



Public Notice

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

Applicant:
Essroc Italcementi Group

Published: March 1, 2012
Expires: March 30, 2012

Application No: 2012-00183
Section: NY

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (**Attn: Joshua Frost**)
1776 Niagara Street
Buffalo, New York 14207-3199

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).**

Essroc Italcementi Group, 3162 Bath Pike, Nazareth, Pennsylvania, 18604 proposes to mechanically or hydraulically dredge 300,000 cubic yards of accumulated sediments from the Rochester Harbor Federal navigation channel. The proposed project will be within the Federal navigation channel (21,200 linear feet) of the Genesee River, in the City of Rochester, Monroe County, New York. Essroc Italcementi Group proposes to place the dredged material by hopper aboard a ship or scow in the authorized Rochester Harbor open-lake placement area, located 1.5 miles northeast of the East Pier Light at Rochester Harbor. The Federal navigation channels would be dredged to their authorized depths for commercial and recreational vessels. Up to an additional one foot of material may be removed to ensure the minimum authorized depth and allow for inaccuracies in the dredging process. The dredging depths will be -22 and -21 feet Low Water Datum (LWD) lakeward and landward of the Federal West Pier.

Essroc Italcementi Group proposes that the dredging operations are performed during the period between May 1 and September 15 when work is performed by mechanical dredging. If hydraulic dredging is performed, the work shall occur between May 1 and August 15. These work windows are proposed to preclude adverse impacts on the spawning, nursery, and feeding activities of indigenous fish species.

The quality of Rochester Harbor Federal navigation channel material has been evaluated using 2005 data in accordance with the protocols and guidelines contained in the U.S. Environmental Protection Agency (USEPA)/USACE 1998 Great Lakes Dredged Material Testing and Evaluation Manual. This evaluation

specifically addresses the potential contaminant-related risks to aquatic life associated with placing the dredged material in open-lake waters. Based on this evaluation, all material dredged from Rochester Harbor Federal navigation channels were determined to meet Federal guidelines for open-lake placement.

To reaffirm this determination, sediment analysis has been performed in 2011 for the site in question. The Corps of Engineers is currently evaluating the results of the analyses in accordance with the U.S. Environmental Protection Agency (USEPA)/USACE 1998 Great Lakes Dredged Material Testing and Evaluation Manual. The Corps will not authorize open lake placement of material which does not meet the criteria stated in the manual. In the event that the Corps determines that some or all of the material is unsuitable for open lake placement, dredging depths and/or placement locations will be modified accordingly.

The applicant's stated purpose is to maintain sufficient depth for deep-draft commercial and recreational vessels. If a permit is issued, this office intends to authorize the dredging for a five year period.

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 Joshua Frost, who can be contacted at the above address, by calling (716) 879-4325, or by e-mail at: joshua.w.frost@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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. General Concurrence was issued by the New York State Department of State for this work on March 27, 2006 (DOS reference number F-2005-1059). 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

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

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 USFWS to evaluate any potential impacts to the Bog Turtle (*Clemmys muhlenbergii*) and 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.

