DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NEW YORK 14202-3278

March 19, 2026

REPLY TO
ATTENTION OF:
Environmental Analysis Section

SUBJECT: Pultneyville Harbor East and West Breakwater Repair, Wayne County, New York - Section 106 Review

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

Dear Ms. Street:

Enclosed for your review and comment is the National Environmental Policy Act scoping information, Clean Water Act Section 404 (a) Public Notice, and Coastal Management Program Federal Consistency Determination for our East and West Breakwater repair project at Pultneyville Harbor in Pultneyville, New York (Enclosures 1 through 3).

The USACE-Buffalo District will request 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 proposed operations & maintenance repair project is required to restore the piers' function to protect the harbor from severe lake storms and waves and would be undertaken in a manner which is consistent to the maximum extent practicable with the State of New York Coastal Resources Management Program. The Federal Consistency Determination documents this determination. Please advise us regarding your concurrence with this determination by April 27, 2026.

If you have any questions pertaining to this matter please contact Mr. Evan Boatwright at (716) 346-1746, by writing to the following address: U.S. Army Corps of Engineers, 478 Main Street, Buffalo, New York 14202, or by e-mail at: Evan.T.Boatwright@usace.army.mil.

Sincerely,

Eric E Hannes

Eric E. Hannes
Supervisory Biologist
Environmental Analysis Section

Enclosures

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: US Army Corps of Engineers
2. Address: 478 Main Street Buffalo, NY 14202
3. Telephone: Area Code (716) 800-5091

B. **PROPOSED ACTIVITY**

1. Brief description of activity:

The repair of the West Pier is approximately 300 feet long and is tied into the existing structure at station 2+25 and consists of armor stone only. The repair of the East Pier is approximately 500 feet long and starts at Station 0+00 and is built with armor stones on top of underlayer stones at the center of the structure. Lower spots will be filled with bedding material (fine stone) before placing the underlayer stone. Armor stone will be a minimum of 3 feet in diameter with an average specific gravity of 2.64, weighing a minimum of 6 to 8 tons. The crest will be approximately 12 feet wide and have side slopes of 1:2.

2. Purpose of activity:
The Project is intended to restore structural integrity and improve long-term stability of the piers by placing new armor stone along the existing structures.

3. Location of activity:

Wayne	Pultneyville	Pultneyville Harbor
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required:

5. Federal application number, if known:

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

NYSDEC 401 Water Quality Certification

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following:	YES	NO
a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)	☐	☑
b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)	☐	☑
c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)	☑	☐
d. Reduction of existing or potential public access to or along coastal waters? (19, 20)	☐	☑
e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)	☐	☑
f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)	☐	☑
g. Siting of a facility essential to the generation or transmission of energy? (27)	☐	☑
h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)	☐	☑
i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)	☐	☑
j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)	☐	☑
k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)	☐	☑
l. Adverse effect upon land or water uses within the State's small harbors? (4)	☐	☑

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following:	YES	NO
a. State designated freshwater or tidal wetland? (44)	☐	☑
b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)	☐	☑
c. State designated significant fish and/or wildlife habitat? (7)	☐	☑
d. State designated significant scenic resource or area? (24)	☐	☑
e. State designated important agricultural lands? (26)	☐	☑
f. Beach, dune or barrier island? (12)	☐	☑
g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)	☐	☑
h. State, county, or local park? (19, 20)	☐	☑
i. Historic resource listed on the National or State Register of Historic Places? (23)	☐	☑

3. Will the proposed activity require any of the following:	YES	NO
a. Waterfront site? (2, 21, 22)	☐	☑
b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)	☐	☑
c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)	☐	☑
d. State water quality permit or certification? (30, 38, 40)	☑	☐
e. State air quality permit or certification? (41, 43)	☐	☑

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)	☐	☑

D. **ADDITIONAL STEPS**

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. **CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Evan Boatwright, US Army Corps of Engineers

Address: 478 Main Street, Buffalo, NY 14207

Telephone: Area Code (716) 346-1746

Applicant/Agent's Signature: _____ Date: _____

F. **SUBMISSION REQUIREMENTS**

1. The applicant or agent shall submit the following documents to the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.

   a. Copy of original signed form.
   b. Copy of the completed federal agency application.
   c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government. *Revised 10/04/1010*

New York State Coastal Management Program Consistency Determination

Project: Pultneyville Harbor Repairs, East and West Piers, Wayne County, New York

