



Public Notice

Applicant: Gibbs Marine Group, Inc. Published: June 20, 2012
Expires: July 4, 2012

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

Application No: 1992-03202
Section: NY

All written comments should reference the above Application No. and be addressed to:
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).**

APPLICANT: The Gibbs Marine Group, Inc., 118 Petten Street in the City of Rochester, Monroe County, New York.

WATERWAY & LOCATION: The proposed project is located within the Genesee River at Gibbs Marina, 118 Petten Street in the City of Rochester, Monroe County, New York.

LATITUDE & LONGITUDE: Latitude North: 43.24116
Longitude West: -77.6146

EXISTING CONDITIONS: Sediment accumulation within the Gibbs Marina basin has created insufficient depths for navigation of vessels utilizing this area. Sediment testing conducted at the facility site in 2007 indicated that most of the material was suitable for Open Lake disposal. One sample point, 4-Bot, collected at 233 feet IGLD 1985 in front of the old fuel dock, was determined to be inappropriate for open lake disposal due to elevated levels of cadmium and chlorinated hydrocarbons. Appropriateness of open lake disposal was determined using reference data in accordance with the U.S. Army Corps of Engineers Great Lakes Testing Manual.

PROPOSED WORK: The project will re-establish a bottom elevation of approximately 235.3 feet

International Great Lakes Datum (IGLD) 1985 (8 feet below low water datum) within the marina and portions of the area adjacent to the Federal navigation channel, with the exception of the 200 linear foot area in front of the old fuel dock, which will be dredged to 239.3 IGLD 1985 (See Note Below). The project will include the removal of approximately 5,000 cubic yards of material each year over the course of 5 years. The proposed dredging will be performed using a barge-mounted crane with a clamshell bucket. Gibbs Marine Group, Inc. proposes to place the dredged material removed from the Marina basin by scow in the authorized Rochester Harbor open-lake placement area, located 1.5 miles northeast of the East Pier Light at Rochester Harbor (Sheet 6 of 6). The applicant proposes to install a silt curtain to isolate the basin area from the main Genesee River channel during dredging activities. The applicant also proposes an in-water work restriction period commencing March 15th and ending July 1st.

Note: As was required in the permit issued for dredging in 2007 (expired), the applicant continues to propose to dredge no lower than 239.3 IGLD 1985 in the vicinity of the old fuel dock (Sheet 2 of 6). The old fuel dock was approximately 100 feet wide, and the applicant proposes a 200 foot area of shallow (4 foot) dredging to ensure that the sediment is appropriate for open lake disposal.

PROJECT PURPOSE

Basic: Adequate water navigation and mooring

Overall: To maintain sufficient depth for deep-draft recreational vessels mooring at the Gibbs Marina.

Proposed Mitigation: None Proposed.

Authorization for similar work, including open lake disposal of dredged materials, was granted in the past under Department of the Army permit No. 92-320-2(0) and 1992-03202.

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 be 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 has not been issued by the New York State Department of State for this work at this time. 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 is 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: 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.

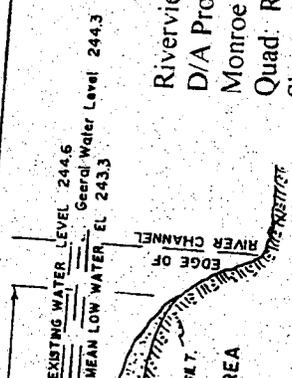
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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

