ENVIRONMENTAL ASSESSMENT
FOR THE CONVERSION OF A
PORTION OF GENESEE VALLEY PARK
UNDER THE LAND AND WATER CONSERVATION FUND ACT
AS A RESULT OF THE
BROOKS LANDING REVITALIZATION PROJECT

Appendix G: Correspondence from Agencies and Interested Organizations

1. Letter, dated 2/3/03, from NYSDEC
2. Letter, dated 2/20/03, from NYSDEC
3. Letter, dated 2/3/03 from National Marine Fisheries Service
4. Letter, dated 1/24/03, from US Fish and Wildlife Service
5. Letter, dated 1/10/02, from Rochester Gas and Electric
6. Letter, dated 1/9/03 from City of Rochester Bureau of Water & Lighting

June 2005

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, New York 14414-9519
Phone: (585) 226-2466 • **FAX:** (585) 226-2830
Website: www.dec.state.ny.us

Proj. No. 5782
Original CORR
Enclosure MRJ-Full
Copies to GBO

Erin M. Crotty
Commissioner

February 3, 2003

Mark R. Johns
Senior Landscape Architect
Bergmann Associates
200 First Federal Plaza
28 East Main Street
Rochester, NY 14614-1909

Dear Mr. Johns:

Re: Request for Information on Endangered and/or threatened species
Brooks Landing Urban Renewal District
(C) Rochester, Monroe Co.

This a response to your January 9, 2003 request to Jim Eckler regarding information on any listed endangered and/or threatened species that may inhabit the project area for the Brooks Landing Urban Renewal District. Also, you requested information on whether the project is located in a sensitive habitat area. Based on the map of the Brooks Landing - Urban Renewal District that accompanied your letter, the district is located in the vicinity of the intersection of Genesee Street and Brooks Avenue, as well as extending south along the Genesee River's west bank to a point near Grandview Terrace. According to your letter, several projects are currently planned for the proposed district including a new riverfront promenade and boat mooring facilities, new hotel, restaurant, an office/retail space, and additional in-fill and rehab mixed use development.

The project location was screened using the information in the Department of Environmental Conservation's(DEC) Master Habitat Databank (MHDB), which when used in conjunction with a Geographic Information System (GIS) can assist DEC staff in determining whether a project may require certain environmental regulatory permits or may potentially impact sensitive natural resources.

The results of the MHDB screening are as follows:

1. The MHDB contains a database of information on New York State's rare, threatened, and endangered fish, wildlife (including invertebrates) and plants and rare or exemplary natural communities. This database is managed by the New York Natural Heritage Program.

The Natural Heritage Program database included two occurrences in the vicinity of the project site. The following table provides information on the species from the database, including: common name, scientific name, status, last observation and location information for these species.

FEB 05 2003

Common Name	Scientific Name	Status	Last Observed	Location
American Burying Beetle	Nicrophorus americanus	Endangered	No Date	Rochester
Norther Wild Comfrey	Cynoglossum virginianum var boreale	Endangered	1881	Rochester

In a recent Search of Internet Websites, numerous references were found on the American Burying Beetle, which is also a federally-listed Endangered Species. The DEC's Endangered Species Unit has a Fact Sheet on the American Burying Beetle that can be reviewed on DEC's web site at this web page http://www.dec.state.ny.us/website/dfwmr/wildlife/endspec/abbefs.html . The species is considered extirpated from New York. That is the species is not extinct, but no longer occurring in a wild state within New York. The beetle is currently know to exist at two locations Bock Island, Rhode Island and in eastern Oklahoma.

The Northern Wild Comfrey is an endangered plant species with a historical record from the Rochester area. DEC Regional Forester, James Peek, can be contacted for additional information regarding identification of the species and habitat information. If the plant is likely to occur in the areas of the site that are not urbanized, like portions of Genesee Valley West Park, a survey may be necessary to determine if the plant is still present and may be affected by the proposed plans for development within the Urban Renewal District. Mr. Peek should not be expected to perform this survey, but he can provide a list of specialists who would be qualified to perform the survey. Mr. Peek can be contacted at 607-776-2165 ext. 36.

