

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
AND
ENVIRONMENTAL ASSESSMENT**

**U.S. ARMY CORPS OF ENGINEERS
OPERATIONS AND MAINTENANCE**

**BARCELONA ADVANCE MAINTENANCE DREDGING
BARCELONA HARBOR
TOWN OF WESTFIELD
CHAUTAUQUA COUNTY, NEW YORK**

EAXX-202-00-H5P-1729759778



**DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Buffalo District
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February 3, 2025

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DRAFT FINDING OF NO SIGNIFICANT IMPACT

BARCELONA HARBOR ADVANCE MAINTENANCE DREDGING BARCELONA HARBOR CHAUTAUQUA COUNTY, NEW YORK

The U.S. Army Corps of Engineers (USACE), Buffalo District has assessed the environmental impacts of the subject project in accordance with the National Environmental Policy Act (NEPA) of 1969 and has determined a Finding of No Significant Impact (FONSI). The attached Environmental Assessment (EA) dated February 2025, addresses the planned USACE advance maintenance dredging project in Barcelona Harbor.

PURPOSE

An EA was completed in support of this FONSI. Its purpose is to provide sufficient information on the potential environmental effects of the proposed USACE advance maintenance dredging project in Barcelona Harbor. Analysis of the potential effects of this action aids in determining whether the proposed project is a major federal action which would significantly affect the quality of the human environment. The attached EA facilitates compliance with NEPA and includes discussion of the need for the action, the affected environment, a description of the proposed action and alternatives, its environmental impacts, environmental compliance, and a list of agencies, interested groups, and individuals consulted.

BACKGROUND

Barcelona Harbor is located on Lake Erie in the Town of Westfield, NY. The harbor serves the Town of Westfield, a private marina, commercial and charter fishing interests, and a large recreational boating community. It is a shallow-draft recreational harbor maintained by the USACE. The harbor is protected by east and west breakwaters that shelter the federal navigation channel. Federal navigation channels in Barcelona Harbor include an Entrance Channel from the lake with an authorized depth of -10 feet low water datum (LWD)¹ and an Inner Harbor Channel with an authorized depth of -8 feet LWD. These channels undergo occasional maintenance dredging, which requires management of the dredged sediments. Past sampling, testing and evaluation has determined that the sediments from Barcelona Harbor federal navigation channels meet “contaminant determination” Clean dredged Water Act (CWA) Section 404(b)(1) Guidelines at 40 CFR 230.11(d) for discharge at the designated 0.47 square mile open-lake placement site in Lake Erie located three statute miles from the harbor’s West Breakwater Light at an azimuth of 45°00’.

ALTERNATIVES CONSIDERED

¹ Low Water Datum (LWD) for Lake Erie is 569.2 feet above mean sea level at Rimouski, Quebec, Canada (International Great Lakes Datum 1985).

Advanced Maintenance Dredging: The scope of this work includes routine maintenance dredging, with an expansion of the area and depth that is dredged to maintain the federal navigation channel. It is proposed that the scope of the maintenance dredging extend one-foot deeper than the authorized depths and extend ten feet wider than the authorized limits along the western limits of the channel. These expanded limits are proposed as “Advance Maintenance” dredge areas in accordance with USACE Engineering Regulation 1130-2-520, which states that: “Advance maintenance dredging, to a specified depth and/or width, may be performed in critical and/or fast-shoaling areas to avoid frequent re-dredging and ensure the least overall cost of maintaining the project”. Advance maintenance dredging in critical channel areas may increase the time before the channel requires maintenance again by two years.

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. No action assumes that no project would be implemented by the federal government to achieve the planning objectives. No action, which is synonymous with the Without Project Condition, forms the basis from which all other alternative plans are measured. Under this alternative, the federal government would do nothing to address the need for harbor maintenance at Barcelona Harbor.

Advanced Maintenance Dredging – Expanded Area and Depth: This alternative entails advance maintenance dredging to a depth and width greater than that described in the advance maintenance dredging alternative.

A more detailed assessment of the potential effects of the project alternatives is presented in the EA while a summary assessment of the potential effects of the recommended plan is listed in the table below:

Public Interest Factors	Impacts					
	Major Adverse	Minor Adverse	Resource Unaffected (N/A)	Resource Unaffected through Mitigation	Minor Beneficial	Major Beneficial
1. Air Quality		T				
2. Sediment and Water Quality		T				
3. Greenhouse Gases and Climate Change			X			
4. Plankton and Benthos		T				
5. Aquatic Vegetation		T				
6. Fisheries		T				
7. Wildlife		T				
8. Threatened & Endangered Species			X			
9. Demographics			X			
10. Associated Land Use & Developments			X			

11. Business and Industry and Employment and Income			X			
12. Public Facilities and Services					P	
13. Recreation (Water-related)					P	
14. Property Value and Tax Revenue			X			
15. Noise and Aesthetics		T				
16. Cultural Resources			X			
17. Environmental Justice			X			

* T = Temporary Impact, P = Permanent Impact, X = Not Applicable

Consultation and Compliance with Other Laws and Regulations

Endangered Species Act: Pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, the USACE has determined that the recommended plan would likely have no effect on federally listed species or designated critical habitat. The project area is within range of the following species: northern long-eared bat (*Myotis septentrionalis*) (endangered) and the monarch butterfly (*Danaus plexippus*) (proposed threatened). No habitat in the project impact area is currently designated or proposed “critical habitat” in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). The project was shared with USFWS during scoping and will be further coordinated as part of this EA. Therefore, no effect is expected to any federally threatened or endangered species as a result of the project.

Clean Water Act: Pursuant to the CWA, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with the Section 404(b)(1) Guidelines (40 CFR 230). The CWA Section 404(b)(1) Evaluation can be found in the Appendix of the attached EA. This evaluation has undergone a 30-day public review period following the release of a Section 404(a) public notice. No comments were received as a result of the public review period. Therefore, the evaluation has been finalized with a finding of compliance.

Pursuant to USACE regulations, CWA Section 401 water quality certification (WQC), or waiver of WQC, from the New York Department of Environmental Conservation (NYSDEC) is required for the proposed discharge of dredged sediment. Application has been made to NYSDEC for Section 401 WQC. This certification is to ensure that project related discharges are in compliance with all applicable promulgated state water quality standards.

Coastal Zone Management Act: The proposed work is located within the coastal zone of Lake Erie, although it is not located within a designated significant fish and wildlife habitat area. The proposed dredging and dredged sediment placement would be undertaken in a manner consistent, to the maximum extent practicable, with the State of New York Coastal Management Program. A Coastal Management Program federal consistency determination has been submitted to the New York State Department of State (NYSDOS) documenting this determination (see Appendix).

National Historic Preservation Act: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the USACE consulted with the New York State Office of Parks, Recreation and Historic Preservation (SHPO) regarding the proposed action per 36 CFR 800. The USACE submitted a determination of No Adverse Effect on historic properties to the SHPO and that office concurred with the USACE determination in a letter dated November 15, 2024 (see Appendix).

