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3 NEW ENGLAND DISTRICT

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5

6 PUBLIC HEARING before the Army Corps of

7 Engineers and the United States Environmental

8 Protection Agency, New England Region, held at the

9 Westin Stamford, One First Stamford Place,

10 Stamford, Connecticut on Wednesday, October 1,

11 2003, commencing at 1:00 P.M., concerning:

12

13 PROPOSAL OF TWO SITES IN LONG ISLAND SOUND

14 FOR DISPOSAL OF DREDGED MATERIALS

15

16 BEFORE:

17 Larry Rosenberg, as Moderator

18

19

20

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1 AFTERNOON SESSION - 1:00 P.M.

2 MR. ROSENBERG: Good afternoon. I am  
3 Larry Rosenberg, the Chief of Public Affairs for  
4 the United States Army Corps in New England. I  
5 would like to welcome you to this public hearing  
6 held in conjunction with the government's release  
7 of the Draft Environmental Impact Statement for  
8 designation of sites in central and western Long  
9 Island Sound, Connecticut and New York.

10 This hearing is being held in  
11 accordance with the National Environmental Policy  
12 Act for the sole purpose of listening to you.

13 Before we begin, I would like to  
14 thank you for getting involved in this  
15 environmental review process. You see, we are  
16 here to listen to your comments, to understand  
17 your concerns, and provide you an opportunity to  
18 be here on the record should you care to do

19 so. This hearing is yours.

20 Our hearing officer today is Mr. Mel  
21 Cote, Manager of the Water Quality Unit of the  
22 Office of Ecosystem Protection for the  
23 Environmental Protection Agency, New England  
24 Region, that is headquartered in Boston,

4

1 Massachusetts.

2 Other federal representatives with me  
3 today are from the EPA, Jean Brochi, Project  
4 Manager for this Environmental Impact Statement,  
5 and Ann Rodney; from the Corps, Mark Habel, the  
6 Project Manager for the Corps of Engineers;  
7 Sue Holtham, the Corps' EIS Manager; Dr.  
8 Thomas Fredette, the Corps' New England program  
9 manager, responsible for monitoring and managing  
10 all dredged material disposal sites around New  
11 England, and of course the Staff of the Public  
12 Affairs Office who manages and runs this  
13 facility.

14 The agenda today is, following this  
15 introduction Mr. Cote will address the  
16 hearing. It will be followed by the Corps of

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17 Engineers' Project Manager, Mark Habel, who will  
18 provide an overview of the Corps' role and  
19 discuss the recommended dredged material disposal  
20 with a focus on purpose and need of this  
21 designation.

22           Mark will then introduce Dr. Carlton  
23 Hunt from Battelle, a contractor for the Army  
24 Corps of Engineers, and Dr. Drew Carey from

5

1 Coastal Vision who together will make a thirty  
2 minute or so presentation on the EIS process to  
3 date and looking forward just a bit.

4           I will then open this hearing to  
5 public comment utilizing our hearing protocol.  
6 Should you need copies of the Federal Register  
7 Notice, the hearing protocols or other pertinent  
8 information, it is all available at the  
9 registration table.

10           I should point out that the  
11 government has made no final decisions regarding  
12 the final outcome of this very public process.  
13 You know, as a direct result of the comments and

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14 concerns raised by the public, the EPA and the  
15 Corps have decided to extend the public comment  
16 period for this Draft Environmental Impact  
17 Statement by 21 days.

18           The comment period will now close on  
19 17 November at 5:00 P.M. Further, EPA and the  
20 Corps may hold additional public hearings on the  
21 Draft Environmental Impact Statement in early  
22 November.

23           Before we begin, I would like to  
24 remind you the importance of filling out these

6

1 cards that are available (indicating). These  
2 cards serve two purposes, first they let us know  
3 that you're interested in this process and this  
4 project so we can keep you informed; and second,  
5 to provide me a list of who is going to speak  
6 today. So if you did not complete a card or wish  
7 to speak or receive future information regarding  
8 the project, one will be provided at the  
9 registration desk.

10           One last comment. We are here to  
11 receive your comments, not to enter into any

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12 discussion of those comments or to reach any  
13 conclusions. Any questions you have should be  
14 directed to the record and not to the individuals  
15 on the panel. Thank you.

16 Ladies and gentlemen, the Hearing  
17 Officer, Mr. Mel Cote.

18 MR. COTE: Thanks, Larry, and good  
19 afternoon everyone. As Larry noted, my name is  
20 Melville Cote, I am manager of the Water Quality  
21 Unit at the U.S. Environmental Protection  
22 Agency's New England Regional Office. Thank you  
23 for coming to this public hearing. Whether it's  
24 to voice support for or concerns about the

7

1 federal action proposed in this Draft EIS, or  
2 simply to learn more about the project, we  
3 welcome your participation.

4 EPA published a Federal Registry  
5 Notice and issued a press release on  
6 September 12th announcing the availability of the  
7 Draft EIS and public comment until October 27th.  
8 We posted the Draft EIS on our website and mailed

9 notices and copies of the Draft EIS and  
10 supporting documents that most people said were  
11 received by September 15th. This is consistent  
12 with our ongoing efforts throughout the EIS  
13 process to provide the public with ample  
14 opportunity to get information about the project  
15 and to give us their feedback.

16           However, as discussed by Larry, in  
17 response to comments we've already received, we  
18 are extending the public comment period until  
19 November 17th, and we may schedule additional  
20 public hearings toward the end of the comment  
21 period.

22           We will formally announce this  
23 extension through another Federal Registry Notice  
24 and mailing. That said, we are here today to

8

1 listen to you and to record any comments you may  
2 have on the Draft EIS based on review so far.

3           EPA and the U.S. Army Corps of  
4 Engineers jointly regulate dredged material  
5 disposal under federal authorities provided by  
6 Section 404 of the Clean Water Act and Section

7 103 of the Marine Protection Research and  
8 Sanctuaries Act, which is also known as the Ocean  
9 Dumping Act.

10 In administering these programs we  
11 work closely with other federal agencies, other  
12 federal resource management agencies like the  
13 National Marine Fishery Service and U.S. Fish and  
14 Wildlife Service, and with state environmental  
15 agencies to ensure proper coordination and  
16 consistency, statutory and regulatory  
17 requirements and environmental standards.

18 Since 1980, the EPA and the Corps  
19 have been applying the sediment testing  
20 requirements of the Ocean Dumping Act to all  
21 federal projects and private projects generating  
22 25,000 cubic yards or more of dredged  
23 material. Dredged material that meets these  
24 criteria is determined to be suitable for ocean

1 disposal, is disposed of in one of the four sites  
2 that were evaluated and chosen as disposal sites  
3 pursuant to programmatic and site-specific

4 Environmental Impact Statements by the Corps in  
5 1982 and 1991. These sites are known as the  
6 Western Long Island Sound, Central Long Island  
7 Sound, Cornfield Shoals, and New London disposal  
8 sites.

9           In 1992 Congress added a new  
10 provision to the Ocean Dumping Act that for the  
11 first time established a time limit on the  
12 availability of Corps-selected sites for disposal  
13 activity. The provision allows the selected site  
14 to be used for a five-year period beginning with  
15 the first disposal activity after the effective  
16 date of the provision, which was October 31st,  
17 1992. It also provides for an additional  
18 five-year period beginning with the first  
19 disposal activity commencing after completion of  
20 the first five-year period.

21           Use of the site can, however, be  
22 extended if the site is designated by EPA for  
23 long-term use. Thus the Corps can select  
24 disposal sites only for short-term limited use,

2 long-term site designation subject to ongoing  
3 monitoring requirements to ensure the sites  
4 remain environmentally sound.

5           Periodic dredging and therefore  
6 dredged material disposal are essential to ensure  
7 safe navigation and facilitate marine commerce.  
8 EPA believes it is preferable from an  
9 environmental perspective to dispose of dredged  
10 material in only a few discrete locations so that  
11 it can be more easily managed and monitored to  
12 reduce potential adverse impacts to the marine  
13 environment.

14           With a continuing need for dredged  
15 material disposal sites and the impending  
16 expiration of the short-term sites selected by  
17 the Corps for the four current disposal sites in  
18 Long Island Sound, the Corps was faced with the  
19 prospect of having to continue to select new  
20 disposal sites that could only be used for a  
21 maximum of two five-year periods. In the long  
22 term, this would result in the proliferation of  
23 disposal sites throughout the Sound, and that's  
24 why we are here today.

1           In 1998, EPA and the Corps agreed to  
2   conduct a formal site designation process  
3   following the criteria established in the Ocean  
4   Dumping Act. We also agreed that consistent with  
5   past practice in designating dredged material  
6   disposal sites, we would follow EPA's Statement  
7   of Policy for voluntary preparation of National  
8   Environmental Policy Act or NEPA, documents, and  
9   would prepare an Environmental Impact Statement  
10   to evaluate different dredged material disposal  
11   options. EPA and the Corps have tried to prepare  
12   this Draft EIS to be consistent with EPA's NEPA  
13   regulations as well as those promulgated by the  
14   Council on Environmental Quality, for additional  
15   guidance.

16           We began this effort in 1999, but  
17   were slowed by both technical complexities and  
18   financial constraints associated with a larger  
19   scale multisite project. In March 2002, facing  
20   the prospect of losing the use of the  
21   Corps-selected Central Long Island Sound disposal  
22   site in February 2004, when the second of two  
23   five-year periods of use expires, EPA and the

24 Corps announced their intent to develop the EIS

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1 in two phases, western and central Long Island  
2 Sound first, followed by the eastern Sound once  
3 the site or sites were investigated in the  
4 western and central regions.

5 This approach was scheduled to meet  
6 the public need to consider disposal sites in  
7 this region more expeditiously without compromising  
8 the continued objectivity of the decision-making  
9 process for each region of the Sound. Although  
10 the EPA is the agency authorized by the Ocean  
11 Dumping Act to designate the dredged material  
12 disposal sites, the Corps is participating in the  
13 development of the EIS as a cooperating agency  
14 because it has knowledge concerning the needs of  
15 the dredging program as well as technical  
16 expertise in the area of assessing the  
17 environmental effects of dredging and disposal.  
18 As a result of the 1998 agreement, the Corps is  
19 also providing technical and financial support in  
20 the development of the EIS, but all final  
21 decisions regarding any site designations will be

22 made by the EPA.  
23 To take advantage of expertise held  
24 by other entities and to ensure compliance with

13

1 all applicable legal requirements, EPA also is  
2 closely coordinating this effort with other  
3 federal agencies, including the National Marine  
4 Fishing Service, Fish and Wildlife Service,  
5 Indian Tribal Governments, state environmental  
6 coastal zone management agencies and local  
7 governments, some of which are participating as  
8 cooperating agencies.

9 EPA and the Corps have also conducted  
10 extensive including public participation  
11 activities, including numerous workshops and  
12 information meetings to explain the process,  
13 disseminate technical findings, and to solicit  
14 feedback from the public to help guide the  
15 process.

16 We are here today to present  
17 information on the draft EIS that evaluates  
18 disposal options to the western and central

19 regions of Long Island Sound and to solicit  
20 feedback on this document and the federal action  
21 proposed, in the form of oral or written  
22 comments. We encourage and welcome your oral and  
23 written comments but we will not be responding to  
24 them here. These comments will be given equal

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1 consideration upon completion of the public  
2 comment period for the purposes of finalizing the  
3 EIS and issuing the final ruling. The final EIS  
4 will include responses to all comments we  
5 receive.

6 For accuracy of the record, your  
7 written comments should be sent to Ann Rodney at  
8 the EPA Regional Office. You should have the  
9 address; if you don't, make sure you get it  
10 before you leave. They will be accepted until  
11 Monday, November 17th at 5:00 P.M.

12 Thank you again for your  
13 participation in this public hearing and for  
14 your interest in the issue of dredged material  
15 management in Long Island Sound.

16 MR. ROSENBERG: Thank you, sir.

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17 Ladies and gentlemen, Mr. Mark Habel.  
18 MR. HABEL: Good afternoon. As Larry  
19 stated, my name is Mark Habel. I am the Corps of  
20 Engineers, New England District Project Manager  
21 for this study.  
22 In early 1998, EPA and the Corps  
23 began their study of the need for, and  
24 acceptability of, designating ocean disposal

15

1 sites for dredged material in Long Island  
2 Sound. An early part of this effort involved  
3 examining the present and long-term need for  
4 dredging from the ports and harbors of the Sound  
5 in both Connecticut and New York.  
6 There are more than fifty Federal  
7 navigation projects and hundreds of non-Federal  
8 public and private navigation dependent  
9 facilities on the Sound that require periodic  
10 dredging to maintain safe navigable  
11 depth. Vessels, from large cargo carriers to  
12 small fishing and recreational craft, depend on  
13 adequate channel depths to operate.

14           Some material dredged from these  
15 harbors is clean sand, suitable for use as  
16 nourishment on area beaches when available.  
17 However, the majority of all material dredged  
18 from the Sound's harbors has for many decades  
19 been placed at open-water sites in the Sound.  
20           Prior to the 1980s there were as many  
21 as 20 sites that periodically received dredged  
22 material. Since that time, only 4 sites have  
23 been in use, and received on average about  
24 1 million cubic yards of dredged material

16

1 annually. All of this material must undergo a  
2 rigorous series of physical, chemical, and  
3 biological testing to prove its suitability for  
4 placing in the Sound.

5           Also, an investigation into the  
6 economic importance of navigation-dependent  
7 industries to the Long Island Sound region found  
8 that these industries contribute more than 52,000  
9 jobs and over \$1.5 billion annually to the  
10 economy of the area.

11           Dredging is the key to the continued

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12 health of this sector of the Connecticut and New  
13 York economies. Please take time, if you haven't  
14 already, to examine the posters and displays  
15 located in the lobby. One of these shows the  
16 locations of the several dredging centers located  
17 around the Sound. It is these ports and harbors  
18 that generate the economic benefit of navigation  
19 and the region's dredged material.

20         This study focused on consideration  
21 of impact on the natural and human environment  
22 including both natural resources and economics.  
23 It was concluded that the capacity of  
24 non-in-water disposal alternatives cannot meet

17

1 the dredged material disposal needs of the  
2 central and western Long Island Sound  
3 region. While individual projects must assess  
4 non-open-water alternatives on a case-by-case  
5 basis, designation of one or more open-water  
6 dredged material disposal sites in Long Island  
7 Sound is necessary to meet the long-term regional  
8 needs of navigation in the Sound.

9 I would like to at his time introduce  
10 Dr. Carlton Hunt of Battelle and Dr. Drew Carey  
11 of Coastal Vision, who as Larry stated will make  
12 a brief presentation on the EIS process and  
13 recommendation.

14 DR. HUNT: Thank you. Good  
15 afternoon. I am Dr. Carlton Hunt, I will present  
16 partially the presentation of this afternoon. We  
17 are going to present an overview of the process  
18 that was undertaken to develop this EIS, present  
19 the findings of the Draft EIS and review the  
20 proposed preferred alternatives.

21 Lastly, we want to convey this  
22 afternoon the next steps of the EIS process. In  
23 order to do that Dr. Carey will talk a bit about  
24 the history behind that, and I will talk about

18

1 some of the details that went into the EIS.

2 First of all, what I would like to  
3 talk to is the process. Once that decision to  
4 prepare the EIS was taken, there was a Notice of  
5 Intent that was published, a series of scoping  
6 meetings were held to define the scope of the

7 EIS. In addition to that, literature reviews  
8 were conducted regarding information on the  
9 environment and the economy of the Long Island  
10 Sound area. Beyond that, a series of field  
11 studies were undertaken to provide information  
12 that was all brought into the Draft EIS that you  
13 have before you today.

14         That Draft EIS proposed rule includes  
15 site management and monitoring plans for each of  
16 the sites. They are also included as part of the  
17 appendix in the EIS. The forty-five day public  
18 period as you heard has been extended; once the  
19 comments from the public hearings and public  
20 comment period are completed, those comments will  
21 be examined, responses prepared, and a final  
22 Draft EIS will be put forth.

23         That final EIS and final rule will  
24 receive an additional thirty-day comment period,

1 and that then will lead to a record of decision  
2 regarding the federal agency's decision on this  
3 particular activity.

4 I would like to turn the podium over  
5 now to Dr. Carey to talk a little bit about the  
6 history.

7 DR. CAREY: Thank you, Carlton. Mel  
8 has already described how the project began and  
9 some of the steps in that process. I'm going to  
10 go into those in just a little bit more detail  
11 covering these four points here (indicating  
12 projected slide), up to really what we consider  
13 the first phase of this project. I'll try here  
14 but I think, Carlton, you are going to have to  
15 change it.

16 As Mel mentioned, in 1999, the Notice  
17 was published that this study would begin and  
18 right from the beginning the process involved  
19 cooperation with a whole host of federal and  
20 state agencies as well as some local government  
21 officials. I am going to walk you through how  
22 that process worked and also how that public  
23 involvement was handled.

24 Agency involvement was really

1 throughout the entire process really up until

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2 today, I'm going to cover some of the discussions  
3 that occurred in that process. I'm just going to  
4 note that at each of these points what generally  
5 happened is that that interagency group would  
6 meet, discuss, and then there would be a public  
7 workshop or some sort of gathering of publish  
8 input, and then we would regress a little further  
9 down the line.

10           First of all, one of the concerns was  
11 understanding what the history of disposal has  
12 been in Long Island Sound, gathering expert  
13 advice and understanding from a number of  
14 different perspectives, discussing what the site  
15 designation process itself should consist of,  
16 making sure there was agreement on all the  
17 agencies that have authority over this  
18 decision-making.

19           The initiation of the actual scoping,  
20 that is how extensive should the survey be, the  
21 study be, what kinds of issues should be  
22 addressed, and where is there the greatest need  
23 to gather new information, what information did  
24 we already have, and where is new information

1 required?

2           There was also a discussion about the  
3 zone of citing feasibility, this is the envelope  
4 in which we search for potential sites for the  
5 potential designation for open-water disposal.

6           There was also a review of the  
7 variety of alternatives that there might be for  
8 open-water disposal, to be able to contrast that  
9 against a potential decision for designating an  
10 open water site.

11           There was also discussion of the  
12 results of the data that was collected during the  
13 studies that I'll describe, as well as the  
14 process of selecting open-water alternatives to  
15 investigate further.

16           And then finally, the actual  
17 discussion about which of those alternatives  
18 would be the preferred alternative was again an  
19 interagency discussion.

20           The public involvement, as I  
21 mentioned, essentially cycled just after each of  
22 those interagency discussions. Public scoping  
23 meetings began in 1999, these were held in a

24 variety of locations in Long Island and along the

22

1 Connecticut shore to provide an opportunity for  
2 the public to comment on what should be addressed  
3 in this study, and to raise any issues of  
4 concerns that they had at that time. I'm sure  
5 many of you were present for those scoping  
6 meetings as well as many of the workshops that I  
7 will describe.

8           Following that public scoping we  
9 initiated the first of a couple of public  
10 workshops. Unlike this hearing, those were an  
11 opportunity for dialog and questions back and  
12 forth at the beginning of the project, to be able  
13 to discuss dredging needs, what dredging needs  
14 were out there, what was the suitable window to  
15 project those, what kinds of alternatives were  
16 people aware of in the region, how the site  
17 screening process would proceed. Later, looking  
18 at data that actually emerged from the studies  
19 and those recommendations, and how they might be  
20 evaluated.

21           Soon after the first public workshop

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22 we formed a series of volunteer what we call  
23 working groups. This was a more focused effort  
24 to gather information from really any interested

23

1 parties, but particularly representatives of  
2 marine industry, the fishing industry,  
3 recreational boating, recreational fishing,  
4 environment groups, local towns, and really any  
5 individual who had a strong enough interest to  
6 come to a series of working groups. This allowed  
7 us to focus down to a smaller group, proceed with  
8 more detailed investigations and discussions.

9 That first public workshop was then  
10 followed by a second one, examining some of the  
11 more detailed information, and then we began a  
12 series of working group meetings, you can see  
13 those began in July of 2000. We had about one  
14 per year after that until 2002 when enough data  
15 was returning from the project that there were a  
16 series of meetings throughout 2002, and then  
17 culminating in the last working group meeting  
18 which was held this last September to review the

19 preferred alternative and data presented at that  
20 time.

21 The studies that were designed at the  
22 outset through discussions with agencies, with  
23 regional experts, fell into a number of  
24 areas. The most urgent and critical one was to

24

1 get field data collected during particularly the  
2 summer seasons, several years ago, when we had an  
3 opportunity to begin collecting data to have  
4 enough time to analyze and process that data to  
5 return to our end point today.

6 I'll talk a little bit more about  
7 each of those points. We also considered upland  
8 alternatives, assessment of that, treatment  
9 technologies, considered in relation to the  
10 potential capacity for these approaches to  
11 perhaps replace open-water disposal. Study of  
12 dredging needs, and in particular, a study of  
13 economic significance of navigation dependent  
14 industries.

15 We spent a little bit more time on  
16 the data collection effort and studies that were

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17 conducted. There's a very large volume of  
18 information at the back table of appendices that  
19 includes all the results from these studies. The  
20 EIS itself has a summary of all that data.

21       Essentially, the strategy here was to  
22 begin data collection as soon as possible,  
23 recognizing that there was an opportunity with  
24 four active disposal sites in the sound to both

25

1 consider some baseline studies of those sites,  
2 since they would become potential alternatives,  
3 and also to kind of review the historical record  
4 of those sites and gather some data from those  
5 sites representing how dredging had occurred and  
6 disposal had occurred at those sites, and what  
7 potential impacts there may have been there.

8       So we began in 2000 primarily  
9 collecting sediment in and around those four  
10 sites that Mel described, and expanding to a  
11 Sound-wide study in a number of other areas.

12       Regarding the sediment samples, we  
13 looked at physical characteristics, we looked at

14 chemical characteristic, we looked at toxicology,  
15 that is how did those sediments potentially  
16 affect the life and health of organisms that live  
17 in them as well as the contents of the animals  
18 that live within those sediments samples.

19 In addition we looked at Sound-wide  
20 studies of a number of biological factors, we  
21 looked at fish, lobster, worm and clam samples to  
22 determine what levels of contaminants were in  
23 their tissues.

