

# APPENDIX O

8/15/2005



Denise Sheehan  
Acting Commissioner

Environmental Resources Management - Pennsylvania  
Karen Fletcher, Project Scientist  
350 Engleview Blvd  
Suite 200  
Exton, PA 19341-1155

Re: FISH AND WILDLIFE RESOURCES IMPACT ANALYSIS (FWRIA) FOR RAECO PRODUCTS SITE AT 24 SPENCER STREET

Dear Karen Fletcher,

The following comments are based upon the location information provided in your inquiry of:  
RAECO PRODUCTS AT 24 SPENCER STREET

#### **Historic, Architectural, Archeological, and Cultural Resources**

See the attached map generated from the NYS Office of Parks, Recreation, and Historic Preservation's (NYS OPRHP) Archeologically Sensitivity Geographical Information Systems (GIS) database found at <http://www.oprhp.state.ny.us/nr/>.

The project location was reviewed on the NYS Office of Parks, Recreation, and Historic Preservation's (NYS OPRHP) Archeological Sensitivity GIS website. OPRHP's website indicates that the project site is located within an archeologically sensitive area. It is suggested that recommendations be sought from NYS OPRHP regarding the potential impacts on historic and archeological resources from the development of this area. Additional information can be found on NYS OPRHP's website (use Internet Explorer rather than Netscape) at <http://www.oprhp.state.ny.us/nr/> or by calling them at (518) 237-8643. Potential impacts to these resources must be considered in the State Environmental Quality Review (SEQR) documentation. For example, previous disturbance should be described to indicate whether future project components will have the potential to further affect archeological resources.

#### **Biotic Communities/Endangered and Threatened Species of Flora and Fauna**

We have reviewed the available information in the New York Natural Heritage Program databases on known occurrences of rare or state-listed animals and plants, of significant natural communities, and other significant habitats. Some occurrences were found in the vicinity of the project site. The attached table provides the common name, scientific name, status, last observation, and location information for these plant species. It is recommended that a professional (botanist or landscape architect) familiar with the identification of these species undertake a survey of the literature and determine if the proposed project contains habitats which would favor these species. If favorable habitats exist, a field survey would be needed to determine if the species is actually present. If populations of the endangered or threatened species are found to be in the project area, project modifications should be considered to avoid or minimize impact. The NYSDEC Regional Forester at the DEC's Bath office (Address: 7291 Coon Road, Bath NY 14810 Telephone Number: (607) 776-2165) can be contacted for information on individuals that have knowledge and field experience in identification of these species.

For most sites, comprehensive field surveys have not been conducted; the enclosed information only includes records from our databases. 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 impact assessment. The NYS Natural Heritage Program databases do not include Federally-listed or proposed endangered or threatened species. For this information, we suggest that you contact the





U. S. Department of the Interior Fish and Wildlife Service at 3817 Luker Road, Cortland NY 13045 or by calling (607) 753-9334.

### **Flood Plain and Levee Protection Area**

The project/site is located within a 100 year floodplain boundary and likely will be located within the floodway boundaries. Structural designs should take this criteria into account and allow passage of the flood waters flowing through the floodway. This project must be completed in compliance with Town flood control ordinances. As required by Floodplain Management Regulations, if any state monies are used, this project must also be in compliance with 6 NYCRR Part 502 Floodplain Management Criteria for State Projects.

### **Protection Of Waters - Permit Required**

Genesee River is considered a navigable stream in the project vicinity. An Article 15 Protection of Waters permit, pursuant to 6NYCRR Part 608 will be required for any excavation or fill of this stream during the course of the project. The U. S. Army Corps of Engineers in Buffalo should be contacted to determine if any federal approvals are required for work in or near the protected streams or their tributaries. Contact the U. S. Army Corps at: Chief Regulatory Branch, U. S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo NY 14207. Their phone number is (716) 879-4330.

In the project area, there is a stream(s) with a classification C(T) or higher. An Article 15 Protection of Waters Permit, pursuant to 6NYCRR Part 608 will be required for any disturbance to the bed or banks of this/these stream (s) during the course of the project. Additionally, standard sediment and erosion controls should be employed to prevent a contravention of the water quality standards for this/these stream(s).

