US Army Corps of Engineers®
Buffalo District

# SCOPING INFORMATION

**TOWPATH PARK, MAUMEE, OHIO**

**GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION (GLFER) -**

**Section 506 of the Water Resources Development Act (WRDA) of 2000**

**February 2023**

**Buffalo District, U.S. Army Corps of Engineers**
**478 Main Street**
**Buffalo, New York 14202**

## List of Figures

# 1 Introduction

The National Environmental Policy Act (NEPA) directs federal agencies to 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 Buffalo District - U.S. Army Corps of Engineers (USACE) has prepared this scoping information packet to elicit public and agency concerns, clearly define the environmental issues and alternatives that should be examined, and identify federal, state, and local requirements that may need to be addressed. The information in this scoping document has been prepared as part of the formal scoping process pursuant to NEPA and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500 et seq.). This scoping document covers proposed project alternatives for ecosystem restoration along the Maumee River, in Maumee, Ohio.

The study area consists of three sites situated adjacent to the Maumee River in the City of Maumee, Lucas County, Ohio. The Klewer Tow Path Park site abuts Route 20 (Conant Street), which crosses the Maumee River and connects the City of Maumee with the City of Perrysburg, Ohio. The Sidecut Site is adjacent and upstream of the Towpath Site, on the west side of Route 20. The Fort Miamis Site is approximately 2.2 miles downstream of the Towpath Site, and 0.5 miles east of the Fort Miamis Historic Park. Together these sites comprise 6,375 feet along the Maumee River and 52.5 acres.

The sites are shown on Figure 1 are referred to throughout this scoping as follows:

- Sidecut Site
- Klewer Towpath Park Site
- Fort Miamis Site

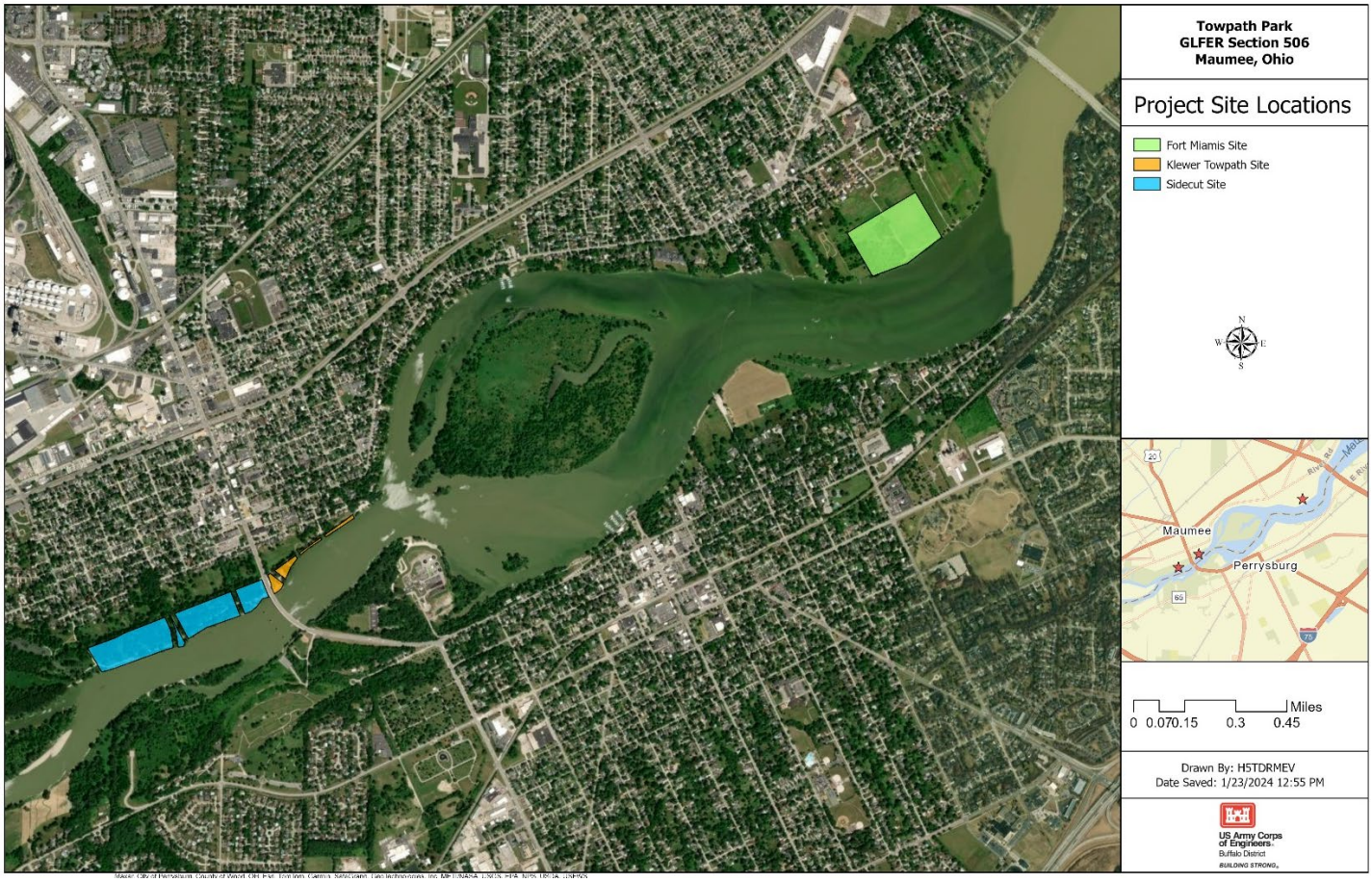


**Figure 1. Study area sites including Sidecut Site (blue), the Klewer Towpath Site (orange), Sidecut Site, and Fort Miamis Site (green).**