24 This was piggy-backed on with an

1 ongoing effort by the State of Connecticut  
2 Department of Environmental Protection, Division  
3 of Marine Fisheries, they periodically collect  
4 trawl samples of fin fish throughout the Sound,  
5 and we were able to use their collecting efforts,  
6 get on board, subsample the fish that they had  
7 collected, and analyze those for contaminant  
8 burdens within them.

9 Additional field effort went into  
10 collecting lobsters, clams, and worms near the  
11 disposal sites and also in a Sound-wide

12 assessment of contaminant levels in their  
13 tissues.

14           In addition, we took advantage of the  
15 fact that the Connecticut Intro Trawl Survey had  
16 covered roughly the most recent period, 17-year  
17 period of disposal activity at those sites, it's  
18 a Sound-wide data set, we were able to subsample  
19 that and analyze that for assessment of the  
20 population structure of fin fish species  
21 throughout the Sound and their relative abundance  
22 in and around any potential site we may  
23 examine.

24           It was important to address potential

1 alternatives to open-water disposal to ensure  
2 that there really is no alternative to trying to  
3 designate a site. In this case we conducted a  
4 study reviewing what upland sites might be  
5 available within the region, particularly for  
6 beneficial reuse options, looking at things like  
7 landfill cover, what is the need for landfill  
8 cover in the region and what kinds of material

9 might be suitable for landfill cover, as well as  
10 remediation of brown fields and a number of other  
11 options.

12 Another important component of that  
13 is potential use of suitable material for  
14 near-Shore placement and beach nourishment or  
15 marsh restoration.

16 We also reviewed the treatment  
17 technologies, there has been a very extensive  
18 series of research and development efforts,  
19 particularly in the New York/New Jersey area,  
20 examining methods to either sequester or remove  
21 contaminants from more highly contaminated harbor  
22 or urban sediments. These include techniques of  
23 separating them chemically, washing them,  
24 imbedding them in concrete blocks, and other

28

1 methods. We reviewed those in relation to how  
2 suitable they would be for application in this  
3 region.

4 A critical point of a study like this  
5 is to understand what the need actually is for  
6 dredging. This is not a qualitative assessment,

7 this is a determination of what the volume and  
8 specifics are for dredging. In this case we  
9 looked at a 20-year window, and summarizing it  
10 here, it's a pretty extensive study conducted by  
11 survey form to local navigation dependent  
12 industries as well as the Federal agencies that  
13 may sponsor dredging.

14       The way the numbers came out is that  
15 for the entire region the Federal navigation  
16 projects for existing authorized navigation  
17 channels came to close to 23 million cubic yards  
18 for that 20-year period as a projection. All the  
19 other Federal projects, such as perhaps a Coast  
20 Guard marina or another project that might  
21 require a different sponsor than the Corps of  
22 Engineers as well as all the private marinas that  
23 were surveyed, the responses that we got were  
24 slightly over 9 million cubic yards.

29

1       In addition to that, there are  
2 projects that are proposed for perhaps deepening  
3 a channel, perhaps adding a berthing area, and

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4 those as assessments or projections of potential  
5 improvement came to about 1.3 million cubic  
6 yards.

7         This data was then grouped into what  
8 are called dredging centers, this is a very  
9 common approach to try to assess the dredging  
10 needs, so we can look at it on a regional basis,  
11 which parts of the Sound had the greatest need  
12 for dredging and what kind of dredging is needed  
13 to be conducted there.

14         For instance, the circle up here  
15 (indicating), represents Bridgeport and the  
16 colors, the blue represents Federal authorized  
17 navigation projects, the grey is any private or  
18 other federal agencies that at least responded to  
19 the survey. You will notice that as we move down  
20 to Long Island, the size obviously scales down,  
21 but there's also a much greater dependent need  
22 for private dredging as opposed to navigation  
23 channels. This allowed us to assess the relative  
24 need throughout the Sound, and this is something

30

1 that's presented on a poster outside, I suggest

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2 that you go ahead and look at that in some detail  
3 if you want to understand that spread of needs.

4           The last piece then that I'll talk  
5 about is the economic significance of navigation  
6 dependant industries. Rather than going into  
7 this in detail, Richard Greene (phonetic) from  
8 the Corps of Engineers is here, he can certainly  
9 answer questions about this outside. We are not  
10 answering questions during this session, but I  
11 think he is available should you wish to talk to  
12 him.

13           As Mark mentioned, looking at the  
14 impact of industries that require waterside  
15 navigation on the order of 53,000 jobs and  
16 billions of dollars contributed to the local  
17 regional economy.

18           In summary then, the initial study,  
19 that is up to 2002, we found that clearly the  
20 dredging of the rivers and harbors in the Long  
21 Island Sound coastline is critical to the  
22 economic welfare of this region, the numbers are  
23 very strong in that regard. It is also clear,  
24 based on our studies, that the existing capacity

1 of upland beneficial use combined with treatment  
2 technologies is not sufficient to meet those  
3 dredging needs that were determined.

4           It is important to note that any  
5 individual project that's permitted will have to  
6 examine on a case-by-case basis whether that  
7 project could be placed in an upland site, could  
8 perhaps be used for beneficial use, or could take  
9 advantage of some treatment technology. So  
10 despite the conclusion that the region doesn't  
11 have the capacity, each individual project must  
12 examine whether they may be able to find a  
13 suitable solution.

14           The net result of this then is that  
15 one or more open-water dredged material disposal  
16 sites in the Sound are necessary in order to meet  
17 the needs projected for dredging and disposal  
18 within the Sound.

19           At this point I'm going to turn it  
20 back to Dr. Hunt to pick up with the phase that  
21 began in March of 2002.

22           DR. HUNT: Thank you, Drew. As you  
23 heard earlier in this hearing, a decision was

24 taken in Spring of 2002 to reduce the zone of

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1 siting feasibility. The reasons for that were  
2 the need to in a timely manner address those  
3 disposal requirements for the western and central  
4 part of Long Island Sound, and secondly, the fact  
5 that the geography and environment of the western  
6 and central parts of Long Island Sound are  
7 distinctly different than those of the eastern  
8 Long Island Sound, therefore reduces the program  
9 for the moment.

10 That does not preclude the fact that  
11 the modification does not lead to or result in  
12 the other parts of Long Island Sound not being  
13 considered in a comprehensive fashion when a  
14 dredged material project is proposed. In other  
15 words, consideration of all options, just as Drew  
16 has mentioned.

17 Secondly, the review of the eastern  
18 Long Island Sound and consideration of dredged  
19 material disposal sites is proposed to be put  
20 forth in a supplemental EIS at this time and will  
21 be prepared at a later date.

22           This figure (indicating slide), shows  
23 the location of the original zone of siting  
24 feasibility which extended from Block Island

33

1 around westward to Hells Gate; the modified zone  
2 of siting feasibility from Mulberry Point,  
3 Milford, Connecticut to Mattatuck Point in New  
4 York.

5           In order to get to the actual  
6 alternative sites considered in this EIS, a  
7 process was put in place that used and focused on  
8 a geographic information system which represents  
9 spatial data, data in a spatial fashion. In  
10 order to develop those EIS layers, a series of  
11 general and specific criteria that are in the  
12 Marine Protection Research and Sanctuaries Act  
13 were used.

14           In fact, there's also been developed  
15 by scoping meetings and work groups, all of those  
16 were brought together in layers that addressed  
17 the criteria and allowed the selection of a  
18 choice of sites that were prepared for the EIS.

19           This was further organized into two  
20 tiers; Tier 1 ruled out those areas that were not  
21 acceptable for open-water disposal. Tier 2 was  
22 used to identify the specific locations that were  
23 carried forward into the EIS.

24           In Tier 1, the areas that were ruled

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1 out, the criteria that were used to rule out  
2 areas included stability and feasibility, the  
3 numbers behind these bullets are the specific  
4 references to regulations.

5           Areas of conflicting use, such as  
6 utilities or conservation areas, were excluded;  
7 shellfishing areas were excluded as unacceptable  
8 locations for a dredged material disposal site;  
9 areas that would interfere with navigation were  
10 excluded; as were valuable marine habitats,  
11 focused specifically on structure, physical  
12 structure within the bottom of Long Island Sound.  
13 And lastly, areas of high dispersal potential  
14 were excluded, that is areas that would  
15 potentially allow material placed in the site to  
16 be moved beyond where it was placed.

17           In Tier 2, several specific locations  
18 were identified through the process of minimizing  
19 the impact from the placement the of dredged  
20 material disposal site, minimizing the impact on  
21 archaeological resources, fish habitats, fish  
22 productivity, living resources, Benthic  
23 community, as well as shellfish areas and  
24 resource areas.

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1           Considered also in the process of  
2 identifying those specific locations were  
3 contaminant conditions in the sediments and the  
4 type of sediment that was at these locations, and  
5 the last consideration was the use of historic  
6 disposal sites.

7           In this process, EPA, the Corps, and  
8 cooperating agencies identified four alternatives  
9 for consideration in the EIS, for a location:  
10 Two of those are existing dredged material  
11 disposal sites, specifically Western Long Island  
12 Sound or WLIS and Central Long Island Sound or  
13 CLIS.

14           In addition two former dredged  
15 material disposal sites were identified as  
16 alternatives to be considered, those in  
17 Bridgeport and Milford. This figure shows the  
18 location of those four alternatives, CLIS,  
19 Milford, Bridgeport, and WLIS (indicating).  
20           When the decision was made to include  
21 Milford and Bridgeport, it was clarified that  
22 there were data gaps in each of those sites that  
23 needed to be filled. Those data gaps included  
24 chemistry of the sediment, Benthic community

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1 structure, the toxicity of the sediment,  
2 representative organisms, habitat and sediment  
3 characteristics, as well as the topography of the  
4 area of those sites and historic usage, and  
5 lobster resources.

6           Data was collected in the summer of  
7 2002 to address those data gap needs. That  
8 information along with the literature work that  
9 was done and all the other inputs and  
10 documentation Drew talked about were used to  
11 select and compare four alternative sites in the

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12 Sound as well as the no-action alternative; no  
13 action simply meaning, if we did not take this  
14 process forward, what would be the economic and  
15 environmental consequences.

16 So each of those sites was compared  
17 with respect to the environmental and economic  
18 consequences.

19 The EIS has ten chapters in it,  
20 chapter one is an introduction, that introduction  
21 lays out the history of disposal in Long Island  
22 Sound as well as regulations that apply and  
23 statutes that apply to this process.

24 Chapter two defines the purpose and

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1 the need for the dredging.

2 Chapter three describes the screening  
3 process I've just gone through as well as the  
4 alternatives that were selected to be carried  
5 forward in the EIS. It also includes a statement  
6 of summary of the preferred alternatives that  
7 came out of the assessment process.

8 Chapter four, there's a description

9 of the affected environmental environment that  
10 includes a description of the general environment  
11 of Long Island Sound as well as the specific  
12 footprints that were carried forward in the  
13 EIS.

14 Chapter five, the consequences of  
15 placing dredged material in these locations or  
16 taking no action was considered. There is also  
17 in that chapter a discussion about the general  
18 consequences of dredged material disposal in the  
19 marine environment.

20 There is also a recommendation that  
21 was carried forward to preferred alternatives,  
22 the rationale for that is described in detail.

23 Chapters six through ten provide  
24 information on compliance with the laws and

1 regulations, statutes, that guide this process,  
2 public involvement, references considered, who  
3 prepared the EIS, as well as the agencies,  
4 organizations, and folks to whom the EIS was  
5 sent.

6 There are several appendices, I point

7 out that Appendix J includes site management and  
8 monitoring plans, that specifically had two  
9 plans, one each for the sites carried forward,  
10 those preferred alternatives.

11 Again, the two preferred alternatives  
12 are CLIS and WLIS, and the rationale and the  
13 reasons for selecting those two as preferred  
14 alternatives was that WLIS and CLIS were not  
15 found to have significant environmental -- or  
16 were found to have the least potential  
17 environmental and economic impact alternatives  
18 carried forward.

19 It was also found that we could not  
20 mitigate some of the potential environmental and  
21 economic impacts at Bridgeport or Milford through  
22 site management activity.

23 And lastly, the third alternative, no  
24 action, was not considered because of economic

1 consequences and also the environmental impact.

2 During the process of evaluating  
3 these locations, it was determined that WLIS and

4 CLIS each had to be reconfigured slightly to  
5 address some concerns that I'll speak to you in a  
6 second. This reconfiguration does not change the  
7 conclusion that these are the preferred  
8 alternatives.

9 Basically, the reconfigurations were  
10 to move the boundry of WLIS slightly to the north  
11 and slightly to the west, another 100 feet west  
12 and 600 feet to the north, to avoid a rapidly  
13 shoaling area in the southern part. I will also  
14 note that included within WLIS still is the  
15 historic disposal sites, disposal locations that  
16 have gone into that site for the past several  
17 years.

18 For CLIS, the modification was to  
19 move the northern boundry and the eastern boundry  
20 out, specifically to encompass two former of  
21 those material disposal mounds that were not  
22 included in the original boundaries that were  
23 evaluated.

24 The next steps in the EIS process,

1 we're in the public review period, written and

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2 oral comments would be received and evaluated,  
3 and responses prepared. That information will be  
4 used to prepare a final EIS.

5 All responses to those comments will  
6 be provided as an appendix to the final EIS. And  
7 once that has completed, the final Rule will be  
8 issued in the Federal Register, and an additional  
9 30-day comment period will be provided, and then  
10 a record of the decision will be published  
11 regarding the Federal Government's final  
12 decision, and possible designation occurs after  
13 publication.

14 This concludes our presentation for  
15 this morning.

16 MR. ROSENBERG: Ladies and gentlemen,  
17 it is crucial to this public process that your  
18 voice is heard, and we are here to listen, listen  
19 to your comments, understand your concerns, and  
20 provide you with the opportunity to put your  
21 thoughts on the record, should you care to do  
22 so.

23 You know, as a direct result of  
24 having this type of open process, we have been

1 able to overcome many of the problems other  
2 agencies face when performing activities that  
3 directly or indirectly affect the environment and  
4 quality of life issues which surround such  
5 activities.

6           And once again, we stand before you  
7 asking for your expertise to help us seek  
8 solutions so together we can identify, evaluate,  
9 and build a process so we can continue to seek  
10 solutions.

11           Now, although we are here today to  
12 continue a long process for the designation of  
13 dredged material disposal sites in Central and  
14 Western Long Island Sound, we do need your  
15 participation throughout the entire process.

16           Once again, thank you for  
17 contributing to this extremely worthwhile  
18 effort. The hearing today and this evening will  
19 be conducted in a manner that all who desire to  
20 express their views will be given an opportunity  
21 to do so. To preserve the right of all to  
22 express their views, I ask that there be no  
23 interruption.

24 Furthermore, in order to make any

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1 decisions regarding the designation of dredged  
2 material disposal sites in the Western Regions of  
3 Long Island Sound, we, the Environmental  
4 Protection Agency and the United States Army  
5 Corps of Engineers, once again need to have you  
6 involve yourself in this environmental review not  
7 just during this hearing but throughout the  
8 entire process.

9 When you came in copies of the  
10 Federal Register Notice and the procedures which  
11 will be followed at this hearing will were  
12 available. If you did not receive these, those  
13 are still available at the registration desk  
14 entrance to this hall. I will not read either  
15 the procedures or the Federal Register Notice,  
16 but they will be entered into the record.

17 A transcript of this hearing is being  
18 prepared and the record will remain open and  
19 written comments may be submitted today, tonight,  
20 or by mail until 5:00 P.M. on November 17, 2003.

21 All comments received receive equal

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22 consideration. Anyone you know who cannot attend  
23 but wishes to send a written comment should  
24 forward those comments to Ann Rodney of EPA, New

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1 England Regional Office in Boston, Massachusetts.

2       Lastly, I would like to reemphasize  
3 that the Federal Government has made no final  
4 decision with regard to this project. It is our  
5 responsibility to fully evaluate the impact of  
6 designated dredged material disposal sites in the  
7 Central and Western Regions of Long Island Sound  
8 prior to the Government's decision. In order to  
9 accomplish that, we need your input.

10       Again, we are here to receive your  
11 comments, not to enter into a discussion of those  
12 comments or to reach a conclusion. Any  
13 questions you have should be directed to the  
14 record and not to the individuals on the  
15 panel. So if there's no objection from the  
16 hearing Officer, I will now dispense with the  
17 reading of the Federal Register Notice of this  
18 hearing and have it entered into the record.

19 MR. COTE: Yes, sir.

20

21

22

23

24

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1 Federal Register Proposed Rules

2 Vol. 68, No. 177

3 Friday, September 12, 2003

4 ENVIRONMENTAL PROTECTION AGENCY

5 40 CFR Part 228

6 [FRL-7553-9]

7 Ocean Disposal; Proposed Designation of Dredged

8 Material Disposal Sites in the Central and Western

9 Portions of Long Island Sound, CT

10

11 Agency: Environmental Protection Agency (EPA).

12 Action: Proposed rule.

13 \_\_\_\_\_

14 SUMMARY: EPA today proposes to designate two

15 dredged material disposal sites; Central Long

16 Island Sound (CLIS) and Western Long Island Sound

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17 (WLIS) located offshore from New Haven and  
18 Stamford, Connecticut, respectively, for the  
19 disposal of suitable dredged material removed from  
20 the central and western portions of the Long Island  
21 Sound region of Connecticut, New York and other  
22 nearby harbors or dredging sites. This action is  
23 necessary to provide long-term dredged material  
24 disposal sites for the current and future disposal

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1 of this material. The proposed site designations  
2 are for an indefinite period of time. The sites  
3 are subject to continuing monitoring to ensure that  
4 unacceptable, adverse environmental impacts do not  
5 occur. The proposed action is described in the  
6 Draft Environmental Impact Statement (DEIS), and  
7 the monitoring plans are described in the CLIS and  
8 WLIS Site Management and Monitoring Plans (SMMPs).  
9 The SMMPs are provided as appendix J of the DEIS.  
10 Site designation does not itself actually authorize  
11 the disposal of any particular dredged material at  
12 a site. Proposals to dispose of dredged material  
13 at a designated site is subject to project-specific

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14 reviews and authorization and still must satisfy  
15 the criteria for ocean dumping.

16

17 DATES: Comments must be received by 5 p.m. on  
18 October 27, 2003. Public hearings dates:

19 1. September 30, 2003 in NY from 1  
20 p.m. - 5 p.m. and 6 p.m. - 10 p.m.

21 1. October 1, 2003 in CT from 1  
22 p.m. - 5 p.m. and 6 p.m. - 10 p.m.

23

24 ADDRESSES: Written comments should be sent to: Ms.

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1 Ann Rodney, U.S. Environmental Protection Agency  
2 New England Region, One Congress Street, Suite 1100  
3 (CWQ), Boston, MA 02114-2023 or electronically to  
4 Rodney.Ann@epa.gov.

5 The public hearing locations are:

6 1. September 30, 2003 - New York SUNY  
7 at Stony Brook, Stony Brook, NY 11794-1603. The  
8 meeting will be held inside the "Charles B. Wang  
9 Asian-American center".

10 2. October 1, 2003 - Westin Stamford,  
11 One First Stamford Place, Stamford, CT 06902.

12

13 FOR FURTHER INFORMATION CONTACT: Ms. Ann Rodney,  
14 U.S. Environmental Protection Agency New England  
15 Region, One Congress Street, Suite 1100 (CWQ),  
16 Boston, MA 02114-2023, telephone (617) 918-1538,  
17 electronic mail: RodneyAnn@epa.gov.

18

19 SUPPLEMENTARY INFORMATION:

20       Public Review of Documents: The file  
21 supporting this proposed designation is available  
22 for inspection at the following locations:

23       1. In person. The Proposed Rule and  
24 the Draft Environmental Impact Statement (DEIS)

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1 which includes the SMMPS (Appendix J), are  
2 available for inspection at the following  
3 locations: A. EPA New England Library, 11th Floor,  
4 One Congress Street, Suite 1100 (CWQ), Boston, MA  
5 02114-2023. For access to the documents, call Peg  
6 Nelson at (617) 918-1991 between 10 a.m. and 3 p.m.  
7 Monday through Thursday, excluding legal holidays,  
8 for an appointment. B. Mamaroneck Public Library

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9 Inc., 136 Prospect Ave., Mamaroneck, NY. C. Port  
10 Jefferson Free Library, 100 Thompson Street, Port  
11 Jefferson NY. D. Bridgeport Public Library, 925  
12 Broad Street, Bridgeport, CT. E. Milford City  
13 Library, 57 New Haven Ave., Milford, CT. F.  
14 New Haven Free Public Library, 133 Elm Street,  
15 New Haven, CT. G. New London Public Library, 63  
16 Huntington Street, New London, CT. H. Norwalk  
17 Public Library, 1 Belden Ave., Norwalk, CT. I.  
18 Acton Public Library, 60 Old Boston Post Road, Old  
19 Saybrook, CT. J. Ferguson Library, 752 High Ridge  
20 Road, Stamford, CT.  
21 2. Electronically. You also may review  
22 and/or obtain electronic copies of these documents  
23 and various support documents from the EPA home  
24 page at the Federal Register

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1 <http://www.epa.gov/fedrgstr/>, or on the EPA New  
2 England Region's homepage at  
3 <http://www.epa.gov/region1/eco/lisdreg/>.  
4  
5 A. Background  
6 Section 102(c) of the Marine

7 Protection, Research, and Sanctuaries Act (MPRSA)  
8 of 1972, as amended, 33 U.S.C. 1401 et seq., gives  
9 the Administrator of EPA authority to designate  
10 sites where ocean disposal, also referred to  
11 interchangeably as ocean dumping, may be permitted.  
12 On October 1, 1986, the Administrator delegated  
13 authority to designate ocean dredged material  
14 disposal sites (ODMDS) to the Regional  
15 Administrator of the EPA Region in which the sites  
16 are located. The CLIS and WLIS sites are located  
17 within New England (EPA New England); therefore,  
18 this action is being taken pursuant to the Regional  
19 Administrator's delegated authority. EPA  
20 regulations (40 CFR 228.4(e)(1)) promulgated under  
21 the MPRSA require, among other things, that EPA  
22 designate ocean dumping sites (ODMDS) by  
23 promulgation in 40 CFR part 228. Designated ocean  
24 dumping sites are codified at 40 CFR 228.15. This

1 rule proposes to designate two sites for open water  
2 disposal of dredged materials. These sites are  
3 currently being used under the authority of MPRSA

4 Section 103 and are located in the western and  
5 central regions of Long Island Sound.

6       The primary authorities that govern the  
7 aquatic disposal of dredged material in the United  
8 States are the CWA and the MPRSA. All dredged  
9 material disposal activities in Long Island Sound,  
10 whether from Federal or non-Federal projects of any  
11 size, are subject to the requirements of  
12 Section 404 of the CWA, 33 U.S.C. 1344. In 1980,  
13 the MPRSA was amended to add Section 106(f) to the  
14 statute. 33 U.S.C. 1416(f). This provision is  
15 commonly referred to as the "Ambro Amendment,"  
16 named after Congressman Jerome Ambro. MPRSA  
17 section 106(f), 33 U.S.C. 1416(f) was itself  
18 amended in 1990. As a result of this provision,  
19 the disposal of dredged material in Long Island  
20 Sound from both Federal projects (projects carried  
21 out under the Corps civil works program or the  
22 actions of other Federal agencies or from  
23 non-Federal projects involving more than 25,000  
24 cubic yards (19,114 cubic meters) of material must

1 satisfy the requirements of both CWA section 404

2 and the MPRSA. Disposal from non-Federal projects  
3 involving less than 25,000 cubic yards (19,114  
4 cubic meters) of material, however, are subject to  
5 CWA section 404 only.

