

June 26th, 2019

Department of the Army
ATTN: CENAN-OP-R - Mr. Andrew Dangler
NY District, Corps of Engineers
1 Buffington Street, Building 10, 3rd Floor
Watervliet, NY 12189-4000

Re: County Route 6 over Tributary to Switzkill Creek - Culvert Replacement - Town of Berne, Albany County, NY

Dear Mr. Dangler:

The Albany County Department of Public Works is undertaking a project to replace the culvert carrying a tributary to Switzkill Creek under County Route 6 to correct deficiencies, pass a larger storm event, stabilize the overall site, and provide necessary scour protection. The existing superstructure and appurtenances have recently suffered failure and collapse and temporary repairs have stabilized the site for the time being. Structural deterioration and flood events have resulted in scour at the culvert ends and wing walls and loss of soil along the length of the culvert, and separation of the end section pipe from the culvert itself.

Work for this project will consist of a full replacement of the existing culvert pipe with a steel plate-arch culvert, that will be eight feet wider than the existing opening. The proposed span will have a hydraulic opening to handle a 50-year storm. Excavation for the footings of the new arch will take place parallel to the outside of the existing pipe, with water flowing thru the existing pipe during excavation. Once these concrete footings are cured, stone fill will be placed to the inside of the footings and the old pipe removed, and new steel arches installed. Scour protection will be placed at each end section.

The project site has been reviewed for state and federal wetlands through on-line wetland Inventory mappers. Only federal jurisdictional wetlands were identified at the project site; however, these wetlands are classified as Riverine and confined within the stream channel. A field visit confirmed that no additional wetlands exist outside the stream channel in the project vicinity and that no wetlands would be impacted. There will be minimal work within this Riverine wetland system and impacts have been calculated for below the identified Ordinary High Water (OHW) mark for the creek.

This project will comply with ACOE permit General Conditions #2 for Aquatic Life Movements and #9 for Management of Water Flows. The project will adhere to #2 by not substantially disrupting the life cycle movements of aquatic life and will be constructed to maintain low flows to allow aquatic species movements. The project adheres to #9 by maintaining the pre-construction course, condition, capacity, and location of waters (in fact the project as designed improves these characteristics). Plans call for widening the culvert opening by 8 feet, thereby meeting the General Conditions and the hydraulic capacity needs for the Creek. A natural stream bottom will be established with the removal of the old pipe.

There will be approximately 307.10 CY of material excavated below Ordinary High Water in preparation of placement of scour protection rip rap and for installation of the concrete footings. There will be a total of 235.10 CY of rock rip-rap scour protection placed along the inlet and outlet abutments and wingwalls in all four quadrants.

Since the tributary to Switzkill Creek is a Class C waterway, this application has not been sent to the NYS Department of Environmental Conservation. There are no State wetlands in the project vicinity. There is no tree clearing associated with this project therefore the identified protected bat species potentially in the area will not be impacted. An IPaC screening for the site has been completed and the Determination Key has generated a Verification Letter of no effect and no further coordination. A CRIS screening of the site for historic properties and archeologically sensitive areas has been completed and resulted in no identified elements at the site.

Enclosed is a Joint Application Form for your use in analyzing the project for any permit that may be required for this work. Included is information for site location, endangered species, cultural resources, site photographs and detailed design plans and specifications.

If you have any questions, do not hesitate to contact me to discuss the project in more detail. Please contact me at 518-898-9553, or at kweiskotten@gpinet.com at any time.

Thank you for your time and consideration.

Sincerely,
GPI/Greenman-Pedersen, Inc.



Kurt Weiskotten
Environmental Scientist

w/encl.

cc: W. Anslow, Albany County DPW, w/o encl (via email)
J. Simkulet, GPI
B. Weaver, GPI



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
>NYS Department of Environmental Conservation
Check all permits that apply: Stream Disturbance, Dams and Impoundment Structures, Tidal Wetlands, Water Withdrawal, etc.
>US Army Corps of Engineers
Check all permits that apply: Section 404 Clean Water Act, Section 10 Rivers and Harbors Act
>NYS Office of General Services
Check all permits that apply: State Owned Lands Under Water, Utility Easement, Docks, Moorings or Platforms
>NYS Department of State
Check if this applies: Coastal Consistency Concurrence

2. Name of Applicant
Name, Taxpayer ID, Mailing Address, Post Office / City, State, Zip, Telephone, Email
Applicant Must be (check all that apply): Owner, Operator, Lessee

3. Name of Property Owner (if different than Applicant)
Name, Mailing Address, Post Office / City, State, Zip, Telephone, Email

For Agency Use Only | Agency Application Number:

4. Name of Contact / Agent

Mailing Address _____ Post Office / City _____ State _____ Zip _____

Telephone _____ Email _____

5. Project / Facility Name _____ Property Tax Map Section / Block / Lot Number: _____

Project Street Address, if applicable _____ Post Office / City _____ State _____ Zip _____

_____ NY _____

Provide directions and distances to roads, intersections, bridges and bodies of water

Town Village City County _____ Stream/Waterbody Name _____

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: _____° _____' _____" Longitude: _____° _____' _____"

