DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

January 29, 2015

Environmental Analysis Section

SUBJECT: Sandusky Harbor, Erie County, Ohio - Request for Coastal Management Program Federal Consistency Determination Concurrence for 2015 Maintenance Dredging Project

Mr. James Zehringer
Director, Ohio Department of Natural Resources
ATTN: Mr. John Kessler
Deputy Director
2045 Morse Road
Columbus, OH 43229

Dear Mr. Zehringer:

Enclosed for your review is the Public Notice and request for Coastal Management Program Federal Consistency Determination for our scheduled 2015 maintenance dredging operations at Sandusky Harbor, Ohio (Enclosures 1 and 2, respectively). This project entails maintenance dredging of an estimated 450,000 cubic yards of material from the authorized Federal channels, with placement of the associated dredged material at the existing open-lake placement area in Lake Erie. The Public Notice has been prepared in conformance with U.S. Army Corps of Engineers (USACE) regulation, "Practice and Procedure: Final Rule for Operation and Maintenance of Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged Materials into Waters of the United States or Ocean Waters," 33 Code of Federal Regulations (CFR) 337.1.

The USACE - Buffalo District, has requested Water Quality Certification for the subject project from the Ohio Environmental Protection Agency (OEPA), or waiver thereof, under Section 401 of the Clean Water Act.

In accordance with Coastal Zone Management Regulations 15 CFR, Part 930.34(a), the USACE has determined that the proposed maintenance dredging and dredged material placement operations required to maintain Sandusky Harbor Federal navigation channels would be undertaken in a manner which is consistent to the maximum extent practicable with the State of Ohio Coastal Resources Management Program. The Federal Consistency Determination documents this determination.

Based on the designated 60-day review period, please provide us with your concurrence

SUBJECT: Sandusky Harbor, Erie County, Ohio - Request for Coastal Management Program Federal Consistency Determination Concurrence for 2015 Maintenance Dredging Project

with this consistency determination, or request for a 15-day extension, by March 30, 2015. Questions pertaining to this matter should be directed to Mr. Jay Miller at (716) 879-4394, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at James.Miller@usace.army.mil.

Sincerely,

Martin P. Wargo, PWS
Supervisory Biologist
Environmental Analysis Section

Enclosures

Enclosure 1

Section 404(a) Public Notice

USACE - BUFFALO DISTRICT

DISCHARGES OF DREDGED MATERIAL ASSOCIATED WITH
2015 MAINTENANCE DREDGING OF SANDUSKY HARBOR, OHIO

US Army Corps of Engineers

Public Notice

Issuing Office: CELRB-PM-EA **Published: 2 FEB 2015**
Notice No: SANDUSKY-15 **Expires: 6 MAR 2015**

OPERATION AND MAINTENANCE
DREDGING AND DREDGED MATERIAL PLACEMENT

SANDUSKY HARBOR

ERIE COUNTY, OHIO

This Public Notice has been prepared and distributed in conformance with U.S. Army Corps of Engineers (USACE) regulation, "Practice and Procedure: Final Rule for Operation and Maintenance of Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged Materials into Waters of the United States or Ocean Waters," 33 Code of Federal Regulations (CFR) 337.1. Its purpose is to specify what dredged/fill materials would be discharged into waters of the United States by implementation of the proposed action, advise all interested parties of the proposed project, and to provide an opportunity to submit comments or request a public hearing.

The USACE - Buffalo District anticipates the need to dredge and place material excavated from the Federal navigation channels of the Sandusky Harbor project, including the Moseley Channel, lower Straight Channel, and Turning Basin in order to maintain sufficient depth for deep-draft vessels. The attached map (Figure 1) shows the authorized limits and depths of the Federal navigation channels. The channels wills be dredged to authorized depth, plus one foot of advance maintenance dredging. To account for inaccuracies in the dredging process, up to an additional one foot of material may be dredged. An estimated total of approximately 450,000 cubic yards of material will be dredged from Sandusky Harbor Federal navigation channels during the 2015 dredging operation.

The 2015 dredging operation at Sandusky Harbor is tentatively scheduled to be performed during the period between 1 July and 15 March. A contractor of the Federal government will accomplish the project. Sediments will be removed from the channel bottom by a mechanical dredge and placed into hoppers aboard ship or scow for transport to the designated dredged material placement area. Mechanical excavation and placement methodologies will be used by the Contractor performing the maintenance dredging.

