

# TRAUTMAN ASSOCIATES

ARCHITECTS / ENGINEERS

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TrautmanAssociates.com

December 30, 2021

Canisius High School  
Robert J. Stransky Memorial Athletic Complex  
Phase Three Development Project  
TA Project 20020

Town of West Seneca  
Town Hall  
1250 Union Road  
West Seneca, New York 14224

The following is an update on the progress since our last Planning Board meeting on June 10, 2021:

1. Phase 1A/B Archeological Investigation and Geomorphological Assessment – Scope of Work (SOW) was sent to The Office of Parks, Recreation, and Historic Preservation's (OPRHP) on June 10, 2021.
2. The OPRHP issued a response letter dated June 16, 2021 that commented on the proposed Phase 1A/B Archeological Investigation and Geomorphological Assessment – Scope of Work (SOW). See attached letter.
  - a. OPRHP approved the SOW as long as a revised SOW is submitted with the requested revisions before field work begins.
3. A revised SOW was submitted to OPRHP on June 18, 2021. Received OPRHP's approval letter dated June 21, 2021. See attached.
4. The field work for the Phase 1A/B Archeological Investigation and Geomorphological Assessment was completed between the dates of June 24 – 28, 2021.
5. The Phase 1B End-of-Field Letter Report (EOF) was submitted to OPRHP on July 6, 2021.
6. The OPRHP issued a response letter dated July 16, 2021 that commented on the Phase 1B End-of-Field Letter Report (EOF). See attached letter.
  - a. A Phase 2 Site Examination will be warranted if site avoidance is not feasible.
  - b. An in-person meeting was requested after the submission of the Phase 1 report and Phase 2 SOW.
7. The Phase 1A/B Archeological Investigation and Geomorphological Assessment Report and Phase 2 Site Examination SOW was sent to OPRHP on July 28, 2021.
  - a. Of the 122 shovel tests, 44 test contained cultural material.
  - b. 85 artifacts were found: the majority of artifacts were debris from stone tool making (flakes), tools, projectile point, drill
8. In-person meeting occurred onsite on August 26, 2021 with all requested parties.
  - a. OPRHP verbally concurred with Phase 2 Site Examination SOW.
  - b. Phase 2 report to be submitted to OPRHP.
9. OPRHP issued as a follow up to the in-person meeting. See attached email.
  - a. In order for OPRHP and DEC to have a clear understanding of the project's Area of Potential Effects (APE) and proposed ground-disturbing impacts going forward with the Phase II, we are requesting the submission of the most up-to-date site plan maps/modified aerial photos of the APE and impacts, as well as a description of the additional or newer impacts (changes/cuts/grading of the flood plain, etc.).
10. Updated documents sent to OPRHP on September 2, 2021.
11. The OPRHP issued a response letter dated September 14, 2021 that commented on the Phase 1A/B Archeological Investigation and Geomorphological Assessment Report and Phase 2 Site Examination SOW. See attached letter.
  - a. Minor revisions requested on the Phase 1A/B Archeological Investigation and Geomorphological Assessment Report.
12. The field work for the Phase 2 Site Examination was completed between the dates of August 27 – September 30, 2021.
13. The Phase 2 Site Examination Report was sent to OPRHP on December 18, 2021.
  - a. 2742 artifacts were found: the majority of artifacts were debris from stone tool making (flakes), tools, projectile point, drill, scraper, anvil, trade beads

- b. OPRHP approval is anticipated because we are 'avoiding the area in concern'
- 14. The Army Corp. of Engineers letter dated November 30, 2021 indicated the determination of 'no permit required'. See attached letter.
- 15. We are anticipating a similar letter from the DEC upon OPRHP approval.
- 16. Updated documents were submitted to the Town Engineer for review on December 29, 2021 and an updated approval letter is anticipated.
  - a. Attached are the updated drawings based on the minor shift of the varsity baseball field location as required by OPRHP.
  - b. This shift reduced the amount of asphalt leading up to the field from the parking lot, however we did not adjust the sizing of the pond to reflect this reduction.
  - c. The pond sizing and SWPPP calculations remain as per the original submission as another safety factor for more storage and also this keeps the floodplain calculations not affected by this change.

Very truly yours,



Brad V. Vaillancourt, AIA, CSI, Leed AP  
Vice President

BVV:krd

P:\Canisius High School\20020 Athletic Fields - Phase 3\Correspondence\Letters\Town of West Seneca 12-29-21  
bv.v.docx

- c Matthew Carver, Canisius High School  
Appel Osborne Landscape Architecture



**Parks, Recreation,  
and Historic Preservation**

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Commissioner

June 16, 2021

Brittany Belding  
Appel Osborne Landscape Architecture  
102 West Division Street, Suite 100  
Syracuse, NY 13204

Re: DEC  
Robert J. Stansky Memorial Complex Project - Development of 2 New Baseball Fields  
2885 Clinton St, West Seneca, Erie County, NY  
21PR02923

Dear Brittany Belding:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation, and Historic Preservation (OPRHP). We have reviewed the Phase I Archaeological Survey & Geomorphological Assessment Scope-of-Work (SOW) prepared by Tetra Tech (Peltier, June 10, 2021) in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to archaeological Historic/Cultural resources.

