

DRAFT
Finding of No Significant Impact
and
Environmental Assessment



In Support of Cleveland Harbor Short-term Decision Document
Cleveland Harbor
City of Cleveland
Cuyahoga County, Ohio
DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199

March 9, 2015
PUBLIC REVIEW PERIOD ENDS: April 9, 2015

**Draft Finding of No Significant Impact
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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) presents the results of the environmental analysis.

Cleveland Harbor is located on Lake Erie at the mouth of the Cuyahoga River. The harbor is 191 miles southwest of Buffalo, New York and 110 miles east of Toledo, Ohio. It measures about 1,300 acres, is five miles long, and varies in width between 1,600 to 2,400 feet.

Remaining capacity is limited within the Cleveland Harbor confined disposal facilities (CDFs) for disposal of sediment dredged from the Federal navigation channel. Additional capacity is required to support continued commercial navigation. To maintain the federally authorized channel depths and provide for commercial navigation needs, it is assumed that an approximate Federal quantity of 225,000 cubic yards (cy) of sediment must be dredged each year. Since 2006, the original design capacities of the existing CDFs have been extended by using management strategies within the original design footprints of the CDFs. By this year (2015), a new disposal facility or other management method will have to be available in order to continue full dredging of Cleveland Harbor. In 2013, the USACE completed its routine five-year evaluation of sediment quality, finding that approximately 80 percent of the dredged sediment now meets Federal guidelines for open lake placement. An Environmental Assessment and finding of no significant impact was completed for open-lake placement in December 2014. The proposed action here for new CDF capacity covers a period of four years and assumes full confinement will be required (i.e., 225,000 cy annually). If open lake placement is implemented, the new capacity could last up to 20 years or more.

The current proposed action to resolve this dredge material disposal capacity issue consists of two components: (1) management of sediment using remaining capacities at CDF's 10B, 9 and 12 and (2) vertical expansion of CDF 12 under a plan proposed by the Cleveland-Cuyahoga County Port Authority. This EA/FONSI covers the second component of the proposed action to provide approximately one million cubic yards of new capacity for the period 2015 to 2018. This Port plan is part of a sustainable sediment management approach that may facilitate (as yet) unspecified beneficial uses of sediment. For planning purposes, it was assumed that all of these CDF's would have effectively reached their design capacities and be considered full at the end of dredging in 2014. The final interior elevation of CDF 12 will be approximately +35 feet

above low water datum (LWD), which is 17 feet above the existing height of the perimeter berms.

The Port of Cleveland has advocated for this approach, whereby it would design and construct modifications to the existing CDF and would recover much of its investment through a tipping fee to be paid by USACE for placement of dredged material. Section 217 of WRDA 1996, as amended by WRDA 2007, authorizes the USACE to enter into an agreement to use a dredged material disposal facility designed, constructed, managed, owned, or operated by a non-Federal interest, a private entity, or both. It is recommended that the Port's Plan (Alternative 7) be implemented to provide sufficient sediment disposal capacity within Cleveland Harbor CDF 12 from 2015 through 2018.

The environmental effects of the Port's plan, which only involves one CDF, are expected to be mostly similar to those anticipated from a Federal base plan which involves three CDFs. Generally, the anticipated positive impacts from either the base plan or Port plan would involve the continued maintenance of commercial navigation and its associated benefits to the regional economy (e.g., employment, business operations). Anticipated short-term adverse impacts from either plan may include elevated noise levels and localized construction traffic. The Port's Plan may result in a greater adverse impact to aesthetics than the Federal base plan due to higher elevations. The environmental effects of the post-mounding operation and maintenance (O&M) of the CDFs will be similar to those environmental impacts realized from normal O&M activities at the CDFs in past decades. Obtaining and complying with any and all local, state, or federal environmental compliance requirements associated with the Port's Plan would be the responsibility of the Port of Cleveland (e.g., Coastal Zone Management Act, Clean Water Act).

Analysis has shown that the proposed project would not constitute a major federal action which would result in significant adverse impacts on the quality of the human or natural environment. Public coordination to date has uncovered no areas of significant environmental controversy. Based on these factors, it has been determined that an environmental impact statement will not be required.

The attached environmental assessment presents the results of the environmental analysis. Those who may have information that may alter this assessment 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 are sufficiently addressed, this finding will be signed and filed with the project documentation.

Date: _____

Karl D. Jansen
LTC, EN
Commanding

Environmental Assessment
In Support of Cleveland Harbor Short-term Decision Document
Cleveland Harbor
City of Cleveland
Cuyahoga County, Ohio

Table of Contents

1.0 Location, Purpose, and Authority	7
1.1 Location	7
1.2 Purpose.....	9
1.3 Authority.....	9
2.0 Need for Action.....	10
2.1 Background, Problem and Need for Action.....	10
3.0 Proposed Action and Alternatives.....	12
3.1 Proposed Action.....	12
3.2 Alternatives to the Proposed Action	13
4.0 Affected Environment.....	18
4.1 Socio-Economic Environment	18
4.1.1 Community and Regional Growth.....	18
4.1.2 Water and Associated Land Uses.....	18
4.1.3 Business and Industry; Employment and Income	18
4.1.4 Public Facilities and Services	19
4.1.5 Property Values and Tax Revenues	19
4.1.6 Noise	19
4.1.7 Aesthetics.....	19
4.1.8 Community Cohesion	20
4.1.9Cultural Resources	20
4.1.10 Environmental Justice.....	20
4.2 Natural Environment.....	21
4.2.1 Air Quality	21
4.2.2 Water Quality.....	21
4.2.3 Sediment Quality.....	21
4.2.4 Fisheries	22
4.2.5 Plankton and Benthos.....	22

4.2.6 Vegetation.....	22
4.2.7 Wildlife	23
4.2.8 Threatened and Endangered Species.....	24
4.2.9 Wetlands	24
5.0 Environmental Impacts	24
5.1 Social Environment Impacts	25
5.1.1 Noise	25
5.1.2 Aesthetic Values	25
5.1.3 Displacement of People	26
5.1.4 Public Health and Safety.....	26
5.1.5 Transportation	27
5.1.6 Community Cohesion	27
5.1.7 Leisure Opportunities / Recreational Resources	28
5.1.8 Environmental Justice	28
5.1.9 Cultural Resources	28
5.2 Economic Effects	29
5.2.1 Public Facilities and Services	29
5.2.2 Employment/Labor Force	29
5.2.3 Business and Industrial Activity	30
5.2.4 Property Values and Tax Revenues	30
5.2.5 Community and Regional Growth	30
5.2.6 Displacement of Farms	31
5.2.7 Land and Associated Water Use	31
5.3 Physical / Natural Environmental Impacts.....	31
5.3.1 Man-made Resources.....	31
5.3.2 Natural Resources	32
5.3.3 Air Quality	32
5.3.4 Water Quality.....	33
5.3.5 Plankton and Benthos.....	33
5.3.6 Fish and Wildlife.....	34
5.3.7 Vegetation.....	35
5.3.8 Threatened and Endangered Species (T&E).....	36
5.3.9 Wetlands	36

5.4 Cumulative Effects..... 36

6.0 Compliance with Environmental Protection Requirements 39

7.0 Agencies/Public Contacted 44

References..... 48

Appendices..... 50

1.0 Location, Purpose, and Authority

1.1 Location

Cleveland Harbor is located on Lake Erie at the mouth of the Cuyahoga River. The harbor is 191 miles southwest of Buffalo, New York and 110 miles east of Toledo, Ohio (Figure 1). It measures about 1,300 acres, is five miles long and varies in width between 1,600 to 2,400 feet. The harbor is protected by a breakwater system consisting of an east breakwater (20,970 feet long), a west breakwater (6,048 feet long), and the east and west arrowhead breakwaters (each measuring 1,250 feet). Authorized navigation channel depths in this area range from 25 to 28 feet. The East and West Arrowhead Breakwaters protect the Lake Approach Channel which has an authorized depth of 29 feet. The Entrance Channel varies in width from 220 to 750 feet and is maintained at an authorized depth of 28 feet to the mouth of the Cuyahoga River. The lower Cuyahoga River Channel, from the lake side of the piers to immediately above the Old River confluence, is maintained to an authorized depth of 27 feet. The upper Cuyahoga River and turning basin are maintained to an authorized depth of 23 feet and 18 feet, respectively. The key features of Cleveland Harbor are illustrated in Figure 2.



Figure 1: Location of Cleveland Harbor, Ohio

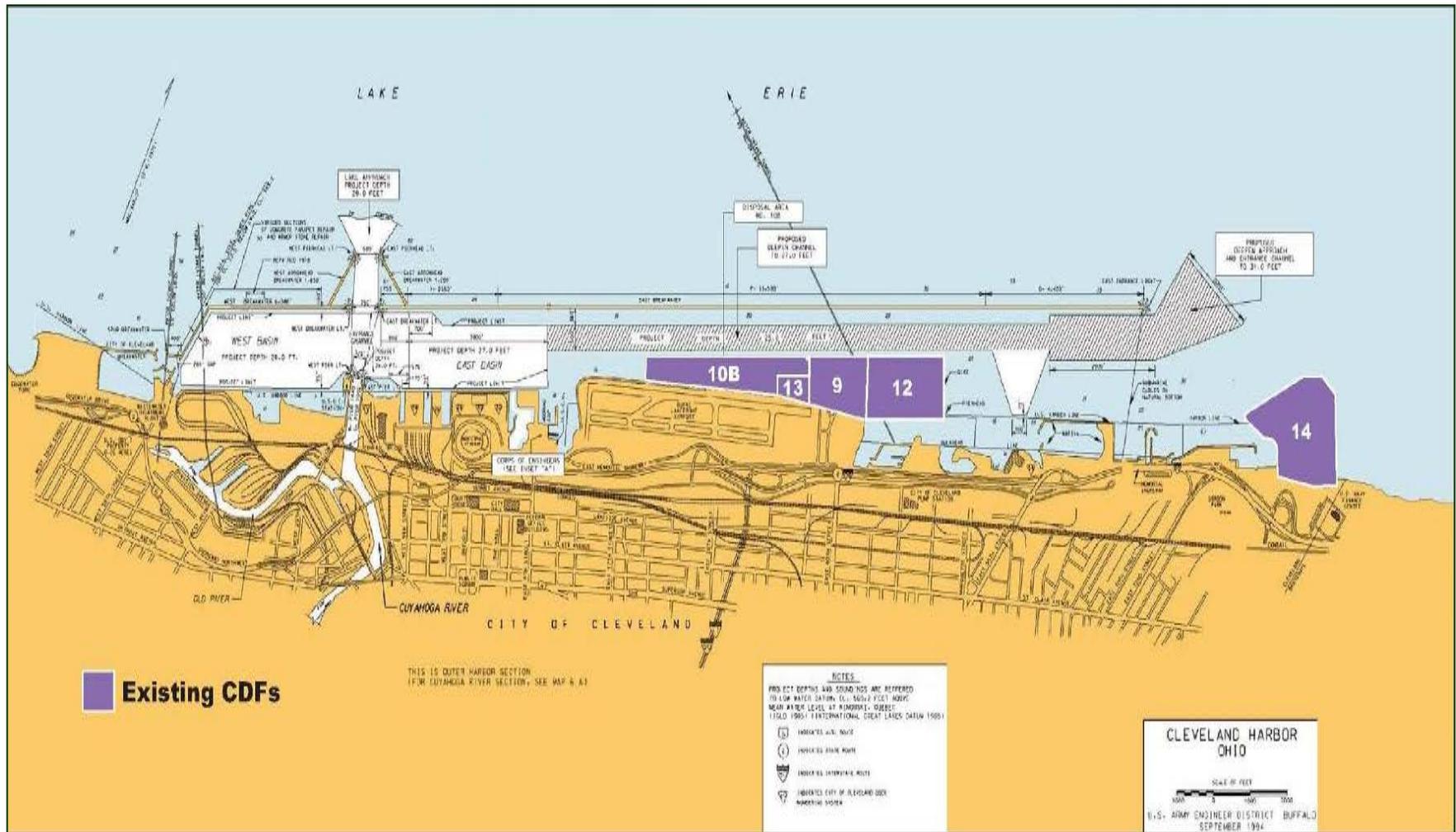


Figure 2: Cleveland Harbor navigation features and location of existing CDFs.

1.2 Purpose

The purpose of this environmental assessment (EA) is to evaluate the potential effects of the alternatives considered for management of dredged materials in Cleveland Harbor on the human and natural environment. The alternatives considered by the U.S. Army Corps of Engineers (USACE) include internal dredged material management actions, such as dredged material mounding within the footprints of the existing confined disposal facilities (CDFs) in Cleveland Harbor. Analysis of the potential effects of the recommended plan will determine if the project is a major federal action significantly affecting the quality of the natural or human environment and that would therefore require completion of an Environmental Impact Statement (EIS). This EA facilitates compliance with the National Environmental Policy Act of 1969 (NEPA) and includes discussions on the need for the action, the affected environment, a description of the proposed action and alternatives, environmental impacts, environmental compliance, and a list of agencies, interested groups and individuals consulted.

1.3 Authority

The existing Federal navigation project at Cleveland Harbor, Ohio, was initially authorized as a Federal harbor by Congress in the River and Harbor Act of 1875 (Figure 1). The 1875 authorization was modified in 1886, 1888, 1896, 1899, 1902, 1907, 1910, 1916, 1917, 1935, 1937, 1945, 1946, 1958, 1960, and 1962 River and Harbor Acts. Various modifications to the project were also authorized under the 1976 and 1986 Water Resource Development Acts (WRDA), the 1985 Supplemental Appropriations Act, and the 1988 Energy and Water Appropriations Act.

The potential impacts from dredging the Cleveland Harbor Federal navigation channel have been previously assessed in the documents noted below:

- Final Environmental Impact Statement, Diked Disposal Area, Site No. 12, 1974, clarification 1979;
- Final Environmental Impact Statement, Diked Disposal Facility, Site No. 14, 1975, clarification 1978;
- Final Environmental Statement, Cleveland Harbor Navigation Study, 1978, clarification 1979 & 1986;
- Cleveland Harbor, OH Dike Disposal Site 14, Supplemental Information Report and Section 404(b)(1) Evaluation, 1983;
- Final Environmental Impact Statement Confined Disposal Facility 10B, 1994;
- Finding of No Significant Impact and Environmental Assessment Cleveland Harbor (Re-use of CDF 12), 2004; and
- Draft Dredged Material Management Plan and Environmental Impact Statement, 2009.

2.0 Need for Action

2.1 Background, Problem and Need for Action

Capacity within the Cleveland Harbor CDFs for disposal of dredged sediment from the Cleveland Harbor navigation channel is limited. Additional capacity is required to continue normal navigation. To maintain (i.e., dredge) Federally authorized channel depths and help extend the life of the existing CDFs, a reduced quantity of approximately 225,000 cubic yards (cy) of sediment must be dredged and managed each year. Since 2006, the original design capacity of the existing CDFs has been extended using fill management measures within the original design footprints of the CDFs. By the year 2015, new disposal capacity and/or other dredged sediment management method will have to be in place in order to continue required dredging Cleveland Harbor.

Since the 1960's, five CDFs have been constructed at Cleveland Harbor (numbers 9, 10B, 12, 13, and 14). Most past testing results completed in accordance with joint U.S. Environmental Protection Agency (USEPA)/USACE protocols contained in the Great Lakes Dredged Material Testing and Evaluation Manual (1998) indicated that all sediment dredged from Cleveland Harbor and the Cuyahoga River Channels is unsuitable for open lake and nearshore placement. Therefore, most dredged sediment has been placed into Cleveland CDFs. However, an evaluation completed in August 2013 by the USACE found that approximately 80 percent of the sediment dredged each year from the navigation channel meets Federal guidelines for open lake placement. An Environmental Assessment and finding of no significant impact was completed for open-lake placement in December 2014.

The August 2009 Draft Dredged Material Management Plan and Environmental Impact Statement (2009 DMMP-EIS) for Cleveland Harbor specified construction of a new waterfront CDF. However, the facility could ultimately not be constructed for financial reasons. Contained within the 2009 DMMP-EIS was also a review of potential beneficial uses of dredged material, including mine land reclamation, littoral nourishment, soil manufacture, wetlands/habitat creation, and landfill cover. However, none of these alternatives were considered feasible at that time nor carried forward for detailed analysis.

In 2010 the Cleveland-Cuyahoga County Port Authority, in collaboration with the USACE and other stakeholders, established the Cleveland Harbor Task Force to investigate short- and long-term management options for disposal of dredged materials. In conjunction with the Task Force, the USACE undertook a study to identify potential beneficial uses of dredged material. Numerous meetings of the Task Force occurred during 2010 and 2011 to identify and discuss proposed beneficial use options. It was during this time that the option of gaining new capacity through vertical expansion within existing CDFs was also first considered. A report was released in August 2011 by the USACE-Engineer Research and Development Center (ERDC) providing a review of the logistical and technical feasibility of beneficial use alternatives, including an

analysis of the engineering and ecological suitability, environmental and regulatory acceptability, site specific logistical considerations, and preliminary cost estimates for implementing each of the beneficial use management options that were determined to be feasible (Kreitinger, et al., 2011). A screening-level analysis of potential risk to human health demonstrated that the use of dredged material for topsoil or fill at commercial and industrial sites would be protective of human health. The potential risk and acceptability of using dredged material for surface soil at recreational sites will be dependent on the type of recreational activity and site construction methods. Construction methods can be used to reduce or eliminate potential risk to human health, further increasing the range of options for beneficial use of dredged material.

All existing Cleveland CDFs (i.e., 9, 10B and 12) would have been filled to capacity in 2006 had the USACE not in advance implemented a variety of internal fill management measures, such as berm raisings (Figure 3). By 2015, additional disposal capacity within the CDFs or a new location will have to be available in order to continue disposal of sediments dredged from Cleveland Harbor. The Buffalo District is completing this decision supported by this EA (2015 through 2018) to assess the available short-term alternatives for dredged material placement.

The Buffalo District has worked very closely with the project's stakeholders, who include but are not limited to, the Cleveland-Cuyahoga County Port Authority, city of Cleveland, and state regulatory agencies to identify sustainable alternatives for dredged material management in lieu of building new CDFs. During 2010, various beneficial use alternatives were brought to the attention of the Cleveland Harbor Dredging Task Force and the USACE. Together with CDF expansion, these options were evaluated by USACE in 2011 and are further considered as part of this short-term decision document (Kreitinger et al, 2011).



Figure 3: Existing CDFs 10B, 9 and 12 in Cleveland Harbor, Ohio.

3.0 Proposed Action and Alternatives

3.1 Proposed Action

Resolution of this dredge material disposal capacity problem consists of two components: use of remaining CDF capacities and the addition of new capacity through vertical expansion of existing facilities. This EA/FONSI covers the second component of the proposed action which is the vertical expansion project at CDF 12 from 2015 to 2018. . This second component would be implemented by the Port Authority at CDF 12 to accommodate dredged disposal needs from 2015 through 2018 and would be dependent on the execution of a Section 217 agreement. This vertical expansion would provide approximately one million cubic yards of additional storage

space. The final elevation of CDF 12 would be approximately +35 feet above low water datum (LWD)

For the purposes of this report it is assumed that the contractor will mechanically dredge material from the Cuyahoga River and place it into scows. The scows will be transported by tugboat to CDF 12 where they will be mechanically offloaded using a land-based or barge-mounted crane.

3.2 Alternatives to the Proposed Action

Alternative 1: No Action/Without Project Future Conditions – Under this alternative, the federal government would do nothing to address the space need for interim placement of dredged material. The eventual lack of space for confinement of sediment unsuitable for open lake placement could prevent or delay dredging of these areas of the federal navigation channel. Without dredging, the navigation channel would progressively shoal in and eventually impede commercial navigation. Deep-draft commercial navigation would become economically nonviable and gradually cease.

