



DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS
478 MAIN STREET
BUFFALO, NEW YORK 14202-3278

August 11, 2023

REPLY TO
ATTENTION OF:

Environmental Analysis Team

SUBJECT: Rochester Harbor Maintenance Dredging - Request for Coastal Management Program Consistency Determination Concurrence for 2024-2034 Maintenance Dredging Project

Jeffrey Zappieri, Supervisor
Consistency Review Unit
Office of Planning and Development
New York Department of State
One Commerce Place, Suite 1010
99 Washington Avenue
Albany, New York 12231-0001

Dear Mr. Zappieri:

Enclosed for your review and comment is the Section 404(a) Public Notice and Coastal Management Program Federal Consistency Determination for the proposed discharge of fill material for the scheduled 2024-2034 maintenance dredging project at Rochester Harbor. This project entails the maintenance dredging of sediment from the federal navigation channels associated with Rochester Harbor and placement of the associated dredged sediment within the existing, authorized open-lake placement area in Lake Ontario. The Public Notice has been prepared in conformance with U.S. Army Corps of Engineers (USACE) regulation, "Practice and Procedure: Final Rule for Operation and Maintenance of Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged Materials into Waters of the United States or Ocean Waters," 33 Code of Federal Regulations (CFR) 337.1.

The USACE-Buffalo District has requested Water Quality Certification for the subject project from the New York State Department of Environmental Conservation, or waiver thereof, under Section 401 of the Clean Water Act.

In accordance with Coastal Zone Management Regulations 15 CFR, Part 930.34(a), the USACE has determined that the maintenance dredging and placement operations required to maintain the federal navigation channels would be undertaken in a manner which is consistent to the maximum extent practicable with the New York State Coastal Management Program. The enclosed Federal Consistency Determination documents this determination. Please advise us regarding your concurrence with these determinations by October 11, 2023.

SUBJECT: Rochester Harbor Maintenance Dredging - Request for Coastal Management Program Consistency Determination Concurrence for 2024-2034 Maintenance Dredging Project

If you have any questions pertaining to this matter, please contact Ryan Gmerek of my office at (716) 291-6969, by writing to the following address: U.S. Army Corps of Engineers, 478 Main Street, Buffalo, New York 14202, or by e-mail at: Ryan.L.Gmerek@usace.army.mil.

Sincerely,



Martin P. Wargo, PWS
Supervisory Biologist
Environmental Analysis Team

Enclosures

NEW YORK STATE COASTAL MANAGEMENT PROGRAM

FEDERAL CONSISTENCY DETERMINATION

PROJECT NAME: Rochester Harbor 2024-2034 Dredging
TYPE OF PROJECT: Operations and Maintenance - Dredging and Placement of Dredged Sediment in Authorized Open-Lake Placement Area
COUNTY: Monroe County

1. PROJECT DESCRIPTION

Rochester harbor is located on the southern shore of Lake Ontario at the mouth of the Genesee River approximately 60 miles southwest of Oswego, New York in the city of Rochester and adjacent to the town of Irondequoit in Monroe County, New York (Figure 1).



Figure 1: Rochester Harbor location

The 2024-2034 maintenance dredging plan would involve dredging the authorized Rochester Harbor federal navigation channels and subsequent placement of the dredged sediment into the existing, authorized 160-acre open-lake placement site located 1.5 miles from the harbor's West Pierhead light at an azimuth of 060°00'. The federal channels will be dredged to authorized depths and up to an additional one foot of sediment may be removed to ensure the minimum depth is achieved and account for inaccuracies in the dredging process. An estimated total of 250,000 cubic yards of sediment are expected to be dredged from Rochester Harbor Federal navigation channels during each dredging cycle (every other year). Figure 2 illustrates the proposed dredging locations. Sediments would be removed from the channel bottom by mechanical dredge and placed into a hopper aboard ship or scow for transport to the discharge

site. Further information is contained in the attached Public Notice prepared for the project.