For most sites, comprehensive field surveys have not been conducted; the information above only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

2. The description of projects currently planned for the Urban Renewal District included a river promenade and boat mooring facilities. These projects will likely involve disturbance to the banks and channel bottom of the Genesee River, and these activities will require the submission of an application and the issuance of an Article 15 - Stream Disturbance permit because the river in this area is a protected water body with a Stream Classification of B.

3. Depending on the nature of the U.S. Army Corps of Engineers' permit jurisdictions over the projects, a Water Quality Certification, pursuant to Section 401 of the Clean Water Act may be required to be issued by DEC.

4. The banks of the Genesee River in the vicinity of the project site are considered part of the Critical Environmental Areas that has been established by the City of Rochester.

5. The Urban Renewal District is located in an archaeologically sensitive area and also includes a site eligible for listing on the National Register of Historic Places, the Genesee Valley West Park. The Urban Renewal District also includes a portion of the Genesee Valley Greenway. I believe that the City of Rochester has received a copy of a letter from the State Historic Preservation Office, which describes the cultural resources significance of the area and listed additional information that was needed in order to evaluate the potential impacts on these resources.

If you have any questions regarding this letter, please contact me at 585-226-5390.

Sincerely,

Peter A. Lent

Peter A. Lent
Regional Permit Administrator

cc: Mr. James Peek, NYSDEC-Bath, Regional Forester

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **FAX:** (518) 402-8925
Website: www.dec.state.ny.us

Erin M. Crotty
Commissioner

February 20, 2003

Proj. No.
Original

Mark R. Johns
Bergman Associates
200 First Federal Pl, 28 E. Main St.
Rochester, NY 14614-1909

Dear Mr. Johns:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to the proposed Brooks Landing Urban Renewal District, area as indicated on the map you provided, located in the City of Rochester, Monroe County.

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

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

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

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

Sincerely,

Heidi J. Krahling, Information Services
NY Natural Heritage Program

Enc.
cc: Reg. 8, Wildlife Mgr.

AUG 24 2003

DIVISION OF ENVIRONMENTAL PERMITS

June 2001

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk Telephone: (631) 444-0365	John Pavacic NYS-DEC BLDG. 40 SUNY at Stony Brook Stony Brook, NY 11790-2356
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island Telephone: (718) 482-4997	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester Telephone: (845) 256-3054	Margaret Duke (Peg) NYS-DEC 21 South Putt Corners Road New Paltz, NY 12561-1696
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady Telephone: (518) 357-2069	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014
4 (sub-office)	Delaware, Otsego & Schoharie Telephone: (607) 652-7741	John Feltman NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503
5	Clinton, Essex, Franklin & Hamilton Telephone: (518) 897-1234	Richard Wild NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296
5 (sub-office)	Fulton, Saratoga, Warren & Washington Telephone: (518) 623-1281	Thomas Hall* NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220
6	Jefferson, Lewis & St. Lawrence Telephone: (315) 785-2245	Brian Fenlon NYS-DEC State Office Building 317 Washington Street Watertown, NY 13601-3787
6 (sub-office)	Herkimer & Oneida Telephone: (315) 793-2555	J. Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885

7	Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga & Tompkins Telephone: (315) 426-7438	Ralph Manna NYS-DEC 615 Erie Blvd. West (Env.Permits Room 206) Syracuse, NY 13204-2400
7 (sub-office)	Telephone: (607) 753-3095	Michael Barylski* NYS-DEC 1285 Fisher Avenue Cortland, NY 13045-1090
8	Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne & Yates Telephone: (716) 226-5390	Peter Lent NYS-DEC 6274 East Avon Lima Road Avon, NY 14414-9519
9	Allegany, Cattaraugus, Chautauqua, Erie, Niagara & Wyoming Telephone: (716) 851-7165	Steve Doleski NYS-DEC 270 Michigan Avenue Buffalo, NY 14203-2999
9 (sub-office)	Telephone: (716) 372-0645	Ken Taft* NYS-DEC 182 East Union, Suite 3 Allegany, NY 14706-1328

