



## ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

December 5, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior. Distribution Engineer

A handwritten signature in dark ink, appearing to read "MJQ", is written over the name Michael J. Quinn.

Subject: Contract MP-088 - Sturgeon Point Washwater Tank Replacement (PN 202100111)  
Contract MP-090 – Sturgeon Point Filtration System Improvements (PN 202200014)  
SEQRA Lead Agency Designation and Coordinated Review

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On June 18, 2020 and December 22, 2021, the Erie County Water Authority (the Authority) executed agreements with Arcadis of New York, Inc. (Arcadis) for the design of the a replacement for the Washwater Tank and for the design of improvements to the filtration system respectively both at the Sturgeon Point Water Treatment Plant (the Projects).

Due to the scope of the Projects, the Authority's Engineering and Legal Departments believe that the projects are subject to review under the New York State Environmental Quality Review Act (SEQRA). Furthermore, the interrelationship and construction sequence of both projects suggests that it is appropriate to handle the SEQRA process as one action. Recognizing the need for certain expertise in the area of the SEQRA regulations, the Authority requested input on the SEQRA process from Harris Beach. The Authority Engineering Staff and Harris Beach have thoroughly reviewed the Project specifics, including the attached Full Environmental Assessment Form (FEAF) prepared by Arcadis, and determined that the Project should be appropriately designated as an Unlisted Action, as defined under SEQRA. As an Unlisted Action, the Project is subject to further review under SEQRA.

Given the fact that the Project has been identified as an Unlisted Action under SEQRA, it is the opinion of the Engineering Department, Harris Beach and Arcadis that the Authority declare itself Lead Agency, as defined under SEQRA, and conduct a coordinated review of the Project thereby seeking input from various other Involved and Interested Agencies (as identified below). It is anticipated that the proposed project may require discretionary approvals and/or permits from the following entities and as such they are considered Involved Agencies, as defined under SEQRA.

- The United States Army Corps of Engineers (USACE);
- The New York State Department of Environmental Conservation (NYS DEC);
- The New York State Department of State, the New York State Department of Health; and
- The Town of Evans.

Therefore, it is recommended that the Board Authorize the Executive Engineer to sign Part 1 of the FEAF on behalf Authority, initiate activity to ultimately declare the Authority to act as Lead Agency, with respect to the Project, under SEQRA and begin the coordinated review process. Moving forward, under the coordinated review process, it will be the Authority's responsibility to submit the design documents along with the FEAF to the Involved Agencies. The Involved Agencies will be requested to submit comments within thirty (30) days, and assuming no Involved Agency otherwise indicates a desire to act as Lead Agency in place of the Authority, the Authority will then be cleared to name itself Lead Agency and to continue its review of the Project. The Authority will review and address any comments submitted by the designated agencies. The Authority will then, at a subsequent meeting, declare the Authority to be Lead Agency and make a determination of significance under SEQRA. This determination will render the Authority's decision relative to the environmental impact of the project.

MJQ:jmf

Attachments

cc: R.Stoll

L.Kowalski

M.Wymer

CONT-MP-088-2101-X-30-2

CONT-MP-090-2201-X-30-2

ERIE COUNTY WATER AUTHORITY  
AUTHORIZATION FORM  
For Approval/Execution of Documents  
(check which apply)

**Contract:** MP-088 & MP-090 **Project No.:** 202100111 & 202200014  
**Project Description:** Sturgeon Point WTP Washwater Tank Replacement (MP-088) and  
Sturgeon Point Filtration System Improvements (MP-090)

**Item Description:**




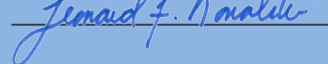

- |   |  |   |                                       |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement  | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment          | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD  | <input type="checkbox"/> NYSDOT Agreement              | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum     |
| <input type="checkbox"/> Recommendation for Award of Contract   | <input type="checkbox"/> Recommendation to Reject Bids |   |                                       |
| <input type="checkbox"/> Request for Proposals  |  |   |                                       |
| <input checked="" type="checkbox"/> Other <u>SEQRA Lead Agency Designation and Coordinated Review</u> |  |   |                                       |

**Action Requested:**

- |   |  |
|---|--|
| <input type="checkbox"/> Board Authorization to Execute   | <input type="checkbox"/> Legal Approval                              |
| <input type="checkbox"/> Board Authorization to Award   | <input type="checkbox"/> Execution by the Chairman                   |
| <input type="checkbox"/> Board Authorization to Advertise for Bids  | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals   |  |
| <input checked="" type="checkbox"/> Other <u>Resolution for Adopting a SEQRA Lead Agency Designation &amp; Coordinated Review</u> |  |

