



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

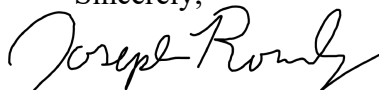
Suzanne Chubb
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460

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 or by writing to Joseph Rowley, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207.

Sincerely,

A handwritten signature in black ink that reads "Joseph Rowley". The signature is written in a cursive style with a large, stylized initial "J".

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 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 FORM¹
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:

¹ 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.

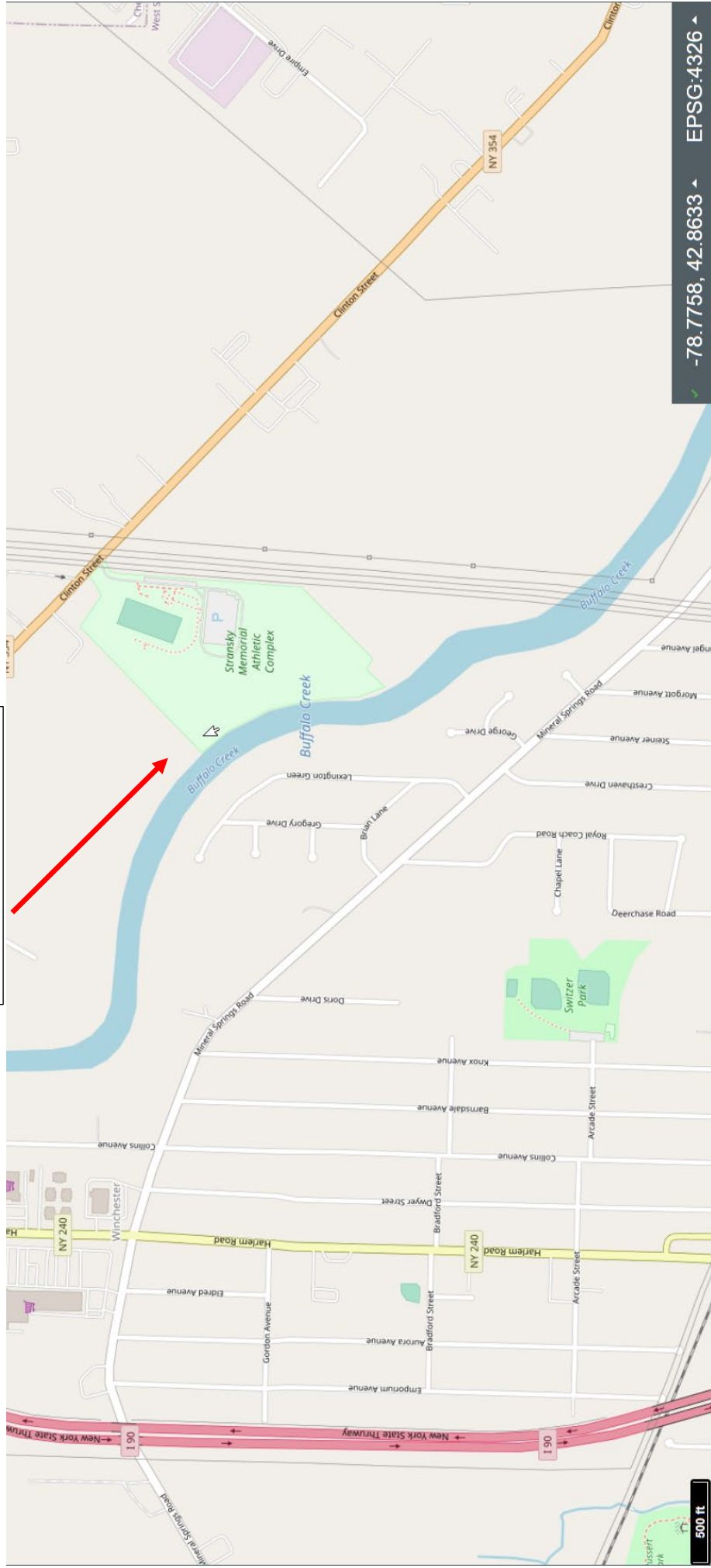
B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND

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



DETAIL
1"=20'

2855 CLINTON ST., INC.
L-10869, P-5231

THE CANISIUS HIGH SCHOOL OF BUFFALO, N.Y.
L-11296, P-2466

REVISED OWNER
CANISIUS HIGH SCHOOL
L-11098, P-2759
26.51± AC.
COMBINED AREAS

NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY
L-1041, P-276

McINTOSH & McINTOSH, P.C.
CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
LOCKPORT, NEW YORK BUFFALO, NEW YORK
PHONE: 433-2335 PHONE: 625-8360

LEGEND

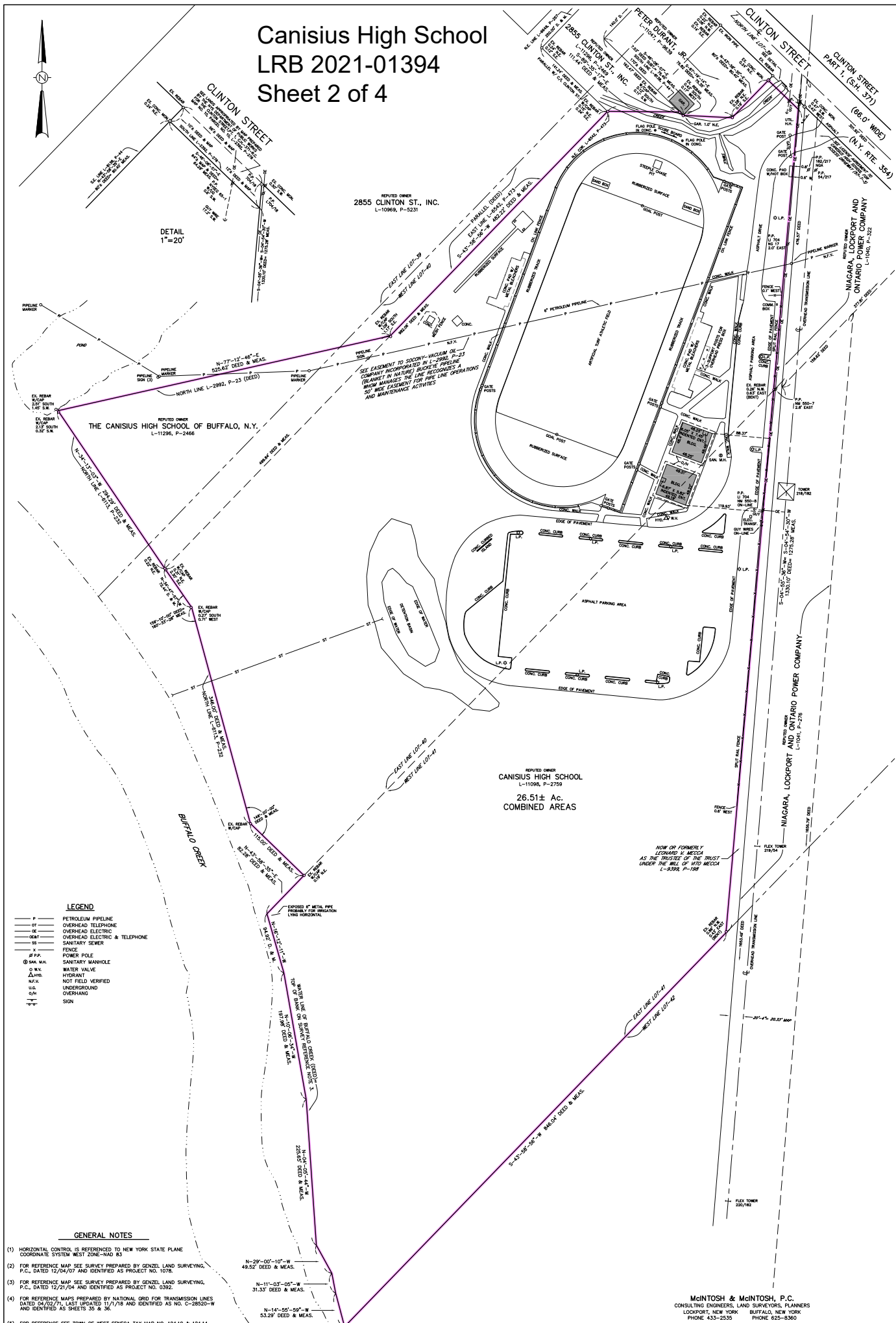
- P — PETROLEUM PIPELINE
- OT — OVERHEAD TELEPHONE
- OE — OVERHEAD ELECTRIC
- OET — OVERHEAD ELECTRIC & TELEPHONE
- SS — SANITARY SEWER
- F — FENCE
- P.P. — POWER POLE
- S.M. — SANITARY MANHOLE
- W.V. — WATER VALVE
- H. — HORNBAST
- N.F.V. — NOT FIELD VERIFIED
- U.G. — UNDERGROUND
- O.H. — OVERHANG
- S — SIGN