Based upon our review of SOW, OPRHP offers the following:

1. OPRHP recommends that the Phase IA include a summary of the previous archaeological investigations associated with the Canisius High School Prehistoric Site (USN 02925.000406).
2. Please submit the site plan map/modified aerial photo depicting the locations of the proposed ground-disturbing impacts that will be deeper than 50-centimeters (~20 inches) and where the proposed geomorphological investigations will occur.
3. If the results of the geomorphological investigation indicate deep archaeological testing is warranted, OPRHP looks forward to the submission of a scope of work for the proposed deep testing strategy.
4. Please remove the Seneca Nation of Indians contact information from the Haudenosaunee Human Remains Discovery Protocol. This document is not specific to the Seneca Nation of Indians (SNI). It is pertinent to all Haudenosaunee Nations, including the SNI, Tonawanda Seneca Nation (TSN), and the Tuscarora Nation.
5. Please insert the SHPO/OPRHP's January 2021 Human Remains Discovery Protocol in place of that included in the Phase SOW (see attached).

...2

Brittany Belding  
June 16, 2021  
Page 2.

OPRHP has reached out to DEC who are in the process of consulting with the Indigenous Nations. DEC is offering the Nations the opportunity to monitor the Phase IB field investigations, proposed to begin on Monday, June 21, 2021. Mr. Peltier's contact information will be provided to the Nations should they wish to monitor the fieldwork alongside Tetra Tech. OPRHP has no concerns with the fieldwork proceeding on June 21<sup>st</sup> with the understanding that the revised scope of work will be submitted to OPRHP and the Nations before fieldwork commences.

If you have any questions, I can be reached via e-mail at [Josalyn.Ferguson@parks.ny.gov](mailto:Josalyn.Ferguson@parks.ny.gov).

Sincerely,



Josalyn Ferguson, Ph.D.  
Scientist Archaeology

*via email only*

c.c. Brad Vaillancourt, Trautman Associates  
c.c. Charles Vandrei, David Witt & Kerri Pickard-DePriest, DEC  
c.c. Jeffrey Schieber, Town of West Seneca  
c.c. Matthew Carver, Canisius High School  
c.c. Robert Peltier, Tetra Tech

*Attch.*

State Historic Preservation Office/  
New York State Office of Parks, Recreation and Historic Preservation  
Human Remains Discovery Protocol  
(January 2021)

If human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented.

- Human remains shall be treated with dignity and respect. Should human remains or suspected human remains be encountered, work in the general area of the discovery shall stop immediately and the location shall be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine if they are human, the remains and any associated materials shall be left in place. A qualified forensic anthropologist, bioarchaeologist, or physical anthropologist shall assess the remains in situ to help determine if they are human.
- If the remains are determined to be human, law enforcement, the SHPO, the appropriate Indian Nations, and the involved state and federal agencies shall be notified immediately. If law enforcement determines that the burial site is not a criminal matter, no skeletal remains or associated materials shall be removed until appropriate consultation takes place.
- If human remains are determined to be Native American, they shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency shall consult SHPO and the appropriate Indian Nations to develop a plan of action. Photographs of Native American human remains and associated materials should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO. The involved agency shall consult SHPO and other appropriate parties to develop a plan of action.
- The SHPO recommends that burial information is not released to the public to protect burial sites from possible looting.



**Parks, Recreation,  
and Historic Preservation**

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Commissioner

June 21, 2021

Brittany Belding  
Appel Osborne Landscape Architecture  
102 West Division Street, Suite 100  
Syracuse, NY 13204

Re: DEC  
Robert J. Stansky Memorial Complex Project - Canisius High School - Development of 2  
New Baseball Fields  
2885 Clinton St, West Seneca, Erie County, NY  
21PR02923

Dear Brittany Belding:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation, and Historic Preservation (OPRHP). We have reviewed the revised Phase IA/B Archaeological Survey & Geomorphological Assessment Scope-of-Work (SOW) prepared by Tetra Tech (Peltier, revised June 18, 2021) in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to archaeological Historic/Cultural resources.

Based upon our review of SOW, OPRHP concurs with Tetra Tech's proposed Phase I SOW. Please submit the completed Phase IA/B & Geomorphological report, as well as a zipped polygon shapefile of the Ph. I Survey Area to OPRHP using the corrected Cultural Resource Information System (CRIS) survey token provided in association with this correspondence.

If you have any questions, I can be reached via e-mail at [Josalyn.Ferguson@parks.ny.gov](mailto:Josalyn.Ferguson@parks.ny.gov).