Alternative 2 (Federal Base Plan): Vertical Expansion (with Mechanical Placement) at CDFs 9, 10B, 12 (+20 ft) entails a switch from hydraulic to mechanical placement. Using all three CDFs (9, 10B, & 12), each would be filled to approximately +20 ft LWD (up to seven feet above existing perimeter berm heights). The geotechnical analysis indicates the need for geotextile reinforcement in each CDF, wick drains at CDF 12, and associated sediment placement activities. Current estimates at exactly +20 ft LWD put the available quantity for this option at 926,000 cubic yards, and the additional 74,000 cubic yards can be gained during detailed design through slight modification to final grades

Alternative Plan 3: CDF Management- CDF Vertical Expansion- 10B, 9: Filling and mounding in only CDFs 9 and 10B to approximately +24 feet LWD. The geotechnical analysis indicates the need for geotextile reinforcement and associated activities. The capacity gained with this alternative is approximately 837,000 cubic yards and the volumetric balance (163,000 cubic yards) will need to be supplemented with capacity at an upland disposal site.

Alternative 4: Vertical Expansion (Mechanical Placement) CDF 10B (+28 feet) and a Beneficial Use (BU) site: Filling and mounding in only CDF 10B to approximately +28 feet LWD. The geotechnical analysis indicates the need for geotextile reinforcement and associated activities. The CDF 10B capacity gained with this alternative is approximately 700,000 cubic yards and the volumetric balance (300,000 cubic yards) will need to be supplemented with capacity at an upland disposal site.

Alternative 5: Vertical Expansion (Mechanical Placement) at CDF 10B (+44 feet): Filling CDF 10B only to approximately +44 feet LWD. The geotechnical analysis indicates the need for geotextile reinforcement, wick drains, and soil admixtures to dry the sediments so they are suitable for stacking in the CDF, and associated activities. The CDF 10B capacity is

approximately 925,000 cubic yards and the volumetric balance (approximately 75,000 cubic yards) will need to be supplemented with capacity at an upland disposal site.

Alternative 6: Utilize BU site(s) CVIC, Brook Park, Silver Oak: The ERDC Report from August 2011 recommended three short term beneficial use sites (Kreitinger, et al., 2011). The evaluation of beneficial uses was conducted by first identifying any opportunities for beneficial use. Each option was then evaluated for the suitability of the sediment for the proposed future uses, assessing each project's unique characteristics, including volume and schedule requirements, and estimated costs. The three BU sites that were found to be the most feasible and lowest cost short term options are the Cuyahoga Valley Industrial Center (CVIC), the Brook Park Landfill, and the Silver Oak Landfill:

- The CVIC is a 58-acre brownfield development controlled by a public-private partnership dedicated to attracting development to the city. The need for significant quantities of construction fill to bring the site to finished grade made it an attractive prospect for the beneficial use of dredged sediment. This site previously obtained Ohio Environmental Protection Agency (OEPA) approval for receipt of dredged sediment in 2010. The site is for sale, but the estimated capacity at this site is 300,000 cubic yards.
- Brook Park Landfill (also known as Kolthoff Landfill) is a 28-acre landfill located south of Hopkins Airport that is owned by the City of Cleveland. The City is currently developing plans for capping the former landfill in order to accommodate industrial development of the site. Development of the site will require geotechnical survey and engineering analysis of site stability, storm water control, and protection of the adjacent Abrams Creek. One possible redevelopment use for this site being evaluated is the installation of photovoltaic panels for production of renewable energy. The site has a capacity for accepting 350,000 to 500,000 cubic yards of dredged sediment depending on the final site development plans.
- Silver Oak Landfill is a 27-acre inactive construction and demolition landfill located on a 49-acre site in Oakwood Village, Ohio. Negotiations for closure of the landfill under OEPA rules were underway between representatives of the landfill owner and the Cuyahoga County Board of Health. Closure of the landfill will require contouring the landfill and construction of a compacted cap requiring a minimum of 100,000 cy of fill or dredged sediment. Due to the current configuration of the landfill, construction of the final cap and vegetative cover may require a modification to the original landfill design and permit. The site is located adjacent to the Cleveland MetroPark Bedford Reserve which is adjacent to Tinkers Creek. This is a high quality recreation area that includes picnic areas, hiking trails, and horseback riding trails. Upstream of the landfill, Tinkers Creek drops 220 feet over a two mile reach where a steep, walled gorge is the dominant landform surrounding the creek. The gorge, declared a National Natural Landmark, is a unique area with numerous tree, shrub, and floral species. Additional dredged sediment could be used for contouring and landscaping the site for use as an upland nature

preserve. The site has an estimated capacity for accepting 100,000 to 300,000 cubic yards of dredged sediment.

Alternative 6 would require the development of an upriver dredged material re-handling operation. The re-handling site could be located upstream of the turning basin located at the Interstate 490 overpass. Under this concept, all sediment dredged from 2015 through 2018 would be taken to this site, mechanically offloaded and stockpiled. The sediment would then be further dewatered and placed into trucks that would transport the sediment to the beneficial use site(s). Final sediment grading would take place at the beneficial use site(s).

Thus, two activities will be taking place at the upriver re-handling site: stockpiling of dredged sediment and transporting of dry sediment to the placement site(s) for beneficial use. In order for this plan to work, this stockpiling/transporting cycle will have to involve no more than 250,000 cubic yards of sediment every year since annual sediment storage needs are assumed to be only 250,000 cubic yards annually between 2015 and 2018.

Alternative 7: Port of Cleveland Vertical Expansion at CDF 12 (Section 217 plan). The Port's adaptive management plan also relies on active mechanical unloading and placement instead of the current hydraulic methods. This reduces the amount of water to be managed and allows for faster consolidation. The Port's plan proposes potential active dewatering operations to remove excess water and allow the dredged material to undergo evaporative drying, or desiccation. The first step to preparing CDF 12 would be to construct a perimeter trench around the site. The construction of the trench would be coordinated with construction of a vertical expansion (dike raising) beginning at an approximate distance between 30 feet and 80 feet inward from the top of the existing original rock containment dike. The perimeter drainage around CDF 12 would allow water to flow to a basin on the west side from which it would be discharged to the lake through the existing CDF 12 weir. Since the site cannot be dewatered using gravity alone under existing conditions, pumping will be necessary to accelerate consolidation of the CDF. In addition to increasing available capacity within the CDFs, the dewatering operation would also serve to strengthen underlying soil around the CDF perimeter as the pore pressure is relieved and the weight of the drained soil would progressively consolidate the soil below it.

After completion of the perimeter trenching, interior longitudinal trenches would be excavated to facilitate additional drainage of trapped water, followed by further evaporation and formation of desiccation cracks. Progressive trenching is proposed to deepen the trenches as the water elevation is lowered and the surficial crust becomes thicker. Material from the trench deepening would be used continuously to construct and raise the dike elevations. Additional measures proposed as contingencies would be used, as needed, to increase dewatering and settlement within CDF 12 includes installing drain tile or underdrains in the trenches, which would be connected to piping systems and a deeper caisson/well(s) that can be periodically pumped to remove water and increase settlement of the material. Installation of vertical wick drains may

also prove beneficial for dewatering. Further evaluation of the efficacy of these features would be performed after the initial trenching and dewatering activities.

4.0 Affected Environment

4.1 Socio-Economic Environment

4.1.1 Community and Regional Growth

The City of Cleveland is the largest city in Cuyahoga County. According to 2010 U.S. Census data, the population of Cleveland is 396,815, which is a 17.1% decrease from 2000. According to the most recent 2010 census data, the current population of Cuyahoga County is 1,280,122 and is projected to remain about the same in the future (Ohio, 2012; Ohio Department of Development, 2011).

4.1.2 Water and Associated Land Uses

The Great Lakes are the world's largest source of fresh water and serve as a valuable resource to 33 million people who live and work in the basin. Lake Erie is of particular importance to the State of Ohio. The lake provides drinking water to three million residents and generates approximately \$8.5 billion in annual revenue related to fishing, travel, and tourism (USACE, 2009).

Cleveland Harbor is part of the longest commercial navigation system in the world, extending 2,300 miles from the American Mid-west to the Atlantic Ocean. This waterway “complements the region’s rail and highway network and offers customers a cost effective, safe and environmentally smart means of moving raw materials, agricultural commodities and manufactured products. Every year more than 160 million metric tons of cargo is moved on the Great Lakes-St. Lawrence Seaway System. Dominant cargoes include iron ore for steel production, coal for power generation, limestone and cement for construction, and grain for both domestic consumption and export” (Martin Assoc, 2011).

4.1.3 Business and Industry; Employment and Income

The 2010 per capita personal income for Cuyahoga County was \$26,263. In 2010, the civilian employed population in Cuyahoga County was 594,551; with unemployed citizens totaling 10.5 percent of the population. Of these, 12.8 percent were employed in manufacturing, 3.3% in wholesale trade, 10.4 percent in retail trade, 25.7 percent in education and health care services, 10.7 percent in professional, scientific and management services, 8.5 percent in finance, insurance and real estate, and 8.6 percent in arts, entertainment and recreation. Major manufacturing industries in the Cleveland area include: primary metals, fabricated metal products, machinery, transportation equipment industries, and building products (U.S. Census, 2010).

Total employment in the Cleveland-Cuyahoga County area is expected to moderately increase then decline through the year 2035. Some continued decline in the manufacturing sector is expected. Anticipated employment growth sectors include: construction, finance insurance, real estate, and service industries. Continued moderate growth of income is anticipated. Cleveland

Harbor remains important to area business, industry, employment, and economic vitality. Hundreds of employees are directly associated with port operations and facilities, while thousands are indirectly affected (USACE, 2009). Commercial shipping in Cleveland Harbor supports approximately 15,000 jobs. This is part of a larger labor force on the Great Lakes and St. Lawrence Seaway System which in 2010 accounted for almost 227,000 jobs in the United States and Canada which were supported by \$6.4 billion in regional purchases by business supplying services at the marine terminals and ports (Martin Assoc, 2011).

4.1.4 Public Facilities and Services

The project is located on the City of Cleveland urban waterfront. The closest public swimming beach is Edgewater Park, located approximately 0.3 mile west of the base of the Cleveland West Breakwater. Recreational parks in the waterfront area are Gordon and Voinovich Parks.

4.1.5 Property Values and Tax Revenues

The median value of owner occupied housing units in Cuyahoga County between 2006 and 2010 was estimated at \$137,200. However, these values may vary in thousands of dollars per unit depending on location. For instance, waterfront property value in an urban area is expected to greatly exceed normal land value. Area tax values generally include revenue sharing (Federal, State, local) and local property, service district and sales tax (U.S. Census Bureau, 2010).

4.1.6 Noise

Ambient noise levels throughout the study area are a function of land use within the harbor area, including: navigation facilities, industrial and commercial developments, transportation facilities (highways, roads, rail), recreational facilities (parks, marinas), and nearby residential developments. Daytime background noise levels vary by location but are generally expected to range from 50 to 80 dBA. Average noise levels in close proximity to automobile and truck traffic can range from 60 to 90 dBA and are affected primarily by traffic volumes and speed. Noise levels in the vicinity of the Burke Lakefront Airport (BKL Airport) adjacent to the Cleveland Harbor CDFs vary significantly due to aircraft taking off and landing, with noise levels range between 80 and 130 dBA. BKL Airport also hosts Grand Prix auto racing in June each year (USACE 2009). Concerts and events are held in conjunction with the races. The airport also hosts the Cleveland National Air Show near Labor Day weekend each year. All of these events contribute to the noise level in the area. However, with the exception of aircraft related noises, all of the events are short-term and will not cause significant noise problems as compared to regular air traffic.

4.1.7 Aesthetics

The view of Lake Erie is aesthetically pleasing to visitors and residents. Enjoyable views can be found from various parks and marinas along the waterfront. Commercial businesses such as restaurants, nightclubs and some shops are also located along the waterfront. Cleveland's harbor front boasts a world-class collection of museums, attractions and public events. Some views that

might not be as pleasing include industrial and some commercial developments, transportation facilities (highways, roads, rail, airport), and upland developments.

4.1.8 Community Cohesion

Community cohesion, as in most cases, is a result of a number of social and economic factors. Most City of Cleveland residents are long-time residents of varied ethnic backgrounds. In the last decade in the harbor area, a general shift from primarily industrial and commercial activity to more mixed uses and developments has changed the community structure and development, employment and income, environment, etc. Community efforts have sought to sustain remaining business and industrial development, where possible, while looking forward to new alternative developmental potentials including: natural, recreational, residential, commercial, and industrial development. The most likely area of future development appears to be one of well planned mixed usage. Relative to continued harbor operation and maintenance, many interested parties agree that the harbor should be maintained to facilitate industry, commerce, and associated community economic well-being, and that dredged material should be appropriately managed.

4.1.9 Cultural Resources

Approximately 216 properties in the City of Cleveland are listed on the National Register of Historic Properties (NRHP). Many of the City's National Register sites are located in or immediately east of the central business district. A number of bridges, structures, and districts in the lower Cuyahoga River vicinity have been identified as cultural resources of significance. Of the cultural resources listed, the Cleveland East and West Pierhead Lights are located in the Harbor well to the west of the CDFs. There are no known listed or potentially eligible historic properties within the operational footprint of the Cleveland Harbor CDFs. Closer to CDF 12 is the "Cleveland Municipal Light Plant" which is on the Ohio Historic Inventory (OHI) (1/4 mile south of CDF 12) and the "Universal Terminal Company Dock and Warehouse" which is listed on the National Register of Historic Places and is located about 1/2 mile east of CDF 12. Two of the potential beneficial use sites are previous landfill operations and the CVIC site is a brownfield reclamation site. Therefore, all three locations have been subject to significant past disturbance. A search of the Ohio Historic Inventory Database indicates that the Silver Oaks Landfill site contains no known National Register or archaeological sites or any historic structures. The same database indicates that the Brook Park Landfill site contains two historic structures and two archaeological sites. The historic structures are the "Sluice S of I-X Center Dr" (OHI # CUY0476915) and the "Spang Senior Complex" (OHI #CUY0477215). The archaeological sites are OHI #CU0380 and OHI #CU0379.

4.1.10 Environmental Justice

As outlined in Executive Order 12898, Federal agencies must evaluate environmental justice issues related to any project proposed for implementation. This evaluation includes identification of adverse human health or environmental effects on minority and low-income populations in the study area and identification of any negative project impacts that would disproportionately affect low-income or minority groups. A comparative analysis of 2010

census data for the city of Cleveland indicates that a substantial minority community exists in the city of Cleveland in comparison to county and state percentages. The city data indicates a notable percentage of families (22.9%) and individuals (26.3%) below the poverty level (U.S. Census Bureau, 2010).

4.2 Natural Environment

4.2.1 Air Quality

In 2013, Cuyahoga County was designated a nonattainment area for ozone (eight-hour) and lead (USEPA, 2013). The potential project area lies within the Ohio Air Quality Control Region (AQCR) referred to as Cleveland number 174. Boundaries for each region were set by consideration of air pollution levels, population density, geography, and common meteorological conditions. As indicated in the Ohio Air Quality Report, the following criteria pollutants were monitored: particulate matter smaller than or equal to 10 micrometers (μm) (PM10), particulate matter smaller than or equal to 2.5 (μm) (PM 2.5), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), ozone (O₃), and lead (Pb) (OEPA, 2010). The USACE contactors will be required to comply with emission standards cited in Sections 176 and 309 of the Clean Air Act during construction activities.

4.2.2 Water Quality

The OEPA and Ohio Department of Natural Resources (ODNR) have developed standards that outline applicable water quality criteria to all waters in the state, as well as specific use designations for Lake Erie coastal zones. It is the policy of the state of Ohio to maintain and improve the quality of the state's coastal waters for the purpose of protecting public health and welfare and to enable the use of such waters for public water supply, industrial and agricultural needs, and for the propagation of fish, aquatic life and wildlife by assuring compliance with §402 of the Clean Water Act (CWA), Ohio Administrative Code §3745, and Ohio Revised Code §1506.23, §3734, and §6111.

Although a valuable international resource, two types of pollution threaten the water quality of the Lake Erie Watershed: point source and non-point source pollution. Point source pollution is a pollution source from a known location, such as discharge such as industrial, residential, and combined sewer overflows. Non-point source pollution is pollution from unknown sources and is typically characterized by storm water runoff, soil erosion, agricultural applications, etc. The importance of maintaining the water quality of the Great Lakes has resulted in Federal, state, and local authorities taking actions to promote pollution prevention and implement measures to protect the water resources across multiple states.

4.2.3 Sediment Quality

Dredged sediments from Cleveland Harbor navigation channels have been placed within the existing CDFs since their construction in the 1970's. All of this material has been until recently residually contaminated and therefore unsuitable for unconfined open lake placement; however,

it is not classified as CERCLA or RCRA material (EA Section 6.6). Regarding sediment quality in the Cleveland Harbor in general, the USACE conducts sediment sampling in the river channels and outer harbor approximately every five years. These sediments were last sampled and analyzed by USACE in 2012. Sediment quality within the Cleveland Harbor navigation channels is documented to have improved over time to a point where the sediment from the Upper River Channel has now been found by the USACE to be suitable for open lake placement. An evaluation completed in August 2013 found that approximately 80 percent of sediment dredged each year from the Cleveland Harbor navigation channel meets federal guidelines for open lake placement (USACE, 2013). Only dredged material that is not suitable for open lake placement would still need to be placed into one of the existing CDFs in Cleveland Harbor (approx 45,000 cy).

4.2.4 Fisheries

Fishing is popular along the harbor shoreline and lakefront, and in the vicinity of the breakwaters and other harbor structures. Cleveland Harbor provides habitat for a variety of forage and game fish, and population assessments are routinely completed by ODNR. The central basin of Lake Erie is known for its excellent year-round sport fishing. In the winter and spring, the Cleveland Harbor area is known for smallmouth bass (*Micropterus dolomieu*) and steelhead trout (*Oncorhynchus mykiss*). In the summer and fall, the area is abundant with walleye (*Sander vitreus*), yellow perch (*Perca flavescens*), smallmouth bass, and steelhead trout.

4.2.5 Plankton and Benthos

Although outside the project boundaries, several species of invertebrates use the nearby lake bottom around the CDFs for foraging and breeding. Phytoplankton composition in the vicinity of Cleveland Harbor consists of Bacillariophyta (diatoms), Chlorophyta (green algae), Chrysophyta (Chrysophytes), and Cyanophyta (blue green algae).

4.2.6 Vegetation

Most of the existing CDF sites are heavily vegetated with common reed (*Phragmites australis*), which is mowed annually when conditions are dry enough to allow entry by equipment. Trees are uncommon near the CDFs, but those limited individual trees that occur naturally near the waterfront include black willow (*salix nigra*), staghorn sumac (*Rhus typhina*), eastern cottonwood (*Populus deltoides*), black locust (*Robinia pseudoacacia*) and green ash (*Fraxinus pennsylvanica*).

The Ohio Department of Natural Resources indicated that the former CDF 14 site, now the Cleveland Lakefront Nature Preserve, borders the Cleveland Lakefront State Park (ODNR Division of Parks & Recreation) and has a record for the tufted fescue sedge (*Carex brevior*), a state threatened plant species. This location is not within the footprint of any of the project alternatives being considered within this environmental assessment.

4.2.7 Wildlife

Avifauna (birds) that may typically be found in and around the CDF areas includes, but is not limited to, American robin (*Turdus migratorius*), common grackle (*Quiscalus quiscula*), American (common) crow (*Corvus brachyrhynchos*), killdeer (*Charadrius vociferous*), bluejay (*Cyanocitta cristata*), Northern cardinal (*Cardinalis cardinalis*), yellow warbler (*Dendroica petechia*), American goldfinch (*Carduelis tristis*), house finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), tree swallow (*Iridoprocne bicolor*), mourning dove (*Zenaida macroura*), and rock dove (*Columba livia*). Waterfowl and shorebirds utilizing the harbor and shoreline likely include mallards (*Anas Platyrhynchos*), Canada goose (*Branta Canadensis*), American black duck (*Anas rubripes*), species of gulls, terns, and shore and wading birds such as sandpipers, plovers, yellowlegs (*Tringa* spp.), rail (*Rallus* spp.), great blue heron (*Ardea Herodias*) and similar species. In addition, other predatory birds such as owls and hawks likely pass through the area.