Material in the Sandusky Harbor Federal navigation channels consists primarily of silts and clays, with some fine sands and gravels. The quality of the material has been evaluated using 2005 and 2011 sediment data in accordance with formal Federal guidance contained in the U.S. Environmental Protection Agency (USEPA)/USACE Great Lakes Dredged Material Testing and Evaluation Manual (1998) and Evaluation of Dredged Material for Discharge into Waters of the U.S.—Testing Manual (1998). This evaluation specifically addresses the potential contaminant-related risks to aquatic life

associated with placing the dredged material in open-lake waters. Based on this evaluation, material in Sandusky Harbor Federal navigation channels was toxicologically comparable to sediments at open-lake areas in the Western Basin of Lake Erie. Consequently, material dredged from these reaches of Sandusky Harbor has been determined to meet Clean Water Act Section 404(b)(1) Guidelines for open-lake placement. This dredged material will be placed in the northwest corner of the eastern half of the existing two-square mile open-lake placement area, located approximately 3.25 miles north-northeast from the Sandusky Breakwater light at a bearing of N11° 15’ 2.46”E (Figure 2). This site has been used previously by the USACE for the placement of Sandusky Harbor dredged material.

Note that material present in the channels between Stations 265+00 and 220+00 (near junction of the Straight and Moseley Channels) has been determined to be predominantly sand in nature. However, existing project depths in this reach of the harbor are already below authorized project depths and will not be dredged during the FY15 dredging cycle. Therefore, no material to be dredged during this dredging cycle is proposed to be placed at the existing nearshore area near Cedar Point.

Pursuant to Section 401 of the Clean Water Act, Water Quality Certification (WQC), or waiver of WQC, from the Ohio Environmental Protection Agency (OEPA) is required for the discharge of dredged material. Therefore, a copy of this Public Notice has been provided to OEPA requesting WQC (or waiver thereof), for the associated placement of dredged material at the existing open-lake placement area.

The environmental effects of the dredging operation are documented in the ***Final Environmental Impact Statement, Operation and Maintenance, Sandusky Harbor, Ohio (1975); and Environmental Assessment and Section 404(b)(1) Evaluation, Operation and Maintenance, Sandusky Harbor, Ohio (1985).*** These documents, and supplemental documentation, have been submitted to USEPA. Copies are available for examination at the Buffalo District office.

There are no listed historic properties or properties determined as being eligible for listing in the National Register of Historic Places that will be affected by this project. By this notice, the National Park Service is advised that currently unknown archaeological, scientific, prehistorical or historical data may be lost or destroyed by the work to be accomplished.

This office has determined that the proposed project will have No Effect upon any species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will the proposed work result in an Adverse Modification of designated critical habitat for any such species. Therefore, unless new information indicates otherwise, no further consultation pursuant to Section 7 of the Endangered Species Act Amendments of 1978 will be undertaken with the U.S. Fish and Wildlife Service.

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

The decision whether to perform dredging has been based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision reflects

the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal has been balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal have been considered including the cumulative factors thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

This activity is being coordinated with the following agencies, as well as other appropriate Federal, State and local agencies and organizations:

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

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

Interested parties are encouraged to contact the USACE - Buffalo District with their comments regarding the proposed dredging of Sandusky Harbor. Please review this Public Notice and send your comments in writing within 30 days to the following e-mail address:

SanduskyDredging@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 - Sandusky Dredging