Sincerely,

Josalyn Ferguson, Ph.D.  
Scientist Archaeology

*via email only*

c.c. Charles Vandrei, David Witt & Kerri Pickard, DEC  
c.c. Brad Vaillancourt, Trautman Associates  
c.c. Jeffrey Schieber, Town of West Seneca  
c.c. Matthew Carver, Canisius High School  
c.c. Robert Peliter, Tetra Tech

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**Division for Historic Preservation**

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [parks.ny.gov](http://parks.ny.gov)



**Parks, Recreation,  
and Historic Preservation**

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Commissioner

July 16, 2021

Brittany Belding  
Appel Osborne Landscape Architecture  
102 West Division Street, Suite 100  
Syracuse, NY 13204

Re: DEC  
Robert J. Stansky Memorial Complex Project - Canisius High School - Development of 2  
New Baseball Fields  
2885 Clinton St, West Seneca, Erie County, NY  
21PR02923

Dear Brittany Belding:

The Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) is reviewing the above-noted project in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation, and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Archaeological Historic/Cultural resources.

Thank you for the emailed submission of the Phase IB End-of-Field Letter Report (EOF) prepared by Tetra Tech (Peltier July 6, 2021). OPRHP will not be providing comments on the Phase IB EOF. OPRHP does offer the following comments and recommendations:

1. A Phase II Site Examination will be warranted for this project if site avoidance is not feasible. With the submission of the Phase II report, please provide a detailed Phase II Scope-of-Work (SOW). The SOW should include the number of shovel tests proposed including their interval and number, as well as the size and placement of proposed Test Units at each locus. Please note that mechanical soil stripping may be warranted after the Ph. II hand excavations are complete and should be discussed in the SOW. The SOW should not restrict the number of artifacts to be analyzed and should indicate the laboratories or individuals who will be tasked with floral, faunal, and radiocarbon analyses (as applicable), as well as name the bioarchaeologist/physical anthropologist/forensic anthropologist who will be on call, should human remains be identified.
2. Please include a copy of the SHPO/OPRHP's Human Remains Discovery Protocol (January 2021) and the Haudenosaunee's Protocol for Handling the Discovery of Human Remains in the Ph. II SOW.
3. An in-person meeting with the Canisius' design team, Tetra Tech, DEC, OPRHP, as well as Christine Abrams (TSN), Dr. Joe Stahlman (SNI), and Bryan Printup (Tuscarora Nation) is to be scheduled before commencing with the Ph. II, and no earlier than one (1) week after the submission of the Ph. I report and Ph. II SOW to OPRHP, DEC, and the Involved Indigenous Nations.

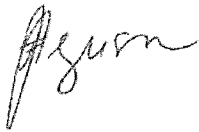
...2

Brittany Belding  
July 16, 2021  
Page 2.

4. If the archaeologist recommends that the site is not eligible for the State and National Registers of Historic Places after completion of the Ph. II hand excavations, OPRHP requests the submission of a Ph. II EOF for review and comment before conducting mechanical soil stripping.
5. Please be aware that if after completion of the Ph. II Site Examination the site is determined to be eligible for the State and National Registers of Historic Places, site avoidance or a Phase III Data Recovery will be recommended. If the Ph. III is to proceed, detailed Research Design will need to be developed and submitted for review, and a Letter of Resolution (LOR) between the involved parties will be required.

If you have any questions, I can be reached via e-mail at [Josalyn.Ferguson@parks.ny.gov](mailto:Josalyn.Ferguson@parks.ny.gov).

Sincerely,



Josalyn Ferguson, Ph.D.  
Scientist Archaeology

*via email only*

c.c. Brad Vaillancourt, Trautman Associates  
c.c. Charles Vandrei & David Witt & Kerri Pickard-DePriest, DEC  
c.c. Matthew Carver, Canisius Highschool  
c.c. Christine Abrams, Cole Reuben & Alex Page, Tonawanda Seneca Nation (TSN)  
c.c. Joe Stahlman, Seneca Nation of Indians (SNI)  
c.c. Robert Peltier, Tetra Tech



## Brad Vaillancourt

---

**From:** Peltier, Rob <Rob.Peltier@tetrattech.com>  
**Sent:** Tuesday, August 31, 2021 9:48 AM  
**To:** Carver, Matthew; Brad Vaillancourt  
**Subject:** FW: NY SHPO: Submission Consolidated Response L5NLH5DELNSM Issued for Consultation Project 21PR02923  
**Attachments:** 21PR02923\_Canisius Athletic Field\_Phase I report.pdf

Good Morning-

I received the following data request from Josalyn Ferguson (OPRHP)...

Thank you for attending the in-person meeting at the athletic field on August 26, 2021. It became clear during the meeting that there have been some changes to the project since our original review. In order for OPRHP and DEC to have a clear understanding of the project's Area of Potential Effects (APE) and proposed ground-disturbing impacts going forward with the Phase II, we are requesting the submission of the most up-to-date site plan maps/modified aerial photos of the APE and impacts, as well as a description of the additional or newer impacts (changes/cuts/grading of the flood plain, etc.).

Has the project been modified since submission of the initial Phase I report (7/28/2021)? See the site plan I included in the report (attached – Attachment D). I kept it simple, since we tested the entire area and depth of potential archaeological deposits (regardless of impact). Perhaps there is a detailed version of this (and project description) we can provide?

We will need to reply. Please let me know and I can upload this data to the OPRHP-CRIS.

