

Public Notice

Applicant:
New York State Canal Corporation

Date:
Published: May 17, 2004
Expires: June 15, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:
Buffalo District **CELRB-TD-R RE: 2004-01156(0)** **Section: NY 10 and 404**

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).

The New York State Canal Corporation (NYSCC), 200 Southern Boulevard, Albany, New York 12202-0189, has applied for a Department of the Army (DA) permit to perform annual maintenance dredging activities in the New York State Barge Canal between the City of North Tonawanda, Niagara County and the Town of Waterford, Saratoga County, New York. The Canal Corporation's existing DA permit (no.93-260-7) expires on June 4, 2004.

The attached New York State Canal Corporation's, 2004 Maintenance Dredging Plan identifies the location of each proposed dredge site, the estimated volume of material to be removed from each dredge site, and the location of proposed wet dump grounds and upland disposal sites along the New York State Erie Canal.

Proposed activities include the following:

- a. Mechanical and hydraulic dredging of navigation channels located within the New York State Barge Canal.
- b. Disposal of hydraulically dredged and/or mechanically dredged material into designated Upland Disposal Sites (UDS). Please note, return water from the upland disposal sites is authorized under Nationwide Permit 16 and included in the NYSDEC 401 Water Quality on April 26, 2001.
- c. Temporary disposal of hydraulically dredged and/or mechanically dredged material into designated "wet dump grounds", located throughout the New York State Canal system. The material will be removed via hydraulic dredging and disposed into a designated UDS.

Prior to permit issuance, The NYSCC will comply with the U.S. Environmental Protection Agency's 404(B)1 Guidelines (40 CFR 230.10 and 230.11). The Evaluation of Dredged Material Proposed for Discharge in Waters of the United States (also known as the Inland Testing Manual) will be used to test dredge material and assess the potential for contaminant-related impacts associated with dredge



material disposal into the open waters of the canal. This evaluation method also addresses impacts associated with the loss of aquatic site functions, and values of the proposed discharge site. Under the 404(B)1 Guidelines, the discharge site must represent the least environmentally damaging, practicable alternative, and the discharge of dredged material must not result in significant degradation of the aquatic ecosystem.

Therefore, the NYS CC is required to submit the results of this evaluation to the Corps, and receive DA authorization, prior to discharging the material in the designated Wet Dump Grounds (WDG). Conclusions reached utilizing the guidelines will be used to make factual determinations of the potential effects of a proposed discharge of dredged or fill material on the chemical, physical and biological impacts to the aquatic environment.

In order to minimize impacts on the aquatic environment and reduce the use of WDG's, the NYS CC is willing to purchase a self-contained hydraulic offloader and two scows. The equipment will be provided to the Utica Floating Plant in 2005. If funding is approved in future years, this equipment will be purchased for the Waterford, Syracuse and Albion Floating Plants.

A copy of the New York State Canal Corporation's Proposed Dredge Plan will be available for review during normal business hours at the following locations:

U.S. Army Corps of Engineers, Buffalo District
1776 Niagara Street Buffalo, New York 14207
POC - Gary McDannell (716) 879-4322

U.S. Army Corps of Engineers, Auburn Field Office
7413 County House Road Auburn, New York, 13021
POC - Sandra Doran (315) 255-8090

New York State Canal Corporation Offices:

Headquarters Office Building 20
200 Southern Boulevard
Albany, New York 12209
POC - Dave Curtis (518) 471-5926

Albany Division Office - Building 1
200 Southern Boulevard
Albany, NY 12209
POC - Steven Sweeney (518) 471-5033

Section 2 Office
200 Davis Office
Waterford, NY 12188
POC - Anthony Ferris (518) 233-8575

Section 3 Office
3 Bridge Street
Fonda, NY 12068
POC- Timothy Dockerty (518) 853-3823

Syracuse Division Office
Suite 250, 2nd Floor
290 Elwood Davis Road
Liverpool, NY 13088
POC - John Zmarthie (315)438-2303

Section 4 Office
105 North Genesee Street
Utica, NY 13501
POC - Daniel Cornmire (315)733-9530

Section 5 Office
9052 River Road
Phoenix, NY 13135
POC - Robert Walker (315)695-2210

Section 6 Office
7665 Drydock Road
Lyons, NY 14489
POC - Michael Cortese (315)946-6192

Buffalo Division Office
455 Cayuga Road
Suite 800
Cheektowaga, NY 14225
POC - David Martin (716)635-6250

Section 7 Office
141 North Liberty Street
Albion, NY 14411
POC- William Clifford (585)589-5689

The purpose of the work is to enable the NYSCC to maintain safe navigational depths for commercial and recreational craft in the State Barge Canal.

