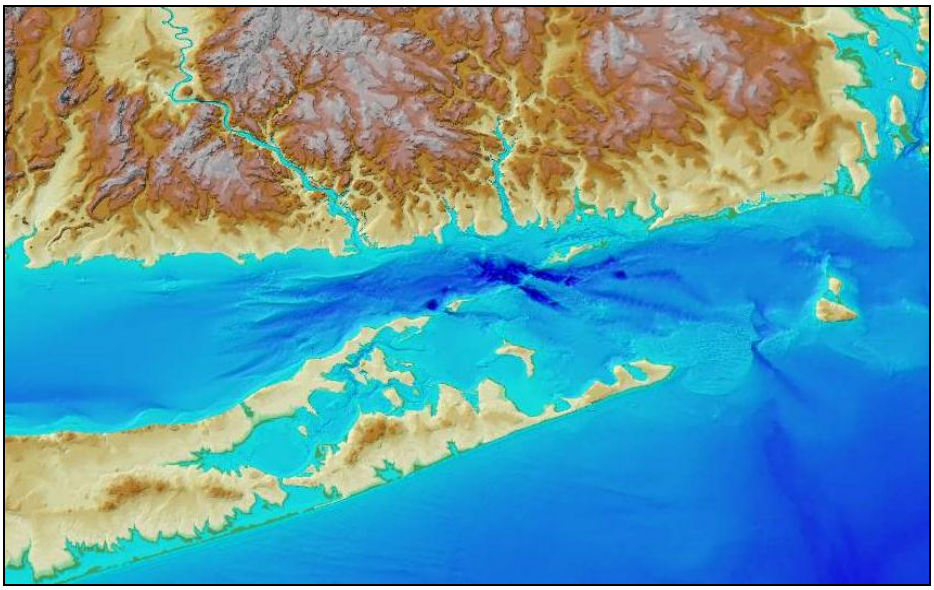
# Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Eastern Long Island Sound, Connecticut and New York

# Report of Public Scoping Meetings 1 (Groton, CT) and 2 (Riverhead, NY) Regarding the Notice of Intent



Prepared for: **United States Environmental Protection Agency**

Sponsored by: **Connecticut Department of Transportation**

Prepared by: **The Louis Berger Group, Inc.**
(under contract to the University of Connecticut)

**July 2013**

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Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Eastern Long Island Sound, Connecticut and New York

# REPORT OF PUBLIC SCOPING MEETINGS 1 (GROTON, CT) AND 2 (RIVERHEAD, NY) REGARDING THE NOTICE OF INTENT

Held on November 14, 2012 (Groton), and January 9, 2013 (Riverhead)


*Prepared for:*

**United States Environmental Protection Agency**
5 Post Office Square, Suite 100
Boston, MA 02109

*Sponsored by:*

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July 8, 2013

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# Table of Content

*page*

# EXECUTIVE SUMMARY

This report provides a summary of the first two scoping meetings as part of the Supplemental Environmental Impact Statement (SEIS) process for the designation of dredged material disposal sites in Eastern Long Island Sound. The SEIS will supplement the Environmental Impact Statement (EIS) for the designation of dredged material disposal sites in the Western and Central Long Island Sound, completed in 2004. The SEIS is prepared for the U.S. Environmental Protection Agency (USEPA), and supported by the Connecticut Department of Transportation (CTDOT). The study will be conducted in consultation with other federal and state agencies of New York State and Connecticut, as well as with consultation of the public.

The two scoping meetings were held in Groton (CT) on November 14, 2012, and in Riverhead (NY) on January 9, 2013. The primary purpose of these meetings was to solicit public input on the Notice of Intent to proceed with a potential designation of one or more dredged material disposal sites. The comment period was extended to January 31, 2013. Comments were received at the meeting (orally and in hardcopy format) as well as by electronic transmittal to *ELIS@epa.gov*.

# 1. Introduction

In 2005, the USEPA designated the Western and Central Long Island Sound dredged material disposal sites, following the preparation of an EIS. The two disposal sites in the Eastern Long Island Sound, Cornfield Shoals and New London, are scheduled to close in December 2016. The EPA plans to prepare a Supplemental EIS (SEIS) for the potential designation of one or more disposal sites needed to serve the Eastern Long Island Sound region (as stated in the Notice of Intent; Attachment 1). The SEIS will be prepared in accordance with Section 102(c) of the Marine Protection Research and Sanctuaries Act (MPRSA; also referred to as Ocean Dumping Act [ODA]) of 1972. The USEPA has the responsibility of designating sites under Section 102(c) of the Act and 40 CFR Part 228.4 of its regulations. The SEIS is supported by the State of Connecticut through the Connecticut Department of Transportation (CTDOT).

# 2. Scoping Meetings

In accordance with USEPA's voluntary NEPA policy, the USEPA conducts a public outreach process. The process continues a long and rich history of public involvement and participation in environmental decision-making. In keeping with this tradition, and to satisfy the numerous statutory and regulatory requirements to which this proposed action is subject, the USEPA is conducting an extensive public involvement program throughout the development of the SEIS. Scoping meetings 1 and 2 are the beginning of that process.

The first public involvement step is the publication of a Notice of Intent (NOI) in the Federal Register, which occurred on October 16, 2012 (Federal Register, 10/16/2012, v. 77, no. 200, p. 63312-13; Attachment 1). The Notice of Intent outlines the agencies involved, the proposed action, the purpose, a project summary, the need for the SEIS, the date, time and place of the public scoping meetings, and a website for additional information.

USEPA scheduled the public scoping meetings 1 and 2 in Connecticut and New York State to discuss the goals of the project. The public was invited to attend and identify issues that should be addressed in the SEIS. Comments were presented either as oral statements during the meetings and/or as written statements submitted during or up to three weeks after the second meeting (i.e., through January 31, 2013). Meetings were held on the following dates:

- November 14, 2012 University of Connecticut, Avery Point, Groton, Connecticut
- January 9, 2013 Suffolk County Community College, Riverhead, New York

The meeting on January 9 was originally scheduled to be held on November 15, 2012, but had to be postponed due to Hurricane Sandy. The postponement was announced in USEPA's press release (Attachment 2).

All public scoping activities up to February 1, 2013 are summarized below:

- July 2012: USEPA requested Cooperating Agency response
- Oct. 16, 2012: Notice of Intent (NOI) published in Federal Register (Attachment 1)

  USEPA Region 2 sent out an invitation letter to the public
- Nov. 8, 2012: Press Release was issued by EPA Region 1 (Attachment 2)

  Announcement on USEPA's website that public scoping meeting originally scheduled for November 15, 2012 in Riverhead, New York, was postponed due to Hurricane Sandy.
- Nov. 14, 2012: Public scoping meeting at UCONN, Groton, CT. USEPA announced at the meeting that the public comment period for NOI was extended to January 31, 2013.
- Dec. 17, 2012: USEPA Region 1 and Region 2 hosted meeting for Region 2 and Fishers Island Conservancy.
- Jan. 2, 2013: Announcement of new date for New York meeting was sent via EPA email server. Also, the notice of New York meeting and extension of public comment period was published in Federal Register.
- Jan. 4, 2013: Press Release issued by EPA Region 1 (Attachment 2)
- Jan. 8, 2013: Cooperating Agency meeting was held at CTDOT office in Newington, CT.
- Jan. 9, 2013: Public scoping meeting was held at Suffolk Community College, Riverhead, New York.
- Jan. 31, 2013: Additional written comments were submitted to USEPA.

# 3. Agendas of Scoping Meetings

The Groton (CT) meeting was held on November 14, 2012 between 3:30pm and 7:00pm. The Riverhead (NY) meeting was held on January 9, 2013 between 2:00pm and 5:30pm. The format and agenda of each meeting was identical, with the exception that the meeting in Riverhead started 1.5 hours earlier than the meeting in Groton:

| CT time | NY time | Agenda Item |
|---|---|---|
| 3:30 pm | 2:00pm | *Registration* |
| 4:00 pm | 2:30pm | *Ground Rules/Logistics*<br>Mr. Niek Veraart, The Louis Berger Group, Inc. |
| 4:05 pm | 2.35pm | *Welcome/EPA's Role in Disposal Site Designations*<br>Mel Coté, Manager, Ocean and Coastal Protection Unit, EPA Region 1 |
| 4:10 pm | 2:40pm | *Where We've Been: Designation of the Central and Western Long Island Sound Dredged Material Disposal Sites*<br>Mel Coté, Manager, Ocean and Coastal Protection Unit, EPA Region 1 |
| 4:20pm | 2:50pm | *Where We Are Now: Long Island Sound Dredged Material Management – the Need for Dredging and the Corps of Engineer's Role*<br>Mark Habel, U.S. Army Corps of Engineers, New England District |
| 4:30 pm | 3:00pm | *Where We're Going: SEIS for the Eastern Long Island Sound Region*<br>Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1 |
| 4: 40 pm | 3:10pm | *State of Connecticut's Role*<br>George Wisker, Connecticut Department of Energy and Environmental Protection |
| 4:50 pm | 3:20pm | *State of New York's Role*<br>Jennifer Street, New York Department of State |
| 5:00 pm | 3:30pm | *Public Comments and Discussion*<br>Mr. Niek Veraart, The Louis Berger Group, Inc. |
| 7:00 pm | 5:30pm | *Adjourn* |

# 4. Meeting Summary

Scoping is part of the NEPA process through which federal agencies discuss the purpose of and need for the proposed action; the projected area extent and range of potential impacts resulting from the proposed action; and the studies necessary to determine the extent of potential impacts resulting from these actions. Public scoping meetings 1 and 2 explained the roles of agencies, explained the project, and requested public comment in the Notice of Intent.

The lists of Attendees as well as the lists of Commenters/Speakers from the Public are provided in Attachment 3. Presentations given by representatives from federal (USEPA, USACE) and state agencies (CTDEEP, NYDOS) are provided in Attachment 4. Transcripts, required for both meetings, were prepared by Ms. Sarah Miner from Brandon Smith Reporting & Video (Groton meeting) and by Ms. Charmaine DeRosa from Alliance Reporting Service, Inc. (Riverhead meeting); their transcripts are enclosed as Attachments 5 and 6, respectively.

Following is a summary of the two meetings:

- **Attendees:** A total of 44 attendees signed in at the Groton meeting; a total of 32 attendees signed in at the Riverhead meeting. Both numbers included two speakers from USEPA, and one speaker each from Connecticut Department of Energy and Environment, U.S. Army Corps of Engineers, and New York Department of State. Attendees at both meetings included members from the Public; non-profit organizations; private companies such as marinas owners, consultants, and ferry operators; state and federal agency representatives; and representatives of government officials.
- **Commenters:** At each meeting, seven individuals commented after the presentations were given by USEPA, USACE, CTDEEP, and NYDOS. Also at each meeting, two commenters provided written comments in addition to their oral comments.
- **Written Comments:** A total of 19 letters and emails were received by the USEPA between November 6, 2012 and February 11, 2013 (Table 1). Specifically, as stated above, four written comment letters were received at the two scoping meetings (included in Attachment 7). An additional 14 emails and letters were received within the comment period through January 31, 2013; seven of these emails/letters contained project-specific comments (also included in Attachment 7). Another letter was received after the comment period and is therefore not included in this report; USEPA will respond separately.

**Table 1: Correspondence and comments received from the Public.**

| Commenter | Agency | Method | Date | Time Received | Comments Attached* | Reply Date | Reply Time |
|---|---|---|---|---|---|---|---|
| Brett Hillman | Fish & Wildlife Service | E-Mail | 11/6/2012 | 9:57am | -- | 11/7/2012 | 9:05 am |
| Louis W. Burch | Citizens Campaign for the Environment | In-Hand | 11/14/2012 | at meeting | (1) | | |
| Adam Wronowski | Cross Sound Ferry | In-Hand | 11/14/2012 | | (2) | | |
| Jeannine Dube | Fish & Wildlife Service | E-Mail | 11/15/2012 | 7:24 am | (3) | | |
| William Gash | CT Maritime | E-Mail | 11/15/2012 | 10:27 am | -- | 11/29/2012 | 12:00 pm |
| John Gardiner | Spicer's Marina | E-Mail | 11/28/2012 | 11:43 am | -- | 11/29/2012 | 12:01 pm |
| William Gash | CT Maritime | E-Mail | 12/3/2012 | 9:30 am | -- | 12/3/2012 | 1:53 pm |
| Timothy C. Visel | | E-Mail | 12/12/2012 | 2:37 pm | (4) | | |
| Adele King Malone | NV Division of Environmental Protection | E-Mail | 1/7/2013 | 11:23 am | -- | 1/7/2013 | 5:01 pm |
| Maureen Dolan Murphy | Citizens Campaign for the Environment | In-Hand | 1/9/2013 | at meeting | (5) | | |
| Robert Evans | Fishers Island Conservancy | In-Hand | 1/9/2013 | | (6) | | |
| Marguerite Purnell | Fishers Island Conservancy | E-Mail | 1/22/2013 | 12:01 pm | -- | 1/22/2013 | 12:40 pm |
| Jennifer Hartnagel | Group for the East End | E-Mail | 1/24/2013 | 2:40 pm | -- | 1/30/2013 | 4:09 pm |
| Leah Schmalz | Save the Sound/CT Fund for the Environment | E-Mail | 1/24/2013 | 5:07 pm | (7) | 1/29/2013 | 11:23 am |
| Timothy C. Visel | | E-Mail | 1/29/2013 | 2:30 pm | (8) | | |
| Scott A. Russell / Mark Terry | Town of Southold | E-Mail | 1/31/2013 | 3:34 pm | (9) | 1/31/2013 | 4:09 pm |
| Fred Anders / Jennifer Street | NY DOS | E-Mail | 1/31/2013 | 4:47 pm | (10) | 1/31/2013 | 4:58 pm |
| Marguerite Purnell | Fishers Island Conservancy | E-Mail | 1/31/13 | 11:59 pm | (11) | 2/1/2013 | 10:15 am |
| Timothy H. Bishop | House of Represen-tatives, 1st District, NY | Mail | 2/11/2013 | ** | | | |

* The number in brackets refers to the comment number provided in Attachment 7. A dash means the email did not contain project-specific comments; the email was therefore not attached.

** Comment letter not attached as it was received after the end of the comment period; USEPA will respond separately.

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# Attachment 1

# NOTICE OF INTENT

CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–13432) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 10, 2012.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2012–25398 Filed 10–15–12; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9741–9]**

### Notice of Intent: Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate the potential designation of one or more Ocean Dredged Material Disposal Sites (ODMDS) to serve the eastern Long Island Sound region (Connecticut, New York, and Rhode Island).

**SUMMARY:** EPA is authorized to designate ODMDS under section 102(c) of the Marine Protection, Research and Sanctuaries Act (MPRSA). EPA is preparing the SEIS in accordance with the Agency's Statement of Policy for Voluntary Preparation of National Environmental Policy Act documents for all ocean disposal site designations. The SEIS will update and build on the analyses that were conducted for the 2005 Long Island Sound Environmental Impact Statement that supported the designation of the Central and Western Long Island Sound disposal sites. The following federal and state agencies have expressed interest in serving as cooperating agencies: U.S. Army Corps of Engineers (USACE), New England and New York Districts; National Oceanic and Atmospheric Administration, National Marine Fisheries Service; Connecticut Department of Energy and Environmental Protection; Connecticut Department of Transportation; New York Department of State; Rhode Island Department of Environmental Management; and Rhode Island Coastal Resources Management Council.

**SUPPLEMENTARY INFORMATION:** The primary statutes governing the open-water disposal of dredged material in the United States are the MPRSA and the Clean Water Act (CWA). The waters of Long Island Sound are *landward* of the baseline from which the territorial sea of the United States is measured. As with other waters lying landward of the baseline, all dredged material disposal activities in Long Island Sound, whether from federal or non-federal projects of any size, are subject to the requirements of section 404 of the CWA. The MPRSA generally only applies to dredged material disposal in waters *seaward* of the baseline and would not apply to Long Island Sound but for the 1980 amendment that added section 106(f) to the statute. This provision requires that the disposal of dredged material in Long Island Sound from federal projects (projects carried out under the USACE civil works program or by other federal agencies) and non-federal projects generating more than 25,000 cubic yards of material must comply with the requirements of both CWA section 404 and the MPRSA. This applies to both the designation of specific disposal sites and the assessment of the suitability of specific dredged material for disposal. Disposal from non-federal projects involving 25,000 cubic yards or less of dredged material, however, is subject only to CWA section 404.

*Need for Action:* Dredging is essential for maintaining safe navigation in ports and harbors in the eastern Long Island Sound region. Over the past approximately 30 years, dredged material from eastern Long Island Sound has been disposed of primarily at the New London and Cornfield Shoals disposal sites. These two sites, both of which were selected by the USACE for short-term use, expire on December 16, 2016.

Therefore, EPA has decided to prepare an SEIS to evaluate the two current sites used in eastern Long Island Sound as well as other sites for, and means of, disposal and management, including the no action alternative. The SEIS will support the EPA's final decision on whether one or more dredged material disposal sites will be designated under the MPRSA. The SEIS will include analysis applying the five general and eleven specific site selection criteria for designating ocean disposal sites presented in 40 CFR 228.5 and 228.6, respectively. Designation of a site does not by itself authorize or result in disposal of any particular material; it only serves to make the designated site a disposal option available for consideration in the alternatives analysis for each individual dredging project in the area.

*Alternatives:* In evaluating the alternatives, the SEIS will identify and evaluate locations within the eastern Long Island Sound study area using the aforementioned criteria to determine the sites that are best suited to receive dredged material for open-water disposal. At a minimum, the SEIS will consider alternatives including:

- No-action (i.e., no designation of any sites);
- Designation of one or both of the currently active USACE-selected sites;
- Designation of alternative open-water sites identified within the study area that may offer environmental advantages to the existing sites; and
- Identification of other disposal and/or management options, including beneficial uses.

*Scoping:* EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the need for action, the range of alternatives considered, and the potential impacts of the alternatives. Scoping comments will be accepted for 45 days from the date of this notice. Public scoping meetings are scheduled at two locations on the following dates: November 14, 2012, 4–7 p.m. at the University of Connecticut, Avery Point auditorium in Groton, CT (*http://www.averypoint.uconn.edu/about/directions.html*) and November 15, 2012, 3–6 p.m. at the Port Jefferson Village Center in Port Jefferson, NY (*http://www.portjeff.com/village-map/*). Registration for both meetings will begin a half-hour before the meeting (3:30

p.m. on November 14 and 2:30 p.m. on November 15).

**FOR FURTHER INFORMATION CONTACT:** For further information and to be placed on the project information distribution list, please contact: Ms. Jean Brochi, U.S. EPA, Region 1, 5 Post Office Square, Suite 100, OEP06–1, Boston, MA 02109–3912, (617) 918–1536, *ELIS@epa.gov*. Please contact Ms. Brochi should you have special needs (sign language interpreters, access needs) at the above address or our TDY#, (617) 918–1189.

*Estimated Date of the Draft SEIS Release:* September 30, 2014.

Dated: October 4, 2012.

**H. Curtis Spalding,**

*Regional Administrator, EPA New England.*

[FR Doc. 2012–25420 Filed 10–15–12; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9741–4]**

### Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held November 7 and 8, 2012 at EPA's Potomac Yards Building (2777 South Crystal Drive, Arlington, VA 22202), Room 4120 North. The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

**DATES:** The CHPAC will meet November 7 and 8, 2012.

**ADDRESSES:** 2777 South Crystal Drive, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564–2191 or *berger.martha@epa.gov*.

**SUPPLEMENTARY INFORMATION:** The meetings of the CHPAC are open to the public. The CHPAC will meet on Wednesday, November 7th from 9 a.m. to 5 p.m., and Thursday, November 8th from 9 a.m. to 12 p.m. Agenda items include discussions on lead and children, prenatal environmental exposures and health disparities.

*Access and Accommodations:* For information on access or services for individuals with disabilities, please contact Martha Berger at 202–564–2191 or *berger.martha@epa.gov.,* preferably at least 10 days prior to the meeting.

Dated: October 4, 2012.

**Martha Berger,**

*Designated Federal Official.*

[FR Doc. 2012–25424 Filed 10–15–12; 8:45 am]

**BILLING CODE 6560–50–P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### SES Performance Review Board; Appointment of Members

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members to the Performance Review Board of the Equal Employment Opportunity Commission.

**FOR FURTHER INFORMATION CONTACT:** Lisa M. Williams, Chief Human Capital Officer, U.S. Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507, (202) 663–4306.

**SUPPLEMENTARY INFORMATION:** Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314(c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chair, EEOC, with respect to performance ratings, pay level adjustments and performance awards.

The following are the names and titles of executives appointed to serve as members of the SES PRB. Members will serve a 12-month term, which begins on October 22, 2012.

**PRB Chair**

Mr. Reuben Daniels, Director, Charlotte District Office, Equal Employment Opportunity Commission.

**Members**

Mr. Kevin J. Berry, Director, New York District Office, Equal Employment Opportunity Commission;

Ms. Katherine E. Bissell, Deputy Solicitor for Regional Enforcement, Department of Labor;

Ms. Kathryn A. Ellis, Assistant General Counsel, Division of Educational Equity and Research, and Agency Dispute Resolution Specialist, Department of Education;

Mr. James L. Lee, Deputy General Counsel, Equal Employment Opportunity Commission;

Mr. Webster N. Smith, Director, Indianapolis District Office, Equal Employment Opportunity Commission.

**Alternate**

Mr. Dexter R. Brooks, Director, Federal Sector Programs, Equal Employment Opportunity Commission.

Dated: October 11, 2012.

By the direction of the Commission.

**Jacqueline A. Berrien,**

*Chair.*

[FR Doc. 2012–25443 Filed 10–15–12; 8:45 am]

**BILLING CODE 6570–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

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# Attachment 2

# PRESS RELEASES

- CT Meeting Announcement on EPA's Website
- NY Meeting Announcement on EPA's Website


**Newsroom**

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# News Releases By Date

## Public Meeting on 2012 E. Long Island Sound Dredged Material Supplemental EIS

Release Date: 11/08/2012
Contact Information: David Deegan, (617) 918-1017

(Boston, Mass. – Nov. 8, 2012) – EPA has released a Notice of Intent to prepare a Supplemental Environmental Impact Statement to evaluate the potential designation of one or more dredged material disposal sites in Eastern Long Island Sound, and will host a public meeting in Groton, Conn. on Wednesday, Nov. 14.

The Supplemental Environmental Impact Statement (SEIS) is being developed with the input of other federal and state "cooperating agencies" and a wide range of stakeholders from the states of New York, Connecticut, and Rhode Island. The SEIS will update and build on the analyses that were conducted for the 2005 Long Island Sound Environmental Impact Statement that supported the designation of the Central and Western Long Island Sound disposal sites. As EPA works on the SEIS there will be numerous opportunities for public review and input throughout the entire process.

Next week's public meeting will present EPA's plan to proceed with this work and will be an opportunity for members of the public to provide input. The meeting details are listed below:

**Date:** Wednesday, November 14, 2012
**Time:** 4:00pm – 7:00pm, registration will begin at 3:30 pm.
**Location:** University of Connecticut Avery Point
Academic Building 308
1084 Shennecossett Road, Groton CT 06340
**Directions:** Available at (http://www.averypoint.uconn.edu/about/directions.html)

A meeting previously scheduled in Port Jefferson, N.Y. for Nov. 15 has been postponed due to the Hurricane Sandy recovery efforts on Long Island. EPA intends to reschedule a meeting in Port Jefferson in early January 2013.

More information:

- EPA's Notice of Intent was published in the Federal Register on Oct. 16, 2012 (https://www.federalregister.gov/articles/2012/10/16/2012-25420/notice-of-intent-designation-of-an-ocean-dredged-material-disposal-site-odmds-in-eastern-long-island)

- EPA's Dredged Material Management in Long Island Sound (http://www.epa.gov/region1/eco/lisdreg/index.html)

EPA United States Environmental Protection Agency

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# News Releases By Date

## Public Meeting on 2012 E. Long Island Sound Dredged Material Supplemental EIS

Release Date: 01/04/2013
Contact Information: David Deegan, (617) 918-1017

(Boston, Mass. – Jan. 4, 2013) – EPA has released a Notice of Intent to prepare a Supplemental Environmental Impact Statement to evaluate the potential designation of one or more dredged material disposal sites in Eastern Long Island Sound, and will host a public meeting in Riverhead, N.Y. on Wednesday, Jan. 9.

The Supplemental Environmental Impact Statement (SEIS) is being developed with the input of other federal and state "cooperating agencies" and a wide range of stakeholders from the states of New York, Connecticut, and Rhode Island. The SEIS will update and build on the analyses that were conducted for the 2004 Long Island Sound Environmental Impact Statement that supported the designation of the Central and Western Long Island Sound disposal sites. EPA plans to complete the SEIS within three years and will provide numerous opportunities for public review and input throughout the entire process.

The Jan. 9 public meeting will present the plan for the SEIS outlined in the Notice of Intent and ask for public input. A meeting previously scheduled in Port Jefferson, N.Y. for Nov. 15 was postponed due to the Hurricane Sandy recovery efforts on Long Island. The meeting details are listed below:

**Date:** Wednesday, January 9, 2013

**Time:** 2:30 p.m. – 5:30 p.m., registration will begin at 2:00 p.m.

**Location:** Suffolk County Community College
Culinary Arts Center
Room 135
20 East Main Street, Riverhead, NY 11901

**Directions:** Available at (http://department.sunysuffolk.edu/CulinaryArts_E/3232.asp)

More information:
- EPA's Notice of Intent was published in the Federal Register on Oct. 16, 2012 (https://www.federalregister.gov/articles/2012/10/16/2012-25420/notice-of-intent-designation-of-an-ocean-dredged-material-disposal-site-odmds-in-eastern-long-island)

- EPA's Dredged Material Management in Long Island Sound (http://www.epa.gov/region1/eco/lisdreg/index.html)

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# Attachment 3

## LISTS OF ATTENDEES AND LISTS OF COMMENTERS/SPEAKERS FROM THE PUBLIC

- Groton, CT November 14, 2012
- Riverhead, NY January 9, 2013

**Environmental Protection Agency: Public Meetings Regarding the Supplemental Impact Statement for the Eastern Long Island Sound Dredged Material Disposal Site Designation**

# Groton, CT, November 14, 2012

## ATTENDEE SIGN-IN

*Note: Addresses and contact information was provided on the original Sign-in sheet but not listed here for privacy reasons. Spelling of names and organizations was verified, if needed, using the internet. Information not provided is marked with 'n/a'. Names are listed in the order shown on the Sign-in sheet.*

| NAME | ORGANIZATION |
|---|---|
| Ernest Libby | Brewer Yacht Yards |
| Kimberly Junia | Congresswoman DeLauro |
| Robert Michalik | Congressman Murphy |
| Abbie Coderre | Saybrook Point Marina |
| Ivar Babb | University of Connecticut |
| Bill Heiple | Triton Environmental |
| William Gash | Connecticut Maritime Coalition (CMC) |
| Alan Strunk | Ocean Interest, Inc. |
| Cathy Rogers | USACE–NAE (New England District) |
| Jim Latimer | EPA – ORD (Office of Research and Development) |
| Drew Carey | CoastalVision |
| William Hubbard | USACE – NAE (New England District) |
| Chuck Beck | CTDOT |
| Lynn McLeod | Battelle |
| Joseph Salvatore | CTDOT |
| Rudy Brown | USEPA |
| George Wisker | CT Department of Energy and Environmental Protection |
| Hope Fish | n/a |
| Carlton Hunt | Battelle |
| Lewis Burch | Citizens Campaign for the Environment |
| Dan Goulet | RI CRMC (Coastal Resources Management Council) |
| Tracey McKenzie | U.S. Navy |
| Erika Fuery | Cardno TEC, Inc. |
| James Leary | New York State Department of State |
| Kari Gathen | New York State Department of State |
| Jennifer Street | New York State Department of State |
| n/a | Fishers Island Conservancy |
| Andrew Ahrens | Fishers Island Conservancy |
| James O'Donnell | University of Connecticut |
| B. Kuryla | Port Milford |
| Bob Soder | Triton Environmental |
| Judy Benson | The Day |
| Mel Cote | USEPA |
| Gary Connoll | Shennecossett Yacht Club |

| NAME | ORGANIZATION |
|---|---|
| Kathy Hall | Cardno TEC, Inc. |
| Paul Barton | Harbor One Marina |
| Josh Strunk | Ocean Interests, Inc. |
| Chris Drake | n/a |
| Tim Visel | n/a |
| Riju Das | Senator Blumenthal's office |
| Christian McGugan | Gwenmor Contracting |
| Adam Wronowski | Long Island Ferry |
| Jeannie Brochi | USEPA |
| Alicia Grimaldi | USEPA |

## COMMENTER/SPEAKER SIGN-IN

*Note: Affiliation, if not provided on the Speaker Sign-In sheet, were taken from the Attendee Sign-in sheet and listed in brackets below.*

| NAME | ORGANIZATION | SUMMARY OF COMMENTS |
|---|---|---|
| Louis W. Burch | Citizens Campaign for the Environment | - |
| Adam Wronowski | Cross Sound Ferry | Economic, solid, environmental impacts of no ELISA disposal site |
| Christian McGugan | Gwenmor Contracting | - |
| Tim Visel | n/a | - |
| William Gash | Connecticut Maritime Coalition (CMC) | Response to CCE (Citizens Campaign for the Environment) |
| Jeff Kately | Connecticut Dredge Corporation | - |
| Abbie Coderre | (Saybrook Point Marina) | - |

Location: UCONN Avery Point Date: 11/14/12

# COMMENTER/SPEAKER SIGN-UP

**Environmental Protection Agency: Public Meetings Regarding the Supplemental Environmental Impact Statement for the Eastern Long Island Sound Dredged Material Disposal Site Designation**

| Name & Organization | Summary of Comments | Are you providing written comments? |
|---|---|---|
| Louis W. Burch Citizens Campaign for the Environment | | ☒ Yes ☐ No |
| ADAM WRONOWSKI Cross Sound Ferry | Economic, Social, Environmental Impacts of NO ELIS Disposal Site | ☒ Yes ☐ No |
| Christian M'Guquin Guzmus Contracting | | ☐ Yes ☒ No |
| Tim Visel | | ☐ Yes ☒ No |
| | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |

Location: UCONN Avery Point Date: 11/14

# COMMENTER/SPEAKER SIGN-UP

**Environmental Protection Agency: Public Meetings Regarding the Supplemental Environmental Impact Statement for the Eastern Long Island Sound Dredged Material Disposal Site Designation**

| Name & Organization | Summary of Comments | Are you providing written comments? |
|---|---|---|
| Connecticut Maritime Coalition William Gash | response to CCE - | ☐ Yes ☒ No |
| Jeff Ketelay CT Dredge @ comcast.net | | ☐ Yes ☒ No |
| Abbie Cedore | | ☐ Yes ☒ No |
| | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |

EPA United States Environmental Protection Agency New England

**Environmental Protection Agency: Public Meetings Regarding the Supplemental Impact Statement for the Eastern Long Island Sound Dredged Material Disposal Site Designation**

# Riverhead, NY, January 9, 2013

## ATTENDEE SIGN-IN

*Note: Addresses and contact information was provided on the original Sign-in sheet but not listed here for privacy reasons. Spelling of names and organizations was verified, if needed, using the internet. Information not provided is marked with 'n/a'. Names are listed in the order shown on the Sign-in sheet.*

| NAME | ORGANIZATION |
|---|---|
| Alicia Grimaldi | USEPA, Region 1 |
| Mel Coté | USEPA, Region 1 |
| Maureen Dolan | Citizens Campaign of the Environment |
| Charles deQuillfeldt | New York Department of Conservation |
| John S. Johnson | Connecticut Maritime Commission |
| Grant Westerson | Connecticut Marine Trades Association |
| Jim Leary | New York Department of State |
| Pat Pechko | USEPA, Region 2 |
| Al Krupski | Town of Southold, New York |
| Bernward Hay | The Louis Berger Group, Inc. |
| Joe Salvatore | Connecticut Department of Transportation |
| Lynn McLeod | Battelle |
| Carlton Hunt | Battelle |
| Douglas Pabst | USEPA, Region 2 |
| Jim O'Donnell | University of Connecticut |
| George Wisker | Connecticut Department of Energy and Environment |
| Cathy Rogers | U.S. Army Corps of Engineers |
| Jeannie Brochi | USEPA, Region 1 |
| Chuck Beck | Connecticut Department of Transportation |
| Dan Natchez | Daniel S. Natchez and Associates, Inc. |
| Mark Terry | Town of Southold, New York |
| Tim Gannon | Times Review |
| Kari Gathen | New York Department of State |
| Jennifer Street | New York Department of State |
| Sunny Suchdeve | Office of U.S. Senator Kirsten E. Gillibrand |
| Andrew Ahrens | n/a |
| Katharine Evans | n/a |
| Bill Spicer | Spicer's Marinas |

| NAME | ORGANIZATION |
|---|---|
| Bill Gash | Connecticut Maritime Coalition |
| Ralph Gogliettino | n/a |
| Den Duarte | Coast Guard |
| Nancy Brighton | U.S. Army Corps of Engineers |

## COMMENTER/SPEAKER SIGN-IN

*Note: Affiliation, if not provided on the Speaker Sign-In sheet, were taken from the Attendee Sign-in sheet and listed in brackets below.*

| NAME | ORGANIZATION | SUMMARY OF COMMENTS |
|---|---|---|
| Maureen Dolan Murphy | Citizens Campaign for the Environment | - |
| John. S. Johnson | (Connecticut Maritime Commission) | Industry support for dredging |
| Dan Natchez | Daniel S. Natchez and Associates, Inc. | - |
| Robert Evans | Fishers Island Conservancy (FIC) | FIC's position |
| Al Krupski | Town of Southold | - |
| Bill Spicer | (Spicer's Marinas) | - |
| Tim Gannon | (Times Review) | - |

Location: Riverhead Date: 1/9/13

# COMMENTER/SPEAKER SIGN-UP

**Environmental Protection Agency: Public Meetings Regarding the Supplemental Environmental Impact Statement for the Eastern Long Island Sound Dredged Material Disposal Site Designation**

| Name & Organization | Summary of Comments | Are you providing written comments? |
|---|---|---|
| Maureen Dolan Murphy Citizens Campaign for the Environment | | ☒ Yes ☐ No |
| John S. Johnson | Industry support for dredging | ☐ Yes ☒ No |
| Don Nitke | DSNBA | ☐ Yes ☒ No |
| Robert Evans | Fishers Island Conservancy's position | ☑ Yes ☐ No |
| Al Krupski Town of Southold | | ☐ Yes ☐ No |
| Bill Spicer | | ☐ Yes ☐ No |
| [illegible] TIR Gannon | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No |

EPA United States Environmental Protection Agency New England

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# Attachment 4

## PRESENTATIONS

Note: Presentations given by the Federal and State agency representatives were identical at each scoping meeting.

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**PRESENTATION: Mel Coté, Manager, Ocean and Coastal Protection Unit, EPA Region 1:**

***Where We've Been: Designation of the Central and Western Long Island Sound Dredged Material Disposal Sites***

# Eastern Long Island Sound Supplemental Environmental Impact Statement

U.S. EPA Region 1
Nov. 14, 2012
Jan. 9, 2013

## EPA-USACE Share Responsibility

- Marine Protection, Research, and Sanctuaries Act (MPRSA, aka Ocean Dumping Act)
  - Section 102: EPA Designates Sites
  - Section 103: USACE Selects Sites subject to EPA concurrence
- Dredged material disposal at these sites must meet criteria in Ocean Dumping Regulations (40 CFR Parts 220-229)
- Clean Water Act (CWA)
  - Section 404: USACE issues permits subject to EPA concurrence
  - Section 404(c): EPA has veto authority

## MPRSA or Ocean Dumping Act

- Dredged material should not be disposed unless it can be demonstrated that such disposal will not unreasonably degrade or endanger:
  - human health, welfare, or amenities, or
  - the marine environment, ecological systems, or economic potentialities
- EPA established criteria that consider the:
  - need for disposal;
  - effect of disposal on human and ecological health, and other uses of the ocean; and
  - alternatives to ocean disposal.

