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Buffalo District
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Operations and Maintenance

Establishment of a New Dredged Sediment Nearshore Placement Area for Fairport Harbor, Ohio

Scoping Information



August 2024

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

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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 document is to disseminate information regarding the U.S. Army Corps of Engineers (USACE) Buffalo District’s proposed establishment of a new nearshore placement area for coarse sediment dredged from the federal navigation channels at Fairport Harbor, Ohio, 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 the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500 et seq.).

The USACE, on a biannual basis, needs to dredge and place sediment excavated from the authorized federal navigation channels of Fairport Harbor, in order to maintain authorized channel depths. Previous sediment grain size analysis from 2021 indicates that sediment residing within the Lake Approach Channel and the northern tip of the Outer Harbor consists primarily of fine to medium sands with some gravel, making it suitable for nearshore placement. There is an existing authorized nearshore placement area already present just east of the harbor. However, this nearshore placement area is no longer usable, and a new placement area is needed. Therefore, the USACE is investigating other nearshore locations within the vicinity of Fairport Harbor for the placement of coarse-grain sediment dredged from the federal navigation channels.

2. Background

Fairport Harbor, Lake County, Ohio, is located on the south shore of Lake Erie at the mouth of the Grand River. The harbor is approximately 33 miles northeast of Cleveland, Ohio and 30 miles southwest of Ashtabula, Ohio (Figure 1). The harbor consists of an outer harbor (a breakwater-protected area of approximately 360 acres on the lake) and an inner harbor (the lower 1.5 miles of the Grand River). The 360-acre outer harbor is formed by a system of converging west and east breakwaters. The west breakwater is about 3,878 feet long and extends northeast from the shore. The east breakwater is approximately 6,750 feet long and extends southeast from the lake entrance for about 1,300 feet. The breakwater then extends in an easterly direction for 5,450 feet. The east end of the breakwater is about 2,800 feet offshore.



Figure 1: Fairport Harbor, Ohio.

Fairport Harbor is a deep-draft commercial harbor located in Lake County, Ohio. Construction of the harbor was authorized by the Rivers and Harbors Act of 1899, 30 Stat. 1121. The harbor contains an entrance channel and outer harbor channels in Lake Erie, as well as an upper and lower river channel, and turning basin in the Grand River (Figure 2). Authorized depths are 25 feet in the entrance and outer harbor, 24 feet in the lower river, 21 feet in the upper river, and 18 feet in the turning basin. The harbor contains 2.2 miles of breakwater structures, a 360-acre outer harbor, and 1.5 miles of federal channel on the Grand River. The USACE Buffalo District maintains the federal navigation channels at the harbor in support of commercial and recreational navigation.

