

FINDING OF NO SIGNIFICANT IMPACT

WOLF TRAP ALTERNATE OPEN WATER PLACEMENT SITE NORTHERN EXTENSION ENVIRONMENTAL ASSESSMENT VIRGINIA WATERS OF THE CHESAPEAKE BAY

The U.S. Army Corps of Engineers, Baltimore District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Environmental Assessment (EA) dated 18 December 2019, for the Wolf Trap Alternate Open Water Placement Site Northern Extension (WTAPSNE) addresses the need to provide a safe, reliable, and efficient channel to maintain waterborne commerce to and from the Port of Baltimore.

The Final EA, incorporated herein by reference, evaluated various alternatives that would provide a cost-effective, environmentally-acceptable placement site for dredged material in the lower Chesapeake Bay. The recommended plan is WTAPSNE and includes:

- Establishing an extension of the Wolf Trap Alternate Open Water Placement Site (WTAPS) to the north, increasing the size of the placement site by approximately 3,900 acres.
- Approximately 2.6 million cubic yards (mcy) of dredged material from operation and maintenance of the York Spit Channel would be placed into quadrant 1 of cell NE-6 in WTAPSNE during the initial placement event that is expected to begin in the winter of 2020. After initial placement into WTAPSNE, it is anticipated that approximately 1.5 mcy of dredged material from the York Spit Channel would be placed into the WTAPSNE approximately every 4 years, or until another alternate placement site or method is identified, approved, and implemented.
- WTAPSNE would serve as an open water placement site for dredged material primarily from the York Spit Channel, but may also be used as a placement site for other dredging projects in the lower Chesapeake Bay pending evaluation.
- The proposed action does not include any changes to or consideration of the ongoing maintenance dredging activities or any other actions beyond the establishment of the placement site extension itself.

In addition to a "no action" plan, two alternatives were evaluated. The alternatives included an extension of the Wolf Trap Alternate Open Water Placement Site (WTAPS) and deferred maintenance dredging of the York Spit Channel. Section 6.0 of the EA discusses the formulation and selection of alternatives.

The potential effects of the no-action plan and the recommended plan were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bathymetry and Physiography	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Benthic Community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blue Crab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Essential Fish Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Finfish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, Toxic & Radioactive Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology and Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics/Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Submerged Aquatic Vegetation and Oysters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened and Endangered Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal Trust Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the EA will be implemented, if appropriate, to minimize impacts.

Available data indicate that WTAPS, particularly the southern portion, supports a high abundance of overwintering female blue crab. The recommended plan would be environmentally preferable compared to the No-Action Alternative, as it would reduce the likelihood of adverse impacts to blue crab by making additional placement areas available, including the deeper, muddy channel, which are usually avoided as an overwintering habitat by blue crab. Refer to Sections 7.5.5 and 8.5.5 in the EA for a discussion on blue crab.

To avoid/minimize adverse effects to Endangered Species Act (ESA)-listed sea turtles, the Corps makes every effort to avoid dredging the York Spit Channel from September 1 through November 14, of any year. Therefore, if dredging does not occur during this time period, dredged material placement at the proposed action area would also not occur. Furthermore, the Corps generally seeks to perform this work in the winter and early spring, subject to availability of

dredging contractors. Avoiding dredging and placement during this time period would also help to avoid and minimize effects to sandbar shark habitat area of particular concern used for pupping and nursery activities (occurring from May 1 to October 30).

No compensatory mitigation is required as part of the recommended plan.

Public review of the draft EA and FONSI was completed on 18 August 2019. An additional public comment period that provided the opportunity to request a public hearing was completed on 28 September 2019. No comments were received during the public review periods. A 60-day state and agency review of the Final EA was completed on 17 September 2019.

Pursuant to section 7 of the ESA of 1973, as amended, the National Marine Fisheries Service (NMFS) issued a biological opinion, dated 5 October 2018, which concluded that operation and maintenance of the lower Chesapeake Bay Channels may adversely affect, but is not likely to jeopardize the continued existence of any distinct population segment (DPS) of Atlantic sturgeon, Kemp's ridley or green sea turtles or the Northwest Atlantic DPS of loggerhead sea turtles, and is not likely to adversely affect leatherback sea turtles, hawksbill sea turtles, shortnose sturgeon, fin whales, sei whales, blue whale, sperm whales, and North Atlantic right whales. NMFS concerns focus principally on dredging, not placement. The Corps determined that the recommended plan would not cause effects that are different or in addition to those considered in the 5 October 2018 biological opinion, and that re-initiation with NMFS was not warranted. NMFS concurred with the Corps' determination on 6 May 2019.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps and the Virginia State Historic Preservation Office, as well as two concurring parties, entered into a Programmatic Agreement (PA) dated 11 December 2019. All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix D of the EA.

A water quality certification (WQC) pursuant to section 401 of the Clean Water Act was obtained from the Virginia Department of Environmental Quality. In a letter dated 17 September 2019, the Commonwealth of Virginia stated that the section 401 WQC requirements were met through the coastal zone management (CZM) conditional consistency determination provided by the Virginia Department of Environmental Quality (VADEQ) on 17 September 2019. A Water Protection Permit and section 401 WQC issued by VADEQ in 2013 authorizes use of WTAPS, and is valid through October 2028. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

A determination of consistency with the Commonwealth of Virginia CZM program pursuant to the Coastal Zone Management Act of 1972 was obtained from the VADEQ. In a letter dated 17 September 2019, the Commonwealth of Virginia stated that the recommended plan appears to be conditionally consistent with state CZM plan. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.


Pursuant to the Magnuson-Stevens Act, the Corps determined that the recommended plan will result in minor, temporary adverse impacts to Essential Fish Habitat (EFH). The Corps submitted a draft EFH Assessment to NMFS on 5 April 2019 and a revised EFH Assessment on 20 July 2019. NMFS concurred with the Corps' determination on 24 September 2019.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

14 JAN 20



John T. Litz, PMP
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Commander and District Engineer