The Ohio Department of Natural Resources stated in an April 13, 2012 letter that the project area is also within the range of the Indiana bat (*Myotis sodalis*), piping plover (*Charadrius melodus*) - federally endangered, bald eagle (*Haliaeetus leucocephalus*) - state threatened, king rail (*Rallus elegans*) - state endangered, yellow-bellied sapsucker (*Sphyrapicus varius*) - state endangered, upland sandpiper (*Bartramia longicauda*) - state threatened, peregrine falcon (*Falco peregrinus*) - federal species of concern, kirtland's warbler (*Setophaga kirtlandii*) - federally endangered, and the Canada darner (*Aeshna canadensis*), a state-endangered dragonfly.

Additional fauna that could be found in the vicinity of Cleveland Harbor include the leopard and green frogs (*Rana pipiens* and *R. clamitans*, respectively), northern water snake (*Natrix sipedon*), and snapping turtle (*Chelidra serpentina*). Mammalian species that may occur near the project area include the eastern chipmunk (*Tamias striatus*), house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), muskrat (*Ondrata zibethica*), striped skunk (*Mephitis mephitis*), opossum (*Didelphis marsupialis*), raccoon (*Procyon lotor*), whitetailed deer (*Odocoileus virginiana*), hairy-tailed vole (*Parascalops breweri*), star-nosed vole (*Condylura cristata*), cottontail rabbit (*Sylvilagus floridanus*), and prairie vole (*Microtus Pennsylvanicus*).

Wildlife control is a significant issue in the area of the Cleveland CDFs due to the proximity of BKL Airport. The Airport currently employs a wildlife biologist with the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to control wildlife at BKL. The major problem/hazard species that utilize this area include: bonaparte's gull (*Larus philadelphia*), herring gull (*Larus argentatus*), ring-billed gull (*Larus delawarensis*), canada goose, greater scaup (*Aythya marila*), lesser scaup (*Aythya affinis*), red-breasted merganser (*Mergus serrator*), mallard, mute swan (*Cygnus olor*), double-crested cormorant (*Phalacrocorax auritus*), caspian tern (*Sterna caspia*), great blue heron, killdeer, red-winged blackbird (*Agelaius phoeniceus*), american kestrel (*Falco sparverius*), coyote (*Canis latrans*), eastern meadowlark (*Alliaria petiolata*), european starling, mourning dove, and red-tailed hawk (*Buteo jamaicensis*).

During active dredge material placement into the CDFs, as many as 10,000 gulls have been observed hovering at, or near, the outflow of dredge pipes where nutrient-rich discharge provides ideal feeding opportunity. The increased volume of water in the CDFs likewise provides additional loafing, resting and/or feeding habitat for gulls and waterfowl. As the water recedes, the exposed mudflats are attractive to various species of shorebirds (USDA, 2011).

4.2.8 Threatened and Endangered Species

The proposed project lies within the range of the following Federally listed endangered species: the endangered Indiana bat (*Myotis solalis*), piping plover (*Charadrius melodus*) and Kirtland's warbler (*Setophaga kirtlandii*). The Ohio Biodiversity Database has a record at Burke Lakefront Airport (bordering CDF sites 10B/9/12) for the Upland Sandpiper (*Bartramia longicauda*), a state threatened species. There is also a record bordering the CVIC site for the Peregrine Falcon (*Falco peregrinus*), a state threatened and Federal species of concern (ODNR, 2012). The former CDF 14 site, now the Cleveland Lakefront Nature Preserve, borders the Cleveland Lakefront State Park (ODNR Division of Parks & Recreation) and a record for the Tufted Fescue Sedge (*Carex brevior*) is found there, which is a state threatened species.

4.2.9 Wetlands

The National Wetlands Inventory (NWI) indicates there are approximately eight acres of forested wetlands in the general vicinity of the Brook Park Landfill, mainly along an east-west oriented perennial stream. Approximately two acres of forested and emergent wetland are shown on the NWI at the Silver Oaks Landfill. No wetland delineations of these areas have been conducted to date. There are no regulated wetland areas within the CDFs which have now been in continual use since the 1970s. CDFs often produce intermittent wetlands during the filling and dewatering processes and that are not regulated under the Clean Water Act. As the CDF is gradually filled with dredged material, the ponded water is replaced with sediment creating small wetlands. The wetlands are temporary and as the CDF is filled, the temporary wetland within the CDF changes to upland.

5.0 Environmental Impacts

This section presents the potential environmental effects of the recommended plan and its alternatives. The alternatives have been evaluated in the decision document and/or this EA for engineering and economic feasibility, environmental and social acceptability, and for best meeting the project planning objectives. This section of the EA will evaluate the alternatives considered in the decision document and that are also outlined in Section 3 of this EA. There is very little difference in impacts between the different alternatives for mounding material within the existing CDFs and these alternatives have therefore been grouped together in this section (Alternatives 2-5, 7). Where there may be minor differences in impacts, that particular alternative has been singled out and addressed individually.

5.1 Social Environment Impacts

5.1.1 Noise

Alternative 1 (No Action): This alternative would result in no construction-related increase to ambient noise levels in the vicinity of Cleveland Harbor. Conditions would remain similar to current conditions.

Alternatives 2-5, 7: Dredging and placement of dredged material to allow for vertical expansion at the CDFs would result in a short-term increase in local noises. Generally, energy-equivalent noise levels at public works construction sites range from 75 to 89 dBA (A-weighted decibels). For comparative purposes, the single vehicle noise output of a heavy truck ranges from 80 to 90 dBA and the peak noise level of a loud motorcycle at 20 feet is 110 dBA (Canter, 1996). For the purposes of this evaluation, adjacent land uses have been used to estimate noise levels and the potential impact on ambient conditions at the project site. Noise generated by the proposed action would not exceed ambient noise levels in the harbor and at BLK airport. In addition, noise generated by the project would not affect any sensitive noise receptors (e.g., hospitals, schools, etc.). To minimize any impacts, the eventual contractor performing the work would be required to use methods and devices to control noise emitted by their equipment, as applicable. Such impacts would be minor, adverse and short-term.

Alternative 6 (Beneficial Use): There would be a temporary increase to noise levels experienced at any of the three beneficial use sites that might be utilized for placement of dredged material. These increases would be short-term and associated with trucks bring material to the sites, moving material around the sites, and grading the material. Brook Park landfill and CVIC are located in urban areas. Brook Park landfill is adjacent to Hopkins International Airport to the north and a residential area to the south. Silver Oaks Landfill is located in the most rural setting of the three sites.

5.1.2 Aesthetic Values

Alternative 1 (No Action): With this alternative there would be no change in local aesthetics. The small remaining capacity of the CDFs in the harbor would likely be effectively filled by 2015 and the area graded and stabilized, to include establishing conditions to minimize the attractiveness of the CDFs for wildlife such as geese.

Alternatives 2-5: The presence of dredging and construction equipment may temporarily detract from the aesthetic quality of the Cleveland Harbor area. The exposure of organic matter that may be contained in the dredged material during grading activities may result in a short-term, localized malodor. The placement of material to +20 feet LWD with Alternative 2 will not cause a substantial impact to the viewshed of the local area. Therefore, such impacts would be minor, adverse and long-term (with short-term construction activities).

Alternative 6 (Beneficial Use): Since two of the potential beneficial use sites are landfills and the third is an urban brownfield reclamation site where dredged material has been placed in the past, there are no permanent adverse effects anticipated to aesthetics. However, there may be minor, short-term adverse impacts associated with construction activities (e.g., truck traffic, dust). Use of dredged material at any of these sites could also be seen as overall beneficial in facilitating closure of the landfills and establishing final grading/planting, as well as possible re-use of some locations (e.g., CVIC).

Alternative 7 (Port Plan): The presence of dredging and construction equipment may temporarily detract from the aesthetic quality of the Cleveland Harbor area. CDF 12 under the Port's Plan would be constructed to an elevation of +35 feet LWD, up to approximately 15 feet higher than the other alternatives. The impacts to the viewshed would be slightly greater than with Alternative 2 and would still be considered minor, adverse and long-term. The Port of Cleveland would be responsible for coordination and approval of the final heights with the FAA.

5.1.3 Displacement of People

Alternative 1 (No Action): No displacement of people is expected as a result of the No Action alternative. However, this alternative is likely to result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on the local community (via economics) as a result of the inability to dredge all harbor locations to their full authorized depth.

Alternatives 2-7: No displacement of people is expected as a result of the proposed project or from implementation of any of the beneficial use sites.

5.1.4 Public Health and Safety

Alternative 1 (No Action): There may eventually be an increased public safety risk under this alternative if no new CDF capacity or upland placement site is identified for dredged material that is unsuitable for open lake placement. The absence of a suitable placement site for this material may result in these portions of the navigation channel not being dredged, or at least not dredged to their full authorized depth. This is likely to create navigation hazards for commercial and eventually perhaps some recreational vessels in/around Cleveland Harbor.

Alternatives 2-5, 7: A restricted work site would be established to protect the general public. The public does also not have access to the CDFs. The contractor performing the proposed work would be required to comply with applicable Occupational Safety and Health Administration (OSHA) regulations. These alternatives would facilitate continued maintenance dredging of the federal navigation channels by providing space for placement of dredged material that is not suitable for open lake placement.

Alternative 6 (Beneficial Use): All of the beneficial use sites are on property that is not open to the general public. The two landfill sites would likely present the highest (but temporary) public safety risk because of the increased truck traffic as the dredged material is transported from the dewatering location along the Cuyahoga River to the disposal location. The contractor(s) performing the proposed work at any of the sites would be required to comply with applicable Occupational Safety and Health Administration (OSHA) regulations.

5.1.5 Transportation

Alternative 1 (No Action): If no new CDF capacity or upland placement site is identified for dredged material that is unsuitable for open lake placement there could be an adverse impact to transportation in the Cleveland vicinity. The absence of a suitable placement site for dredged material may result in portions of the navigation channel not being dredged, or at least not dredged to their full authorized depth. This is likely to create navigation hazards for commercial and eventually perhaps some recreational vessels.

Alternatives 2-5, 7: During dredging and construction, there will be some minor, short-term impacts on navigation. Commercial, and to some extent recreational vessels navigating in the vicinity of the project area would be temporarily required to avoid the dredging area. The dredging contractor would be required to ensure minimal inconvenience to navigation and display appropriate signal lights and day signals. Since the dredged material is being handled and manipulated on the CDFs, any construction vehicle would need to access the site through the access roads adjacent to the airport runways. There should be no impact to any public transportation routes.

Alternative 6 (Beneficial Use): There would be a temporary adverse impact to local transportation routes associated with use of the Brook Park or Silver Oaks Landfill sites because of truck traffic transporting dewatered dredged material from the Cuyahoga River (likely near the Interstate 490 overpass) to the disposal location. If only 150,000 cy (low estimate) of material is being placed at a beneficial use site, this translates to approximately 30,000 one-way dump truck loads on local roadways. Estimates from 2011 indicated that Brook Park Landfill may have capacity for up to 500,000 cy of material.

5.1.6 Community Cohesion

Alternative 1 (No Action): This alternative is likely to result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on the local community (economics) as a result of the inability to dredge all harbor locations to their full authorized depth. This may translate into a higher cost of goods due to increased transportation costs.

Alternatives 2-7: The ability to continue maintenance dredging of the federal navigation channel at Cleveland Harbor because of available disposal space would preserve the harbor's viability for

recreational and commercial navigation, and preclude the need for commercial vessels to seek alternate harbor sites. Two of the potential beneficial use sites are landfills and the third (CVIC) is a brownfield reclamation site. Therefore, placement of dredged material at any of these sites would likely facilitate community cohesion by helping close and landfill sites and/or reclaim property for reuse.

5.1.7 Leisure Opportunities / Recreational Resources

Alternative 1 (No Action): This alternative is likely to result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be an adverse effect on some recreational opportunities (e.g., boating) as a result of the inability to dredge all harbor locations to their full authorized depth. However, such impacts are expected to be localized and minimal.

Alternatives 2-5, 7: Dredging of the harbor may temporarily disrupt recreational boating and fishing activities at Cleveland Harbor by the dredging operation itself and the movement of the dredge scow to and from the CDF. Such impacts would be minor, adverse and short-term. However, the maintenance of a viable commercial/recreational harbor would preserve the area's potential for continued leisure opportunities. The removal of material from the federal navigation channel (enabled by the ability to place material at a suitable upland location) that does not meet criteria for open-lake placement would increase the quality of leisure opportunities by reducing the level of contamination exposure to fish caught in the harbor and that of primary contact recreation.

Alternative 6 (Beneficial Use): Placement of dredged material at any of the three potential beneficial use sites is not expected to have any adverse impact to leisure or recreational opportunities. None of the three sites are currently accessible to the general public.

5.1.8 Environmental Justice

Alternative 1 (No Action): If no new CDF capacity or upland placement site is identified for dredged material that is unsuitable for open lake placement there is likely to be an adverse impact to the local/regional economy because of increased transportation costs. However, such impacts are likely to be applied to the region as a whole and not to any predominantly minority or low-income population.

Alternatives 2-7: No effect is expected on environmental justice. No substantial adverse impacts to predominantly minority or low-income populations have been identified associated with this project.

5.1.9 Cultural Resources

Alternative 1 (No Action): This alternative would not result in any effect on listed or potentially eligible historic properties in Cleveland Harbor or any of the potential beneficial use sites.

Alternatives 2-5, 7: No effect is expected to any cultural resources. No cultural resources have been identified within the project area for the CDFs. The proposed work for these alternatives would all be within the existing CDF structures where dredged material has been managed on an annual basis since the 1970s.

Alternative 6 (Beneficial Use): An effects determination of dredged material placement at the Brook Park Landfill would be required with respect to the two archaeological sites and two historic structures on the landfill property if this site is to remain for further consideration. In addition, a Phase I Cultural Resource investigation has been completed by others for at least a portion of this property and it is uncertain whether or not additional investigation would be warranted pending future coordination with Ohio SHPO. No effect on any historic properties is anticipated at the CVIC or Silver Oaks Landfill sites.

5.2 Economic Effects

5.2.1 Public Facilities and Services

Alternative 1 (No Action): This alternative is likely to result in the remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be an adverse effect on public facilities and services as a result of the inability to dredge all harbor locations to their full authorized depth. This may translate into a higher cost of goods due to increased transportation costs.

Alternatives 2-7: The continued maintenance of Cleveland Harbor as enabled by additional CDF space or an alternative beneficial use site(s) would serve to facilitate the harbor's associated public services and facilities by allowing for unrestricted commercial navigation and delivery of goods.

5.2.2 Employment/Labor Force

Alternative 1 (No Action): This alternative is likely to result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on employment as a result of the inability to dredge all harbor locations to their full authorized depth. This could result in less cargo per shipment since commercial vessels would not be able to navigate the shallower channels with full loads. This would have a direct adverse impact to the roughly 15,000 jobs related to commercial shipping in the Cleveland area.

Alternatives 2-7: The proposed project would result in a short-term increase in employment opportunities, specifically in the construction trades. Construction of the CDF mounding alternatives would occur over a period of five years with two dredging actions per year. Therefore, such impacts would be minor, beneficial and short-term. Through the movement of cargo in and out of Cleveland Harbor, maritime activities support approximately 15,000

manufacturing jobs, \$570 million in personal incomes, \$882 million in business revenues and \$200 million in local, state and Federal taxes (USACE, 2009; Martin Assoc, 2011).

5.2.3 Business and Industrial Activity

Alternative 1 (No Action): This alternative is likely to result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on businesses as a result of the inability to dredge all harbor locations to their full authorized depth. This could result in less cargo per shipment since commercial vessels would not be able to navigate the shallower channels with full loads. This would have a direct adverse impact to the roughly 15,000 jobs related to commercial shipping in the Cleveland area and ultimately to the cost of goods.

Alternatives 2-7: There would be a slight increase in commercial activity associated with the increased demand for services and supplies for work crews and their equipment prior to and during the construction activities at the CDFs or the beneficial use sites. Therefore, such impacts would be minor, beneficial and short-term. The maintenance of a navigable harbor would facilitate continued marine related commerce in the area.

5.2.4 Property Values and Tax Revenues

Alternative 1 (No Action): This alternative will result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on the economic viability of the companies that rely on having their products delivered by water. This could potentially result in these companies closing and a resultant loss in the counties tax base.

Alternatives 2-7: The maintenance of a viable commercial/recreational harbor would serve to preserve the area's associated property values and tax revenues. Therefore, such impacts would be beneficial and long-term.

5.2.5 Community and Regional Growth

Alternative 1 (No Action): This alternative is likely to result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on community and regional growth as a result of the inability to dredge all harbor locations to their full authorized depth. This could result in less cargo per shipment since commercial vessels would not be able to navigate the shallower channels with full loads. This could likely translate to higher costs for goods and services which would serve to dampen potential community/ regional growth.

Alternatives 2-7: The maintenance of a viable commercial/recreational harbor would preserve the area's potential for desirable community growth. Therefore, such impacts would be beneficial and long-term.

5.2.6 Displacement of Farms

Alternative 1 (No Action): There are no agricultural areas at any of the locations under consideration with the alternatives evaluated and therefore the No Action alternative would not affect any farming operations.

Alternatives 2-5, 7: The proposed project area at the existing CDFs on the Cleveland lakefront contains no agricultural lands and is bordered by Lake Erie to the north and urban area to the south. Therefore, the proposed project will have no effect on this public interest factor.

Alternative 6 (Beneficial Use): There are no agricultural areas at any of the three potential beneficial use sites (i.e., CVIC, Brook Park Landfill, Silver Oaks Landfill).

5.2.7 Land and Associated Water Use

Alternative 1 (No Action): Under this alternative, remaining CDF capacity would be effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on land and associated water uses as a result of the inability to dredge all harbor locations to their full authorized depth. This could result in less cargo per shipment since commercial vessels would not be able to navigate the shallower channels with full loads. This could likely translate to higher costs for goods and services which may inhibit some land and associated water uses.

Alternatives 2-7: The construction of additional capacity for dredged material within the existing CDFs would serve to preserve the area's land and associated water uses by precluding the need to construct any new CDF(s) in the near future. The ability to place dredged sediment into a CDF and/or any of the beneficial use sites will also enable the continued uninterrupted maintenance of the Cleveland Harbor navigation channel at appropriate depths to facilitate commercial shipping needs. Additionally and depending on local planning goals, placement of dredged material at any of the three beneficial use sites may help to further local efforts for landfill closure and site re-use. Therefore, land and associated water use impacts would be minor, beneficial and long-term.

5.3 Physical / Natural Environmental Impacts

5.3.1 Man-made Resources

Alternative 1 (No Action): This alternative is likely to result in remaining CDF capacity being effectively exhausted by 2015. If an alternative disposal site or new capacity is not created for dredged material that is unsuitable for open lake placement, there could be indirect adverse effects on the ability to transport and distribute man-made resources as a result of the inability to dredge all harbor locations to their full authorized depth. This could result in less cargo per

shipment since commercial vessels would not be able to navigate the shallower channels with full loads.

Alternatives 2-7: The availability of additional CDF capacity or beneficial use site(s) would allow for the unhindered transportation and distribution of man-made goods and services in the Cleveland area and beyond.

