

Port of Rochester-Genesee River Harbor Management Plan

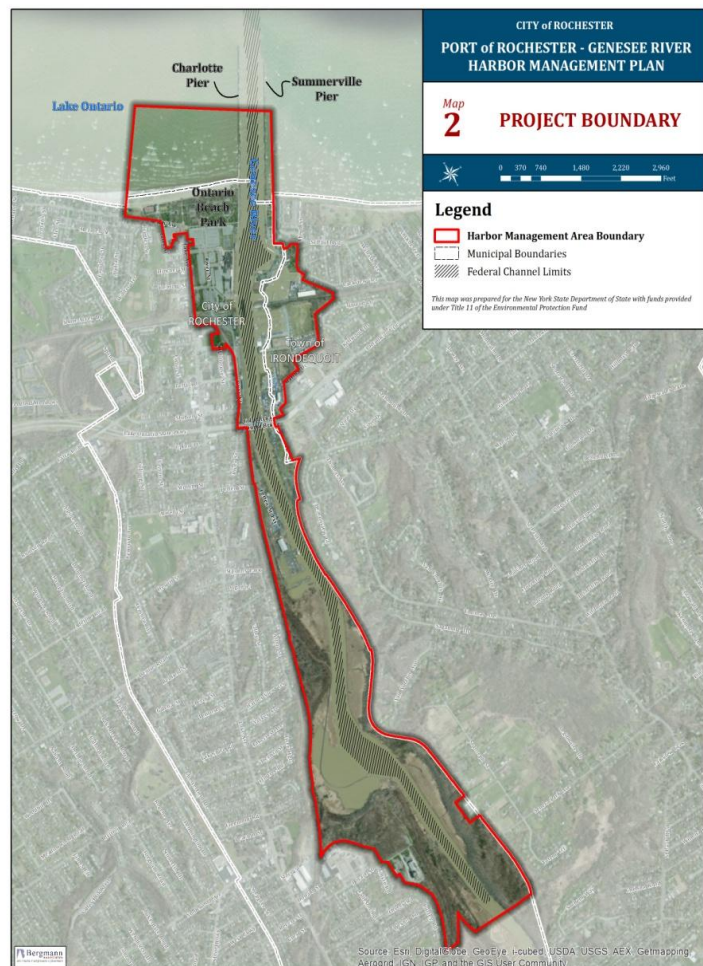
Key Findings (to date)

1.0 INTRODUCTION

The Port of Rochester-Genesee River Harbor Management Plan (HMP), upon adoption by Rochester City Council and the New York State Department of State, will become an integral component of the City of Rochester’s Local Waterfront Revitalization Program. The HMP is intended to facilitate management of the City’s harbor and near shore areas in conjunction with New York State’s Coastal Management Program. City staff and the project consultant are working to complete the Inventory and Analysis phase of the plan and have met with individual stakeholders in the harbor to discuss existing conditions, issues, concerns and opportunities related to operation and management of the harbor. Based on these discussions, map preparation, other research, and consultation with the HMP Project Advisory Committee, an inventory and analysis of existing conditions was prepared and a set of key findings derived from that analysis. These findings identify conditions, issues and opportunities that would drive the HMP.

2.0 HARBOR BOUNDARIES

The area that is the subject of the HMP is called the Harbor Management Area (HMA). The HMA boundary (shown to the right) includes the waterfront parcels and associated parcels having a direct connection to the River from Lake Ontario to the southern end of the federal navigation channel. The northern boundary of the HMP is 1,500 feet from the shoreline and was established in accordance with New York State Executive Law Article 42 §922 whereby authority is granted to cities with an HMP to regulate uses in, on or above surface waters to a maximum distance of 1,500ft from the shoreline.



