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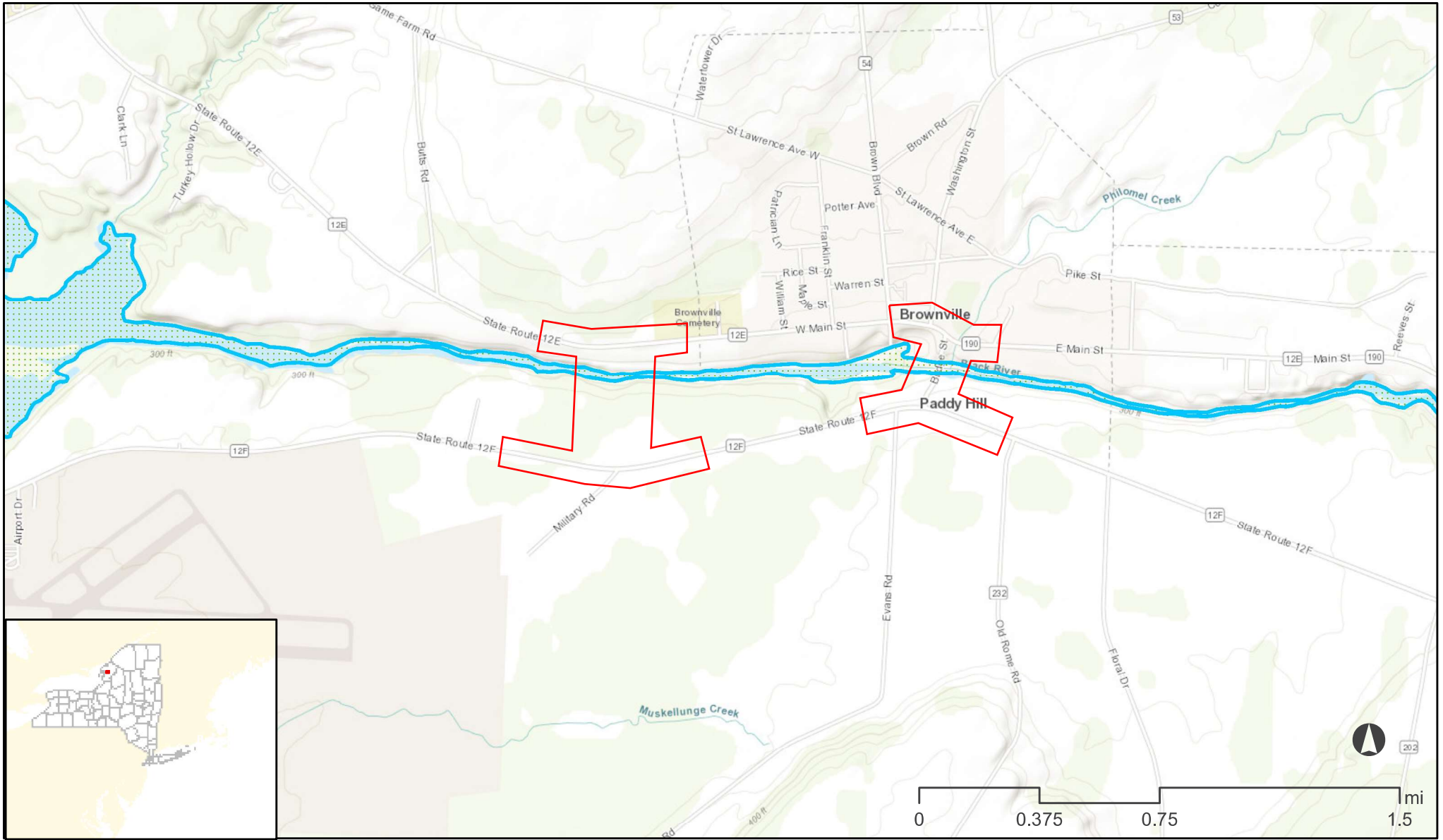
FoitAlbert
 ASSOCIATES
 Architecture, Engineering, Surveying, Environmental
 295 Main Street, Suite 200
 Buffalo, NY 14203 P: (716) 856-5555 www.foitalbert.com

Comments

AREA OF POTENTIAL EFFECT (OLD BRIDGE)
ROUTE 12E BRIDGE REPLACEMENT
OVER BLACK RIVER
 COUNTY OF JEFFERSON
 TOWN OF BROWNVILLE, NEW YORK 13615

Revision Number	Revision Date	Scale
		1" = 200'
		Date: 02/03/2020
		Drawn By: GUS
		Checked By: KJC
		Project: 16072.02
		Drawn:

NYSDOS Coastal Map- Proposed and Existing



 LWRPs_June2022  CoastalBoundary_Polyline_May2022  SigHabs_NYSDOS_2014_new

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: Karen Carling
2. Address: 435 New Karner Rd, Albany, NY, 12205
3. Telephone: Area Code () 518-452-1037

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

The bridge carrying NY-12E over the Black River is being replaced with a new bridge approximately 3,400 ft downstream of the existing bridge, and the existing bridge will be converted to a utility bridge.

2. Purpose of activity:

To replace the existing bridge, which is considered deficient based on the latest State Condition Rating of 3.902 in 2018.

3. Location of activity:

<u>Jefferson</u>	<u>Brownville</u>	<u>NY12E over Black River</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: NWP#3 and NWP#15

5. Federal application number, if known: Permits have not been applied for yet

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

NYSDEC General Permit (permits have not been applied for yet)

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO
- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
 - b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
 - c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
 - d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
 - e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)
 - f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
 - g. Siting of a facility essential to the generation or transmission of energy? (27)
 - h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
 - i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
 - j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
 - k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
 - l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO
- a. State designated freshwater or tidal wetland? (44)
 - b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
 - c. State designated significant fish and/or wildlife habitat? (7)
 - d. State designated significant scenic resource or area? (24)
 - e. State designated important agricultural lands? (26)
 - f. Beach, dune or Barrier Island? (12)
 - g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
 - h. State, county, or local park? (19, 20)
 - i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES/NO
- a. Waterfront site? (2, 21, 22)
 - b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
 - c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
 - d. State water quality permit or certification? (30, 38, 40)
 - e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)

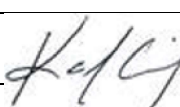
D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Karen Carling
Address: 435 New Karner Rd, Albany, NY 12205
Telephone: Area Code () 518-452-1037
Applicant/Agent's Signature:  Date: 6-15-2022

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**
 - a. Copy of original signed form.
 - b. Copy of the completed federal agency application.
 - c. Other available information which would support the certification of consistency.
2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.
3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

NY-12E over the Black River Bridge Replacement Project
BIN 3338900
PIN 7780.09

Section D. 2.

