Environmental Assessment
Stockbridge Research Facility

for
Air Force Research Laboratory
Rome Research Site
150 Electronic Parkway
Rome, New York 13441-4516

Prepared By:

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FINDING OF NO SIGNIFICANT IMPACT (FONSI)/ FINDING OF NO PRACTICABLE ALTERNATIVE (FONPA) TACTICAL NETWORK IMPROVEMENT PROJECT, STOCKBRIDGE RESEARCH FACILITY ROME RESEARCH SITE, ROME, NY

In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code [USC] 4321 et seq.), and pursuant to the Council on Environmental Quality's *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 Code of Federal Regulations [CFR] Parts 1500-1508, as of July 1986), and Air Force regulations for the Environmental Impact Analysis Process (32 CFR 989), Rome Research Site (RRS) has prepared an Environmental Assessment (EA) to identify and evaluate potential effects of the proposed alternatives involved in constructing and operating the Tactical Network Improvement Project (TNIP). This EA is incorporated by reference into this finding.

PURPOSE AND NEED

The purpose of the Proposed Action is to enhance the testing capabilities of the missions conducted at the site through the installation of the TNIP within the boundaries along the inside perimeter and throughout the interior of the site. Future opportunities created by the Proposed Action include advanced communications testing capabilities at the facility. The need arises from the necessity to improve communications testing capabilities at the site to allow transmissions experiments to be conducted on-site and with the main RRS facility.

DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action is for Air Force to construct the TNIP using underground power and fiber optic communications cables connected to antenna mounted on concrete pads throughout the interior of SRF. Twenty new concrete test pads would include a three-phase looped power supply in two 4-inch fiber optic conduits within the site to several node locations. A small, portable transmission device will be mounted on each pad to convey communications frequencies to and from the home site of RRS. The network will have a linear layout, and the cables will be buried underground. Construction will disturb approximately 1.5 acres of facility lands and will include trimming of trees, removing trees up to 12 inches in diameter, and cutting of brushy vegetation. Cable placement will require an approximate three-foot wide excavation trench no more than two feet in depth for its entire length.

DESCRIPTION OF THE NO-ACTION ALTERNATIVE

Under the No Action Alternative, construction of the TNIP would not occur. The need to provide the infrastructure for future communications testing capabilities would not take place. Future war-fighter capabilities would be compromised by the absence of the TNIP that are necessary for the security or the region and nation.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD

Two other alternatives were initially considered, but not carried forward for study. One alternative considered the construction of a wireless communications system, absent of the underground cable network. This alternative was dropped due the conductivity of the system to potentially allow unintended airwave transmissions to interfere. Another alternative considered the construction of an above ground wired system, suspended above ground on poles as with conventional power systems, but was dropped from consideration due to potential for suspended wires on poles to be damaged by falling trees and limbs due to frequent high winds in the area. The Proposed Action is the only alternative to meet the Proponent's selection criteria, in addition to having no significant adverse impact on the natural or human environment.

ENVIRONMENTAL ANALYSIS

The analysis of the Proposed Action determined that the TNIP will have no negative impact to the human and natural environment at SRF. This proposal has been researched for potential impacts during the EIAP, and only positive impacts could be assessed. The wetlands, threatened and endangered species, cultural and archaeological resources have been researched for impacts by Lu Engineers with the US Fish & Wildlife Service and NY State Historic Preservation Office. (EA, Attach 4 through Attach 7) Based on the investigations and inquiries performed by Lu Engineers and their subcontractor Commonwealth Cultural Resources Group, no adverse environmental impacts will occur during TNIP construction and use at the SRF that would negatively impact the human or natural environment. No historic properties would be affected by this proposed action and appropriate coordination under the National Historic Preservation Act, Section 106, lead to this conclusion. Unexpected discoveries of cultural resources/historic properties during implementation of the proposed action would be coordinated under provisions of 36 CFR 800.13 or other applicable authorities. Positive socioeconomic impacts are anticipated from installation of the TNIP through hiring of contractors and improvements to war fighting technologies and capabilities.

CUMULATIVE IMPACTS

The cumulative effects of the Proposed Action when added to other past, present, and reasonably foreseeable future actions were evaluated and found to be insignificant.

PUBLIC NOTICE

The EA and the FONSI were made available for public review and comment for a four week period during August/Sept, 2012 in the Jervis Public Library, 613 N. Washington Street, Rome, NY, the Oneida Public Library, 220 Broad Street, Oneida, NY, and the Fryer Memorial Public Library, 6011 Williams Rd, Munnsville, NY, as was advertised in the RRS Legal Office Public Notice. No comments regarding impacts to the environment or in opposition to the project were received.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action entails the construction of the TNIP within the boundaries of the SRF. Based upon my review of the facts and analyses contained in the EA, which is hereby incorporated by reference, I conclude that the Proposed Action will not have a significant impact on the natural or human environment. An environmental impact statement is not required for this action. This analysis fulfills the requirements of the NEPA, the President's Council on Environmental Quality, and 32 CFR Part 989.

FINDING OF NO PRACTICABLE ALTERNATIVE

Taking the above information into consideration, pursuant to Executive Order 11990, Protection of Wetlands, and the authority delegated by Secretary of the Air Force, Order 791.1, I find there is no practicable alternative to conducting the Proposed Action within the wetlands, and that the Proposed Action includes all practicable measures to minimize harm to the environment. This fulfills both the requirements of the referenced EO and the Air Force Environmental Impact Analysis Process (32 CFR Part 989.14) for a FONPA.

Date: 8 April 2013

JEFFREY M. TODD, Colonel, USAF, P.E.
Command Civil Engineer
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EXECUTIVE SUMMARY

The Air Force Research Laboratory/Rome Research Site (AFRL/RRS) proposes to install a Tactical Network Improvement Project (TNIP) within the boundaries of the Stockbridge Research Facility (SRF). The purpose of the Proposed Action is to upgrade the communications infrastructure of the facility to advance the testing capabilities for missions conducted at the site. The proposed system configuration consists of towers, concrete pads with antennae, and an underground network of fiber optic and power cables inter-connected to form the TNIP. The Proposed Action is needed to provide test beds for various undefined equipment configurations and components.

The AFRL/RRS has conducted an Environmental Assessment (EA) to identify and evaluate potential effects of the Proposed Action at the SRF. Four Technical Alternatives for completing the Proposed Action were considered: Alternative 1 - No Action Alternative, or no construction at all; Alternative 2 - constructing the TNIP using underground fiber optic and power cable placement connecting concrete pads meant for antennae mounting; Alternative 3 - constructing the TNIP using a wireless system; and Alternative 4 - constructing the TNIP using an aboveground cable system. Alternatives 1, 3 and 4 were considered unreasonable, because they do not allow for future technological advancement of the facility and/or do not achieve the required testing capabilities without physical obstacles, logistical complications, or more costly configurations. Alternative 2 meets Proposed Action requirements as it is considered reasonable to construct without substantial adverse impacts to the human and natural environment and because it meets all project criteria for TNIP system requirements. Alternative 2 is therefore the Preferred Technical Alternative for the Proposed Action. Technical Alternative 2 receives a more detailed analysis in this EA than do Alternatives 1, 3 and 4, since they failed to meet mission needs and/or logistical and technological criteria for the TNIP proposal.

Future opportunities created by the Proposed Action (Alternative 2) allow for further increased testing capabilities at the facility if funds become available. Currently, AFRL/RRS intends to disturb approximately 1.5 acres of facility lands for construction of the TNIP. The disturbed land will be reclaimed once the installation is completed. The overall mission of the SRF will not change.

Completion of Alternative 2 would have no anticipated substantial negative effect on Air Quality, Safety and Health, Hazardous Waste/Contaminated Materials, Cultural Resources, Geology and Soils, and Socioeconomics of the project site and surrounding communities. Alternative 2 would have minor impacts, resulting in no adverse effects on Water Resources and Biological Resources, due to impacts to wetlands and Threatened and Endangered Species habitat. Previous archeological investigations and an ongoing separate Cultural Resources Update at SRF by Commonwealth Cultural Resources Group (CCRG) are the basis for determining no substantial adverse effect on cultural resources from completion of Alternative 2.

The No-Action Alternative would have no substantial adverse effect on the environment or Cultural Resources. However, this alternative would not allow for expanding the capability for conducting new types of missions that arise from future technological advancement. Alternatives 3 and 4 allow for future mission capability expansion with little adverse environmental or cultural resource impact, but come with technical and logistical compromises at increased cost that preclude them from further consideration.

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1.0 Introduction

The Air Force Research Laboratory, Rome Research Site (AFRL/RRS) has conducted an evaluation of potential adverse impacts related to the Proposed Action, the installation of the Tactical Network Improvement Project (TNIP) at the Stockbridge Research Facility (SRF), a satellite communications testing site facility of RRS. The SRF has operated for decades as the radar and communications testing facility for transmissions to and from RRS due to its location high on a hilltop near the city of Oneida approximately 15 miles from the home site of RRS. SRF provides a key location for the development of communications and Unmanned Aerial Vehicle (UAV) technologies due to its remote location, ideal topographic conditions, and minimal impact potential on human habitation and the natural environment, since this site has long been impacted and disturbed for military equipment experimentation. The proposed TNIP project site is located at the SRF in Towns of Oneida, Stockbridge, and Lincoln, in Madison County, New York (Figure 1). The purpose of the TNIP is to provide infrastructure to enhance the missions conducted at the site and to provide test beds for various communications equipment configurations and components. Currently, AFRL/RRS proposes to disturb approximately 1.5 acres of land for the installation of the TNIP. When the project is completed, the land excavated for concrete pad construction and underground fiber optic and electrical cable placement will be reclaimed.

2.0 Purpose and Need and Description of Alternatives

2.1 Selection Standards

The selection standards used in alternative selection analysis included all the elements of environmental impact potential listed in Chapter 3., below, as well as funding and cost limitations, project testing capabilities feasibility, and logistics analyses for various construction layouts. The alternative selected considers the cumulative impact of these standards in that it maximizes the potential for efficient and effective testing and product development while it minimizes potential negative environmental, human, and cultural resources impacts at a reduced budget from other alternatives that were eliminated from consideration.

2.2 Purpose and Need of Proposed Action

The purpose and need of Alternative 2, the Proposed Action, is to enhance the testing capabilities of the missions conducted at the site through the installation of the TNIP within the boundaries along the inside perimeter and throughout the interior of the site. Future opportunities created by Alternative 2 allow for advanced communications testing capabilities at the facility if funds become available. The Scope of Work will provide twenty new concrete test pads distributed around the SRF including a three-phase looped power supply in two 4-inch fiber optic conduits within the site to several node locations. Upon each pad will be mounted a small, portable (removable) transmission tower used to convey communications frequencies to and from the home site of RRS. The towers are not anticipated to interfere with avian migrations nor do they negatively impact aesthetics due to lack of proximate human habitation. The configuration provides two 4-inch communication conduits for future communications network. The network will have a linear layout, and the cables will be buried underground. Construction will disturb approximately 1.5 acres of facility lands including trimming of trees, removal of trees up to 12 inches in diameter, and cutting of brushy vegetation. Cable placement will require an approximate three-foot wide

excavation trench no more than two feet in depth for its entire length. The disturbed land will be reclaimed once the installation is completed. The overall mission of the SRF will not change.

The Proposed Action would have no substantial adverse effect on Air Quality, Safety and Health, Hazardous Waste/Contaminated Materials, Cultural Resources, Geology and Soils, and Socioeconomics of the project site and surrounding communities. The Proposed Action would have minor impacts, resulting in no adverse effects on Water Resources and Biological Resources, due to impacts to wetlands and Threatened and Endangered Species habitat. Contractor CCRG has investigated archeological and cultural resources at SRF (see Attachment 7) and determined no substantial negative effect from completion of Alternative 2.

2.3 No-Action Alternative

Alternative 1 - The No Action Alternative would have minimal effect on the environmental aspects of all the 'Chapter 3. Affected Environment' conditions, but it does not allow the above scenarios to take place and does not provide the infrastructure for future communications testing capabilities. This alternative does not satisfy the 'Chapter 2. Selection Standards' criteria, as it does not allow the facility to advance communications development necessary for this site to remain compatible with advancing technologies. Future war-fighter capabilities would be compromised by the absence of the TNIP that are necessary for the security of our region and our nation as a whole.

2.4 Other Alternatives

Alternative 3 considered the construction of a wireless communications system, absent of the underground cable network that disturbs land and vegetation during installation, therefore having less impact on the physical environment than Alternative 2. This alternative was dropped from consideration during scoping meetings between the proponent Rome Research Site (RRS) Network Technology Branch (AFRL/RITF), RRS Civil Engineering (AFRL/RIOC), and Beardsley Design Associates, the construction contractor, due to the conductivity of the system to potentially allow unintended airwave transmissions to interfere with signal measurements conducted during testing, rendering costly experimentation useless (Dan Hague, AFRL/RITF, personal comm.).

Alternative 4 considered the construction of an above ground wired system using the same types of cables as in Alternative 2, but suspended above ground on poles as with conventional power systems. This method would have less negative impact on the physical environment as Alternative 2, but was also dropped from consideration during scoping due to the potential for suspended wires on poles to be damaged by falling trees and limbs due to frequent high winds in the area. There is also some potential for above ground cables and suspension poles from interfering with flight patterns of UAV experimental aircraft during experimental research being conducted at the site. The likelihood of wind-related damage or of an expensive UAV colliding with the above ground power cable system was enough for the team to eliminate Alternative 4 from consideration. Although the negative impacts of underground cable excavation on the lands are not associated with this alternative, it was decided that the impacts of excavation are minimal enough to omit this factor when choosing the Proposed Action. The potential for costly repairs to damaged above ground cables and setbacks due to testing interruptions over-ride excavation impact concerns.

3.0 Affected Environment

3.1 Air Installation Compatible Use Zone/Land Use

The purpose of the installation of the TNIP is to enhance the testing capabilities of the missions conducted at the site. The Proponent, AFRL/RITF, intends to disturb only approximately 1.5 acres of land during construction. The overall mission of at the SRF will not change. There will be no increase in traffic and no significant change in accessibility to the facility. The No-Action alternative or the other two alternatives would not show substantial differences in impact on land uses from the Proposed Action.

According to the 2009 Madison County Land Use Maps, the lands on the SRF are listed as community service land.

3.2 Air Quality

The proposed project is located in an attainment area, therefore a conformity analysis is not required. The proposed TNIP does not include the installation of new stationary or mobile air emission sources. Therefore there will be no substantial negative impacts to air quality as a result of the Proposed Action, or from the No-Action and other alternatives.

3.3 Water Resources

3.3.1 Surface Waters

The project area is located on a hilltop between two drainages containing Class C tributaries in the Oneida River drainage basin. The tributary of Oneida Creek is located in the valley east of the site and the tributary of Cowaselon Creek is located in the valley west of the site. Both of these tributaries are classified by NYSDEC. Class C waters are considered waters that support fisheries and are suitable for non - contact activities.

Surface water from the project site flows into drainages of both Oneida Creek and Cowaselon Creek, as the site has a high elevation point in the approximate center of the property. Erosion and sediment control practices will be utilized during the proposed TNIP installation to ensure that surface waters will not be substantially impacted. Lesser negative impacts would result from No-Action and from the other two alternatives due to no excavation being required for underground cable placement, but the other benefits from the Proposed Action overshadow this reduced level of negativity.

3.3.2 Aquifers

The site is not located within a designated Sole Source Aquifer, Primary or Principal Aquifer. Public water is not available at the project site. Private water wells supply drinking and sanitation system water within the project area. Alternative 2 will not substantially adversely impact the groundwater at this site. No-Action would have no level of negative impact to groundwater acquifers, nor would the other two alternatives, due to lack of excavation.

3.3.3 Storm water

Alternative 2 involves ground disturbance of approximately 1.52 acres of land for the installation of the buried conduit and concrete test pads for the TNIP. The project is subject to NYSDEC State Pollution Discharge Elimination System (SPDES) requirements, since it requires

greater than one acre of land disturbance. Coverage under GP-0-10-001 (SPDES General Permit for Storm water Discharges from Construction Activity) will be required. Alternative 2 does not involve constructing or using an outlet or discharge pipe that discharges wastewater into the surface water or groundwater. It does not involve constructing or operating a disposal system, nor does No-Action and the other two alternatives.

Coverage under GP-0-10-001 requires the development of a Storm Water Pollution Prevention Plan (SWPPP) for the project to address erosion and sediment control. The SWPPP should include an Erosion and Sediment Control Plan component. The SWPPP will not need to account for post-construction storm water management practices, as the installation of underground, linear utilities requires the preparation of a SWPPP that only includes erosion and sediment controls. Examples of erosion and sediment controls include silt fence, straw bales, stone check dams and establishing grass cover. Examples of post-construction storm water management practices include permanent facilities such as ponds or swales, and will not be required for the project.

