



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

Operations and Maintenance

Barcelona Harbor Advance Maintenance Dredging

Westfield, New York

Scoping Information

EAXX-202-00-H5P-1729759778



November 26, 2024

U.S. Army Corps of Engineers, Buffalo District

478 Main Street

Buffalo, NY 14202

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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” (40 CFR 1501.7). The purpose of this scoping information is to disseminate information regarding the U.S. Army Corps of Engineers (USACE) Buffalo District’s proposed plan to complete advance maintenance dredging in Barcelona Harbor, New York, and to elicit any concerns or comments from any potential affected parties. This information has been prepared as part of the formal scoping process pursuant to NEPA and the Council on Environmental Quality regulations implementing NEPA (40 CFR Part 1500 et seq.).

2. Background

Barcelona Harbor is located on Lake Erie in the Town of Westfield, NY. The harbor is protected by east and west breakwaters that shelter the federal navigation channel. The channel has an authorized depth of ten feet in the entrance channel and eight-feet in the harbor basin. The harbor serves the Town of Westfield, a private marina, commercial and charter fishing interests, and a large recreational boating community.

3. Need for Action

In recent years, the harbor has experienced extreme shoaling. Wave action is pushing littoral sediment over the west breakwater and into the navigation channel. It is now common for shoals to build up over eight feet above the water surface. Prior to dredging in 2023, the entire entrance channel was closed to vessel traffic. The shoaling rate within the harbor fluctuates significantly. The quantity of littoral sediment is dependent on the amount of ice cover on Lake Erie throughout the winter, and the intensity and wind direction of storm events.

The USACE performs maintenance dredging intermittently, dependent on the availability of funding. When available, funding has been provided via congressional earmark or through the USACE Work Plan. The USACE dredged in 2023 with additional funding received in 2024.

4. Alternatives Under Consideration

Alternative 1: No Action

The USACE is required to consider the option of “No Action” as one of the alternatives to comply with the requirements of NEPA. No action assumes that no project would be implemented by the federal government to achieve the planning objectives. No action, which is synonymous with the Without Project Condition, forms the basis from which all other alternative plans are measured. Under this alternative, the federal government would do nothing to address the need for harbor maintenance at Barcelona Harbor.

Alternative 2: Advanced Maintenance Dredging (Preferred)

The scope of this work includes routine maintenance dredging, with an expansion of the area and depth that is dredged to maintain the federal navigation channel. It is proposed that the scope of the maintenance dredging extend one-foot deeper than the authorized depths, and extend ten feet wider than the authorized limits along the western limits of the channel (Figure 1). These expanded limits are proposed as “Advanced Maintenance” dredge areas in accordance with USACE Engineering Regulation 1130-2-520, which states that: “Advance maintenance dredging, to a specified depth and/or width, may be performed in critical and/or fast-shoaling areas to avoid frequent re-dredging and ensure the least overall cost of maintaining the project”. Advanced maintenance dredging in critical channel areas may increase the time before the channel requires maintenance again by two years.

Alternative 3: Advanced Maintenance Dredging – Expanded Area and Depth

This alternative entails advanced maintenance dredging to a depth and width greater than that described in Alternative 2.

5. Environmental Impacts

Future conditions with the no-action alternative and anticipated potential effects with the proposed action will be assessed in an environmental assessment 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

During the scoping process, stakeholders and interested parties are invited to provide comment on the proposed action. An environmental assessment will be completed to document the evaluation of the potential social, economic, and environmental benefits and potential adverse impacts that would result from the proposed action.

7. Compliance with Environmental Protection Statutes

The advanced maintenance dredging is being evaluated for compliance with all other applicable environmental protection statutes, executive orders, etc. including:

a. National Environmental Policy Act. 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 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 document initiates the NEPA process.

b. Clean Water Act. 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, the USACE has requested certification from the New York State Department of Environmental Conservation (NYSDEC) that the proposed discharge is in compliance with established water quality standards.

c. National Historic Preservation Act. Under Section 106 of this Act, this scoping information provides project information to the National Park Service, the New York State Office of Parks, Recreation and Historic Preservation, 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. In the event an historic property is identified within the project's APE, a Determination of Effects would be submitted separately through the Cultural Resources Information System to initiate consultation with the New York State Office of Parks, Recreation and Historic Preservation.

