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of Engineers®

Public Notice

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OPERATIONS AND MAINTENANCE

NEARSHORE PLACEMENT OF DREDGED SEDIMENT

FAIRPORT HARBOR

LAKE COUNTY, OHIO

This Public Notice has been prepared pursuant to Section 404(a) of the Clean Water Act (CWA). It is being administered in conformance with U.S. Army Corps of Engineers (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 or fill materials would be discharged into waters of the United States by implementation of the proposed action, advise all interested parties of the proposed project, and to provide an opportunity to submit comments or request a public hearing.

The USACE, Buffalo District anticipates the need to dredge and place sediment excavated from the authorized federal navigation channels of Fairport Harbor, located on the southern shore of Lake Erie at the mouth of the Grand River and within the Grand River, in order to maintain sufficient water depths for deep-draft commercial and recreational navigation (Figure 1). Federal navigation channels within the harbor include the Entrance Channel, Outer Harbor Channel, and Grand River Channel (Figure 2). To ensure that the minimum authorized depth in the harbor is maintained throughout the navigation season, and to account for inaccuracies in the dredging process, an additional one foot of shoal may be removed.

Dredging operations at Fairport Harbor are scheduled to be performed during the period between July 1 and March 15 of a given season. A contractor of the federal government would accomplish the project. Sediments would be removed from the channel bottom by a mechanical dredge and placed into hoppers aboard a scow for transport to the designated dredged sediment placement areas. Mechanical excavation and placement methodologies would be used by the

contractor performing the maintenance dredging project.

The USACE Buffalo District currently has a water quality certification (WQC) from the Ohio Environmental Protection Agency (OEPA) to place dredged sediment from the authorized federal navigation channels of Fairport Harbor that is valid through the 2027 dredging season. However, the existing nearshore placement area specified in that WQC is no longer desirable due to the construction of a pier on the eastern side of the placement area. Continued use of the existing authorized nearshore placement area for the placement of primarily coarse grain sediment would result in that 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 to the west of Fairport Harbor. The selection 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. This public notice is intended to distribute information for the placement of coarse-grained sediment at the new nearshore placement area.

The sediment to be dredged from Fairport Harbor consists primarily of silts and clays, with some sands and gravel. An estimated total of 350,000 cubic yards of sediment would be dredged from the Fairport Harbor federal navigation channels on an annual basis (subject to the availability of funds). The quality of the sediment has been evaluated in accordance with the protocols and guidelines contained in the U.S. Environmental Protection Agency (USEPA)/USACE 1998 Great Lakes Dredged Material Testing and Evaluation Manual, and Evaluation of Dredged Material for Discharge into Waters of the U.S. - Testing Manual (1998). The evaluation specifically addresses potential contaminant-related risks to aquatic life associated with placing the dredged sediment at the open-lake and/or nearshore areas. Based on this evaluation, the sediments proposed for dredging in 2026 have been determined to meet contaminant determination CWA Section 404(b)(1) Guidelines for open-water and/or nearshore placement. This evaluation found that the placement of dredged sediments at the specified site in Lake Erie would not cause unacceptable, adverse, contaminant-related impacts. Therefore, between 40,000 and 65,000 cubic yards of coarse-grained sediment dredged from the Entrance Channel would be discharged as littoral nourishment at the new nearshore placement area in Lake Erie located west of Fairport Harbor (Figure 3).

Placement of the coarse-grain dredged sediment in the nearshore zone may cost significantly more when compared to “deep water” open-lake placement due to shallow water depths. Shallow water depths for the purposes of nearshore placement in this Public Notice are specified as: (1) between -11 feet low water datum (LWD¹) and the ordinary high-water mark; and between -8 feet LWD and the ordinary high-water mark. Sediment will be placed at the shallowest depth possible (-8 feet LWD) if there are no increased costs to the federal government (when compared to the costs for placement at the -11-foot LWD depth). If placement in the

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).

nearshore zone at depths of -8 feet LWD cost significantly more than open-lake placement, a partner will need to pay the increased cost of nearshore placement.