3.4 Safety and Health

3.4.1 Asbestos

TNIP construction will not adversely impact potentially asbestos containing materials, nor will No-Action or the other two alternatives.

3.4.2 Radiation

This project does not involve radioactive materials. Radon level for the Town of Stockbridge is 3.89 pCi/L, which is below the New York State Health Department recommended level of 4pCi/L. Radon levels for the Towns of Oneida and Lincoln are 6.36 and 5.27 pCi/L respectively. TNIP construction will have no substantial adverse impact on naturally occurring radon levels at the SRF. Transmission equipment does not contain radiation and does not transmit harmful transmissions to the surrounding environment. The No-Action Alternative would have no adverse impacts since no testing would occur. The wireless and above-ground construction alternatives would not adversely impact ambient radiation levels.

3.4.3 Bird/Wildlife Aircraft Hazard

Alternative 2 does not potentially impact conventional aircraft and will not result in an increase in air traffic within the project area, therefore bird strikes or aircraft collisions with other wildlife do not pose a concern. The configuration of the underground cable network and transmission towers built on pads poses greatly reduced potential for interference with UAV testing already being performed at SRF as opposed to Alternative 4 which consists of additional support poles used to suspend transmission and power cables above-ground. Conventional aircraft strike potential is already minimized due to warning lights mounted on existing communications and 'Upside Down Air Force' test aircraft towers at SRF that are several hundred feet higher than the proposed Alternative 2 tower configuration. The proposed towers are not as high as some of the trees on the SRF test site. The No-Action alternative and the wireless configuration (alternative 3) would not adversely impact avian, wildlife or impose aircraft hazard potential. The above-ground cable construction configuration (alternative 4) could impose a greater risk for adverse avian and wildlife impacts from the Proposed Action due to the potential for physical obstruction of airborne or ground-traveling wildlife. This factors in to this alternative not being considered by the scoping team.

3.5 Hazardous Waste/Contaminated Materials

A research of federal, state, and local records indicated that the presence of hazardous waste or contaminated materials was associated with the property. SRF is listed as a petroleum bulk storage (PBS) facility and one spill was reported and closed at the site in 1997. Hazardous waste and contaminated materials are not expected to be exposed or released during construction or implementation of Alternative 2. The construction impact zone is not in the area impacted by past contamination releases and/or clean-up, and is not considered a threat to pose substantial negative impacts from contamination exposure. The No-Action alternative would have no adverse impact to potentially-contaminated areas due to lack of excavation. The other two alternatives also involve no excavation and would permit no substantial adverse contaminant impacts.

3.6 Biological Resources

3.6.1 Natural Communities

SRF has little elevation change with the high point at approximately 1290 feet above sea level and lowest point at approximately 1250 feet. This allows for a moderate to gentle sloping relief. Old agricultural practices on and around the site have enabled a broad scope approach to view the parcel in three areas; the northern portion, the middle portion and the southern portion.

The northern portion is dominated by mature deciduous and coniferous trees. These mature woods are generally found on the eastern and southern portion of this area. A large Sugar maple-Beech hardwood stand encompasses the majority of this portion, with a smaller planted stand of mature conifers along the southern portion. The upper northwest corner is an open area that is vegetated with pioneer species such as goldenrod, multi-flora rose, hawthorns and buckthorn.

The middle portion of the site includes an area of sparsely vegetated conifers, a small stand of invasive species, an area of mixed woods and a stand of mature hardwoods. The eastern third of this area contains a stand of mature hardwoods. These hardwoods are categorized as a Sugar maple-Beech cover type. The western two thirds of this portion shows signs of previous disturbance, with an area vegetated by the Tree-of-Heaven, an invasive species. This area transitions into a mixed stand of deciduous trees which then transitions into an open area that is somewhat sparsely vegetated by conifers. This section abuts the UAV runway testing site, a cleared area of approximately 5 acres with grass bordering the runways. Two steel containers are situated there, used for housing the testing equipment and personnel.

The southern or lower portion of the site that abuts Burleson Road contains most of the facility buildings and driveway system. This area is primarily vegetated by pioneer species such as pin cherry, red maple, buckthorn, hawthorn, multi-flora rose, raspberries and goldenrod. A small portion of this area contains an area along the western edge of 20-30 year old mixed hardwoods.

The majority of the soils in the project are not listed as hydric. Farmington-wassic-rock outcrop complex has an unknown hydric rating and Lyons silt loam and Ovid silt loam that have a partial hydric rating (see Attachment 1).

The Proposed Action alternative is planned to have disturbed areas reclaimed and re-vegetated with the present types of flora. The No-Action and other alternatives would have no substantial adverse impact to natural communities due to lack of cable excavations.

3.6.2 Wetlands

A review of National Wetland Inventory (NWI) mapping indicates that there are two wetlands on the southern portion of the SRF, to the east of the main entrance. These wetlands are less than 500 linear feet in size and identified as PSSEI, Palustrine shrub wetland.

A site visit to evaluate this area for the extent of the mapped wetlands has indicated that the wetlands present in this area extend further south than the mapping indicates. Based on the approximate size of the wetlands, and the proposed layout of the TNIP in this area, a portion of the wetlands will be impacted during construction.

It was determined that approximately 290 linear feet of the proposed TNIP is located in the area where wetlands are present on the SRF. Approximate surface area of impacts to wetlands was determined to be 0.02 acres (870 square feet) based on 290 linear feet of trenching for conduit installation and 3 feet in width of ground surface disturbance. This was estimated based on observations made during the site visit, and review of recent aerial photography of the area.

Impacts to these wetlands will be authorized by U.S. Army Corps of Engineers (ACOE) Nationwide Permit Number 12: Utility Line Activities. Nationwide permits are used to authorize certain activities that have minimal adverse effects on the environment. Based on the conditions of this Nation-wide permit, and the limited adverse impacts to wetlands for the network installation, wetland delineation and Pre Construction Notification to the ACOE will not be required for this project.

Notification to the ACOE is not required, as the impact thresholds of 0.10 acre, and 500 linear feet of disturbance are not exceeded by the proposed activity. Additionally, the impacts will not involve the mechanized clearing of forested wetlands, another threshold that would require notification to the ACOE.

Additional requirements would need to be followed, including but not limited to maintaining pre-construction contours within wetlands and replacing side-cast excavation material and topsoil from the trench within three months of initial excavation. The contractor conducting the trenching activity required for the conduit installation should be aware of all General Conditions of Nationwide Permit # 12, included as Attachment 2.

A review of the New York State Wetland data base indicates that there are no state wetlands within the project area (see attachment 3).

The No-Action alternative and the other alternatives do not present a potential to adversely impact wetlands due to lack of excavations. The above-ground cable placement alternative and wireless antennae alternative would require only minimal adverse impact due to construction of concrete antennae mounts.

3.6.3 Threatened or Endangered Species

The United States Department of Interior-Fish and Wildlife Service (USDOI-FWS) has been contacted regarding the possible presence of threatened and endangered species and critical habitat areas (See attachment 4). According to the USDOI-FWS, three federally listed or proposed endangered or threatened species under federal jurisdiction were listed for Madison County. These species were identified as the Chittenango ovate amber snail (*Novisuccinea chittenangoensis*), American hart's-tongue fern (*Asplenium scolopendrium* var. *Americana*), and Indiana bat (*Myotis sodalis*). Based on review of the species fact sheets, one threatened species (*Novisuccinea chittenangoensis*) is not likely to exist in the project area. Additional information regarding *Asplenium scolopendrium* var. *Americana* and *Myotis sodalis* has been requested to determine that these species will not be adversely affected by the proposed project. Response via fax from USFWS states no substantial negative effect from the Proposed Action regarding impacts to these species (attachment 4). In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with the provisions of the Endangered Species Act. Similarly, the No-Action and other alternatives do not present substantial potential adverse impacts on Threatened and Endangered species since their physical imprints are less than that of the Proposed Action.

The New York State Department of Environmental Conservation (NYSDEC), New York Natural Heritage Program was contacted regarding the potential presence of state listed species, significant natural communities, or other significant habitats on or adjacent to the project site. NYSDEC responded via letter dated April 20, 2012, stating that they have no records of rare or state listed species in the vicinity of the project area (See attachment 5). No records of significant natural communities or other significant habitats exist there. The letter states that although no records exist, this does not necessarily mean such conditions do not exist. Species and habitat conditions should be verified by on-site surveys during the environmental assessment. The survey that was performed by AFRL/RRS contractors did not show the existence of state listed species or significant habitats on or in the vicinity of the proposed project area. Based on this assessment, alternatives 1-4 will have "no substantial negative effect" on potentially occurring state listed species or significant habitats within SRF. The NYSDEC recommended in the letter that if the project is still under development one year from the time this response was sent, that AFRL/RRS once again contact them for an information update on the most current status of listed species or significant habitat occurrence.

3.6.4 Floodplains

A review of the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM) for the project area revealed that the project area is not located in a floodplain. The area is located in Zone C, which is defined as an area of minimal flood hazard, usually above the 500-year flood. None of the alternatives present potential adverse impacts to floodplains.

3.7 Cultural Resources

Stockbridge Research Facility falls within the heartland of the Historic Oneida Iroquois and is within the boundaries of the Oneida Indian Nation (OIN) land claim. Consultations with OIN in 1997 determined the site was important to the culture and traditions of the Oneida. However, the 2007 RRS Integrated Cultural Resources Management Plan (ICRMP) states that Stage 1B field investigations were conducted in 1999 and the effort failed to locate any

archaeological sites of significance. The OIN Historical Researcher/Archeologist was consulted, per 36 CFR 800.2 and DoDI 4710.02 para 6.1, by AFRL/RIOCV during the drafting of this EA, and was provided with the project proposal, an aerial photo depicting pad, node, and conduit route locations, and a copy of the first draft of the EA for reference. The response by the OIN Historian in an email was that the Nation is not aware of any significant historic resources that could be affected by the TNIP (See attachment 6). This effort complies with Federal mandates for Federally recognized tribal consultation. Reserved tribal rights will not be impaired by any of the proposed alternatives, including the No-Action alternative.

An Archeological Report was prepared by CCRG, Inc. to document potential areas of archaeological sensitivity on the project site that may be impacted by the installation of Alternative 2. This report has been forwarded to the New York State Historic Preservation Office (SHPO). SHPO concurred, via written reply dated May 7, 2012, that "No Effect" to historical sites or cultural resources would occur (See attachment 7). The two areas considered for impact by the proposed project are an historic maple sugar manufacturing site, and a farm homestead. A site survey and project diagrams show that the project will not be constructed within 100 yards, approximately, of the historic sites. The layout for the construction is similar for all three construction alternatives, and none exists for the No-Action alternative, so no adverse impact results from these alternatives as well. Therefore, AFRL/RIOCV, in consultation with SHPO, Lu Engineers, and CCRG determined that the Proposed Action project would have no substantial adverse effect on cultural and historic resources. A copy of the Archeological Report is included as attachment 7. No further coordination is required for compliance with Section 106 of the National Historic Preservation Act. Per legal mandate outlined in 36 CFR 800.13, AFRL/RRS will follow guidance as required in the 2003 Memorandum of Agreement with OIN and the ICRMP should unanticipated discoveries occur during construction of the project.

3.8 Geology and Soils

3.8.1 Bedrock

Bedrock geology consists of Manlius Limestone of the Helderberg Group and Onondaga Limestone. Also present on the project site is Cardiff and Chittenango Shale of the Marcellus Formation. None of the alternatives, including No-Action, would present an adverse impact to bedrock geology.

3.8.2 Soils

Soil types mapped for the project site include: Aurora silt loam, Cazenovia silt loam, Honeoye silt loam, Lima silt loam, Lyons silt loam, Ovid silt loam, and Wassaic silt loam. A large area of Farmington-Wassaic-Rock outcrop complex is also present on the site. The Proposed Action, and the other two construction alternatives considered would not result in the disturbance of any lands beyond what is necessary for installation. These alternatives, and No-Action will have minimal adverse impact on soils. These soils are outlined in Table 1.

Table 1: Summary of Soils in Project Area

Soil Description	Map Unit Symbol	Hydric Rating	Farmland Rating Classification
Aurora silt loam, 3 to 8 percent slopes	AuB	Not Hydric	Farmland of Statewide Importance
Cazenovia silt loam, 3 to 8 percent slopes	CfB	Not Hydric	All areas are prime farmland
Cazenovia silt loam, 8 to 15 percent slopes	CfC	Not Hydric	Farmland of Statewide Importance
Farmington-Wassaic-Rock outcrop complex, sloping	FGC	Unknown Hydric	Not Prime Farmland
Honeoye silt loam, 3 to 8 percent slopes	HnB	Not Hydric	All areas are prime farmland
Lima silt loam, 0 to 3 percent slopes	LtA	Not Hydric	All areas are prime farmland
Lima silt loam, 3 to 8 percent slopes	LtB	Not Hydric	All areas are prime farmland
Lima very stony silt loam, sloping	LuC	Not Hydric	Not Prime Farmland
Lyons silt loam	Ly	Partially Hydric	Not Prime Farmland
Ovid silt loam, 0 to 3 percent slopes	OvA	Partially Hydric	Prime farmland if drained
Wassaic silt loam, 0 to 3 percent slopes	WmA	Unknown Hydric	All areas are prime farmland
Wassaic silt loam, 3 to 8 percent slopes	WmB	Unknown Hydric	All areas are prime farmland

3.8.3 Topography

Topographic elevations vary from an approximate 1,290 ft high point in the approximate center of the site to low points of approximately 1,250 ft around the perimeter of SRF. There will be no modification to the existing topography as result of the TNIP installation, or from the other alternatives including No-Action.

3.9 Socioeconomic

Alternative 2 will have no substantial negative impact on employment opportunities in the surrounding communities. Local employment opportunities may increase due to hiring construction workers for excavations and equipment construction. There may be an increase in RRS employee presence at SRF but no increase in FTE is anticipated if the project is approved. Demographically, the area consists of small family farms surrounding the SRF and economically, the area should see very little deviation from the present condition. No-Action will not deny socio-economic potential from local area residents since this is a small project employing a relatively small workforce. Work opportunities from the other two alternatives

would be minimally fewer due to lack of hiring excavators to dig trenches.

3.10 Occupational Safety and Health

The completed and implemented testing of the TNIP (proposed action) will have minor direct safety and health impacts for those individuals working at the test pad sites. The potential for a worker falling while installing communications testing devices and electrical concerns would be the most prominent hazard potential. No direct or indirect safety and/or health impact is expected to other personnel working at the SRF or in the surrounding community. No-Action would eliminate safety and health concerns. These concerns would be similar to the Proposed Action for the other two alternatives.

3.11 Other Potential Environmental Issues

3.11.1 Noise

The proposed TNIP is located on property in a rural area of Madison County, not in close proximity to human habitation. Furthermore, the TNIP experimental program will consist of radio frequency communications transmissions that do not produce ambient noise level increases. No-Action eliminates all potential noise-related issues. The other two alternatives present similar noise level potential as the Proposed Action, resulting in minimal impact.

3.11.2 Parks

No designated parks are located within or adjacent to the project site. No properties purchased with Land and Water Conservation funds will be required for this project. No park land will be utilized for this project. All properties surrounding the project site are privately owned. All Alternatives present similar levels of potential adverse impacts, virtually none.

3.11.3 Transportation

There will be no change in level of services to or from this property as a result of the proposed TNIP installation, or from the No-Action and other alternatives, resulting in minimal impact.

3.11.4 Visual Resources

Although Alternative 2 will include the removal of vegetation from within the project area, the disturbed land will be graded and seeded, thereby reclaimed. No adverse visual impacts are anticipated from TNIP construction, or any other alternative, since there are no habitations within visual distance of the proposed construction zone. Aesthetics would only be an impact to passers-by who happen to be traveling on foot or by ATV or farm equipment on surrounding farmlands.

4.0 Cumulative Impacts

When coupled with current activities at SRF, the proposed action will have minimal cumulative adverse impact on the human and natural environment and cultural resources. All environmental, safety and health elements of the proposal were reviewed. Planned communications testing will not interfere with current use of the SRF or surrounding communities. The UAV testing program will be taking place concurrently in the immediate vicinity of the TNIP project, but there should be minimal interference with each other if both projects conform to their protocols. No other known projects are occurring in the area of

projected construction and testing. No-Action would result in fewer cumulative adverse impacts than the Proposed Action and the other two alternatives.

5.0 Irreversible and Irretrievable Commitments of Resources

Funding dollars for construction and manpower for implementation of the Proposed Action, if approved, will be irreversible and irretrievable once the project is constructed and testing commences. The benefits of project products are expected to outweigh the initial cost of project implementation, however. Environmentally, irreversible and irretrievable commitments of resources will be minimal due to the low impact from construction, and the reclamation potential of impacted physical and natural resources.

