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Buffalo District
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Operations and Maintenance Barcelona West Breakwater Repair in Westfield, NY

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National Environmental Policy Act Scoping Information & Clean Water Act Section 404(a) Public Notice



Buffalo District, U.S. Army Corps of Engineers

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1. Introduction

The National Environmental Policy Act (NEPA) directs federal agencies to initiate "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action." The Buffalo District - U.S. Army Corps of Engineers (USACE) has prepared this scoping information to elicit public and agency concerns, clearly define the environmental issues and alternatives that should be examined, and identify federal, state, and local requirements that may need to be addressed. The information in this scoping document has been prepared as part of the formal scoping process pursuant to NEPA and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500 et seq.).

Additionally, this document serves as the public notice pursuant to Section 404(a) of the Clean Water Act (CWA). It is being administered in conformance with USACE regulation, "Practice and Procedure: Final Rule for Operation and Maintenance of Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged Materials into Waters of the United States or Ocean Waters," 33 Code of Federal Regulations (CFR) 337.1. The purpose of this public notice is to specify what dredged/fill materials would be discharged into waters of the United States by implementation of the proposed action and advise all interested parties of the proposed project and to provide an opportunity to submit comments or request a public hearing.

2. Background

Barcelona Harbor is located on the southeastern shore of Lake Erie in the Town of Westfield, Chautauqua County, New York about 29 miles northeast of Erie, Pennsylvania and 17 miles southwest of Dunkirk, New York. The harbor supports both commercial and recreational based activities. The navigation channels historically dredged are the Entrance Channel (authorized depth 10 feet below Low Water Datum (LWD¹)) and Inner Harbor Channel (authorized depth 8 feet below LWD). The attached map shows the authorized inlets and depths of the federal navigation channels and protective breakwater structures (Figure 1).

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)