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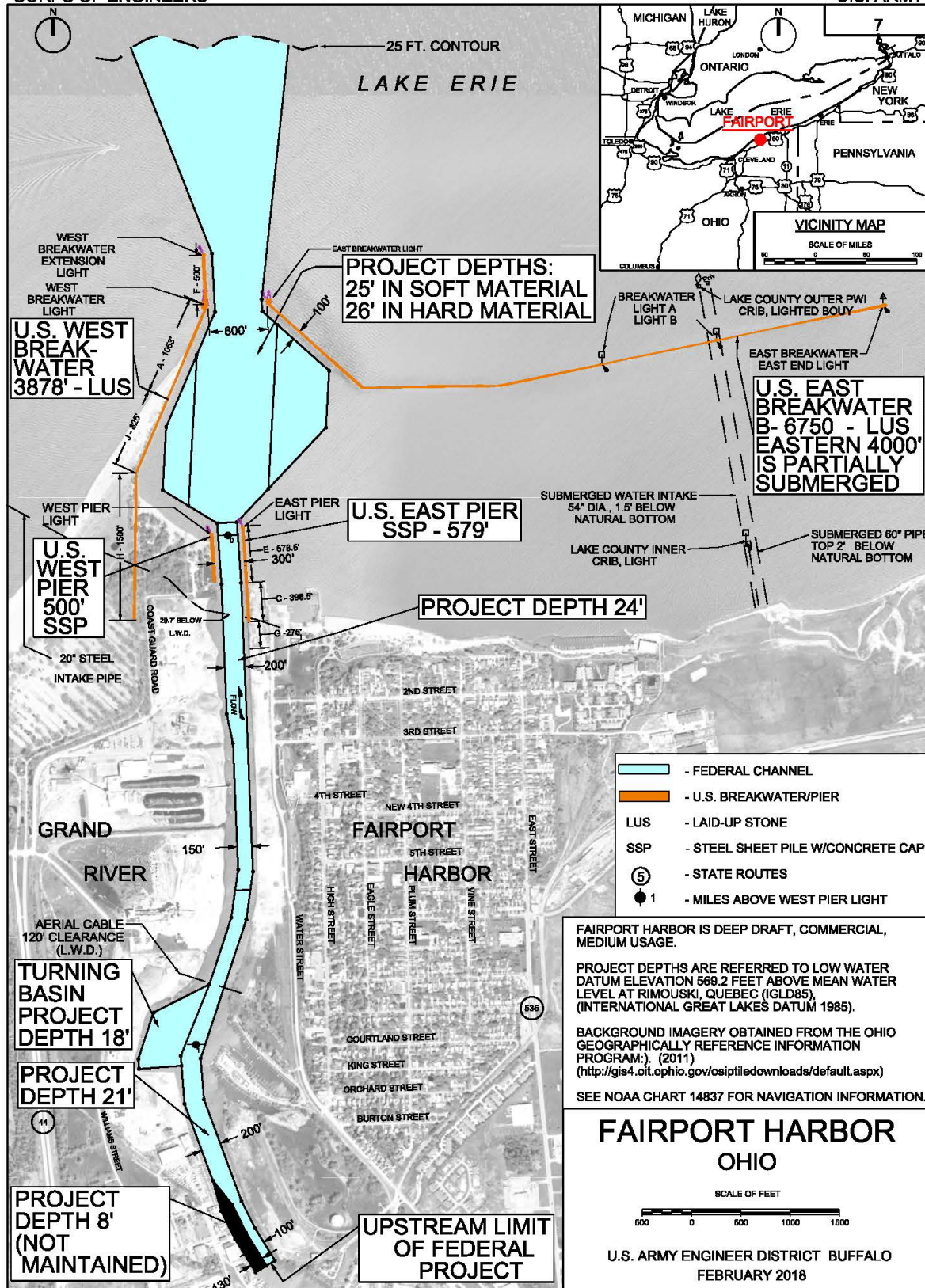


Figure 2: Fairport Harbor Federal navigation channel and existing federal structures.

Fairport Harbor generally requires maintenance dredging every two years in order to maintain suitable depths for commercial navigation. As sediments are deposited and accumulate as shoals, they can obstruct commercial vessels in the channels, thus requiring regular maintenance dredging. Approximately 180,000 cubic yards (CY) of sediment are dredged in an average cycle. The next maintenance dredging of the federal navigation channels is scheduled for 2025.

Maintenance dredging of the Fairport Harbor federal navigation channels requires a location to place the dredged sediment. Historically, finer-grained sediment dredged from most of the harbor's channels was placed at the existing open-water placement area in Lake Erie, located about 3.5 miles north from the East Breakwater Light. Finer-grained sediment is now placed in a newly constructed upland placement facility. Coarse-grained sediment dredged from the entrance channel is typically placed for littoral nourishment at the existing authorized nearshore placement area located east of the harbor (Figure 3). However, due to a newly constructed pier within this area, nearshore placement is now undesirable. This scoping document initiates the process to establish a new nearshore placement area for coarse-grained sediment dredged from the Fairport Harbor federal navigation channels.

