has been performed. In accordance with Section 404 of the Clean Water Act, no negative impacts are anticipated to waters of the United States.

The State of New York requires a water quality certification for any work, which may affect water or waterways in the state. The water quality certification for this action has been received from the New York State Department of Environmental Conservation. An approved erosion and sediment control plan will be secured prior to construction activities commencing.

In accordance with guidelines established under Section 106 of the National Historic Preservation Act of 1966, as amended, the New York State Office of Parks, Recreation and Historic Preservation has reviewed the proposed project. They are of the opinion that the proposed project will have no effect on historic resources in the area.

The decision whether to accomplish the work proposed in this public notice will be based on an evaluation of the probable impact of the proposed work on the public interest. The decision will reflect the national concern for the protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonable foreseeable detriments. All factors, which may be relevant to the proposal, will be considered. Among those are conservation, aesthetics, fish and wildlife, general environmental concerns, economics,

historic values, energy needs, recreation, safety, water quality, food production, and in general, the needs and welfare of the people. The work will not be accomplished unless it is found to be in the public interest.

The public and all agencies are invited to comment on this proposal. Copies of the Draft Environmental Assessment are available upon request by calling (215) 656-6561. The public notice is available for review on the Philadelphia District web page at www.nap.usace.army.mil. Any person may request, in writing, to the District Engineer, within the comment period specified in this notice (**02 July through 01 August**) that a public hearing be held to consider this proposal. Requests for a public hearing shall state, in detail, the reasons for holding a public hearing.

All comments on the work described in this public notice and/or in the Draft Environmental Assessment should be directed to Mr. Minas M. Arabatzis, ATTN: Environmental Resources Branch, U.S. Army Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390 by **01 August 2003**.



Minas M. Arabatzis
Chief, Planning Division
Philadelphia District
U.S. Army Corps of Engineers



FIGURE 1

**Basket Creek Stream Bank Stabilization Project
Location in
Delaware County, New York**

Source: Horton, NY 1986 USGS 7.5 Minute Topographic map



**US Army Corps
of Engineers**

Philadelphia District



Figure 2. Photograph of the retaining wall facing downstream on North Branch Basket Creek.

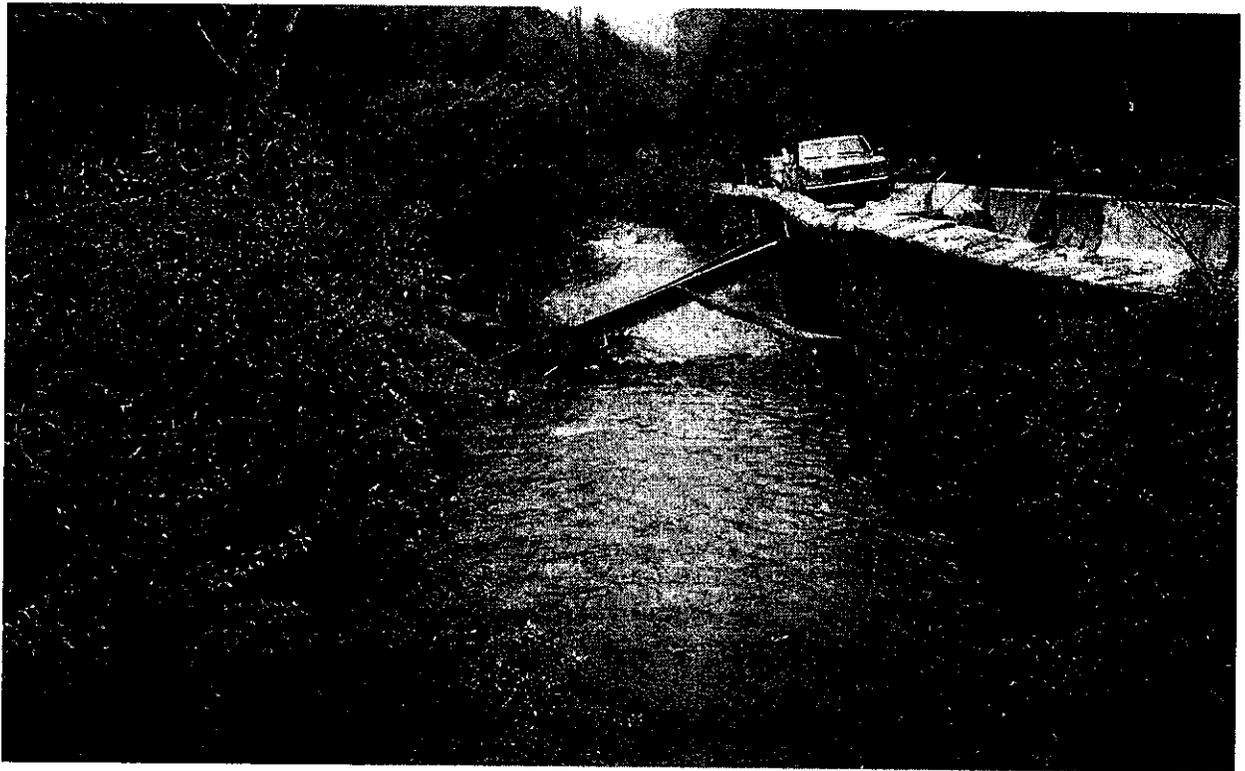


Figure 3. Photograph of the retaining wall facing downstream on North Branch Basket Creek.