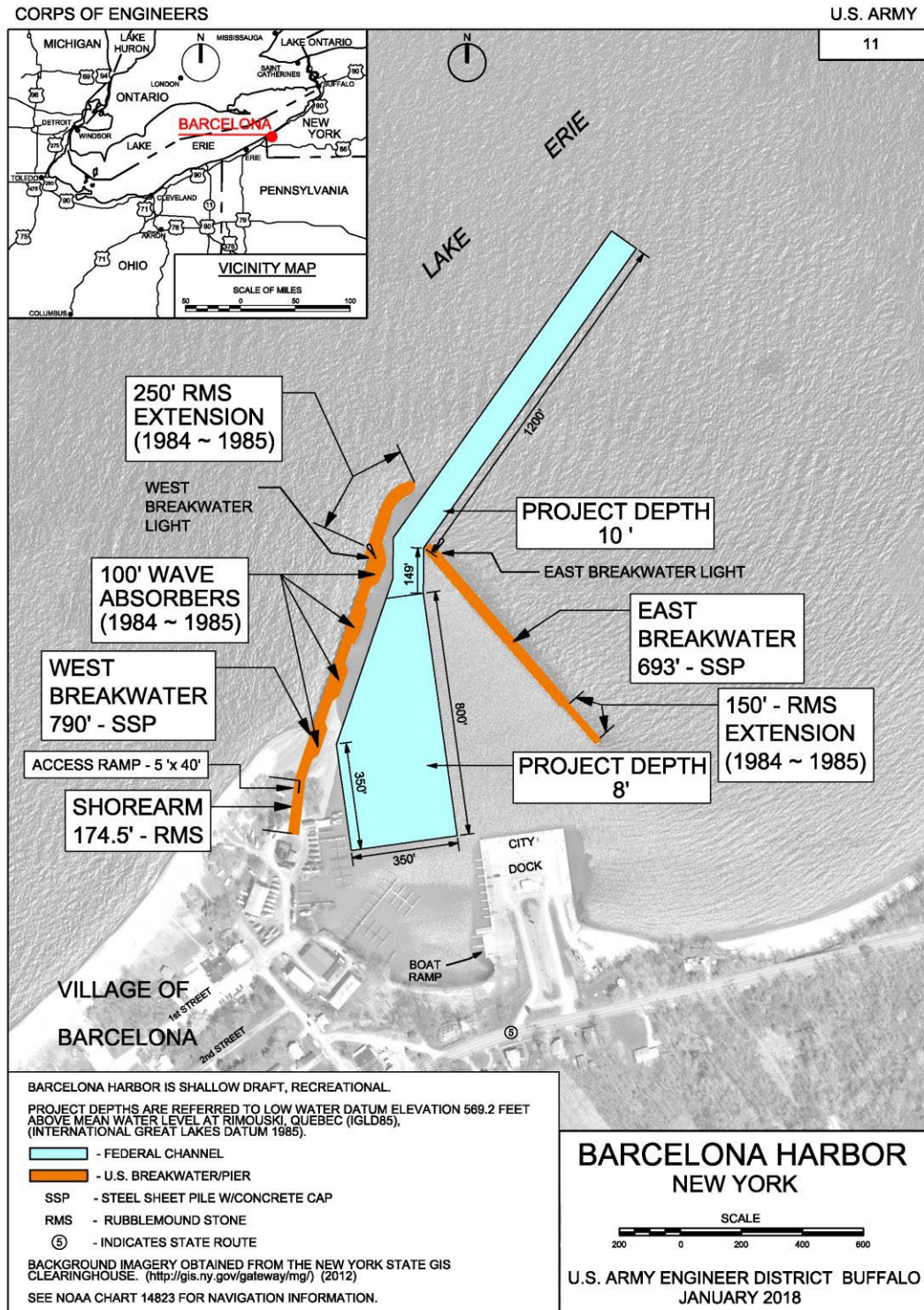


Figure 1 – Barcelona Harbor Limits of Federal Navigation Channel

Sediment within the removal area for the Barcelona West Breakwater repair will be sampled in the Spring of 2025 and the resulting sediment data will be analyzed to evaluate its suitability for near-shore or open-water placement in accordance with evaluation guidance contained in the U.S. Environmental Protection Agency (USEPA)/USACE Great Lakes Dredged Material

Testing and Evaluation Manual (1998) and Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.—Testing Manual (1998). If open-water placement is proposed, the sediment data will be evaluated to determine whether the dredged sediment meets the contaminant determination portion of the CWA Section 404(b)(1) Guidelines (40 CFR 230.11(d)). If a nearshore placement site is appropriate, the evaluation will confirm the suitability of the course-grained fraction of this sediment for placement at one of the nearshore placement areas evaluated in this scoping document.

3. Need for Action

Barcelona Harbor has experienced severe shoaling in the recent past, threatening unobstructed commercial and recreational navigation. Dredging in 2023 removed 65,000 cubic yards of sediment from the federal navigation channels, but an elevated rate of shoaling persists. A breakwater inspection survey performed at Barcelona Harbor in April 2024 identified the breakwater to be structurally sound; however, overtopping of sediment from the lakeward side of the west breakwater was determined to be hampering the functionality of the structure. The Barcelona Harbor west breakwater in its existing state is compromised and has a reduced capability to protect the harbor from significant wave and storm events.

4. Preferred Alternative

The proposed project is for the removal of approximately 35,000 cubic yards of sediment from the lakeward side of the west breakwater in order to maintain the function of the breakwater and protect navigation within the Entrance Channel and Inner Harbor Channel (Figure 2). The removal of the accumulated sediment will restore the ability of the breakwater to dissipate wave energy, prevent overtopping, and protect the navigation channel. Upon completion of the sediment removal, sediments may be placed in placement area 1 or 2 (Figure 3), in the previously authorized near-shore placement site (Figure 4), or in the designated open-water placement site (Figure 5). The 2026 sediment removal operation at Barcelona Harbor is tentatively scheduled to be performed during the period between 15 June and 15 September.