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following:

b. Federally designated flood and/or state designated erosion hazard area? (Coastal Policies 11, 12, 17)

The project is located adjacent to a designated flood area (the Black River). However, no impacts to the Black River or flood zone are anticipated.

c. State designated significant fish and/or wildlife habitat? (Coastal Policy 7)

The project is located adjacent to a designated significant fish and/or wildlife habitat (the Black River). However, no impacts to the Black River or significant fish and/or wildlife habitat are anticipated.

d. Historic resource listed on the National or State Register of Historic Places? (Coastal Policy 23)

The project area of the existing bridge is located adjacent to the Vogt House, a listed building on the NY State and National Register of Historic Places (NR# 90NR01164). However, the building is outside the area of impact for the project and no impacts are anticipated.

3. Will the proposed activity require any of the following:

b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (Coastal Policy 5)

The proposed project includes the construction of a replacement bridge approximately 3,400 ft downstream of the existing bridge on NY-12E over the Black River. This area around the replacement bridge is sparsely populated. However, the construction of the new bridge will not include any in-water work or impacts to the Black River, and will sit approximately 14'0" at minimum, and at 14'6" ideally, above the water. No impacts to the coastal area or resources are anticipated.

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

October 12, 2022

Karen Carling
Foit-Albert Associates
435 New Karner Road
Albany, NY 12205
kcarling@foit-albert.com

Re: **F-2022-0601(FA) PIN 7780.09**
Federal Funding for NYS NY-12E Bridge over Black River
(BIN 3338900) Bridge Replacement
Village of Brownville, Jefferson County, New York
General Concurrence - No Objection to Funding

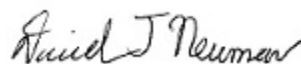
Dear Karen Carling,

The Department of State (DOS) received the information you submitted regarding the above proposed federal financial assistance on August 9, 2022 and has completed its review. Based on this review, the Department of State has no objection to the release of **Federal Highway Administration** funding in support of the proposed project.

This concurrence pertains to the federal financial assistance activity or activities for this project only. If certain activities may require a federal permit or other form of federal agency authorization, the Department of State would conduct separate consistency review(s) of permit activities at the time such application(s) may be made to a federal agency.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file # F-2022-0601(FA).

Sincerely,



David J. Newman
Supervisor, Consistency Review Unit
Office of Planning, Development and
Community Infrastructure

DN/dm

cc: Consultants- Katy Stringer; Tara Perry

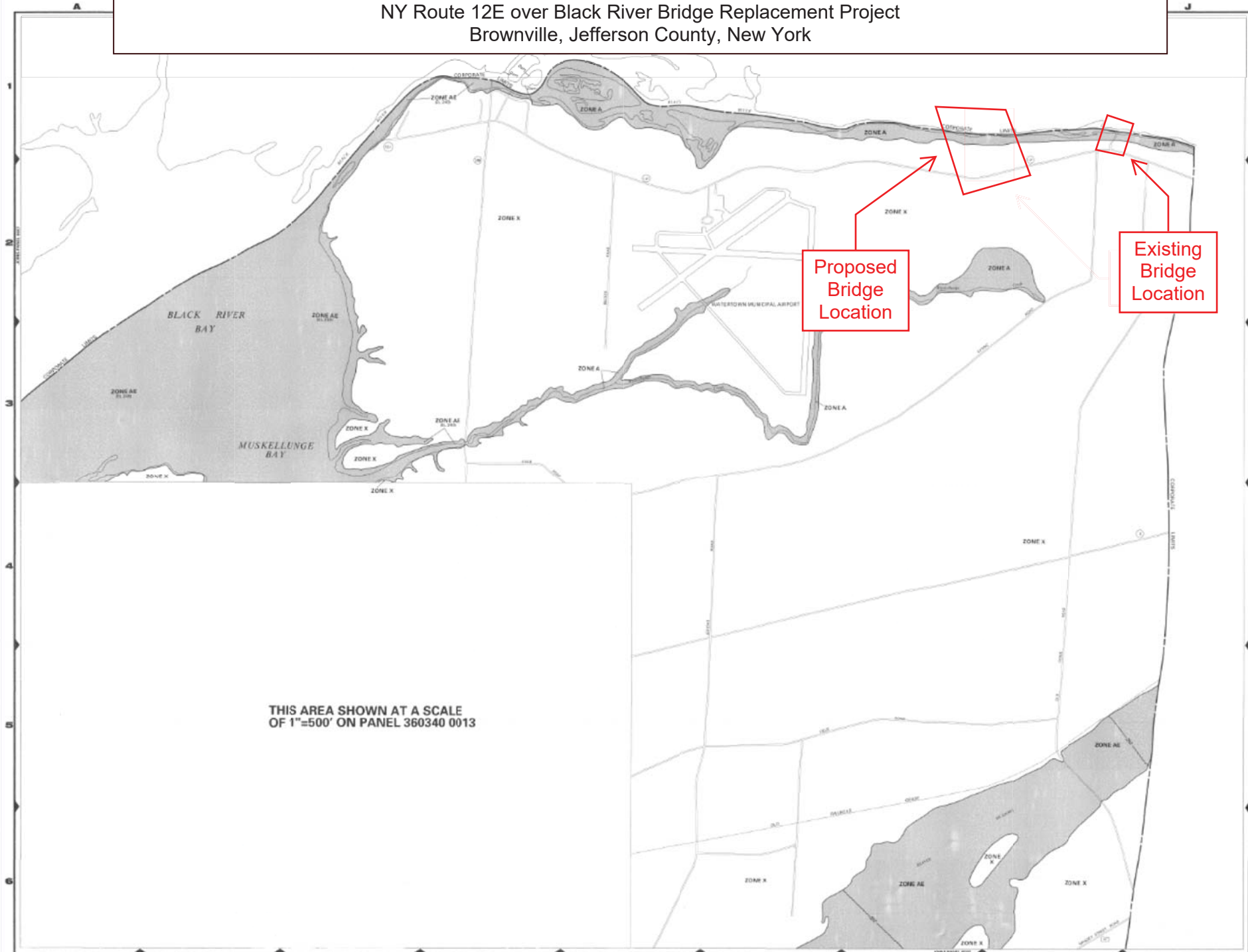


**Department
of State**

**Federal Emergency Management Agency Flood
Maps**

FEMA Flood Map

NY Route 12E over Black River Bridge Replacement Project Brownville, Jefferson County, New York



THIS AREA SHOWN AT A SCALE
OF 1"=500' ON PANEL 360340 0013

LEGEND

- SPECIAL FLOOD HAZARD AREAS PREPARED BY THE FIRM
- ZONE AE - Special Flood Hazard Areas
- ZONE X - Moderate Flood Hazard Areas
- ZONE A - Special Flood Hazard Areas
- UNDEVELOPED (OTHER) BARRELS
- WATERWAYS
- ROADS
- RAILROADS
- POWER LINES
- TELEPHONE LINES
- BOUNDARIES
- PROPERTY LINES
- WATERWAYS
- RAILROADS
- POWER LINES
- TELEPHONE LINES
- BOUNDARIES
- PROPERTY LINES

NOTES

This map was prepared by the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) for the purpose of determining flood insurance rates. It is based on the Flood Insurance Study (FIS) for the area, which was prepared by the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA). The map shows the flood insurance rate zones for the area. The map is based on the Flood Insurance Study (FIS) for the area, which was prepared by the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA). The map shows the flood insurance rate zones for the area.