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input checked="" type="checkbox"/> Sr. Distribution Engineer		Date: <u>12/5/2022</u>
<input checked="" type="checkbox"/> Sr. Production Engineer		Date: <u>12/5/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>12/5/2022</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>12/05/2022</u>
<input type="checkbox"/> Director of Administration		Date: _____
<input type="checkbox"/> Chief Financial Officer		Date: _____
<input checked="" type="checkbox"/> Legal		Date: <u>12/5/2022</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>12/5/2022</u>
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**Remarks:** \_\_\_\_\_  
\_\_\_\_\_

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

Erie County Water Authority  
Sturgeon Point Water Treatment Plant MP-88/MP-90 Project

Arcadis of New York, Inc.  
50 Fountain Plaza  
Suite 600  
Buffalo  
New York 14202  
Tel 716 667 0900  
Fax 716 842 2612  
www.arcadis.com

Subject:

MP-88/MP-90: Sturgeon Point Water Treatment Plant Washwater Tank  
Bypass and Filtration Piping, Valve, and Underdrain System Improvements  
State Environmental Quality Review Act  
SEQR Unlisted Action Coordinated Review

WATER BUSINESS LINE

Date:  
November 29, 2022

Dear Recipient,

Contact:  
Dan Seider, PE

The Erie County Water Authority (ECWA) owns and operates the Sturgeon Point Water Treatment Plant (STP WTP) located in Derby, New York, and is pursuing the design and construction of several on-site improvements and/or upgrades to the STP WTP to ensure the continued reliability of the safe treatment and distribution of clean water. These on-site improvements and or upgrades include:

Phone:  
716-667-6670

Email:  
Daniel.Seider@arcadis.com

Our ref:  
30041729

- Construction of a replacement/redundant washwater tank to facilitate rehabilitation of the existing elevated backwash water tank, and to provide a redundant backwash system
- Filter underdrain replacement
- Backwash system improvements, including the addition of air scour, to improve backwash efficacy and system reliability and resiliency
- Replacement of filter valves to provide improved reliability
- Filter-to-Waste (FTW) system improvements to provide an air gap for the system and greater FTW capacity, as requested by the Erie County Department of Health
- Sodium Bisulfate Feed Improvements
- Installation of new dehumidification equipment and improvements to the HVAC system to minimize piping condensation and corrosion and minimize corrosion of electrical and instrumentation components
- Installation of new electrical equipment and improvement to the existing system to provide enhanced power resiliency for the Main Control Building.

The project site would be located entirely within the confines of the ECWA property boundaries. It is anticipated that the area associated with all project activities, including site access and contractor trailer and construction equipment staging areas would be approximately 6 acres within the overall ECWA 113-acre ECWA parcel property boundary. The existing entrance to the ECWA property and the existing internal site access driveway would be utilized for all personnel and construction vehicles associated with



MP-88/MP-90: Sturgeon Point Water Treatment Plant Washwater Tank Bypass and Filtration Piping,  
Valve, and Underdrain System Improvements  
State Environmental Quality Review Act

the project. The potential for environmental and community impacts associated with the proposed project would be assessed within the area located within a 200-foot buffer imposed on the project site/anticipated limits of disturbance associated with all project activities. The area contained within the 200-foot buffer is anticipated to adequately encompass the locations of all work associated with implementation of the proposed project. The work is scheduled to be completed by July 2026 and will provide increased reliability and stability of the safe treatment and distribution of clean water at the ECWA STP WTP. ECWA has determined that this project is a State Environmental Quality Review Act (SEQR) Unlisted Action.

It is anticipated that the proposed project may require discretionary approvals and/or permits from the United States Army Corps of Engineers (USACE), the New York State Department of Environmental Conservation (NYS DEC), the New York State Department of State, the New York State Department of Health, and the Town of Evans.

The U.S. Environmental Protection Agency (USEPA) Water Infrastructure Finance and Innovation Act (WIFIA) will partially fund this proposed project scope. Therefore, this project is subject to review under the National Environmental Policy Act (NEPA). ECWA, in coordination with WIFIA, has received a Categorical Exclusion Determination (CATEX) for the project scope in which USEPA found that the proposed action will not involve any of the extraordinary circumstances delineated under 40 CFR §6.204(b)(1) through (b)(10). Consequently, an environmental impact statement or an environmental assessment was not required under NEPA.

In accordance with SEQR and its implementing regulations as set forth in 6 NYCRR Part 617, ECWA believes it is the appropriate Lead Agency and assumes responsibility for conducting a Coordinated Review for the above-referenced project. Your agency's feedback regarding the SEQR review of this proposed project and/or any objection to ECWA assuming the position of Lead Agency in accordance with SEQR is kindly requested within 30 days from the receipt of this request.

Please send any comments or questions to Arcadis, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202 attention Dan Seider. Alternatively, comments can be e-mailed to [Daniel.Seider@arcadis.com](mailto:Daniel.Seider@arcadis.com).