GENERAL NOTES

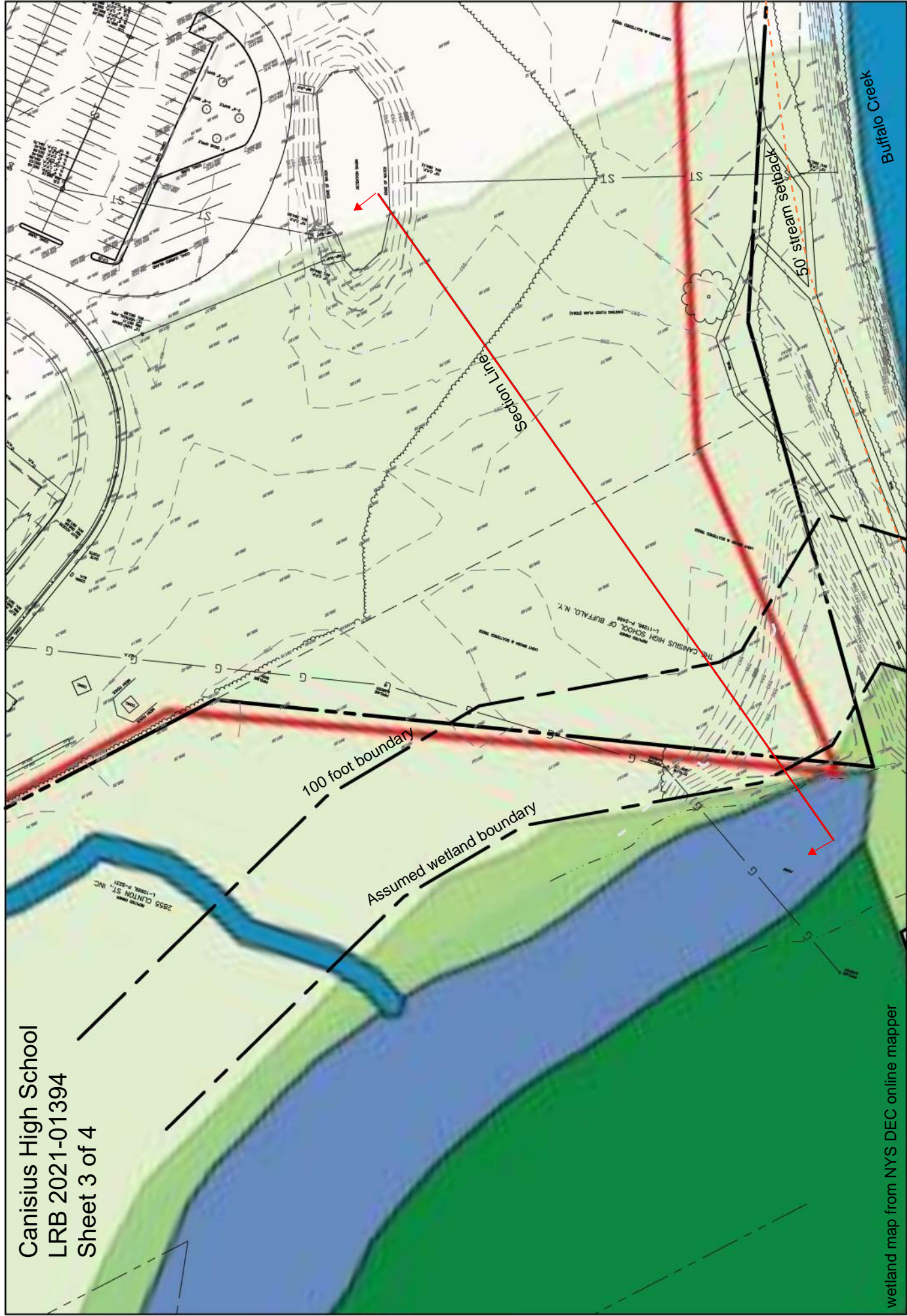
- (1) HORIZONTAL CONTROL IS REFERENCED TO NEW YORK STATE PLANE COORDINATE SYSTEM WEST ZONE-1840 83
- (2) FOR REFERENCE MAP SEE SURVEY PREPARED BY GENZEL LAND SURVEYING, P.C., DATED 12/04/07 AND IDENTIFIED AS PROJECT NO. 1078.
- (3) FOR REFERENCE MAP SEE SURVEY PREPARED BY GENZEL LAND SURVEYING, P.C., DATED 12/21/04 AND IDENTIFIED AS PROJECT NO. 1092
- (4) FOR REFERENCE MAPS PREPARED BY NATIONAL GRID FOR TRANSMISSION LINES DATED 04/02/71, LAST UPDATED 11/1/78 AND IDENTIFIED AS NO. C-28520-W AND IDENTIFIED AS SHEETS 35 & 36.
- (5) FOR REFERENCE SEE TOWN OF WEST SENECA TAX MAP NO. 124.10 & 124.14.
- (6) FOR DETAILED TOPOGRAPHIC INFORMATION SEE MAP PREPARED BY McINTOSH & McINTOSH, P.C. DATED MAY 4, 2020 AND IDENTIFIED AS JOB NO. 9629-A.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE PROVIDED BY AN EXAMINER.
NOTE: UNMORTGAGED ATTENTION TO THIS SURVEY IS A VIOLATION OF SECTION 1026, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
© 2020 McINTOSH & McINTOSH, P.C.
ALL RIGHTS RESERVED