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

b. Description of current site conditions:

c. Proposed site changes:

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

f. Is tree cutting or clearing proposed? Yes If Yes, explain below. No

Timing of the proposed cutting or clearing (month/year): _____

Number of trees to be cut: _____ Acreage of trees to be cleared: _____

g. Work methods and type of equipment to be used:

h. Describe the planned sequence of activities:

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

j. Erosion and silt control methods that will be used to prevent water quality impacts:

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

l. Proposed use: Private Public Commercial

m. Proposed Start Date: Estimated Completion Date:

n. Has work begun on project? Yes If Yes, explain below. No

o. Will project occupy Federal, State, or Municipal Land? Yes If Yes, explain below. No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below. No

7. Signatures.

Applicant and Owner (If different) must sign the application.
 Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

Date

[Handwritten Signature]

6/26/19

Applicant Must be (check all that apply): Owner Operator Lessee

Printed Name

Title

LISA RAMONAC

Commissioner DPW

Signature of Owner (if different than Applicant)

Date

Printed Name

Title

Signature of Contact / Agent

Date

[Handwritten Signature]

6/20/19

Printed Name

Title

Kurt Weiskotten

Environmental Scientist

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

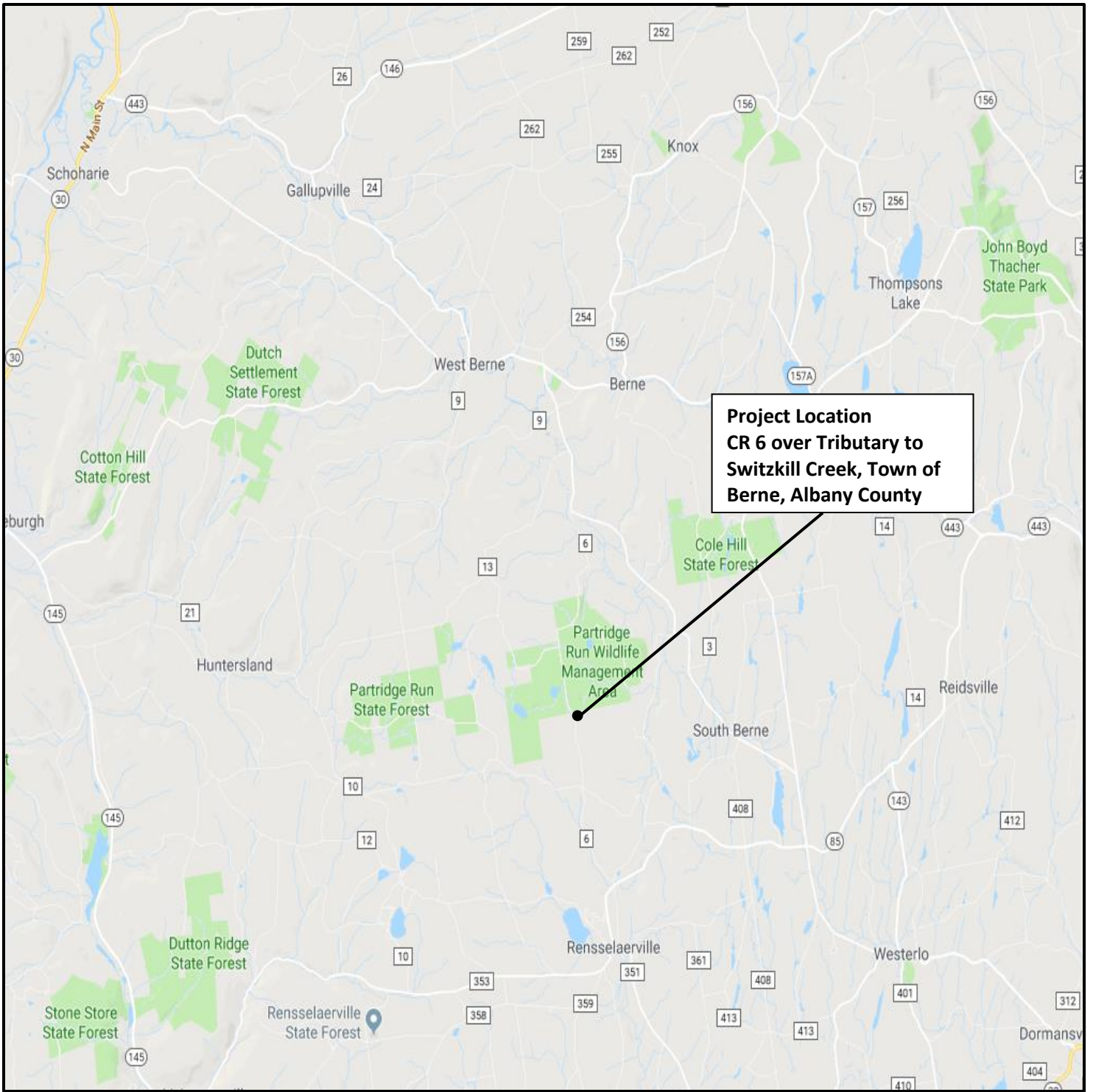
Agency Representative:

Printed Name

Title

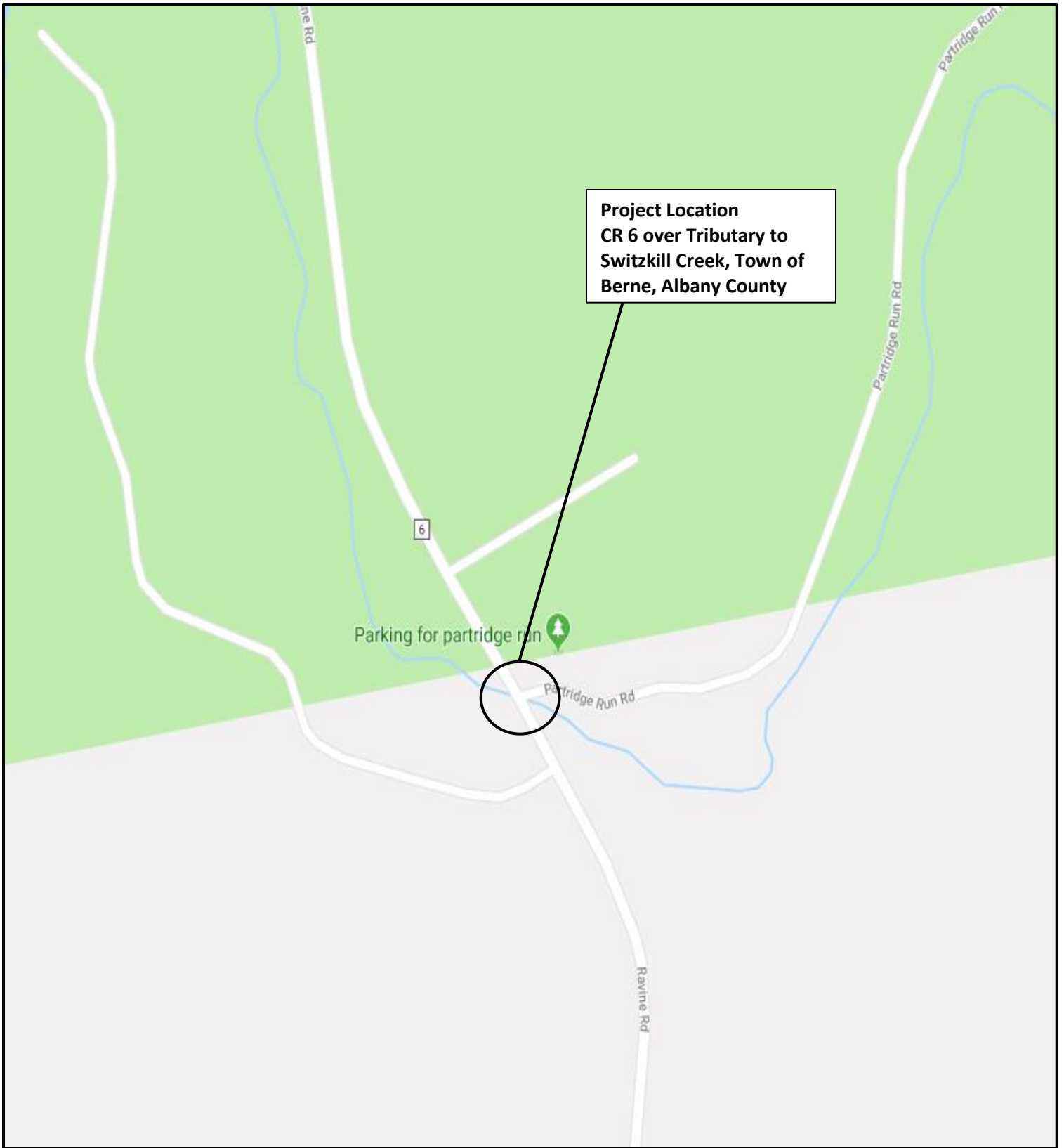
Signature

Date



Project Location
CR 6 over Tributary to
Switzkill Creek, Town of
Berne, Albany County

General Project Location
CR 6 over Tributary of Switzkill Creek
Town of Berne, Albany County, NY



Project Location
CR 6 over Tributary of Switzkill Creek
Town of Berne, Albany County, NY

GPI
Greenman-Pedersen, Inc.
Engineering and Construction Services

County Route 6 Culvert Replacement, Berne, Albany County, NY

Photographs of culvert and site conditions.

Page 1



Photo 1: View looking southwest at east side (outlet) of Culvert. County Route 6 above.



Photo 2: Disconnected outlet end piece – looking southwest.



Photo 3: View looking southeast at outlet of Culvert – from edge of highway.



Photo 4: View looking east at outlet of Culvert and downstream – from edge of highway.



Photo 5: Inlet of Culvert – looking east.



Photo 6: Drain pipe in southwest corner of inlet of Culvert.



Photo 7: Gabion wall at left side of inlet of Culvert – looking northeast.



Photo 8: Gabion wall at right side of inlet of Culvert – looking southeast.

County Route 6 Culvert Replacement, Berne, Albany County, NY

Photographs of culvert and site conditions.