Description of Work: Pultneyville Harbor is a recreational harbor on the south shore of Lake Ontario approximately 10 miles west of Great Sodus Bay and 21 miles east of Rochester Harbor. Salmon Creek exits into Pultneyville Harbor and the harbor empties into Lake Ontario. The original piers were constructed to serve as wave protection from severe lake storms and waves. The project is intended to restore structural integrity and improve long-term stability of the piers by placing new armor stone along the existing structures. The repair of the West Pier is approximately 300 feet long and is tied into the existing structure at station 2+25 and consists of armor stone only. The repair of the East Pier is approximately 500 feet long and starts at Station 0+00 and is built with armor stones on top of underlayer stones at the center of the structure. Lower spots will be filled with bedding material (fine stone) before placing the underlayer stone. Armor stone will be a minimum of three feet in diameter with an average specific gravity of 2.64, weighing a minimum of 6 to 8 tons. The crest will be approximately 12 feet wide and have side slopes of 1:2. No dredging or removal of existing timber cribs or stone will occur; instead, stone will be placed atop existing pier infrastructure to elevate the structures above the mean water level. Details of the proposed repair can be found in the accompanying National Environmental Policy Act scoping information.

New York State Policy Consistency:

Applicable Policies: After a review of the New York State Coastal Policies, 13 policies were determined to be potentially applicable to the proposed project. Policies are listed below.

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

Determination: The proposed repair of the West and East Piers would protect the boat harbor as well as its associated facilities, historic and cultural resources, and enhance recreational activities within the harbor.

Policy 2: Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

Determination: Restoring the existing piers would protect the harbor and its associated facilities from wave action, allowing for increased water dependent usage.

Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Determination: The proposed repairs will protect the harbor, allowing for the traditional use of the harbor and its associated facilities to continue and further the economic strength of the surrounding community.

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.

Determination: Construction activities would have minor, short-term impacts on recreational activities. Upon completion of the project, access to existing fish and wildlife resources would resume. The project would provide enhanced habitat for species that prefer shallow water.

Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Determination: The repair of the piers would help to reduce the natural erosional processes from wave action. The proposed piers would likely control the erosional processes for at least 30 years.

Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Determination: The repair of the piers would protect the harbor and its associated facilities, reducing the impact of natural erosional processes and wave activities. The project is designed so as not to increase erosion or flooding in the vicinity of the project.

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.

Determination: Repair of the piers would protect the harbor, helping to preserve the economic and social interest of the State as derived from usage of the harbor and its associated facilities.

Policy 19: Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Determination: Repair of the piers would protect, maintain, and enhance the use of the harbor and its associated facilities.

Policy 20: Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Determination: Repair of the piers would protect the harbor and its associated facilities, enhancing public access.

Policy 21: Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

Determination: Repair of the piers would enhance recreation, encouraging water related uses in the harbor.

Policy 22: Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

Determination: Repair of the piers will enhance water-related recreation including fishing and boating, through the protection of the harbor and its related facilities.

Policy 23: Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.

Determination: The piers were initially constructed in the 19th century and are considered to be culturally significant. These original structures, while largely deprecated, are to be left in place. The harbor in which the piers are intended to protect, has regional cultural significance. The Swift Cottage Site and seven additional historic or maritime features have been within the harbor. The repair of the piers will help to preserve these historic features, the harbor, and its associated facilities.

Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Determination: The proposed repair of the piers will protect the harbor and not have any adverse impacts on marshes, swamps, bogs, etc. in the immediate vicinity of the Project.

USACE Consistency Determination: The 13 policies were evaluated with respect to the projects' consistency with their stated goals. Therefore, it has been determined that the proposed action is consistent with New York State's Coastal Zone Management Program.

US Army Corps of Engineers ®

Great Lakes Navigation System

Pultneyville Harbor, NY

Harbor Features

- Located on the south shore of Lake Ontario in the Town of Williamson, Wayne County, NY
- Authorization: Rivers & Harbors Act of 1960
- Shallow draft recreational harbor
- Project depths are 8 feet in the entrance channel and 6 feet in the harbor basin
- The harbor was initially protected by East and West Piers. Portions of the lakeward end of each pier were removed in 1933-1934 by USACE. The local community reconstructed approximately 300 feet of the landward end of the West Pier in 2021 with Section 408 permission from USACE.
- Other features include public transient slips, private slips and launching facilities
- Major stakeholders: Pultneyville Yacht Club, Pultneyville Fire and Rescue, private marinas, charter fishing interests, and the recreational boating community