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

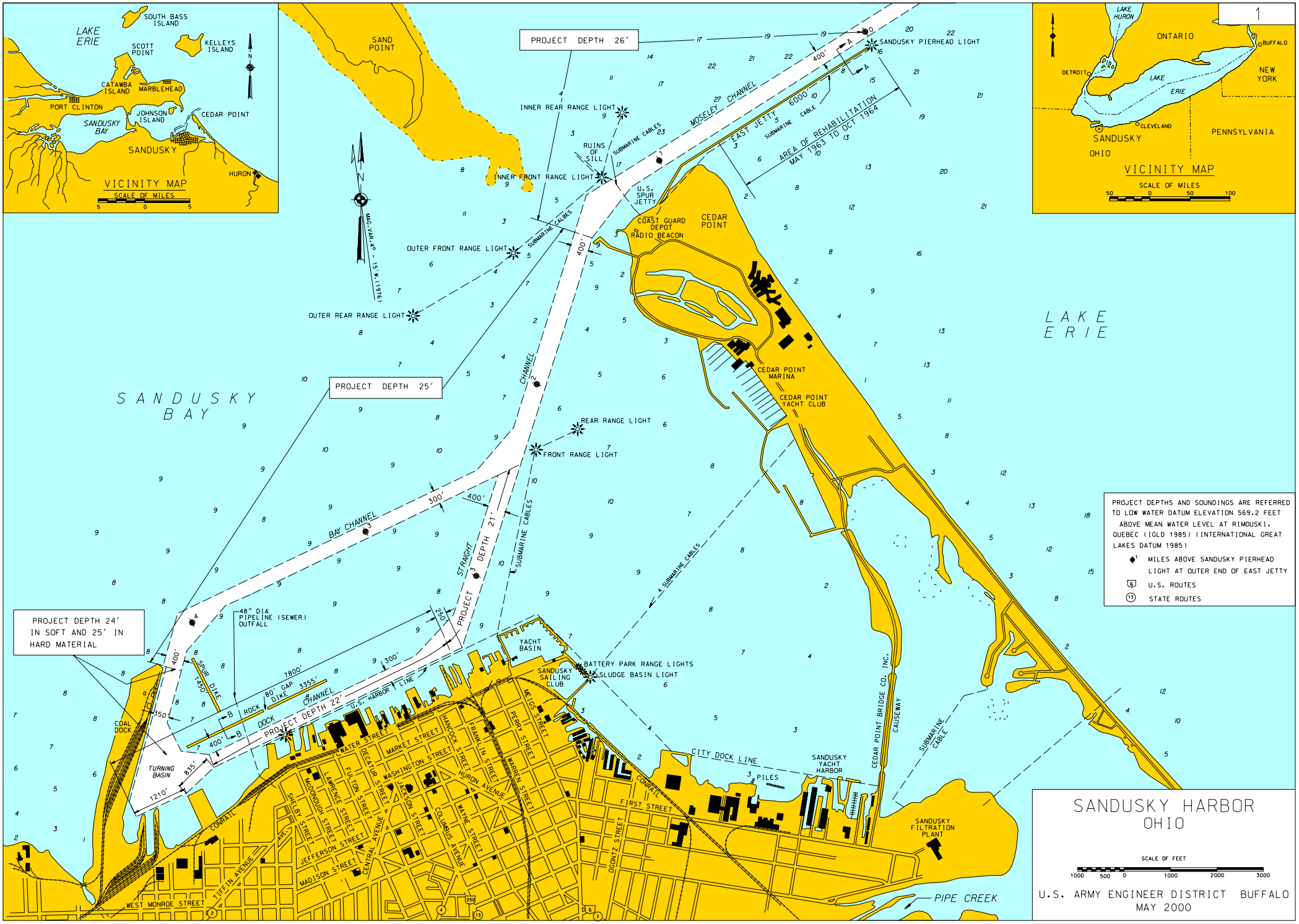

Figure 1 - Sandusky Harbor Map

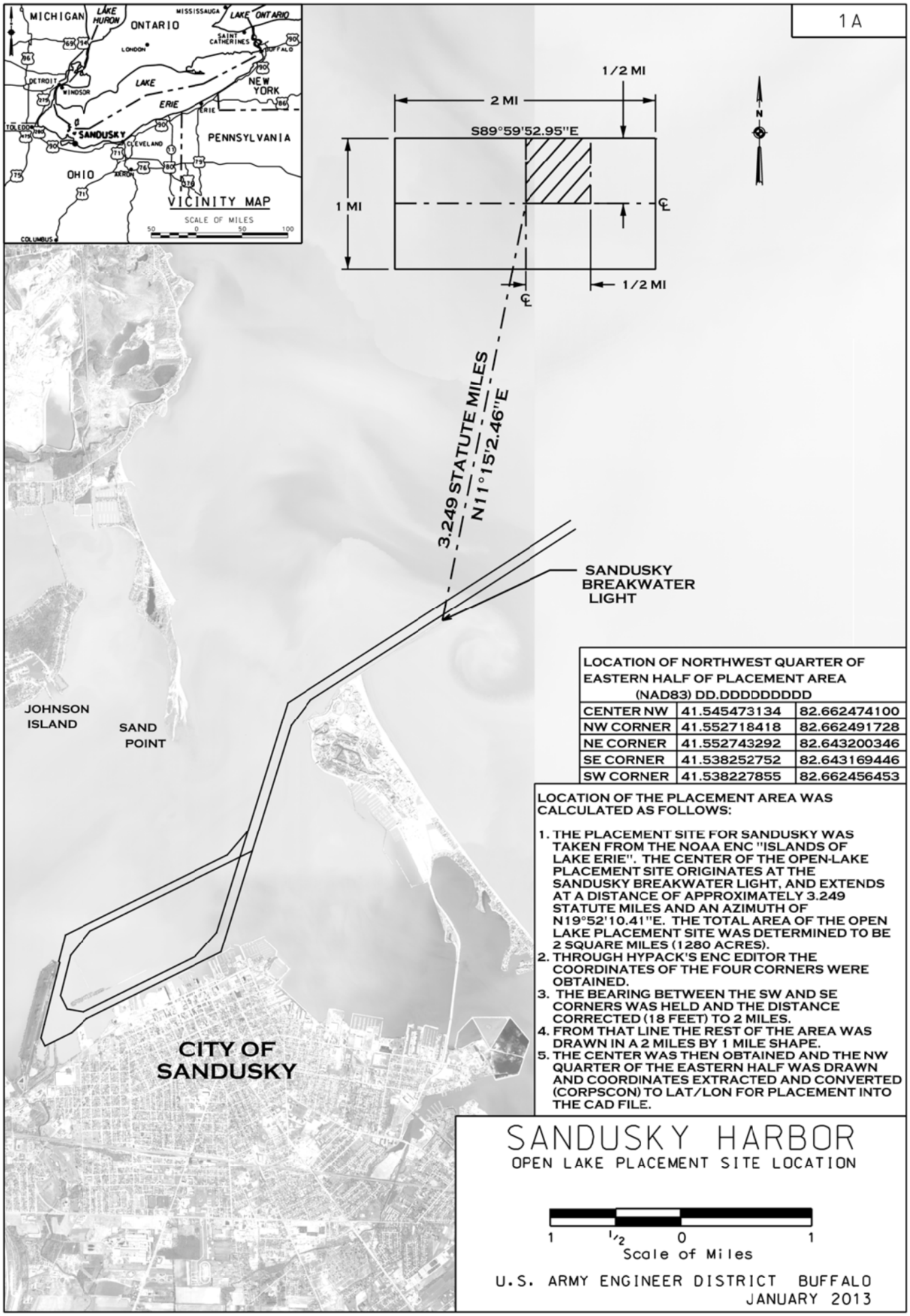

Figure 2 - Sandusky Harbor Open-Lake Placement Location

STATE OF OHIO COASTAL MANAGEMENT PROGRAM
CONSISTENCY DETERMINATION

PROJECT NAME: Sandusky Harbor, Ohio

TYPE OF PROJECT: Operations and Maintenance (Dredging and Dredged Material Placement)

COUNTY: Erie

1. PROJECT DESCRIPTION

1.1 Sandusky Harbor is located on the southeastern shore of Lake Erie in Sandusky Bay, 65 miles west of Cleveland and 45 miles east of Toledo, Ohio. The Federal navigation channels in this deep-draft harbor are maintained by the U.S. Army Corps of Engineers (USACE) - Buffalo District in support of commercial and recreational navigation.

1.2 The USACE - Buffalo District anticipates the need to dredge and place material excavated from the Federal navigation channels of Sandusky Harbor in order to maintain sufficient depth for deep-draft commercial vessels. In 2015, an estimated 450,000 cubic yards of material will be dredged from the Federal navigation project. It is anticipated that this material will be removed from areas throughout the limits of the authorized Moseley Channel, lower Straight Channel and Turning Basin. Dredged material will be placed at the existing open-lake area in Lake Erie.