5.3.2 Natural Resources

Alternative 1 (No Action): No adverse impacts to natural resources are anticipated under this alternative. Since remaining CDF capacity would likely be effectively exhausted by 2015, the annual consumption of natural resources (e.g., gasoline, diesel) that has occurred in the past during as part of routine operations would ultimately cease.

Alternatives 2-7: An undetermined amount of fuel (gasoline and diesel) would be consumed during construction operations by the equipment used to manage the dredged sediment within the CDFs or during transport and management of the material at any of the beneficial use locations.

5.3.3 Air Quality

Alternative 1 (No Action): Since this alternative would involve no dredged material mounding or increase to elevations of the CDFs, air quality in the vicinity of the harbor would not be affected any more than it has from past normal operations at the CDFs. There would be no increased project-related exhaust emissions from any CDF mounding operations.

Alternatives 2-5, 7: Operation of mechanical equipment (e.g., dozers, dump trucks, water truck, portable light towers, excavator, loader) to implement CDF mounding activities would result in increased emissions of pollutants (suspended particulates, nitrogen dioxide, carbon monoxide) into the local atmosphere slightly above past normal operations levels. However, the release of these pollutants is not expected to result in any short or long-term exceedance violations of state air quality standards. The contractor will be required to control fugitive dust at the site as part of their Environmental Protection Plan. A conformity determination on this proposed activity is not applicable since the proposed action is considered part of routine maintenance dredging of a federal harbor where no new depths are required and disposal will be at an approved location pending completion of this EA/FONSI and applicable state approvals (40 CFR Part 93.153(c)).

Alternative 6 (Beneficial Use): Two of the potential beneficial use sites are past landfill operations with the third (CVIC) being a brownfield reclamation site. Depending on location, as of 2011 these sites had capacity to accept between 150,000 and 500,000 cubic yards of fill. Beneficially using dredged material at the landfill sites would necessitate a substantial trucking and grading operation on-site as well as truck traffic between a material handling location along the Cuyahoga River and the placement site. Offloading of dredged material directly from the scows to the CVIC site may be possible and would require less truck traffic to move material.

5.3.4 Water Quality

Alternative 1 (No Action): Only short-term minor impacts to water quality may be incurred through the continued annual operation of the existing weirs at the federal CDFs during dewatering. Weir operations would continue on an annual/seasonal basis until such time that the CDFs would be effectively filled to design capacity (approximately 2015). During this time, the USACE would continue to apply for Clean Water Act water quality certification from OEPA for the weir discharge. It is generally understood that there may be some contaminated sediments that may exit the CDFs via the weirs during dewatering activities. There is agreement between USACE and OEPA that Total Suspended Solids (TSS) concentration is an appropriate surrogate for measuring any potential minor contaminant releases from the weirs. Through a special condition on past water quality certifications for these CDFs, a TSS concentration of up to 100 ppm was determined to be acceptable for meeting applicable state water quality standards at the weir.

Alternatives 2-5, 7: As with the No Action alternative, similar short-term minor impacts to water quality are anticipated following mounding through the continued annual operation of the weirs during dewatering. The USACE anticipates being able to continue meeting the applicable water quality certification criteria following implementation of mounding. Water quality impacts associated with the Port's Plan (Alternative 7) are expected to be similar to what is expected from Alternatives 2-5. With Alternative 7, the Port of Cleveland would be responsible for ensuring compliance with applicable numeric state water quality standards for the weir discharges. During mounding operations, additional short-term impacts on water quality could include the possibility of accidental spills of fuel, oil, and/or grease by construction equipment. However, any such impacts if they occurred would be contained within the existing CDF facility and addressed through the contractor's Environmental Protection Plan. There are no groundwater related concerns associated with these alternatives. The project location consists of existing CDF facilities along the Lake Erie shoreline that have been in operation since the 1970's. Dredged material management and placement of new dredged material within these CDFs would be on top of previously placed sediment.

Alternative 6 (Beneficial Use): The grading and stabilization of between 150,000-500,000 cubic yards of dredged sediment at any of the three possible beneficial use sites would require a substantial amount of stormwater management planning and approval from OEPA. The CVIC site is located in close proximity to the Cuyahoga River and the Silver Oaks Landfill site is near Tinkers Creek. Therefore, measures would be required to ensure that no stormwater runoff is allowed to enter these waterbodies.

5.3.5 Plankton and Benthos

Alternatives 1-7: Dredge material disposal and construction activities at the CDFs would result in excavation, smothering, and mortality of some benthic macroinvertebrates, although the extent of plankton and benthos within the CDFs is very limited. Following disposal and construction, any benthic communities would likely recolonize within the CDFs as conditions permit.

However, annual discharge of dredged material into the CDFs would progressively decrease the amount of water available for use by plankton each year within the CDFs. Eventually, the entire water column in the CDF would be displaced by dredged material and change the habitat from aquatic to terrestrial, thereby rendering the site no longer available for utilization by plankton or benthic organisms. Under the No Action alternative, most or all of the footprint of the CDFs would be converted to terrestrial habitat by 2015.

5.3.6 Fish and Wildlife

Alternatives 1-5, 7: Wildlife populations (primarily avifauna) at the CDFs are managed by the USDA Animal Plant and Health Inspection Service (APHIS) and they conduct operational control activities to reduce wildlife hazards to aircraft utilizing the adjacent Burke Lakefront Airport (BKL). Since 2003, APHIS has had a full time wildlife biologist stationed at BKL to mitigate wildlife hazards to aircraft during seasonal dredge disposal operations at CDFs 9, 10B, and 12. In a letter to the USACE dated March 28, 2013, APHIS commented that “attracting hazardous wildlife into critical airspace...endangers the public and mitigating actions are warranted.” Continued placement of material in the CDFs should eventually make the CDFs less attractive to wildlife. As a CDF reaches capacity, the surface material could be leveled and sloped to improve drainage and eliminate areas of standing water. Water management, ideally the complete elimination of standing water in the CDFs, should be the ultimate habitat management goal in the CDFs. The USACE will continue to consult with APHIS relative to extending the useful life of these CDFs. In addition, it will seek to identify, where possible, any material management actions which would minimize the availability of attractive forage/roosting habitat for avifauna (i.e., open water).

In this regard, the No Action alternative would likely result in such habitat being eliminated on or about the year 2015, which is when the existing design capacity of the CDFs would be effectively reached absent any mounding. Implementation of any of the mounding alternatives would extend the useful life of the CDF(s) and therefore potentially extend the number of years during which gull populations could be experienced during placement operations. However, such mounding actions would also be accompanied by a switch from hydraulic placement of the dredged material to mechanical placement, which would drastically reduce the amount of free water available within the CDFs. Placement of dredged material into the CDFs in the past has been mostly through hydraulic methods.

Coordination was done with the ODNR and the U.S. Fish & Wildlife Service (USFWS). Comments were received from ODNR on April 13, 2013 (Appendix EA-1). There is no permanent suitable habitat present at the CDFs for any of the identified species of concern, such as the Indiana bat, piping plover, bald eagle, or the kirtland’s warbler. As pointed out by ODNR, the project is within the range of the Indiana bat, a state and federally endangered species which may utilize various tree species for roosting. Suitable roosting trees include dead or dying trees, or trees with exfoliating bark or cavities that form from broken branches or tops. However, there are no suitable roosting trees present at the CDFs. There are no trees at CDF 9, and CDFs 10B

and 12 only have very sparse individual trees under 15-20 feet in height and less than four inches in diameter [i.e., eastern cottonwood (*Populus deltoides*), staghorn sumac (*Rhus typhina*), and willow (*Salix* sp)]. Although the project is within the range of the Canada darner, a state endangered dragonfly, the presence of any suitable wetland habitat for this species would be ephemeral and likely dominated by exotic-invasive plants (e.g., *Phragmites* spp). Further coordination will be completed with the USFWS and ODNR during interagency review of the draft EA/FONSI with respect to a potential environmental window during which construction activities should perhaps not take place.

Alternative 6 (Beneficial Use): All three of the potential beneficial use sites are expected to have very little fish and wildlife habitat value. CVIC is a brownfield reclamation site on which dredged material has been placed in the past. Brook Park and Silver Oaks are two landfill locations where dredged material could be used for capping, grading and general closure-related activities. However, there are portions of the Brook Park Landfill that are vegetated and would require further evaluation to characterize wildlife habitat value. In a similar vein, Silver Oaks Landfill is adjacent to other properties that appear based on aerial imagery to contain areas of at least moderate wildlife value. Additional study of these two areas would be needed if they are to be pursued for beneficial use activities.

5.3.7 Vegetation

Alternative 1 (No Action): There would be no change to vegetation within the CDFs as a result of material mounding activities. It is anticipated that the CDFs would reach their full design capacity by 2015 and subsequently converted to terrestrial vegetation (e.g., mixed grasses). In the short term (2015), dredged material that is unsuitable for open lake placement would continue to be placed into the CDFs resulting in a mixture of bare sediment and common reed (*Phragmites* spp).

Alternatives 2-5, 7: The proposed project will impact some existing vegetation (mostly exotic grasses) growing in the CDFs. Prior to the CDFs being filled to design capacity, vegetation within the CDFs is constantly in flux between common reed and bare soil. The impacts will be minor and any vegetation growing on the CDFs is seen as a wildlife attractant and therefore undesirable.

Alternative 6 (Beneficial Use): There are portions of the Brook Park Landfill that are vegetated and would require further evaluation to characterize, although aerial imagery indicates that they could be scrub/shrub. Silver Oaks Landfill is adjacent to other properties that appear based on aerial imagery to contain forested areas of at least moderate quality. Additional study of these two areas would be needed if they are to be pursued for beneficial use activities.

5.3.8 Threatened and Endangered Species (T&E)

Alternatives 1 (No Action): No federal action would be taken at the CDFs or potential beneficial use sites under this alternative and there would be no effect on any state or federal threatened or endangered species.

Alternatives 2-5, 7 (Mounding in 9, 10B, and 12): The proposed project lies within the range of the Indiana bat and piping plover, both federally-listed endangered species. The project site is currently an active CDF location and should have no effect on these species since the habitat within the project area and adjacent shoreline is currently unsuitable for these two species. The proposed project is also within the range of Richardson's Pondweed (*Potamogeton richardsonii*), a potential State of Ohio threatened species and the Upland Sandpiper, a threatened species in the State of Ohio. Following coordination with the ODNR (Appendix EA-1), it is not expected that the project would have any effect on these species due to the existing conditions within the CDFs which are a frequently changing combination of open water, bare sediment, and exotic vegetation (*Phragmites* spp).

Alternative 6 (Beneficial Use): For Cuyahoga County, Ohio the USFWS indicates the potential presence of the Indiana bat, Kirtland's warbler, piping plover, all federally endangered species. The bald eagle is also shown as a species of concern. Two of the three potential beneficial use sites are former landfill operations being evaluated for redevelopment, and the third is an on-going brownfield development operation where dredged material from the Cleveland Harbor CDFs had been taken previously. There are no known T&E species or designated critical habitat at any of these locations, and no comments regarding these locations were received from the USFWS or ODNR. Should any of these sites be proposed for use of dredged material additional coordination with the state and USFWS would be completed.

5.3.9 Wetlands

Alternative 1 (No Action): There are no wetland areas that would be impacted as a result of this alternative.

Alternatives 2-5, 7: There are no wetlands located within the proposed project areas that are regulated under the Clean Water Act. The ephemeral ponded water areas that are formed within the CDFs during the filling process will be eliminated during drainage, grading, and mounding activities.

Alternative 6 (Beneficial Use): Pending verification of a wetland delineation, the wetlands at these two landfills may be located in areas that could be avoided during dredged material placement and grading activities. Further wetland investigation of these areas would be required.

5.4 Cumulative Effects

Purpose and Scope: A cumulative impact is defined as resulting "from the incremental impact of the action when added to other past, present, or reasonably foreseeable future action 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. Cumulative environmental effects for the proposed project 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. Evaluations of cumulative impacts include consideration of the proposed action with known past and present actions, as well as reasonably foreseeable future actions. In the case of this proposed project, for example, it is reasonably foreseeable that the Cleveland Port Authority would implement Alternative 7 in the event the USACE is able to enter into a Section 217 agreement. The potential impacts from the Port’s Plan are therefore incorporated into this EA, although the Port would be responsible for achieving environmental compliance relative to other applicable statutes (e.g., Clean Water Act). 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.

Summary of Cumulative Impacts: Implementation of any of the mounding alternatives (Alternatives 2-5, 7) would substantially benefit the sustainability of unrestricted commercial navigation in Cleveland Harbor. The overall cumulative impact of the proposed project is considered to be environmentally, socially, and economically beneficial. The most substantial cumulative effects resulting from this project would be to facilitate continued removal of contaminated sediment from the Lower Cuyahoga River and Outer Harbor navigation channels based on routine sampling.

There are social and economic benefits associated with the removal of dredge material from Cleveland Harbor. Implementation of the selected plan would work toward sustaining the economic integrity of Cleveland Harbor. Continued maintenance of the federal navigation channel would facilitate continued harbor and associated community facilities and activities by providing an option for disposal of dredged material that is not suitable for open lake placement. It would therefore substantially benefit community and regional sustenance and growth needs as unrestricted commercial navigation in Cleveland Harbor supports approximately 15,000 jobs in the region (Martin Assoc, 2011). Mounding of dredged material within the CDFs would have construction-related, minor, adverse short-term effects (e.g., noise) that would largely all be contained within the existing CDF perimeter(s). However, such impacts are expected to be similar to that incurred from past normal operations of the CDFs, and the long term beneficial effect of the mounding on the regions socioeconomic condition would far outweigh these temporary and localized adverse effects.

Other On-going or Reasonably Foreseeable Actions: Other on-going or foreseeable actions by USACE or others in the vicinity of Cleveland Harbor are listed below. Many of these do not directly relate to the proposed mounding of dredged sediment within the existing CDFs but are

included for general context. No adverse impacts to the sustainability of resources are expected as a result of the proposed CDF mounding in light of any of the below activities:

- *USACE Open Lake Placement of Dredged Sediment* – Sediment quality within the Cleveland Harbor navigation channel is documented to have improved over time to a point where the Upper Cuyahoga River channel sediments have now been found by the USACE to be suitable for open lake placement. An evaluation completed in August 2013 found that approximately 80 percent of sediment (~180,000 cy) dredged each year from the Cleveland Harbor navigation channel meets federal guidelines for open lake placement (USACE, 2013). An Environmental Assessment and finding of no significant impact was completed for open-lake placement in December 2014.
- *Cuyahoga River Bed Load Interception Studies* – The Cleveland Port Authority and partners are currently in the process of evaluating the use of sediment bed load interceptor technologies in the Cuyahoga River upstream of the federal navigation channel in an effort to reduce the amount of sediment that is carried down the river and ultimately deposited in the federal navigation channel. Work to date has included the installation of a small bed load collector near Harvard Road operated periodically over a 10-day period as a proof-of-concept study. Work has also included collection of sediment samples from various locations in the river for chemistry analyses to determine its suitability for upland uses. To date, samples have consistently been deemed suitable for upland uses. Based on the results produced thus far, the Port believes bed load interception could be a cost effective tool for reducing overall dredging requirements. Refined modeling results are expected to reasonably differentiate between suspended and bed load sediments, and to predict the quantity of bed load sediments that would be most susceptible to interception and harvesting. Pending the outcome of this modeling, the next step reported by the Port would be to plan and execute a large scale, multi-year pilot evaluation.
- *Gorge Dam* – The USACE and OEPA, in close coordination with USEPA, are negotiating a partnership agreement to complete a Sediment Management Plan at the Gorge Dam on the Cuyahoga River in Cuyahoga Falls, Ohio. The Sediment Management Plan would entail a feasibility-level evaluation of an alternative to remove the Gorge Dam and the sediment deposited behind it, along with a 35 percent level of design. This study will also include an evaluation of what effect removal of this dam might have on sediment loading in the Cuyahoga River which may or may not influence shoaling in the federal navigation channel far downstream.
- *Cleveland Downtown Lakefront Plan* – In 2012, the City of Cleveland Planning Commission approved the Cleveland Downtown Lakefront Plan to “guide mixed-use commercial development of the waterfront between West 3rd and East 18th Streets.” The Plan proposes redevelopment strategies for three areas of the downtown lakefront:

Harbor West, North Coast Harbor, and Burke Development District (Cleveland Planning Commission, 2014).

- *Cleveland-Europe Express Liner Service* – Starting in the spring of 2014, the only regular, scheduled international container service on the Great Lakes was scheduled to begin between Cleveland and Europe, according to a press release by the Port dated November 21, 2013. Initially, one vessel call per month is anticipated between Cleveland and an undetermined major European city which will offer a faster, more cost-effective and greener solution to get goods to global markets, according to the Press Release (Cleveland Port Authority, 2013).
- *Cuyahoga River Area of Concern (AOC)* – Cleveland Harbor is located within the designated Cuyahoga River AOC, which includes the lower 45 miles of the river between the Ohio Edison Dam and mouth, and approximately 19 miles of the Lake Erie shoreline from Edgewater Park eastward to Wildwood Park (USEPA, 2014). Beneficial use impairments (BUIs) for the AOC currently include restrictions on fish and wildlife consumption, degradation of fish and wildlife populations, beach closings, fish tumors and other deformities, degradation of aesthetics, degradation of benthos, restriction on dredging activities, and loss of fish and wildlife habitat. Continued maintenance dredging of the lower navigation channel as enabled by sufficient CDF capacity has a direct bearing on efforts to delist this AOC. As results have shown to date, sediment quality is documented to have improved over time to a point where the Upper Cuyahoga River channel sediments have now been found by the USACE to be suitable for open lake placement (USACE, 2013). In accordance with the State of Ohio Restoration Target for the Cuyahoga River AOC, the restrictions on dredging BUI may be delisted if sediments “meet Ohio EPA guidelines for open water disposal.” However, until such time that the lower navigation channel sediments are also found to be suitable for open lake placement they will require confined disposal.
- *Commoditizing Dredged Sediment* – In a presentation given by the Cleveland Port Authority on February 10, 2014, the Port proposed using sediment dredged from the Cuyahoga River for brownfield redevelopment, as a blend for composting and urban garden soils, sand bags for Fracking pipelines, and possibly as fill for basements from residential demolitions. Although still in the study phase, the Port is hopeful that successful implementation of such a concept would help to conserve remaining CDF capacity and serve as a more cost effective source for fill material needs.

6.0 Compliance with Environmental Protection Requirements

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 and through coordination with Federal, state, and local agencies. Agencies, interest

groups, and the general public that have been contacted during this process are listed in Section 7.0. A Scoping Information Packet was distributed to these individuals on February 9, 2012. Comments received from this scoping are included in Appendix EA-1. The following is a list of the applicable, relevant, and appropriate Federal statutes, executive orders and memorandum that were considered for the proposed project.

6.1 Abandoned Shipwreck Act of 1987 (43 USC 2101 – 2106); Archaeological and

Historical Preservation Act of 1979 (16 USC 470 *et seq.*); National Historic Preservation Act of 1966 (16 USC 470 *et seq.*); Executive Order 11593 (Protection and Enhancement of the Cultural Environment), May 13, 1971 - The project's impact on cultural resources has been evaluated in accordance with Engineer Regulation (ER) 1105-2-50 and 36 CFR 800. The impact assessments for the federal navigation channels and CDFs 10B, 9 and 12 were addressed in previous planning and environmental documentation. Consultation with the National Park Service, Ohio Historic Preservation Office and tribal interests was initiated via the scoping process. Since this project is located at a currently active CDF with no known significant cultural resources, the proposed action is not expected to have any impacts on cultural resources and the proposed project is expected to be in compliance with this Act. A draft of this EA and a Section 106 Review Form will be submitted to the Ohio SHPO for final review and comment on this determination. With Alternative 7, the Port of Cleveland would be responsible for ensuring compliance with the Section 106 Review Form. The Port will be responsible for achieving environmental compliance relative to applicable statutes.

