1
2 SUPPLEMENTAL ENVIRONMENTAL IMPACT
STATEMENT TO EVALUATE THE POTENTIAL
3 DESIGNATION OF ONE OR MORE DREDGED
MATERIAL DISPOSAL SITES IN
4 EASTERN LONG ISLAND SOUND

5 May 25, 2016
1:00 p.m.
6 103 First St.
Riverhead, NY 11901
7

8
S P E A K E R S:
9
THE LOUIS BERGER GROUP, INC.
10 BERNWARD HAY, PH.D
PRINCIPAL ENVIRONMENTAL SCIENTIST
11
MELVILLE P. COTE, JR.
12 CHIEF, SURFACE WATER BRANCH
ENVIRONMENTAL PROTECTION AGENCY
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DAMOS PROGRAM MANAGER
18 US ARMY CORPS OF ENGINEERS

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1 - 2

2 [HEARING WAS CALLED TO

3 ORDER AT 1:00 P.M.]

4 DR. HAY: Good afternoon, everyone.

5 Welcome to the public hearing. Before we

6 start, a couple of housekeeping measures.

7 The bathroom the right in the hallway, about

8 thirty feet down the hallway. Both ladies

9 room and men's room are at the same location.

10 Also, if you can turn off your cellphone, or

11 put it on vibrate, I'd appreciate it.

12 My name is Bernward Hay. I'm with the

13 Louis Berger Group. This hearing hear is

14 held to solicit comments on the draft we're

15 making designating Eastern Long Island Sound

16 disposal site, and draft supplemental

17 environmental impact statement.

18 It's also abbreviated SEIS, as you'll see on

19 several slides.

20 The SEIS is going to serve Eastern Long

21 Island region, in Connecticut and New York.

22 The lead Federal Agency is the Environmental

23 Protection Agency. EPA is requesting written

24 comments from the public on the draft SEIS.

25 This document is publicly available at this

1 - 3

2 time on the EPA's Region I website.

3 So, feel free to look it up there.

4 In addition to the public hearing there

5 will be a second hearing this evening in

6 Mattituck. There will be two additional

7 hearings tomorrow in Groton, CT. The comment

8 period for the SEIS ends on June 27th, and

9 comments can also be sent to the address,

10 ELIS@EPA.GOV. You'll see that later on a

11 slide again, until midnight of the 27th of

12 June. EPA and other agencies will present

13 information about the project during this

14 hearing in the next hour, until about 2:00

15 p.m.

16 After the presentations have been

17 completed, the floor will then be open

18 for comments until about 3:00. If you

19 wish to speak, I ask you to sign in at

20 the registration desk outside of the room.

21 When registering to speak, please provide

22 your contact information, also your

23 affiliation. Speakers will be heard in

24 the order that they registered. I think we

25 have enough time for everyone, with elected

2 official and government representatives being

3 first.

4 You may also submit your comments in

5 writing at the registration desk, at which

6 point they become part of the public record.

7 Again here, also include your contact

8 information, and affiliation.

9 We ask you to keep your comments limited

10 to five minutes to provide everyone an

11 opportunity to speak. If you have extended

12 comments, feel free to provide those in

13 writing, and again they become part of the

14 public record. Please note that the focus

15 of this hearing is to receive verbal comments

16 of the Draft SEIS, and the presentation this

17 afternoon, and also the regulatory process

18 that we'll be presenting on.

19 The hearing is recorded by a

20 stenographer, Charmaine, and also recorded on

21 audio devices. The transcript of the hearing

22 will be entered into public record.

23 It will become available on EPA's website at

24 a later point.