6       The two dredged material disposal sites  
7 in Long Island Sound being proposed in this action  
8 are necessary to provide long-term disposal options  
9 for the Corps to maintain deep-draft, international  
10 commerce and navigation through authorized federal  
11 navigation projects and to ensure safe navigation  
12 for public and private entities. One of the  
13 proposed sites is in the central portion of the  
14 sound, while the other is in the western portion of  
15 the sound.

16       The sites will be subject to continuing  
17 site management and monitoring to ensure that  
18 unacceptable, adverse environmental impacts do not  
19 occur. The management of the sites is further  
20 described in the draft Site Monitoring and  
21 Management Plans (SMMPs) for CLIS and WLIS  
22 (appendix J of the DEIS). Documents being made  
23 available for public comment by EPA at this time  
24 include this proposed rule, DEIS, and Draft SMMPS

1 (appendix J of DEIS).

2           The designations are being proposed in  
3 accordance with 40 CFR 228.4(e) of the Ocean  
4 Dumping Regulations, which allow EPA to designate  
5 ocean sites for disposal of dredged materials.

6

#### 7 B. Regulated Entities

8           Entities potentially regulated by the  
9 proposed rule are persons, organizations, or  
10 government bodies seeking to dispose of dredged  
11 material in waters of Long Island Sound, under the  
12 MPRSA and its implementing regulations. The  
13 proposed rule is expected to be primarily of  
14 relevance to (a) parties seeking permits from the  
15 Corps to transport dredged material for the purpose  
16 of disposal into the waters of the central and  
17 western regions of Long Island Sound, and (b) to  
18 the Corps itself for its own dredged material  
19 disposal projects. Potentially regulated  
20 categories and entities that may seek to use the  
21 proposed dredged material disposal sites and would  
22 be subject to this Rule may include:

23

24 Category/Examples of potentially regulated entities

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1 Federal Government...U.S. Army Corps of Engineers

2 Civil Works Projects, and Other Federal Agencies.

3

4 Industry and General Public...Port Authorities,

5 Marinas and Harbors, Shipyards, and Marine Repair

6 Facilities, Berth Owners.

7

8 State, local and tribal governments...Governments

9 owning and/or responsible for ports, harbors,

10 and/or berths, Government agencies requiring

11 disposal of dredged material associated with public

12 works projects.

13

14 This table lists the types of entities

15 that could potentially be regulated should the

16 proposed rule become a final rule. EPA notes that

17 nothing in this proposed rule alters the

18 jurisdiction or authority of EPA or the types of

19 entities regulated under the MPRSA. Questions

20 regarding the applicability of this proposed rule

21 to a particular entity should be directed to the

22 contact person listed in the preceding FOR FURTHER  
23 INFORMATION CONTACT section.  
24

1 C. EIS Development

2 Section 102(c) of the National  
3 Environmental Policy Act (NEPA) of 1969, 42 U.S.C.  
4 4321 et seq., requires that Federal agencies  
5 prepare an environmental impact statement (EIS) on  
6 proposals for major Federal actions significantly  
7 affecting environmental quality. The objective of  
8 NEPA is to build into agency decision-making  
9 process careful consideration of all environmental  
10 aspects of proposed actions, including evaluation  
11 of reasonable alternatives to the proposed action.  
12 While NEPA does not apply to EPA activities in  
13 designating ocean disposal sites under the MPRSA,  
14 EPA has voluntarily agreed as a matter of policy to  
15 conduct a NEPA environmental review in connection  
16 with ocean dumping site designations (See 63 FR  
17 58045 (October 29, 1998), "Notice of Policy and  
18 Procedures For Voluntary Preparation of National

19 Environmental Policy Act (NEPA) Documents."  
20 Consistent with this policy, EPA, in cooperation  
21 with the U.S. Army Corps of Engineers, has prepared  
22 a DEIS entitled, "Draft Environmental Impact  
23 Statement for the Designation of Dredged Material  
24 Disposal Sites in Central and Western Long Island

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1 Sound, Connecticut and New York, dated August 2003"  
2 which considers the environmental aspects of site  
3 designation in central and western LIS. A Notice  
4 of Availability of the DEIS for public review and  
5 comment is being published concurrently with this  
6 Proposed Rule in today's Federal Register. Anyone  
7 wishing to review a copy of the DEIS may do so in  
8 one of the ways described above (see ADDRESSES).  
9 The public comment period for this DEIS will close  
10 on October 27, 2003. The public comment period on  
11 the Proposed Rule Publication will also close on  
12 October 27, 2003. Comments may be submitted by one  
13 or more of the methods described above.

14 The purpose of the proposed action is  
15 to designate open water disposal sites that will  
16 meet long-term dredged material disposal needs in

17 LIS. The appropriateness of open water disposal  
18 for any specific, individual dredging project is  
19 determined on a case-by-case basis under the  
20 permit/authorization process governing the open  
21 water disposal of dredged material.

22       Designation of an open water disposal  
23 site under 40 CFR part 228 is essentially a  
24 preliminary, planning measure. The practical

1 effect of such a designation is only to require  
2 that if future ocean open water disposal activity  
3 is permitted under 40 CFR part 227, then such  
4 disposal should be normally be consolidated at the  
5 designated sites (see 33 U.S.C. 1413(b)).  
6 Designation of open water disposal sites does not  
7 authorize any actual disposal and does not preclude  
8 EPA or the Corps from finding available and  
9 environmentally preferable alternative means of  
10 managing dredged materials, or from finding that  
11 certain dredged material is not suitable for open  
12 water disposal under the applicable regulatory  
13 criteria. Nevertheless, EPA has determined that it

14 is appropriate to designate open water disposal  
15 sites for dredged materials in the central and  
16 western Long Island Sound now, because it appears  
17 unlikely that feasible alternative means of  
18 managing dredged material will be available to  
19 accommodate the projected dredged material of this  
20 region in the future.

21       Proposals for the open water disposal  
22 of dredged materials from individual projects are  
23 evaluated by EPA New England and the Corps' New  
24 England District on a case-by-case basis, taking

1 into account all the alternatives available at the  
2 time of permitting. Beneficial reuse alternatives  
3 will be preferred over open water disposal whenever  
4 they are practicable.

5       The DEIS describes the purpose and need  
6 for the proposed action and evaluates a number of  
7 alternatives to this action. EPA's analysis of  
8 alternatives considered several different potential  
9 open water disposal sites for dredged material from  
10 Connecticut and surrounding harbors, as well as  
11 potential alternative means of managing these

12 dredged materials other than open water disposal.  
13 As described in the DEIS, the initial screening  
14 evident was established to consider the most  
15 environmentally sound, economically and  
16 operationally feasible area site designation.  
17 Alternatives evaluated included various marine  
18 sites, upland disposal, beneficial uses, and the no  
19 action alternative.

20 In addition to considering reasonable  
21 distances to transport dredged material, the open  
22 water disposal analysis considered areas of  
23 critical resources as well as areas of  
24 incompatibility for use as a disposal site. This

1 included but was not limited to such factors as the  
2 sensitivity and value of natural resources,  
3 geographically limited habitats, fisheries, and  
4 shellfisheries, natural resources, shipping and  
5 navigation lanes, physical and environmental  
6 parameters, and economic and operational  
7 feasibility. The analysis was carried out in a  
8 tiered process. The final tier involved further

9 analysis of the no action alternative and the  
10 following four open water alternative sites:  
11 Central LIS (CLIS), Milford, Bridgeport and Western  
12 LIS (WLIS). These sites were evaluated and two  
13 sites were selected as preferred alternatives for  
14 potential site designation. Management strategies  
15 were developed for the preferred alternatives and  
16 are described in the SMMPs.

17 To obtain public input during the  
18 process, EPA and the Corps held public workshops  
19 and scoping meetings, as well as convened an EIS  
20 working group. The purpose of the working group  
21 was to assist in identifying and evaluating the  
22 best long-term dredged material disposal options  
23 for Long Island Sound. Representatives from state,  
24 local, tribal and federal agencies were invited to

1 participate in the working group as well as  
2 individuals representing other interests. The  
3 working group assembled for a series of five  
4 meetings between July 2000 and November 2002.  
5 Comments received were factored into the  
6 development of the DEIS. The NEPA process led to

7 the current proposal that CLIS and WLIS be  
8 designated as open water dredged material disposal  
9 sites.

10

#### 11 D. Proposed Sites Descriptions

12 The two sites, CLIS and WLIS, are  
13 proposed for designation. Draft SMMPS have been  
14 prepared for the two proposed open water disposal  
15 sites and are available for review and comment by  
16 the public. (Copies may be obtained by request  
17 from the FURTHER INFORMATION CONTACT listed in the  
18 introductory section to this proposed rule.) Use  
19 of newly-designated open water disposal sites would  
20 be subject to any restrictions included in the site  
21 designation and the approved SMMPS. These  
22 restrictions will be based on a thorough evaluation  
23 of the proposed sites pursuant to the Ocean Dumping  
24 Regulations and potential disposal activity as well

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1 as consideration of public review and comment.

2 Central Long Island Sound (CLIS). The  
3 CLIS site proposed for long-term designation by EPA

4 is currently in operation under the Corps'  
5 short-term site selection authority. It has been  
6 one of the most active dredged material disposal  
7 sites in New England. Overall, CLIS has received  
8 close to 14 million cubic yards (11 million cubic  
9 meters) since 1941. The site was used prior to  
10 enactment of MPRSA in 1972 and continued to be used  
11 thereafter. Between 1982 and 2001 CLIS received  
12 approximately 7 million cubic yards (5.4 million  
13 cubic meters), with an average annual volume of  
14 350,000 cubic yards (268,000 cubic meters). The  
15 site is a rectangular area, approximately 2  
16 nautical miles by 1 nautical mile, located 5.6  
17 nautical miles south of South End Point near East  
18 Haven, Connecticut, in water depths from 59 to 74  
19 feet (18 to 22.5 meters). The sediments at the  
20 site are predominantly uniform clayey silt with an  
21 area of mixed sand, clay and silt. These sediments  
22 are typical of those found in fine-grained  
23 depositional environments of the central basin of  
24 Long Island Sound. This proposed rule would

1 designate the CLIS site with boundaries slightly

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2 changed from the current site. The CLIS boundary  
3 was reconfigured so that the northern boundary was  
4 moved by 700 feet (215 meters) and the eastern  
5 boundary was moved by 1,230 feet (375 meters) in  
6 order to include two previously used disposal  
7 mounds (FVP, CS2) which are currently outside of  
8 the existing site boundaries. This reconfiguration  
9 will allow for management and monitoring of the FVP  
10 and CS2 mounds. The coordinates (North American  
11 Datum 1983: NAD 83) for the proposed CLIS site, are  
12 as follows:

13

14 CLIS

15 41° 09'5"N, 72° 54'4" W.

16 41° 09'5"N, 72° 51'4" W.

17 41° 08'4"N, 72° 54'4" W.

18 41° 08'4"N, 72° 51'5" W.

19 Western Long Island Sound (WLIS). The  
20 WLIS site proposed for long-term designation by EPA  
21 is currently in operation under the Corps'  
22 short-term site selection authority.

23 The site is a rectangular area, 1.2 by  
24 1.3 square nautical miles (2.2 by 2.4 kilometers)

1 that has been use for dredged material disposal  
2 since 1982. After completion of an EIS, the site  
3 was established in 1982 as a regional dredged  
4 material disposal site to serve the needs of the  
5 western area of Long Island Sound. Between 1982  
6 and 2001, WLIS received 1.7 million cubic yards  
7 (1.3 million cubic meters), with an average annual  
8 volume of 85,000 cubic yards (65,000 cubic meters).  
9 The site is located 2.7 nautical miles north of  
10 Lloyd Point, New York and 2.5 nautical miles  
11 (4.6 kilometers) south of Long Neck Point near  
12 Noroton, Connecticut, in water depths of 79 to 118  
13 feet (24 to 30 meters). The sediments at the site  
14 are heterogeneous, with clay silt in the northeast  
15 corner and a mixture of sand-silt-clay in the  
16 center and southeast corner. These sediments are  
17 typical of those found in fine-grained depositional  
18 environments of the western basin of Long Island  
19 Sound. In addition to the ambient silts from this  
20 region, there are deposits of material of mixed  
21 grain sizes dredged from harbors and navigation  
22 channels throughout the western basin. This  
23 proposed rule would designate the WLIS site with

24 boundaries which have been slightly reconfigured.

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1 The WLIS boundaries have been shifted to the west  
2 by approximately 1,106 feet (337 meters) and to the  
3 north by 607 feet (185 meters). This shift move  
4 will relocate the WLIS site out of a rapidly  
5 shoaling area. The coordinates (North American  
6 Datum 1983: NAD 83) for the proposed WLIS site, are  
7 as follows:

8 WLIS

9 41° 00'1"N., 73° 29'8"W.

10 41° 00'1"N., 73° 28'0"W.

11 41° 58'9"N., 73° 29'8"W.

12 41° 58'9"N., 73° 28'1"W.

13

14 E. Analysis of Criteria Pursuant to the Ocean

15 Dumping Act Regulatory Requirements

16 Five general criteria are used in  
17 evaluating possible dredged material disposal sites  
18 for long-term use under the MPRSA (see 40 CFR  
19 228.5).

20 General Criteria (40 CFR 228.5)

21 1. Minimize interference with other

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22 activities, particularly avoiding fishery areas or  
23 major navigation areas. The first of the five  
24 general criteria requires that a determination be

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1 made as to whether the site or its use will  
2 minimize interference with other uses of the marine  
3 environment. For this proposed rule, a  
4 determination was made to overlay individual uses  
5 and resources over GIS bathymetry and disposal site  
6 locations. This process was used to visually  
7 determine the maximum and minimum interferences  
8 with other uses of the marine environment that  
9 could be expected to occur. Both the CLIS and WLIS  
10 disposal sites showed minimum interference with  
11 other activities. The proposed sites do not  
12 interfere with lobster or fishing activities,  
13 although the areas surrounding the disposal sites  
14 provide good lobster habitat. The two proposed  
15 sites are also not located in shipping lanes or  
16 major navigation areas and otherwise have been  
17 selected to minimize interference with fisheries,  
18 shellfisheries and regions of commercial or

19 recreational navigation.  
20           2. Minimize Changes in Water Quality.  
21 Temporary water quality perturbations (during  
22 initial mixing) caused by disposal operations would  
23 be reduced to normal ambient levels before reaching  
24 areas outside of the disposal site. The second of

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1 the five general criteria requires that locations  
2 and boundaries of disposal sites be selected so  
3 that temporary changes in water quality or other  
4 environmental conditions during initial mixing  
5 caused by disposal operations anywhere within a  
6 site can be expected to be reduced to normal  
7 ambient seawater levels or to undetectable  
8 contaminant concentrations or effects before  
9 reaching beaches, shorelines, sanctuaries, or  
10 geographically limited fisheries or shellfisheries.  
11 The proposed sites will be used only for dredged  
12 material disposal of suitable sediments as  
13 determined by application of MPRSA sediment quality  
14 criteria. No significant contaminant or suspended  
15 solids released are expected. Based on data  
16 evaluated as part of the DEIS, disposal of either

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17 sandy or fine-grained material would have no  
18 long-term impact on water quality at the proposed  
19 sites. In addition, dredged material deposited at  
20 the sites and water quality perturbations are not  
21 expected to reach any marine sanctuary, beach or  
22 other important natural resource area.

23           3. Interim Sites Which Do Not Meet  
24 Criteria. There are no interim sites to be

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1 considered under this criterion. The CLIS and WLIS  
2 proposed sites are not interim sites as defined  
3 under the Ocean Dumping regulations.

4           4. Size of sites. The fourth general  
5 criterion requires that the size of open water  
6 disposal sites be limited to localize for  
7 identification and control any immediate adverse  
8 impacts and to permit the implementation of  
9 effective monitoring and surveillance programs to  
10 prevent adverse long-range impacts. Size,  
11 configuration and location is to be determined as  
12 part of the disposal site evaluation. For this  
13 proposed rule, EPA has determined, based on the

14 information presented in the DEIS, that the sites  
15 have been sized to provide sufficient capacity to  
16 accommodate material dredged from the harbors and  
17 channels of Long Island Sound. The existing site  
18 boundaries of the CLIS site have been reconfigured  
19 to include two previously used disposal (FVP and  
20 CS2) mounds that were outside of the existing  
21 boundary. Inclusion of these mounds within the  
22 CLIS disposal site boundary will allow for  
23 management and monitoring of the mounds. The WLIS  
24 site has also been reconfigured. The WLIS

1 boundaries were moved to the north west to avoid a  
2 rapidly shoaling area. The management and  
3 monitoring plans are described in the CLIS and WLIS  
4 SMMPs (Appendix J of the DEIS).

5         5. EPA must, wherever feasible,  
6 designates dumping sites beyond the edge of the  
7 continental shelf and where historical disposal has  
8 occurred. The fifth criterion requires EPA,  
9 wherever feasible, to designate ocean dumping sites  
10 beyond the edge of the continental shelf and at  
11 other sites that have historically been used.

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12 Sites beyond the edge of the continental shelf are  
13 not economically feasible due to the extended  
14 travel time and associated expense. In addition,  
15 the proposed sites, if designated, encompass the  
16 footprint of historically used sites. Thus, the  
17 proposed disposal sites are consistent with this  
18 criterion.

19 As discussed briefly above, EPA has  
20 found that the CLIS and WLIS disposal sites satisfy  
21 the five general criteria described in 40 CFR 228.5  
22 of the EPA Ocean Dumping Regulations. More  
23 detailed information relevant to these criteria can  
24 be found in the DEIS and SMMPs.

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1 In addition to the general criteria  
2 discussed above, 40 CFR 228.6(a) lists eleven  
3 specific factors to be used in evaluating a  
4 proposed disposal site under the MPRSA to assure  
5 that the five general criteria are met. The CLIS  
6 and WLIS sites, as discussed below, are also  
7 acceptable under each of the 11 specific criteria.  
8 The evaluation of the preferred disposal sites

9 relevant to the 5 general and 11 specific criteria  
10 is discussed in substantially more detail in the  
11 DEIS.  
12 Specific Criteria (40 CFR 228.6).  
13 1. Geographical Position, Depth of  
14 Water, Bottom Topography and Distance From Coast  
15 (40 CFR 228.6(a)(1)). The proposed CLIS site is a  
16 rectangular area approximately 2 nautical miles by  
17 1 nautical mile, located 5.6 nautical miles south  
18 of South End Point near East Haven, Connecticut, in  
19 water depths from 59 to 74 feet (18 to 22.5  
20 meters). The sediments at the site are  
21 predominantly uniform clayey silt with an area of  
22 mixed sand, clay and silt. The seafloor at CLIS  
23 slopes from northwest to southeast. The proposed  
24 WLIS site is a rectangular area, of approximately 1

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1 square nautical mile. The site is located 2.7  
2 nautical miles north of Lloyd Point, New York and  
3 2.5 nautical miles (4.6 kilometers) south of Long  
4 Neck Point near Noroton, Connecticut, in water  
5 depths of 79 to 118 feet (24 to 30 meters). The  
6 sediments at the site are heterogeneous, with clay

7 silt in the northeast corner and a mixture of  
8 sand-silt-clay in the center and southeast corner.  
9 These sediments are typical of those found in  
10 fine-grained depositional environments of the  
11 western basin of Long Island Sound. The seafloor  
12 at WLIS is a gentle downward sloping plane from  
13 north to south and is bisected by an axial  
14 depression that runs from east to west, dipping to  
15 118 feet (36 meters) in one quarter of the site in  
16 the southern half. EPA anticipates that disposal  
17 of dredged material placed at either of these sites  
18 would adhere to mound configuration. Each site  
19 will be managed based on its unique environmental  
20 conditions.

21           2. Location in Relation to Breeding,  
22 Spawning, Nursery, Feeding, or Passage Areas of  
23 Living Resources in Adult Or Juvenile Phases (40  
24 CFR 228.6(a)(2)). The Corps and EPA has initiated

1 ESA and EFH consultation with publication of the  
2 DEIS in coordination with the National Marine  
3 Fisheries Service (NMFS), U.S. Fish and Wildlife

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4 Service (USFWS). Through coordination with the New  
5 York Department of Environmental Conservation, the  
6 Connecticut Department of Environmental Protection,  
7 NMFS and USFWS, data has been obtained on current  
8 threatened or endangered species in Long Island  
9 Sound. The many organisms at the proposed sites  
10 include zooplankton (copepods, tintinnids) and  
11 phytoplankton. These organisms display a range of  
12 abundance by season. The populations at or near  
13 the proposed sites are not unique to the sites and  
14 are present over most of the sound. It is expected  
15 that although small, short-term entrainment losses  
16 may occur immediately following disposal, no long  
17 term, adverse impacts to organisms in the water  
18 column will occur.

19       The benthic community at these sites is  
20 comprised primarily of Annelida, Mollusca, and  
21 Crustacea. Abundance was greater at the WLIS site.  
22 It is expected that short-term reduction in  
23 abundance and diversity at the sites may occur  
24 immediately following disposal, but long term,

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1 adverse impacts to benthic organisms are not

2 expected to occur.