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 New York Department of State - Office of Planning and Development for their concurrence.

e. Endangered Species Act. In accordance with Section 7 of this Act, the USACE 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. A check of the USFWS Information for Planning & Consultation (IPaC) website indicated the project is located within the range of the federally listed Northern Long-eared Bat (*Myotis septentrionalis*, endangered), Salamander Mussel (*Simpsonaias ambigua*, proposed endangered), and Monarch

Butterfly (*Danaus plexippus*, candidate). Further coordination with USFWS will determine the project's effect on the listed species.

f. Fish and Wildlife Coordination Act. The USACE is coordinating this study with the USFWS and NYSDEC – Division of Fish and Wildlife. The USACE will collaborate with these agencies to identify any fish and wildlife concerns, 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. The USACE will fully consider 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. Listed below are environmental protection statutes, executive orders, etc. that may apply to this project. The USACE intends for this scoping information to disseminate pertinent project information to meet the applicable coordination/consultation requirements required under their provisions.

List of Environmental protection statutes, executive orders, etc.

1. PUBLIC LAWS

- a. American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
- b. American Indian Religious Freedom Act, P.L. 95-341, 42 U.S.C. 1996, *et seq.*
- c. Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
- d. Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
- e. 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.)
- f. Archaeological Resources Protection Act, P.L. 96-95 as amended, 16 U.S.C. 470aa, *et seq.*
- g. Bald Eagle Protection Act; 16 U.S.C. 668.
- h. Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
- i. 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.)
- j. Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- k. Comprehensive Environmental Response, Compensation, and Liability Act, P.L. 96-510, 42 U.S.C. 9601, *et seq.*
- l. Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
- m. Energy Independence and Security Act, P.L. 110-140, 42 U.S.C. 15821, *et seq.*
- n. Energy Policy Act, P.L. 109-58, 42 U.S.C. 13201, *et seq.*
- o. Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- p. Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, *et seq.*
- q. Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- r. Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*

- s. Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- t. Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- u. Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- v. Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- w. Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
- x. National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
- y. National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- z. Native American Graves Protection and Repatriation Act, P.L. 101-601, 25 U.S.C. 3001, *et seq.*
- bb. Noise Control Act, P.L. 92-574, 42 U.S.C. 4901, *et seq.*
- cc. Resource Conservation and Recovery Act of 1976, P.L. 94-580; 42 U.S.C. 6901 *et seq.*
- dd. River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (also known as the Refuse Act of 1899)
- ee. Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- ff. Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- gg. 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, 1971
- b. Executive Order 11988, *Floodplain Management*, May 24, 1977
- c. Executive Order 11990, *Protection of Wetlands*, May 24, 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 12580, *Superfund Implementation*, January 23, 1987
- h. Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*, August 3, 1993
- i. Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994
- j. Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, April 21, 1997
- k. Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, January 10, 2001
- l. Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, January 24, 2007
- m. Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, October 5, 2009

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 Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4)

8. Request for Comments

The purpose of the scoping process is to provide an opportunity for the public and government agencies to comment 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 USACE Buffalo District Commander will sign a finding of no significant impact (FONSI).

Interested parties are encouraged to contact USACE - Buffalo District with their comments and recommendations regarding the advance maintenance dredging of Barcelona Harbor. Please review the study information and send your comments or recommendations in writing within thirty (30) days to the following e-mail address:

Barcelona@usace.army.mil

Or via U.S. mail:

U.S. Army Corps of Engineers, Buffalo District
Environmental Analysis Team
478 Main Street
Buffalo, NY 14202



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Public Notice

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OPERATION AND MAINTENANCE DREDGING AND DREDGED SEDIMENT PLACEMENT

BARCELONA HARBOR

CHAUTAUQUA COUNTY, NEW YORK

This Public Notice has been prepared pursuant to Section 404(a) of the Clean Water Act (CWA). It is being administered in conformance with U.S. Army Corps of Engineers (USACE) regulation, "Practice and Procedure: Final Rule for Operation and Maintenance of Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged Materials into Waters of the United States or Ocean Waters," 33 Code of Federal Regulations (CFR) 337.1. The purpose of this Public Notice is to specify what dredged/fill materials would be discharged into waters of the United States by implementation of the proposed action and advise all interested parties of the proposed project and provide an opportunity to submit comments or request a public hearing.