DATE
NOVEMBER 20, 1991

SCALE
1"=500'

PROJECT
NY Route 12E over Black River Bridge Replacement Project

LOCATION
Brownville, Jefferson County, New York

MAP NUMBER
360340 0013

REVISIONS
NOVEMBER 20, 1991

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

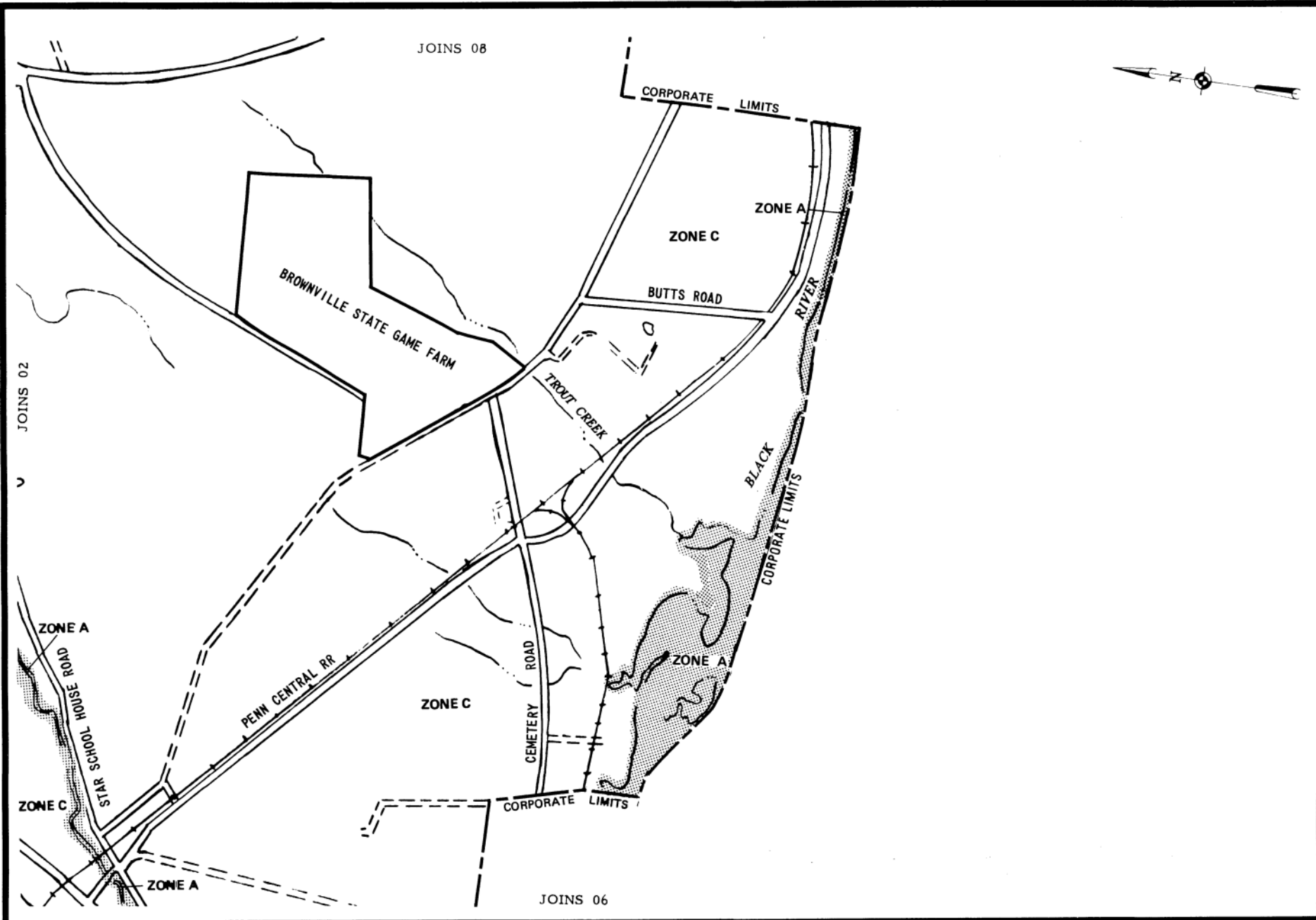
**TOWN OF HOUNSFIELD,
NEW YORK
JEFFERSON COUNTY**

PANEL 15 OF 30

COMMUNITY-PANEL NUMBER
360340 0013 C

MAP REVISED:
NOVEMBER 20, 1991

Federal Emergency Management Agency



APPROXIMATE SCALE

1500 0 1500 3000 4500 FEET

FLOOD INSURANCE RATE MAP

COMMUNITY NUMBER 361063 C

MAP REVISED: JUNE 2, 1992

federal emergency management agency

TOWN OF BROWNVILLE, NY
(JEFFERSON CO.)

07

Stormwater Documentation

FILE NAME = 778009_CPH_GEN_XX_812.dgn
 DATE/TIME = 14-SEP-2020 07:55
 USER = RFNovak2

DESIGN SUPERVISOR E. REAPE

JOB MANAGER K. COLLIER

DESIGN R. NOVAK

CHECK K. COLLIER

DRAFTING R. NOVAK

CHECK K. COLLIER

PROJECT MANAGER K. COLLIER



AFFIX SEAL: ON:	ALTERED BY: ON:
<p>AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:</p>	

CAPE VINCENT - WATERTOWN, PART 3, S.H. 1182
WATERTOWN - LIMERICK, S.H. 1845
COUNTY: JEFFERSON
REGION: 07

PIN 7780.09	BRIDGES 3338900
NY RT 12E	CULVERTS
UTILITY QUALITY LEVEL D	

ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER DXXXXXX
GENERAL PLAN	DRAWING NO. GP-XX
OFFSITE MITIGATION - INFILTRATION TRENCH	SHEET NO. XX
N.Y. ROUTE 12E OVER BLACK RIVER	