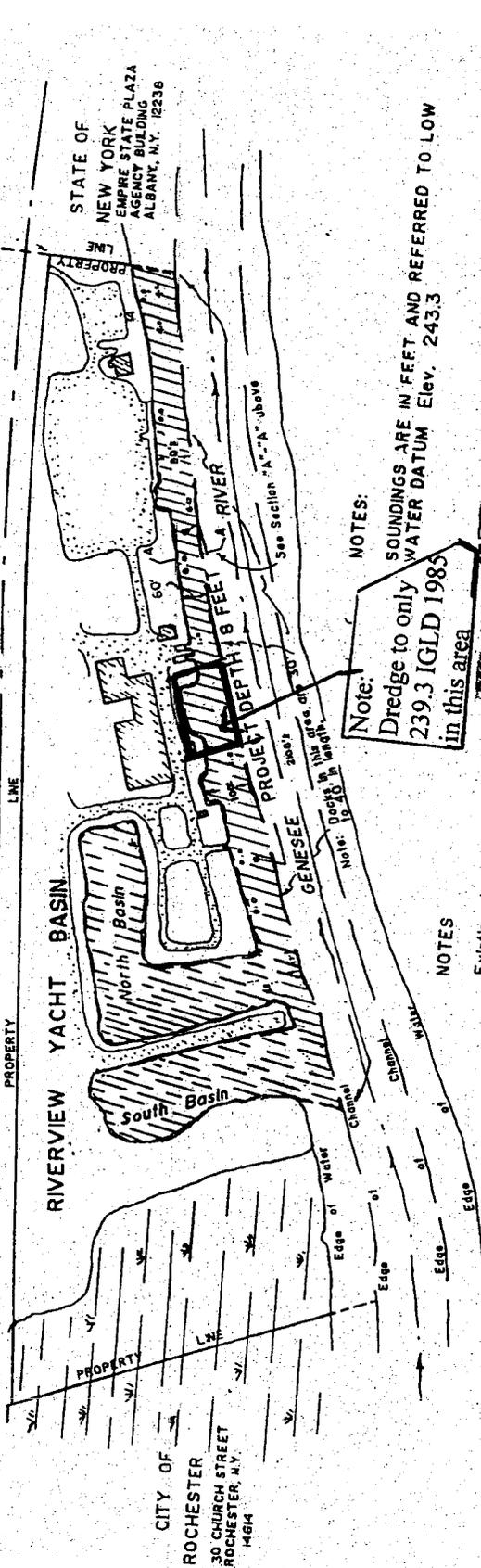
Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.

Riverview Yacht Basin, Gibbs Marine Group
 D/A Processing No. 1992-3202-8
 Monroe County, New York
 Quad: Rochester East
 Sheet 2 of 6



PENN - CENTRAL RAILROAD

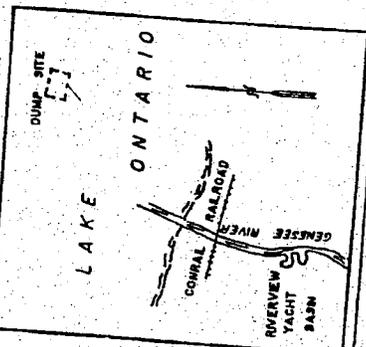


NOTE:
 Dredge to only 239.3 IGLD 1983 in this area

NOTES:
 SOUNDINGS ARE IN FEET AND REFERRED TO LOW WATER DATUM Elev. 243.3

NOTES
 Existing docks installed 1947 in 1947
 Dredged material to be removed by barge mounted clam bucket
 Dredged material to be disposed of at the Lake Ontario Dumping Ground. See sketch to left.
 45,000 Cu. Yd. of material to be removed.

INDICATES AREA TO BE DREDGED
 (Dredge to achieve bottom elevation of 235.3 IGLD 1)



OWNER:
 Gibbs Marie Group, Inc.
 105 East Manifou Road
 Rochester, New York
 14612

