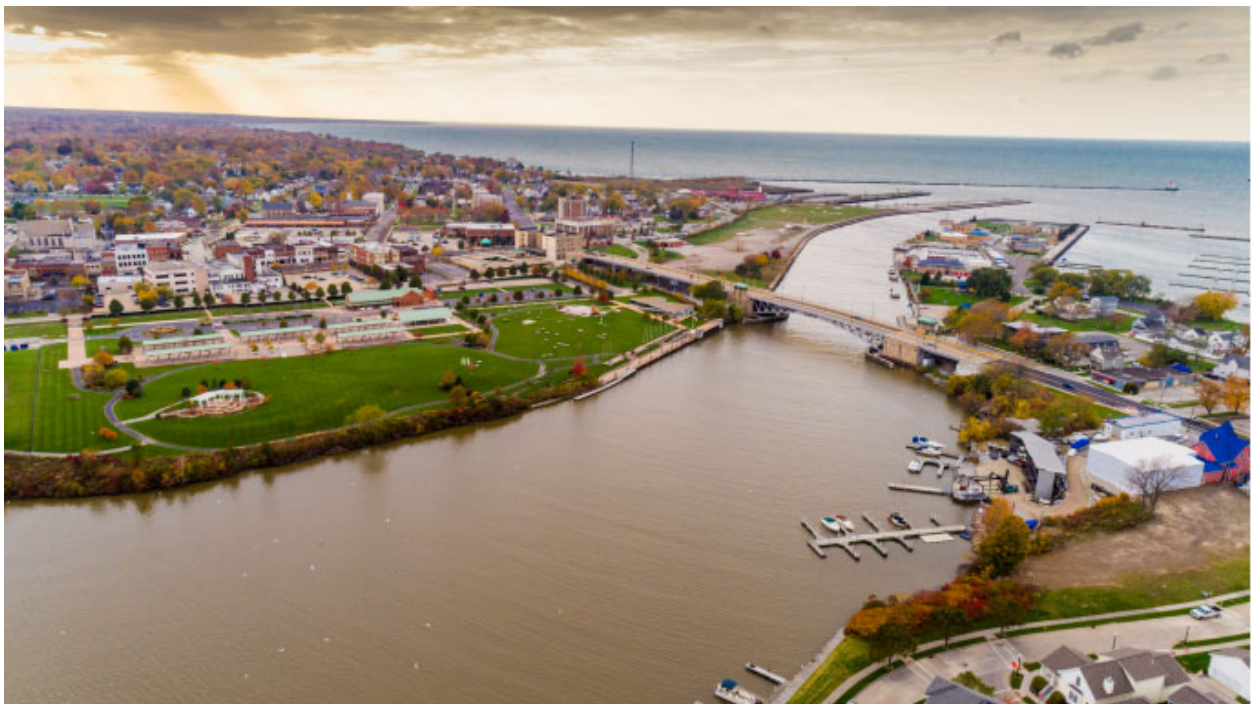




**US Army Corps
of Engineers®**
Buffalo District
BUILDING STRONG®

Operation and Maintenance Upland Placement of Dredged Sediment at Lorain Harbor, Ohio

Scoping Information



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

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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 the 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) proposed upland placement of dredged sediment at Lorain Harbor, Ohio and to elicit any concerns of potential affected parties. This information has been prepared as part of the formal scoping process pursuant to NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500 et seq.), and Engineer Regulation 200-2-2.

The proposed federal project would place dredged sediment from the Lorain Harbor federal navigation channels as part of routine operations and maintenance (O&M) dredging at the locally-constructed and operated Black River Dredged Material Reuse Facility (facility). This project is being coordinated closely with the Ohio Environmental Protection Agency, Ohio Department of Natural Resources, and the City of Lorain.

The USACE evaluation of potential impacts will be specific to the placement of sediment at the locally constructed facility and will not address the previously evaluated O&M dredging activities at Lorain Harbor or the construction, operation, and maintenance of the facility itself. Placement of sediment at this facility, if approved, may occur over several dredging cycles/years.