3.0 HARBOR SERVICES AND AMENITIES

- There are approximately 1,000 slips within the HMA spread over three private marinas, one public marina, and two yacht clubs. Approximately 45% of the slips in the harbor are occupied by sailboats and 55% are occupied by motor boats. The City's proposed public marina at the Port of Rochester, currently undergoing construction, will bring the number of marinas to five in 2015, adding about 100 more slips.
- The harbor has one four-lane public boat launch and one NYS DEC fishing access site. The launch site has the capacity to accommodate 107 cars with trailers and provides access to the Genesee River. In 2011 there were 2,582 paid launches, in 2012 there were 3,603 and in 2013 there were 3,059, not including car top launches.
- The west pier, east pier (both navigational features of the federal channel), and Ontario Beach Park, located within the HMA, are popular destinations from which to view the Lake and River. Ontario Beach Park offers a natural sand beach where swimming in the Lake is allowed.
- There are four major parks within the HMA, including both passive and active recreational opportunities. Parkland is the predominant land use in the HMA and the parks offer waterfront amenities.
- The HMA contains diverse aesthetic and scenic resources, ranging from open panoramic views of Lake Ontario to rich and diverse vistas of the Genesee River and River Gorge.
- Bicycle and pedestrian trails traverse both sides of the River in the HMA and offer important connections between amenities within and outside of the HMA.
- The Roger Robach Community Center, located at 180 Beach Avenue, is a renovated iconic historic bathhouse in Ontario Beach Park and one of several historic resources in the HMA including the Charlotte-Genesee Lighthouse and Dentzel Carousel. Preservation of and access to historic amenities is a consideration for all HMP actions.
- The HMA, particularly the Port of Rochester, is lacking in diverse transportation services, which could include a water taxi service connecting landside destinations/venues on the east and west sides of the River; and, on-land connections between the Port and other local and regional destinations (e.g., downtown, Eastman House, Park Avenue, Finger Lakes). Currently, RGRTA bus service is the only public transportation service in and out of the harbor. There are also no hotels, motels or bed and breakfast establishments within the HMA.
- Some of the marinas offer boat-oriented convenience shopping, but there are no bait shops or weigh stations in the HMA.
- There are public restrooms at three locations on the west bank of the River. They are located at 1000 North River Street, Ontario Beach Park, and River Street Marina, a publicly owned privately operated marina.
- A public pump-out facility is available at River Street Marina and will be available at the new marina when opened.

4.0 MANAGEMENT AND OPERATIONS

- The operations of the harbor could benefit from a management entity, such as a Harbormaster, responsible for overseeing operations within the HMA and providing clear leadership for coordination of harbor activities.

- The coordination of notification of the arrivals and departures of commercial vessels such as the Stephen B Roman could be improved and formalized to provide more opportunity for preparation in the harbor.
- Storm surge is an issue related to operation of the harbor. Nor'easters can cause damage to docked boats, especially broadside dockage. Large storms can make the Genesee River non-navigable and mooring north of the public boat launch dangerous. In the mid-1990s, the Army Corps of Engineers constructed a wave-dampening stone revetment on the inner seawall area of the eastern and western breakwaters of the pier structured extending into Lake Ontario. This stone revetment installation consists of nine rubble-mound wave absorbers. Four are positioned along the east pier and four along the west pier. Although this installation has reduced wave energies in the harbor, it has not eliminated them. Additional solutions to the wave surge problem have been identified, but not studied. All solutions are costly. The Army Corps of Engineers would be the leader for the study and/or implementation of any solution.
- Based on information provided in the *Rochester Harbor – Genesee River to Head of Navigation* nautical chart there are two known navigation hazards in the vicinity of the HMA.
- Most of the lands within the HMA are classified as Critical Environmental Areas under the City Environmental Review Ordinance (Chapter 48).
- To promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions, the City of Rochester enacted a Flood Damage Prevention ordinance (Chapter 56 of the City Code). In addition, given that much of the lands mapped as floodplains in the HMA are typically associated with a park or water-based use (e.g., marinas), it is unlikely flooding would have a significant impact on harbor operations.
- Based on information provided by the New York Natural Heritage Program, there are no records of rare or state listed animals or plants, significant natural communities or other significant habitats in or in the vicinity of the HMA.
- Within the HMA, the NYSDEC has listed 79.2 acres of protected wetlands, all of which are categorized as Class II wetlands. Based on the National Wetland Inventory data, approximately 299 acres of national wetlands can be found in the HMA.
- Ownership of underwater lands needs to be clarified as part of ongoing harbor management.