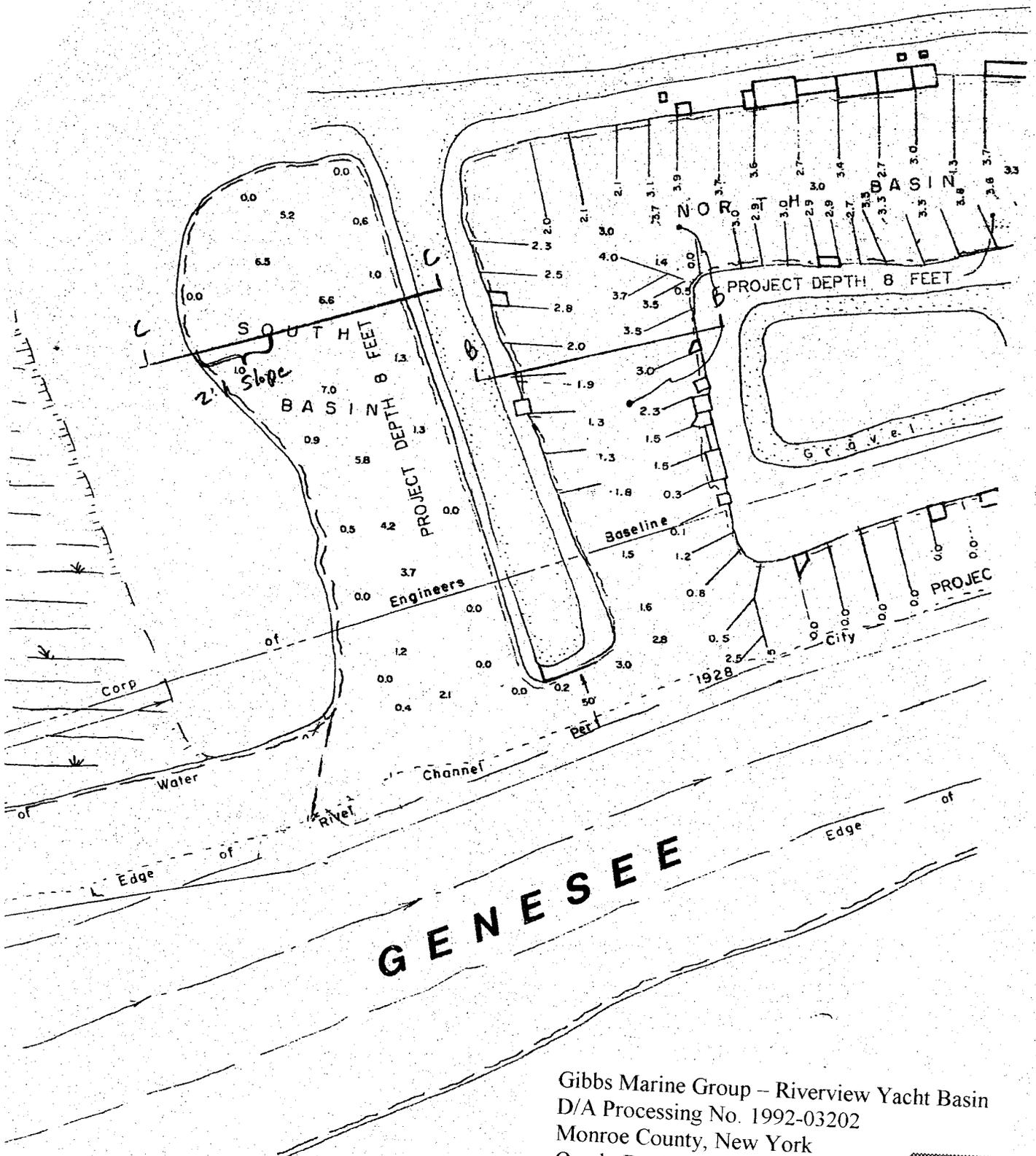
DREDGING PLAN FOR
 RIVERVIEW YACHT BASIN

CITY OF ROCHESTER
 Gibbs Marine Group - Riverview Yacht Basin
 D/A Processing No. 1992-03202
 Monroe County, New York
 Quad: Rochester East