3           The sites are located off shore in a  
4 semi-enclosed estuary that is occupied by more than  
5 83 fish species. Species richness did not vary  
6 change significantly among sites. Some fish  
7 species found to dominate the areas include winter  
8 flounder, windowpane flounder and scup. The  
9 American lobster is a primary shellfish resource in  
10 the sound. At the CLIS site, longfin squid were  
11 also abundant. It is expected that impacts to  
12 finfish resources will consist of short-term, local  
13 disruptions and the potential loss of some  
14 individual fish of certain nonmigratory species.  
15 Most of the finfish species are migratory. It is  
16 expected that impacts to lobster will be short-term  
17 and associated with disposal, burial and loss of  
18 habitat or food.

19           The coast supports a large number of  
20 resident and migratory marine and coastal birds.  
21 Dozens of marine and coastal birds migrate through  
22 Long Island Sound annually. In addition, LIS  
23 provides limited habitat for most marine mammals  
24 and reptiles. The species that are frequent or

1 occasional visitors to the sound are harbor  
2 porpoises, long-finned pilot whales, seals and sea  
3 turtles (Kemp's ridley, loggerhead, leatherback and  
4 hawksbill).

5       The federally listed threatened and  
6 endangered species or species of "special concern"  
7 which may occur within the area of the proposed  
8 sites include: Humpback, fin, and right whales;  
9 loggerhead, green, Kemp's ridley, and hawksbill sea  
10 turtles; Atlantic and Shortnose sturgeons. No  
11 endangered birds are expected to occur in the area  
12 of the proposed sites. Occurrence of these species  
13 varies by season. Use of the sites by whales and  
14 endangered birds would be incidental. The presence  
15 of sea turtles may occur in this area of the  
16 proposed sites during the summer and fall. It is  
17 not expected that dredging activities would have  
18 any significant adverse effect on these species or  
19 their critical habitat. Disposal at both of the  
20 proposed sites is expected to result in the  
21 mortality of benthic organisms as an immediate  
22 result of material burying organisms on the  
23 seafloor. However, recolonization at the disposal

24 sites is expected to occur within a year or more

1 after a disposal event. With respect to the other  
2 living resources that use the proposed CLIS and  
3 WLIS sites, the sites are not being located in  
4 areas that provide limited or unique breeding,  
5 spawning, nursery, feeding, or passage areas.  
6       3. Location in Relation to Beaches and  
7 Other Amenity Areas (40 CFR 228.6(a)(3)). The CLIS  
8 and WLIS disposal sites are within the semienclosed  
9 Long Island Sound estuary. The closest beaches,  
10 refuges sanctuaries or areas of special concern are  
11 at least two nautical miles from either disposal  
12 site. The CLIS and WLIS disposal sites are  
13 approximately 6 nautical miles (11 kilometers) from  
14 the closest beaches (Short Beach and Calf Pasture  
15 Beach, respectively). For the CLIS disposal site,  
16 the closest refuge or sanctuary (approximately  
17 seven nautical miles) is the Outer Island Unit of  
18 the Stewart B. McKinney National Wildlife Refuge.  
19 Areas of special concern at the CLIS site include  
20 Quinnipiac River Marsh Wildlife Management Area,  
21 Great Harbor, Wildlife Management Area and Wildwood

22 State Park. For the WLIS disposal site, the  
23 closest refuge or sanctuary is the Stewart B.  
24 McKinney National Wildlife Refuge, Caumsett State

1 Park and Target Rock National Wildlife Refuge. It  
2 is expected that impacts would not occur to  
3 beaches, areas of special concern, parks, natural  
4 resources, sanctuaries or refuges since they are  
5 either land-based or further than two nautical  
6 miles from either proposed disposal site.  
7 Therefore, EPA has determined that dredged material  
8 disposal at the preferred disposal site locations  
9 should not have any adverse effect on beaches or  
10 other amenity areas, including wildlife refuges or  
11 other areas of biological or recreational  
12 significance.

13 4. Types and Quantities of Wastes  
14 Proposed to be Disposed of, and Proposed Methods of  
15 Release, Including Methods of Packing the Waste, if  
16 any (40 CFR 228.6(a)(4)). The typical composition  
17 of dredged material to be disposed at the sites is  
18 expected to range from predominantly "clay-silt" to

19 "mostly sand." This expectation is based on data  
20 from historical projects from the Central and  
21 Western Regions of Long Island Sound. The disposal  
22 of this material shall occur at designated buoys  
23 and would be expected to be placed so as to  
24 concentrate material from each disposal. This

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1 placement is expected to help minimize bottom  
2 impacts to benthic organisms. Suitability  
3 determinations will be made before authorization  
4 for disposal under MPRSA section 103 and CWA  
5 section 404 will be issued. The sites that are  
6 proposed to be designated will receive dredged  
7 materials determined to be suitable for ocean  
8 disposal that are transported by either government  
9 or private contractor hopper dredges or ocean-going  
10 bottom-dump barges towed by tugboat. Both types of  
11 equipment release the material at or very near the  
12 surface.

13 Furthermore, it should be emphasized  
14 that these disposal sites are being promised for  
15 designation only to receive dredged material;  
16 disposal of other types of material at these sites

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17 will not be allowed. It should also be noted that  
18 the disposal of certain other types of material is  
19 expressly prohibited by the MPRSA and EPA  
20 regulations (e.g., industrial waste, sewage sludge,  
21 chemical warfare agents). See, e.g., 33 U.S.C.  
22 1414b; 40 CFR 227.5(b). For these reasons, no  
23 significant adverse impacts are expected to be  
24 associated with the types and quantities of dredged

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1 material that may be disposed of at the sites.  
2       5. Feasibility of Surveillance and  
3 Monitoring (40 CFR 228.6(a)(5)). Monitoring and  
4 surveillance are expected to be feasible at both  
5 proposed sites. Both sites are readily accessible  
6 for bathymetric surveys and have undergone  
7 monitoring, including sidescan sonar. If field  
8 monitoring of the disposal activities is required  
9 because of a future concern for habitat changes or  
10 limited resources, a management decision will be  
11 made by EPA New England and the Corps' New England  
12 District who share the responsibilities of managing  
13 and monitoring the disposal sites. Once the

14 proposed sites are designated, monitoring shall be  
15 completed in accordance with the then-current  
16 SMMPS. It is expected that revisions to the SMMPS  
17 may be made periodically; revisions will be  
18 circulated for review, coordinated with the  
19 affected states and become final when approved by  
20 EPA New England Region in conjunction with the  
21 Corps' New England District. See 33 U.S.C.  
22 1413(c)(3).  
23 6. Dispersal, Horizontal Transport and  
24 Vertical Mixing Characteristics of the Area,

1 Including Prevailing Current Direction and  
2 Velocity, if any (40 CFR 228.6(a)(6)). The  
3 interactions of bathymetry, wind-generated waves  
4 and river and ocean currents are complex. Tidal  
5 currents are the dominant source of water movement  
6 in LIS. Tidal currents generally run east-west  
7 parallel to the axis of the Sound and are  
8 substantially stronger in the eastern portion of  
9 the sound. At the CLIS site, average peak ebb and  
10 peak flood currents run 20 to 30 centimeters/second  
11 (depth averaged), with the spring tides 20 to 40

12 percent stronger. The dominant flow direction is  
13 east-west. Also observed is a net  
14 west-southwestward flow of approximately 2.5  
15 centimeters/second. The wind fetch at both sites  
16 is limited by the semienclosed nature of the LIS  
17 and wave height was recorded in the spring of 2001  
18 at 5 feet. However, wave heights can be developed  
19 at the site by winds from storms. A northeast  
20 storm with a return period of 2 years will generate  
21 waves of 8 feet. Storms with a return period of 10  
22 years will generate waves of 10 feet. At the WLIS  
23 site, average peak ebb and peak flood currents run  
24 20 to 30 centimeters/second (depth-averaged), with

1 the spring tides 20 to 30 percent stronger. Based  
2 on studies conducted historically, flows directed  
3 to the west-southwest run from 30 to 45  
4 centimeters/second 5 percent of the time. The wind  
5 fetch is limited at this site, however wave height  
6 was recorded in the spring of 2001 at 6.5 feet. A  
7 northeast storm with a return period of 2 years  
8 will generate waves of 9 feet. Storms with a

9 return period of 10 years will generate waves of 11  
10 feet.

11 It is expected that peak wave induced  
12 bottom orbital velocities are not sufficient to  
13 cause significant erosion of dredged material at  
14 either of the proposed sites. For these reasons,  
15 EPA has determined that the dispersal, transport  
16 and mixing characteristics, and current velocities  
17 and directions at the CLIS and WLIS sites are  
18 appropriate for designation as a dredged material  
19 disposal sites.

20 7. Existence and Effects of Current and  
21 Previous Discharges and Dumping in the Area  
22 (including Cumulative Effects) (40 CFR  
23 228.6(a)(7)). The CLIS and WLIS disposal sites are  
24 currently being used for disposal activity pursuant

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1 to the Corps' short-term site selection authority  
2 under section 103(b) of the MPRSA. 33 U.S.C.  
3 1413(b). These sites have also been used  
4 historically under prior legal regimes. These past  
5 disposal operations at these sites have been  
6 managed and material disposal has been monitored.

7 Past use of these sites generally makes them  
8 preferable to more pristine sites that have either  
9 not been used or have been used in the more distant  
10 past. See 40 CFR 228.5(e). Beyond this, however,  
11 EPA's evaluation of data and modeling results  
12 indicates that these past disposal operations have  
13 not resulted in unacceptable or unreasonable  
14 environmental degradation, and that there should be  
15 no significant adverse cumulative environmental  
16 effects from continuing to use these sites on a  
17 long-term basis.

18 8. Interference With Shipping, Fishing,  
19 Recreation, Mineral Extraction, desalination, Fish  
20 and Shellfish Culture, Areas of Special Scientific  
21 Importance and Other Legitimate Uses of the Ocean  
22 (40 CFR 228.6(a)(8)). In evaluating whether  
23 disposal activity at the sites could interfere with  
24 shipping, fishing, recreation, mineral extraction,

1 desalination, areas of scientific importance and  
2 other legitimate uses of the ocean, EPA considered  
3 both the direct effects from depositing dredged

4 material on the ocean bottom at the proposed sides  
5 and the indirect effects associated with increased  
6 vessel traffic that will result from transportation  
7 of dredged material to the disposal sites.  
8 Commercial fishing activities occur throughout LIS.  
9 Commercial fish trawling occurs in the vicinity of  
10 the CLIS proposed site and is the only area within  
11 the western and central Sound that fishermen can  
12 trawl successfully due to the abundance of lobster  
13 pots in other areas of the Sound. Commercial  
14 fishing is not affected at the WLIS site since it  
15 is not currently used due to harvesting  
16 restrictions. While lobstering occurs at both  
17 proposed sites, WLIS is a more active lobstering  
18 site than CLIS. Recreational fishing most  
19 frequently occurs from spring to fall in areas with  
20 reefs and other areas of high relief. Recreational  
21 fishing occurs at several reefs in LIS that are  
22 within two to five nautical miles of the proposed  
23 disposal sites. Fish and shellfish areas, occur in  
24 nearshore areas and, therefore, are not impacted by

1 this action. A USCG lightering area overlays the

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2 northeast corner of the CLIS site. The Corps will  
3 coordinate with the USCG to shift the designated  
4 anchorage boundary to ensure that existing mounds  
5 and future disposed dredged material is not  
6 disturbed. The proposed sites are not located in  
7 shipping lanes. Energy resources are located near  
8 the proposed sites, but no pipelines or cables are  
9 within their boundaries. While at the time of this  
10 evaluation only three pipelines were in place,  
11 development of several new pipelines is  
12 anticipated.

13         Furthermore, neither site is an area of  
14 specific scientific importance, desalination, fish  
15 and shellfish culture or mineral extraction.  
16 Accordingly, depositing dredged material at the  
17 sites will not interfere with any of the activities  
18 mentioned in this criterion. Increased vessel  
19 traffic involved in the transportation of dredged  
20 material to the proposed disposal sites should not  
21 impact shipping or activities discussed above.

22         9. The Existing Water Quality and  
23 Ecology of the Sites as Determined by Available  
24 Data or by Trend Assessment or Baseline Survey (40

1 CFR 228.6(a)(9)). Water and sediment quality  
2 analyses conducted in the site areas and experience  
3 with past disposal in this region have not  
4 identified any adverse water quality or ecological  
5 impacts from ocean disposal of dredged material.  
6 Baseline data is further described in the DEIS.

7           10. Potentiality for the Development of  
8 Recruitment of Nuisance Species in the Disposal  
9 Sites (40 CFR it 28.6(a)(10)). Local opportunistic  
10 benthic species characteristic of disturbed  
11 conditions are expected to be present and abundant  
12 at any ODMDS in response to physical deposition of  
13 sediments. However, no recruitment of nuisance  
14 species or species capable of harming human health  
15 or the marine ecosystem is expected to occur at the  
16 sites.

17           11. Existence at or in Close Proximity  
18 to the Sites of any Significant Natural or Cultural  
19 Feature of Historical Importance (40 CFR  
20 228.6(a)(11)). Due to the location of the proposed  
21 sites in LIS, the cultural resource that has the  
22 greatest potential for impact would be shipwrecks.  
23 A review of the existing NOAA and Warren C. Reiss

24 Marine shipwrecks databases illustrated a total of

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1 39 shipwrecks in LIS. Although none of the known  
2 shipwrecks of historical significance are located  
3 within the boundaries of the proposed sites, the  
4 central LIS region is known to have at least twelve  
5 shipwrecks and the western LIS region is known to  
6 have at least four shipwrecks. Undiscovered  
7 shipwrecks could occur in the area. As additional  
8 sidescan sonar surveys are conducted in the future,  
9 and if potential shipwrecks are identified, EPA  
10 New England and the Corps' New England District  
11 will take appropriate action.

12       The Connecticut State Historic  
13 Preservation Officer has determined there are no  
14 known historic shipwrecks nor any known aboriginal  
15 artifacts at the CLIS and WLIS disposal sites. Two  
16 of the region's Indian tribes were included as  
17 cooperating agencies during the development of the  
18 EIS. The Indian tribes have not identified natural  
19 or cultural features of historical significance at  
20 either site proposed for designation in this rule.

21

22 E. Proposed Action

23           The DEIS concludes that the proposed  
24 sites may appropriately be designated for long-term

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1 use as open water dredged material disposal sites.

2 The proposed sites are compatible with the general

3 and specific factors used for site evaluation.

4           EPA is publishing this Proposed Rule to

5 propose the designation of the CLIS and WLIS

6 disposal sites as EPA-approved open water disposal

7 sites. The monitoring and management of

8 requirements that will apply to these sites is

9 described in the draft SMMPs. Management of these

10 sites will be carried out by EPA New England in

11 conjunction with the Corps' New England District.

12           It should be emphasized that, if an

13 ocean disposal site is designated, such a site

14 designation does not constitute or imply Corps or

15 EPA's approval of open water disposal of dredged

16 material from any specific project. Before

17 disposal of dredged material at the site may

18 commence, EPA and the Corps must evaluate the

19 proposal according to the ocean dumping regulatory  
20 criteria (40 CFR part 227) and authorize disposal.  
21 EPA has the right to disapprove of the actual  
22 disposal, if it determines that environmental  
23 requirements under the MPRSA or the CWA have not  
24 been met.

1

2 F. Statutory and Executive Order Reviews

3 1. Executive Order 12866: Regulatory

4 Planning and Review.

5 Under Executive Order 12866 (58 FR  
6 51735, October 4, 1993), the Agency must determine  
7 whether the regulatory action is "significant" and  
8 therefore subject to OMB review and the  
9 requirements of the Executive Order. The Order  
10 defines "significant regulatory action" as one that  
11 is likely to result in a rule that may:

12 (A) Have an annual effect on the  
13 economy of \$100 million or more or adversely affect  
14 in a material way the economy, a sector of the  
15 economy, productivity, competition, jobs, the  
16 environment, public health or safety, or State,

17 local or tribal governments or communities;  
18 (B) Create a serious inconsistency or  
19 otherwise interfere with an action taken or planned  
20 by another agency;  
21 (C) Materially alter the budgetary  
22 impact of entitlement, grants, user fees, or loan  
23 programs or the rights and obligations of  
24 recipients thereof; or

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1 (D) Raise novel legal or policy issues  
2 arising out of legal mandates, the President's  
3 priorities, or the principles set forth in the  
4 Executive Order.

5 It has been determined that this  
6 proposed action is not a "significant regulatory  
7 action" under E.O. 12866 and is therefore not  
8 subject to OMB review.

9

## 10 2. Paperwork Reduction Act

11 This final rule would not impose an  
12 information collection burden under the provisions  
13 of the Paperwork Reduction Act of 1995 (44 U.S.C.

14 3501, et seq.) because it would not require persons  
15 to obtain, maintain, retain, report, or publicly  
16 disclose information to or for a Federal agency.

17

18 3. Regulatory Flexibility Act (RFA), as Amended by  
19 the Small Business Regulatory Enforcement Fairness  
20 Act of 1996, (SBREFA), 5 U.S.C. 601 et seq.

21 The RFA generally requires an agency to  
22 prepare a regulatory flexibility analysis of any  
23 rule subject to notice and comment rulemaking  
24 requirements under the Administrative Procedure Act

1 or any other statute unless the agency certifies  
2 that the rule will not have a significant economic  
3 impact on a substantial number of small entities.  
4 For the purposes of assessing the impacts of  
5 today's rule on small entities, a small entity is  
6 defined as: (1) A small business based on the Small  
7 Business Administration's (SBA) size standards; (2)  
8 a small governmental jurisdiction that is a  
9 government of a city, county, town, school district  
10 or special district with a population of less than  
11 50,000; and (3) a small organization that is any

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12 not-for-profit enterprise which is independently  
13 owned and operated and is not dominant in its  
14 field. EPA has determined that this action will  
15 not have a significant impact on small entities  
16 because the proposed open water disposal site  
17 designation will only have the effect of providing  
18 long term environmentally-acceptable disposal  
19 options for dredged materials. This action also  
20 provides options which are safe for marine traffic  
21 (navigation hazards) on a continuing basis. After  
22 considering the economic impacts of today's  
23 proposed rule on small entities, I certify that  
24 this action will not have a significant economic

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1 impact on a substantial number of small entities.  
2       4. The Unfunded Mandates Reform Act and  
3 Executive Order 12875.  
4       Title II of the Unfunded Mandates  
5 Reform Act (UMRA), Public Law 104-4, establishes  
6 requirements for Federal agencies to assess the  
7 effects of their regulatory actions on State, local  
8 and tribal governments and the private sector.

9 Under section 202 of the UMRA, EPA generally must  
10 prepare a written statement, including a  
11 cost-benefit analysis, for proposed and final rules  
12 with "Federal Mandates" that may result in  
13 expenditures to State, local and tribal governments  
14 in the aggregate, or to the private sector, of \$100  
15 million or more in any one year. Before  
16 promulgating an EPA rule for which a written  
17 statement is needed, section 205 of the UMRA  
18 generally requires EPA to identify and consider a  
19 reasonable number of regulatory alternatives and  
20 adopt the least costly, most cost-effective or  
21 least burdensome alternative that achieves the  
22 objectives of the rule. The provisions of  
23 section 205 do not apply when they are inconsistent  
24 with applicable law. Moreover, section 205 allows

1 EPA to adopt an alternative other than the least  
2 costly, most cost-effective or least burdensome  
3 alternative if the Administrator publishes with the  
4 final rule an explanation of why that alternative  
5 was not adopted. Before EPA establishes any  
6 regulatory requirements that may significantly or

7 uniquely affect small governments, including tribal  
8 governments, it must have developed under  
9 section 203 of the UMRA a small government agency  
10 plan. The plan must provide for notifying  
11 potentially affected small governments to have  
12 meaningful and timely input in the development of  
13 EPA regulatory proposals with significant Federal  
14 intergovernmental mandates, and informing,  
15 educating, and advising small governments on  
16 compliance with the regulatory requirements.

17 EPA has determined that this proposed  
18 action contains no Federal mandates (under the  
19 regulatory provisions of Title II of the UMRA) for  
20 State, local and tribal governments or the private  
21 sector. It imposes no new enforceable duty on any  
22 State, local or tribal governments or the private  
23 sector. Similarly, EPA has also determined that  
24 this proposed action contains no regulatory

1 requirements that might significantly or uniquely  
2 affect small government entities. Thus, the  
3 requirements of section 203 of the UMRA do not

4 apply to this rule.

5

6 5. Executive Order 13132: Federalism.

7 Executive Order 13132, entitled

8 "Federalism" (64 FR 43255, August 10, 1999),

9 requires EPA to develop an accountable process to

10 ensure "meaningful and timely input by State and

11 local officials in the development of regulatory

12 policies that have federalism implications."

13 "Policies that have federalism implications" are

14 defined in the Executive Order to include

15 regulations that have "substantial direct effects

16 on the States, on the relationship between the

17 national government and the States, or on the

18 distribution of power and responsibilities among the

19 various levels of government."

20 This proposed rule does not have

21 federalism implications. It will not have

22 substantial direct effects on the States, on the

23 relationship between the national government and

24 the States, or on the distribution of power and

1 responsibilities among the various levels of

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2 government, as specified in Executive Order 13132.  
3 This proposed rule addresses the designation of  
4 open water sites in Long Island Sound for the  
5 potential disposal of dredged materials. This  
6 proposed action neither creates new obligations nor  
7 alters existing authorizations of any state, local  
8 or governmental entities. Thus, Executive Order  
9 13132 does not apply to this rule. Although  
10 Section 6 of the Executive Order 13132 does not  
11 apply to this proposed rule, EPA did consult with  
12 representatives of State and local governments in  
13 developing this rule.

14 In addition, and consistent with  
15 Executive Order 13132 and EPA policy to promote  
16 communications between EPA and State and local  
17 governments, EPA specifically solicits comment on  
18 this proposed rule from State and local officials.

19

20 6. Executive Order 13175: Consultation and  
21 Coordination With Indian Tribal Governments

22 Executive Order 13175, entitled  
23 "Consultation and Coordination With Indian Tribal  
24 Governments" (65 FR 67249, November 6, 2000),

1 requires EPA to develop an accountable process to  
2 ensure "meaningful and timely input by Tribal  
3 officials in the development of regulatory policies  
4 that have Tribal implications." "Policies that have  
5 Tribal implications" are defined in the Executive  
6 Order to include regulations that have "substantial  
7 direct effects on one or more Indian tribes, on the  
8 relationship between the Federal government and the  
9 Indian tribes, or on the distribution of power and  
10 responsibilities between the Federal government and  
11 Indian tribes."