* Deputy Regional Permit Administrator

National Marine Fisheries Service
Habitat Conservation Division
Milford Field Office, 212 Rogers Avenue
Milford, Connecticut 06460

TO: Mr. Mark R. Johns
Senior Landscape Architect
Bergmann Associates
200 First Federal Plaza
28 East amin Street
Rochester, New York 14614-1909

DATE: 3 February 2003

SUBJECT: **Brooks Landing Urban Renewal District; City of Rochester, Monroe County, NY**

Diane Rusanowsky
(Reviewing Biologist)

We have reviewed the information provided to us regarding the above subject project. We offer the following preliminary comments pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act:

Endangered and Threatened Species

__XX_ There are no endangered or threatened species in the upland project area.

_____ The following endangered or threatened species may be present in the project area:

____ shortnose sturgeon (*Acipenser brevirostrum*) [Hudson River}

sea turtles: ____ loggerhead (*Caretta caretta*) ____ Kemp's ridley (*Lepidochelys kempii*)
____ green (*Chelonia mydas*) ____ leatherback (*Dermochelys coriacea*)

Other: _____

Fish and Wildlife Coordination Act Species

__XX__ The following may be present in the project area: Anadromous and resident fish, forage and benthic species

Please contact the appropriate Regional Office of the New York State DEC to confirm the presence of anadromous or resident aquatic populations. Habitat use by some species or life stages may be seasonal

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Essential Fish Habitat

_____ The project area has been designated as Essential Fish Habitat (EFH) for one or more species. When details of the project are made available and permit applications have been made, conservation recommendations may be given. For a listing of EFH and further information, please go to our website at: http://www.nero.nmfs.gov/ro/doc/webintro.html . Based on the information provided to date, it is not possible to determine whether or not an EFH assessment will be necessary.

__XX__ No EFH presently designated in the upland project area.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, NY 13045

January 24, 2003

Mr. Mark R. Johns
Senior Landscape Architect
Bergman Associates
200 First Federal Plaza
28 East Main Street
Rochester, NY 14614-1909

Dear Mr. Johns:

This responds to your letter of January 9, 2003, requesting information on the presence of endangered or threatened species in the vicinity of the proposed Brooks Landing Urban Renewal District along the Genesee River in the City of Rochester, Monroe County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands

or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information please contact Michael Stoll at (607) 753-9334.