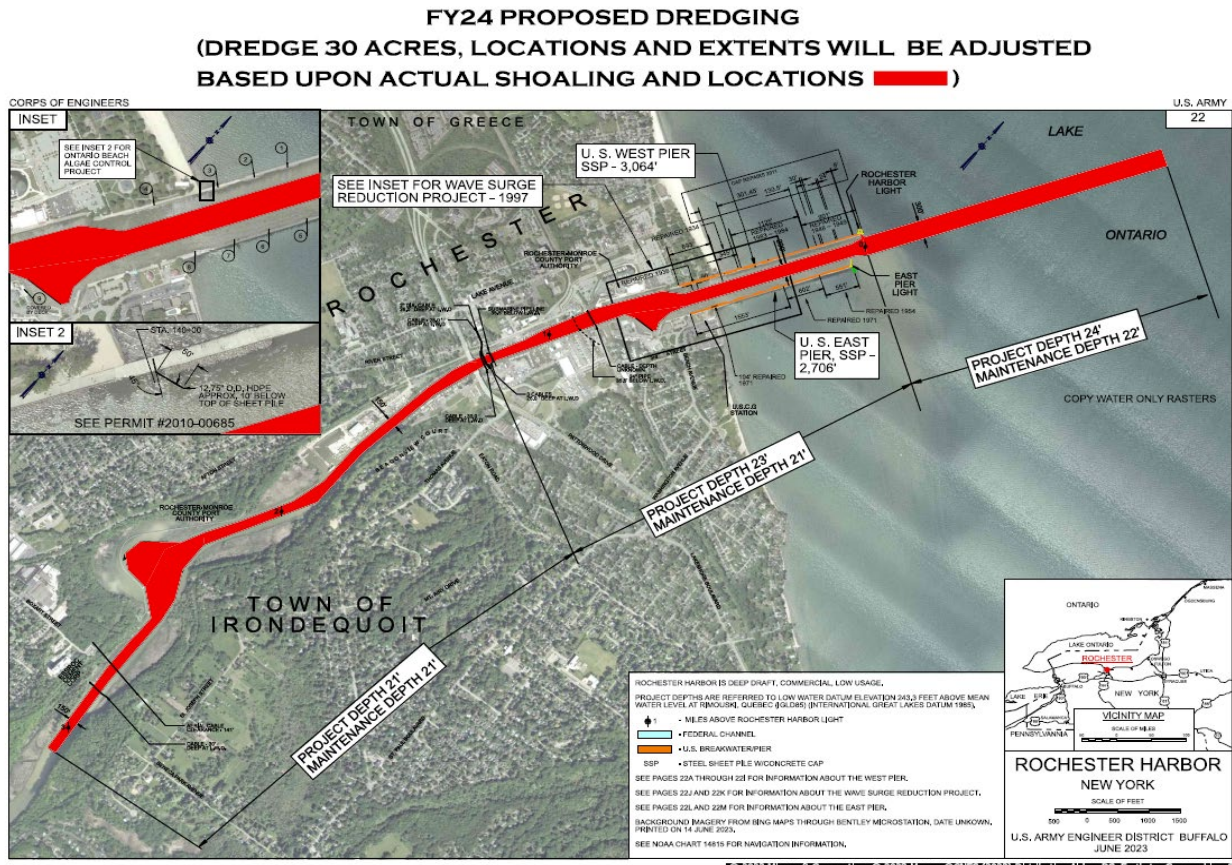


Figure 2: Proposed Dredging 2024-2034 (every other year)

2. EVALUATION

The U.S. Army Corps of Engineers (USACE), Buffalo District has analyzed the proposed project with respect to the 44 policy statements presented in Part II, Section 6 of the August 1982 State of New York Coastal Management Program and Final Environmental Impact Statement; and Section III of the City of Rochester’s 1991 Local Waterfront Revitalization Program (LWRP), whose policies mirror those of the State’s. The following nine policy statements have been determined to be applicable to the proposed action:

Policy 2 - Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters. (II-6-9 of FEIS)

Consistency Statement: The proposed maintenance dredging of the federal navigation channels at Rochester Harbor would facilitate full utilization of commercial and recreational harbor facilities by restoring the authorized navigation depths.

Policy 7 - Significant Coastal Fish and Wildlife Habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats. (II-6-35 of FEIS)

Consistency Statement: The proposed dredging of Rochester Harbor would not adversely effect the Genesee River Significant Coastal Fish and Wildlife Habitats that are found in the harbor. The designated habitat encompasses approximately the lower 6.5-mile segment of the river and extends into Lake Ontario to include the area between the East and West Piers. Dredging activities would be restricted to occur during the period between May 1 and September 15 in order to avoid any adverse impacts to fish and wildlife resources, particularly with respect to fishery spawning activities. This environmental window has been developed through coordination with appropriate environmental resource agencies.

Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources. (II-6-47 of FEIS)

Consistency Statement: The proposed maintenance dredging of the federal navigation channels at Rochester Harbor would maintain access to the harbor and Lake Ontario for boat craft associated with recreational fishing activities.