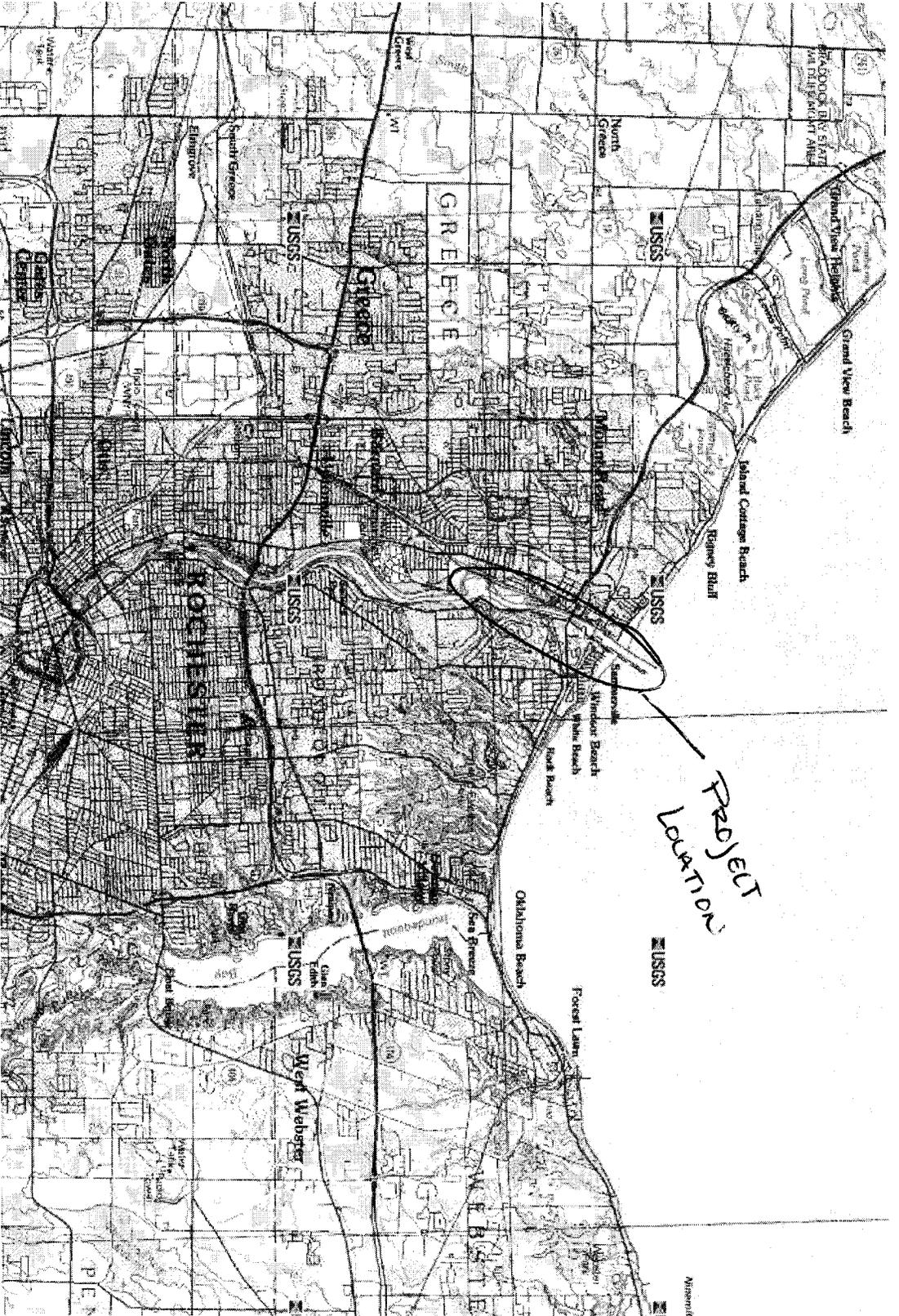
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits 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.



PROJECT
LOCATION

Esroc Italcementi Group – Rochester Harbor
 D/A Processing No. 2012-00183
 Monroe County, New York
 Quad: Rochester East OE N
 Sheet 1 of 4



