

# CATTARAUGUS COUNTY

## DEPARTMENT OF PUBLIC WORKS

### ADDENDUM NO. 1

FOR

THE REHABILITATION OF

### ASHFORD BRIDGE No. 37

COUNTY ROAD 12 (EDIES ROAD) AND COUNTY ROAD 82 (MILL STREET)  
OVER CATTARAUGUS CREEK (BIN 3328370)

**ADDENDUM DATE: MAY 19, 2017**

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The following changes shall be made to the Advertisement for Bids:

1. The date for the deadline of bids shall be changed from "Tuesday, May 23, 2017" to "Tuesday, June 6, 2017."
2. Delete the last sentence of the fourth paragraph, and replace with "The project shall be completed between May 14, 2018 and September 28, 2018."

The following changes shall be made to the General Provisions and Bid Proposal Booklet:

3. On Page C-1 of the Agreement, Article 3. CONTRACT TIME. Delete the second sentence and fourth sentence, and replace with "All project work shall be completed between May 14, 2018 and September 28, 2018."
4. On Page E-3 of the General Provisions, Section 1.1 change "May 23, 2017" to "June 6, 2017."
5. On Page E-8 of the General Provisions, Section 3.1, Schedule of Work, delete the last sentence and replace with "All project work shall be completed between May 14, 2018 and September 28, 2018."
6. On Page E-21 of the General Provision, Notice to Proceed, delete "All work shall be completed on or before November 3, 2017" and replace with "All project work shall be completed between May 14, 2018 and September 28, 2018."
7. After Page F-68 insert the attached NYSDEC permit.

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**ALL BIDDERS MUST RETURN THIS ADDENDUM WITH THE BID AND RECORD THIS ADDENDUM IN SECTION B ON SHEET B-2 IN THE BID PROPOSAL BOOK.**

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**IN ADDITION, PLEASE ACKNOWLEDGE RECEIPT OF ADDENDUM 1 IMMEDIATELY BY PROVIDING THE INFORMATION BELOW AND FAXING THIS SHEET TO:**

Cattaraugus County  
Department of Public Works  
(716) 938-2754

Company Name: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Printed Name of Signatory: \_\_\_\_\_

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits, Region 9

182 East Union, Suite 3, Allegany, NY 14706-1328

P: (716) 372-0645 | F: (716) 372-2113

www.dec.ny.gov

May 18, 2017

William A. Fox, P.E.  
Cattaraugus County Dept. of Public Works  
8810 Route 242  
Little Valley, New York 14755

Dear Permittee:

**PERMIT TRANSMITTAL LETTER  
Ashford Bridge #37/Erie Co. Bridge 82-1 Over  
Cattaraugus Creek Rehabilitation Project  
Towns of Ashford and Concord  
Cattaraugus and Erie Counties  
DEC Permit No. 9-9909-00109/00003**

Enclosed is your permit which was issued in accordance with applicable provisions of the Environmental Conservation Law. The permit is valid for only that project, activity or operation expressly authorized. If modifications are desired after permit issuance, you must submit the proposed revisions and receive written approval from the Permit Administrator prior to initiating any change. If the Department determines that the modification represents a material change in the scope of the authorized project, activity, operation or permit conditions, you will be required to submit a new application for permit.

The permittee shall file with the Regional Permit Administrator, a Notice of Intent to Commence Work at least 48 hours in advance of the time of commencement and shall notify the Regional Permit Administrator of completion of work.

**PLEASE REVIEW ALL PERMIT CONDITIONS CAREFULLY. IN PARTICULAR, IDENTIFY YOUR INITIAL RESPONSIBILITIES UNDER THIS PERMIT IN ORDER TO ASSURE TIMELY ACTION IF REQUIRED. SINCE FAILURE TO COMPLY PRECISELY WITH PERMIT CONDITIONS MAY BE TREATED AS A VIOLATION OF THE ENVIRONMENTAL CONSERVATION LAW, YOU ARE REQUESTED TO PROVIDE A COPY OF THE PERMIT TO THE PROJECT CONTRACTOR, FACILITY OPERATOR, AND OTHER PERSONS DIRECTLY RESPONSIBLE FOR PERMIT IMPLEMENTATION (IF ANY).**

If you have any questions, please contact this office at the above address.