6.2 American Indian Religious Freedom Act (42 USC 1996); Native American Graves Protection and Repatriation Act (25 USC 3001 *et seq.*) - Coordination with the tribes listed in Section 7.0 of this EA was initiated via the scoping process. No sacred sites or objects were identified through tribal consultation. Therefore, it is not expected that any adverse effect would be incurred to religious rights as a result of the proposed project. No Native American grave sites or other sensitive sites are expected to be affected by the project. A draft of this EA will be submitted to the above mentioned parties for final review and comment on this determination.

6.3 Clean Air Act, as Amended, 42 USC 7401 – 7671g - Project coordination was initiated with the USEPA and the OEPA via the scoping process. No responses were received. As indicated in this EA, no significant adverse impacts to air quality would be expected due to project implementation. In addition, copies of the draft EA will be sent to the USEPA requesting comments in compliance with the Clean Air Act. A conformity determination on this proposed activity is not applicable since the proposed action is considered part of on-going maintenance dredging of a federal harbor where no new depths are required and disposal will be at an approved location pending completion of this EA/FONSI and applicable state approvals (40 CFR Part 93.153(c)).

6.4 Clean Water Act, as Amended (Federal Water Pollution Control Act Amendments of

1972); 33 USC 1251 et seq. - Project coordination was initiated with agencies and interests including the USEPA and OEPA via the scoping process. A Section 401 Water Quality Certification from OEPA may be required if there is a Section 404 discharge of dredged or fill material into the water as part of the mounding activities. An application for OEPA Section 401 State Water Quality Certification would be prepared and submitted in accordance with Section 401 of the Act as part of our routine dredging operations in Cleveland Harbor. This certification would be required for the discharge of supernatant (excess water) into Lake Erie from the weir structure of the CDF. With Alternative 7, the Port of Cleveland would be responsible for ensuring compliance with the Clean Water Act. The Port will be responsible for achieving environmental compliance relative to applicable statutes.

6.5 Coastal Zone Management Act of 1972, as Amended, 16 USC 1451 - 1464 – Project coordination was conducted with the ODNR - Office of Coastal Management via the scoping process and no comments were received. A Coastal Zone Management Consistency Determination will be prepared and forwarded to the ODNR in the near future for its concurrence. With Alternative 7, the Port of Cleveland would be responsible for ensuring compliance with the Clean Water Act. The Port will be responsible for achieving environmental compliance relative to applicable statutes. In accordance with Coastal Zone Management Regulations 15 CFR, Part 930.34(a), the proposed action would be undertaken in a manner which is consistent to the maximum extent practicable with the State of Ohio Coastal Management Program.

6.6 Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA), as Amended; 42 USC 9601-9675 - Project coordination was initiated with agencies and interests including the USEPA via the scoping process and no comments were received in this regard. This project will not impact CERCLA or RCRA designated sites or sites that are part of the National Priorities List (NPL). Assessment of the project site has not identified any areas of concern or any potential to encounter hazardous, toxic, or radiological waste. Dredged material is not a hazardous waste and is not regulated under RCRA (Federal Register Vol 53, No. 80, April 28, 1988, pages 14903 and 14910). The USEPA excluded dredged material as a hazardous waste in 1998, providing the dredged material is regulated under either the Clean Water Act or MPRSA (Federal Register Vol 63, No. 229, November 30, 1998).

6.7 Endangered Species Act of 1973, as Amended; 16 USC 1531 et seq. – Coordination was initiated with USFWS and ODNR, Division of Wildlife, via the scoping process. Comments were received from ODNR (see Appendix EA-1). As outlined in Sections 4.2.8 and 5.3.8, there is not expected to be any impacts to Threatened and Endangered species as a result of this project. Therefore, the proposed project is in compliance with this Act.

6.8 Farmland Protection Policy Act (Subtitle I of Title XV of the Agriculture and Food Act of 1981), 7 USC 4201 et seq.; Executive Memorandum – Analysis of Prime and Unique

Farmlands, CEQ Memorandum, August 30, 1976, January 4, 1979 - Coordination was initiated with the U.S. Department of Agriculture - Farm Service Agency and NRCS via the project scoping letter and no comments were received in this regard. Since the proposed work would not affect prime and unique farmlands in any manner, the recommended action is in compliance with this Act.

6.9 Federal Water Project Recreation Act, as Amended; 16 USC 4601-12 – 4601-22, 662 – The CDF facilities in Cleveland Harbor are not used for any form of recreation and do not have public access. The adjacent Cleveland Harbor itself is used for recreational fishing but all such fishing in the vicinity of the CDFs is from recreational watercraft. The closest swimming beach is Edgewater Park approximately 0.3 mile to the west of the Cleveland West Breakwater.

6.10 Fish and Wildlife Coordination Act (Fish and Wildlife Conservation and Water Resource Developments-Coordination), 16 USC 661 et seq. – Coordination on the proposed project was initiated with the USFWS and ODNR, Division of Wildlife via the scoping process. Comments were only received from ODNR (Appendix EA-1). As indicated in Section 5.3.6 of this EA, there is no permanent suitable habitat present at the CDFs for any of the identified species of concern, including the federally endangered Indiana bat or the state endangered Canada darner dragonfly. The proposed project entails mounding of dredged material within existing CDFs that have been in use for placement of dredged material since the 1970's. Additional coordination will be completed with ODNR and USFWS with the routing of the draft EA/FONSI.

6.11 Flood Control Act of 1944, 16 USC 460d et seq., 33 USC 701 et seq. – Other than routine maintenance dredging, this project will have no effects on flood control.

6.12 Land and Water Conservation Fund Act of 1965; 16 USC 4601-4 et seq. – Project coordination was initiated with agencies and interests, including the U.S. Department of the Interior, via the scoping process and no comments were received in this regard. No property that was acquired or developed with assistance from this fund is present in the project area, or would be affected by the project.

6.13 National Environmental Policy Act of 1969, as amended; 42 USC 4321 - 4347 – Project coordination was initiated with agencies and interests via the scoping process in March 2012. The 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." With the circulation of this draft EA and FONSI, the proposed project is in partial compliance with the Act. Full compliance will be attained once the public review period has been concluded and no significant adverse impacts are identified, and the FONSI is signed.

6.14 Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq. – See Section 6.6 of this EA.

6.15 River and Harbor and Flood Control Act of 1970 (P.L. 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.

6.16 Toxic Substances Control Act, 15 USC 2601-2671 et seq. - Project coordination was initiated with agencies and interests including the USEPA via the scoping process and no comments were received in this regard.

6.17 Water Resources Planning Act, 42 USC 1962 et seq. - This project has been formulated and evaluated following the guidelines outlined in the U.S. Water Resource Council's "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies" (1983), as is required by the Act.

6.18 Watershed Protection and Flood Prevention Act, 16 USC 1001, et seq. - Project coordination was conducted among numerous agencies and individuals with interest in watershed protection and flood prevention including: the Federal Emergency Management Agency, USEPA, the U.S. Department of Housing and Urban Development, USFWS, U.S. Department of Agriculture - Natural Resource Conservation Service, ODNR, and other state, regional and local interests. No significant adverse impacts to watershed protection of flood prevention would be expected with the implementation of the proposed project, as described, and no concerns were expressed in this regard.

6.19 Wild and Scenic Rivers Act, as amended; 16 USC 1271, et seq. - Project coordination was initiated with agencies and interests including the U.S. Department of the Interior and ODNR via the scoping process and no comments were received in this regard.

6.20 Executive Order 11988, Flood Plain Management, May 24, 1977 - The USACE has concluded that there is no practicable alternative to the proposed action which would avoid the base (100-year) flood plain of the Cuyahoga River, and that the recommended action is in compliance with the Order.

6.21 Executive Order 11990, Protection of Wetlands, May 24, 1977 - As indicated in Section 4.2.9, intermittent wetlands may develop within the CDFs during filling and dewatering operations. These wetlands are temporary in nature and not regulated under Section 404 of the Clean Water Act. As the CDFs are filled and reach design capacity, there would no longer be any wetlands within the project area. If the Brook Park or Silver Oaks Landfill sites are pursued further for beneficial use of dredged material, a wetland delineation would be completed to ensure identification of all streams and wetlands for purposes of avoidance.

6.22 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 - Coordination was initiated with the USEPA via the scoping process and no comments regarding environmental justice were

received for this project. The proposed project would not generate any disproportionately high or adverse human health or environmental effects on predominantly low income or minority populations within the project area. Therefore the proposed project is in compliance with the order. The project would facilitate the harbor, the associated developments, and the community as a whole.

6.23 Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds,

January 11, 2001 - Coordination was initiated with the USFWS, OEPA, ODNR, and Ducks Unlimited. Based on this coordination, it has been determined that no significant impacts to migratory birds would be expected with implementation of the proposed project, as described.

7.0 Agencies/Public Contacted

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

Federal

Federal Aviation Administration

Detroit Airports District Office

Federal Emergency Management Administration

Federal Maritime Commission

U.S. Coast Guard, Cleveland

U.S. Department of Agriculture

Animal and Plant Health Inspection Service

Farm Service Agency

Forest Service

Natural Resource Conservation Service

U.S. Department of Commerce

National Oceanic and Atmospheric Administration

U.S. Department of Energy

U.S. Environmental Protection Agency, Region 5

U.S. Department of Health

Centers for Environmental Health & Disease Control

U.S. Department of Housing and Urban Development Region 5 Field Office

U.S. Department of the Interior

National Park Service

Office of Environmental Policy and Compliance

U.S. Fish & Wildlife Service

U.S. Department of State

U.S. Department of Transportation

Federal Highway Administration
Federal Highway Administration, Midwest Resource Center
Federal Railroad Administration, Region 2

State

Ohio Department of Health
Ohio Department of Natural Resources
 Office of Coastal Management
Ohio Environmental Protection Agency
 Northeast District Office
Ohio Department of Transportation
 Office of Environmental Services
Ohio Historic Preservation Office
Ohio Sea Grant

Local

Cuyahoga County
 Board of Commissioners
 Board of Health
 Cleveland-Cuyahoga County Port Authority
 County Administrator
 County Engineer
 Cuyahoga River Remedial Action Plan Commission
 Cuyahoga Soil and Water Conservation District
 Parks & Recreation
 Planning Commission
 Public Health and Welfare
Northeast Ohio Regional Sewer District

City of Cleveland

 City Planning Commission
 Cleveland Airport Systems
 Department of Port Control, Burke Lakefront Airport
 Division of the Environment
 Metroparks
 Mayor's Office
 Water Pollution Control

Tribal Interests

Bad River Band of the Lake Superior Tribe of Chippewa Indians, Wisconsin
Bay Mills Indian Community, Michigan
Chippewa-Cree Tribe of the Rocky Boy's Reservation, Montana
Citizen Potawatomi Nation, Oklahoma
Delaware Tribe of Indians, Oklahoma
Forest County Potawatomi Community
Hannahville Indian Community, Michigan
Huron Potawatomi, Inc., Michigan
Keweenaw Bay Indian Community, Michigan
LacCourte Oreilles Band of Lake Superior Chippewa Indians, Wisconsin
Little River Band of Ottawa Indians, Michigan
Little Traverse Bay Bands of Odawa Indians, Michigan
Match-e-be-nash-she-wish Band of Pottawatomi Indians, Michigan
Ottawa Tribe of Oklahoma
Pokagon Band of Potawatomi Indians, Michigan & Indiana
Prairie Band of Potawatomi Nation, Kansas
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians, Minnesota
St. Croix Chippewa Indians of Wisconsin
Seneca Nation of New York
Seneca-Cayuga Tribe of Oklahoma
Sokaogon Chippewa Community, Wisconsin
Tonawanda Band of Seneca Indians, New York
Turtle Mountain Band of Chippewa Indians, North Dakota
Wyandotte Tribe of Oklahoma

Regional/Other Interests

ArcelorMittal Steel Company
Audubon Society
Building Cleveland by Design
Case Western University
Cleveland State University
Cleveland Restoration Society and Preservation Resource Center of Northeastern Ohio
Cleveland Neighborhood Development Coalition
Cleveland Foundation
Cleveland Plain Dealer
Cuyahoga Community College
Detroit Columbia Gulf
Ducks Unlimited
Dike 14 Nature Preserve Committee

Earth Day Coalition
Essroc
Filtrexx
Ford Motor Company
Forest City Yacht Club
Friends of the Crooked River
George Gund Foundation
Great Lakes Commission
Great Lakes Shipping
Great Lakes Towing
Greater Cleveland Partnership
Green City Blue Lake
Heritage Ohio
Interested Citizens
International Salt Company
The Joyce Foundation
Jim Cox & Assoc.
Kenmore Companies
Kurtzman Bros. Inc.
Lake Carriers Association
Lakeside Yacht Basin
League of Ohio Sportsmen
Lower Lakes Marine Historical Society
Mobile Oil Corporation
Ontario Stone Corporation
Peachman Lake Erie Shipwreck Research Center
PB Americas
St. Clair-Superior Development Corp.
Samsel Rope & Marine Supply
Sherwin-Williams Company
Sierra Club
Trout Unlimited
URS
Western Reserve Land Conservancy
Western Reserve Historical Society

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Appendices

EA-1 Scoping Information Packet and Comments received

Appendix EA-1

Scoping document and Comments received



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of Engineers®**

Buffalo District

BUILDING STRONG®

Cleveland Harbor
Interim Dredged Material Management Plan
Environmental Assessment
Scoping Information Packet



March 5, 2012

U.S. Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, New York 14207

Contents

1. Introduction.....	3
2. Background.....	4
3. Need for Action and Study Overview.....	5
4. Proposed Actions and Measures.....	5
5. Environmental Impacts.....	7
6. Public Participation and Interagency Coordination.....	8
7. Compliance with Environmental Protection Statues.....	8
Federal Environmental Protection Laws, Executive Orders, and Policies.....	10

1. Introduction

Implementation of the National Environmental Policy Act (NEPA) requires that Federal agencies initiate “an early and open process for determining the scope of issues to be addressed and for identifying any significant issues related to the proposed action.” The purpose of this Scoping Information is to disseminate information regarding the U.S. Army Corps of Engineers (USACE), Buffalo District Cleveland Harbor Interim Dredged Material Management Plan, and to elicit comments from interested parties. This information has been prepared as part of the formal scoping process pursuant to NEPA and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500 et seq.)

Cleveland Harbor is located on Lake Erie at the mouth of the Cuyahoga River. The harbor is 191 miles southwest of Buffalo, NY and 110 miles east of Toledo, Ohio (Figure 1). It measures about 1,300 acres, is 5 miles long and varies in width between 1,600 to 2,400 feet. The harbor is protected by a breakwater system: an east breakwater (20,970 feet long), a west breakwater (6,048 feet long), and the east and west arrowhead breakwaters (each measuring 1,250 feet). Authorized depths in this area range from 25 to 28 feet. The East and West Arrowhead Breakwater protect the Lake Approach Channel with an authorized depth of 29 feet. The Entrance Channel varies in width from 220 to 750 feet and is maintained at an authorized depth of 28 feet to the mouth of the Cuyahoga River. The lower Cuyahoga River Channel, from the lakeward side of the piers to immediately above the Old River confluence, is maintained to an authorized depth of 27 feet. The upper Cuyahoga River and turning basin are maintained to an authorized depth of 23 feet and 18 feet respectively.

Since the 1960's, five confined disposal facilities (CDFs) have been constructed at Cleveland Harbor (9, 10B, 12, 13, and 14). The current operational CDF, 10B, design capacity has been reached. Since 2006, measures have been implemented to extend the useful life of the CDF and this capacity will be full in 2014. In 2007, testing in accordance with joint U.S. Environmental Protection Agency (USEPA)/USACE protocols contained in the Great Lakes Dredged Material Testing and Evaluation Manual (1998), indicated that all sediment dredged from Cleveland Harbor and Cuyahoga River Channels is unsuitable for open lake and nearshore placement. All dredge sediment is currently disposed in a CDF. Sediment sampling is conducted approximately every five years and is scheduled for 2012.



Figure 1: Location of Cleveland Harbor, Ohio

2. Background

Capacity in the Cleveland Harbor CDFs for disposal of dredged sediment is limited. Additional capacity is required to continue the operation and economic viability of the port. To maintain (i.e., dredge) the federally authorized channel, a reduced quantity of approximately 225,000 cubic yards (cy) of sediment must be dredged and managed each year. Since 2006, the original design capacity of the existing CDFs has been extended using management strategies contained within the original design footprint of the CDFs. By the year 2015, a new disposal facility or other management method will have to be in place in order to continue dredging Cleveland Harbor.

The August 2009 draft Dredged Material Management Plan and Environmental Impact Statement (2009 DMMP-EIS) for Cleveland Harbor specified construction of a new waterfront CDF. Ultimately, the facility could not be constructed for financial reasons. Contained within the 2009 DMMP-EIS was also a review of potential beneficial uses of dredged material that included mine land reclamation, littoral nourishment, soil manufacture, wetlands/habitat creation, and landfill cover. However, none of these alternatives were considered feasible at that time nor carried forward for detailed analysis due to a lack of information and inability to refine the management concepts.

In 2011, a report was prepared by the USACE, Engineer Research and Development Center (ERDC) providing a review of the logistical and technical feasibility of beneficial use alternatives, including an analysis of the engineering and ecological suitability, environmental and regulatory acceptability, site specific logistical considerations, and preliminary cost estimates for implementing each of the beneficial use management options deemed feasible. A screening-level analysis of potential risk to human health demonstrated that the use of dredged material for topsoil or fill at commercial and industrial sites would be protective of human health. The potential risk and acceptability of using dredged material for surface soils at recreational sites will be dependent on the type of recreational activity and site construction methods. Construction methods can be used to reduce or eliminate potential risk to human health, further increasing the range of options for beneficial use of dredged material. The full report can be accessed at: <http://www.lrb.usace.army.mil/missions/cleveland/b-report.html>

3. Need for Action and Study Overview

All existing Cleveland CDFs would have been filled to capacity in 2006 had USACE not implemented a variety of management measures (such as berm raisings). By the year 2015, additional disposal capacity or method will have to be available in order to continue dredging Cleveland Harbor. The Buffalo District will complete an Interim DMMP/Environmental Assessment (EA) that will assess short-term alternatives for dredged material placement from 2015 through 2018.

The Buffalo District has worked very closely with the project's stakeholders, including but not limited to, the Cleveland-Cuyahoga County Port Authority, City of Cleveland, and State regulatory agencies to identify sustainable alternatives for dredged material management in lieu of building new CDFs. During 2010, various beneficial use alternatives were brought to the attention of the Cleveland Harbor Dredging Task Force and the USACE, Buffalo District. The Interim DMMP/EA will assess a variety of alternative measures contained in the USACE, ERDC report and that have been presented at monthly Cleveland Harbor Dredging Task Force meetings.

4. Proposed Actions and Measures

The selected alternative would include either one or a combination of the following alternatives.

Alternative 1: No Action - Under this alternative, the Federal Government would do nothing to address the need for interim placement of dredged material. Without dredging, the navigation channel would progressively shoal in and eventually impede commercial navigation. Deep-draft commercial navigation would become economically nonviable and gradually cease.

Alternative 2: Brook Park Landfill - Brook Park is a 28-acre landfill located south of Hopkins Airport that is owned by the City of Cleveland. The City is currently developing plans for capping and filling the former landfill in order to accommodate industrial development of the site, including potential use as a solar collection farm. The site is easily accessible for truck transportation and has a capacity for accepting 350,000 to 500,000 cy of dredged sediment depending on the final site development plans. Development of the site will require geotechnical survey and engineering analysis of site stability, storm water control, and protection of the adjacent Abrams Creek. The City planned to complete environmental and geotechnical assessments in 2011 to confirm the feasibility of developing the site. The site is anticipated to be ready to receive dredged sediment as early as 2013.