6.0 Conclusion

In accordance with the CEQ regulations implementing NEPA and the Air Force Environmental Impact Analysis process, the Air Force concludes that the Proposed Action, Alternative 2, will have no substantial negative impact on the quality of the human and natural environment, and recommends submission of this EA for public review for the required period of four weeks with anticipation that a Finding of No Significant Impact (FONSI) will be determined.

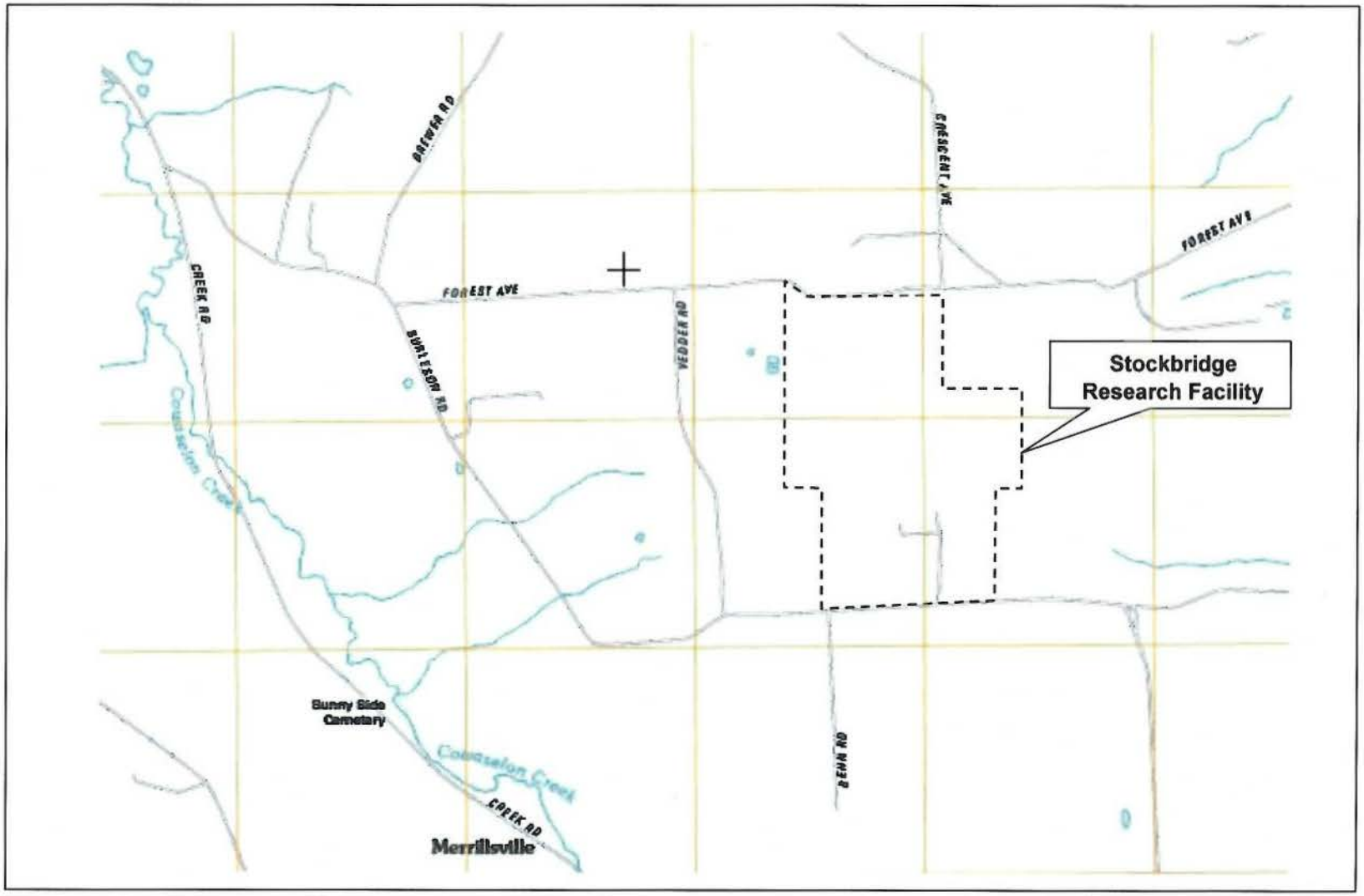
7.0 List of Contacts

- Dan Hague, Rome Research Site, AFRL/RITF
- David Stillwell, United States Department of the Interior-Fish and Wildlife Service (USDOI-FWS)
- Ms. Jean Petrusiak, New York State Department of Environmental Conservation (NYSDEC), New York Natural Heritage Program
- Mr. Jesse Bergevin, Oneida Indian Nation Legal Department
- Nancy Herter, New York State Historic Preservation Office (SHPO)

8.0 List of Preparers

- Lu Engineers
- Commonwealth Cultural Resources Group, Inc. (CCRG)
- Mr. Calvin Sprague, Rome Research Site, AFRL/RIOCV
- Mr. William Brain, Rome Research Site, AFRL/RIOCV
- Maj Charles J Gartland, HQ AFMC AFLOA/JACE-FSC
- Mrs. Melanie A Pershing, HQ AFMC AFMC/A7PX
- Mr. Anthony P Lee, HQ AFMC AFMC/A7PX
- Mr. Erwin J Roemer, HQ AFMC AFMC/A7AI

Figure 1



Lu Engineers

175 Sully's Trail, Suite 202
Pittsford, NY 14534
Tel. 585.385.7417
Fax 585.385.3741

Figure 1
Stockbridge Research Facility
Tactical Network Project
Town of Stockbridge, Madison County
New York

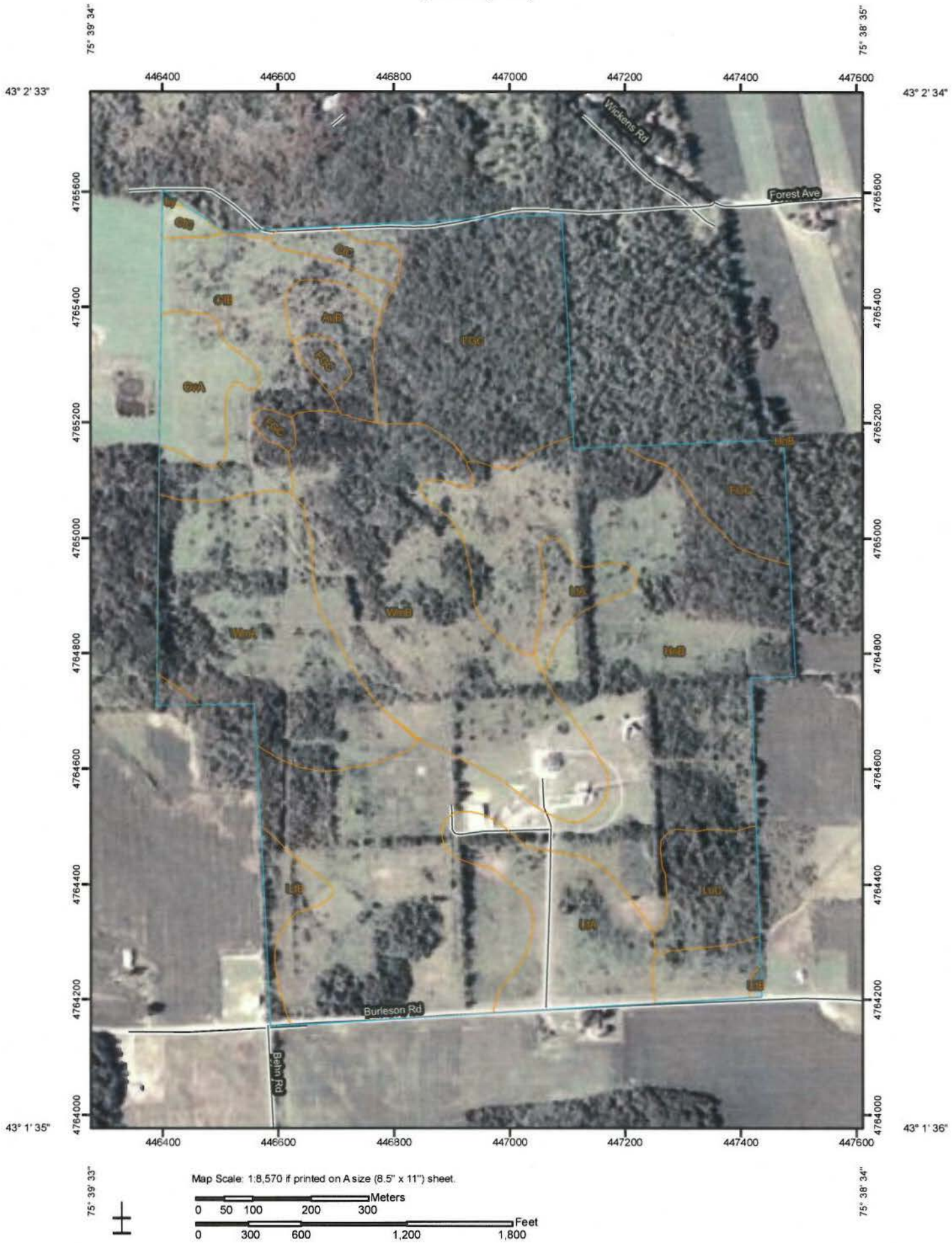
Date: February 2012
Scale: None
Drawn by: BB
Source: USGS Topography Map, 2010

Attachments

Attachment 1

NRCS Soil Maps

(Stockbridge Site)



Map Scale: 1:8,570 if printed on A size (8.5" x 11") sheet.

Meters
0 50 100 200 300

Feet
0 300 600 1,200 1,800

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Units

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other

Special Line Features

- Gully
- Short Steep Slope
- Other

Political Features

- Cities

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Yellow soil map units lines are hard to see on map. Map Unit symbols are too small to read on map.

MAP INFORMATION

National Cooperative Soil Survey

Map Scale: 1:8,570 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your

AOI were mapped at 1:15,840.

Please rely on the bar scale on each

map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 18N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Madison County, New York
Survey Area Data: Version 10, Dec 20, 2011

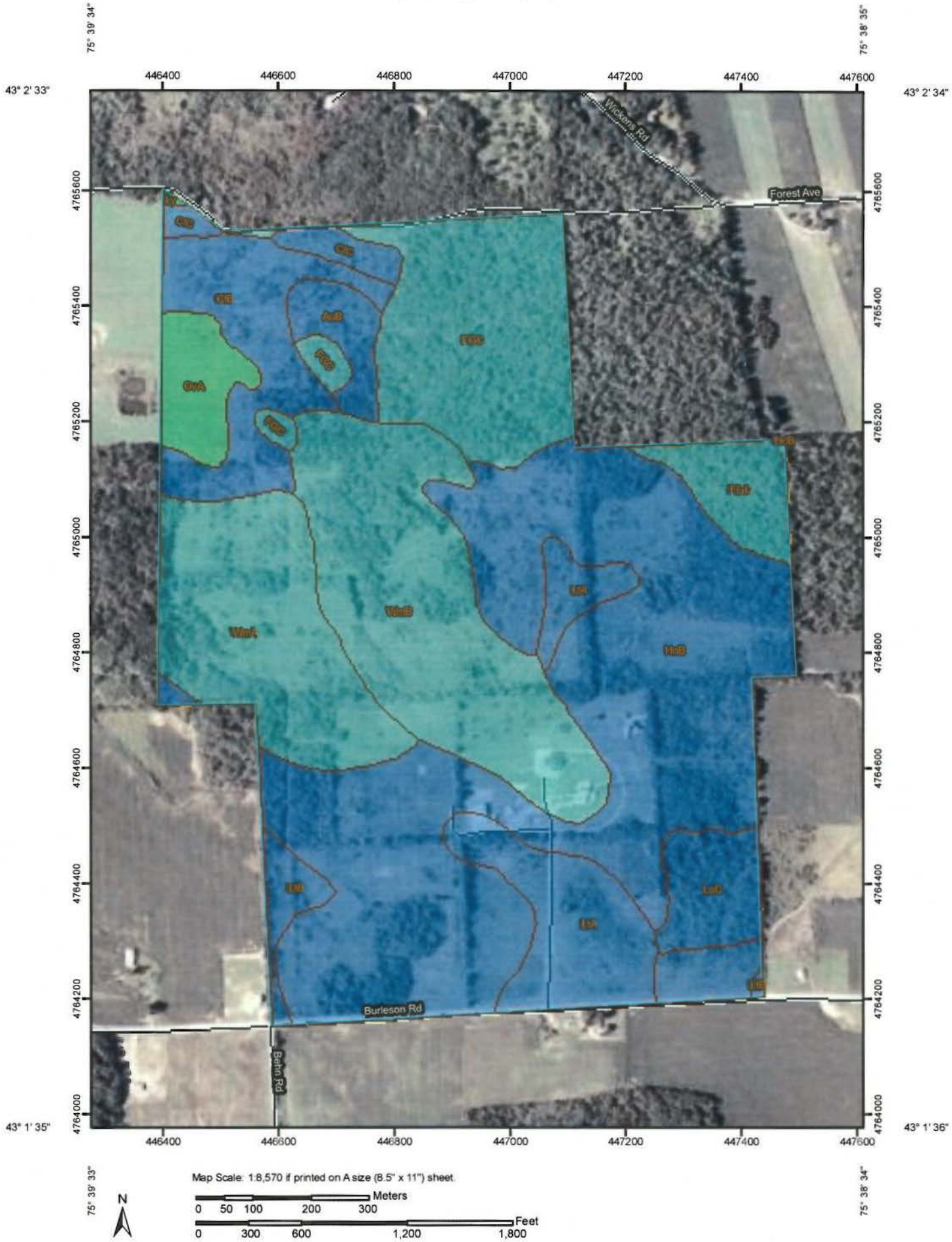
Date(s) aerial images were photographed: 8/5/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Madison County, New York (NY053)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AuB	Aurora silt loam, 3 to 8 percent slopes	5.5	1.8%
CfB	Cazenovia silt loam, 3 to 8 percent slopes	19.4	6.4%
CfC	Cazenovia silt loam, 8 to 15 percent slopes	3.9	1.3%
FGC	Farmington-Wassaic-Rock outcrop complex, sloping	42.2	14.0%
HnB	Honeoye silt loam, 3 to 8 percent slopes	112.6	37.4%
LtA	Lima silt loam, 0 to 3 percent slopes	20.6	6.8%
LtB	Lima silt loam, 3 to 8 percent slopes	4.0	1.3%
LuC	Lima very stony silt loam, sloping	8.3	2.8%
Ly	Lyons silt loam	0.1	0.0%
OvA	Ovid silt loam, 0 to 3 percent slopes	7.7	2.6%
WmA	Wassaic silt loam, 0 to 3 percent slopes	31.9	10.6%
WmB	Wassaic silt loam, 3 to 8 percent slopes	45.0	14.9%
Totals for Area of Interest		301.2	100.0%

Hydric Rating by Map Unit—Madison County, New York
(Stockbridge Site-Hydric)



MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Units

Soil Ratings

- All Hydric
- Partially Hydric
- Not Hydric
- Unknown Hydric
- Not rated or not available

Political Features

- Cities

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

MAP INFORMATION

Map Scale: 1:8,570 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:15,840.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 18N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Madison County, New York
Survey Area Data: Version 10, Dec 20, 2011

Date(s) aerial images were photographed: 8/5/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Hydric Rating by Map Unit— Summary by Map Unit — Madison County, New York (NY053)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AuB	Aurora silt loam, 3 to 8 percent slopes	Not Hydric	5.5	1.8%
CfB	Cazenovia silt loam, 3 to 8 percent slopes	Not Hydric	19.4	6.4%
CfC	Cazenovia silt loam, 8 to 15 percent slopes	Not Hydric	3.9	1.3%
FGC	Farmington-Wassaic-Rock outcrop complex, sloping	Unknown Hydric	42.2	14.0%
HnB	Honeoye silt loam, 3 to 8 percent slopes	Not Hydric	112.6	37.4%
LtA	Lima silt loam, 0 to 3 percent slopes	Not Hydric	20.6	6.8%
LtB	Lima silt loam, 3 to 8 percent slopes	Not Hydric	4.0	1.3%
LuC	Lima very stony silt loam, sloping	Not Hydric	8.3	2.8%
Ly	Lyons silt loam	Partially Hydric	0.1	0.0%
OvA	Ovid silt loam, 0 to 3 percent slopes	Partially Hydric	7.7	2.6%
WmA	Wassaic silt loam, 0 to 3 percent slopes	Unknown Hydric	31.9	10.6%
WmB	Wassaic silt loam, 3 to 8 percent slopes	Unknown Hydric	45.0	14.9%
Totals for Area of Interest			**301.2**	**100.0%**

Description

This rating indicates the proportion of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is designated as "all hydric," "partially hydric," "not hydric," or "unknown hydric," depending on the rating of its respective components.