U.S. ARMY CORPS OF ENGINEERS
PHILADELPHIA DISTRICT
WANAMAKER BUILDING
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3390

Mr. Dave Soete
Upper Delaware Council
P.O. Box 192
211 Bridge Street
Narrowsburg, New York 12764-0192

Mr. Michael Reuber
Upper Delaware Scenic and Recreational River
R.R.2, P.O. Box 2428
Beach Lake, Pennsylvania 18404

Mr. Mike Stoll
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, New York 13045

Mr. Alex Chmielewski
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, New York 13045

Ms. Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi-Media
Programs Branch
USEPA, Region II
290 Broadway
New York, New York 10007-1866

Mr. Robert L. Limbeck
Environmental Scientist
Delaware River Basin Commission
P.O. Box 7360
25 Sate Police Drive
West Trenton, New Jersey 08628-0360

Mr. Mike Clifford
Delaware County SWCD
44 West Street, Suite 1
Walton, New York 13856

Mr. John Feltman
NYSDEC, Region 4
65561 State Highway 10
Suite 1
Stamford, New York 12167

Mr. Kenneth Markunas
New York State Office of Parks
Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

Mr. Ricardo A. Castro, Esq.
617 Rock Valley Road
Long Eddy, New York 12760



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1966

JUL 23 2003

Minas M. Arabatzis, Chief
Planning Division
Department of Army
Philadelphia Division, Corps of Engineers
Wanamaker Building, 100 Penn Square East
Philadelphia, PA 19107-3390

Dear Mr. Arabatzis:

The Environmental Protection Agency (EPA) has reviewed the draft environmental assessment (EA) for the proposed Streambank Stabilization Project on North Branch Basket Creek along County Route 28 in Delaware County, New York. The purpose of the proposed project is to replace, in-kind, an existing stone wall with a post and panel wall. The project would involve the complete removal of a dry-laid stone retaining wall and adjacent existing roadbed embankment and the construction of a new retaining wall and roadbed.

Based on our review of the draft EA, EPA does not anticipate that the proposed project would lead to significant adverse environmental impacts. Accordingly, EPA has no objections to the implementation of the proposed project.

Thank you for the opportunity to comment. Should you have any questions concerning this letter, please contact Mark Westrate of my staff at (212) 637-3789.

Sincerely yours,

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

Corps Response:

- **No Response Necessary**

Faxed 8/6/03



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

August 4, 2003



Mr. Minas M. Arabatzis
Chief, Planning Division
U.S. Army Corps of Engineers
Philadelphia District
Wanamaker Bldg., 100 Penn Square East
Philadelphia, PA 19107-3391

Attention: Greg Wacik

Dear Mr. Arabatzis:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Assessment (EA) for the Basket Creek Stream Bank Stabilization Project dated June 2003. The U.S. Army Corps of Engineers (Corps) and the Delaware County Department of Public Works are co-sponsoring the replacement of approximately 600 feet of an existing stone wall adjacent to Basket Creek in the Town of Hancock, Delaware County, New York. The stone wall would be replaced with a post and panel wall.

This is the report submitted by the Service and the Department of the Interior pursuant to, and in accordance with, provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

In general, the Service recommends against "hard stabilization" of stream banks in favor of biotechnical erosion control or a more natural stream channel design. We recognize that there is very little room to work between the stream bank and the adjacent slope and that the stream is already armored. The EA states that the New York State Department of Environmental Conservation (NYSDEC) performed a site assessment and concluded that erosion of the bank opposite the stone wall was not a serious problem and habitat enhancements were not necessary. We are still concerned about increasing the erosive stresses on the bank opposite the wall and recommend that the Corps ensure that the relative roughness (Manning's n) of the post and panel wall does not differ from the existing wall. If the relative roughness is significantly different, some structures such as check dams or rock vanes, if properly installed, would help reduce pressure on the banks, increase stream stability and life of the new wall, and provide some aquatic habitat.

We support the June 1 to September 30 construction window proposed by the NYSDEC to minimize project impacts on spawning fish species. We also support the Corps' proposal to do the work "in the dry".

