

**Operation and Maintenance
Pultneyville Harbor Repairs
East and West Piers
Scoping Information & Public Notice**



Buffalo District, U.S. Army Corps of Engineers

478 Main Street

Buffalo New York, 14202

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Table of Contents

1. Introduction.....	1
2. Need for Action.....	2
3. Proposed Project	3
4. Impact Assessment.....	5
5. Public Participation and Interagency Coordination	7
6. Compliance with Environmental Protection Statutes	7
7. Federal Environmental Protection Laws, Executive Orders, and Policies	9
8. Point of Contact	11

List of Figures

Figure 1: Proposed Project Location.....	2
Figure 2: Pultneyville Harbor Pier Repair Footprint.....	4
Figure 3: Typical cross-section, West Pier, St. 2+25 - 5+25	5
Figure 4: Typical cross-section, East Pier, St. 0+00 - 3+00	5
Figure 5: Typical cross-section, East Pier, St. 3+00 - 5+25	6

List of Tables

Table 1: Design Quantities	5
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1. Introduction

Implementation of the National Environmental Policy Act (NEPA) requires that federal agencies initiate “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action.” The purpose of this scoping information is to disseminate information regarding the U.S. Army Corps of Engineers (USACE) proposed Pultneyville Harbor Repair project, and to elicit any concerns of potential affected parties. This information has been prepared as part of the formal scoping process pursuant to NEPA and Department of Defense National Environmental Policy Act Implementing Procedure (2025).

Additionally, this scoping document serves as the public notice pursuant to Section 404(a) of the Clean Water Act (CWA). It is being administered in conformance with 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.

2. Background

The proposed federal repair project is located in Pultneyville Harbor, a small boat harbor on the south shore of Lake Ontario approximately 10 miles west of Great Sodus Bay and 21 miles east of Rochester Harbor (Figure 1). Salmon Creek exits into Pultneyville Harbor and the harbor empties into Lake Ontario. The original piers were constructed to serve as wave protection from severe lake storms and waves. The piers were built of timber crib with core stone filling between 1872 and 1894; however, the structures had decayed significantly by 1919. By 1933, most of the timber pier superstructure and some of the substructure on the lakeward end of the piers had been washed away. By 1934, the structures had degraded further, leading to the removal of 404 feet of the West Pier and 167 feet of the East Pier. No further maintenance has been performed on the structures since the partial removal in 1934 until 2022.

In August 2021, the Pultneyville Yacht Club received permission from USACE Buffalo District under a Section 408 permit to repair the westerly (landward end) 200 feet of the Pultneyville Harbor West Pier. The design of this repair work consisted of placing six to eight-ton base course stones, three to five-ton upper-level stones, and smaller rip-rap fill stone along the flat crest, extending over the existing western end of the western pier. This repair work was completed in 2022.



Figure 1: Proposed Project Location

3. Need for Action

Since the 1930s modifications, the piers have fallen into disrepair, with remnants of the timber structure still intact below the water surface and debris scattered along the lakebed. This disrepair has resulted in the failure of the structures in portions of the piers and loss of wave protection at the harbor. The existing structures provide limited protection, and the portions that are no longer visible above water create a hazard to recreational boaters using the harbor. The repairs are necessary to restore function to protect the harbor from severe lake storms and waves.

4. Alternatives Considered

The proposed project is intended to restore structural integrity and improve long-term stability of the piers by placing new armor stone along the existing structures. Both piers are rubble mound structures. The repair of the West Pier is approximately 300 feet long and is tied into the existing structure at station 2+25 and consists of armor stone only (Figure 2). The repair of the East Pier is approximately 500 feet long and starts at Station 0+00 and is built with armor stones on top of underlayer stones at the center of the structure. Lower spots will be filled with bedding material (fine stone) before placing the underlayer stone. Armor stone will be a minimum of three feet in diameter with an average specific gravity of 2.64, weighing a minimum of six to eight tons. The crest will be approximately 12 feet wide and have side slopes of 1:2. Approximate stone quantities needed to construct the repair are included in Table 1.