Page 5



Photo 9: Asphalt patch over Culvert – looking south.



Photo 10: Asphalt patch over Culvert – looking northwest.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

IPaC Record Locator: 301-17171214

June 24, 2019

Subject: Consistency letter for the 'CR6 Culvert Replacement' project (TAILS 05E1NY00-2019-R-2430) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **CR6 Culvert Replacement** (Proposed Action) may rely on the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the threatened Northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species.**

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency for the Proposed Action accordingly.

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

CR6 Culvert Replacement

Description

Replace culvert carrying unnamed tributary to Switzkill Creek under County Route 6.

Determination Key Result

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for these two species.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

No

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

No

10. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

11. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

12. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

13. Does the project include slash pile burning?

No

14. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

No

15. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

16. Will the project involve the use of **temporary** lighting *during* the active season?

No

17. Will the project install new or replace existing **permanent** lighting?

No

18. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

19. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage, rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

20. Are *all* project activities limited to actions that DO NOT cause any stressors to the bat species, including as described in the BA/BO (i.e., habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives)?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

21. Will the project raise the road profile **above the tree canopy**?

No

22. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

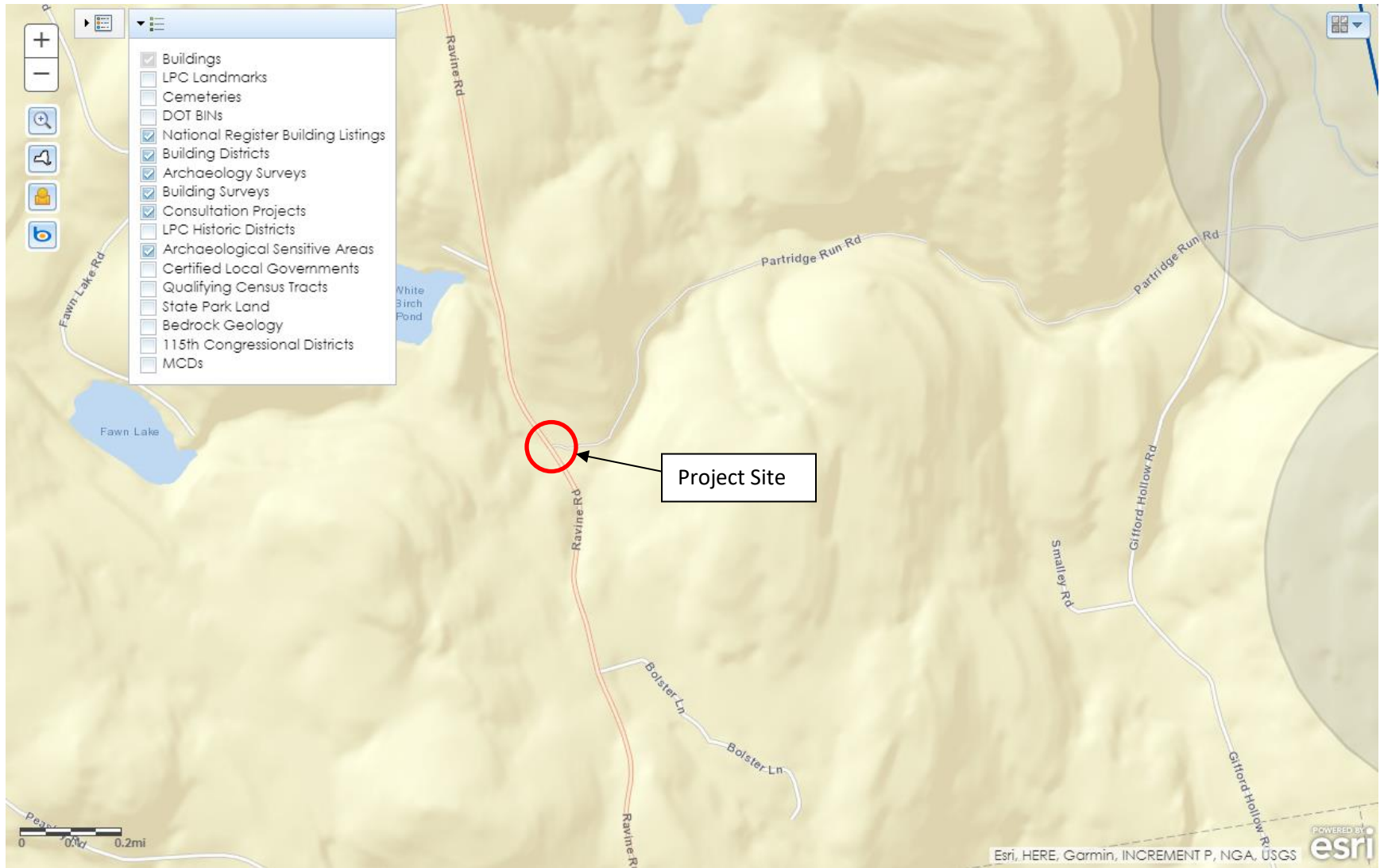
Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