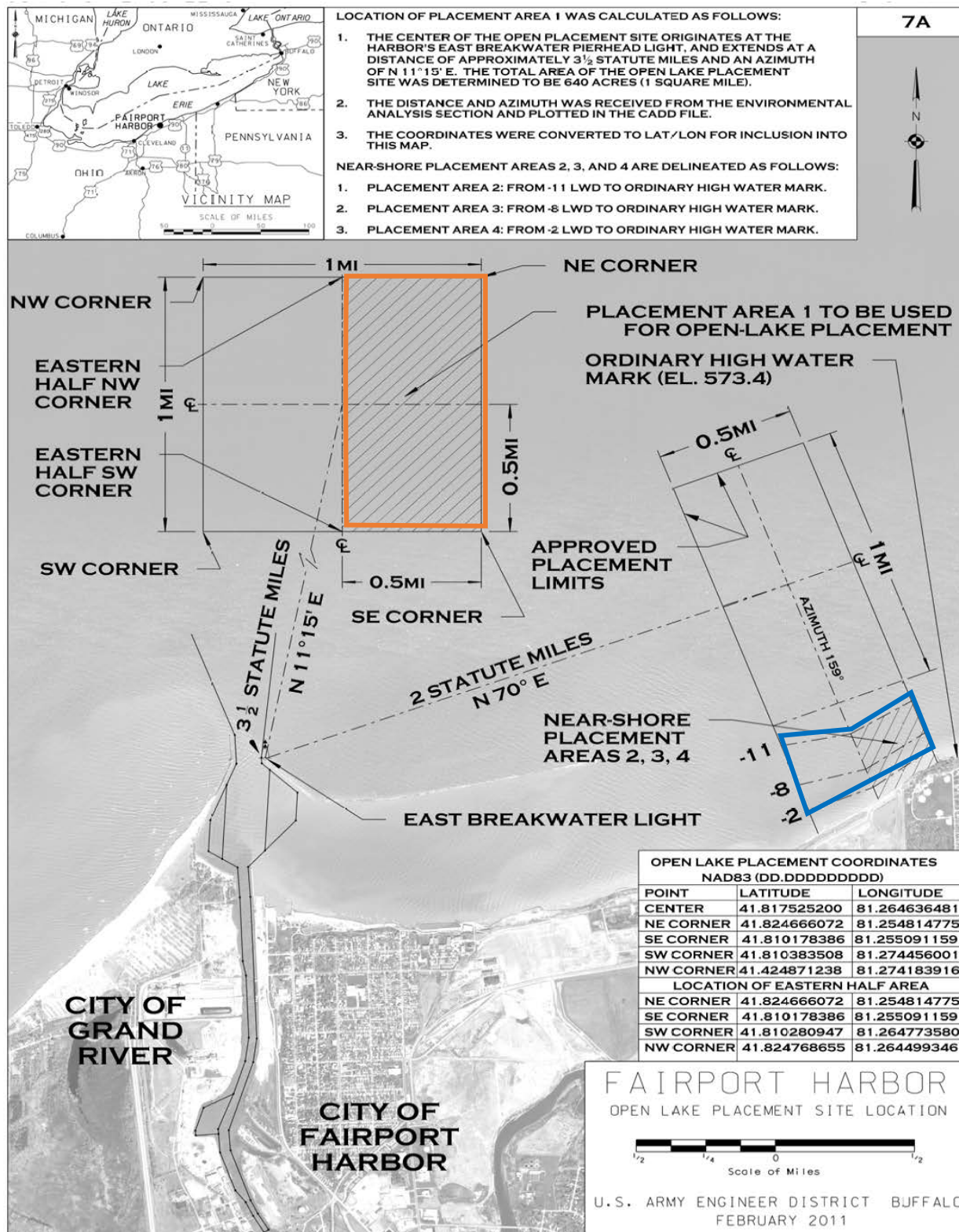


Figure 3: Fairport Harbor historic dredged sediment placement locations.

3. Need for Action

Several hundred million cubic yards of sediment must be dredged from United States ports, harbors, and waterways each year to maintain and improve the nation's navigation system for commercial, national defense, and recreational purposes. Traditional dredged sediment placement methods discharge sediment into confined disposal facilities or the open waters of oceans, rivers, or lakes. While this method is acceptable for fine-grain sediment located within a harbor's interior, an alternate placement method should be employed for coarse-grain sediment that migrates into the maintained federal navigation channels via longshore sediment transport or littoral drift as this sediment is critical to coastal function and resiliency. Nearshore placement would return suitable dredged sediment that has accumulated within the federal navigation channels to the littoral system, and thereby allowing the sediment to continue to migrate in the nearshore.

The USACE has long had general policies offering broad support for the use of dredged sediment for beneficial purposes and has incorporated beneficial use projects into its Civil Works dredging programs. The nearshore placement of suitable coarse-grain sediment dredged from the Fairport Harbor channels has multiple environmental, logistical, and social benefits. These include the enhancement of nearshore profiles and/or beaches, an increase in the efficiency of dredging operations which reduces overall navigation maintenance costs, and a temporary decrease of nearshore wave heights which may reduce damage from erosive waves and storms.