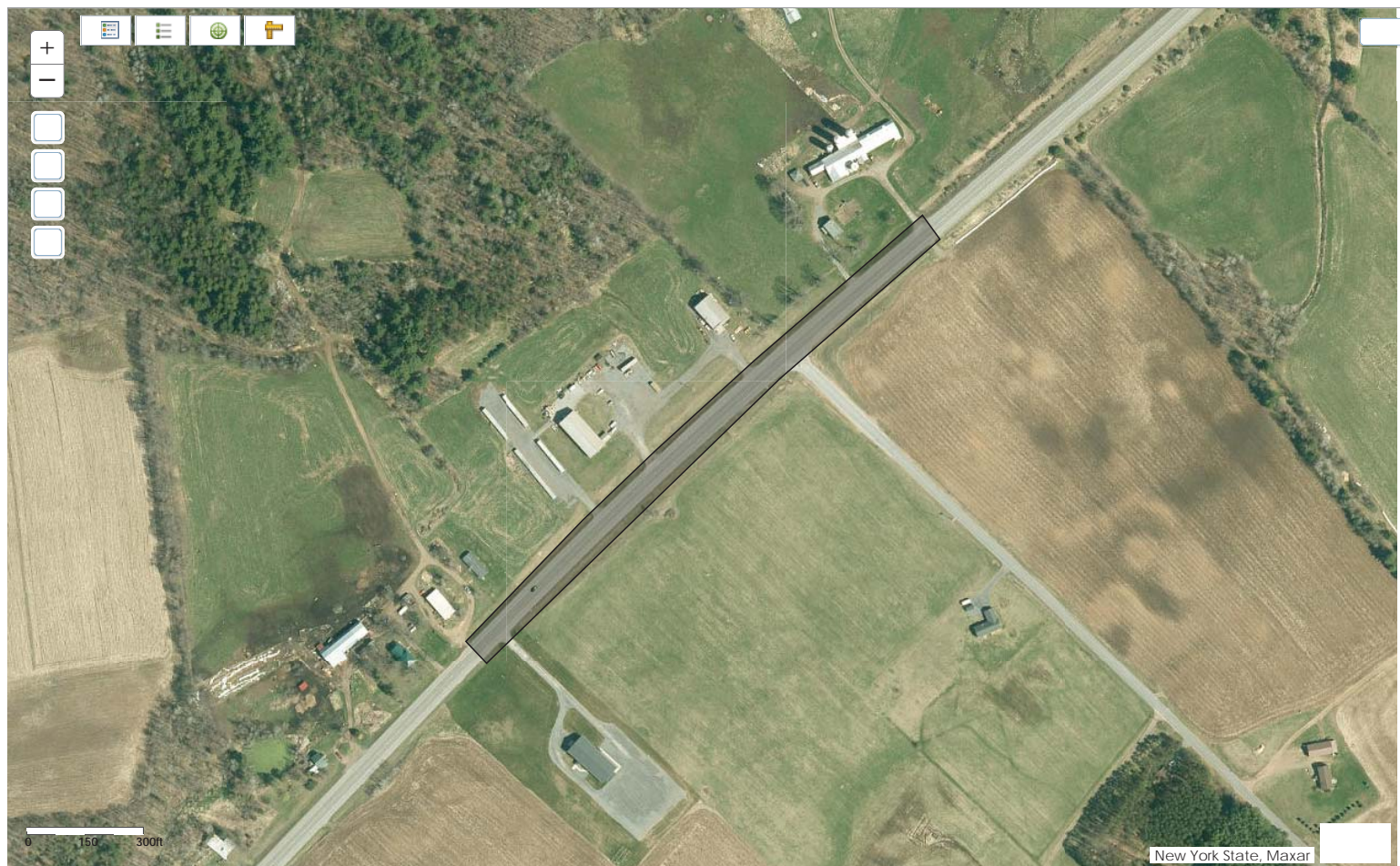
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, 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.





Criteria Spatial Results

No Spatial Features were found







U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

March 8, 2022

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Lynn Godek
Regional Cultural Resource Coordinator
New York State Department of Transportation, Region 7
317 Washington Street
Watertown, NY 13601

Subject: PIN 7780.09 - Section 106 Consultation
Bridge Replacement (BIN 3338900)
Route 12E over Black River
Towns of Brownville and Hounsfield, Jefferson County
20PR05273

Dear Ms. Godek:

In response to your March 7 request for our concurrence that the requirements of 36 Code of Federal Regulations (CFR) Part 800 of the National Historic Preservation Act have been met for this project, we have reviewed the submitted materials.

You have concluded that *"No Historic Properties Affected"* on or eligible for inclusion on the National Register of Historic Places by this undertaking and notified the State Historic Preservation Officer (SHPO), and the Saint Region Mohawk Tribe of your finding.

The NYSHPO offered an opinion on February 28, and concurs with the determination that there will be *"No Historic Properties Affected"* by the proposed undertaking. The Tribal Preservation Officer for the Saint Region Mohawk Tribe did not respond within the review period; their concurrence is therefore assumed.

We have reviewed the information provided, and concluded that this undertaking has *"No Historic Properties Affected"* for properties on or eligible for inclusion on the National

Register of Historic Places. The requirements of 36 CFR Part 800 have been met for this project.

If you have any questions, please contact me at (518) 431-8874.

Sincerely,

TIMOTHY

SHANE

ODONOGHUE

Digitally signed by
TIMOTHY SHANE
ODONOGHUE
Date: 2022.03.08
14:36:34 -05'00'

Timothy S. O'Donoghue, P.E.

Area Engineer

cc: S. Higgins, Cultural Resource Specialist (Eastern Region) & Environmental Specialist
B. Poore, Regional Design Environmental Unit Supervisor, NYSDOT Region 7
A. Beck, Landscape Architect, NYSDOT Region 7
R. Daniel Mackay, Deputy Commissioner, NYSHPO
W. Floyd, Historic Preservation Technical Specialist, NYSHPO

**United States Fish and Wildlife Service
Endangered Species Act Consultation Letter**



United States Department of the Interior



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

In Reply Refer To:

October 31, 2022

Project Code: 2022-0069251

Project Name: PIN 778009 - NYS Route 12E over Black River - Bridge Replacement Project

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Project Code: 2022-0069251

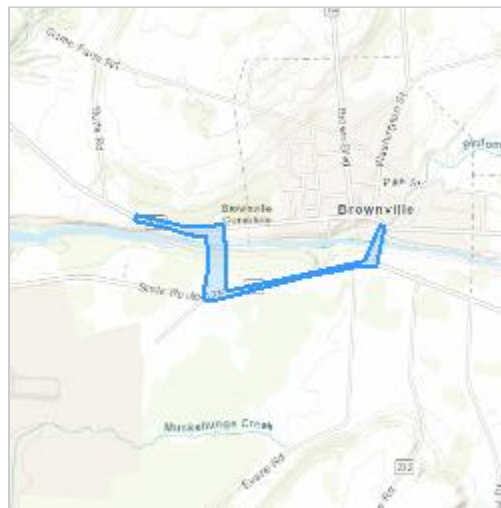
Project Name: PIN 778009 - NYS Route 12E over Black River - Bridge Replacement Project