"All hydric" means that all components listed for a given map unit are rated as being hydric, while "not hydric" means that all components are rated as not hydric. "Partially hydric" means that at least one component of the map unit is rated as hydric, and at least one component is rated as not hydric. "Unknown hydric" indicates that at least one component is not rated so a definitive rating for the map unit cannot be made.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Rating Options

Aggregation Method: Absence/Presence

Tie-break Rule: Lower

Attachment 2

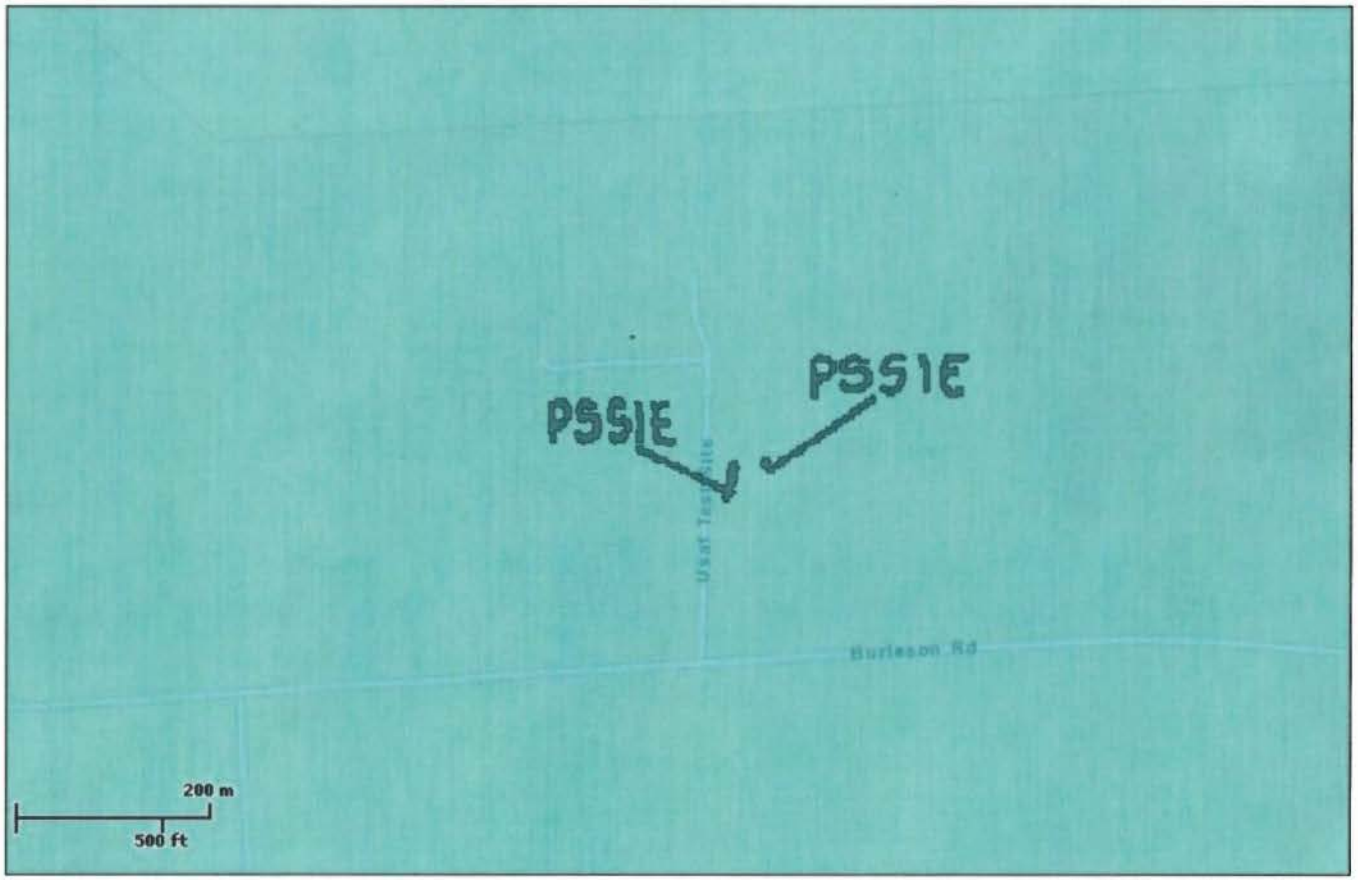
Federal Wetlands Map
and
U.S. Army Corps of Engineers Nationwide Permit Number 12

U.S. Fish and Wildlife Service

National Wetlands Inventory

Federal Wetland Map

Nov 10, 2011



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuanne and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

Status

- Digital
- Scan
- Non-Digital
- No Data

User Remarks:

Stockbridge Site

ACTIVITIES AUTHORIZED BY NATIONWIDE PERMIT

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2 acre of waters of the United States.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2 acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the total discharge from a single and complete project does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 27.) (Sections 10 and 404)

Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters), copies of the pre-construction notification and NWP verification will be sent by the Corps to the National

Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, accordance with the requirements for temporary fills.

Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

LRB Specific Regional Conditions:

1. For aerial transmission lines across navigable waters:

   a. The following minimum clearances are required for aerial transmission lines across navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges or clearances which would be required by the United States Coast Guard for new fixed bridges in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

Nominal System Voltage (kV)	Minimum additional clearance (ft.) above clearance required for bridges
115 and below	20
136	22
161	24
230	26
350	30
500	35
700	42
750 and above	45

   b. Clearances for communication lines and other aerial crossings must be a minimum of 10 feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

   c. Within 60 days of completion of the work, the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, National Ocean Service, N/CS261, Marine Chart Division, Nautical Data Branch, Station 7317, 1315 East-West Highway, Silver Springs, MD 20910-3282, with certification that the aerial wire has been installed in compliance with the approved plans. The certification shall include a survey, conducted by a licensed surveyor, which clearly shows the minimum clearance of the aerial wire above the mean high water line at the time of the survey. The certification shall also include a statement by the permittee that the clearance of the wire(s), at maximum sag conditions, shall never be less than the clearance shown on the approved plans.

2. For Buried Cables and Pipelines Across Navigable Waters and Federal Navigation Channels:

   a. The top of the cable or pipeline crossing any Federal project channel shall be located a minimum of 15 feet below the authorized project channel depth. The District Engineer, on a case-by-case basis, may modify this depth requirement where circumstances are deemed appropriate. In areas outside of Federal project channels, the top of the cable or pipeline shall be located a minimum of 4 feet below the existing level of the waterway substrate. Where trenching and backfilling are proposed, backfill material shall consist of suitable heavy materials and shall be placed no higher or lower than the adjacent river bottom elevation.

b. Within 15 days after completion of the authorized work, the permittee shall post and maintain visible signage on weatherproof placards no smaller than 4 feet by 4 feet on each shoreline at the location of the authorized crossing. The placard shall contain language informing waterway users of the presence of a cable or pipeline crossing (e.g., "WARNING - CABLE [or PIPELINE] CROSSING"), unless specifically authorized otherwise by the District Engineer.

c. Within 60 days of completion of the work, the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, National Ocean Service, N/CS261, Marine Chart Division, Nautical Data Branch, Station 7317, 1315 East-West Highway, Silver Springs, MD 20910-3282, with certification that the cable or pipeline has been installed in compliance with the approved plans. The certification shall include a survey, conducted by a licensed surveyor, which clearly shows the elevations and alignment of the cable or pipeline across the waterway. If the post-completion survey reveals a discrepancy between the authorized and actual alignment of the cable or pipeline, the permittee shall note clearly these discrepancies in the survey.

3. A PCN is required for any utility line or transmission facility that is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC).

Section 401 Water Quality Certification

Pursuant to Section 401 of the Clean Water Act and 6 NYCRR Part 608, Section 608.9, the New York State Department of Environmental Conservation hereby certifies that the activities listed below, undertaken in accordance with all the listed Special and General Conditions, will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards. Those NWPs with no Special Conditions remain subject to General Conditions unless otherwise indicated.

Water Quality Certification -- Special Conditions:

1. This certification does not authorize the construction of substation facilities or access roads in wetlands or floodplains.

2. This certification does not authorize utility line discharges in a Special Aquatic Site as defined and identified in federal regulation at 40 CFR Chapter 1, Part 230, Section 230.3(q-1) and Subpart E.

3. Materials resulting from trench excavation that are temporarily sidecast into waters of the United States must be backfilled or removed within 30 days of deposition.

4. This certification does not authorize discharges greater than 1/10 acre in size or more than 200 feet of stream disturbance.

New York State Department of State
Coast Zone Management Consistency Determination

I. Pursuant to 15 CFR Part 930.41, the DOS concurs with the Corps consistency determination for the following NWPs:

2. Structures in Artificial Canals
4. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities
5. Scientific Measuring Devices
10. Mooring Buoys
15. U.S. Coast Guard Approved Bridges
20. Oil Spill Cleanup
21. Surface Coal Mining Operations
24. Indian Tribe or State Administered Section 404 Program
34. Cranberry Production Activities
37. Emergency Watershed Protection and Rehabilitation
47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
49. Coal Remining Activities
50. Underground Coal Mining Activities

II. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would be conducted within canals that are more than fifty percent (50%) bulkheaded (see III below regarding NWP #3 and NWP A, and IV below regarding NWP #13):

3. Maintenance
13. Bank Stabilization
45. Repair of Uplands Damaged by Discrete Events

III. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would occur outside of areas covered by the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife

Habitats; 4) Scenic Areas of Statewide Significance; and 5) Harbor Management Plans.

However, pursuant to 15 CFR Parts 930.41 and 930.43, the DOS objects to the Corps consistency determination for the following NWPs where the activities would occur within the above listed special management areas:

1. Aids to Navigation
3. Maintenance (except in canals that are more than 50% bulkheaded - see II above)
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
9. Structures in Fleeting and Anchorage Areas
11. Temporary Recreational Structures
12. Utility Line Activities
14. Linear Transportation Projects
16. Return Water From Upland Contained Disposal Areas
18. Minor Discharges
19. Minor Dredging
22. Removal of Vessels
23. Approved Categorical Exclusions
25. Structural Discharges
26. [reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Activities
32. Completed Enforcement Activities
33. Temporary Construction, Access and Dewatering
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41 Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events (except in canals that are more than 50% bulkheaded - see II above)
46. Discharges into Ditches
48. Existing Commercial Shellfish Aquaculture Activities

IV. The DOS also objects to the Corps consistency determination for the following NWPs anywhere in the New York coastal area:

8. Oil and Gas Structures
13. Bank Stabilization (except in canals that are more than 50% bulkheaded - see II above)
17. Hydropower Projects

To ensure that the Corps' NWPs and activities authorized by them would be consistent with the CMP and approved LWRPs, the following conditions should apply to: 1) the NWPs listed in III above that would occur in the listed CMP special management areas; and 2) the NWPs listed in IV above, except for NWPs #3 and #13 when the activities authorized by them would occur in canals that are more than fifty percent (50%) bulkheaded (see item II above):

Within thirty (30) days of receipt by DOS of an applicant's submission, which should include a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, DOS will inform the applicant and the Corps whether:

1) Necessary data and information is missing from the applicant's submission. If so, the DOS will notify the applicant and the Corps of the missing necessary data and information, and state that the DOS review will not commence until the date the necessary data and information is provided;

2) The activity meets the General Concurrence criteria set forth in the CMP and therefore, further review of the proposed activity by the DOS, and the DOS concurrence with an individual consistency certification for the proposed activity, are not required; or

3) DOS review of the proposed activity and DOS concurrence with the applicant's consistency certification is necessary. If DOS indicates review of the activity and a consistency certification for it is necessary, the activity shall not be authorized by NWPor other form of Corps authorization unless DOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D, or unless DOS indicates the activity meets CMP General Concurrence criteria (see item 2 above).

DOS concurrence with an applicant's consistency certification shall not be presumed unless DOS fails to concur with or object to an applicant's consistency certification within six (6) months of commencement of DOS review of an applicant's consistency certification and all necessary data and information in accordance with 15 CFR Parts 930.62 or 930.63.

C. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at http://www.fws.gov/ and http://www.noaa.gov/fisheries.html respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic

Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:
"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The

district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

D. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

E. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Discharge: The term "discharge" means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical

characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a "single and complete project" is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent--meaning bordering, contiguous, or neighboring--to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

F. General Conditions applicable to all NWPs for which Water Quality Certification has been provided are as follows:

1. *Monitoring Requirement.* The Corps of Engineers shall prepare and submit an annual report that evaluates the use and effectiveness of the Nationwide Permit program in New York State. Such report must contain, as a minimum, the number of times each Nationwide Permit has been used in the reporting period; the number of acres of disturbance or linear feet of disturbance on a by-permit basis; and the number of acres of mitigation required on a by-permit basis. The first report will be submitted by January 31, 2008 and by January 31 of each year following. At its discretion, and not as a substitute for the required annual report, the Corps may provide copies of any monthly reports that are submitted to headquarters.

2. *Endangered or Threatened Species.* This certification does not authorize any activity likely to jeopardize the existence of an endangered species or threatened species listed in 6 NYCRR Part 182, or likely to destroy or adversely modify the habitat of such species. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental Natural Heritage Program at 625 Broadway, Albany, NY 12233-4757.

3. *Natural Heritage Sites.* This certification does not authorize any activity in any location that supports a rare species or significant natural community as identified and tracked by the New York Natural Heritage Program. Information about where such locations are known to exist may be found at DEC regional offices, the New

York Natural Heritage Program in Albany, New York or, after September 1, 2007, on the DEC website at www.dec.state.ny.us.

4. *State-owned Lands.* Prior to undertaking any Nationwide Permit activity that will involve or occupy state-owned lands now or formerly under the waters of New York State, the party proposing the activity must first obtain all necessary approvals from:

NYS Office of General Services
Division of Real Estate Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, NY 12242
Tel. (518) 474-4944

5. *Tidal Wetlands.* This authorization does not authorize any activities in tidal wetlands as defined in Article 25 of NYS ECL, with the exception of NWP numbers 4, 20 and 48.

6. *Wild, Scenic and Recreational Rivers.* This certification does not authorize activities in any Wild, Scenic or Recreational River segments.

7. *Combined use of permits.* This authorization does not allow the stacking of NWPs so that in combination they exceed 1/10 of an acre of fill or 200 linear feet of stream disturbance. When used in combination, the most restrictive conditions apply.

8. *Public Service Commission.* This certification does not authorize activities regulated pursuant to Article VII of the New York State Public Service Law. For such projects, Section 401 Water Quality Certification is obtained from the New York State Public Service Commission.

9. *Floodplains.* This certification does not authorize permanent discharge of dredge materials or fill into the waters of the United States within the 100-year floodplain with the exception of up to 25 cubic yards, or the loss of less than 1/10 acre, for NWPs 3, 4, 5, 6, 18, 27, 30, 32, 36, 37, and 47.

INFORMATION ON NATIONWIDE PERMIT VERIFICATION

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked, or your activity complies with any subsequent permit modification. Absent any changes to the current Nationwide Permits, reverification of the applicability of your project under the Nationwide Permit is not required if work is completed prior to March 19, 2012.

It is your responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur. Please note that if you commence or are under contract to commence this activity in reliance of your permit prior to the date this Nationwide permit is suspended or revoked, or is modified such that your activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of this permit, unless this permit has been subject to the provisions of discretionary authority.

Possession of this permit does not obviate you of the need to contact all appropriate state and/or local governmental officials to insure that the project complies with their requirements.