The existing nearshore placement area in Fairport Harbor is no longer usable due to the construction of a pier on the eastern side of the placement area. Continued use of the existing authorized nearshore placement area would result in placed dredged sediment becoming trapped alongside this pier as a result of littoral transport. Due to this, the USACE is proposing to establish a new nearshore placement area so that the pier is not impacted each time sediment is placed in the nearshore. The authorization of a new nearshore placement area and the nearshore placement of suitable coarse-grain sediment would allow the USACE to manage the dredged sediment in the most economic and environmentally acceptable way.

4. Proposed Action

The USACE anticipates the need to dredge and place sediment excavated from the authorized federal navigation channels of Fairport Harbor, in order to maintain authorized channel depths. The next scheduled dredging will occur in 2025 and intermittently thereafter. A contractor of the federal government will accomplish the project. Sediment will be removed from the channel bottom by a mechanical or hydraulic dredge and placed into hoppers aboard ship or scow for transport to the upland placement facility and/or nearshore placement area. The method of excavation will be determined by the contractor performing the maintenance dredging. In previous years, clamshell dredges have been used to complete the required work.

Based on past sampling and analysis efforts conducted at the harbor, sediment residing within the Lake Approach Channel and the northern tip of the Outer Harbor consists primarily of fine to medium-grained sands with some gravel, making it suitable for nearshore placement. In addition, the sediment tested has not contained any contaminants of concern at any levels of significance and will meet CWA Section 404(b)(1) Guidelines (40 CFR 230.11[d]) for open-water placement. At each of the proposed new nearshore placement areas that are under investigation, sediment will be sampled and analyzed in the summer of 2024. The following two areas have been identified as options for a potential new nearshore placement area for coarse-grained sediment dredged from Fairport Harbor (Figure 4).