Project Type: Bridge - Replacement

Project Description: This project is located in the Town of Brownville, Jefferson Co. The project proposes the removal of the existing NYS Route 12E over Black River Bridge and its replacement over the Black River in a new location. The new bridge replacement location will be cleared and new bridge approaches constructed. Tree cutting will be required for this project. The timing of the project is expected to occur during the summer construction season.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.99972995,-75.99482693640205,14z>



Counties: Jefferson County, New York

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

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

Critical habitats

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

IPaC User Contact Information

Agency: Foit-Albert Associates

Name: Katy Stringer

Address: 435 New Karner Road

City: Albany

State: NY

Zip: 12205

Email: kstringer@foit-albert.com

Phone: 5184521037

Bridge Bat Survey Form

Bridge/Bat Survey Form

Note: One form can be submitted for all species of bats.

Project Name: Route 12E Over Black River

PIN: 7780.09.121

Type of Road Carried: Highway

Lat/Long: 44.000750, -75.981530

Feature Crossed (land, wetland, river, etc.): River

BIN: 3338900

Project Description: Replacing the bridge carrying Route 12E over Black River

Project Start Date: TBA

Date of Survey (must be completed during the active season April 1 – September 30): April 22, 2019

Bridge/Structure Characteristics

Is the bridge over water or road/rail/land? Bridge over water (river)

What is the height over water/road/rail/land? Approximately 60 feet

Is the bridge made of concrete, steel, or a combination? Combination

Please rate the human disturbance or traffic under the bridge (high >5,000 ADT, low, none): Low

Methods of Bridge/Bat Survey

Is the Bridge/Bat survey complete within 2 years of the start of the work? TBA

What was the survey method (Environmental Specialist w/ binoculars, staff w/ binoculars, manlift, etc)?
Environmental staff on site

Were all areas checked for bats, including expansion joints, rough surfaces or imperfections in the concrete, spaces between walls and ceiling joists, guiderails, unsealed crevices, and vertical crevices that are sealed at the top? All areas that could be reasonably accessed were checked

Results of Bridge/Bat Survey

Are there bats present, or are there droppings, or is there staining from bats, or can you hear bats? _____
No bat sign was observed

If the answer is no, submit the form in the documentation for either a “No Effect, No Suitable Habitat” determination from FHWA, or as part of the package for other determinations (i.e. the 14-Day Form, 30-Day Form, traditional Section 7 ESA, etc.).

If the answer is yes, the determination is that the bridge contains bats. The species needs to be determined by the USFWS, and clearance must be obtained from the USFWS before work can begin on the bridge. Please take photos of the bats, if possible, and coordinate with Main Office, who will, in turn, coordinate with the FHWA Project Manager and an Environmental Specialist.

Details: Please provide any additional details regarding bats, including number of bats, observations, whether or not there is a colony or individual bats, if the bats appear to be using bird nests, etc.: _____

Name (individual completing the bridge survey): Katy Stringer

Signature:  _____ Date: 2/11/2021

Tree Removal Area Mapping and Tree Survey

BLACK RIVER TREE SURVEY

SOUTH SIDE OF RIVER

- **Community A** (closest to river)
 - Eastern Hemlock
 - 31 at/above 4
 - 3 below 4
 - Oak
 - 9 at/above
 - 5 below
 - Sweet Birch
 - 1 at/above
 - Eastern White Pine
 - 1 below
 - 50 trees total

- **Community B**
 - Black Locust
 - 15 at/above
 - Black Cherry
 - 10 at/above
 - Shagbark Hickory
 - 1 at/above
 - Sweet Birch
 - 2 at/above
 - European Buckthorn
 - 1 below
 - Green Ash
 - 1 at/above
 - 1 below
 - White Pine
 - 1 at/above
 - Sapling
 - 35 below
 - Dead
 - 2 at/above
 - 3 below
 - 72 trees total

- **Community C**
 - Black Locust
 - 5 at/above
 - Shagbark Hickory

- 6 at/above
 - Green Ash
 - 2 at/above
 - Black Cherry
 - 12 at/above
 - 5 below
 - White Pine
 - 1 at/above
 - Sweet Birch
 - 2 at/above
 - Dead
 - 3 at/above
 - 6 below
- 42 trees total

