

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Ninth Coast Guard District

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12 February 2021

PUBLIC NOTICE 09-01-21

All interested parties are herein notified that the Commander, Ninth Coast Guard District, has received application materials dated 01 December 2020 from the New York Department of Transportation (NYSDOT) for approval of location and plans for the construction of a bridge over a navigable waterway of the United States.

WATERWAY AND LOCATION: New York Route 5 Bridge over Mile 5.79 of the Buffalo River, Buffalo, Erie County, New York.

CHARACTER OF WORK: As proposed, the application is a design-build application with specifications for a three-span fixed bridge carrying the proposed New York Route 5 over the Buffalo River. This bridge is part of a greater construction project known as the Buffalo Skyway Project. More information about this project is located on the Federal Infrastructure Permitting Dashboard at the following website:

<https://www.permits.performance.gov/permitting-projects/nys-route-5-buffalo-skyway-project>

The Skyway project aims to realign the existing transportation network as well as planned recreational, mixed-use, and waterfront development in the Buffalo Inner and Outer Harbor areas. This project also addresses safety, operational, and capacity concerns with the current transportation infrastructure servicing residents and communities within South Buffalo. Although NYSDOT does not have a final design, the application is for a bridge with a length of 370.00-feet abutment-to-abutment and 105.00-feet out-to-out width. A final project schedule has not been confirmed, but it is anticipated that design approval will occur sometime in 2021, construction will begin in 2022, and project completion in 2025.

MINIMUM NAVIGATIONAL CLEARANCES:

The proposed new bridge will have clearances as described in the table below. These clearances are a decrease from current clearances over this section of the waterway at or near this mile.

	Existing	Proposed
Vertical	Unlimited	21.00-feet
Horizontal	120.00-feet	120.00-feet

Datum: (All Elevations are referenced to Low Water Datum, Lake Michigan, Elevation 745.80, International Great Lakes Datum of 1985 (IGLD 85))

ENVIRONMENTAL CONSIDERATIONS:

The Federal Highway Administration (FHWA) is the lead Federal agency for satisfying the requirements of the National Environmental Policy Act (NEPA). FHWA is acting on behalf of the U.S. Coast Guard for all environmental control laws. A Final Environmental Impact Statement and further environmental determinations are forthcoming. The U.S. Guard, based upon full consideration of the environmental documentation prepared by FHWA thus far, has

determined that the project's impacts cannot be avoided and that all planning and mitigation to minimize any potential impacts will be accomplished and plans to issue a Record of Decision (ROD) for the project. Documents are available at the above address, Monday through Friday, 8:00 a.m. to 2:00 p.m.

A water quality certification in accordance with Section 401 of the Clean Water Act, as amended, for this project was applied for by the New York State Department of Environmental Conservation on 18 November 2020.

Approximately 7 to 12 acres of wetlands may be affected by the project. Avoidance, minimization, or mitigation measures are forthcoming. NYSDOT submitted a Joint Application to the NYSDEC for a Freshwater Wetlands certification, to the U.S. Army Corps of Engineers (USACE) for a permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The Coast Guard defers to USACE regarding wetlands impact determinations. Any questions or comments regarding the USACE's permit review or wetlands determination may be submitted to Heather Adams at Heather.L.Adams@usace.army.mil.

The bridge is located in a base floodplain. The 100-year flood elevation is 575.7-feet, while elevation of the low member of the navigation span is 595.7-feet. Elevations are referenced to IGLD85 datum. Approximately 338.0 cubic yards of fill material will be placed below mean high water level for the construction of the bridge and approaches. The decision as to whether to grant approval of the location and plans for the proposed action rests primarily upon the effect it has on navigation.

SOLICITATION OF COMMENTS:

Mariners are requested to comment on the proposed navigation clearances, placement of a bridge protective system and other navigational safety issues, including need for clearance gauges and extent of nighttime navigation to determine the need for bridge lighting. Interested parties are requested to express their views, in writing, on the proposed bridge project including its possible impacts to navigation.