Location and details of the above described work are shown on the attached maps and drawings. In addition, the complete Public Notice, including all of the maps and drawings can be accessed on the Buffalo District's Regulatory web-site at:
<http://www.lrb.usace.army.mil/orgs/reg/notices.htm>

Questions pertaining to the work described in this notice should be directed to Gary E. McDannell, who can be contacted by calling (716) 879-4322, or by e-mail at: gary.e.mcdannell@usace.army.mil

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:

Ms. Laurissa Parent
New York Department of State
Division of Coastal Resources
Consistency Coordinator
Coastal Management Program
41 State Street
Albany, New York 12231-0001
Telephone (518) 486-3200

The New York State Department of Environmental Conservation (NYSDEC) issued the requisite 401 Water Quality Certification for the work on April 26, 2001 with an expiry of April 26, 2006.

Based on preliminary findings, the entire Barge Canal System is listed in the National Register of Historic Places within the permit area. This notice constitutes initiation of consultation with the New York Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. 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 SHPO for their review.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

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 should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Gary E. McDannell, or by e-mail at: gary.e.mcdannell@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

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 purpose 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

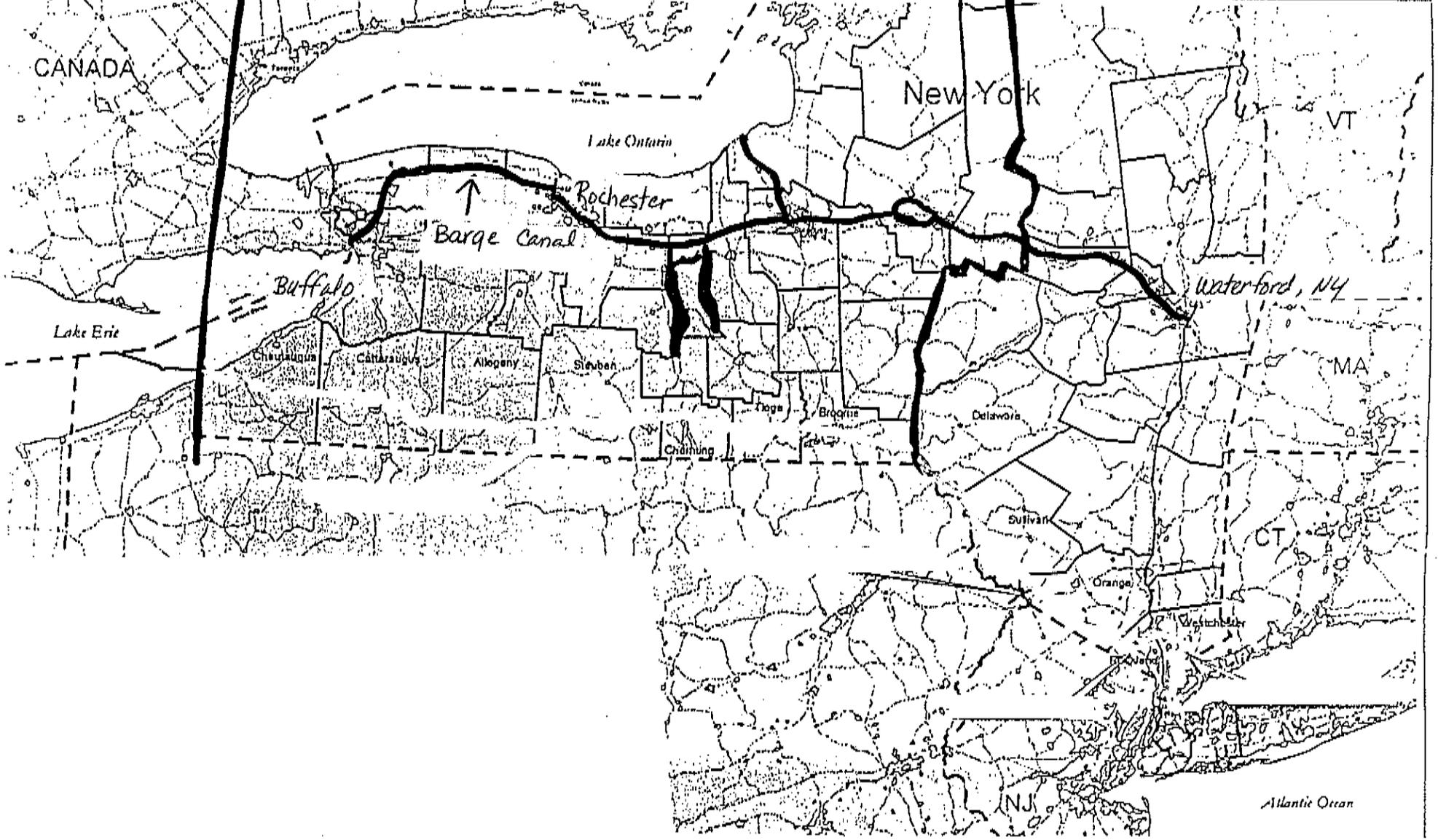
preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