Rob

Robert J. Peltier, M.A., RPA  
**Project Manager - Cultural Resources Services**  
Direct: 716.541.8226 | Cell: 716.510.9115  
Main: 716.849.9419 | Fax: 716.849.9420  
[rob.peltier@tetrattech.com](mailto:rob.peltier@tetrattech.com)



**Tetra Tech** | Leading with Science  
301 Ellicott Street | Buffalo, NY 14203 | [www.tetrattech.com](http://www.tetrattech.com)

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Live Green, Work Green, Save Green

**From:** New York State Parks CRIS Application <cris.web@parks.ny.gov>  
**Sent:** Monday, August 30, 2021 2:46 PM  
**To:** bbelding@appelosborne.com; bvaillancourt@trautmanassoc.com; bprintup@hetf.org; Charles.Vandrei@dec.ny.gov; tonseneca@aol.com; david.witt@dec.ny.gov; jschieber@twsnny.org; joe.stahlman@sni.org; kerri.pickard-

depriest@dec.ny.gov; carver@canisiushigh.org; Peltier, Rob <Rob.Peltier@tetrattech.com>

**Subject:** NY SHPO: Submission Consolidated Response L5NLH5DELNSM Issued for Consultation Project 21PR02923

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

## Submission Consolidated Response Issued

The New York State Historic Preservation Office (SHPO) has issued a submission consolidated response for the following project. The consolidated response may include letters with comments from the reviewers or requests for more information.

**Consolidated Response Link:** <https://cris.parks.ny.gov/?type=CR&id=L5NLH5DELNSM>

**Project Number:** 21PR02923

**Project Type:** Consultation

**Project Name:** Robert J. Stansky Memorial Complex Project - Canisius High School - Development of 2 New Baseball Fields

**Consolidated Response Token:** L5NLH5DELNSM

**Submission Number:** 21PR02923.010

**Submission Description:** Manual Submission to log in-person Meeting with Nations, Project Proponents, DEC & OPRHP at site & continue Ph. I & Ph. II SOW review after meeting

*The submission description above is for reference only. Please go to the consolidated response page to view new correspondence or information requests from SHPO.*

### New York State Historic Preservation Office

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189

518-237-8643 | <https://parks.ny.gov/shpo>

CRIS: <https://cris.parks.ny.gov>

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### Who sent this email?

This email is a notification from the [New York State Cultural Resource Information System \(CRIS\)](#). CRIS is an online service administered by the [New York State Division for Historic Preservation](#), also known as the New York State Historic Preservation Office (SHPO), which is a division of [New York State Parks, Recreation & Historic Preservation](#).

This message pertains to a submission for a consultation project. Please see SHPO's [Environmental Review](#) web page for more information about the consultation process.

### Why did I receive this email?

The contact list for the project includes your email address.

### **What do I need to do?**

1. Go to the consolidated response page: <https://cris.parks.ny.gov/?type=CR&id=L5NLH5DELNSM>
2. Sign into CRIS or proceed as a guest.
3. View the consolidated response (including attachments) and respond to any information requests.

### **What will happen next?**

If you submit additional information for this project, you will receive a "Requested Submission Received" or "Unrequested Submission Received" email notification.

### **What else can I do?**

Please see the following help topics for more information about managing responses and projects in CRIS:

- [View and Address a SHPO Consolidated Response](#)
- [Process an Information Request](#)
- [Submit New Information for an Existing Project](#)
- [How do I check the review status of my project?](#)
- [How long does SHPO take to review projects?](#)

### **Where can I get help?**

Please visit the CRIS Online Help System: <https://cris.parks.ny.gov/CRISHelp>

If you still have questions about CRIS, please contact CRIS Help at [CRISHelp@parks.ny.gov](mailto:CRISHelp@parks.ny.gov).

For any other questions, please call SHPO at 518-237-8643.



**Parks, Recreation,  
and Historic Preservation**

KATHY HOCHUL  
Governor

ERIK KULLESEID  
Commissioner

September 14, 2021

Robert Peltier, Principal Investigator  
Tetra Tech  
285 Ellicott Street  
Buffalo, NY 14203

Re: DEC  
Robert J. Stansky Memorial Complex Project - Canisius High School - Development of 2  
New Baseball Fields  
2885 Clinton St, West Seneca, Erie County, NY  
21PR02923

Dear Robert Peltier:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation, and Historic Preservation (OPRHP). We have reviewed the provided documents in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to archaeological Historic/Cultural resources.

OPRHP has reviewed the Phase IA/B Archaeological Investigation and Geomorphological Assessment prepared by Tetra Tech and the proposed Phase II Scope of Work (SOW) (Peltier, July 2021, 21SR00445). OPRHP verbally concurred with the Phase II (Ph. II) SOW in person on August 26, 2021. Please submit the Ph. II report using the survey token provided with this correspondence.

