



U.S. Army Corps of Engineers
Buffalo District

**ENVIRONMENTAL IMPACT STATEMENT
CLEVELAND HARBOR, CUYAHOGA COUNTY, OHIO
DREDGED MATERIAL MANAGEMENT PLAN**

PUBLIC SCOPING INFORMATION PACKET



March 16, 2006

ANNOUNCEMENT OF PUBLIC SCOPING MEETINGS

The U.S. Army Corps of Engineers (USACE), Buffalo District, is proposing to identify problems and opportunities associated with the management of dredged material at Cleveland Harbor and identify significant issues that we should address during the Dredged Material Management Plan (DMMP) development process. The USACE is the Federal lead agency directing preparation of the Environmental Impact Statement (EIS) for the proposed DMMP. The EIS will be prepared in accordance with the requirements of the federal National Environmental Policy Act (NEPA) of 1969 and its implementing regulations, and associated rules and regulations of the Council on Environmental Quality (CEQ). The EIS is also expected to satisfy the environmental review requirements of the State of Ohio.

The Buffalo District will conduct a public scoping meeting in Cleveland, Ohio, to solicit public comment and input on issues related to the proposed DMMP that will be addressed in the EIS, and on the studies that are proposed to be conducted for the EIS. The date of the public meeting has not been arranged yet, however, the meeting is anticipated to be held in the summer of 2006.

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1.0 INTRODUCTION

The U.S. Army Corps of Engineers (USACE) is preparing an Environmental Impact Statement (EIS) for the proposed **Cleveland Harbor Dredged Material Management Plan (DMMP)** (the action) and other alternatives to develop a long-term (20-year) strategy for providing viable dredged material placement alternatives that would meet the needs of maintaining the Federal channels at Cleveland Harbor.

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). Included in the study area are the Outer Harbor and Cuyahoga River Channels. The harbor 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 750 to 220 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.

Cleveland Harbor is dredged twice each year. The average dredging volume per year from 1998 through 2005 is 305,000 cubic yards; this includes Federal and non-Federal dredging activities.

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 is nearing design capacity. In accordance with joint U.S. Environmental Protection Agency (USEPA)/USACE protocols contained in the Great Lakes Dredged Material Testing and Evaluation Manual (1998), all sediment dredged from Cleveland Harbor and Cuyahoga River Channels is unsuitable for open lake and nearshore placement. All dredge material is currently disposed in a CDF.

In 1993, the Corps of Engineers initiated a program for the development of long-term plans for managing channel maintenance projects. Districts were directed to establish a Dredged Material Management Plan (DMMP) process for all deep-draft navigation projects. The Buffalo District initiated the DMMP in 2003 after identifying a lack of capacity in CDF 10B. For the Corps to pursue the DMMP in Cleveland, it was necessary for the Cleveland-Cuyahoga Port Authority and the City of Cleveland to send the Corps a letter of intent expressing interest in obtaining the Corps assistance in the planning and approval of a DMMP for Cleveland Harbor. This letter was sent on March 31, 2004. Accordingly, the USACE assumed the role of the Federal lead agency for preparation and issuance of an Environmental Impact Statement (EIS) for the proposed project, in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969.

The EIS will evaluate the social, economic, and environmental impacts that would result with the proposed action taken to address the purpose and need for the DMMP.

This public scoping information packet has been prepared as part of the formal scoping process for the Draft EIS (DEIS), pursuant to NEPA and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500 et seq.). The purpose of the EIS scoping process is to provide opportunity for the public and agencies to comment on and provide input to the plan of study for the development of the DEIS.