RESURVEY	REVISION	LOCATION	DATE
		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	DRP/MLP COMP. CHECKED



Canisius High School
LRB 2021-01394
Sheet 3 of 4



wetland map from NYS DEC online mapper



NORTH



0 50 100 200 300
SCALE IN FEET



**TRAUTMAN
ASSOCIATES**
ARCHITECTS / ENGINEERS

appel
osborne
landscape
architecture

CANISIUS HIGH SCHOOL - EXISTING CONDITIONS

Canisius High School
LRB 2021-01394
Sheet 4 of 4



wetland map from NYS DEC online mapper

CANISIUS HIGH SCHOOL - PROPOSED GRADING PLAN

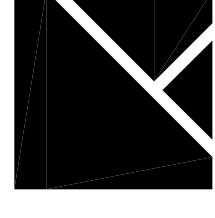


NORTH



**TRAUTMAN
ASSOCIATES**
ARCHITECTS / ENGINEERS

appel
osborne
landscape
architecture



TRAUTMAN ASSOCIATES
ARCHITECTS / ENGINEERS
37 Franklin Street, Suite 100
Burling, New York 14202
P 716 883 4400
F 716 883 4268
TrautmanAssociates.com

Consultants:



appel osborne
landscape architecture

Signature & Seal:



WARNING: ALTERATIONS TO THIS DOCUMENT NOT CONFORMING TO PROFESSIONAL STANDARDS OF PRACTICE OR EDUCATIONAL LAW ARE PROHIBITED. NOT PUBLISHED. ALL RIGHTS RESERVED.