Lorain Harbor is a deep-draft commercial harbor located in Lorain County, Ohio. The harbor is situated on the south shore of Lake Erie at the mouth of the Black River, approximately 28 miles west of Cleveland, Ohio and it encompasses both an Outer and Inner Harbor. The Outer Harbor is formed by a system of converging breakwaters in Lake Erie and includes an area of about 60 acres while the Entrance Channel to the Black River is protected by two parallel piers at the mouth of the river. The lower three miles of the river constitute the Inner Harbor with federally maintained river channel widths varying from 200 to 500 feet. Two turning basins are provided along the river: one located approximately midway in the federal project and the other located at the upstream end of the project. Construction of the harbor (with subsequent modifications) was authorized by various legislative acts between 1899 and 1965.

2. Background

With a combination of local and state funding, the City of Lorain is proposing the development of a facility to process dredged sediment at Lorain Harbor. The facility will be located within an approximately 130-acre area on a former steel manufacturing property along the left descending bank of the Black River, between River Miles 2.8 and 3.8 (Figure 1). The facility will be landlocked between the Black River and Republic Steel property. The City of Lorain currently holds access agreements with both US Steel and Republic Steel to use an approximately 1.8-mile gravel-and-slag access road from the city-owned entrance located at 2601 E. 28th Street. The planned facility will be designed to accept sediment dredged from the federal navigation channels of Lorain Harbor and prepare the sediment for future beneficial use at unspecified offsite location(s). The USACE would place suitable sediment from the Lorain Harbor federal navigation channels at the processing facility.

The need for maintenance dredging arises from the buildup of river borne sediment in the federal navigation channels which could lead to the restriction of commercial navigation. Maintenance dredging in Lorain Harbor is based on harbor needs and the availability of funding. Lorain Harbor normally requires maintenance dredging of about 125,000 cubic yards of sediment every two years. On average between 2010 and 2019, 95,267 cubic yards of sediment were removed from Lorain Harbor each dredging cycle.