5.0 HARBOR INFRASTRUCTURE

- The physical infrastructure that is essential to the operation of the harbor includes the federal navigation piers, the river walls, the stone revetments installed for wave attenuation, the public boat launch, the O'Rorke draw bridge, and the navigation channel.
- The funding, scheduling and coordination of routine maintenance of the physical infrastructure needs to be clarified in the HMP.

6.0 DREDGING AND COMMERCIAL USE

- Deep draft commercial harbors provide significant economic and environmental benefits to a locality, a region, the Great Lakes and the Nation. Great Lakes ports are part of an overall system that competes against other modes of transportation that are less economically viable and far less environmentally sustainable.

- Dredging of the Federal Navigation Channel is the responsibility of the United States Army Corps of Engineers (USACE). Rochester is classified by the USACE as a Commercial Harbor and is further classified as a Low Use Harbor (i.e., less than 1 million tons of commercial freight).
- The USACE prioritizes funding for dredging of commercial ports based on tonnage of commercial freight. The primary commercial use of the harbor is the Essroc cement ship, Stephen B. Roman, which has a capacity of 7,600 tons and a 22-foot draft when fully loaded. Essroc is a wholesale cement distribution facility located in the HMA.
- The loss of the Essroc facility would result in the loss of at least 17-20 jobs in the City of Rochester, the loss of approximately \$3-4 million in annual economic output in Monroe County, and the loss of approximately \$400 thousand in annual state and local tax revenue. Additionally, the resultant cement cost increase could be expected to exceed 15 percent which would impact the construction industry in the region.
- Cruise ships may be considered a commercial activity for the purposes of receiving dredging priority. According to the Great Lake Cruising Coalition, Rochester is an attractive Port/destination as it is the last exit and first entry point on the Great Lakes.
- Continuation of commercial activity depends heavily on the continued USACE maintenance dredging of the Federal Channel.
- When the navigation channel was being routinely dredged as part of an ongoing maintenance routine, the dredging need for the Rochester harbor is typically about 300,000yd³ every three years.
- The USACE has suggested that if the Genesee River is left undredged for a period of five years, it is unlikely that it would ever be economically viable to dredge the River to commercial depths again.
- The USACE Beneficial Use of Dredged Material program is an opportunity to, instead of simply disposing of dredged material, use it for ecosystem restoration (typically wetlands). New material in the Genesee River is clean enough to be considered for beneficial uses.
- Currently, all the dredging that is required outside the Navigation Channel is managed by individual marina and yacht club operators for access to their facilities under individual permits.
- A comprehensive harbor dredging plan could be developed involving all marina and yacht club operators, Essroc, the City and, possibly, the USACE. This plan would define a collaborative approach to dredging, potentially reducing mobilization costs and permit administration.
- Several agencies (i.e., DEC, DOS, ACOE, USFWS) are involved with the approval of dredging permits. Each of the agencies has its own requirements for issuing permits, as well as individual windows indicating when dredging activities should be conducted to avoid negative impacts to wildlife. The windows are different for inside and outside the Federal Channel, which results in narrow overlap, making activities more difficult to coordinate.

7.0 JURISDICTIONS AND AUTHORITIES

- Law enforcement/public safety agencies currently work very well together and communicate regularly through informal interactions, mutual aid agreements and the Monroe County Law Enforcement Council.
- Boats are required to be either state registered or, if over 5 tons, federally documented. Different regulations exist for documented vs. registered boats. Currently, the U.S. Coast Guard is in charge of documentation and there are multiple types of vessels that can be documented, including recreational vessels. Any documented vessel may be used for recreational purposes, regardless of its endorsement,

but a vessel documented with a recreational endorsement only may not be used for any other purpose. Some commercial fishing charters must be documented. Comparisons and advantages will be noted in the HMP.