1.3 The dredging operations are tentatively scheduled to be performed during the period between 1 July and 15 March.

2. EVALUATION

2.1 The USACE - Buffalo District has analyzed the proposed action with respect to the 41 management policies presented in Chapter 5 of the April 2007 State of Ohio Coastal Management Program and Final Environmental Impact Statement. The following eight policy statements have been determined to be applicable to the proposed action:

2.1.1 **Policy 6 - Water Quality** *[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 the public health and welfare and to enable the use of such waters for public water supply, industrial and agricultural needs, and propagation of fish, aquatic life and wildlife by:*

I. *<u>Assuring attainment of State water quality standards and other water quality related requirements (O.A.C. 3745-1) through:</u>*

a. controlling discharges into waters of the State by requiring permits to construct facilities and by establishing and enforcing effluent limitations under the National Pollutant Discharge Elimination System (NPDES, §402 CWA, O.R.C. §6111.03);

b. administering a permit system to control injection well drilling in compliance with the SDWA and CWA (O.R.C. §6111.043 and 6111.044);

c. regulating discharge of dredged or fill material into surface waters including wetlands in accordance with Section 401 of the CWA (O.R.C. §6111.03);

d. establishing uniform regulations regarding solid waste disposal sites and facilities (O.R.C. §3734.02 and 3734.05);

e. prohibiting the sale or distribution for sale of phosphorous containing household laundry detergents in the Lake Erie Basin (O.R.C. §6111.10);

f. preparing a State water quality management plan to assess technical needs for pollution control and institutional mechanisms to enforce controls (O.R.C. §6111.41 and 6111.42); and

g. administering a State revolving loan fund program to provide financial assistance for publicly owned wastewater treatment facilities (O.R.C. §6111.02 and 6111.03).

II. Coordinating, through the Lake Erie Commission, State and local policies and programs pertaining to Lake Erie water quality; reviewing, and making recommendations concerning, the development and implementation of policies, programs and issues for long-term, comprehensive protection of Lake Erie water resources and water quality that are consistent with the Great lakes Water Quality Agreement and Great Lakes Toxic Substances Control Agreement (O.R.C. §1506.21).

III. Using the Lake Erie Protection Fund (LEPF) to establish a firm scientific base for implementing a basin-wide system of water quality management for Lake Erie and its tributaries; supporting research to improve the scientific knowledge on which Lake Erie aquatic resource protection policies are based (O.R.C. §1506.23).]

Based on bulk physical, chemical and bioassay data, sediments in the Federal navigation channels are similar in character to bottom sediments at the open-lake reference area in the Western Basin of Lake Erie. Accordingly, material dredged from these areas of the harbor meets U.S. Environmental Protection Agency (USEPA)/USACE guidelines for

open-lake placement. Elutriate test data indicate that placement of the dredged material at the open-lake area will comply with State water quality standards (WQSs) for the Protection of Aquatic Life in Lake Erie. Therefore, this dredged material will be placed at the authorized open-lake area.

During the course of the dredging and dredged material placement operation, varying degrees of sediments would be re-suspended. The generation of turbidity and variation in dissolved oxygen levels in the water column would be the primary physical effects associated with these activities. These impacts should be minor, temporary and localized.

Section 401 Water Quality Certification (WQC) has been requested from the Ohio Environmental Protection Agency (OEPA) for the placement of dredged material at the open-lake area.

2.1.2 **Policy 17 - Dredging and Dredged Material Disposal** *[It is the policy of the State of Ohio to provide for the dredging of harbors, river channels and other waterways and to protect the water quality, public right to navigation, recreation and natural resources associated with these waters in the disposal of the dredged material by:*

> *a. regulating, through the Ohio Environmental Protection Agency water quality certification, the discharge or disposal of dredged material (O.R.C. §6111.03[p] and O.A.C. 3745-1);*
>
> *b. requiring a lease for State-administered submerged lands through the Department of Natural Resources before initiating the confined disposal of dredged material in the waters or on lands underlying the waters of Lake Erie (O.R.C. §1506.11);*
>
> *c. regulating commercial dredging of mineral resources (O.R.C. §1505.07 and O.R.C. §1505.99) and Chapters 1561, 1563, 1565 and 1567; and*
>
> *d. coordinating interdisciplinary reviews of dredging projects at Ohio's Lake Erie ports and providing technical and funding assistance to help select and implement environmentally sound dredging and dredged sediment management practices.]*

An estimated total of 450,000 cubic yards of material will be dredged in 2015 from the authorized limits of the Sandusky Harbor Federal Navigation Channels. This material will be placed at the existing open-lake area in Lake Erie. The USACE - Buffalo District has requested Section 401 Water Quality Certification from the OEPA for the placement of this dredged material at these areas.