No dredging or removal of existing historic timber cribs or stone would occur; instead, stone would be placed on top of the existing pier infrastructure to elevate the structures above the mean water level (Figures 3 through 5).

An alternative to the placement of new armor stone along the existing structures would be to remove the entirety of the existing East and West Breakwaters and completely rebuild both piers. This alternative would require the removal of existing historic timber cribs and stone. Due to the cost, construction complexity, and impacts to the historical structures, this alternative was removed from consideration.

A no action alternative is also being considered in accordance with NEPA. Under this alternative, the USACE would not repair the East and West Breakwaters at Pultneyville Harbor. This option is considered the baseline or existing condition and is used as a comparison for measuring the environmental, economic and social effects of the other alternatives.



Figure 2: Pultneyville Harbor Pier Repair Footprint

Table 1: Design Quantities

Structure	Start Station	End Station	Length (Ft)	Bedding	Crestline Distance	Underlayer (Tons)	Armor (Tons)	Approx tons/LF
West Pier	2+25	5+25	300	No	9	0	2532	8.4
East Pier	0+00	5+25	525		4.5	679	5119	9.8
Total Repair:			825			679	7651	

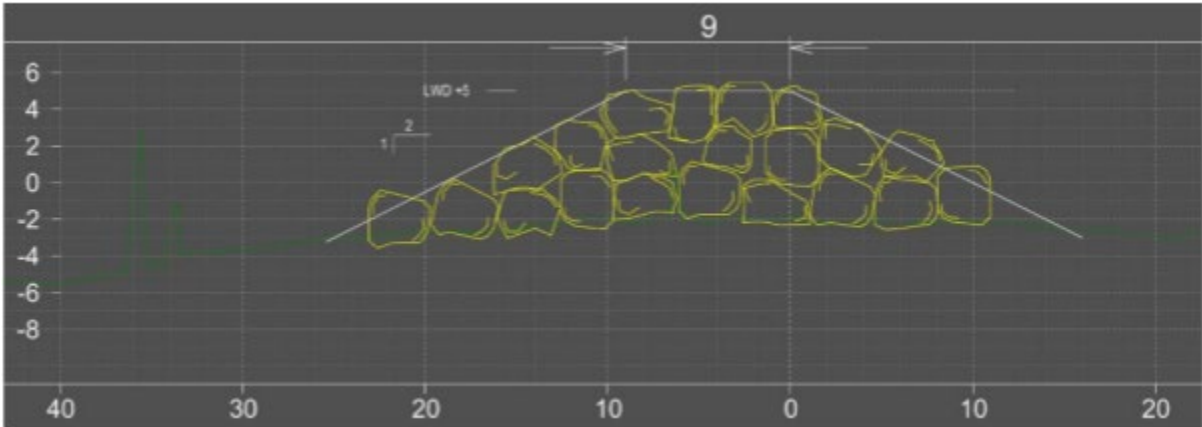


Figure 3: Typical cross-section, West Pier, St. 2+25 - 5+25

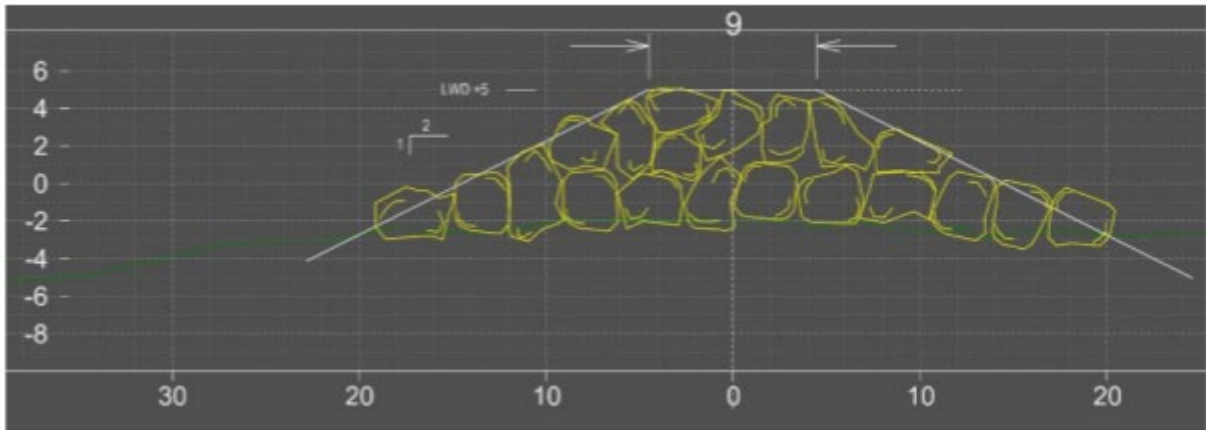


Figure 4: Typical cross-section, East Pier, St. 0+00 - 3+00

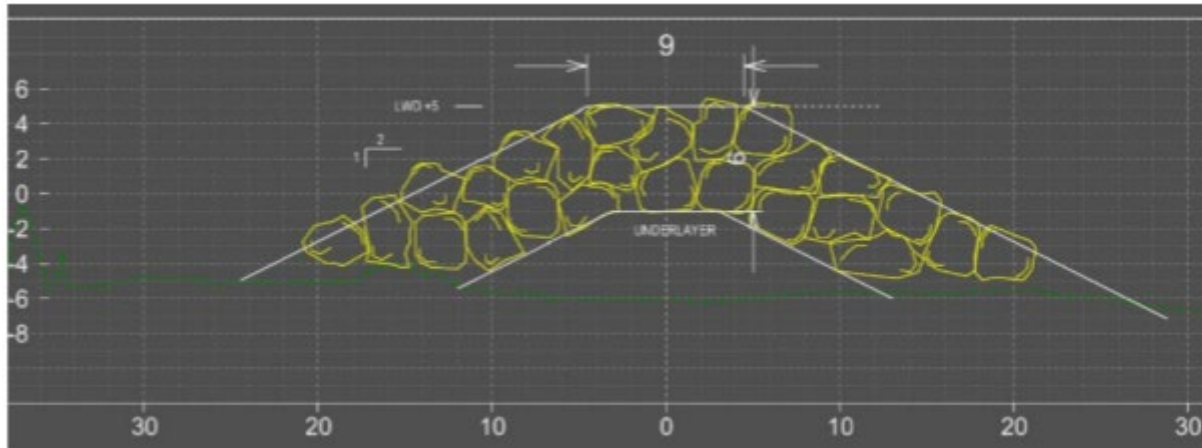