The proposed project's impact on cultural resources has been evaluated in accordance with Engineer Regulation (ER) 1105-2-100 and 36 CFR 800. The USACE has initiated consultation with the National Park Service, NYSOPRHP (SHPO), and the New York State Museum. In addition, the USACE has initiated consultation with several potentially interested Tribal nations that have ancestral homelands within the project area. A copy of the NEPA scoping/CWA Section 404(a) public notice and draft EA/FONSI have been provided to those Tribal nations for review. No comments have been received to date.

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the proposed project plan.

No compensatory mitigation is required as part of the proposed project.

No significant cumulative effects are expected as a result of the proposed project. The proposed project is anticipated to have long-term beneficial socio-economic effects by providing for continued recreational navigation at Barcelona Harbor.

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other federal, state, and local agencies, tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment. Therefore, preparation of an Environmental Impact Statement is not required. Those who may have information that may alter this assessment and lead to a reversal of this decision should notify me within 30 days. If no comments that would alter this finding are received within the 30-day review period, or, after such comments have been addressed, this FONSI will be signed and filed with the project documentation.

Date: _____

ROBERT M. BURNHAM
LTC, EN
Commanding

ENVIRONMENTAL ASSESSMENT

U.S. ARMY CORPS OF ENGINEERS OPERATIONS AND MAINTENANCE

BARCELONA ADVANCE MAINTENACE DREDGING BARCELONA HARBOR COUNTY, NEW YORK

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1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE

The purpose of this Environmental Assessment (EA) is to provide sufficient information on the potential environmental effects of the subject action proposed by the U.S. Army Corps of Engineers, Buffalo District (USACE), to determine if it may constitute a major federal action which could significantly affect the quality of the human environment, thereby necessitating the development of an environmental impact statement (EIS). This EA facilitates compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and includes discussion of the need for the action, its potential environmental impacts, status of environmental compliance, and a list of agencies, interested groups, and individuals consulted.

1.2 AUTHORITY

Barcelona Harbor was originally authorized by the River and Harbor Act of March 2, 1827. A Final Environmental Impact Statement (EIS) for operations and maintenance activities at Barcelona Harbor was filed with the U.S. Environmental Protection Agency in May 1980. Subsequent Environmental Assessments and Finding of No Significant Impact were completed in March 1984 and May 1999.

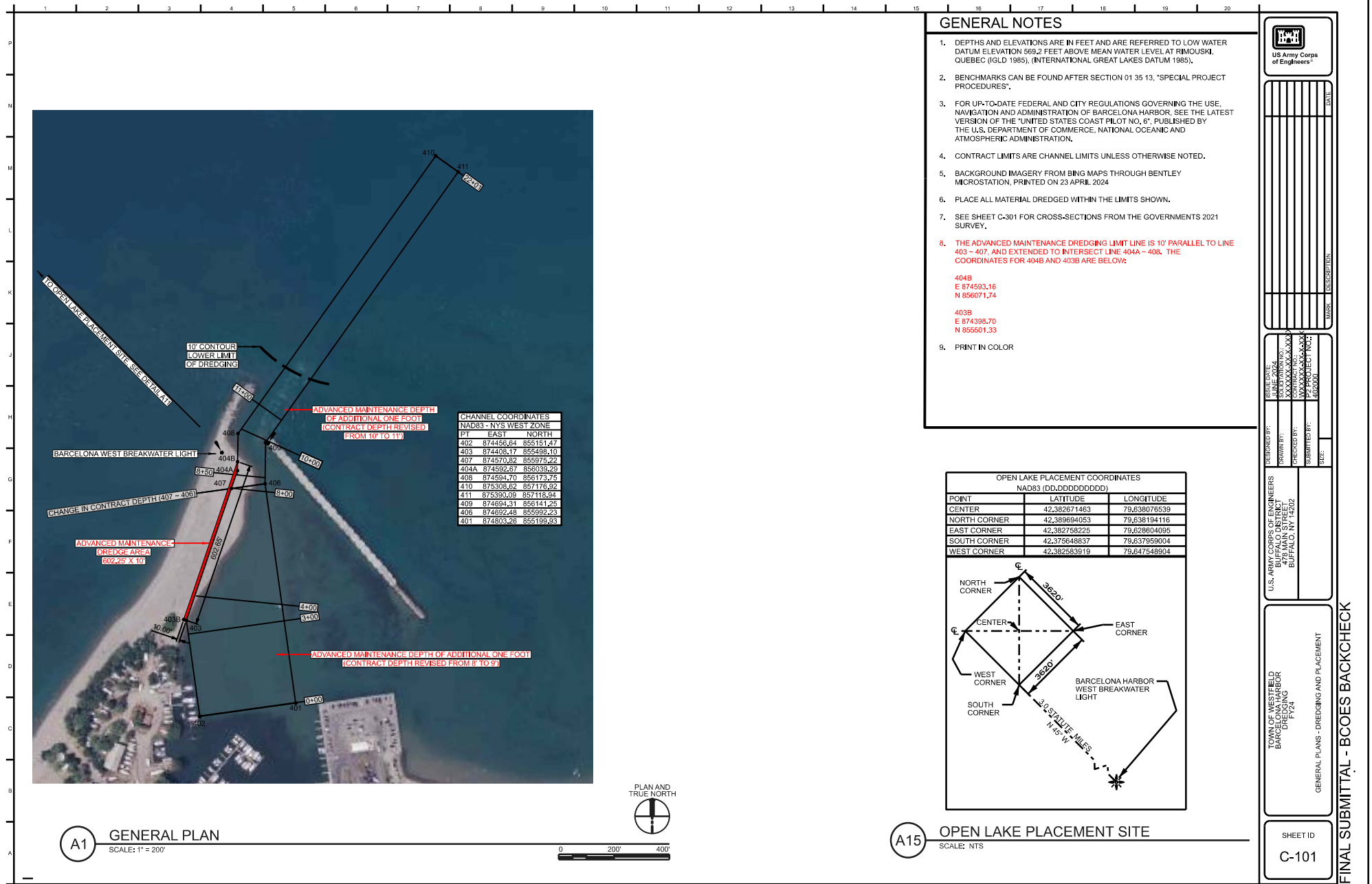
2.0 NEED FOR THE PROPOSED ACTION

2.1 INTRODUCTION

Barcelona Harbor is located on Lake Erie in the Town of Westfield, NY (Figure 1). The harbor serves the Town of Westfield, a private marina, commercial and charter fishing interests, and a large recreational boating community. It is a shallow-draft recreational harbor maintained by the USACE. The harbor is protected by east and west breakwaters that shelter the federal navigation channel. Federal navigation channels in Barcelona Harbor include an Entrance Channel from the lake with an authorized depth of -10 feet low water datum (LWD)¹ and an Inner Harbor Channel with an authorized depth of -8 feet LWD. These channels undergo occasional maintenance dredging, which requires management of the dredged sediments. Past sampling, testing and evaluation has determined that the sediments from Barcelona Harbor federal navigation channels meet “contaminant determination” Clean dredged Water Act (CWA) Section 404(b)(1) Guidelines at 40 CFR 230.11(d) for discharge at the designated 0.47 square mile open-lake placement site in Lake Erie located three statute miles from the harbor’s West Breakwater Light at an azimuth of 45°00’.