- As it relates to the HMA, state and local law enforcement agencies enforce the NYS Navigation Law which regulates Reckless Operation, Safety Equipment Violations, Boating While Intoxicated, Operating a Personal Watercraft without Certification, Unregistered Vessel, etc.
- Federal authorities (i.e., US Customs, US Border Protection, US Air and Marine, and US Coast Guard) operate in the federal waters (i.e., Lake Ontario, Navigation Channel of the Genesee River) of the HMA.
- US Customs and Border Protection is a bureau of the US Department of Homeland Security and is responsible for monitoring international travelers and transportation of goods in the HMA. For small boats, there is a video phone at Shumway Marina for customs check-in by international travelers.
- The US Coast Guard is a federal regulatory agency that enforces maritime law and operates under the U.S. Department of Homeland Security during peacetime. They also administer Maritime Event Permits for events, such as races, in federal waters of the harbor and Lake Ontario.
- The US Coast Guard is also responsible for ensuring that navigational lighting on the piers conforms to legal and regulatory requirements. Currently, the lighting of the piers is in conformance with all requirements.
- Events that are proposed in non-federal waters (i.e., outside the Navigation Channel in the Genesee River) are governed by the NYS Office of Parks Recreation and Historic Preservation.
- During stakeholders meetings, public safety agencies identified needs for additional public safety facilities in the harbor.
- As the authority having jurisdiction for fire suppression, hazardous material mitigation and emergency rescue for the City of Rochester, the Rochester Fire Department is in need of a larger fire boat with water flow capability and an emergency medical treatment area to meet the needs for an expanding and developing Port.
- An Emergency Response Plan for the harbor will be prepared. The plan should additionally identify the need for a local facility from which emergency operations could be organized should an emergency arise.
- The primary public safety/enforcement issues reported by various stakeholders include the theft of electronic equipment from boats, lack of enforcement of the noise ordinance, and speeding motor boats in the upper reaches of the HMA causing problems for boaters in non-motorized boats.
- There is the perception among some stakeholders that there is too much patrolling activity at the harbor. The issue is not that any one agency is over-patrolling, but rather that the combined patrolling of all agencies can lead to boats being stopped on multiple occasions during a single outing.

8.0 SURFACE WATER USE

Fishing

- The NYSDEC has stocked at least four species of fish in the River within or in close proximity to the HMA, including chinook salmon, coho salmon, steelhead and lake sturgeon. As a result, the salmonid concentrations in the Genesee River are among the largest in all of Lake Ontario's tributaries.
- As indicated in the NYSDOS *Coastal Fish & Wildlife Habitat Rating Form for the Genesee River*, the Genesee River is a highly productive warm water fishery.

- The Monroe County Fisheries Advisory Board was created to advise the County legislature on issues related to fishing, and fishing habitats within the County. Public access for recreational and stream fishing is a primary concern and in this regard the Board is currently working to promote and protect access to the harbor's east pier and to retain the year-round 4-lane public boat launch within the HMA.
- There are approximately 20 to 30 fishing charters operating out of the harbor, the vast majority of which focus on salmon fishing. Some are docked in the harbor, others are trailered. It is likely that the some charters will want slips in the new marina in highly visible locations.
- There are two major Lake Ontario Counties (LOC) fishing derbies annually which impact activity on the river. Many participants trailer their boats which creates heavy use of the public boat launch, and creates some market for nearby overnight accommodations. Weigh stations, located in the area near the boat launch, would be a desirable fishing amenity to support the derbies.
- The Lake Ontario Sport Fishing Promotion Council was formed to keep derbies going in Lake Ontario. This is a nonprofit agency financially supported by nine counties in the region. This Council is focused on promoting fishing and hunting along Lake Ontario.
- Retaining fishing access is an important factor in managing the harbor.