Figure 5: Typical cross-section, East Pier, St. 3+00 - 5+25

4. Impact Assessment

Future conditions and anticipated potential effects of the proposed action will be assessed and compared to a no action alternative. The no action alternative represents the anticipated condition that may result from the USACE taking no action to complete the harbor repairs. The alternatives will be evaluated for several social, economic and environmental categories, including:

- Air Quality
- Water Quality
- Plankton and Benthos
- Vegetation
- Fisheries
- Wetlands
- Threatened and Endangered Species
- Wild and Scenic Rivers
- Wildlife and Significant Coastal Fish and Wildlife Habitat
- Water and Associated Land Uses
- Public Facilities and Services/Water and Service Facilities
- Noise
- Aesthetics Value
- Cultural Resources
- Displacement of People/Displacement of Farms
- Public Health and Safety
- Community and Regional Growth; Business and Industry/Labor Force
- Employment and Income Community Cohesion
- Recreation

5. Public Participation and Interagency Coordination

Throughout the scoping and public notice process, stakeholders and interested parties are invited to provide comment and/or request a public hearing on the proposed action that will be evaluated as part of the Operations and Maintenance (O&M) support to the Pultneyville Harbor Repairs. An environmental assessment will be completed to document the evaluation of any potential social, economic and environmental benefits and potential adverse impacts that may result from the proposed action.