¹ Low Water Datum (LWD) for Lake Erie is 569.2 feet above mean sea level at Rimouski, Quebec, Canada (International Great Lakes Datum 1985).

Figure 1: Project location and map



2.2 NEED FOR ACTION

In recent years, the harbor has experienced extreme shoaling. Wave action is pushing littoral sediment over the west breakwater and into the navigation channel. It is now common for shoals to build up over eight feet above the water surface due to this wave action. The quantity of littoral sediment is dependent on the amount of ice cover on Lake Erie throughout the winter, and the intensity and wind direction of storm events. Prior to dredging in 2023, the entire entrance channel was closed to vessel traffic. The shoaling rate within the harbor fluctuates significantly. The quantity of littoral sediment is dependent on the amount of ice cover on Lake Erie throughout the winter, and the intensity and wind direction of storm events.

The USACE performs maintenance dredging intermittently, dependent on the availability of funding. When available, funding has been provided via congressional earmark or through the USACE Work Plan. The USACE maintenance dredged the harbor in 2023 with additional funding received in 2024.

3.0 PROPOSED ACTION AND ALTERNATIVES CONSIDERED

3.1 PROPOSED ACTION

Advanced Maintenance Dredging: The scope of this work includes routine maintenance dredging, with an expansion of the area and depth that is dredged to maintain the federal navigation channel. It is proposed that the scope of the maintenance dredging extend one-foot deeper than the authorized depths, and extend ten feet wider than the authorized limits along the western limits of the channel (Figure 1). These expanded limits are proposed as “Advance Maintenance” dredge areas in accordance with USACE Engineering Regulation 1130-2-520, which states that: “Advance maintenance dredging, to a specified depth and/or width, may be performed in critical and/or fast-shoaling areas to avoid frequent re-dredging and ensure the least overall cost of maintaining the project”. Advance maintenance dredging in critical channel areas may increase the time before the channel requires maintenance again by two years.

3.2 ALTERNATIVES TO THE PROPOSED ACTION

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. No action assumes that no project would be implemented by the federal government to achieve the planning objectives. No action, which is synonymous with the Without Project Condition, forms the basis from which all other alternative plans are measured. Under this alternative, the federal government would do nothing to address the need for harbor maintenance at Barcelona Harbor.

Advanced Maintenance Dredging – Expanded Area and Depth: This alternative entails advanced maintenance dredging to a depth and width greater than that described in section 3.1.

4.0 EXISTING CONDITIONS AND IMPACTS

In order to characterize the affected environment of the project area and to assess the environmental impacts of the proposed action, information has been obtained from existing literature, field observations and studies, and coordination with federal, state, and local agencies. Agencies, interest groups, and the general public contacted during this process are listed in Section 6. A NEPA scoping information packet was distributed to these individuals on November 26, 2024 and this EA has been made available for a 30-day public/agency review. Comments received to date are included in Appendix A.

A summary assessment of the potential effects of the recommended plan is listed in Table 1.

Table 1: Summary of impacts for the preferred alternative.

Public Interest Factors	Impacts					
	Major Adverse	Minor Adverse	Resource Unaffected (N/A)	Resource Unaffected through Mitigation	Minor Beneficial	Major Beneficial
1. Air Quality		T				
2. Sediment and Water Quality		T				
3. Greenhouse Gases and Climate Change			X			
4. Plankton and Benthos		T				
5. Aquatic Vegetation		T				
6. Fisheries		T				
7. Wildlife		T				
8. Threatened & Endangered Species			X			
9. Demographics			X			
10. Associated Land Use & Developments			X			
11. Business and Industry and Employment and Income			X			
12. Public Facilities and Services					P	
13. Recreation (Water-related)					P	
14. Property Value and Tax Revenue			X			
15. Noise and Aesthetics		T				
16. Cultural Resources			X			
17. Environmental Justice			X			

* T = Temporary Impact, P = Permanent Impact, X = Not Applicable

4.1 PHYSICAL/NATURAL ENVIRONMENT

4.1.1 *Air Quality*

Existing Conditions - A review of the U.S. Environmental Protection Agency (USEPA) AIRdata database indicates that the nearest air quality monitoring station is located in Jamestown, NY. That data shows no areas in the vicinity of the proposed project have been found to be in “non-attainment” of National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment (USEPA, 2024). These pollutants include carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Therefore, ambient air quality in the project area for these parameters was recorded as being in attainment with NAAQS.

No Action Alternative - Since this alternative involves no construction, air quality in the vicinity of the Barcelona Harbor would continue to be similar to existing conditions. There would be no project-related dust or exhaust emissions from construction equipment that could contribute to the degradation of air quality.

Proposed Action (Advanced Maintenance Dredging) – The operation of construction equipment would result in an increase in air emissions (e.g., suspended particulates, nitrogen dioxide, carbon monoxide, lead, etc.) into the local atmosphere. Air quality impacts in this regard would be minor, adverse, and short-term. This increased output would not be expected to result in any violations or interfere with the ability to attain state air quality standards and would be similar in nature to what has been occurring during previous dredging and open water placement operations.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – Potential impacts would be similar to the proposed action, any difference in emissions would be negligible.

4.1.2 *Sediment Quality*

Existing Conditions - Bulk sediment chemistry and elutriate data on Barcelona Harbor federal navigation channel sediments from 2019 were evaluated in tandem with previous information to ascertain whether dredged sediments meet “contaminant determination” CWA Section 404(b)(1) Guidelines (40 CFR 230.11[d]) for open-water placement in Lake Erie. All predominantly fine-grain sediments dredged from these channels meet these guidelines for discharge at the designated deep-water open-lake placement site. The predominantly coarse-grain sediments dredged from the Inner Channel qualify for a testing exclusion per 40 CFR 230.60(a) as evaluated under 40 CFR 230.60(b), and are therefore suitable for discharge at the designated nearshore placement site. This evaluation indicates that open-water placement of these dredged sediments would meet applicable state WQSs.

No Action Alternative – There would be no change to the sediment quality in the harbor as a result of the no action alternative since there would be no dredging.

Proposed Action (Advanced Maintenance Dredging) – The sediment in the harbor would be relocated to the open water placement area as part of this action. The quality of the material

would not change during this process. Future additional sampling would determine the quality of the sediments in the harbor once this dredging project is completed.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – Potential impacts would be similar to the proposed action.

4.1.2 *Water Quality*

Existing Conditions - Barcelona Harbor on Lake Erie is categorized as a Section 701.7 Class B fresh surface waters. According to NYSDEC regulations: “The best usages of Class B waters are primary and secondary contact recreation and fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival” (NYSDEC, 2024).