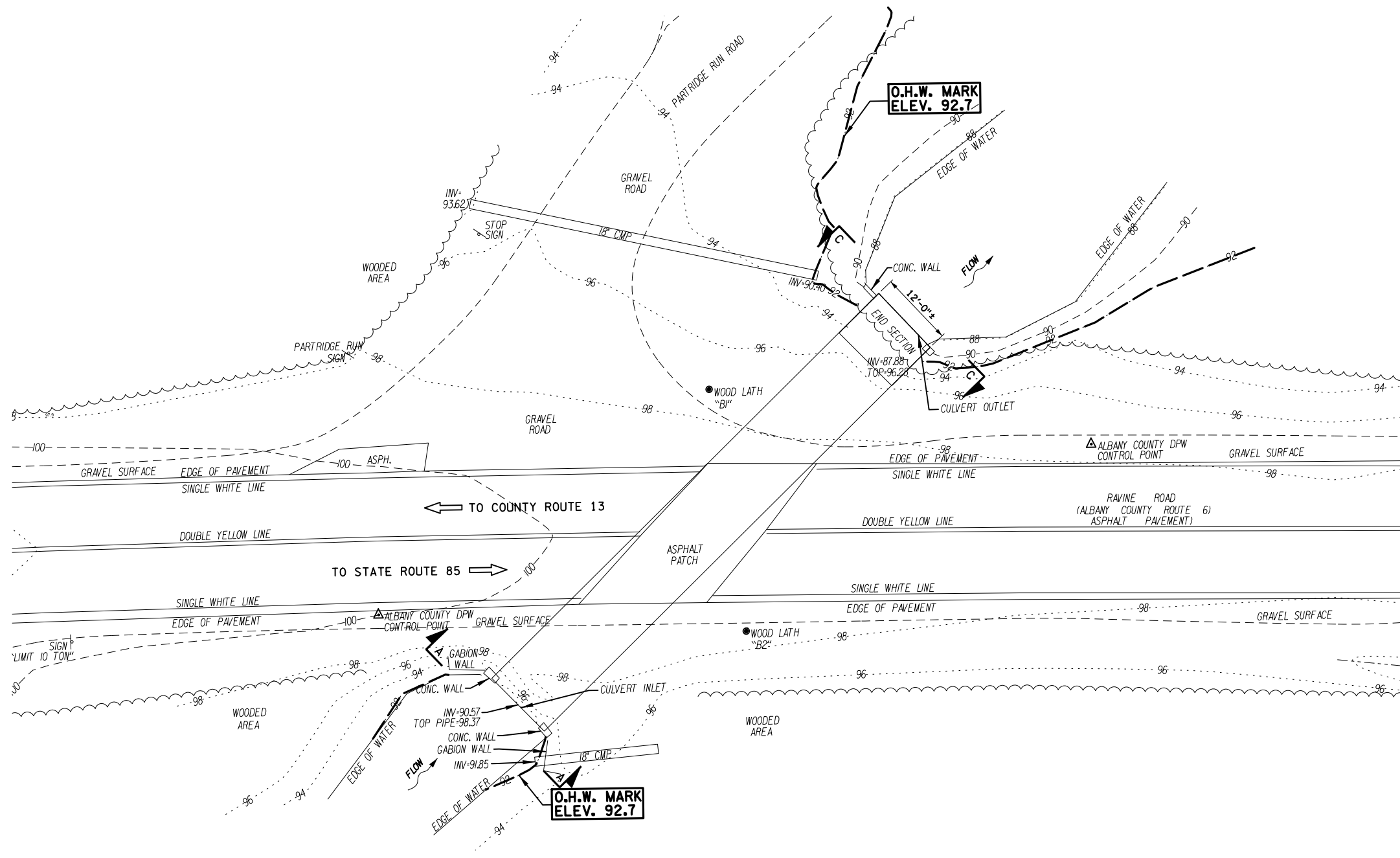
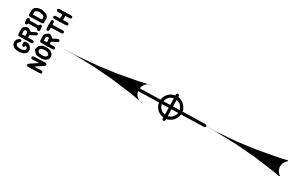
This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

CRIS Results





EXISTING CULVERT PLAN

PROJECT MANAGER X
CHECK X
DRAFTING X
CHECK X
DESIGN X
JOB MANAGER X
DESIGN SUPERVISOR X

AFFIX SEAL: GREENMAN - PEDERSEN, INC
ON: MAY 31, 2019
ALTERED BY:
ON:

AS-BUILT REVISIONS
DESCRIPTION OF ALTERATIONS:

COUNTY ROUTE 6
OVER TRIBUTARY TO SWITZKILL CREEK
TOWN OF BERNE
COUNTY: ALBANY REGION: 1

PIN
BRIDGES
CULVERTS

ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED
EXISTING CULVERT PLAN

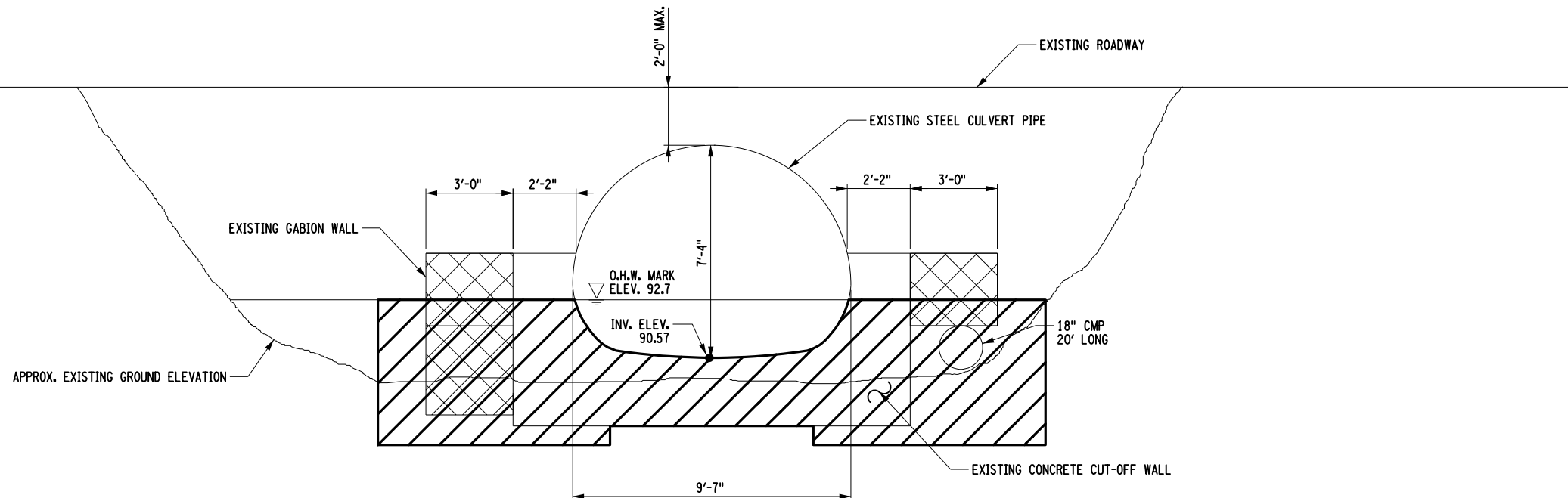
CONTRACT NUMBER
4967
DRAWING NO. GNP-XX
SHEET NO. XX

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

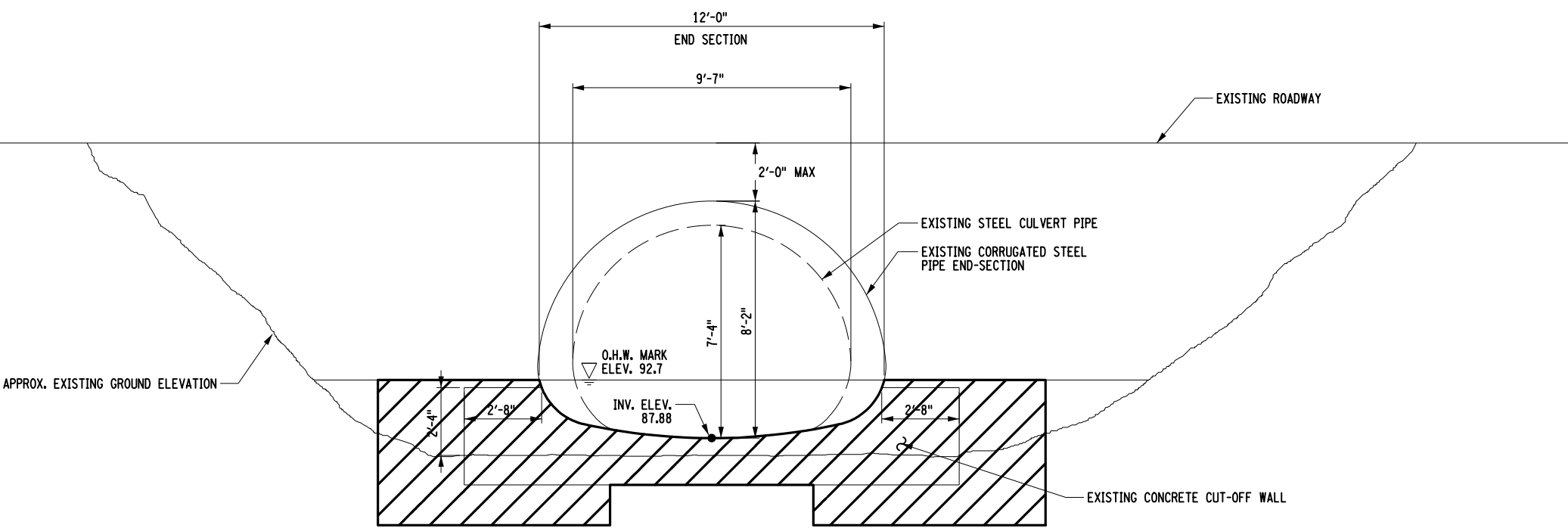


FILE NAME = \$FILEABBREV\$
DATE/TIME = \$DATE\$
USER = \$USER\$

PROJECT MANAGER X
 CHECK X
 DRAFTING X
 CHECK X
 DESIGN X
 JOB MANAGER X
 DESIGN SUPERVISOR X



**SECTION A-A
 EXISTING INLET**



**SECTION C-C
 EXISTING OUTLET**

(PROPOSED ELEVATION TO MATCH PROPOSED SECTION A-A)