We will forward comments of an environmental nature such as those regarding wildlife refuges, public parks, historic sites, wetlands, floodplain issues, air, water quality, environmental justice, etc. to FHWA. Comments will be received for the record at the address noted in the header or via email to michael.o.walker2@uscg.mil through 21 March 2021. Map of location and plans attached.

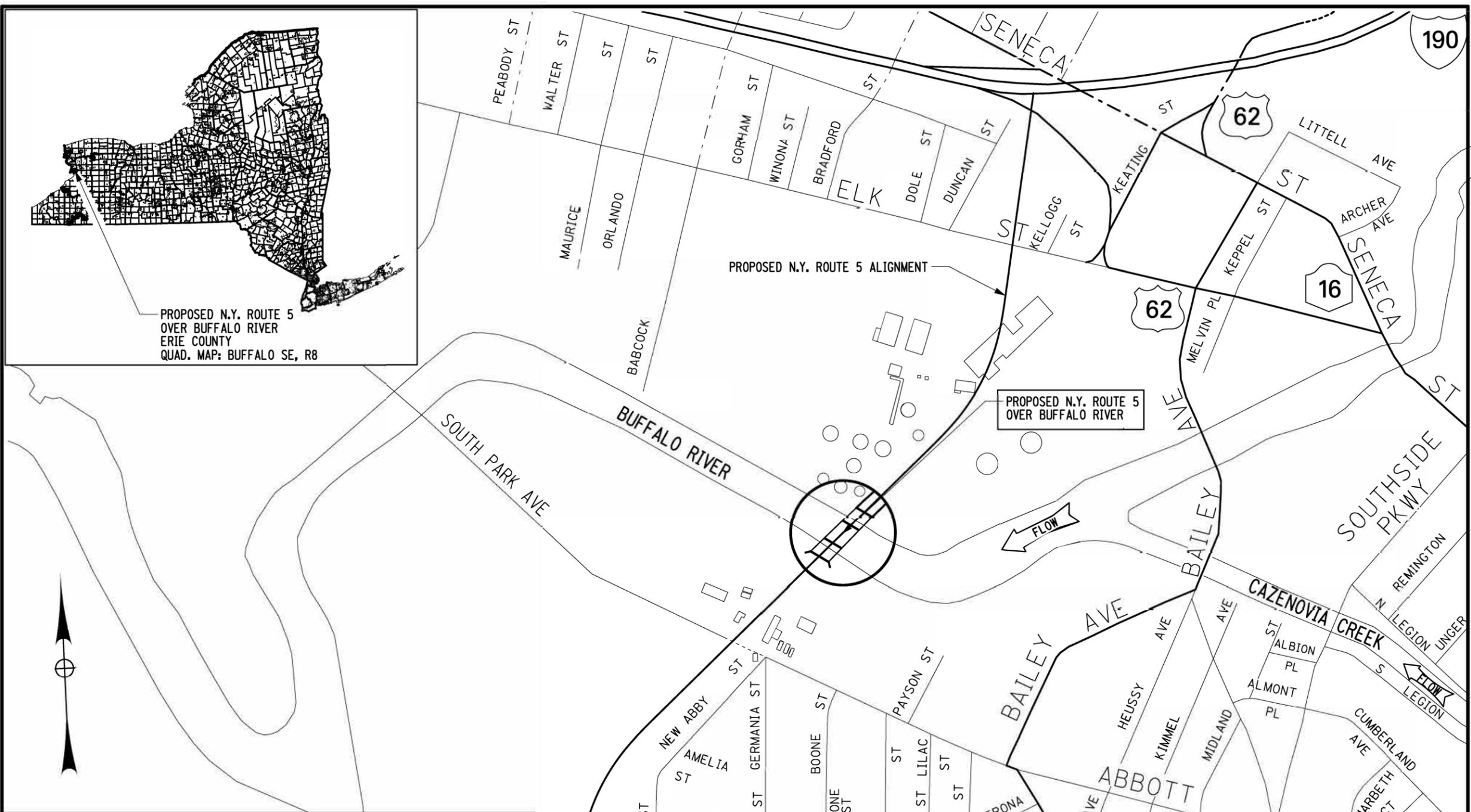
STANIFER.WILLIAM.B.1053987350
M.B.1053987350