Sheet 2 of 6

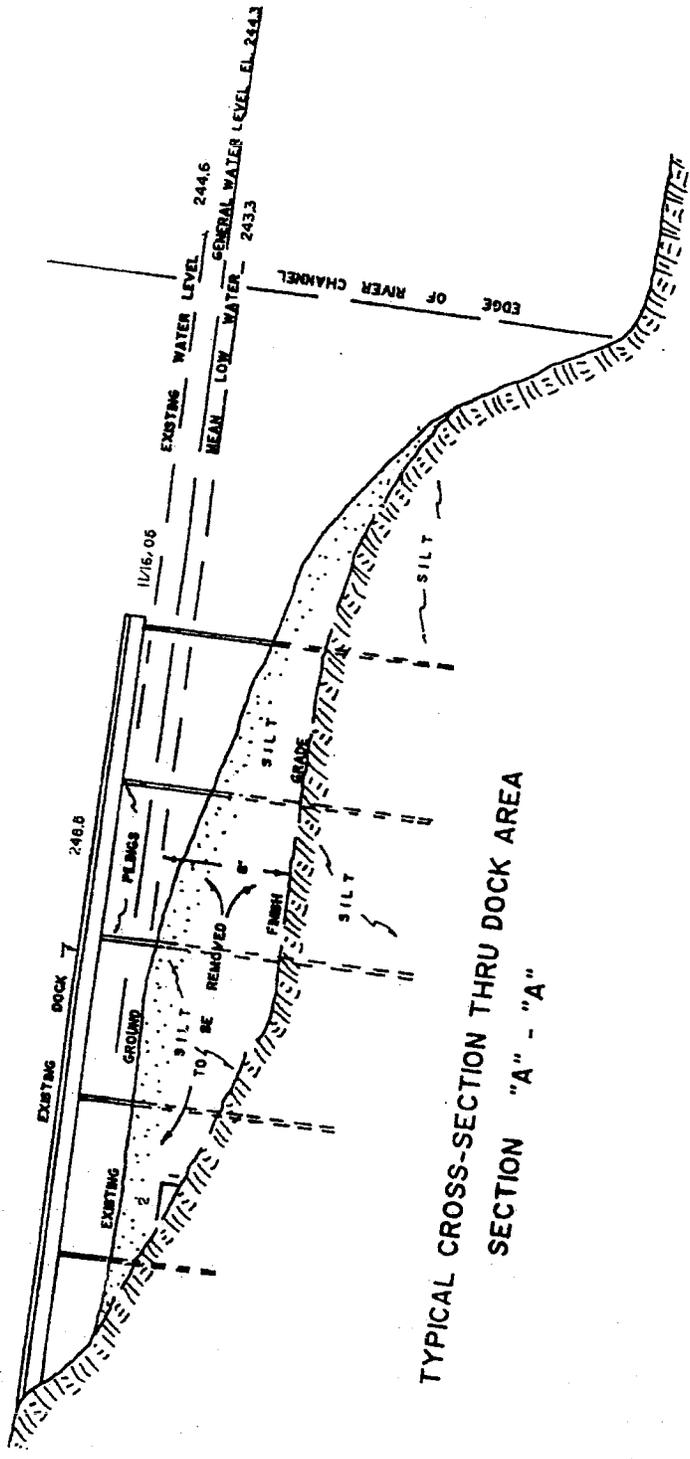
James H. ...





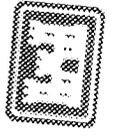
Gibbs Marine Group – Riverview Yacht Basin
 D/A Processing No. 1992-03202
 Monroe County, New York
 Quad: Rochester East
 Sheet 3 of 6





TYPICAL CROSS-SECTION THRU DOCK AREA
SECTION "A" - "A"