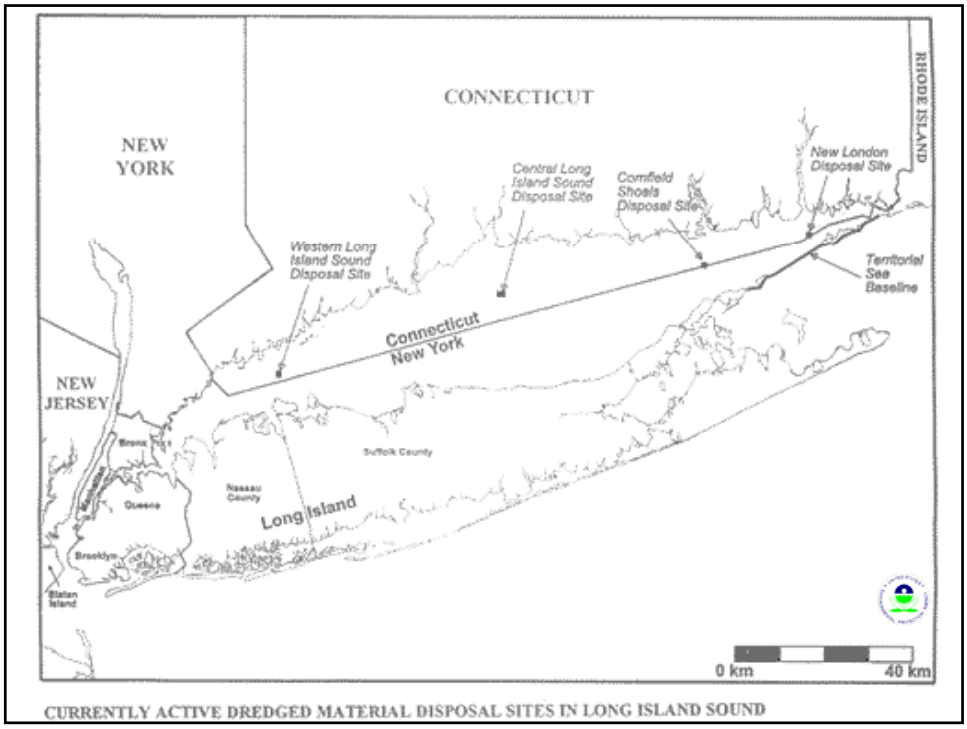
## Long Island Sound Dredged Material Disposal Sites

Designated by EPA in July 2005:

- Western Long Island Sound
- Central Long Island Sound

Selected by Corps in 1990s, scheduled to close December 2016:

- Cornfield Shoals
- New London



CURRENTLY ACTIVE DREDGED MATERIAL DISPOSAL SITES IN LONG ISLAND SOUND

## EPA's Role in Dredging

- Designate ocean dredged material disposal sites for long-term use (following EPA's voluntary NEPA policy to prepare an EIS)
- Promulgate regulations and criteria for disposal site selection and permitting discharges
- Review USACE dredging projects and permits
- Develop site monitoring/management plans (SMMP)
- Monitor disposal sites jointly with Corps

## Long Island Sound Environmental Impact Statement

- 1998 – EPA and USACE agree to co-lead site designation process under MPRSA and NEPA
  - USACE provides funding
  - EPA provides technical assistance
- June 1999 – EPA and Corps initiate EIS to evaluate and potentially designate dredged material disposal sites for entire LIS region
- 1999-2001 Scoping and field work to collect data for entire LIS region

## Long Island Sound Environmental Impact Statement

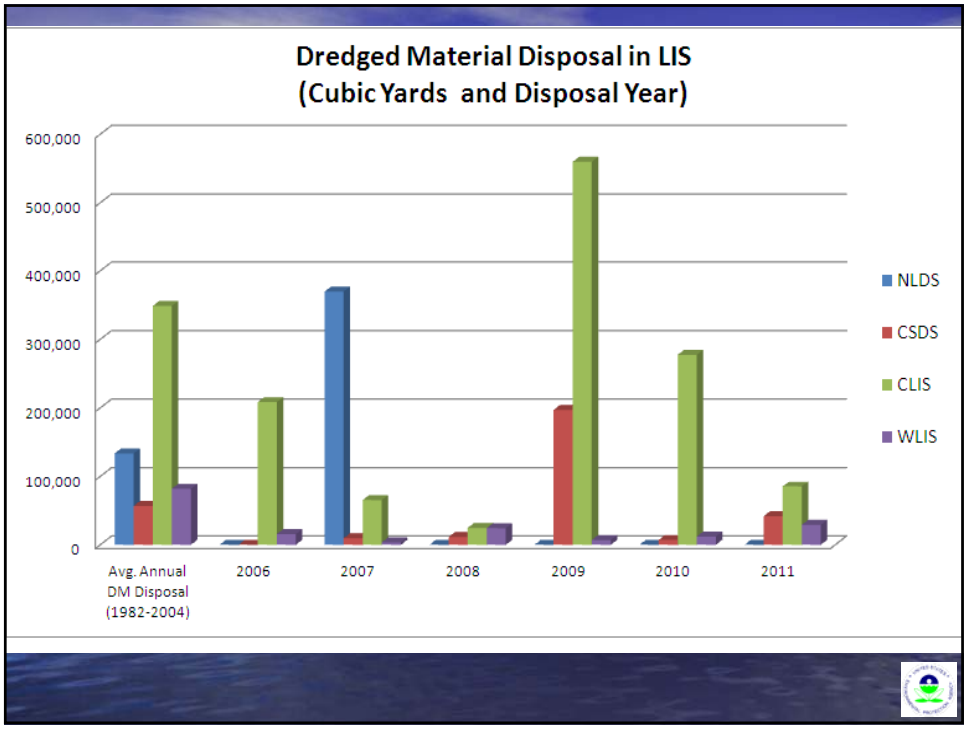
- March 2002 – EPA and Corps decide to focus EIS effort initially on Central and Western LIS regions, with plan to address eastern LIS upon completion of that effort
- September 2003 – EPA issues draft EIS for public comments and holds public hearings

## Long Island Sound Environmental Impact Statement

- April 2004 – EPA and Corps complete EIS recommending designation of CLIS and WLIS disposal sites, initiates final rulemaking
- June 2004 – NYS DOS objects to proposed federal action as inconsistent with CZM Program
- September 2004-May 2005 – EPA, Corps, NOAA, NY and CT negotiate conditions to site designation rule so NY can withdraw its objection

## Long Island Sound Environmental Impact Statement

- June 2005 – EPA publishes final rulemaking to designate CLIS and WLIS with conditions which, if not met, will result in sites closing, including:
  - Completion of a regional dredged material management plan (DMMP) for Long Island Sound by 2013 (or 2014)
  - Formation of a Long Island Sound Regional Dredging Team to review alternative analyses for federal and large private dredging projects
  - Production of an annual report by EPA on progress toward completion of the DMMP, and disposition of dredged material from all projects each year


Dredged Material Disposal in LIS
(Cubic Yards and Disposal Year)
600,000
500,000
400,000
300,000
200,000
100,000
0
Avg. Annual DM Disposal (1982-2004)
2006
2007
2008
2009
2010
2011
NLDS
CSDS
CLIS
WLIS

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**PRESENTATION: Mark Habel, Corps of Engineers, New England District:**

***Where We Are Now: Long Island Sound Dredged Material Management – the Need for Dredging and the Corps of Engineer's Role***


## Long Island Sound Dredged Material Management Plan

- Requested by the Governors of Connecticut and New York after the Environmental Protection Agency (EPA) designated two open water dredged material disposal sites in LIS.
- The overall goal of the LIS DMMP is to develop a comprehensive dredged material management plan for the Corps of Engineers that recommends practicable, implementable solutions to manage dredged material in an economically sound and environmentally acceptable manner in LIS.
- A Corps-led comprehensive planning process and decision-making tool to address the management of dredged material for a specific harbor or navigation project, a group of related projects, or a specific geographic area.
- Involves a comprehensive review of dredging needs for both maintenance and planned improvement activities and material management options for a specific harbor or region over a minimum 20-Year planning horizon
- Investigates and evaluates various dredging and placement methods, sites and impacts
- Recommends practicable methods to meet Federal navigation needs and avoid or minimize impacts.

## Long Island Sound Dredged Material Management Plan

- The LIS DMMP will include an in-depth analysis of all potential dredged material management alternatives including open-water placement, beneficial use, upland placement, and innovative treatment technologies, which can be used by dredging proponents in developing alternatives analyses for their dredging in the LIS vicinity. The process calls for Federal agencies to seek public input regarding development of the LIS DMMP.
- Identify baseline & recommended management options for all Corps of Engineers navigation projects in LIS
- Identify an array of suitable/feasible, environmentally acceptable, practicable management plans that will meet or exceed non-Corps dredging needs which can be utilized by various dredging proponents in their analysis of options to manage their dredging projects.

## Long Island Sound Dredged Material Management Plan

### DMMP Process

- Preliminary Assessment – Reviews Current Management Options and Determines Whether a More In-Depth DMMP is Warranted.
- LIS Regional DMMP PA Approved June 2006
- Conduct DMMP Study
  - Phase I - Evaluate and Quantify Placement Needs and Existing Management Options
  - Phase II - Identify Alternative Placement Options with Special Emphasis on Beneficial Uses;
  - Phase III - Evaluate, Analyze, Compare, and Screen Alternatives;
  - Phase IV - Recommend Management Plans;
  - Phase V - When necessary periodically update the LIS DMMP

## Long Island Sound Dredged Material Management Plan

### Management Alternatives Considered

- Open and closed landfills
- Upland & aquatic dredged material placement sites.
- Current or proposed transportation improvement projects
- Dredged material transfer facility
- Asphalt, cement and other aggregate processors
- Large scale development sites
- Brownfield/other redevelopment sites
- Closed mines and quarries
- Beach and dune nourishment
- Agricultural and Aqua-cultural uses
- Habitat restoration, creation or enhancement
- Confined Disposal Facilities

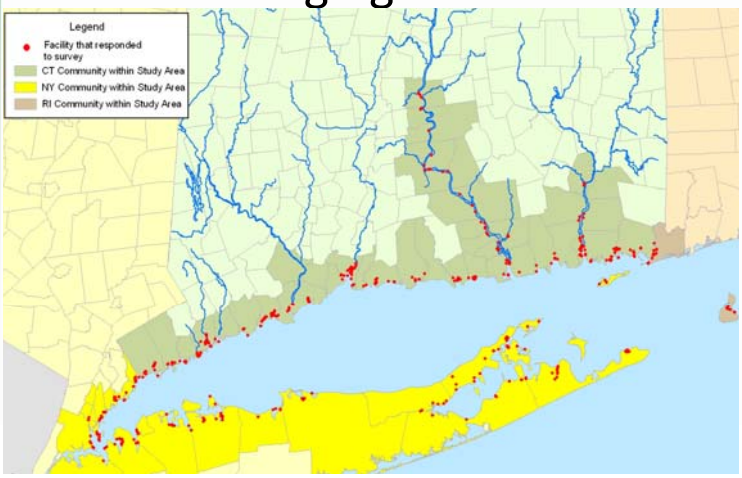
LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN WORKING GROUP

## Dredging Needs

**Navigation dependent facilities within the study area were identified, based on information from the 2001 ACOE LIS Dredged Material Disposal EIS Dredging Needs Database, internet directories, marine facility directories and guides, and communication with local associations.**

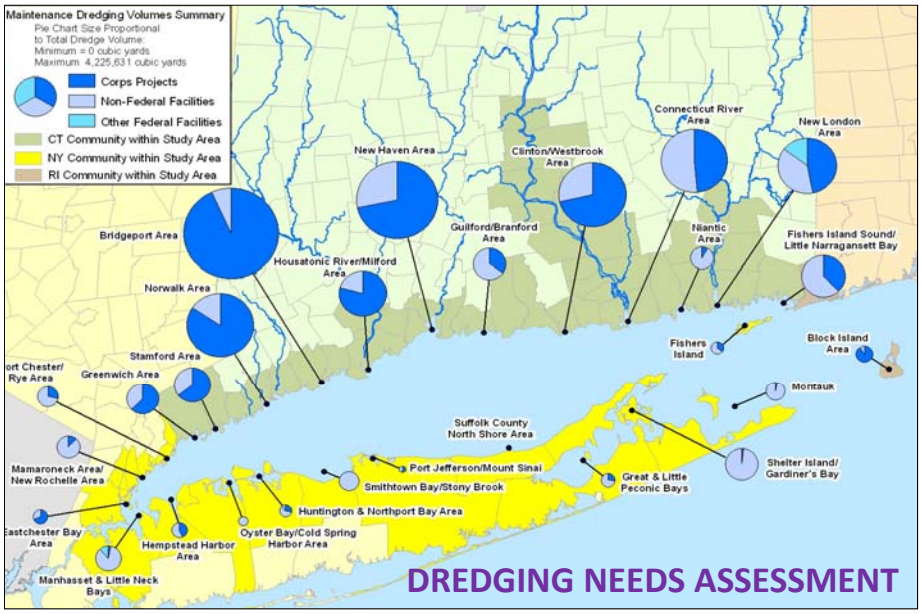
**Dredging needs data was collected, using a questionnaire that was mailed to each facility. The initial mailing was followed-up with additional mailings and phone calls to increase responses.**

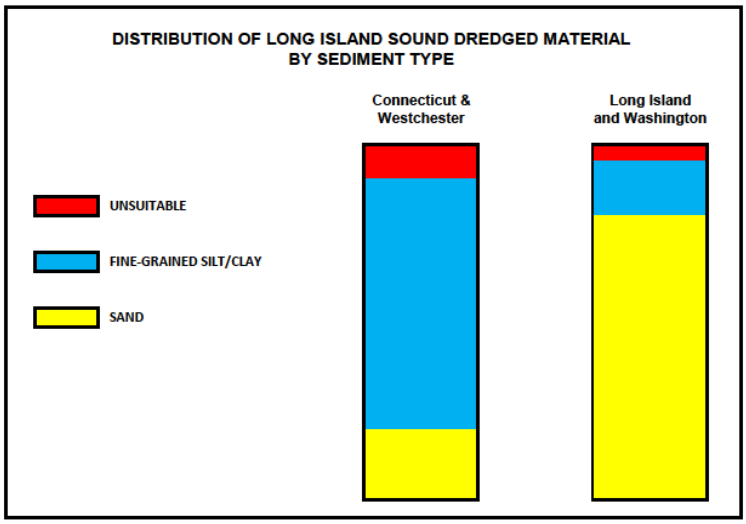
**731 contacted**
**451 responded**
**61.7% response**




Navigation dependent facilities that responded to questionnaire

## Long Island Sound Dredged Material Management Plan



## Long Island Sound Dredged Material Management Plan

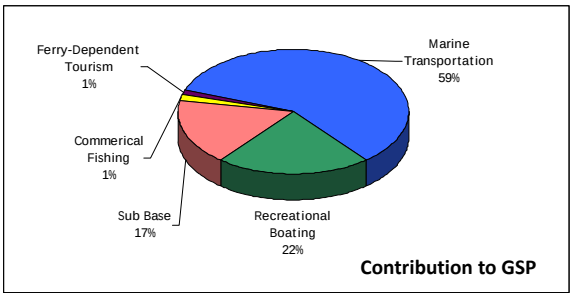
### Economic Impact of Navigation-Dependent Industries

**Economic Output**

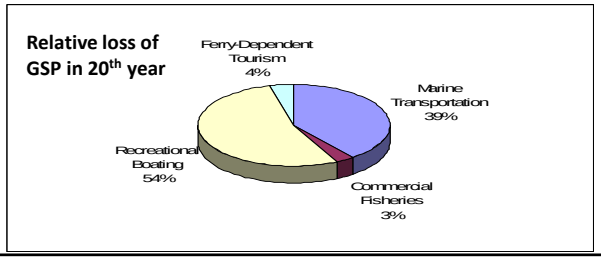
- **$9.4 Billion per Year in**
- **Gross State Product**
- **$5.5 Billion per Year from**
- **55,720 jobs**
- **$1.6 billion in taxes**

**Impact over 20 Years Without Dredging**

- **Reduce GSP -$853 million**
- **Loss of -9,655 jobs**




**Contribution to GSP**




## Long Island Sound Dredged Material Management Plan

### What the DMMP Does & Does Not Do

**Does Do**

- Identifies Baseline Dredged Material Placement Plan for Each Corps Project.
- Identifies Recommended Dredged Material Placement Plan for Each Corps Project.
- Identifies & Provides Information on Possible Placement Options that non-Corps Interests Can Pursue.
- Identifies Potential Opportunities for non-Fed Governments to Expand Corps Recommended Facilities for non-Fed use.
- Identifies other Studies or Actions Needed as Follow-up to DMMP.

**Does Not Do**

- Result in the Immediate Construction of Corps Placement Facilities.
- Develop Disposal Facilities for Non-Fed Use at Fed Costs.
- Provide Funding to Non-Federal Interests for Development of non-Federal Facilities.
- Designate New Ocean Placement Sites or Extend Any Existing Ocean Placement Sites.

## Long Island Sound Dredged Material Management Plan

**Federal**

**Screened to 90 Potential Sites**

**44 in CT**

**37 Beaches**

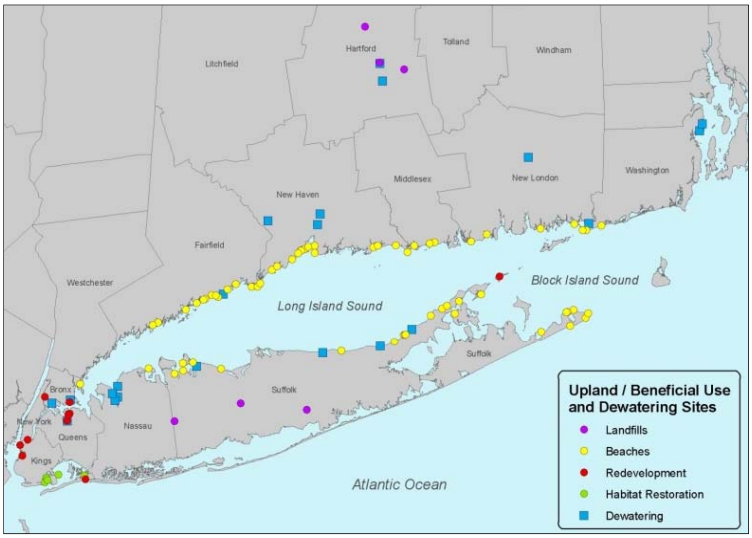
**40 in NY**

**25 Beaches**

**5 in RI**

**3 Beaches**

**1 in PA**




## Long Island Sound Dredged Material Management Plan

Non-Federal

105 Upland and dewatering sites evaluated

45% contacted by phone

**Upland, Beneficial Use, and Sediment De-Watering Site Inventory and Site Investigation**

## Long Island Sound Dredged Material Management Plan

**Federal**

**Screened to 90 Potential Sites**

**44 in CT**

**37 Beaches**

**40 in NY**

**25 Beaches**

**5 in RI**

**3 Beaches**

**1 in PA**


**Example:**
**Site 323 Seaside Beach**
**Bridgeport, CT**

| | |
|---|---|
| **Site Address** | 350 Waldemere Ave., Bridgeport, CT |
| **General Description** | Federal Shore Protection area and large Municipal Beach in Bridgeport; parcel lies between Bridgeport Harbor on east side and Burr Creek at west. |
| **Ownership/POC** | City of Bridgeport, CT<br>Charles Carroll, Parks and Recreation (203) 576-7233 |
| **Zoning** | RA Residential Single Family Home |
| **Surrounding Land Use** | Residential; light industrial to north; marina and canal to northwest. |
| **Wetlands** | Yes. Mapped wetlands are present at end of sand spit at west of beach. |
| **State and Federally Listed Species Habitat** | Yes. Mapped habitat covers majority of site. |
| **Sediment Type** | Well sorted medium-grained sand with shell hash |
| **Nourishment Length** | 9,120 ft |
| **Design Berm Width** | 100 ft |
| **Capacity** | 130,900 cy |
| **Site Access** | Land – to (west end) or (east end). Approximately 1 mile to Rte. 95.<br>Water – LIS |
| **Staging Area** | Potential staging areas in paved lots behind beach at east and west ends. Lots are relatively narrow but have room for staging. |
| **Additional Considerations** | Main section of beach has a rock revetment and seawall with walking path. At east end of parcel the beach has a small dune in back corner, and a sand tombolo just behind a stone breakwater. The point at the tombolo is rocky with little to no beach. A seawall with rip-rap continues around the point to the Bridgeport Harbor area. At the west end the beach terminates in a stone jetty with fringing marsh. Beach is bordered by a seawall that lies 2-3 ft above the berm. Burr Creek has a marina and boat basin. Sand spit at west end has wetland and endangered species habitat. No nourishment calculated for this area. Also, nourishment would not extend to rocky outcrop and tombolo at east side of beach, in order to avoid sediment transport to channel.<br>Cultural resources present. |

| Category | CT | NY | RI | PA | Total |
|---|---|---|---|---|---|
| Beach – Municipal/County | 17 | 10 | 2 | 0 | 29 |
| Beach – State | 2 | 8 | 0 | 0 | 10 |
| Beach – Fed. Shore Protection | 18 | 7 | 1 | 0 | 26 |
| Mine | 0 | 0 | 0 | 1 | 1 |
| Landfill | 2 | 2 | 0 | 0 | 4 |
| Redevelopment/ Construction | 0 | 2 | 0 | 0 | 2 |
| Habitat Restoration | 0 | 2 | 0 | 0 | 2 |
| Dewatering | | | | | |
| Currently feasible | 2 | 2 | 0 | 0 | 4 |
| Potentially feasible in future | 3 | 7 | 2 | 0 | 12 |
| Total | 44 | 40 | 5 | 1 | 90 |

## Long Island Sound Dredged Material Management Plan

### Next Steps

- Complete Sediment Characterization by Harbor
- Complete Transportation/Disposal Cost Matrix
- Final Screening of Disposal Alternatives
- Matching Disposal Alternatives with Harbors/Projects
- Recommending Disposal Plans for Federal Projects
- Listing Available Options for Non-Federal Projects

## The Corps as a Cooperating Agency for the EPA ELIS Effort

**What the Corps Will Do - as Requested by US EPA When Appropriate and Subject to Availability of Funds**

- Review Data, Documents, Interim Work Products and Reports Prepared by EPA
- Participate in Data Collection Activities when Available
- Provide Data, Analysis and Reports Prepared by the Corps under its Own Authorities (Navigation, DAMOS, DMMP) for Use or Reference by EPA in its SEIS
- Comment on the Draft and Final EPA SEIS

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**PRESENTATION: Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1:**

***Where We're Going: SEIS for the Eastern Long Island Sound Region***

## ELIS SEIS Recent Activity

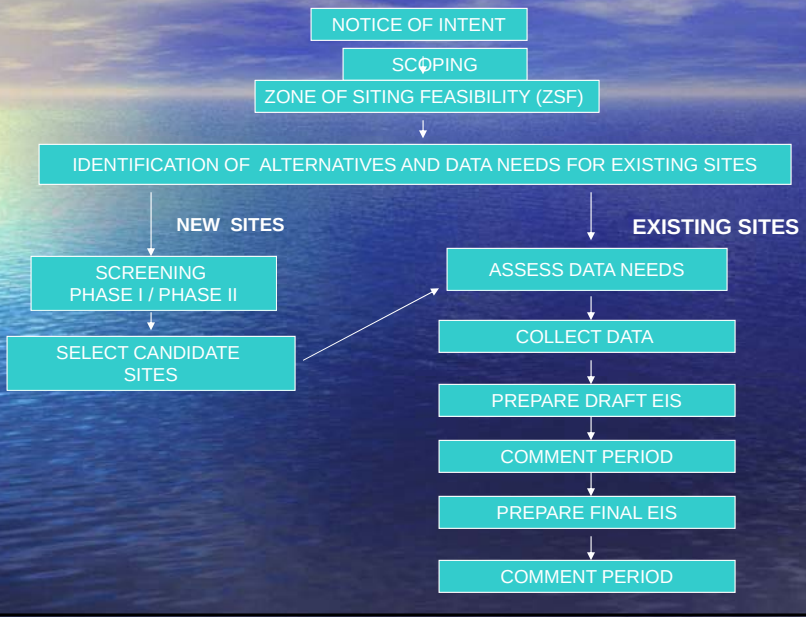
FY 2012 Corp's Appropriations Act:

- extends use of New London and Cornfield Shoals Disposal Sites to December 23, 2016.
- Site selection expiration dates originally October 5, 2011 and November 6, 2013, respectively,
- purpose:"to allow for completion of a SEIS to support final designation of an ODMDS in ELIS."

## ELIS SEIS Recent Activity

FY 2012 EPA's Appropriations Act requires EPA to report to Congress "outlining its plan to carry out the Supplemental Environmental Impact Statement for the eastern Long Island Sound," *and to "work collaboratively* with…the *Corps and State partners to expeditiously determine a dredging solution for eastern Long Island Sound*."

# ELIS SEIS Process



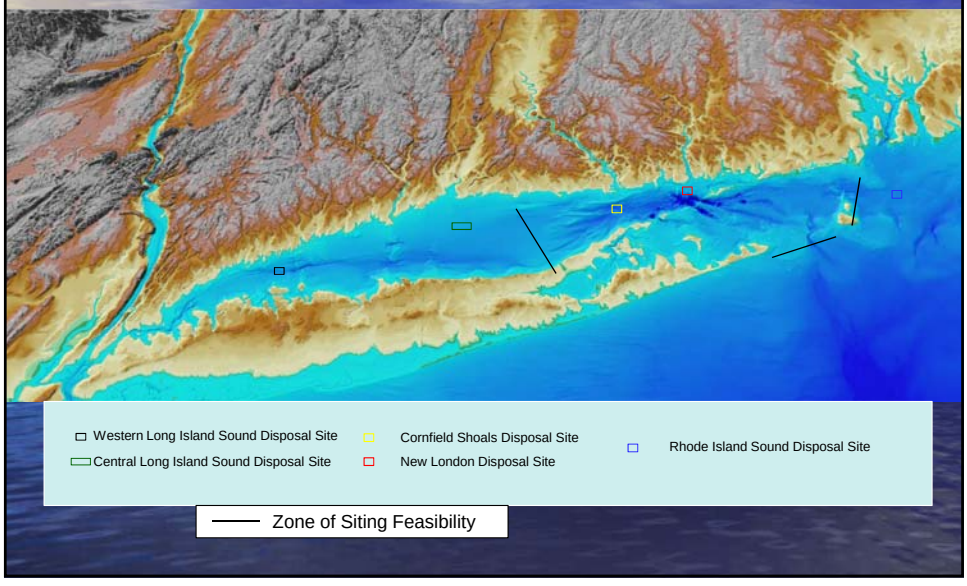

# ELIS SEIS Process

- Cooperating Agencies – requested in July.
- Notice of Intent: published October 16, 2012.
- EPA website revised: http://www.epa.gov/region1/eco/lisdreg/elis.html
- Email notification system, contact: ELIS@epa.gov if you would like to be added to the email distribution list.

# ELIS SEIS Process

- NOI Scoping meetings: November 14, 2012 in CT. NY meeting postponed until January 9, 2013 due to recovery efforts from storm. Comment period ends on January 31, 2013.
- Additional scoping meeting to be scheduled in the spring and in the fall to solicit public comments on data collection.

# ELIS SEIS Process



# ELIS SEIS Process

Existing Data:

- Data collection for original LIS EIS included eastern LIS from 1999-2002.
- EPA conducted site monitoring surveys on OSV Bold in 2007, and 2009 - 2012.
- USACE DAMOS Monitoring:

NLDS – 10 surveys since 1990: bathy, physical oceanography, benthic biology, chemistry

CSDS – 3 surveys since 1990: bathy, sediment transport

RISDS – 4 surveys since 2000: bathy, benthic biology, lobster abundance, plume tracking

# ELIS SEIS Process

Dredging Needs Report completed in October 2009:

- Determined that approximately 13.5 million cubic yards will be dredged from ELIS harbors and channels over the next 26 years (planning horizon to 2028)

Upland, Beneficial Use, and Sediment Dewatering Reports completed in 2009-2010:

- Determined that there are very few alternatives to open-water disposal sites in CT, and most of those are beach nourishment

# ELIS SEIS Process

**LIS DMMP**: several studies will be used for this effort such as the literature search, dredging needs, economics, disposal alternatives.

The disposal alternatives study includes upland, nearshore, beneficial use and aquatic disposal.

Alternatives investigated include Landfills, Beaches, Redevelopment, Habitat Restoration, and Dewatering sites.

# ELIS SEIS Process

LIS DMMP Alternatives Report:

## Budget

- EPA estimates $3.3 million for the total cost
- Connecticut State Bond Commission approved $1.8 million in October 2011 to fund studies to support SEIS
- CT DOT will fund physical oceanographic and possibly other environmental studies, as well as public participation/scoping

## Next Steps

- Additional public meetings in 2013
- Draft SEIS by December 2014
- Final SEIS by December 2015
- If SEIS recommends designation of one or more sites, publish final rulemaking by December 2016

# Questions?

**PRESENTATION: George Wisker, Connecticut Department of Energy and Environmental Protection:**

***State of Connecticut's Role***

Connecticut Department of
Energy and Environmental Protection

Connecticut Department of ENERGY & ENVIRONMENTAL PROTECTION

# Department of Energy and Environmental Protection, Office of Long Island Sound Programs Role in the SEIS Process

George Wisker
Public Meeting
November 14, 2012 Groton, CT
January 9, 2013, Riverhead, NY

## DEEP Regulatory Role in Dredging

- Regulates dredging & management of dredged sediments pursuant to the CT Structures and Dredging statutes and in accordance with CT Water Quality Standards
- DEEP is the state agency implementing & enforcing CT's federally approved Coastal Zone Management Program through the Office of Long Island Sound Programs

Connecticut Department of Energy and Environmental Protection

## DEEP Regulatory Role in Dredging

(continued)

- All federal & nonfederal dredging and disposal actions are reviewed for program consistency to ensure that coastal resources are adequately protected while preserving & encouraging water dependent uses.
- Section 401 of the federal Clean Water Act requires the state to certify that discharges of dredged material to the waters of the state will not result in permanent impairment to water quality

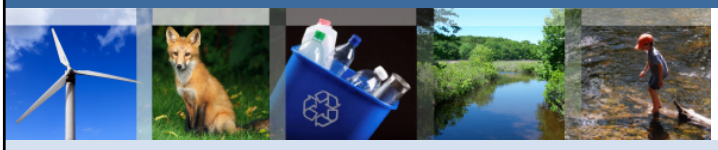
Connecticut Department of Energy and Environmental Protection

## DEEP Role in SEIS

- DEEP will provide available information on resources and research to EPA and the SEIS contractors to assist with filling data needs.
- Finally, DEEP will provide coordinated comments on interim work products and will ultimately evaluate any federal action resulting from the SEIS process for consistency with the enforceable policies of Connecticut Coastal Zone Management Plan

Connecticut Department of Energy and Environmental Protection

## Connecticut Department of Energy and Environmental Protection



Connecticut Department of ENERGY & ENVIRONMENTAL PROTECTION

## PRESENTATION: Jennifer Street, New York Department of State:

### *State of New York's Role*

NEW YORK STATE
ANDREW M. CUOMO, GOVERNOR

DEPARTMENT OF STATE
CESAR A. PERALES, SECRETARY OF STATE

# N.Y.S. Department of State Coastal Management Program

- Prepared for The USEPA Public Scoping Meeting for the Supplemental Environmental Impact Statement for the Potential Designation of One or More Open-water Disposal Sites in Eastern Long Island Sound, UCONN, Avery Point, Connecticut, 11/14/2012, and at SCCC, Culinary Arts Center Riverhead, New York, 01/09/2013

## Overview: Primary Program Goals

- Balance protection of natural and cultural resources with economic development within the coastal zone.
- Coordinate decision-making at all levels of government.

New York Department of State

# Overview: Our Role in Long Island Sound

- Long Island Sound (LIS), as a shared estuary, is subject to regulatory review by both New York and Connecticut
- The LIS Coastal Management Program (CMP) is the regional program containing the 13 enforceable policies of the NY Coastal Management Program for the LIS region.
- Implementing coastal policies through interstate consistency and consistency review

New York Department of State

# Federal Consistency

- Federal regulations at 15 CFR 930 establish a framework for review of all proposed federal activities that are within or would effect a state's designated federally approved coastal area.
  - "Federal activity" refers to funding, permitting, rule making or direct actions undertaken by a federal agency
- Based upon an analysis of the effects of a proposed activity on the enforceable policies of the CMP, the Department either concurs with or objects to the proposed activity.

New York Department of State

# NY DOS Involvement in the SEIS Process

- Participate as a cooperating agency as part of the NEPA process
  - Provide written scoping comments
  - Provide available data and information
  - Review work products and provide comments as needed
- Review any potential federal actions for consistency with the NY CMP

New York Department of State

# Questions?

For **Consistency** related questions contact:
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Telephone: (518) 474-6000
For a copy of the NY CMP or for more information on our program,
please visit: http://www.dos.ny.gov/communitieswaterfronts/consistency/index.html

New York Department of State

# Attachment 5

## TRANSCRIPTS OF PUBLIC COMMENTS, GROTON, CONNECTICUT NOVEMBER 14, 2012

November 14, 2012 - Avery Point, UCONN, Groton, CT.

Public Meeting
Supplemental Environmental Impact Statement (SEIS) to Evaluate the Potential of One or More Dredged Material Disposal Site(s) in Eastern Long Island Sound

By: Sarah J. Miner, LSR #238
BRANDON SMITH REPORTING SERVICE
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MR. VERAART: Welcome everybody to this public meeting. I just wanted to do a little bit of housekeeping up front. The rest rooms are outside this auditorium. The ladies room is out the door straight to the right. And the men's room is at the end of the hallway, also to the right. Also please turn your cell phones off or put them on vibrate. That would be most helpful.

My name is Niek Veraart. I am with The Louis Berger Group. We are on the contract to University of Connecticut, which is on the contract to the Connecticut Department of Transportation. And we have been retained to assist with this public meeting, and with preparation of the Supplemental Environmental Impact Statement.

This meeting is being held to solicit comments as part of the environmental review under the National Environmental Policy Act to prepare a Supplemental Environmental Impact Statement to evaluate the potential designation of one or more Ocean Dredged Material Disposal Sites to serve the Eastern Long Island Sound region in Connecticut, New York, and Rhode Island. The Notice of Intent to prepare the Supplemental Environmental Impact Statement was announced in the Federal Register on



October 16, 2012.

The federal lead agency is the U.S. Environmental Protection Agency, or EPA. EPA is requesting written comments from federal, state, and local governments, industry, nongovernmental organizations, and the general public on the need for action, the range alternative considered, and the potential impacts of the alternatives.

In addition to today's public scoping meeting, the second scoping meeting is scheduled for January 9th, 2012, from three to six p.m. at Suffolk County Community College in Riverhead, New York, in Long Island. That meeting was rescheduled in light of Hurricane Sandy. And the details of that meeting will be made available on EPA's web site. The period for accepting scoping comments was also extended to January 31, 2013.