As per our discussion on August 26, 2021 OPRHP offers the following comments and recommendations for revisions to the Ph. IA/B survey report:

1. Please refer to the Haudenosaunee people as such, and not Iroquois or Iroquoian, and use "Indigenous" or "First Nations" as appropriate, instead of Precontact.
2. To help understand the relationship of the Canisius Site (Loc 1-3) (USN 02925.000562) to the previously identified and eligible Canisius High School Prehistoric Site (USN 02925.000406), please include a map of the artifact distributions of both sites.
3. Please expand on the summary and discussion of the previously conducted Canisius Site investigations, including the archaeological and cultural significance of this site. An expanded and corrected discussion of Indigenous history and the Buffalo Creek Reservation is warranted.
4. Please consult and reference more recent publications.

...2

Robert Peltier,  
September 14, 2021  
Page 2.

The Seneca Nations of Indians and the Tonawanda Seneca Nation provided comments on the Phase I report to you verbally on August 26<sup>th</sup>, 2021. They may provide written comments as well. OPRHP and DEC will continue to conduct consultation with the Nations as the project progresses.

If you have any questions, I can be reached via e-mail at [Josalyn.Ferguson@parks.ny.gov](mailto:Josalyn.Ferguson@parks.ny.gov).

Sincerely,



Josalyn Ferguson, Ph.D.  
Scientist Archaeology

*via email only*

c.c. Alex Page, Cole Reuben, Christine Abrams, TSN  
c.c. Brad Vaillancourt, Trautman Associates  
c.c. Brittany Belding, Appel Osborne  
c.c. Bryan Printup, Tuscarora Nation  
c.c. Charles Vandrei, David Witt & Kerri Pickard-DePriest, DEC  
c.c. Jeffrey Schieber, Town of West Seneca  
c.c. Joe Stahlman, SNI  
c.c. Matthew Carver, Canisius Highschool



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

November 30, 2021

Regulatory Branch

SUBJECT: Determination of No Permit Required for Department of the Army Processing No. LRB-2021-001394

Matthew Carver  
Canisius High School  
1180 Delaware Avenue  
Buffalo, New York 14209

Dear Mr. Carver:

I have reviewed your request for a determination of "no permit required" for the parcel located adjacent to the Robert J. Stransky Memorial Complex located at 2885 Clinton Street, Town of West Seneca, Erie County, New York.

I have determined that the review area as depicted on Figure 3 of 4 is comprised entirely of dry land and contains no potential aquatic resources regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Therefore, a Department of the Army permit is not required for any activities occurring within the review area.

Enclosed is an approved JD. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation will be required to support any request for a new JD.

Further, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular review area identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2021-01394

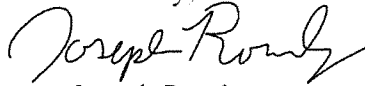
Suzanne Chubb  
Regulatory Appeals Review Officer  
US Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10524  
Cincinnati, Ohio 45202-3222  
Phone: 513-684-2699 Fax: 513-684-2460

In order for an RFA to be accepted, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by January 29, 2022.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at 716-879-4279, email: [joseph.m.rowley@usace.army.mil](mailto:joseph.m.rowley@usace.army.mil) or by writing to Joseph Rowley, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207.

Sincerely,



Joseph Rowley  
Physical Scientist

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Canisius High School		File Number: 2021-01394	Date: 11/30/2021
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Joseph Rowley  
U.S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, New York 14207  
716-879-4279  
Joseph.m.rowley@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Suzanne Chubb  
Regulatory Appeals Review Officer  
US Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10524  
Cincinnati, Ohio 45202-3222  
Phone: 513-684-2699 Fax: 513-684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 11/30/2021**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRB 2021-01394 Canisius High School**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: New York                      County: Erie                      City: West Seneca

Center coordinates of site (lat/long in degree decimal format):      Latitude: 42.8659                      Longitude: -78.7730

Name of nearest waterbody: Buffalo Creek

Name of watershed or Hydrologic Unit Code (HUC): 0412010302

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: Nov 24, 2021
- Field Determination Date:

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 24000k; Buffalo SE, New York Quad
- USDA Natural Resources Conservation Service Soil Survey. Citation: USDA/NRCS Web Soil Survey
- National wetlands inventory maps: USFWS Wetland Mapper
- State/Local wetland inventory maps: NYSDEC Environmental Resource Mapper
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth; HistoricAerials.com
  - or  Other (Name & Date):
- Previous determination(s). File No. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND**

A review of the available historic topographic maps and aerial imagery depict Buffalo Creek and an oxbow formation to the South and West of the parcel. Also, the aerial imagery depicts wetlands to the West and South of the parcel. Finally, the aerial imagery indicates the parcel that is under review is regularly maintained.

The NWI and NYSDEC Environmental Resource Mapper depicts a mapped wetland, BU-17, adjacent to the parcel under review. Also, a portion of the parcel is located within the 100-foot adjacent area of the DEC wetland. Finally, the DEC reviewed the project and confirmed the boundary of Wetland BU-17.

Determination: USACE confirmed that the review area is located within the 100-foot adjacent area and is comprised entirely of dry land. There are no waters or water features, including wetlands, of any kind in the entire review area.