Project Requirements

- The harbor requires infrequent dredging to maintain the navigation channel. Maintenance dredging is currently required.
- Funding received in 2024 will be used to complete sediment sampling and analysis, and environmental coordination to support future dredging. Subsequent funding will be needed to complete maintenance dredging.
- East Pier and West Pier have deteriorated sections and repairs are needed to ensure the entrance channel and shoreline are adequately protected. The East Pier is fully submerged, and portions of the West Pier are below water. The structures provide limited protection and create hazards for recreational boaters utilizing the harbor.

- West Pier repair engineering and design began in 2023 and is scheduled to be completed in 2026. Subsequent funding will be needed for construction.
- East Pier repair engineering and design began in 2024 and is scheduled to be completed in 2026. Subsequent funding will be needed for construction.

Consequences of Not Maintaining the Project

- Safety issues for recreational boating community and rescue vessels.
- Negative economic impacts, both locally and regionally.

Transportation Importance

- Provides safe harbor for recreational vessels.
- Harbor offers approximately 100 slips and is home to 4 fishing charter boats.

U.S. Army Corps of Engineers Fiscal Year (FY) 2024, 2025, and 2026
Pultneyville Harbor, NY - Project Requirements and President's Budget ($1,000)

Work Package	FY24 Requirement	FY24 Appropriation	FY25 Requirement	FY25 Appropriation	FY26 Requirement	FY26 President's Budget
Maintenance Dredging– Primary Work Package	60	60	0	0	0	0
Sediment Sampling & Analysis	90	90	0	0	0	0
Engineering and Design, East Pier Repair	1,300	1,300	0	0	0	0
Navigation Structure Condition Assessment	0	0	0	0	5	5
TOTAL	**1,450**	**1,450**	**0**	**0**	**5**	**5**

Congressional Interests

- Representative Claudia Tenney R-NY-24
- Senator Charles Schumer D-NY
- Senator Kirsten Gillibrand D-NY

US Army Corps of Engineers
Buffalo District
BUILDING STRONG®

Operation and Maintenance

Pultneyville Harbor East and West Piers Repair

EAXX-202-00-H5P-1771487167

National Environmental Policy Act Scoping Information & Clean Water Act Section 404(a) Public Notice

Buffalo District, U.S. Army Corps of Engineers

478 Main Street

Buffalo New York, 14202

December 19, 2025

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1. Introduction

Implementation of the National Environmental Policy Act (NEPA) requires that federal agencies initiate “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action.” The purpose of this scoping information is to disseminate information regarding the U.S. Army Corps of Engineers (USACE) proposed Pultneyville Harbor Repair project, and to elicit any concerns of potential affected parties. This information has been prepared as part of the formal scoping process pursuant to NEPA and Department of Defense National Environmental Policy Act Implementing Procedure (2025).

Additionally, this scoping document serves as the public notice pursuant to Section 404(a) of the Clean Water Act (CWA). It is being administered in conformance with 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.

2. Background

The proposed federal repair project is located in Pultneyville Harbor, a small boat harbor on the south shore of Lake Ontario approximately 10 miles west of Great Sodus Bay and 21 miles east of Rochester Harbor (Figure 1). Salmon Creek exits into Pultneyville Harbor and the harbor empties into Lake Ontario. The original piers were constructed to serve as wave protection from severe lake storms and waves. The piers were built of timber crib with core stone filling between 1872 and 1894; however, the structures had decayed significantly by 1919. By 1933, most of the timber pier superstructure and some of the substructure on the lakeward end of the piers had been washed away. By 1934, the structures had degraded further, leading to the removal of 404 feet of the West Pier and 167 feet of the East Pier. No further maintenance has been performed on the structures since the partial removal in 1934 until 2022.

In August 2021, the Pultneyville Yacht Club received permission from USACE Buffalo District under a Section 408 permit to repair the westerly (landward end) 200 feet of the Pultneyville Harbor West Pier. The design of this repair work consisted of placing six to eight-ton base course stones, three to five-ton upper-level stones, and smaller rip-rap fill stone along the flat crest, extending over the existing western end of the western pier. This repair work was completed in 2022.

