



US Army Corps
of Engineers®

Public Notice

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OPERATION AND MAINTENANCE DREDGING AND DREDGED MATERIAL PLACEMENT

OAK ORCHARD HARBOR EAXX-202-00-H5P-1736262090

ORLEANS COUNTY, NEW YORK

This Public Notice has been prepared pursuant to Section 404(a) of the Clean Water Act. It is being administered in conformance with U.S. Army Corps of Engineers (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.

The U.S. Army Corps of Engineers (USACE), Buffalo District is periodically required to dredge and discharge sediment excavated from the authorized federal navigation channels of Oak Orchard Harbor in order to maintain authorized channel depths. Maintenance dredging at Oak Orchard Harbor occurs infrequently. The next maintenance dredging operation is expected to be performed between 2025 and 2027 based on contractor availability to do the work.

Figure 1 shows the authorized limits and depths of the Oak Orchard Harbor federal navigation channels. Dredging would be conducted throughout portions of the Entrance Channel and River Channel based on shoal conditions (Figure 2). An estimated total of 75,000 cubic yards of sediment would be dredged from Oak Orchard Harbor federal navigation channels during the dredging operation. To ensure that authorized depths are obtained and to account for dredging tolerance, up to an additional one foot of sediment may be dredged.

The dredging operation at Oak Orchard Harbor would be performed between the years 2025 and 2027. A contractor of the federal government would accomplish the project. Sediments would be removed from the channel bottom by a mechanical or hydraulic dredge and placed into hoppers aboard ship or scow for transport to the designated placement area. The method of

excavation would be determined by the contractor performing the maintenance dredging. In previous years, clamshell dredges have been used to complete the required work. The dredged sediment would be placed at the existing open lake placement area located 1.5 statute miles northeast of the area to be dredged (Figure 1). This area has previously been used by USACE for the placement of Oak Orchard Harbor dredged sediment.

Pursuant to Section 401 of the Clean Water Act, Water Quality Certification (WQC) from the New York State Department of Environmental Conservation (NYSDEC) is required for the discharge of dredged sediment. Therefore, a copy of this Public Notice has been provided to NYSDEC requesting WQC, or waiver thereof, for the disposal of the sediment in the open lake placement area. The USACE has in the past received five-year WQC for the maintenance dredging of Oak Orchard Harbor. The current request is being made for a three-year period.

The environmental effects of the dredging operation are documented in the ***Final Environmental Assessment (EA) and 404(b)(1) Evaluation, Operation and Maintenance, Oak Orchard Harbor, New York (1985) and Clean Water Act Section 404(b)(1) Evaluation (2024)***. These documents, and supplemental documentation, have been filed with the USEPA. Copies are available for examination at the Buffalo District office.

There are no listed historic properties or properties determined as being eligible for listing in the National Register of Historic Places that would be affected by this project. By this notice, the National Park Service is advised that currently unknown archaeological, scientific, prehistorical or historical data may be lost or destroyed by the work to be accomplished.

This office has determined that the proposed project would have No Effect upon any species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor would the proposed work result in an Adverse Modification of designated critical habitat for any such species. Therefore, unless new information indicates otherwise, no further consultation pursuant to Section 7 of the Endangered Species Act Amendments of 1978 would be undertaken with the U.S. Fish and Wildlife Service.

This work would be undertaken in a manner consistent, to the maximum extent practicable, with the New York State Coastal Management Program. A Coastal Management Program Federal Consistency Determination has been submitted to the New York State Department of State documenting this determination.

The decision whether to perform dredging 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 reasonably may be expected to accrue from the proposal has been balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal have been 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:

National Park Service
New York State Department of Environmental Conservation
New York State Department of State
New York State Department of Parks, Recreation and Historic Preservation
U.S. Coast Guard
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency

Any interested parties and/or agencies desiring to express their views concerning these proposed discharges of dredged sediment may do so by filing 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 discharge of this dredged sediment may request a public hearing. The request must be submitted in writing to the undersigned within 30 days of the date of this Public Notice. 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 the USACE - Buffalo District with their comments and/or requests for additional information regarding the proposed discharge of dredged sediment. Please review this Public Notice and send your comments and/or information requests in writing within 30 days to the following e-mail address:

CELRB-OakOrchardDredging@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: Environmental Analysis – Oak Orchard Harbor Dredging

This Public Notice is published in conformance with 33 CFR 337.1. All dredging and dredged sediment discharge would be performed in conformance with Sections 313 and 404 of the Clean Water Act (33 USC 1323 and 1344, respectively).

