



U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Public Notice

Applicant: New York State Canal Corporation Published: May 8, 2015
Expires: June 8, 2015

Application No: 2004-01156
Section: NY

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers (USACE), Buffalo District
(Attn:) Margaret Crawford
7413 County House Road
Auburn, New York 13021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: New York State Canal Corporation (NYSCC), 200 Southern Boulevard, P.O. Box 189, Albany, New York 12201-0189

WATERWAY & LOCATION: The project is located within the navigable limits of the Erie, Oswego and Cayuga-Seneca Canals, including land cuts and portions of the Mohawk River, Oswego River, Oneida River, Seneca River, Seneca Lake and Cayuga Lake corridors, hereinafter referred to as the Barge Canal. The project is located from Waterford to Tonawanda, New York and from Oswego to Ithaca, New York, within Albany, Schenectady, Saratoga, Montgomery, Herkimer, Oneida, Onondaga, Oswego, Cayuga, Seneca, Wayne, Monroe, Orleans, Niagara and Erie Counties, New York. Note all waters are navigable waters regulated under Section 10 of the Rivers and Harbors Act.

EXISTING CONDITIONS:

History: The NYSCC is currently permitted to dredge portions of the Canals under a Standard Individual Permit that will expire on September 9, 2015. In addition to authorizing annual maintenance dredging, including return water from upland disposal sites, the original permit also included authorization of wet dumping. However, when the permit was extended for five (5)

years in 2010, the NYSCC eliminated wet dumping from the authorization requested, as it is no longer a practice used by the NYSCC.

PROPOSED WORK:

The NYSCC proposes maintenance dredging of the navigational channel of the Barge Canal on an as-needed basis to address re-silting of the navigation channel over a ten year period. The locations and dredge amounts will be based on the results of bathymetric surveys performed by the Canal Corporation, and are expected to be adjusted based upon conditions present at the time of dredging. The NYSCC also seeks authorization for the return water from the Upland Disposal sites (UDS). Dredging will be conducted through a combination of NYSCC personnel and dredging contractors over a ten (10) year period.

The navigation channel depths and widths of the Erie, Oswego, and Cayuga-Seneca Canals vary across the state. Chapter 147 of the Laws of New York of 1903 (also known as the Barge Canal Act) and codified in Canal Corporation Regulations (21 NYCRR 155.2) defines the physical dimensions of the Erie, Oswego, and Cayuga-Seneca Canals navigation channel requirements. Details on the varying navigation channel depths and widths are presented below, split out by locations.

The physical dimensions required for the navigation channel of the Erie Canal between Waterford, NY (MP 0.0) and Baldwinsville, NY (MP 160.5) are:

- A maximum 200-foot width in Mohawk River sections;
- A minimum 104-foot bottom width in land cut sections; and,
- 14-foot depth across entire width of the navigation channel in this section of the Erie Canal (Mohawk River and land cuts).

The physical dimensions required for the navigation channel of the Erie Canal between Baldwinsville, NY (MP 160.5) and Tonawanda, NY (MP 338.5) are:

- A maximum 200-foot width in Seneca River sections;
- A minimum 75-foot bottom width in land cut sections; and,
- 12-foot depth across entire width of the navigation channel in this section of the Erie Canal (Seneca River and land cuts).

The physical dimensions required for the navigation channel of the Oswego Canal between Baldwinsville, NY (MP 0.0) and Oswego, NY (MP 23.0) are:

- A maximum 200-foot width in Oswego River sections;
- A minimum 104-foot bottom width in land cut sections; and,
- 14-foot depth across entire width of the navigation channel in this section of the Oswego Canal (Oswego River and land cuts).

The physical dimensions required for the navigation channel of the Cayuga-Seneca Canal between Cayuga, NY (MP 0.0) and Montour Falls, NY (MP 36.5), and between Cayuga, NY (MP 0.0) and Ithaca, NY (MP 39.0) are:

- A maximum 200-foot width in Cayuga Lake, Seneca Lake and Seneca River sections;
- A minimum 75-foot bottom width in land cut sections; and,

- 12-foot depth across entire width of the navigation channel in this section of the Cayuga-Seneca Canal (Cayuga Lake, Seneca Lake, Seneca River and land cuts).

This project proposes to perform maintenance dredging of the established navigation channel (of varying widths and depths as described above) to its full depth of 12 or 14 feet plus an additional 2 feet of overdredging, for a total of 14 or 16 feet.