### **401 Water Certification**

Work in certain waters and wetlands of the United States may require a permit from the U. S. Army Corps of Engineers (Corps). If a Corp permit is required, the Corps may request that the DEC make a determination (Water Quality Certification, pursuant to Section 401 of the Federal Clean Water Act) that discharges from the proposed activities, for which an applicant is seeking a Corps permit approval, will comply with the applicable effluent limitations, water quality standards, and any other applicable conditions of the State Law. The Buffalo Office of the Corps should be contacted regarding permit jurisdictions. Their address is Chief Regulatory Branch, U. S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo NY 14207. Their phone number is (716) 879-4330. Documentation in support of a 401 Water Quality Certification would include demonstration of compliance with the Department's Stormwater SPDES General Permit for Construction Activities (GP-02-01). This documentation would include Stormwater Management Plans for the project and a completed Self Assessment Stormwater Management Checklist, submitted and signed by a licensed professional engineer. The checklist can be obtained from the Division of Environmental Permits, NYSDEC-Region 8 Headquarters, 6274 East Avon - Lima Road, Avon NY 14414 or by phone at (585) 226-5400.

### **Stormwater General Permit**

Stormwater discharges now require a State Pollution Discharge Elimination System (SPDES) Stormwater permit from this Department if they either: (1) occur at industrial facilities and contain either toxic contaminants or priority pollutants or (2) result from the construction projects involving the disturbance of one (1) or more acres of land. Your project may be covered under one of the statewide General Permits or may require an individual permit. If you believe your project would be covered under one or more of the General Permits and would NOT require any other DEC permits, you may apply for coverage by filing a Notice of Intent with NYSDEC Division of Water, 625 Broadway, Albany NY 12233-3505. Forms are available from this office or the DEC website at [www.dec.state.ny.us](http://www.dec.state.ny.us) or by calling (518) 402-8109. If your project involves other DEC permits, please contact this office.

Thank you for the opportunity to review this project. If you have questions regarding the information provided in this letter, please don't hesitate to contact me at (585) 226-5399. Forms may be obtained on the DEC Website at: [www.dec.state.ny.us](http://www.dec.state.ny.us).

**NYS Department of Environmental Conservation**

Region 8 Division of Environmental Permits

6274 East Avon-Lima Road

Avon, New York 14414-9519

**Phone:** (585) 226-540 **Fax:** (585) 226-283

**Website:** [www.dec.state.ny.us](http://www.dec.state.ny.us)

8/15/2005



**Denise Sheehan**  
**Acting Commissioner**

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny Landry", written over a horizontal line.

**Jenny Landry**

**Division of Environmental Permits - Region 8**

**With Enclosures**



**NYS Department of Environmental Conservation**

Region 8 Division of Environmental Permits

6274 East Avon-Lima Road

Avon, New York 14414-9519

Phone: (585) 226-5400 Fax: (585) 226-2830 Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)

8/15/2005



**Denise Sheehan**  
Acting Commissioner

**Project Name:** RAECO PRODUCTS AT 24 SPENCER STREET

**The following Uniform Procedures Permits are needed:**

- ☒ Protection of Waters, Article 15 Title 5
  - ☒ Stream Disturbance
    - Stream Name: Genesee River
  - ☒ Excavation/Fill in Navigable Waters
    - Name: Genesee River
  - ☐ Dam
  - ☐ Dock/Mooring
  - ☐ Water Quality Certification
- ☐ Class C Stream
- ☐ Water Supply, Article 15 Title 15
- ☐ Long Island Wells, Article 15 Title 15
- ☐ Wild, Scenic, and Recreational Rivers Article 15 Title 27
  - Name: \_\_\_\_\_
  - Status: \_\_\_\_\_
- ☐ Mined Land Reclamation Article 23
- ☐ Freshwater Wetlands Article 24
  - Id Number: \_\_\_\_\_
  - Wetland Class: \_\_\_\_\_
- ☐ Federal Wetlands
- ☐ Coastal Erosion Hazard Area Article 34
- ☐ Wastewater Discharge (SPDES), Article 17
  - ☐ Industrial
    - (GP-0-05-001) ☐ (GP-95-01)
  - ☐ Municipal
  - ☐ Private, Commercial, Institutional
  - ☐ Stormwater - Construction
  - ☐ Stormwater - Industrial
- ☐ Air Pollution Control, Article 19
  - ☐ Title V Facility
  - ☐ State Facility
  - ☐ Prevention of Significant Deterioration (PSD)
  - ☐ New Source Review
  - ☐ National Emission Standards for Hazardous Air Pollutants (NESHAPS)
- ☐ Waste Transporter, Article 27 Title 3
- ☐ Solid Waste Management, Article 27 Title 7
  - Facility Type: \_\_\_\_\_
- ☐ Haz Waste Management, Article 27 Title 9
  - ☐ Treatment
  - ☐ Storage
  - ☐ Disposal

**Other DEC authorizations/notifications that are needed:**

- ☐ Sewer Extension Approval
- ☐ Oil/Gas Well
- ☐ Underground Storage
- ☐ Temporary Revocable Permit (State Forest Lands)
- ☐ Bulk Storage
- ☐ Aquatic Pesticides