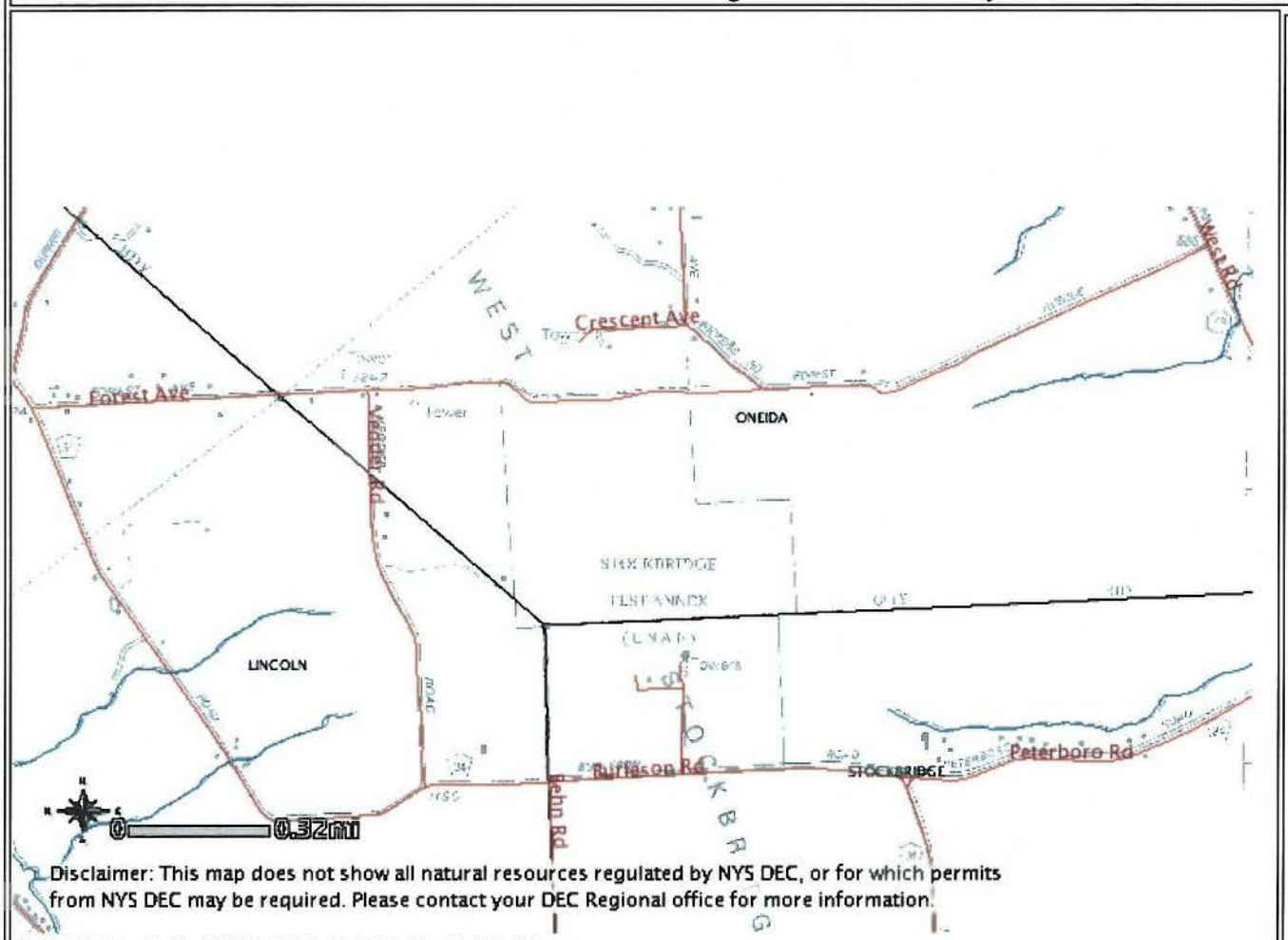
Attachment 3

State Wetlands Map

[print page] [close window]

Please set your printer orientation to "Landscape".

Stockbridge Research Facility



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 444623, MaxX: 449143, MinY: 4765915, MaxY: 4763922

Visible Layers

- Classified Streams
- Classified Ponds
- State-Regulated Freshwater Wetlands
- Wetland Checkzone
- State-Regulated Freshwater Wetlands
- Rare Plants and Rare Animals
- Significant Natural Communities Buffered
- Natural Communities Nearby
- Significant Natural Communities
- Interstate Highways
- Adirondack Park Boundary
- Counties

Disclaimer:This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

Attachment 4

Communications with
United States Department of Interior-Fish and Wildlife Service
and
Federally Listed Threatened or Endangered Species documentation

Lu Engineers
ENVIRONMENTAL • TRANSPORTATION • CIVIL

PASSION
EXPERIENCE
RESULTS

luengineers.com

February 16, 2012

David Stilwell
U.S. Fish and Wildlife Service
3817 Luker Rd.
Cortland, NY 13045

Re: Endangered Species Habitat Consultation
Stockbridge Research Facility
Towns of Oneida, Stockbridge, and Lincoln, Madison County
Lu Project No. 13156

Dear Mr. Stilwell:

Lu Engineers has been retained as a consultant to the Air Force Research Laboratory/Rome Research Site (AFRL/RRS) to conduct an Environmental Assessment (EA) for the proposed layout of a tactical network expansion at the Stockbridge Research Facility. This project is located in the Towns of Oneida, Stockbridge, and Lincoln, in Madison County, New York. The tactical network will increase the research capability for the site, and enhance the facility so that research missions can continue at the site.

The proposed tactical network will include the installation of 20 stone test pads and fiber-optic cable to complete a communications network to be used for future research at the site. The network will have a linear layout, and the cable will be buried underground.

Consultation with your website indicated that there is potential for American hart's-tongue fern (*Asplenium scolopendrium* var. *americana)* Chittenango ovate amber snail (*Novisuccinea chittenangoensis*) and Indiana Bat (*Myotis sodalis*) within Madison County.

Impacts to *Novisuccinea chittenangoensis* habitat have been ruled out due to the site-specific habitat location of the species. Potential impacts to habitat of *Asplenium scolopendrium* var. *Americana* and *Myotis sodalis* are being considered and input as to the potential presence of these species on the project site is being requested.

The tactical network layout may have a potential to impact *Myotis sodalis* habitat, as some clearing for the network will be located in wooded areas. Additionally, through conversations with Sandie Doran of USFWS, it has been determined that the project site is located within 25 miles of the Jamesville Indiana Bat Hibernacula. However, the project site is at an elevation greater than 900 feet above sea level, which, according to the Indiana Bat Project Review Sheet, is the maximum elevation that the bat has been observed.

The approximate length of the network is approximately 16,895 feet (3.20 miles). The width that will be cleared for the network is estimated to be approximately 3 feet. Additional clearing will be required for the construction of the proposed gravel pads adjacent to the network, totaling 0.36 acres (15,681 square feet). Therefore, the approximate footprint of area that will be cleared for the construction of the tactical network is 1.52 acres (66,366 square feet).

The network alignment was reviewed to determine which areas would involve clearing within wooded areas; potential habitat for *Myotis sodalis*. Upon review of the proposed network alignment, it was determined that approximately 0.86 miles (4,545 feet) of the network would impact wooded areas. The length, multiplied by the width of clearance of 3 feet, totals 13,635 square feet (0.25 acres). These areas were estimated using aerial photography.

Attached is aerial photography of the Project Area including the network alignment highlighted in yellow, as well as a site location map. Thank you for your assistance. Please contact me at 585-377-1450 ext. 247 if you require additional information.

Sincerely,

Bryan Bancroft
Environmental Specialist

Enclosure (2)

Lu Engineers

luengineers.com

April 16, 2012

David Stilwell
U.S. Fish and Wildlife Service
3817 Luker Rd.
Cortland, NY 13045

Re: Endangered Species Habitat Consultation
Stockbridge Research Facility
Towns of Oneida, Stockbridge, and Lincoln, Madison County
Lu Project No. 13156

Dear Mr. Stilwell:

Lu Engineers has been retained as a consultant to the Air Force Research Laboratory/Rome Research Site (AFRL/RRS) to conduct an Environmental Assessment (EA) for the proposed layout of a tactical network expansion at the Stockbridge Research Facility. This project is located in the Towns of Oneida, Stockbridge, and Lincoln, in Madison County, New York. Please refer to a letter from our office dated February 16, 2012 for a description of the tactical network.

Consultation with your website indicated that there is potential for American hart's-tongue fern (*Asplenium scolopendrium* var. *americana)* Chittenango ovate amber snail (*Novisuccinea chittenangoensis*) and Indiana Bat (*Myotis sodalis*) within Madison County.

Impacts to *Novisuccinea chittenangoensis* habitat have been ruled out due to the site-specific habitat location of the species. As a result, the project will have "No Effect" regarding this species.

An on-site review of the layout of the area for the proposed tactical network has revealed that preferred habitat of *Asplenium scolopendrium* var. *Americana* is not present on the project site. Habitat areas such as limestone rock outcrops, coulees, and gorges have been avoided in the layout of the tactical network. As a result, the project will have "No Effect" regarding this species.

An on-site review of the layout of the area for the proposed tactical network has revealed that preferred habitat of *Myotis sodalis* may be present on the project site, due to the presence of a Maple-Ash forest in some locations along the proposed tactical network. The tree species sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), black ash (*Fraxinus nigra*), and red oak *(Quercus rubra*) in sizes greater than or equal to 4-inch DBH have been observed. However, due to the base elevation of the site of 1250 feet above sea level, this site has been ruled out as potential habitat for *Myotis sodalis.* As a result, the project will have "No Effect" regarding this species.

Additionally, enclosed please find a letter from New York State Department of Environmental Conservation's Division of Fish, Wildlife and Marine Resources, stating that no records of rare or state listed species on or in the immediate vicinity of the site were found.

175 Sullys Trail, Suite 202 | Pittsford, NY 14534 | Ph. 585.385.7417 | Fx. 585.385.3741

In conclusion, it is our opinion that the proposed project will not impact threatened or endangered species, and that the project will have "No Effect" on the species identified above.

Sincerely,

Bryan Bancroft
Environmental Specialist

Enclosure (1)

DEPARTMENT OF THE AIR FORCE
AIR FORCE RESEARCH LABORATORY (AFMC)

July 18, 2012

David Stilwell
U.S. Fish and Wildlife Service
3817 Luker Rd.
Cortland, NY 13045

Re: Endangered Species Habitat Consultation
Stockbridge Research Facility
Towns of Oneida, Stockbridge, and Lincoln, Madison County
Stockbridge Tactical Network Improvement Project (TNIP)

Dear Mr. Stilwell:

This letter transmits the completed Endangered Species Coordination per the Endangered Species Act of 1973 (ESA) for the subject project. Please note that the coordination/screening for this project was completed by Lu Engineers (Project No. 13156) on behalf of the U.S. Air Force.

The proposed project will have "No Effect" upon species identified during the screening of species listed in the vicinity of the project area (*Asplenium scolopendrium* var. *Americana*, *Novisuccinea chittenangoensis*, and *Myotis sodalis*).

Via this letter, we kindly request your concurrence with our determinations of the Federally Listed Threatened and Endangered Species which were identified during the screening for this project. The results of this determination will be included in the final Environmental Assessment for the subject project.

In closing, thank you for your attention to this matter.

Sincerely

Calvin Sprague

Calvin Sprague
Biological Scientist
AFRL/RIOCV

Sprague, Calvin Civ USAF AFMC AFRL/RIOCV

From: Sprague, Calvin Civ USAF AFMC AFRL/RIOCV
Sent: Thursday, July 26, 2012 2:34 PM
To: 'sandra_doran@fws.gov'
Cc: Sprague, Calvin Civ USAF AFMC AFRL/RIOCV
Subject: FW:
Attachments: [Untitled].pdf
Signed By: calvin.sprague@us.af.mil

Sandra,

Per our phone conversation yesterday, I am sending the attached correspondence with the intent of obtaining a written statement on the position of the US Fish and Wildlife Service regarding the potential for impact of the Stockbridge Tactical Network Improvement Project, Oneida NY on three ESA-listed species that are listed in the documents.

Please reply with a determination of 'No effect' or 'May effect, but not likely to adversely affect' for the purposes of our requirements for our Environmental Assessment, or advise for further action if such determination cannot be made.

Thank you.

Calvin

Calvin Sprague
Biological Scientist (Environmental)
AFRL/RIOCV
150 Electronic Parkway
Rome, New York 13441
DSN 587-3830, Comm. 315-330-3830
Fax DSN 587-3410, Comm. 315-330-3410
calvin.sprague@rl.af.mil

From: POS Printer MFP_1 [mailto:mfp@rl.af.mil]
Sent: Thursday, July 26, 2012 2:11 PM
To: Sprague, Calvin Civ USAF AFMC AFRL/RIOCV
Subject:

<<...>>

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New York Field Office
3817 Luker Road
Cortland, NY 13045
Phone: (607) 753-9334 Fax: (607) 753-9699
http://www.fws.gov/northeast/nyfo

To: Calvin Sprague Date: Aug 1, 2012

USFWS File No: 120230

Regarding your: ☐ Letter ☒ FAX ☐ Email Dated: July 31, 2012

For project: Stockbridge Research Facility

Located:

In Town/County: Towns of Oneida, Stockbridge, and Lincoln / Madison County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

☒ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

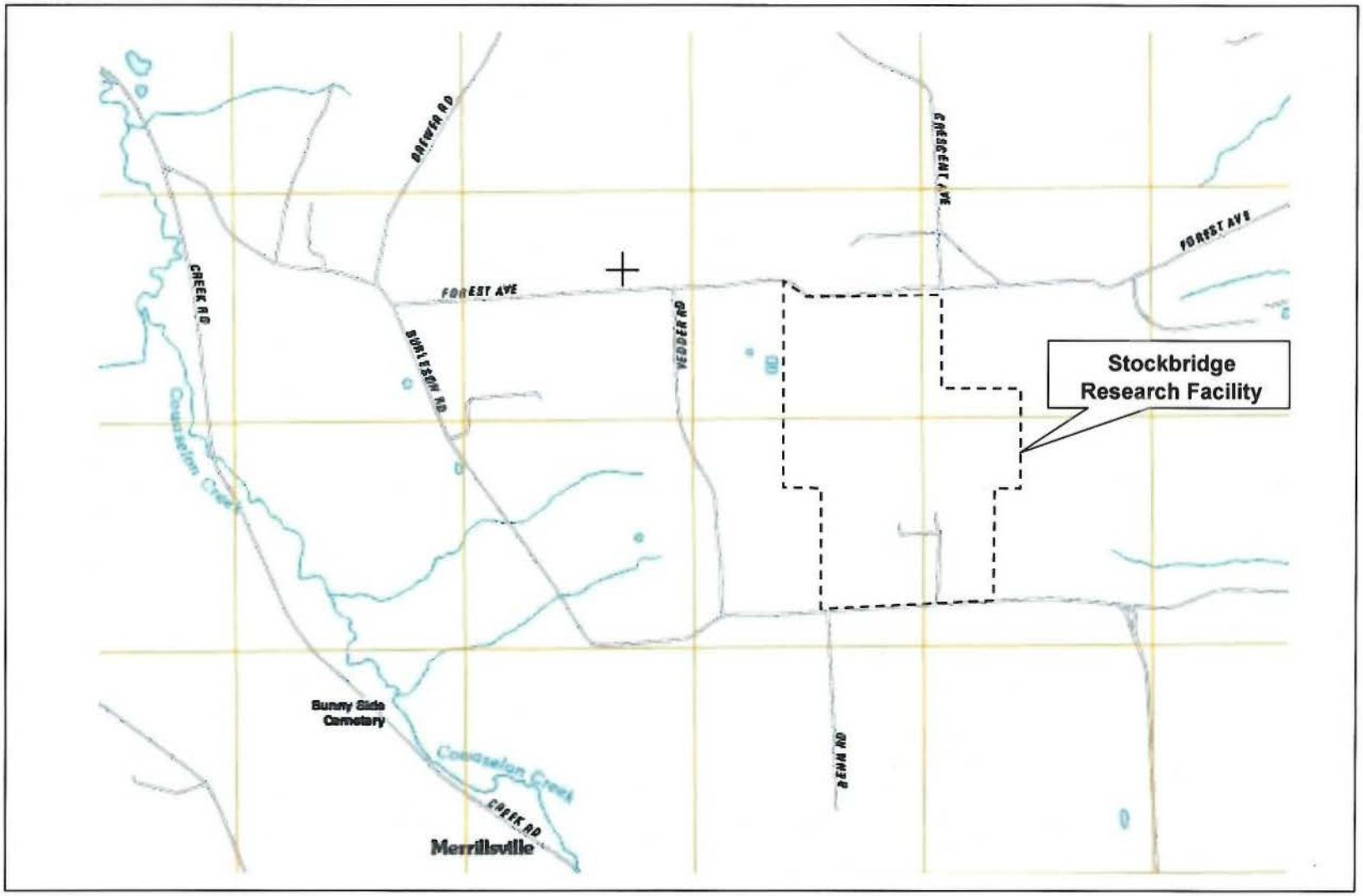
☐ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

☐ Is taking no action pursuant to ESA or any other legislation at this time but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project area is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Sandra Doran 08/01/2012

Supervisor: Patricia Cole Date: 8/2/2012



Lu Engineers

175 Sully's Trail, Suite 202
Pittsford, NY 14534
Tel. 585.385.7417
Fax 585.385.3741

Figure 1
Stockbridge Research Facility
Tactical Network Prokect
Town of Stockbridge, Madison County
New York

Date: February 2012
Scale: None
Drawn by: BB
Source: USGS Topography Map, 2010


1 inch equals 832.174939 feet
Forest Ave
Vedder Road
Burleson Road

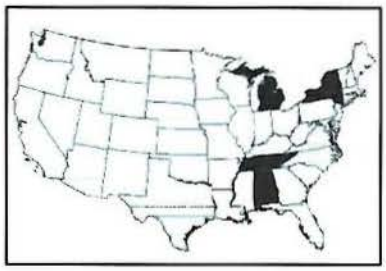
FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES IN NEW YORK (By County)

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

COUNTY Common Name	Scientific Name	Status
LIVINGSTON		
Bald eagle	*Haliaeetus leucocephalus*	D
MADISON		
American hart's-tongue fern	*Asplenium scolopendrium* var. *americana*	T
Chittenango ovate amber snail	*Novisuccinea chittenangoensis*	T
Indiana bat (S)	*Myotis sodalis*	E
MONROE		
Bog turtle (Riga and Sweden Townships)	*Clemmys [=Glyptemys] muhlenbergii*	T
MONTGOMERY[2]		
NASSAU		
Piping plover[5]	*Charadrius melodus*	T
Roseate tern	*Sterna dougallii dougallii*	E
Sandplain gerardia	*Agalinis acuta*	E
Seabeach amaranth	*Amaranthus pumilus*	T
Shortnose sturgeon[1]	*Acipenser brevirostrum*	E
Small whorled pogonia *(Historic)*	*Isotria medeoloides*	T
NEW YORK		
Shortnose sturgeon[1]	*Acipenser brevirostrum*	E
NIAGARA		
Bald eagle	*Haliaeetus leucocephalus*	D
Eastern prairie fringed orchid *(Historic)*	*Platanthera leucophaea*	T
ONEIDA		
Bog turtle (Camden, Florence Townships)	*Clemmys [=Glyptemys] muhlenbergii*	T
Indiana bat (S)	*Myotis sodalis*	E

U.S. Fish & Wildlife Service

Threatened and Endangered Species



This fern can be found in climates as different as Canada and Alabama, suggesting that it had spread widely since the last ice age.