Boating

- With more than 27,000 boat registrations in Monroe County in 2012, recreational boating is one of the most popular activities in the HMA.
- The harbor has one four-lane public boat lunch. The launch site has the capacity to accommodate 107 cars with trailers. In the HMA, there is a car-top launch at Turning Point Park and when the beach is out of season, non-motorized boats can be launched from Ontario Beach Park.
- The harbor is host to at least one major and several modest international regattas every year, bringing in people from all over the world. These events create a market for nearby overnight accommodations and restaurants and have a positive economic impact on the local community.
- There are local regattas daily throughout the season and there are numerous sailing training classes and youth races in the river. Sailing is a major activity on the river and the lake. Rights-of-way for sailors differ from those of motor boat operators and this can cause some confusion.
- Based on stakeholder interviews, boater conflicts in the River are not currently a problem in the lower reach of the HMA. Concerns were expressed by stakeholders that excessive speed of motor boats in the upper reaches of the HMA can cause problems for boaters in non-motorized boats in that area.

Swimming

- Ontario Beach Park provides the only location for seasonal supervised swimming within the HMA.

9.0 WATER QUALITY/LAKE LEVELS

- Water quality issues have been an ongoing problem at Ontario Beach resulting in limiting access for swimming and foul odors. During the summer of 2011, Monroe County, working with the USACE and its consultant, with support from the City of Rochester and NYSDEC, successfully completed a pilot project to “herd and pump” algae accumulating in the water near the west pier. A portable pump was used to clear the algae from the beach water and discharge it to the River. Monroe County has received grant funding for a purchase of necessary equipment to allow use of the pilot technology on an on-going basis. Listed as a “Major Objective” in the Monroe County 2014 budget is “Implementation of the Ontario Beach Park Algae Management Project.”

- NYS DEC's Genesee River Basin Waterbody Inventory/Priority Waterbodies Report was issued in March 2003. This report includes an overall evaluation of water quality in the Genesee River Basin, as well as assessments for specific waterbody segments in the basin. Based on information provided in the report, the Genesee River is classified as Impaired and has well-documented water quality problems.
- In 2011, Lake Ontario was designated as a "No Discharge Zone," a key component of a larger strategy for protecting all coastal waters of New York State. This designation means that it is illegal for boaters to discharge on-board sewage into the designated waterbody. This includes treated sewage, as well as untreated sewage. Boaters must instead dispose of their sewage at pump-out stations available at many marinas. The HMA includes a public pump-out facility at the River Street Marina.
- The International Joint Commission is developing a new approach for managing water levels and flows in the Lake Ontario-St. Lawrence River system. The proposed regulation plan, Plan 2014, will specify the operational rules for managing Lake Ontario outflows at the Moses-Saunders Dam to more closely follow natural patterns of water levels and flows than does the current 1958-D plan, while moderating extreme water levels and establishing an "adaptive management strategy." This plan is still undergoing review. The HMP will address the Plan and will identify potential impacts to harbor features, operations and infrastructure.

10.0 EDUCATION

- Recreational boaters are not required to get a license to drive a boat. Boaters could use more education on the rules of navigation.
- While the Coast Guard has existing brochures and offers training programs, not all boaters are aware of resources. There is the need to identify a comprehensive strategy and outreach program to ensure boaters are aware of, and receiving, appropriate levels of education.
- The Vessel Safety Check program is a free service offered by the Coast Guard Auxiliary. The program ensures that boats are safe, and the sticker program also reduces the number of stops in the harbor by public safety personnel doing safety inspections.
- A Port or harbor on-line portal (website or blog) is desirable so users can check in and get real-time updates on what is happening in the harbor, including weather warnings, harbor events, available mooring, etc. This website could be overseen and updated by the entity charged with managing the harbor.