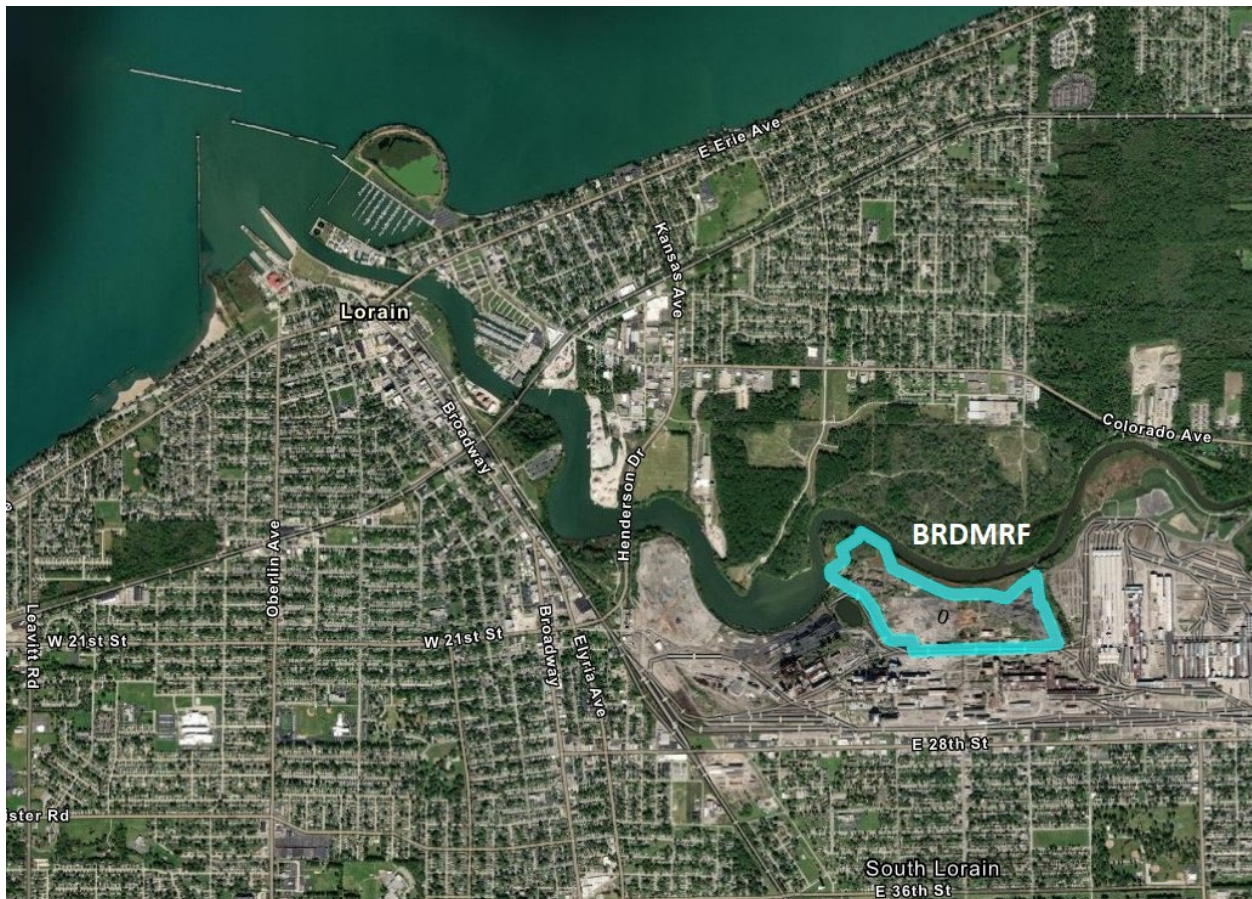


Figure 1: Location of the locally-constructed facility in relation to the City of Lorain and Lorain Harbor.

Sediment in the Lorain Harbor federal navigation channels consists primarily of silts and clays, with some fine sands and gravels. The quality of the sediment has been evaluated using 2018 and 2020 sediment data in accordance with the protocols and guidance contained in the USEPA/USACE Great Lakes Dredged Material Testing and Evaluation Manual (1998) and Evaluation of Dredged Material for Discharge into Waters of the U.S.—Testing Manual (1998). This evaluation concluded that sediments to be dredged from the federal navigation channels of Lorain Harbor, with the exception of those in the Upper Turning Basin and East Mooring Area, meet Clean Water Act Section 404(b)(1) Guidelines (40 CFR 230.11[d]) for open-water placement. Consequently, sediment dredged from these reaches of Lorain Harbor would also be considered suitable for placement at the upland facility.

3. Need for Action

Several hundred million cubic yards of sediment must be dredged from United States ports, harbors, and waterways each year to maintain and improve the Nation's navigation system for commercial, national defense, and recreational purposes. Traditional dredging methods discharge sediment into confined disposal facilities or in waters of oceans, rivers, lakes, wetlands, and estuaries. Dredged sediment containment facilities in the United States are nearly, or are already, filled to capacity with sediment. Identifying new containment sites poses difficulties due to conflicting land uses, potential environmental impacts, and high values of near-water real estate. Lorain Harbor sediment determined not suitable for open-water placement has historically been placed in a confined disposal facility in the harbor which is near full capacity. Lorain Harbor dredged sediment determined suitable for open-water placement has, until recently, been placed at an authorized open-water placement site in Lake Erie.

Beneficial use of dredged sediment has at times become a viable alternative to traditional and environmentally acceptable open-water placement methods for many projects. An increase of beneficial use has coincided with the growing difficulty in locating new dredged sediment disposal areas and escalating disposal costs. The USACE has long had general policies offering broad support for the use of dredged sediment for beneficial purposes and has incorporated beneficial use projects into its Civil Works dredging program. The purpose of the locally constructed and operated upland facility is to process dredged sediment for beneficial use, including sediment dredged in order to maintain the federal navigation channels of Lorain Harbor.

4. Proposed Action

The USACE would place approximately 75,000 cubic yards of dredged sediment at the facility in 2024 and periodically thereafter. This quantity may vary in subsequent years. The dredged sediment would be hydraulically offloaded using equipment furnished by the processing facility. Scow loads of dredged sediment would be brought to a hydraulic unloader at the facility. A hydraulic unloader utilizes water jets on the end of a pump inlet to slurry (20-30 percent solids) the sediment so that the pump can remove it from the scow and transport it through a piping system into the processing facility. The scow could be repositioned as necessary so that the pump inlet could reach the entire barge to remove all the dredge sediment. Water used to slurry the dredged sediment and transport it to the processing facility would be sourced from the Black River. The construction, operation and maintenance of the processing facility is not part of the proposed federal action.