Sincerely,



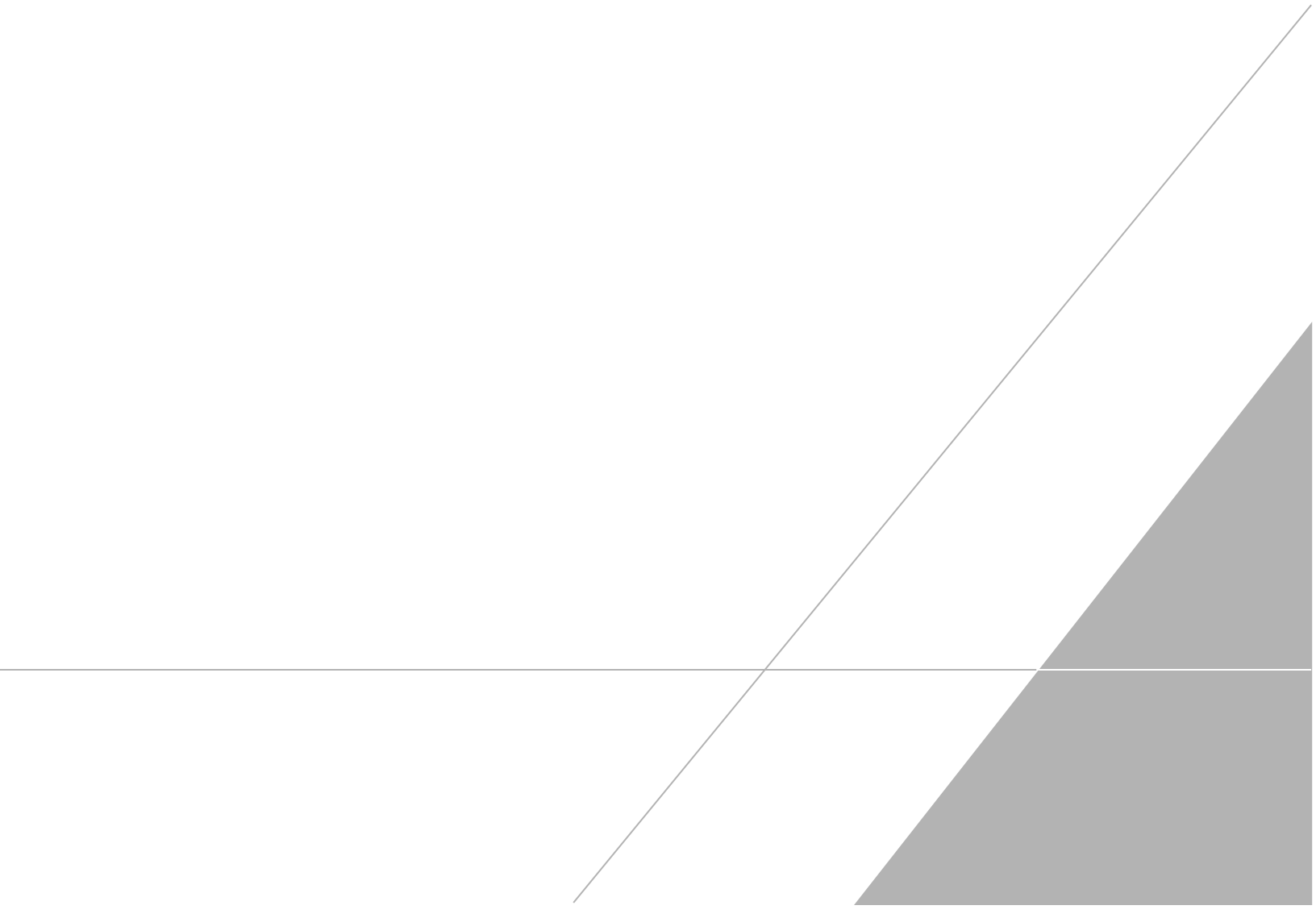
Dan Seider, PE  
Project Manager

Enclosures:

- 1 Attachment A – SEQR Full EAF Part 1
- 2 Attachment B – Site Photograph Log
- 3 Attachment C – Project Site Overview- Figure 1
- 4 Attachment D – Agency Correspondence

# ATTACHMENT A:

SEQR Full Environmental Assessment Form – Part 1



**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span> _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐  
 If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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*c.* Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

*iii.* Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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*d.* Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____            _____            _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):            _____            _____            _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____            _____            _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?            _____ Square feet or _____ acres (impervious surface)            _____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____            _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?            _____            _____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____              _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply):    <input type="checkbox"/> Morning        <input type="checkbox"/> Evening        <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces:    Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes    No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>l. Hours of operation. Answer all items which apply. Construction an operation may be required outside of the listed hours due to critical interconnections/ti-ins, or emergency work.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
     • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
     • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