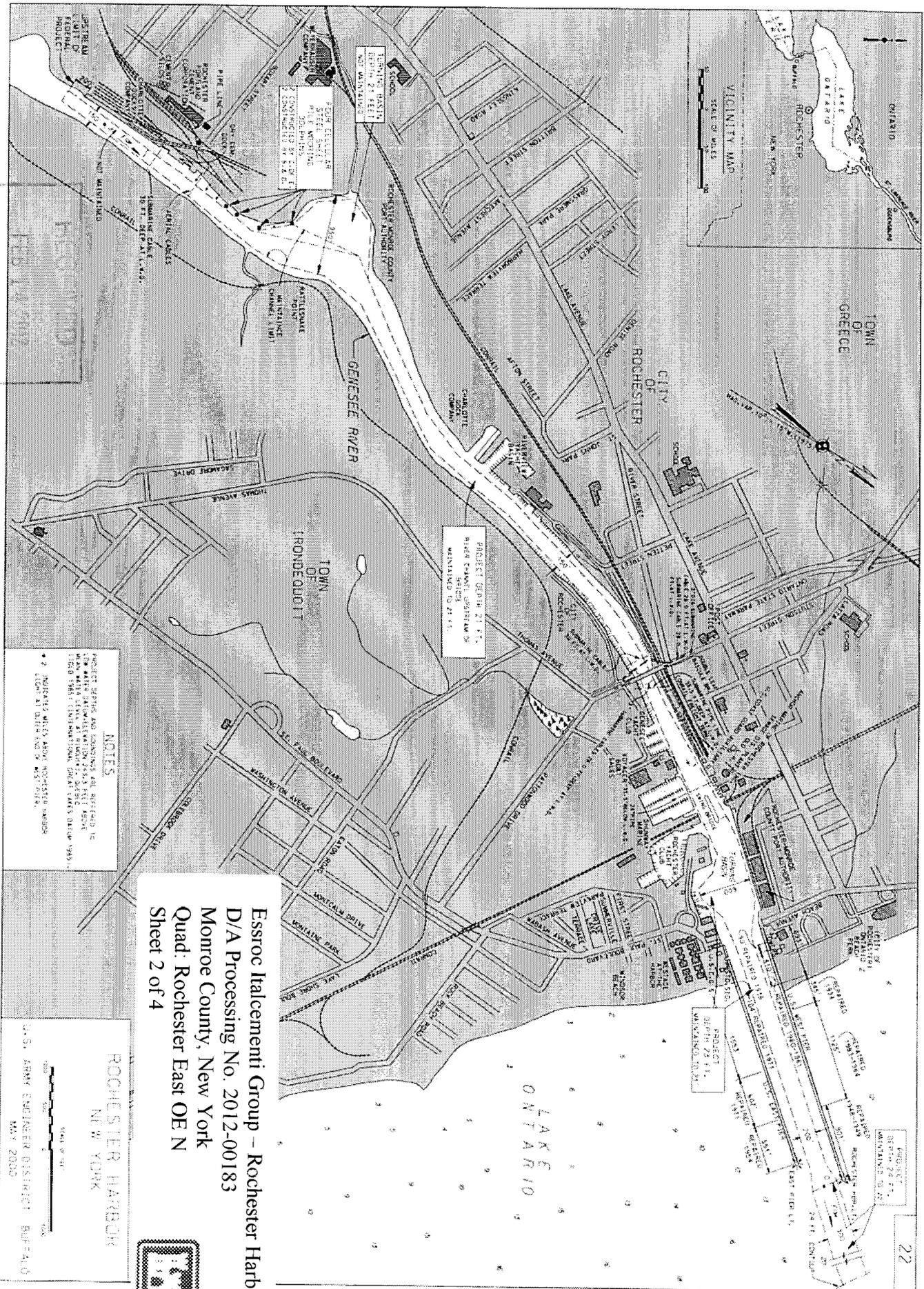


FIGURE 1 - ROCHESTER HARBOR FEDERAL PROJECT MAP

Esroc Placement Group – Rochester Harbor
 D/A Processing No. 2012-00183
 Monroe County, New York
 Quad: Rochester East OE N
 Sheet 2 of 4



ROCHESTER HARBOR
 NEW YORK
 U.S. ARMY ENGINEER DISTRICT BUFFALO
 MAY 2000

NOTES
 PROJECT SETBACK AND EASEMENTS ARE REFERRED TO
 WITHIN THIS DRAWING. SEE DRAWING 21 517 000 FOR
 THE 1987 FEDERAL INSTRUMENTAL SURVEY DATA FROM 1987.
 * 2' INDICATES MINIMUM ADJACENT ROADSIDE WIDENING
 FROM AS BUILT TO 2' WEST SIDE.

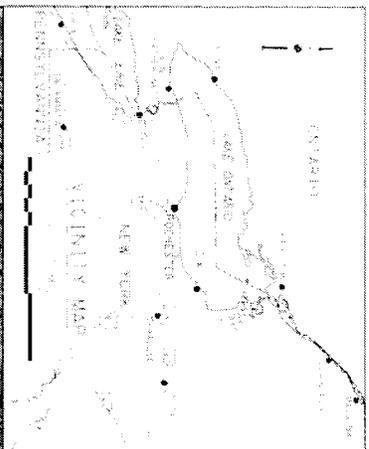


FIGURE 2-18

FIGURE 2 - LIMITS OF DREDGING IN FEDERAL NAVIGATION CHANNEL

Esstroc Italcementi Group – Rochester Harbor
 D/A Processing No. 2012-00183
 Monroe County, New York
 Quad: Rochester East OE N
 Sheet 3 of 4