Respectfully,  
Charles D. Cranston  
Deputy Regional Permit Administrator

Enclosures



Department of  
Environmental  
Conservation

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
182 East Union, Suite 3, Allegany, NY 14706-1328  
P: (716) 372-0645 | F: (716) 372-2113  
www.dec.ny.gov

## NOTICE OF INTENT TO COMMENCE WORK

Date: \_\_\_\_\_, 20\_\_

**Mail, Fax (716) 372-2113 or e-mail [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov)  
this completed form TO:**

Permit Administrator  
NYSDEC  
Division of Environmental Permits  
182 East Union Suite 3  
Allegany, NY 14706-1328

DEC Permit ID 9-9909-00109/00003  
Ashford Bridge #37/Erie Co. Bridge 82-1 Over  
Cattaraugus Creek Rehabilitation Project  
Towns of Ashford & Concord  
Cattaraugus & Erie Counties

I hereby serve notice to commence work on or about \_\_\_\_\_, 20\_\_.  
Notice of project completion will be submitted within one week after termination of all work.

This is also to certify that having read in entirety the permit, I am fully aware of and understand the permit conditions and agree to comply in all respects to those requirements. I further understand that prior to undertaking any modification to the authorized project, I must seek and receive the written approval of the Regional Permit Administrator.

Sincerely,

### **WARNING**

**The permittee and his/her  
contractor (if any) are  
required to follow all  
Permit conditions**

**Violation of permit  
conditions may lead to  
legal action including the  
imposition of substantial  
monetary fines and  
corrective work.**

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of Contractor (if any)

\_\_\_\_\_  
Print Contractor's Name

\_\_\_\_\_  
Contractor's Address

\_\_\_\_\_  
Contractor's Telephone #

\_\_\_\_\_  
Landowner's Signature



Department of  
Environmental  
Conservation



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
CATTARAUGUS COUNTY

303 COURT ST

LITTLE VALLEY, NY 14755  
(716) 938-2577

**Facility:**  
ASHFORD BRIDGE #37/ERIE COUNTY  
BRIDGE 82-1 OVER CATTARAUGUS CREEK  
CO RTE 12 (EDIES RD/MILL ST) OVER  
CATTARAUGUS CREEK  
ASHFORD/CONCORD, NY

**Facility Location:** in SEVERAL COUNTIES in THIS REGION

**Facility Principal Reference Point:** NYTM-E: 197.241      NYTM-N: 4709.699  
Latitude: 42°28'49.6" Longitude: 78°41'00.0"

**Authorized Activity:** Reconstruction/rehabilitation of Ashford Bridge 37/Erie County Bridge 82-1 over Cattaraugus Creek. The project will maintain the existing abutment and piers. Project activities include: removing the existing bearings, girders, floor beams and timber deck, and replacing them with new bearings, steel girders and a composite concrete deck. The vertical concrete scour protection wall on the south abutment will be replaced in the same location, involving: Excavation of the foundation in the stream; filling around the footing with heavy stone keyed into the streambed; and casting the scour wall in place. A temporary cofferdam will be installed around the scour wall to allow for work in-the-dry, and removed immediately after project completion. There will be no equipment operating from the stream, nor will causeways or temporary work pads be constructed within the stream.