<b>E.1. Land uses on and surrounding the project site</b>			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p><i>i. If Yes: explain:</i> _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p><i>i. Identify Facilities:</i></p> <p>_____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Dimensions of the dam and impoundment:</i></p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p><i>ii. Dam's existing hazard classification:</i> _____</p> <p><i>iii. Provide date and summarize results of last inspection:</i></p> <p>_____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Has the facility been formally closed?</i> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p><i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i></p> <p>_____</p> <p>_____</p> <p><i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i></p> <p>_____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p><i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____</p> <p>_____</p> <p><i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p><i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i></p> <p>_____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____  _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site </div>	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____ _____	
h. Surface water features. <div style="margin-top: 10px;"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. </div> <div style="margin-top: 5px;"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul> </div>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <div style="margin-top: 5px;"> i. Name of aquifer: _____ </div>	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### **F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### **G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	838-4
E.2.h.iv [Surface Water Features - Stream Classification]	B
E.2.h.iv [Surface Water Features - Lake/Pond Name]	839-3
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	A-S
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters



E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Lake Erie (Main Lake, North) – Pathogens;Priority Organics – Recreation;Fish Consumption;Public Bathing
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

# MP-88/MP-90: Sturgeon Point Water Treatment Plant Washwater Tank Bypass and Filtration Piping, Valve, and Underdrain System Improvements

Full Environmental Assessment Form Part 1, Section F

FEAF Section	Additional Information/Explanation
<b>C.2.b</b> <b>Adopted Land Use Plans</b>	<p>The project site has been identified as being located in the New York State Heritage Area called the West Erie Canal Corridor, which spans approximately 524 miles, in 23 counties across upstate New York. All work associated with this project scope will be confined within the property boundaries owned by ECWA and will not impact the Heritage Area within which the property is located.</p>
<b>D.1.c</b> <b>Is the proposed action an expansion of an existing project or use?</b>	<p>The proposed action is an expansion of the existing facility located on the project site and is not an expansion of the property itself. All work will be conducted within the existing ECWA property boundaries and will not encroach on adjacent or neighboring properties. No change in property use will result from the project scope.</p>
<b>D.2.b</b> <b>Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach, or adjacent area?</b>	<p>Aquatic resource delineations were completed at the STP WTP on December 30, 2021, and February 28, 2022, which identified two stream features (S1 and S2) and an associated wetland complex. Stream S1 corresponds with a mapped New York State Department of Environmental Conservation (NYSDEC) Class B stream that connects to Lake Erie and Stream S2 is an unmapped stream that flows into Stream S1 from the south. Both of these streams and the associated wetland complex are assumed to be under NYSDEC and the U.S. Army Corps of Engineers (USACE) jurisdiction. Most of the proposed work would avoid these streams and wetland complex; however, a storm sewer pipe is proposed to connect the Blower Building roof drains to Stream 1, and a washwater tank overflow channel will also drain to Stream 1. The STP WTP is located within the New York State coastal zone and is subject to New York State Department of State (NYSDOS) jurisdiction as well.</p>

FEAF Section	Additional Information/Explanation
	<p>It is anticipated that the project will require permits and approvals from the USACE, the NYSDEC, and the NYSDOS, due to the potential impact to Federal and State regulated aquatic resources. Consultations regarding required permitting are underway with NYSDEC, USACE, and NYSDOS. All work will be performed in accordance with permit conditions.</p> <p>In addition, the proposed riprap outlet will cause minimal disturbance to the wetlands and is expected to be covered under a USACE Nationwide Permit. However, all work associated with disturbance to wetlands and/or waterbodies will be conducted in accordance with obtained permits and approvals from USACE, NYSDEC, and NYSDOS, including mitigation measures, if required.</p>
<p><b>D.2.g</b></p> <p><b>Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?</b></p>	<p>It is anticipated that any new stationary emissions sources associated with operations would be registered, as required, and the existing facility permit would be modified to include any new stationary sources, as needed. No new registrations or air permits are expected to be associated with the project scope.</p>
<p><b>D.2.m</b></p> <p><b>Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?</b></p>	<p>The Town of Evans Noise Ordinance (Chapter 137) <sup>[1]</sup> was reviewed and contains restrictions specific to construction activities between the hours of 10:00pm and 7:00am, except in the case of an emergency or in the interest of public safety, with the permit of the Building Inspector.</p> <p>Construction will occur Monday-Friday from 7:00am-4:00pm only, with no construction activities occurring in the evenings, on weekends, or on holidays.</p> <p>The Erie County Water Authority (ECWA) standards for noise reduction state that contractor's vehicles and equipment shall be such as to minimize noise to the greatest degree practicable. In addition, noise levels shall conform to the latest OSHA standards and in no case will noise levels be permitted which interfere with the work of others. The implementation of any mitigation measures possible to reduce the amount of noise in the area will be considered during the design and construction phases.</p>

**D.2.p**

**Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?**

An above ground chemical storage building with a containment area below is proposed. Space is provided for three 275-gallon totes. All three totes will be used for chemical storage. Tote deliveries will be scheduled so that two empty totes will be removed and replaced while the third tote is in-service.

**D.2.r**

**Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?**

It is expected that there would be residual solid waste resulting from construction activities in the form of normal construction debris, which would be collected, hauled/transported offsite, and disposed of by the contractor in accordance with all applicable laws and regulations. No solid wastes are anticipated to be generated or disposed of as a result of operations.