We hope these comments are useful in your project evaluation. Please contact Alex Chmielewski at 607-753-9334 if there are any questions regarding this letter.

Sincerely,

David A. Stilwell
Field Supervisor

cc: NYSDEC, Stamford, NY (Env. Permits)
EPA, Chief, Water Programs Division, New York, NY

Corps Response:

- Overall channel roughness will not change with a change in wall surface. The majority of the channel is not in contact with the wall and bed roughness will not be changed. There may be a slight increase in velocities immediately adjacent to the new wall; however, they will still be less than mid-channel velocities. The relative roughness between the existing and new wall are not believed to be significant.



617 Rock Valley Road
Long Eddy, New York 12760

July 22, 2003

VIA FEDERAL EXPRESS

Minas M. Arabatzis
Chief, Planning Division
Department of the Army
Philadelphia District, Corps of Engineers
Wanamaker Building, 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

Re: North Branch Basket Creek Stream Bank Stabilization Project

Dear Mr. Arabatzis:

I am in receipt of your letter of June 30, 2003, accompanied by your office's Draft Environmental Assessment for the North Branch Basket Creek Stream Bank Stabilization Project (the "Project"). I am submitting the comments below within thirty days of receipt of your letter, as required.

As I explained in my letter of March 10, 2003, addressed to then-Acting Chief Robert C. Johnson, we continue to be very concerned about the impact of the Project on the local community. We were sorely disappointed to learn that the Army Corps of Engineers has adopted wholesale the "post and panel" solution long advocated by Delaware County's Department of Public Works. We continue to question the need to remove the Rotzler Wall and replace the entire road bed.

We object to demolition of the Rotzler Wall for reasons I explained in my earlier letter: the structure is of historic value to many members of the community and is worthy of restoration. The County - and now your office - continues to rely on a No Adverse Effect letter from the New York State Office of Parks, Recreation and Historic Preservation, which is dated *November 6, 2001*. In my last communication with Ms. Kathleen LaFrank of that office, she indicated a willingness on her office's part to consider further evidence about the historical value of the Rotzler Wall in order to determine whether it could be made eligible for historical landmark status. We have already supplied some documentation to Ms. LaFrank, and we are actively seeking additional documentation to support the Rotzler Wall's classification as a landmark. For instance, we are attempting to verify whether construction of the Wall was funded by the Works Progress Administration, a fact for which we only have anecdotal evidence at this point but which Ms. LaFrank indicated would be supportive of landmark status. By relying on a No Adverse Effect letter issued in November, 2001, you diminish the ongoing efforts of the community to obtain landmark status for the Wall.

Mr. Minas Arabatzis
July 21, 2003
Page 2

We find extremely alarming what is said in the Draft Environmental Assessment about the potential road closure during the construction period. Specifically, we find most troubling what is contained in paragraph 5.14.1 of the Draft Environmental Assessment, which indicates that the Army Corps of Engineers prefers a detour route of approximately 35.2 miles over two other detour routes of significantly shorter length. The community will simply not accept a detour route of the type preferred by the Army Corps of Engineers. Frankly, it is an outrage that the Draft Environmental Assessment would even include such a detour route as an option, as it is utterly unrealistic to suppose that members of this community will accept a detour of this sort for any duration of time. This is the one issue around which the entire community will rally in fierce opposition.

We also find troubling that you relied on average daily traffic counts recorded in 1997. The traffic levels on County Route 28 are undoubtedly higher now (six years later), and thus the number of people inconvenienced by the potential road closure must also be greater. Our understanding was that the County was going to record traffic counts anew, in order to determine current levels. We question why this has not been done.

We have the following specific questions upon reading the Draft Environmental Assessment:

- What portion of the Project will be paid by the Army Corps of Engineers?
- What portion of the Project will be paid by the County?
- Have funds already been allocated by both for this Project?
- When do you anticipate that the Project will begin?
- Are final plans now available for the Project? If so, may we obtain a copy of same?
- How long will the overall Project take from beginning to end?
- The Assessment refers to use of both adjacent banks during construction. How do you anticipate using Mr. Hoiby's property?
- Who will seek needed permissions from Mr. Hoiby for use of his property during construction? The County? The Army Corps of Engineers?
- Would you kindly explain what "access restrictions to County Route 28 and the nearby private residence are expected during the construction period [page 14]?"
- During what portions of the construction period will the road be closed?
- How much is currently being budgeted to be spent to prepare the detour route that will be used?
- Would you kindly clarify each of the potential detour routes? The current descriptions are rather unclear.