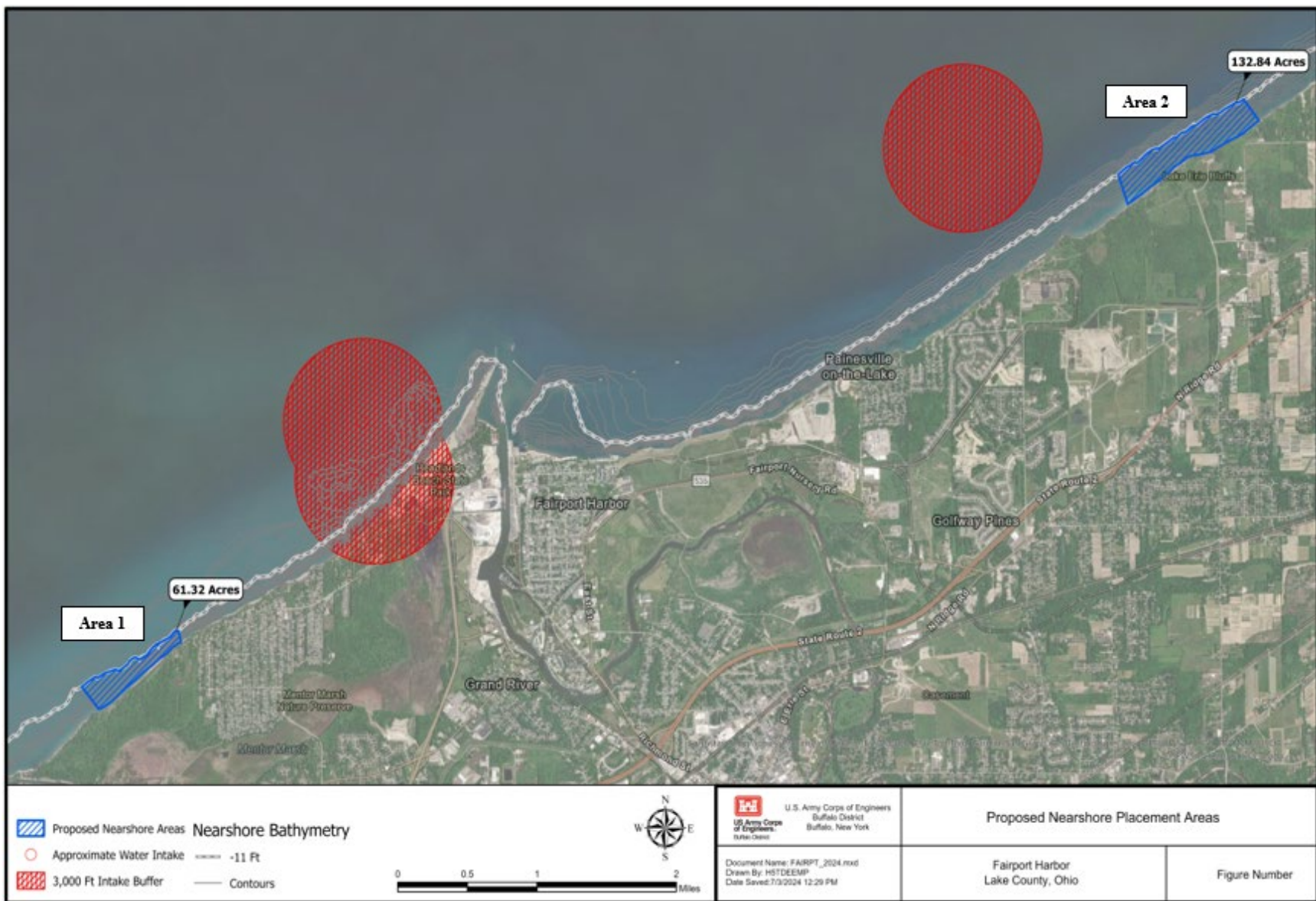


Figure 4: Fairport Harbor proposed nearshore areas.

Area 1: West of the Harbor

This site under consideration for the nearshore placement of dredged sediment resides approximately 15,000 feet (2.8 miles) west of Fairport Harbor's west breakwater (Figure 5). The southern-most boundary of the area is located at the ordinary high-water mark (OHWM) and does not include any beach or upland areas. U.S. Army Corps policy regarding shallow water depths for the purposes of nearshore placement specify placement anywhere between the -11-foot low water datum (LWD¹) contour and the ordinary high-water mark as long as there are no increased costs to the federal government over the cost of placement at the open-lake placement area. If placement in the nearshore zone at depths of less than -11 feet LWD cost significantly more than open-lake placement, a partner would need to pay the increased cost of nearshore placement. Therefore, the northern-most boundary of a recommended nearshore placement area would reside along the -11-foot LWD contour as depicted in Figure 5.

The 61.32-acre area was chosen for this investigation as this site would not impact any fish spawning areas or structures in the vicinity of the harbor. The site is more than 3,000 feet away from any known water intake. In addition, through coordination with state agencies, this site was deemed the preferred location of the new nearshore placement area.

¹ Low Water Datum (LWD) for Lake Erie is 569.2 feet above mean sea level at Rimouski, Quebec, Canada.