The USACE – Buffalo District anticipates the need to dredge and place sediment excavated from the authorized federal navigation channels of Barcelona Harbor, which is located on the southern shore of Lake Erie about 29 miles northeast of Erie, Pennsylvania and 17 miles southwest of Dunkirk, New York. The project is needed to maintain sufficient water depths for shallow-draft recreational navigation (Figure 1).

In recent years, the harbor has experienced extreme shoaling. Wave action is pushing littoral sediment over the west breakwater and into the navigation channel. It is now common for shoals to build up over eight feet above the water surface. Prior to dredging in 2023, the entire entrance channel was closed to vessel traffic. The shoaling rate within the harbor fluctuates significantly. The quantity of littoral sediment is dependent on the amount of ice cover on Lake Erie throughout the winter, and the intensity and wind direction of storm events.

The USACE performs maintenance dredging intermittently, dependent on the availability of funding. When available, funding has been provided via congressional earmark or through the USACE Work Plan. The USACE most recently performed dredging in 2023.

The scope of this work includes routine maintenance dredging, with an expansion of the

area and depth that is dredged to maintain the federal navigation channel. The USACE proposes that the scope of the maintenance dredging extend one-foot deeper than the authorized depths, and extend ten feet wider than the authorized limits along the western limits of the channel (Figure 1). These expanded limits are proposed as “Advanced Maintenance” dredge areas in accordance with USACE Engineering Regulation 1130-2-520 which states that: “Advance maintenance dredging, to a specified depth and/or width, may be performed in critical and/or fast-shoaling areas to avoid frequent re-dredging and ensure the least overall cost of maintaining the project”. The USACE predicts that advanced maintenance dredging in critical channel areas would buy an additional two years before the channel was again in need of maintenance.

The USACE plans to perform dredging operations at Barcelona Harbor during the period between July 1 and March 15 of a given season. A contractor of the federal government would accomplish the project. Using mechanical excavation and placement methodologies, the contractor would remove sediments from the channel bottom by a mechanical dredge and place them into hoppers aboard a scow for transport to the designated nearshore and open lake dredged sediment placement areas. .

The sediment to be dredged from Barcelona Harbor consists primarily of silts and clays, with some sands and gravel. The USACE evaluated the quality of the sediment in accordance with the protocols and guidelines contained in the U.S. Environmental Protection Agency (USEPA)/USACE 1998 Great Lakes Dredged Material Testing and Evaluation Manual, and Evaluation of Dredged Material for Discharge into Waters of the U.S. - Testing Manual (1998). The evaluation specifically addresses potential contaminant-related risks to aquatic life associated with placing the dredged sediment at the in the nearshore and open-water placement areas. Based on this evaluation, the USACE determined the sediments proposed for dredging to meet contaminant determination CWA Section 404(b)(1) Guidelines for nearshore and open-water placement.

Pursuant to Section 401 of the Clean Water Act, the New York State Department of Environmental Conservation (DEC) must issue a Water Quality Certification (WQC), or waiver of WQC, for the discharge of dredged sediment. Therefore, a copy of this Public Notice has been provided to the DEC requesting WQC, or waiver thereof, for the associated placement of dredged sediments at the existing nearshore and open-lake placement area.

The environmental effects of the dredging operation are documented in the ***Barcelona Harbor, Chautauqua County, New York, Operation and Maintenance Dredging and Discharge of Dredged Material, Finding of no Significant Impact (1999)***. This document, and supplemental documentation, have been submitted to USEPA. Copies are available for examination at the Buffalo District office. Additionally, a National Environmental Policy Act assessment is currently being conducted to determine if the proposed advanced maintenance dredging would require an environmental impact statement, or if an environmental assessment and finding of no significant impact is appropriate.

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 New York Coastal Management Program. A Coastal Management Program Federal Consistency Determination has been submitted to the New York State Department of State (NYS DOS) documenting this determination.

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

This activity is being coordinated with the following agencies:

National Park Service
New York Department of Environmental Conservation
New York Historic Preservation Office
U.S. Coast Guard
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency

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

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

Barcelona@usace.army.mil

or via mail to:

U.S. Army Corps of Engineers - Buffalo District
Environmental Analysis Team
478 Main Street
Buffalo, NY 14202
ATTN: Environmental Analysis - Barcelona Advance Maintenance Dredging

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

Attachments

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