The EPA and the other agencies today will present information about the project over the next hour until approximately 5 p.m. We have had a little bit of a later start so it may run beyond five.

After the presentations have been completed, the floor will be open for comments until about 7 p.m. If you wish to speak we ask that you sign up at the registration desk near the entrance.



When you are registering to speak, if you could please provide your contact information and any affiliation if you are representing an organization. A form is provided at the registration desk, and speakers will be heard in the order in which they are registered to speak, with elected officials and government representatives speaking first.

You may also submit your comments in writing at the registration desk, in which case we also ask that you indicate your contact information and your affiliation. All comments, written and verbal, will become part of the public record.

We are asking that you limit your comments to no more than five minutes, to provide everyone an opportunity to speak. If you have extended comments you may want to summarize them in your verbal statement and submit your comments in writing at the registration desk, which will then make them part of the public record. Please note that the focus of this meeting is to receive verbal comments on the Notice of Intent, the presentations this afternoon by the agencies, and their review process. This is not a technical discussion forum.

This public meeting is being recorded by a stenographer, and on audio recording devices. The

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transcript of the meeting will be entered into the public record of the environmental review process, and will be made available to the public.

Again, the period to submit written comments will end on January 31, 2013.

And we will now move to the presentation portion of the meeting. Please note also that the presentations will be made available on the EPA web site after the meeting.

The agency representatives that will be presenting and receiving comments this afternoon include the following in the order of the presentations:

Mr. Mel Cote, Manager, Ocean and Coastal Protection Unit, EPA Region 1. He will discuss EPA's role in Disposal Site Designations. And he will discuss the history of the process, the designation of the Central and Western Long Island Sound Dredged Material Disposal Sites.

His presentation will be followed by a presentation by Mr. Mark Habel of the Corps of Engineers, New England District, who will discuss the need for dredging and the role of the Corps.

Followed by Ms. Jean Brochi, Project Manager, Ocean and Coastal Protection Unit EPA Region

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1, who will discuss the process going forward, Supplemental EIS for the Eastern Long Island Sound Region.

Mr. George Wisker, representing the Connecticut Department of Energy and Environmental Protection and the Connecticut Department of Transportation, will then discuss the role of the State of Connecticut.

Followed by Ms. Jennifer Street of the New York Department of State, who will discuss the role of the New York Department of State process.

Mr. Cote will officially open the meeting.

MR. COTE: Thanks very much. Good afternoon everyone. As Niek mentioned, my name is Mel Cote, and I am the Manager of the Ocean and Coastal Protection Unit in the U.S. Environmental Protection Agency's Region 1 office for the New England Regional Office. Prior to taking this position almost 11 years ago, I spent nine years as the Region 1 Program Manager for the Long Island Sound Study and Connecticut's nonpoint source program. My family is from Connecticut. I was born in Middletown, Connecticut, and I have spent a lot of time at the beach and on the Waters of Long Island Sound. So I

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have both personal and professional knowledge, as well as a real affinity for the Sound and this region. Thank you for coming to this public meeting. We really appreciate you coming to provide input during the very early stages of our process to develop a Supplemental Environmental Impact Statement that will evaluate the potential designation of one or more dredged material disposal sites to serve the Eastern Long Island region.

What I am going to do now is describe what EPA's role is with respect to the designation of dredged material disposal sites. And then I am going to take a step back to provide some background of the designation of Central and Western Long Island Sound disposal sites, which was completed in July 2005. Then I am going to turn it over to Mark Habel of the U.S. Army Corps of Engineers to talk about the Corps' role in dredged material management, as well as their effort to develop a Dredged Material Management Plan for the Long Island Sound region.

EPA and the U.S. Army Corps of Engineers jointly regulate dredging and dredged material disposal under federal authorities provided by Section 404 of the Clean Water Act, and Sections 102 and 103 of the Marine Protection Research and Sanctuaries Act,

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which is also known as the Ocean Dumping Act. In administering these programs, we work closely with other federal resource management agencies like the National Marine Fisheries Service and U.S. Fish and Wildlife Service, and state and environmental agencies to ensure proper coordination and consistency with statutory and regulatory requirements, and environmental standards.

Since 1980, EPA and the Corps have been applying the sediment testing criteria requirements of the Ocean Dumping Act for all federal dredging projects and to private projects generating 25,000 cubic yards or more of dredged material. Dredged material that meets these criteria and is determined to be suitable - meaning clean enough - for ocean disposal may be disposed of at one of the four sites at Long Island Sound, known as the Western Long Island Sound, Central Long Island Sound, Cornfield Shoals, and New London disposal sites.

The Western and Central Long Island Sound sites were designated by EPA, as I mentioned, in 2005, and the Cornfield Shoals and New London sites were evaluated and selected as disposal sites pursuant to programmatic and site specific environmental impact statements prepared by the Corps, most recently in

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1991.

In 1992 Congress, and these show the sites here, in 1992 Congress added a new provision to the Ocean Dumping Act on the availability of Corps-selected sites for disposal activity. The provision allows the selected site to be used for a five-year period, beginning with the first disposal activity after the effective date of the provision, which was October 31, 1992. It also provides for an additional five-year period beginning with the first disposal activity commencing after completion of the first five-year period. We have a total of 10 years, it is not necessarily the second. Use of the site can be extended, however, if the site is designated by EPA for long-term use. Thus, the Corps can select disposal sites only for short-term, limited use, whereas Congress authorized the EPA to undertake long-term site designations, subject to ongoing monitoring requirements to ensure that the sites remain environmentally sound.

So to summarize, EPA's responsibilities related to the dredging and dredged material disposal include:

Designating disposal sites for long term use;

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Promulgating regulations and criteria for disposal site selection and permitting discharges;

Reviewing Corps dredging projects and permits;

Developing site monitoring and management plans for designated sites;

Monitoring disposal sites jointly with the Corps.

Now, I am going to provide some background of the designation of the Central and Western Long Island Sound Disposal sites, which was completed in July 2005. This goes back 15 years.

In 1998 EPA and the Corps agreed to conduct a formal site designation process following the criteria established in the Ocean Dumping Act. We also agreed that, consistent with past practice in designating dredged material disposal sites, that we would follow EPA's "Statement of Policy for Voluntary Preparation of National Environmental Policy Act or NEPA Documents," and would prepare an environmental impact statement to evaluate different dredged material disposal options.

In June 1999 we published a "Notice of Intent" in the Federal Register announcing our plans to prepare, in cooperation with the Corps and other

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federal and state agencies, an Environmental Impact Statement to evaluate and potentially designate dredged material disposal sites for the entire Long Island Sound region. We began the Sound-wide field data collection effort in 1999, but were slowed by both the technical complexities and financial constraints associated with a large-scale, multiple-site project.

In March 2002, with the Central Long Island Sound Disposal Site scheduled to close in 2004, when the second, I mentioned before, the second of two five-year periods of use of that Corps-selected site expired, EPA and the Corps announced their intent to develop the EIS in two states - Western and Central Long Island Sound first, followed by the Eastern Sound once a site or sites had been designated to serve the Western and Central region. This approach would yield a schedule to meet the important public need to consider disposal sites in this region more expeditiously without compromising the continued objectivity of the decision-making process for each region of the Sound. In September 2003, EPA issued the draft EIS recommending the designation of the Central and Western Long Island Sound Disposal Sites, and held public hearings in Connecticut and New York

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during late September and, in response to public comments, held additional hearings in December.

EPA released the final EIS and response to comments on the draft in April 2004, with the recommended action, or preferred alternative, designation of the Central and Western sites. Because the EIS is not a decision document, EPA also began the rulemaking process to formally designate the two sites by regulation. At this point, the State of New York's Coastal Management Program - which we will hear a little bit more about later in the meeting - exercised its federal consistency authority under the Coastal Zone Management Act to object to the site designations on the basis that this federal action was not consistent with the enforceable policies of their program.

Now, in June 2005, EPA did publish the final rule designating the Central and Western disposal sites. To address concerns raised by the State of New York and some sectors of the general public about the potential impact of dredged material disposal on Long Island Sound water quality and fisheries habitat, these site designations are subject to restrictions on their use. These restrictions were intended to reduce or eliminate the disposal of

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dredged material in Long Island Sound, and include: (1) the Corps completing a Dredged Material Management Plan for the entire Long Island Sound region with the goal of reducing or eliminating open-water disposal of dredged material by identifying alternatives to open-water disposal. That effort was completed by July 2013, with additional time allowed if good faith efforts were being made to complete the process; (2) establishing an interagency Long Island Sound Regional Dredging Team to review alternative analyses for federal and large private dredging projects; (3) and a third restriction was that EPA would publish an annual report to the public on progress toward completion of the DMMP and disposition of dredged material from all projects each year, including open water disposal and beneficial use.

As an example of the kind of information that is contained in our annual reports, and the next report for the dredging season basically July 2010, 2011, 2012, would be out soon. As an example of the information contained in the annual reports, this is data on the amount of dredged material that was disposed of at each of the four Long Island Sound disposal sites for the period 2006 to 2011.

So at this time I am going to turn it

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over to Mark Habel of the U.S. Army Corps of Engineers. Mark is going to talk about the Long Island Sound Dredged Material Management Plan and the Corps' role in dredged material management in general. Thank you.

MR. HABEL: Good evening, as Mel introduced me, I am Mark Habel from the New England District Corps of Engineers. I work in navigation. Mainly improving projects and studies for port development. Right now I am one of the people working for the district on the Dredged Material Management Plan on Long Island Sound. Mel talked a bit about what happened back in 2003, 2004, 2005, with the EIS for Western and Central Long Island Sound. And as part of the end of that process EPA published a rule, one of the conditions of which was that a Dredged Material Management Plan be prepared for the Sound in order for those sites to remain open. That was one of the recommendations.

What is a DMMP? Well, the Corps of Engineers is tasked by Congress with the development and maintenance of our Nation's navigation infrastructure, our ports and harbors, our channels, breakwaters, and everything else that is needed for shipping to occur. Dredged Material Management Plan

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is a means by which we can look at all the projects over a long term and see what their needs for maintenance and planned improvements are. Around Long Island Sound I believe there is more than 50 federal harbors. Most of those are in Connecticut, but some of those are in New York. And they all need maintenance periodically, some frequently, some much less frequently. But the DMMP looks at all of those. What their needs are over time, and tries to develop a plan to both economically and environmentally maintain and improve those projects.

So a DMMP is supposed to look at the whole region's needs over a term of at least 20 years, determine where the shortfalls in maintenance capacity are, and try to address those shortfalls. The DMMP is looking at all potential disposal options for dredged material, whether those are in the water, or upland, or along the shore, or beneficial use of dredged material, whatever. At the end of that the DMMP will recommend the alternatives that federal projects should pursue. And it will also categorize the alternatives that may be available for nonfederal projects, and more on that as I go through this.

The goal of the DMMP is practical implemental solutions, economically sound, and

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environmentally acceptable. The DMMP is being developed over the course of several years. We have established a technical working group. Members of the public through their NGO's were invited to participate. I see some of those people here. As well as the federal and state agencies from the three states, Connecticut, New York, and Rhode Island.

The DMMP addresses future dredging needs. Again, we are looking at both federal and nonfederal projects and needs. What disposal capabilities are there? The capacities of placement sites. Whether they are current sites, or sites that might be developed. The environmental compliance for using those methods and sites. Potential beneficial uses of dredged material. Most of you know that sand can be used to nourish beaches. Other materials can be used to build marshes, and help in highway projects, things of that nature.

As part of the DMMP we are also preparing a document, which is a Programmatic Supplemental Environmental Impact Statement. It is programmatic because it won't make specific recommendations for specific ports. It is supplemental because it is looking back to the prior EIS from '04, '05. Any specific development or new

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disposal alternatives are going to have to be handled harbor by harbor.

You know what our study area is, Connecticut, Southwestern Long Island, and the adjoining counties on the New York mainland.

The process of DMMP. The Corps prepared and approved a preliminary assessment in 2006, that is a means for us to seek the funding for doing the DMMP itself. Funds became available in 2007, and since then we have been working our way through the various phases. Identifying dredging needs, placement opportunities, and potential impacts of each of those areas.

Things we have looked at. In response to the comments we got in our scoping process for the DMMP several years ago from the agencies and the public, we put together a fairly comprehensive list of what we needed to look at, what people wanted us to look at, from landfills to aquatic sites, to other infrastructure projects, transfer facilities, on down the list, beaches, agriculture, and habitat creation. Now, we spent the last several years going through all of those categories, investigating in all three states, developing a list of alternatives under each of those categories and sites, trying to categorize

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them, look at ownership, size, impacts of use of each of those sites, and those reports have all been published over the last couple of years.

What the DMMP does and does not do. I talked about this a little earlier. We are going to identify and recommend alternatives to be looked at for each of the federal projects. We are also going to identify sites and alternatives that other parties can use for nonfederal projects. Any questions?

Following me will be Jean Brochi of EPA, Region 1, who works for Mel in the Ocean Program.

MS. BROCHI: Hi, I am Jean Brochi from EPA. I am the project manager for Connecticut Dredging and for the Long Island Sound Project. Can everybody hear me in the back?

I am going to discuss recent activity that led us to the SEIS process. I will go through what that process is, budget and next steps. So, as Mel had mentioned, the 2012 Corps Appropriation Act extended the use of the New London and Cornfield Shoals disposal sites. For New London the original closure date was October 5th, 2011. And for Cornfield Shoals it was November 6, 2013. Both of those have been extended to December 23rd, 2016.

In addition, the purpose of the

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Appropriation Act was to allow for completion of a supplemental EIS to support a final designation of disposal site in Eastern Long Island Sound. And a designation does not authorize dredged material disposal. It provides a location for dredged material. In addition, EPA's Appropriations Act of 2012 required EPA to report the plans to carry out the supplemental EIS for Eastern Long Island Sound, and to work collaboratively with the Corps and state partners to determine a dredging solution for Long Island Sound.

The process itself initiates with the Notice of Intent, which was published October 16th. Next we have scoping meeting and a comment period. For the Notice of Intent the comment period ends January 31st. In addition, the public is provided an opportunity to send comments to EPA, and I know you can't read it very well, but we have the web site address, which I will repeat, and a mailing address elis@epa.gov. At any time send us a message if you would like to be added to a mailing list. If you would like to receive announcements or if you would like to provide comments, please send us a message any time.

After the scoping meetings we initially

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select Zone of Siting Feasibility. That is the official name for the area to which we would like to study for this effort. After that we will do an identification of alternatives and data needs for both existing sites, new sites, and review, and what we have available for alternatives. After that there will be a screening phase where we will phase out sites and possible alternatives for areas, reasons some of them can include recreational impacts. Some of them could be debt, the inability to monitor. And some would be excluded because of the feasibility for transportation and management of dredged material.

Once we select the sites, we will assess data needs, collect data. We will prepare a draft EIS. After that point, we will hold another comment period and have additional public meetings. We will prepare a final supplemental EIS. And then we will have an additional comment period.

At the very end of the process we publish a final rulemaking and a record of decision and the sites are officially designated, site or sites. The initial part of this effort is to request cooperating agencies to join us, and be involved every step of the way. And that took place in July. That request went out to federal agencies, state agencies,

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tribal members. We then followed up with a notice of intent, as I stated, October 16th that was published. All of the information from these meetings, any data needs will be published on the EPA web site. Any announcements, such as the postponement of tomorrow's meeting until January, will also be updated on the EPA web site. That address is http://www.epa.gov/region1ecolongislandsounddergelis. And if you would like to be on the notification system we are going to do e-mail blasts throughout the process, please contact us at elis@epa.gov. You can also contact me directly at jeanbrochi@epa.gov.

This meeting was the first of two public scoping meetings. The New York meeting, as Niek postponed until January 9th. The comment period has been extended to January 31st. And you can provide comments in writing via e-mail, hard copy. In addition to these meetings, additional scoping meetings will be scheduled for the spring and the fall. And we would like to solicit comments on the field plan and data collection needs and various other points throughout the process.

So, as I mentioned, the first step is to identify zone of siting feasibility. And on this you can see that I included Western, these are all active

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sites, Western Long Island Sound site, Central Long Island site, Cornfield, and New London. Zoning feasibility right now, this effort will not investigate Western and Central Long Island Sound. We have already completed that in the first round of the EIS. We are only looking at the eastern region, and the zone of siting feasibility will be further refined and available for public comment.

Part of this process is including the DMMP efforts, as well as previous efforts in all of the data collection that we completed for the original EIS. The data collection for that effort was from 1999 until 2002. And originally when we started that effort we did investigate soundwide data collection efforts, and we have some of that available to us.

In addition, EPA on their own research vessel, conducted site monitoring in 2007 and 2009 through 2012. In addition, the Corps of Engineers has a disposal monitoring program where they are in the field every year monitoring and managing the disposal at the disposal sites. And that included 10 surveys from the New London site since 1990, which included bathy, physical oceanography, benthic biology, and chemistry, as well as the Cornfield Shoals Disposal Site. They conducted three surveys there since 1990,

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and that included bathy and sediment transport. The Rhode Island Disposal Site, which had completed four surveys, that was since 2000. And that included bathy, benthic biology, lobster abundance, and plume tracking.

All of the Corps' monitoring and data report are available on the Corps web site, as well.

As Mel had mentioned, as part of the EIS effort, and the DMMP effort, EPA will be using some of the reports and data that has been collected through the Corps' DMMP process. An example is the Dredging Needs Report, which was completed in October 2009, and that stated that 13.5 million cubic yards would need to be dredged from Eastern Long Island Sound channels and harbors over the next 26 years. The planning horizon goes to 2028. And that is a planning horizon that the Corps used to assess the passing.

In addition there is a report called the Upland Beneficial Use and Sediment Dewatering Reports. They were completed in 2009 and 2010. They determined that there were very few alternatives for open water disposal sites in Connecticut. And the majority of those are beach nourishment.

Several other studies will be used for this effort, such as the literature search, dredging

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needs, economics, and disposal alternatives. Some of the graphs and the chart over there, which is Long Island Sound dredging needs, are part of the DMMP effort, and will be produced as part of that effort.

The Disposal Alternatives Study includes upland, nearshore, beneficial use, and aquatic disposal.

Alternatives investigated include Landfills, Beaches, Redevelopment, Habitat Restoration, and dewatering sites. Here is a graph representing some of the locations in that report. And you can see the yellow identifies beaches. The purple identifies available landfills. The red identifies redevelopment locations. The green, which may not be obvious here, is habitat restoration, and then the blue is dewatering. The budget EPA estimates will be $3.3 million for a total cost for this effort. Again, this is a supplemental EIS. The Connecticut State Bond Commission through the efforts of Connecticut DOT, and with assistance from Connecticut DEEP, have approved $1.8 million for this effort, and that was approved in October 2011. That will fund efforts to support the SEIS. The initial project for that will be physical oceanography, looking at the Eastern Sound and sediment transport. There will be

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additional environmental studies, as well as documentation of public scoping meetings that those funds will be used for.

The next step for this effort is to hold additional meetings in 2013, additional public scoping meetings. We expect to have a draft supplemental EIS completed by 2014. A final completed by 2015. And if the supplemental does, in fact, recommend designations of one or more sites we will have a final rulemaking published in December of 2016.

With that I will call George Wisker from Connecticut DEEP. Thank you.

MR. WISKER: As Jean mentioned, my name is George Wisker. I am an Environmental Analyst with the Department of Energy and Environmental Protection. I can't get used to that extra "E" in there. I have been asked to just outline what the department's role in the SEIS will be.

Our current regulatory role is that we are the part of the department that actually regulates dredging and dredge management. We do that according to the Connecticut Structures and Dredging Act and in accordance with Connecticut's Water Quality Standards.

We are also the agency as close to states around us have separate coastal management

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agencies that are separate coastal management reviewed. Connecticut DEEP actually incorporated the Coastal Management part of the review in with the permit. We also include a water quality certificate in there. Instead of getting three separate documents, there is one permit issued. That is for private projects. With regards to our other program with the federal government, the federal government really does not give permits, particularly for water quality. So we review these projects for disposal of program consistency so that we are ensuring that all our coastal resources are adequately addressed, protected, as well as dealing with promotion of water dependent uses.

The Clean Water Act is the other part that we regulate. What we are trying to do there is certify that discharges of dredged material or anything into the bodies of water will not impair uses and result in a permanent impairment. We realize sometimes with discharges you will get a temporary impairment. The key is not to have permanent impairment.

Now, the role of SEIS is really quite simple. We are going to try to provide whatever information we may have to EPA, the contractors, to

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help them fill in some of the data gaps. There have been times where our agency goes out, and does fishing trolls, surveys, water quality monitoring. All that information will be available to the contractors. Finally, the department is going to coordinate, provide ongoing coordination with the agencies, the contractors, and evaluate a lot of the work products that are going to come out. We have already been involved heavily with the Dredged Material Management Plan. And we will be involved in providing comments on work products coming out of this.

And also, finally, when there is a final product that comes out of this record of decision, we will provide and evaluate Coastal Management Consistency with our program under the Coastal Zone Management Plan. That really is the nature of our role in this particular process.

Do you have a question?

A VOICE: I am interested exactly to know how the department defines and differentiates between temporary and permanent impairment of marine resources.

MR. WISKER: A good example of that would be --

A VOICE: Repeat the question.

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MR. WISKER: The question was, how does the department differentiate between temporary impairment and permanent impairment of resources. A good example of that would be if you did a dredged material disposal at a site. What would happen is if there were critters buried on the bottom they would get buried under the material. What actually would happen is there is a recolonization that occurs. There is a temporary impairment to the critters at the site, but there is a recolonization that occurs. Overall it was a temporary hit not a permanent hit.

MS. STREET: My name is Jennifer Street. I am with the New York State Department of State with their Coastal Management Program. Similar to what George had mentioned earlier we, our state, not similar, different to what George had said before, the Department of State administers the Coastal Management Program. New York State DEC issues water quality certifications and permits for actual activities in the water. And then New York state Office of General Services is actually the agency that overseas the use of state lands. All three of our agencies have a role in dredging projects in New York State as it pertains to the dredging and disposal. Our primary program goals, we manage our program to balance the protection

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of natural and cultural resources with the economic development within the coastal zone. And we coordinate decision making at all levels of government. At least we try to.

Our role in Long Island Sound is in 1982 the New York State Coastal Management Program was finalized and approved by NOAH. In 1999 the Long Island Sound Coastal Management Program is the regional program, the regional refinement that New York State has had incorporated into the Coastal Management Program for all projects within the Long Island Sound region.

Then in 2006 our program also went through an additional change implementing interstate consistency, extending our coastal area boundary to the 20-foot by bathymetric contour closest to the Connecticut shoreline, and also some boundaries that we currently share, as well. I know Connecticut also had a program change similar during that time for interstate consistency with our side of Long Island Sound. This is just a basic explanation of the Coastal Zone Management Act establishing a framework of review for all proposed federal activities that were within or would affect a state's designated federally approved coastal area. Federal activities

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refer to the funding, permitted rule making, or direct action undertaken by a federal agency. In which case we would evaluate a project or a proposed rule or a federal undertaking and review it against our program, and based upon the analysis of the effects of that activity on the enforceable polices of the CMP we would either concur with or object to a proposed activity.

Our involvement in the SEIS process, we have been requested to be a cooperating entity in the SEIS process. We will provide written scoping comments, available data information throughout the process. And we will review work projects and provide comments as needed. And eventually potentially review any potential federal actions for consistency with the New York CMP. Any questions?

MR. VERAART: We will have a five-minute break so people can register at the registration desk if they have any questions. Again, as I mentioned at the beginning of our public meeting, if you could also please identify your contact information and any affiliation that you have with an organization, and if you have any questions for any particular agency or a particular individual representing agencies, if you could also indicate that. It will just make it a

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little easier to direct the questions to the appropriate person. There are basically two groups of questions, if you will, or subjects that are being discussed. One is the supplemental EIS by the EPA. And the other is Federal Management Program led by the Corps of Engineers. Keep that in mind as you are framing your questions. Any questions at this point about logistics? No. Thank you.

I was told I have to speak close to the microphone because of the acoustics and our court reporter. Before we proceed with the comments, Mr. Cote from EPA would like to say a few things.

MR. COTE: Thank you, Niek. And a major oversight on my part, I wanted to thank the University of Connecticut for hosting tonight's activity. I appreciate very much the facility, and everything that goes with it. Thank you very much. And secondly, and I don't think I can emphasize this enough, about the process, it tends to be a very open process and we have official comment periods with almost every notice that we do. But I do want to emphasize that in practice that we are taking comment from anyone at any time throughout the entire process. It is not a closed process. We do want your input. We need your information, data. That is all I wanted to add. And

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then we will now go to public comment. Thank you.

MR. VERAART: Thank you. We have at this point, we have three commenters at this point, Louis W. Burch, Adam Wronowski, Christian McGuyun. So Mr. Burch, if you could please, you can stay seated. I will come over to you.

MR. BURCH: Thank you very much for the opportunity. My name is Louis Burch. I am the Connecticut Program Coordinator for Citizens Campaign for the Environment. We are a member supported environmental group with over 85,000 members in Connecticut and New York and growing. Citizens Campaign for the environment is an active member of the Long Island Sound Citizens Advisory Committee and we participated in the Long Island Sound Dredge workshop set by EPA and the Army Corps.

In 2004 CCE opposed the Environmental Protection Agency's plan to designate two 20-year dump sites in the Long Island Sound. CCE understands that while dredging is important for the safety of navigation and is a necessary activity, that open water disposal of those dredge materials is not. Long-term dump sites in the Long Island Sound, the EPA released a notice of intent to prepare a supplemental environmental impact statement for the designation of

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those two long-term dump sites. And EPA states that it is necessary because of the Cornfield Shoals and New London disposal sites were set to expire September 16th, 2016.

In 1992 an amendment to the Marine Protection Research and Sanctuaries Act established a time limit on disposal sites. When Congress passed this important Act the intent was to stop dumping and to phase it out over time, and not to go through a lengthy process to allow open water dumping to continue.

In 2003 the EPA released a Draft Environmental Impact Statement for the designation for two long-term disposal sites in the western area of Long Island Sound. And due to an overwhelming public outcry, EPA, the states of New York and Connecticut reached an agreement that sought to phase out open water dumping. As part of this agreement a Dredged Material Management Plan was supposed to be developed. And the EPA's final notice in that agreement was the DMMP for Long Island Sound Dredge Materials Management Plan would include the identification of alternatives to open water disposal and standards for the use of practical alternatives to open water disposal so as to reduce, wherever practicable, the open water disposal

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of dredge materials. To date that DMMP has not been developed. And CCE believes that is a imprudent to proceed with the long-term designation of open water disposal sites before that development of a final DMMP. Particularly since the goal and intent of the plan was to reduce open water disposal, not to re-locate open water disposal. So a few specific comments, CCE offers the following items that should be addressed in the Supplemental Environmental Impact Statement.

First of all, consider that the Eastern Long Island Sound is the most biologically diverse portion of Long Island Sound. EPA needs to conduct a thorough analysis of all the species located in these waters and assess how long-term dumping will affect species diversity.

Also an assessment of the highly diverse and critical benthos and bottom topography need to be undertaken. As well as the fact that the Eastern Long Island Sound is also a very busy zone for navigation, national security, waterborne commerce, and recreational boating. The EPA needs to assess how these activities will be impacted or harmed or hindered because of a long-term dump site.

Eastern Long Island Sound is also an

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important spot for commercial and recreational fishing. And the impacts to the fishing community also need to be accurately captured before moving forward.

EPA needs to fully document how long-term dumping will affect the water quality in the affected area of Long Island Sound.

The EPA needs to ensure that the guiding principles of the bi-state agreement between New York and Connecticut which seek to reduce and eliminate open water dumping be captured in the SEIS.

EPA also needs to identify disposal alternatives. The DEIS for the Western open water disposal sites was quick to rule our disposal alternatives as not being feasible. The DMMP, on the other hand, was supposed to focus on alternatives. Yet, in the many meetings that CCE attended there was very little discussion of alternatives.

Furthermore, the EPA needs to evaluate the potential release of pathogens and toxic contaminates.

And the EPA should ensure a transparent and open process in which public comments are welcomed and solicited.

In conclusion, CCE continues to be

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concerned with the process of designating open water disposal sites in the Eastern Long Island Sound, particularly because of the agreements that we should be phasing out open water disposal and working to find good alternatives to dredged material. Open water disposal is a quick, seemingly cheap fix, which is negatively creating lasting and costly effects to our estuarine ecosystems. Thank you very much for the opportunity to be heard.

MR. VERAART: Thank you very much. Appreciate it. The next comment is from Adam Wronowski. If you have a letter you can also give it to the court reporter, if you wish, and she can enter it into the public record.

MR. WRONOWSKI: I have already submitted my written comments at the door.

My name is Adam Wronowski. And I represent Cross Sound Ferry, Block island Ferry Services, Thames Shipyard & Repair Company, Thames Dredge & Dock Company, and Thames Towboat Company, all of which are Connecticut Corporations. I am also the Director of the Connecticut Maritime Coalition. These five marine businesses I have just listed operate on Eastern Long Island Sound and its tributary waters, and they rely on dredging as a fundamental necessity

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for their existence. Together these five businesses employ over 500 persons. Cross Sound Ferry Services and Block Island Ferry Services provide essential transportation to the public and serve as a lifeline to Block Island and Long Island. Thames Towboat provides all of the ship docking services in New London Harbor and is responsible for the safe movement of every nuclear submarine and naval vessel that transits New London Harbor and the Thames River. Thames Shipyard provides critical maintenance services to dozens of large passenger and vehicle ferries in the Northeast. Thames Dredge and Dock provides a vital dredging and disposal services that are the subject of this meeting. These businesses operate in publicly and privately maintained coves, harbors, and channels in Eastern Long Island Sound that require dredging. If dredge spoil disposal is prohibited in Eastern Long Island Sound, these businesses will be severely negatively impacted.

As an alternative to an open sound or open water disposal site in Eastern Long Island Sound, I encourage the EPA to carefully consider the development of a CAD cell in the Thames River. The U.S. Navy just two years ago demonstrated the feasibility of this. There exists a CAD cell right

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now in the Thames River that the U.S. Navy has used to dispose of hundreds of thousands of yards of material. Rhode Island, through the Corps of Engineers, and EPA, also has displayed the feasibility of creating a CAD cell for disposal of all of their dredged spoils.

I would also like the EPA to consider the negative impacts of not creating an Eastern Long Island Sound disposal area. Economically, if dredging projects are to occur in Eastern Connecticut and there is not an Eastern Long Island Sound disposal area, those dredge spoils have to be towed to either the Central Long Island Sound disposal site or the Western Long Island Sound disposal site. The cost of that additional towing can more than double the cost of the dredging. That is the economic impact. The environmental impact of towing those dredge spoils across Long Island Sound can be measured in air quality impacts. To tow those dredge spoils a tug has to tow that scow. That tug burns diesel fuel. The amount of diesel fuel that it takes to tow a scow from Eastern Connecticut to these disposal sites, as compared to towing them right to an Eastern Long Island Sound disposal site, is significant. Thank you for the opportunity to comment.

MR. VERAART: Thank you, Mr. Wronowski.

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The next person is Christian McGuyun.

MR. MCGUYUN: Thanks for the opportunity to speak. I am the owner and operator of two businesses in Mystic, Connecticut. It is a family business. I am owner and operator of Gwenmor Marina and Gwenmor Marine Contracting. In fact, I tow these barges way up and down the Sound, and agree with almost everything that he said. So I am going to talk about things in a very basic way because that is the only way I understand this situation. I don't understand all the science of it. I do understand the economics of it.

So I came to this thing at the Groton Motor Inn in 2005 and heard a lot of talk about alternative disposal methods, and so the gentleman spoke personally about a topic that wasn't talked about very much. There is a reason that wasn't talked about very much. That is because it is economically unfeasible as a small operator, I guess I am speaking for all the small guys, collectively that is a lot of people, a lot of recreational boaters. That is who we dredge for, marinas, and all along the Connecticut shoreline all the way down to City Island. So to dredge in Mystic and to take the sediments to New Haven is an economically unfeasible situation for a

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marina. You can't sustain that as a marina operator to pay the cost of dredging and think you are going to get it back through slips or any other way. I hate to be totally crude, but it is the same story as if you are in your yard and you have a pile of dirt and you want to get rid of it. There is a hole and you throw it in the hole. If you have to go to the town dump you have to load it three times. It costs you more money, energy. It just doesn't happen.

We have tried it. And effectively for the last couple of years New London dump site has been closed. Until a few weeks ago there wasn't a drop of sand dropped at New London for two years. So effectively it was closed.

Permits are being issued to marinas, mine included, that they might as well not be permits at all. You pay seven to $9,000 to get your permit to dredge. It says, well, you can dredge, but go to New Haven. You need to cap it two to one. So your dredging is 17,000 yards. You need 35,000 yards of cap material. It is like winning the lottery. There are other marinas just like mine, Mystic River, and all of the Connecticut shoreline, that have these permits that are basically useless. They are fantasy.

So I guess my larger point is a long

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time ago when boating exploded in the '50's, and 60's, and all these marinas started flourishing all over Connecticut, a lot of marinas in Connecticut have dredged material, including mine. And I know of many, many others who dredge and made a yard, it has never happened nowadays. That is an example of when you dredge the easiest and most convenient way is to put your material is right there. Now you have a marina. That is not going to happen anymore, but to take it to the town dump or to take it to New Haven, to close the dump sites that originally there were four dump sites, that seems to make sense. It almost makes too much sense. Along the Long Island Sound there are four dump sites. You take the stuff out and dump it. Somewhere along the line they had it right.

Now, as Adam said, you take away the ability to do that when you are saying it is a fundamental question whether you are going to allow dredging or not allow dredging. There are a couple of marinas in the Mystic River that have been choked off, they are out of business, no more docks there. They lost the ability to dredge. It is financially not feasible. There are more on the way.

So I would encourage, as Adam said, CAD cell, we dump into the CAD cell in Rhode Island.

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There is a CAD cell in the Thames River. That is the only alternative disposal method that I have heard of that makes sense financially and in a common sense sort of way. I would invite anyone in this room after I speak to let me know how we are going to dredge and take it to New England Disposal Technologies up in Massachusetts. Which I did. It was $126 a yard. It is not feasible. So you need to allow dredging. The reason for the CAD cell in Rhode Island was, as you may recall, some of you, there was a barge, they had to use a lighter barge to get into Narragansett Bay. It had not been dredged in so long. Now one of these barges went aground in Misquamicut. Now there is oil all over the place. They said maybe we should have a CAD cell in Narragansett Bay? And they did. They allowed them to be dredged. It took something like that to happen. I hope we don't get that far along with this. I would encourage everyone involved to consider the financial feasibility for the recreational boaters. I am definitely in support of having four managed sites along the Sound, as we have in the past.

MR. VERAART: Thank you for your comments. I appreciate it.

Next commenter is the Connecticut

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Maritime Coalition, Mr. William Gash.

Hi, good evening, I am William Gash. I am the Executive Director of the Connecticut Maritime Coalition. We are a trade organization in the state and we represent the maritime industry in the state, specifically the deep water ports of Bridgeport, New Haven, and New London. The only reason I am speaking now is I did not have my name on the list to speak, but I just wanted to comment that the first that I have ever heard that we were going to end open water disposal in Long Island Sound is tonight. And I certainly don't know of any agreement between the states to end open water disposal. And it would be interesting if such an agreement exists.