**Permit Authorizations**

**Stream Disturbance - Under Article 15, Title 5**

Permit ID 9-9909-00109/00003

New Permit

Effective Date: 5/18/2017

Expiration Date: 9/14/2018



### NYSDEC Approval

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: CHARLES D CRANSTON, Deputy Regional Permit Administrator  
Address: NYSDEC Region 9 Allegany Sub-Office  
182 E Union St - Ste 3  
Allegany, NY 14706 -1328

Authorized Signature: Charles D. Cranston Date 5 / 18 / 2017

### Distribution List

Capt. Frank Lauricella, NYSDEC Reg. 9 Div. of Law Enforcement  
Scott Cornett, NYSDEC Reg. 9 Bureau of Fisheries,  
Lesta Ammons, U.S.A.C.O.E, Buffalo District  
Virginia L. Ursitti, QUE, Watts Architecture & Engineering

### Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: STREAM DISTURBANCE

**1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Erdman-Anthony & Watts Arch. & Eng., including plans titled Contract Drawings for Catt. Co. Ashford Bridge #37/Erie County Bridge 82-1, Sheet #s 1, 10-12 15, 17, 18, 20 and 25

**2. Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application: dated 4-18-17 with Attachment A/Supplemental Information dated 4/11/17 (8 pages) attached.



**3. Conditions Prevail Over Plans** If any condition of this permit conflicts with the approved plans, the permit condition shall prevail over the plans unless specific written approval for such a change is obtained from this Department prior to implementation.

**4. Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to Permit Administrator listed on Page 2 of this permit at least 48 hours in advance of the time of commencement and shall also notify him/her promptly in writing of the completion of work.

**5. Instream Work Prohibition Period** No instream work shall be performed from September 15th to May 31st.

**6. No Equipment in the Water** Heavy equipment operation in the water is prohibited. With backhoes and similar heavy equipment, the bucket may enter the water.

**7. Equipment Stored Upland** The storage of construction equipment shall be confined to upland (non-wetland) areas, above the reach of high water.

**8. Removal of Flood Debris** Any flood debris found in the work area shall be removed to an upland location above the reach of high water, and disposed of in accordance with all applicable federal, state, and/or local laws, rules and regulations.

**9. Siltation Prevention Measures** Siltation prevention measures, such as silt fencing, sediment traps or settling basins, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into any watercourse, stream, water body or wetland.

**10. Maintain Erosion Controls** These erosion control devices shall be maintained until all disturbed land is fully vegetated to prevent any silt or sediment from entering the freshwater wetland or its adjacent area. Silt fencing, hay bales and any accumulated silt or sediment shall be completely removed for disposal at an appropriate upland site.

**11. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**12. Disposal of Stripped Pavement** Asphalt, tar or macadam pavement shall be stripped from the bridge deck before proceeding with other dismantling activities. If the referenced material cannot be practically recycled to make new pavement, it shall be landfilled at a Department-approved site authorized to receive such waste. Bridge deck material and/or other project debris shall not be disposed of in flood plains or used as stream bank protection.

**13. Debris from Dismantling** During dismantling of the old bridge, every effort shall be taken to preclude the entry of debris to the stream.



**14. Disposal of Wood Treated With Creosote** Wood treated with creosote, such as railroad ties, shall be disposed of as household waste, or as construction and demolition (C&D) debris in a permitted municipal solid waste (MSW) landfill that accepts C&D debris, or at a permitted C&D debris landfill, or burned in a permitted municipal solid waste or hazardous waste combustion facility. Wood treated with creosote is considered adulterated and therefore cannot be disposed of at a land clearing debris landfill. Wood treated with creosote shall not be burned in fireplaces, stoves, outdoor wood-fired boilers or open fires.

**15. Cofferdam Construction** The cofferdam shall be constructed during low flow. The cofferdam shall be made of erosion resistant materials such as rock, sandbags, or precast concrete barriers, or clean gravel lined with plastic, which shall be installed to isolate the work area from the creek. The cofferdam shall be removed in its entirety immediately upon completion of the south scour wall.

**16. Return Stranded Fish** Any fish trapped within the turbidity curtain shall be returned to the stream.

**17. No Turbidity from Dewatering** No turbid water resulting from dewatering operations shall be discharged directly to or allowed to enter Cattaraugus Creek or any other surface water. Such water shall be pumped to settling basins or to an upland vegetated area prior to any discharge to Cattaraugus Creek. All other necessary measures shall be implemented to prevent any visible increase in turbidity or sedimentation downstream of the work site.