Pursuant to Section 401 of the Clean Water Act, Water Quality Certification (WQC), or waiver of WQC, from the OEPA is required for the discharge of dredged sediment. Therefore, a copy of this Public Notice has been provided to OEPA requesting a modification to the existing WQC for the associated placement of coarse-grained dredged sediment at the proposed new nearshore placement area.

The environmental effects of the dredging operation are documented in the *Final Environmental Statement, Fairport Harbor, Ohio (Maintenance) (1974); Dredging Disposal Area, Fairport Harbor, Ohio, Letter Report (1974); Supplemental Information Report and Section 404(b)(1) Evaluation, Operation and Maintenance, Fairport Harbor, Ohio (1980); and Supplemental Information Report and Section 404(b)(1) Evaluation, Operation and Maintenance, Fairport Harbor, Ohio (1983)*. These documents, and supplemental documentation, have been submitted to USEPA. Copies are available for examination at the Buffalo District office.

The USACE has made a preliminary determination that an environmental impact statement is not needed for the proposed action. A final determination will be documented in a finding of no significant Impact (FONSI) after further analyzing the potential effects of the proposed action in an environmental assessment (EA). If the EA determines that the proposed action is a major federal action significantly affecting the quality of the human environment, then an EIS will be prepared, as necessary.

There are no listed historic properties or properties determined as being eligible for listing in the National Register of Historic Places that will be affected by this project. Consultation with the Ohio State Historic Preservation Office (SHPO), historical societies, and tribal interests was initiated via the NEPA public scoping process. A response was received from the SHPO requesting a maritime archaeological survey due to the absence of any surveys in the vicinity of the proposed nearshore area. After further coordination, an agreement to conduct multibeam and sidescan surveys using USACE personnel and equipment was determined to satisfy the request of a survey. The sidescan and multibeam surveys did not reveal the presence of any shipwreck or other archaeological artifacts. The results of the survey were coordinated with the SHPO. In a letter dated April 24, 2025, the SHPO concurred with the USACE no effect determination.

This office has determined that the proposed project will have No Effect upon any species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will the proposed work result in an adverse modification of designated critical habitat for any such species. In a letter dated November 13, 2024, the U.S. Fish and Wildlife Service (USFWS) concurred with this determination. Therefore, unless new information indicates otherwise, no further consultation pursuant to Section 7 of the Endangered Species Act Amendments of 1978 will be undertaken with the USFWS.

This work will be undertaken in a manner consistent, to the maximum extent practicable, with the State of Ohio Coastal Management Program. A Coastal Management Program Federal Consistency Determination has been submitted to the Ohio Department of Natural Resources (ODNR) documenting this determination.

The decision whether to perform dredging has been 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 reasonably may be expected to accrue from the proposal has been balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal have been 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:

National Park Service
Ohio Department of Natural Resources
Ohio Environmental Protection Agency
Ohio Historic Preservation Office
U.S. Coast Guard
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency

Any interested parties and/or agencies desiring to express their views concerning these proposed discharges of dredged sediment may do so by filing their comments, in writing, no later than 30 days from the date of this notice. Any person who has an interest which may be affected by the discharge of this dredged sediment may request a public hearing. The request must be submitted in writing to the undersigned within 30 days of the date of this Public Notice. The request must clearly set forth the interest which may be affected, and the manner in which the interest may be affected, by this activity.

Interested parties are encouraged to contact the USACE - Buffalo District with their comments regarding the proposed dredging of Fairport Harbor. Please review this Public Notice and send your comments 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
Environmental Analysis Team
478 Main Street
Buffalo, NY 14202
ATTN: Environmental Analysis

This public notice is published in conformance with 33 CFR 337.1. All dredging and dredged sediment discharge would be performed in conformance with Sections 313 and 404 of the Clean Water Act (33 USC 1323 and 1344, respectively).

Attachments

NOTICE TO THE POSTMASTER: It is requested that the above notice be conspicuously displayed for 30 days from the date of issuance.

Figures



Figure 1: Fairport Harbor location map.