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STANIFER.WILLIAM.B.1053987350
Date: 2021.02.16 10:23:25 -05'00'

W. B. STANIFER
Chief, Bridge Branch
U.S. Coast Guard
By Direction



PROPOSED N.Y. ROUTE 5
OVER BUFFALO RIVER
ERIE COUNTY
QUAD. MAP: BUFFALO SE, R8



SCALE IN MILE

AFFIX SEAL:
ON:

ALTERED BY:
ON:

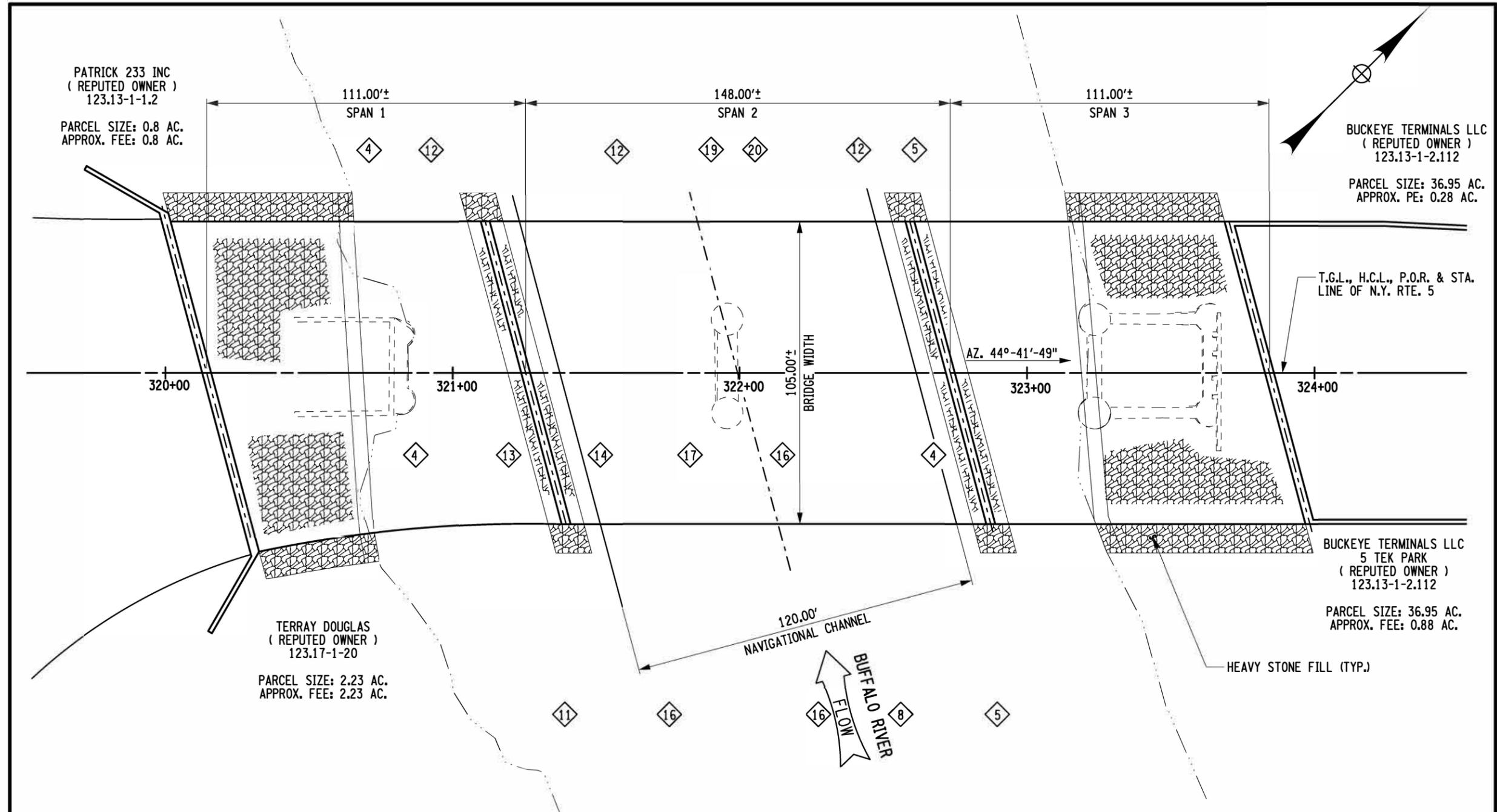


IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT,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



**Department of
Transportation**

N.Y. ROUTE 5 OVER BUFFALO RIVER	REGION: 05