12       The proposed action does not have  
13 Tribal implications. If finalized, the proposed  
14 action would not have substantial direct effects on  
15 Tribal governments, on the relationship between the  
16 Federal government and Indian Tribes, or on the  
17 distribution of power and responsibilities between  
18 the Federal government and Indian Tribes, as  
19 specified in Executive Order 13175. This proposed  
20 rule designates open water dredged material  
21 disposal sites and does not establish any  
22 regulatory policy with tribal implications. EPA  
23 specifically solicits additional comment on this

24 proposed rule from tribal officials. Thus,

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1 Executive Order 13175 does not apply to this rule.  
2  
3 7. Executive Order 13045: Protection of Children  
4 From Environmental Health Risks and Safety Risks  
5 Executive Order 13045 (62 FR 19885,  
6 April 23, 1997) applies to any rule that (1) is  
7 determined to be "economically significant" as  
8 defined under Executive Order 12866, and (2)  
9 concerns an environmental health or safety risk  
10 that EPA has reason to believe might have a  
11 disproportionate effect on children. If the  
12 regulatory action meets both criteria, the Agency  
13 must evaluate the environmental health and safety  
14 effects of the planned rule on children, and  
15 explain why the planned regulation is preferable to  
16 other potentially effective and reasonably feasible  
17 alternatives considered by the agency. This  
18 proposed rule is not an economically significant  
19 rule as defined under Executive Order 12866 and  
20 does not concern an environmental health or safety  
21 risk that EPA has reason to believe may have a

22 disproportionate effect on children. Therefore, it  
23 is not subject to Executive Order 13045.  
24

1 8. Executive Order 13211: Actions That  
2 Significantly Affect Energy Supply, Distribution,  
3 or Use

4 This proposed rule is not subject to  
5 Executive Order 13211, "Actions Concerning  
6 Regulations That Significantly Affect Energy  
7 Supply, Distribution or Use" (66 FR 8355 (May 22,  
8 1001)) because it is not a significant regulatory  
9 action under Executive Order 12866.

10

11 9. National Technology Transfer Advancement Act

12 Section 12(d) of the National Technology  
13 Transfer Advancement Act of 1995 ("NTTAA"), Public  
14 Law 104-113, section 12(d)(15 U.S.C. 272 note),  
15 directs EPA to use voluntary consensus standards in  
16 its regulatory activities unless to do so would be  
17 inconsistent with applicable law or otherwise  
18 impractical. Voluntary consensus standards are

19 technical standards (e.g., materials  
20 specifications, test methods, sampling procedures,  
21 and business practices) that are developed or  
22 adopted by voluntary consensus bodies. The NTTAA  
23 directs EPA to provide Congress, through OMB,  
24 explanations when the Agency decides not to use

1 available and applicable voluntary consensus  
2 standards. This proposed rule does not involve  
3 technical standards. Therefore, EPA did not  
4 consider the use of any voluntary consensus  
5 standards.

6

7 10. Executive Order 12898: Federal Actions to  
8 Address Environmental Justice in Minority  
9 Populations and Low-Income Populations.

10 Executive Order 12898 requires that, to  
11 the greatest extent practicable and permitted by  
12 law, each Federal agency must make achieving  
13 environmental justice part of its mission.  
14 Executive Order 128898 provides that each Federal  
15 agency must conduct its programs, policies, and  
16 activities that substantially affect human health

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17 or the environment in a manner that ensures that  
18 such programs, policies, and activities do not have  
19 the effect of excluding persons (including  
20 populations) from participation in, denying persons  
21 (including populations) the benefits of, or  
22 subjecting persons (including populations) to  
23 discrimination under such programs, policies, and  
24 activities because of their race, color, or

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1 national origin.

2 No action from this proposed rule will  
3 have a disproportionately high and adverse human  
4 health and environmental effect on any particular  
5 segment of the population. In addition, this rule  
6 does not impose substantial direct compliance costs  
7 on those communities. Accordingly, the  
8 requirements of Executive Order 12898 do not apply.

9

10 11. National Environmental Policy Act of 1969

11 Section 102(c) of the National  
12 Environmental Policy Act of 1969, section 4321 et  
13 seq., (NEPA) requires Federal agencies to prepare

14 environmental impact statements (EIS) for major  
15 Federal actions significantly affecting the quality  
16 of the human environment. The object of NEPA is to  
17 build into the Agency decision-making process  
18 careful consideration of all environmental aspects  
19 of proposed actions. Although EPA ocean dumping  
20 program activities have been determined to be  
21 "functionally equivalent" to NEPA, EPA has a  
22 voluntary policy to follow NEPA procedures when  
23 designating ocean dumping sites. See, 63 FR 58045  
24 (October 29, 1998). In addition to the Notice of

1 Intent published in the Federal Register in June  
2 1999 (64 FR 29865 (1999)), EPA and the Corps  
3 published legal notices in local newspapers and  
4 issued a press release inviting the public to  
5 participate in DEIS scoping meetings. Three formal  
6 scoping meetings were conducted in June 1999. In  
7 addition, EPA and the Corps have held public  
8 workshops and several working group meetings. As  
9 discussed above, EPA is issuing a DEIS for public  
10 review and comment in conjunction with publication  
11 of this proposed rule.

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12 In addition, EPA and the Corps will  
13 submit Coastal Zone Consistency determinations to  
14 the states of New York and Connecticut for  
15 publication in the Final EIS. Coordination efforts  
16 with NMFS and USFWS for ESA and EFH consultation  
17 was initiated during the DEIS process.

18

19 List of Subjects in 40 CFR Part 228

20 Environmental protection, Water  
21 pollution control.

22 Robert W. Varney,

23 Regional Administrator, EPA New

24 England.

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1 In consideration of the foregoing, EPA  
2 is proposing to amend part 228, chapter I of title  
3 40 of the Code of Federal Regulations as follows:

4

5 Part 228 - CRITERIA FOR THE MANAGEMENT OF DISPOSAL  
6 SITES FOR OCEAN DUMPING

7 1. The authority citation for part 228

8 continues to read as follows:

9 Authority: 33 U.S.C. 1412 and 1418.  
10 2. Section 228.15 is amended by  
11 removing and reserving paragraphs (b)(1), and  
12 (b)(2); and adding paragraphs (b)(3) and (b)(4) to  
13 read as follows:  
14  
15 228.15 Dumping sites designated on a final basis.  
16 \* \* \* \* \*  
17 (b)\* \* \*  
18 (1) [Reserved]  
19 (2) [Reserved]  
20 (3) Central Long Island Sound Dredged  
21 Material Disposal Site (CLIS):  
22 (i) Location: Corner Coordinates (NAD  
23 1983) 41° 09'5"N, 72° 54'4"W; 41° 09'5"N, 72°  
24 51'5"W.; 41° 08'4"N., 72° 51'5"W.; 41° 08'4"N., 72°

1 54'4"W.  
2 (ii) Size: 2 square nautical miles.  
3 (iii) Depth: range from 18 to 23.5  
4 meters.  
5 (iv) Primary use: Dredged material  
6 disposal.

7 (v) period of use: Continuing use.  
8 (vi) Restriction: Disposal shall be  
9 limited to dredged material from Long Island Sound  
10 and vicinity.

11 (4) Western Long Island Sound Dredged  
12 Material Disposal Site (WLIS)

13 (i) Location: Corner Coordinates (NAD  
14 1983) 41° 00'1"N., 73° 29'8"W.; 41° 00'1" N., 73°  
15 28'0"W.; 41° 58'9"N., 73° 29'8"W.; 41° 58'9"N., 73°  
16 28'1"W.

17 (iii) Size: 1.2 by 1.3 nautical mile  
18 rectangular area.

19 (iii) Depth: range from 24 to 30  
20 meters.

21 (iv) Primary use: Dredged material  
22 disposal.

23 (v) Period of use: Continuing use.

24 (vi) Restriction: Disposal shall be

1 limited to dredged material from Long Island Sound  
2 and vicinity.  
3

4 \* \* \* \* \*

5

6 [FR Doc. 03-22645 Filed 9-11-03; 8:45 am]

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10

11 (Return to public hearing)

12

13

14

15

16

17

18

19

20 MR. ROSENBERG: Thank you, sir. A

21 transcript of this hearing is being made to

22 assure a detailed review of all comments. A copy

23 of that transcript will be available at the EPA

24 New England Regional office in Boston, the Corps

1 New England District office in Concord,

2 Massachusetts for your review. It will also be  
3 put up on the website for your use, or you may  
4 make arrangements with the stenographer for a  
5 copy at your cost.

6 Individuals speaking today will be  
7 called to the microphone in the order they signed  
8 in and as provided for by our hearing  
9 protocol, again, in the reception area.

10 When making a statement, please come  
11 forward to the microphone, state your name and  
12 any interest you may represent. And in  
13 accordance with the protocol we put together for  
14 this hearing, we will ask you to try to remain  
15 within a three-minute time limit. I know  
16 sometimes we can't do that. However the traffic  
17 signal will indicate the following:

18 When the green light comes on it will  
19 indicate two minutes or less; amber light will  
20 indicate one minute; and the red light, of  
21 course, says time is expired. Please identify  
22 who you are speaking for if you are representing  
23 a position of an organization; if you are  
24 speaking for yourself, please say so.

1           Once again, I want to emphasize all  
2 who wish to speak will have the opportunity to do  
3 so. Should we run out of time today or tonight,  
4 we will contact those individuals that were not  
5 called and we will personally conduct further  
6 opportunities for those individuals to get their  
7 comments on the record.

8           Before we begin, I would like to  
9 thank Erika Swanson from Congresswoman Delorio's  
10 office for coming today, the Congresswoman is  
11 very interested in this project as well as many  
12 others. Thank you, Ms. Swanson, for being here  
13 today.

14           The first individual is John  
15 McDonald.

16           MR. MCDONALD: Thank you very  
17 much. My name is John McDonald, I am from the  
18 Town of Darien, Connecticut, I am Chairman of the  
19 Darien Supervisory Commission on Coastal Waters,  
20 as well as being active in Connecticut boating.

21           I want to give you a perspective of a  
22 relatively small town in terms of this dredging.  
23 We have a main harbor that houses almost a

24 thousand boats, almost all of them recreational,

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1 but we do have five shellfishermen operating out  
2 of our town, main harbor. Dredging is absolutely  
3 essential. The rivers that feed into this harbor  
4 or harbors come down from northern Connecticut as  
5 well as through the rest of Darien, and silt up,  
6 our harbor is silted up on approximately a seven  
7 to eight year cycle. Of course, some of the silt  
8 comes in from the Sound itself; so we have to  
9 dredge.

10 Two years ago, three years ago, we  
11 went through this cycle, our channel got down to  
12 below three feet at low tide, which is a  
13 completely unsafe situation for the thousands of  
14 adults and juniors and high school sailors that  
15 use the harbor on a regular basis.

16 The economics, we are not a Corps  
17 Harbor, so we had to fund from the town and from  
18 private voluntary donations the whole cost of our  
19 dredging program, which was in four different  
20 parts. We support your redesignation of the two  
21 different sites.

22           If we had to go upland or some of the  
23 alternative other sites developed, we would be  
24 out of business, we couldn't afford it. We are

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1   building a new high school, doing a lot of other  
2 things, and we need to have the sites, especially  
3 the Western Long Island site, available for our  
4 future dredging.

5           We thank the Corps and the  
6 Connecticut Environmental Protection Agency and  
7 EPA for going through the process. I think your  
8 document is a marvelous collection of data on  
9 Long Island Sound, and we will give you a written  
10 letter from our town later.

11           MR. ROSENBERG: Thank you, sir. Next  
12 speaker, Grant Westersom.

13           MR. WESTERSOM: Good afternoon, Grant  
14 Westersom with the Connecticut Marine Trade  
15 Association. I have very brief notes.

16           I think our association and our  
17 industry certainly applauds the Corps and EPA for  
18 their tireless work on this project, as massive

19 as it was and as expensive as it was; and even  
20 though to some that stand outside the process it  
21 looks like we have come full circle and didn't  
22 make too many changes, we do applaud the  
23 validation of what we knew was a process that  
24 worked to begin with.

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1 The amount of data, amount of  
2 information that you compiled is absolutely  
3 astounding. You can trust I have boxes and boxes  
4 of materials. We are very comfortable with your  
5 results for western Long Island Sound and we hope  
6 that eastern Long Island Sound fares as well. We  
7 encourage you to perhaps relook at the historic  
8 sites.

9 The negative impacts that you've come  
10 up with I think are fairly minimal, yet the  
11 transportation cost to the recreational and the  
12 commercial industry can be very significant. The  
13 closer the disposal site is to an area being  
14 dredged, the more viable that alternative can  
15 be.

16 We want to thank you for recognizing

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17 that no action really is not, is something that  
18 you have recognized, the economic and  
19 environmental impact of a no-action alternative  
20 were significant, and we certainly tried to  
21 impress you on that fact early on, and I'm glad  
22 you were very receptive to that.

23           The dredging needs survey kind of  
24 surprised a number of people. I hope that's a

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1 work in progress, I hope that's something that  
2 can be revisited again without too many years  
3 going by, as economic times and the economy  
4 fluctuates, so does our perceived needs, and they  
5 will go up and down. I think it's good to keep  
6 in touch with that.

7           I guess in short, thank you for all  
8 your hard work, we appreciate being part of the  
9 process. I think we in our industry we are  
10 encouraged that we didn't play as much a part of  
11 the process as we had hoped and we hope we get  
12 invited to do that with the Eastern Long Island  
13 Sound project.

14 In closing, I just hope that this  
15 project draws to a close without any further  
16 delays so that we don't miss any more dredging  
17 windows. I know the Eastern has a little longer  
18 time frame, but we urge you to keep going. And  
19 thank you for allowing us to participate.

20 MR. ROSENBERG: Thank you, sir.  
21 That's the end of those individuals who have  
22 signed up to speak. Is there anybody here who  
23 has not signed up to speak this afternoon but  
24 desires to do so at this time?

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1 (No response)

2 MR. ROSENBERG: At this time there  
3 are no additional comments to be received, may I  
4 suggest we recess until someone desires to  
5 provide comments and then we reopen at that time?  
6 And if nobody desires to provide comment, we will  
7 recess again at 4:00 P.M. until our session this  
8 evening.

9 MR. COTE: Yes.

10 MR. ROSENBERG: Ladies and gentlemen,  
11 we will go in recess now. We will be here until

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12 4:00 P.M. at which time we will recess until  
13 7:00. Registration for the evening session  
14 begins at 6:00. This hearing is now in recess.  
15 Thank you.

16 (Recess at 2:10-2:43 P.M.)

17 MR. ROSENBERG: Ladies and gentlemen  
18 this hearing is reconvened. The next speaker is  
19 Mr. John Pinto.

20 MR. PINTO: Thank you very much for  
21 this opportunity to speak. My name is John  
22 Pinto, Chairman of the Norwalk Harbor Management  
23 Commission in Norwalk, Connecticut.

24 On behalf of the Commission and

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1 certainly the City of Norwalk, I would like to  
2 thank the EPA and the Army Corps for carrying out  
3 this task of undertaking this Environmental  
4 Impact Statement. We are encouraged certainly by  
5 the findings of the Draft EIS and hope that a  
6 designation of those sites will be made in an  
7 expeditious manner.

8 Norwalk has been involved in the

9 dredging process, and it certainly has been a  
10 process, since the fall of 1997.

11 Norwalk Harbor has a number of  
12 shoaled areas particularly in the north end of  
13 the harbor, which involves pretty much of our  
14 barge traffic, commercial traffic. Barge traffic  
15 has been limited in this area to about half loads  
16 of the barge to prevent grounding. And we have  
17 barges carrying fuel oil and sand and gravel, and  
18 this certainly causes more frequent deliveries  
19 and increases certainly our chances of any  
20 possible mishap.

21 We hope that the site designations  
22 are made certainly prior to the summer of 2004 so  
23 that dredging of Norwalk Harbor could commence by  
24 October of that year.

1 I would like to, in addition to the  
2 oral statement, the Norwalk Harbor Management  
3 Commission again, on behalf of the City of  
4 Norwalk, we will be submitting a written  
5 statement supporting the importance of having  
6 designated dredged material disposal sites, and

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7 as I said, we will be submitting a formal written  
8 statement about that.

9 THE HEARING OFFICER: Thank you, sir.  
10 This hearing is back in recess until the next  
11 speaker comes in. Thank you.

12 (Recess, 2:45-4:00)

13 THE HEARING OFFICER: Ladies and  
14 gentlemen, it is now 4:00 P.M. and we will recess  
15 this hearing until 7:00 P.M. this  
16 evening. Registration for our evening session  
17 begins at 6:00. This hearing is now in recess.  
18 Thank you.

19 (Afternoon session concluded at 4:00  
20 P.M. and adjourned until 6:00 P.M.)

21

22

23

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1 EVENING SESSION - 6:00 p.m.

2 MR. ROSENBERG: Good evening. I am  
3 Larry Rosenberg, Chief of Public Affairs for the

4 U.S. Army Corps of Engineers, New England. I  
5 would like to welcome you to this public hearing  
6 held in conjunction with the Government's release  
7 of the Draft Environmental Impact Statement for  
8 the designation of dredged material disposal  
9 sites in Central and Western Long Island Sound,  
10 Connecticut and New York.

11 This hearing is being held in  
12 accordance with the National Environmental Policy  
13 Act for the sole purpose of listening to  
14 you. Before I begin, I would like to thank you  
15 for getting involved in this environmental review  
16 process.

17 You see, we're here to elicit your  
18 comments, understand your concerns, and provide  
19 you an opportunity to be heard on the record  
20 should you care to do so. This hearing is  
21 yours.

22 Our Hearing Officer this evening is  
23 Mr. Mel Cote, the Manager of the Water Quality  
24 Unit of the Office of Ecosystems Protection for

2 Region, which is headquartered in Boston  
3 Massachusetts. other Federal representatives  
4 with me this evening are, from the Environmental  
5 Protection Agency, Jean Brochi, Project Manager  
6 for this EIS; Ann Rodney; and from the Corps,  
7 Mark Habel, our Project Manager; Sue Holcum, the  
8 Army Corps' EIS Manager; Dr. Thomas Burdet, the  
9 Corps' New ENGLAND Program Manager, responsible  
10 for monitoring, managing all dredged material  
11 disposal sites in and around New England; and of  
12 course, the Staff of Public Affairs Office who  
13 you met as you entered the facility.

14 The agenda this evening is, following  
15 this introduction, Mr. Cote will address the  
16 hearing. That will be followed by the Corps of  
17 Engineers Project Manager Mark Habel, who will  
18 provide you with and discuss the recommended  
19 dredged material disposal with a focus on purpose  
20 and need for the designation.

21 Mark will then introduce Dr. Carlton  
22 Hunt from Battelle Contracting and Dr. Drew Carey  
23 from Coastal Vision, who together will make an  
24 approximately thirty-minute presentation on the

1 EIS process and recommendation.

2 I will then open this hearing to  
3 public comment utilizing our hearing  
4 protocol. Should you need a copy of the Federal  
5 Register Notice or the hearing procedure or other  
6 pertinent information, it is available at the  
7 registration table.

8 I should point out that the  
9 Government has made no final decisions regarding  
10 the final outcome of this very public  
11 process. As a direct result of the comments and  
12 concerns raised by the public so far, the EPA and  
13 the Corps have decided to extend the public  
14 comment period for this Draft Environmental  
15 Impact Statement for 45 days.

16 The comment period will now close at  
17 5:00 P.M. on the 17th of November. Further, the  
18 EPA and the Corps may hold additional public  
19 hearings on the Draft EIS in early November.

20 Before we begin, I would like to  
21 remind you of the importance of filling out these  
22 cards. These cards serve two purposes. First,  
23 they let us know that you are interested in this

24 process and this project and so we can keep you

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1 informed; second, they provide me a list of those  
2 who wish to speak this evening. If you did not  
3 complete a card or wish to speak or receive  
4 future information regarding this project, please  
5 do so and one will be provided at the  
6 registration table.

7 One additional comment. We are here  
8 to receive your comments, not to enter into any  
9 discussion of those comments or reach  
10 conclusions. Any questions should be directed to  
11 the record and not to the individuals on this  
12 panel. Thank you.

13 Ladies and gentlemen, Mr. Cote.

14 DR. COTE: Thank you, Larry, and good  
15 evening, everyone. As Larry mentioned, my name  
16 is Melville Cote, Manager of the Water Quality  
17 Unit at the U.S. Environmental Protection Agency,  
18 New England Regional Office. Thanks for coming  
19 to this public hearing. Whether it's to voice  
20 support for or concerns about the federal action  
21 proposed in this Draft EIS or simply to learn

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22 more about the project, we welcome your

23 participation.

24 EPA published a Federal Register

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1 Notice and issued a press release on September

2 12th announcing the availability of the Draft EIS

3 for public comment until October 27th. We

4 positioned the Draft EIS on our websites and

5 mailed notices and copies of the Draft EIS and

6 supporting documents that most people should have

7 received by September 15th.

8 This is consistent with our ongoing

9 efforts throughout the EIS process to provide the

10 public with ample opportunity to get information

11 about the project and give us their feedback.

12 However, as discussed by Larry, in

13 response to some comments we already received, we

14 are extending the public comment period until

15 November 17th, and scheduling an additional

16 public hearing toward the end of that comment

17 period. We will formally announce this

18 extension through a Federal Register notice and

19 mailing in the next couple of weeks.  
20 We are here tonight to listen to and  
21 record any comments you may have on the Draft EIS  
22 based on your review so far. EPA and U.S. Army  
23 Corps of Engineers jointly regulate dredged  
24 material disposal under Federal authority

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1 provided by Section 404 of the Clean Water Act,  
2 and Section 103 of the Marine Protection Research  
3 and Sanctuaries Act, which is also known as the  
4 Ocean Dumping Act.

5 In administering these programs, we  
6 work closely with other Federal resource  
7 management agencies like the National Marine  
8 Fishery Service and the and U.S. Fish and  
9 Wildlife Service, and state environmental  
10 agencies to ensure proper coordination and  
11 consistency with statutory and regulatory  
12 requirements and environmental standards.