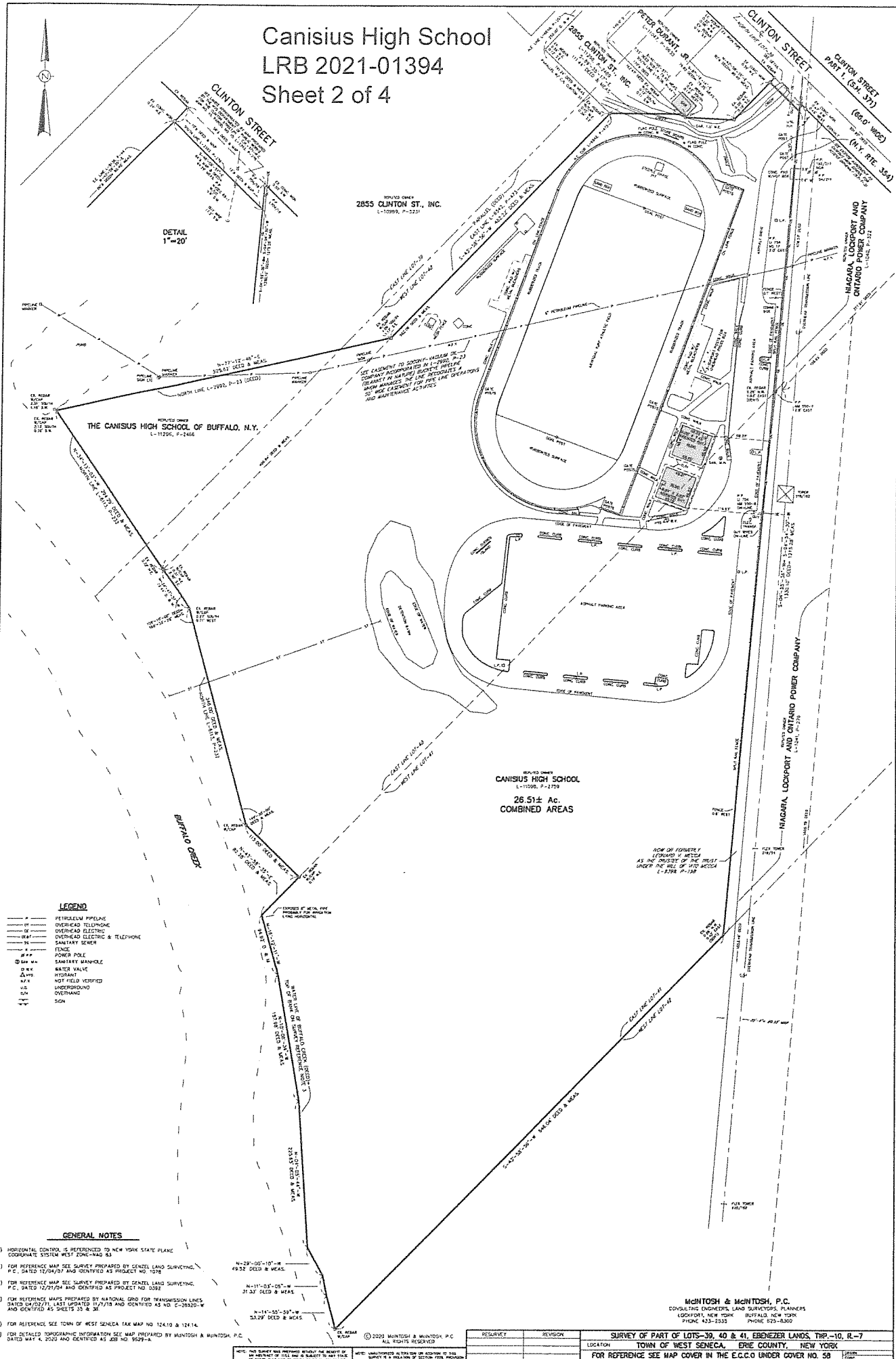
Dryland JD Location



# Canisius High School

## LRB 2021-01394

### Sheet 2 of 4

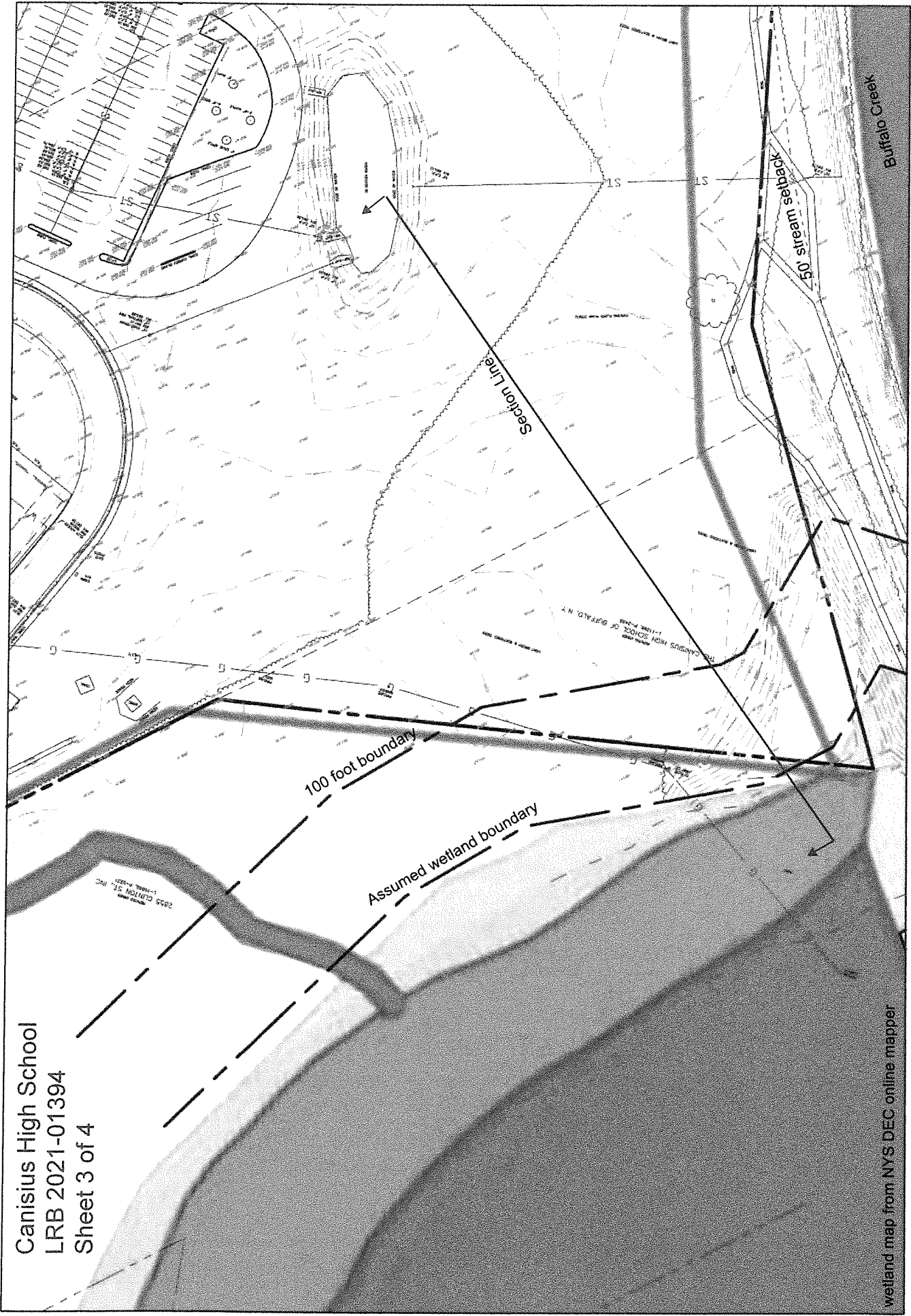


- LEGEND**
- P — PETROLEUM PIPELINE
  - T — OVERHEAD TELEPHONE
  - E — OVERHEAD ELECTRIC
  - DE — OVERHEAD ELECTRIC & TELEPHONE
  - S — SANITARY SEWER
  - F — FENCE
  - P — POWER POLE
  - M — MANHOLE
  - V — VALVE
  - H — HYDRANT
  - W — WATER METER
  - U — UNDERGROUND
  - O — OVERHEAD
  - S — SIGN

- GENERAL NOTES**
- (1) HORIZONTAL CONTROL IS REFERENCED TO NEW YORK STATE PLANE (COORDINATE SYSTEM WEST ZONE-NAD 83)
  - (2) FOR REFERENCE MAP SEE SURVEY PREPARED BY GENSLER LAND SURVEYING, P.C., DATED 10/04/21 AND IDENTIFIED AS PROJECT NO. 1278
  - (3) FOR REFERENCE MAP SEE SURVEY PREPARED BY GENSLER LAND SURVEYING, P.C., DATED 12/21/24 AND IDENTIFIED AS PROJECT NO. 1092
