

## FINDING OF NO SIGNIFICANT IMPACT

### BURNS WATERWAY HARBOR MAINTENANCE DREDGING AND PLACEMENT PORTER COUNTY, INDIANA ATTACHMENT 1

The U.S. Army Corps of Engineers, Chicago District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Environmental Assessment (EA) dated April 2020, for the Burns Waterway Harbor Maintenance Dredging and Placement addresses the need to support the economic viability of the Burns Waterway Harbor and the need to better manage and protect Indiana’s public shoreline through the beneficial reuse of clean dredge material for beach nourishment in Porter County, Indiana.

The Final EA, incorporated herein by reference, evaluated various alternatives that would include dredging of clean sand from the approach channel and maintenance area and place them either directly onshore or in the littoral zone of the study area. The recommended, **Beach and Shallow Water Placement**, plan includes:

- Dredge sands from the approach channel and maintenance area of Burns Waterway Harbor,
- Placement of material directly on the Ogden Dunes and Portage beaches or
- Placement of material in the near shore area (<five feet water depth) by pumping sediment just offshore of Ogden Dunes and Portage beaches.

In addition to a “**no action**” plan and the recommended plan, one additional alternative was evaluated. This alternative of “No Deviation from Historical Activities” would include dredging the approach channel and maintenance area and placing the materials in the near shore area only in water depths of 18-feet or less.

For all alternatives, the potential effects 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	Resource Positively affected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action	Resource Positively affected by action
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. In order to minimize impacts to threatened and endangered species work will not be conducted during critical life stages (i.e. breeding or nesting).

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

Public review of the draft EA and FONSI was completed on April 10, 2020. All comments submitted during the public review period were responded to in the Final EA and FONSI.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect, but is not likely to adversely affect the federally listed Pitcher's Thistle and Piping Plover. Before on land placement activities will take place, the Corps will assess the beach placement areas to determine where populations of these species are located and, if present, prevent placement in those areas to avoid adverse impacts to these species. The U.S. Fish and Wildlife Service (FWS) concurred with the Corps' determination that the project is unlikely to affect the Piping Plover, but recommended further surveys to determine any impacts to the Pitcher's Thistle on 24 January 2020. Before placement, a survey of the placement area for the thistle will be conducted to determine where individual plants are located. Plants will be marked if they have the potential to be impacted by placement operations. Marking will serve as a way to indicate areas to avoid direct placement and potential smothering of the species. USFWS concurred with this method and agrees that this project is unlikely to adversely affect endangered or threatened species as stated in a letter dated March 30, 2020.

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 would not be adversely affected by the recommended plan. The INDNR Division of Historic Preservation and Archaeology, the Miami Tribe of Oklahoma, and the Pokagon Band of Potawatomi Indians concurred with the determination in correspondences dated January 27, 2020, January 9, 2020, and January 8, 2020 respectively.

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 Attachment 2 of the EA packet.

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the Indiana Department of Environmental Management prior to construction. The Approach Channel and Maintenance Area is currently maintained under an existing 401 Water Quality Certification. In general, the activities are expected to comply with the applicable water quality standards and no violations are anticipated. 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 Indiana Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the Indiana Department of Natural Resources in a letter dated July 19, 2019. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

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

All applicable laws, executive orders, regulations, and local government plans were considered in the 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.

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Date

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Aaron W. Reisinger  
Colonel, Corps of Engineers  
District Commander