# 2 Purpose and Need for the Project

## 2.1 Problem and Need for Action

The proposed federal action is needed to help address the degradation and decline of the aquatic ecosystem of the Maumee River that has occurred over many years due habitat modification, wetland drainage, and nutrient enrichment. Aquatic and riverine habitats of the Maumee River are important to the life histories of many organisms, including insects, migratory birds, and colonial water birds. These habitats also provide spawning, feeding, and refuge habitat for fish species such as walleye. This study's non-federal sponsor (Great Lakes Fisheries Commission), the USACE, and state resource agencies, are interested in creating additional ecological benefits in this area by restoring aquatic habitat. Restoration of ecosystem structures, functions, and processes will benefit nationally and regionally significant resources in the study area.

The following problems have been identified:

- **Degradation of the Lake Erie and Maumee River Aquatic Ecosystem –** Tributaries to the Great Lakes have experienced a decline in the quality and quantity of aquatic and floodplain habitat due to residential, agricultural, commercial, and industrial development. Nutrient enrichment, invasive species, increases in runoff from land-use change continue to degrade available habitats in the aquatic organisms that depend on them. The Maumee River and its floodplain have experience substantial modification since the 1800s resulting in the loss of in-channel and floodplain habitat.

- **Wetland Loss –** According to the United States Environmental Protection Agency (USEPA), less than 10 percent of northwest Ohio's original historic wetlands remain today. In the Maumee River, wetland loss is characterized by the draining, filling, and modification of floodplain wetlands, cutoff channels, and oxbows.

- **Biodiversity Loss –** Seventeen species of fish have been extirpated from the Maumee River watershed. Some species, such as northern pike, muskellunge, and pirate perch, no longer spawn in the river as they did historically. Submerged aquatic vegetation in the Maumee River have also decreased from historic extents. These losses are associated with habitat loss, declines in water quality, and degradation resulting from in-channel, shoreline, and floodplain modifications.

- **Limited Habitat Suitability –** Despite degradation of the aquatic habitats in the area, the Maumee River remains an important spawning area for Lake Erie river-run walleye, a potamodromous fish that migrates to rocky-gravelly shoals in Lake Erie or its tributaries for spawning. Recent evaluations indicate that habitat suitability is considered "unsuitable" to "moderate" based different suitability indices when applied to the area of the Maumee River in the vicinity of the project, that is also known to support the majority

of river run spawning. Evaluation of the number of spawning individuals suggests that the availability of habitat for spawning or for recently hatched fry is limiting recruitment.

The riverbank and near-bank areas of the Maumee River at the project site were characterized as low-quality during site surveys due to low structural diversity (no boulders or large wood present), low shoreline sinuosity, limited connected oxbows or backwaters, absence of undercut banks, and absence of aquatic vegetation or overhanging vegetation.

- **High Turbidity and Productivity –** Stormwater runoff from nearby residential and commercial urbanization, surrounding streets, properties, and bridge is discharged to the Maumee River through parts of the study area. In addition, the reach of the Maumee River in the vicinity of the study areas experiences high turbidity and seasonal algal blooms (cyanobacteria) associated with nutrient-rich runoff from residential, municipal, and agricultural land-uses in the watershed.

## 2.2 Proposed Project

The proposed federal action would help to address the degradation and decline of the aquatic ecosystem of the Maumee River ecosystem that has occurred due habitat modification, wetland drainage, and nutrient enrichment in past years. Aquatic and riverine habitats of the Maumee River are important to the life histories of many organisms, including insects, migratory birds, and colonial water birds. These habitats also provide spawning, feeding, and refuge habitat for fish species such as walleye. The non-federal sponsor, the USACE, and state resource agencies, are interested in creating additional ecological benefits in this area by restoring aquatic habitat. Restoration of ecosystem structures, functions, and processes will benefit nationally and regionally significant resources in the study area. Additionally, the potential project alternatives will supplement the work being undertaken by other organizations to restore habitat in the USEPA-designated Maumee River and Area of Concern.

## 2.3 Study Authority

Section 506 of the Water Resources Development Act (WRDA) of 2000 (Public Law 106-541), as amended, authorizes the Secretary of the Army to develop a plan for USACE activities that support the management of the Great Lakes fisheries in cooperation with the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries and other affected interests. This includes activities to plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes., It also includes development of a program to evaluate the success of the projects carried out under the Great Lakes Fisheries and Ecosystem Restoration (GLFER) authority in meeting fishery and ecosystem restoration goals in consultation with the Great Lakes Fishery Commission (GLFC) and appropriate federal, state, and local agencies.

The GLFER program is implemented in partnership with the Great Lakes Fishery Commission, which coordinates the review of project proposals by state, tribal and federal agency representatives. Individual projects require a non-federal partner(s) to provide 35 percent of project costs (including all lands, easements, rights-of-way, relocations and disposal) and to operate and maintain the completed projects. State, tribal, and local agencies, as well as non-profit and private interests are eligible to sponsor GLFER projects.

# 3 Description of Proposed Project Alternatives

## 3.1 Alternatives Considered

It is USACE planning policy to consider all practicable and relevant alternative measures, including the no action alternative.