The Erie, Oswego, and Cayuga-Seneca Canals have been routinely maintained by New York State since passage of Chapter 147 of the Laws of New York of 1903 (also known as the Barge Canal Act). All locations have been previously disturbed during construction of the Barge Canal and during subsequent maintenance dredging activities over the last 100+ years. The proposed project will include maintenance dredging of locations where resiltng of the navigation channel has occurred, on an as-needed basis over the next 10 years.

This dredging will be conducted via hydraulic dredges and/or mechanical clam shell dredging, for immediate disposal in a UDS.

Disposal Locations

The disposal locations can be found on Attachment A, Figures 1 through 266, on the USACE website at:

<http://www.lrb.usace.army.mil/Missions/Regulatory/ActionsandNotices/PublicNotices.aspx>.

The maps display the locations of the UDS's, the navigational channels, and the half-mile markers throughout the Erie, Oswego, and Cayuga-Seneca Canals. The current status of the UDS's for the Erie, Oswego, and Cayuga-Seneca Canals is summarized on Table 2 found on Sheets 2 and 3 of 3 of the attached.

The NYSCC proposes disposing of dredged sediments at previously approved UDSs that have been used at least once since 1995. Disposal activities would be conducted by the NYSCC in a manner that conforms to the existing §401 Water Quality Certification (WQC) and is consistent with previous Department of the Army permits.

The NYSCC will not dispose of dredged material in any of the historical wet disposal sites (those sites that have not been used since 1995), and does not contemplate siting new UDSs. If it is determined there is a compelling need to open a Historic UDS or site a new UDS, the NYSCC shall request a permit modification with sufficient supporting documentation to satisfy the Department of the Army requirements.

Spoil Disposal for Environmentally-Impacted Sediments of the Erie Canal

At this time, the NYSCC does not contemplate dredging sediments from the environmentally-impacted Erie Canal Dredge Site 7-38.5-D, located at MP 321.0 – 321.5 in Lockport, NY. However, if the NYSCC determines that maintenance dredging will be needed, in order to fully comply with Special Condition 4.b listed in WQC Permit # 0-9999-00031, the NYSCC will submit a sampling plan to NYSDEC for review and written approval. The sampling plan will outline sampling locations, frequency, and sampling/analytical testing requirements for

collection of the following sediment samples: PCBs, dioxins/furans, heavy metals, Total Organic Carbon (TOC) and grain size analysis. Upon approval from NYSDEC, the NYSCC will collect the sediment samples per the approved work plan and forward all results to NYSDEC and Department of the Army for review prior to dredging.

PROJECT PURPOSE

Basic: navigation

Overall: to maintain the navigational capacity of the New York State Barge Canal

AVOIDANCE AND MINIMIZATION INFORMATION:

In response to past concerns raised by federal and state agencies, the NYSCC has purchased equipment necessary to eliminate the need for open water disposal and double handling of dredged material. Therefore, no wet dumping is proposed at this time. In addition, the NYSCC only proposes using UDS's that have been used since 1995, eliminating the concern for impacting historical UDS's that may have reverted to a water of the U.S.

PROPOSED MITIGATION: The NYSCC does not propose any mitigation at this time.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Margaret Crawford, who can be contacted at the above address, by calling (315) 704-0256, or by e-mail at: margaret.a.crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Coastal Zone Consistency:

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

New York Department of State
Division of Coastal Resources
Coastal Management Program
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231
Attn: Consistency Review
Telephone (518) 486-3200

Water Quality Certification:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation (NYSDEC) is required for this project. The NYSCC was issued a Water Quality Certification (WQC) from NYSDEC under Section 401 of the Clean Water Act (Permit # 0-9999-00031), effective date March 1, 2012. This permit is valid through March 1,

2017. The NYSDEC has confirmed that the existing WQC covers the currently proposed project.

National Historic Preservation Act:

The permit area crosses several listed properties and archaeologically sensitive areas (as identified in Table 4). In addition, the NYS Barge Canal has been listed by the New York State Office of Parks, Recreation and Historic Preservation Office (NYSOPRHP). Based on preliminary findings, the Corps has determined that the project as proposed will have No Adverse Effect upon historic resources, as the work involves dredging within previously dredged areas, to previously dredged limits. This notice constitutes initiation of consultation with the NYSOPRHP per Section 106 of the National Historic Preservation Act, and the Corps hereby requests concurrence with this determination. All currently available historic resource information pertaining to this proposed project if any has been provided to the NYSOPRHP. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the NYSOPRHP for their review.