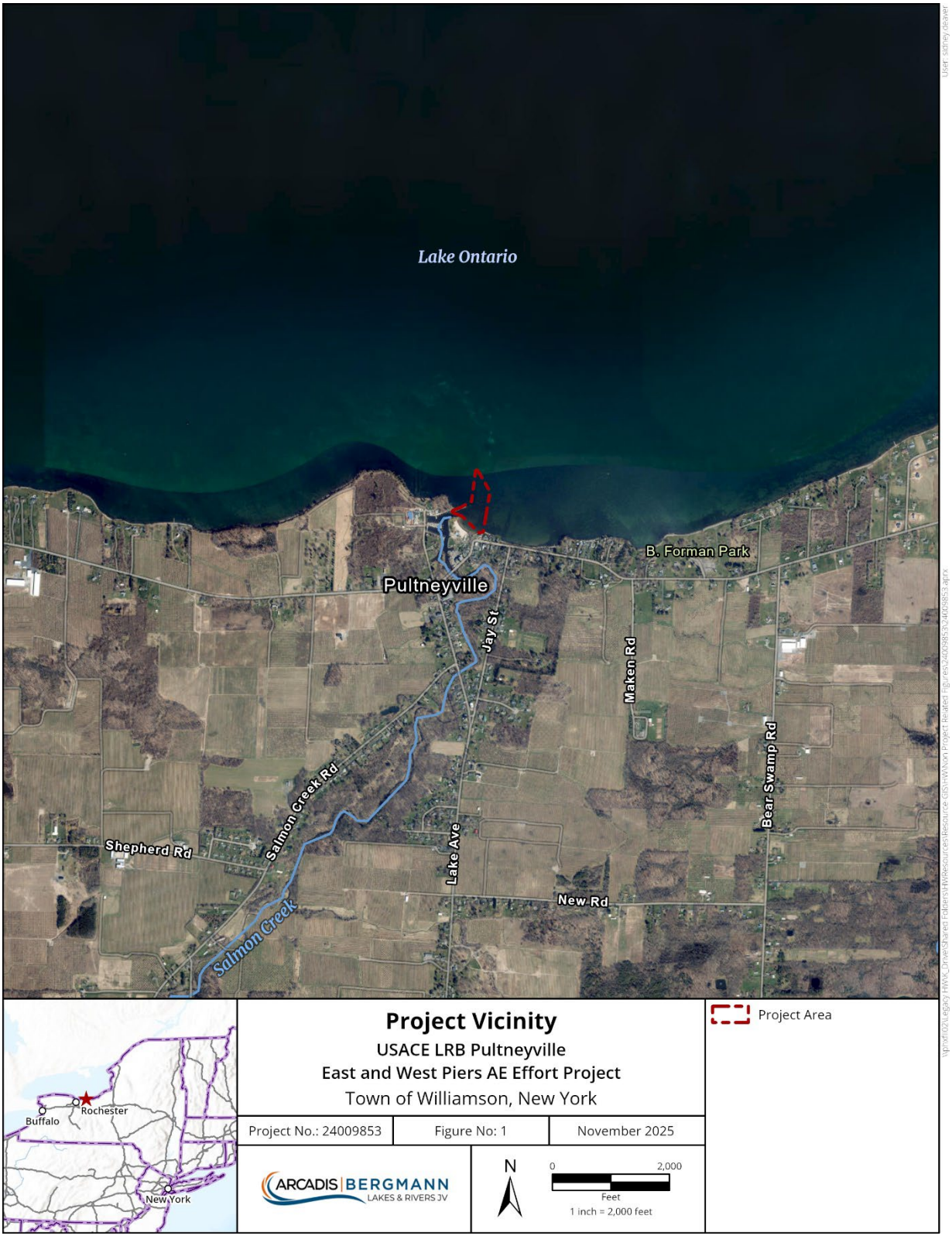

Figure 1: Proposed Project Location

3. Authority

Authority for the federal navigation project at Pultneyville Harbor was originally authorized under the Act to Improve Rivers and Harbors for fiscal year ending June 30, 1871, this act would later be known as the River and Habor Act.

4. Need for Action

Since the 1930s modifications, the piers have fallen into disrepair, with remnants of the timber structure still intact below the water surface and debris scattered along the lakebed. This disrepair has resulted in the failure of the structures in portions of the piers and loss of wave protection at the harbor. The existing structures provide limited protection, and the portions that are no longer visible above water create a hazard to recreational boaters using the harbor. The repairs are necessary to restore function to protect the harbor from severe lake storms and waves.