Client: CANISIUS HIGH SCHOOL

Project: ATHLETIC FIELDS - PHASE 3

Project Address: ROBERT J. STANSKY MEMORIAL COMPLEX
2885 CLINTON STREET
WEST SENECGA, NEW YORK 14224

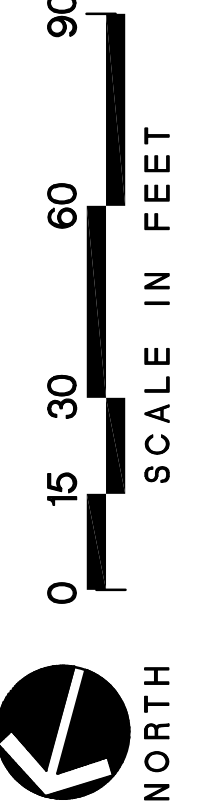
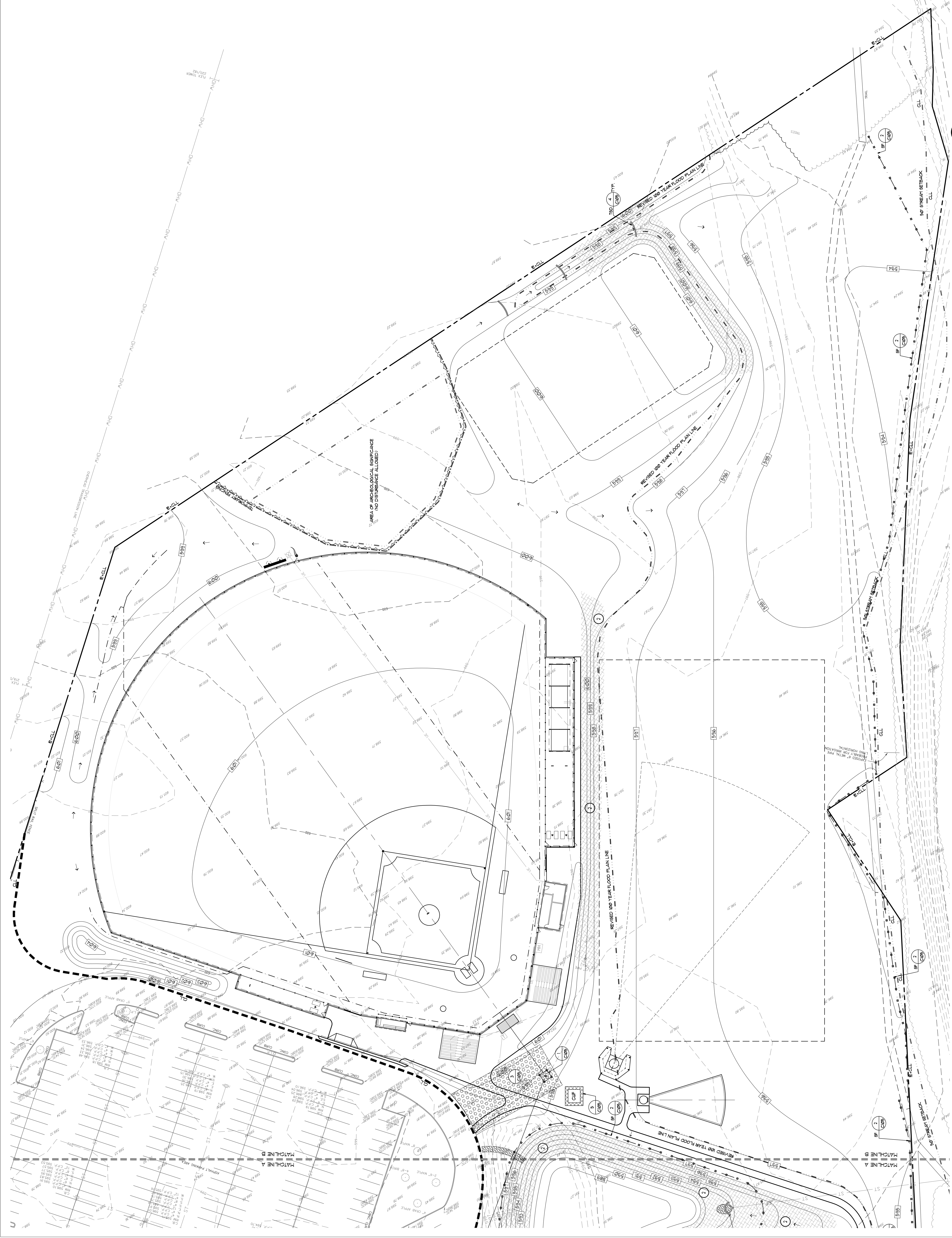
Drawing History: # Date Description
#1 11-09-2021 Archeological Revisions