LEGEND
 VOLUME OF EXCAVATION BELOW O.H.W. 307.1 CY

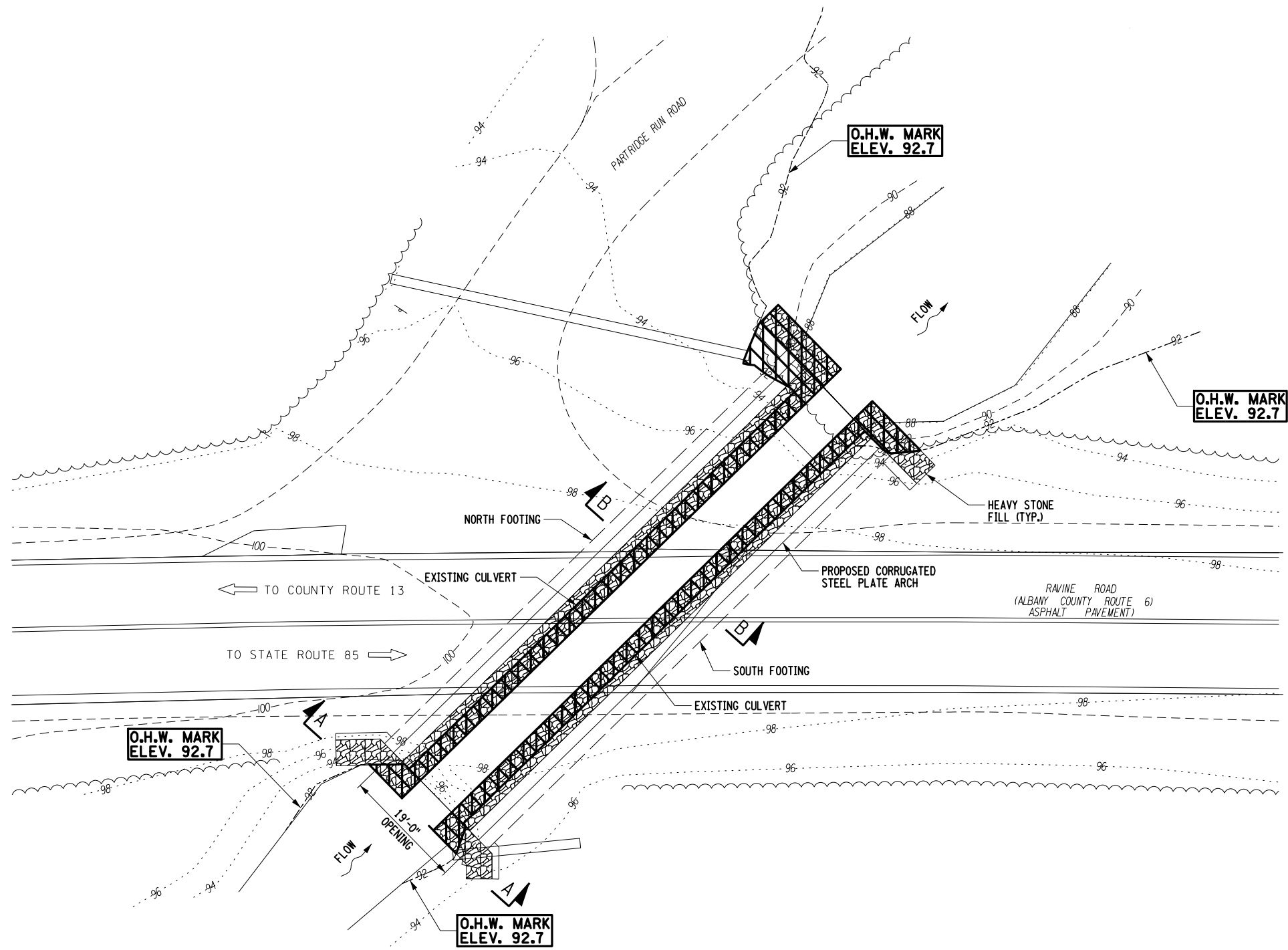
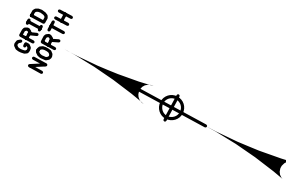
AFFIX SEAL: GREENMAN - PEDERSEN, INC
 ON: MAY 31, 2019
 ALTERED BY:
 ON:

AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	COUNTY ROUTE 6	PIN	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER 4967
	OVER TRIBUTARY TO SWITZKILL CREEK					EXISTING CULVERT ELEVATION
	TOWN OF BERNE					
	COUNTY: ALBANY	REGION: 1				

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GPI GREENMAN-PEDERSEN, INC. CONSULTING ENGINEERS
ALBANY COUNTY DEPARTMENT OF PUBLIC WORKS