No Action Alternative - There would be no immediate negative adverse impact on water quality in the vicinity of the project site as the result of the no action alternative as there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - Dredging activities associated with the implementation of the project would result in localized turbidity. Water quality impacts in this regard would be minor, adverse, and only short-term. There is also a possibility of accidental spills of fuel, oil, and/or grease into the water during application and monitoring activities. The eventual contractor would be required to prepare a spill control plan and to implement appropriate measures in the event of a release. Such discharges, should they occur, are expected to be short-term and relatively low magnitude.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – Potential impacts would be similar to the proposed action; however, slightly elevated due to an increased dredge area and depth.

4.1.3 *Greenhouse Gases and Climate Change*

Existing Conditions - Greenhouse gases (GHGs) are components of the atmosphere that trap heat relatively near the surface of the earth and, therefore, contribute to the greenhouse effect and climate change. Most GHGs occur naturally in the atmosphere but increases in the concentration can result from human activities such as burning fossil fuels that add carbon dioxide (CO₂), methane, nitrous oxides, and other greenhouse (or heat-trapping) gases to the atmosphere. As this occurs, it is difficult to reliably predict increases or decreases in regional rainfall (Intergovernmental Panel on Climate Change (IPCC), 2007).

Global climate change may already be affecting both the climate of the Great Lakes region and the physical behavior of the Great Lakes themselves (Environmental Law and Policy Center 2019). Regional weather extremes in temperature and precipitation are believed to be intensifying. In recent decades, a number of changes in the climate of the Great Lakes region have been documented, including a significant warming trend, an increase in extreme summertime precipitation, changing lake levels, and changing trends in lake-effect snows. Warm, wet winters are producing extensive early-season flooding, which threatens people and infrastructures. Further changes in climate projected over the coming decades are likely to add

significantly to the vulnerabilities and risks to the Great Lakes. Additionally, changes to lake temperature and stratification would affect water quality, lake ecology, and wildlife.

In the Great Lakes region, the U.S. states bordering the Great Lakes have seen an overall increase in annually averaged temperature of 1.4 degrees Fahrenheit for the period 1985-2016. These trends are higher than the overall change of 1.2 degrees Fahrenheit over the contiguous United States (and found globally) United States Global Change Research Program (USGCRP 2018). There is a generally positive trend in annual precipitation for U.S. states bordering the Great Lakes present-day (1986–2016) relative to 1901–1960, but with strong local variations in the trend across the states (Vose et al. 2014). There is a 10 percent increase in annual precipitation in the Great Lakes Basin. Heavy rainfall is increasing in intensity and frequency across the United States and globally and is expected to continue to increase (Karl and Knight 1998). The largest observed changes in extreme precipitation in the United States have occurred in the Midwest and Northeast. Changes in climate are increasing the likelihood for these types of severe events. The amount of precipitation coming in extreme events has already increased over the last five decades in the Great Lakes region (USGCRP 2018) and is projected to increase further over the coming decades. The amount of precipitation occurring in storms with a five-year return period is projected to increase by 18.7 percent by 2085 for the higher scenario and 10.8 percent for the lower scenario (20.8 percent and 11.3 percent, respectively, for the Great Lakes Basin) (Environmental Law and Policy Center 2019). The amount of precipitation in such extreme storms is projected to increase by seven to eight percent by the 2030s and by nine to 12 percent by the 2050s. The precipitation from what are currently considered to be one in 50 and one in 100-year storms are projected to increase similarly, meaning that very large amounts of precipitation are expected from these once-unusual events.

No Action Alternative - The no action alternative would have no impacts to climate change or greenhouse gases since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - The proposed action is not expected to have any long-term adverse impacts to climate change or greenhouse gases. The operation of the dredging boats/barges and construction equipment would result in short-term increased emissions of pollutants (e.g., suspended particulates, nitrogen dioxide, carbon monoxide) into the local atmosphere. The release of these pollutants is not expected to result in any long-term effects on greenhouse gases or climate change.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – Potential impacts would be similar to the proposed action.

4.1.4 *Plankton and Benthos*

Existing Conditions - Aquatic areas in the Lake Erie Basin are utilized as habitat by a variety of plankton. Such organisms may consist of floating or weakly swimming plant and animal life in the water column, that are often microscopic in size which contribute to the food chain in the lake's ecosystem. Algae (phytoplankton) are the foundation of the Lake Erie food web which is a complex network of organisms through which energy is transferred. Algae require sunlight and nutrients like phosphorus and nitrogen for growth and serve as a food source for zooplankton and bottom-dwelling organisms such as amphipods (tiny freshwater shrimp or “scuds”).

Zooplankton are the primary food source for small fish such as alewife and rainbow smelt which in turn are consumed by the lake's top predators. Lake Erie's food web has changed drastically in the last 40 years, due primarily to the establishment of several non-native species introduced via transoceanic shipping. The spiny waterflea and fish hook waterflea have each impacted the food web, altering the way in which energy is transferred to fish.

The benthic habitat at Barcelona Harbor consists primarily of pelagic warm water habitat, with mud-bottom (mainly silt/clay, and/or fine sand) benthic substrate and overlying water column. Bottom sediments at this site are likely colonized by a community of benthic invertebrates that are relatively low in species diversity, dominated by invasive mussels, or mayfly and midge.

No Action Alternative - Since this alternative involves no construction, no significant change in the existing planktonic and benthic community would occur.

Proposed Action (Advanced Maintenance Dredging) - Benthic macroinvertebrates would unavoidably be disturbed during dredging operations. Dredging and the placement of dredged material will cover and smother some benthos during dredging and discharge operations. Recolonization of these areas by benthos from the surrounding bottom substrate typically occurs rapidly following completion of construction and resettling of sediment. Such impacts would be minor, adverse, and short-term.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – Potential impacts would be similar to the proposed action.

4.1.5 *Vegetation*

Existing Conditions – The harbor contains some aquatic vegetation; however, maintained navigation channels are generally devoid of aquatic vegetation. Likewise, open-water placement sites are not expected to provide habitat for submerged aquatic vegetation due to depth.

No Action Alternative – Under the no action alternative, it is possible that shoaled and unmaintained areas of the harbor could provide for the establishment of aquatic vegetation. Since this alternative involves no construction, no disturbance of existing vegetation would be anticipated.

Proposed Action (Advanced Maintenance Dredging) – The dredging and discharge of dredged material may disturb and smother some vegetation during the dredging operations. Some vegetation will emerge from the disturbance and others will recolonize the areas shortly after the dredging operations end. Only minor, short-term impacts would be expected.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – Potential impacts would be similar to the proposed action.