5. Alternatives Considered

The proposed project is intended to restore structural integrity and improve long-term stability of the piers by placing new armor stone along the existing structures. Both piers are rubble mound structures. The repair of the West Pier is approximately 300 feet long and is tied into the existing structure at station 2+25 and consists of armor stone only (Figure 2). The repair of the East Pier is approximately 500 feet long and starts at Station 0+00 and is built with armor stones on top of underlayer stones at the center of the structure. Lower spots will be filled with bedding material (fine stone) before placing the underlayer stone. Armor stone will be a minimum of three feet in diameter with an average specific gravity of 2.64, weighing a minimum of six to eight tons. The crest will be approximately 12 feet wide and have side slopes of 1:2. Approximate stone quantities needed to construct the repair are included in Table 1.

No dredging or removal of existing historic timber cribs or stone would occur; instead, stone would be placed on top of the existing pier infrastructure to elevate the structures above the mean water level (Figures 3 through 5).

An alternative to the placement of new armor stone along the existing structures would be to remove the entirety of the existing East and West Breakwaters and completely rebuild both piers. This alternative would require the removal of existing historic timber cribs and stone. Due to the cost, construction complexity, and impacts to the historical structures, this alternative was removed from consideration.

A no action alternative is also being considered in accordance with NEPA. Under this alternative, the USACE would not repair the East and West Breakwaters at Pultneyville Harbor. This option is considered the baseline or existing condition and is used as a comparison for measuring the environmental, economic and social effects of the other alternatives.

Figure 2: Pultneyville Harbor Pier Repair Footprint

Table 1: Design Quantities

Structure	Start Station	End Station	Length (Ft)	Bedding	Crestline Distance	Underlayer (Tons)	Armor (Tons)	Approx tons/LF
West Pier	2+25	5+25	300	No	9	0	2532	8.4
East Pier	0+00	5+25	525		4.5	679	5119	9.8
Total Repair:			825			679	7651	