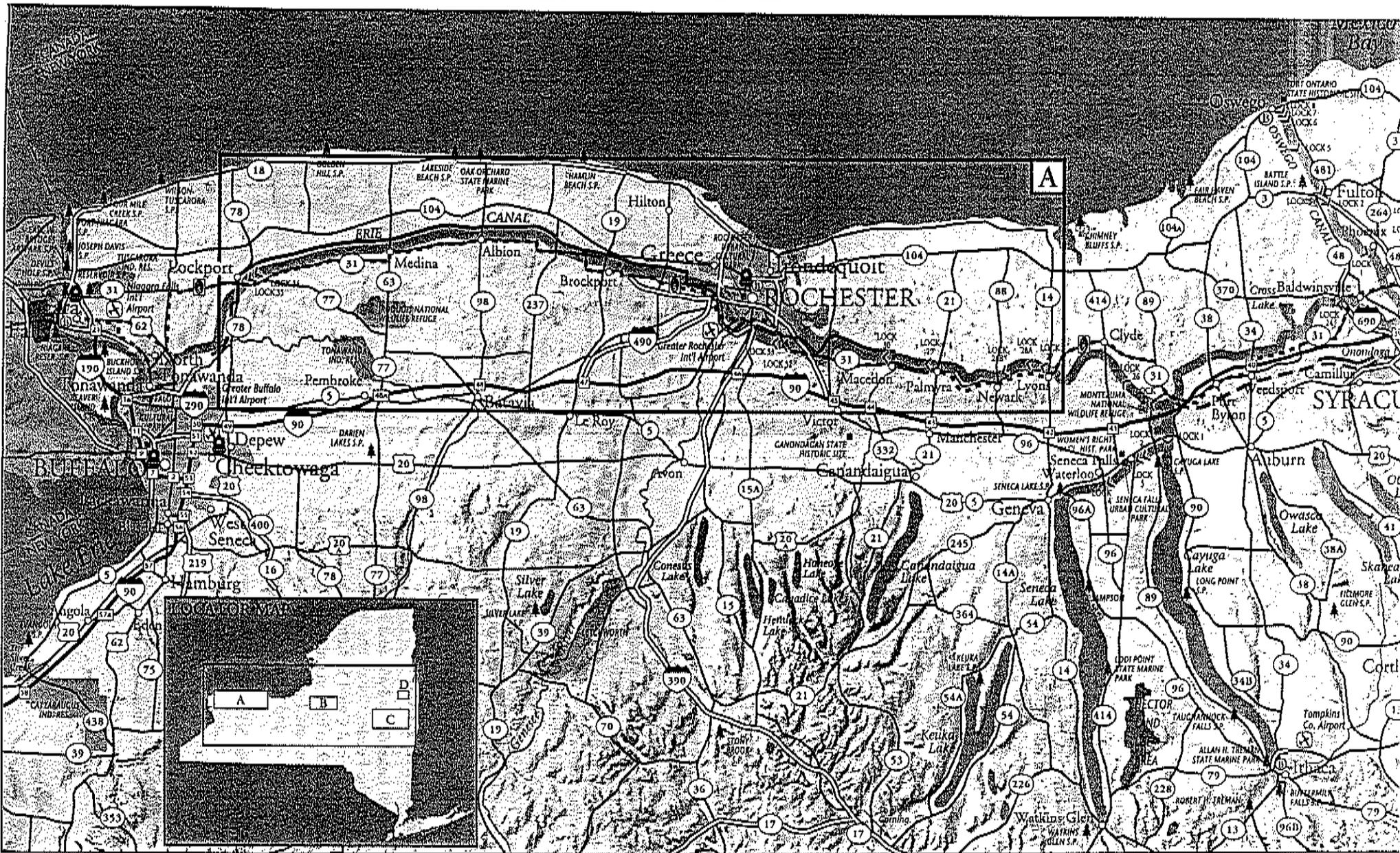
SIGNED

Thomas C. Switala
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.