NOTICE TO THE POSTMASTER: It is requested that the above notice be conspicuously displayed for 30 days from the date of issuance.

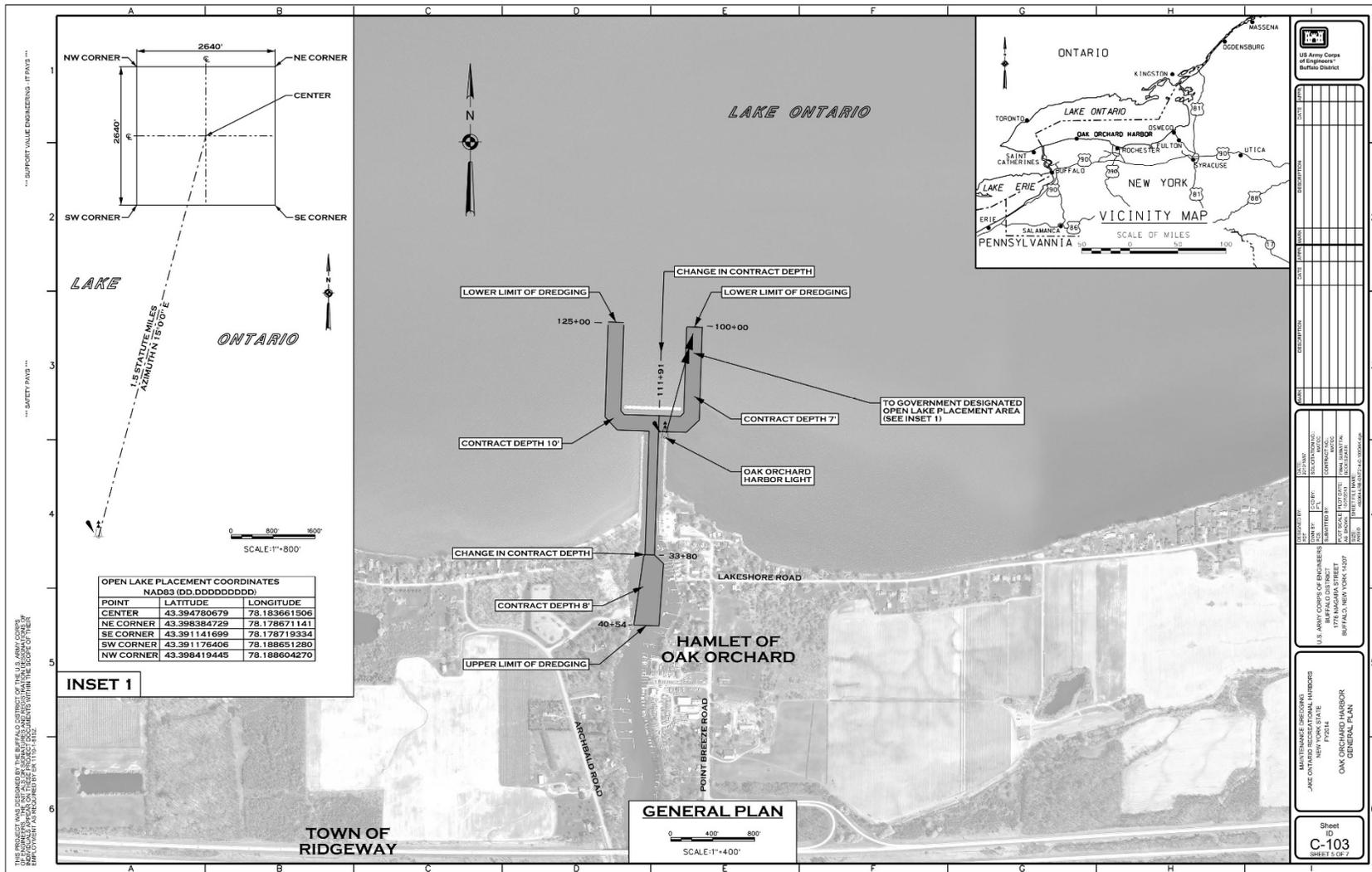


Figure 1: Oak Orchard dredging limits and authorized designated placement area.