Alternative 3: Silver Oak Landfill - Silver Oak is a 27-acre inactive construction and demolition landfill located on a 49-acre site at 26101 Solon Rd, Oakwood Village, Ohio. Negotiations for closure of the landfill under OEPA rules are currently underway between representatives of the the landfill owner and the Cuyahoga County Board of Health. Closure of the landfill will require contouring the landfill and construction of a compacted cap requiring a minimum of 100,000 cy of fill or dredged sediment. Due to the current configuration of the landfill, construction of the final cap and vegetative cover may require a modification to the original landfill design and permit. The site is located adjacent to the Cleveland MetroPark Bedford Reserve which is adjacent to Tinkers Creek. This is a high quality recreation area that includes picnic areas, hiking trails, and horseback riding trails. Upstream of the landfill, Tinkers Creek drops 220 feet over a two mile reach where a steep, walled gorge is the dominant landform surrounding the creek. The gorge, declared a National Natural Landmark, is a unique area with numerous tree, shrub, and flower species. Additional dredged sediment could be used for contouring and landscaping the site (Silver Oak) for use as an upland nature preserve, creating the opportunity to use an additional 200,000 cy of dredged sediment.

Alternative 4: Adding capacity at existing CDFs - USACE will be developing a plan to optimize capacities through mounding dredged sediment in CDFs 10B, 9, and 12. The dredged sediment would be mechanically placed in the CDFs and graded to meet structural and slope stability requirements. Due to the proximity to Burke Lakefront Airport, the project must comply with Federal Aviation Administration requirements. The height and slope of the mounded sediment would be determined during further alternative development based largely on results of geotechnical analysis of the CDFs. Locations and methods of mechanical offloading of dredged sediment would also be analyzed.

Alternative 5: CVIC site - The Cuyahoga Valley Industrial Center (CVIC) is a 58-acre brownfield development located at 3183 Independence Road controlled by a public-private partnership dedicated to attracting development to the City. The need for significant quantities of construction fill to bring the site to finished grade makes it an attractive prospect for the beneficial use of dredged sediment. This site has previously obtained Ohio EPA approval for receipt of dredged sediment in 2010. The estimated capacity at the site is 300,000 cy.

The buildable site is currently for sale and there is no assurance that the presently available capacity can be retained for purposes of this Interim DMMP. However, in the event capacity at the site is preserved, a project could consist of two options: 1) removal of sediment from the adjacent upper Cuyahoga River during dredging operations with direct truck transport to the nearby site, or; 2) Excavation of sediment from the existing CDFs with truck transport to the site.

There is a possibility that this alternative could be implemented as a disposal site option in conjunction with dredging as early as the fall of 2012. If this were to occur, it would be preceded by a separate Environmental Assessment.

Alternative 6: Cleveland Lakefront Nature Preserve - The Cleveland Lakefront Nature Preserve is an 88-acre CDF, formerly CDF14, on Cleveland's east side along Lake Erie. Approximately 6 million cy of sediment from Cleveland Harbor was placed into CDF 14 from 1979 to 1999. In 1999, the site was transferred to the non-Federal sponsor, Cleveland-Cuyahoga County Port Authority, and is currently managed as a nature preserve. In 2007, a study conducted by OEPA indicated that the site can be used safely as a nature preserve and recreation site for hiking and bird watching. OEPA has indicated that a five acre section of the facility contains pollutants with measured levels above residential land use standards established by OEPA. The contaminants of concern include polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and lead. The preliminary remediation plan is to place a 4-foot cap of soil or dredged sediment on top of the area that has elevated concentrations of contaminants. Approximately 28,500 cy of material would be needed to cover the five acre area and reduce potential future exposure to people and wildlife.

Alternative 7: ODOT Transportation Projects - The Ohio Department of Transportation (ODOT) is planning roadway construction projects in the Cleveland area. It is anticipated that these projects could require significant quantities of top soil/fill if the projects proceed to construction. Currently, ODOT is in the process of reviewing the schedules for the projects and the State of Ohio is evaluating funding priorities.

5. Environmental Impacts

Future conditions with the no-action alternative, as well as potential impacts associated with the proposed action and alternatives, will be assessed for several social, economic, and environmental categories including:

- Biological Resources
- Recreation
- Cultural Resources
- Socioeconomics
- Transportation
- Geology and Soils

- Water Resources
- Solid Waste Management
- Contaminated Materials
- Air Quality
- Noise
- Aesthetics
- Health and Safety
- Environmental Justice

6. Public Participation and Interagency Coordination

Throughout the scoping process, stakeholders and interested parties are invited to provide comment on the alternatives that will be evaluated in the Cleveland Harbor Interim Dredged Material Management Plan. An Environmental Assessment will evaluate the potential social, economic, and environmental effects that may be expected from each alternative plan selected for detailed analysis.

7. Compliance with Environmental Protection Statues

a. National Environmental Policy Act (NEPA) In accordance with the Council on Environmental Quality’s “Regulations for Implementing the Procedural Provisions of the NEPA of 1969” (40 CFR 1500-1508) and Engineer Regulation 200-2-2 (Procedures for Implementing NEPA), the USACE, Buffalo District will assess the potential environmental effects of the project alternatives on the quality of the human environment. Using a systematic and interdisciplinary approach, an assessment will be made of the potential environmental impacts for each plan as judged by comparing the “with-project” and “without-project” conditions. The Environmental Assessment process will determine if an Environmental Impact Statement is required, or if an Environmental Assessment and Finding of No Significant Impact (FONSI) is appropriate.

b. Clean Water Act It is expected that a plan will be proposed for implementation that involves the placement of dredged or fill material in an upland disposal facility where there may be a discharge (return water) back into waters of the U.S. Therefore, the project will be evaluated in accordance with the guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency in conjunction with the Secretary of the Army under the authority of Section 404(b)(1) of the Act. A Section 404(a) Public Notice will be issued and any party that may be significantly impacted by the project will be afforded the opportunity to request a public hearing. Under Section 401 of the Act, certification from the Ohio Environmental Protection Agency that the proposed project is in compliance with established water quality standards will be requested.

If the proposed project will involve any construction activities affecting one acre or more, a National Pollution Discharge Elimination System stormwater permit will be required.

c. National Historic Preservation Act Under Section 106 of this Act, this Scoping Information initiates USACE consultation with the National Park Service, the Ohio Historic Preservation

Office, interested Indian 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. A Section 106 Review Project Summary Form, sent under separate cover, will additionally initiate consultation with the Ohio State Historic Preservation Office.

d. Coastal Zone Management Act. The Act requires that Federal actions reasonably likely to affect any land or water use or natural resource of the coastal zone, regardless of location, be consistent with approved state coastal management programs. A Federal consistency determination will be submitted to the Ohio Department of Natural Resources (ODNR), Office of Coastal Management for their concurrence.

e. Endangered Species Act. In accordance with Section 7 of this Act, USACE, Buffalo District 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, Buffalo District will conduct a biological assessment to determine the proposed project's effect on these species or critical habitat.

f. Fish and Wildlife Coordination Act. USACE, Buffalo District is coordinating this study with the Reynoldsburg Field Office of the USFWS and ODNR, Division of Wildlife. USACE, Buffalo District will collaborate with these agencies to identify any fish and wildlife concerns, identify relevant information on the study area, obtain their views concerning the significance of fish and wildlife resources and anticipated project impacts, and identify those resources which need to be evaluated in the study. Full consideration will be given to their comments and recommendations resulting from this coordination.

g. 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 as provided in the comprehensive list below. Therefore, an additional intent of this scoping information packet is to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

The purpose of the scoping process is to provide an opportunity for the public and governmental agencies to comment on and provide input to help identify issues related to the proposed project to be addressed in the Environmental Assessment. If, after this evaluation, it is concluded that the proposed project would have no significant environmental impacts and an environmental impact statement is not required, the District Commander will sign a FONSI.

Comments and input about the issues and studies for the proposed project will be accepted **30 days from the date of this scoping document** and should be sent to:

U.S. Army Corps of Engineers, Buffalo District
Environmental Analysis Team
ATTN: Christine M. Cardus, Biologist
1776 Niagara Street
Buffalo, NY 14207-3199

Telephone No.: 716-879-4130
Fax No.: 716-879-4396
E-mail: Christine.M.Cardus@usace.army.mil

Federal Environmental Protection Laws, Executive Orders, and Policies

1. PUBLIC LAWS

- (a) American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
- (b) Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
- (c) Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
- (d) Archaeological and Historic Preservation Act, P.L. 93-291; 16 U.S.C. 469, *et seq.* (Also known as the Reservoir Salvage Act of 1960, as amended; P.L. 93-291, as amended; the Moss-Bennett Act; and the Preservation of Historic and Archaeological Data Act of 1974.)
- (e) Bald Eagle Act; 16 U.S.C. 668.
- (f) Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
- (g) Clean Water Act, P.L. 92-500; 33 U.S.C. 1251, *et seq.* (Also known as the Federal Water Pollution Control Act; and P.L. 92-500, as amended.)
- (h) Coastal Barrier Resources Act of 1982, 16 U.S.C. § 3501 *et seq.*; 12 U.S.C. § 1441 *et seq.*
- (i) Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- (j) Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
- (k) Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- (l) Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- (m) Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
- (n) Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- (o) Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- (p) Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- (q) Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- (r) Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
- (s) National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
- (t) National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- (u) Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*
- (v) Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
- (w) River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (Also known as the Refuse Act of 1899.)
- (x) Submerged Lands Act of 1953, P.L. 82-3167; 43 U.S.C. 1301, *et seq.*
- (y) Surface Mining and Reclamation Act of 1977, P.L. 95-89; 30 U.S.C. 1201, *et seq.*
- (z) Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- (aa) Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- (bb) Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq.*

2. EXECUTIVE ORDERS

- (a) Executive Order 11593, Protection and Enhancement of the Cultural Environment. May 13, 1979 (36 FR 8921; May 15, 1971).
- (b) Executive Order 11988, Floodplain Management. May 24, 1977 (42 FR 26951; May 25, 1977).
- (c) Executive Order 11990, Protection of Wetlands. May 24, 1977 (42 FR 26961; May 25, 1977).

- (d) Executive Order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970, as amended by Executive Order, 11991, May 24, 1977.
- (e) Executive Order 12088, Federal Compliance with Pollution Control Standards, October 13, 1978.
- (f) Executive Order 12372, Intergovernmental Review of Federal Programs, July 14, 1982.
- (g) Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, August 3, 1993.
- (h) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994.

3. OTHER FEDERAL POLICIES

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



United States
Department of
Agriculture

March 28, 2012

Animal and
Plant Health
Inspection
Service

Ms. Christine Cardus
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Wildlife Services

6929 Americana
Parkway
Reynoldsburg, OH
43068

Re: Cleveland Harbor Interim DMMP/EA

(614) 861-6087
(614) 861-9018 Fax

Dear Ms. Cardus,

This letter is to provide comment on the proposed Cleveland Harbor, Cuyahoga County, Ohio, Interim Dredged Material Management Plan (Interim DMMP). The mission of the United States Department of Agriculture's Wildlife Services Program (WS) is to provide Federal leadership and expertise to resolve wildlife conflicts to allow people and wildlife to coexist. One arena in which we achieve our mission is airports.

Since 2003 WS has had a full time wildlife biologist stationed at Burke Lakefront Airport in Cleveland, Ohio to mitigate wildlife hazards to aircraft. Further, on April 1, 2006, WS and the United States Army Corps of Engineers (USACE) entered into an Interagency Agreement (IA) to conduct operational activities in Confined Disposal Facility (CDF) 10B to minimize wildlife hazards to aircraft associated with seasonal dredging operations. This IA has been kept in place since to mitigate wildlife hazards to aircraft associated with seasonal dredging in CDF 10B as well as the more recently reactivated CDFs 9 and 12.

During active dredge material deposition into the CDFs, as many as 10,000 gulls have been observed hovering at, or near, the outflow of dredge pipes where nutrient-rich discharge provides ideal feeding opportunity. Additionally, the increased volume of water in the CDFs provides loafing, resting and/or feeding habitat for gulls and waterfowl and as the water recedes the resulting mudflats attract shorebirds. Because of this, enhanced monitoring and wildlife management efforts to protect human health and aircraft safety are necessary within the CDFs adjacent to Burke Lakefront Airport during dredge cycles.

In light of the proposed alternatives in the Interim DMMP, WS would like to know if WS will be included in the decision-making process inasmuch as dredge material deposition and excavation within the CDFs creates wildlife hazards to aircraft and human safety at Burke Lakefront Airport? Monthly Cleveland Harbor Dredging Task Force meetings are mentioned in the Interim DMMP. Wildlife Services requests inclusion in these meetings as an opportunity to make recommendations regarding the management of surface water and vegetation within the CDFs during dredge cycles and otherwise to reduce attractiveness of these areas to wildlife.



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Everyone agrees that contaminants within dredge materials are a threat to public health and safety and thus CDFs are necessary. However, attracting hazardous wildlife into critical airspace also endangers the public and mitigating actions are warranted. As such, WS recommends that the USACE consults with WS prior to enacting any dredged material management alternative that may inadvertently attract wildlife into and thus impact human safety at Burke Lakefront Airport.

Wildlife Services is available if the USACE wishes to discuss the above comments further and thanks the USACE for the opportunity to comment on the Interim DMMP.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew J. Montoney". The signature is fluid and cursive, with the first name "Andrew" and last name "Montoney" clearly distinguishable.

Andrew J. Montoney
State Director, USDA APHIS Wildlife Services - Ohio

Cc:

Khalid Bahhur, Commissioner, Burke Lakefront Airport
Fred Szabo, Commissioner, Cleveland Hopkins International Airport

Responses to Port Authority Comments on the Buffalo District's Draft NEPA Scoping Document

Dated 9 FEB 2012

4 April 2012: Port of Cleveland (POC) comments are provided in this document in italics and red font color.

The District appreciates the Port's input on the advance copy of the District's NEPA Scoping document. The apparent differences between the comments made by Jim White of the Port Authority and the District's Interim DMMP NEPA scoping document are believed to be easily explained.

The District's intent is to use the comprehensive analysis completed by ERDC and move ahead very quickly on an interim DMMP which will select a plan for dredged material management through 2018.

POC feels the site priorities we are evaluating have the potential for adding sufficient capacity beyond 20 years. We acknowledge the IDMMMP is focusing on a shorter time period and will work with our consultant team to validate.

The District is focused on alternatives having the best prospects for implementation in the near term and which build upon two years of intensive stakeholder involvement through the Cleveland Task Force.

The intent is that this work will proceed in parallel with the continued evaluation of long-term solutions such as open lake placement feasibility, as well as any new potential sites and measures. The District does not discount the Port's interest in developing new alternatives, or revisiting alternatives screened out for the short-term because of inadequate information or feasibility concerns.

POC looks forward to integrating its consulting engineers' findings into the IDMMMP to the benefit of all parties.

The District has a responsibility to select the least costly, environmentally acceptable disposal method after evaluating the available alternatives.

Selecting an interim plan as quickly as possible will increase the chances of having a capacity solution in place when it's needed after 2014.

While the District understands the Port's interest in taking over disposal operations, it is also understood that it could be months before such an alternative is developed by the Port for District evaluation, and losing time at this stage threatens near term success.

Once the timeline and critical path elements are understood, the POC will work with USACE to deliver the appropriate planning materials.

General

The Port attached a list of priority sites for sediment placement as part of what they refer to as their Sustainable Sediment Management Plan (SSMP). With the exception of the creation of a world class nature preserve on Dike 14, the sites appear to come directly from the analysis completed by ERDC in 2011. The Port's list is sorted into two categories:

A. Sites which need an upper river transfer station.

Port's Comments:

The transfer station would require mechanical unloading of dredge scows. These sites may also need a Depot/seasonal storage and handling facility. The potential capacity of the listed 7 sites is 6,850,000 cu yards or 27 years' of capacity.

District Response:

An upper river transfer station is an alternative that was assessed in the ERDC report.

Considering the comprehensive impacts to securing an upper river location, all costs (i.e. real estate) should be considered.

However, mechanical unloading and material handling at the lakefront CDFs was found to be advantageous because, if it was feasible, it could very significantly increase capacities for managing sediment at the CDFs by means of vertical expansion.

We have concerns about potential costs associated with triple handling of material and anticipate those considerations being part of the IDMMP.

The District may in the interim DMMP compare the estimated cost of an upper river transfer station to handling at the CDFs, but this issue should not affect release of the NEPA scoping document.

The sites grouped in this category by the Port and the total volumes presented are highly uncertain due to the as-yet unproven feasibility. For instance, Warner Road Landfill, Harvard Road Landfill and fill for basements all have considerable uncertainty with respect to feasibility, yet they account for an nearly 90% of the Port's estimated volume shown. See Attachment A for more discussion of these three alternatives.

Harvard Road Landfill- upon further discussion with OPEA, we have removed from further consideration Harvard road Landfill.

Basements- POC is engaged in ongoing research with 2 universities to assess the potential for sediments as fill for basements. We expect to have the results of this assessment in early May 2012.

Warner Road- the site is under active evaluation by potential owner/ operator. We hope there is potential for availability as an upland placement site, and with significant capacity.

B. Capacity improvements at existing CDF sites.

Port's Comments:

We believe these sites would have additional capacity if material were placed mechanically. The projected capacity of these sites is 5,600,000 cubic yards or 22 years' capacity.

Either of these categories could accommodate the planning threshold for a 20 year DMMP. Our combined list of sites could provide as much as 50 years of Placement capacity.

District Response: The feasibility of mechanical placement and vertical expansion of the CDFs is under evaluation now. We are looking at the slope stability issues, as well as any necessary subsurface improvements for various configurations and side slopes for mounding on the CDFs. The District notes a significant difference between the District estimates of what volume is achievable after 2014 – approximately 2M CY, and what the Port quotes above as 5.6 M CY. Therefore, the District requests that the Port provide the basis for its estimate in order to understand how such a difference exists.

POC consultant / engineers will produce information to be considered in the IDMMP.

The Port's comments are numbered below and are followed by the District response.

1) No Action- Simply unacceptable. While we recognize this option must, by law, be considered, it is contrary to mission to preserve and maintain critical maritime commerce.

District Response: The No Action alternative is a USACE regulation-required evaluation alternative.

2) Brook Park- This site is listed as one of our priorities.

a) It needs an upper river transfer station.

b) An upper river transfer station is part of the Port's Sustainable Sediment Management Plan.

c) It is 14 miles from the upper river.

d) We understand City of Cleveland is in the process of contracting for a Material Management Plan and related permits.

District Response: Since this site has the capability of accepting a large quantity (350,000-500,000 cy) of dredged material for beneficial use and the City of Cleveland supports the project, we will carry it forward as a viable alternative in the Scoping Fact Sheet.

- 3) Silver Oaks- this site is not a Port preference-
- a) The site is tied up in land control issues with an unknown timetable for resolution.
 - b) It would only hold about one years worth of material.
 - c) It is 18 Miles from the upper river.
 - d) We have asked OEPA for an update on the status of this site. Without a change status to the accessibility of the site, we do not believe the effort is worth the value as a near-term option.

District Response: The Silver Oaks site can accept approximately 200,000 cy of dredged material. This would accommodate about one years' worth of dredged material and the District will carry this site forward as a viable alternative. If this site is determined not to be feasible as we progress through the planning process, it may have to be eliminated. However, the Ohio EPA continues to support the use of dredged material in the closure of the landfill. If the alternative is part of the selected plan, a few years is believed to be adequate time to resolve real estate issues.

- 4) Additional Capacity at CDFs-
- Please see our attached list, referenced, above.
- a) This option is a major Port priority and is part of the Port's Sustainable Sediment Management Plan.
 - b) This should include CLNP (former D14) as well which could hold another 839,000 cubic yards and provide a substantially improved context to create a terrain-rich restored habitat.
 - c) In order to preserve existing habitat, placement of material at CLNP must rely on low impact, mechanical techniques.
 - d) Our list also includes slope management on the north face of CDF10b/9/12. See our list and notes on line 21.