**18. Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

**19. Clean Fill Only** All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

**20. Disposal of Demolition Debris Materials** All demolition debris shall be immediately sent to a Department approved recycling facility or disposed of at a Department approved landfill as appropriate.

**21. Disposal of Excess Excavated Material** All excavated material that is not used during construction of the project shall be disposed of at a Department approved landfill or at an upland site and be suitably stabilized so that it cannot reasonably re-enter any water body or wetland area. Disposal within wetlands, floodplains, or any other surface waters is strictly prohibited.

**22. Work Specifications Must Meet All Applicable Standards** All work specifications shall be in accordance with United States Department of Agriculture, Natural Resource Conservation Service (NRCS) design and performance standards (including grade of slopes, seeding, mulching, etc.) or in accordance with the New York State Department of Transportation "Standard Specifications".

**23. Seed Affected Areas** All areas where soil remains exposed due to project activities and located above ordinary high water level shall be seeded and mulched in accordance with NRCS recommendations or NYSDOT "Standard Specifications" (unless otherwise adequately protected from erosion by rip-rap or other erosion resistant material).



**24. No Interference with Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

**25. Minimum Disturbance, No Change in Flow** Bridge construction shall be completed with a minimum of disturbance to the bed and banks of the stream and shall not result in constriction or alteration of the natural stream flow.

**26. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**27. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**28. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

### **GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.





**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 9 Allegany Sub-Office  
182 E Union St - Ste 3  
Allegany, NY14706 -1328

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Stream Disturbance.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



Ashford Bridge #37 – Edies Road/Mill Street over Cattaraugus Creek  
Town of Ashford, Cattaraugus County

Joint Application for Permit  
Attachment A  
Supplemental Information

RECEIVED

APR 25 2017

NYS DEC  
REGION 9

Section 6 – Project Description

A) Purpose of the Proposed Project:

This locally administered federal-aid project proposes to rehabilitate Ashford Bridge #37 (BIN 3328730) that carries Edies Road (Cattaraugus County) and Mill Street (Erie County) over Cattaraugus Creek. The timber deck bridge was last rehabilitated in 1977 and requires structural repairs. The purpose is to: (1) repair and/or eliminate structural deficiencies to restore the integrity of the structural elements to ensure the bridge remains serviceable for 20 years; and (2) maintain or increase the 16-ton load posting.

B) Description of the Current Site Conditions:

Cattaraugus Creek is the boundary between Erie and Cattaraugus County in this area. The bridge was originally constructed in 1936 and is jointly owned by both counties. Approach work will be minimal and ROW acquisitions are not required. The bridge superstructure (bearings, floor beams, girders, and deck) is currently in a deteriorated condition and was flagged three times during the most recent State bridge inspection (October 2016). The substructure (foundations, abutments, and piers) is structurally adequate for the proposed life of the bridge. A concrete scour protection wall is located on the south abutment to protect against undermining of the vertical shale bank on which the bridge abutment is founded. The concrete wall is failing and the embankment behind it is weathered, exposing the anchor rods.

C) Proposed Site Changes:

The work includes replacing the timber deck and floor beams with a concrete composite deck, replacement of the girders and bearings, and replacement of the scour wall founded in the stream bed on the south abutment. The face of the new scour wall will not encroach into the stream further than the existing. Concrete repair on the piers will not take place below OHW.

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

Replacement of the scour wall is the only work proposed in waters of the US. The following materials will be placed below the ordinary high water elevation, (estimated at 1106' amsl):

NYSDOT Item 555.970100CA Concrete for Structures – 24 cy

NYSDOT Item 620.05 Stone Filling (Heavy) – 109 cy

Permanent fill: A total of 133 cubic yards of structures and backfill will be placed in waters of the US for the replacement scour wall and heavy stone scour protection on the south abutment (over an area of 0.025 acre).