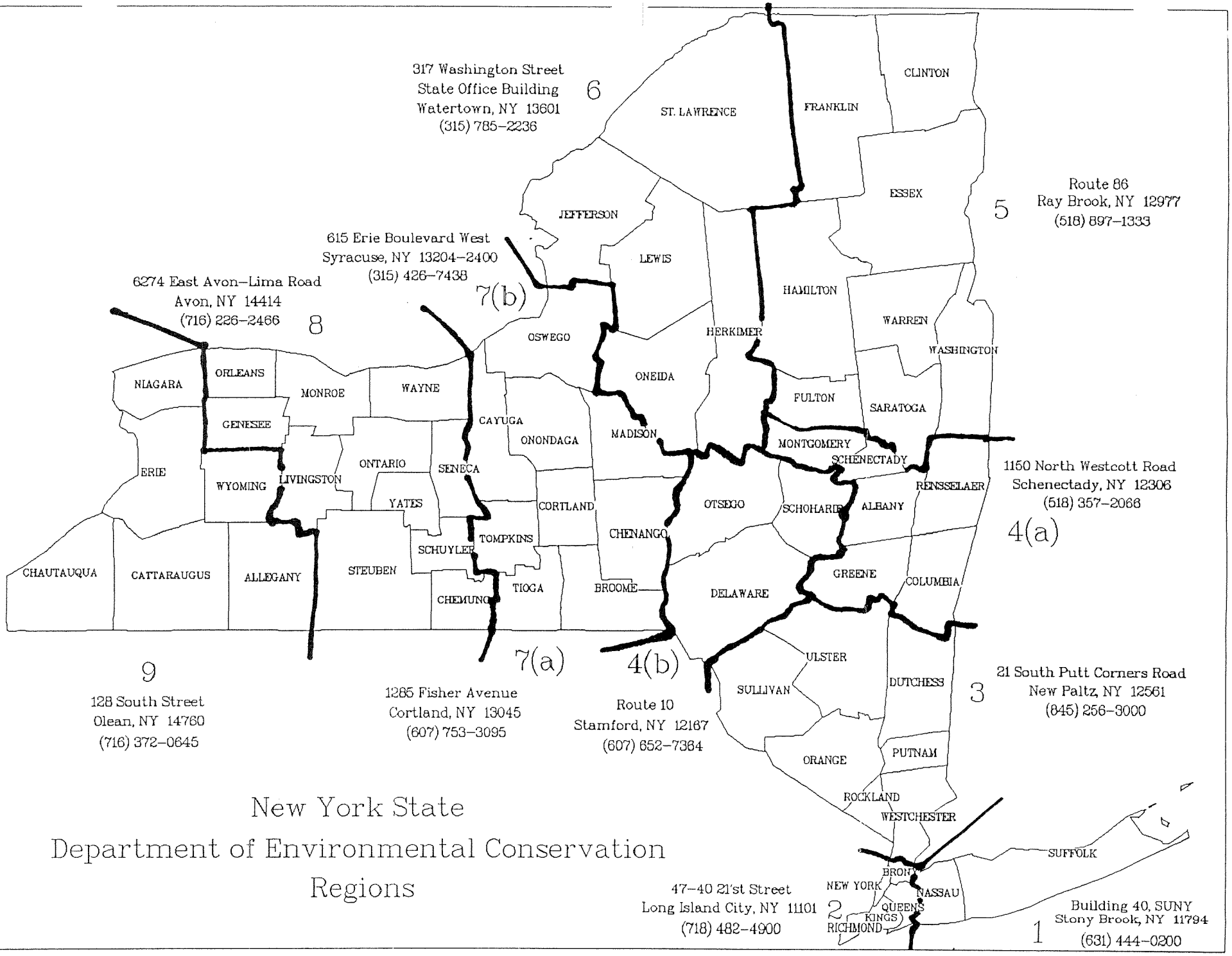
Sincerely,

Mark W. Clough
Acting For

David A. Stilwell
Field Supervisor

Enclosure

cc: NYSDEC, Avon, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, Buffalo, NY