2.1.3 **Policy 19—Lake Erie Ports** *[It is the policy of the State of Ohio to promote and provide for maritime commerce and related economic development along the Lake Erie shore by:*

a. providing assistance to, and assisting in the procurement of Federal funds for port development activities for local governments and port authorities that have the powers to plan, improve, acquire, enlarge, operate, maintain and finance port activities and projects; and

b. encouraging the development of comprehensive port facility and expansion master plans and improvement projects through financial assistance from the Ohio Department of Transportation.]

The proposed maintenance dredging would be consistent with the promotion of maritime commerce and related economic development at Sandusky Harbor.

2.1.4 **Policy 26 - Preservation of Cultural Resources** *[It is the policy of the State of Ohio to provide for the preservation of cultural resources to ensure that the knowledge of Ohio's history and pre-history is made available to the public and is not willfully or unnecessarily destroyed or lost, by:*

a. protection of cultural resources on or eligible for State and National registers of historic places (O.R.C. §149.51 through 149.55);

b. regulating recovery of submerged abandoned property through permits (O.R.C. §1506.32);

c. establishing and enforcing Lake Erie submerged lands preserves (O.R.C. §1506.31).]

There are no registered historic properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project. Since the dredging and placement operations would be restricted to those areas which have been historically impacted by these activities, the likelihood of encountering unknown cultural resources is low. In the event that unrecorded historic or archaeological remains are encountered during the course of the dredging operations, the State Historic Preservation Office (SHPO) will be duly notified and appropriate measures will be taken to protect and preserve their integrity.

2.1.5 **Policy 27 - Fisheries Management** *[It is the policy of the State of Ohio to assure the continual enjoyment of the benefits received from the fisheries of lake Erie and to maintain and improve these fisheries by:*

a. regulating the taking of fish (O.R.C. §1531.08 and O.A.C. 1501.31);

b. prosecuting persons responsible for stream litter and for water pollution resulting in fish kills (O.R.C. §1531.29 and 1531.02);

c. protecting fish habitat through Ohio EPA's Section 401 water quality certification authority (O.R.C. §6111.03[o] and 6111.03[p] and O.A.C. 3745-1 and 3745-32);

d. considering the protection of fish habitat through the review of State and Federal permit applications;

e. establishing State wildlife areas for fish and wildlife habitat (O.R.C. §1531.06);

f. surveying fish populations and trends and conducting other fishery research studies;

g. providing access to the fishery; and

h. providing technical and general information about the Lake Erie fisheries.]

Dredging and dredged material placement activities would cause temporary and localized disturbance to local fish communities that would be unavoidable. Some fish may tend to avoid the area during the dredging and dredged material placement operations, but would return quickly after the activities cease. Some fish may also be attracted to the dredging-related activities. These impacts would be temporary and localized. Major factors that may influence the response of fish to these activities would be turbidity, dissolved oxygen levels and benthic organisms suspended in the water column.

The maintenance dredging of Sandusky Harbor Federal navigation channels would be scheduled to occur during the period between 1 July and 31 December. This work period is consistent with the existing "State In-Water Work Restrictions" recommended by the ODNR Division of Wildlife, and would serve to avoid any potential significant adverse impacts to warmwater fish spawning activities.

