



US Army Corps
of Engineers
Regulatory Branch
478 Main St
Buffalo, NY 14202-3278

PUBLIC NOTICE

Published: April 4, 2025

Expires: May 5, 2025

Applicant: New York State Canal
Corporation (NYSCC)

**Buffalo District Permit
Application No. LRB-2004-01156**



14882

Village Of Albion
Or Current Resident
37 E Bank St
ALBION NY 14411-1209

TO WHOM IT MAY CONCERN: The Buffalo District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: New York State Canal Corporation (NYSCC)
30 South Pearl Street
Albany, New York 12207

WATERWAY AND LOCATION: The project is located within the navigable limits of the Erie, Oswego and Cayuga-Seneca Canals, including land cuts and portions of the Mohawk River, Oswego River, Oneida River, Seneca River, Seneca Lake and Cayuga Lake corridors, hereinafter referred to as the Barge Canal. The project is located from Waterford to Tonawanda, New York and from Oswego to Ithaca, New York, within Albany, Schenectady, Saratoga, Montgomery, Herkimer, Oneida, Onondaga, Oswego, Cayuga, Seneca, Wayne, Monroe, Orleans, Niagara and Erie Counties, New York. Note all waters are navigable waters regulated under Section 10 of the Rivers and Harbors Act.

EXISTING CONDITIONS: History: The NYSCC is currently permitted to dredge portions of the Canals under a Standard Individual Permit that will expire on September 3, 2025. There are no proposed changes to the previously authorized work under this new application.

PROJECT PURPOSE:

Basic: Navigation

Overall: To maintain the navigational capacity of the New York State Barge Canal.

PROPOSED WORK: The NYSCC proposes maintenance dredging of the navigational channel of the Barge Canal on an as-needed basis to address re-silting of the navigation channel over a ten year period. The locations and dredge amounts will be based on the results of bathymetric surveys performed by the Canal Corporation, and

are expected to be adjusted based upon conditions present at the time of dredging. The NYSCC also seeks authorization for the return water from the Upland Disposal sites (UDS). Dredging will be conducted through a combination of NYSCC personnel and dredging contractors over a ten (10) year period.

The navigation channel depths and widths of the Erie, Oswego, and Cayuga-Seneca Canals vary across the state. Chapter 147 of the Laws of New York of 1903 (also known as the Barge Canal Act) and codified in Canal Corporation Regulations (21 NYCRR 155.2) defines the physical dimensions of the Erie, Oswego, and Cayuga-Seneca Canals navigation channel requirements. Details on the varying navigation channel depths and widths are presented below, split out by locations.

The physical dimensions required for the navigation channel of the Erie Canal between Waterford, NY (MP 0.0) and Baldwinsville, NY (MP 160.5) are:

- A maximum 200-foot width in Mohawk River sections;
- A minimum 104-foot bottom width in land cut sections; and,
- 14-foot depth across entire width of the navigation channel in this section of the Erie Canal (Mohawk River and land cuts).

The physical dimensions required for the navigation channel of the Erie Canal between Baldwinsville, NY (MP 160.5) and Tonawanda, NY (MP 338.5) are:

- A maximum 200-foot width in Seneca River sections;
- A minimum 75-foot bottom width in land cut sections; and,
- 12-foot depth across entire width of the navigation channel in this section of the Erie Canal (Seneca River and land cuts).

The physical dimensions required for the navigation channel of the Oswego Canal between Baldwinsville, NY (MP 0.0) and Oswego, NY (MP 23.0) are:

- A maximum 200-foot width in Oswego River sections;
- A minimum 104-foot bottom width in land cut sections; and,
- 14-foot depth across entire width of the navigation channel in this section of the Oswego Canal (Oswego River and land cuts).

The physical dimensions required for the navigation channel of the Cayuga-Seneca Canal between Cayuga, NY (MP 0.0) and Montour Falls, NY (MP 36.5), and between Cayuga, NY (MP 0.0) and Ithaca, NY (MP 39.0) are:

- A maximum 200-foot width in Cayuga Lake, Seneca Lake and Seneca River sections;
- A minimum 75-foot bottom width in land cut sections; and,
- 12-foot depth across entire width of the navigation channel in this section of the Cayuga-Seneca Canal (Cayuga Lake, Seneca Lake, Seneca River and land cuts).

This project proposes to perform maintenance dredging of the established navigation channel (of varying widths and depths as described above) to its full depth of 12 or 14 feet plus an additional 2 feet of overdredging, for a total of 14 or 16 feet.