CONSULTANT/AGENT: N/A	
MILE POINT OF BRIDGE LOCATION: 5.79	
DATE: 10/15/2020	PIN 5134.48
CITY OF BUFFALO COUNTY: ERIE	SHEET: 1 OF 4



GENERAL PLAN

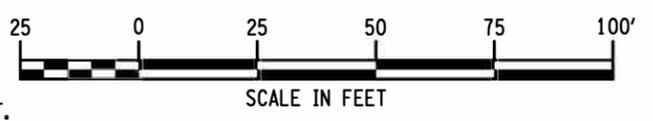
AFFIX SEAL:
ON:

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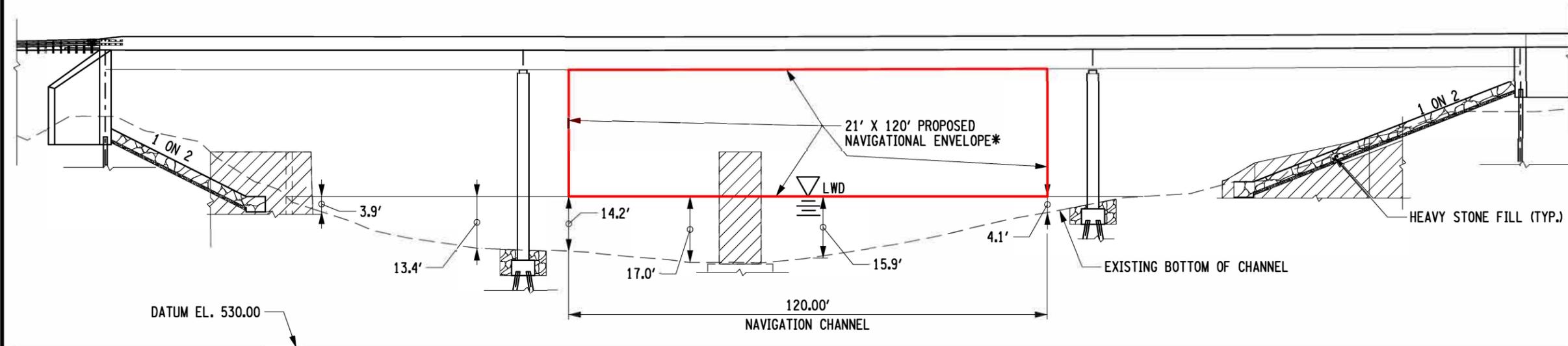


- NOTES: CONCEPTUAL PLANS UTILIZED TO OBTAIN PROVISIONAL COAST GUARD BRIDGE PERMIT.
- VERTICAL DATUM IGLD85.
 - APPROXIMATELY 338.0 CU. YDS. OF FILL MATERIAL BELOW MEAN HIGH WATER.
 - ◇ DENOTES APPROXIMATE WATER DEPTH IN FEET AT LOW WATER DATUM (LWD).