Also, I would like to use the word "disposal" and not "dump". There is a lot of time and money and science that is put into these disposal sites in the Long Island Sound. And it is a very controlled evolution. We are just not taking dredged materials from a harbor or channel and really literally dumping them somewhere out in Long Island Sound. We are actually disposing of them in a very controlled and scientific monitored fashion. Thank you for letting me comment.

MR. VERAART: Thank you for your

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comment. Are there any other people who wish to comment? You can come forward and enter your name on the list.

A VOICE: Can somebody explain what a CAD cell is?

MR. VERAART: Mark? Thank you.

MR. HABEL: CAD cells are holes dug in the bottom of the harbor or some other water body into which we place material that is going to be confined. Now, it is very different from the material that would otherwise go out to open water disposal sites, capped or uncapped. What was done in Providence, in Boston Harbor, in Norwalk, and in Hyannis even, was that we had material that when it was chemically tested could not be placed in an open water disposal site. It was too contaminated. So we needed to either take that material upland at very high cost, treat it at even higher cost, or place it in a CAD cell.

The CAD cells of Providence have been mentioned tonight a couple of times. Those are pits that were dug in the bottom of the Navigation Basin in the Port of Providence. They went down 80, 90, maybe 100 feet, just like they did in Boston. The material that was dredged to create the CAD cells was tested and found suitable for ocean disposal, and went

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out to the offshore disposal site. It did that in all of those cases. After the holes were dug, the material that had been tested and found not suitable to go to the ocean was placed in a CAD cell, and then the CAD cells when they were full were capped with other clean material dredged from other parts of the harbor channels.

Now, at Providence and in Boston some of the cells weren't full when we were done. And the states paid to make those cells even bigger so that they could make the capacity available to nonpublic projects, marinas, and others, to use if their material tested as unsuitable to go to open water.

So that is what has happened with Providence. That is what happened in Boston. I believe the cells in Hyannis and Norwalk were just for the federal projects in those instances.

A VOICE: New Bedford?

MR. HABEL: New Bedford they have created cells. The Corps has not used them yet.

A VOICE: There is about to be another CAD cell constructed for the disposal of contaminated material in New Bedford.

MR. HABEL: New Bedford is a project for CAD cells that is being led by the State of

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Massachusetts, and the City. The Corps hasn't had any development in that yet, other than permitting the creation of those cells. But, again, cells are not for material that would otherwise go to the ocean sites. It is for material that has been tested and found that it can't go to the ocean sites. Because you have to pay for the cell. In order for the cell to fit the dredged material it has to be at least one and a third or more times the size of the material that is going in. Because once you dredge material and dump it, it is going to be bulked up. It increases your dredging costs in general by about two and a half times the use of a CAD cell. And that is certainly cheaper than treatment technologies that exist today or taking the material elsewhere upland. CAD stands for confined aquatic disposal. Are there any other questions on CAD cells?

A VOICE: When the CAD cell is dug, wouldn't it be an idea to charge people to use that cell? It would still be cheaper for them to dredge and dump in closer proximity.

MR. HABEL: Yes, that is what has been done in Providence. The State of Rhode Island paid the Corps to make the cells bigger than what the Corps needed for the Port of Providence, and a couple of

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other smaller federal projects. And the state then, in turn, charges marinas to use the CAD cells. So, yes, that can be done.

A VOICE: Has Connecticut shown any interest in doing this? Have you seen any proposals?

MR. HABEL: You would have to ask Connecticut. George?

MR. WISKER: The problem is the cost with the budgetary issue and things to get the money available to do that. Most CAD cells that are done, I know the Navy had done one in the Thames River, those projects are not sized to accommodate everyone. Generally if an individual, corporation, or agency is doing a CAD cell it is to accommodate their material. They are going to try to keep the thing minimally sized because they are the ones paying for it. I don't know particularly, maybe Danny from Rhode Island, how is that funded, Danny?

A VOICE: We talked about the oil spill. We had an oil spill response. Every barrel that comes across the dock in Providence there is a fee levied, and you took the money from that levy to pay our share of the CAD cell.

MR. WISKER: For those who couldn't hear Dan, what they do is for every barrel of oil that

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comes into the port there is a fee attached to that. And then that goes to help fund costs for maintenance, and digging these things.

MR. VERAART: That was a discussion about CAD cells. We have another commenter. Jeff Kateley of the Connecticut Dredge Corporation. Good evening.

MR. KATELEY: Jeff Kateley of Connecticut Dredge Corporation. Just the general public I guess they think of this as dumping grounds. Most of the areas are disposal areas. All of the material that we take from Point A to Point B from a dredging site is put through, as Christian said, a lot of testing. They know exactly what is in every molecule that goes through. 30 years ago, 40 years ago, the instruments used to test couldn't, or maybe parts per hundred. Now there are parts per million. So they find every little tidbit of whatever is in the material before it even gets to the disposal area, before it is even permitted.

In the dredging process we go out. Lately our barges are monitored 24 hours a day, seven days a week, through the federal government. Years ago, back in the '60's and '70's, I believe there was almost a disposal ground off of almost every port that needed

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to be dredged. Instead of four there was probably six or eight up and down the Sound --

A VOICE: 19.

MR. KATELEY: 19. The big push of the '60's, '70's, or '80's, environmental push made the government consolidate to four. You would think the materials, say, off of Clinton Harbor, the material that we dig out of Clinton Harbor should be put right off of Clinton Harbor. It is the same stuff that comes out of the river, just like the material that comes out of the Connecticut River. Well, it makes sense put it off of Cornfield Shoals, that is where the material is coming from. It is not like -- it shouldn't be transported from, say, New London, to New Haven. You know, it is ridiculous to think that that material has to get moved that far. The diesel fuel, as Adam said, it is ridiculous, the cost probably tripled just to get it from New London out.

You guys, I guess the impact study we are spending another $10 million on an impact study that has already been hashed over years past. It is my tax dollars, your tax dollars, in a government that is bankrupt to begin with. Thanks for your time.

MR. VERAART: Thank you for your comment.

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Do you wish to make a comment, sir?

MR. VISEL: I will probably hate myself in the morning.

MR. VERAART: Write down your name.

MR. VISEL: Tom Visel, Ivoryton, Connecticut. I started working in 1978. I did my first dewatering upland disposal in 1983 in Osterville on the Cape where I urged communities, I think they have it now, to have a regional cooperative dredge program on Cape Cod. The dredging projects that I worked with were usually rivers and creeks. They were mostly composting leaves. We need to know what type. We are in a period of high heat, low energy. We have our tree canopy back. We have a lot of leaves in our estuaries. When you dredge the lower river you are in the leaf business. Basically, when you look at the 1950's for these lower rivers and creeks that were dredged it was fish food. A lot of fishermen in the '50's and '60's would head to the disposal sites because they knew that is where the flounder were. We couldn't even find the dredge disposals back then. You know if it is clean sand. Something we could use. Even cobblestone, whether it is something that needs to be contained or capped or whether it is just leaves. We have a lot of leaves. Thank you.

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MR. VERAART: Thank you for your comments, sir. Anybody else have any comments at this point?

MS. CODORE: Abbie Codore. I manage a marina at the mouth of the Connecticut River. We have to dredge every two years just to maintain, to bring in power boats not sailboats. Everything that is coming down is what is going right out the river. It is just stopping, some of it is stopping at my marina and has to be removed. The same thing is going out into Long Island Sound. It is nothing that isn't already there. I am also on the Long Island Sound Citizens Advisory Commission. We feel as marina owners and managers, a lot of others feel if we don't take good care of the environment people aren't going to want to be on Long Island Sound. To get the people on Long Island Sound we have to dredge so we can maintain public assess. My marina hires a lot of people and brings in a lot of tourist dollars. I think that is important to look at for the economy, as well as looking at the environmental impact of this, which isn't really much more than what comes down in the spring anyways. Thank you.

MR. VERAART: Thank you for your comment. Anybody else would like to make a comment?

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We will leave the meeting open for another 10, 15 minutes or so in case anybody thinks of a comment. If you have a comment, please go to the registration desk, and put down your name, thank you.

(Recess taken.)

MR. COTE: This is the Mel Cote with the U.S. Environmental Protection Agency. It is now 7 p.m., November 14th, 2012. We are bringing this public scoping meeting to a close on the Eastern Long Island Sound Supplemental Environmental Impact Statement.

(Whereupon the Public Hearing adjourned at 7:00 p.m.)

CERTIFICATE

I hereby certify that I am a Notary Public, in and for the State of Connecticut, duly commissioned and qualified to administer oaths.

I further certify that the foregoing proceedings were taken by me stenographically and reduced to typewriting under my direction, and the foregoing is a true and accurate transcript of the proceedings.

Witness my hand and seal as Notary Public the 28th day of November, 2012.

_____

Notary Public

My Commission Expires:

November 30, 2017

C E R T I F I C A T E

I hereby certify that I am a Notary Public, in and for the State of Connecticut, duly commissioned and qualified to administer oaths.

I further certify that the foregoing proceedings were taken by me stenographically and reduced to typewriting under my direction, and the foregoing is a true and accurate transcript of the proceedings.

Witness my hand and seal as Notary Public the 28th day of November, 2012.

Sarah J Munes

Notary Public

My Commission Expires:

November 30, 2017

# Attachment 6

## TRANSCRIPTS OF PUBLIC COMMENTS, RIVERHEAD, NEW YORK JANUARY 9, 2013

1

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO EVALUATE THE POTENTIAL DESIGNATION OF ONE OR MORE DREDGED MATERIAL DISPOSAL SITES IN EASTERN LONG ISLAND SOUND

January 9, 2013
2:30 p.m.
Culinary Center
Suffolk Community College
Main Street
Riverhead, New York

PRESENT:
THE LOUIS BERGER GROUP, INC.
BERNWARD J. HAY PH.D
PRINCIPAL ENVIRONMENTAL SCIENTIST

THE LOUIS BERGER GROUP, INC.
NIEK VERAART, AICP, ASLA
VICE PRESIDENT, FACILITATOR

SPEAKERS:
MEL COTE, EPA REGION 1
MARK HABEL, CORPS OF ENGINEERS, NEW ENGLAND
JEAN BROCHI, PROJECT MANAGER EPA REGION 1
GEORGE WISKER, CONNECTICUT DEPT. OF ENERGY, AND ENVIRONMENTAL PROTECTION
JENNIFER STREET, NEW YORK DEPARTMENT OF STATE

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[TIME NOTED: 2:40 P.M.]

MR. VERAART: Thank you. Welcome to this public meeting. A couple of housekeeping items, the rest rooms are right outside to your right to the hall here. If you will please all turn off your cell phones, put them on vibrate. It would be much appreciated.

My name is Niek Veraart. I am with The Louis Berger Group, an environmental consulting firm under contract to the University of Connecticut, which is under contract to the Connecticut Department of Transportation. We've been retained to assist with this public meeting and the preparation of the Supplemental Environmental Impact Statement.

This meeting is held to solicit comments as part of the environmental review under the National Environmental Policy Act to prepare a Supplemental Environmental Impact Statement to evaluate the potential designation of one or more Ocean Dredged Material Disposal Sites, ODMDS, to serve the eastern Long Island Sound region in Connecticut, New York, and Rhode Island.

The Notice of Intent to prepare the Supplemental Environmental Impact Statement

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was announced in the Federal Register on October 16, 2012.

The Federal lead agency is the US Environmental Protection Agency, or EPA. EPA is requesting written comments from federal, state and local governments, industry, non-governmental organizations, and the general public on the need for action, the range of alternatives considered, and the potential impacts of the alternatives.

The first public scoping meeting was held in New London, Connecticut on November 14. The second meeting was originally also scheduled for November 2012, but was rescheduled in light of Hurricane Sandy. The period for accepting scoping comments was also extended to January 31, 2013. EPA and other agencies will present information about the project for the next hour until approximately 3:30 p.m.

After the presentations are completed, the floor will be open for comments until 5:30 p.m. If you wish to speak, we ask that you sign up at the registration desk after the presentations have been completed. When you're registering to speak, if you could please provide your contact

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information and any affiliation if you are representing an organization. A form is provided at the registration desk. Speakers will be heard in the order in which they are registered to speak, with elected officials and government representatives speaking first.

You may also submit your comments in writing at the registration desk, in which case we also ask that you provide your contact information and affiliation. All comments, written and verbal will become part of the public record. We ask that you limit your comments to no more than five minutes to provide everyone with an opportunity to speak. If you do have extended comments you may want to summarize them in your verbal statement, and submit your detailed comments in writing at the registration desk, which will make them part of the public record. Please note that the focus of this meeting is to receive verbal comments on the Notice of Intent, the presentations this afternoon by the agencies, and the review process. This is not a technical discussion forum.

The public meeting is being recorded by a stenographer and on audio recording devices. The

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transcript of the meeting will be entered into the public record of the environmental review process and will be made available to the public. Again, the period to submit written comments will end on January 31, 2013.

We will move on to the presentation portion of the meeting. Please note that the presentations will be made available on the EPA web site after the meeting. So, in case you're trying to take notes, they will be available on the web site.

The agency representatives that will be presenting and receiving comments this afternoon include the following: Mr. Mel Cote, Manager, Ocean and Coastal Protection Unit, of EPA Region 1. He will discuss the EPAs role in disposal site designations, and the history of the process including the designation of the central and western Long Island Sound Dredged Material Disposal Sites. Mr. Mark Habel, from the Army Corps of Engineers, New England District, who will discuss the need for dredging and the role of the Corps. Ms. Jean Brochi, Project Manager, Ocean and Coastal Protection Unit of EPA Region 1. She will discuss the process going forward, the

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Supplemental EIS for the Eastern Long Island Sound Region. She will be followed by Mr. George Wisker, Connecticut Department of Energy and Environmental Protection, who will discuss the role of the State of Connecticut. Ms. Jennifer Street, New York Department of State, who will discuss the role of the State of New York.

Mr. Cote will now officially open the meeting.

MR. COTE: Thank you, Niek, and good afternoon everyone. As Niek mentioned, my name is Mel Cote and I'm the manager of the Ocean and Coastal Protection Unit in the US Environmental Protection Agency's Region 1, or New England Regional Office. The Ocean and Coastal Protection Unit administers the National Estuary Program for the six member estuaries in New England, the regional dredged material management and ocean disposal programs, and other assorted marine water quality programs.

We also participate on the Northeast Regional Ocean Council, the Gulf of Maine Council, and the Board of the Northeastern Regional Association of Coastal Ocean Observing Systems, as well as other assorted regional committees and work groups. Prior to taking this position almost eleven years

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ago,

I spent nine years as the Region 1 Program Manager for the Long Island Sound Study and Connecticut's non-point source program.

So, I've spent a lot of time on and around Long Island Sound and its watershed, and have a real affinity for the region.

Thank you very much for coming to this public meeting. We really appreciate you coming to provide input during the very early stages of our process to develop a Supplemental Environmental Impact Statement that will evaluate the potential designation of one or more dredged material disposal sites for Long Island Sound.

As Niek said, the official public comment period on the Notice of Intent, which is the subject of today's meeting, ends on January 31st, there's going to be numerous opportunities throughout the process for public input, public comment, and in practice we'll be taking your public input throughout the process. I'm now going to describe what EPA's role is with respect to the designation of the dredged material disposal sites. I'll then take a step back and provide some background on the designation of the

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Central and Western Long Island Sound sites, which was completed in July 2005.

Then I'll turn it over to Mark Habel, the US Army Corps of Engineers, New England District, to talk about the Corps' role in dredged material management as well as their effort to develop the dredged material management plan for the Long Island Sound Region.

EPA and the Army Corp of Engineers jointly regulate dredging and dredge material disposal under Federal authorities provided by Section 404 of the Clean Water Act and Sections 102 and 103 of the Marine Protection Research and Sanctuaries Act, which is also known as the Ocean Dumping Act or MPRSA, and herein are listed interchangeably.

In administering these programs we work closely with other Federal resource management agencies, the National Marine Fisheries Service, the US Fish and Wildlife Service, and State environmental agencies to ensure proper coordination and consistency with statutory and regulatory requirements and environmental standards.

Since 1980 the EPA and the Corps have been applying the sediment testing requirements of the

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Ocean Dumping Act to all federal projects and private projects generating 25,000 cubic yards or more of dredged material. Dredged material that meets these criteria and is determined to be suitable, meaning clean enough for ocean disposal, may be disposed of at one of the four sites in Long Island Sound, known as the Western Long Island Sound, Central Long Island Sound, Cornfield Shoals, and New London disposal sites. The Central and Western sites, as I've mentioned earlier, were designated by EPA in 2005, that took effect in July 2005, and the Cornfield Shoals and New London sites were evaluated and selected, and that's an important term selected versus designated, as disposal sites pursuant to programmatic and site specific environmental impact statements that were prepared by the Army Corps most recently in 1991.

And you can, hopefully, you can see-this not such a great map across the Sound. Most of you are probably familiar with the location of those. So, I'll move right along.

In 1992 Congress added new provisions to the Ocean Dumping Act that, for the first time, established a time limit on the availability

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of Corps selected sites for disposal activity. The provision allows the selected site to be used for a five year period beginning with the first disposal activity after the effective date of the provision, which was October 31, 1992. It also provides for an additional five year period beginning with the first disposal activity that commences after completion of the first five year period. Use of the site can be extended, however, if the site is designated by the EPA for long-term use.

Thus, the Corps can select disposal sites only for short term limited use, whereas Congress authorized EPA to undertake long term site designations, subject to ongoing monitoring requirements to ensure the sites remain environmentally sound. To summarize, EPA's responsibilities related to dredging and dredged material disposal include: Designating disposal sites for long term use. Promulgating regulations and criteria for disposal site selection and permitting discharges. Reviewing Corps dredging projects and permits. Developing site monitoring and management plans for designated sites. Monitoring disposal sites jointly, at least in

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New England, with the Corps.

Now I'm going to provide some background on the designation of the Central and Western Long Island Sound disposal sites, which was completed, as I said earlier, in 2005. The process began in 1998, when EPA and the Corps agreed to conduct a formal site designation process following the criteria established in the Ocean Dumping Act. We also agreed that, consistent with past practice in designating dredged material disposal sites, we would follow EPA's Statement of Policy for Voluntary Preparation of National Environmental Policy Act (NEPA) documents, and would prepare an Environmental Impact Statement to evaluate different dredged material disposal options.

In June 1999, EPA published a Notice of Intent in the Federal Register announcing our plans to prepare, in cooperation with the Corps and other Federal and State agencies, an Environmental Impact Statement to evaluate and potentially designate dredged material disposal sites for the entire Long Island Sound region. So what we began back in 1999 was a Sound-wide effort.

We began the Sound-wide field data collection effort in 1999, but were slowed by both the

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technical complexities and financial constraints associated with a large-scale, multiple site project.

In March 2002, with the Central Long Island Sound disposal site scheduled to close in February of 2004, when the second of two five year periods of use of that Corps selected site expired, EPA and the Corps announced their intent to develop the EIS in two stages, Western and Central Long Island Sound, followed by the Eastern Sound once a site or sites had been designated to serve the Western and Central regions. The idea is that this approach would yield a schedule to meet the important public need to consider disposal sites in this region more expeditiously without compromising the continued objectivity of the decision making process for each region of the Sound.

In September 2003, EPA issued the draft EIS recommending designation of the Central and Western Long Island Sound sites, and held public hearings in Connecticut and New York during late September, and in response to public comments, held additional hearings in December. I'm sure some of you participated in this. EPA released the

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final EIS and response to comments on the draft in April 2004, with the recommended action, or preferred alternative, designation of the Central and Western sites. Because the EIS is not a decision document, EPA also began the rulemaking process to formally designate the two sites by regulation.

At this point, the State of New York's Coastal Management Program, which you'll hear a little bit more about later in the meeting, from Jennifer, exercised its Federal consistency authority under the Coastal Zone Management Act to object to the site designations on the basis that this Federal action was not consistent with the enforceable policies of their program.

In June 2005 the EPA published the final rule designating the Central and Western disposal sites. to address concerns raised by the State of New York, and some sectors of the general public, about the potential impact of dredged material disposal on Long Island Sound water quality and fisheries habitat. These site designations are subject to restrictions on their use. These restrictions were intended to reduce or eliminate the disposal of dredged material in Long Island

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Sound and include: 1) The Corps completing a Dredged Material Management Plan for the entire Long Island Sound region with a goal of reducing or eliminating open-water disposal of dredged material by identifying alternatives to open-water disposal.

The initial target for completion is July 2013, and an additional year is built into the rule by July 2014, if good faith efforts were being made to complete it. 2) Establishing an interagency Long Island Sound Regional Dredging Team to review alternatives analyses for Federal and large private dredging projects, subject to the amendment that I mentioned earlier; and 3) EPA publishing an annual report to the public on progress toward completion of the DMMP and disposition of dredged material from all projects each year, including open water disposal and beneficial use. We should have the report out soon for the year that ended last July.

Let's see. This is an example of the data that is generated on the annual reports that we've been doing since 2006 now. This is our seventh report I believe. This is an example of the kind of information contained in these reports. This

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is the data on the amount of dredged material that was disposed of at each of the four LIS disposal sites over the past six years. You can see there's a lot of variability from year to year but also from site to site. The green is the Central Long Island Sound site, which is the most heavily used site. It's central and the larger ports and harbors are closest to it. So, that's why you see those kinds of numbers.

So, at this time I'm going to turn it over to Mark Habel of the US Army Corps of Engineers, New England District, to talk about the Long Island Sound Dredged Material Management Plan and the Corps' role in dredged material management in general.

MR. HABEL: Thank you, Mel, and thank you Jean. My name is Mark Habel and I'm with the New England District, with the Corps of Engineers in their Planning Branch and Navigation Section. The Long Island Sound Dredged Material Management Plan. This is the Corps' process for determining for any particular harbor or groups of harbors, if there is a shortfall in available disposal capacity and if so, what might be the best way of meeting that shortfall through alternative

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disposal methods, treatment technologies or beneficial use of dredged material.

We began work on the DMMP in 2007. It took a couple of years after the 2005 rule making to actually get funds in place to begin work, and we've been working on that ever since. Mainly, up to this point identifying the range of available disposal options for the various classes of dredged material.

Again, we're looking at mainly the Federal Harbors in Long Island Sound. Congress, over the years has authorized the Corps of Engineers, the Federal Government, to construct and maintain a number of harbors, and I think about sixty-five, if you add up the ones in Connecticut and New York. Our first responsibility is to find ways to dispose of that material in an environmentally acceptable and cost-effective manner.

If other parties that dredge in the Sound can make use of those studies and those recommendations then certainly we try and accommodate that, but it's not our goal to be looking for solutions for all of the non-Federal work.

The process we go through, we did a

preliminary assessment that mainly got us the go-ahead from Washington to get funds to do the full DMMP. We came up with our project management plan. We've established a technical working group, and we've gone through the steps for a dredged material management plan, searching for alternatives, screening for those alternatives, and that's where we are now.

We're beginning the process of going through screening that universe of alternatives. Here's a list of the things that we looked at. This was developed after looking over the experiences and other dredged material management plans around the country, and seeking input from the public and in particular from those parties that participate in the technical working group for the project. And this didn't come out very well, did it?

[INDICATING TO OVERHEAD PROJECTOR]

We looked at, back during the EIS, the dredging needs for the Sound as a whole. Where does the dredged material come from? You need to know where it comes from, on what time line and what volumes, and what types of material before you can start looking for places that it might be put.



So, we canvassed not only the Corps projects but all the private permit applicants. We tried to contact as many marinas, power plants, and other parties that do dredging in the Sound to get an idea of what their projected volumes and types of dredged material over, I believe we looked at up to a twenty-eight year time line.

Here is where all of that data went into. We divided the coast up, when we got all that data, into what we call dredging centers to make it a little easier to match those up eventually with the alternative disposal options. The dark blue is Corps of Engineers Federal Dredging projects, and as you can see from this, historically, currently and probably long into the future, the Corps' construction and maintenance of Congressionally authorized projects will be the largest contributor of dredged material volume in the Sound.

What types of material are we dealing with? Right now we are going through all of the historic data for all of the Federal projects, and looking at where that material falls. It's generally in three classes; One, in the red is -- And these numbers are just guesses that we have at the



moment, based on our experience. The red is unsuitable dredged material. This is material that does not pass EPA's and the Corps' testing regiment for open water disposal. So, this can never go into the Sound. The yellow bars are sandy material mainly in New York but in some of the entrance channels in Connecticut harbors as well, that is suitable for re-use for beach nourishment, either by direct placement on the beaches or by disposal in the nearshore bar systems that feed the beaches. Generally in the Sound, we're not concerned with the sand. It goes on the beaches wherever it can and wherever people are willing to help pay the cost of putting it there, if it's a longer hall. It's the stuff in the middle, the blue stuff, which is silty material, generally anything that's over fifteen or twenty percent fines, that's not suitable to go on the beaches. That has to go somewhere. Historically it's gone into the open water sites into the Sound, although it can be used for other purposes upland, if we can find users.

We also looked at the economics here. If people are asking us to dredge: Does it make sense to dredge? Is it needed? Certainly our



look at the marine trades industry, recreational boating, and the other drivers of harbor development maintenance dredging. This adds billions of dollars a year into the economy of Connecticut and New York.

What the DMMP is not going to do, I mentioned we're primarily focused on needs of the Federal Harbors, we are going to recommend alternatives to be examined for the federal harbors when they come up for maintenance dredging, but we're not specifically looking at all of the non-Federal dredging. What they would do, and although certainly the investigations we're doing will help them with their alternatives analysis when they look to dredge and dispose.

Getting into what we've found, we've identified a great many of not-in-water alternatives for use for disposal. Most of those are beneficial use. Most of those are beaches. There are some upland sites. There are still a couple of landfills on Long Island that could receive material. We also looked at things like marsh creation. We also looked for de-watering sites that could be used to prepare material for use by other parties upland. We were also looking

at the potential to build containment islands that would satisfy longer-term needs for disposal, and in the end, decades down the road, would become wildlife habitat, similar to, if any of you are familiar with the experience in Chesapeke Bay with Hart Miller Island, Poplar Island, and the new Mid-Bay Project, what they are doing to create habitat. We are going to begin screening those sites now.

For those, and I think most of the parties in here are involved in one way or another, with the Technical Working Group we began over a year ago, working with that group to identify methods and procedures for evaluating and weighing values of various habitats and various beneficial uses of material. I think next week that group is going to meet to go over the final report from that effort, after which, the Corps will begin to go through its own screening process under the DMMP to try to match harbors and materials with alternatives and sites. Just a little bit more detail and breakdown of what the DMMP has identified so far for types of sites. Those reports are all available on the Corps' Long Island Sound DMMP website for people to download.



The next step as I mentioned we're in the middle of the sediment characterization effort. We're also working on the cost side of this. What is the cost for all of these alternatives to get this material dredged, transported, placed or reused. We're also working with the working group to come up with our screening analysis tools to begin matching those and screening them down. In the end we will publish, probably in about eighteen months, our recommended plan for the Federal projects.

What is the Corps' role in the SEIS? We are a cooperating agency. We've agreed with EPA to cooperate in the SEIS. Within our available funds we are going to help them with their public outreach and letting people know what's up with the Corps' own process. We're going to review their data and reports when they need that done and provide comment and input. We're going to participate in data collection when we can. As most of you know we have our own disposal monitoring program, DAMOS, which every year surveys sites and collects data all around New England. That will continue to be made available to EPA for their consideration in



this EIS. In the end, of course, we will formally comment on the EIS.

Next up is Jean Brochi from Region 1, who will run through the process for this EIS.

MS. BROCHI: As Mark has said, Jean Brochi from Region 1. I'm going to take you through where we're headed with the SEIS. The most recent activity, the fiscal year 2012 Appropriations Act, extended the use of Cornfield Shoals and New London Disposal Sites. Originally they were selected by Corps authority and due to expire in October and November 2011. New London Cornfield Shoals site use has been extended through December 23, 2016.

The purpose of the Appropriations Act was to allow for completion of the SEIS to support final designation of potential disposal sites in Long Island Sound.

One of the additional requirements in this Appropriations Act was for EPA to report to Congress outlining a plan to carry out the Supplemental Environmental Impact Statement for Eastern Long Island Sound, and to work collaboratively with the Corps in the states to find a dredging solution for Long Island Sound.



This slide doesn't show very well, but it does outline the Eastern Long Island Sound SEIS process. As stated before, the very first step is to go to the public with a Notice of Intent. The Notice of Intent was published October 16th. We then have scoping meetings. The comment period for the Notice of Intent, again, has been extended to January 31st.

The next step is to identify sites, look at data gaps, develop sampling plans and field work, and then to hold additional public meetings as well as cooperating agency meetings. Initially, in July of 2012 the EPA submitted letters to the cooperating agencies requesting their assistance with this effort and we received responses.

We issued the Notice of Intent as I stated, and just to reiterate if anybody would like a copy of the presentations or any other information it's all posted on the EPA.gov web site. The address is listed in the presentation, and we also have an email notification at elis@epa.gov, which is directly dedicated to this effort.

If you'd like to be added to an email distribution list, and you have not had a chance to sign in outside, please contact us at that

address or contact me. The original scoping meeting, as already stated was held in Connecticut November 14th, postponed the second meeting which would have been held in November, which we're holding now, and the comment period has been extended until January 31st. We will be having additional scoping meetings in the Spring and Fall.

I'm not sure if it's very clear, but this is a general picture of the existing active disposal sites, Cornfield and New London on the eastern side, and this is the boundary of the ZSF, which is Zone of Siting Feasibility for this effort. Part of the process is to collect, again, to review data gaps, and that includes using, collecting additional data, but using the data that exists.

Right now we have several different resources for the data. Data was collected as part of the original effort from 1999 to 2002. In addition the EPA had its own research vessel and collected some additional data as management of the disposal sites from 2007 and 2009 to 2012. In addition to that, through the Army Corps of Engineers' New England DAMOS monitoring effort, we have ten

surveys within the New London site since 1990 that include bathymetry, physical oceanography, benthic biology and chemistry. We also have three surveys from Cornfield Shoal sites since 1990, which include sediment transport and bathymetry and we also have four surveys that were conducted in 2000 for the Rhode Island disposal site. All of this data is available and we will use it as well as some of the reports from the DMMP.

One of the very first reports that we used from the Long Island Sound DMMP list was the dredging needs report, and that was completed in October of 2009, which stated that approximately 13.5 million cubic yards will be dredged from the Eastern Long Island Sound harbors and channels over the next twenty-six years. And when the Corps of Engineers calculates those dredging needs, they use a horizon, in this case it went out to 2028.

We also use the upland beneficial use and sediment transport de-watering report. We'll continue to use that. That was produced in 2009, and collected data from 2009 to 2010. That report, there were very few alternatives. Mark

had a slide that had the actual results. Open water, very few alternatives to open water disposal in Connecticut and most of those were beach nourishment.

There are several other studies that we're using for this effort, which include a literature search, and that was a report that was produced for the DMMP, looked at research since 2005 and collected some of the current proposals and projects that have been out there. Dredging needs, economic and disposal alternatives, will be some of the other reports as well as the transportation matrix, which should be out soon.

Alternatives investigated for one of the reports included landfills, beaches, redevelopment and habitat restoration and de-watering sites.

Mark had mentioned some of the dredging centers. We also have a poster-sized chart of the Long Island Sound, dredging center needs and dredging needs if you have a chance to get a closer look. One of the other things, the alternatives report, was just a look at upland and beach nourishment sites and this is just a figure of that from the DMMP.

For the Long Island Sound Eastern budget, we estimate a total cost of 3.3 million. The Connecticut State Bond Commission has already approved 1.8 million in October 2011 to fund some studies for the Eastern Long Island Sound effort, which include the physical oceanographic study, which is the very first study to be conducted under this effort.

Next steps. As I mentioned we'll have some additional public meetings. We'll have some cooperating agency meetings. We'll be using some additional reports produced from the DMMP. We expect to have a Draft Supplemental Environmental Impact Statement by December 2014, and a final by December 2015, and if the Supplemental Environmental Impact Statement recommends designation of one or more sites, the EPA will publish a final rule making by December 2016.

Throughout all of these milestones we will be requesting public comment, and holding additional meetings. I'm going to introduce George Wisker from Connecticut DEEP.

MR. WISKER: Thank you Jean. My name is George Wisker, I'm a Senior Environmental Analyst

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with the Connecticut Department of Energy and Environmental Protection, formally known as the DEP, but now it's known as the DEEP. I have been there for twenty-seven years, involved with dredge material management for twenty-five of those.

What I'm going to do is speak to -- It's too short. [INDICATING MICROPHONE ADJUSTMENT] Anyway, what I'm going to talk about is, first of all, what Connecticut's role in dredged management is within the state, our regulatory role, and then I'll go into a little bit of what our role will be in the process.

First of all, Connecticut, we regulate dredging and the management of dredged sediments pursuant to our Connecticut's Structures and Dredging Act. It's an Act that went into effect about 1939, and has been amended several times over the years, in accordance with the Connecticut water quality standards. These are standards that are required by EPA for the States to adopt, which deal with trying to preserve water quality, enhance water quality and maintain uses.

We're also, as is different from some of the other surrounding States that have the Coastal Management Programs separated into separate

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Coastal Management Program Office as separated from their environmental agency. Both of those functions are combined in one office, and that's the Office of Long Island Sound Programs, which is part of the DEEP and I'm in the technical services section of that.

So, we have to deal not only with the permitting of dredging projects, but we deal with reviewing those projects through Connecticut's approved Coastal Management Act. So, what happens is all Federal and non-Federal projects are reviewed for the consistency with our program to ensure the coastal resources are adequately protected while preserving and encouraging water-dependant uses. So, it really is a balancing act. That's one of the key elements of the program. In addition, the Clean Water Act, Section 401 of the Clean Water Act, requires the State to certify that discharges or dredge material or any material that would happen to be placed in the water, will not result in permanent impairment of water quality. So, as part of the permit that's issued, not only do we do the Coastal Zone Management Consistency Determination, but we have to issue that Water Quality

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Certificate. That's all rolled into the one document.

The Department's role in the SEIS, it's a fairly simple explanation but it involves a lot of work. So, what we will do is go through our files as we've already been doing since this began. We're also one of the cooperating agencies with EPA, so we're providing support to EPA and the contractors as requested. We're going through, finding the information we have. If they're looking for specific resource information, we try to bring that material up, gather as much as we can to help move the process along.

Then finally, the key issue that we really will be involved in significantly is we're reviewing every interim work product that's developed by the contractors, by EPA, and reviewing them for comments, for suggestions, for problems, and then ultimately any Federal action resulting from this, if after reviewing the drafts and the finals, they come out with a rule making, we then would have to do consistency on the designation process if a site is picked.

That, really in a nutshell is our role in that

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process. Thank you. Who is next? Jennifer Street.

MS. STREET: My name is Jennifer Street. I am with the New York State Department of State, which is the administrator of the Coastal Management Program for the State of New York. Our program is basically to implement Coastal Zoning Management for New York State. Our primary program goals are to balance the protection and natural and cultural resources and economic development within the coastal zone, and to also coordinate decision-making at all levels of government throughout the State.

Our role in Long Island Sound activities. Long Island Sound, as a shared estuary is subject to regulatory review by both New York and Connecticut. The Long Island Sound Coastal Management Program is a regional program that was approved by NOAA in 2001 as a regional refinement of the New York State Coastal Management Program. That contains the thirteen enforceable policies of the New York State Coastal Management Program for all activities within the Long Island Sound Region. Then in 2006 through a routine program change, NOAA approved Interstate consistency for

consistency review and Long Island Sound in which New York State is able to look at projects on the Connecticut side of the Sound for consistency with the New York State CMP, and its potential effects on the coastal area of New York State.