### 3.1.1 Alternative 1 – No Action

The USACE is required to consider the option of "No Action" as one of the alternatives to comply with the requirements of NEPA. The No Action alternative assumes that no project would be implemented by the federal government to achieve the planning objectives. Under this alternative, it is assumed that site conditions would remain unchanged; thus in-channel and floodplain habitat would remain limited.

### 3.1.2 Alternative 2 – Shoreline Habitat Restoration (Sidecut Site)

This alternative would consist of a combination of measures to improve shoreline habitat along 1,050 linear feet of the Maumee River at the Sidecut Site (Figure 2 and Figure 3). It would also include a partially connected floodplain vernal pool. The measures included in this alternative are as follows:

- Gravel bar restoration – 1,050 linear feet of gravel bar will be created by placing gravel and cobble sized stone approximately 50 to 100 feet from the existing shoreline to create a stone sill. The gravel bar will mimic the profile and substrate of existing gravel bars present at the side-cut site that are vegetated by water willow (*Justicia americana*). The purpose of these gravel bars is to diversify flow conditions near the shoreline and provide spawning and refuge habitat for walleye and other fish species. This low stone sill will be designed to be overtopped during high flow events, but will dissipate some of the current, wave, and wind impacts to the shore, creating a quiescent zone for sediment accretion, emergent vegetation establishment, and fish habitat. The gravel bar will be vegetated with water willow and embedded with locked logs and rootwads to provide cover for fish and other aquatic organisms.

- Bank layback and recontouring – Approximately 750 feet of riverbank will be excavated to a more gradual slope (layback) to increase the width of riparian fringe communities and improve floodplain connectivity. The bank laybacks will improve the biodiversity of

plant communities by supporting a broader array of species including emergent and riparian fringe species. The improved connectivity of the layback bank will provide refuge and forage for adult and juvenile fish species, waterbirds, and other aquatic organisms.

- Locked logs and log cribs – Approximately 20 locked logs and log cribs will be installed along the bank after layback. The locked logs will extend from the riverbank into the river, perpendicular to flow. The purpose of the locked logs is to diversify nearshore conditions, increase sedimentation along the shoreline, and support a diversity of plant communities. A perpendicular log will be installed between locked logs in some areas to create a log crib. These partially protected areas will be targeted for emergent and submerged vegetation establishment, because of the additional protection provided by the logs. The log structures and aquatic vegetation communities they protect will provide refuge and forage for adult and juvenile fish species, waterbirds, and other aquatic organisms.

- Vernal Pool – A small 0.2-acre vernal pool will be excavated on the downstream end of the site in low-lying areas of the current floodplain next to the river. The vernal pool will be intermittently connected to the river during high flow events. The vernal pool will be planted with a native riparian species (trees, shrubs, forbs) to provide increased shading. The vernal pool will be designed to have a seasonal hydroperiod with standing water through parts of the spring and fall. It will provide habitat for reptiles and amphibians and increased the diversity of floodplain habitat at the site.

- Native vegetation – Planting will be completed across all restored areas to establish native riparian and aquatic vegetation communities. This will include the installation of live stakes, including dogwoods (*Cornus* spp.) and willows (*Salix* spp.), as well as emergent wetland plugs and native Ohio riparian and wetland seed mixes. Live stakes would help stabilize the streambank as well as improve the quality of the riparian zone and provide increased habitat. A diverse planting of submerged aquatic vegetation, grasses, sedges, rushes, and emergent forbs would provide increased biodiversity, improved wetland functions and services, and possibly attenuate sediment, retain and process nutrients, and provide juvenile fish habitat in support of the local fishery. Plantings will be paired with invasive species removal and control during the establishment period to support the establishment of native plant communities.