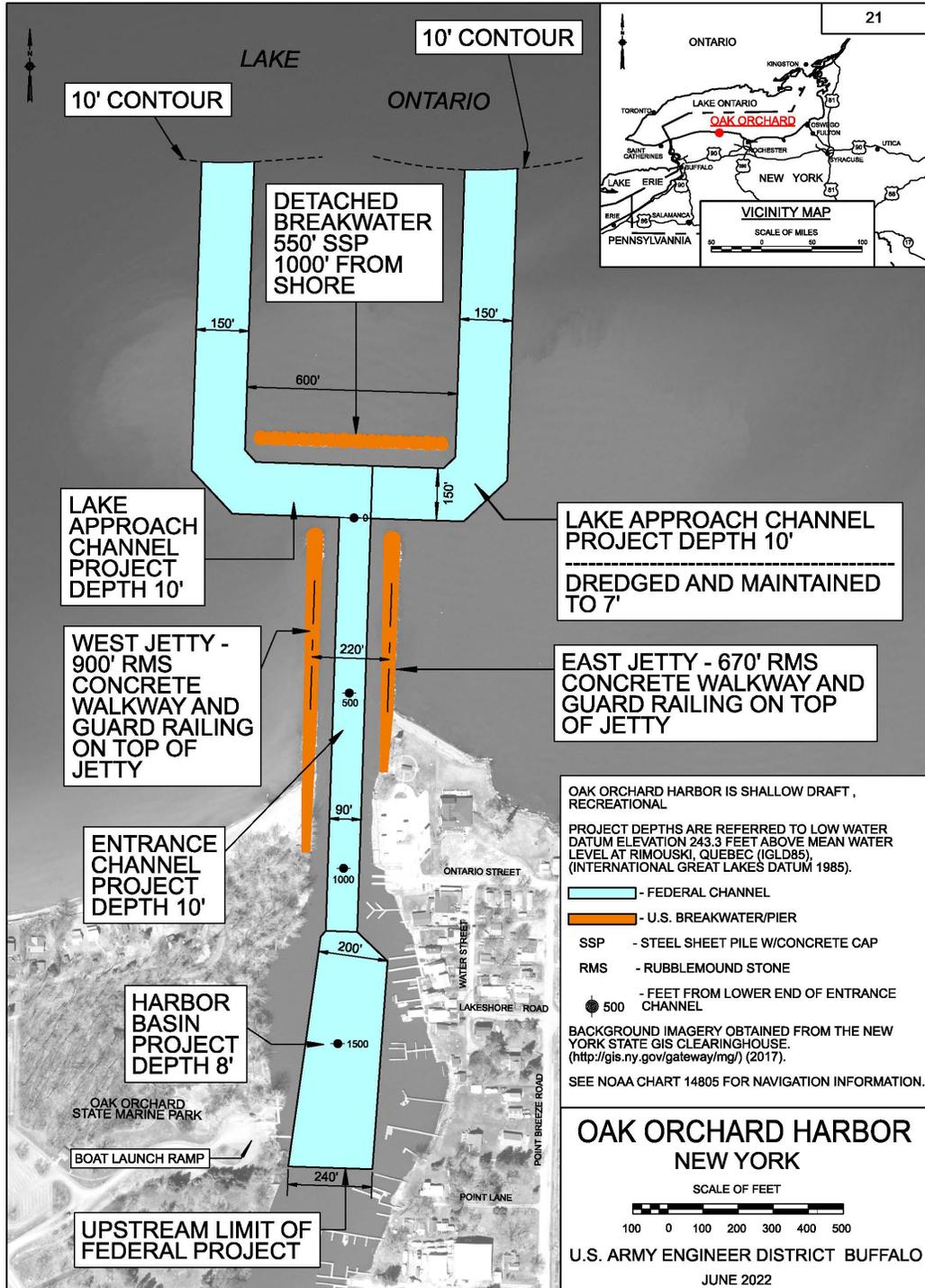


Figure 2: Oak Orchard dredging limit details.