317 Washington Street
State Office Building
Watertown, NY 13601
(315) 785-2236
6
Route 86
Ray Brook, NY 12977
(518) 897-1333
5
615 Erie Boulevard West
Syracuse, NY 13204-2400
(315) 426-7438
7(b)
6274 East Avon-Lima Road
Avon, NY 14414
(716) 226-2466
8
1150 North Westcott Road
Schenectady, NY 12306
(518) 357-2066
4(a)
9
128 South Street
Olean, NY 14760
(716) 372-0645
1285 Fisher Avenue
Cortland, NY 13045
(607) 753-3095
7(a)
4(b)
Route 10
Stamford, NY 12167
(607) 652-7364
21 South Putt Corners Road
New Paltz, NY 12561
(845) 256-3000
3
47-40 21st Street
Long Island City, NY 11101
(718) 482-4900
2
Building 40, SUNY
Stony Brook, NY 11794
(631) 444-0200
1
CLINTON
FRANKLIN
ST. LAWRENCE
ESSEX
JEFFERSON
LEWIS
HAMILTON
WARREN
WASHINGTON
HERKIMER
OSWEGO
ONEIDA
FULTON
SARATOGA
NIAGARA
ORLEANS
MONROE
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ONONDAGA
MADISON
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GENESEE
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ONTARIO
SENECA
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CORTLAND
OTSEGO
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WESTCHESTER
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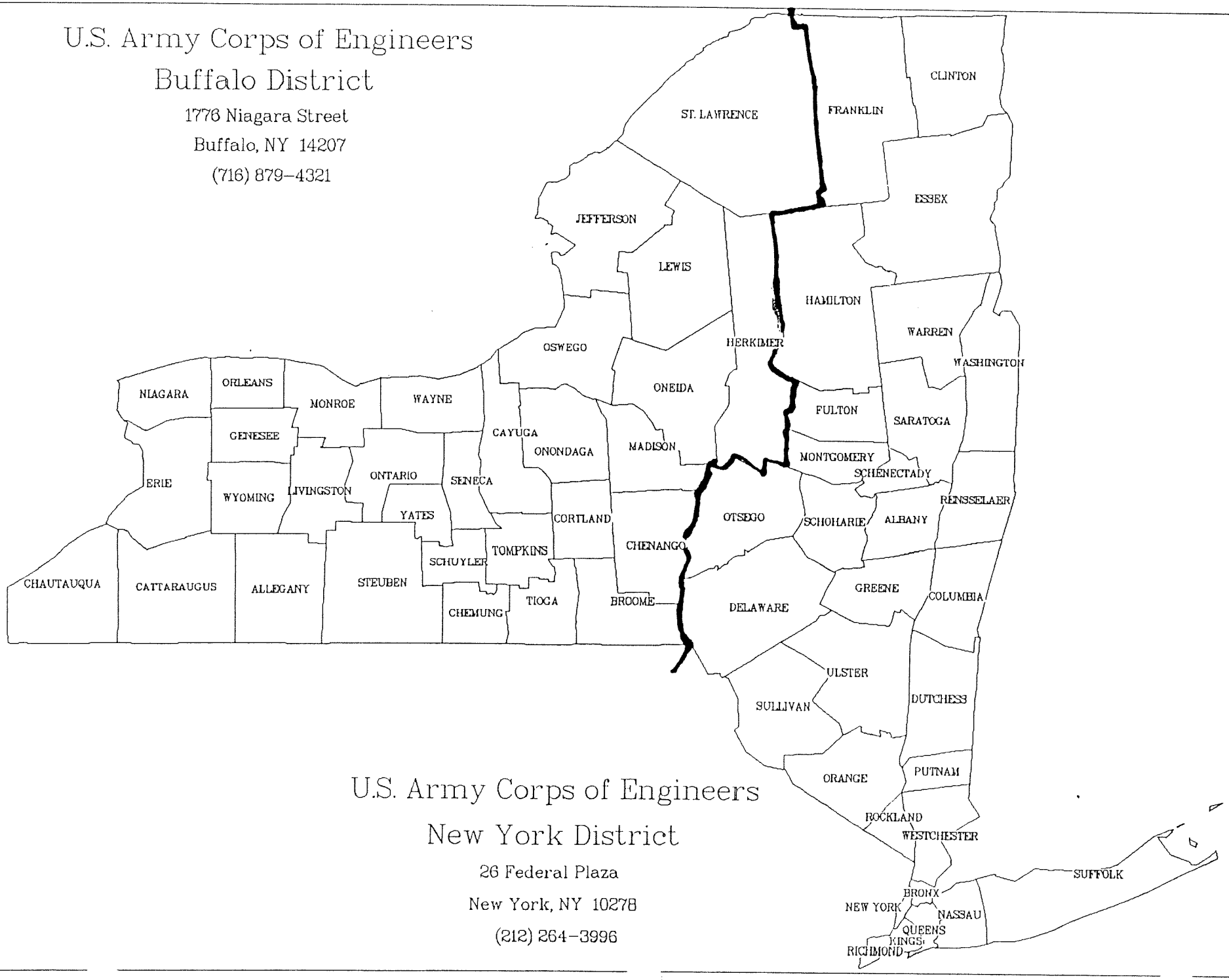
BRONX
NEW YORK
NASSAU
QUEENS
KINGS
RICHMOND
New York State
Department of Environmental Conservation
Regions

U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207
(716) 879-4321



U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
(212) 264-3996

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

To provide a timely response to future requests for endangered species comments in New York, please include the following in future inquiries:

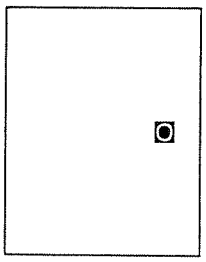
1. A concise brief description of the project/action.