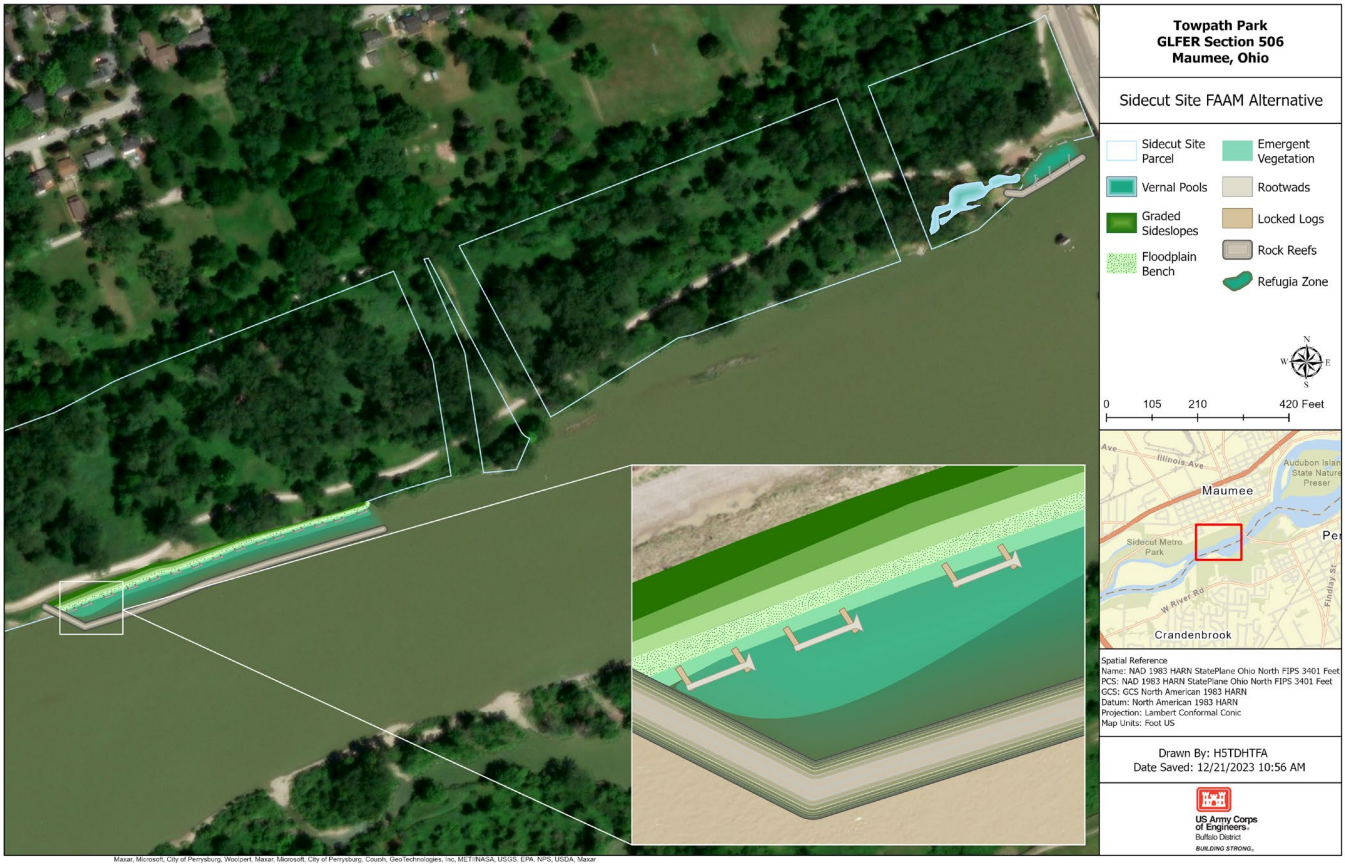


**Figure 2. Alternative 2 – Shoreline Habitat Restoration at Sidecut Site**

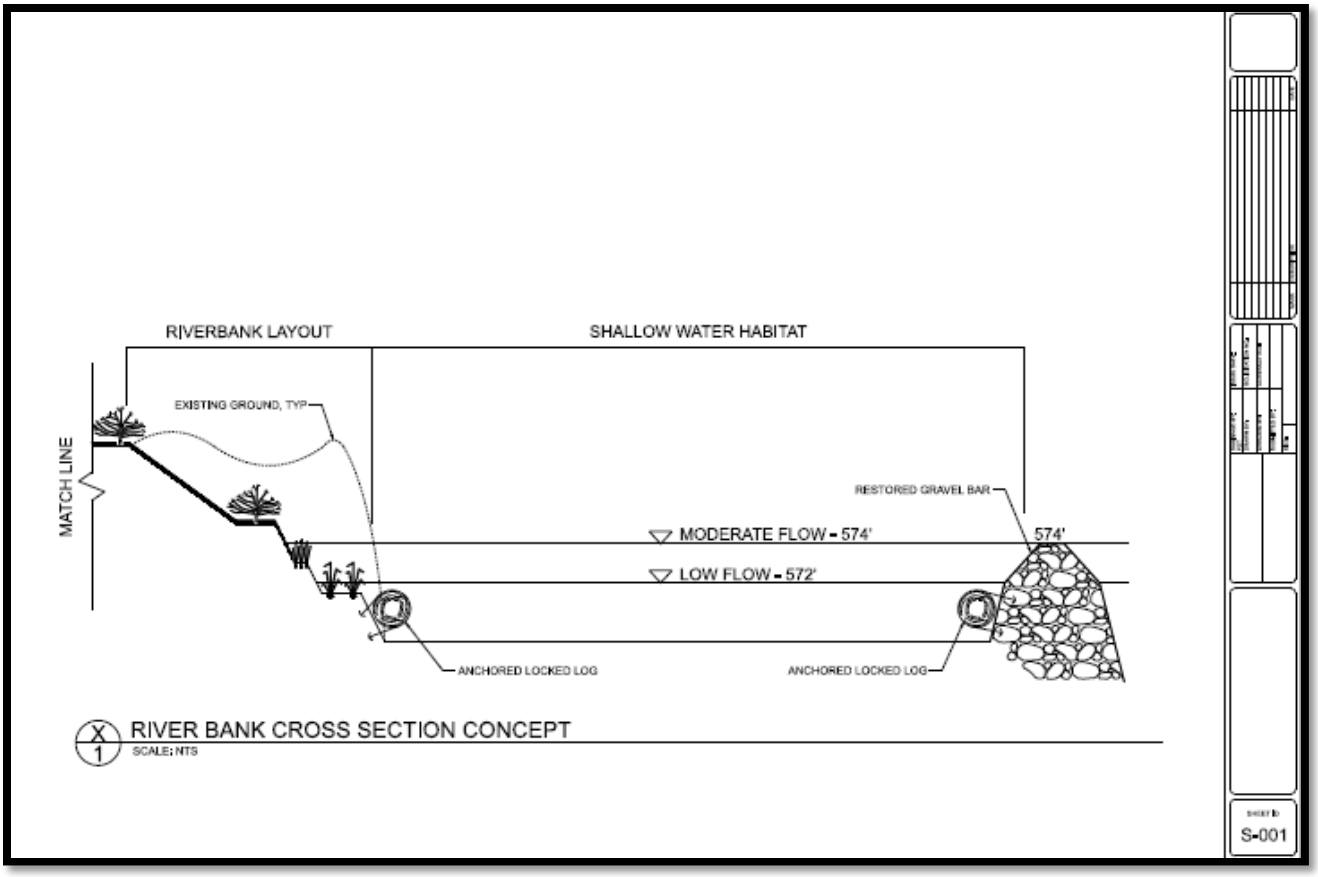


**Figure 3. Alternative 2 – Conceptual cross section showing proposed shoreline restoration measures.**

### 3.1.3 Alternative 3 – Shoreline Habitat Restoration (Klewer Site)

This alternative would consist of a combination of measures to improve shoreline habitat along 1,550 linear feet of the Maumee River at the Klewer Towpath Site (Figure 4). It would also include excavation of floodplain vernal pools. The measures included in this alternative are as follows:

- Gravel bar restoration – 1,550 linear feet of gravel bar will be created by placing gravel and cobble sized stone approximately 50 to 100 feet from the existing shoreline to create a stone sill. The gravel bar will mimic the profile and substrate of existing gravel bars present at the side-cut site that are vegetated by water willow. The purpose of these gravel bars is to diversify flow conditions near the shoreline and provide spawning and refuge habitat for walleye and other fish species. This low stone sill will be designed to be overtopped during high flow events, but will dissipate some of the current, wave, and wind impacts to the shore, creating a quiescent zone for sediment accretion, emergent vegetation establishment, and fish habitat. The gravel bar will be vegetated with water willow and embedded with locked logs and rootwads to provide cover for fish and other aquatic organisms.

- Bank layback and recontouring – Approximately 1,000 linear feet of riverbank will be excavated to a more gradual slope (layback) to increase the width of riparian fringe communities and improve floodplain connectivity. The bank laybacks will improve the biodiversity of plant communities by supporting a broader array of species including emergent and riparian fringe species. The improved connectivity of the layback bank will provide refuge and forage for adult and juvenile fish species, waterbirds, and other aquatic organisms.

- Locked logs and log cribs – Approximately 23 locked logs and log cribs will be installed along the bank after layback. The locked logs will extend from the riverbank into the river, perpendicular to flow. The purpose of the locked logs is to diversify nearshore conditions, increase sedimentation along the shoreline, and support a diversity of plant communities. A perpendicular log will be installed between locked logs in some areas to create a log crib. These partially protected areas will be targeted for emergent and submerged vegetation establishment, because of the additional protection provided by the logs. The log structures and aquatic vegetation communities they protect will provide refuge and forage for adult and juvenile fish species, waterbirds, and other aquatic organisms.