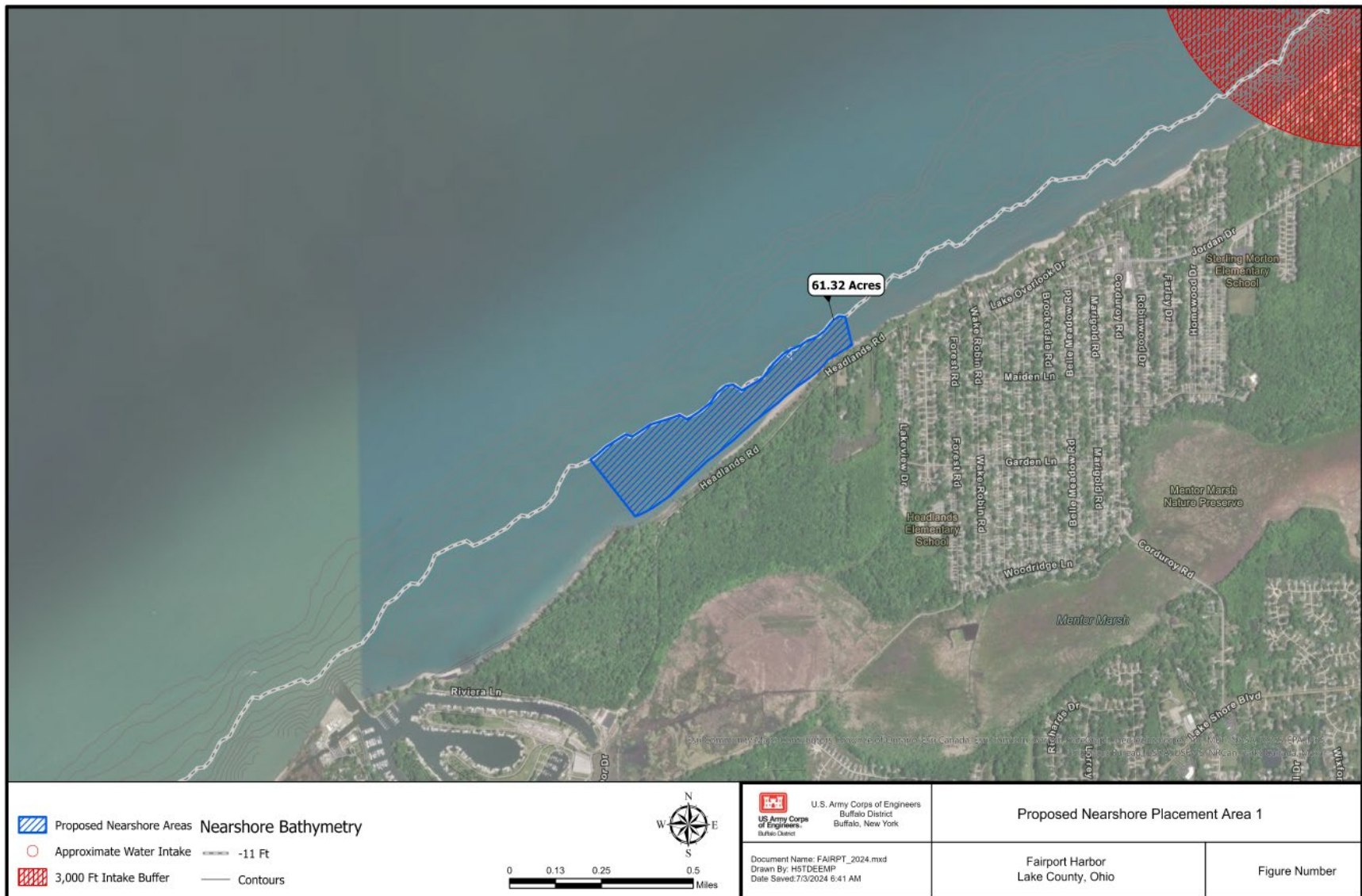


Figure 5: Proposed nearshore area west of Fairport Harbor.

Area 2: East of the Harbor

The second nearshore area under investigation resides approximately 25,000 feet (4.7 miles) east of Fairport Harbor's east breakwater (Figure 6). Just like Area 1, coarse sediment would be placed between the -11-foot LWD contour and the OHWM. This nearshore placement area would be at minimum 3,000 feet to the east of the Bacon Road water intake facility. By moving the existing nearshore site further to the east, there would be less impact to the water intake pipe for the Bacon Road Water Treatment Facility and the newly constructed pier within the existing nearshore area. The coarse material placed at Area 2 would be expected to follow the littoral drift pattern of west to east, and not transport back into Fairport Harbor. In addition, the 132.84-acre placement area does not reside within any known fish spawning areas.