Temporary fill: A cofferdam will be placed around the scour wall to facilitate its construction. The contractor is instructed that temporary fill or causeway for the purpose of accessing the

Joint Application for Permit - Supplemental Information  
**Ashford Bridge #37 - Edies Road/Mill Street over Cattaraugus Creek**  
Town of Ashford, Cattaraugus County

south abutment will not be permitted, and fill will be limited to the cofferdam. The cofferdam is anticipated to take about 34 cubic yards of temporary fill in WOTUS and will be removed upon completion of the project.

**E) Area of excavation or dredging, volume of material to be removed, location of dredging material placement:**

Demolition and replacement of the scour wall on the south abutment is the only work proposed in waters of the US. The following pay items will be used for excavation below the ordinary high water elevation:

NYSDOT Item 206.01 Structure Excavation – excavation for the concrete wall

NYSDOT Item 206.0201 Trench and Culvert Excavation – excavation for the stone filling

Approximately 80 cubic yards of material will be removed from waters of the US.

**F) Tree Cuttings:**

No trees will be cut for this project.

**G) Work methods and type of equipment to be used:**

The types of equipment and the means and methods of construction will be determined by the contractor per the contract specifications, including adherence to permit requirements. Access to the south abutment must be from above, at road grade, as the south side is a vertical bank from the road to the creek bed. Heavy equipment use may include: excavator, crane, loaders, bulldozers, compactors, and concrete trucks.

**H) Describe planned sequence of activities:**

Erosion and sediment control measures will be placed first. This will be followed by placement of the cofferdams, and construction of the concrete scour wall and footing. Concurrent activities will include removal of the superstructure, replacement of girders and decking, and reconstruction of the approach roadway sections.

**I) Pollution control methods and other actions proposed to mitigate environmental impacts:**

During construction, resources will be protected and impacts will be minimized by implementing appropriate best management practices (BMPs). These practices will include:

(1) staging all construction vehicles as far away as practical from the Cattaraugus Creek bed and banks and the careful refueling of construction equipment and staging of fuels in a manner consistent with all relevant regulations and to avoid spills;

(2) in-stream work will be done in the dry using cofferdams, and new concrete will be cured prior to contact with stream water.

(3) all staged materials shall be surrounded by silt fencing, stabilized or promptly removed to prevent sediment transport;

(4) construction vehicles will be washed and inspected before transport to the project site to be free of vegetative and other matter to prevent the spread of invasive species; and



(5) construction vehicles will not be allowed to enter Cattaraugus Creek to minimize the potential adverse impacts to the aquatic habitat of Cattaraugus Creek, including two species of tiger beetle listed by the State as rare that have been reported in the project vicinity. The cobblestone tiger beetle and Appalachian tiger beetle were reported in the immediate vicinity of the project and are species of State conservation concern.

**J) Erosion and silt control methods that will be used to prevent water quality impacts:**

During construction, resources will be protected and impacts will be minimized by implementing appropriate erosion and sediment control measures. These controls and practices will include: (1) temporary soil erosion and sediment control measures including silt fencing, turbidity curtains, placement of straw bales where appropriate; and (2) permanent soil erosion and sediment control through the use of perennial vegetative cover removed, along with the stabilization of the bank as necessary.

**K) Alternatives considered to avoid regulated areas. If no feasible alternative exist, explain how the project will minimize impacts**

The null alternative was considered and eliminated from further study because of the advanced state of deterioration of the bridge and because it did not meet the project objectives. The full replacement alternative would meet the project objective of a structurally adequate crossing but the cost would exceed available funds. The superstructure rehabilitation project minimizes the impacts in regulated areas to the construction of a replacement scour wall.

## Environmental Screening Information

### NEPA Classification

This Federal-Aid project is being progressed as a Class II action because it does not individually or cumulatively have a significant environmental impact and is excluded from the requirement to prepare an Environmental Impact Statement (EIS) or an Environmental Assessment (EA).