- Vernal Pool – A small 0.2-acre vernal pool will be excavated on the downstream end of the site in low-lying areas of the current floodplain next to the river. The vernal pool will be intermittently connected to the river during high flow events. The vernal pool will be planted with a native riparian species (trees, shrubs, forbs) to provide increased shading. The vernal pool will be designed to have a seasonal hydroperiod with standing water through parts of the spring and fall. It will provide habitat for reptiles and amphibians and increased the diversity of floodplain habitat at the site.

- Native vegetation – Planting will be completed across all restored areas to establish native riparian and aquatic vegetation communities. This will include the installation of live stakes, including dogwoods and willows, as well as emergent wetland plugs and native Ohio riparian and wetland seed mixes. Live stakes would help stabilize the streambank as well as improve the quality of the riparian zone and provide increased habitat. A diverse planting of submerged aquatic vegetation, grasses, sedges, rushes, and emergent forbs would provide increased biodiversity, improved wetland functions and services, and possibly attenuate sediment, retain and process nutrients, and provide juvenile fish habitat in support of the local fishery. Plantings will be paired with invasive species removal and control during the establishment period to support the establishment of native plant communities.


**Figure 4. Alternative 3 – Shoreline Habitat Restoration at Klewer Towpath Site**

### 3.1.4 Alternative 4 – Shoreline and Oxbow Wetland (Fort Miami Site)

This alternative would consist of a combination of measures to create a 4.2 acre hydrologically connected oxbow wetland and improve shoreline habitat along 875 linear feet of the Maumee River at the Fort Miamis Site (Figure 5 and Figure 6). The measures included in this alternative are as follows:

- Oxbow Wetland – A small 4.2 acre off-channel wetland will be excavated on the site. It will be seasonally connected to the Maumee River during high water events throughout the growing season by an entrance and exit swale. The wetland will be designed to mimic the form and function of oxbow wetlands that naturally occur on unmodified rivers systems. The oxbow wetland will be excavated to have a variety of elevations corresponding to different target wetland plant community zones. These zones will include emergent marsh, sedge/grass wet meadow, scrub-shrub wetland, and forested wetland. This oxbow will substantially improve the biodiversity of the project site and provide habitat for fish, anurans, migratory birds, waterbirds, invertebrates, mammals, and other aquatic organisms. This oxbow has potential to improve the availability of refuge and rearing habitat for juvenile walleye and spawning habitat for marsh spawning species such as the northern pike.

Excavated soils will be sidecast on site, to create variable topography, and planted to establish native tallgrass prairie, meadows, and floodplain forest.