**E.1.b**

**Land Uses and Land Cover Types**

Land uses and land cover types were considered within the LOD for this project. This FEAF was created using the New York State Department of Environmental Conservation (NYSDEC) EAF Mapper program. The EAF Mapper program places an automatic 500' buffer around regulated wetlands and waterbodies<sup>[4]</sup>, to ensure that these are considered during project assessment. During construction, stormwater Best Management Practices (BMPs) will serve to protect these surface water features from impacts associated with runoff from project activities.

**E.2.h**

**Surface Water Features**

As stated previously, aquatic resource delineations were completed at the STP WTP on December 30, 2021, and February 28, 2022, which identified two stream features (S1 and S2) and an associated wetland complex. Stream S1 corresponds with a mapped New York State Department of Environmental Conservation (NYSDEC) Class B stream that connects to Lake Erie and Stream S2 is an unmapped stream that flows into Stream S1 from the south. Both of these streams and the associated wetland complex are assumed to be under NYSDEC and the U.S. Army Corps of Engineers (USACE) jurisdiction. Most of the proposed work would avoid these streams and wetland complex; however, a storm sewer pipe is proposed to connect the Blower Building roof drains to Stream 1 and a washwater tank overflow channel will also drain to Stream 1. The STP WTP is located within the New York State coastal zone and is subject to NYSDOS jurisdiction.

It is anticipated that the project will require permits and approvals from the USACE, the NYSDEC, and the NYSDOS, due to the potential impact to Federal and State regulated aquatic resources. Consultations

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regarding required permitting are underway with NYSDEC, USACE, and NYSDOS. All work will be performed in accordance with permit conditions.

In addition, the proposed riprap outlet will cause minimal disturbance to the wetlands and is expected to be covered under a USACE Nationwide Permit. However, all work associated with disturbance to wetlands and/or waterbodies will be conducted in accordance with obtained permits and approvals from USACE, NYSDEC, and NYSDOS, including mitigation measures, if required.

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[1] <https://ecode360.com/7074175>