  - (4) FOR REFERENCE MAPS PREPARED BY NATIONAL GRID FOR TRANSMISSION LINES DATED 10/23/77, LAST UPDATED 11/27/23 AND IDENTIFIED AS NGL C-26920-W AND IDENTIFIED AS SHEETS 35 & 36
  - (5) FOR REFERENCE SEE TOWN OF WEST SENECA TAX MAP NO. 12410 & 12414.
  - (6) FOR DETAILED TOPOGRAPHIC INFORMATION SEE MAP PREPARED BY MONTOSH & MONTOSH, P.C. DATED MAY 4, 2020 AND IDENTIFIED AS JOB NO. 9529-A

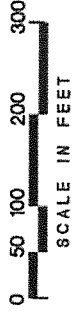
RESURVEY	REVISION	MONTOSH & MONTOSH, P.C. CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS LOCKPORT, NEW YORK BUFFALO, NEW YORK PHONE 423-2535 PHONE 625-8300	
		SURVEY OF PART OF LOTS 39, 40 & 41, EBENEZER LANDS, TWP.-10, R.-7	
		LOCATION TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK	
		FOR REFERENCE SEE MAP COVER IN THE E.C.C.O. UNDER COVER NO. 58	
JOB NO.	9629-A	SCALE	1" = 30'
DATE	MAY 4, 2020		