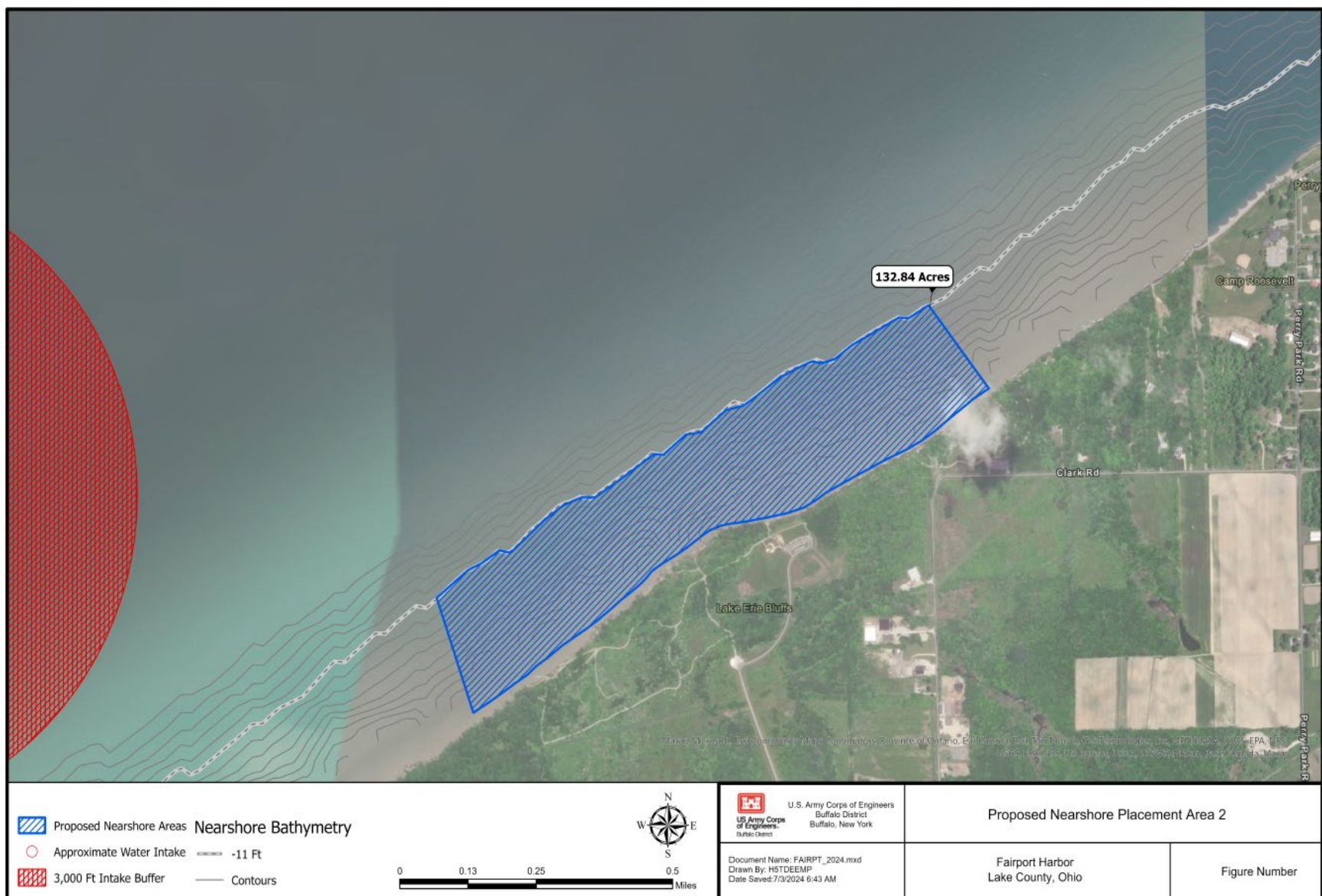


Figure 6: Proposed nearshore area east of Fairport Harbor.

The environmental effects of the Fairport Harbor operation and maintenance dredging operation and the existing nearshore placement area have been previously evaluated and are documented in the *Final Environmental Impact Statement, Operation and Maintenance, Fairport Harbor, Lake County, OH (1974)* and *Supplemental Information Report and 404(b)(1) Evaluation, Operation and Maintenance, Fairport Harbor, Lake County, OH (1983)*. These documents, and supplemental documentation, have been submitted to USEPA and copies are available for examination at the Buffalo District office. The environmental effects of the authorization of a dredged sediment nearshore placement area will additionally be evaluated in accordance with the Council on Environmental Quality's "Regulations for Implementing the Procedural Provisions of the NEPA of 1969" (40 CFR 1500-1508) and Engineer Regulation 200-2-2 (Procedures for Implementing NEPA).

5. Environmental Impacts

Anticipated future conditions and potential effects of the proposed action, including the no action alternative, will be assessed for several social, economic, and environmental categories. These include but are not limited to:

- Biological Resources
- Recreation
- Cultural Resources
- Socioeconomics
- Transportation
- Geology & Sediment
- Water Resources
- Contaminated Materials
- Air Quality
- Noise
- Aesthetics
- Health and Safety
- Environmental Justice

6. Public Participation and Interagency Coordination

Throughout the scoping process, stakeholders and interested parties are invited to provide comments on the proposed action that will be evaluated as part of the establishment of a new nearshore placement area for Fairport Harbor. 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.

7. Compliance with Environmental Protection Statutes

The proposed establishment of a new nearshore placement area will be evaluated for compliance with all other applicable environmental protection statutes, executive orders, etc. including:

Abandoned Shipwreck Act of 1987 (43 USC 2101 et seq.); Archaeological and Historical Preservation Act of 1979 (16 USC 470 et seq.); National Historic Preservation Act of 1966 (54 USC 300101 et seq.); Executive Order 11593 (Protection and Enhancement of the Cultural Environment), May 13, 1971. The distribution of this scoping information initiates USACE consultation with the National Park Service, the Ohio State Historic Preservation Office (SHPO), interested Tribal nations, historic preservation organizations and others likely to have knowledge of, or concern with, historic properties that may be present within the area of potential effect. There are no listed historic properties or properties determined as being eligible for listing in the National Register of Historic Places that would be affected by this project. Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the USACE has determined that the establishment of a new nearshore placement area will have no effect on historic properties. Coordination with the SHPO will be initiated with this scoping document and continued with a submission into the Ohio History Connection system with a request for concurrence on this determination.