4.1.6 *Fisheries*

Existing Conditions - Lake Erie (New York) is home to various warmwater fish species, especially esocids (e.g., northern pike and muskellunge). The lake is also a prime spawning

area for smallmouth bass. Concentrations of many other fish species use the harbor as a spawning and/or nursery area (generally from March through July), including gizzard shad, rainbow smelt, carp, emerald shiner, brown bullhead, white bass, and walleye. In addition to most of the warmwater species noted above, large numbers of salmonids, including rainbow trout, brown trout, coho salmon, and occasionally chinook salmon, move into the area between September and March. As a result of the abundant fish populations in the area, the area surrounding Barcelona Harbor provides high quality recreational fishing opportunities throughout the year.

No Action Alternative - Since this alternative involves no dredging, fisheries would not be significantly altered in the short-term.

Proposed Action (Advanced Maintenance Dredging) – Most fish will leave or avoid the dredging area during dredging operations due to particulate resuspension in the area. Some will be attracted to the area looking for potential food sources.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.1.7 Wetlands

Existing Conditions - The project area is located within Lake Erie in Barcelona Harbor. No wetlands exist within the project area. Additionally, there are no state or federally designated freshwater wetlands found directly adjacent to the project.

No Action Alternative - The no action alternative would have no impacts to wetlands since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - Since no wetlands are present within the project area, no effect would occur.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.1.8 Threatened and Endangered Species

Existing Conditions - Coordination regarding threatened and endangered species with the U.S. Fish and Wildlife Service (USFWS) and NYSDEC was initiated through the NEPA public scoping/CWA Section 404(a) public notice process and was continued through a request for comments on this EA. According to the U.S. Fish and Wildlife Service (USFWS IPAC 2024) species list (accessed December 2024), the project area is within range of the following species: northern long-eared bat (*Myotis septentrionalis*) (endangered) and the monarch butterfly (*Danaus plexippus*) (proposed threatened). There are no critical habitats in the project area.

No Action Alternative - The no action alternative would have no impacts to threatened and endangered species since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - This project would have no effect on any listed or eligible threatened or endangered species. There is no habitat for either species in the project area.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.1.9 *Wild and Scenic Rivers*

Existing Conditions - The Nationwide Rivers Inventory is a list of more than 3,400 free-flowing river segments that are believed to possess one or more “outstanding remarkable” natural or cultural value features judged to be of more than local or regional importance. No portions of the project area have been designated as a wild, scenic, or recreational river (National Wild and Scenic Rivers System, 2024).

No Action Alternative - The no action alternative would have no impacts to wild and scenic rivers since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - No portions of project area have been designated as a wild, scenic; therefore, there would be no associated impact.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.1.10 *Wildlife and Significant Coastal Fish and Wildlife Habitat*

Existing Conditions – There is no designated significant fish or wildlife habitat within the vicinity of the harbor or open-water placement area. Concentrations of many species of waterfowl, loons, grebes, gulls, and other waterbirds occur in the area during spring and fall migrations (March - April and September - November, primarily). The harbor is also heavily used by these birds during winter. Mid-winter aerial surveys for the ten-year period 1976-1985 indicate average concentrations of approximately 250 birds in the area between Cattaraugus Creek and Barcelona Harbor each year (587 in peak year), including mergansers, scaup, common goldeneye, mallard, black duck, canvasback, and Canada goose. Large numbers of great black-backed, ring-billed, and herring gulls are also attracted to the harbor throughout the year. The abundance and diversity of birds in Lake Erie, and the availability of good public access and vantage points, has made this one of the most popular birdwatching areas in Western New York.

No Action Alternative - Since this project involves no construction, no immediate impacts to wildlife or wildlife habitat would occur.

Proposed Action (Advanced Maintenance Dredging) – Since there is no designated significant fish or wildlife habitat within the vicinity of the harbor or open-water placement area, no impacts are expected in this regard. Disruption and disturbance by equipment during operations would result in the short-term avoidance of the project area by some bird species. However, some bird species, such as gulls, may be attracted to the project area during construction. Bird species are

expected to resume their normal patterns following completion of the project. Wildlife impacts in this regard would be minor, adverse and short-term.

Any adverse effects that may occur to these species during construction would be mitigated by adhering to any environmental exclusion windows of April 1 – June 30th each year.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – Potential impacts would be similar to the proposed action.

4.2 SOCIO-ECONOMIC ENVIRONMENT

4.2.1 *Water and Associated Land Uses*

Existing Conditions - The existing condition of the project area is comprised of open-water and the existing Barcelona Harbor. No other land-uses are within the project area.

No Action Alternative - The no action alternative would have no impacts to water or associated land use since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) Proposed Action - The water and associated land use immediately adjacent to the project area would remain unchanged with the implementation of the proposed project.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.2 *Public Facilities and Services/Water and Service Facilities*

Existing Conditions - The adjacent (landward) project vicinity is serviced with water, sewer, gas, electric, telephone, police, fire, emergency (rescue) medical, transportation, and sanitation developments. All of the various utility agencies and companies that serve the vicinity have facilities in, provide service to, or are tied to the harbor in some way.

No Action Alternative - The no action alternative would have no impacts to public facilities and services or water and service facilities since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - Dredging and sediment placement operations would not adversely affect any public services or facilities. No public water sources should be affected by project implementation.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.3 *Noise*

Existing Conditions - Existing noise in the harbor area is associated with the various harbor area developments such as navigation facilities, recreational facilities (e.g., primarily parks, marinas),

and some nearby residential developments. The primary sources of noise generation include motorized vehicles such as boats, autos, trucks, trains, and planes. No sensitive noise receptors (i.e., hospitals, schools) are located within the general vicinity of the project area.

No Action Alternative - The no action alternative would have no impacts to noise since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - Construction equipment would be observed in the project area and activities would result in a short-term increase in local noise levels. Noise generated by the construction operation would not exceed ambient noise levels in the harbor area nor would it be expected to affect any sensitive noise receptors (e.g., schools, hospitals).

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.4 *Aesthetic Value*

Existing Conditions - The areas adjacent to the Barcelona Harbor consist of open-water and existing breakwater structures. The current condition of the harbor could be considered aesthetically unpleasing due to the fact it is continually filled in with sediments. Areas of higher aesthetic value likely include shoreline areas with a view to or from the lake, park, marinas, and some residential and/or commercial (e.g., restaurant) areas.

No Action Alternative - The no action alternative would have adverse impacts to aesthetics since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - The presence of boats in the lake is normal for this area and thus would not detract from the aesthetic quality of the area. Construction equipment would be observed in the project area and activities would result in a short-term decrease in aesthetics in the project area. Organic matter contained in the dredged sediment could result in the liberation of short-term, localized malodors. Such impacts would be minor, adverse and short-term.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.5 *Cultural Resources*

Existing Conditions - Consultation with the National Park Service, the 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 was initiated via the NEPA public scoping/CWA Section 404(a) public notice process and was continued through a request for comments on this EA. A review of the New York State Office of Parks, Recreation and Historic Preservation - Cultural Resource Information System (CRIS) resulted in the identification of no properties listed in the National Register of Historic Places.