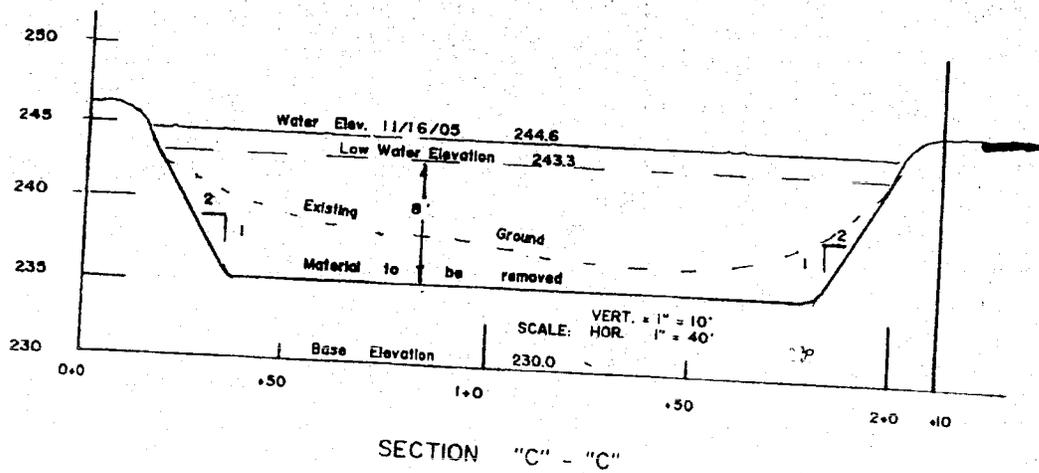
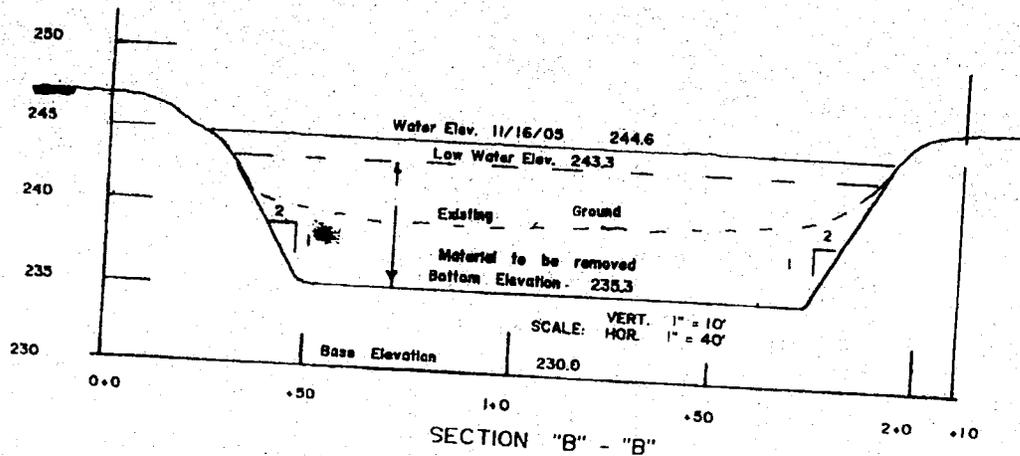
Gibbs Marine Group - Riverview Yacht Basin
 D/A Processing No. 1992-03202
 Monroe County, New York
 Quad: Rochester East
 Sheet 4 of 6



Owner:
 Gibbs Marine Group, Inc.
 105 East Manlius Road
 Rochester, New York
 14612