# ATTACHMENT B:

Site Photograph Log





## Project Photographs

Sturgeon Point WTP Washwater Tank  
Erie County Water Authority



**Photo:** 001

**Date:**  
07/28/2021

**Description:**  
WA-1W facing east

**Location:**  
Erie County Water Authority



**Photo:** 002

**Date:**  
07/28/2021

**Description:**  
WA-1UP facing south

**Location:**  
Erie County Water Authority



## Project Photographs

Sturgeon Point WTP Washwater Tank  
Erie County Water Authority



**Photo:** 003

**Date:**  
07/28/2021

**Description:**  
WB-1W facing west

**Location:**  
Erie County Water Authority



**Photo:** 004

**Date:**  
07/28/2021

**Description:**  
WB-1UP facing south

**Location:**  
Erie County Water Authority



## Project Photographs

Sturgeon Point WTP Washwater Tank  
Erie County Water Authority



**Photo:** 005

**Date:**  
07/28/2021

**Description:**  
WC-1W facing west

**Location:**  
Erie County Water Authority



**Photo:** 006

**Date:**  
07/28/2021

**Description:**  
WC-1UP facing east

**Location:**  
Erie County Water Authority



## Project Photographs

Sturgeon Point WTP Washwater Tank  
Erie County Water Authority



**Photo:** 007

**Date:**  
07/28/2021

**Description:**  
WC-1W facing west

**Location:**  
Erie County Water Authority



**Photo:** 008

**Date:**  
12/30/2021

**Description:**  
Wetland WD facing west

**Location:**  
Erie County Water Authority



## Project Photographs

Sturgeon Point WTP Washwater Tank  
Erie County Water Authority



**Photo:** 009

**Date:**  
12/30/2021

**Description:**  
Stream S1 inside wetland WD,  
facing northwest

**Location:**  
Erie County Water Authority



**Photo:** 010

**Date:**  
12/30/2021

**Description:**  
Confluence of stream S1  
(center) and S2 (right), facing  
east

**Location:**  
Erie County Water Authority



## Project Photographs

Sturgeon Point WTP Washwater Tank  
Erie County Water Authority



**Photo:** 011

**Date:**  
12/30/2021

**Description:**  
Stream S2 across, facing west

**Location:**  
Erie County Water Authority



**Photo:** 012

**Date:**  
12/30/2021

**Description:**  
Upland overview, wetland  
WD in the far left, facing  
northwest

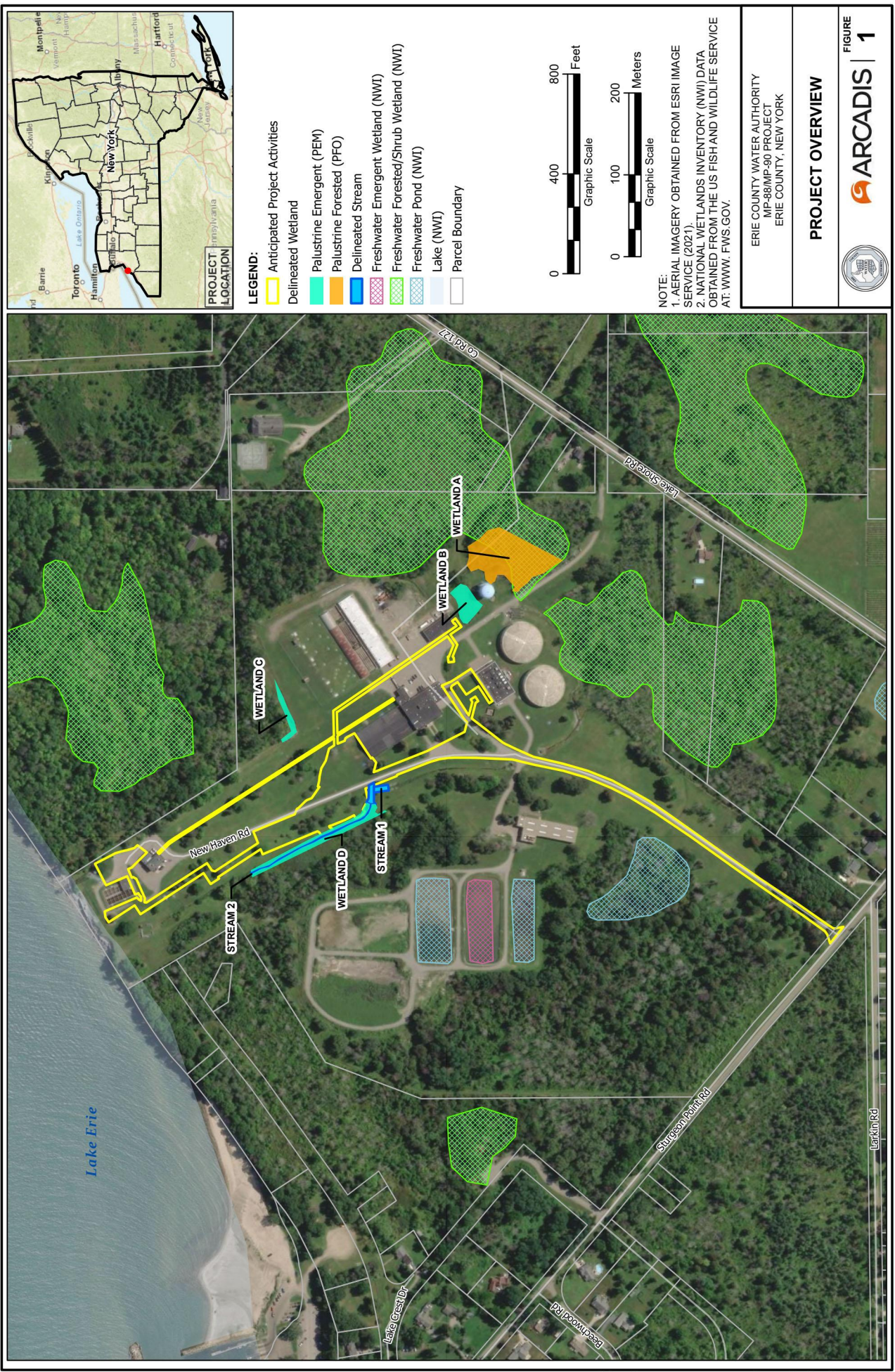
**Location:**  
Erie County Water Authority

# ATTACHMENT C:

Project Site Overview – Figure 1







# ATTACHMENT D:

Agency Correspondence







## Environmental Resource Mapper

Base Map: Satellite with Labels Using this map

Search

Tools

### Layers and Legend

☒ All Layers

☒ Unique Geological Features

☒ Waterbody Classifications for Rivers/Streams

☒ Waterbody Classifications for Lakes

☒ State Regulated Freshwater Wetlands  
(Outside of the Adirondack Park)

☒ State Regulated Wetland Checkzone

☒ Impaired Mussels

☒ Mussel Screening Ponded Waters

☒ Mussel Screening Streams

☒ Significant Natural Communities

☒ Natural Communities Near This Location

☒ Rare Plants or Animals

☒ Base Flood Elevation Plus 72/75 Inches Sea-level  
Rise

☒ Limit to Moderate Wave Action

Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts



-79.021, 42.687





**Department of  
Environmental  
Conservation**

## Request Natural Heritage Information

New York Natural Heritage makes its data available to inform biodiversity conservation, natural resource management, land protection, land use decisions, environmental assessment, and project review.