Endangered Species Act:

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the U.S. Fish and Wildlife Service (USFWS) to evaluate any potential impacts to: American hart's tongue fern (*Asplenium scolopendrium* var. *americanum*), Karner Blue butterfly (*Lycaeides melissa samuelis*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Bog turtle (*Clemmys muhlenbergii*), eastern Massasauga (*Sistrurus catenatus*), Piping plover (*Charadrius melodus*), and Leedy's roseroot (*Rhodiola integrifolia* ssp. *Leedyi*) to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or

conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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.

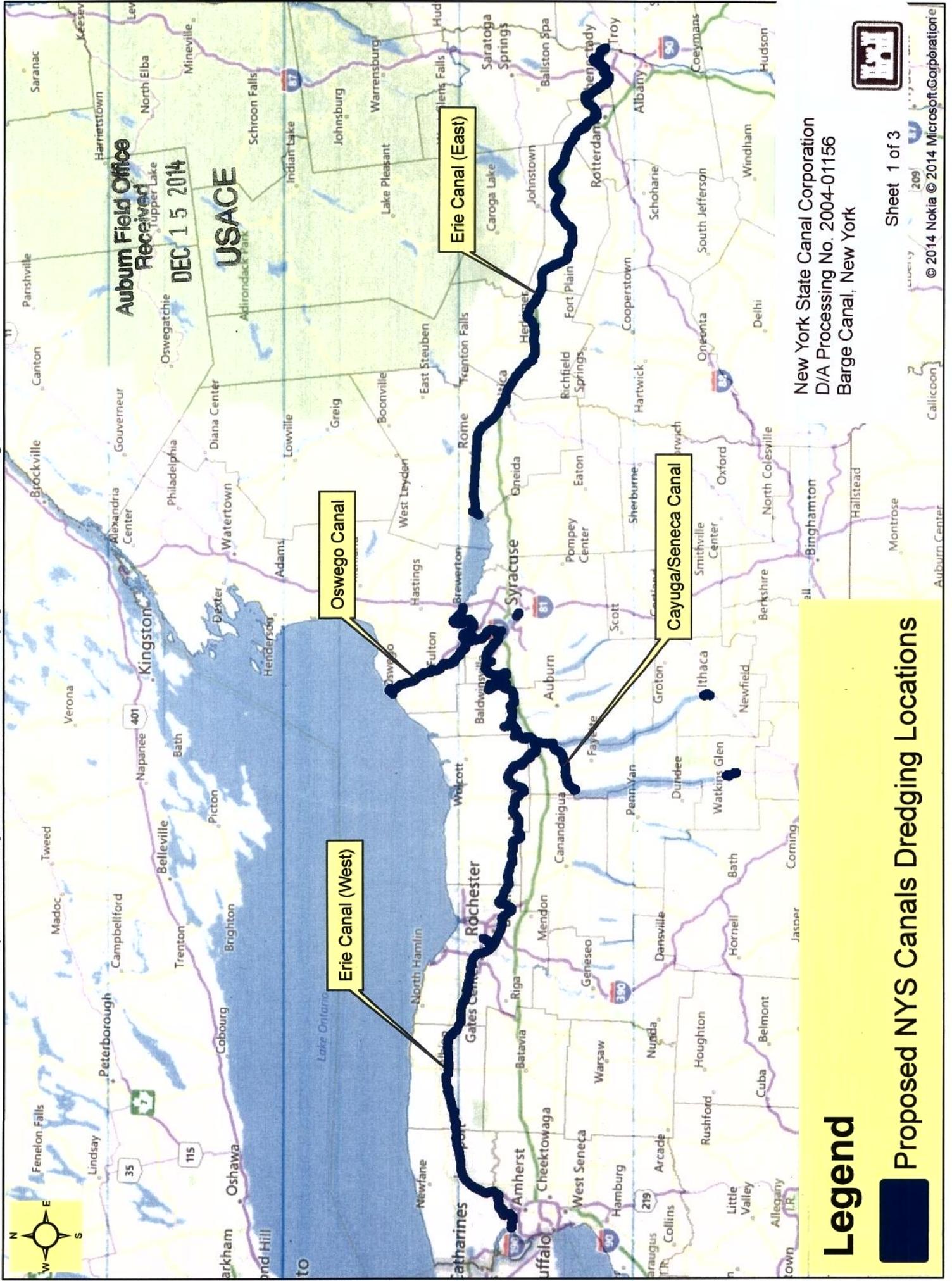
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Proposed Dredging Locations Include Erie, Cayuga/Seneca and Oswego Canals