American Hart's-Tongue Fern
(Asplenium scolopendrium var. americanum)

The American hart's-tongue fern is a federally *threatened species*. Threatened species are animals and plants that are likely to become endangered in the foreseeable future. *Endangered species* are animals and plants that are in danger of becoming extinct. Identifying, protecting, and restoring endangered and threatened species is the primary objective of the U.S. Fish and Wildlife Service's endangered species program.

Photo by A. M. Evans

Habitat

This fern is found in close association with outcrops of dolomitic limestone, in coulees, gorges and in cool limestone sinkholes in mature hardwood forests. It requires high humidity and deep shade provided by mature forest canopies or overhanging rock cliffs. It prefers soils high in magnesium.

Why It's Threatened

Although this plant is found over a very wide area, from Alabama to Canada, its populations tend to be very small and isolated due to its unique habitat. Because of its natural rarity, it is particularly vulnerable to disturbance. Many activities threaten the American hart's-tongue. Quarrying, recreation and residential development have all destroyed these plants and their habitat. Canadian populations are threatened by lumbering and the development of land for ski resorts and country estates, among other activities. By removing shade trees, logging raises light levels and lowers humidity, decimating any American hart's-tongue ferns in that area.

U.S. Fish & Wildlife Service
Endangered Species Division
1 Federal Drive
Fort Snelling, Minnesota 55111-4056
612/713-5350
Federal Relay Service 1-800-877-8339
http://midwest.fws.gov/endangered

1997

Chittenango Ovate Amber Snail

Novisuccinea chittenangoensis

Every living thing on the planet finds its own solution to the biggest challenge facing us all – how to stay alive and flourish. Some species are not limited to living in one kind of habitat, and many of these habitat generalists seem to benefit from not being circumscribed in where they live. Other species so closely fit where they live that they seem beautifully adapted for their habitat, and their unique design often serves them well. However, when facing habitat changes, such specialist species run the risk of becoming threatened - unable to continue to flourish - or ultimately endangered - unable to continue to stay alive.

The Chittenango ovate amber snail seems to be a specialist. This small land snail is only found at the edge of one waterfall. While fossil shells similar in appearance have been found at isolated sites from Ontario to Tennessee and as far west as Minnesota and Iowa, the world's only living population of the Chittenango ovate amber snail exists at a waterfall in a state park in central New York State.

The Chittenango ovate amber snail and its habitat perfectly suit one another. The waterfall's spray zone provides a moist, mild environment. The surrounding rocks are calcium-rich, and they support lush vegetation. This snail seems to need calcium in some form as much as it does the green vegetation it eats to survive.

When an entire species lives at one single site in the world, the risk of disaster is high. Any threat has the potential to become very serious. The Chittenango ovate amber snail was given Endangered Species Act protection as threatened in 1978 because of its rarity and population decline. When first discovered in 1905, the species was described as "abundant," but by 1990 surveys located fewer than 25 individuals.

Scientists are not certain about the causes of this snail's population decline. People viewing the waterfall have trampled soil and overturned rocks, crushing snails. Somehow, a non-native snail was introduced to the area, and its population is thriving. Biologists are investigating the interaction of the two snail species, and as yet are unclear about the invader's effect on the Chittenango ovate amber snail. Some scientists initially suspected stream pollutants and the resulting reduced water quality as a problem, but now they think this is not a serious contributor to the Chittenango ovate amber snail's precarious state.

In partnership with the U.S. Fish and Wildlife Service, New York State has erected fences and taken actions to restrict human access to the snail's habitat. In addition, state law requires a permit for many activities that could impact Chittenango Creek. Biologists conducted a captive breeding program from 1990 to 2002. Over the course of those 12 years and at up to four zoo locations, results were varied. Some snails simply did not reproduce. Some laid eggs that proved to be infertile. Other eggs did yield young, but the juvenile snails did not survive. More study is needed to determine the ideal conditions for maintaining a healthy captive population of Chittenango ovate amber snails. Scientists view captive propagation as essential to stabilizing the population of this species.

When viewing the grand whole of the natural world, it seems inevitable that humans can lose sight of the smaller, quieter, hidden creatures.

USFWS

Chittenango ovate amber snail

One of the far-sighted strengths of the Endangered Species Act is that it affords protection to all failing species unconditionally. The Chittenango ovate amber snail could not compete with Canada lynx – not in a race, not in a beauty contest – but both species are protected equally under law. The U.S. Fish and Wildlife Service is committed to working with all who will help prevent the extinction of the Chittenango ovate amber snail.

What's in a name?
The snail is named for Chittenango Creek, its ovate – egg-shaped – shell, and the amber, or pale yellow, color of the shell and body.

U.S. Fish & Wildlife Service
1 800/344 WILD
http://www.fws.gov

May 2006

U.S. Fish & Wildlife Service

Indiana bat

Myotis sodalis

Indiana bats have long lived in the forests and caves of the Northeast and Southeast but primarily in the Midwest. Very gregarious animals, these little bats congregate in winter and summer colonies, migrating between the two in spring and fall. Although they once numbered in the millions, the Indiana bat population has declined 56 percent in the past 40 years, from 883,300 in the 1960s to 387,300 today. In 1967, Indiana bats were listed for protection under the Endangered Species Act.

Indiana bats still live in Alabama, Arkansas, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, Mississippi, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Small, social sleepers

Indiana bats hibernate in limestone caves, called hibernacula, from mid-autumn to early spring. Hibernating bats form large, compact clusters with as many as 5,000 individuals but averaging 500 to 1,000 bats per cluster. Bats form clusters in the same area in a cave each year, with more than one cluster in some caves. Clustering may protect individual bats from temperature changes, reduce sensitivity to external disturbance, or enable rapid arousal and escape from predators. Roosts usually are in the coldest part of the cave. This ensures a sufficiently low metabolic rate so the bats' fat reserves last through the six-month hibernation. Bats may move from a location deeper in the cave to a site nearer the entrance as the cold season progresses to move away from areas that go below freezing. Indiana bats tend to return to the same hibernacula each year.

Single mom, single pup

Having mated in autumn, a female becomes pregnant after the winter hibernation when she ovulates and an egg is fertilized by sperm stored from the autumn mating. Pregnant females migrate to trees that serve as maternity colonies throughout the summer. The female births a single pup, which she tends for about a month before taking it on its first flight in tandem with her. The weather affects the length of time for the pup to mature. Females sometimes relocate their pups to warmer spots on the tree. Dozens and up to hundreds of mothers and their young can inhabit maternity roost trees.

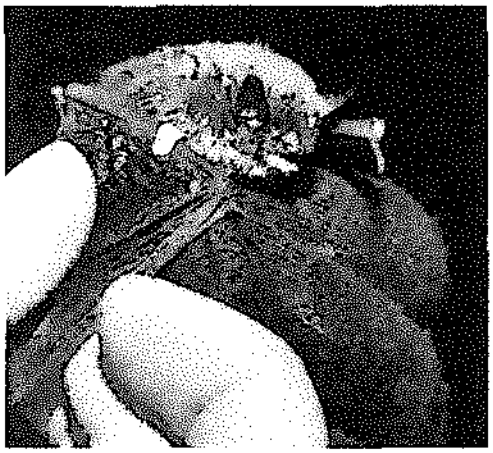
In the summer, bats live in wooded or semi-wooded areas. Groups of female Indiana bats form maternity colonies to bear their offspring in crevices of trees or under loose tree bark. Dead trees are preferred roost sites, and trees standing in sunny openings are attractive because the air spaces and crevices under the bark are warm. Typical roosts are beneath the bark and in crevices of dead trees and beneath loose bark of living trees. Roost trees are likely to be exposed to direct sunlight throughout the day, and are as likely to be in upland habitats as in floodplain forests. Indiana bats are also known to roost in human-made structures such as bridges, sheds, houses and abandoned churches.

Meals on the fly and migration, too

Indiana bats eat flying insects, and their diet reflects the available prey. Bats forage along river and lake shorelines, in the crowns of trees in floodplains and in upland forests. Reproductively active females generally forage within a mile of roost trees. Bats may attempt to capture flying insects as many as 17 times a minute.

Indiana bats show strong homing instincts to their hibernacula. When released to the west of a winter cave, over 68 percent of the bats returned to the cave from 12 miles away. Biologists released approximately 500 female bats up to 200 miles from their winter cave and found that more than two-thirds returned. These researchers noted much stronger homing tendencies along a north-south axis, the direction for migrating to and from summer roosts, than along the east-west direction. Winter and summer

habitats may be as much as 300 miles apart, but are probably much closer for the majority of bats.



Bats in trouble

While hibernating in large numbers is beneficial to bats, it also leaves them vulnerable to catastrophe. Human disturbance at winter caves arouses bats, depleting energy reserves. Vandalism and indiscriminate killing have destroyed much of the population. Some early attempts to keep people out of hibernacula by installing gates inadvertently made the caves unsuitable for bats. Improperly constructed gates can alter the air flow, trap debris and block the entrance by not allowing enough flight space. Altering air exchange by opening additional entrances can also change cave temperature and humidity, rendering the cave unsuitable for bats. Since disruption during hibernation is detrimental, biologists schedule research to avoid harming the bats. To reduce disturbance during a census, the cave is mapped in the autumn before the bats arrive. Then a few, well-trained people carefully collect the minimum data needed for the census.

The rest of the problem

When first looking at the decline of Indiana bat populations, the problems of vandalism and human disturbance in the winter hibernacula were addressed first. When bat populations continued to decline, biologists looked at where bats spend their summers. Loss and degradation of summer habitat and roost sites due to water impoundment, stream channeling, forest clearing, housing development, and clear cutting for agricultural or other uses may be important factors in continuing Indiana bat population decline. Additional research is needed to verify the causes of decline.

Within the delineated summer range, activities planned in habitats occupied by Indiana bats may need to be changed to accommodate the needs of the bats. Summer roosts and surrounding forest and foraging areas may need to be maintained in as natural a state as possible. In addition, while winter hibernacula themselves must be protected, the forests above and around hibernacula should not be dramatically altered. After all, Indiana bats are animals of the forest. Once as plentiful as the passenger pigeon, these little flying mammals are rapidly falling toward extinction. The Service, along with many partners, is working to conserve and protect Indiana bats for now and for the future.

Northeast Region
U.S. Fish & Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

Federal Relay Service
for the deaf and hard-of-hearing
1 800/877 8339

U.S. Fish and Wildlife Service
http://www.fws.gov
1 800/344 WILD

July 2004

Attachment 5

Communications with the New York Natural Heritage Program

Lu Engineers
ENVIRONMENTAL • TRANSPORTATION • CIVIL

luengineers.com

December 6, 2011

NYSDEC-DFWMR
NY Natural Heritage Program-Information Services
625 Broadway, 5th Floor
Albany, NY 12233-4757

Attn: Ms. Jean Petrusiak, Information Specialist

Re: Request for Information on NYS Threatened & Endangered Species
Stockbridge Test Site -Air Force Research Laboratory, Rome Research Site
5251 Burleson Road
Town of Oneida, Madison County
Lu Project No. 13156

Dear Ms. Petrusiak:

Lu Engineers has been retained as a consultant by the Air Force Research Laboratory, Rome Research Site, to conduct an evaluation of potential impacts related to the proposed Stockbridge Tactical Network Improvement Project. The project site is located in the Town of Oneida, Monroe County, New York. Currently, the Air Force Research Laboratory, Rome Research Site does not intend to disturb any of the lands associated with this project.

Enclosed for your reference is a map of the project area. Please review your files and advise us if you have any reports of protected species within or adjacent to the project location. The project is on the Oneida, New York USGS Quadrangle.

The latitude and longitude of the project site is as follows:

- 43.074° N/ 75.162° W

Thank you for your assistance. Please contact me at 585-385-7417 ext. 216 if you require additional information.

Sincerely,

Janet M. Bissi, CHMM
Environmental Scientist

Enclosure (1)
cc: Gregory L. Andrus, CHMM
File

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov

Joe Martens
Commissioner

April 20, 2012

Jon S. Becker
LU Engineers
175 Sullys Trail, Suite 202
Pittsford, NY 14534

RECEIVED
APR 23 2012
LU ENGINEERS

Dear Mr. Becker:

In response to your recent request, we have reviewed the New York Natural Heritage Program database, with respect to an Environmental Assessment for the proposed Stockbridge Tactical Network Improvement, Project 13156, site as indicated on the map you provided, located at 5251 Burleson Road, Town of Oneida, Madison County.

We have no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc.
cc: Region 7

334

Attachment 6

Communications with Oneida Indian Nation

Sprague, Calvin Civ USAF AFMC AFRL/RIOCV

From: Brain, William E Civ USAF AFMC AFRL/RIOCV
Sent: Thursday, June 21, 2012 3:00 PM
To: jbergevin@oneida-nation.org
Cc: Sprague, Calvin Civ USAF AFMC AFRL/RIOCV
Subject: FW: 219 Projec Submittal
Attachments: Apr 2012 Stockbridge 219 Facilities Proposal, 2.docx; RI Stockbridge CCE 219 slides, FY12.pptx; StockbridgeEALuFinalMay2012.docx
Signed By: william.brain@us.af.mil

Jessie,

Attached is the project proposal and map for Stockbridge Test Site. The trenching for the cable should range between 18 and 24 inches. The pads will only require 10-14 inches of excavation. I can provide you with 100% design, full size engineering drawings and plans if required. If you require full drawings please let me know, and I can drop off to you tomorrow or Monday. I have also included a rough draft of the EA which you will be provided for comment after approved by our Headquarters for release. Please call or email when you get this.

Thank You,
Bill

William E. Brain, REM
Chief, Environmental and Occupational Health Office
Rome Research Site
150 Electronic Parkway
Rome, NY 13441
DSN 587-2754
TEL 315-330-2754
FAX 315-330-3410
William.Brain@rl.af.mil

-----Original Message-----
From: Wood, Gary M Civ USAF AFMC AFRL/RIOC
Sent: Wednesday, May 09, 2012 3:55 PM
To: Hague, Daniel J Civ USAF AFMC AFRL/RITF; Hoehn, Brian R Civ USAF AFMC AFRL/RIOCC; Lamoy, Timothy J Civ USAF AFMC AFRL/RIOCCB; Brain, William E Civ USAF AFMC AFRL/RIOCV
Cc: Bollana, Daniel C Civ USAF AFMC AFRL/RIO; Stoneking, Victoria S Civ USAF AFMC AFRL/CSH
Subject: 219 Projec Submittal

Please review (again) the attached files which will be placed in the live link folder Vicki has provide in the morning. The CWE is $1,743M. This was reported in last year's submittal at Vicki's recommendation. Additionally, we are wrapping up an EA at the site which will have no impact on the project construction or timeline. We are mentioning this in the executive summary, for one, to communicate the importance of this project in that we have already invested toward the realization of the project.

Dan Hague, also please look at the Excel spreadsheet which is part of this submittal. I updated from last year with material you presented to the Management Council. There are two tabs, one is equipment, the other is facilities. Much of the verbiage is the same on both tabs. I think it summarizes the entirety of the mission.