13 Since 1980, EPA and the Corps have  
14 been applying the sediment testing requirements of  
15 the Ocean Dumping Act to all federal projects and  
16 private projects generating 25,000 cubic yards of

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17 dredged material or more. Dredged material that  
18 meets these criteria is determined to be suitable  
19 for ocean disposal, is disposed of in one of the  
20 four sites that were evaluated and chosen as  
21 disposal sites pursuant to programmatic and  
22 site-specific Environmental Impact Statements by  
23 the Corps in 1982 and 1991.

24           These sites are known as Western Long

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1    Island Sound, Central Long Island Sound Cornfield  
2    Shoals, and New London disposal sites.

3           In 1992 Congress added a new  
4    provision to the Ocean Dumping Act that for the  
5    first time established a time limit on the  
6    availability of Corps selected sites for disposal  
7    activity. They provisionally allowed us to  
8    select a site to be used for a five-year period  
9    beginning with the first disposal activity after  
10   the effective date of the provision, which was  
11   October 31st, 1992.

12           It also provides for an additional  
13   five-year period beginning with the first

14 disposal activity commencing after completion of  
15 the first five-year period. Use of the site can,  
16 however, be extended, if the site is designated  
17 by EPA for long-term use.

18           So the Corps can select disposal  
19 sites only for short-term limited use, whereas  
20 Congress authorized the EPA to undertake the  
21 long-term site designation subject to ongoing  
22 monitoring requirements to ensure the sites  
23 remain environmentally sound.

24           Periodic dredging and therefore

1 dredged material disposal are essential to ensure  
2 safe navigation and facilitate marine commerce.  
3 EPA believes it is preferable from an  
4 environmental perspective to dispose of dredged  
5 material in only a few discrete locations so that  
6 it can be more easily managed and monitored to  
7 reduce potential adverse impacts to the marine  
8 environment.

9           With a continuing need for dredged  
10 material disposal sites and the impending  
11 expiration of the short-term sites selected by

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12 the Corps for the four current disposal sites in  
13 Long Island Sound, the Corps was faced with the  
14 prospect of having to continue to select new  
15 disposal sites that could only be used for a  
16 maximum of two five-year periods. In the long  
17 term, this would result in the proliferation of  
18 disposal sites throughout the Sound, and that's  
19 why we are here today.

20 In 1998, EPA and the Corps agreed to  
21 conduct a formal site designation process  
22 following the criteria established in the Ocean  
23 Dumping Act. We also agreed that consistent with  
24 past practice in designating dredged material

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1 disposal sites, we would follow EPA's Statement  
2 of Policy for voluntary preparation of National  
3 Environmental Policy Act or NEPA, documents, and  
4 would prepare an Environmental Impact Statement  
5 to evaluate different dredged material disposal  
6 options.

7 EPA and the Corps have tried to  
8 prepare this Draft EIS to be consistent with

9 EPA's NEPA regulations as well as those  
10 promulgated by the Council on Environmental  
11 Quality, for additional guidance.

12 We began this effort in 1999, but  
13 were slowed by both technical complexities and  
14 financial constraints associated with a larger  
15 scale multisite project. In March 2002, facing  
16 the prospect of losing the use of the  
17 Corps-selected Central Long Island Sound disposal  
18 site in February 2004, when the second of two  
19 five-year periods of use expires, EPA and the  
20 Corps announced their intent to develop the EIS  
21 in two phases, western and central Long Island  
22 Sound first, followed by the eastern Sound once  
23 the site or sites were investigated in the  
24 western and central regions.

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1 This approach was scheduled to meet  
2 the important public need to consider disposal  
3 sites in this region more expeditiously without  
4 compromising the continued objectivity of the  
5 decision-making process for each region of the  
6 Sound.

7           Although the EPA is the agency  
8   authorized by the Ocean Dumping Act to designate  
9   the dredged material disposal sites, the Corps is  
10   participating in the development of the EIS as a  
11   cooperating agency because it has knowledge  
12   concerning the needs of the dredging program as  
13   well as technical expertise in the area of  
14   assessing the environmental effects of dredging  
15   and disposal.

16           As a result of that agreement between  
17   the EPA and the Corps, the Corps is also  
18   providing technical and financial support in the  
19   development of the EIS, but all final decisions  
20   regarding any site designations will be made by  
21   the EPA.

22           To take advantage of expertise held  
23   by other entities and to ensure compliance with  
24   all applicable legal requirements, EPA also is

1   closely coordinating this effort with other  
2   federal agencies, including the National Marine  
3   Fishing Service, Fish and Wildlife Service,

4 Indian Tribal Governments, state environmental  
5 coastal zone management agencies and local  
6 governments, some of which are participating as  
7 cooperating agencies.

8 EPA and the Corps have also conducted  
9 extensive including public participation  
10 activities, including numerous workshops and  
11 information meetings to explain the process,  
12 disseminate technical findings, and to solicit  
13 feedback from the public to help guide the  
14 process.

15 We are here tonight to present  
16 information on the draft EIS that evaluates  
17 disposal options to the western and central  
18 regions of Long Island Sound and to solicit  
19 feedback on this document and the federal action  
20 proposed, in the form of oral or written  
21 comments. We encourage and welcome your oral and  
22 written comments but we will not be responding to  
23 them here. These comments will be given equal  
24 consideration upon completion of the public

1 comment period for the purposes of finalizing the

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2 EIS and issuing the final ruling. The final EIS  
3 will include responses to all comments we  
4 receive.

5 For accuracy of the record, your  
6 written comments should be sent to Ann Rodney at  
7 the EPA Regional Office. You should have the  
8 address; if you don't, make sure you get it  
9 before you leave. They will be accepted until  
10 5:00 P.M., Monday, November 17th.

11 Thank you again for your  
12 participation in this public hearing and for your  
13 interest in the issue of dredged material  
14 management in Long Island Sound.

15 MR. ROSENBERG: Thank you, sir.

16 Ladies and gentlemen, Mark Habel.

17 MR. HABEL: Good evening. As Larry  
18 stated, my name is Mark Habel. I am the Corps of  
19 Engineers New England District Project Manager  
20 for this study.

21 In early 1998, EPA and the Corps  
22 began their study of the need for, and  
23 acceptability of, designating ocean disposal  
24 sites for dredged material in Long Island

1 Sound. An early part of this effort involved  
2 examining the present and long-term need for  
3 dredging from the ports and harbors of the Sound  
4 in both Connecticut and New York.

5           There are more than fifty Federal  
6 navigation projects and hundreds of non-Federal  
7 public and private navigation dependent  
8 facilities on the Sound that require periodic  
9 dredging to maintain safe navigable  
10 depth. Vessels, from large cargo carriers to  
11 small fishing and recreational craft, depend on  
12 adequate channel depths to operate.

13           Some material dredged from these  
14 harbors is clean sand, suitable for use as  
15 nourishment on area beaches when  
16 available. However, the majority of all material  
17 dredged from the Sound's harbors has for many  
18 decades been placed at open-water sites in the  
19 Sound.

20           Prior to the 1980s there were as many  
21 as 20 sites that periodically received dredged  
22 material. Since that time, only 4 sites have  
23 been in use, and received on average about

24 1 million cubic yards of dredged material

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1 annually. All of this material must undergo a  
2 rigorous series of physical, chemical, and  
3 biological testing to prove its suitability for  
4 placing in the Sound.

5         Also, an investigation into the  
6 economic importance of navigation-dependent  
7 industries to the Long Island Sound region found  
8 that these industries contribute more than 52,000  
9 jobs and over \$5.5 billion annually to the  
10 economy of the area.

11         Dredging is the key to the continued  
12 health of this sector of the Connecticut and New  
13 York economies. Please take time, if you haven't  
14 already, to examine the posters and displays  
15 located in the lobby. One of these shows the  
16 locations of the several dredging centers located  
17 around the Sound. It is these ports and harbors  
18 that generate the economic benefit of navigation  
19 and the region's dredged material.

20         This study focused on consideration  
21 of impact on the natural and human environment

22 including both natural resources and economics.  
23 This study concluded that the capacity of  
24 non-in-water disposal alternatives cannot meet

1 the dredged material disposal needs of the  
2 central and western Long Island Sound region.  
3 While individual projects must assess  
4 non-open-water alternatives on a case-by-case  
5 basis, designation of one or more open-water  
6 dredged material disposal sites in Long Island  
7 Sound is necessary to meet the long-term regional  
8 needs of navigation in the Sound.

9 I would like to at this time  
10 introduce Dr. Carlton Hunt of Battelle and Dr.  
11 Drew Carey of Coastal Vision, who will make a  
12 presentation on the EIS, its process and its  
13 recommendation.

14 DR. HUNT: Thank you. Carlton Hunt,  
15 consultant to the Corps of Engineers.

16 Tonight I would would like to present  
17 to you some of the process that was followed in  
18 achieveing the EIS you have before you. We would

19 like to present an overview of the EIS process,  
20 we would also like to present the findings of the  
21 Draft EIS, review the proposed preferred  
22 alternatives, and also convey the next steps in  
23 the EIS process.

24 To review, once that decision was

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1 made to conduct the EIS, Notice of Intent was  
2 provided. That Notice of Intent was followed by  
3 the scoping meetings.

4 Between the process of the scoping  
5 and the actual process of the EIS in front of  
6 you, a series of activities occurred to gather  
7 information and data including literature reviews  
8 and field studies.

9 Once completed, the draft EIS was  
10 written and put out as a draft that you have in  
11 front of you. Included in that is Site  
12 Management and Monitoring Plans, one for each of  
13 the sites.

14 The comment period has been extended  
15 as you heard. Once that comment period closes,  
16 the comments that we receive will be reviewed,

17 and responses addressed, and a final EIS  
18 prepared.  
19 That final EIS will be issued with  
20 the final Rule, there will be an additional  
21 thirty-day comment period on that. The record of  
22 decision regarding the government's final  
23 decision with respect to this designation will  
24 then be issued.

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1 I would like now to turn the podium  
2 over to Drew Carey who will speak to you about  
3 the process up to March 2002.  
4 DR. CAREY: Thank you, Carlton. Mel  
5 and Mark have given you an overview of the entire  
6 process. I'm going to take you from the initial  
7 decision to conduct the studies up through really  
8 what is really the first phase of the studies.  
9 I'm going to cover these four areas. I'll go  
10 into each of them in a little bit more detail,  
11 from the initial announcement of the project  
12 through really the conclusion of the first set of  
13 studies.

14           As Mel mentioned, EPA and the Corps  
15    made a decision in 1999 published in the Federal  
16    Register to conduct this study. From the  
17    outset, the study was designed to work together  
18    with other federal and state agencies and in some  
19    cases some local policy groups, and determine the  
20    best course to take in terms of the study. I'll  
21    take you through some of the steps of that and  
22    also integrate that with the public involvement  
23    phase.  
24           These are some of the highlights of

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1    the steps that were taken that involved  
2    cooperation with other agencies. At the outset  
3    it was important to understand what the total  
4    history of disposal was in Long Island Sound, to  
5    understand what the backdrop was to the studies  
6    that were conducted for this EIS.

7           It required in every case in each of  
8    these discussions consultation with experts from  
9    other federal resource agencies, from state  
10   agencies, and outside experts. It was a  
11   discussion of the site designation process

12 itself, exactly how we would proceed, and  
13 essentially an agreement forged between the  
14 agencies as to an important way to go forward.

15         We also engaged those agencies in the  
16 initial scopings of the EIS, what were the  
17 outstanding problems that needed to be addressed,  
18 what kind of data already existed, and what were  
19 the areas that data would need to be collected  
20 since we maybe had not fully studied that  
21 particular aspect in the past.

22         Also determination of something  
23 called the zone of siting feasibility, this is  
24 essentially the envelope in which you would look

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1 for a potential site. In this case it's looking  
2 at the open-water environments within the Sound,  
3 potentially going out a little bit outside of the  
4 Sound. That was discussed amongst all the  
5 agencies, a determination was made of an  
6 appropriate zone to examine, and we will cover  
7 that in a little bit more detail later.

8         There was also a determination that

9 it would be important to conduct a review of any  
10 feasible alternatives to open-water disposal on a  
11 regional Sound-wide basis, to get an  
12 understanding of the context in which we were  
13 trying to determine if open-water disposal was an  
14 appropriate designation.

15 It was also important once the  
16 studies were conducted to engage the agencies in  
17 reviewing the data as it came in. As you can see  
18 from either the copies that you have or the ones  
19 outside, there's a tremendous amount of data  
20 collected, and all the agencies needed time and  
21 opportunity to both review that and discuss it  
22 with the team.

23 During the selection of the  
24 open-water alternatives, these were sites that

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1 would need to be reviewed further, again the  
2 agencies were brought together to discuss that,  
3 and then later when the preferred alternative  
4 recommendation was made.

5 Now, in each step in this process, a  
6 slightly different mechanism was used for public

7 involvement. Soon after that initial  
8 announcement there was a public scoping meeting,  
9 I'm sure many of you participated in some of  
10 those meetings. This was an opportunity for the  
11 public to really comment on what they felt the  
12 entire scope of the EIS should be, what things  
13 should be looked at, what are the concerns or  
14 issues that they might have.

15         So this was addressed very early in  
16 the process, kind of sets up an understanding  
17 that everybody has had some input into where this  
18 is going.

19         Very soon after that we initiated the  
20 first in a series of public workshops, outside of  
21 the more formal public hearing context, the  
22 workshop allowed for some discussion, some  
23 dialog, opportunities to ask and answer  
24 questions, and it's also a great opportunity to

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1 exchange information, find people outside of the  
2 team who may have some information they can offer  
3 about the process.

4           In a series of workshops we discussed  
5 various things such as the dredging needs, what  
6 dredging might need to be done, where there might  
7 be alternatives, how to go about the site  
8 screening process, what might be concerns about  
9 data, collect certain kinds of data, what did it  
10 look like, and also how should we go about  
11 weighing factors of evaluation in determining  
12 appropriate sites.

13           Again, we started a more focused  
14 group that we called a working group, this was a  
15 volunteer group really composed of any interested  
16 parties. It was primarily interests in the  
17 marine industry, recreational interests,  
18 environmental groups, some fishing interests,  
19 local town representatives, and just interested  
20 individuals who cared to spend a little bit more  
21 time working through some of these issues.

22           To give you an idea of the schedule  
23 after that initial October meeting there was  
24 another public workshop in April of 2000, and

1 following that a whole series of working group

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2 meetings where most of the discussions were held,  
3 a smaller more focused group, essentially one per  
4 year until 2002 when the data began coming in and  
5 there was a much greater need to review material,  
6 make decisions, provide some input.

7           To go over just a few points on those  
8 initial studies, this is the first phase of the  
9 EIS, basically a Sound-wide study with some focus  
10 on specific areas of field data collection. Some  
11 of the concerns and issues that came out of the  
12 scoping and early meetings were that we needed to  
13 get out quickly to collect field data. It's  
14 largely a summer-based activity, there are only a  
15 certain number of summers before we get to today,  
16 and it was important to get out and get some of  
17 that data fairly early. That shaped some of the  
18 ways that we made early decisions about how to  
19 structure the data collection. I'll also talk a  
20 little bit about upland alternatives, treatment  
21 technologies, dredging needs and economic  
22 significance.

23           First of all, the field studies, we  
24 had a lot of input in those early meetings, and

1 the team came up with a data collection strategy  
2 that really had two main emphases.

3           One was that it was recognized that  
4 these four existing sites were active disposal  
5 sites. Part of the criteria asked that you look  
6 at the historical disposal sites and make sure  
7 that they are considered, so we knew that these  
8 had to come and fit onto the alternatives list to  
9 begin with. so it was prudent to collect some  
10 data from those sites.

11           And then there was another reason we  
12 recognized, which is that the period of time of  
13 usage of all of these sites, roughly about twenty  
14 years, some of them go back much further, but  
15 that twenty-year period was a rich period of  
16 monitoring, data collection within the Sound, and  
17 we could gather a lot of historical information  
18 about how disposal activities had affected the  
19 Sound at those specify sites.

20           So we structured our data collection  
21 to take advantage of that information so that we  
22 could do some assessment of potential impacts in  
23 any future disposal, and it also provided us with

24 a chance to do baseline studies at sites that may

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1 become alternatives.

2           We collected sediment samples, they  
3 are really the repository both of the dredge  
4 material but also much of the, if you like,  
5 scientific information over time in the Sound. A  
6 lot of sediment settles to the bottom, we get  
7 physical characterization, chemical  
8 characterization, toxicology, that is whether  
9 these sediments, if they are in contact with  
10 sediment-dwelling organisms, would they provide  
11 chronic or fatal conditions in those organisms,  
12 were they toxic in other words.

13           We also examined the organisms that  
14 live within those sediments by sampling them and  
15 removing and counting and identifying those  
16 organisms, to get an understanding of really what  
17 is the biological population directly in contact  
18 with the sediment.

19           In addition to that, we did several  
20 Sound-wide studies collecting fish, lobster, worm  
21 and clam throughout the Sound at specific

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22 locations, primarily to assess the contents of  
23 their tissues, what levels of ambient  
24 contaminants were found in these organisms.

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1 We were able to piggyback on the  
2 Connecticut Department of Environment Protection  
3 Intro Trawl Survey that goes out periodically  
4 each year to collect fin fish; we were able to  
5 subsample their collection and remove fish for  
6 tissue analysis, and conduct additional studies,  
7 go out and deliberately collect lobsters and  
8 worms and clams from specific locations.

9 In addition to that, we recognize  
10 that the Connecticut trawl data itself was a very  
11 rich opportunity to look at fish population  
12 within the Sound. They have a comprehensive  
13 Sound-wide data collection effort that has lasted  
14 about seventeen-eighteen years, overlapping with  
15 that same twenty-year period. And we were able  
16 to look at it in relation to population  
17 structures within the Sound as a whole, but then  
18 also examine how those populations inhabited the

19 areas around each disposal site, both during and  
20 after disposal activity.

21 In order to understand the context of  
22 potential use of open-water sites for disposal,  
23 it's important to understand, is there any  
24 alternative; is there capacity to take that

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1 material, perhaps beneficially reuse it somewhere  
2 else, or find another use for it? And we did a  
3 series of studies, looking at both sort of a  
4 survey of upland sites within the region, what  
5 was the need for landfill cover, are there  
6 locations within the region that required some  
7 remediation of existing land sites? Look for  
8 locations where there might be some need for  
9 suitable material that could be used for beach  
10 nourishment or marsh restoration.

11 And in addition to that, we did a  
12 review of a lot of existing literature that New  
13 York/New Jersey region has put extensive effort  
14 and money into, research and development efforts,  
15 to look at methods for removing contaminants from  
16 organic rich sediments, which is typical of what

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17 we would find in urban or harbor areas in our  
18 region.

19         These treatment technologies involve  
20 either trying to remove the contaminants from  
21 those sediment or block them in so they are  
22 unavailable to biological pathways. We reviewed  
23 that data to understand how those treatment  
24 technologies may or may not be applicable in this

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1 region with the types of dredging and sediments  
2 we have here.

3         Again, to set that context, it was  
4 important to have an understanding of what really  
5 is the need for dredging in this region. We  
6 chose a twenty-year time window looking into the  
7 future, conducted, sent out surveys to industries  
8 that require navigation, might want to conduct  
9 some dredging, discussed in detail with the Corps  
10 how their navigation needs, based on the  
11 historical activities, would be over the next  
12 twenty years, and received data back from private  
13 marinas, towns, other federal agencies that may

14 have projects.  
15           What we found was that the total  
16 projected need for federal, these would be  
17 authorized navigation channels that currently  
18 exist, is close to 23 million cubic yards over  
19 that twenty-year period. All of the other  
20 projects, private marinas, federal projects and  
21 state and local projects, are a little bit over  
22 9 million cubic yards. That's based on the  
23 survey data that came back, and of course, it's a  
24 tricky effort to be able to pin those down

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1 exactly, it's really based on what people think  
2 is likely to happen.  
3           In addition to that, there are cases  
4 where a project might be considered for deepening  
5 a channel, perhaps creating a berthing area  
6 somewhere, these are considered projects which  
7 may or may not be approved, but they require a  
8 little bit of additional dredging in addition to  
9 maintain channels. For that the value came to be  
10 a little bit up, close to 1.3 million cubic  
11 yards. So this sets the context of what is the

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12 need for dredging over a sufficient time period.

13 That data was then grouped into what  
14 are called dredging centers, this is a way of  
15 allowing you to kind of analyze this in a  
16 regional pattern, get an understanding of whether  
17 different parts of the Sound have different types  
18 of needs for dredging. This is presented in a  
19 poster outside if you want to look at specific  
20 dredging centers, get an idea of the volumes and  
21 nature of the materials.

22 Let me just point out that these  
23 circles here (indicating projected slide),  
24 represent relative volumes, this happens to be

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1 Bridgeport. Each of these dredging centers, blue  
2 is the federal authorized navigation needs over  
3 twenty years; the grey are the private and other  
4 projects that need to be considered. You will  
5 notice, for instance, that the northern shore of  
6 Long Island is dominated by private projects,  
7 relatively small volumes; the Connecticut shore  
8 and some of these larger urban areas have large

9 federal navigation projects pending over the next  
10 twenty years. This gives us some idea of what  
11 those needs may be and how they could be  
12 structured.

13 The last piece I'll talk about is the  
14 efforts to assess and predict what the economic  
15 significant is of industries that rely upon  
16 navigation. So if you have an industry that  
17 requires a navigable channel to function, these  
18 were surveyed and incorporated into this study.

19 The primary author of this study,  
20 Richard Greene (phonetic) is here tonight. We  
21 are not answering questions directly from the  
22 floor, but I'm sure that if you can capture  
23 Richard outside the room afterwards, he would be  
24 happy to interpret both this graph and the entire

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1 study for you, if you have enough time.

2 The important point here that Mark  
3 mentioned is that, for instance, in relation to  
4 employment, these industries at present estimate  
5 they employ around 53,000 individuals, and the  
6 total contribution is many billions of dollars,

7 if you total up these individual cells here, you  
8 can see this is a very significant economic  
9 impact.

10 So the initial conclusion then of  
11 sort of the completion of Phase I, where we have  
12 done all these initial studies, looked at the  
13 context, looked at the scientific data, we found  
14 that really dredging rivers and harbors areas is  
15 clearly essential to the economic welfare of the  
16 region.