Figure 2 – Barcelona West Breakwater Proposed Repair Footprint

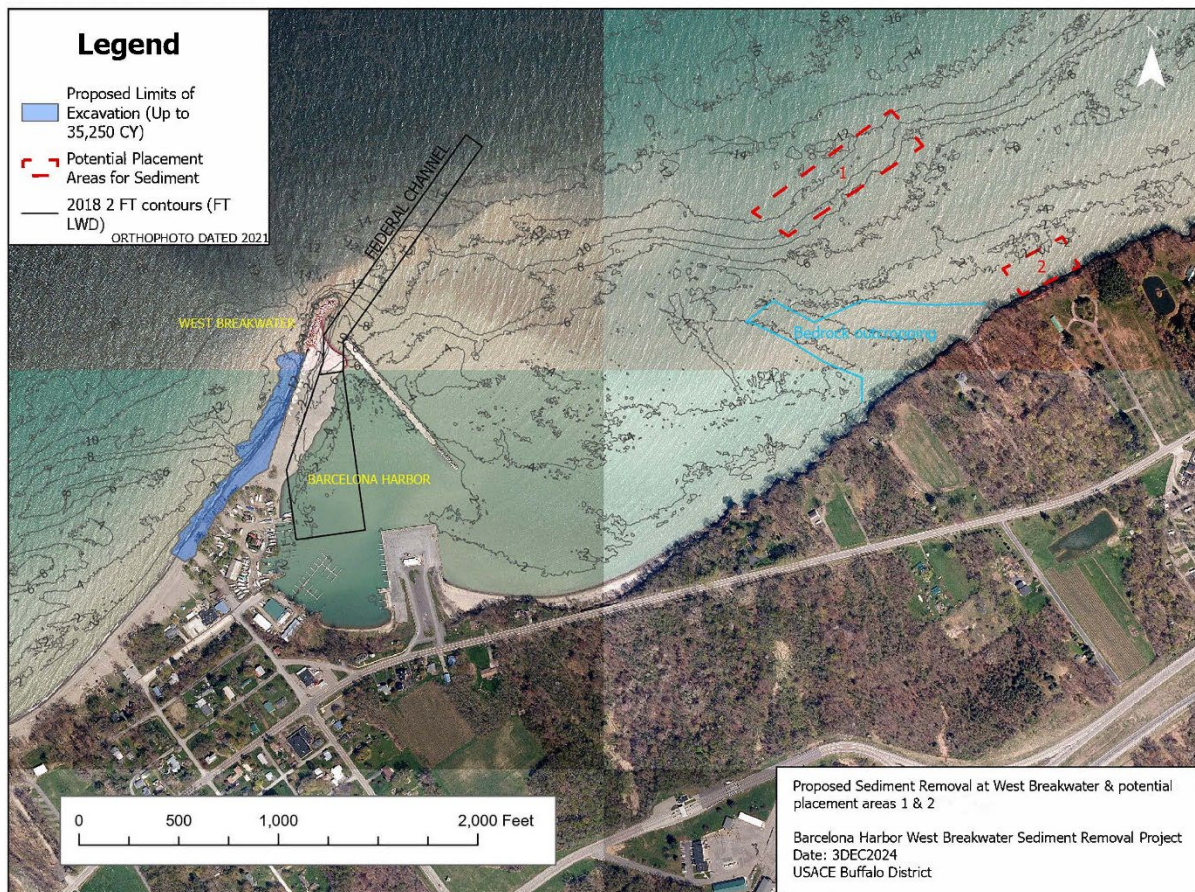


Figure 3 – Barcelona West Breakwater Potential Placement Areas 1 & 2

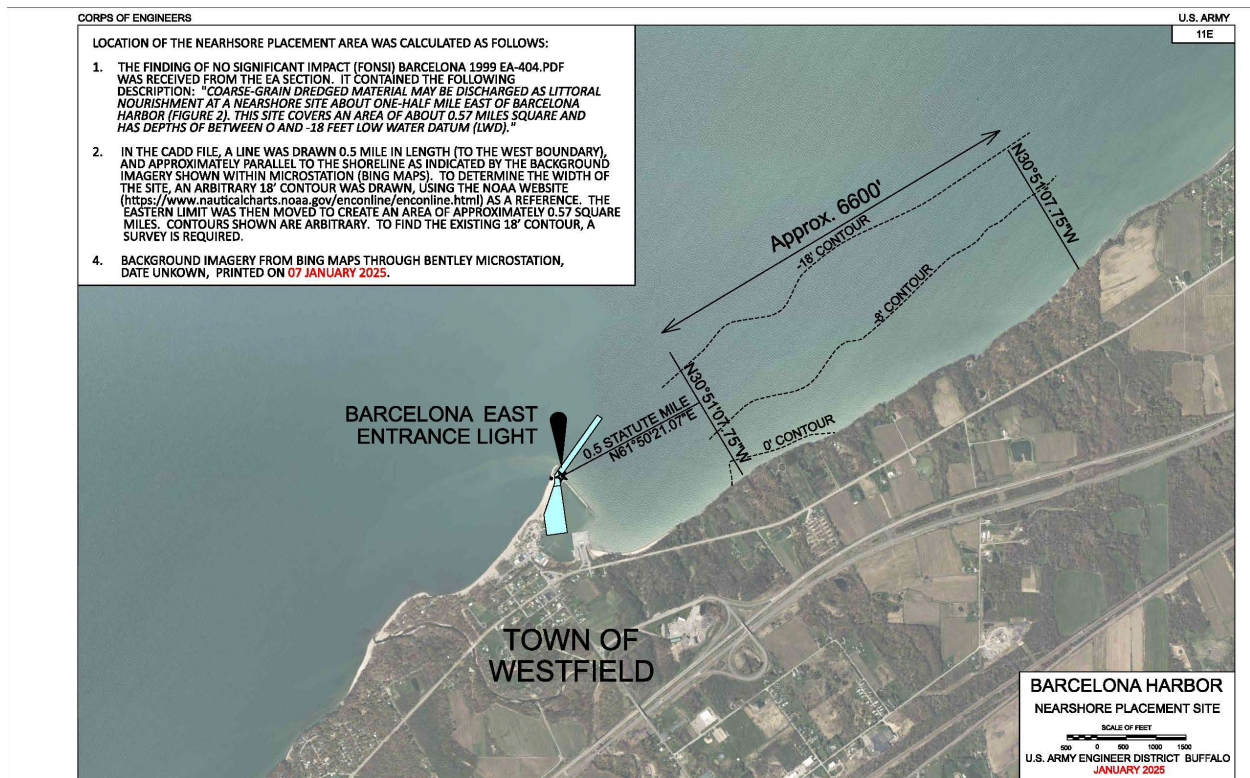


Figure 4 – Barcelona Harbor Previously Authorized Near-shore Placement Site

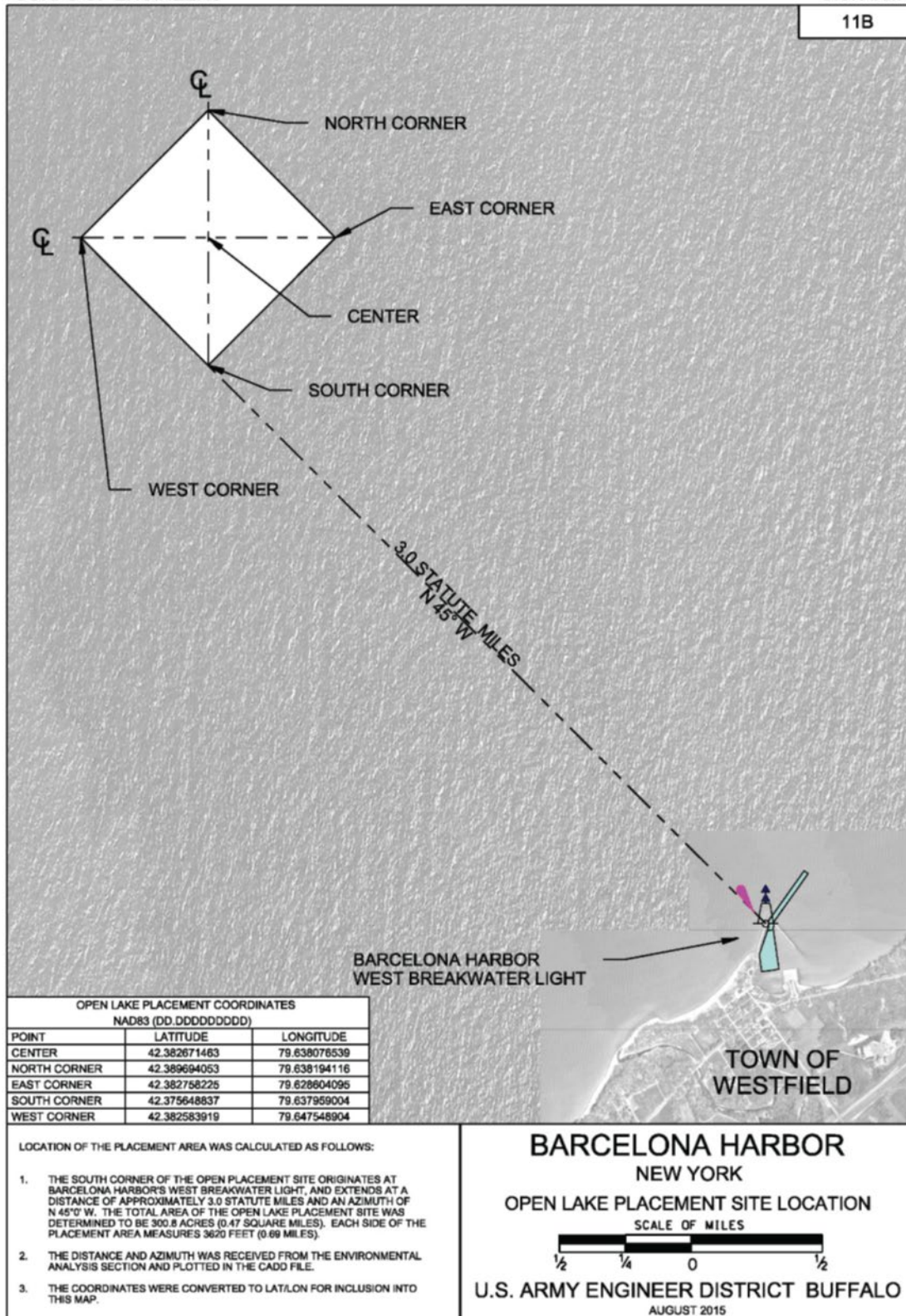


Figure 5 – Barcelona Harbor Designated Open-Water Placement Area

5. Impact Assessment

The environmental effects that could result from the USACE decision to remove and open water place 35,000 cubic yards of sediment from the lake side of the Barcelona Harbor west breakwater will be evaluated 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).

Future conditions and anticipated potential effects of the proposed action will be assessed and compared to a no action alternative. The no action alternative represents the anticipated condition that may result from the USACE taking no action to complete the Barcelona Harbor west breakwater repair. The alternatives will be evaluated for several social, economic and environmental categories, including:

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

6. Public Participation and Interagency Coordination

Throughout the scoping and public notice process, stakeholders and interested parties are invited to provide comment and/or request a public hearing on the proposed action that will be evaluated as part of the Operations and Maintenance (O&M) support to the Barcelona Harbor west breakwater repair project. 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. Stakeholders and interested parties are invited to provide comment on this study. Potential social, economic, and environmental benefits and adverse impacts that may result from each alternative that is selected for detailed analysis will be addressed in future documentation. Interested parties are welcome to contact USACE to discuss their views and recommendations regarding this study. Comments will be accepted by mail/email until the close of this scoping period on March 14, 2025.