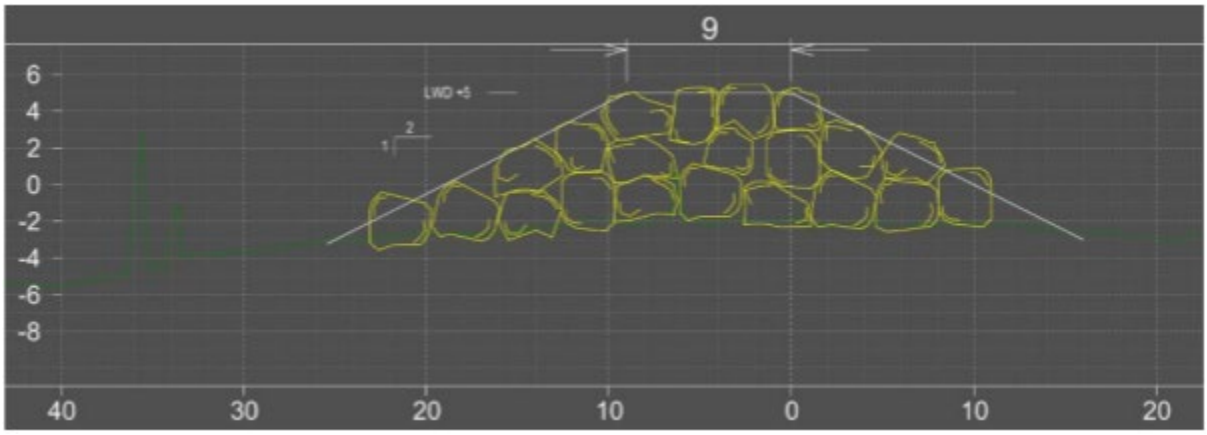

Figure 3: Typical cross-section, West Pier, St. 2+25 - 5+25

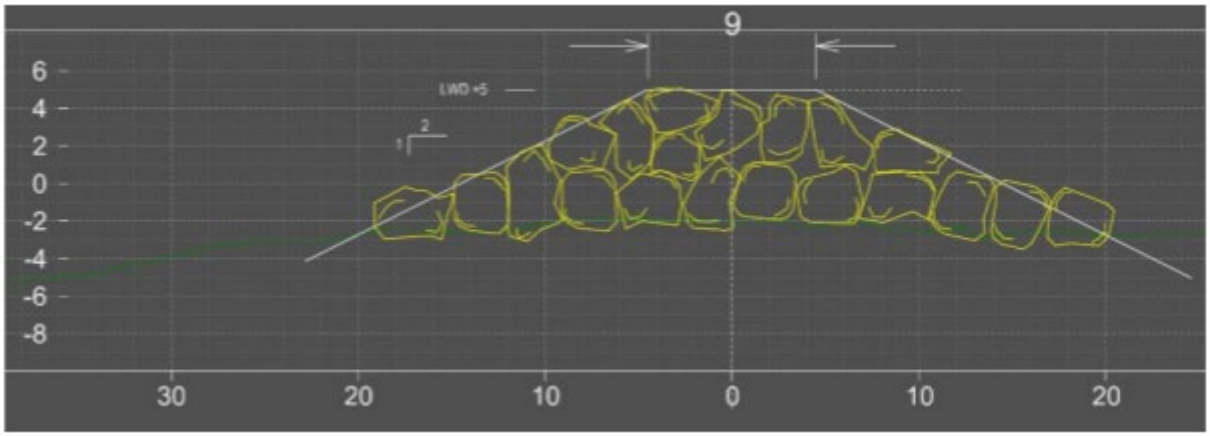

Figure 4: Typical cross-section, East Pier, St. 0+00 - 3+00

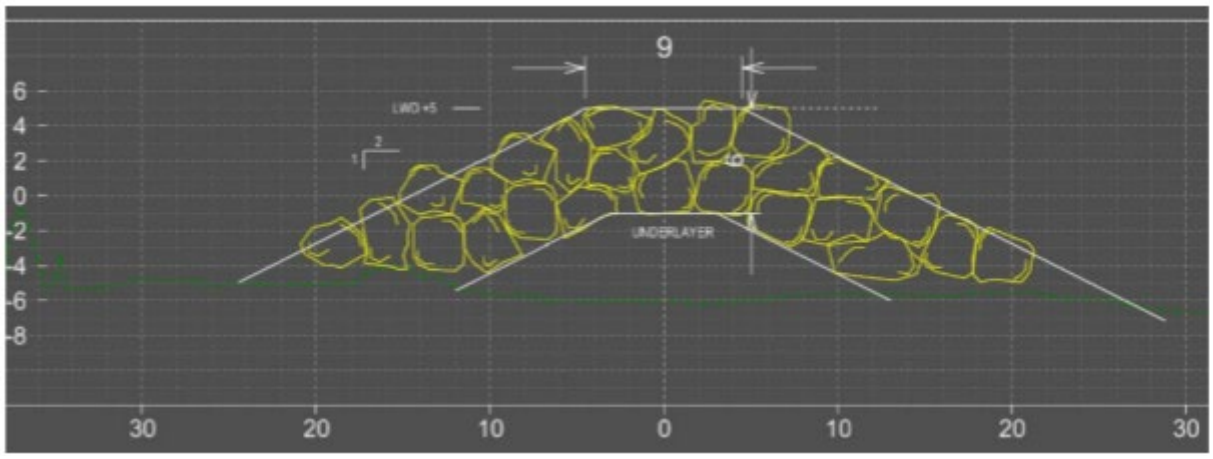

Figure 5: Typical cross-section, East Pier, St, 3+00 - 5+25

6. Impact Assessment

Future conditions and anticipated potential effects of the proposed action will be assessed and compared to a no action alternative. The no action alternative represents the anticipated condition that may result from the USACE taking no action to complete the harbor repairs. The alternatives will be evaluated for several social, economic and environmental categories, including:

- Air Quality
- Water Quality
- Plankton and Benthos
- Vegetation
- Fisheries
- Wetlands
- Threatened and Endangered Species
- Wild and Scenic Rivers
- Wildlife and Significant Coastal Fish and Wildlife Habitat
- Water and Associated Land Uses
- Public Facilities and Services/Water and Service Facilities
- Noise
- Aesthetics Value
- Cultural Resources
- Displacement of People/Displacement of Farms
- Public Health and Safety
- Community and Regional Growth; Business and Industry/Labor Force
- Employment and Income Community Cohesion
- Recreation

7. Public Participation and Interagency Coordination

Throughout the scoping and public notice process, stakeholders and interested parties are invited to provide comment and/or request a public hearing on the proposed action that will be evaluated as part of the Operations and Maintenance (O&M) support to the Pultneyville Harbor Repairs. An environmental assessment will be completed to document the evaluation of any potential social, economic and environmental benefits and potential adverse impacts that may result from the proposed action.