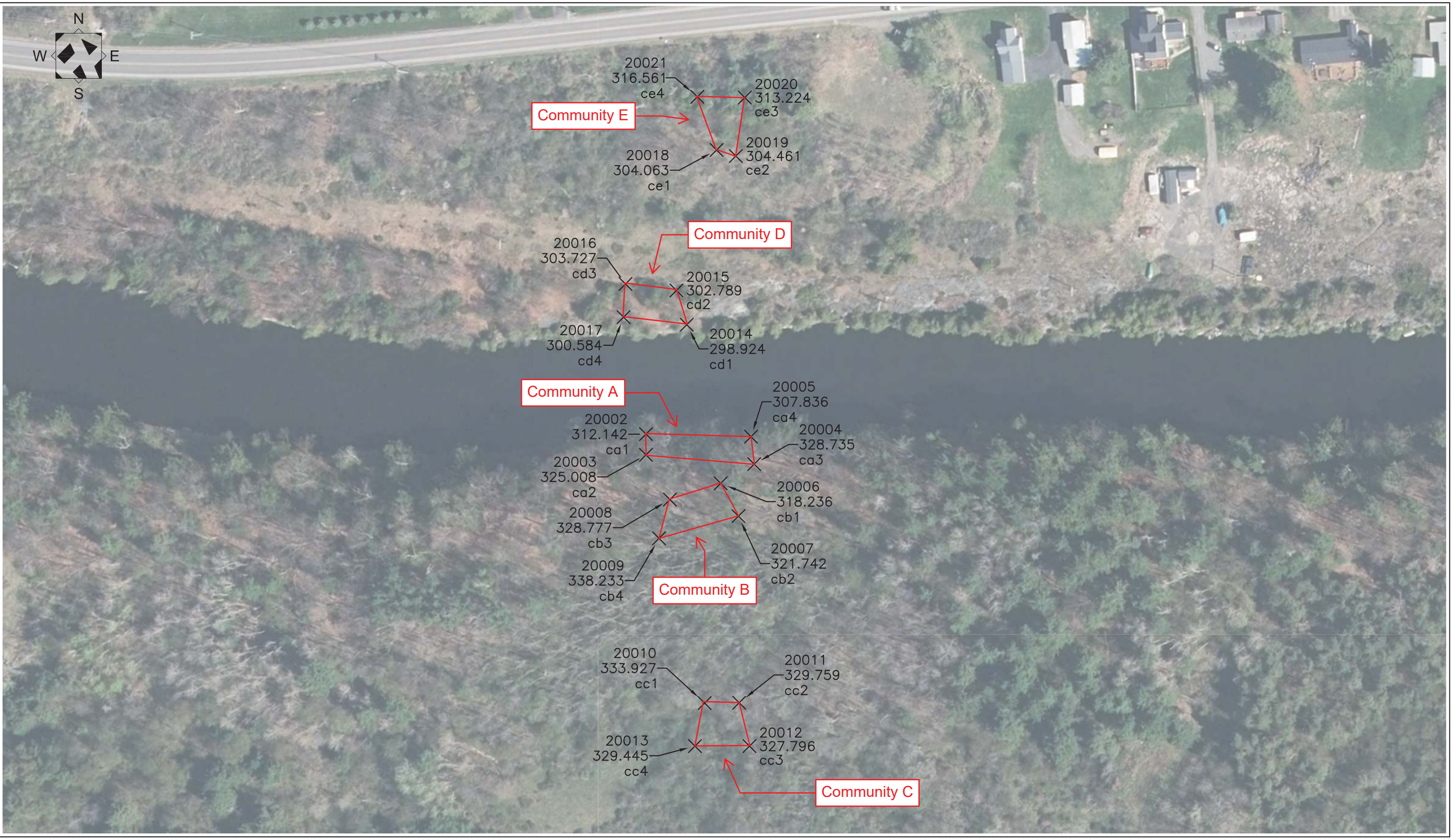
NORTH SIDE OF RIVER

- **Community D** (closest to river)
 - Cedar
 - 11 at/above
 - 19 below
 - Black Cherry
 - 3 at/above
 - 1 below
 - Eastern White Pine
 - 3 at/above
 - 2 below
 - Black Locust
 - 1 below
 - Oak
 - 6 at/above
 - 6 below
 - Blue Beech
 - 1 at/above
 - Sweet Birch
 - 1 at/above
 - 14 below
 - Dead
 - 2 at/above
 - 8 below

○ 78 trees total
- **Community E**
 - Eastern White Pine

- 2 at/above
- Black Cherry
 - 2 at/above
 - 6 below
- American Elm
 - 1 at/above
- White Birch
 - 4 at/above
 - 1 below
- Cedar
 - 16 at/above
 - 11 below
- Shagbark Hickory
 - 2 at/above
- 45 trees total

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FoitAlbert
 ASSOCIATES
 Architecture. Engineering. Surveying. Environmental.
 295 Main Street, Suite 200
 Buffalo, NY 14203 P. (716) 856-3933 www.foit-albert.com

Consultants:

TREE SURVEY

**ROUTE 12E BRIDGE REPLACEMENT
 OVER BLACK RIVER**



COUNTY OF JEFFERSON
 TOWN OF BROWNVILLE, NEW YORK 13615

Revision Number	Revision Date	Scale: 1" = 100'
		Date: 04/24/2020 Project Manager: GJS
		Drawn By: WPO Checked By: KJC
		Project: 16072.02
		Sheet: 1

Tree Removal Area Map

Route 12E over Black River
Hounsfield, Jefferson County, New York

Legend:

-  Approximate Tree Removal Area
-  Approximate Project Area Boundaries



Section 7 ESA NYSDOT Biological Opinion

PIN 7780.09
NYS Rte. 12E over the Black River
Village of Brownville
Jefferson County, New York

Project Summary

Federal Listed Species

The US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) indicates the federally listed endangered Indiana bat (*Myotis sodalis*) and the threatened Northern long-eared bat (*Myotis septentrionalis*) may be present in the project area. The project is outside of the scope of the USFWS February 5, 2018 FHWA, FRA, FTA Programmatic Biological opinion for Transportation Projects primarily due to tree removals proposed greater than 100 feet and 300 feet from the nearest paved surface.

Project Description / Preferred Alternative

The existing NYS Rte. 971H (Brownville Bridge) over the Black River (BIN 3338900) originally constructed in 1954 was given a condition rating of 3.902 (2018) deeming the bridge deficient. The bridge currently connects NYS Rte. 12E to NYS Rte. 12 F. The proposed project's goal is to eliminate the safety concerns caused by the existing bridge's deficient condition and provide the public with an improved crossing over the Black River. The bridge's superstructure type is a field-welded thru-truss. The bridge was last rehabilitated in 1984. A failure in any member of the truss could lead to the complete failure of the bridge. The proposed project (preferred Alternative 1- bridge replacement on new alignment) would include the construction of a new bridge approximately 0.61 miles west of the existing structure and removing the existing bridge when the new bridge is complete. A new structure will be constructed at the existing location to convey existing utilities over the river. The project is scheduled to be constructed in mid-2023.

Construction of the new bridge and approach roadways

The new single span approximately 200-foot-long bridge over the Black River will be located 0.61 miles west of the existing structure in the Towns of Brownville and Hounsfield in Jefferson County, New York. The bridge will reestablish the NYS Rte. 12E (Rte. 971H) crossing over the Black River. The proposal will require a new approximately 1040-foot-long approach road to be constructed on the south side of the Black River and a new approximately 330-foot-long approach road on the north side.

The decision to construct the new bridge at this location (the preferred alternative) was informed by a 2019 Planning Study conducted by the Watertown-Jefferson County Area Transportation Council (WJCTC). Factors which influenced the decision was the structure's location being situated between two manufacturing facilities as well as operational and geometric concerns. The current bridge location has insufficient room to bring the existing crossing up to current standards. Additionally, there are operational issues associated with the current highway geometry and signal operations. Businesses located on either side of the bridge have also expressed concerns about access and safety issues associated with queueing traffic.

Relocating the bridge will provide the following advantages:

- alleviate the restricted mobility associated with the existing crossing.
- addresses the concerns of the businesses (manufacturing facilities) adjacent to the current structure.
- addresses the need to acquire occupied dwellings or businesses.

Preferred Alternative:

- Located as close to existing bridge as possible considering the factors noted above.
- The river is narrower in the proposed location – shorter bridge.
- Longer approach roads required if proposed bridge is moved west - would result in greater habitat impacts.

Existing Site Description

The existing Brownville Bridge and Location of Proposed Utility Structure

The two-lane Brownville Bridge crosses over the Black River within the Village of Brownville, in the Towns of Brownville and Hounsfield in Jefferson County, New York. The existing bridge is located in a developed village setting. It is situated between several manufacturing facilities on both sides of the river.

The bridge which was constructed in 1954 has a superstructure type which is a field-welded thru-truss and was last rehabilitated in 1984. The bridge is not included in NYSDOT's Historic Bridge Inventory.

The structure will be removed once the new crossing is constructed. A new structure will be constructed at this location which will only carry existing utilities over the river.