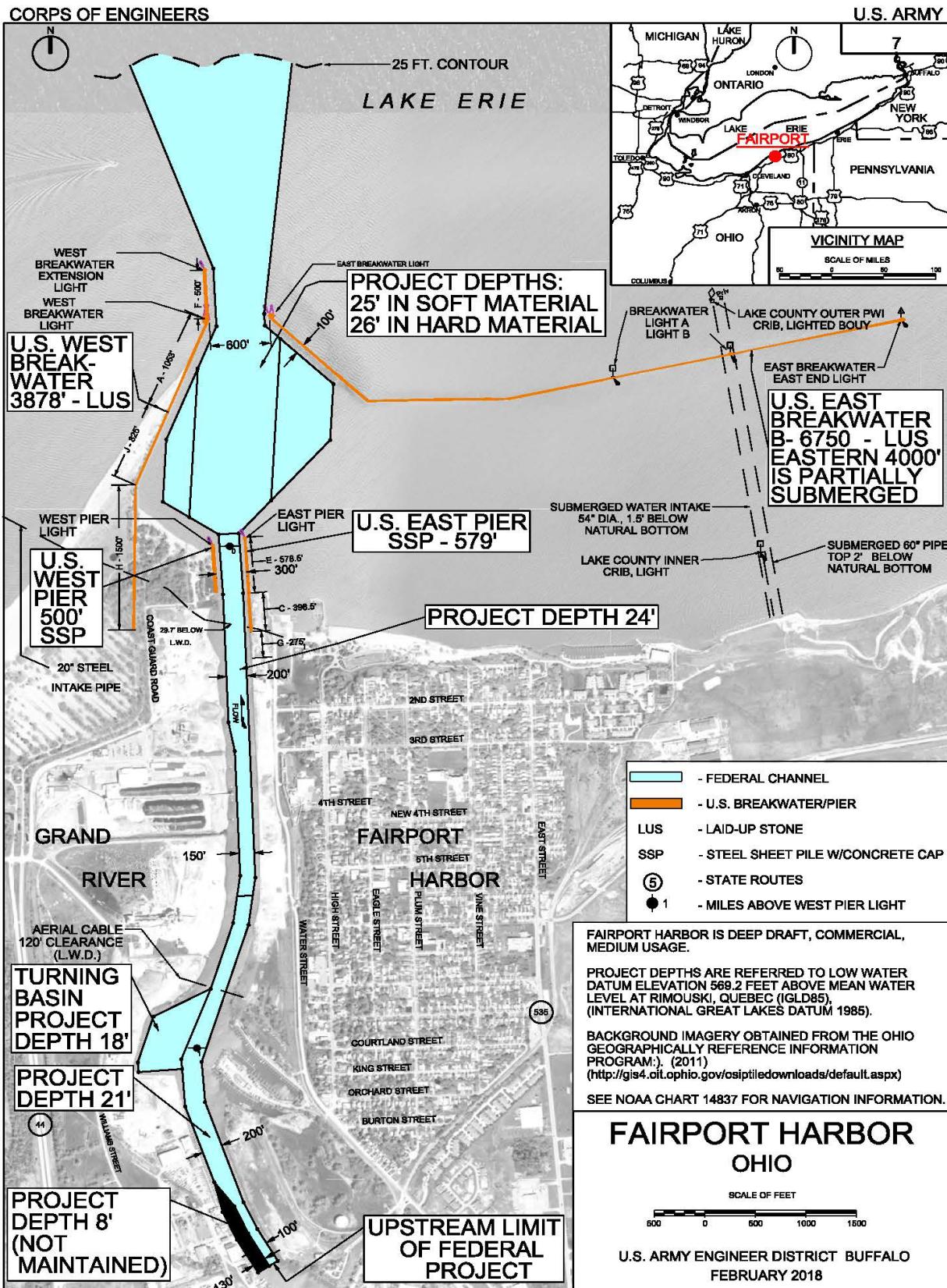


Figure 2: Fairport Harbor federal navigation channel map.