The decision to perform a repair 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 is reasonably expected to accrue from the repair has been balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be 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 Coastal Management Program
New York State Parks, Recreation and Historic Preservation Division for Historic Preservation
New York State Department of Environmental Conservation
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency

8. Compliance with Environmental Protection Statutes

The pier repair will be evaluated for compliance with all other applicable environmental protection statutes, executive orders, *etc*. including:

a. Clean Water Act, as amended (Federal Water Pollution Control Act Amendments of 1972) (33 USC 1251 et seq.). The breakwater repair would involve the discharge of fill into waters of the U.S. Therefore, the project will be evaluated in accordance with the guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency in conjunction with the Secretary of the Army under the authority of Section 404(b)(1) of the Act. This document serves as a Section 404(a) Public Notice and is notification to any party that may be significantly impacted by the project the right to be afforded the opportunity to request a public hearing. Under Section 401 of the Act, USACE will request certification from the New York State Department of

Environmental Conservation that the proposed discharge is in compliance with established water quality standards.

b. Coastal Barrier Resources Act. This Act discourages development on undeveloped coastal barriers by removing Federal financial assistance incentives. Pultneyville Harbor is not within the Coastal Barrier Resources System boundary and therefore is not affected by Coastal Barrier Resources Act restrictions. Additionally, the breakwater repairs are intended to offer increased protection to the users of the Harbor as well as the natural resources within the Harbor.

c. Coastal Zone Management Act of 1972, as amended (16 USC 1451 et seq.). The Act requires that federal activities be consistent with the enforceable policies of the New York State Coastal Management Program. The proposed work is located within the Coastal Zone of Lake Ontario, although it is not located within a designated significant fish and wildlife habitat area. A coastal zone consistency determination will be completed and submitted to the New York State Department of State.

d. Endangered Species Act of 1973, as amended (16 USC 1531 et seq.). In accordance with Section 7 of this Act, USACE is requesting information from the U.S. Fish and Wildlife Service (USFWS) on any listed or proposed species or designated or proposed critical habitat that may be present in the project area. If this consultation with USFWS identifies any such species or critical habitat, then USACE will conduct a biological assessment to determine the proposed project's effect on these species or critical habitat.

The USFWS web sites and Information for Planning Consultation ([https://ecos.fws.gov/ipac/], accessed July 2025) have been reviewed to generate the following list of federally threatened and endangered species that share a range with the project location:

- Northern Long-eared Bat (*Myotis septentrionalis*), Endangered
- Tricolored Bat (*Perimyotis subflavus*), Proposed Endangered
- Monarch Butterfly (*Danaus plexippus*), Proposed Threatened

e. Fish and Wildlife Coordination Act (16 USC 661 et seq.). The USACE is coordinating this proposed project with the USFWS to identify any fish and wildlife concerns, identify relevant information on the proposed project area, obtain their views concerning the significance of fish and wildlife resources and anticipated project impacts, and identify any additional resources which need to be evaluated. Full consideration will be given to their comments and recommendations resulting from this coordination.

f. National Environmental Policy Act (NEPA). In accordance with Department of Defense National Environmental Policy Act Implementing Procedure, the USACE will assess the potential environmental effects of the proposed action on the quality of the human environment. Using a systematic and interdisciplinary approach, an assessment will be made of the potential environmental impacts for the proposed action as judged by comparing the with-project and without-project conditions. The impact assessment process will determine if an Environmental Impact Statement is required, or if an Environmental Assessment and Finding of No Significant

Impact is appropriate. This scoping information constitutes an initial request for public and agency input into this NEPA review process.

g. National Historic Preservation Act. Under Section 106 of this Act, this scoping information initiates USACE consultation with the National Park Service, the New York State Office of Parks, Recreation and Historic Preservation, interested tribal nations, historic preservation organizations and others who are likely to have knowledge of, or concern with, historic properties that may be present within the area of potential effect (APE). A Determination of Effects submitted separately through the Cultural Resources Information System will additionally initiate consultation with the New York State Office of Parks, Recreation and Historic Preservation.