No Action Alternative - The no action alternative would have no impacts to cultural resources since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) Proposed Action and Alternative (Advanced Maintenance Dredging – Expanded Area and Depth – The impact from the proposed advance maintenance dredging on cultural resources has been evaluated in accordance with Engineer Regulation (ER) 1105-2-50 and 36 CFR Part 800. The dredging and placement of sediment would not result in the physical destruction or damage to all or part of any property, alteration of any property, removal of any property from its historic location, neglect of any property, the transfer, lease, or sale of any property out of federal ownership, or the change of the character of any property's use or of physical features within the property's setting that contribute to its historic significance. There is the potential for a temporary increase in visual, atmospheric or audible elements due to the presence and operation of sediment placement equipment. Any increase in such elements would be temporary in nature. The completed project would not change the aesthetics of the surrounding viewshed as the historic use of the placement area is open water. The USACE submitted a determination of No Adverse Effect to historic properties to the SHPO and that office concurred with the USACE determination in a letter dated November 15, 2024 (see Appendix).

4.2.6 Environmental Justice

Existing Conditions –Executive Order (EO) 12898, issued by President Clinton on February 11, 1994, requires that impacts on minority or low-income populations be accounted for when preparing environmental and socioeconomic analyses of projects or programs that are proposed, funded, or licensed by federal agencies. 59 Fed. Reg. 7629. This EO provides the most direct mandate pertaining to Environmental Justice (EJ) analysis under the National Environmental Policy Act (NEPA). More recent Executive Orders and Policy Memoranda require expanded integration of EJ priorities into the USACE Civil Works Mission, including how project teams integrate EJ considerations in planning studies. However, this newer policy guidance is less explicit about changes to evaluations performed under NEPA.

Executive Order 13985, issued by the Biden Administration on January 20, 2021, mandates all federal agencies to ensure their missions advance racial equity and support for underserved communities. 86 Fed. Reg. 7019. As per the EO, “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment. “Underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied opportunity to participate in aspects of economic, social, and civic life.

Executive Order 14008, issued by President Biden on January 27, 2021, places the climate crisis at the forefront of foreign policy and national security planning. 86 Fed. Reg. 7019. It directs agencies to address the disproportionately adverse health, environmental, climate related, and cumulative burdens on disadvantaged communities, as well as the accompanying economic challenges of such impacts, and deliver the benefits of their investments to disadvantaged communities such as through the Justice40 Initiative. Under Executive Order 14008, the White

House directed the Council of Environmental Quality (CEQ) to develop the Climate and Economic Justice Screening Tool (CEJST).

The initial EJ analysis for the project employed two web-tools: the Climate and Environmental Justice Screening Tool (CEJST) and USEPA's EJScreen. The CEJST tool displays indicators of burdens in eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. These factors, combined with socioeconomic data, categorize census tracts as "economically disadvantaged communities" for the sake of administering the Justice 40 Initiative. This binary sorting of census tracts as either economically disadvantaged, or not, simplifies the analysis and makes it more replicable.

The EJScreen tool (epa.gov) is the U.S. Environmental Protection Agency's EJ mapping and screening tool that provides a nationally consistent dataset and approach for combining environmental and demographic socioeconomic indicators. The tool combines and displays 12 environmental indicators (e.g., air and water pollution), seven socioeconomic indicators (e.g., race, income, employment, language, education and age), 12 EJ indexes, and 12 supplemental indexes.

There are no specific demographics or socio-economic communities located within the vicinity of the project area according to the USEPA EJScreen on-line mapping tool (USEPA 2024). The project location is not considered a disadvantaged community according to the CEJST mapper.

No Action Alternative - The no action alternative would have no impacts on environmental justice since there would be no federal action.

Proposed Action (Advanced Maintenance Dredging) - No effect is expected in this regard since project construction would be limited to only in-water activities that would not disproportionately affect any specific demographic or socio-economic community.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.7 Displacement of People/Displacement of Farms

Existing Conditions - The proposed project location resides entirely in the harbor and open water. Therefore, no displacement of people or farms would be required.

No Action Alternative – No effect.

Proposed Action (Advanced Maintenance Dredging) Proposed Action– No effect.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.8 Public Health and Safety

Existing Conditions – Currently, the navigable depths of the federal navigation channel pose a

risk to public safety. Safe passage of recreational boaters in the channel is dependent upon suitable depths to do so.

No Action Alternative - Since this alternative involves no construction no immediate effects to human health would occur. The overall value of the harbor as a water resource recreational use would continue to progressively deteriorate to a point at which vessels could not safely navigate the harbor. Such impacts would likely be substantial, adverse, and long-term.

Proposed Action (Advanced Maintenance Dredging) - The concentration of heavy equipment in the project area during maintenance operations could potentially pose a navigation and recreational hazard. However, standard USACE contract specifications require the maintenance of a safe, restricted work area during these periods. The contractor is required to prepare a detailed job hazard analysis of each major phase of work, including all anticipated hazards and specific actions which would be taken to prevent personal injury. The contractor is required to comply with Occupational Safety and Health Administration Standards.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.9 Community and Regional Growth; Business and Industry/Labor Force; Employment and Income; Community Cohesion

Existing Conditions - Community cohesion is a result of a number of social and economic factors. Many area residents and entities have resided in the area for a long time. General community pride/cohesion is relatively strong, and the harbor has played an important part in this development.

No Action Alternative – The shoaling in of the federal navigation channels would have a negative impact on community cohesion and business growth within the vicinity of the harbor. Eventually continued sediment deposition would reduce harbor use and the ancillary benefits to the region.

Proposed Action (Advanced Maintenance Dredging) - The project would likely help to increase the area's potential for desirable community and regional growth and cohesion. Dredging and sediment placement operations would likely result in an increase in business/employment/income opportunities, specifically in the marine trades.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.10 Leisure Opportunities/Recreational Resources

Existing Conditions - Water-related recreational developments/activities at Barcelona Harbor include those associated with fishing and general boating. Fishing is popular both from the shoreline and boats. Sport fisheries are important to recreation and associated business in the Lake Erie basin. Recreational boating is a significant activity in the Barcelona Harbor vicinity. Marinas and associated facilities are located along the interior of the harbor. Recreational boats

and sport fishing charters operate out of Barcelona Harbor. Maintaining the depth of the federal navigation channels is important to many large recreational vessels, particularly those with deep draft fixed keels.

No Action Alternative - Since this alternative involves no advanced harbor maintenance, recreational opportunities at the harbor would decrease as the harbor shoals.

Proposed Action (Advanced Maintenance Dredging) Proposed Action and Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) – The proposed project would continue to facilitate safe navigation within Barcelona Harbor would continue harbor operations for recreational watercraft and associated facilities. Construction activities may temporarily disrupt some recreational vessel traffic due to restrictions within the vicinity of the construction operations. All construction equipment would be adequately marked and lighted to avoid any potential navigation hazards with recreational boating.

Alternative (Advanced Maintenance Dredging – Expanded Area and Depth) - Potential impacts would be similar to the proposed action.