Project Status: BID DOCUMENTS

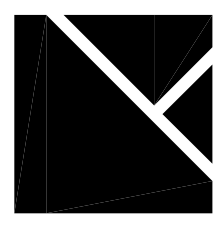
Date: 6/23/2021
Project Number: 2020
Sheet Title:

**SWPPP
PLAN - AREA B**

Sheet Number: C104



STORMWATER POLLUTION PREVENTION PLAN - AREA B



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Consultants:



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landscape architecture

Signature & Seal:



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Client: CANISIUS HIGH SCHOOL

Project: ATHLETIC FIELDS - PHASE 3

Project Address: ROBERT J. STANSKY MEMORIAL COMPLEX
2885 CLINTON STREET
WEST SENECAS, NEW YORK 14224

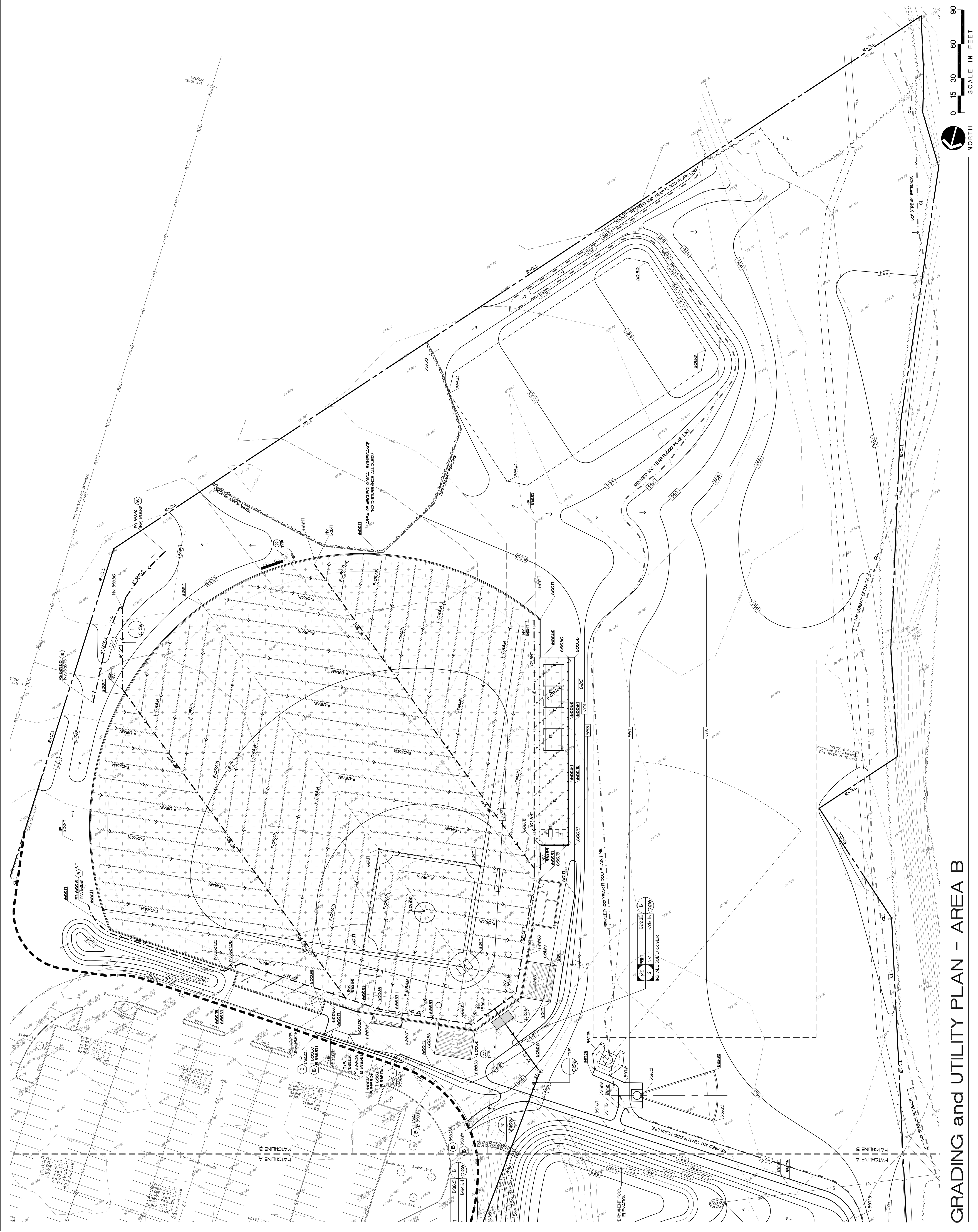
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#1 11-09-2021 Archeological Revisions