The Proposed Bridge

The proposed bridge is located in a rural, wooded, and mostly undeveloped area in the western outskirts of the Village of Brownville. The topography in the project area is relatively flat with the Black River 25 feet or more lower than the surrounding topography. The elevation of the project review area ranges from approximately 300 to 350 feet above mean sea level. There are no wetlands within the project location aside from the river. Therefore, the proposed project will not impact wetlands. The geology in the location is underlain by limestone including karst features.

Entire Site

Per the New York Natural Heritage (NYNHP) database, reviewed by NYSDOT staff on (DATE) there are documented Indiana and northern long-eared bat hibernaculum located approximately 2 miles from the new bridge location and approximately 1.2 miles from the existing bridge location. Additionally, there are known northern long-eared bat hibernaculum located approximately 3.5 miles from the existing bridge and approximately 4 miles from the new bridge location. The NYNHP database indicates there are no documented roost trees within the project's action areas. Per the NYNHP database there are known Indiana bat maternity colonies within 1.6-6.5 miles of the project action areas. There is no critical habitat designated for the Indiana bat or northern long-eared bat in the vicinity of the project.

Project Impacts

The existing Brownville Bridge

Minimal impacts to bats are expected with the removal of the existing bridge and the construction of the bridge for utilities at the existing bridge location. The impacts, including noise, will be temporary in nature during construction with the removal of the existing bridge and the construction of the new utility bridge. No tree cutting is anticipated for the bridge removal or installation of the utility structure. No lighting is proposed for the utility or the new structure. The utility bridge will not be used by the traveling public.

The Proposed Bridge

The new bridge will require the construction of new roadway approaches leading up to the bridge on both the north and south sides of the Black River. On the north side, the new road will be approximately 330 feet long, 24 feet wide with 6-foot shoulders and will connect to NYS Rte. 12E. The new road on the south side will connect with NYS Rte. 12F. It will be approximately 1040 feet long, 24 feet wide with 6-foot shoulders. The new approach roads on both sides of the river will require the removal of approximately 2,604 trees in a 3.402-acre area. Through agency coordination and analysis, it has been determined that potential bat habitat exists within the 3.40 acres. Noise impacts will be a temporary in nature during construction of the new bridge. No permanent impacts from lighting are expected as no new lighting is proposed for the bridge. Refer to Attachment A for the location and quantification of tree cutting.

Tree Cutting Table for the Preferred Alternative

Distance from Paved/Rail Surface (FT)	Tree Cutting (ACRES)	Suitable Bat Habitat Present
0 – 100	1.263	Yes
100 – 300	1.027	Yes
300 Plus	1.112	Yes
Total	3.402 acres	

Resource Agency Coordination

Coordination with USFWS IPaC, New York Natural Program and the NYSDEC has been initiated.

The USFWS IPaC review indicates the Indiana Bat and the Northern long-eared bat are known to occur in the vicinity of the project. As noted above, the project is outside of the scope of the USFWS February 5, 2018 FHWA, FRA, FTA Programmatic Biological opinion for Transportation Projects primarily due to tree removals proposed greater than 100 feet and 300 feet from the nearest paved surface.

The coordination with natural heritage confirms no known occurrence of federally protected species within the project's area of impact.

NYSDEC has commented on the project with regard to general work activities, tree cutting, proximity to known hibernacula and work within the karst areas proposed for this project. NYSDEC indicated the tree cutting will not be a significant issue as long as the trees are removed within the bat's inactive season (Nov. 1 to March 31). Additionally, DEC indicated that due to the distance from known bat hibernacula, the project is not expected to caused impacts to bat hibernacula by blasting, drilling or grouting if required. This includes work in karst areas.

Refer to Attachment A for Resource Agency coordination documents.

Avoidance and Minimization Measures (AMM's)

The following AMM's are currently planned for the project:

1. All tree removals in excess of what is required to implement the project safely has been avoided.
2. Trees will be cut during the inactive season between November 1 and March 31(dates comply with NYSDEC requirements).
3. Tree removals are limited to those specified in the project plans. Clearing limits will be clearly marked in the field and on the plans.
4. Geo-textile placed under new approach roadways to prevent filling of karst formations.

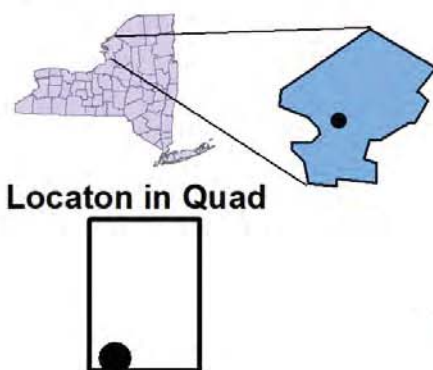
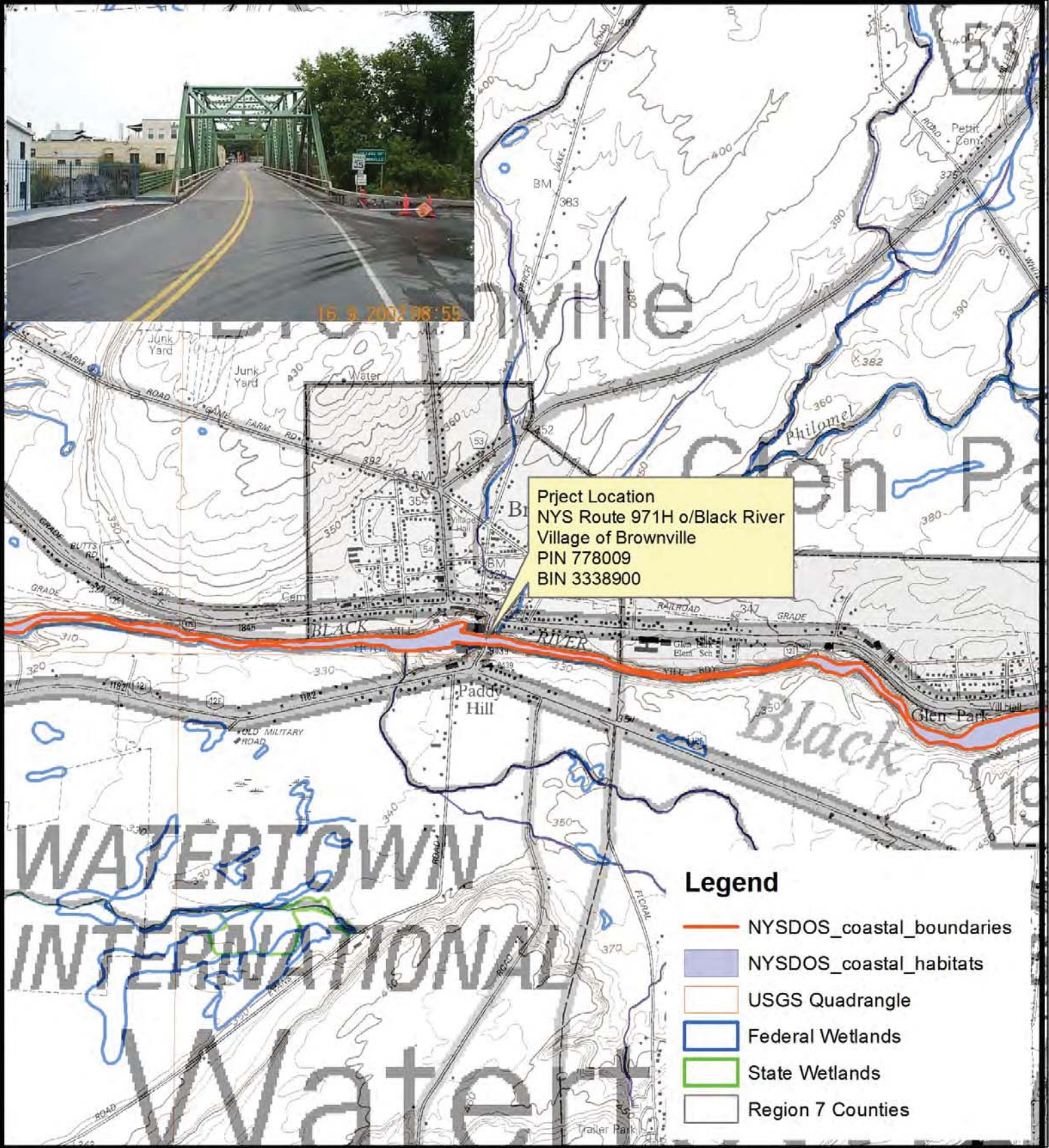
Mitigation