**Note that information regarding the locations of rare species is considered sensitive.** The distribution of information which identifies the locations of rare species or their habitats may lead to the collection or disturbance of the animals and plants at those locations. NYSDEC has the legal authority, under New York State Environmental Conservation Law, to restrict access to such information, and has adopted a policy regarding the release of information compiled by the New York Natural Heritage Program. Under this policy, the level of detail provided about the locations and identities of rare species may be limited in order to protect the sensitive resources.

- **Part I of an Environmental Assessment Form (EAF).** If you are completing Part 1 of either the Short Form EAF or Long Form EAF as part of the SEQR process, please see [Completing Part 1 of an Environmental Assessment Form](#) below.
- **Project Screening.** If you need information on the presence of rare or listed plants and animals or of significant natural communities that may be impacted by a proposed development, project, or activity, see [How to Obtain Information for a Project Site](#) below.
- **Other Uses.** If you would like to apply Natural Heritage information in any of the following activities, please contact NY Natural Heritage at [NaturalHeritage@dec.ny.gov](mailto:NaturalHeritage@dec.ny.gov) or (518) 402-8935 (and leave message).
  - municipal or regional planning
  - natural resource inventory or management
  - open space inventory or protection
  - environmental or biodiversity conservation
  - scientific research

## Completing Part 1 of an Environmental Assessment Form

If you are completing Part 1 of either the Short or Long Environmental Assessment Form (EAF), use the [EAF Mapper](#); see also [Using the EAF Mapper](#). This online tool will provide the answers to several of the questions in Part 1 of the EAF, including the questions about listed plants and animals and about significant natural communities. The answers provided by the EAF Mapper are sufficient to complete those questions in the EAF, and a request for information from the New York Natural Heritage Program is not required. If, however, you would like more information on the species and communities reported by the EAF Mapper:

- If the EAF Mapper reports any animals in the vicinity of your project site, contact the Permits staff at the appropriate NYSDEC Regional office for information about any permit considerations for the project or about potential impacts of the project on these species. (Contacting NY Natural Heritage is not necessary.)
- If the EAF Mapper reports any plants or natural communities, and if you would like more information, submit a request to NY Natural Heritage for a project screening (see [next section](#)).

## How to Obtain Information for a Project Site

The New York Natural Heritage Program will screen locations of proposed projects, activities, and SEQR-subject actions for any records in our database of rare plants and animals (both listed and unlisted) and of significant natural communities which are in the vicinity of the project or action and which may be impacted.

## Before requesting a Natural Heritage project screening

We recommend that you review your project site with the [Environmental Resource Mapper](#) (ERM), an online tool on the NYSDEC website.

- If your project site does not fall within an area displayed in the Rare Plants and Rare Animals layer or in the Significant Natural Communities layer, then New York Natural Heritage has no records to report in the vicinity of your project site. **Submitting a project screening request to NY Natural Heritage is not necessary.**
- If your project site falls within an area identified for a state-listed animal, and if you would like information about the specific species, about any permit considerations for the project, or about potential impacts of the project on listed species, contact the Permits staff at the NYSDEC Regional office for the Region where the project is located. (You can also use the [EAF Mapper](#) (see [section above](#)) to identify the particular species in the vicinity of the site.)
- If your project falls within an area identified for a plant, an unlisted animal, or a natural community, and if you would like more information than the ERM provides, submit a request to NY Natural Heritage for a project screening via our online Request Form or our dedicated e-mailbox. See [Instructions](#) below.

For a record of your results from the ERM, use the Identify Tool to click on your project location. Print or save the Identify Results window that opens.

## Instructions for requesting a project screening from NY Natural Heritage

To request a screening of a specific project site, please use our online [Project Screening Request Form](#) (link leaves DEC's website). This allows online submission of information requests. Instructions are at the top of the form.

Alternatively, you may submit your requests by email to our dedicated e-mailbox, [NaturalHeritage@dec.ny.gov](mailto:NaturalHeritage@dec.ny.gov).

**Include "info request" and the name of the project in the subject line.** Attach a map and include the following information in an attachment or in the body of the email:

- Why you need the information (e.g., SEQR review, environmental assessment for permit, planning board approval, management plan). If the proposed action is undergoing SEQR review, also include the name of the lead agency.
- Brief description of the proposed project or activity (e.g., residential development, bridge repair, cellular communications tower, landfill siting).
- Brief description of the current land use and habitats at the project site (e.g., wooded, agricultural, developed commercial).
- Name of counties and towns where the proposed project is located; also very helpful are the project site's street address and/or geographic coordinates (e.g., latitude and longitude) and/or tax parcel numbers.
- Map that includes labeled roads and other features, with the boundary of the proposed project clearly labeled, marked or highlighted. **Please do not send architectural or engineering drawings or photographs.**

We strongly encourage you to submit your request via our online form or by email as described above; however, if you are not able to use either of these two methods, we can accept requests mailed to the address below.

We strongly encourage you to submit your request during the early stages of a project.

Response time is 3-4 weeks from the date your request is received in our office. Projects extending over large areas or requiring more information may take longer. Requests are processed in the order in which they are received.