The decision to perform a repair 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 is reasonably expected to accrue from the repair has been balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be 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:

New York State Coastal Management Program
New York State Parks, Recreation and Historic Preservation Division for Historic Preservation
New York State Department of Environmental Conservation
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency

6. Compliance with Environmental Protection Statutes

The pier repair will be evaluated for compliance with all other applicable environmental protection statutes, executive orders, *etc.* including:

a. Clean Water Act, as amended (Federal Water Pollution Control Act Amendments of 1972) (33 USC 1251 et seq.). The breakwater repair would involve the discharge of fill into waters of the U.S. Therefore, the project will be evaluated in accordance with the guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency in conjunction with the Secretary of the Army under the authority of Section 404(b)(1) of the Act. This document serves as a Section 404(a) Public Notice and is notification to any party that may be significantly impacted by the project the right to be afforded the opportunity to request a public hearing. Under Section 401 of the Act, USACE will request certification from the New York State Department of

Environmental Conservation that the proposed discharge is in compliance with established water quality standards.

b. Coastal Barrier Resources Act. This Act discourages development on undeveloped coastal barriers by removing Federal financial assistance incentives. Pultneyville Harbor is not within the Coastal Barrier Resources System boundary and therefore is not affected by Coastal Barrier Resources Act restrictions. Additionally, the breakwater repairs are intended to offer increased protection to the users of the Harbor as well as the natural resources within the Harbor.

c. Coastal Zone Management Act of 1972, as amended (16 USC 1451 et seq.). The Act requires that federal activities be consistent with the enforceable policies of the New York State Coastal Management Program. The proposed work is located within the Coastal Zone of Lake Ontario, although it is not located within a designated significant fish and wildlife habitat area. A coastal zone consistency determination will be completed and submitted to the New York State Department of State.

d. Endangered Species Act of 1973, as amended (16 USC 1531 et seq.). In accordance with Section 7 of this Act, USACE is requesting information from the U.S. Fish and Wildlife Service (USFWS) on any listed or proposed species or designated or proposed critical habitat that may be present in the project area. If this consultation with USFWS identifies any such species or critical habitat, then USACE will conduct a biological assessment to determine the proposed project's effect on these species or critical habitat.

The USFWS web sites and Information for Planning Consultation ([\[https://ecos.fws.gov/ipac/\]](https://ecos.fws.gov/ipac/), accessed July 2025) have been reviewed to generate the following list of federally threatened and endangered species that share a range with the project location:

- Northern Long-eared Bat (*Myotis septentrionalis*), Endangered
- Tricolored Bat (*Perimyotis subflavus*), Proposed Endangered
- Monarch Butterfly (*Danaus plexippus*), Proposed Threatened

e. Fish and Wildlife Coordination Act (16 USC 661 et seq.). The USACE is coordinating this proposed project with the USFWS to identify any fish and wildlife concerns, identify relevant information on the proposed project area, obtain their views concerning the significance of fish and wildlife resources and anticipated project impacts, and identify any additional resources which need to be evaluated. Full consideration will be given to their comments and recommendations resulting from this coordination.

f. National Environmental Policy Act (NEPA). In accordance with Department of Defense National Environmental Policy Act Implementing Procedure, the USACE will assess the potential environmental effects of the proposed action on the quality of the human environment. Using a systematic and interdisciplinary approach, an assessment will be made of the potential environmental impacts for the proposed action as judged by comparing the with-project and without-project conditions. The impact assessment process will determine if an Environmental Impact Statement is required, or if an Environmental Assessment and Finding of No Significant

Impact is appropriate. This scoping information constitutes an initial request for public and agency input into this NEPA review process.

g. National Historic Preservation Act. Under Section 106 of this Act, this scoping information initiates USACE consultation with the National Park Service, the New York State Office of Parks, Recreation and Historic Preservation, interested tribal nations, historic preservation organizations and others who are likely to have knowledge of, or concern with, historic properties that may be present within the area of potential effect (APE). A Determination of Effects submitted separately through the Cultural Resources Information System will additionally initiate consultation with the New York State Office of Parks, Recreation and Historic Preservation.