### SEQR Project Classification

The County has evaluated this project in accordance with the State Environmental Quality Review (SEQR) regulations in 6 NYCRR Part 617 and has determined that this project is a listed Type II action under 6 NYCRR 617.5(c) in item (2), as it the "replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part". As it does not exceed any of the Type I thresholds in section 617.4, this project qualifies as a Type II action; thus, it is not subject to further SEQR review.

### State Wetlands

There are no NYSDEC regulated freshwater wetlands or regulated adjacent areas within the project area for either bridge, as per the NYSDEC website's Environmental Resource Mapper. A

site visit was performed on September 18, 2015, by a qualified wetlands specialist, verifying that State wetlands are not located in the vicinity of the project.

### **Federal Wetlands**

The project site has been reviewed for wetlands in accordance with the criteria defined in the 1987 US Army Corps of Engineers Wetland Delineation Manual. The National Wetland Inventory (NWI) mapping depicts two polygons in Cattaraugus Creek around the subject bridge: 1) a permanently flooded riverine habitat with an unconsolidated bottom, and 2) a temporarily flooded riverine habitat with unconsolidated shoreline. Fluvaquents and Udifluents, a soil map unit considered to be mostly hydric, occupies the northern shoreline and continues north, as depicted on the Web Soil Survey.

A wetlands field visit has determined that there are no wetlands above the stream's ordinary high water mark (OHWM) within the project limits, although vegetation growing within the stream channel, such as on gravel bars and on the lowest terraces within the floodway generally meet the federal definition of wetlands. As such, potential wetlands are limited to the north shore of the creek and primarily to the northeast bridge quadrant, which is the presumed location for construction access to the stream. However, there is very little vegetated area in the floodway within or adjacent to the existing highway boundary due to the frequent flooding and scouring of the bed material. The vegetated area within the project impact area was estimated to be less than 50 square feet and was recently disturbed (possibly by flood waters carrying debris and/or recreational vehicle use); therefore, a field delineation was not performed.

Areas meeting the definition of wetlands within the project area are limited to the floodway and are highly influenced by seasonal changes in the river's flow. The proposed project activities will not permanently affect wetlands, and any temporary impacts resulting from construction activities would be minimized to the greatest extent practicable. Therefore, this project is in compliance with EO 11990.

No permanent loss of wetlands is proposed by this project, and temporary disturbance during construction will be minimized to the extent practicable. Vegetated areas within the project construction limits that may be temporarily disturbed by construction equipment, including wetlands, will be restored at project's end with native vegetation appropriately chosen for the landscape position and hydrologic conditions.

### **Surface Water Resources**

Cattaraugus Creek is designated as Class B, Standards B, stream as defined by 6 NYCRR, Part 701 of the Water Quality Regulations. The best usages for Class/Standard B waters are for primary and secondary contact recreation and fishing. The water quality must be suitable for fish propagation and survival. During construction, precautions will be taken to prevent contamination of the creek by silt, sediment, fuels, solvents, lubricants, or any other pollutants. Promptly after construction, care will be taken to restore and stabilize all disturbed areas.

As a Class B stream, Cattaraugus Creek is a protected stream under ECL Article 15 and 6 NYCRR Part 608. Proposed disturbances to the bed and banks of protected streams are subject to the

terms of the County's general permit for activities regulated under ECL Article 15. This permit application serves as the County's notice to NYSDEC prior to construction.

NYSDEC has been consulted for any site-specific restrictions to construction activities that would be imposed due to fish spawning seasons or other water quality concerns. Region 9 Fisheries staff has advised that Cattaraugus Creek above the Springville Dam is considered an inland trout stream stocked for recreational fishing. In-water construction is generally prohibited from September 15<sup>th</sup> through May 31<sup>st</sup> to accommodate trout spawning periods.

### **Navigable Waters**

Cattaraugus Creek within the project area is defined by NYS as a navigable waterway, although it is not navigable under federal law. The waterway is used for recreational transport both above and below the Soby Dam (located approximately 2 miles downstream from the project site). A temporary obstruction to navigation may occur during construction due to installation of the cofferdam around the south bridge abutment.