Gary

Gary M. Wood, PE
Chief, Civil Engineering Branch
AFRL/RIOC
150 Electronic Parkway
Rome, NY 13441-4516
Tel: (315) 330-3527
DSN: 587-3527
Email: Gary.Wood@rl.af.mil

AFRL/RI
Rome Laboratory, NY
Controllable Contested Environment (Stockbridge Experimentation Upgrade)
$1.6M

Executive Summary—This project will upgrade the Stockbridge Test Facility by adding infrastructure to support a controllable contested environment for cyber, communications, networking, ELINT, and distributed sensing research for all of AFRL. The infrastructure will include a series of 18 pads, 20 ft by 30 ft each, distributed around the existing 310 acre test site. The infrastructure will also include the installation of power (30 A) and connectivity (fiber) to each pad location. The existing site provides ample space in an electromagnetically quiet rural area, and has an approved and flexible frequency authorization plan. This upgrade will provide the infrastructure necessary to create a known RF environment for experimenting with and testing a wide variety of C4ISR capabilities in a realistic manner. The project is 100% designed, with detailed engineering drawings and cost estimates in hand. An environmental assessment/impact package has also been submitted and is currently in review.

Current Mission— Situated on 310 acres of real estate in a quiet RF environment, the Stockbridge site provides an ideal setting for cost effective field experimentation with a variety of RF and optical communications technologies. Located approximately 18 miles from the Rome Research Site, this unique facility provides a wide range of experimental capabilities, including UAS runways and flight capabilities, antenna testing, and electromagnetic characterization. The Stockbridge site's proximity and line-of-sight to both the Rome Research Site and the Newport Test Facility provide even greater geographic diversity for communication and networking research and development.

Key benefits of the facility are:

- AFRL Owned – Provides freedom and ease of use to support wide variety of programs. Flexibility to modify and develop site, in a cost effective manner, according requirements
- Existing Infrastructure – Flexible towers and building space provides a unique capability to support RF and Optical testing. A 200 tower with a movable gantry supports rapid reconfiguration of testing.
- Flight Approval for Small UAS work – this difficult-to-obtain approval is possible because AFRL owns the site, and the rural location places the site in relatively unused airspace. Enables flexible UAS operations with minimal overhead
- Broad Frequency Authorization – Under the FCC's Red Book (Handbook of Frequency Allocations and Spectrum Protection for Scientific Uses), the Stockbridge and Newport Facilities have been granted the right to transmit at low power across the frequency band, with few exceptions. This enables rapid prototype experimentation and flexibility for short term R&D.

- Location –The Stockbridge facility provides excellent physical separation from ther Rome and Newport sites for realistic testing of tactical RF and optical links. These distributed assets, centered on the Information Directorate's home location, provide an extremely cost effective and unique capability.

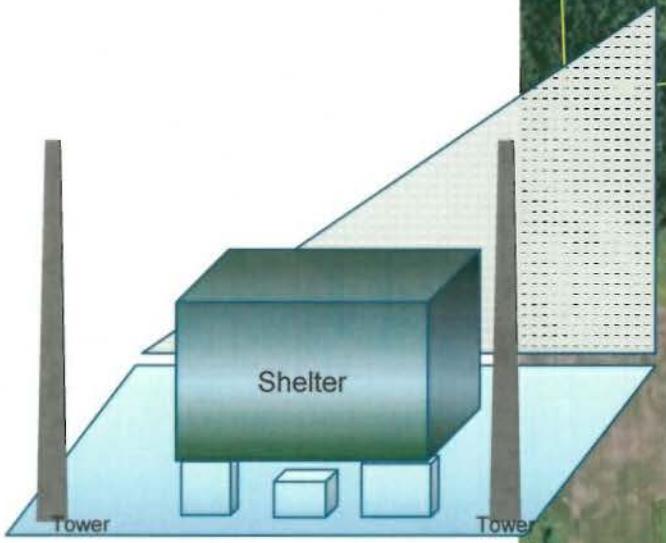
Impact: This project will enable the research, development, experimentation, and testing of a wide range of cyber, communications, networking, electronic intelligence (ELINT), and distributed sensing technologies in congested and contested environments. The proposed upgrades to the Stockbridge facility will provide the necessary controlled and distributed RF environment for this experimentation. The proposed environment will allow testing of subsystems and small systems, and allow scaled proof-of-concept demonstrations of larger systems. The proposed project will provide a unique environment that is readily available to AFRL scientists and engineers. The controlled environment will also be cost-effective; having power and communications available at the pads will save money on batteries, generators, and especially labor for the setting up and tearing down of experimental configurations.

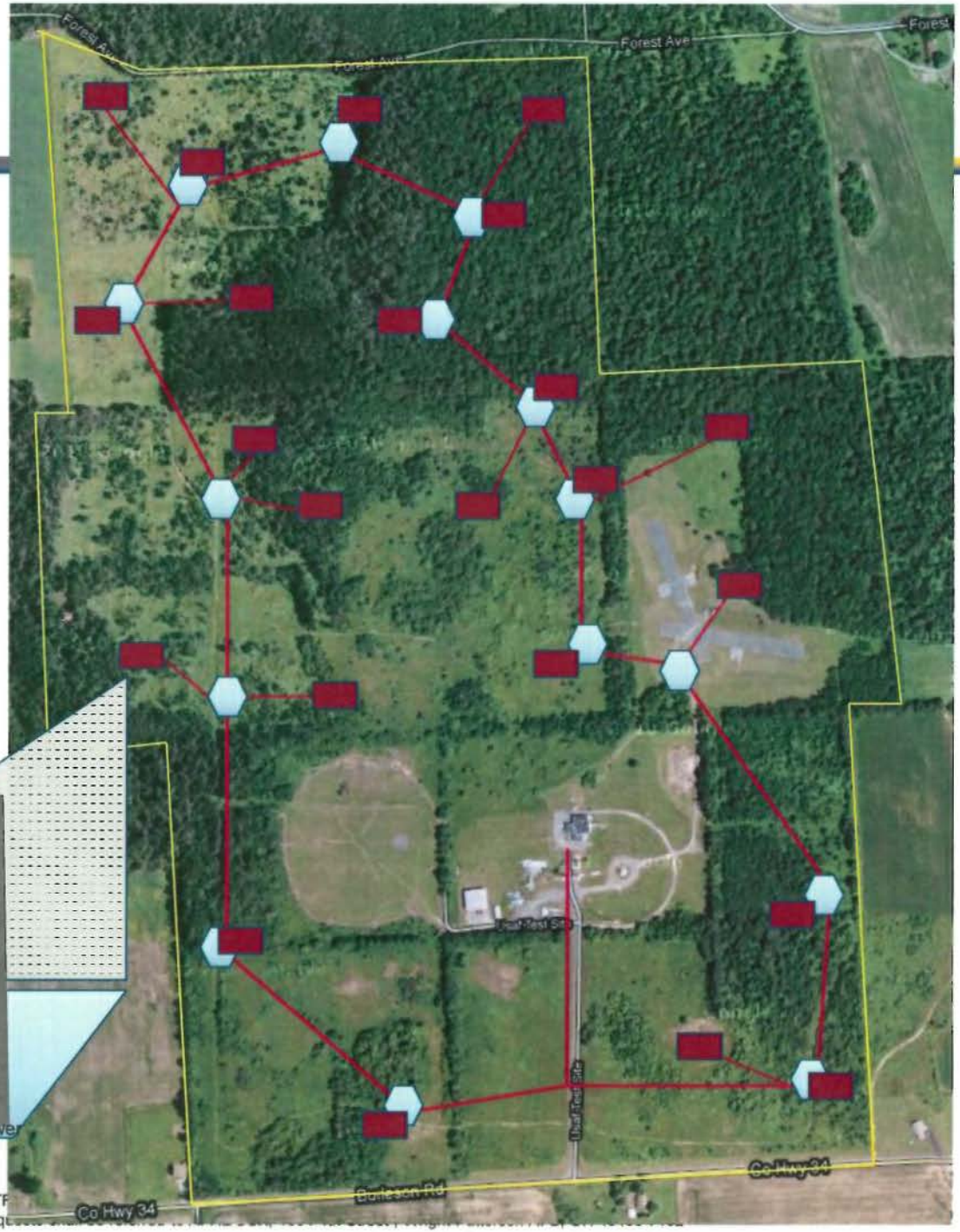
Environmental Considerations: The size of the project did pose environmental concerns. IAW 32 CFR Part 989 - Environmental Impact Analysis Process (EIAP), an Environmental Assessment (EA) of the proposed project is being accomplished. All environmental studies have been completed (April, 2012). The project would have no effect on Air Quality, Safety and Health, Hazardous Waste/Contaminated Materials, Cultural Resources, Geology and Soils, and Socioeconomics of the project site and surrounding communities. The project would have no adverse effects on Water Resources and Biological Resources (i.e. wetlands and Threatened and Endangered Species habitat). While no impact to cultural resources is anticipated, Rome Laboratory will follow all federal requirements and the Memorandum of Agreement (MOA) between Rome Research Site and the Oneida Indian Nation should human remains or archeological artifacts be uncovered. We are on schedule to have the EA signed by HQ AFMC in July.

Pad Location

Node Location
(for power and comm distribution)

Approx conduit route





DISTR
Other requ

Sprague, Calvin Civ USAF AFMC AFRL/RIOCV

From: Jesse Bergevin [jbergevin@oneida-nation.org]
Sent: Tuesday, June 26, 2012 11:42 AM
To: Brain, William E Civ USAF AFMC AFRL/RIOCV
Cc: Sprague, Calvin Civ USAF AFMC AFRL/RIOCV
Subject: Tactical Network Improvement Project - Stockbridge Research Facility

On June 21, 2012, the Oneida Indian Nation (the "Nation") received an email and documentation from the Air Force Research Laboratory, Rome Research Site (AFRL/RRS) concerning the proposed installation of a Tactical Network Improvement Project (TNIP) within the boundaries of the Stockbridge Research Facility (SRF). The AFRL/RRS asked the Nation for comments on the proposed TNIP. The TNIP is proposed to be installed within the SRF which had been previously surveyed for historic resources. Based on the past archaeological investigations for the SRF and a review of the proposed area of potential effect for the TNIP, the Nation is not aware of any significant historic resources that could be affect by the TNIP.

If you have any questions, please call me at (315) 829-8463.

Thank you,

Jesse Bergevin | Historic Resources Specialist Oneida Indian Nation | 1256 Union Street, PO Box 662, Oneida, NY 13421-0662 jbergevin@oneida-nation.org | www.oneidaindiannation.com
315.829.8463 Office | 315.829.8473 Fax

Attachment 7

Communications with New York State Historic Preservation Office

COMMONWEALTH
CCRG
CULTURAL RESOURCES
GROUP, INC.

February 14, 2012

Nancy Herter
Scientist, Archaeology
Office of Parks, Recreation and Historic Preservation
Field Services Bureau
P.O. Box 189, Peebles Island
Waterford, New York 12188-0189

RE: Stockbridge Tactical Network Improvement Project
Stockbridge Research Facility
Towns of Stockbridge and Lincoln
Madison County, New York
OPRHP No. 99PR1157

Dear Ms. Herter:

Commonwealth Cultural Resources Group, Inc. (CCRG) has been contracted by Lu Engineers, 175 Sullys Trail, Suite 202, Corporate Crossings Office Park, Pittsford, New York 14534, to provide a cultural resource investigation in anticipation for the proposed Stockbridge Tactical Network Improvement Project at the Stockbridge Research Facility, Madison County (Figures 1 and 2).

The Department of Defense, Air Force Research Laboratory, Rome Research Site (AFRL/RRS) (located at Stockbridge) is committed to the protection of its cultural and archaeological resources and with all Federal, State, and local environmental and cultural resource protection laws. As mandated by the National Historic Preservation Act (NHPA), Sec. 106 and Sec. 110, the National Environmental Policy Act (NEPA), Environmental Impact Analysis Process (EIAP), and the revised Air Force Instruction (AFI) 32-7065 (June 2004), *Cultural Resources Management Program*, the AFRL/RRS intends to complete the cultural resources portion of the Environmental Assessment (EA) prior to beginning the Stockbridge Tactical Network Improvement Project.

All cultural resource investigations carried out at the Stockbridge Research Facility were, and will continue to be, performed in compliance with Federal and State guidelines, laws, directives, and regulations for cultural resource studies including, but not limited to, the NEPA of 1969; the NHPA of 1966 and as amended; Executive Order (EO) 11593; the Archaeological Historic Preservation Act (AHPA) of 1974; the Archaeological Resource Protection Act (ARPA); and the New York State Historic Preservation Act (SHPA) of 1980. As guidelines for these investigations, Lu Engineers used, and will continue to use, the procedures outline in the *Code for Federal Regulations* (CFR), Title 36, Chapter VII, Part 800, as well as the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State* (New York Archaeological Council 1994).

For the purpose of this undertaking, CCRG has examined all cultural resource investigations carried out to date at the Stockbridge Research Facility. This letter report summarizes the results of those cultural resource studies undertaken at the Stockbridge Research Facility and makes recommendations as to what future cultural resource investigations may or may not be required.

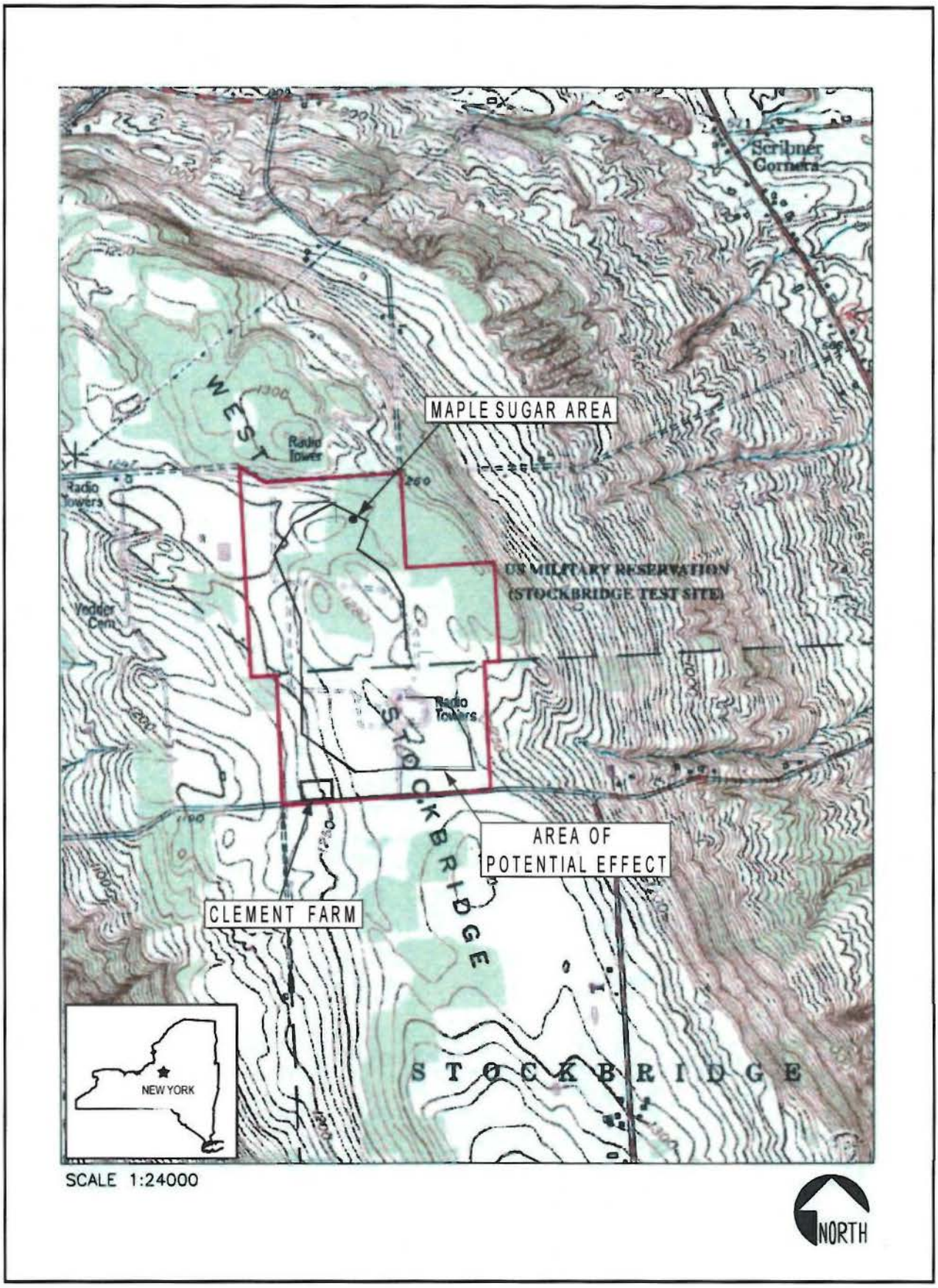


FIGURE 1. The Project Location on 1993 USGS *Oneida, NY* 7.5 Minute Series Quadrangle