- Gravel bar restoration – 730 linear feet of gravel bar will be created by placing gravel and cobble sized stone approximately 50 to 100 feet from the existing shoreline to create a stone sill. The gravel bar will mimic the profile and substrate of existing gravel bars present at the side-cut site that are vegetated by water willow. The purpose of these gravel bars is to diversify flow conditions near the shoreline and provide spawning and refuge habitat for walleye and other fish species. This low stone sill will be designed to be overtopped during high flow events, but will dissipate some of the current, wave, and wind impacts to the shore, creating a quiescent zone for sediment accretion, emergent vegetation establishment, and fish habitat. The gravel bar will be vegetated with water willow and embedded with locked logs and rootwads to provide cover for fish and other aquatic organisms.

- Bank layback and recontouring – Approximately 875 linear feet of riverbank will be excavated to a more gradual slope (layback) to increase the width of riparian fringe communities, improve floodplain connectivity, and create 2.6 acres of in-channel aquatic habitat. The bank laybacks will improve the biodiversity of plant communities by supporting a broader array of species including emergent and riparian fringe species. The improved connectivity of the layback bank will provide refuge and forage for adult and juvenile fish species, waterbirds, and other aquatic organisms.

- Locked logs and log cribs –Approximately 23 locked logs and log cribs will be installed along the bank after layback. The locked logs will extend from the riverbank into the river, perpendicular to flow. The purpose of the locked logs is to diversify nearshore conditions, increase sedimentation along the shoreline, and support a diversity of plant communities. A perpendicular log will be installed between locked logs in some areas to create a log crib. These partially protected areas will be targeted for emergent and submerged vegetation establishment, because of the additional protection provided by the logs. The log structures and aquatic vegetation communities they protect will provide refuge and forage for adult and juvenile fish species, waterbirds, and other aquatic organisms.

- Native vegetation – Planting will be completed across all restored areas to establish native riparian and aquatic vegetation communities. This will include the installation of live stakes, including dogwoods and willows, as well as emergent wetland plugs and native Ohio riparian and wetland seed mixes. Live stakes would help stabilize the streambank as well as improve the quality of the riparian zone and provide increased habitat. A diverse planting of submerged aquatic vegetation, grasses, sedges, rushes, and emergent forbs would provide increased biodiversity, improved wetland functions and services, and possibly attenuate sediment, retain and process nutrients, and provide juvenile fish habitat in support of the local fishery. Plantings will be paired with invasive species removal and control during the establishment period to support the establishment of native plant communities.