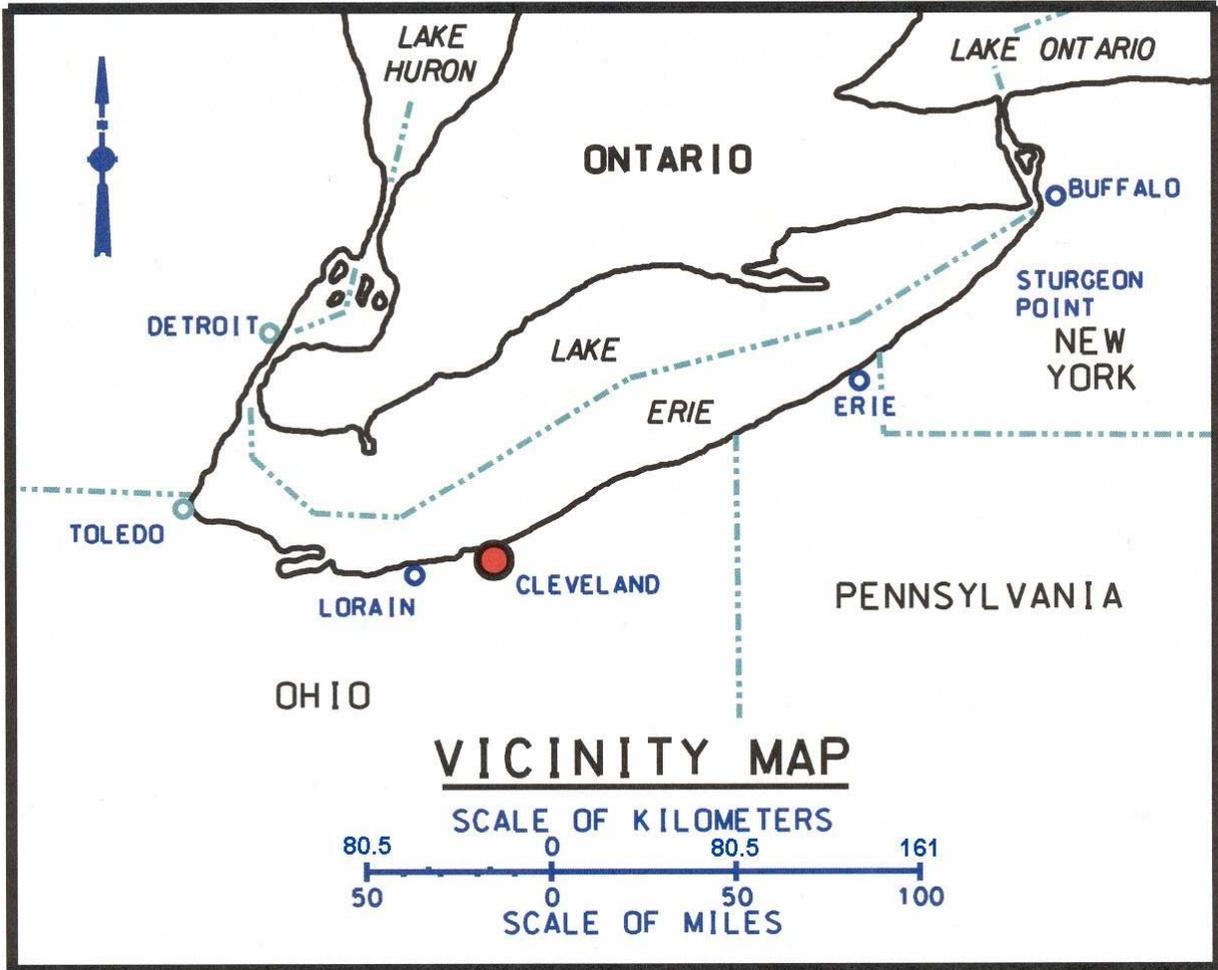


Figure 1 – Cleveland Harbor Vicinity Map

This packet provides information describing the EIS process for the proposed Cleveland DMMP, as follows:

- **Overview:** a description of the EIS process;
- **Purpose and Need for the Proposed Cleveland DMMP;**
- **Alternatives:** types to be evaluated in the EIS;
- **Social, Economic, and Environmental Impacts;**
- **Public Participation and Interagency Coordination Program**

2.0 STUDY OVERVIEW

2.1 Initiating the Process

Figure 2 shows the general steps in the EIS process. The process officially began when the Corps of Engineers initiated a program for the development of long-term plans for managing channel maintenance projects. Districts were directed to establish a Dredged Material Management Plan (DMMP) process for all deep-draft navigation projects. The Buffalo District initiated the DMMP in 2003 after identifying a lack of capacity in CDF 10B. With this information, and the City of Cleveland and Port Authority's letter to the USACE, expressing interest in obtaining the Corps assistance in the planning and approval of a DMMP for Cleveland Harbor, Buffalo District assumed the role of Federal lead agency for preparation of the EIS and is in the process of publishing a Notice of Intent (NOI) to prepare a DEIS in the Federal Register.