17 Such a large amount of  
18 navigation-dependent industries, a large  
19 contribution to the region. Secondly, it's  
20 pretty clear from the surveys, that the upland  
21 and beneficial treatment technology alternatives,  
22 while potentially viable, don't come close to  
23 meeting the regional needs, you cannot  
24 accommodate those 20 million cubic yards in all

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1 the various alternatives that we identified.

2 I think it is very important to point  
3 out here, that any individual project that goes

4 to get a permit has to revisit this  
5 question. That individual project must consider  
6 all of the alternatives to open-water  
7 disposal. So some of the things that we were  
8 able to identify may apply to a small project,  
9 may be very appropriate to that project, if the  
10 timing is correct, if the location is correct, if  
11 the material is suitable. So this doesn't  
12 preclude the use of those alternatives, but  
13 there's not capacity for the needs that we've  
14 identified.

15 That really leads to a conclusion  
16 that at least one or more open-water disposal  
17 sites would need to be designated in order to  
18 meet those long-term needs for dredged material  
19 disposal in the Sound.

20 So at this point I'm going to turn  
21 things back to Carlton who will give you a sense  
22 of what happened in the process after that.

23 DR. HUNT: Thank you.

24 As has been indicated earlier in this

2 need to have a timely decision regarding western  
3 Long Island Sound dredged material disposal  
4 sites. That decision was facilitated in part by  
5 the fact that the geographic and environmental  
6 conditions of the western and central part of  
7 Long Island Sound are distinctly different than  
8 eastern Long Island Sound.

9           Given that decision that was made,  
10 the modification to the zone of siting  
11 feasibility that was put forward does not in fact  
12 preclude consideration of all the alternatives  
13 that we spoke of in terms of each of the three  
14 regions of the Sound.

15           Also, the agency announced changes in  
16 zone of siting feasibility for this particular  
17 EIS, that a supplemental EIS would be prepared  
18 for the eastern region. So the focus of the EIS  
19 in front of you is for the western and central  
20 parts of Long Island Sound.

21           The zone of siting feasibility  
22 changes were to draw the line from this location  
23 (indicating) to the western part of Hells Gate,  
24 the western boundary of both these zones of

1 siting feasibility. The original zone of siting  
2 feasibility extended from Montauk Point to Block  
3 Island, Rhode Island up to the Rhode Island  
4 coast, and included all of Long Island Sound and  
5 Rhode Island Sound. Our discussion for this EIS  
6 is focused on the modified zone of siting  
7 feasibility, which extends from Mulberry Point in  
8 Milford, Connecticut to Mattatuck Point in New  
9 York.

10           The next step in the process was to,  
11 in fact, determine what open-water alternatives  
12 the activities could be evaluated in the  
13 EIS. This process was facilitated by the  
14 application of geographic information data layers  
15 that were constructed around eleven specific  
16 regulatory criteria that are included in the  
17 Marine Protection, Research, and Sanctuaries Act,  
18 information related to that included factors  
19 developed as part of scoping and also part of the  
20 working group meetings.

21           Those factors were brought together  
22 into these layers and enable the process of  
23 eliminating parts of the Sound that could not

24 accept disposal siting, and those areas needing

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1 further valuation.

2 To do that two tiers for screening  
3 were set up, the first tier, in fact, ruled out  
4 areas that were not acceptable, the second tier  
5 identified specific sites within those areas that  
6 we could not rule out for further evaluation.

7 The layers and geographic information  
8 that was provided addressed stability and  
9 feasibility issues, also addressed areas of  
10 conflicting use, those areas where there was a  
11 conflict were excluded. Those included such  
12 things as utilities, i.e., pipelines, they also  
13 included conservation areas. Shellfish areas  
14 were excluded, interface with navigation was not  
15 considered to be acceptable, and valuable marine  
16 habitats, specifically those that are focused  
17 around topography issues such as hard bottom  
18 areas, were also excluded.

19 The last area used for exclusion were  
20 areas of high dispersion potential. The concept  
21 here is that material to be placed on the sea

22 floor shouldn't move, and therefore dispersion  
23 was not to be considered, we want to have areas  
24 that would contain the material.

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1 Under Tier II, the concept again was  
2 to minimize impact, such things as archeological  
3 resources, fish habitats, living resources,  
4 Benthic community, and also fish and shellfish  
5 resource areas.

6 Also considered during this process  
7 was preferred siting in areas based on the site  
8 specific sediment characteristics, such as  
9 contaminant levels or sediment texture. In  
10 addition, use of historic disposal sites  
11 identified in NPRSA criteria as a consideration,  
12 and that was used again to identify specific  
13 footprints from where to do the alternatives.

14 This process led to the  
15 identification of four locations within western  
16 and central Long Island Sound for consideration  
17 in the EIS, the Western Long Island Sound  
18 disposal site, the Central Long Island Sound

19 disposal site, two former disposal sites, Milford  
20 and Bridgeport.

21 This figure shows the location of  
22 those four, running from the Central disposal  
23 site here to the Western Long Island Sound  
24 disposal site (indicating).

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1 During the process it was identified  
2 that Milford and Bridgeport did not have  
3 sufficient data to do a comparative analysis, and  
4 therefore a field effort was mounted in summer of  
5 2002 to gather data on such things as sediment  
6 chemistry, Benthic community structure, habitat  
7 and other sediment characteristics, such as  
8 toxicity, lobster resources, as well as topography  
9 and historic use of those sites.

10 That process led to the inclusion for  
11 evaluation in the EIS of those four sites as well  
12 as the no-action alternative that EPA regulations  
13 require.

14 All the information that we have  
15 spoken about in general terms has been gathered  
16 into ten chapters within the EIS. Chapter one

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17 deals with the history of disposal in the Sound  
18 as well as the scope of the EIS.

19 Chapter 2 discusses the purpose and  
20 need for the dredging as we have spoken to  
21 earlier in this hearing.

22 Chapter 3 addresses the alternatives  
23 that were evaluated. It goes through the  
24 screening process as well as identifying and

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1 describing the alternatives I just mentioned, and  
2 finally goes through a summary statement of  
3 preferred alternatives and the rationale for  
4 consideration of those.

5 Chapter 4 describes the affected  
6 environment, both the Long Island Sound in  
7 general as well as specific information on  
8 physical, geological, chemical, biological, and  
9 ecological conditions at the four sites.

10 Chapter 5 does the evaluation of  
11 these, looking at the consequences of disposal,  
12 or in the case of no-action, of not disposing or  
13 having a long-term site. It also includes a

14 description of the general consequences that are  
15 known about dredging disposal in open-water,  
16 site- specific consequences in more detail in  
17 items of recommendations and rational for  
18 preferred alternatives.

19 Chapters 6 through 10 provide other  
20 information related to the EIS, compliance with  
21 federal environmental statutes, laws, executive  
22 orders; describes the public involvement;  
23 includes references that were considered and used  
24 to write the EIS, the preparers and agencies to

1 whom, and people and organizations, to whom the  
2 EIS has been sent. I point out there are several  
3 appendices, and specifically Appendix J that  
4 includes Site Management and Monitoring Plans.

5 These are the two preferred  
6 alternatives that EIS is putting forth, Central  
7 Long Island Sound and Western Long Island  
8 Sound.

9 The reasons for recommending these  
10 two sites as preferred alternatives are that  
11 those two sites were found to have the least

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12 potential economic and environmental impact,  
13 whereas the impact at Bridgeport and Milford was  
14 potentially identified and also could not  
15 necessarily be mitigated through site management  
16 activities. Therefore WLIS and CLIS were the  
17 preferred alternatives for sites. The no-action  
18 alternative was not carried forth because of  
19 potential economic impact to the region.

20           During the review process, but in the  
21 review process, there were several things  
22 identified at each site that required slight  
23 reconfiguration to be done. I'll point out this  
24 reconfiguration does not negate the

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1 recommendation which just a slight movement of  
2 the sites north and west in the case of WLIS, and  
3 north and east in the case of CLIS.

4           This is the proposed configuration  
5 for WLIS (indicating), the outer box here, the  
6 site as now configured is the lighter box. It  
7 was moved to the north and west slightly to avoid  
8 a shoaling area to the south. It also encompass

9 the historic dredging material disposal, in that  
10 site, so it does encompass those sites that  
11 presently have been placed in WLIS.

12 For the Central Long Island Sound the  
13 boundary moved slightly to the north and slightly  
14 to the east in order to pick up two historic  
15 mounds that have been placed in that area  
16 previously. That brought all of the known  
17 disposal activities in central Long Island Sound  
18 into one disposal site as the preferred  
19 alternative.

20 The schedule, you have heard a bit  
21 about today. Basically, this review period will  
22 end on November 17th, as previously  
23 indicated. All the comments, as we have  
24 indicated, will be looked at, evaluated,

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1 responses prepared, and however that review  
2 process affects the EIS, that information will be  
3 incorporated into the final EIS that will be  
4 produced, and also include a document that  
5 includes all responses to all comments that are  
6 provided.

7           Essentially the next slide simply  
8 indicates what the next steps are, which is to  
9 take that information, go to a final EIS. That  
10 will be issued, an additional comment period will  
11 occur after the final EIS is put forth. And then  
12 publication to record in terms of decision by the  
13 government will be put forward and then possible  
14 designation will occur, depending on that final  
15 decision.

16           This concludes our presentation. I  
17 will turn the podium back to Larry.

18           MR. ROSENBERG: Thank you. Ladies  
19 and gentlemen, it is crucial to this public  
20 process that your voice is heard, and we are here  
21 to listen, listen to your comments, to understand  
22 your concerns, and to provide you an opportunity  
23 to put your thoughts on the record, should you  
24 care to do so.

1           You know, as a direct result of  
2 having this type of open process, we have been  
3 able to overcome many of the difficulties other

4 agencies face when performing activities directly  
5 or indirectly affecting the environment and the  
6 quality of life issues that are associated around  
7 such activities.

8           Once again, we stand before you  
9 asking for your expertise to help us seek  
10 solutions so together we can identify, evaluate,  
11 and build a process that seeks solutions.  
12 Although we are here today to continue a long  
13 process for the designation of dredged material  
14 disposal sites in the central and western regions  
15 of Long Island Sound, we need your participation  
16 throughout the entire process, and once again, I  
17 thank you for your contributions to these  
18 efforts.

19           This hearing will be conducted in a  
20 manner so that all who desire to express their  
21 views will be given an opportunity to do so. To  
22 preserve the right of all to express their views,  
23 I ask that there be no interruptions.

24           Furthermore, in order to make any

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2 material disposal sites in the central and  
3 western regions of Long Island Sound, we, the  
4 Environmental Protection Agency and the United  
5 States Army Corps of Engineers, need to have you  
6 involve yourself in this environmental review,  
7 not just tonight but throughout the entire  
8 process.

9           When you came in, copies of the  
10 Federal Register Notice and procedures that will  
11 be followed this evening were available. If you  
12 did not receive these, they both are available at  
13 the registration desk. I will not read either  
14 the procedures or the Federal Register Notice,  
15 but they will be entered into the record. A  
16 transcript of this hearing is being prepared and  
17 the record will remain open, and written comments  
18 may be submitted tonight or by mail until 5:00  
19 P.M. November 17, 2003.

20           All comments receive equal  
21 consideration. If you know of anyone who cannot  
22 attend this evening or during a public hearing  
23 but wishes to send written comments, they should  
24 forward them to Ann Rodney at the Environmental

1 Protection Agency's New England Regional Office  
2 in Boston, Massachusetts.

3           Lastly, I would like to reemphasize  
4 that the Government has made no final decisions  
5 regarding this project. It is our responsibility  
6 to fully evaluate the impact of designating  
7 dredged material disposal sites in the central  
8 and western regions of Long Island Sound prior to  
9 the Government's decision, and in order to  
10 accomplish that we need your input.

11           Again, we are here to receive your  
12 comments, not to enter into any discussions of  
13 those comments or to reach conclusions. Any  
14 questions you have should be directed to the  
15 record and not to the individuals on the panel.

16           If there are no objections from the  
17 Hearing Officer, I will now dispense with reading  
18 of the Federal Register Notice of this hearing  
19 and have it entered into the record.

20           MR. COTE: No objection.

21           MR. ROSENBERG: Thank you, sir.

22           (Following is the text of the Federal  
23 Register Notice and Hearing Protocols.)

1 NEW ENGLAND DISTRICT  
2 U.S. ARMY CORPS OF ENGINEERS  
3 HEARING/MEETING/WORKSHOP  
4 PROTOCOL

- 5 Members of Congress or his/her representatives  
6 Governor or his/her representative  
7 Other elected state officials  
8 Local elected officials  
9 Representatives of federal agencies  
10 Representatives of state agencies  
11 Representatives of local agencies  
12 All others, in the order in which cards were  
13 turned in

14 HEARING PROTOCOL

- 15 1. Corps of Engineers hearings are conducted in  
16 accordance with Title 33, Code of Federal  
17 Regulations, Part 327. The most recent edition of  
18 these regulations was published in the November 13,  
19 1986 Federal Register which is available at most  
20 libraries.  
21 2. Either the District Engineer or the Deputy

22 District Engineer (the two top ranking officials at  
23 the New England District) normally serve as the  
24 presiding officer at the hearing. When neither of

1 them is available to serve, the District Engineer  
2 may designate another presiding officer.

3 3. The District Counsel or his designee serves as  
4 the legal advisor to the presiding officer to  
5 advise him on legal matters that may arise. The  
6 Chief, Public Affairs or his designee serves as the  
7 presiding officer's advisor on all aspects of  
8 communication, media relations, local/regional  
9 public involvement and interaction, and community  
10 relations.

11 4. Any person may appear at the hearing on his own  
12 behalf or may be represented by counsel or by  
13 another representative.

14 5. Hearings will be conducted orderly, but  
15 expeditiously, by the presiding officer or hearing  
16 moderator/facilitator.

17 6. After the opening remarks by the presiding  
18 officer, time may be allowed for presentations

19 describing the proposed project.  
20 7. After the presentations, elected and appointed  
21 officials will be given an opportunity to present  
22 their official comments regarding the proposed  
23 project.  
24 8. The general public will then have an

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1 opportunity to make oral statements, present  
2 written statements, make oral presentations and  
3 make recommendations as to any appropriate  
4 decision. Cross-examination will not be allowed.  
5 All questions will be directed to the presiding  
6 officer for the record. The hearing will continue  
7 until everyone (who has requested) has had a chance  
8 to speak. Exceptions to this protocol will be  
9 decided by the moderator.  
10 9. All comments, written and oral, receive equal  
11 consideration (lengthy written statements should be  
12 summarized orally and the entire written statement  
13 submitted for the record.)  
14 10. The presiding officer may establish reasonable  
15 time limits for (all) individual comments in order  
16 to ensure all who have requested will have an

17 opportunity to speak on the record.  
18 11. The hearing file will remain open for a period  
19 to be determined by the presiding officer from the  
20 date of the hearing for the submission of  
21 additional statements.  
22 12. The presiding officer shall have the power to  
23 recess or suspend the hearing and, at the presiding  
24 officer's discretion, reconvene it at a later date.

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1 13. A transcript of the hearing will be prepared.  
2 Copies may be purchased from the hearing reporter  
3 or the Corps of Engineers. A copy will be  
4 available for inspection at the New England  
5 District headquarters in Concord, Massachusetts.

6 MR. ROSENBERG: A transcript of this  
7 meeting is being made to ensure detailed review  
8 of all comments. A copy of the transcript will  
9 be available at the EPA's New England Region  
10 Office in Boston, Massachusetts, at the Corps's  
11 New England District headquarters in Concord,  
12 Massachusetts, at both places for your review.

13 It will also be uploaded to the

14 website, or you may make arrangements with the  
15 stenographer for a copy at your own expense.

16 Individuals speaking tonight will be  
17 called to the microphone in the order they signed  
18 in, and in accordance with our hearing  
19 protocol. When making a statement, please come  
20 forward to either one of the microphones, and in  
21 accordance with the protocol we establish for  
22 these hearings we request you stay to a  
23 three-minute time limit; please try.

24 The traffic signal in front of me

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1 will indicate the following: The green light  
2 will come on indicating two minutes remaining;  
3 the amber light will come on with one minute  
4 left; and the red light, of course, indicates  
5 that your time has expired.

6 Please identify if you are speaking  
7 for an organization; or if you are speaking for  
8 yourself, please say so.

9 Lastly, I emphasize, all who wish to  
10 speak will have the opportunity to do so. We  
11 will receive your comments according to our

12 protocols. Once again, oral or written  
13 statements will receive equal consideration.  
14 Therefore, written statement should be summarized  
15 to fit the three-minute limitation, and the  
16 entire statement submitted for the record.

17           The first individual this evening  
18 will be Evonne Klein, a member of the Board of  
19 Selectmen, Darien, Connecticut.

20           MS. KLEIN: My name is Evonne Klein,  
21 I am a member of the Board of Selectmen in  
22 Darien, Connecticut, my address is 19 Salt Box  
23 Lane, Darien, Connecticut.

24           Twenty years ago the site of Long

1 Neck Point was a dumping site for dredged  
2 materials. It was closed and it should remain  
3 closed.

4           We know how important it is to  
5 protect our fragile ecosystems and waterways. We  
6 also understand the need for dredging. However,  
7 we must continue to take steps to protect Long  
8 Island Sound. To reopen this site as a dumping

9 site for dredged materials is a step backwards in  
10 protecting our waterways.

11 In the 21st century we know better  
12 and want to protect our environment so that we  
13 can enjoy Long Island Sound today as well as in  
14 the future.

15 I would also like to express my  
16 appreciation for the extension of the public  
17 comment period. I unfortunately found out about  
18 this, this evening, and so I appreciate that as  
19 well.

20 And I respectfully request that  
21 notification of the November hearing be sent to  
22 the Darien Times on Corbin Drive in Darien,  
23 Connecticut, and the Darien News Review on Old  
24 Kings Highway South in Darien, Connecticut.

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1 I am here as a member of the Board of  
2 Selectmen, but speaking on behalf of myself this  
3 evening. Thank you.

4 MR. ROSENBERG: Thank you, Ma'am.

5 Next speaker, Catherine Savage?

6 (No response)

7 MR. ROSENBERG: Daniel Natchez.

8 MR. NATCHEZ: Good evening. For the  
9 record, my name is Dan Natchez, I'm President of  
10 Daniel S. Natchez & Associates an environmental  
11 waterfront design and consulting company, also  
12 the coordinator for Revitalize Our Waterways and  
13 Clean Harbor Action, I also am former Deputy  
14 Mayor of the Village of Mamaroneck, and this is  
15 somewhat deja vu, because I was involved in the  
16 opening of WLIS-III.

17 Before I actually get into my  
18 remarks, I think for the record it needs to be  
19 clarified, Larry, in your remarks you said that  
20 you can file public comments in writing, but I  
21 think your protocol that's out on the  
22 registration says that you can also file them by  
23 e-mail, which has not been mentioned tonight. So  
24 I think we have two of those options available.

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1 We have filed a letter from Clean  
2 Harbor Action, Revitalize Our Waterways, a joint  
3 letter, I will put another copy in the box when I

4 am finished. We support the EIS, but it seems to  
5 me that we also have a lot of missed  
6 opportunities in the preparation of where we are  
7 going.

8           One of the things I think that's  
9 important to be emphasized is that we are  
10 relocating material within Long Island Sound, as  
11 opposed to dumping material in Long Island Sound.  
12 I think that's important to understand, because  
13 the lifeblood of revitalizing and maintaining  
14 Long Island Sound as a resource for use for  
15 recreational as well as commercial as well as  
16 environmental activities requires that the  
17 sediment be relocated in an environmentally  
18 sensitive and meaningful manner.

19           We are also concerned that the  
20 screening process has not totally considered the  
21 western end of Long Island Sound in the way we  
22 think it needs to be. We think there should be a  
23 statement in the EIS document that leaves the  
24 door open to be able to present better management

1 of dredging materials within the western end of

2 Long Island Sound.

3           It's interesting that the slide that  
4 Drew Carey put on earlier tonight, showed that  
5 the majority of the individual, i.e., non-federal  
6 dredging projects, are in the western end of the  
7 Sound, and if you look at the economic impact  
8 that is provided in the EIS and also provided by  
9 ROW/CHA shows very clearly that the recreational  
10 boating industry is threatened as pricing goes  
11 up.

12           When you get through with testing and  
13 transportation, those are the two largest costs,  
14 if you take everything in the western end and  
15 send it to the middle end of the Sound, it means  
16 pricing goes up geometrically two to three times.  
17 So it's important that consideration be given to  
18 additional sites at a future point in time at the  
19 western end of the Sound.

20           And the screening process that was  
21 developed actually shows that there are several  
22 areas in the western area of the Sound that would  
23 qualify. We agree that there is a tremendous  
24 need for relocating dredged materials, we

1 actually have been able to show you through our  
2 analysis that the dredging needs are actually  
3 understated. So not only are the needs that you  
4 have shown valid, but actually they are far  
5 greater, and we have provided that information in  
6 writing to you all.

7           Lastly but not least, it needs to be  
8 understood that the lifeblood of using Long  
9 Island Sound means that you have to be able to  
10 get into it. You don't get into it in the middle  
11 of the Sound, you get into it from the foreshore,  
12 you get into it from the harbors and boating,  
13 whether it be commercial or recreational or just  
14 swimming. If you are not able to undertake that  
15 in a meaningful manner, then you are not able to  
16 really utilize those resources. And we thank you  
17 for the opportunity to present our remarks.

18           MR. ROSENBERG: Thank you, sir.

19           Next speaker, Marguerite Purnell.

20           MS. PURNELL: Good evening, my name  
21 is Marguerite Purnell, I am a Director of the  
22 Fishers Island Conservancy. Thank you for the  
23 chance to provide comments on the Draft EIS for

24 the potential designation of dredged material

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1 disposal sites in Long Island Sound.

2           So much material, so little time.

3           Having only received a copy of the

4 DEIS and site management plans one week ago --

5 hand delivered by Ann Rodney, and I really would

6 like to thank her for that -- these comments will

7 be brief and somewhat generalized. It's

8 difficult and I have been frustrated, because as

9 a long-standing active member of a working group,

10 I still haven't received the documents that I was

11 supposed to have received, that were supposed to

12 have been sent out on September 12th. I

13 understand there were some glitches and I really

14 do appreciate the fact that the comment period

15 has been extended.