FILE NAME = \$FILEABBREV\$
 DATE/TIME = \$DATE\$
 USER = \$NTUSER\$



LEGEND

 VOLUME OF PERMANENT FILL BELOW O.H.W.
 NORTH FOOTING: 117.7 CY
 SOUTH FOOTING: 117.4 CY

PROPOSED CULVERT PLAN

AFFIX SEAL: GREENMAN - PEDERSEN, INC
 ON: MAY 31, 2019

ALTERED BY:
 ON:

AS-BUILT REVISIONS
 DESCRIPTION OF ALTERATIONS:

COUNTY ROUTE 6
 OVER TRIBUTARY TO SWITZKILL CREEK
 TOWN OF BERNE
 COUNTY: ALBANY REGION: 1

PIN
 BRIDGES
 CULVERTS

ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED
 PROPOSED CULVERT PLAN
 AND IMPACTS

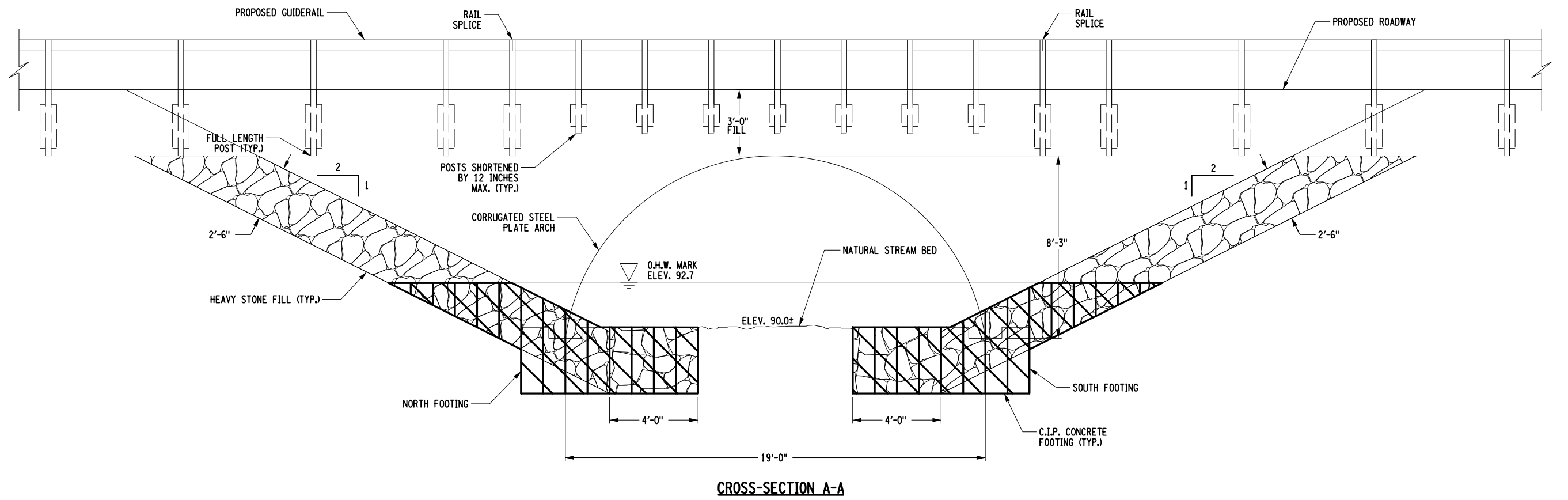
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GPI GREENMAN-PEDERSEN, INC. CONSULTING ENGINEERS
 ALBANY COUNTY DEPARTMENT OF PUBLIC WORKS


FILE NAME = \$FILEABBREV\$
 DATE/TIME = \$DATE\$
 USER = \$NTUSER\$

PROJECT MANAGER X
 CHECK X
 DRAFTING X
 CHECK X
 DESIGN X
 JOB MANAGER X
 DESIGN SUPERVISOR X



CROSS-SECTION A-A

LEGEND

 VOLUME OF PERMANENT FILL BELOW O.H.W.
 NORTH FOOTING: 117.7 CY
 SOUTH FOOTING: 117.4 CY

AFFIX SEAL: GREENMAN - PEDERSEN, INC
 ON: MAY 31, 2019

ALTERED BY:
 ON:

AS-BUILT REVISIONS
 DESCRIPTION OF ALTERATIONS:

COUNTY ROUTE 6
 OVER TRIBUTARY TO SWITZKILL CREEK
 TOWN OF BERNE
 COUNTY: ALBANY REGION: 1

PIN
 BRIDGES
 CULVERTS

ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED
 PROPOSED CULVERT ELEVATION
 CROSS-SECTION A-A

CONTRACT NUMBER
 4967
 DRAWING NO. GNP-XX
 SHEET NO. XX

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 **GREENMAN-PEDERSEN, INC.**
 CONSULTING ENGINEERS

 **ALBANY COUNTY**
 DEPARTMENT OF PUBLIC WORKS

FILE NAME = \$FILEABBREV\$
 DATE/TIME = \$DATE\$
 USER = \$NTUSER\$

PROJECT MANAGER X
 CHECK X
 DRAFTING X
 CHECK X
 DESIGN X
 JOB MANAGER X
 DESIGN SUPERVISOR X