Clean Air Act, as amended (42 USC 7401 et seq.). The establishment of a new nearshore placement area would not involve any emissions.

Clean Water Act, as amended (Federal Water Pollution Control Act Amendments of 1972) (33 USC 1251 et seq.). The use of a new nearshore placement area involves the discharge of dredged sediment into waters of the U.S. Therefore, this 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.

A Section 404(a) Public Notice will be issued and any party that may be significantly impacted by the project will be afforded the opportunity to request a public hearing. Under Section 401 of the Act, the USACE, Buffalo District will request certification from the Ohio Environmental Protection Agency (OEPA) that the proposed discharge is in compliance with established water quality standards.

Coastal Zone Management Act of 1972, as amended (16 USC 1451 et seq.). The Act requires that federal actions reasonably likely to affect any land or water use or natural resource of the coastal zone, regardless of location, be consistent with approved state coastal management programs. A federal consistency determination will be submitted by USACE to the Ohio Department of Natural Resources (ODNR) - Office of Coastal Management for their concurrence for the new nearshore placement area that will be recommended to be implemented within the designated state coastal zone.

Endangered Species Act of 1973, as amended (16 USC 1531 et seq.); Fish and Wildlife Coordination Act (FWCA) (16 USC 661 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 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 (IPaC) 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 sodalis*)
- Northern long-eared bat (*Myotis septentrionalis*)
- Piping plover (*Charadrius melodus*)
- Rufa red knot (*Calidris canutus rufa*)
- Monarch butterfly (*Danaus plexippus*)

National Environmental Policy Act (NEPA). In accordance with the Council on Environmental Quality's "National Environmental Policy Act Implementing Regulations" (40 CFR 1500-1508) and Engineer Regulation 200-2-2 (Procedures for Implementing NEPA), 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 document constitutes an initial request for public and agency input into this NEPA review process.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994. A review of the Climate and Economic Justice Screening Tool (CEJST) indicated that the proposed placement areas, along with Fairport Harbor, are not located within a disadvantaged community census tract. Therefore, the nearshore placement area would not result in any disproportionately high or adverse human health or environmental effects on any minority or low-income populations.

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 9 presents a comprehensive list of environmental protection statutes, executive orders, etc. Therefore, an additional intent of this scoping document is to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

8. Request for Comments

The purpose of the scoping process is to provide an opportunity for the public and governmental agencies to provide input to help identify issues and alternatives, or provide information related to the proposed alternatives that may be considered in the development of the environmental

assessment. If, after this evaluation, it is concluded that the proposed action would have no significant environmental impacts and an environmental impact statement is not required, the USACE will sign a Finding of No Significant Impact.

Interested parties are encouraged to contact the USACE with their comments and recommendations regarding the establishment of a new nearshore placement area for Fairport Harbor. Please review the project information and send your comments or recommendations in writing within 30 days to the following e-mail address:

FairportNearshoreArea@usace.army.mil

or via mail to:

U.S. Army Corps of Engineers, Buffalo District
ATTN: Environmental Analysis Team – Fairport Nearshore Area
478 Main Street – 5th Floor
Buffalo, NY 14202

9. Federal Environmental Protection Laws, Executive 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 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 Barrier Resources Act of 1982, 16 U.S.C. § 3501 *et seq.*; 12 U.S.C. § 1441 *et seq.*
- (i) Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- (j) Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
- (k) Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- (l) Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- (m) Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
- (n) Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- (o) Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- (p) Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- (q) Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- (r) Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*

- (s) National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
- (t) National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- (u) Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*
- (v) Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
- (w) River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (Also known as the Refuse Act of 1899.)
- (x) Submerged Lands Act of 1953, P.L. 82-3167; 43 U.S.C. 1301, *et seq.*
- (y) Surface Mining and Reclamation Act of 1977, P.L. 95-89; 30 U.S.C. 1201, *et seq.*
- (z) Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- (aa) Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- (bb) 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.

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