← PITTSBURGH DISTRICT → ← BUFFALO DISTRICT → ← NEW YORK DISTRICT →





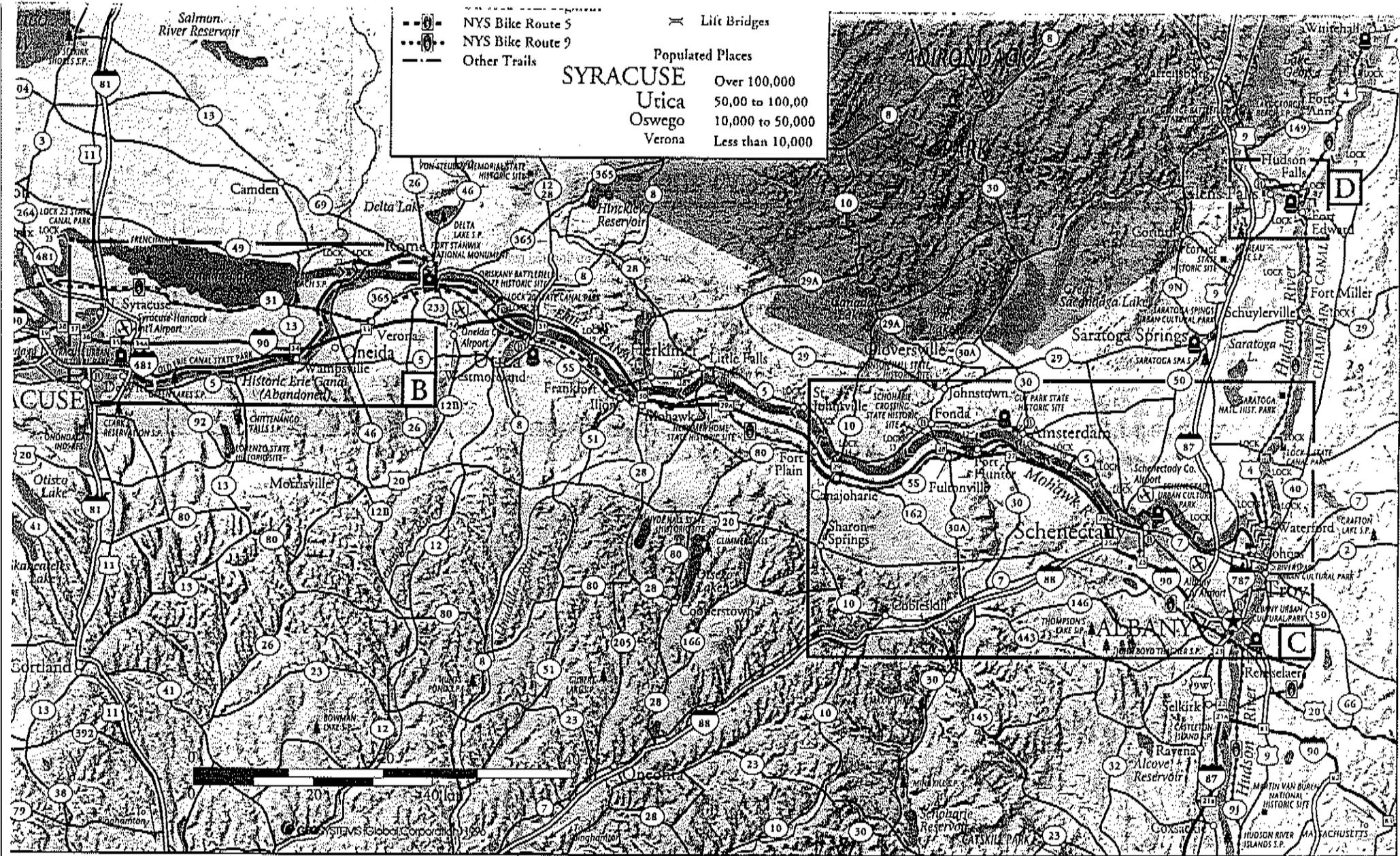
C MOHAWK-HUDSON BIKEWAY ACCESS

Rotterdam: I-90 (NY Thruway) east to Rotterdam Exit 26. NY Rte. 5S west, 0.25 miles to Rotterdam Junction. Parking and trail access at Rotterdam Junction.

Niskayuna: I-87 (Adirondack Northway) north to Latham Exit 6. NY Rte. 7 west approx. 3.25 miles to Rosendale Road. Right on Rosendale, 0.25 miles (becomes County Rte. 158). Left on CR 158 to Railroad Station Park, parking immediately adjacent trail access.

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NEW YORK STATE BIKE ROUTES 5 & 9

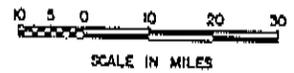
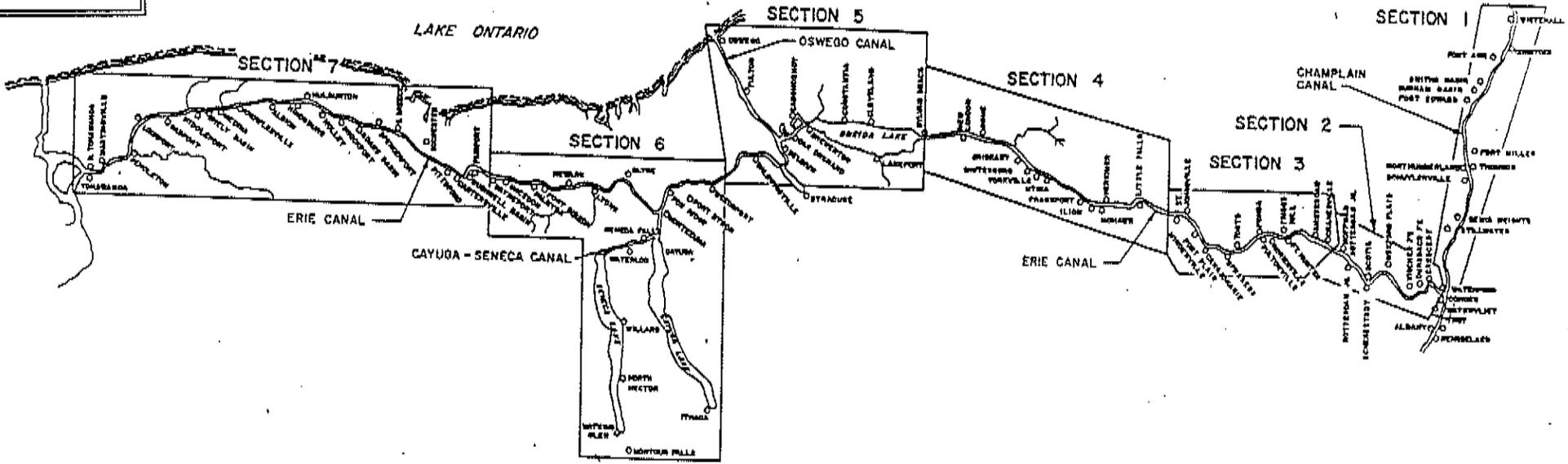
New York State Bike Routes 5 and 9 are on-road routes spanning east-west across New York State between the Massachusetts border and Niagara Falls, and north-south between New York City and the Canadian border. These routes parallel the Erie and Champlain Canal corridors, providing

segments. The routes were developed by the New York State Department of Transportation for experienced bicyclists who are skilled in sharing the road with motorized traffic. They provide an alternative to off-road trails for bicyclists traveling at higher speeds.

WATER TRAIL

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NEW YORK STATE THRUWAY AUTHORITY
 AND CANAL CORPORATION
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NEW YORK STATE BARGE CANAL SYSTEM
 NYSOT REGION AND SECTION DESIGNATIONS