Similarly, Connecticut had a coastal interstate consistency change the same year, which allows them to do the same thing on our side. Federal consistency is a large part of what we do in my department. The CZMA and Federal regulations at 15 CFR930, they establish a framework for review of all proposed Federal activities and permitting activities that are within or would affect the State's designated Federally approved coastal area.

Based upon an analysis of the effects of the proposed activity, enforceable policies of the CMP, and in Long Island Sound it would have to be Long Island Sound's CMP, the department would either concur with or object to the proposed activity.

Our involvement in this SEIS process is, again, to participate as a cooperating agency, as part of the process, we will provide written scoping comments. We will provide any available



data and information that we may have access to. Whatever resources we have, we will share. We will review work products and provide comments as needed, and then as George just mentioned with their program, if there is any potential for a designation, we will review that Federal action for consistency with the CMP. That's just a little contact information if you want to get in touch with anybody in our office regarding this.

MR. VERAART: Thank you. Before we move on to the comment portion of the meeting, also on behalf of EPA, we'd like to thank you for coming here today and we also have here the representatives of EPA Region 2, Doug Pabst and Pat Pechko.

With regard to the comments, there is a sign-in sheet. I think it will be made available shortly but if you would like to sign in, into the sign-in sheet, then we know who is going to be making comments and we can do that in the order in which they have been received.

Right now we don't have anybody who signed in yet. So, would you kindly sign in.

RECEPTION: We do have people signed in.

MR. VERAART: Okay. I'm sorry. We'll



just start with the first people on the list. I'm sorry, sir?

AUDIENCE MEMBER: Quick question.

MR. VERAART Yes.

AUDIENCE MEMBER: You've mentioned a number of times in public, the written comments will be accepted until the end of the month. Do we address those to Jean in her office?

MR. VERAART: I think so, yes.

MR. COTE: That information is in the Notice of Intent.

AUDIENCE MEMBER: Her address is in there but it doesn't refer you to that specific address. Thank you, Mel.

MR. VERAART: I'm going to walk around with the sign-in sheet. The first person who signed in was Maureen Dolan Murphy with the Citizen's Campaign for the Environment and she also said that she will be providing written comments.

MS. DOLAN-MURPHY: Thanks. For the record, I'm with Citizens Campaign for the Environment. Citizens Campaign for the Environment is an 80,000 member, not for profit, non-partisan advocacy organization working for the



protection of public health and natural environment. We've been working to protect water quality across New York and Connecticut since our inception in 1985. We're an active member of the Long Island Sound Citizens Advisory Committee, and participated in the Long Island dredge work by the EPA and Army Corps. In 2004 we opposed EPA's plan to designate two sites in the western portion of the Sound as designated dump sites for twenty years.

We were joined by thousands of residents and elected officials through every local government in New York and Connecticut. It did not make logical sense that after millions of dollars spent on restoring the Sound it was designated as a long-term dumping ground. Now, in 2013, nine years later, the EPA began looking to designate two sites in the Sound as dumping grounds for dredged material. What has changed? The answer, nothing. It was unacceptable in 2004, and it is still unacceptable in 2013. CC agrees that the dredging for the safety of navigation is a necessary activity. However, open water disposal of dredged material is not.

In 2005, EPA along with the Army Corps of

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New York, and Connecticut agreed to phase out open water dumping and move towards beneficial reuse of dredged material. As part of the landmark bi-state agreement, multi-agency agreement, a dredged material management plan was to be developed. EPA's final notice states that the DMMP for Long Island Sound go through the identification of alternatives to open water disposal and development of procedures and standards for the use of practical alternatives to open water disposal so as to reduce, whenever practical, the open water disposal of dredged material.

To date the DMMP has not been developed, as you heard in the presentation. CC believes it's risky and ill-advised to proceed with the long-term designation of open water disposal before the final development of the DMMP, particularly since the goal and intent of the DMMP was to reduce open water disposal, not to relocate open water disposal.

The final notice continues to state, the final rule contemplates that the US Army Corps will develop, through the DMMP process, procedures and standards to reduce or eliminate disposal of

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dredged material in Long Island Sound to the greatest extent practicable. Reducing the disposal of open water dumping should eliminate the need for designating long-term dump sites.

The ruling goes on to state the disposal of dredged material can not occur in the western sites beginning eight years after the ruling date, unless a DMMP has been developed. Here we are, eight years later with no DMMP. Instead we have a plan to open two eastern sites for dredge dumping. This is not the intent of the agreement or the agreement of the settlement between New York and Connecticut. It was also not the intent of the EPA ruling. Open water dumping is not the solution for proper management of dredged materials. Eight years ago we called for and were promised a plan that evaluated beneficial re-use of dredged materials. This plan put forth a goal considering dredged materials to be a resource and not a waste product. Now, eight years later, the only plan is the EPA is putting forth is to dump more dredged material into Long Island Sound. New location, same story.

We're greatly concerned that the EPA is moving forward with this process before they have begun

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their obligation to complete a DMMP for Long Island Sound. They encouraged the EPA to focus on the DMMP and to halt their efforts to designate a long-term dump site through Long Island Sound.

However, should they move forward in the process, we will be submitting items that should be addressed in the SEIS.

MR. VERAART: Thank you, Ms. Murphy. The next person is John Johnson.

MR. JOHNSON: I'm going to wait for a little bit until the end.

MR. VERAART: Okay. Sure. The next person is Mr. Natchez. Did I pronounce your name correctly? From DSNA? Is that you, sir? Okay. If you could, I think it says here that you have no written comments, but if you would like to add comments later, that's possible to be part of the record.

MR. NATCHEZ: For the record, my name is Dan Natchez. I am president to Dan Natchez and Associates. It's an environmental waterfront design consulting company, that has been dealing with this issue for longer than anybody could think. I want to thank all of the agencies for their Herculean efforts on this project. I'm sorry,

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I don't know the name of the young lady who just spoke. I do agree with one major aspect of what she said that the DMMP map, the material has not been forthcoming. I think that is a disastrous mistake. It should have been done. There's absolutely no reason and seems to be a bureaucratic funding and governmental mish mosh.

It should have been done and needs to be done. I disagree vehemently with the premise that was stated by the previous speaker. The overall premise of the word 'dumping' is fundamentally flawed. Excuse me, I never have been accused of not being able to be heard. I know that the law uses the word dumping and but it's not dumping, it's relocation. If you don't dredge whatever the material is that anybody is concerned about sits there. You swim in it, do recreation in it. Everytime we have a storm it gets disturbed it goes all over the place. I would suggest that the Corps' determination of the dredging needs is flawed, significantly understated, particularly for the non-Federal needs. The questionnaire that was sent out, and I made written comments about this, has been glossed over. The way it was set up did not list what was needed but only what

could be afforded at the then rates, which are roughly fifty percent of what they are today.

Unless you have economically feasible relocation, you will not have access to the water. Very simple. A good example is Sandy, which in the western end of the Sound created sandbars from two feet to eight feet and previously had a siltation rate of maybe six inches every ten years. You have to go down there and take a look. These are things that are going to really have a significant adverse effect to the quality of life. So, the real issue before all of the agencies is if you want access to the water, and want recreational and commercial activities or you don't. It's a very simple thing. If the answer is yes, then you do something about it. If the answer is no, then you ignore it. If the answer is yes, you need to do something about it, then you have to come up with a fundamental approach that is economically affordable.

At this same time that we have gone through these studies on what to do, the agencies at the same time being very concerned, and because science gets advanced, has raised the hurdle rates dramatically under the same regulations. So, the



cost of dredging over the last twenty years has gone up over 150% -- Excuse me, dredging relocation, not dumping. Because if you don't relocate it, it stays exactly where it is. That's the fundamental issue. For an average marina, and there is no such thing as an average marina, the cost to dredge today, to restore the depths to the depths that they were fifteen or twenty years ago, is almost, with today's rates on the western end of Long Island Sound, would cost, and cash on cash with no amortization, no borrowing rates, twenty years to pay back. It's not economically affordable in that regard.

So, you would have lost over 15% of the usable slips in the Long Island Sound, not just the western end of the sound. It's much deeper in the western end of the Sound over the same period of time, actually over a less a period of time, because we stopped doing this study five years ago.

This becomes a very significant aspect to where you wish to go for the future. When I hear the Corps say, even when I know the regulations suggest, that our primary concern for what we do with the Corps project and private entities, you



know, piggy back on the findings, but that's not our concern, is a bunch of hogwash. Excuse me, that's a very technical term. The Corps, EPA, all the states all have regulatory control over any application to do anything in the water, not just dredging, structures that are floating. We have regulations up the wazoo. So, to say this is not a primary concern, I find ludicrous, because most of the effort for regulatory reviews are non-governmental agencies. It's non-governmental activities because the number of governmental activities is much less. The number of non-governmental activities is much higher.

It's always the tail is getting wagged and the dog doesn't wag. So, the entire prospective is why the slide showed 22% of the dredging needs to be for -- This is for Mark's slide, 22% of the dredging needs to be for non-governmental activities, but what it didn't show was the number of projects. It didn't show the number of people affected. It doesn't show the economic returns or the economic influence.

These are all significantly understated. I'm tired of writing. I've been writing now for years and filing on behalf of numerous organizations.



The file for the record is a very nice answer. The bottom line is we put away the money to use for the Federal Government and don't know where the money is. That's where the regulations are except that it affects everybody. So, which brings me to why I actually came here. I understand. I'm following the rules as you published. I came here to support the proof of designation and continuation of relocation sites in the Long Island Sound, which would be the eastern end of the Sound. What's happening in the western end of the Sound is going to move very quickly and it has been moving to the eastern end of the Sound and the western end of the Sound is in major trouble. Access is being reduced. You're worth more dead than alive. Even with the both State's Coastal Management Programs that say you can't, excuse me, that you're not supposed to take marine water dependent users and turn them into non-water dependent, which is residential and other activities. The fact is that it's being done, and it's going to continue to be done because you can no longer afford to economically undertake these activities. One of the biggest reasons is the Long Island Sound region is

relocation of dredge material and keeping navigation. So, thank you very much.

MR. VERAART: Mr. Natchez, thank you. Mr. Johnson, did you want to speak or did you want to wait?

MR. JOHNSON: No.

MR. VERAART: Okay. The next person on the list is Robert Evans. If you can please say who you are affiliated with and if you would keep it to about five minutes.

MR. EVANS: I'm Robert Evans. I'm with Fisher's Island Conservancy and I'm a year round resident there. I'm joined here by Andrew Arons, a fellow Board Member of the Conservancy who also has a residence at Fisher's Island. We're submitting these comments on behalf of the Conservancy. Fisher's Island Conservancy is a non-profit organization formed over twenty-five years ago. We work with island residents, businesses, non-profit organizations, and the government for the purpose of preserving, enriching and enhancing natural resources on Fisher's Island and surrounding waters.

Fisher's Island is the nearest populated area nearest the New London Disposal Site. The site is



in fact only hundreds of yards away from us. The Fisher's Island Conservancy strongly believes that use at the New London Disposal Site and also Cornfield Shoals should be closed as scheduled in December 2016. The Conservancy urges the EPA to review potential disposal site areas outside of Long Island Sound and Block Island Sound for future disposal.

We've been concerned for many years about the damaged caused by large scale disposal at the New London site. The Conservancy was party to the 1995 lawsuit that resulted in the 2002 settlement providing for the EPA's formal designation process for dredged material disposal sites. Tables showing annual average dumping at the New London dump site over the years, can be misleading and certainly do not indicate that there is no problem.

The fact is that except for the years 1995, 1996 and 2007 there has been very little dumping at that site in the last twenty years. The last large scale dumping was seven years ago, approximately 400,000 cubic yards, resulted in significant problems. The lobster population was greatly harmed at that time. Very few people



believe that the damage was coincidental. The Sound sitings developed in phase one at the Long Island Sound site designation proceeding demonstrated conclusively that the New London disposal site was inappropriate and unacceptable based on almost all relevant criteria, including the presence of strong currents, shallow depth, a location in the midst of the New London Port navigation channels with dredge spoils being stirred up by propellers and sensitive lobster, shellfish and other fishes. We are also concerned by other reports that submarines traveling to and from Groton, Connecticut on occasion have inadvertently hit the cap on the disposal site. We believe the danger of further problems of this sort would only intensify the substantial dumping allowed to take place there.

Our concern can be illustrated to a lay person simply. The New London dump site is extremely near the race, which anyone familiar with those waters knows is an area of extremely strong currents. Dumping spoil in those waters is akin to throwing dirt into the fan.

It also bears note that as the Conservancy advised the EPA and Army Corps of Engineers at



the end of our litigation, we do not believe that the New London Disposal Site has ever been properly designated or selected as a disposal site for Federal projects or private projects over 25,000 cubic yards, under the Ocean Dumping Act.

The New London Site can now legally be used only for private projects of 25,000 cubic yards or less, and thankfully has not been used to any significant degree since the problems in 2007. The Ocean Dumping Act mandates a preference for disposal sites off the Continental Shelf. We appreciate that there will be a need for disposal of large amounts of dredged material in the future, but we implore the EPA to investigate sites much further afield from this extremely populous area, and to allow the New London Cornfield Shoals sites to close as previously scheduled. Thank you.

MR. VERAART: Thank you, Mr. Evans. The next person on the list is Mr. Al Krupski. I'm sorry if I mispronounced your name. Can you indicate your affiliation?

MR. KRUPSKI: Thank you. It's Al Krupski, Deputy Supervisor of Southold Town. I'd like to thank the EPA and the Corps for coming out

here today, and thank the DEEP from Connecticut, and certainly thank the New York State Department of State for sending people. We have faith in them. They've done a lot of good work and appreciate their work in Southold Town.

I just have a few comments. I'd like to say to the young lady who spoke first. I thought her comments were very well thought-out and had a lot of merit, especially the part in the presentation, that it's a Federally designated estuary and propose to use it as a dump site for toxic spoil. That just doesn't make any sense.

Also, a comment to Mark Habel from the Corps of Engineers. I think one of your slides, I think it showed a lot of different -- It showed the North Fork of Long Island with a lot of red dots. Is that one of your slides?

MR. HABEL: Yes.

MR. KRUPSKI: The designation was dredging sites for New York, the Long Island Sound. Those are actually in Peconic Bay, and all the dredged spoil for Peconic Bay is used for beach nourishment. It's clean sand. So, it probably even shouldn't be on there. What was conspicuously missing the residents of the East



End was Mattituck Inlet, which is a Federally designated anchorage, and yet we can't seem to get funding to do basic maintenance dredging on that. Talk about a hazardous navigation situation that exists there. That beach spoil, that dredge spoil is clean sand and could be used for beach nourishment. It wouldn't even need a designated open water dump site for that. I'd like to see that included on the map, with those corrections because we would like to bring attention to the Mattituck Inlet, and see the Federal Government maintain its responsibility to dredge that.

I'm here with Mark Terry, Southold Town Planning Department, and Mark, on behalf of the Town Board, will be submitting other comments. Thank you all for coming and listening to our comments and I take this will be an ongoing process.

MR. VERAART: Thank you. Are there any other people who have signed in? We have one other person who signed in. So, the next person will be Bill Spicer. You're Bill Spicer?

MR. SPICER: Does the mic still work?

MR. VERAART: Pardon me? The mic does still work but you only have five minutes. We



give everybody about five minutes. If you have written comment, you can certainly --

MR. SPICER: I have written ones but I'll do the best I can, especially when there are a few stretches of the truth.

MR. VERAART: Okay. You can also use this microphone sir.

MR. SPICER: I'd rather use that one if I can.

MR. VERAART: Sure.

MR. SPICER: This one work? I have a habit talking with my hands. It helps. It's long standing. William C. Spicer III, usually known as Bill Spicer, life long member of the Connecticut working waterfront. Owner of Spicer's Noank Marina in Noank, Connecticut. I have been at numerous of these get-togethers with the DMMP and I hope that I provide a little bit of levity in this but you've only given me five minutes so I'll dispense with that.

Sometimes a little fun makes things that are hard go easier. This is going to be from another prospective. My great grandmother on my father's side, was a Tutel from Suffolk County. So, if I say anything good those from Suffolk County like,



credit my great grandmother. If I say anything that you don't like, credit those terrible people in Connecticut that have somehow corrupted this boy. In any case, the basic problems between New York and Connecticut is that it is easily seen when you drive from Orient Point over the air, is sand and gravel here on Long Island. If you dredge something out, you can lay it down on the land, put a small bulldozer on it, you either have a lot or a load. In Connecticut we have rocks and mud. Nobody wants that put next to them. That's the basic problem.

In the Eastern Sound, which is what we're talking about, the Supplemental Environmental Impact Statement. In Noank, we have 2.3 feet of tidal range. In New London it's 2.5. That means that a dredge barge, and most of the small ones, of about four feet in depth, and you're looking at seven foot area. There's three feet under the barge, the tide goes up two more feet, you can only load the barge down a total of five feet, or 5.3 feet on average. That's not very much. It means, with a shallow tidal range, we have to use relatively light gear, yet when we have to use the light gear, and small gear to get around the docks

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of the smaller projects, you're asked to do it in the winter, you're asked to go heavily loaded, you're asked to avoid the race, and it just doesn't work easily. If Long Island wasn't sand and gravel, they wouldn't be so cavalier as to try to do what they've been doing.

Connecticut has billions of dollars at stake on the waterfront, billions of dollars, three major harbors. New England Groton is the best deep water harbor, natural, on the East Coast. You have New Haven, 80% of Connecticut's oil comes in through New Haven. You have some in Bridgeport and you have some smaller ports. Then you get down to the marinas and that, and the smaller yacht clubs and the rest of it, oil drums. The biggest one of importance is the United States Navel Submarine Base. If we still had difficulties with Russia, over here would be begging to see those atomic subs going up, and we want to continue to have them go up. It's a very important addition to the State of Connecticut. We need jobs. New York needs jobs, but I really don't think that you need to beat on Connecticut to take the jobs away. We don't need to kill our seamen in the winter running two small dredges

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because we have to have a very light set of stuff. If you have heavy stuff being dredged in New Haven Harbor, New London Harbor, that can get there. It's probably Great Lakes, All American or one of those that are doing the job. They probably draw four to eight feet when they start and they're loaded down with 4,000 or 8,000 yards per barge.

Shifting a little bit. Where should you put dump sites? You don't want to mix the deep draft traffic, which runs along the edge of Long Island and mostly with tankers. You have some container ships, you have some lumber ships. You have a variety of this and that. Leave the dredge barge operators over on the Connecticut side.

Connecticut is going to use most of the capacity. We need to dredge more. We'll take care of our own sites. Give us two. If New York wants one and have it 100% in Connecticut. If New York wants any to do their smaller amount, God bless them. Give them one or two, 100% in New York and let them administer them, and tell Connecticut that they don't dump in New York site. We have no problem with that, at least I don't.

What is Long Island Sound? Long Island Sound, essentially starts at the Twin Canyons that were

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up on something that was called a slide ELIS SEIS Process, where you showed two canyons joining together. They're coming in through the race on either side of Valiant Rock. They go into New York Bartlett Reef and curve west. Those are like the Grand Canyon or some other major river where there's a canyon. Long Island Sound comes up to the canyon, maybe to the east side of the canyon, I don't know. That's for somebody besides me to decide. I can offer opinion. But Fisher's Island Sound is all east of the canyon, and it's on a shallow plateau. It isn't part of Long Island Sound in my opinion. New London Harbor, not part of Long Island Sound. Block Island Sound, not part of Long Island Sound. Gardiner's Bay, not part of Long Island Sound. Fisher's Island Sound, as I've said before, is certainly not part of Long Island Sound.

So, what you have, you have the New London Dredge Disposal Site up on the plateau, in Fisher's Island Sound, and it is a Clean Water 404 Act approved dump site. I'll reserve the right at any time to reinstitute that plan.

There are two other items that I will deal with. One is the repeal Ambro effort that I have

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had considerable to do with since 1999, and almost got it repealed in 1999. At the moment forty-nine of fifty-three municipalities, at least in Connecticut, are in print that they want Ambro repealed. In print. Not just claimed, in print. That has been submitted in times past. We kind of peddled it easy to see what we're going to do.

If you can come up with something good, utilizing the claimed area of Long Island Sound, I'm not going to throw the baby out in the bath water. Let's get whatever we need to do done. Let's stop the fooling around and do it right. But the Ambro is a gross distortion, because it made the MPRSA do something here in shallow water in Long Island Sound, let's say one hundred or one hundred and twenty feet. They were supposed to be in the abyss in the open ocean. One doesn't bear anything to the other.

The last item is the cadmium issue. An excellent report was submitted by Ted Sailor and Captain Westerson on behalf of the Connecticut Weighted Trades Association in 2007 to the Connecticut DEP. I believe it weighted about twenty-nine pounds. Mr. Sailor and Mr. Westerson should be called upon to show what it means

because it means that the basic background of cadmium as shown by the present, either ACOE or EPA allowed amounts does not match what the background here in the Northeast US is. There was about 25,000 to 30,000 pages with major twenty-five year study of one gravel bank of virgin material, among other things.

I'll give you Mr. Sailor's card and would suggest. I would submit it as Mr. Ted Sailer out of Madison, Connecticut, and I think we need to address the cadmium issue because that has been a trouble in Eastern Long Island Sound because we're not being allowed to use our dredge disposal permits, some of the people, because New York is objecting, even though when they have a permit in Connecticut. Not too nice.

MR. VERAART: Thank you Mr. Spicer.

MR. SPICER: You're welcome.

MR. VERAART: At this time we have no further speakers so we can hold the meeting open I assume and if anybody had any questions, in the next minutes so to speak. We'll let you know if there are more speakers within the next fifteen minutes or so, and I guess we'll keep you updated, and we'll be here until we close the public



meeting, of course, if there are any questions.

It's not a problem to ask questions, but we do ask that you just put your name down, on the sign in sheet if you have questions. We have time so it's no problem. We have a question. What is your name?

MR. GANNON: Tim Gannon. It looks like on the presentation that one of the potential disposal sites was Plum Island, is that true?

MR. HABEL: It's a redevelopment site, potential redevelopment.

MR. PABST: They are closing the facility there so there is a potential for material to be needed if there is a redevelopment of the area. Doug Pabst, I'm sorry.

MR. COTE: It's 5:30 p.m. and we are officially adjourning today's public meeting on the Eastern Long Island Sound Supplemental Environmental Impact Statement. Thank you very much.

[TIME NOTED: 5:30 P.M.]



CERTIFICATION

COUNTY OF SUFFOLK)
SS:
STATE OF NEW YORK)

I, Charmaine DeRosa, Certified Court Reporter, in the State of New York, do hereby certify:

THAT, the foregoing is a true and accurate transcript of my stenographic notes taken in the matter of the PUBLIC MEETING, on this 9th day of January, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand on this 9th day of January, 2013.

_____
Charmaine DeRosa, CSR

CERTIFICATION

COUNTY OF SUFFOLK)

SS:

STATE OF NEW YORK)

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IN WITNESS WHEREOF, I have hereunto set my hand on this 9th day of January, 2013.

Charmaine DeRosa

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Charmaine DeRosa, CSR

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# Attachment 7

## WRITTEN STATEMENTS

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# Written Comments 1

CITIZENS CAMPAIGN FOR THE ENVIRONMENT

Empowering Communities,
Advocating Solutions.

❑ 225A Main Street • Farmingdale, New York 11735
(516) 390-7150
❑ 188 East Post Road, Suite #404 • White Plains, New York 10601
(914) 358-9840
❑ 744 Broadway • Albany, New York 12207
(518) 772-1862
❑ 733 Delaware Road, Box 140 • Buffalo, New York 14223
(716) 831-3206
❑ 466 Westcott Street, 2nd Floor • Syracuse, New York 13210
(315) 472-1339
❑ 2404 Whitney Avenue, 2nd Floor • Hamden, Connecticut 06518
(203) 821-7050

November 14th, 2012

Ms. Jean Brochi,
U.S. EPA, Region 1,
5 Post Office Square,
Suite 100, OEP06-1,
Boston, MA 02109-3912,

**RE: Scoping Comments on the Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island**

Dear Ms. Brochi,

Citizens Campaign for the Environment (CCE) is an 80,000 member, not-for-profit, non-partisan, advocacy organization working for the protection of public health and the natural environment. CCE has been working to protect water quality across NY & CT since its inception in 1985. We are an active member of the Long Island Sound Citizens Advisory Committee and participated in the Long Island Sound Dredge Workgroup, set up by EPA and the Army Corp.

In 2004 CCE opposed the Environmental Protection Agency's plan to designate two sites in the Long Island Sound as designated dump sites for 20 years. CCE understands that dredging for the safety of navigation is a necessary activity; however, open water disposal of the dredge materials is not.

The EPA has released a Notice of Intent to prepare a Supplemental Environmental Impact Statement for the designation of a long term dumpsite in eastern Long Island Sound. EPA states this is necessary because the Cornfield Shoals and New London disposal sites are set to expire December 16, 2016. The 1992 amendment to the Marine Protection Research & Sanctuaries Act established a time limit on disposal sites. **When Congress passed this important Act the intent was to STOP dumping, not to go through long processes to allow open-water dumping continue.**

In 2003 the EPA released a Draft Environmental Impact Statement for the designation of 2 long-term disposal sites in the Western area of the Sound. Due to an overwhelming public outcry, EPA, NY & CT reached an agreement that sought to phase-out open water dumping. As part of this agreement a Dredged Material Management Plan (DMMP) was supposed to be developed. The EPA's Final Notice states, "…DMMP for Long Island Sound will include identification of alternatives to open-water disposal and the development of procedures and standards for the use of practicable alternatives to open water disposal, so as to reduce wherever practicable, the open

water disposal of dredge material." To date, the DMMP has not been developed. ***CCE believes it is unwise and foolish to proceed with a long-term designation of an open-water disposal site BEFORE the final development of a DMMP. Particularly since the goal and intent of the DMMP was to reduce open water disposal, not to re-locate open water disposal.***

The Final Notice goes on to state, "The final rule contemplates that the USACE will develop through the DMMP process procedure and standards to reduce or eliminate disposal of dredged material in LIS to the greatest extent practicable." Reducing the disposal of open-water dumping should eliminate the need for designating long-term dumpsites.

In particular, CCE offers the following items that should be addressed in the SEIS.

1. The Eastern Long Island Sound is the most biologically diverse portion of the Sound. EPA needs to conduct a thorough analysis of all the species located in these waters and assess how long-term dumping will affect species diversity. In the past years Dolphins have returned to Long Island Sound, a sign that the water quality is improving and there is an abundance of fish to feed on. The designation of long-term dump sites has the potential to reverse this positive trend.

2. An assessment of the highly diverse and critical benthos and bottom topography (rills, rises, outcrops, benthic habitats, diverse sediment types, unique benthic vegetation and animals) need to be undertaken.

3. The Eastern Long Island is also a busy zone for navigation, national security, waterborne commerce, and recreational boating. The EPA needs to assess how these activities will be impacted or be harmed or hindered because a long-term dumpsite.

4. The Eastern LIS is also an important spot for commercial and recreational fishing. Impacts to the fishing community need to be accurately captured.

5. EPA needs to fully document how long-term dumping will affect water quality in the LIS.

6. EPA needs to ensure that the guiding principles of the bi-state agreement between NY & CT-which seeks to reduce and eliminate open water dumping be captured in the SEIS.

7. EPA needs to identify disposal alternatives. The DEIS for the Western open water disposal sites was quick to rule our disposal alternatives as not being feasible. The DMMP was supposed to focus on alternatives. Yet, in the many meetings that CCE attended there was very little discussion on alternatives.

8. The EPA needs to evaluate the potential release of pathogens and toxic contaminates.

9. EPA should ensure public comments are welcomed.

In conclusion, CCE is concerned with the process of designating an open water disposal site in the Eastern Long Island Sound, particularly when in 2005 EPA, ACE, NY, and CT all agreed that we should be phasing out open water disposal and working to find alternatives for dredged material. The goal was to stop looking at dredged material as a waste product and instead look at as resource. Open water disposal is a quick, seemingly cheap fix, which is negatively creating lasting and costly effects to our estuarine ecosystems. Let's get real about alternatives and stop the archaic dumping.

Thank you for this opportunity to comment.

Sincerely,

Louis W. Burch
Program Coordinator

# Written Comments 2

Cross Sound Ferry

**Linking Long Island and New England**
**Celebrating Over 35 Years of Service**

November 14, 2012

US Environmental Protection Agency
Region 1: EPA New England

RE: ELIS SEIS Public Meeting/Comment

Ladies and Gentlemen:

My name is Adam Wronowski and I represent Cross Sound Ferry Services, Block Island Ferry Services, Thames Shipyard & Repair Company, Thames Dredge and Dock Company, and Thames Towboat Company, all of which are Connecticut Corporations. I'm also a Director of the Connecticut Maritime Coalition. These five marine businesses operate on Eastern Long Island Sound and its tributary waters, and they rely on dredging as a fundamental necessity for their existence. Together, these five businesses employ over 500 persons. Cross Sound Ferry Services and Block Island Ferry Services provide essential transportation to the public and serve as a lifeline to Block Island and Long Island. Thames Towboat provides all of the ship docking services in New London Harbor and is responsible for the safe movement of every nuclear submarine and naval vessel that transits the Thames River. Thames Shipyard provides critical maintenance services to dozens of large passenger and vehicle ferries in the Northeast. Thames Dredge and Dock provides the vital dredging and disposal services that are the subject of this meeting. These businesses operate in publicly and privately maintained coves, harbors, and channels in Eastern Long Island Sound that require dredging. If dredge spoil disposal is prohibited in Eastern Long Island Sound, these businesses will be severely negatively impacted.

Repeatedly, over the past decades, we have analyzed the types of disposal alternatives identified in the LIS DMMP and SEIS, as part of the permitting process every time we have applied for a dredging permit. Each time, our analysis has clearly determined that all of these alternatives are unfeasible, and the only practical and feasible disposal method is disposal in Eastern Long Island Sound. Some of the primary factors that make upland disposal unfeasible are the handling and transport costs and physical land requirements.

**2 Ferry Street, New London, CT 06320**
**Phone (860) 443-7394**
**Fax (860) 440-3492**
**www.longislandferry.com**

There are only two practical, cost effective, and feasible alternatives to dredge spoil disposal in Eastern Long Island Sound: 1. Land reclamation (i.e. the filling of lands waterward of, and immediately adjacent to, the high tide line). And 2. Confined aquatic disposal (CAD) cells.

Land reclamation apparently is not being considered as an alternative in the ELIS SEIS. I strongly urge EPA to reconsider this because land reclamation is the standard in many countries throughout the world for dredge spoil disposal. I also strongly urge EPA to consider the creation of a CAD cell in Eastern Long Island Sound as an alternative to an open water disposal site. The fact that the US Navy created a CAD cell right in the Thames River in 2010 for dredging of the Groton/New London Submarine Base is proof that this alternative has merit.

I further request the EPA to consider the impacts of the alternative of *NO* ELIS disposal site or a local feasible alternative as listed above. The absence of an ELIS disposal site would have far reaching social, economic, and environmental impacts. I offer these examples: The absence of an ELIS disposal site would result in businesses in eastern Connecticut either having to utilize the central (CLIS) or western (WLIS) disposal sites, or simply not dredge at all. Not dredging could lead to the failure of a dredging dependent business, which has obvious economic and social impacts. Disposal of dredge spoils in CLIS or WLIS from projects in eastern Connecticut would cause significant economic and environmental impacts. Economically, the cost of transporting (i.e. towing a dump scow with a tug) dredged material to CLIS or WLIS can more than double the total cost of a dredging project in eastern Connecticut. Environmentally, the air emissions generated by transporting (i.e. towing a dump scow with a tug) dredged material to CLIS or WLIS could significantly impact air quality by increasing the carbon and NOx levels in the region.

In summary, if dredge spoil disposal is prohibited in Eastern Long Island Sound, many marine related businesses will be extremely negatively impacted throughout Eastern Connecticut. This would create significant negative social, economic, and environmental impacts for the region. If a practical economical alternative to this is to be found, then land reclamation (especially the filling of lands immediately adjacent to, and waterward of, the high tide line with dredge spoils) or the creation of a local CAD cell must be considered as an acceptable alternative in the SEIS.

Sincerely,

Adam Wronowski

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# Written Comments 3

NOI, SEIS, Designation of Ocean Dredged Material Dispoal Site in Eastern LIS, ER # 12/0759
Dube, Jeannine
to:
Stephanie Nash, ELIS
11/15/2012 07:24 AM
Cc:
Brett Hillman
Hide Details
From: "Dube, Jeannine" <jeannine_dube@fws.gov>

To: Stephanie Nash <stephanie_nash@fws.gov>, ELIS@EPA

Cc: Brett Hillman <brett_hillman@fws.gov>

The New England Field Office of the U.S. Fish and Wildlife Service has no comment on the subject NOI.

Jeannine Dube

--
Jeannine Dube
Secretary
New England Field Office
70 Commercial St., Suite 300
Concord, NH 03301
603-223-2541

# Written Comments 4

**United States Environmental Protection Agency Notice of Intent Public Meeting**

**Scoping Comments for Public Record Due January 30, 2013**

**Dredged Material Disposal Sites in Long Island Sound**

**November 14- University of Connecticut at Avery Point, Groton, CT**

Timothy C. Visel
10 Blake Street
Ivoryton, CT 06442

EPA FRL-9741-9 Notice of Intent Designation of an Ocean Dredge Material Disposal Site

Good Evening,

We have heard much about dredge material disposal tonight but it is important that we know what it is. Not all dredged material is the same and it is important to classify it beyond just a term.

My first experience with dredged material offshore was with a DAMOS project in 1978 for New Haven harbor. Knowing what the material was, it made sense to cap it. In 1983 at Osterville, Cape Cod, an upland dewatered site with organic material also worked very well. It was mostly a sticky gelatin like material and clean, mostly leaf litter, a good option for this material. In Massachusetts, especially on the Cape, creeks and rivers filled each summer with organic matter mostly leaves and dead sea grasses. Dredging projects were removing accumulated composting leaves and were mostly small maintenance projects. It is my understanding that several Cape Cod towns today share a community dredge to keep small creeks, coves and rivers clear of organics. Such dredging can help restore tidal flows reduce oxygen debts and recycle banked natural nitrogen compounds from organic composts, which can also help shore fisheries as it is basically a fish food.

We also need to examine site conditions as well to current climate and energy patterns. In the 1950s and 1960s dredged leaf and organics were disposed offshore in high energy zones in relatively shallow water. Immediately after dumping (old term) reports from fishermen often included fish increases feeding upon shrimp species. In fact, conversations with fishers and marina owners told me that with colder temperatures combined with much more coastal energy after a few months it was difficult to find the disposed material at all; it was gone. This was also when winter flounder fishers would head to the “disposal” sites to catch fish that was because that was ‘where the flounder were”. A similar disposal site fishing association occurred in eastern CT over organic

material disposed by Pfizer Corp in the 1980s. Eventually this material Mycelium was recycled for a local mushroom grower. Organic matter quickly becomes part of the marine food chain, such as the breakdown of acidic leaf compost is a natural process and attracts marine species that feed on it.

When creeks, coves and tidal rivers are dredged especially along the Connecticut shore they tend to collect leaves, which rot in high heat and low energy conditions. Several Connecticut coves have deep accumulations of leaves, such as Hamburg Cove in Lyme, Connecticut. In certain areas here over 10 feet of leaves have rotted producing an acidic sticky material rich in nitrogen, a marine compost that when disturbed has a sulfide odor. This compost once it is dredged and placed in oxygen containing waters it becomes fish food and is quickly consumed by plant grazers and shrimp.