Project Status: BID DOCUMENTS

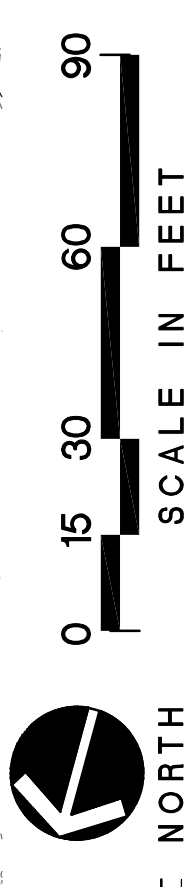
Date: 6/2/2021
Project Number: 2020
Sheet Title:

GRADING and UTILITY PLAN - AREA B

Sheet Number: C107



GRADING and UTILITY PLAN - AREA B



TRAUTMAN ASSOCIATES
ARCHITECTS / ENGINEERS

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appel osborne
landscape architecture

100 W. 11th Street, Suite 400
Buffalo, NY 14203
P 716 883 1155
F 716 883 1150
OSLandscape.com

Consultants:

Signature & Seal:

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Client: CANISIUS HIGH SCHOOL
Project: ATHLETIC FIELDS - PHASE 3

Project Address: ROBERT J. STRANSKY MEMORIAL COMPLEX
2885 CLINTON STREET
WEST SENECA, NEW YORK 14224

Drawing History: # Date Description
#1 11-09-2021 Archeological Revisions

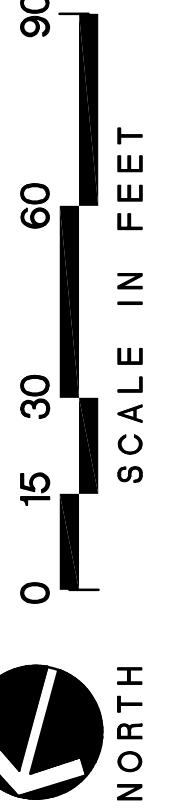
Project Status: BID DOCUMENTS
Date: 6/23/2021
Project Number: 2020
Sheet Title: LAYOUT PLAN - AREA B

Sheet Number: C109

CANISIUS HS - PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	CITY	ROOT & SIZES**
AS	ASTER BUREAU OCTOBER GLORY	ASTER BLUE BIRD NISSE	3	3'-3 1/2" CAL
GT	GLEDITSIA TRIACANTHOS NERUS SAGEMASTER	FOURLEAF MONYACANT	3	3'-3 1/2" CAL
TC	TILIA CORDATA GREENPINE	GREENPINE LITTLE LEAF LINDBER	6	3'-3 1/2" CAL
PC	PIRUS CALLERIANA CLEVELAND SELECT	CLEVELAND SELECT FLOWERING PEAR	2	2 1/2"-3" CAL

**PLANTS MARKED WITH A CIRCLE IN THE PLANT LIST ARE TO BE PLANTED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF BUFFALO'S PLANTING AND MAINTENANCE MANUAL. FINAL PLACEMENT OF PLANTS TO BE FIELD DIRECTED BY ARCHITECT.



LAYOUT PLAN - AREA B