2.2 EIS Scoping Process

The purpose of the EIS scoping process is to provide an opportunity for the public and government agencies to comment on and provide input to help identify issues related to the proposed Cleveland DMMP to be addressed in the DEIS, and the studies that should be conducted for the DEIS. The Corps will be holding a public meeting in Cleveland, Ohio to provide information about the issues and studies for the DEIS, and to receive public and agency comments and suggestions for consideration in the DEIS.

Comments and input about the issues and studies for the DEIS will be accepted 30 days from the date of this packet and should be sent to:

Address: U.S. Army Corps of Engineers
Buffalo District
ATTN: Patti McKenna
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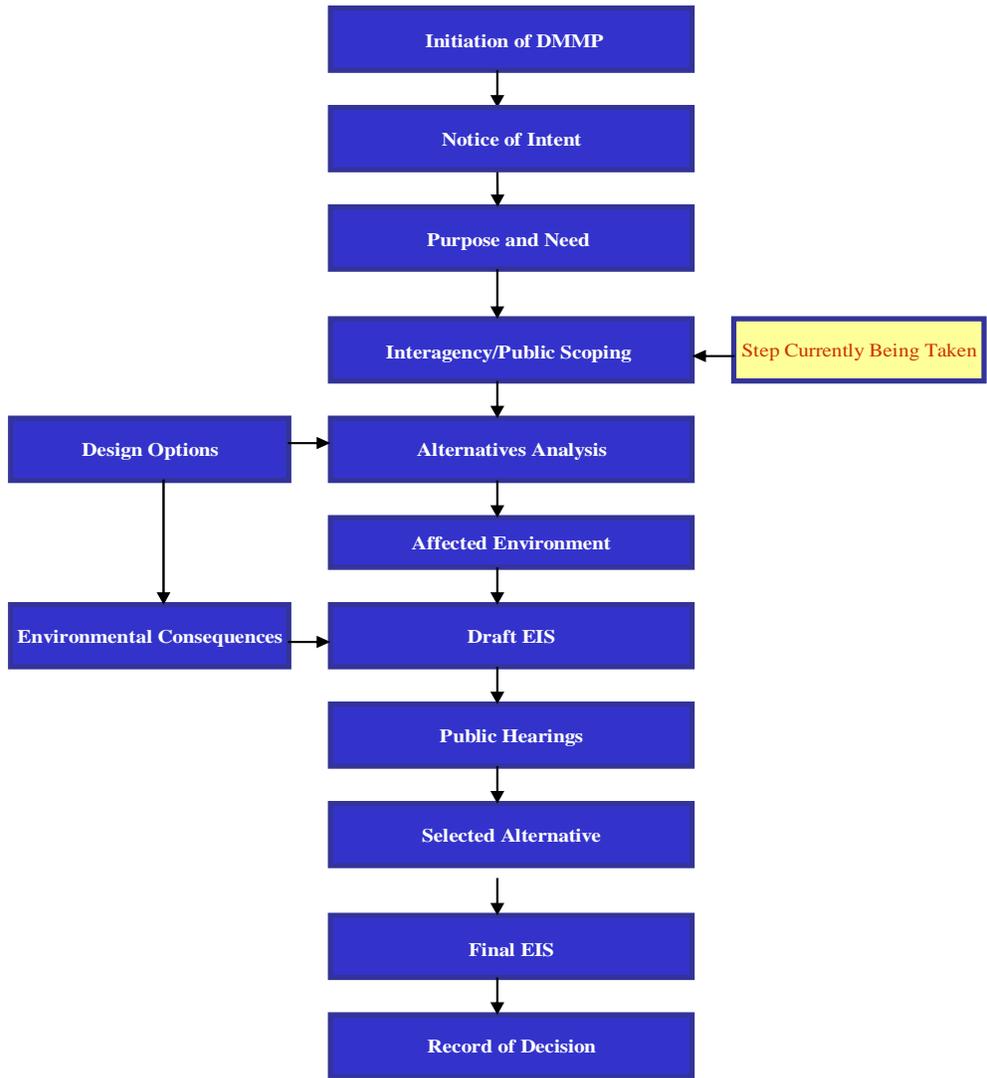


Figure 2 – Cleveland Harbor DMMP Project Development Process

2.3 DEIS Preparation

The DEIS will be prepared in accordance with NEPA regulations designed to identify significant environmental issues at an early stage and promote cooperative consultation among agencies before the DEIS is prepared. The DEIS will specifically follow the CEQ regulations implementing NEPA (40 CFR Part 1500 et seq.)