The Erie, Oswego, and Cayuga-Seneca Canals have been routinely maintained by New York State since passage of Chapter 147 of the Laws of New York of 1903 (also known as the Barge Canal Act). All locations have been previously disturbed during construction of the Barge Canal and during subsequent maintenance dredging activities over the last 100+ years. The proposed project will include maintenance dredging of locations where resilting of the navigation channel has occurred, on an as-needed basis over the next 10 years.

This dredging will be conducted via hydraulic dredges and/or mechanical dredging, for immediate placement in a UDS.

Maps & Drawings:

The maps of the UDS's, the navigational channels, proposed cross sections and the half-mile markers throughout the Erie, Oswego, and Cayuga-Seneca Canals can be found in Attachment A, on the NYSCC website at:

<https://edge.sitecorecloud.io/newyorkpowe2bd0-canalsf418-productionbf60-c829/media/Files/Resources/Operations-and-Public-Programs/Barge-Canal-Dredge-Permit-Maps.pdf>

Dredged Sediment Placement

The NYSCC proposes placing dredged sediments at previously approved UDSs that have been used at least once since 1998. Placement activities would be conducted by the NYSCC in a manner that conforms to the existing §401 Water Quality Certification (WQC) and is consistent with previous Department of the Army permits.

The NYSCC will not dispose of dredged material in any of the historical wet disposal sites or in inactive UDSs (those sites that have not been used since 1998) and does not contemplate siting a new UDS under this permit application. If it is determined there is a compelling need to open a Historic UDS or site a new UDS, the NYSCC shall request a permit modification with sufficient supporting documentation to satisfy the Department of the Army requirements. The current status of the UDS's for the Erie, Oswego, and Cayuga-Seneca Canals is summarized in Table 2 included with Attachment A on the website.

Spoil Disposal for Environmentally Impacted Sediments of the Erie Canal

At this time, the NYSCC does not contemplate dredging sediments from the environmentally-impacted Erie Canal Dredge Site 7-38.5-D, located at MP 321.0 – 321.5 in Lockport, NY. However, if the NYSCC determines that maintenance dredging will be needed, in order to fully comply with Special Condition 4.b listed in WQC Permit # 0-9999-00031 or any future WQC, the NYSCC will submit a sampling plan to NYSDEC for review and written approval. The sampling plan will outline sampling locations, frequency, and sampling/analytical testing requirements for collection of the

following sediment samples: PCBs, dioxins/furans, heavy metals, Total Organic Carbon (TOC) and grain size analysis. Upon approval from NYSDEC, the NYSCC will collect the sediment samples per the approved work plan and forward all results to NYSDEC and Department of the Army for review prior to dredging.

AVOIDANCE AND MINIMIZATION: In response to past concerns raised by federal and state agencies, the NYSCC has purchased equipment necessary to eliminate the need for open water disposal. Therefore, no wet dumping is proposed at this time. In addition, the NYSCC only proposes using UDS's that have been used since 1998, eliminating the concern for impacting historical UDS's.

COMPENSATORY MITIGATION:

The applicant has provided the following explanation why compensatory mitigation should not be required: The work does not entail a loss of waters of the US.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places), are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed 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 U.S. Fish and Wildlife Service (USFWS) to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), Bog buck moth (*Hemileuca maia menyanthevora*), Eastern Massasauga (*Sistrurus catenatus*), Leedy's roseroot (*Rhodiola integrifolia* ssp. *Leedyi*), Tricolored bat (*Perimyotis subflavus*), Salamander mussel (*Simpsonaias ambigua*) (and critical habitat) and Green floater (*Lasmigona subviridis*) 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.

NAVIGATION: The proposed activity is within the Oswego Harbor federal navigation channel. USACE does not intend to pursue Section 408 permission for this work, as it will be covered under the Section 10 permit review. USACE will continue maintaining the federal navigation channel at the authorized project depth.

SECTION 408: The applicant does not require Section 408 permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) since the activity will be covered under the Section 10 permit review. The proposed dredging within the Cayuga Inlet Flood Risk Management project in Ithaca, New York, will be considered maintenance of the channel, and the non-federal sponsor will be notified of the work.

WATER QUALITY CERTIFICATION: Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation is required for this project.

COASTAL ZONE CONSISTENCY: 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. The NYS Department of State (NYS DOS) determined that this proposal meets the Department's general consistency concurrence criteria in a letter dated November 14, 2024 in file no. F-2024-0718. 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

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program.

EVALUATION: The decision whether to issue a permit 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 cumulative impacts thereof; among these are conservation, economics,

esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Buffalo District will receive written comments on the proposed work, as outlined above, until May 5, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Margaret Crawford at Margaret.a.crawford@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Buffalo District, Attention: Margaret Crawford, 7413 County House Road, Auburn, NY 13021. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.