### **Wild, Scenic, and Recreational Rivers**

This section of Cattaraugus Creek is listed on the National Rivers Inventory (NRI); it is also designated as a NYS Wild, Scenic, and Recreational River segment. Because this is a rehabilitation of a lawfully existing structure that was in place before the NYS WSR River designation, a NYSDEC permit is not required.

As per the guidance document Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory, "Repair or rehabilitation of existing structures would not have a negative impact except if the action would result in significant expansion of the facility or if the construction process itself would cause an irreversible impact on the environment." The project is not an expansion, and the construction process will not adversely affect or alter the river.

### **Floodplains**

The proposed project is within the 100-year floodplain of Cattaraugus Creek, as indicated by FEMA on the GIS data base. In accordance with the provisions of 6 NYCRR 502, Flood Plain Management for State Projects, this action has considered and evaluated the practicality of alternatives to any floodplain encroachments. As a result of this evaluation, it is concluded that: (1) a significant encroachment does not exist, (2) there is no significant potential for interruption or termination of a transportation facility which is needed for emergency vehicles, and (3) there are no significant impacts on natural beneficial floodplain values.

### **Aquifers**

NYSDEC aquifer GIS data files have been reviewed and it has been determined that the proposed project is located adjacent to a NYSDEC-mapped Principle Aquifer area (potential well yield of 10 to 100 gallons per minute). No further investigation for NYSDEC designated aquifers is required.



Review of the EPA-designated Sole Source Aquifer Areas Federal Register Notices, Maps, and Fact Sheets indicates that the project is located over the Cattaraugus Creek Basin Aquifer (CCBA), a Sole Source Aquifer. The CCBA is approximately 35 miles long and underlies approximately 325 square miles in the southernmost part of the Lake Erie-Niagara River drainage basin.

Since the project is a bridge rehabilitation project, it is not considered to have the potential to affect the water quality of the aquifer (i.e. not adding through-lanes, not on a new alignment, and no septic tank); therefore, no Federal review and/or approval is required under the Safe Drinking Water Act.

Best management practices (BMPs) to protect the aquifer will be employed, including erosion and sediment control, stormwater management and construction fuel/chemical storage and handling.

### Threatened and Endangered Species

**Federally-Protected Species:** The USFWS's Information, Planning and Conservation (IPAC) System of federally threatened and endangered species (listed and proposed) was reviewed for species that may exist in the project vicinity. The USFWS species list includes one species in the project's potential impact area: Northern Long Eared Bat (*Myotis septentrionalis*).

#### Northern Long Eared Bat:

The Northern long-eared (NLE) bat (*Myotis septentrionalis*), whose range encompasses all of New York State, is listed as a threatened species on the USFWS Endangered Species List. The removal of trees and snags 3" dbh and greater is considered to have a potential adverse effect on the NLE bat. The risk of adverse effects is substantially reduced if the trees are cut during the winter when the bats are expected to have migrated to winter hibernation roosts in more sheltered areas. There are no trees or snags greater than 3" dbh or above to be cut for this project.

Potential bat habitat within the area of potential disturbance was observed adjacent to the bridge on the south bank of the gorge, which consists of a near vertical cliff with crevices formed by overhanging layers of shale rock. The rock outcrop was inspected, using a tripod mounted high magnification spotting scope, for caves and crevices that could be suitable NLE bat habitat. The inspection found that the south wall contains crevices that could support summer habitat for bats. Furthermore, some crevices appear to be 2 to 3 feet deep; therefore, the possibility of winter habitat cannot be ruled out. No signs of bats were noted during the 9/18/15 field inspection. It should be noted that this is a north-facing wall experiencing little direct sun exposure, which could detract from its suitability relative to similar south-facing exposures.