Mr. Minas M. Amatzis
July 21, 2003
Page 3

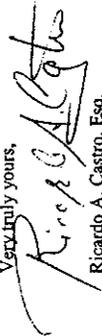
- May we please have detailed cost estimate breakdowns for the "post and panel" solution (\$640,000) and the "wall rebuilding" solution (\$780,000)?
- How will the Project be bid out?
- Who is anticipated to do the work? The County? Contractors?
- The permit granted by the New York State Department of Environmental Conservation expires on September 30, 2003. When will you or the County re-apply for an extension of that permit? May we please see evidence of such re-application when it is submitted?

These are our primary comments and questions based on our initial reading of the Draft Environmental Assessment.

We would like at this time to request that the Army Corps of Engineers and the Delaware County Department of Public Works jointly convene a Special Meeting to enable the public to hear directly from you regarding any final plan that is devised for the Project. The County represented at the Special Meeting in March that a further meeting would be convened once a final plan was available. The community expressed great interest in such a meeting at that time, and area residents are particularly interested in learning more about any proposed detour route.

We thank you for the opportunity to comment on the Draft Environmental Assessment, and we look forward to your reply.

Very truly yours,



Ricardo A. Castro, Esq.

cc: Gregory Wacik
Wayne D. Reynolds
Phillip C. Pierre, P.E.
Lee Hoiby
Sam Rowe

Corps Response:



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3391

UNITED STATES OF AMERICA

Planning Division

OCT 14 2003

Mr. Ricardo A. Castro, Esq.
617 Rock Valley Road
Long Eddy, New York 12760

Dear Mr. Castro:

This is in reply to your letter of July 22, 2003 in response to Public Notice CENAP-PL-E-03-03 dated July 2, 2003 concerning the replacement of the wall on Delaware County Route 28 along the North Branch of Basket Creek. We have reviewed your comments enclosed in your letter and offer the following responses.

Based upon our engineering and environmental review, the Corps has accepted the County's proposed wall as the National Economic Development (NED) plan as well as the sponsor's locally preferred plan. This was done so the Environmental Assessment of all alternatives reflects a selected plan allowing Federal participation through our Section 14 program authority with local sponsor cost sharing.

The need to remove the Rotzler Wall and replace the roadbed are purely engineering decisions until or unless the New York State Historic Preservation Office were to change its decision on the historical status of the wall. Pending any change to their previous findings, we will continue to rely on their November 6, 2001 letter.

The detour route used by the Corps in the Draft Environmental Assessment was selected for reasons of economic analysis only. It is meant to reflect the fact that closing the road and using comparable routes would result in a 35 mile detour reflecting the economic benefits that County Route 28 provides. The need to close the road during construction will be more properly and accurately addressed during preparation of plans and specifications for construction once we have received project approval from our higher headquarters. Delaware County Department of Public Works has informed us that daily traffic counts are currently 221 in comparison to 177 in 1997.

The Corps' Section 14 Authority allows us to provide 65% of total project costs subject to a \$1 million Federal cap on individual projects. The County will be responsible for 35% of total project costs excluding the first \$40,000 in the planning and design analysis phase. At this point in time, Federal expenditures in this project are approximately \$103,500 of which \$63,500 is subject to cost sharing should the project proceed to the construction phase. We do not know what the County has allocated for this project.

We anticipate initiating construction in the Spring of 2004 to meet New York State Department of Environmental Conservation restrictions on in-stream work during summer



Corps Response Continued:

-2-

months only. Currently, we estimate construction start in April 2004 and completion in October 2004.

Final plans will not be available until after project approval and a construction commitment from our higher headquarters which we anticipate by late fall or early winter.

Access to Mr. Hoiby's property should only be required for temporary stream diversion and access bridge reconstruction. All other work would be done in the road right of way. The County, as the local sponsor for the project is required to furnish all real estate needed for the construction work.

Access restrictions to the road and residence will only be in place as required for safety and construction efficiency. Upgrading any proposed detour route will be the responsibility of Delaware County as a required real estate item of local cooperation.

Estimates of construction cost have been based on information provided by the County. You should contact them for the detailed breakdown since an independent government estimate (IGE) will not be prepared until approval to initiate the construction phase (plans and specifications) is received.

Our normal procedure is the preparation and advertisement of plans and specifications for a thirty day period and the subsequent bid opening and evaluation of bids from qualified construction contractors in private industry.

Since the County obtained the original New York State Department of Environmental Conservation permit, they will file for an extension or renewal of that permit.

In lieu of a Public Meeting to discuss previously identified issues, we invite yourself and other interested parties to meet with us and discuss the project if you so desire. As reflected in our responses above, we have limited use of our resources for detailed engineering of the project pending approval to proceed to the construction phase. Once in that phase final plans and specifications can properly address project issues and concerns.

Sincerely,



Minas M. Arabatzis
Chief, Planning Division