**Reviews Needed:**

- ☐ Agricultural District Number: \_\_\_\_\_
- ☒ Coastal Consistency

- ☒ Approved LWRP

Community Name: Rochester

- ☐ Significant Coastal Fish/Wildlife Habitat

Name Of the Area: \_\_\_\_\_

Species: \_\_\_\_\_

- ☒ State Historic Preservation Act
  - ☒ Archeological Sites (circles/squares)
  - ☐ Historical Structures
- ☒ State Owned Lands Underwater Location: Genesee River
- ☐ SRF Project, SERP
- ☐ Design Approval

**Reviews Needed by Other Agencies:**

- ☒ US Army Corps Of Engineers
- ☐ NYS Department Of State
- ☒ NYS Office of Parks, Recreation, and Historic Preservation
- ☒ NYS Office of General Services
- ☐ Adirondack Park Agency
- ☐ State Health Department
- ☐ Local Government
- ☐ County Health Department
- Government Name: \_\_\_\_\_
- ☐ Town Coastal Hazard Review
- ☐ River Basin Commission Name: \_\_\_\_\_
- ☐ NYS Canal Corps

**Resources/Potential Impacts:**

- ☒ SEQR Critical Environmental Area
- ☐ Environmental Justice Community Name
- ☒ Natural Heritage Site
- ☐ Significant Coastal Fish Wildlife Habitat Area
- ☐ Visually Significant Resources
- ☒ Protected/Endangered Species
- ☐ Lands Owned by NYS
- ☐ Principal/Primary Aquifer
- ☐ Wildlife Management Area
- ☐ Scenic Roads
- ☐ State Forest Lands
- ☒ Public Parks, Recreation Area, Open Spaces
- ☐ Flood Way
- ☒ Flood Plain
- ☐ State Maintained Flood Control Lands
- Control Lands Name: \_\_\_\_\_
- ☒ Inactive Hazardous Waste Site
- ☐ Groundwater Contamination
- ☐ Erosion/Sedimentation
- ☐ Aesthetics
- ☐ Air Quality Non-Attainment Area
- ☐ Noise/Odors
- ☐ Traffic
- ☐ Energy Use
- ☐ Record Of Compliance
- ☐ Public Health

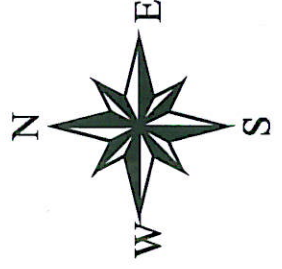
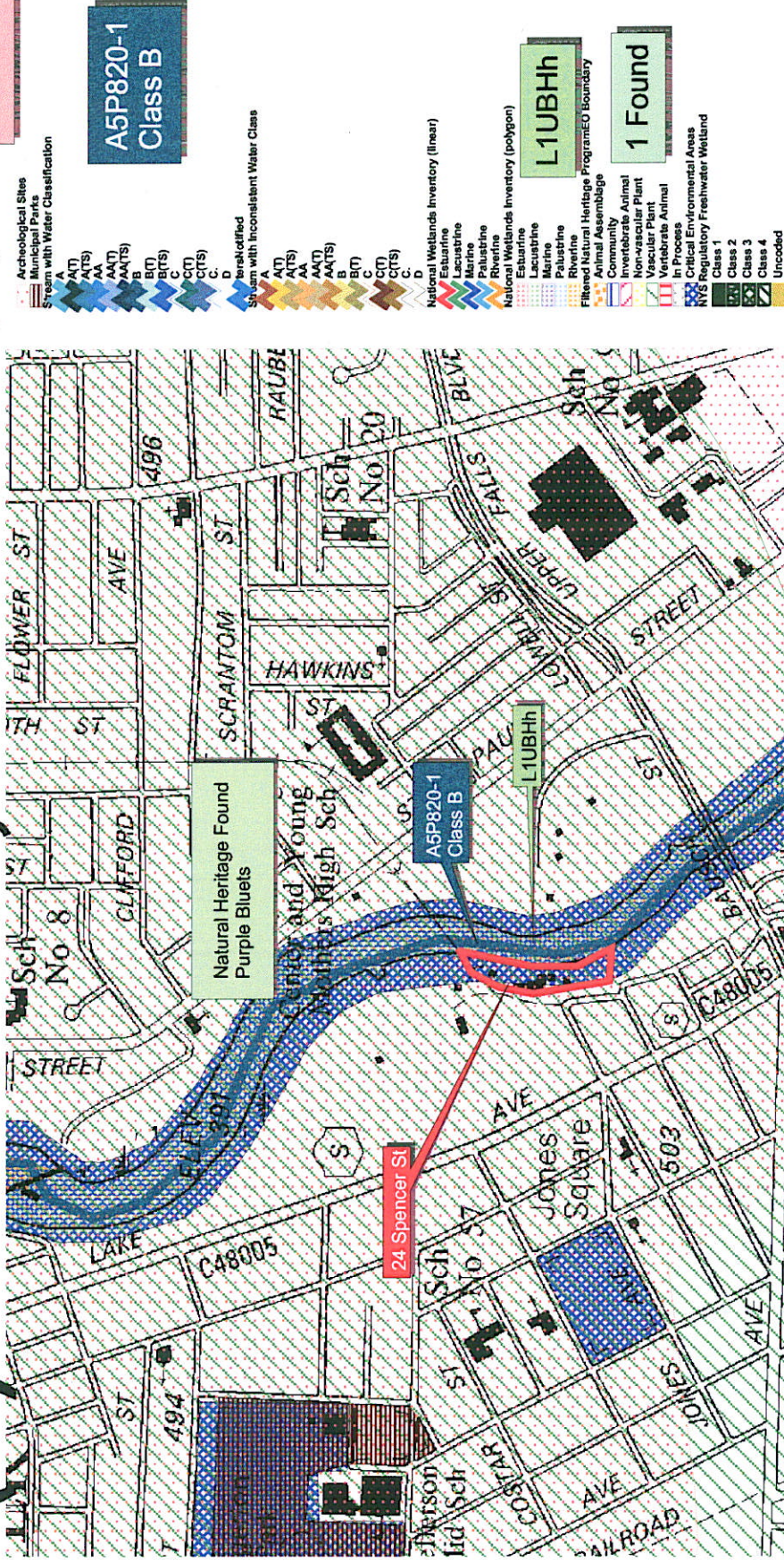