2. Name of the hamlet/village/city/town/county where the project/action occurs.

3. The latitude and longitude of the project/action, i.e.: 42° 13' 28" / 76° 56' 30". If the project/action is linear, you may provide coordinates for both ends or just one near center.

4. A map showing the project/action location. Preferrably the map should be a U.S. Geological Survey quadrangle map (USGS Quad). You need only provide a copy of that portion where the project/action occurs. Please provide the name(s) of the USGS quadrangle.

   If providing only a portion, indicate where the portion would be located on the full quadrangle, i.e.



Providing the information above will assist us in responding to your needs.

If you require additional information please contact Michael Stoll at (607) 753-9334.

A Subsidiary of RGS Energy Group, Inc.

ROCHESTER GAS AND ELECTRIC CORPORATION • 89 EAST AVENUE, ROCHESTER, N.Y. 14649-0001 • 716 546-2700 www.rge.com

January 10, 2002

Mr. Mark Johns
Bergmann Associates
200 First Federal Plaza
28 East Main St.
Rochester, NY 14614

Re: Brooks Landing Project

Dear Mark:

This is to advise you that gas and electric services will be made available upon request to the above mentioned location in accordance with our tariffs as filed with the Public Service Commission. The final approved site and utility plan along with the expected gas and electric loads will determine if facility upgrades are required.

Sincerely,

Tim Heckman

Tim Heckman
Senior Account Manager
Business Customer Service Department

xc:

City of Rochester

Bureau of Water & Lighting
Environmental Services

10 Felix Street
Rochester, New York 14608

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 2
To Jonathan Peet	From Geoff Bugel
Co. Bergmann Assoc.	Co. RW&LB
Dept.	Phone # 428-6629
Fax # 232-4652	Fax # 428-7880

January 9, 2003

Bergmann Associates
200 First Federal Plaza
28 East Main Street
Rochester, NY 14614

ATTN: Mr. Jonathan Peet RE: Brooks Landing Puplic Improvement Project (P.C. 22023)

Dear Mr. Peet:

In response to your recent request for a letter from the City Water Bureau asserting the adequacy of the water facilities in the Brooks Landing Urban Renewal District, we offer the following information.

Your January 8, 2003 faxed letter indicated that most of the planned development will take place near the Genesee Street and Brooks Avenue intersection and that the proposed facilities will be fed through water services from our water mains on these two streets. Brooks Avenue is supplied by a relatively new (1979) water main that is12" in diameter west of Genesee Street and 8" in diameter east of Genesee Street. We do not have current flow test information on this water main. Genesse Street is supplied by a 10" water main south of Brooks Avenue which transitions to a 12" water main just north of Congress Avenue. The 10" portion of the water main was installed in1888 and cleaned and lined in 1990. We have enclosed a 1993 flow test from the 10 " section of water main. The flow test indicates that at that time there was an available flow of 6416 g.p.m. at 20 psi residual pressure. Genesee Street north of Brooks Avenue has a 12" water main that was cleaned and lined in 1990. We do not have flow test information for this portion of the water main.

We recommend that additional flow tests be preformed on the water system when location and size of water service connections are determined as the project progresses from concept to design phase. Please contact Mr. Tom Woods at 428-7589 to schedule additional flow tests.

If you should require any additional information, please do not hesitate to contact Geoffrey Gugel at 428-6629.