4.2.11 *Cumulative Impacts*

A cumulative impact is defined as resulting from the "incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions." 40 CFR Parts 230.11(g), 1508.7. Such impacts can result from individually minor, but collectively significant, actions taking place over a period of time. Evaluations of cumulative impacts include consideration of the proposed action with known past and present actions, as well as reasonably foreseeable future actions. In assessing cumulative effects, the key determinant of importance or significance is whether the incremental effect of the proposed action will alter the sustainability of resources when added to other present and reasonably foreseeable future actions. The advance maintenance dredging would provide continued operation of the harbor.

Cumulative environmental effects for the proposed project at Barcelona Harbor were assessed in accordance with guidance provided by the President's Council on Environmental Quality (CEQ) (CEQ 1997). This guidance provides an eleven-step process for identifying and evaluating cumulative effects during NEPA analyses. The overall cumulative impact of the proposed project is considered to be socially and economically beneficial. There are no other reasonably foreseeable actions by USACE or others in the vicinity of the project other than the continued and periodic maintenance of the other areas of the federal project. Therefore, the most substantial cumulative effect resulting from this project would be to facilitate continued unrestricted navigation which would benefit the associated recreational users of Barcelona Harbor by maintaining harbor functionality.

5.0 COMPLIANCE WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

The following is a list of the applicable, relevant, and appropriate Federal Statutes, Executive Orders and Memorandum that were considered for the proposed project, and a description of the project's compliance with each.

5.1 Abandoned Shipwreck Act of 1987, 43 U.S.C. §§ 2101–2106; Archaeological and Historical Preservation Act of 1979, 16 U.S.C. § 470 *et seq.*; National Historic Preservation Act of 1966, 16 U.S.C. § 470 *et seq.*; Executive Order 11593, 36 Fed.Reg. 8921 (May 13, 1971)- - The project’s impact on cultural resources has been evaluated in accordance with Engineer Regulation (ER) 1105-2-100 and 36 CFR 800. Consultation with the SHPO, National Park Service, and Tribal nations was initiated via the NEPA public scoping/CWA Section 404(a) public notice process on August 2024, and continued with the distribution of this EA. The USACE has consulted with the New York State Office of Parks, Recreation and Historic Preservation. That office concurred with the USACE effects determination in a letter dated November 15, 2024 (see Appendix). This EA will be distributed to several Tribal nations that have ancestral homelands within the project area with a request for consultation on the proposed action.

5.2 American Indian Religious Freedom Act., 42 U.S.C. § 1996.; Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 *et seq.* - Coordination with multiple Tribal nations with expressed interest in Chautauqua County, New York was initiated via the NEPA public scoping/CWA Section 404(a) public notice process for the currently proposed project. The project location is in Lake Erie in Barcelona Harbor. The project will not impede on protection and preservation for American Indians (including Eskimo, Aleut, and Native Hawaiians), graves, repatriation, or the inherent right of freedom to believe, express, and exercise traditional religions, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. This EA will be distributed to interested Tribal nations that have ancestral homelands within the project area with a request for consultation.

5.3 Clean Air Act, 42 U.S.C. §§ 7401–7671g - Project coordination was initiated with the USEPA via the NEPA public scoping/CWA Section 404(a) public notice process. Air emissions from construction of this project are anticipated to be minor, temporary, and commensurate with similar construction projects of this type and would be a result of machinery performing the work. In addition, review copies of this EA will be sent to the Regional Administrator of the USEPA requesting comments in compliance with the Clean Air Act.

5.4 Clean Water Act, 33 U.S.C. § 1251 *et seq.*; Federal Water Pollution Control Act Amendments of 1972, Pub. L. No. 92-500. - Project coordination was initiated with agencies and interests including the USEPA and NYSDEC via the NEPA public scoping/CWA Section 404(a) public notice process and continued with the request for comments on this EA. The proposed work will be performed in accordance with the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The proposed project is an advance maintenance activity, which will not significantly modify the fill footprint in Lake Erie. A Water Quality Certification was requested from NYSDEC and is pending.

A Section 404(a) public notice has been issued with the project scoping document. The USACE has evaluated the project alternatives in accordance with the Section 404(b)(1) Guidelines and determined that the proposed alternative is the least environmentally damaging practicable alternative (40 CFR 230) (see Appendix).

5.5 Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451–1464 - In accordance with Coastal Zone Management (CZM) Regulations, it was determined by the USACE that the proposed action will be undertaken in a manner which is consistent to the maximum extent practicable with the State of New York Coastal Management Program (CMP). 15 CFR § 930.34(a). This consistency determination for the proposed activity was submitted to the New York State Department of State and response is pending.

5.6 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601–9675 - Project coordination was initiated with agencies and interests including the USEPA via the NEPA public scoping/CWA Section 404(a) public notice process and continued with the request for comments on this EA. The proposed project would not involve any areas contaminated by hazardous, toxic or radiological wastes.

5.7 Endangered Species Act of 1973, 16 U.S.C. § 1531 *et seq.* - Coordination regarding threatened and endangered species with the USFWS and ODNR was initiated through the NEPA public scoping/CWA Section 404(a) public notice process and continued with the request for comments on this EA. The project is located within the range of the federally listed Northern Long-eared Bat (*Myotis septentrionalis*, endangered), and Monarch Butterfly (*Danaus plexippus*, potential threatened). Given the project type, location, and lack of suitable habitat within the project area, the USACE has determined that the proposed work would result in no effect to any species proposed or listed under the Endangered Species Act of 1973, as amended, nor will it affect the designated critical habitat of any such species.

5.9 Federal Water Project Recreation Act 16 U.S.C. §§ 460112 – 4601-22- In planning the proposed project, full consideration has been given to opportunities afforded by the project for outdoor recreation and fish and wildlife enhancement. Review copies of this EA will be provided to the U.S. Department of the Interior in regard to recreation and fish and wildlife activities for conformance with the comprehensive nationwide outdoor recreation plan formulated by the Secretary of the Interior.

5.10 Fish and Wildlife Coordination Act (Fish and Wildlife Conservation and Water Resource Developments-Coordination), 16 U.S.C. § 661 *et seq.* - Coordination with USFWS regarding this Act and potential impacts to wildlife or wildlife habitat was initiated through the NEPA public scoping/CWA Section 404(a) public notice process and continued with the request for comments on this EA. The USACE has determined that adverse impacts to wildlife and wildlife habitat would not occur as a result of sediment proposed action.

5.11 Flood Control Act of 1944, 16 U.S.C. § 460d *et seq.*, 33 U.S.C. § 701 *et seq.* - Not applicable since the project is located in the harbor.

5.12 Take Pride in America Act of 1990, 16 U.S.C. § 460l *et seq.* - The proposed project would not result in property that was acquired or developed with assistance from this fund, is present in the project area, or would be affected by the project.