# 24 Spencer Street

## (C)Rochester, Monroe Co

In Critical Environmental Area

In archeo zone



8/2/05

0.6 Miles

0.3

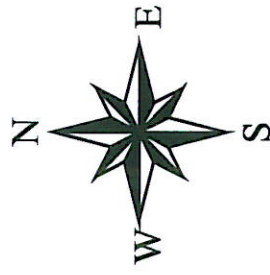
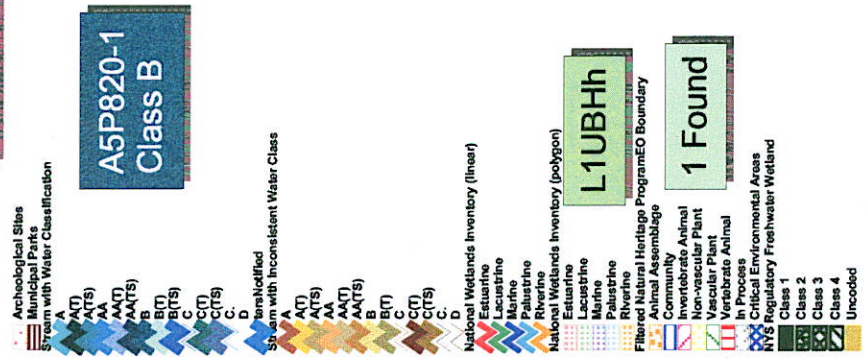
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0.3



**In Critical Environmental Area**

**In archeo zone**



8/2/05





## Identify Results

1: Filtered Natural Heritage Program ED Boundary - Houstonia purpurea var. purpurea

Shape	Polygon
Square Meters	17988504.000
Perimeter	15059.358
Sensitive Data?	N
Scientific Name	Houstonia purpurea var. purpurea
Common Name	Purple Bluets
Last Report Date	1905-09-03
ED Rank	H
Location	Genesee Falls
Site Description 1	River banks
2 Site Description	
Directions 1	Rochester, Monroe County, banks of Genesee River, below the falls.
2 Directions	
Element Group	Vascular Plant
NYS Listing	E
Federal Listing	
NYS Rank	SH
Global Rank	G515
ED Rank Comments	
Location Use	
Mgmt Comments	
Threats	
Protection Comments	
ESU Site	
ID Confirmed?	Y
Map Precision	
Precision id	M
Managed Area	Seneca Park
County	Monroe
Township	City Of Rochester
Element Type	P
Ecode	PDRUB11083*006*NY
Eo id	9027
Shape id	6834
Feature id	6834
Feat code	1010
Record num	3370
Mod by	DLA
Mod date	20000705 09:21:38
Mapped by	DT
Mapped date	19920528
Threat field	
Acres	

Clear

Clear All



ArcView GIS 3.3



Document1 - Microsoft Word



3:41 PM