Sincerely,

Enrique Maisch

Enrique Maisch, P.E.
Managing Engineer

EM:gg
Enclosure:
xc: File

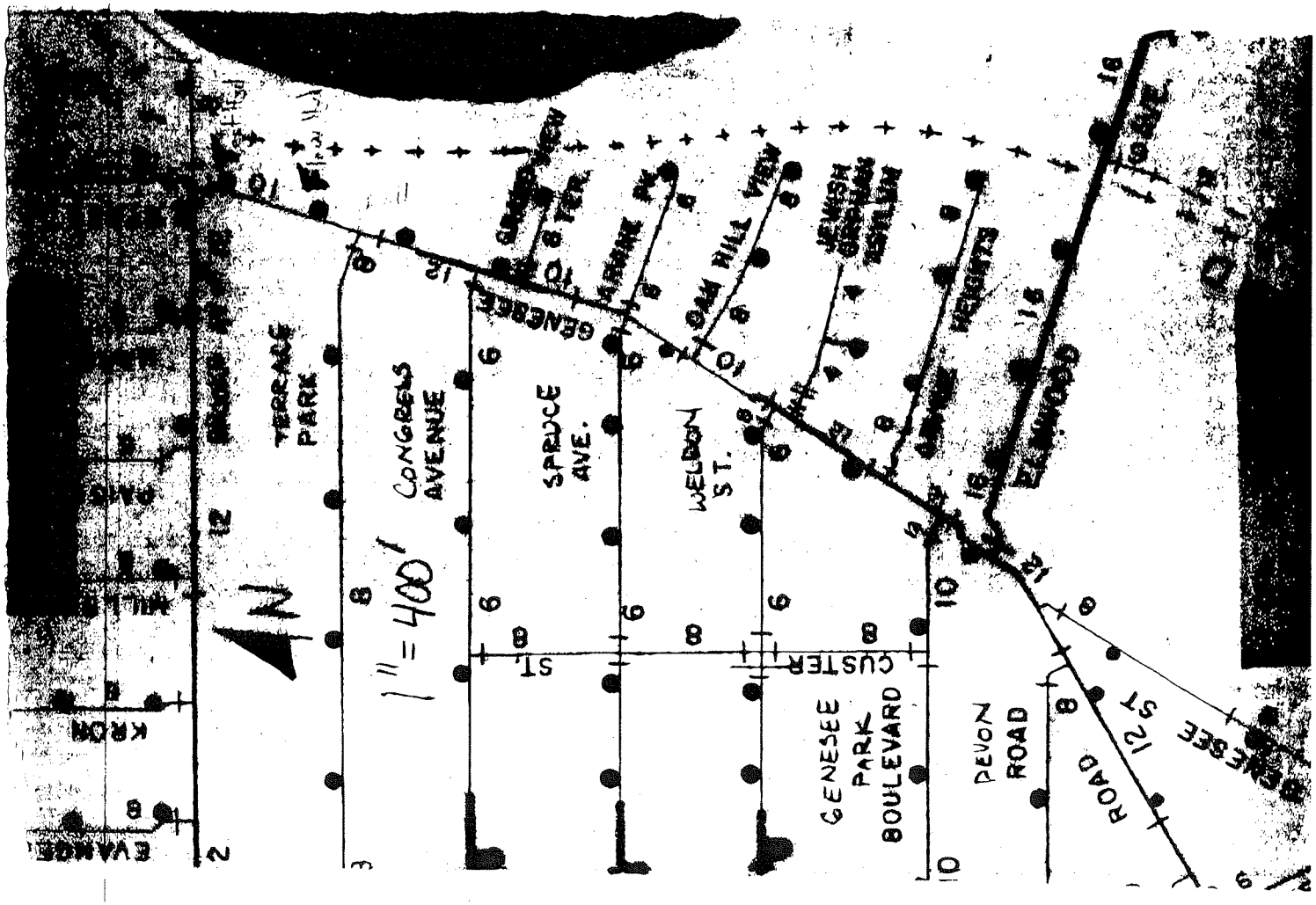
EEO Employer/Handicapped

ROCHESTER WATER WORKS - ENGINEERING DEPARTMENT
FIRE FLOW TEST

Test No.	91-93	Date	06/29/93
Main Size, in	10	TIME	10:15 am

Location	GENESEE ST: S/Brooks Ave
System	DOM
Observer(s)	VAN HEUSEN, NAUGLE

Test Data and Results:

Static Pressure	43.0	psi	Pitot Pressure	13.2	psi
Residual Pressure	41.0	psi	Test Flow	1716	gpm
Pressure Drop	2.0	psi	Flow @ 20 psi	6416	gpm
Nozzle Size	4.5	in	Nozzle Coeff.	0.78	
Test Gauge	R-5		Flow Gauge	G-19	

Est. Water Used 3432 Gallons