5.13 National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 - 4347 - Project coordination was initiated with agencies and interests via the NEPA public scoping/CWA

Section 404(a) public notice process. This EA and FONSI have been prepared in accordance with the Council on Environmental Quality's "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," 40 CFR §§1500-1506, and Corps of Engineers Regulation ER 200-2-2, "Environmental Quality: Policy and Procedures for Implementing NEPA." This EA will be circulated for public/agency review in accordance with the Act. If no significant adverse impacts have been identified, with the signature of the attached FONSI, the project will be in full compliance with the Act.

5.14 Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 *et seq.* - Project coordination was initiated with agencies and interests including the USEPA via the NEPA public scoping/CWA Section 404(a) public notice process and continued with the request for comments on this EA. The proposed project would not involve the generation, treatment, storage, or disposal of any hazardous wastes, and no potentially hazardous waste sites have been identified in the project vicinity. Therefore, the project is in compliance with this Act.

5.15 River and Harbor and Flood Control Act of 1970, Pub. L. No. 91-611 - USACE planning actions have fulfilled the requirements of the Act. All 17 points identified in Section 122 of the Act (P.L. 91-611) have been evaluated in this EA.

5.16 Toxic Substances Control Act, 15 U.S.C. §§ 2601 *et seq.* - The proposed project would not involve any PCB, asbestos, radon, or lead-based paint activities. Therefore, the project is in compliance with this act.

5.17 Wild and Scenic Rivers Act, as amended; 16 U.S.C. 1271 *et seq.* - No portions of Barcelona Harbor have been designated as a wild, scenic, or recreational river. Therefore, this Act is not applicable to the proposed project.

5.18 Executive Order 11988, Flood Plain Management, 42 Fed.Reg. 26951 (May 24, 1977) - The USACE has concluded that there is no practicable alternative to the proposed action, which would occur within the base (100-year) flood plain of Lake Erie, and that the recommended action is in compliance with the Order.

5.19 Executive Order 11990, Protection of Wetlands, 42 Fed.Reg. 26961 (May 24, 1977) - This EO is not applicable because no wetlands are present.

5.20 Executive Order 12114, Environmental Affects Abroad of Major Federal Actions, 44 Fed.Reg. 1957 (Jan. 4, 1979) - This EO is not applicable to this action. This project is not a major federal action that would affect both the United States and Canada.

5.21 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed.Reg. 7629 (Feb.11, 1994) - Coordination was initiated with the USEPA via the NEPA public scoping/CWA Section 404(a) public notice process and continued with the request for comments on this EA in this regard. As noted in section 4.2.6, the proposed project would not result in disproportionately high or adverse human health or environmental effects on minority or low-income populations.

5.22 Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, 66 FR 3853 (Jan. 10, 2001)- Coordination regarding threatened and endangered species with the USFWS and NYSDEC was initiated through the NEPA public scoping/CWA Section 404(a) public notice process and was continued through a request for comments on this EA. The proposed project is not expected to incur any significant adverse effects to migratory birds. As addressed in section 4.1.8, any adverse effects that may occur to migratory birds during construction would be mitigated by adhering to any environmental exclusion windows coordinated with the NYSDEC (none are indicated).

6.0 AGENCIES/PUBLIC CONTACTED

6.1 Coordination - Copies of this EA will be sent to the following agencies and individuals for review and comment:

6.1.1 Federal

- Federal Emergency Management Agency
- Federal Maritime Commission
- International Joint Commission
- U.S. Coast Guard
- U.S. Department of Agriculture:
 - Farm Service Agency
 - Forest Service
 - Natural Resource Conservation Service
- U.S. Department of Commerce:
 - National Oceanic and Atmospheric Administration
 - Ecology and Conservation Office
- U.S. Department of Energy
- U.S. Department of the Interior:
 - Fish and Wildlife Service
 - National Park Service
 - Office of Environmental Project Review
- U.S. Department of State
- U.S. Department of Transportation:
 - Federal Aviation Administration
 - Federal Highway Administration
 - Federal Railroad Administration
- U.S. Environmental Protection Agency

6.1.2 Tribal

- Delaware Nation
- Seneca-Cayuga Nation
- Seneca Nation of Indians
- Tonawanda Seneca Nation

6.1.3 State

- New York Sea Grant

New York State Department of Environmental Conservation:
New York Natural Heritage Program
Permit Administrator - Region 9
Division of Fish and Wildlife - Region 9
New York State Department of Health:
Division of Environmental Protection
New York State Department of State:
Consistency Review Unit Office of Planning and Development
Division of Coastal Resources and Waterfront Revitalization
New York State Department of Transportation:
Highways, Aviation and Ports Division
New York State Museum
New York State Office of Parks, Recreations, and Historic Preservation
Historic Preservation Field Service
State Historic Preservation Officer

6.1.4 Regional/Local

Great Lakes Commission
Great Lake Fishery Commission
Town of Westfield

6.1.5 Individuals/Organizations

League of Women Voters
Atlantic Chapter Office
Audubon New York
Audubon Society of New York State
Canal Society of New York State
Ducks Unlimited
Great Lakes Fishery Commission
Great Lakes Historical Society
Great Lakes Sport Fishing Council
Lake Carriers' Association
Lower Lakes Marine Historical Society
Sierra Club
The Industrial Heritage Committee, Inc.
Trout Unlimited

7.0 REFERENCES

- Environmental Law and Policy Center, 2019. An Assessment of the Impacts of Climate Change on the Great Lakes. <http://elpc.org/glclimatechange/>
- IPCC (Intergovernmental Panel on Climate Change), 2007. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom.
- Karl, T. R. and R.W. Knight, 1998. Secular trends of precipitation amount, frequency, and intensity in the United States. *Bulletin of the American Meteorological Society*, 79, 231- 241.
- National Wild and Scenic Rivers System. 2023. Available at: <https://www.rivers.gov/new-york.php>
- New York State Department of Environmental Conservation (NYSDEC). 2024. New York Nature Explorer available at: <https://www.dec.ny.gov/natureexplorer/app/>
- New York State Department of State (NYSDOS). 2024. New York State Coastal Atlas. Available at <https://dos.ny.gov/coastal-atlas>.
- United States Fish and Wildlife Service (USFWS). 2024. USFWS Information, Planning, and Conservation website. Available at: <https://ecos.fws.gov/ipac/>
- United States Global Change Research Program (USGCRP), 2018. Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II: Report-in-Brief [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. Washington, DC: USGCRP. doi: 10.7930/NCA4.2018.
- United States Environmental Protection Agency (USEPA). 2024a. AirDATA website. Available at: <http://www.epa.gov/airdata/>
- United States Environmental Protection Agency (USEPA). 2024b. EJSCREEN. EPA's Environmental Justice Screening and Mapping Tool. Available at: <https://ejscreen.epa.gov/mapper/>
- Vose, R.S., S. Applequist, M. Squires, I. Durre, M.J. Menne, C.N. Williams Jr... and D. Arndt. 2014. Improved historical temperature and precipitation time series for U.S. climate divisions. *Journal of Applied Meteorology and Climatology*, 53, 1232-1251. <http://dx.doi.org/10.1175/JAMC-D-13-0248.1>