After its publication, the DEIS will be available for public and agency review and comment for a minimum 45-day period. A public hearing will be held to receive comments from the public and agencies on the document. Comments may also be provided orally at the hearing or in writing during the DEIS comment period.

3.0 PURPOSE AND NEED FOR THE PROPOSED DMMP

3.1 Overview

The purpose and need for the proposed project is to identify problems and opportunities associated with the management of dredged material at Cleveland Harbor and identify significant issues that we should address during the DMMP development process and completion of our required NEPA analysis.

3.2 Background

The U.S. Army Corps of Engineers, Buffalo District, in coordination with the U.S. Environmental Protection Agency and Ohio EPA have determined that, with the exception of some sandy material which accumulates at the upstream limit of the Cuyahoga River channel that may be used as beach nourishment material depending upon most recent test results, sediments dredged from Federal navigation channels at Cleveland Harbor would not be placed in the open lake, but would be placed in Confined Disposal Facilities.

Five Confined Disposal Facilities have been constructed at Cleveland Harbor (9, 10B, 12, 13, and 14). Sites 13 and 9 were constructed in the 1960s as part of a Great Lakes pilot project to determine the effects on water quality. Virtually all of the material dredged between 1970 and 1974 was placed in two CDF disposal areas constructed in the late 1960s. Public Law 91-611 in 1970 authorized the construction of spoil disposal facilities for a period to not exceed 10 years. Two facilities were built: Sites 12 and 14.

CDF 14 is an 88-acre facility with an estimated capacity of 6,130,000 cubic yards. This site was turned over to the non-Federal Sponsor in 1999. The site at that time was 95% filled.

A new CDF (Site 10B) was completed in 1998 adjacent to the Burke Lakefront Airport. The CDF 10B footprint is 68 acres and cost \$17,500,000 to build. The actual physical inside capacity of the facility covers 58 acres. The 58-acre site provides storage for 2,900,000 cubic yards of in-place sediment.

In recent years, all sediment dredged at Cleveland Harbor has been deposited in Site 10B. The major problem relating to dredging at the harbor is that CDF 10B, originally projected to reach capacity in 2013, is now expected to reach capacity in 2007. Increased quantities of Federal dredging, dredging by private entities, and other factors have reduced the lifespan of the CDF. Plans for the future management of dredged material are now underway.

3.3 Project Goals

In order to identify acceptable dredged material management options and determine the ability of the Federal government to continue to maintain the harbor, the following considerations are important:

- availability and capacity of suitable dredged material placement sites
- effectiveness of beneficial use alternatives for the dredged material
- economic viability of the harbor
- compliance with environmental laws and regulations

4.0 ALTERNATIVES

Alternatives that will be evaluated in detail in the DEIS will be selected through a screening evaluation of potentially reasonable and feasible alternatives. A preliminary list of alternatives and the criteria for evaluating them will be defined in relation to the purpose and need of the project. Comments and suggestions received during the scoping process will be considered in the formulation of the list of preliminary alternatives and the screening criteria. Public meetings will be held during the EIS process to present and discuss the alternatives screening process and its results and conclusions.

The alternatives will represent a range of potential solutions that may address the purpose and need and satisfy the project goals, as described below:

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

Measure B – Beneficial Use: Beneficial use of dredged material includes recreation, agricultural, and habitat development, beach nourishment, and innovative engineering alternatives such as dredge soil. In order to successfully implement beneficial uses, the alternative must be technically and economically feasible, obtain public support, and address legal and regulatory issues.