We provide a response by email to all information requests. Therefore, if you have not yet received a response, do not assume we have no data to report.

NY Natural Heritage Program - Information Services

NYS DEC

625 Broadway, 5th Floor

Albany, NY 12233-4757

Phone: (518) 402-8935 and leave message

Fax: (518) 402-8925



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)

In Reply Refer To:  
Project Code: 2023-0015363  
Project Name: Sturgeon Point Water Treatment Plant

November 14, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/eo-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

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Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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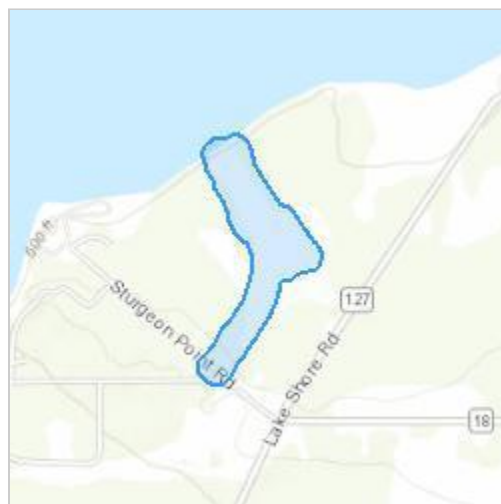
## Project Summary

Project Code: 2023-0015363  
Project Name: Sturgeon Point Water Treatment Plant  
Project Type: Water Supply Facility - Maintenance / Modification  
Project Description: The Erie County Water Authority Sturgeon Point Water Treatment Plant located at 722 Sturgeon Point Rd, Derby, NY 14047 is planning to improve and renovate the current facility. This project generally includes excavation and construction for a new washwater tank, Blower Building, Filter-to-Waste (FTW) system building expansion, storm sewer pipe, and overflow channel. The site's limits of disturbance is 5.7 acres with a 200 ft buffer. The attached shapefile indicates the LOD with the 200 ft buffer.

The project will construct a new concrete washwater tank near the existing washwater tank and a new Blower Building. Also, a new storm sewer pipe will connect the Blower Building roof drains to Stream 1 and the washwater tank overflow channel will drain to Stream 1. Other improvements also will be made to the plant such as: underdrain media replacement, backwash system improvements, Filter-to-Waste (FTW) system building expansion, a new sodium bisulfite chemical injection manhole and mixing chamber prior to the outfall discharge, new dehumidification equipment and improvements to the HVAC system, and new electrical equipment.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.68927505,-79.03534711084964,14z>



Counties: Erie County, New York

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## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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**IPaC User Contact Information**

Agency: County of Erie  
Name: Hannah Saxena  
Address: 100 Chestnut St  
Address Line 2: Suite 1020  
City: Rochester  
State: NY  
Zip: 14604  
Email: hannah.saxena@arcadis.com  
Phone: 5854207689

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)



In Reply Refer To:  
Project code: 2023-0015363  
Project Name: Sturgeon Point Water Treatment Plant

November 14, 2022

Subject: Verification letter for the 'Sturgeon Point Water Treatment Plant' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Hannah Saxena:

The U.S. Fish and Wildlife Service (Service) received on November 14, 2022 your effects determination for the 'Sturgeon Point Water Treatment Plant' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"<sup>[1]</sup> prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Sturgeon Point Water Treatment Plant

**2. Description**

The following description was provided for the project 'Sturgeon Point Water Treatment Plant':

The Erie County Water Authority Sturgeon Point Water Treatment Plant located at 722 Sturgeon Point Rd, Derby, NY 14047 is planning to improve and renovate the current facility. This project generally includes excavation and construction for a new washwater tank, Blower Building, Filter-to-Waste (FTW) system building expansion, storm sewer pipe, and overflow channel. The site's limits of disturbance is 5.7 acres with a 200 ft buffer. The attached shapefile indicates the LOD with the 200 ft buffer.

The project will construct a new concrete washwater tank near the existing washwater tank and a new Blower Building. Also, a new storm sewer pipe will connect the Blower Building roof drains to Stream 1 and the washwater tank overflow channel will drain to Stream 1. Other improvements also will be made to the plant such as: underdrain media replacement, backwash system improvements, Filter-to-Waste (FTW) system building expansion, a new sodium bisulfite chemical injection manhole and mixing chamber prior to the outfall discharge, new dehumidification equipment and improvements to the HVAC system, and new electrical equipment.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.68927505,-79.03534711084964,14z>

**Determination Key Result**

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This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

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## Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?  
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")  
No
3. Will your activity purposefully **Take** northern long-eared bats?  
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?  
**Automatically answered**  
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/media/nleb-roost-tree-and-hibernacula-state-specific-data-links-0](http://www.fws.gov/media/nleb-roost-tree-and-hibernacula-state-specific-data-links-0).

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?  
No
  7. Will the action involve Tree Removal?  
No
-

## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

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**IPaC User Contact Information**

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