RIVER

November 1, 2006

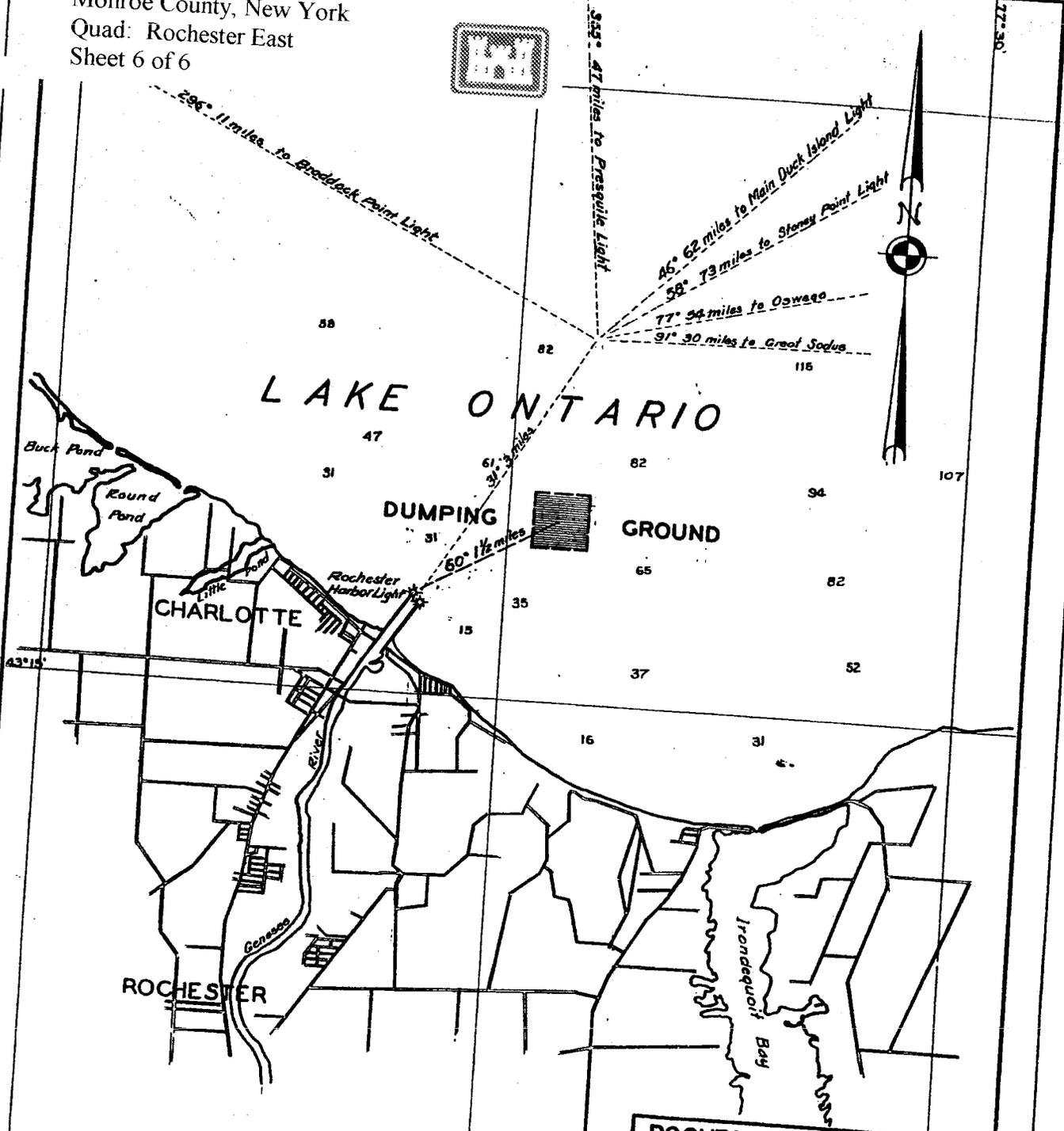


Gibbs Marine Group - Riverview Yacht Basin
 D/A Processing No. 1992-03202
 Monroe County, New York
 Quad. Rochester East
 Sheet 5 of 6



Gibbs Marine Group - Riverview Yacht Basin
 D/A Processing No. 1992-03202
 Monroe County, New York
 Quad: Rochester East
 Sheet 6 of 6

CORPS OF ENGINEERS, U.S. ARMY.



NOTES:
 Soundings are in feet and referred to
 L.W.D. El. 242.8 feet above Mean Water
 Level at Father Point, Quebec (International
 Great Lakes Datum 1955)

ROCHESTER HARBOR, N.Y.
CHARLOTTE
DUMPING GROUND
 In One Sheet Scale 1:80,000
 Scale of Miles
 U.S. ENGINEER OFFICE, BUFFALO, N.Y.
 FEB 1939

5-29A-1