h. National Marine Sanctuaries Act. Per this act, federal agencies whose actions are “likely to destroy, cause the loss of, or injure a sanctuary resource” are required to consult with NOAA's Office of National Marine Sanctuaries before action commences. Though Pultneyville Harbor is within the Lake Ontario National Marine Sanctuary, the proposed repairs are intended to protect the historical, recreational, and ecological resources within the Harbor. The USACE is coordinating with NOAA's Office of National Marine Sanctuaries to ensure that the proposed repairs are compatible with the purposes in which the Sanctuary was designated.

i. Other Coordination Requirements. In addition to the aforementioned federal statutes, the proposed project must also comply with other applicable or relevant and appropriate federal laws. Section 7 presents a list of potentially applicable environmental protection statutes, executive orders, etc. Therefore, an additional intent of this document is to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

7. Federal Environmental Protection Laws, Executive Orders, and Policies

PUBLIC LAWS

- a. American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
- b. American Indian Religious Freedom Act, P.L. 95-341, 42 U.S.C. 1996, *et seq.*
- c. Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
- d. Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
- e. Archaeological and Historic Preservation Act, P.L. 93-291; 16 U.S.C. 469, *et seq.* (Also known as the Reservoir Salvage Act of 1960, as amended; P.L. 93-291, as amended; the Moss-Bennett Act; and the Preservation of Historic and Archaeological Data Act of 1974.)
- f. Archaeological Resources Protection Act, P.L. 96-95 as amended, 16 U.S.C. 470aa, *et seq.*
- g. Bald Eagle Protection Act; 16 U.S.C. 668.
- h. Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
- i. Clean Water Act, P.L. 92-500; 33 U.S.C. 1251, *et seq.* (Also known as the Federal Water Pollution Control Act; and P.L. 92-500, as amended.)
- j. Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- k. Comprehensive Environmental Response, Compensation, and Liability Act, P.L. 96-510, 42 U.S.C. 9601, *et seq.*
- l. Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*

- m. Energy Independence and Security Act, P.L. 110-140, 42 U.S.C. 15821, *et seq.*
- n. Energy Policy Act, P.L. 109-58, 42 U.S.C. 13201, *et seq.*
- o. Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- p. Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, *et seq.*
- q. Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- r. Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
- s. Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- t. Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- u. Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- v. Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- w. Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
- x. National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
- y. National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- z. Native American Graves Protection and Repatriation Act, P.L. 101-601, 25 U.S.C. 3001, *et seq.*
- aa. Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*
- bb. Noise Control Act, P.L. 92-574, 42 U.S.C. 4901, *et seq.*
- cc. Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
- dd. River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (also known as the Refuse Act of 1899)
- ee. Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- ff. Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- gg. Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq.*

EXECUTIVE ORDERS

- a. Executive Order 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1979
- b. Executive Order 11988, *Floodplain Management*, May 24, 1977
- c. Executive Order 11990, *Protection of Wetlands*, May 24, 1977
- d. Executive Order 11514, *Protection and Enhancement of Environmental Quality*, March 5, 1970, as amended by Executive Order 11991, May 24, 1977
- e. Executive Order 12088, *Federal Compliance with Pollution Control Standards*, October 13, 1978
- f. Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982
- g. Executive Order 12580, *Superfund Implementation*, January 23, 1987
- h. Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*, August 3, 1993
- i. Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, April 21, 1997

- j. Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, January 10, 2001
- k. Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, January 24, 2007
- l. Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, October 5, 2009

OTHER FEDERAL POLICIES

- a. Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act
- b. Council on Environmental Quality Memorandum of August 10, 1980: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the National Inventory Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4)

8. Request for Comments

The purpose of the NEPA scoping process is to provide an opportunity for the public and government agencies to comment on and provide input to help identify issues related to the proposed project to be addressed in the Environmental Assessment. If, after this evaluation, it is concluded that the proposed project would have no significant environmental impacts and an environmental impact statement is not required, the District Commander will sign a Finding of No Significant Impact (FONSI).

Any interested parties and/or agencies desiring to express their views concerning this proposed harbor repair project may do so by submitting 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 proposed discharge of fill material may request a public hearing. 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 USACE – Buffalo District with their comments regarding the proposed breakwater repair at Pultneyville Harbor and send your comments in writing within 30 days to the following e-mail address:

PultneyvilleHarbor@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: Pultneyville Harbor Repairs