Canisius High School  
LRB 2021-01394  
Sheet 3 of 4



wetland map from NYS DEC online mapper

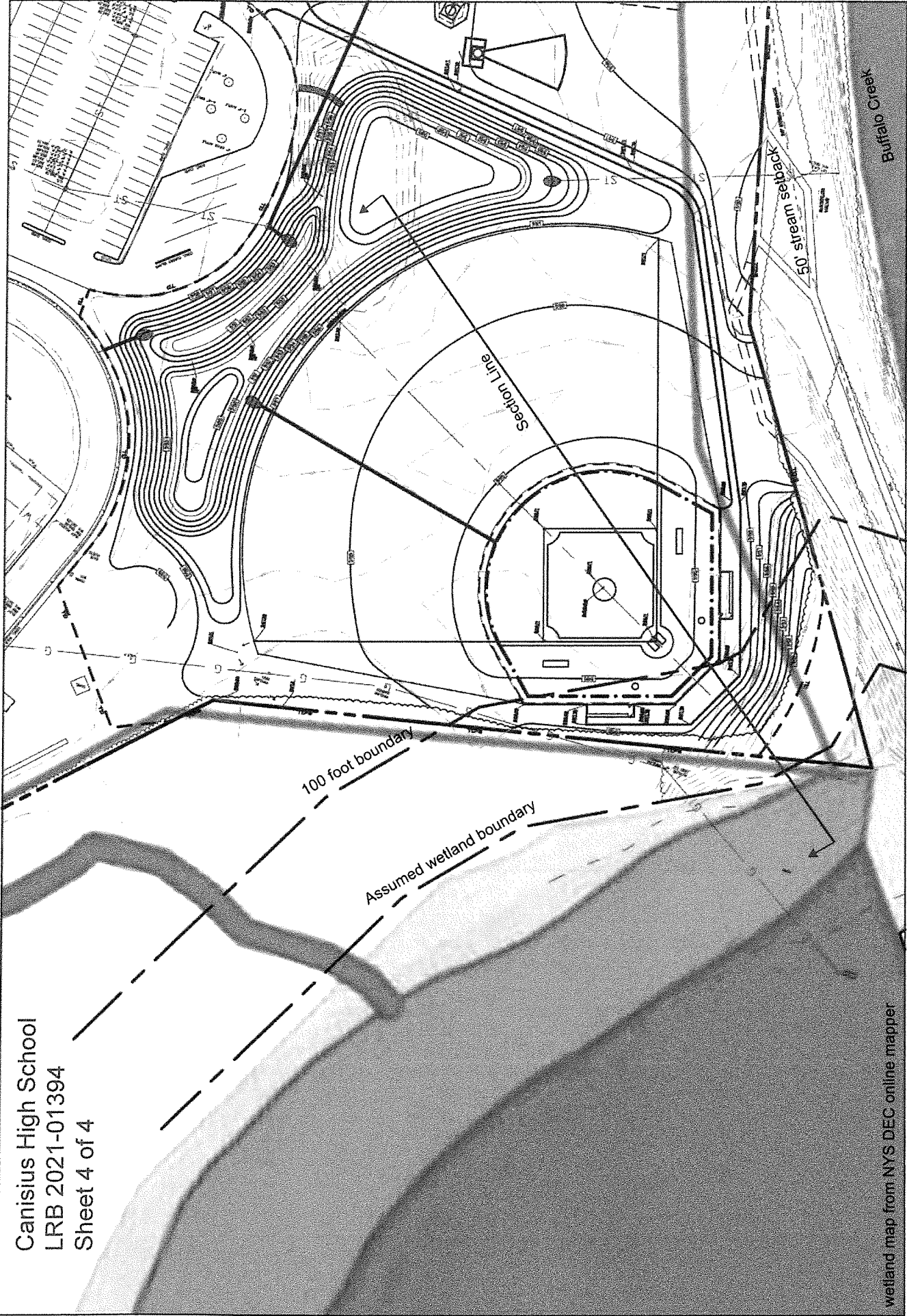
# CANISIUS HIGH SCHOOL - EXISTING CONDITIONS



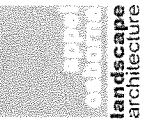
**TRAUTMAN  
ASSOCIATES**  
ARCHITECTS / ENGINEERS

apple  
earth  
landscape  
architecture

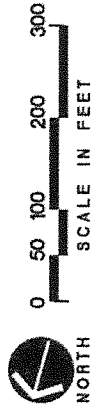
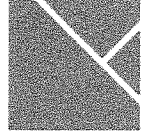
Canisius High School  
LRB 2021-01394  
Sheet 4 of 4



wetland map from NYS DEC online mapper



**TRAUTMAN ASSOCIATES**  
ARCHITECTS / ENGINEERS



# CANISIUS HIGH SCHOOL - PROPOSED GRADING PLAN

PCL XL Error

Subsystem:  
Error:  
Operator:  
Position:

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