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LOW WATER ELEVATION = 561.9 FT.
 ORDINARY WATER ELEVATION = 562.9 FT.
 ORDINARY HIGH-WATER ELEVATION = 565.9 FT.
 100 YEAR STORM = 575.7 FT.
 LOW WATER DATUM (LWD) = 569.2 FT.

ELEVATION

* ACTUAL CLEARANCE AT CENTERLINE AND LOCATION OF MINIMUM CHANNEL CLEARANCE TO BE SHOWN ON FINAL PERMIT APPLICATION.

AFFIX SEAL:
ON:



ALTERED BY:
ON:

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 APPROXIMATELY 338.0 CU. YDS. OF FILL MATERIAL BELOW ORDINARY HIGH-WATER.
 VERTICAL DATUM IGLD85.

REMOVAL OF EXISTING SUBSTRUCTURE.

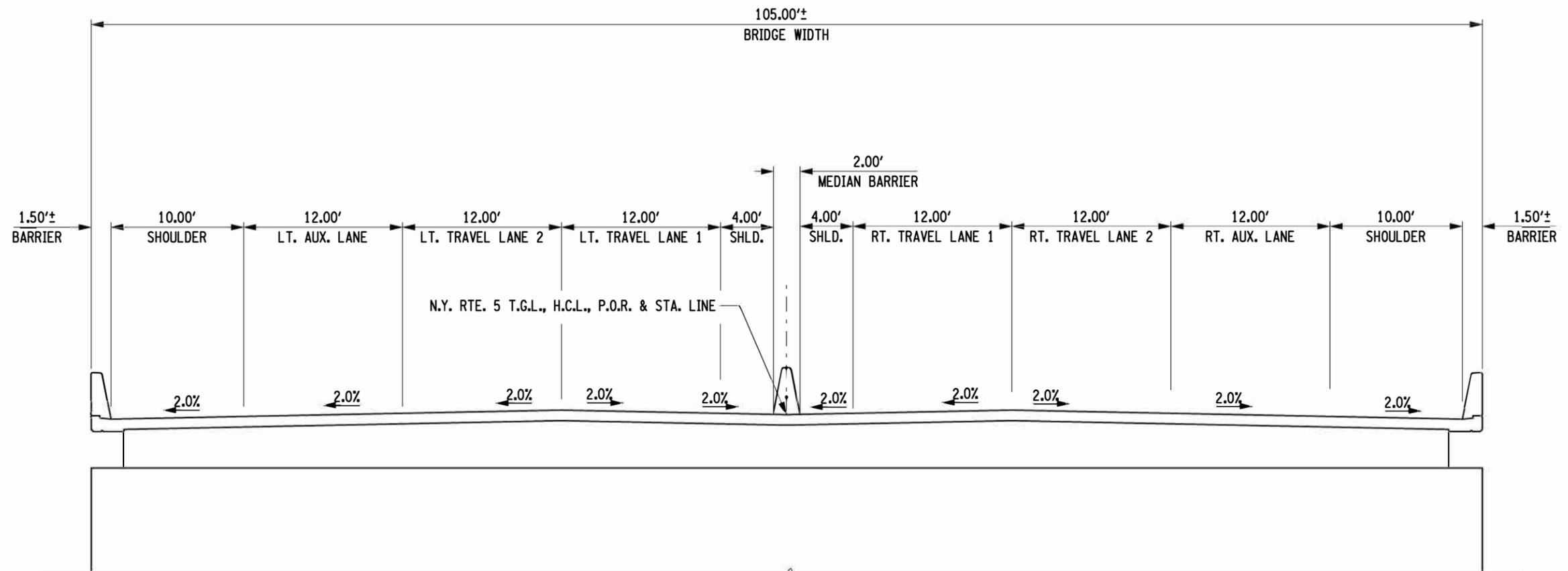
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TYPICAL PROPOSED BRIDGE SECTION



AFFIX SEAL:
ON:



ALTERED BY:
ON:

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