The decision whether to perform the breakwater repair will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision reflects the national concern for both protection and utilization of important resources. The benefit which is reasonably expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative factors thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation,

shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

This activity is being coordinated with the following agencies, as well as other appropriate federal, Tribal Nation, state and local agencies and organizations:

New York State Department of Environmental Conservation
New York State Department of State
New York State Historic Preservation Office
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency

7. Compliance with Environmental Protection Statutes

The proposed breakwater repair will be evaluated for compliance with all applicable environmental protection statutes, executive orders, *etc.* including:

Clean Water Act, as amended (Federal Water Pollution Control Act Amendments of 1972) (33 USC 1251 et seq.) If the recommended plan involves the placement of dredged or fill material into the waters of the United States, the USACE will evaluate the discharge in accordance with Clean Water Act Section 404(b)(1) Guidelines. Water quality and related information used in this evaluation will provide documentation to demonstrate that the recommended plan is in compliance with this Act. A Section 401 Water Quality Certification for the discharge would also be requested from the Ohio Environmental Protection Agency.

Endangered Species Act of 1973, as amended (16 USC 1531 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 will conduct a biological assessment to determine the proposed project's effect on these species or critical habitat.

The USFWS web sites and Information for Planning Consultation ([<https://ecos.fws.gov/ipac/>], accessed January 2025) have been reviewed to generate the following list of federally threatened and endangered species that are/or may be present at the project location:

- Northern Long-eared Bat (*Myotis septentrionalis*)
- Salamander Mussel (*Simpsonaias ambigua*)
- 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 information constitutes an initial request for public and agency input into this NEPA review process.

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

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. The list below in Section 7 presents a list of potentially applicable environmental protection statutes, executive orders, etc. Therefore, an additional intent of this document is to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

8. Federal Environmental Protection Laws, Executive Orders, and Policies

a. PUBLIC LAWS

- a. American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
- b. American Indian Religious Freedom Act, P.L. 95-341, 42 U.S.C. 1996, *et seq.*
- c. Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
- d. Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
- e. 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.)
- f. Archaeological Resources Protection Act, P.L. 96-95 as amended, 16 U.S.C. 470aa, *et seq.*
- g. Bald Eagle Protection Act; 16 U.S.C. 668.
- h. Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
- i. 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.)
- j. Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- k. Comprehensive Environmental Response, Compensation, and Liability Act, P.L. 96-510, 42 U.S.C. 9601, *et seq.*
- l. Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
- m. Energy Independence and Security Act, P.L. 110-140, 42 U.S.C. 15821, *et seq.*
- n. Energy Policy Act, P.L. 109-58, 42 U.S.C. 13201, *et seq.*
- o. Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- p. Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, *et seq.*
- q. Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- r. Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
- s. Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- t. Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- u. Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- v. Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- w. Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
- x. National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*

- y. National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- z. Native American Graves Protection and Repatriation Act, P.L. 101-601, 25 U.S.C. 3001, *et seq.*
- aa. Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*
- bb. Noise Control Act, P.L. 92-574, 42 U.S.C. 4901, *et seq.*
- cc. Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
- dd. River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (also known as the Refuse Act of 1899)
- ee. Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- ff. Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- gg. Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq.*

b. EXECUTIVE ORDERS

- a. Executive Order 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1979
- b. Executive Order 11988, *Floodplain Management*, May 24, 1977
- c. Executive Order 11990, *Protection of Wetlands*, May 24, 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 12580, *Superfund Implementation*, January 23, 1987
- h. Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*, August 3, 1993
- i. Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994
- j. Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, April 21, 1997
- k. Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, January 10, 2001
- l. Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, January 24, 2007
- m. Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, October 5, 2009

c. OTHER FEDERAL POLICIES

- a. Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act
- b. Council on Environmental Quality Memorandum of August 10, 1980: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the National Inventory
- c. Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4)

9. Point of Contact

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

Buffalo District Environmental Analysis Team

E-mail: BarcelonaHarborWestBreakwaterRepair@usace.army.mil

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

U.S. Army Corps of Engineers

Attn: Environmental Analysis Team

Buffalo District

478 Main Street

Buffalo, NY 14202-3288

Thank you for your review of this project.