h. National Marine Sanctuaries Act. Per this act, federal agencies whose actions are "likely to destroy, cause the loss of, or injure a sanctuary resource" are required to consult with NOAA's Office of National Marine Sanctuaries before action commences. Though Pultneyville Harbor is within the Lake Ontario National Marine Sanctuary, the proposed repairs are intended to protect the historical, recreational, and ecological resources within the Harbor. The USACE is coordinating with NOAA's Office of National Marine Sanctuaries to ensure that the proposed repairs are compatible with the purposes in which the Sanctuary was designated.

i. Other Coordination Requirements. In addition to the aforementioned federal statutes, the proposed project must also comply with other applicable or relevant and appropriate federal laws. Section 7 presents a list of potentially applicable environmental protection statutes, executive orders, etc. Therefore, an additional intent of this document is to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

9. Federal Environmental Protection Laws, Executive Orders, and Policies

a. PUBLIC LAWS

a. American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
b. American Indian Religious Freedom Act, P.L. 95-341, 42 U.S.C. 1996, *et seq.*
c. Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
d. Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
e. Archaeological and Historic Preservation Act, P.L. 93-291; 16 U.S.C. 469, *et seq.* (Also known as the Reservoir Salvage Act of 1960, as amended; P.L. 93-291, as amended; the Moss-Bennett Act; and the Preservation of Historic and Archaeological Data Act of 1974.)
f. Archaeological Resources Protection Act, P.L. 96-95 as amended, 16 U.S.C. 470aa, *et seq*.
g. Bald Eagle Protection Act; 16 U.S.C. 668.
h. Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq*.
i. Clean Water Act, P.L. 92-500; 33 U.S.C. 1251, *et seq*. (Also known as the Federal Water Pollution Control Act; and P.L. 92-500, as amended.)
j. Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq*.
k. Comprehensive Environmental Response, Compensation, and Liability Act, P.L. 96-510, 42 U.S.C. 9601, *et seq*.
l. Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq*.
m. Energy Independence and Security Act, P.L. 110-140, 42 U.S.C. 15821, *et seq*.
n. Energy Policy Act, P.L. 109-58, 42 U.S.C. 13201, *et seq*.
o. Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq*.
p. Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, *et seq*.
q. Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
r. Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq*.

s. Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq*.
t. Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq*.
u. Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq*.
v. Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
w. Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq*.
x. National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq*.
y. National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq*.
z. Native American Graves Protection and Repatriation Act, P.L. 101-601, 25 U.S.C. 3001, *et seq*.
aa. Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq*.
bb. Noise Control Act, P.L. 92-574, 42 U.S.C. 4901, *et seq*.
cc. Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq*.
dd. River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (also known as the Refuse Act of 1899)
ee. Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
ff. Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
gg. Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq.*

b. EXECUTIVE ORDERS

a. Executive Order 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1979
b. Executive Order 11988, *Floodplain Management*, May 24, 1977
c. Executive Order 11990, *Protection of Wetlands*, May 24, 1977
d. Executive Order 11514, *Protection and Enhancement of Environmental Quality*, March 5, 1970, as amended by Executive Order 11991, May 24, 1977
e. Executive Order 12088, *Federal Compliance with Pollution Control Standards*, October 13, 1978
f. Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982
g. Executive Order 12580, *Superfund Implementation,* January 23, 1987
h. Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*, August 3, 1993
i. Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks, April 21, 1997*
j. Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, January 10, 2001
k. Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management, January 24, 2007*
l. Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance, October 5, 2009*

c. OTHER FEDERAL POLICIES

a. Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act
b. Council on Environmental Quality Memorandum of August 10, 1980: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the National Inventory

Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4)

10. Request for Comments

The purpose of the NEPA scoping process is to provide an opportunity for the public and government agencies to comment on and provide input to help identify issues related to the proposed project to be addressed in the Environmental Assessment. If, after this evaluation, it is concluded that the proposed project would have no significant environmental impacts and an environmental impact statement is not required, the District Commander will sign a Finding of No Significant Impact (FONSI).

Any interested parties and/or agencies desiring to express their views concerning this proposed harbor repair project may do so by submitting 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 discharge of fill material may request a public hearing. 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 USACE – Buffalo District with their comments regarding the proposed breakwater repair at Pultneyville Harbor and send your comments in writing within 30 days to the following e-mail address:

PultneyvilleHarbor@usace.army.mil

Or via mail to:

U.S. Army Corps of Engineers, Buffalo
District Environmental Analysis Team
478 Main Street
Buffalo, NY 14202-3278
ATTN: Pultneyville Harbor Repairs