The open-lake placement area was situated to avoid fish spawning grounds. During dredged material placement operations, the modes of impact indicate that adverse impacts to fish are minor and short-term. The increase in suspended sediments and turbidity resulting from the open-lake placement of Sandusky Harbor dredged material is very small in comparison to ambient conditions, and is therefore unlikely to trigger any significant adverse effects to fish. Indigenous fish are naturally exposed and have likely adapted to naturally occurring and much more extended elevated suspended sediment events (such as during storm or high runoff events) relative to episodic open-lake placement events. At the open-lake placement area, discharge activities place mud on mud-bottom habitat; therefore, there is no resulting significant change to bottom substrate or its existing aquatic habitat values. The material settles within a few hours and becomes subject to the same resuspension forces typically affecting the surrounding lake bottom. Impacts on fish over the full range of possible effects include either an avoidance or attraction to the area by fish, or no noticeable effect. Some fishes have been observed to be attracted to open-lake placement operations because they have a tendency to feed on the benthic macroinvertebrates contained and released from the dredged material. Many fishes have a wide tolerance for turbidity, and fish behavior in response to a dredged material placement event depends on the species. The placement of dredged

material at the open-lake area may result in some mortality to demersal fish eggs (e.g., from broadcast spawning species) existing on the lake bottom in very close proximity to the actual placement of dredged material due to suffocation from burial or siltation, and/or oxygen deficiency at the sediment-water interface. However, studies and modeling show that short- and long-term turbidity impacts associated with the open-lake placement of dredged material are negligible to minor. Therefore, it would not result in any measureable reduction of light penetration into the water column, or adversely affect phytoplankton and aquatic plant production and fish. Given the dredging period, limited spatial area of impact and natural population variations of these types of species, this type of impact would not culminate in any long-term, adverse impacts to any fish population. The open-lake placement of Sandusky Harbor dredged material has a very low likelihood of causing turbidity-related adverse effects on fish, including commercially and recreationally important species such as walleye and yellow perch.

2.1.6 **Policy 29 - Wildlife Management** *[It is the policy of the State of Ohio to provide for the management of wildlife in the coastal area to assure the continued enjoyment of benefits received from wildlife by:*

a. protecting all wildlife including nongame and endangered species (O.R.C. §1531.02, 1531.08 and 1531.25);

b. regulating the taking of wildlife (O.R.C. Chapter 1533 and O.A.C. 1501:31);

c. establishing State wildlife areas and providing recreation opportunities;

d. providing food, cover and habitat for wildlife; and

e. providing non-game wildlife research and education funding.]

There may be a short-term avoidance or attraction to the dredging operations by aquatic-based birds such as gulls, terns and waterfowl. There would be no measureable effect on populations of migratory birds.

Based on the review of the available environmental data, we have determined that the proposed work will not affect any species proposed or listed by the U.S. Department of the Interior or ODNR as threatened or endangered, nor will it affect the designated critical habitat of any such species.

2.1.7 **Policy 30 - Air Quality** *[It is the policy of the State of Ohio to attain and maintain air quality levels that protect public health and prevent injury to plant and animal life and property by surveying and monitoring air quality; enforcing national ambient air quality standards through permits and variances; and restricting open burning. (O.R.C. Chapters 3745, 3706, and 5709).]*

The normal exhaust fumes and fugitive dust produced by construction equipment and practices may temporarily impact air quality in the localized region of construction. This impact will be minor and short-term.

2.1.8 **Policy 33 - Visual and Aesthetic Quality** *[It is the policy of the State of Ohio to protect the visual and aesthetic amenities of Lake Erie and its shoreline to enhance the recreational, economic, cultural and environmental values inherently associated with the coastal area by:*

> *a. prohibiting the dumping of litter and refuse into or along the waters of Lake Erie and its tributaries, and maintaining law enforcement activities to apprehend violators (O.R.C. §1531.29 and 3767.32);*
>
> *b. enforcing State water quality standards (O.R.C. Chapter 6111, O.A.C. 3745-1-04);*
>
> *c. preserving aesthetic resource areas of Statewide significance through the nature preserve, park development and historic preservation programs.]*

The discharges of dredged material would comply with State WQSs. The presence of dredging equipment, impacts on water quality such as turbidity and reductions in water clarity, and air emissions would detract from the aesthetic quality of the project area. Such impacts would be minor, localized and short-term. The aesthetic quality of the area would return to prevailing conditions shortly after completion of the dredging-related activities.

3. CONCLUSION

3.1 In accordance with Coastal Zone Management Regulations 15 CFR, Part 930.34(a), the USACE has determined that 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.