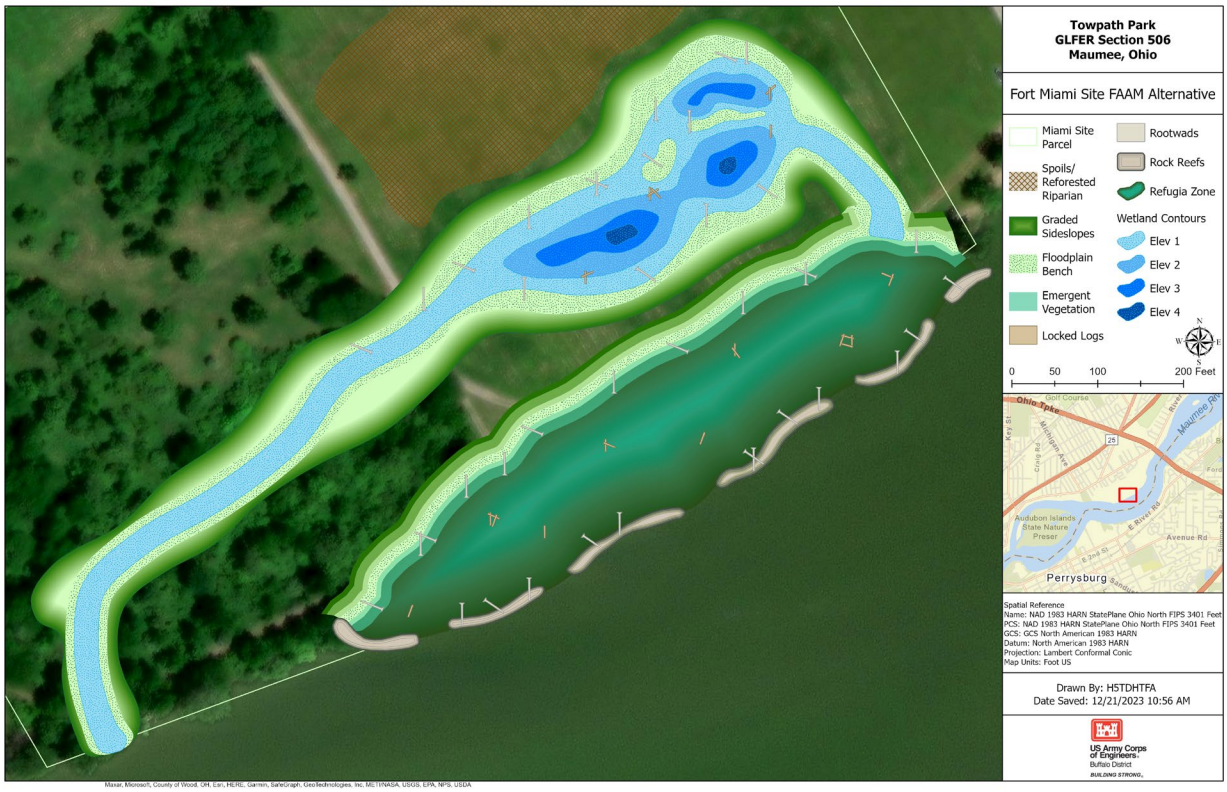


**Figure 5. Alternative 4 - Shoreline Habitat and Oxbow Wetland Restoration at Fort Miamis Site.**

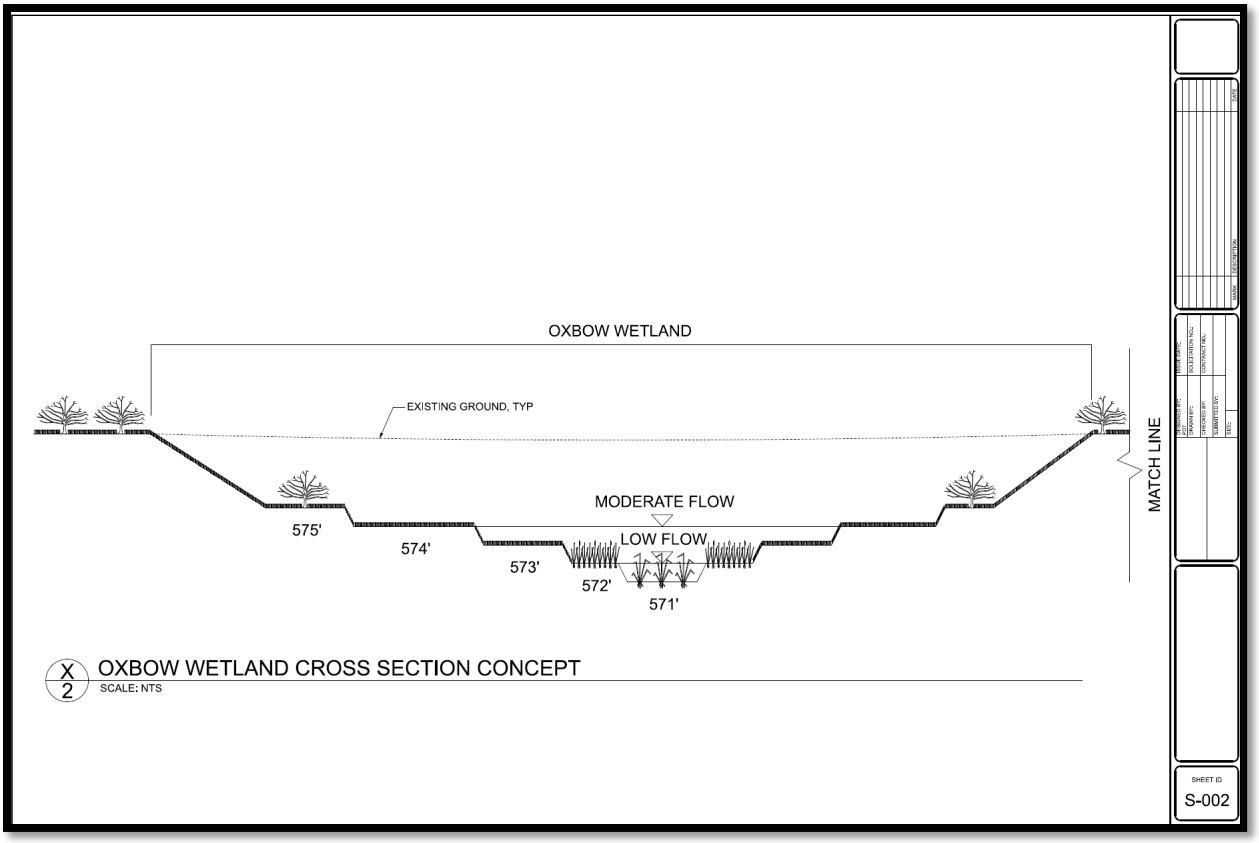


**Figure 6. Alternative 4 – Oxbow wetland conceptual cross-section.**

### 3.1.5 Alternative 5 – Shoreline Habitat and Oxbow Wetland Restoration At Fort Miamis and Sidecut Site

This alternative would combine Alternative 2 and Alternative 4 and consist of a combination oxbow wetland and shoreline restoration measures at the Fort Miamis and Sidecut (Figure 2, Figure 3, Figure 4, and Figure 5). The measures included in these alternatives have been discussed in the preceding sections.

### 3.1.6 Alternative 6 – Shoreline and Oxbow Wetland (Ft Miami and Klewer Site)

This alternative would combine Alternative 3 and Alternative 4 and consist of a combination oxbow wetland and shoreline restoration measures at the Fort Miamis and Klewer Towpath Site (Figure 4, Figure 5 and Figure 6). The measures included in these alternatives have been discussed in the preceding sections.

### 3.1.7 Alternative 7 – Shoreline and Oxbow Wetland (Ft Miami and Side Cut Site)

This alternative would combine Alternative 3, Alternative 4, and Alternative 5 and consist of a combination oxbow wetland and shoreline restoration measures at the Fort Miamis, Sidecut, and Klewer Towpath Site (Figure 4, Figure 5, and Figure 6). The measures included in these alternatives have been discussed in the preceding sections.

# 4 Public Participation and Interagency Coordination

Throughout the scoping process, stakeholders and interested parties are invited to provide comment on this study. Potential social, economic, and environmental benefits and adverse impacts that may result from each alternative that is selected for detailed analysis will be addressed in future documentation. Interested parties are welcome to contact USACE to discuss their views and recommendations regarding this study. Comments will be accepted by mail/email until the close of this scoping period on March 21, 2024.