District Response: The additional capacity at the CDFs is focused on CDFs 9, 10B and 12. Any work at CDF 14 (CLNP) is evaluated as a separate alternative.

- 5) CVIC-
- a) Port continues to recommend this site for the fall 2012 and all of 2013 placement.
 - b) The site may also lend itself as a Depot/Holding Area for material planned for relocation to other upland locations (see our attached list, referenced, above).
 - c) An upper river transfer station is part of the Port's Sustainable Sediment Management Plan. We are in the process of vetting several sites as potential upper river transfer stations. We would expect USACE to coordinate closely with Port on this concept, as we want to preserve responsible market conditions.

District Response: Comment noted.

6) Cleveland Lakefront Nature Preserve (CLNP)-

This site is in planning stages by the Port for two actions:

- a) Coverage of the 5 acre remediation site, which was cited in the draft scoping document; and,
- b) Low impact placement of additional material (see note 4 above). This placement would help to overcome invasive species which dominate the site, and to provide material to create a terrain-rich suite of carefully designed and restored habitat areas.

The planning for these is part of inter-related engineering and habitat studies now underway by the Port. The Port's goal is to create a World-Class habitat area for CLNP.

District Response: At this time, the District only has information about coverage of the 5 acre remediation area at CLNP. Additional information about other alternatives at this site should be provided to the Corps to potentially address in the Interim DMMP. There is a letter the District received from former Mayor Jane Campbell, dated February 6, 2004 (attached), stating that “considering CDF 14 for an interim or long-term disposal facility does not comport with the vision for Dike 14 expressed by the community and articulated in the City’s Lakefront Plan”. Nonetheless, we understand that the Port Authority would like to create a World Class Habitat Nature Preserve at CDF 14. The Port is encouraged to pursue this alternative and they are welcome to formally comment on the scoping document with any specific plans and schedules for implementation.

The Port acknowledges that Dike 14 will not be part of the IDMMP. Per our discussion on 4/4/2012, POC will also be exploring the long-range habitat of the land that will include a coordinated habitat restoration plan. Additional material would be used to cover and control invasive plant species that dominate the site; and to create habitat terrain features to enhance and improve species diversity.

Restoration could include a dig and haul relocation of material from CDFs depending on soil types needed to achieve terrain and habitat features.

CLNP is now open to the public. The placement of additional material is designed to optimize habitat quality. POC planning for this includes implementation in incremental cells with low impact delivery of needed material; maintaining large sections of the site open the public during the restoration process. POC planning is consistent community plans and goals.

7) ODOT Inner-belt and Lakefront West Projects-

- a) Our list (line 8) includes the concept that there may be potential for some level (est. at 40,000+/-Cu.Yds) of sediment by ODOT, mostly for re-vegetation purposes.
- b) We also note this requires developing supportive policies and procedures by ODOT, which may be difficult to achieve in the near-term.
- c) Material for ODOT usage could require a depot/storage area as part of an overall sediment management strategy.
- d) Neither of the two projects listed in the draft scoping document seem relevant to current near-term conditions:

d1) Completion of the second span of the I-90 bridge is projected to be delayed, due to lack of funds, until 2023.

d2) In November, ODOT announced its Rating Score for the Lakefront West project made it essentially un-fundable. While we hope the City's vision for this area can be accomplished, it is very unlikely this project will be built in the near term.

We are not sure that either of these projects should be included as near-term places for sediment.

District Response: The District appreciates this information from the Port. After speaking with Department of Transportation representatives on a conference call recently, the District confirmed that ODOT is in the process of reviewing and changing the schedule for these projects and the State of Ohio is evaluating its funding priorities. We have revised the text to reflect this current level of uncertainty. We will carry this measure through in our Scoping Fact Sheet, but acknowledge that it might have to be eliminated due to schedule or funding constraints.

POC hereby references a revised list of sediment placement sites that it will be evaluating. This is attached to this note.

ATTACHMENT A

ERDC Report Summaries

The District welcomes further evaluation of these alternatives by the Port and perhaps they will at some point contribute to the long-term solution. Based on available information, they do not appear to be feasible for implementation in the interim period through 2018. Brief summaries of relevant information from the ERDC report are provided below:

Warner Rd. Landfill – The Ditchman Brownfield proposal, including a material handling approach and disposal at this site, was evaluated in the ERDC report. The unsolicited proposal from Mr. Ditchman was found to have relatively high costs, considerable schedule uncertainties and other complexities resulting in “low overall utility to the USACE for dredged material management relative to the other alternatives”. **Harvard Rd. Landfill** – This site was evaluated in the ERDC report and it was not currently deemed feasible. Ohio EPA has stated that routing Mill Creek through a culvert (allowing fill placement in the stream valley) and eliminating aquatic habitat would potentially violate Ohio law that prevents the degradation of the State’s water resources. Furthermore, Mr Scott Nally, Director of the Ohio EPA, has stated in the attached letter dated May 2011 that he does not support use of the site for disposal of dredged sediment.

POC has removed this site from further consideration.

Fill for Basements – The use of dredged sediment was addressed in the ERDC report and the available information was found to be inadequate for evaluation. The suitability for use in filling residential basements could be further evaluated, but the report noted potential logistical issues between a City program that bids each 185 CY job separately and the need to efficiently manage very large volumes of dredged sediment.

As POC previously noted the use of bed load sediments is the subject of a pair of inter-related university research projects.

ATTACHMENT B

Correspondence

**(2004 Letter from Mayor Campbell and 2011 Letter from Ohio EPA Director
Scott Nally)**



City of Cleveland
Jane L. Campbell, Mayor

Office of the Mayor
Cleveland City Hall
601 Lakeside Avenue, Room 202
Cleveland, Ohio 44114
216/664-3990 - Fax: 216/420-7700
www.city.cleveland.oh.us

February 6, 2004

Mr. Ronald J. Guido, Project Manager
Dredged Material Management Project
U.S. Army Engineer District, Buffalo
1776 Niagara Street
Buffalo, NY 14207

Dear Mr. Guido:

I sincerely appreciate the diligent work you are doing with the Dredged Materials Management Plan for the Cleveland Harbor. As the team studies an Interim Five Year Disposal Facility and also a site for the Twenty Year Confined Disposal Facility, I want to reiterate the City of Cleveland's position on Dike 14.

Since July 2002, the City, through our lakefront plan, has indicated its foremost desire for Dike 14 to be a publicly accessible park. **Considering Dike 14 for either an interim or long-term disposal facility does not comport with the vision for Dike 14 expressed by the community and articulated in the City's Lakefront Plan.** I point this out to reaffirm the City's commitment to Dike 14 as a public park and ask that you strongly consider this in your work to find suitable interim and long-term dredge deposit alternatives with the Project Delivery Team.

Should you have any questions, please feel free to contact me or any of my representatives working with you on this project. Thank you for your consideration and for your continued commitment to the Cleveland Harbor dredge Program.

Sincerely,

Jane L. Campbell
Mayor
City of Cleveland

CC: Project Delivery Team Members
Cleveland Cuyahoga Port Authority



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

May 16, 2011

William D. Friedman, President & CEO
Port of Cleveland
One Cleveland Center
1375 E. Ninth Street, Suite 2300
Cleveland, Ohio 44114-1790

Dear Mr. Friedman:

I am writing as a follow-up to my letter to you dated March 24, 2011. This letter served to summarize our meeting on March 11th where we discussed among other things, potential options for the disposal of dredge material from the Cleveland Inner Harbor and Cuyahoga River. Specifically in the letter I indicated that I did not consider quarries to be suitable disposal sites for the dredge material. I did however indicate that I was still evaluating the potential use of the Harvard Refuse site.

In order to evaluate the Harvard Refuse option I discussed the issue with the Ohio EPA Division of Surface Water staff and staff from the Northeast District Office (NEDO). In addition on May 2nd, I conducted a site visit to Harvard Refuse to view Mill Creek and the landfills adjacent to the creek. Based on my conversations with the Ohio EPA staff and the site visit on May 2nd, I do not feel that Harvard Refuse is a suitable option for the disposal of Cleveland Inner Harbor and Cuyahoga River dredge material.

As you know from our latest meeting on April 27th, Ohio EPA is committed to partnering with the Port on other potential beneficial use options for the dredge material. It is my understanding you have been communicating with my Northeast District Office regarding these options. I encourage you to continue to work with NEDO and other state, federal and local partners on this issue.

If you have any questions regarding this letter do not hesitate to call.

Sincerely,

Scott J. Nally
Director

Cc: Kurt Princic –NEDO
George Elmaraghy – DSW
Mike Baker – DDAGW
Frank O'Conner – Army Corp of Engineers Buffalo District

ATTACHMENT C

Port Comments Dated 14 FEB 2012 and the Port's List of Alternatives

MEMO

To: Frank O'Connor , et.al@ LRB

Date: 14 Feb 2012

From: Jim White

Re: Comments to the draft Scoping Document for Interim DMMP

Thank you for the opportunity to provide early input in the proposed NEPA scoping document for the Cleveland Harbor Interim DMMP. Our comments follow:

Attached herewith is the Port of Cleveland annotated list of priority sites for sediment placement as part of our Sustainable Sediment Management Plan (SSMP). Our list is sorted into two categories:

1) Sites which need an upper river transfer station.

The transfer station would require mechanical unloading of dredge scows.

These sites may also need a Depot/seasonal storage and handling facility.

The potential capacity of the listed 7 sites is 6,850,000 cu yards or 27 years' of capacity.

2) Capacity improvements at existing CDF sites.

We believe these sites would have additional capacity if material were placed mechanically.

The projected capacity of these sites is 5,600,000 cubic yards or 22 years' capacity.

Either of these categories could accommodate the planning threshold for a 20 year DMMP.

Our combined list of sites could provide as much as 50 years of Placement capacity.

Port comments about the Proposed Alternatives presented in the draft Scoping Document:

1) No Action- Simply unacceptable. While we recognize this option must, by law, be considered, it is contrary to mission to preserve and maintain critical maritime commerce.

2) Brook Park- This site is listed as one of our priorities.

a) It needs an upper river transfer station.

b) An upper river transfer station is part of the Port's Sustainable Sediment Management Plan.

c) It is 14 miles from the upper river.

d) We understand City of Cleveland is in the process of contracting for a Material Management Plan and related permits.

3) Silver Oaks- this site is not a Port preference-

a) The site is tied up in land control issues with an unknown timetable for resolution.

b) It would only hold about one years worth of material.

- c) It is 18 Miles from the upper river.
- d) We have asked OEPA for an update on the status of this site. Without a change status to the accessibility of the site, we do not believe the effort is worth the value as a near-term option.

4) Additional Capacity at CDFs-

Please see our attached list, referenced, above.

- a) This option is a major Port priority and is part of the Port's Sustainable Sediment Management Plan.
- b) This should include CLNP (former D14) as well which could hold another 839,000 cubic yards and provide a substantially improved context to create a terrain-rich restored habitat.
- c) In order to preserve existing habitat, placement of material at CLNP must rely on low impact, mechanical techniques.
- d) Our list also includes slope management on the north face of CDF10b/9/12. See our list and notes on line 21.

5) CVIC-

- a) Port continues to recommend this site for the fall 2012 and all of 2013 placement.
- b) The site may also lend itself as a Depot/Holding Area for material planned for relocation to other upland locations (see our attached list, referenced, above).
- c) An upper river transfer station is part of the Port's Sustainable Sediment Management Plan. We are in the process of vetting several sites as potential upper river transfer stations. We would expect USACE to coordinate closely with Port on this concept, as we want to preserve responsible market conditions.

6) Cleveland Lakefront Nature Preserve (CLNP)-

This site is in planning stages by the Port for two actions:

- a) Coverage of the 5 acre remediation site, which was cited in the draft scoping document; and,
- b) Low impact placement of additional material (see note 4 above). This placement would help to overcome invasive species which dominate the site, and to provide material to create a terrain-rich suite of carefully designed and restored habitat areas.

The planning for these is part of inter-related engineering and habitat studies now underway by the Port. The Port's goal is to create a World-Class habitat area for CLNP.

7) ODOT Inner-belt and Lakefront West Projects-

- a) Our list (line 8) includes the concept that there may be potential for some level (est. at 40,000+/- Cu.Yds) of sediment by ODOT, mostly for re-vegetation purposes.
 - b) We also note this requires developing supportive policies and procedures by ODOT, which may be difficult to achieve in the near-term.
 - c) Material for ODOT usage could require a depot/storage area as part of an overall sediment management strategy.
 - d) Neither of the two projects listed in the draft scoping document seem relevant to current near-term conditions:
 - d1) Completion of the second span of the I-90 bridge is projected to be delayed, due to lack of funds, until 2023.
 - d2) In November, ODOT announced its Rating Score for the Lakefront West project made it essentially un-fundable. While we hope the City's vision for this area can be accomplished, it is very unlikely this project will be built in the near term.
- We are not sure that either of these projects should be included as near-term places for sediment.

I hope this input is useful. Close coordination from USACE with our SSMP process should help us develop an implementable suite of sediment alternatives.

We look forward to discussing next steps on our scheduled Wednesday calls.

Kind regards,
Jim White

Port's List of Alternative Sites

Port of Cleveland
Sediment placements sites needing mechanical handling

D R A F T for internal review and discussion
Not for circulation

	A	B	C	D	E	F
	Site	Projected capacity- Cubic Yards	Site Acres	Projected ready Date	Distance miles from Upper River	Notes
1						
2	Sites needing Upper River Transfer Station:		Est 1-4			River-edge upper river transfer station needed to provide for mechanical removal of dredge from barges, dewatering/ placement on trucks for transfer to other upland locations including depot holding area / Port involvement / investment needed to secure and develop site
3	CVIC Additional fill *	300,000	58	2013	0.7	* Could also function as a Holding area and Depot to store material prior to relocation to placement locations.
4	Brook Park Landfill	355,000	28	2013	14	City owned site / Permitting process underway by City/ USACE preference
5	Warner Road Landfill	1,600,000	50	2013	4.7	Site in Garfield/ Needs owner Engineering and Material Management Plan & OEPA permits (vol is Owner's estimate)
6	Fill for Basements for abandoned properties	1,300,000	n/a	2013	varies	10,000 Basements of vacant and abandoned housing in City of Cleveland / Avg volume- 130 cu yds / Subject of MBA class project/ Needs accessible depot site
7	Harvard Road Landfill- Cap and fill	3,000,000	100	2014	3.2	Site in receivership- Potential for 6 million cu yds / Rail Access / Port is in process of confirm potential capacity and OEPA requirements
8	ODOT Vegetation soil	40,000	n/a	2014	varies	Needs policy support from ODOT / Intermittent need / Needs accessible depot site
9	Silver Oaks Landfill closure- Solon	256,000	27	2017	18	Uncertain site Control issues / Only 1 yr capacity / USACE preference / low Port priority
10						
11	Total Projected Placement capacity	6,831,000				Port involvement and/or investment needed to secure and develop upper river transfer station.
12	Years capacity at 250,000 per year	27				
13						
14	CDFs Sites w/ Mechanical Placement:					
15	CNLP 3 acre remediation spot cap @ est 4ft deep	32,267	3	Fall 2012		Subject of Port SSMP / Could consume more material with addition of habitat terrain features / Should be part of an overall habitat restoration plan for the whole site
16	Restore CNLP as World Class Nature Preserve	839,000	83	2012		Subject of Port SSMP and Habitat expert participation for feasibility analysis/ Initial concept: eradicate invasive plants and add avg of 7 ft new depth to create textured lake-shore terrain / Implement incrementally in 4 cells over 4 years using low impact delivery methods
17	Sites needing fill management for dewatering and strengthening for mechanical placement:			2012		Subject of Port SSMP/ Port SSMP engineers advise hydraulic placement wastes volume and may weaken the levee/ mechanical placement adds substantial capacity
18	CDF 10B Mechanical Unloading and Placement @7:1 slope	1,611,500		2016		USACE Capacity calc
19	CDF 9 Mechanical unloading and Placement @7:1 slope	538,200		2016		USACE Capacity calc
20	CDF 12 Mechanical unloading and Placement @7:1 slope	1,462,900		2016		USACE Capacity calc
21	CDF 10b/9/12- Mechanical unloading and placement @3:1 slope on north face	1,117,000		2016		Add material to increase angle of repose on North slope to 1:3/ Use material to create new lake shore habitat and trail
22						
23	CDFs Sites- Total Cubic Yards	5,600,867				
24	Years capacity at 250,000 per year	22				
25						
26	Totals- Cubic Yards	12,451,867				
27	Years capacity @ 250,000 per year	50				

From: [Smail, Harry](#)
To: [Cardus, Christine M.LRB](#)
Subject: Cleveland Harbor Dredged Material--Silver Oak Landfill
Date: Monday, April 02, 2012 10:00:52 AM

Good Morning Christine,

Per our conversation this morning, my questions related to the beneficial use concept of depositing Cleveland Harbor dredged materials at Silver Oak Landfill as discussed in the USACE August 2011 report entitled "Evaluation of Beneficial Use Suitability for Cleveland Harbor Dredged Material: Interim Capacity Management and Long-Term Planning" are as follows:

1. **Cost Estimate:** How was the \$35/ton delivery cost estimate derived and what expenses are included in this cost estimate? Specifically, what mode of transportation, routes, tonnage weights, travel distances and times etc., is this estimate based upon? Also, does cost estimate include the spreading of the dredged materials as landfill cover and to what depth? Does it include landfill erosion control measures and the re-establishment of a vegetative cover?
2. **Delivery Times:** What is the anticipated daily rate or other frequency of dredged materials being delivered to the landfill? Over what period of time will this occur? During peak traffic hours or non-peak hours?
3. **Material Composition:** Is any information available re the uniformity of materials, moisture content relative to material handling/workability, and the rate of sediment sampling for confirmatory testing?
4. **Funding:** What Federal monies or other funds are anticipated to be available for this project if selected?

Thank You.

Harry E. Smail, Contracting Officer
Ohio Environmental Protection Agency
Division of Materials and Waste Management
Financial Assurance and Remediation Unit
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049
(614) 728-5323



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

April 4, 2012

RE: CLEVELAND HARBOR
INTERIM DREDGED MATERIAL
MANAGEMENT PLAN

Ms. Christine Cardus
Environmental Analysis Section
Department of the Army
Buffalo District, Corps. of Engineers
1776 Niagara St.
Buffalo, NY 14207-3199

Dear Ms. Cardus:

Ohio EPA's Northeast District Office has the following comments regarding the U.S. Army Corps. of Engineers (USACE) Interim Dredge Materials Management Plan.

1. Most of the proposed sites are in areas supplied by municipal water. Any application of dredge material should be at least 10 feet from existing or proposed water lines. Also, dredge material should not be placed where contaminated water could migrate to the bedding material supporting water lines.
2. Option seven indicates that dredge material may be used in conjunction with Ohio Department of Transportation (ODOT) projects. Material should not be placed within the sanitary isolation distance public water system wells. These sites would need to be reviewed on a case by case basis.
3. In the proposed actions and measures, alternative 3 Silver Oak Landfill is identified as a possible disposal location for the dredge material. However, this option would require a geotechnical survey and engineering analysis of site stability, storm water control and protection of the adjacent Tinkers Creek.
4. A general air quality consideration is to minimize fugitive dust from the site, and emissions (exhaust and fugitive) from transport vehicles. A plan that requires little or no overland transporting of the dredged material would reduce fugitive dust emissions.
5. Finally, the Environmental Assessment that will be conducted in section 6 should address any Ground Water concerns.

Please contact me at (330) 963-1253, if you have any questions.