5. Environmental Impacts

The environmental effects that could result from the USACE decision to place 75,000 cubic yards of dredged sediment at the facility (and periodically thereafter) will be evaluated in accordance with applicable NEPA policy. Future conditions and anticipated potential effects of the proposed action (i.e., placement of dredged sediment into the facility) will be assessed and compared to a no action alternative. The no action alternative represents the anticipated condition that may result from the USACE taking no action to place sediment at the facility. The

alternatives will be evaluated for several social, economic and environmental categories, including:

- Biological Resources
- Recreation
- Cultural Resources
- Socioeconomics
- Transportation
- Geology & 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 proposed action that will be evaluated as part of the sediment placement at the facility. An environmental assessment will be completed to document the evaluation of any potential social, economic and environmental benefits and potential adverse impacts that may result from the proposed action.

7. Compliance with Environmental Protection Statues

a. National Environmental Policy Act (NEPA). In accordance with the CEQ and USACE implementing regulations, the USACE will assess the potential environmental effects of the proposed action on the quality of the human environment. Using a systematic and interdisciplinary approach, an assessment will be made of the potential environmental impacts for the proposed action as judged by comparing the with-project and without-project conditions. The impact assessment process will determine if an Environmental Impact Statement is required, or if an Environmental Assessment and Finding of No Significant Impact is appropriate. This scoping information constitutes an initial request for public and agency input into this NEPA review process.

b. Clean Water Act. Section 401 of the CWA requires certification from the state before dredged or fill material (including return water) may be discharged into waters of the United States (e.g., Black River, wetlands). The City of Lorain as the operator of the facility will be responsible for applying for and acquiring such a certification under the CWA. Section 404 of the CWA requires a permit from USACE for any proposed discharge into jurisdictional wetlands

or streams. As wetlands are known to exist on the facility property, the City of Lorain may also need a Section 404 permit.

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 (OHPO), interested Tribal nations, historic preservation organizations and others likely to have knowledge of, or concern with, historic properties that may be present within the area of potential effect. A Section 106 Review - Project Summary Form and Determination of Effects was sent under separate cover to OHPO and will additionally initiate consultation with that office. To date, no historic properties have been identified within the project's area of potential effects.

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 by USACE to the Ohio Department of Natural Resources – Office of Coastal Management for their concurrence with respect to the proposed 2024 dredging project and subsequent placement at the facility. Any approvals from the state for the construction, operation and maintenance of the processing facility, with respect to this Act, are the responsibility of the City of Lorain.

e. Endangered Species Act. In accordance with Section 7 of this Act, USACE is requesting information from the U.S. Fish and Wildlife Service 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 may conduct a biological assessment to determine the proposed project's effect on these species or critical habitat. The project is not located in any designated critical habitat.

The USFWS web sites (<https://www.fws.gov/midwest/endangered/lists/ohio-spp.html>) and the Information for Planning Consultation (<https://ecos.fws.gov/ipac/>) website have been reviewed to generate the following list of federally threatened and endangered species that are/or may be present in Lorain County, Ohio:

- Indiana bat (*Myotis sodalis*)
- Northern long-eared bat (*Myotis septentrionalis*)
- Tricolored bat (*Perimyotis subflavus*)
- Piping plover (*Charadrius melodus*)
- Red knot (Rufa) (*Calidris canutus rufa*)

f. Fish and Wildlife Coordination Act. The USACE is coordinating this project with the USFWS and Ohio Department of Natural Resources - Division of Wildlife. The USACE will collaborate with these agencies to identify any fish and wildlife concerns, relevant information on the project 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. 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. The list below Section 8 presents a comprehensive list of environmental protection statutes, executive orders, etc. Therefore, an additional intent of this scoping information is to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

8. Request for Comments

This scoping process provides an opportunity for the public and government 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 finding of no significant impact (FONSI).

Interested parties are encouraged to contact USACE with their comments and recommendations regarding the proposed USACE placement of dredged sediment at the facility. Please review the proposed project information and send your comments or recommendations in writing within 30 days to the following e-mail address:

LorainUpland@usace.army.mil

or via mail to:

U.S. Army Corps of Engineers, Buffalo District
Environmental Analysis Team
1776 Niagara Street
Buffalo, NY 14207-3199
ATTN: Environmental Analysis - Lorain Upland Placement

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)