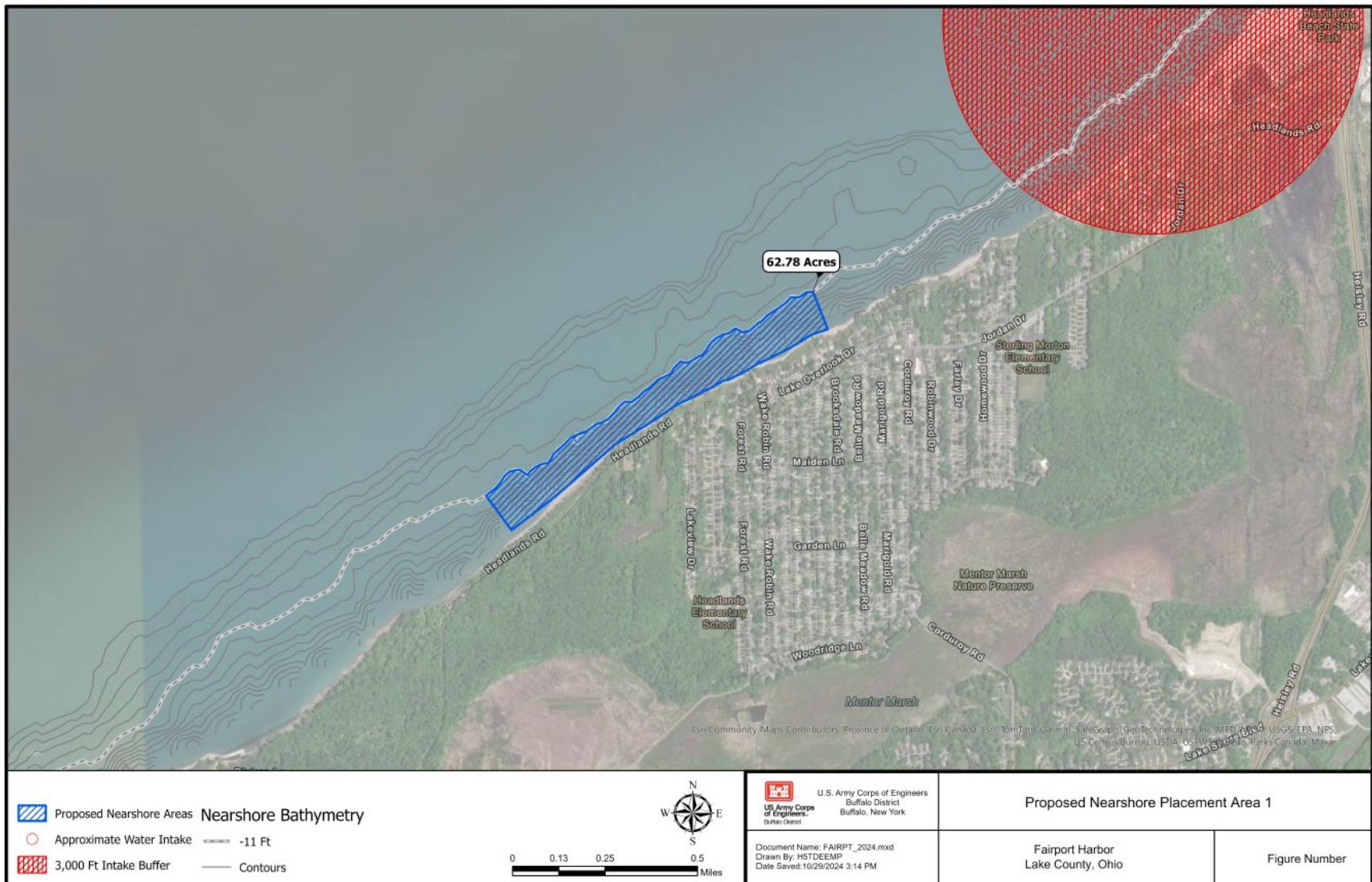


Figure 3: Fairport Harbor new nearshore placement area (west of the harbor).