In many cases navigational dredging has become a leaf removal activity, after the prohibition on the fall burning of leaves, leaf material substantially increased on Cape Cod and other watersheds. Today navigation interests are in the leaf removal business, no different than land. Because of the huge amounts of terrestrial organic debris dredged material is often just clean aquatic compost. Dredged channels have better tidal flows and can at times restore habitats buried by this acidic compost. Therefore it is critical to know what the material is, is it leaves and organic compost, clays silts or sand or cobblestones. Is the material clean or contaminated, can it be reused or recycled. Dredged material may soon become a key component of reducing flooding and shoreline protection. We can use it to create buffer islands and marshes, clean dredged material is therefore of value to use now with future shoreline protection programs to mitigate sea level rise.

Our forests have returned the mature tree canopy and is now dense with leaves, and spring leaf runoff fills our coves and bays with them each spring. In periods of high heat and low energy huge deposits accumulate and produce a black jelly like material, which is basically food for many species. Dredging is an expensive way to remove these leaves from bay bottoms and we now have a lot of them.

I hope that the issues surrounding habitat restoration, mitigation, creation and enhancement can be applied to the disposal of dredged material. In the future dredging may not be looked at as a problem but in fact an opportunity.

Please include these suggestions as the Supplemental Environmental Impact Statement for Dredged Material Disposal Sites in Eastern Long Island Sound is developed.

Thank you for the opportunity to comment this evening.

Tim Visel
10 Blake Street
Ivoryton, CT 06442

# Written Comments 5

CITIZENS CAMPAIGN FOR THE ENVIRONMENT

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Empowering Communities, Advocating Solutions.

**Scoping Comments on the Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island**

*Comments Submitted by*:
Maureen Dolan Murphy, Executive Programs Manager
January 9, 2013

Citizens Campaign for the Environment (CCE) is an 80,000 member, not-for-profit, non-partisan, advocacy organization working for the protection of public health and the natural environment. CCE has been working to protect water quality across NY & CT since its inception in 1985. We are an active member of the Long Island Sound Citizens Advisory Committee and participated in the Long Island Sound Dredge Workgroup, set up by EPA and the Army Corp.

In 2004 CCE opposed the Environmental Protection Agency's plan to designate 2 sites in the western portion of Long Island Sound as designated dump sites for 20 years. We were joined with thousands of residents and elected officials from every level of government in both NY & CT. It did not make logical sense that after millions of dollars spent on restoring the Sound we would designate it as a long-term dumping ground. Now, in 2013-nine years later- the EPA is again looking to designate 2 areas in the Sound as a dumping ground for dredged material. What has changed? The answer--nothing. It was unacceptable in 2004 and it's still unacceptable in 2013.

CCE agrees that dredging for the safety of navigation is a necessary activity; however, open water disposal of the dredge materials is not. In 2005, EPA, along with the Army Corp, NY, and CT agreed to phase-out open water dumping and move towards beneficial re-use of dredged material.

As part of this landmark bi-state, multi-agency agreement, a Dredged Material Management Plan (DMMP) was to be developed. EPA's Final Notice states, "…(the) DMMP for Long Island Sound will include identification of alternatives to open-water disposal and the development of procedures and standards for the use of practicable alternatives to open water disposal, so as to reduce wherever practicable, the open water disposal of dredge material." To date, the DMMP has not been developed. ***CCE believes it is risky and ill-advised to proceed with a long-term designation of an open-water disposal site BEFORE the final development of a DMMP. Particularly since the goal and intent of the DMMP was to reduce open water disposal, not to re-locate open water disposal.***

The Final Notice continues to state, "The final rule contemplates that the USACE will develop through the DMMP process procedure and standards to reduce or eliminate disposal of dredged material in LIS to the greatest extent practicable." Reducing the disposal of open-water dumping should eliminate the need for designating long-term dumpsites.

The ruling goes on to state that disposal of dredged material cannot occur at the western sites beginning 8 years after the ruling date (2005) unless a DMMP has been developed. Here we are 8 years later, with no DMMP. Instead we have a plan to open 2 eastern sites for dredge dumping. This was not the intent or the agreement of the settlement between NY/CT. It was also not the intent of the EPA ruling. Open water dumping is not the solution for proper management of dredge materials. Eight years ago we called for and were promised a plan that evaluated beneficial reuse options for dredged materials. This plan put forth a goal of considering dredge materials to be a resource and not a waste product. Now, 8 years later, the only plan the EPA is putting forth is to dump more dredged materials into our Long Island Sound. **New location, same story.**

CCE is gravely concerned that the EPA is moving forward with this process before they have fulfilled their obligation to complete a DMMP for LIS. **We encourage the EPA to focus on the DMMP and to halt their efforts to designate a long-term dumpsite in the Sound.**

However, should EPA move forward in this process, CCE offers the following items that should be addressed in the SEIS.

1. The Eastern Long Island Sound is the most biologically diverse portion of the Sound. EPA needs to conduct a thorough analysis of all the species located in these waters and assess how long-term dumping will effect species diversity. In the past years Dolphins have returned to Long Island Sound, a sign that the water quality is improving and there is an abundance of fish to feed on. The designation of long-term dump sites has the potential to reverse this positive trend.

2. An assessment of the highly diverse and interesting benthos and bottom topography (rills, rises, outcrops, benthic habitats, diverse sediment types, unique benthic vegetation and animals) need to undertaken.

3. The Eastern Long Island is also a busy zone for navigation, national security, waterborne commerce, and recreational boating. The EPA needs to assess how these activities might be harmed or hindered because a long-term dumpsite.

4. The Eastern LIS is also an important spot for commercial and recreational fishing. Impacts to the fishing community need to be accurately captured.

5. EPA needs to fully document how long-term dumping will effect water quality in the LIS.

6. EPA needs to ensure that the guiding principles of the bi-state agreement between NY & CT-which seeks to reduce and eliminate open water dumping be captured in the SEIS.

7. EPA needs to identify disposal alternatives. The DEIS for the Western open water disposal sites was quick to rule our disposal alternatives as not being feasible. The DMMP was supposed to focus on alternatives. Yet, in the many meetings that CCE attended there was very little discussion on alternatives.

8. The EPA needs to evaluate the potential release of pathogens and toxic contaminates.

9. EPA should ensure public comments are welcomed.

In conclusion, CCE is concerned with the process of designating an open water disposal site in the Eastern Long Island Sound, particularly when in 2005 EPA, ACE, NY, and CT all agreed that we should be phasing out open water disposal and working to find alternatives for dredged material. The goal is to stop looking at dredged material as a waste product and instead look at as resource. Open water disposal is a quick, seemingly cheap fix, which is negatively creating lasting and costly effects to our estuarine ecosystems. Let's get real about alternatives and stop the archaic dumping.

Thank you for this opportunity to comment.

# Written Comments 6

Statement of Fishers Island Conservancy Comments – Eastern Long Island Sound SEIS Public Scoping Meeting - January 9, 2013

- My name is Robert Evans. I am a member of the Board of the Fishers Island Conservancy and live year round on the Island. I am joined here by Andrew Ahrens, a fellow Board member of the Conservancy, who also has a residence on Fishers Island. We are submitting these comments on behalf of the Conservancy.

- The Fishers Island Conservancy is a nonprofit organization formed over 25 years ago to work with Island residents, businesses, non-profit organizations and the government for the purpose of preserving, enriching and enhancing the natural resources of Fishers Island and its surrounding waters.

- Fishers Island is the nearest populated area to the New London Disposal Site. The Site is in fact only hundreds of yards away from us. The Fishers Island Conservancy strongly believes that the New London Disposal Site and also Cornfield Shoals should be closed as scheduled, in December 2016. The Conservancy urges the EPA to review potential disposal sites areas outside of the Long Island Sound and Block Island Sound for future disposal.

- We have been concerned for many years about the damage caused by large scale disposal at the New London site. The Conservancy was a party to the 1995 lawsuit that resulted in the 2002 settlement providing for the EPA's formal designation process for dredged material disposal sites.

- Tables showing average annual dumping at the New London Dump Site over the years can be misleading, and certainly do not indicate that there is no problem. The fact is that except for the years 1995, 1996 and 2007, there has been very little dumping at that site in the last 20 years. The last large scale dumping seven years ago, of approximately 400,000 cubic yards, resulted in significant problems. The lobster population was greatly harmed at that time; very few people believe that the damage was coincidental.

- The science developed in Phase I of the Long Island Sound Site Designation proceeding demonstrated conclusively that the New London Disposal Site was inappropriate and unacceptable based on almost all relevant criteria – including the presence of strong currents, shallow depth, a location in the midst of the New London port navigation channels with dredge spoils being stirred up by propellers, and sensitive lobster, shellfish and other fisheries.

- We are also concerned by reports that submarines travelling to and from Groton, Connecticut on occasion have inadvertently hit the cap on the disposal site. We believe the danger of further problems of this sort would only intensify if substantial dumping were allowed to take place there.

- Our concern can be illustrated to laypersons simply. The New London Dump Site is extremely near the Race, which as anyone familiar with those waters knows, is an area of extremely strong currents. Dumping spoil in those waters is akin to throwing dirt onto a fan.

- It also bears note that, as the Conservancy advised the EPA and Army Corps at the end of our litigation, we do not believe that the New London Disposal Site has ever been properly designated or selected as a disposal site for federal projects or private projects over 25,000 cubic yards under the Ocean Dumping Act. The New London Site can now legally be used only for private projects of 25,000 cubic yards or less, and thankfully has not been used to any significant degree since the problems of 2007.

- The Ocean Dumping Act mandates a preference for disposal sites off the continental shelf. We appreciate that there will be a need for disposal of large amounts of dredged materials in the future, but we implore the EPA to investigate sites much farther afield from this extremely populous area and to allow the New London and Cornfield Shoals sites to close as previously scheduled.

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# Written Comments 7

Connecticut Fund for the Environment

Save the Sound®
A program of
Connecticut Fund for the Environment

Ms. Jean Brochi
U.S. EPA, Region 1
5 Post Office Square, Suite 100, OEP06-1
Boston, MA 02109-3912

January 24, 2013

**Re: Supplemental Environmental Impact Statement on the Disposal Site Designations in Eastern Long Island Sound, Connecticut**

Dear Ms. Brochi:

Save the Sound is a non-profit organization dedicated to the protection, restoration and appreciation of Long Island Sound, and we have long served these interests through advocacy, education and research. Dredging and appropriate management of dredged material is often the best means of maintaining safe channels for navigation, marinas for recreation, ports for commerce, and many other important economic interests. It is for this reason that Save the Sound supported the designation of the Western and Central Long Island Sound Disposal Sites, that we participate in the development of the Dredge Material Management Plan (DMMP), and that we support the process for designating disposal sites in Eastern Long Island Sound. However events over the past year highlight the need to begin thinking of dredge materials as a local resource, and not as a by-product to be discarded.

The aftermath of Irene and Sandy—the two coastal storms that resulted in record or near-record storm surges within one year's time—indicates that we are living along a coast that is now more storm and flood prone. This unwelcome reality demonstrates the need for a paradigm shift in the way we manage dredge materials. If we are going to work with natural systems to make our coast more resilient, we need to harness the substantial volumes of dredge materials within our region to restore and enhance dune, beach and marsh systems. For proof, we need look no further than the American Littoral Society's recently completed rapid coastal assessment of Superstorm Sandy impacts along the Sound's coastline.[1] This quick evaluation, while admittedly incomplete, does an excellent job of providing summaries of impacts to and restoration needs for beach, marsh and coastal island systems along the Sound. Of those, at least twelve major

[1] American Littoral Society, for NFWF, *Assessing the Impacts of Hurricane Sandy on Coastal Habitats*, December 17, 2012.

restoration projects require substantial sediment inputs and nourishment.[2] With this new reality as our backdrop, we request that the U.S. Environmental Protection Agency (EPA) and U.S Army Corps of Engineers (Corps) outline and facilitate the use of the following alternatives to open water disposal, not only in the DMMP, but also as part of this site designation process:

Beach and Dune Restoration – using the dredged material that is sandy as a replacement or enhancement for existing beaches and dunes;

Marsh and Marsh System Restoration and Enhancement – using dredge materials as the basis for restoring and enhancing marsh systems;

Containment – disposing of dredged material in a confined disposal facility ("CDF") that is constructed in protected waters, harbors, or in the open ocean so that resultant shorelines or islands may be used as construction or recreation sites and/or a habitat for wildlife;

Containment Areas and Wetlands Stabilization – depositing the dredged material into diked areas attached to existing land in protected waters, preferably near existing wetlands;

Upland Disposal – disposing of dredged material in any inland area to enhance a site for construction, recreation, and/or wildlife;

Resource Reclamation – using the material as a soil enhancer for landscaping and agriculture purposes, or as a component in construction material;

Landfill Cover – using the material as sanitary landfill cover;

Subaqueous Borrow Pits – first placing the dredged material in underwater depressions that result from the mining of sand and gravel and then capping it with a layer of clean material; and

Incineration – using the resulting byproduct in cement applications.

Save the Sound understands that the regional dredging needs are significant and that the volume of material may outpace beneficial reuse options. To that end, we support the site

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[2] *See ALS Assessment* at Exhibit 1, pp. 17-22. Resources identified as requiring some form of sediment sources include various beachfront parks on Long Island, Great Gull Island, NY; Silver Sands State Park and Milford Point, Milford, CT; Falkner Island, Guilford, CT; Menunketesuck Island and Duck Island, Westbrook, CT; Seaview Beach, Madison, CT; Rocky Neck State Park, East Lyme, CT; Harkness Memorial State Park along with Waterford Town Beach and Pleasure Beach in Waterford, CT; Caumsett State Historic Park Preserve on Long Island; and Manursing Lake in Rye, NY. This is an initial summation; there are additional sediment-based restoration needs as well. For instance, a proposed tidal marsh restoration project in Holly's Pond at the mouth of the Noroton River in Connecticut will require significant sediment inputs. This does not begin to include potential beach and dune restoration options along privately owned and low-lying residential beach communities that suffered substantial wave and flooding damage scattered along the Connecticut, Westchester and Long Island coasts.

designation process currently underway. We have lingering environmental concerns regarding the need to maintain a clean cap at disposal sites, but it is our understanding that long-term assessments of LIS dredge disposal sites with clean caps suggest benthic communities have not been significantly impacted. Save the Sound would be interested in a scientific review contrasting benthic impacts at these sites against historic disposal sites that did not require clean capping, in order to better understand the comparative impacts and benefits from the clean cap mandate.

As a means of expediting and economizing non-Corps dredging projects while also taking environmental concerns into account, we suggest analyzing the benefit of creating a dredging liaison or ombudsman for the whole of Long Island Sound. Such an ombudsman could help coordinate and execute informed, best practices; specifically, the liaison could guide local yacht clubs and marinas in the preparation and coordination of projects, match dredge materials with potential beneficial reuse projects, as well as organize NY/CT collaborative efforts and shared Confined Aquatic Disposal (CAD) cells.

In summary, though our preference is for beneficial reuse of sediments when at all possible, Save the Sound expresses its support for moving forward with the process for designating the Eastern Long Island Sound Disposal sites, as long as alternatives to open water disposal are carefully evaluated, and as long as measures are taken to mitigate the environmental impact and comply with the Clean Water Act and the Marine Protection, Research, and Sanctuaries Act.

We thank you for the opportunity to comment and look forward to continued conversations as the designation process develops. Should you have any questions, please do not hesitate to contact me at lschmalz@savethesound.org or 203.787.0646 ext. 121.

Sincerely,

Leah Schmalz
Director of Legislative and Legal Affairs
Save the Sound, a program of Connecticut Fund for the Environment

Kathleen Coss, legal intern
Brian Gibbons, legal intern

# Written Comments 8

**Eastern Long Island Sound Supplemental Environment Impact Statement –**

**Dredged Material Disposal Site**

**Comments from Tim Visel**
**10 Blake Street**
**Ivoryton CT 06442**

**Submitted to Alicia Grimaldi**

**Ocean and Coastal Protection Office Environmental Protection Agency**

**Region 1, Boston, Mass 02109-3912**

Comments refer to high organic mucks and marine composts – sand and cobblestones should be recycled as shoreline stabilization and beach nourishment projects.

The Role of Dredging, Flushing and Increased Tidal Exchange

Are "Dead Zones" of Poorly Flushed Coves and Bays Natural or Unnatural

A Habitat History for Nitrogen Containing Sapropel*

Is nitrogen subject to climate and energy impacts in Long Island Sound? And, is flushing related to the strength and severity of anoxic conditions in Western Long Island Sound? A quick review of the 1974 to 2004 period will show massive habitat shifts as reported by coastal fishers. In almost every New England shore fishery, especially those in coves and bays, user group (fishers) comment and ask about these habitat changes. Nearly all of them speak about the "bottom" previously firm or hard bottoms have now become softer, and often muck filled. As these changes occurred, the fishery associated with them also changed, they declined. Chief among them would be winter flounder, bay scallops and the hard clam. At the same time, the boating community also noticed changes often as lessening depths and the need to conduct navigational dredging projects to maintain channels. Navigation soon became difficult then impossible in many small tidal rivers.

These user group accounts are consistent from the baymen of eastern Long Island, Rhode Island's South Shore (salt ponds), Connecticut and Cape Cod, Massachusetts. Frequent observations in the late 1970s to 1980s mentions white films or fungus growths on bay bottoms that in years past, were firm and shelly, especially those on eastern Long Island, Peconic Bay New York. Here small boat fishermen who once hand hauled otter trawls for winter flounder and those who bay scalloped were among the first to notice these habitat

* Sapropel – Ancient Greek – Sapros and pelos as put refaction of mud. Sapropel is developed during periods of reduced oxygen in sediments that contain high levels of organic matter. It usually has a strong sulfur odor. It can be removed by dredging

shifts. In areas that were once clear and firm, now contained deepening organic deposits turned black and foul bottoms that often smelled especially during summers of rotten eggs. Over time, these vegetation deposits – sea grasses decayed leaves and seaweeds, were more than inches deep in the more sluggish coves – it soon would be measured in feet.

As depths decreased flushing capacity lessened and in time habitats would soon become buried in marine compost, sapropel.

Dredging coastal salt ponds, maintenance channel dredging and mooring basins is not that different than that of tidal inlet flushing. A natural energy process that "restores" previous depths, providing safer access for boating and navigation interests but it helps restore habitat conditions for fish and shellfish species. Dredging the build up of marine compost which is a often toxic sulfide rich gelatinous material, can improve habitat quality. We need to be able to move deposits organic rich matter in oxygen deficit areas into those that are oxygen sufficient. Dredging may be one of the few tools we have in the climate change tool box to increase tidal circulation and enhance dissolved oxygen water exchange. Dredging to restore tidal flushing/tidal exchange will also enhance shellfish and finfish habitats in two important ways enhance the capacity of higher pH ocean water to offset flow pH microbial deposition and reduction processes (The Sulfur Cycle).

Dredging can also eliminate nitrogen "banks" accumulating nitrogen compounds that bind to these organic low pH mucks. During hot periods and low energy nitrogen is naturally stored in these mucks which can take centuries to clear. Dredging may reduce the nitrogen residence time by decades even perhaps centuries. While nitrogen pollution has been at the forefront of environmental policy, it has not been correctly indexed to temperature and energy. Therefore dredging can mechanically remove nitrogen rich deposits, restore flushing and provide navigable waters. To do so, however, will require deposal sties for this sulfur rich material and in oxygen sufficient waters where oxygen reducing bacteria can reduce it and it can reenter the marine food chain (fish food). The key to reducing sulfur toxicity is to restore oxygen dependent reduction processes. Dredge material disposal sites will have a key role in this process.

Pollution studies that have previously examined the nitrogen issue few mentioned the time it takes for nitrogen to clear naturally; it may prove cheaper and certainly quicker to dredge the excess. To allow natural processes to clear excess nitrogen which naturally accumulates during periods of warmth (sulfur reduction) and is utilized during cold (oxygen reduction) may take decades or even centuries. Quick recoveries of living marine resources should not be equated to aqueous nitrogen abatement. In a 1971 book by H.B.N. Tynes Professor of Biology University of Waterloo Ontario, Canada, he warns researchers about promising quick recoveries following eutrophic conditions. In lake studies he describes this nitrogen banking processes and the time it takes to clear it. Most lakes and ponds are periodically dredged to quicken this habitat recovery process. In a recent NOAA study by Clyde Mackenzie who looked at regions for hard shell clam production (Mercenaria mercenaria) be found that production was less when ocean tidal exchange (smaller inlet width) was less but production (clam landings) soon increased (sometimes dramatically) when tidal exchange (flushing) was increased due to inlet widening (after storms) or by dredging (see appendix).

Dredging may directly remove low pH acidic deposits (especially from acidic oak and maple leaves) in areas where sulfur reduction (sulfate reducing bacteria – sulfur reducing bacteria) is building huge nitrogen reserves. In high heat these composts reduce producing ammonium, a plant nutrient that favors the growth of algae "blooms". Some of them are harmful to shellfish species (HAB). In poorly flushed coves or bays that have restricted circulation low oxygen levels and a heat induced low pH combine to lock up nitrogen compounds in enriched organic matter preventing it from entering estuarine food webs.

The boating community were often reported such changes but as shallow water, depths had decreased and bottoms now deep in muck often smelled bad (hydrogen sulfide) similar to comments from fishers. A previously minor nitrogen input (leaves) during cold and energy periods can be devastating during heat and less energy. Hot oxygen reduced leaf "composts" in the marine environment is now a huge source of ammonium, and as damaging or more so than human nitrogen discharges. The building up of sulfide rich acidic organic deposits has resulted in wide scale habitat degradation and could take centuries to clear localized ecosystems. Dredging could help speed this process[1].

In times of high heat dissolved oxygen in sea water drops and areas that are poorly flushed may suffer seasonal hypoxia. For many shallow water bodies this appears to be a natural cyclic ecosystem event. Long Island Sound most likely experienced hypoxic episodes many times before leaving the cold and turbulent 1950s. Termed the North Atlantic Oscillation (1950 to 1965) this period is remembered by colder than average winters and at times unbelievable levels of storm activity. Colder waters allowed dissolved oxygen levels to increase – oxygen reduction quickly utilized organic debris as nitrogen compounds and quickly washed it from bay bottoms. With the cold and storms, nitrogen in Long Island Sound became limiting. In fact, research was underway at Yale University to determine the extent of the nitrogen shortfalls, it was suggested that for a time, nitrogen became limiting in Long Island Sound. The climate had much to do with this 1950s nitrogen "shortage" as organics such as today leaves woody debris and terrestrial nitrogen sources. In cold periods Nitrogen did not "bank" in partially reduced composting accumulations. Although many marine studies label them as sediments or even soils, that is a misnomer, as much as you would label leaf compost, a soil in terrestrial ecosystems.

[1] Dredging may also help lessen hypoxia events and help restore oxygen levels above lethal limits.

As such terrestrial accumulations are transitory and in time sufficient oxygen and bacterial processes will breakdown leafy material into soil components. However, three feet of leaves is not a soil or simular unreduced organic matter be termed sediments in marine ecosystems. Many dredging projects therefore are compost removal activities. It is safe to say that even without our nitrogen inputs – shallow warm poorly flushed bodies of water undergo periodic climate induced hypoxia, and fish kills and algae blooms from high heat and low energy conditions are as old as recorded time itself.

Physical and Chemical "Erosion"

During warm and low energy periods sand dunes tend to grow – plants soon "invade" and hold the sand in a banking process, the sand dune itself. Warm water is naturally less dense and has a different erosion capacity, in fact, periodic energy during warm periods tends to move sand bars ashore and seasonal winter – summer beach profiles often show this sand bar movement.

When a cold and energy filled period commences, tides, waves and strong storms tend to draw against this sand "bank". We can see this withdrawal from this sand reserve as beach erosion.

Since our current sea level rise period is hundreds of years old, we can see from today's nautical charts the shorelines of long ago when they ran out of banked sand. They are the near coastal depth contours. When the sand dune bank ran out, the sea claimed the property below them as it had since the last Ice Age, as a natural process. There is no short term dynamic equilibrium but a long term fluctuation since the last Ice Age dictated by temperature and energy cycles.

During warm and low energy periods, organics tend to bank in the shallow poorly flushed areas. These are the same areas that contain essential fish and shellfish habitats, the ones also user groups historically observe. This is the habitat transition (reversal) found so frequently in fisheries reports – the change for firm "hard" bottoms, often with estuarine shell, a natural pH buffering agent. This change from an alkaline to acidic marine soil has dramatic consequences for estuarine organisms, bivalve sets decrease, winter flounder habitat becomes too acidic and the red macroalgae plants give way to acid tolerant ones especially eelgrass, Zostera marina. The ability of eelgrass to trap organic matter many times as dense as bare sand has a huge role in the acidification of marine soils. Its ability to trap organic matter in high heat adds to the rapid rise of the bottom profile. Much of this influence is from terrestrial inputs as detritus dead organic matter, leaves, woody debris and dead grasses. Eelgrass blades trap this debris (called oatmeal by fishers) a brown loose easily disturbed "chaf" which fills shores between sandbars and forms in tidal eddies and in high heat stimulates the sulfur reduction cycle. High heat drives oxygen from these shallow waters (inverse solubility law) and different types of bacteria soon dominate; the sulfate and sulfur reducing bacteria (many strains and species). As the oxygen level drops oxygen dependent decomposers are soon overwhelmed and this organic matter is now "banked" as an accumulation of viscous jelly like material (again not a soil or sediment) but as partially reduced "marine compost" or sapropel.

Estuaries can hold this banked organic matter we can observe as decreasing depths. Decades ago people realized the impact of these accumulating leaves and would upon leaving channels drag iron rings or old metal frames to loosen and dislodge these rotting leaves on outgoing tides, removing them from oxygen depleted channels to the more oxygen sufficient open waters of Long Island Sound. Later this practice would also be termed prop washing, but it wasn't really that different than oxygen injection into waste water treatment plants bio filters to reduce biological oxygen demand.

Oxygen depletion does influence the organic deposition accumulation rate, the lower the oxygen the faster this organic material (and nitrogen compounds) is banked. It is not unlike the process of land locked water bodies, lakes and ponds which accumulate over time this organic compost (colonial farmers would frequently harvest this compost for terrestrial soil nourishment) builds

up and pond/lake depths decrease over time, removal accomplished by storms (floods) or our intervention – dredging.

With a renewed and vigorous forest canopy in Connecticut this process occurs in the coastal environment also especially in times of extended heat. It is this "marine compost" that fishers (shellfishers especially) noticed accumulate on previously hard or clear (and often deeper) bottoms. In times of heat this process starts slowly a few inches but as the material becomes acidic and sulfur rich this process quickens reaching several feet. It is then banked rich in plant nutrients (nitrogen) and phosphorus that could last hundreds of years. In fact, much of the nitrogen compound and phosphorus spring "flush" is the result of decayed leaf materials washed down brooks and streams into the estuaries. The restored forest canopy trees can alter the nitrogen retention process tilting it toward the sulfide reducing bacteria made infamous for the "stink" of salt marshes here in CT during an extremely warm periods and few storms, during the so called Great Heat 1880-1920. It is at this time that marsh stinks were linked briefly to "bad airs" and disease vectors, but what really were smelling was strong hydrogen sulfide gas emitted during the sulfur reduction process in high heat and low oxygen. Thus the rotten egg odor at the turn of the century usually occurred in late August during the height of the summer heat. At the turn of the century many coastal Connecticut towns reported strong rotten egg smells emanating from salt marshes during this period (1880-1920). Because it is difficult to see this process, these reports labeled the marshes as the culprit, but in actual fact it was the decomposition of organic material sealed from the atmosphere, those deposits under the water. It is also the time of the immense juvenile winter flounder fish kills of eastern New York in bays and coves high heat sulfur reducing bacteria can change the chemical and biological characteristics of this "banked" organic material, it now tends to become acidic by the release of hydrogen ions and soluble metals to be converted into insoluble metal sulfides. That is why metal levels appear to rise in these oxygen depleted areas.

In a 1980s mining case history and in experiments by EPA, scientists confirmed the metal recycling ability of sulfate-reducing bacteria that chemically convert dissolved metals into insoluble metal sulfides. Therefore, in high heat/low energy conditions, deep accumulations of organic matter become rich in metals over time. Thus, in these high heat/organic prevalent deposits, metal levels will naturally increase. The longer sulfate reducing bacteria affinity (potential) to reducing bacteria exits, it can complex them in this oxygen deficient organic matter. This appears to be part of the natural mineral salt accumulating process. This natural metal complexing process has confounded numerous dredging projects in low salinity areas found in nearly all Connecticut's rivers. I have found a quick chart showing the potential of sulfate-reducing bacteria to complex heavy metals.

**Percent Recovery of Metals from Mine Water (waste water) Using Sulfate-Reducing Bacteri**a

| **Metal** | **Percent** | **Recovery** |
|---|---|---|
| Aluminum | 99.8 | Many organic deposits below salt marshes have high levels |
| Copper | 99.8 | |
| Zinc | 100.0 | Zinc taste often appears in oysters |
| Cadmium | 99.7 | |
| Cobalt | 99.1 | |

| | | |
|---|---|---|
| Iron * | 97.1 | As such, many mine waste waters with reduced pH will appear red |
| Maganese | 87.4 | |
| Nickel | 47.8 | |
| | | |

*See associated oxidation of ferric hydroxide (ochre)

This chart is from an EPA study – Takak, Henry H., et all (2003) Bio-degradation 14:423-436 as found in a college textbook Environment: The Science Behind the Story (page 657).

One could expect that aside from tank studies conducted by Takak (2003), this process occurs in nature under high heat and low energy (mixing) of oxygen sufficient waters above. Field surveys of deep deposits of partially reduced organic matter often have strong hydrogen sulfide odors signifying a sulfur-reducing bacterial presence. This process also occurs under salt marshes and explains why sediments under them often contain high aluminum levels. A by-product of this process is the common sulfur smells. Since dissolved hydrogen sulfide gases from creeks and salt ponds are toxic to most fish species and most harmful in warm water which can hold less oxygen. This sulfur reducing process also explains why eelgrass meadows frequently show extremely high sulfide levels below them as its ability to slow surface water flows and trap organics, helping to separate these two nitrogen/respiration pathways. High sulfide levels are toxic to most marine organisms. In fact, in the aquarium and aquaculture industries, the cause of "black death" or "black water death" is from the sulfides found in them. Changing filter systems in the first commercial bio filters have been dangerous since the first closed system aquaculture operations were constructed. This gas releases when these sediments "boil" even at low temperatures can cause killer toxic gas events in the tropics near large lakes with high organic matter inputs.

Removing sulfide-rich deposits to oxygen sufficient areas as dredged material allows the oxygen-nitrogen pathway to continue producing nitrates, a plant nutrient that favors vascular plants (submerged aquatic vegetation). The nitrogen-sulfide pathway produces nutrients that favors plankton especially the browns that so devastated eastern Long Island's Peconic Bay scallop fisheries in the 1990s. High heat drives the nitrogen-reducing pathways from the oxygen sufficient towards the oxygen deficient sulfur reduction process. Brown plankton blooms often occur during periods of high heat and low energy because of the enormous supply of ammonium and reverse with blue green algae in cooler and energy prevalent periods. This happened during The Great Heat of 1880-1920 and from Connecticut's coastal core studies many times before.

Closed system aquaculturists have long realized how important oxygen sufficient, nitrogen-reducing bacteria are to the ammonium to nitrate cycle for fish culture. Home aquariums also are subject to the some habitat failure when filters are overwhelmed with organic matter and turn black. Submerged aquatic vegetation that traps organic matter in high heat can accelerate this habitat degradation process. Eelgrass meadows in high heat have been known to produce extremely high sulfide levels beneath them. Having oxygen-reducing bacteria shift to oxygen-deficient sulfur reduction kills bio filters and ammonium levels soar. In the marine environment, this occurs on a massive system-wide scale especially in shallow, warm, poorly flushed coves and bays. Sulfate-reducing bacteria combined with high heat shift the balance to plankton, not

vascular plants providing the ready access "fuel" needed to sustain these intense algal blooms associated with high heat habitat reversals. These habitat reversals can be decades of more in duration as banked organic sulfur-rich deposits build-up and can be a nitrogen source for centuries. This situation is also described by Hynes (1971) in his lake studies.

> "In an oligotrophic lake there is little oxygen demand in the hypolimnion because of the general paucity of life and the absence of much organic matter sinking from above. The store of oxygen is therefore sufficient to last until the autumn, when complete mixing again occurs because of the cooling of the epilimnion. In a eutrophic lake on the other hand there is a large oxygen demand in the hypolimnion because of the constant rain of dead and dying plankton, and all the oxygen is used up during the summer at least near the bottom. This is of course has marked effects on the benthic fauna, which do not concern us here, but it also affects the release of nutrients from the dead organisms. Under aerobic conditions these salts tend to remain in the mud, and relatively small amount of them find their way back into the water; under anaerobic conditions, however, they are released very rapidly into solution and hence, ultimately, back into the biological cycle.
>
> Therefore, as a lake reaches that state of productivity which results in total de-oxygenation at the bottom of the hypolimnion it becomes considerably more productive, and may begin to produce plankton blooms quite suddenly. It is at this stage that the general public becomes aware that the lake has changed, and within a very few years there may be marked losses of amenity."

Dredging, therefore, has the ability to remove this nitrogen bank that could take decades or longer to naturally decompose and restore previous tidal flows, and in times of high heat, mitigate high heat habitat failures. This improvement in water flows promotes oxygen reduction processes and not one that supports a sulfur-reducing pathway.

That is why fishers often report increases in fish abundance following dredging projects, especially those that expose glacial sands and cobbles to the tidal fluctuations. Such areas have been shown to carry a limited, cool ground water oxygen reserve for the smallest winter flounder. Dredging removes acidic compost and by doing so, reverses soil acidity. Post-dredging surveys of sands rinsed of organic acids often show increased sets of bivalves (temperature dependent Galtsoff 1964). Bays and coves with reduced flushing often show the build-up of sulfurous mucks and soils. We need to look at dredging in a new light, not always the negative but a process that could turn back the habitat "clock" for some fish and shellfish species., reduce the build-up of nitrogen, and shorten periods of anoxic conditions in coves, bays and sounds.

The 1870s and 1950s were two periods of cold winters and numerous storms (increased energy pathways). Reports from fishers frequently mentioned the presence of firm harbor bottoms and a firm sand/estuarine bivalve shell matrix which soon became a dominant habitat type. Organic matter banking and nitrogen enrichment of composting material did not occur. It simply was washed away by storms and the oxygen sufficient, bacterial reduction processes. This was not the case during The Great Heat, a cycle of increased heat and few storms that occurred from 1880 to 1920. That period resembles almost precisely the period from 1974 to 2004. Historical

fish and shellfish records make mention of increased smells from marshes (rotten egg and methane smells) and changes in bay and cove bottom firmness (habitat types). Numerous accounts from Cape Cod to New York's Peconic Bay Long Island Sound, Rhode Island and Connecticut refer to deep accumulations of organic matter, a black, jelly-like material that seemed to increase in depth. This increase can be quite rapid and can take the public by surprise as mentioned by H.B.N. Hynes in his 1971 book The Biology of Polluted Waters from his studies of lakes.