# 5 Impact Assessment

The project and environmental assessment (EA) will be consistent with sound engineering practices and will be drafted concurrently with actions to achieve compliance with other applicable federal environmental compliance requirements and consistent with any applicable state and local plans. Future conditions with the no action alternative and any potential impacts associated with the preferred alternative will be assessed in relation to several parameters, including but not necessarily limited to the following social, economic, and environmental categories:

- Fish and Wildlife Resources
- Water Quality
- Dredged Material Management
- Geology and Soils
- Contaminated Materials
- Air Quality
- Noise
- Recreation
- Historic Properties
- Property Values and Tax Revenues
- Employment
- Community Cohesion and Growth
- Transportation
- Public Facilities and Services
- Aesthetics
- Environmental Justice

# 6 Compliance with Environmental Protection Statutes

Numerous environmental laws and executive orders influence and guide water resources planning, development, and management within the USACE civil works program. The list below presents a comprehensive list of environmental protection statutes, executive orders, etc. that are normally considered. Therefore, an additional goal of this scoping process is to consult with appropriate agencies and other interested parties pertaining to resources protected by these mandates. The dissemination of this scoping information initiates applicable coordination and consultation requirements required under their provisions.

Some important federal environmental protection statutes that will be assessed with respect to this proposed project include:

- *National Environmental Policy Act (NEPA)*. In accordance with 33 Code of Federal Regulations (CFR) 203 (Procedures for Implementing NEPA), the USACE will assess the potential environmental effects of the project alternatives on the quality of the human environment. Using a systematic and interdisciplinary approach, an assessment will be made of the potential environmental impacts for each plan as determined by comparing the with- 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.

- *Clean Water Act.* If the recommended plan involves the placement of dredged or fill material into the waters of the United States, the USACE will evaluate the discharge in accordance with the Clean Water Act Section 404(b)(1) Guidelines. Water quality and related information used in this evaluation will provide documentation to demonstrate that the recommended plan is in compliance with this Act. A Section 404(a) Public Notice would be circulated and an opportunity to request a public hearing will be afforded to all potentially affected parties. Section 401 Water Quality Certification for the discharge would also be requested from the Ohio Environmental Protection Agency.

- *Coastal Zone Management Act*. The Act requires that federal activities be consistent with the enforceable policies of the Ohio Coastal Management Program. A federal consistency determination would be submitted to the Ohio Department of Natural Resources (ODNR) for their concurrence.

- *Endangered Species Act*. In accordance with Section 7 of this Act, the 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 the USACE would 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/], accessed January 9, 2024) have been reviewed to generate the following list of federally threatened and endangered species that are/or may be present at the project location:

  - Indiana bat (*Myotis sodalist*)
  - northern long-eared bat (*Myotis septentrionalis*)
  - tricolored Bat (*Perimyotis subflavus*)
  - rufa red knot (*Calidris canutus rufa*)
  - whooping crane (*Grus americana*)
  - karner blue butterfly (*Lycaeides melissa samuelis)*
  - monarch butterfly (*Danaus plexippus*)
  - eastern prairie fringed orchid (*Platanthera leucophaea*)

- *Fish and Wildlife Coordination Act*. The USACE is coordinating this study with the USFWS. The USACE will collaborate with the USFWS to identify any potential fish and wildlife concerns, identify relevant information on the study area, obtain their views concerning the significance of fish and wildlife resources and anticipated project impacts, and identify those resources which need to be evaluated in the study. Full consideration will be given to their comments and recommendations resulting from this coordination.

- *National Historic Preservation Act*. Under Section 106 of this Act, this scoping information also initiates consultation with the National Park Service, State Historic Preservation Office (SHPO), potentially interested Indian nations, local historic preservation organizations and others likely to have knowledge of, or concern with, historic properties that may be present within the study's areas of potential effect (APE). The APE for each alternative is limited to the alternative's footprint within each project area as described in Section 3. The need for cultural resources surveys, testing, evaluation, effects determination, mitigation planning, and coordination will be evaluated as a follow-up to this initial consultation. A Section 106 Review Form will be submitted to SHPO to officially initiate their review of this project proposal.

# 7 OTHER FEDERAL ENVIRONMENTAL PROTECTION LAWS, ORDERS, AND POLICIES

1. PUBLIC LAWS

a. American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
b. Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
c. Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
d. 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.)
e. Bald Eagle Protection Act; 16 U.S.C. 668.
f. Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
g. 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.)
h. Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
i. Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
j. Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
k. Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
l. Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
m. Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
n. Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
o. Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
p. Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
q. Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
r. National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
s. National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
t. Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*
u. Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
v. River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (also known as the Refuse Act of 1899)
w. Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*

x. Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
y. Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq*.

2. EXECUTIVE ORDERS

a. Executive Order 11593, Protection and Enhancement of the Cultural Environment. May 13, 1979 (36 FR 8921; May 15, 1971)
b. Executive Order 11988, Floodplain Management. May 24, 1977 (42 FR 26951; May 25, 1977)
c. Executive Order 11990, Protection of Wetlands. May 24, 1977 (42 FR 26961; May 25, 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 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, August 3, 1993
h. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994
i. Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds

3. 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
c. Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4)

# 8 Point of Contact

Interested parties are encouraged to contact the USACE with their comments and recommendations about the proposed project. Questions or requests for additional information may be directed to:

Buffalo District Environmental Analysis Team
E-mail: GLFERTowPathPark@usace.army.mil

Please review the study information and present any comments in writing within thirty (30) days to the attention of the Buffalo District Environmental Analysis Team to the email address listed above or at the following address:

U.S. Army Corps of Engineers
Attn: Environmental Analysis Team
Buffalo District
478 Main Street
Buffalo, NY 14202-3288

Thank you for your review of this project.