Policy 15 - Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land. (II-6-69 of FEIS)

Consistency Statement: The proposed dredging of the federal navigation channels at Rochester Harbor would not significantly interfere with natural coastal processes. No increased erosion of adjacent land areas would occur as a result of the dredging activities.

Policy 18 - To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas. (II-6-79 of FEIS)

Consistency Statement: The maintenance dredging of Rochester Harbor and its associated discharge into the open-lake placement site is being coordinated with appropriate Federal, State and local agencies and organizations, and the general public. The USACE has given full consideration to economic, social and environmental interests, and to those safeguards that the State has established to protect valuable coastal resource areas.

Policy 19: Protect, maintain, and increase the level and types of access to public water-related recreational resources and facilities. (II-6-89 of FEIS)

Consistency Statement: The proposed maintenance dredging of the federal navigation channels of Rochester Harbor would benefit recreational boating and fishing activities by providing safe, sheltered navigation in the bay for smaller craft, and maintaining access to the recreational resources in the vicinity.

Policy 23: *Protect, enhance and restore structures, districts, areas, or sites that are of significance in the history, architecture, archeology, or culture of the State, its communities, or the Nation. (II-6-121 of FEIS)*

Consistency Statement: There are no registered historic properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project. Since the dredging and placement operations would be restricted to those areas which have been historically impacted by these activities, the likelihood of encountering unknown cultural resources is low. In the event that unrecorded historic or archaeological remains are encountered during the course of the dredging operations, the State Historic Preservation Office (SHPO) will be notified, and appropriate measures will be taken to protect and preserve their integrity.

Policy 31 - *State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already over-burdened with contaminants will be recognized as being a development constraint. (II-6-161 of FEIS)*

Consistency Statement: The proposed project has been evaluated in relationship to the City of Rochester's Local Waterfront Revitalization Program (LWRP). We have determined that the proposed dredging of Rochester Harbor would be consistent with the City's program.

Policy 35 - *Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands. (II-6-169 of FEIS)*

Consistency Statement: The proposed maintenance dredging of the federal navigation channels of Rochester Harbor would meet existing New York State dredging requirements. An application has been submitted for a Section 401 State Water Quality Certification for the placement of the dredged sediment at the existing, authorized open-lake area. By issuance of Section 401 State Water Quality Certification from the NYSDEC, the placement of an estimated 250,000 cubic yards of dredged sediment every other year at the open-lake site would meet applicable State water quality standards. The action would not significantly impact any significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, or wetlands.

3. CONCLUSION

The U.S. Army Corps of Engineers, Buffalo District has analyzed the proposed action with respect to the above nine applicable management policies presented in Section 5 of the New York State Coastal Management Program and Final Environmental Impact Statement. In accordance with Coastal Zone Management Regulations 15 CFR, Part 930.34(a), the USACE has determined that the dredging operations would be undertaken in a manner which is consistent to the maximum extent practicable with the New York State Coastal Management Program.



**US Army Corps
of Engineers®**

Public Notice

**Issuing Office: CELRB-PML-E
Notice No: ROCHESTER-24**

**Published: 27 JUL 2023
Expires: 28 AUG 2023**

OPERATION AND MAINTENANCE DREDGING AND DREDGED SEDIMENT PLACEMENT

ROCHESTER HARBOR

MONROE COUNTY, NEW YORK

This Public Notice has been prepared pursuant to Section 404(a) of the Clean Water Act (CWA). It has been prepared in conformance with U.S. Army Corps of Engineers (USACE) regulation, "Practice and Procedure: Final Rule for Operation and Maintenance of Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged Materials into Waters of the United States or Ocean Waters," 33 Code of Federal Regulations (CFR) 337.1. The purpose of this Public Notice is to specify what dredged/fill materials would be discharged into waters of the United States by implementation of the proposed action, and advise all interested parties of the proposed project and to provide an opportunity to submit comments, or request a public hearing.

The USACE - Buffalo District anticipates the need to dredge and place sediment excavated from the federal navigation channels of the Rochester Harbor project in order to maintain sufficient depth for deep-draft vessels. The attached map (Figure 1) shows the contract limits and depths of the federal navigation channels. Up to one additional foot of material may be removed to ensure authorized depths are obtained and account for inaccuracies in the dredging process. An estimated total of approximately 250,000 cubic yards of sediment will be dredged from the Rochester Harbor federal navigation channels during each dredging cycle (every other year) between the years 2024 and 2034.

Each dredging operation between the years 2024 and 2034 at Rochester Harbor is tentatively scheduled to be performed during the period between May 1 and September 15. A contractor of the federal government will accomplish the project. Sediments will be removed from the channel bottom by a mechanical dredge and placed into hoppers aboard ship or scow for transport to the designated dredged sediment placement area. Mechanical excavation and placement methodologies will be used by the Contractor performing the maintenance dredging.