Legend

Proposed NYS Canals Dredging Locations

New York State Canal Corporation
D/A Processing No. 2004-01156
Barge Canal, New York

UDS No.	Current Status	Last Used	Acreage	Previous Authorization Date	Ownership
Previously Approved UDSs					
2-01.1	Previously Approved	2014	56.04	9/15/2005	Canal Corporation
2-01	Previously Approved	2012	4.61	6/28/2013	Canal Corporation
2-10	Previously Approved	2007	5.45	* 8/21/2007	Canal Corporation
3-24	Previously Approved	2014	5.48	* 1/28/2008	Canal Corporation
3-25	Previously Approved	2013	1.59	* 11/26/2007	Canal Corporation
3-27	Previously Approved	2013	2.4	* 6/2/2008	Canal Corporation
4-04	Previously Approved	2013	8.23	8/3/2006	Canal Corporation
4-05	Previously Approved	2014	6.08	* 3/25/2009	Canal Corporation
4-06	Previously Approved	2014	12.88	8/3/2006	Canal Corporation
4-13	Previously Approved	2010	20.21	* 4/27/2009	Canal Corporation
4-14	Previously Approved	2009	11.79	* 4/17/2009	Canal Corporation
4-16A	Previously Approved	2013	5.78	8/16/2007	Canal Corporation
4-18	Previously Approved	2012	22.36	* 7/30/2009	Canal Corporation
4-19	Previously Approved	2002	16.91	* 11/26/2007	Canal Corporation
4-21	Previously Approved	2010	29.53	* 3/20/2009	Canal Corporation
4-22	Previously Approved	2008	25.68	* 8/13/2008	Canal Corporation
4-26	Previously Approved	2014	19.47	4/5/2006	Canal Corporation
4-27	Previously Approved	2009	9.8	* 8/13/2008	Canal Corporation
4-28	Previously Approved	2014	5.44	6/21/2006	Canal Corporation
4-29	Previously Approved	1998	9.45	2/24/2010	Canal Corporation
4-30	Previously Approved	2013	18.91	* 8/12/2008	Canal Corporation
4-32A	Previously Approved	2014	13.23	UTICA HARBOR	Canal Corporation (Reconstructed 2009 as per DEC ROD)
4-40	Previously Approved	2014	70.55	2/23/2006	Canal Corporation
4-56	Previously Approved	2013	50.22	6/8/2007	Canal Corporation
4-60	Previously Approved	2013	31.62	9/13/2005	Canal Corporation (Partial - Holmes Marina)
5-15	Previously Approved	2005	18.98	9/13/2005	Canal Corporation
5-19	Previously Approved	2010	5.44	11/12/2009	Canal Corporation

Table 2
Upland Disposal Site Information
NYSCC Joint Application for Regional Maintenance Dredging
Erie, Oswego, and Cayuga-Seneca Canals

New York State Canal Corporation
D/A Processing No. 2004-01156
Barge Canal, New York



UDS No.	Current Status	Last Used	Acreage	Previous Authorization Date	Ownership
Previously Approved UDSS					
6-01	Previously Approved	2006	60.55	9/26/2005	Canal Corporation
6-02	Previously Approved	2007	11.21	2/23/2006	Canal Corporation
6-08	Previously Approved	2007	5.44	8/16/2007	Canal Corporation
6-15	Previously Approved	1998	5.09	* 4/3/2009	Canal Corporation
6-16A	Previously Approved	2014	12.14	6/25/2007	Canal Corporation
6-18	Previously Approved	2009	17.78	8/16/2007	Canal Corporation
6-21	Previously Approved	2009	13.96	* 9/15/2009	Canal Corporation
6-25	Previously Approved	2009	12.55	8/16/2007	Canal Corporation
6-27	Previously Approved	2009	13.08	8/16/2007	Canal Corporation
7-03	Previously Approved	2014	8.48	9/13/2005	Canal Corporation
7-04	Previously Approved	2002	8.08	* 9/9/2008	Canal Corporation
7-08	Previously Approved	1999	10.81	* 4/27/2009	Canal Corporation

* - Reflects the date which information was submitted to USACOE as per special condition # 12 of Department of Army Permit # 2004-01156(2).

Table 2
 Upland Disposal Site Information
 NYSSC Joint Application for Regional Maintenance Dredging
 Erie, Oswego, and Cayuga-Seneca Canals

New York State Canal Corporation
 D/A Processing No. 2004-01156
 Barge Canal, New York