> "It appears that about half the nitrogen is built up into organic matter in these lakes and that there is also adequate phosphate for this enormous amount of plant growth, the wet weight of which would be at least 100 times as much as the amount of nitrogen used. Even if nutrient salts are added while still bound up in organic matter they become rapidly available for algal growth (Flaigg and Reid, 1954; Ohle, 1955), so it makes little difference if they are added as purified or unpurified effluents, although of course ordinary biological treatment does remove some saline nitrogen and phosphate by sedimentation. Ohle (1955) states the raw sewage sometimes contains as much as 15 mg/1 of phosphate phosphorus, but treated effluents contain usually only 2-4mg/1. although as much as 6-8 mg./1. may remain.
>
> In a recent study of a large lake near Copenhagen (Berg et al., 1958) it has been calculated that, because of pollution, about 24 tons of saline nitrogen and 4 tons of saline phosphorus enter the water each year, and that this represents about 12 per cent of the total amount used by the plankton. Moreover very little of this nitrogen and phosphorus leaves the lake via the outflow, the calculated amount being about 3 1/2 tons of nitrogen and 200 lb of phosphorus. This emphasizes the fact that lakes are very efficient traps of fertility, and that even slight pollution is likely to cause a rapid increase in the rate of ageing.
>
> Unfortunately the change seems to be irreversible – once a lake has become eutrophic it remains so, at any rate for a very long time, even if the source of extra nutrients is cut off (Hasler, 1947). Another unfortunate feature is that the onset of extreme eutrophy appears to be a rather sudden feature in lake development, which takes only a few years to become manifest. Its appearance therefore tends to take the general public by surprise."

This change in habitat type, from hard to soft, was noted as declining or degraded habitat conditions for bay scallops, hard clams, oysters and winter flounder, while increasing habitat conditions for the blue crab, green crab and soft shell clams. However, in areas with slow tidal movement or poor "flushing," large fish and shellfish kills were reported, signallying extended periods of oxygen deficiency or anoxia. This cycle seems to reverse physical habitat characteristics but also chemical/bacterial ones as well. It is known that the movement by storms or dredging of deep organic accumulations into oxygen sufficient waters lowers the populations of sulfate-reducing bacteria and the oxygen-reducing bacteria soon increase.

In dredged material disposal sites that have good tidal exchanges, waves, currents and tides (energy pathways), organic matter quickly reenters the marine food web, it is fish food. However, such deposits in oxygen-poor waters contribute to the production of ammonium ions,

making nitrogen subject to the same energy and temperature cycles creating a direct habitat quality link. This link introduces a weakness in the nitrogen abatement models in many estuaries today as its primary focus is upon human nitrogen inputs while minimizing the role of organic source nitrogen.

One of the largest problems with the use of nitrogen as a marine pollution indicator is that is also is subject in the marine realm to wide swings of temperature and energy, the key factor being oxygen. Nitrogen compounds entering Long Island Sounds as dissolved organics generally are not subject to the nitrogen-sulfur reduction process, a huge distinction in times of few storms and high heat.

Most of the nitrogen cycle information is based upon the terrestrial model. In this model, bacteria in the presence of oxygen (our atmosphere) converts ammonia $NH_3$) to an ammonium ion ($NH_4$) which then undergoes a further process converting nitrite ($NO_2$) to nitrate ($NO_3$), a plant nutrient.

In the presence of oxygen and adequate mixing (high energy), the bacterial, nitrogen-fixing process favors ammonium ion in water while supporting two types of bacteria, nitrifying and denitrifying bacteria which as end products release nitrogen gas into the atmosphere and available nitrate compounds.

However, in oxygen-limited waters, especially during periods of high heat and insufficient mixing (low energy), another nitrogen pathway exists, mostly in waters that are warm and receive large amounts of organic rain (sometimes referred to as marine snow). In this case, high amounts of crushed wood debris, leaves and stems found on street surfaces enter water bodies as an organic slurry during heavy rains. In some organic, high sulfur mucks, 50% of the material can consist of leaves and stems (personal observations). In commercial and recreational shellfishermen accounts, this material is called “oatmeal,” and in some cove and bay bottoms, can be feet deep and brown in color. West of the Guilford, Connecticut region, this “oatmeal” at times can contain fragments of stem material from phragmites species. It is this “oatmeal” that during high heat stimulates the sulfur-reducing bacteria in the absence of oxygen. Its reappearance in coastal waters is attributed to these factors.

1) Organic inputs such as leaves, woody debris and dead grasses from poor watershed practices can overwhelm coastal reduction processes.
2) This detrital debris is not washed from poorly flushed areas due to reduced energy pathways tidal restrictions and actually accumulates in high heat periods.
3) High heat reduces the availability of oxygen to complete the nitrogen cycle, favoring a nitrogen-sulfur reduction process.

It is this organic material that “cooks” in the marine environment and is most damaging to coastal marine habitats. While dissolved nitrogen compounds can move with the tides be attenuated (often before reaching Long Island Sound) impacts should be seasonally adjusted for temperature. Cold winter temperatures drive the reduction processes back to oxygen bacterial from sulfur bacterial processes. Colder water contains more oxygen; that is why some fishers’ accounts mention several feel of “oatmeal” in the fall only to return in the spring to see this

material absent. (It was reduced and moved by winter storms.) These accounts also mention that when an area is dredged, the remaining sulfide rich organic matter seems to "melt away."

When examining the habitat quality factors, organic matter nitrogen is 50 to 100 times more damaging than dissolved nitrogen compounds or "people nitrogen." It is known that sulfur-reduction processes can lower ambient pH, produces sulfuric acids that can destroy concrete bridge abutments, can lower the pH in marine soils thus preventing bivalve (shellfish) sets, can drive oxygen levels lower, and can sustain longer periods of anoxic conditions. In the 1950s, during a period of colder temperatures and incredible energy (large number of storms), Long Island Sound was at times, found to have nitrogen limited and anoxic conditions were few and of short duration.

Finally, one of the largest habitat factors identified to date is that marine organic compost tends to produce ammonium, an ion that is needed by harmful algal blooms (HABs). That is why HABs are often occur late in the summer and are densest in poorly flushed bays and coves where ammonium ion concentrations can reach high levels. High ammonium levels are needed to quickly sustain such large and intense "blooms." HABs during the 1950s, were practically unknown to Long Island Sound waters and New York bays.

Hydrogen sulfide reduction is easily seen in the marine environment, the color of salt marsh banks, the infamous odors of black, partially reduced mucks, Even the reduction of sulfate ions ($SO_4$) can be seen by the casual beach walker; it is responsible for the blackening of the undersides of beach cobblestones sealed from the oxygen above and when turned over has a black stain.

The reduction of organic matter by sulfur-reducing bacteria is extremely slow, much slower than oxygen-reducing bacteria. That is why terrestrial composters will regularly "turn" compost piles to mix them with air/oxygen. In the marine environment, high sulfide levels contribute to low pH soils and can degrade habitat quality for both fish and shellfish. Nitrogen compounds are banked as mentioned previously into this black material rich in metal sulfides.

$SO_4$ plus sulfate-reducing bacteria plus organic matter yields $H_2S$ gases (rotten egg smell)

The sulfate-reducing bacteria and sulfur-reducing groups only tells part of the story, anaerobic bacteria break down (reduce) some of the phosphorus and nitrogen compounds locked away in plant tissue, especially leaves (due to the increase in forest canopy). While nitrogen is "fluid," (aqueous) it can quickly travel taken by tides and currents to oxygen sufficient areas. Organic matter however, does not share this mobility; when it reaches estuaries, it tends to collect in bays and coves, poorly flushed areas. Fishermen in eastern Connecticut in the early 1980s complained bitterly to state officials claiming a "Tampa Bay effect" by the shore/coastal railway that bisected many eastern Connecticut coves. With tidal exchange reduced, residents, many of whom were shell and fin fishers, noticed a build-up of sulfurous muck in areas that once contained many shellfish and finfish species. In some cases, three feet or more covered oyster beds. (Visel, DeGoursey, Auster 1990) This material, organic matter or marine compost, "cooks" or reduces in high heat. Anaerobic bacteria with organic matter produces a nitrous oxide, a gas, and results in the brown coloration of material. However, in high heat, this material can turn black signifying high sulfate levels and decomposes into sapropel, a blue/black substance rich in

hydrogen sulfide and methane. These are the gas bubbles that can be seen rising from these deposits, especially in Hamburg Cove, Lyme, and Middle and North Coves in Essex, Connecticut. On a spring day, when the water is very cool and clear, you can watch these gases venting from these soft sticky deposits. These areas are usually devoid of fish life with the little benthic relief. Look for this sapropel in Connecticut's poorly flushed coves or those with severe today restrictions which acts more like a dam and lake conditions described in the front of this report.

Thus, in terms of nitrogen residence time or bank, these reserves of nitrogen containing compounds can last for decades or centuries depending upon temperatures and energy levels. That is why linking the reduction of human nitrogen inputs to a return of fish and shellfish species is somewhat misleading, or false if not indexed for temperature or energy levels. When the two nitrogen reduced pathways are compared, the sulfur pathway is much more damaging to marine ecosystems and largely out of our control (temperature). However, we can alter the energy pathways; that is where dredging comes in It is just moved from oxygen in sufficient to oxygen sufficient areas such as dredge material disposal sites. While organic nitrogen enters water columns in two forms, ammonia oxygen-reduced suitable for broadleaf plants and ammonium from bacterial denitrification. It is the ammonium ion that is quickly utilized by the brown algal species. In high heat and low energy conditions, high concentrations of the ammonium ions can sustain damaging HABs, harmful algae blooms as the bay scallop fishermen in eastern Long Island will recall in the 1990s. Extreme heat and low oxygen altered the dynamics of the nitrogen cycle, blocked to some extent by the rates of nitrifying bacteria nitrosomonas and the opening the sulfur-reduction process to lower pH and facilitating anaerobic bacterial processes, thereby increasing the proportion of ammonium to ammonia levels. In other words, the "nitrogen problem" is not so much an input problem but one related to climate and temperature. Therefore, historically the brown algae species did so well in the 1880-1920 hot period and the 1990s and why blue-green algae predominated during the colder and more energy prevalent 1870s and 1950s.

During cold periods – human inorganic nitrogen inputs (ammonia) have more impacts than terrestrial sources. In times of great heat however the "banking" impacts of nitrogen phosphorous containing (leaves woody, debris, dead grass vegetation) make human aqueous nitrogen (easily moved by tides and currents) inputs appear minor in comparison. Thus dredging can reduce the amount of extent of low pH sulfide rich accumulations and increase ambient oxygen levels necessary for aerobic bacterial respiration of organics similar to the process in modern wastewater treatment plants.

Dredging marine areas can speed the recovery of nutrient enhanced environment (such as what currently happens with lakes and ponds) as many studies today link nutrient enhancement to diminished social and economic values. Maintaining suitable open water disposal areas is key to allowing this process to happen. Closing the dredge disposal sites is the equivalent of closing composting facilities. Only here the component is fish food.

Having one or more active dredged material disposal sites will not only continue the critical economic benefits from maritime commerce, the boating and navigation interests (marinas) including jobs and related dependent businesses but can help remove banked nitrogen.

Summary –

The principal harm to Long Island Sound's Fisheries – the ones that presently have value is a lack of energy and an increase in temperatures. The principal harm to Connecticut near coastal habitats has been the increase in paved surfaces and the tremendous increase in Connecticut's forest cover – leaves as organic matter inputs. In cycles of high heat and low energy tidal flushing in coves, bays and lower rivers depths are reduced. Organic matter collects lessens estuarine pH and becomes a composting high sulfur habitat. Acidic high sulfur environments are some of the most damaging to oxygen dependent species.

To maintain energy pathways and maintain navigation during this warm climate cycle it is essential that dredged material disposal sites remain open. In fact to handle organic debris (leaves, wood, rot, etc) other sites should be created. Increasing hydraulic capacity such as man made salt ponds deepening salt water access could in fact reduce hydraulic stress – flooding during severe storms. It could also add habitat refugia for the blue crab whose populations now cling to a predator free habitat zone in dredged marina basins and channels presently.

Dredging marine composts to enhance habitat quality may have a precedent, in New York late 1970s, conversations with Peconic Bay Fishers years ago told of dredging accumulated duck farm feces from coves. I plan to investigate this incident later this spring. It was the small boat commercial fishers (baymen) from Great South Bay and Peconic Bay, New York, The South County Rhode Island Salt Ponds, Pleasant Bay on Cape Cod and Niantic Bay in Connecticut were the first ones and report the build up of sapropel – the hydrogen sulfide mucks. This build up continues along Connecticut's coves and river systems. Some of the deepest deposits I have observed in recent years has been Hamburg Cove – Lyme and North, Middle and South Coves in Essex. Middle Cove Essex has most likely 8 to 10 feet, Hamburg 12 to 15 feet (mostly leaves) North Cove Old Saybrook has a dredged mooring basin which sapropel is removed and has become an important habitat refuge for the blue crab. The gas venting from sapropel in Middle Cove Essex in spring is the heaviest I have ever observed.

It is important to keep disposal sites open for the boating industry but also to investigate habitat mitigation and nitrogen reduction projects. Dredging can be a nitrogen reduction and habitat restoring activity.

I hope these comments will be a help to the EPA Scoping Document process as a supplemental impact statement.

Comments submitted to Alicia Morrison – Grimaldi
Ocean and Coast Protection
Environmental Protection Agency Region I
Boston, MA

This comments and views are my own reflection of four decades of working with the boating and fishing industries. They did not reflect the view or position of either the Citizen's Advisory Comment or Habitat Restoration Working Group of the EPA Long Island Sound Study of which I presently belong.

By Timothy Visel

Ivoryton, CT

For printed quotations

The biology of polluted waters by H.B.N. Hynes Professor of Biology – University of Waterloo, Ontario, Canada with introduction by F.T.K. Chief Inspector of Salmon and Freshwater Fisheries Ministry of Agriculture Fisheries and Food, London England - University of Toronto Press 1971.

Appendixes

Appendix (1)

The Impact of Energy – Tidal Exchange as Referenced by Inlet Width and Hard Shell Clam Production NOAA Publication (Marine Fisheries Review Vol 64, No. 2, Clyde L. MacKenzie, Jr., et al 2002.

Appendix (2)

Sapropel Buildup North of the Pattaquansett River Railroad Bridge East Lyme, CT USA
Published Abstract April 5, 1990 – Visel – DeGoursey – Auster, University of Connecticut.

Appendix (3)

Sapropel Builtup Middle and North Basins Poquonnock River – above Railroad Crossing – Report to the Groton Shellfish Commission – Tim Visel, June 1985.

Appendix (4)
The Consequences Of Insufficient, Tidal Flushing – 1974
Tidal Wetlands of Connecticut, Niering/Warren, Steever


# Marine Fisheries

**Review Vol. 64, No. 2**
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Excerpt by:
Clyde L. MacKenzie., Jr., Allan Morrison, David L. Taylor, Victor G. Burrell, Jr.,
William S. Arnold, and Armando T. Wakida-Kusunoki


## Quahogs in Eastern North America; Part 1, Biology, Ecology, and Historical Uses

Page 8 Large Bay and Ocean Water Exchange Attributes

In the northeastern United States from Massachusetts through New Jerse, the bays that have a large exchange of their waters with ocean waters now have relatively large stocks of northern quahogs, while those with poor

exchanges have small quahog stocks. The areas with large exchange are Buzzards Bay, mass.; Greenwich Bay and Point Judith Pond, R.I.; Long Island Sound, Conn.; and Raritan Bay, N.Y. and N.J.. The bays were the exchange is poor are Great South Bay, N.Y., and new Jersey's coastal bays (Barnegat bay, Little Egg Harbor, and Great Bay). The water in the zones of Great South Bay farthest from the bay inlets exchanges with ocean water only once every several weeks (Nuzzi).

Great South Bay once had large stocks of quahogs, McHugh (1991) reported the opening of an inlet between the Atlantic Ocean and Moriches Bay (which connects with Great South Bay) on Long Island, N.Y., made by a hurricane in 1931, led to a large increase in salinity in Great South Bay. The higher salinity allowed oyster drills to increase in abundance and activity, and they substantially reduced the numbers of remaining oyster (MSX might have also been responsible, (Usinger), but dense quahog sets occurred throughout the bay and a substantial quahog fishery developed. Moriches Inlet eventually closed, but a hurricane in 1953 reopened it. By 1957 it began to close again. In 1958 it was widened and deepened by dredging and subsequently protected by a seawall. Jeffrey Kassner believes this 1958 opening may have set the environmental state for the boom in quahog production in Great South Bay in the 1960's and 1970's.

Ingersoll (1877), who surveyed the mollusk fisheries in 1877-78, reported that Barnegat Bay was called "Clam Bay" and yielded 150,000 bushels of quahogs/year. The area now yields barely 1,000 bushels of quahogs/year. Charts from 1878 (Woolman and Rose, 1878) and 1997 (NOAA Nautical chart 12324) show the amount of housing on the shores, the bay itself, the location of Barnegat lighthouse (wide, open arrows on both charts), and widths of the inlets (Fig.12). Little housing is shown in the 1878 chart, but a considerable amount of housing is suggested by the canalization of the shorelines shown in the 1997 chart (houses crowd the shores of all canals). The buildup of housing took place in the 1960's and 1970's (Collins and Russell, 1988). The width of Barnegat Inlet in 1878 was 4 times its width in 1997. There likely was considerable exchange of bay and ocean waters and little eutrophication of bay waters in the 1870's. This contrasts with limited water exchange and considerable eutrophication of bay waters in the late 1990's.

Inlets that have been opened by hurricanes seem to have had beneficial effects on quahog populations in North Carolina. Chestnut (1951) stated an increased quahog abundance in northern Core Sound during the mid-1930's appeared to be associated with the opening of Drum Inlet by a 1933 hurricane. Godwin et al, (1971) reported a similar occurrence related to Hurricane Hazel in 1954. Hurricanes do not exert negative effects on quahogs in North Carolina, although the closing of an inlet by a storm has a negative effect. When any North Carolina inlets closed, nearby quahog stocks declined (Taylor, 1995).

## Reduced Oyster Recruitment in a River With Restricted Tidal Flushing

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The Pataguanset River in East Lyme, Connecticut, historically supported a natural oyster bed that has recently declined in productivity. A series of surveys of the river (1985-1988) identified one natural bed comprised of large adult oysters (10 cm to 18.7 cm shell ht.) and few juveniles (<4.6 cm shell ht). The reintroduction of an oyster fishery would quickly deplete this resource without substantial recruitment of seed oysters. Three attempts to restore the oyster setting capacity of the bed by cultch planting and shell base cultivation were unsuccessful. No new seed oysters were observed. Direct underwater observations confirmed heavy silting of newly planted shell cultch, preventing the setting of oysters. Further examination of the lower Pataguanset River near a railroad causeway revealed a historic oyster bed buried under approximately 1 meter of organic sediment. The construction of the railroad causeway reduced the overall width of the river from over 1,000 meters to approximately 15 meters. Effects of the causeway including increased siltation and reduced salinities due to restricted tidal flushing, have negatively impacted the population dynamics of the natural beds. Ideally, tidal flow should be restored. However, management under the current hydrologic regime should include hydraulic cultivation and intensive shell base maintenance in order to enhance oyster productivity.

National Shellfisheries Association, Williamburg, Virginia Abstracts,1990 Annual Meeting, April 5, 1990 – pg 459.

The Day, New London, Conn., Wednesday, June 12, 1985

# Specialist warns agency of 'black mayonnaise' threat

By William Hanrahan
Day Staff Writer

GROTON – they call it black mayonnaise – it's the murk and muck, sometimes several feet deep, that collects on river bottoms. It's also the stuff stifling the area's oyster crops, according to an expert.

Addressing the town's Shellfish Commission Tuesday night, Timothy c. Visel, a marine resource specialist for the University of Connecticut, said the build-up of debris in shellfish area's can weaken or eliminate growth.
Working in waters off Old Saybrook, Clinton and Madison, Visel said production of oysters there has more than quadrupled thanks to clean-up efforts during the past three years.

"There seems to be a trend that our rivers are filling up with black mayonnaise," he said. "We have seen a dramatic increase in river life as the dead stuff is removed."

The accumulation of debris occurs in waters with poor circulation. "We get so many nutrients going into these sluggish coves without a lot of circulation," Visel said. "This causes a build-up and no oxygen gets down in the water."

**Visel said removing debris not only enhances oyster growth, but has increased the presence of a number of other fish, including flounder.**

Visel said Connecticut used to be a leader in oystering about 100 years ago, with local areas such as the Poquonnock River as prominent beds. More than 100 oyster companies on Cape Cod used to rely on seed oysters from Connecticut which were brought there to mature.

Production dwindled to almost nothing as waters became polluted, he said. A clean water act in the late 1960's helped rekindle the industry during the 1970's, but things are still not what they used to be.

Removing black mayonnaise helps oysters and other life forms grow and even cultivate in areas previously devoid of life.

"About 1500 bushels came out of Old Saybrook last year and no shells were put in the water," he said.
Visel said areas where mud is a problem often smell bad or show a white, milky substance floating on the water. Commission members said they had seen signs of this in town waters.

Debris can be removed from river and cove bottoms with oyster dredges, Visel said. By stirring up the mud at high tide, the debris is able to flow out of the area when the tide changes.

Debris can consist of decaying leaves, sticks, logs, garbage and nutrients which build up in the water.
Visel said water jets also have been effective in removing mud

The commission plans to study the information presented by Visel before considering possible action.

**TIDAL WETLANDS OF CONNECTICUT**

**By William A. Niering and R. Scott Warren**

**Forward by E. Zell Steever**

**January 1974**

Environmental Impacts – Estuaries, Page 55—"Historically, causeways represent one of the first major impacts of man, realizing that mowing and firing of the marshes were probably practiced long before the construction of railroads and highways. Of the 127 systems studied, 119 (or 94 percent) had their drainage patterns interrupted by one or more causeways. A major rail line, Amtrak, crosses many of the marshes. However, town and state roads represent the major impacts. Although bridges or culverts are present, many are inadequate to accommodate natural tidal flushing. In fact, many of these causeways have either reduced the productivity of the marshes behind them (Milford Harbor) or have resulted in replacement of salt marsh species by Phragmites. In contrast, at Oyster River, Milford, a lobe of marsh cut off from the main system by a causeway except for a narrow bridge has been almost converted from patens high marsh to alterniflora. This change in species composition has been documented from cores of the underlying peat. It is of interest to note that the pile driven wooden bridge on Canfield Island Creek (Shorehaven Norwalk, west part) which permits full tidal exchange is reflected in a highly valuable marsh system."

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# Written Comments 9

**SCOTT A. RUSSELL**
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**OFFICE OF THE SUPERVISOR**
TOWN OF SOUTHOLD

January 30, 2013

Ms. Jean Brochi,
U.S. EPA, Region 1, 5 Post Office Square, Suite 100, OEP06-1,
Boston, MA 02109-3912

Re: Notice Of Intent To Prepare A Supplemental Environmental Impact Statement (Seis) To Evaluate The Potential Designation Of One Or More Ocean Dredged Material Disposal Sites (Odmds) To Serve The Eastern Long Island Sound Region (Connecticut, New York, And Rhode Island).

Dear Ms. Brochi,

The Town of Southold Town Board is submitting the following comments and questions in response to the "Notice of Intent: Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island".

It is the Town Boards understanding that a Supplemental Environmental Impact Statement (SEIS) is being prepared to evaluate the two current sites used in eastern Long Island Sound (known as Cornfield Shoals and New London) as well as other sites for, and means of, disposal and management, including the no action alternative. The SEIS supplements the FEIS prepared in 2004. The SEIS will support the EPA's final decision on whether one or more dredged material disposal sites will be designated under the Marine Protection, Research, and Sanctuaries Act (MPRSA). It is also our understanding that the disposal in Long Island Sound of dredged material from Federal projects or from non-Federal projects involving more than 25,000 cubic yards of material, must satisfy the requirements of both CWA § 404 and the MPRSA. Disposal from non-Federal projects involving less than 25,000 cubic yards of material, however, is subject only to CWA § 404.

Finally, the SEIS will include analysis applying the five general and eleven specific site selection criteria for designating ocean disposal sites presented in 40 CFR 228.5 and 228.6, respectively. The Southold Town Board comments and questions are underlined below. Each comment/question is stated under a recitation of the pertinent regulation. General comments follow.

**Title 40 - Protection of Environment**

§ 228.5 General criteria for the selection of sites.

*(a) The dumping of materials into the ocean will be permitted only at sites or in areas selected to minimize the interference of disposal activities with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation.*

Comments:

In 1987, Congress designated Long Island Sound an *Estuary of National Significance.* Both the Cornfield Shoals and New London are located in the Long Island Sound.

Long Island Sound is one of the most significant coastal areas in the nation, with a 16,000 square mile watershed that traverses all of Connecticut and parts of New York, Massachusetts, New Hampshire, Rhode Island, and Vermont. More than 170 species of finfish can be found in the Sound, including at least 50 species that spawn in the Sound and 21 tropical species that stray into this region on a seasonal basis (LISS).

Post World War II the ecological health of the Sound began to decline. To address the decline, the Long Island Sound Study (LISS) was authorized by Congress in 1985, establishing a collaborative partnership federal, state, interstate, and local government agencies, industries, universities, and community groups to effort to restore and protect the Sound. LISS partners currently work together to implement a Comprehensive Conservation and Management Plan to maintain the health of the ecosystem, restore coastal habitats, and increase public awareness of the Sound. The partners coordinate actions and leverage scarce financial resources to protect an entire ecosystem through the Long Island Futures Fund.

The Long Island Sound Study initiated the Long Island Sound Futures Fund in 2005 through the EPA's Long Island Sound Office and National Fish and Wildlife Foundation (NFWF); to date, the program has invested $10.5 million in 261 projects in communities surrounding the Sound. With grantee match of $23 million, the Long Island Sound Futures Fund has generated a total of almost $33.5 million for projects in Connecticut and New York. (LISS). Note that grantee match usually involves commitments from local municipalities.

Correspondingly, the economy of the Town of Southold is dependent (in part) on fisheries, shellfisheries and recreation in Long Island Sound. The general criterion cited above states that actions will be permitted only in areas that shall "minimize the interference of disposal activities with other activities"

Questions:

Is the term "minimize" defined or quantified?
Is the term "interference" defined or quantified?

The consideration of disposing of dredge spoil (presumably resulting in adverse impacts to marine waters and species) in the Long Island Sound is counterproductive to the collaborative funding, efforts and progress being made in restoring water quality, fisheries and shellfisheries.

(b) *The locations and boundaries of disposal sites will be so chosen that temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery.*

Questions:

Is the term "temporary" defined or quantified?
Is the term "undetectable contaminant" defined or quantified? Does the parameter assess pre-disposal conditions of dredge materials or only post disposal? Since the areas are located within a *Estuary of National Significance* are the contaminant concentrations standards more restrictive?

**The 40 CFR § 228.6 Specific Criteria for Site Selection follows:**

In the selection of disposal sites, the following factors are considered:

1. *Geographical position, depth of water, bottom topography and distance from coast*

   No comment

2. *Location in relation or breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases*

   Comments:

   Multi generation lobstermen have repeatedly expressed their concern for declining populations of Lobster around Fishers Island and mainland Southold. Has a study been conducted in New York State waters that analyzes the declining Lobster populations and dredge disposal events? Is there a correlation?

   The report titled Northeast National Estuary Program Coastal Condition published by the Environmental Protection Agency in 2007 found that the overall condition of the Long Island Sound is poor including sediment quality. The report states:

   *"the sediment quality index for Long Island Sound was rated poor, with 32% of the estuarine area rated poor and 16% of the area rated fair for sediment quality condition. Ten percent (8 sites) of the Sound's estuarine area had sediments that were toxic to amphipods; however, there was little co-occurrence of toxicity and*

*sediment contamination at the impaired sites, which were grouped in the western and far eastern ends of the Sound. A similar distribution was noted for sites contaminated by moderate and high concentrations of metals and DDT. TOC conditions were not well characterized for Long Island Sound because data were unavailable for two-thirds of the LISS estuarine area."*

The report concludes that: *"The overall condition of Long Island Sound is rated poor based on the four NCA indices of estuarine condition. Based on LISS findings, the most significant environmental priorities in Long Island Sound are low dissolved oxygen levels in bottom waters (hypoxia); pathogen contamination in swimming waters and shellfish- harvesting areas; declines in finfish and commercial shellfish populations; loss of coastal habitat; and increases in floatable debris. Since 1991, there has been a reduction in overall nitrogen loadings to the Sound, as well as in inputs from point sources. Upgrades to municipal STPs have had a major impact on reducing nitrogen discharges from coastal and tributary sources. Construction of pump-out stations has helped to reduce discharges of vessel sewage and the levels of pathogens in near-coastal areas of Long Island Sound. Protection of oyster beds and the lobster population is still an extremely critical priority for the economic viability of the fishing industry in Long Island Sound"*

Questions:

Is there an updated report?

Has a correlation been made between the disposal of dredge spoil and declining finfish and commercial shellfish populations?

The conclusion stated that protection of oyster beds and lobster population is an "extremely critical priority". The EIS was completed in 2004, since the completion, has a comprehensive long-term study been conducted around Fishers Island to determine what affects (if any) the disposal of dredge spoil had on lobster populations? How does the disposal of dredge spoil protect the lobster populations?

3. *Location in relation to beaches and other amenity areas;*

Questions:

What is the physical distance between the Cornfield Shoals and New London sites and the Town of Southold land mass, including outlying islands? What are the dispersal patterns of the sediment in the water column based upon, tides and currents and prevailing winds? Has this been modeled?

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any*

Comments:

The EIS indicates that a dredging needs assessment was completed in 2001, and projected future dredged material quantities from the western and central regions were estimated, based on contact with 555 navigation-dependent facilities (146 responded). This type of assessment seems very subjective and could have been influenced by perceived needs, not factual (Evidence of deposition, shoaling at inlets etc). Was a follow up study (including bathymetry) of areas identified conducted to verify the needs assessment?

Questions:

Has an updated dredge needs assessment been conducted?

Why is Mattituck Creek (which contains a federal anchorage) missing from the dredge needs assessment? If there was not a respondent to the assessment, was a water body excluded?

Is all dredge material tested for contaminants? If contaminants are found is there an alternative plan (upland) for disposal?

Why would the dredge needs assessment study include sourcing material from private (non-federal projects) e.g. marinas and propose disposal of the material in public waters?

5. *Feasibility of surveillance and monitoring*

Comments:

The 2004 DEIS states that "*For each designated disposal site, EPA and the Corps must develop a site management plan that includes a baseline assessment of conditions of the site, a program for monitoring the site, special management conditions or practices to be implemented at the site to protect the environment, consideration of the quantity of material to be disposed of at the site and the presence of contaminants in the material, consideration of the anticipated use of the site over the long term, and a schedule for review and revision of the plan (33 U.S.C. § 1412(c)(3)). A designated disposal site may not be used until a site management plan has been developed for the site (33 U.S.C. § 1412(c)(4)).*"

Question:

Has a site management plan been developed for Cornfield Shoals and the New London site? If not, has disposal of material commenced without such a plan?

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any*

   See question above.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).*

   Questions:

   Is the term "area" defined or quantified?

   Will the assessment discuss positive and negative economic impacts? Cumulative effects should include multi-year studies on the impacts (if any) on marine species located with the Long Island Sound. A link to potential economic impacts to fisheries and shellfisheries should also be included.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean,*

   Question:

   Is the term "interference" defined or quantified?

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys,*

   Questions:

   Is the term "site" defined or quantified? If the analysis is limited to a defined "site" that is in close proximity to the disposal "site" such an assessment would exclude impacts to surrounding ecology found in outlying areas.

   Have trend assessments been conducted for the Cornfield Shoals and/or New London sites?

   Comments:

   Note that the NYSDEC regulates storm water discharges in the Town of Southold under the New York State Pollutant Discharge Elimination System ("SPDES") Permit for Discharges from Municipal Separate Storm Sewer Systems ("MS4s") GP-0-010-002 ("MS4 Permit"). The MS4 General Permit regulations establish a number of required planning, legislative and implementation actions that the Town must complete by 2015. The program is designed to reduce overall pollutant loads to waterbodies. The MS4 Permit requires that the Town accomplish these efforts based on six Minimum Control Measures, which include: public education and outreach, public involvement, illicit discharge detection and

elimination, construction site stormwater control, post construction stormwater management and pollution prevention for municipal operations.

It seems to be a conflict that the Federal agencies whom developed the MS4 Permit would consider allowing the discharge of dredge material into a *Estuary of National Significance* when Southold Town is expending significant resources to comply with the above mandated regulations to lessen impacts to water quality.

How does the MS4 Permit goals and objectives support the proposed action?

10. *Potentiality for the development or recruitment of nuisance species in the disposal site*

No Comment

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.*

Comment:

As discussed below the Long Island Sound is a *Estuary of National Significance* and the plan to continue to dispose of dredge material in the water body conflicts with the designation, purpose and effort to restore the estuary.

Question:

Has or will the proposal be assessed to the Town of Southold Local Waterfront Revitalization Program? Specifically:

**NATURAL COAST POLICIES**

Policy 5 Protect and improve water quality and supply in the Town of Southold.

Policy 6 Protect and restore the quality and function of the Town of Southold's ecosystem.

Policy 8 Minimize environmental degradation in the Town of Southold from solid waste and hazardous substances and wastes.

Policy 11 Promote sustainable use of living marine resources in the Town of Southold.

General Comments

The Sixth Annual Report Regarding Progress in Developing a Dredged Material Management Plan for the Long Island Sound Region For the Period July 6, 2010 – July 5, 2011 indicates that from 2009 to 2011, 0 cy of dredged material was deposited on the New London Site and 245,495 cy at Cornfield Shoals (all from private projects in 2012).

If both sites are approved for disposal, what are the projected amounts to be disposed in the locations?

What is the process for notifying municipalities that disposal will occur?

The presentation shown on January 9, 2013 at the Suffolk Community College, Culinary Arts Center indicated that dredge spoil from the creeks along the southern shoreline of Southold in the Peconic Bay is included in the needs assessment. Note that 100% of the dredged material is used for beach re-nourishment.

Can you confirm that the dredging needs assessment source slide (sorry we could not locate the slide shown) included a need for disposal from Peconic Bay dredge sites? If so, what method was used to calculate the need?

What does "Redevelopment of Plum Island" mean as a potential disposal site alternative?

The Southold Town Board appreciates the opportunity to comment on the action and looks forward to receiving answers to the above questions.

Sincerely,

Scott A Russell
Supervisor

Cc: Martin Finnegan, Town Attorney
Jennifer Andaloro, Assistant Town Attorney

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# Written Comments 10

STATE OF NEW YORK
**DEPARTMENT OF STATE**
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ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

January 31, 2013

Ms. Jean Brochi
U.S. EPA, Region 1
5 Post Office Square, Suite 100
OEP06-1
Boston, MA 02109-3912

Re: O-2012-0010 – US EPA Notice of Intent: Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island. Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) for Eastern Long Island Sound (ELIS).
**Scoping Comments**

Dear Ms. Brochi:

In accordance with our responsibilities as a cooperating agency under the National Environmental Policy Act (NEPA), the New York State Department of State (NYS DOS) submits these comments in response to the request of Environmental Protection Agency (EPA) Region 1 for public comments on the scope of a draft Supplemental Environmental Impact Statement (SEIS) for possible designation of one or more dredged material disposal sites in eastern Long Island Sound (ELIS). As a cooperating agency, NYSDOS attended and participated in public scoping meetings held on November 14, 2012 at the University of Connecticut, in Groton, Connecticut and on January 9, 2013 at Suffolk Community College in Riverhead, New York. In submitting these comments, NYSDOS recommends that EPA prepare an SEIS that fully analyzes the need for the action, the wide reaching environmental impacts which could result from designating a site in ELIS to receive dredged sediments and the broad range of alternatives to avoid such a designation.