Sediment in the Rochester Harbor federal navigation channels consists primarily of silts and clays, with some fine sands and gravels. The quality of the sediment has been evaluated using recent sediment data in accordance with formal CWA Section 404(b)(1) Guidelines and

formal guidance contained in the U.S. Environmental Protection Agency (USEPA)/USACE 1998 Great Lakes Dredged Material Testing and Evaluation Manual, and 1998 Evaluation of Dredged Material for Discharge into Waters of the U.S. - Testing Manual. The evaluation specifically addresses potential contaminant-related risks to aquatic life associated with placing the dredged sediment at the open-water placement area. Based on this evaluation, sediments within the federal navigation channel have been determined to meet contaminant determination CWA Section 404(b)(1) Guidelines for open-water placement. The dredged sediment from the Rochester Harbor Federal navigation channels would be placed within the existing, authorized 160-acre open-water site located 1.5 miles from the harbor's West Pierhead light at an azimuth of 060°00'. This site has been used previously by the USACE for the placement of Rochester Harbor dredged sediment.

Pursuant to Section 401 of the Clean Water Act, Water Quality Certification (WQC), or waiver of WQC, from the New York State Department of Environmental Conservation (NYSDEC) is required for the discharge of dredged sediment. Therefore, a copy of this Public Notice has been provided to NYSDEC requesting WQC (or waiver thereof), for the associated placement of dredged sediment at the existing open-water placement area.

The environmental effects of the Rochester Harbor dredging operation are documented in the *Final Environmental Impact Statement, Operation and Maintenance, Rochester Harbor, New York (1975); and Supplemental Information Report and Section 404(b)(1) Evaluation, Operation and Maintenance, Rochester Harbor, New York (1982)*. These documents, and supplemental documentation, have been submitted to USEPA. Copies are available for examination at the Buffalo District office.

There are no listed historic properties or properties determined as being eligible for listing in the National Register of Historic Places that will be affected by this project. By this notice, the National Park Service is advised that currently unknown archaeological, scientific, prehistorical or historical data may be lost or destroyed by the work to be accomplished.

This office has determined that the proposed project will have No Effect upon any species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will the proposed work result in an Adverse Modification of designated critical habitat for any such species. Therefore, unless new information indicates otherwise, no further consultation pursuant to Section 7 of the Endangered Species Act Amendments of 1978 will be undertaken with the U.S. Fish and Wildlife Service.

This work will be undertaken in a manner consistent, to the maximum extent practicable, with the New York State Coastal Management Program. A Coastal Management Program Federal Consistency Determination will be submitted to the New York State Department of State documenting this determination.

The decision whether to perform dredging has been based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision reflects the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal has been

balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal have been considered including the cumulative factors thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

This activity is being coordinated with the following agencies, as well as other appropriate Federal, State and local agencies and organizations:

New York State Department of Environmental Conservation
New York State Department of State
New York State Historic Preservation Office
U.S. Coast Guard
U.S. Department of the Interior, Fish and Wildlife Service

Any interested parties and/or agencies desiring to express their views concerning the proposed dredging and open-water placement of dredged sediment may do so by filing their comments, in writing, no later than 30 days from the date of this notice. Any person who has an interest which may be affected by the proposed dredging and open-water placement of this dredged sediment may request a public hearing. The request must be submitted in writing to the undersigned within 30 days of the date of this Public Notice. The request must clearly set forth the interest which may be affected, and the manner in which the interest may be affected, by this activity.

Interested parties are encouraged to contact the USACE - Buffalo District with their comments regarding the proposed dredging of Rochester Harbor. Please review this Public Notice and send your comments in writing within 30 days to the following e-mail address:

RochesterDredging@usace.army.mil

or via mail to:

U.S. Army Corps of Engineers, Buffalo District
Environmental Analysis Team
1776 Niagara Street
Buffalo, NY 14207-3199
ATTN: Environmental Analysis - Rochester Dredging

This Public Notice is published in conformance with 33 CFR 337.1. All dredging and dredged sediment discharge will be performed in conformance with Sections 313 and 404 of the Clean Water Act (33 USC 1323 and 1344, respectively).

Figures

FY24 PROPOSED DREDGING (DREDGE 30 ACRES, LOCATIONS AND EXTENTS WILL BE ADJUSTED BASED UPON ACTUAL SHOALING AND LOCATIONS █)