16           On to more productive comments. We

17 are grateful to the agencies for undertaking this

18 herculean task; though it has been a long time

19 coming. And while we are greatly encouraged by

20 the concept of minimizing the environmental

21 impacts to Long Island Sound, we still wonder

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22 whether this particular exercise as conducted to  
23 date will achieve that particular goal.

24 A great deal of information has been

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1 generated, some of it quite outstanding, The  
2 Physical Oceanography Report was great, while  
3 others have been a distinct disappointment, the  
4 Alternative Site Screening Report, I hope you  
5 guys didn't spend a lot of money on that one.

6 We had requested that a multicriteria  
7 GIS analysis be performed in order to identify  
8 the most environmentally suitable alternatives to  
9 the Interim Disposal Sites. Instead we got a few  
10 data layers without supporting metadata that were  
11 shoved onto a map, and we were told that the  
12 decisions had been made to look at Bridgeport and  
13 Milford.

14 There was no information from the  
15 State of New York, and while I certainly am not  
16 proud of that, as I represent a New York  
17 nonprofit, how can a critical analysis be made  
18 without all the information? Half the map was

19 blank.

20 No archaeological information was  
21 incorporated into this analysis.

22 No navigational information was  
23 provided (no navigation channels, aids to  
24 navigation, USCG lighting areas, et cetera. It

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1 was "not considered important for Tier 1  
2 screening." The difficult is, my experience is  
3 more with the eastern Long Island Sound, and at  
4 the disposal site in the early eighties a sub ran  
5 aground at a disposal site, so maybe that would  
6 be a Tier I consideration.

7 Shellfish information in the  
8 nearshore areas was included from the State of  
9 Connecticut but later in the analysis an  
10 additional shellfish classification data layer  
11 was added, though not as an exclusion area.

12 The beach datalayer had only five  
13 beach areas specified, all in Connecticut, when a  
14 recent Sound Health Report, really just came out  
15 a few weeks ago, was able to document 240 beaches  
16 Sound-wide.

17           Water depth was used as a surrogate  
18 for sediment stability. I can understand the  
19 concept of using that, but you generated all this  
20 wonderful oceanographic data and didn't  
21 incorporate it in the analysis. There was also  
22 no consideration of the local bathymetry and  
23 topography, and no consideration of grain size of  
24 the materials to be disposed.

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1           Essential fish habitat was  
2 incorporated through surface sediment texture  
3 information. Again, no consideration of the  
4 fishtrawl data, no information to evaluate the  
5 impact of living resources, breeding, spawning,  
6 nursery, feeding and passage areas. I understand  
7 that's difficult to get.

8           Thus the site selection actually  
9 occurred without much of the information  
10 necessary for MPRSA evaluation. It occurred  
11 behind really closed doors with no notice for any  
12 ability for public comment. It's the same method  
13 that actually occurs during permitting of the

14 dredged material permits, it's a multiagency  
15 get-together, though not all agencies are  
16 present.

17 A decision was actually made at a  
18 meeting in May of 2002, yet the supporting  
19 document was not released until November of 2002.

20 The decision was presented to the working group  
21 at a July 2002 meeting, a draft document was  
22 promised but then it did arrive a little after  
23 November.

24 Specific comments related more to the

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1 DEIS, we will be obviously submitting additional  
2 comments, and the basic premise that the  
3 materials remain within the confines of the  
4 disposal site is not necessarily borne out by the  
5 data presented in the EIS.

6 I will go into that in more detail.

7 Also some interpretation of the data is somewhat  
8 curious. For instance, the ratings of the  
9 macrophage aggregates in the spleens of winter  
10 flounder, "Based on this analysis, most  
11 individual samples were rated as being indicative

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12 of generally healthy fish." Although technically  
13 true, by one fish. Subset samples, 39 of them  
14 were less than one; while 37 were greater than  
15 one. Any value over one would indicate some  
16 degree of stress. But if you are looking at the  
17 location information on that you will find there  
18 are three locations that had 50 percent greater  
19 than the one, which would indicate that  
20 50 percent over -- the three locations there were  
21 greater than 50 percent number of fish that were  
22 affected. Not very clear, I apologize.

23 And you unfortunately lumped that  
24 particular information also with a rating of a

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1 transitional area which is a very sandy area,  
2 which would not necessarily have the  
3 contamination you would expect in the more mud  
4 areas.

5 We are very, very encouraged though  
6 by the development of Site Management Plans and  
7 beginning to get some of this information down.  
8 I know the program has been existing for over

9 twenty years, generated some decent data and some  
10 very interesting conclusions. we hope that the  
11 Site Management Plans you will ensure timely  
12 environmental monitoring of the active sites and  
13 release of reports, sometimes we have to wait  
14 eight or nine years to actually be able to review  
15 that information.

16         Ensure that the same species are  
17 analyzed year to year, that's when you are doing  
18 any kind of bioassay information on the critters  
19 out at the site. In the past you would compare  
20 clams to worms which year to year, that data  
21 basically is akin to apples and oranges.

22         Seek outside comment from Benthic  
23 ecologists as to the efficacy of using stage one,  
24 two, and three community assemblages on mounds,

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1 whether or not those are representative of  
2 health. We tend to lose the diversity on those  
3 things.

4         We also recommend that disposal mound  
5 heights be maintained. Again I believe there are  
6 criteria, the exclusion criteria for the disposal

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7 site location was 18 meters? Based upon the  
8 possibility of resuspension of materials, I  
9 believe you had said you were going to take those  
10 to something like 15 meters. We would hope to  
11 keep it at eighteen meters.

12 Just a final last little tiny  
13 request. I know I'm being very bothersome.  
14 Would you be able to add the distances from the  
15 disposal sites to the closest points to the south  
16 when describing those?

17 Would you also be able to basically  
18 expand the Site Management Plan, it's Table 12,  
19 for western Long Island Sound, that gives you an  
20 idea for the breakdown of the disposal event,  
21 disposal volumes, which buoy they're going to,  
22 which disposal mound they create, the test  
23 results and data you generate year to year is  
24 dependant upon the degree of contamination within

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1 those sites. So sometimes you can sample a  
2 previous site and not necessarily have the level  
3 of contamination that other sites. And again,

4 that generates somewhat spurious conclusions.

5           Would you please continue to address  
6 the remainder of the zone siting feasibility in  
7 eastern Long Island Sound. And then a last  
8 little thought for you, you could also perform a  
9 GIS proximity analysis that you could sort of use  
10 on the dredge centers, and that would help you  
11 identify generalized areas for transit times.

12           That's it, thank you very much.

13 Thank you for letting me run on.

14           MR. ROSENBERG: That is the end of  
15 those that have signed in to speak. Is there  
16 anybody here that has not signed up to speak but  
17 wishes to provide comment at this time?

18           (No response.)

19           MR. ROSENBERG: Ladies and gentlemen,  
20 Mr. Cote.

21           MR. COTE: Thanks again, Larry.  
22 Tonight we have heard some thoughtful statements,  
23 and careful analysis is required for  
24 determinations to be made and decisions

1 rendered.

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2           As has been said many times this  
3 evening, statements, written statements, may be  
4 submitted to EPA or Corps of Engineers until 5:00  
5 P.M. on November 17th, and as Dan Natchez pointed  
6 out, we also are accepting e-mail comments. Many  
7 of you already have our e-mail address.

8           All these comments will receive equal  
9 consideration with those presented earlier today,  
10 yesterday, and the comments we will be receiving  
11 from now until November 17th.

12           We at the Environmental Protection  
13 Agency and the Corps of Engineers extend our  
14 appreciation to all of you who took the time to  
15 involve yourselves in the public review process.

16           And finally, before I conclude this  
17 hearing, I would like to extend my appreciation  
18 to the Westin Hotel for the use of this fine  
19 facility, and the City of Stamford Police for  
20 their support, and I would like to thank again  
21 all of you for taking the time to provide us with  
22 your thoughts, your comments, and your concerns.

23           Good night.

24           (Hearing concluded-8:24 P.M.)

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CERTIFICATE

I, Nancy Anne Flynn, Registered

Professional Reporter, do hereby certify:

THAT the proceeding hereinbefore set

forth was recorded by me; and

THAT the within transcript is a true

record of the proceeding.

I further certify that I am not related,

either by blood or marriage, to any of the parties;

and

THAT I am in no way interested in the

outcome of this matter.

IN WITNESS WHEREOF, I have hereunto

set my hand this 12th day of October 2003.

---

NANCY ANNE FLYNN, RPR

1 SUBMITTED WRITTEN MATERIALS  
2 "CLEAN HARBOR ACTION/REVITALIZE OUR WATERWAYS  
3                               September 25, 2003  
4 USEPA, New England Region  
5 One Congress Street  
6 Suite 1100, CWQ  
7 Boston, MA 02114-2023  
8 Attn: Ann Rodney  
9  
10 RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT for the  
11 Designation of Dredged Material Disposal Sites in  
12 Central and Western Long Island Sound, Connecticut  
13 and New York.  
14  
15 Dear Representatives of the EPA:  
16  
17 This filing is being made on behalf of Revitalize  
18 Our Waterways (ROW) and Clean Harbor Action (CHA),  
19 educational advocacy groups representing over 700  
20 marine facilities/businesses, including marinas,  
21 boatyards, bulk cargo facilities, sports and

22 commercial fishermen, baymen, yacht clubs and a  
23 variety of other waterfront interests.  
24 We have reviewed and studied the DRAFT

1

2 ENVIRONMENTAL IMPACT STATEMENT for the Designation  
3 of Dredged Material Disposal Sites in Central and  
4 Western Long Island Sound Connecticut and New York  
5 (hereinafter referred to as DEIS).

6 It is obvious that a tremendous amount of work has  
7 gone into the effort for preparing the DEIS by the  
8 ACE and EPA and their associated consultants.  
9 ROW/CHA support the conclusion of designating the  
10 two sites-CLIS and WLIS-III-as set forth in the  
11 DEIS.

12

13 However, there are certain additional issues that  
14 need to be clarified and emphasized as follows:

15

16 TERMINOLOGY

17

18 It has respectfully been suggested that the term

19 RELOCATION vs. DISPOSAL be used in the  
20 Environmental Impact Statement (EIS) and related  
21 document preparation. The issue is not disposal  
22 but where and how to relocate the dredged  
23 sediments. This change in text has not been made.  
24 While it is known that the regulations use the

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1 terms disposal and spoils, as part of the  
2 designation process and as continually reinforced  
3 by the public working group and at all public  
4 meetings, the text could be made clear so that  
5 those without the technical and legal background  
6 could put the DEIS and its related components into  
7 a more user-friendly perspective.  
8 SCREENING FOR ACCEPTABLE SITES:  
9 ROW/CHA, while supporting the designation of CLIS  
10 and WLIS-III, are extremely disappointed at the  
11 apparent shortsighted and political approach  
12 determined to be used in the screening process for  
13 relocation (disposal) site consideration. It is,  
14 in point of fact, a missed opportunity. EPA has  
15 artificially determined that ONLY LARGE AREAS are  
16 to be used for relocation of dredged material.

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17 While neither discussed nor elaborated upon, the  
18 EPA has determined in conjunction with other  
19 agencies involved that only large areas  
20 approximately one square mile or larger can be  
21 used. NO CONSIDERATION appears to have been given  
22 to other deep-water areas within the Western End of  
23 LO Sound which meet the screening process set forth  
24 by the EPA. This issue has continually been raised

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1 throughout the public meetings and the public  
2 working sessions, and absolutely NO feedback has  
3 been provided. Administratively, the concept seems  
4 to be, "Let's only have a couple of areas-it'll be  
5 easier to handle and manage." Yet the bulk of the  
6 needs for the recreational areas are, in fact,  
7 several miles and more away from WLIS-III. One  
8 might assume that it was just easier to ignore NYS  
9 waters for other non-technical reasons.

10

11 During the public meetings and workshops  
12 it was put forth that ALL LARGE  
13 DEPRESSIONS IN LONG ISLAND SOUND,

14 INCLUDING, SPECIFICALLY, THOSE IN THE  
15 WESTERN PORTION OF THE SOUND, should be  
16 looked at for their applicability as  
17 potential additional relocation sites.  
18 Specifically, large depressions off of  
19 Neww Rochelle as well as elsewhere seem to  
20 meet all of the substantive screening  
21 criteria that has been set forth by EPA.  
22 Part of the DEIS process was to develop  
23 scientific and other technical missing  
24 information to consider these and other

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1 areas.

2

3 DREDGING NEEDS:

4

5 ROW/CHA are concerned that the estimated cubic  
6 yards and needs for the non-Federal projects within  
7 Long Island Sound are significantly understated in  
8 the DEIS. The reasons are believed to have to do  
9 with the questions that were asked, lack of  
10 familiarity with the areas and lack of response and  
11 cooperation from those in the marine industry. Of

12 particular concern are the dredging needs quantity  
13 estimates from the NY area and western end of LI  
14 Sound.  
15  
16 ROW/CHA undertook their own canvassing and  
17 compilation of the estimated needs of the  
18 nonFederal projects for dredging in the WESTERN  
19 LONG ISLAND SOUND AREA during the early winter of  
20 2002. The results show that the current (next 5  
21 years) dredging needs are estimated at 9,408,888  
22 cubic yards, and in 20 years are estimated at  
23 29,369,288 cubic yards - as compared to the  
24 USEPAAA/USACE report showing 1,717,200 cubic yards

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1 and 4,543,800 cubic yards respectively. The  
2 ROW/CHA survey suggests that the survey work  
3 conducted by the EPA/ACE understate the very real  
4 needs of recreational (including marina) and  
5 commercial dredging non-federal projects in Long  
6 Island Sound.  
7  
8 What was also learned was that dredging costs

9 greater than \$6 to \$12 per cubic yard (including  
10 testing and relocation costs) were a MAJOR  
11 impediment to the undertaking of dredge projects in  
12 the near term.

13

14 Indeed, many interviewed were skeptical that  
15 affordable dredging would be able to be  
16 undertaken within the near or medium term  
17 future. This could, in part, explain the  
18 disparity between the needs determined by the  
19 ROW/CHA survey versus that of the EPA/ACE.

20

21 The realities of dredging today in most areas  
22 of LI Sound are ranging from \$12 to \$40 per  
23 cubic yard, with most dredging in the western  
24 end of LI Sound that has to be managed and

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1 relocated to CLIS being in the range of \$20 to  
2 \$40 inclusive of all testing and other costs.

3

4 The concerns about the cost of dredging when  
5 applied against the needs translates to the  
6 fact that over 73% of ROW/CHA's respondents

7 that needed dredging felt that without an  
8 economically affordable site they would not be  
9 able to undertake same, which means that  
10 approximately 61% of those operations may not  
11 be able to economically survive.

12

13 ROW/CHA set about their survey in a manner that  
14 would not reinvent the wheel. The ACE base  
15 questionnaire was retained and used as the base  
16 questinos. The information developed was then  
17 based on follow-up interviews with marina operators  
18 surveyed together, with various reality checks  
19 undertaken with the others (such as harbormasters,  
20 marine contractors, mooring contractors, local  
21 marine mavens, and others in the various regions  
22 that were familiar with the areas, dipths, and  
23 boating needs). The information was developed as  
24 follows:

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1 METHODOLOGY:

2 For the purposes of the ROW/CHA survey,  
3 the term MARINA is used to include all

4 entities interviewed regardless of whether  
5 they were a marina, boatyard, yacht club,  
6 mooring field operator, or other facility  
7 with in-water activity needs.

8  
9 Many operators were asked substantively  
10 the same questions that ENSR did in their  
11 survey. Resistance was encountered due to  
12 the length of the ENSR survey and the  
13 amount of time necessary to complete it.

14 The telephone interviews were thus  
15 shortened to include only questions  
16 relevant to the immediate (2001-2005)  
17 dredging needs of the facility and, in  
18 some cases, follow-up questions for longer  
19 periods if dredging had frequently been  
20 completed. The purpose of the approach  
21 was first to determine dredging needs, and  
22 only subsequently to determine what the  
23 affordable cost of dredging would  
24 be.

2 Facilities Summary List" of the EPA/USACE  
3 study was used as the main source of  
4 facilities interviewed. This was  
5 supplemented with contact information by  
6 data contained in the trade publication  
7 "Boating Almanac" and other marine lists  
8 which list navigable facilities by harbor.  
9 Appendix B contained a significant number  
10 of invalid facilities being  
11 navigatin-dependent but with no navigable  
12 or limited navigable areas (e.g.  
13 sailmakers, waterfront cafes). These  
14 facilities were omitted for purposes of  
15 the telephone interviews as most of the  
16 areas were picked up in discussinos with  
17 landlords or adjacent marinas and/or other  
18 navigation-dependent entities in the area.  
19 The Boating Almanac and other marina lists  
20 contained a number of facilities not  
21 listed in Appendix B, and these were used  
22 as additional data for the ROW/CHA survey.  
23 Some facilities listed in Appendix B were  
24 also known to have either changed their

1 names or were no longer operative.  
2  
3 Marinas that were surveyed provided their  
4 in-water area (approximate length and  
5 width) in feet, which was converted with  
6 them into square yards. They were then  
7 asked to estimate and/or confirm their  
8 average dredge depth needs, based on  
9 average boat size and draft (depth  
10 including motors and/or keels). Safe  
11 depth at dead low water was also discussed  
12 and, on average, was assumed to be two feet  
13 to allow for waves and longevity upon  
14 completion of dredging (all factors that  
15 are used in designing dredge projects  
16 prior to examination of costs). From this  
17 information, marinas were able to  
18 calculate an estimated number of cubic  
19 yards dredged. Most marinas were able to  
20 calculate an estimated number of cubic  
21 yards dredged. Most marinas surveyed  
22 indicated their capacity.  
23

24 For marinas who were unable to estimate

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1 teir size, a formula was used to project  
2 their dredge needs tempered by a review of  
3 navigational charts and knowledge of the  
4 area. Where sufficient informatin was not  
5 readily available, mooring buoys were  
6 considered needing a minimum area of 50  
7 feet in diameter, all slips needing an  
8 area of 30 feet by 50 feet. These areas  
9 were then multiplied by the number of  
10 moorings or slips and by their dredge  
11 needs. Ehen unable to estimate their  
12 dredge needs, a median value of 3 feet  
13 dredging was used. In cases where marinas  
14 were unable to give a breakdown of  
15 moorings and slips, an area of 40 feet by  
16 40 feet was used. This was again  
17 multiplied by their total capacity and by  
18 their dredge depth, unless they were  
19 unable to estimate dredge depth, in which  
20 case the median dredge depth of 3 feet was  
21 used.

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22

23

24 BREAKDOWN OF RESULTS-2002-2006(ACE/EPA 2001-2005)

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1	HARBOR AREA	ROW/CHA	EPA/ACE
2		ESTIMATES	ESTIMATES
3	3.2 Manhasset &	1,694,185	1,159,000
4	Little Neck Bays		
5	3.3 Hempstead Harbor Area	364,391	25,000
6	3-4 Oyster Bay/Cold	258,117	7,300
7	Spring Harbor Area		
8	3.5 Huntington and	2,156,134	184,500
9	Northport Bay Area		
10	3.6 Smithtown Bay/	31,389	66,000
11	Stony Brook		
12	3.7 Port Jefferson/	1,015,717	100
13	Mount Sinai		
14	3.8 Suffolk County Beach	0	0
15	3.23 Norwalk Area	579,066	56,700
16	3.24 Stamford Area	520,668	50,000
17	3.25 Greenwich Area	1,037,907	63,600
18	3.26 Port Chester/Rye	648,388	38,000

19	3.27 Mamaroneck/	756,313	67,000	full.txt
20	New Rochelle Area			
21	3.28 Eastchester Bay Area	346,613	0	
22	-----			
23	TOTAL	9,408,888	1,717,200	
24	BREAKDOWN OF RESULTS-2002-2022(ACE/EPA 2001-2021)			

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1	HARBOR AREA	ROW/CHA	EPA/ACE	
2		ESTIMATES	ESTIMATES	
3	3.2 Manhasset &	3,384,672	2,644,000	
4	Little Neck Bays			
5	3.3 Hempstead Harbor Area	1,573,405	80,000	
6	3-4 Oyster Bay/Cold	1,962,104	65,200	
7	Spring Harbor Area			
8	3.5 Huntington and	4,967,039	431,900	
9	Northport Bay Area			
10	3.6 Smithtown Bay/	168,167	376,600	
11	Stony Brook			
12	3.7 Port Jefferson/	2,196,980	110,100	
13	Mount Sinai			
14	3.8 Suffolk County Beach	0	0	
15	3.23 Norwalk Area	2,406,906	85,000	
16	3.24 Stamford Area	1,907,671	200,000	

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17	3.25 Greenwich Area	4,007,527	132,000
18	3.26 Port Chester/Rye	2,443,553	158,000
19	3.27 Mamaroneck/ New Rochelle Area	2,964,772	261,000
21	3.28 Eastchester Bay Area	1,386,452	0
22	-----		
23	TOTAL	29,369,288	4,545,800
24	ECONOMIC IMPACT vx DREDGING NEEDS		

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1 Another missed opportunity in the DEIS is  
2 to try to correlate the economic impact  
3 and needs as set forth respectively in  
4 Appendices B and E respectively. While  
5 the Dredging Needs discussion breaks down  
6 the needs by harbor, the Economic Impact  
7 is broken down in a different regional  
8 manner, making real comparison and  
9 determinations, conclusions and analogies  
10 very difficult. Just another missed  
11 opportunity.

12 ALTERNATIVE IMPLICATIONS

13 The EPA and the ACE should be commended

14 for taking a holistic approach to the  
15 evaluation of cause and effect  
16 relationships and the discussion of  
17 alternatives contained within the DEIS  
18 relative to impacts associated with moving  
19 materials by land and to upland relocation  
20 sites.

21 PUBLIC INPUT:

22 EPA has reached out during numerous  
23 opportunities to hae public input through  
24 public meetings and meetings of the

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1 working group. These have been invaluable  
2 to be able to input information to EPA.  
3 It would have been a more desirable  
4 approach if more of the substantive big  
5 picture issues had been seized upon,  
6 addressed and incorporated, which would  
7 have removed some of the missed  
8 opportunities discussed above.

9

10 We thank you for the opportunity to present the  
11 above views and comments on the DEIS.

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12

13

Sincerely,

14

15

CLEAN HARBOR ACTION

16

REVITALIZE OUR WATER WAYS

17

Daniel S. Natchez, Coordinator

18

19

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21

22

23

24