Sincerely,

Jennifer Kurko
Assistant District Chief
Northeast District Office

JK/ams

ec: Christine Cardus, USACE
Kurt Princic, District Chief, Ohio EPA, NEDO

From: [Mitch, Brian](#)
To: [Cardus, Christine M LRB](#)
Subject: 12-186: Scoping Information Packet for Buffalo District, Cleveland Harbor, Interim Dredged Material Management Plan
Date: Friday, April 13, 2012 2:32:31 PM
Attachments: [oledata.mso](#)



ODNR COMMENTS TO Christine M. Cardus, Department of the Army, Buffalo District, Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207

Project: A scoping Information Packet has been prepared to disseminate information regarding the U.S. Army Corps of Engineers (USACE), Buffalo District Cleveland Harbor Interim Dredged Material Management Plan.

Location: Cleveland Harbor is located on Lake Erie at the mouth of the Cuyahoga River, Cuyahoga County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Fish and Wildlife: The ODNR, Division of Wildlife (DOW) has the following comments.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: Shagbark hickory (*Carya ovata*), Shellbark hickory (*Carya laciniosa*), Bitternut hickory (*Carya cordiformis*), Black ash (*Fraxinus nigra*), Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus americana*), Shingle oak (*Quercus imbricaria*), Northern red oak (*Quercus rubra*), Slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), Eastern cottonwood (*Populus deltoides*), Silver maple (*Acer saccharinum*), Sassafras (*Sassafras albidum*), Post oak (*Quercus stellata*), and White oak (*Quercus alba*). Indiana bat habitat consists of suitable trees that include dead and dying trees of the species listed above with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees of the species listed above with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and April 1. If suitable trees must be cut during the summer months of April 2 to September 29, a net survey must be conducted in May or June prior to cutting. Net surveys shall incorporate either two net sites per square kilometer of project area with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits with each net site containing a minimum of two nets used for two consecutive nights. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the piping plover (*Charadrius melodus*), a state and federally endangered bird species, and the Kirtland's warbler (*Setophaga kirtlandii*), a state and federally endangered species. These species do not nest in the state but only utilize stopover habitat as they migrate through the region. Therefore, the project is not likely to have an impact on these species.

The project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. However, the Ohio Biodiversity Database currently has no records of this species near the project area.

The project is within the range of the Canada darner (*Aeshna canadensis*), a state endangered dragonfly. Wetland impacts should be avoided in order to avoid this species.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species, and the bobcat (*Lynx rufus*), a state endangered species. Due to the mobility of these species, the project is not likely to have an impact on these species.

The project is within the range of the king rail (*Rallus elegans*), a state endangered bird. A statewide survey has not been completed for this species. A lack of records does not indicate the species is absent from the area. Nests for this species are deep bowls constructed out of grass and usually hidden very well in marsh vegetation. Therefore, if this type of habitat will be impacted, construction must be avoided in this habitat during the species' nesting period of May 1 to August 1. If this type of habitat will not be impacted, the project is not likely to impact this species.

The project is within the range of the yellow-bellied sapsucker (*Sphyrapicus varius*), a state endangered bird. A statewide survey has not been completed for this species. A lack of records does not indicate the species is absent from the area. Yellow-bellied sapsuckers occupy wet deciduous forests or the margins of bogs where yellow birch, beech and aspen are prevalent. Therefore, if tree removal is proposed in this type of habitat, tree removal must not occur during the species' nesting period of May 1 to July 1. If no tree removal is proposed, the project is not likely to impact this species.

The ODNR, Ohio Biodiversity Database has a record at Burke Lakefront Airport, bordering CDF sites 10B/9/12, for the Upland Sandpiper (*Bartramia longicauda*), state threatened. There is also a record bordering the Cuyahoga Valley Industrial Center site for the Peregrine Falcon (*Falco peregrinus*), a state threatened and federal species of concern. The former CDF 14 site, now the Cleveland Lakefront Nature Preserve site, borders the Cleveland Lakefront State Park (ODNR Division of Parks & Recreation) and a record for the Tufted Fescue Sedge (*Carex brevior*), state threatened.

We are unaware of any geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves or forests or national wildlife refuges, parks or forests within the project area. Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6715 if you have questions about these comments or need additional information.

Brian Mitch, Compliance Coordinator
ODNR Division of Wildlife
2045 Morse Road, Building G-2
Columbus, Ohio 43229-6693
(614) 265-6715
brian.mitch@dnr.state.oh.us

March 12, 2012

Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207-3199

2012 MAR 19 AM 8:33

RE: Cleveland Harbor, Cuyahoga County, Ohio, Interim Dredged Material Management Plan

To whom it may concern;

In response to your request for public comment for the stated notice, the Keweenaw Bay Indian Community Tribal Historic Preservation Office has found no areas of archaeological, cultural, historical, or religious interests documented within the Area of Potential Effect.

If the scope of the work changes in any way, or if artifacts or human remains are discovered, please notify the KBIC THPO immediately so we can assist in making an appropriate determination.

Thank You,



Christopher J. Chosa
KBIC THPO/NAGPRA Director
16429 Beartown Rd.
Baraga, MI 49908
(906) 353-6623 ext. 4272
cchosa@kbic-nsn.gov



U.S. Department of Housing and Urban Development

Ohio State (Columbus) Office
Office of Community Planning and Development
200 North High Street
Columbus, Ohio 43215-2499

March 14, 2012

District Commander
ATTENTION: Christine Cardus
Department of the Army
U.S. Army Engineer District, Buffalo
Environmental Analysis Section
1776 Niagara Street
Buffalo, N.Y. 14207-3199

Dear Ms Cardus:

This is in response to the request for comments concerning the project listed below. The U.S. Department of Housing and Urban Development has determined that the project does not present any special interests or concerns to HUD.

**CLEVELAND HARBOR
CUYAHOGA COUNTY, OHIO
INTERIM DREDGED MATERIAL MANAGEMENT PLAN (INTERIM DMMP)**

Thank you for the opportunity to comment. If you should require any further input from HUD, I may be reached at (614) 469-5737, x8252 or by email at ross.carlson@hud.gov.

Sincerely,

A handwritten signature in cursive script that reads "Ross S. Carlson".

Ross S. Carlson
Environmental Officer



U.S. Department
of Transportation

**Federal Aviation
Administration**

Detroit Airports District Office
Metro Airport Center
11677 South Wayne Road, Ste. 107
Romulus, MI 48174

April 2, 2012

Ms. Christine Cardus
Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara St.
Buffalo, NY 14207-3199

Dear Ms. Cardus:

Federal Aviation Administration Scoping Comments for the
Cleveland Harbor, Cuyahoga County, Ohio, Interim Dredged Material Management Plan
(Interim DMMP)

The Federal Aviation Administration (FAA) is in receipt of the U.S. Army Corps of Engineers March 5, 2012 Cleveland Harbor, Cuyahoga County, Ohio, Interim Dredged Material Management Plan (Interim DMMP) Scoping Information Packet. We have reviewed the seven proposed alternatives and offer the following scoping comments:

Alternative 1: No action. No comments at this time.

Alternative 2: Brook Park Landfill. The FAA requests additional information on this location in relation to its vicinity to the Cleveland-Hopkins International Airport. We recommend the USACE review FAA Advisory Circular 150/5200-34, Construction or Establishment of Landfills Near Public Airports. It can be found at:
https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentNumber/150_5200-34.

Alternative 3: Silver Lake Landfill. Same comments as Alternative 2.

Alternative 4: Adding Capacity at Existing CDFs. This alternative will be adjacent to the Burke Lakefront Airport, Cleveland, Ohio. The FAA is currently conducting an environmental assessment at this airport to improve the runway safety area (RSA) for Runway 6L/24R. A part of the proposed improvement calls for the relocation of the existing airport perimeter road to be closed or relocated north of its existing location to clear the RSA. One alternative the FAA and airport sponsor is evaluating is the relocation of the perimeter road into the retention basin or onto the berm.

Additionally, the height of the berms would be subject to meeting the FAR Part 77 clearance requirements and would need to continue or improve the wildlife management practices currently in place at BKL.

Alternative 5: CVIC Site. No comments at this time.

Alternative 6: Cleveland Lakefront Nature Preserve. The FAA requests additional information on this site as it relates to its location to the Burke Lakefront Airport and the Cuyahoga County Airport. We recommend the USACE review FAA Advisory Circular 150/5200/33, Hazardous Wildlife Attractants on or Near Airports. It can be found at: http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/22820.

Alternative 7: No comments at this time.

Please continue to work with Ms. Katherine Delaney of my staff as the U.S. Army Corps of Engineers evaluates options for the Cleveland Harbor dredge material. We look forward to working with you as both Federal agencies work towards their respective development projects.

Sincerely,

A handwritten signature in black ink that reads "Stephanie R. Swann". The signature is written in a cursive, flowing style.

Stephanie R. Swann
Assistant Manager
Detroit Airports District Office

Cc: Ms. Meenakshi Singh, Planning Manager, Cleveland Airport System

DIKE 14 NATURE PRESERVE COMMITTEE

P.O. BOX 81031, CLEVELAND, OHIO 44181

April 5, 2012

U.S. Army Corps of Engineers
ATTN: Christine M. Cardus
1776 Niagara Street
Buffalo, NY 14207-3199

SENT BY E-MAIL TO christine.m.cardus@usace.army.mil

RE: Comments on the “Cleveland Harbor Interim Dredged Material Management Plan & Environmental Assessment Scoping Information Packet” issued by ACOE on March 5, 2012

Dear Ms. Cardus:

We appreciate the opportunity to comment on the Army Corps’ Scoping Information Packet in advance of the Draft Interim Dredged Material Management Plan & Environmental Assessment (Draft Interim DMMP/EA).

We are submitting the following comments on behalf of the Dike 14 Nature Preserve Committee, a grassroots group of citizens and organizations that has followed with great interest Cleveland lakefront planning and dredge management issues since January 2001.

To the extent that we have been notified of Army Corps meetings and documents, we have participated in the DMMP process since November 2003 – attending meetings, reviewing documents and submitting comments on behalf of the Dike 14 Nature Preserve Committee.

The Committee’s Comments on the Scoping Information Packet for a Draft Interim DMMP/EA are as follows:

(1) The Committee notes the 2015 through 2018 timeframe for implementation of the Interim DMMP/EA, according to the Scoping Information Packet (p 5, item 3, ¶ 1). We also note that Corps states, “By the year 2015, a new disposal facility or other management method will have to be in place in order to continue dredging Cleveland Harbor.” (p 4, item 2, ¶ 1)

(2) We are pleased with the Corps’ emphasis on beneficial use of dredged materials at upland brownfields, upland landfills, and ODOT transportation projects - Alternatives 2, 3 and 7 respectively - however, detailed information about each named brownfield, landfill or transportation project is lacking. Please include in the Draft Interim DMMP/EA such information as detailed plans, estimated project costs, funding sources, cost share responsibilities, and implementation schedules for each alternative beneficial use, just as the Corps has always provided for its CDF alternatives in previous DMMP documents.

(3) Likewise, we suggest that credibility for “Alternative 4, adding capacity at existing CDFs” rests with inclusion of detailed plans for expansion of Dike 10B, Dike 9 and Dike 12 that includes elevations, sections; cost estimates, funding sources, cost-share responsibilities; and FAA input and approval.

(4) We strongly request that the Corps continue to honor its March 2007 assurance that Dike 14 is NOT to be named as an interim disposal site in the Draft DMMP. Accordingly, we ask the Corps to delete "Alternative 6: Cleveland Lakefront Nature Preserve (CLNP)" from its list of alternatives. Further, we ask the Corps to refuse any and all attempts by the Cleveland-Cuyahoga County Port Authority to include Dike 14/CLNP as a dredge disposal site, even under the guise of beneficial use.

Through public records we are aware that the Port Authority is looking at using Dike 14 (aka Cleveland Lakefront Nature Preserve) as a major dredge disposal facility over a period of 3-5 years, to involve disposal of new or dried dredge material in amounts of 800,000 cubic yards or more. This period would overlap with the Corps' Interim DMMP/EA. It would be a violation of public trust for such a Port activity to somehow by-pass this DMMP process. The Corps should assure the public (and the Port) that the DMMP through at least 2018 will not include any use of Dike 14 as a de facto dredge disposal facility under whatever name or positive spin the Port may call such activity.

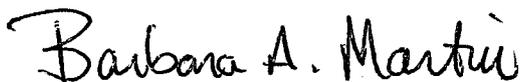
(5) We ask the Corps to expand its non-CDF alternatives to include detailed plans for implementing shallow draft dredging in the Cuyahoga Ship Channel (i.e. 14 feet or less), while retaining deep draft dredging in the Outer Cleveland Harbor.

Cessation of deep draft dredging in the Cuyahoga Ship Channel might significantly reduce the overall federal dredge costs in Cleveland, as well as the costs to the local cooperator, by reducing the amount of materials dredged and placed. Restricting deep draft vessels to the Outer Harbor would increase activity at the Cleveland Bulk Terminal docks west of the river, and possibly at Port Authority docks east of the river. Materials off-loaded at Outer Harbor docks could be transported by rail or barge to local industry, at the expense of local industry.

(6) While the Scoping Information Packet (p 5, ¶1) credits the Corps' ERDC Report of August 2011 with beneficial use recommendations, it fails to mention the "open lake disposal" recommendation. Insofar as the Corps made open lake disposal, 2012 sediment testing, and the ERDC Report a part of its CWA Section 401 Certification Application to OEPA for 2012 dredging operations, we strongly suggest the Corps include open lake disposal in its list of alternatives in the Draft Interim DMMP/EA, so that the policy makers and the public at large can review/discuss this suggestion sooner rather than later. We are not advocating open lake disposal, but we want to be sure that such an alternative is openly discussed and debated.

Thank you again for the opportunity to comment.

Respectfully submitted,





Barbara A. Martin, Chair
DIKE 14 NATURE PRESERVE COMMITTEE

63 East Grand Street
Berea, OH 44017
440-243-9070 (h) 440-476-3841 (c)
barbaramartin2001@juno.com

Bill Gruber, Vice Chair
DIKE 14 NATURE PRESERVE COMMITTEE

2714 Leighton Road
Shaker Heights, OH 44120
216-371-3570 (h) 216-870-2429 (c)
GruberWL@aol.com

From: [Hauge, Eric](#)
To: [Cardus, Christine M LRB](#)
Cc: Mwlawell@aol.com
Subject: Cleveland Harbor, Cuyahoga County, Ohio Interim Dredged Material Management Plan
Date: Friday, March 30, 2012 3:24:24 PM

Ms. Cardus:

ArcelorMittal Cleveland operates a world class integrated steel production facility located and dependent on the Cuyahoga River Federal Navigation Channel. The Federal Navigation Channel is the sole means of delivery of essential raw materials such as iron ore and limestone. The Cleveland facility, one of the largest integrated facilities in the U.S. and state of Ohio, currently directly employs 1,778, and with the restart of its #2 Steel Producing facility has added or will add up to 150 new positions in 2012. Another 3,800 indirect jobs are created by the facility's operations. These direct and indirect jobs generate more than \$295 million in annual payroll and \$41 million in state and local taxes. Last year the plant had shipments and transfers of 2.6 million tons of steel and the 2012 business plan anticipates shipments and transfers of 2.9 million tons.

The Cleveland steel mill occupies 950 acres of land on the east and west banks of the Federal channel and includes seven million square feet of buildings. It is one of the most productive steel plants in the world with an efficiency of 1.2 worker hours per ton of steel produced.

ArcelorMittal has been an active member of the Dredge Task Force established by the USACE Buffalo District and chaired by the Cleveland Cuyahoga County Port Authority. Before making specific comments on the Interim Dredged Material Management Plan (DMMP) we would like to express our appreciation for the work of the USACE Buffalo District on this critically important issue. We also want to express our appreciation and support for the work of the Cleveland Port Authority and the close coordination both the USACE and the Port have exercised in pursuing dredged material management alternatives.

ArcelorMittal comments on the Draft Scoping Document for the Interim DMMP follow:

Alternative 1: No Action We understand that this option, by law, must be considered; however it should be noted that "no action" would quickly result in the cessation of iron and steel production at one of the world's most efficient integrated steel mills, which would have very significant negative impacts on the Cleveland and northeast Ohio economy. Additionally, we believe that the discontinuation of dredging would result in the creation of potential flooding conditions that would impact industrial facilities located in the Cuyahoga Valley, and would negatively impact existing, under construction and planned commercial and residential development in the Cleveland "Flats" district where major urban rejuvenation efforts are currently underway.

Alternative 2: Brook Park Landfill We believe this site offers significant capacity, 1 1/2 to 2 years of sediment, and that necessary permits and engineering are in progress by the City of Cleveland for the site and is expected to be available to receive sediment as early as 2013. We support inclusion of this site in the DMMP.

Alternative 3: Silver Oak Landfill We believe this site offers uncertainty as land use issues are currently unresolved. Additionally, we understand that the capacity of this site, if it becomes available, is not expected to exceed one year of sediment. As a result we believe this site should be given a very low priority in the scoping document unless the status of unresolved issues are favorably changed in the near future.

Alternative 4: Adding Capacity at Existing CDFs We believe these sites offer very significant capacity and should be given a high priority in the DMMP. Additionally, we have reviewed the Port Authority's Sustainable Sediment Management Plan and recommendations regarding future CDF use for sediment placement. We endorse the Port's recommendations regarding CDF 10b, 9, 12 and the plan for a world

class wildlife habitat at former CDF 14(see comments for Alternative 6).

Alternative 5: CVIC We believe this site should be included in the DMMP scoping both for sediment placement and possible use as a staging/holding area for sediment to be transported to other upland locations.

Alternative 6: Cleveland Lakefront Nature Preserve (CLNP) We believe the five acre remediation site and the low impact placement of additional material to achieve a world-class habitat area, currently under study by the Port, offers significant potential for dredged material and should be included in the DMMP scoping document.

Alternative 7: ODOT Transportation Projects We believe this use for sediment could be promising but ODOT development of material utilization policies and procedures and the timing questions regarding some of the initial ODOT projects create uncertainty in the near term. We believe this type of use for dredged materials could become an element of a beneficial reuse plan but do not feel near term reliance on this alternative is prudent unless ODOT clarifies the outstanding uncertainties.

In addition to the above referenced alternatives we urge the USACE Buffalo District to include in the DMMP scoping document the additional sites/placement practices which are described in the Port of Cleveland Sustainable Sediment Management Plan. We understand the Port has provided to the Buffalo District detailed information which describes potential capacity to accommodate up to 50 years of sediment placement including two site lists and placement strategies each with potential capacity exceeding the 20 year minimum for the DMMP. We believe inclusion of these Port recommendations would be a prudent addition to the DMMP scoping document.

The Interim Dredged Material Management Plan states, "By the year 2015, a new disposal facility or other management method will have to be in place in order to continue dredging Cleveland Harbor." The DMMP also states, "By the year 2015, additional disposal capacity or method will have to be available in order to continue dredging Cleveland Harbor. The Buffalo District will complete an Interim DMMP/Environmental Assessment (EA) that will assess short-term alternatives for dredged material placement from 2015 through 2018." We urge the USACE to continue to coordinate the necessary action items required to fund and execute the DMMP alternatives, especially Alternative 4, "Adding Capacity at the Existing Confined Disposal Facilities." We also urge the USACE to timely develop an additional DMMP that addresses adequate dredged material placement beyond 2018 and includes a long term plan having the more conventional DMMP life of at least twenty years.

We hope these comments are helpful. We appreciate the diligent efforts of the USACE Buffalo District to ensure continued uninterrupted dredging of the critically important Cuyahoga River Federal Navigation Channel.

Sincerely,



Eric Hauge
Vice President & General Manager
ArcelorMittal Cleveland

Eric D. Hauge | Vice President & General Manager
ArcelorMittal Cleveland

3060 Eggers Avenue, Cleveland, Ohio 44105-1012
T +1 216 429 6002 | F +1 216 429 6019 | www.arcelormittal.com