Structures such as bridges are also considered potential bat habitat. A NYS bridge inspection was conducted in October 2016 (within one year of the start of construction), which serves as the bridge/bat inspection for the purposes of conforming to the FHWA's ESA Section 7 process. There were no bats or evidence of them mentioned or apparent in the detailed photographs documenting the underside of the bridge. The south abutment and opening behind the scour wall could provide another potential habitat. Based on the

Joint Application for Permit - Supplemental Information  
Ashford Bridge #37 - Edies Road/Mill Street over Cattaraugus Creek  
Town of Ashford, Cattaraugus County

lack of evidence of bats in the cliff face and the bridge structure, it is unlikely that these are currently used as roosting sites by the NLE bat.

**State-Protected Species:** The Environmental Resource Mapper on the NYSDEC website was consulted for general information on State ecological resources. The bridge is located in an area where a historical record of rare or state-listed animals or plants were identified. No reported occurrences of significant natural communities, or other significant habitat, are within or in the immediate vicinity of the site.

The NYS Natural Heritage Program was contacted regarding State rare, threatened, or endangered species. Their response, dated July 08, 2016, indicates two species of conservation concern to the State have been recorded in the immediate vicinity of the site: Appalachian Tiger Beetle; and Cobblestone Tiger Beetle. They are considered rare in NYS, but they are not State-listed as Endangered or Threatened. These species are not federally protected under the Endangered Species Act.

Tiger Beetle (*Cicindel ancocisconensis*) and Cobblestone Beetle (*Cicindel marginipennis*):

The Appalachian Tiger Beetle was last found in Cattaraugus Creek near the subject bridge site on cobble bars in August 2000. The Cobblestone tiger beetle was last found in Cattaraugus Creek near the subject bridge site on cobble bars in July 2007. Project work within the stream will be at the southern bridge abutment, which is not suitable habitat for these species due to its location on in a deep pool against a vertical bank, where there are no sand bars. The cobble and sand bar areas in the project area are located on the north side of the stream near the presumed construction staging area. However, the stream bed in this location will not be directly impacted. The presence of potentially suitable habitat in the work zone that will not be directly impacted results in a determination that this project may affect, but is unlikely to adversely affect, these two species of tiger beetle.

## Cultural and Historical Resources

### National Historic Preservation Act – Section 106 / State Historic Preservation Act – Section 14.09

According to the National Register (NR) of Historic Places, there are no historic properties eligible, or listed, within the project's area of potential effect.

The NYSDOT was contacted to determine if the project will have an adverse effect on historic or archeological resources located on or near the project site that are listed or eligible for listing on the National or State Historic Registries. According to their response dated August 13, 2015, the project activities have no potential to cause effects on historic properties in accordance with 36 CFR 800.3(a)(1). Therefore, there are no further obligations for compliance with Section 106 of the National Historic Preservation Act.

#### **Section 4(f) Involvement**

Although Cattaraugus Creek is a recreational area used for fishing, hiking and whitewater rafting, and the subject bridge provides a popular access point and parking area adjacent to the bridge within the highway ROW, there are no publicly owned parks or officially designated recreational facilities protected under Section 4(f) of the USDOT Act. No further action is required under this section.

#### **Asbestos and Lead-Based Paint**

**ACM:** As required by New York State Industrial Code Rule 56 (ICR 56), an Asbestos Screening Assessment was performed by a certified asbestos inspector to determine whether asbestos-containing materials (ACM) could be encountered during construction. The asbestos inspection identified two suspect materials: green paint on the girders on the underside of the bridge and black vapor barrier under the asphalt and on top of the wood deck.

Three samples of each material were submitted for lab analysis. Neither the bridge paint nor the vapor barrier below, on the wood bridge deck, were identified to be ACM.

**LBP:** The green paint on the girders was tested for the presence of lead utilizing an XRF. The testing identified the paint on the girders as lead-based paint. Demolition of the superstructure will include the safe containment of the lead-based paint to prevent it from falling into the water and contravening water quality standards or otherwise impacting aquatic habitats.