Measure C – Open-Lake Placement: A designated open lake disposal site is located 9 miles east of the north breakwater. In accordance with joint U.S. Environmental Protection Agency (USEPA)/USACE protocols contained in the Great Lakes Dredged Material Testing and Evaluation Manual (1998), all sediment dredged from Cleveland Harbor and Cuyahoga River Channels is unsuitable for open lake placement.

Measure D – New Confined Disposal Facility (CDF): USACE, Buffalo District has identified eight locations for future CDF development (Figure 3); the proposed locations are categorized as Inner (south of the breakwater) and Outer Harbor (north of the breakwater) CDFs. The alternative sites were selected during Phase I of the DMMP. The sites were selected by the Sponsors, USACE, and other City and County entities to include areas that were commensurate with the City of Cleveland's 50 Year Waterfront Development Plan. If additional CDF sites are developed during the alternative assessment phase, they will be evaluated fully.

Measure E – Management of Existing Confined Disposal Facilities to Extend Their Useful Life: The USACE, Buffalo District has constructed a number of CDF's in the past that have been filled or are essentially filled. Various actions such as construction of internal dikes and elevation of existing CDF walls could extend the useful life of these existing CDF's.

Measure F – Best Management Practices: Best Management Practices (BMP's) in the Cuyahoga River Watershed will also be considered in this study. BMP's would be generally designed to reduce sediment loads to the watershed and eventually to the Federal channels requiring dredging. BMP's include but are not limited to such watershed actions as no till farming; proper zoning along streambanks (e.g. buffer strips); and upstream sediment traps.

The identified alternatives will be screened against criteria to assess their fundamental feasibility and likely ability to satisfy the project purpose and need. Preliminary alternatives that are clearly infeasible or unreasonable, or do not have the potential to minimally satisfy most of the project objectives, will be eliminated from further study. The No-Action alternative will also be included in the detailed DEIS evaluations, serving to define the future baseline condition against which potential impacts of the DMMP alternatives will be compared.

5.0 SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS

Future conditions with the No-Action alternative and potential impacts with the proposed action and its alternatives will be assessed for the following social, economic, and environmental categories:

- Biological Resources
- Recreation
- Cultural Resources
- Socioeconomics
- Transportation
- Geology & Soils
- Water Resources
- Solid Waste Management
- Contaminated Materials
- Air Quality
- Noise
- Aesthetics
- Native American Tribes
- Environmental Justice

Figure 3 – Cleveland Harbor, Proposed CDF



6.0 PUBLIC PARTICIPATION AND INTERAGENCY COORDINATION PROGRAM

Throughout the scoping process, stakeholders and interested parties are invited to provide comment on the alternatives that will be evaluated in the DMMP/Environmental Impact Statement (EIS). The DMMP/EIS will address the potential social, economic and environmental benefits and adverse impacts that would result from each alternative plan selected for detailed analysis.

Compliance with Environmental Protection Statutes:

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 significant environmental impacts of the eventual recommended plan in an Environmental Impact Statement.

Clean Water Act. If a plan is proposed for implementation that involves the placement of dredged or fill material below the ordinary high-water mark of Lake Erie or any other waters of the United States, 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, USACE, Buffalo District will request certification from the OEPA that the proposed project is in compliance with established effluent limitations and water quality standards.

Under Section 402 of the Act, if a recommended DMMP measure disturbs greater than one acre of ground surface, USACE, Buffalo District would develop a Stormwater Pollution Prevention Plan for the construction activity and submit it along with a Notice of Intent application to OEPA for coverage under their general permit.

Coastal Zone Management Act. For those measures recommended under the preferred DMMP that are reasonably likely to affect any land or water use or natural resource of the State of Ohio's designated coastal zone, USACE, Buffalo District will assure that those activities or projects are consistent, to the maximum extent practicable, with the State's approved coastal management program. The USACE, Buffalo District will prepare a Federal Consistency Determination that will be coordinated with the Ohio Department of Natural Resources for their concurrence.

National Historic Preservation Act. Under Section 106 of this Act, this Scoping Information Packet also initiates consultation with the National Park Service, State Historic Preservation Office (Ohio Historical Society), potentially interested Indian tribes, 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.

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. Table 1 presents a comprehensive list of environmental protection statutes, executive orders, *etc.* Therefore, an additional intent of this fact sheet is to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

Table 1. Federal Environmental Protection Laws, Orders, 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)