Title I of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, referred to as the "Ocean Dumping Act" (33 USC § 1412), authorizes the EPA Administrator to designate sites where ocean disposal may be permitted. In 1980, Congress amended the ODA to subject the dumping of dredged material in Long Island Sound (LIS) by federal agencies, or by private parties dumping more than 25,000 cubic yards of dredged material, to the site selection, site designation and environmental testing criteria of the ODA (33 USC § 1416(f), known as the "Ambro Amendment"). The purpose of the Ambro Amendment was to prevent the further degradation of LIS caused by dredged material disposal in open water. Its runs contrary to the intent of the Ambro Amendment to permanently allow such practices to continue by designating and proliferating disposal sites in LIS. Since its enactment, two sites were provisionally designated in LIS in June 2005, Central Long Island Sound (CLIS) and Western Long Island Sound (WLIS), both of which are subject to the condition that a Dredged Material

Management Plan (DMMP) be completed by June 2013, subject to possible extensions, (40 C.F.R. § 228.15(b)(4)and (5)) or the sites will close.

Over the past three decades, major efforts have been undertaken by government and the general public to improve the environmental quality of LIS and limit the open-water disposal of dredged materials. The need to improve the quality of the LIS ecosystem is chronologically reflected in: the Long Island Sound Regional Study by the New England River Basins Commission in the 1970's; an Interim DMMP in the early 1980's that identified the need to limit dredged materials disposal and develop a comprehensive dredged materials management plan for LIS; Congressional amendments to the federal Ocean Dumping Act limiting the disposal of contaminated materials in the LIS; the LIS's designation as an Estuary of National Significance pursuant to the National Estuary Program and the subsequent undertaking of the Long Island Sound Study; the New York State Long Island Sound Coastal Management Program; development of a Comprehensive Conservation and Management Plan for the LIS; and the pending efforts to develop a DMMP for the Sound with a goal of reducing or eliminating open-water disposal. These reports should serve as a point of reference for the EPA as they reflect of the efforts of federal and state agencies over the years to address the controversial subject of open water disposal of sediments.

As outlined in the October 16, 2012 Federal Register notice, the EPA has decided to prepare an SEIS to evaluate two sites in eastern Long Island Sound – Cornfield Shoals Dispersal Site (CSDS) and the New London Disposal Site (NLDS) - as well as other sites for, and means of, disposal and management, including the no action alternative. The SEIS will provide information to enlighten the EPA's final decision on whether one or more dredged material disposal sites will be designated under the MPRSA. The SEIS will include analysis applying the five general and eleven specific site selection criteria for designating ocean disposal sites presented in 40 C.F.R. §§ 228.5 and 228.6, respectively.[1]

Recognizing that several planning efforts are currently underway, NYSDOS requests that in the event that the draft ELIS SEIS is being advanced before completion of the LIS DMMP, the SEIS process should incorporate the goal of "reducing or eliminating open-water disposal" (40 CFR § 228.15(b)(4) and (5)). This ELIS SEIS should incorporate furtherance of this goal as a necessary and distinct criterion when evaluating the suitability for designation of any potential open-water disposal site identified during this process.

**Background:**

Long Island Sound is a 110-mile-long, semi- enclosed, tidal estuary at the interstate boundaries of New York, Connecticut, and Rhode Island. It is hydrologically connected to the Atlantic Ocean at its eastern end through Block Island Sound, and to New York Harbor at its western end through the East River at Throgg's Neck and the New York City incorporated municipal boundary. As noted by the U.S. Geological Survey, the circulation in Long Island Sound, which is controlled by an east-to-west weakening of tidal-current speeds coupled with the westward-directed estuarine bottom drift, has produced a succession of sedimentary environments. The succession begins with erosion at the narrow eastern entrance to LIS, changes to an extensive area of coarse-grained bed load transport in the east-central Sound, passes into a contiguous band of sediment sorting (where the estuary noticeably widens), and ends with broad areas of fine-grained deposition on the flat basin floor in the central and western LIS.

The geographical region in ELIS that is the subject of this SEIS is referred to as the Zone of Site Feasibility (ZSF) and is included within the boundaries for the draft DMMP ((40 C.F.R. § 228.15 (b)(4)and (5)). The eastern basin of LIS includes the area between Six Mile Reef to the west and The

[1] Federal Register Volume 77, Pages 63312-63313 (October 16, 2012).

Race to the east. Ocean waters flow into the Sound as bottom currents and water leaves the Sound as surface currents through the constricted eastern entrance. Incoming ocean waters upwell along the Connecticut shore and move oceanward via a counterclockwise gyre along the Long Island Shore. At the eastern edge of the Sound, extending approximately 5 to 8 km westward from The Race, there is a large area of erosion or nondeposition, likely caused by a combination of strong tidal currents and a net westward movement of sediments into the estuary.[2] Current speeds in the eastern basin are the strongest observed in LIS.[3] These current velocities have been measured at 62-82 cm/sec and are sufficient to erode silt and sand, and prevent deposition of silt and clay. There is a paucity of silt and clay sized particles in surface sediments (0-25%) in the eastern basin reflecting the high energy current resuspension of fine sediment.

The US Army Corps of Engineer's Disposal Area Monitoring Program (DAMOS) periodically monitors the New London Disposal Site (NLDS) using bathymetric surveys, sediment profile imaging and plan view imaging to verify the locations of disposal mounds, monitor any changes to the mounds, as well as to track the re-colonization of the mounds by benthic communities. A study of a NLDS disposal mound (DAMOS monitoring report #180) was conducted between 2000 and 2006 on mound NL-06 sediment from the time the sediments left the barge until the survey was taken 8 months later. The study revealed that between 35% and 50% of the disposed material was missing and unaccounted for. This absence of material verified that the sediments disposed of at NLDS are transported rapidly and disappear quickly, indicating that sites in eastern Long Island Sound are located in a very unstable, fast moving marine environment, unsuitable for open water disposal.

**Hydrological and Sedimentary Characteristics of the ELIS and the Zone of Site Feasibility**

1) Historical dumping has occurred at 19 open water disposal sites, several of which were located in ELIS. Enormous amounts of often contaminated sediments were disposed there.[4] Scarce data exists evaluating the environmental effects of past disposal activities. Baseline scientific studies must be conducted for the SEIS which detail ambient concentrations of chemical elements and compounds in LIS estuary sediments, particularly in the ZSF, in order to evaluate the impact of further open water disposal.
2) The SEIS should then consider evaluating the incremental cumulative effect of each successive dredge disposal event in terms of the increase in concentrations of chemical parameters at the disposal sites as a consequence of past and anticipated future disposal activity at these sites. Examples of incremental impacts that should be evaluated for cumulative effects include elevated tissue concentrations of organic and inorganic (metals) contaminants in lobster and clam and worm tissues and disturbance to benthic habitat and communities as a consequence of disposal activity and the interaction with hypoxia, dredging, weather related impacts, and other discharges into LIS.
3) An analysis of the cumulative effects of multiple simultaneous dredging events at all EPA designated sites is essential. Segmentation of the currently designated sites and any additional potential designation would improperly limit the range of review and the consideration of cumulative environmental impacts from past and future dredge material disposal in the Sound.

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[2] ENSR International 2001. Physical Oceanographic Evaluation of Long Island Sound and Block Island Sound. DEIS for the Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound. September 2003. U.S. Environmental Protection Agency, New England Region, Boston, MA. U.S. Army Corps of Engineers, New England Division, Concord, MA. Appendix G1. Section 2.1.2

[3] Long E.E. 1978 Tide and Tidal Current Observations from 1965 through 1967 in Long Island Sound, Block Island Sound and Tributaries. NOS Oceanographic Circulatory Survey Report No. 1:91.

[4] During the years between 1960 and1980, over 32 million cubic yards of dredged sediment were disposed of in LIS. New England River Basins Commission, Interim Plan for the Disposal of Dredged Material from Long Island Sound p. 3 (1980).

4) An anticipated increase in high energy meteorological events, such as hurricanes and Nor'easters, will result in increased storm surge and the re-suspension of material in ELIS. Sea level rise is also expected to increase as a result of climate change impacts affecting the region. The SEIS must include a thorough analysis of the impact that the increased frequency and intensity of the storm surges will have on the deposition or displacement of dredged materials in open-water sites, along with the analysis of the effect of a change in sea level rise on potential changed hydraulics in LIS.
5) Any research should demonstrate that the determination of a potential site location will include scientific evidence that the temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery. (40 C.F.R. § 228.5(b)). This analysis is to include the geographical location of the site in relation to prevailing current direction and velocity and tidal cycles, the horizontal transport and vertical mixing characteristics of the area, the depth of the water, bottom topography and distance from NewYork, Connecticut and Rhode Island coastlines.
6) There is a wide range of the volume of historical disposal in ELIS open-water sites. The sizes of any potential site will be limited in order to localize for identification and control any immediate adverse impacts and permit the implementation of effective monitoring and surveillance programs to prevent adverse long-range impacts. The size, configuration, and location of any disposal site will be determined as a part of the disposal site evaluation or designation study. (40 C.F.R. § 228.5(d)).
7) The efficacy of capping sediments needs to be further examined as a basis for justification of using open-water disposal in LIS as the peer-reviewed research on long term impacts and effectiveness of subaqueous caps under conditions similar to those found in Long Island Sound is limited or nonexistent,[5] and the primary federal guidelines for subaqueous capping techniques from 1994 and 1998 are aging. Long Island Sound is considered an "urban sea" because of its high volume of human activities and surrounding highly-urbanized coast. It is always the case that, since the contaminated sediment remains in the aquatic environment in perpetuity, contaminants could become exposed or be dispersed over time if the subaqueous cap has enough cumulative cap-disrupting human behavior, such as large boat anchoring, propeller wash, recreational diving, and some types of commercial and recreational fishing gear. Furthermore, currents within the water column can result in contaminant dispersion during cap placement, and bottom currents can generate shear stresses that may potentially erode the cap. The findings of research on long-term risks of subaqueous cap failure are simply inconclusive and inadequate. If the sediments need to be capped, it could be exceeding acceptable levels of contamination for Long Island Sound.
8) Another concern for cap failure is the possibility of collapse of cap edges (side slopes) due to earthquakes.[6] Since recent research shows that earthquake activity in the Long Island area is much more common and likely than previously presumed, based on the discovery of several previously unknown regional faults, it is increasingly likely that earthquake activity will contribute to subaqueous cap failure.[7] The frequency and impacts from seismic events occurring in or near LIS needs to be researched and analyzed for effects on the stability of historic and disposal mounds, including capping material, in ELIS.

[5] See Sharma, H., Reddy, K. 2004. *Geo-Environmental Engineering*, Site Remediation, Waste Containment, and Emerging Waste Management Technologies, p. 941.
[6] See Sharma and Reddy 2004, p. 949.
[7] See Sykes, L., Armbruster, J., Kim, W., and Seeber,L. 2008. Observations and tectonic setting of historic and instrumentally located earthquakes in the greater New York City-Philadelphia area. Bulletin of the Seismological Society of America. 98(4):1696-1719.

9) The dredged material from the SEAWOLF dredging in 1995 was supposedly disposed of at the New London Disposal Site but a portion of the material has never been fully located and accounted for. This SEIS needs to include the identification and location of the 1995 SEAWOLF sediments that were disposed of in the currently delineated ZSF to understand the cumulative impacts of historical disposals in the ELIS.
**10)** The success of the historical physical containment as sited in DAMOS reports needs to be analyzed and further verified for the entirety of LIS and in light of the inability to locate portions of the material from the 1995 SEAWOLF disposal and the anticipated increase in frequency and intensity of coastal storms in LIS. The ability to accurately and continuously monitor and conduct surveillance of the dispersal of sediment from any potential site is a requirement. (40 C.F.R. § 228.6(a)(5)).

**Biological and chemical concerns regarding both the contamination of dredged sediments and the cumulative impacts of contaminated materials in the LIS ecosystem**

In the past, dredged material disposal events at open water disposal sites within LIS have varied greatly in terms of toxicity and sediments; dredged sediment disposal activities cannot be considered routine or substantially similar in nature. Additional disposal events may well contribute to adverse individual and cumulative impacts in LIS. The following ecological concerns need to be thoroughly examined, addressed, researched and answered:

1) LIS has historically had a rich fishery, but in recent years the Sound is increasingly deficient of marine life. It is unclear why this is happening. Before EPA designates disposal sites in the LIS, the cause of the decline in fisheries should be examined and understood, including the location of a potential site in relation to breeding, spawning, nursery, feeding, or passage areas of all living resources in adult or juvenile phases.
2) The potential to move and introduce nuisance or invasive species within dredged material and supernatant.
3) All baseline surveys in ELIS are to document existing water quality and ecology of the area as determined by available data or by trend assessment or baseline surveys.
4) Adding one or more designated disposal sites within ELIS will increase the availability of disposal sites for all dredging projects around the LIS region. The proliferation of designated sites will likely decrease the costs of open-water disposal for dredging projects around LIS due to increased access, proximity and ease of open-water disposal. Decreased costs will likely accompanied by an increase in dredging activity, resulting greater frequency of disposal activities and potentially, greater volumes of dredged material. The SEIS should include an economic assessment of the impact of proliferation of disposal sites and the resulting increase in dredging activity. This should be considered in terms of anticipated adverse cumulative impacts throughout LIS, impacts on the individual use of a potential site, bioaccumulation of toxins, and in the projection of volumes of dredged material to be disposed.
5) In addition, the potential for future harbor deepening projects on the Connecticut coastline to accommodate larger vessels that will now be using the improved Panama Canal must be assessed and included in the potential volumes of material that are anticipated for disposal over the 26 year dredging period contemplated by the ELIS SEIS.
6) The ELIS SEIS should include a thorough assessment and evaluation of sediment toxicity in proposed dredging project locations and assess the direct and indirect past, current and future cumulative effects of concentrating these contaminated sediments at the proposed disposal areas. This research should include an analysis of the types and quantities of wastes proposed to be disposed of, and proposed methods of release, (including methods of packing the waste, if any or applicable here) as compared to the ambient sediments.

7) There is a need for enhanced testing and study to ensure that the disposal of dredged material pursuant to Ocean Dumping Act toxicity standards "Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual" (Greenbook) is safe for disposal within the estuary environment of LIS. Study of the biology, chemistry, and hydrology that reflects the unique LIS estuarine environment should be used to evaluate whether the current Greenbook standards are appropriate for LIS. Reference site locations for baseline evaluations and comparisons need to be located outside of an affected area to adequately reflect ambient levels to determine suitability for disposal. It is suggested that the ELIS SEIS should refer to such material as "legally permissible" under the applicable standards, rather than "clean" or "safe".
8) The effects of dredged material disposal at various current and historical locations throughout LIS should be studied using current technology. Items of study should include, but not necessarily be limited to:

    a. the effect on differing species of transient fish that may pass through, feed, or spawn within the potential sites;
    b. the effect on the benthic community of repeated disposal activity at the potential sites, considering the frequency and volumes of disposals anticipated;
    c. the long-term stability of the placement of material disposed at any potential site;
    d. the cumulative impact on the water quality and health of LIS over the projected 26 year period considering the total volume and chemical composition of the disposal material anticipated; and
    e. the consumptive and recreational exposure risks for the projected 26 year planning period; and
    f. potentially using the EPA Region 1 developed Biological Risk Assessment Modeling System, assessments may be made as to the risk of the factors listed above.

9) In late summer and fall of 1999, the States of Connecticut and New York began receiving reports from lobster fishers of dead, dying and excessively lethargic lobsters in their catches. By late fall 1999, lobster landings in western LIS are reported to have decreased by as much as 90% to 100% and by 30% in central and ELIS. Using a federal grant through the Long Island Sound Lobster Initiative of the New York and Connecticut Sea Grant, researchers at the University of Connecticut found four chemicals known as alkyl phenols in both lobsters and marine sediments. All four are known endocrine disruptors in vertebrates, which cause changes in hormones controlling basic physiological processes, such as reproduction. All four were found in lobsters from LIS and were shown to affect the endocrine systems of test organisms. Much higher levels of these four endocrine disrupting alkyl phenols were found in the sediments themselves, than in the sampled lobster tissue. The commercial lobster die-off has related socio-economic costs. During the recent die-off, up to 50% of commercial lobster fishers went out of business and many more simply gave up for the season after determining that the effort and operational expense were not justified by the scant harvest of marketable lobster. As recently as 2001, lobster trawls continued to reflect reduced numbers of lobster with the reported landings being the 4$^{th}$ lowest in 18 years of survey data (NY-Ct. Sea Grant, Long Island Sound Lobster Initiative, March 2002). New York landings of lobster from the Sound (86% of New York's total lobster catch) have decreased by eight million pounds in the six years from 1996 to 2002 (NOAA's National Marine Fisheries Service, Marine Fisheries Annual Landings Report). The die-off and shell disease occurred soon after 1.2 million cubic yards of sediment contaminated with dioxin and other carcinogens were dumped at the New London Disposal Site in 1996. This disturbing trend has continued, as Lobster Abundance has decreased from an already low 4.28 count per tow in 2001 to 0.38

count per tow in 2011.[8] None of the existing studies on this matter have looked at the possible correlation between contaminants introduced through dredged material disposal and lobster disease (See, for example, Lobster Health News, Spring 2004, Sea Grant, which does not provide reasons for the mortalities and disease). The possible reasons for the continued lobster die-off in LIS need to be exhaustively evaluated as components of the biological and chemical impacts of the cumulative impacts of introducing toxic sediments into LIS.

10) The ELIS SEIS should comprehensively analyze the range of parameters that would be affected by designation of disposal sites and dumping activity including, but not limited to:
    a. physical parameters such as living space (immediate burial of, and benthic changes to, living space), circulation (changed as a result of changes in bathymetry caused by dumped material), turbidity (from the discharge and resuspension of fine sediments during and after initial dumping), morphology, substrate type, and erosion and sedimentation rates as dumped material winnows and is impacted by storms;
    b. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns;
    c. chemical parameters such as dissolved oxygen (which will be reduced in the water column during dumping activities), carbon dioxide, acidity, dissolved solids (which will increase during dumping activities), nutrients (which will increase during dumping activities), organics (which will be increased during and after dumping activities), and pollutants such as heavy metals, toxics, and hazardous materials (which will be released in the water column during dumping activities and will be present after dumping is completed);
    d. comparative parameters establishing a justification for the continuing practice of dumping dredged material in Long Island Sound when efforts have been made to discontinue or reduce such activity in the Atlantic Ocean in other EPA Regions;
    e. use of alternatives which minimize the need for dumping; and
    f. information that needs to be included in the ELIS SEIS is a full spectrum chemical evaluation and bioaccumulation rates of sediments in the rivers and harbors likely to utilize an eastern site.

11) The SEIS must address the source of watershed/upland sediment sources and analyze the infrastructure and programs that currently exist or need to be developed to reduce need for dredging by addressing and eliminating upland sediment sources. This is a regional issue and should involve the states of Massachusetts, New Hampshire and Vermont to address these issues.

12) The chemical containment and biological testing of the organisms re-colonizing new mounds of disposed dredged material, as well as those feeding on those communities, needs to be fully evaluated to also determine whether organisms are bringing those contaminants back to the surface or to other locations in LIS. Advancement in the methodology and technology are available to conduct marine field research on dispersion of sediment contaminants via subaquatic vegetation and benthic macroinvertebrates (especially polychaetes) and subsequent bioaccumulation in fish. This research should be done to determine environmental and human health impacts of contaminant dispersal from disposal.

13) New York State has numerous designated Significant Coastal Fish and Wildlife Habitats (SCFWH) in LIS as part of its federally-approved CMP. The SEIS needs to consider whether the location of open-water disposal sites and their use may effect a SCFWH (directly or indirectly) and if so, is consistent to the maximum extent practicable with the habitat narrative and habitat impact test for each SCFWH in LIS and the surrounding area.

[8] See http://longislandsoundstudy.net/2010/07/lobster-abundance; see also CTDEEP Long Island Sound Trawl Survey (fall sampling).

14) The location and identification of cold water coral habitats and the full range of diverse benthic habitats need to be included in the SEIS.
15) The ELIS SEIS process should also identify and consider all state, county, and local initiatives intended to enhance water quality and the environmental health of LIS (or geographical portions thereof) when identifying and vetting the location of potential disposal sites in the ZSF. Such consideration is important to ensure that all investments and interests in water quality, environmental and public health are sufficiently considered, and that any actions taken as a result of the SEIS process to do not negatively impact or otherwise negate the investment of taxpayer or privately funded initiatives intended to improve the LIS, locally, regionally, or as a whole.
16) The on-going Marine Spatial Planning efforts of each State needs to be thoroughly evaluated and disposal activities are to have minimal interference with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation. (40 C.F.R. § 228.5(a)). Prior to any potential designation of any disposal site an analyses of conflicts for commercial uses and planning efforts in the ZSF needs to include:
    a. bottom trawling areas;
    b. pots traps locations;
    c. location of submarine cables;
    d. location of potential wind energy areas or hydrokinetic areas;
    e. existence at or in close proximity of any significant natural or cultural features of historical importance;
    f. recreational sites;
    g. mineral extraction;
    h. areas of identified scientific importance;
    i. commercial aquaculture leases;
    j. commercial shipping density and lanes; and
    k. submarine lanes.

**The SEIS is to consider the cumulative impacts of the historical use of other open water disposal sites in LIS**

1) The ELIS SEIS must contain an exhaustive accounting of all past, current, and future direct and indirect cumulative impacts on the health and ecology of LIS. Materials produced and discussions at public hearings held on the ELIS SEIS thus far have referenced and identified MPRSA §103 Corps interim sites located in ELIS, in particular, the two sites, New London Disposal Site (NLDS) and Cornfield Shoals (CSDS). Both sites are located partially in New York waters; neither site has ever had a proposed § 103 interim selection submitted to DOS for Federal Consistency review pursuant to CZMA requirements (15 C.F.R. part 930 subpart C); and no accounting for adverse environmental impacts or thorough alternatives analysis to open-water disposal appears to be included within the documentation relied upon in support of the claim that the interim sites were selected in accordance with the requirements of the MPRSA.[9] Further, the adverse environmental impacts, including cumulative impacts, continue to be unaccounted for.

[9] The U.S. Army Corps of Engineers New England District continues to maintain the position that the § 103 interim site selections for both CSDS and NLDS pre-date New York State's 2006 federally approved routine program change enacting interstate consistency. However, New York State's CMP has been in place since 1982, federal actions within Long Island Sound potentially affecting New York's coastal area have always been subject to Federal Consistency review by New York. The requirement for federal actions to submit a Federal Consistency determination to affected states for its actions has been acknowledged by the US EPA during the 2005 CLIS and WLIS designations. NDLS and CSDS are both partially located within New York's territorial waters thus subjecting them to Federal Consistency review by New York's DOS, water quality certification and other related permits from the New York Department of Environmental Conservation and a potential grant

2) The U.S. Army Corps of Engineers' least cost/environmentally acceptable standard is referred to as the 'federal standard", which is defined as "the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) [Clean Water Act] evaluation process or ocean dumping criteria [which includes compliance with MPRSA sections 1412 and 1413, as well as meeting the Federal Consistency requirements in 15 C.F.R. part 930 subparts C and D]." (33 C.F.R. § 335.7). The "federal standard" should not be regarded as an inflexible requirement that disregards that impact of open-water disposal based on cost when the economic impact to the environment is not part of the calculation leading to such a conclusion. The reaching of conclusions to determine a "cost effective" evaluation of a proposed dredging project is a collaborative process between federal, state, and local governments and non-government groups. The use and application of the "federal standard" in LIS needs to be thoroughly evaluated as part of the SEIS to determine compliance with the 33 C.F.R. § 335.7 requirements.
3) The U.S. Corps' publication "The Role of the Federal Standard in the Beneficial Use of Dredged Material from U.S. Army Corps of Engineers New and Maintenance Navigation Projects: Beneficial Uses of Dredged Materials" (U.S. Army Corps and EPA, Washington, D.C., EPA publication # EPA842-B-07-002, [October 2007]), evaluates the role of cost-sharing with non-federal partners pursuant to the federal Water Resources Development Act of 1974, as amended (WRDA) for beneficial uses of dredged material in a project exceeding the cost of the "federal standard" option. Such costs may become either a shared federal and non-federal responsibility, or entirely a non-federal responsibility, depending on the type of beneficial use. The cost-sharing provisions of the WRDA for beneficial uses include those that protect, restore, or improve the environment, or contribute to storm damage reduction. A collaborative effort involving U.S. Army Corps, EPA, ports, federal/state/local agencies, environmental interest groups, and other interested stakeholders that thoroughly investigate and analyze all possible WRDS scenarios should be further developed in the SEIS process prior to forging ahead with the identification of yet more open water disposal sites in LIS in addition to the currently two EPA designated: CLIS and WLIS.

**The alternatives analysis, including a no-action alternative, should include a thorough analysis of the biological, chemical, physical, and economical analysis of the following alternatives, which is not to be considered an exhaustive list:**

Before it can designate open-water disposal sites, the EPA Administrator is required to consider: "[A]ppropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternatives locations or methods upon consideration affecting the public interest." (33 U.S.C. §1412(a)(G); see also 33 U.S.C. §1412(c)(1)). Identifying, studying, and recommending practicable alternatives such as, but not limited to, beneficial reuses, treatment technologies, and available upland or contained alternative disposal sites which are ready to accept dredged material is essential for the development of procedures and standards for the use of such alternatives to function as primary options.

1) The EPA should provide a thorough analysis of re-use and upland placement alternatives, including a discussion of available alternatives and the possibility of advancing them, and

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or lease of underwater lands from New York Office of General Services. (See the letter dated December 21, 2012 from Susan L. Watson, General Counsel, NYS Department of State to Jack Karalius, Program Manager, U.S. Army Corps of Engineers, in regards to New York's position on the New England District plan to proceed with a direct federal action for the disposal of 34,000 cubic yards of dredged material from the Patchogue River at CSDS).

should recognize and analyze the range of beneficial uses and current decontamination/remediation technologies.

2) Examples of alternatives to open-water disposal for both contaminated and uncontaminated dredged material are available and have been used in the LIS region including in New York Harbor, Eastchester Creek, and Hempstead Harbor and should thoroughly be evaluated in a region-wide assessment of potential dredged material management options. Consistent with national coastal zone management objectives, a comparative assessment of alternatives employed by all other EPA Regions may lead to dredged material management that minimizes, or avoids to the maximum extent practicable, adverse effects to coastal uses and resources.
3) EPA should provide further evaluation of reusing dredged material for beneficial purposes where such beneficial uses can be applied region-wide, and should not merely defer to the evaluation of alternatives to open-water dumping on a case-by-case, permit-application basis.
4) The performance of any cost analyses during the evaluation of alternatives must include a mechanism for incorporating the cost to ecosystem function and services in a manner ensuring that such environmental impacts are adequately considered within the calculation.
5) A cost/benefit analysis is required to examine how the LIS region costs for dredged material management compare to all other EPA regions to justify the designation of even more open water disposal sites in LIS. This analysis is to include volume, distance traveled from dredge site to an open-water disposal site, an economic impact analysis to natural resources and the long- and short-term savings associated with beneficial re-use options.
6) All applicable state and federal laws should be examined and suggestions for amendments to identified legal to provide for the following alternatives located either in or outside of the ZSF:
    a. the identification of upland placement of dredged material;
    b. the identification of nearshore placement sites (potential designation required);
    c. the identification and use of locations for Confined Aquatic Disposal (CAD) cells;
    d. the development and use of Confined Disposal Facilities (CDF);
    e. the location of feasible sites for island creation;
    f. the location of feasible sites for marsh restoration;
    g. the use and incorporation of the following treatment technologies (including but not limited to):
        •Crushed glass for structural manipulation/stabilization
        •Pozzolan/Calcination/Portland cement (dewater/structural/chemical amendment)
        •Steel slag structural amendment
        •Fly/coal ash amendment
        •Electro kinetic remediation
        •Phyto remediation
        •Segregation of hydraulically dredged sediment;
    h. thermal treatments such as thermal desorption – including current technology allowing the use of both stationary and portable treatment plants, which could also be used in other markets (trash, etc.) during periods of dredging inactivity;
    i. the use of the material to provide protection from storm surge and sea level rise; and
    j. the creation of a business model for this type of industry for the New England Region/CT. Examples may be available from the New York District Corps.

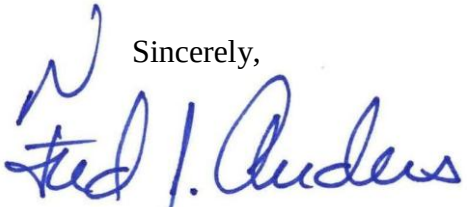
7) Rhode Island has recently passed legislation to allow for the utilization of dredged material for a variety of beneficial uses. The availability of this alternative of beneficial re-use of dredged material demonstrates an economic development opportunity and needs to be thoroughly analyzed as an alternative to open-water disposal for material in the LIS region.

**A continued role of the Regional Dredging Team in the collaborative decision-making process regarding the use of open water disposal sites needs to be a permanent component of any site designation.**

To enhance oversight and to ensure an evolving mechanism for the articulation and evaluation of practicable alternatives to open-water disposal, any process considering designation of open-water disposal sites should provide a role for the interagency Long Island Sound Regional Dredging Team (LIS RDT). The LIS RDT, at present, is charged with reviewing dredging projects proposed for WLIS and CLIS to ensure a thorough effort has been conducted to identify practicable alternatives to open-water disposal and ensure the use of those alternatives to the maximum extent practicable (see 40 C.F.R. § 228.15(b)(4)(vi)(I)). The SEIS process should consider incorporating an advisory role for the LIS RDT for review and comment on this process and on any proposed disposals within the LIS regardless of size, and provide authorization for ongoing RDT consideration and a continuous role in the identification of practicable alternatives to open-water disposal throughout LIS.

These scoping comments are not intended to be exhaustive list and DOS will contribute time, data, and suggestions in the development of the comprehensive SEIS that exhaustively examines the purpose and need of identification of any additional potential LIS open-water disposal sites. Any questions on the material found in these comments can be addressed to Jennifer Street, Coastal Resource Specialist, at (518)474-6000.

Sincerely,



Fred Anders
Bureau Chief

FA/KG/jls

c: David Kaiser, NOAA OCRM
Doug Pabst/Pat Pechko, US EPA Region 2
Nancy Brighton, CENAN
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# Written Comments 11

Marguerite W. Purnell
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Ms. Jean Brochi
US EPA – New England Region
5 Post Office Square, Suite 100
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January 31, 2013

**RE: ELIS SEIS Scoping Comments**

Dear Ms. Brochi,

I was unable to make the rescheduled Scoping Meeting in New York, and as such am submitting my scoping comments in written form. I have participated in the dredged material disposal issue in Long Island Sound (LIS) for the better part of the last two decades, in the past with the Fishers Island Conservancy and now as a Fishers Island property owner/community member. I should also mention that my full time residence is in Connecticut and that for ten years I served on my local Inland Wetlands Commission as it sought to protect the wetlands and watercourses of the town while balancing the need/desire for development activity in an upland community. As such, I have experience with most aspects of the dredging and disposal issue, from point of origin through the riparian continuum to final disposition (or deposition, as the case may be).

The original EIS for designation of Open Water Disposal Sites was initiated in 1999, and completed six years later in 2005, three years after the Zone of Siting Feasibility (ZSF) was redrawn to limit scrutiny to the central and western basins of Long Island Sound. Because of the 2002 ZSF reduction, many of the supporting studies and analyses were focused almost entirely on the western and central areas of LIS, thereby leaving a dearth of information pertaining to the eastern portion of the LIS. The timetable for completion of this ELIS SEIS is particularly aggressive, and I question whether the required studies and analyses can be completed (or are even advisable) in the year or so as is currently proposed. Year to year variation can be quite significant, and a single year (or season) of data is only able to provide a brief snapshot of existing conditions and cannot be considered a representative sample.

That said, I offer the following suggestions/comments regarding the development of the ELIS SEIS, a number of which will echo some of the suggestions that were made by Fishers Island Conservancy in their Scoping comments for the LIS Dredged Material Management Plan (DMMP) currently underway.

- Provide ongoing opportunities for public involvement and comment during the ELIS SEIS.
- Enhance the transparency of the SEIS process – many of the major decisions for the designation of WLIS and CLIS (i.e. ZSF narrowing, alternative site choice for comparison and criteria application) were made behind closed doors by the agencies; the Working Group

was left entirely out of those decisions and was provided with after-the-fact updates of decisions already made.

- Post supporting materials on the project website in a timely manner.
- Emphasize watershed scale efforts to limit source pollution, thus reducing contamination of sediment that might require dredging in the future – while not within the scope of the ELIS SEIS to mandate such efforts, it's a major policy with broad repercussions for dredging and disposal issues, it bears more than a casual mention.
- Emphasize watershed scale efforts to control excess sedimentation, thus reducing the quantity of sediment that might require dredging in the future – the same comment as contained in the bullet above applies.
- Incorporate into the SEIS a listing of all current innovative technologies that are either currently being utilized elsewhere in the US or show promise as a scalable and cost competitive option for dredged material handling/reuse, though perhaps this would be better as a component of the LIS DMMP, an inextricably linked document.
- Finalize the Zone of Siting Feasibility for the ELIS SEIS – at present the scoping materials show this area as corresponding to the area remaining after the 2002 change, but some maps and discussion allude to a wider area being under consideration… So, which is it?
- Perform a *comprehensive* analysis of the entire Zone of Siting Feasibility utilizing the general and specific criteria as detailed in the Marine Protection, Research and Sanctuaries Act – ideally this would be a multicriteria analysis similar to that performed by Dames & Moore in 1980 as part of the 1982 Programmatic EIS (PEIS).
- Do not arbitrarily choose other open water sites to compare to Cornfield Shoals Disposal Site (CSDS) and New London Disposal Site (NLDS) – in doing so for the WLIS and CLIS designation EIS, it was a foregone conclusion what the result was to be since the sites chosen for comparison were easily identified as inferior alternatives.
- Incorporate all pertinent information for Fishers Island, which lies only 11/2 miles from the NLDS boundary, the closest land mass to any of the four "active" open water disposal sites in LIS. I suspect that much of this information is contained only on paper copies and will need to be digitized into the appropriate GIS data layers. This information includes, but is not limited to the following:
    - Location of public and private beaches (South beach, Dock beach, Hay Harbor Club beach, FI Club beach, Isabella beach, Chocomount beach etc.)
    - Location of FI's commercial shellfishery (West Harbor, multiple locations)
    - Location of FI's former lobster fishery (now effectively defunct as a small sustainable fishery for island lobstermen due to increased fishing pressure from CT and Montauk)
    - Location of recreational fishing sites, in particular The Race
    - Location of multiple underwater cables serving Fishers Island
    - Location of all ferry routes (to Fishers Island, to Long Island, to Block Island)
    - Location of recreational sailing areas (Hay Harbor, West Harbor, Fishers Island Sound)
    - Location of eel grass beds, substantial enough in area to merit designation as one of the Inaugural Stewardship Sites by the Long Island Sound Stewardship Initiative
    - Location of areas of state importance and local importance
    - Location of nesting areas for various bird species (some endangered, threatened or special concern)
- Compile and present one "master" bathymetric map for each "active" disposal site (CSDS and NLDS) and their surrounding area that also incorporates <u>all</u> prior historic disposal sites

in the vicinity as well as all previously used reference sites (i.e. DAMOS reference sites, reference sites for the SEIS etc.). Currently this information is scattered about in different reports, when it should be placed on one map to enhance the decision making process.

Thank you for your consideration of these comments; I'm sure there will be more to come. I look forward to continued participation in the ELIS SEIS process.

Sincerely,
Marguerite W. Purnell

END OF REPORT.