It is anticipated that mitigation will be required for this project due to the distance from paved/rail surfaces of proposed tree cutting. Ratios and final quantities to be determined.

Supporting Information
See Attachment A

ATTACHMENT A
RESOURCE MAPPING

Site Location Map



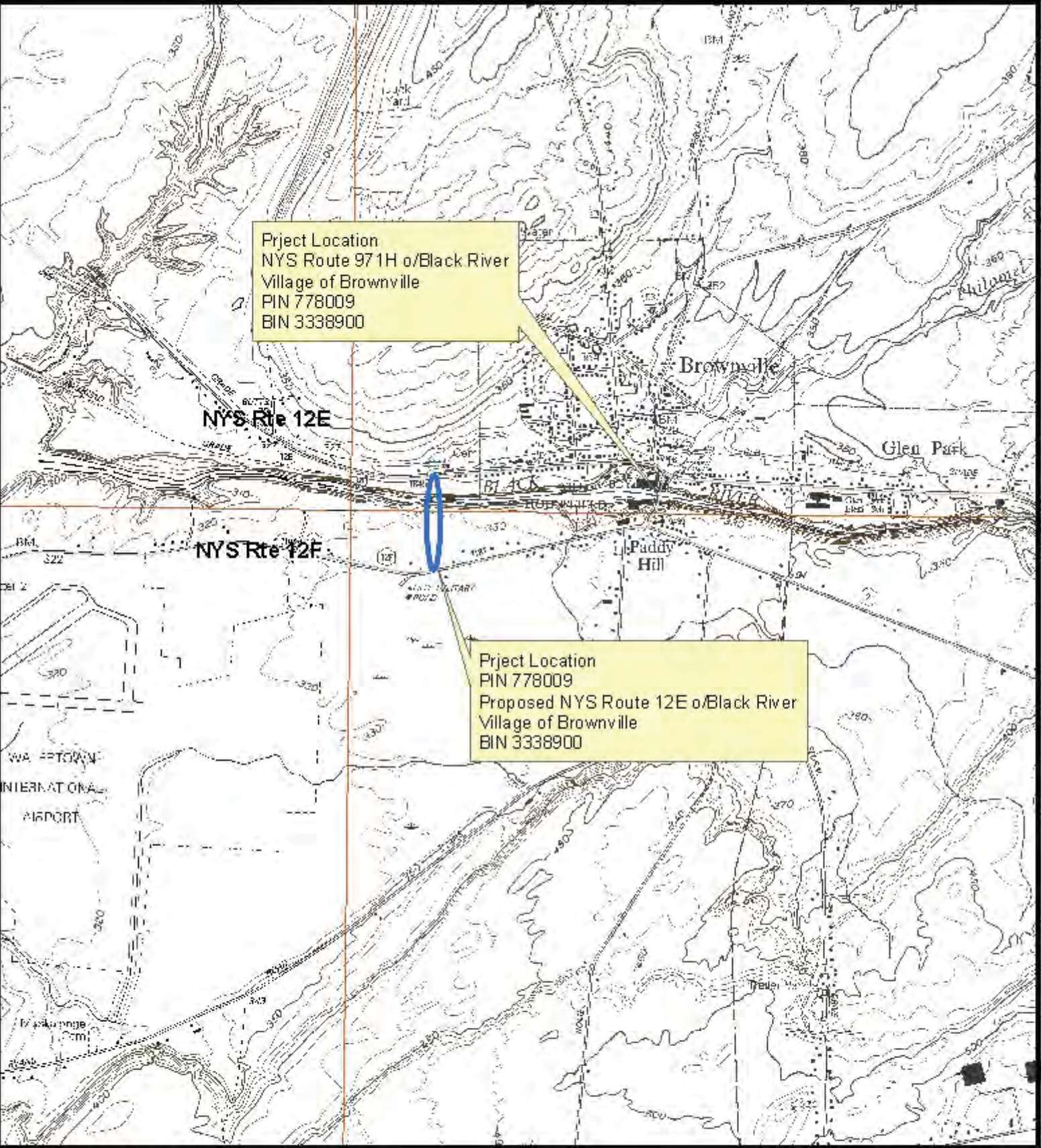
**Project Location and Resource Map
 USGS Quad - BROWNVILLE**

PIN 778009.121
 BIN 3338900
 Route 971H over Black River
 Town of Hounsfield, Jefferson County, New York



Scale 1:24,000

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 New York State
 Department of Transportation



Location in County



Location in Quad



Project Location Map USGS Quad - BROWNVILLE

PIN 778009.121
 BIN 3338900

Route 971H over Black River
 Town of Hounsfield, Jefferson County, New York



Scale 1:24,000

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Location in County



Location in Quad



**Project Aerial Map
 USGS Quad - BROWNVILLE**

PIN 778009.121
 BIN 3338900
 Route 971H over Black River
 Town of Hounsfield, Jefferson County, New York



Scale 1:10,000

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