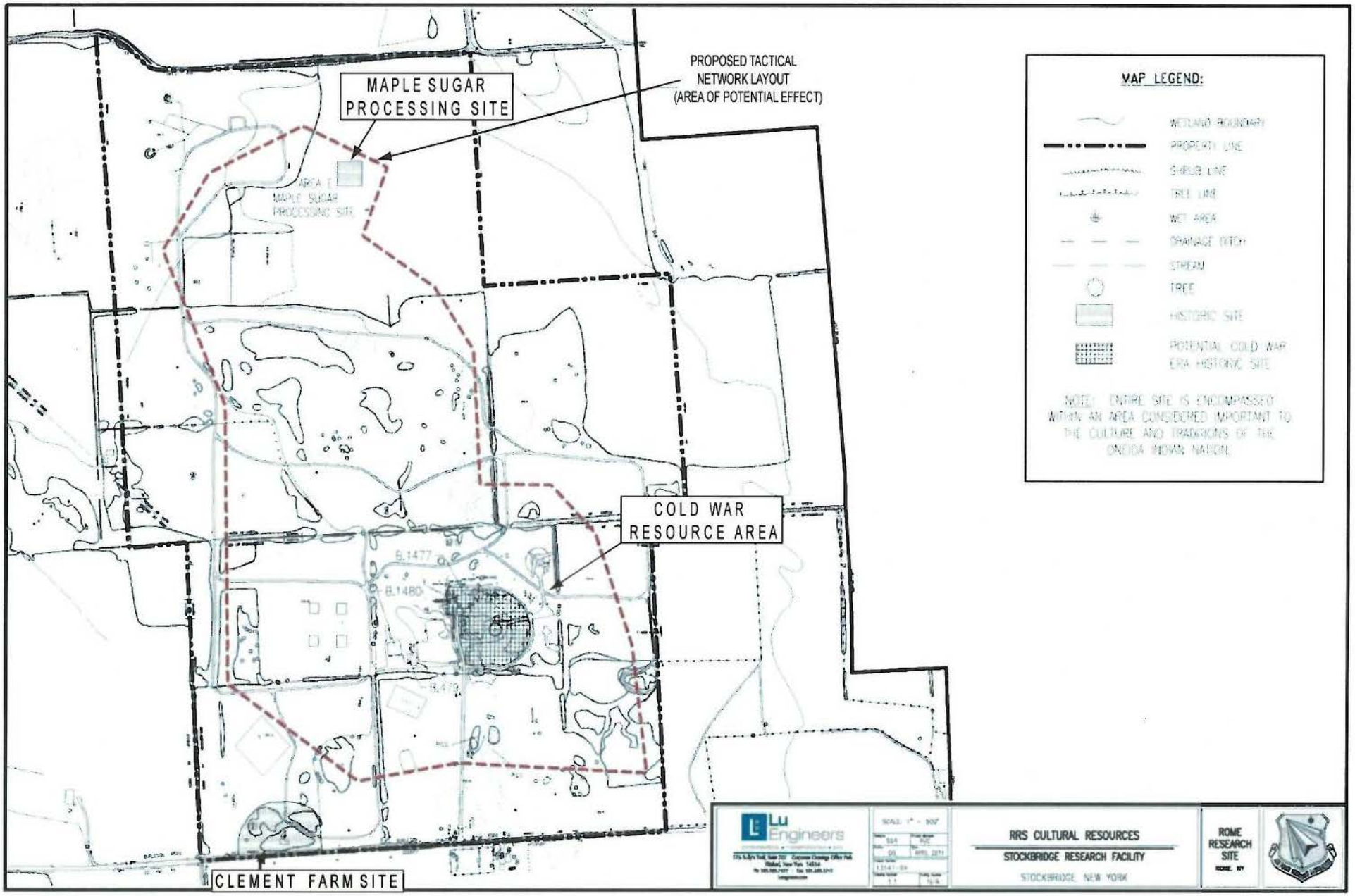


FIGURE 2. Area of Potential Impact Within Stockbridge Research Facility

Background Information

The Stockbridge Research Facility is located on West Stockbridge Hill along the eastern border of Madison County, approximately three miles south of the City of Oneida in the Town of Stockbridge and, to a lesser degree, the Town of Lincoln (Figure 1). The Stockbridge Research Facility is located approximately 18 miles southwest of the Griffiss Business and Technology Park. Burleson Road, which traverses West Stockbridge Hill, forms the southern boundary of the Stockbridge Research Facility. NYS Route 46 runs north/south approximately one mile east of the Stockbridge Research Facility. The surrounding properties are primarily agricultural.

In June 1997, Lu Engineers was contracted by the AFRL/RRS, Civil Engineering Branch, Environmental Safety and Occupational Health Offices, 150 Electronic Parkway, Rome, New York, to conduct a Phase IA cultural resource investigation for the Stockbridge Research Facility. Completed in October 1998, the Phase IA study indicated that site would require a Phase IB cultural resource investigation (Pierce 1998). Once again, Lu Engineers was contracted by the AFRL/RRS to conduct the Phase IB cultural resource investigation at the Stockbridge Research Facility. Phase IB field investigations were carried out at the site between August and September 1999. Completed in May 2000, the Phase IB report indicated that two historic archaeological sites – the Clement-Richardson Farm site and the Maple Sugar Processing area would require Phase II archaeological site evaluations in order to determine their National Register eligibility (Pierce 2000). Phase II archaeological investigations carried out at the Clement-Richardson farm site and the Maple Sugar Processing area were completed by Lu Engineers over a five day period starting on September 19, 2004 (Pierce, Demeter, and Taylor 2006).

The combined cultural resource and archaeological studies carried out at the facility indicated that the Clement-Richardson Farm site was eligible for listing in the NRHP, while the Maple Sugar Processing site was not eligible. Cultural resource studies conducted for the AFRL/RRS also indicated that the facility includes two National Register Eligible (NRE) Cold War structures as well. A summary of those studies are discussed below.

Clement-Richardson Farm Site (A053-14-0005)

The Clement-Richardson Farm archaeological site lays within the 378 meter (m) (1,240 feet [ft]) to 384 m (1,260 ft) above mean sea level (amsl) contours along the westerly slope of West Stockbridge Hill (Figure 1). The site is underlain by Lockport dolomite bedrock formation with area surface soils consisting of well-drained Honeoye silt loams (HnB). This deep running soil type typically exhibits a gently sloping grade of from 3-8% occurring along upland plateaus and dissected valley sides at elevations of less than 427 m (1,400 ft) amsl. The highest point of the farmstead is defined by the actual house footing. The down slope running away from the dwelling exhibits gentle grades to the north and east, while dropping somewhat more abruptly to the west and south. The south slope is the most pronounced having been artificially enhanced by modern road-cut activities associated with the construction of grading and paving of the adjacent Burleson Road (Figure 2).

A total of 234 shovel tests was excavated across the Clement-Richardson Farm site, including 18 Phase IB (15 m [50 ft]) and 216 Phase II close-interval (7.6 m [25 ft]) shovel tests. Of the 234 excavated shovel tests, about 7.7% (n=18) were positive, containing cultural material typically associated with 19th century domestic archaeological sites, including a multitude of earthenware varieties, glass, metal (i.e., nails, bolts, wire, washers, screws, tacks, hinges), and miscellaneous artifacts (i.e., lime, brick, bone, clam shell, plastic, pencils, batteries). In addition, Phase II archaeological investigations at the site included the excavation of ten 1.5 m x 1.5 m (5 ft x 5 ft) test units.

The Clement-Richardson Farm site configuration includes of the remnants of a dwelling, located perhaps 18.3 m (60 ft) north of Burleson Road and two barn foundations located northwest of the dwelling. Additional site features noted at the time of the Phase II investigations (September 2009) included the following: a dressed stone and cement stuccoed footing of an outlying barn measuring about 12.2 m x 12.2 m (40 ft x 40 ft); a dressed stone ell-shaped footing of the dwelling measuring 18.3 m x 9.5 m (60 ft x 30 ft); a rectangular field stone footing and concrete floor (likely stock barn) measuring 6.1 m x 18.3 m (20 ft x 60 ft); a cast concrete water trough measuring 0.76 m x 2.3 m (2.5 ft x 7.5 ft); and a nearby grouping of four vertically set concrete and metal ground pipes (Pierce, Demeter, and Taylor 2006).

Test units at the Clement-Richardson farm site were concentrated in close proximity to positive shovel test locations that surrounded the former dwelling. Two test units were placed near the barn locations, northwest of the dwelling. While randomly scattered refuse was noted across the site during field investigations, somewhat more densely concentrated trash deposits appeared as exposed sheet middens along the north side of the former dwelling and south of the concrete floored stock barn (Pierce, Demeter, and Taylor 2006).

Although the known period of occupation for the Clement-Richardson Farm, as determined through historic literature and map research, spanned the period between 1830± through about 1961, the archaeological evidence from the combined Phase I and II field investigations demonstrated a temporal artifact grouping over an approximate 100 year period of site use. The collected artifact assemblage included domestic discard spanning the ca. 1830 through the ca. 1930 period, which was heavily concentrated within a 15 m (50 ft) perimeter at the rear (north) of the dwelling. Artifacts associated with the Clement-Richardson Farm site occurred within a single soil stratum, the sequencing of deposition appeared to have remained largely intact (Pierce, Demeter, and Taylor 2006).

In summary, Lu Engineers determined that the Clement-Richardson Farm site was eligible for the National Register of Historic Places (NRHP). On the basis of the combined Phase I and II investigations at the former farmstead, as generally defined by the area surrounding house foundation and barn footings, there exists a high probability of adding to the interpretive base evidence relative to the present understanding of rural New York consumption patterning and life ways during the 19th through early-20th century. Furthermore, the Clement-Richardson Farm site offers the potential to address the changing patterns of a single family from the earliest Euroamerican settlement through the Cold War era. Once settled in Stockbridge, Lenox, Lincoln, and surrounding towns throughout Madison County, the Clements and the Richardsons, like other local families, appeared to have stayed put, with few emigrating west. The Phase II report further suggests that, if the site is looked at as part of a district of inter-related farms (often related by blood and marriage), the Clement-Richardson Farm site would be an important and

contributing component with the ability to contribute much to the regional and local questions concerning changes from self-supporting entities into capitalistic economies (Pierce, Demeter, and Taylor 2006).

Maple Sugar Processing Area Site

Located within the northeastern portion of the Stockbridge Research Facility, the Maple Sugar Processing area was identified during the Phase I cultural resource investigation. The site is situated within the 387.2 m to 390.2 m (1,270 ft to 1,280 ft) amsl contours along the central spine of the West Stockbridge Hill. At the time of the investigations, the overall appearance of the site consisted of a rolling ground surface with numerous exposed rock outcrops and open fissures, within a high canopy ash-maple forest containing relatively thin leafy undergrowth (Pierce 2000, 1998).

Combined Phase I and II archaeological investigations carried out at the Maple Sugar Processing area included the excavation of a 15 m (50 ft) interval shovel test grid and seven 1.5 m x 1.5 m (5 ft x 5 ft) test units. The site was identified with one positive shovel test generated during the Phase IB field investigation. The test was located within a slight depression.

Although historical associations of the sugar camp site depression could not be determined solely on the basis of literary evidence, the Phase I investigation originally identified the site as a likely location of a maple sugar processing facility dating to the mid-1880s. However, a Phase II re-evaluation of the site significantly altered this assessment. In fact, Phase II field investigations provided no evidence indicative of the modification of the actual pit depression as an adaptive component of a maple sugaring camp, rather it appeared to be a natural fissure formed within the near surface bedrock formation and subsequently in-filled by erosion.

Archaeological investigations carried out at the site produced a small assemblage of artifacts containing a variety of historic material, including stoneware (Albany slip interior, salt-glazed exterior), cast iron kettle or stove pot, glass, porcelain, miscellaneous metal objects (i.e., horseshoe, fragmentary iron stove pots, hoe blade, enamel basin fragments). Upon closer evaluation, the cast iron fragments identified during the Phase I study, were later determined to be associated with a much smaller stove pot (rather than a larger cast iron kettle), which typically is not associated with the processing of maple sugar. Lacking any clear functional associations, CCRG archaeologists determined that artifact discard at the site was likely the result of a single opportunistic episode. Subsequently, the site was determined to not be eligible for listing on the NRHP and no further archaeological investigations were recommended (Pierce, Demeter, and Taylor 2006).

Cold War Resources

According to the Integrated Cultural Resources Management Plan (ICRMP), the Stockbridge Research Facility contains two Cold War cultural resources that may be potentially eligible for listing in the NRHP (Pierce 2003). Both resources are located about 305 m (1,000) ft north of Burleson Road, within the southeastern potion of the facility.

A major construction program at the Stockbridge Research Facility, which was completed in 1950, included the installation of a variety of high frequency receiving antennas and the construction of a 6,943-square-foot laboratory building (Building 1477; Figure 2). The facility was modified in 1974 to evaluate antenna system performance and Electronic Counter Measure (ECM) threat response on large airframes, including the B-52, KC-135, C-130 and B-B1Bs. Modifications included the construction of a Computer Controlled Antenna Measurement System (CCAMS), which is mounted on a 75 m (245 ft) (Pierce 2003).

The proposed Stockbridge Tactical Network Improvement Project contains no plans to demolish any standing structures and will not have an adverse effect on either potential NRE Cold War structures located at the facility.

Project Summary and Recommendations

The Area of Potential Effect (APE) for the proposed Stockbridge Tactical Network Improvement Project is somewhat irregular in shape and encompasses an area measuring approximately 128 acres in size (Figure 2). As described above, the entire 295 acre (ac) Stockbridge Research Facility, including the current APE, has been subjected to Phase IA and IB cultural resource investigations, which included subsurface shovel testing wherever possible (Pierce 2000, 1998). Phase I cultural resources investigations identified four potential NRE resources – two historic archaeological sites (Clement-Richardson Farm site and Maple Sugar Processing area) and two Cold War structures. The current APE encompasses three of those resources – the Maple Sugar Processing area archaeological site, which was determined to be ineligible for listing on the NRHP and two NRE Cold War resources (Building 1477 and tower) (Pierce, Demeter, and Taylor 2006). The NRE Clement-Richardson Farm archaeological site is located approximately 198 m (650 ft) to the southeast, well outside the current APE. The current development project will not have an adverse effect on the NRE Clement-Richardson Farm site.

With the exception of the Clement-Richardson Farm site and two structures associated with the Cold War, the combined Phase IA and IB cultural resource investigations carried out at the Stockbridge Research Facility, along with Phase II archaeological site evaluations carried out at the Clement-Richardson Farm site and the Maple Sugar Processing area failed to identify cultural resources eligible for the National Register. As described above, the NRE Clement-Richardson Farm site is outside the current APE, while the Cold War structures will not be demolished. The proposed project will have no effect on cultural resources listed, or eligible for listing, in the State or NRHP. Should future development projects at the Stockbridge Research Facility be undertaken with in, or adjacent to, the Clement-Richardson Farm site, a Phase III archaeological study would be warranted. Similarly, should any future AFRL/RRS development projects adversely effect the facility's two Cold War resources, their NRE status should be investigated as well. At this time, no further cultural resource investigations are recommended for the Stockbridge Tactical Network Improvement Project.

Should you have any questions regarding this project, I can be reached at 716/510-9115. Or, if you prefer, email me at rpeltier@ccrginc.com. Thank you in advance for your time on this matter.

Sincerely Yours,
CCRG, Inc.

Robert J. Peltier, M.A.
Principal Archaeologist

REFERENCES

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United States Geological Survey
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Governor

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New York State Office of Parks, Recreation and Historic Preservation

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May 7, 2012

Robert J. Peltier
Commonwealth Cultural Resources Group, Inc
189 Kenmore Ave
Kenmore, New York 14217
(via email only)

Re: AIR FORCE
Stockbridge Tactical Network Improvement Project/Stockbridge Research Facility
Towns of Stockbridge and Lincoln,
Madison County
12PR01316

Dear Mr. Peltier:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have **No Effect** upon cultural resources in or eligible for inclusion in the National Register of Historic Places. Please note that if Federal permits or monies are involved, Native American consultation is required under Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36 CFR 800 and is the responsibility of the federal agencies.

The SHPO appreciates the opportunity to comment on this information. Further consultation with the SHPO is recommended if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have. Please also refer to the PR# above in any future correspondence for this project.

Sincerely,

Nancy Herter

Nancy Herter
Scientist, Archaeology