25 We'll now move to the presentations.

1 - 5

2 Please note that the presentations will be

3 available also on the EPA's website,

4 after the hearing, and the agenda, I think

5 everybody has picked up an agenda. Follow

6 it. We'll start with Mel Cote, who is the

7 Chief of the Water Branch of EPA, Region 1.

8 He will open the meeting officially.

9 We will follow up by the presentation of

10 the supplemental SEIS, by Jean Brochi, who's

11 the Project Manager of the Ocean Coastal

12 Protection Unit at EPA, and by myself. Then

13 Steve Wolf from the Army Corp of Engineers

14 will talk about dredge material testing and

15 disposal site management. And then Mel Cote

16 will speak again about proposed rule making

17 for the Eastern Long Island Sound Dredge and

18 disposal site.

19 The presentation then will be followed by

20 a brief overview of the hearing procedures by

21 Jean Brochi, and then the floor again is open

22 for public comments.

23 That's in the time frame between 1:00 and

24 3:00. With that, Mel, do you want to open

25 the meeting officially?

2 MR. COTE: Thank you, Bernward.

3 Good afternoon everybody. Thank you for

4 coming to this public hearing. We really

5 appreciate you coming to learn more about

6 the process, and to provide comments on our

7 proposed role to designate an Eastern Long

8 Island Sound Dredge Material Disposal Site

9 and the Draft Supplemental Environmental

10 Impact Statement that supports our proposal.

11 As Bernward mentioned, my name is Mel

12 Cote. Surface Water Branch comprises our

13 Coastal Protection Unit and our Watersheds

14 and Nonpoint Source Unit, and I've been in

15 this position for about a year. Prior to

16 taking that position last year, I managed

17 the Ocean and Coastal Protection Section in

18 my branch for 13 plus years, and before that

19 spent nine years as the Region 1 Coordinator

20 for the Long Island Sound Study and

21 Connecticut Nonpoint Source Program. So,

22 I've spent a lot of time in, on and around

23 Long Island Sound. I have a real affinity

24 for this region.

25 Before we take your comments -- Actually,

1 - 7

2 Bernward has already gone through the speaker

3 line up. I'm going to skip that, but I also

4 do want to acknowledge and thank Buddy Labue

5 and Pat Peccia from EPA Region 2 in New York

6 City, Mark Habel from our Corps in New

7 England District and other state agency staff

8 from New York and Connecticut we will provide

9 a brief presentation on the SEIS and the

10 process we will follow. But I do want to

11 thank Buddy LaBue and Pat Peccia from EPA

12 Region 2 in New York City and other agency

13 staff. We appreciate your attendance and

14 interest.

15 So, this is my first slide here. Okay.

16 I'm going to first talk about EPA's role in

17 respect to the designation to dredge material

18 disposal sites, and then I'm going to step

19 back and provide some background, the

20 designation of central and western disposal

21 sites, which was completed in July of 2005.

22 As most of you probably know, EPA and the

23 Army Corp of Engineers, jointly regulate

24 dredging, and dredged material disposal under

25 Federal authorities provided by Section 404

1 - 8

2 of the Clean Water Act, and Sections 102 and

3 103 of the Marine Protection, Research, and

4 Sanctuaries Act, which also is known as the

5 Ocean Dumping Act.

6 In administering these programs we

7 work closely with other Federal resource

8 agencies, including the National Fishery

9 Service, US Fish and Wildlife Service, and

10 state environmental agencies and coastal

11 zone management programs to ensure property

12 coordination and consistency with statutory

13 and regulatory requirements, and

14 environmental standards.

15 Since 1980, EPA and the Corps have been

16 applying the sediment testing requirement of

17 the Ocean Dumping Act to all Federal dredging

18 projects, and all private projects generating

19 more than 25,000 cubic yards of sediment.

20 Dredged material that meets these

21 criteria and is determined to be suitable,

22 meaning clean enough, for ocean disposal may

23 be disposed of at any one of the four current

24 sites in Long Island Sound, known as the

25 Western Long Island Sound, Central Long

2 Island Sound, Cornfield Shoals, and New

3 London disposal sites.

4 The Western and Central Long Island

5 Sound sites were designated by EPA in 2005,

6 as I've mentioned, and as many of you

7 probably know, EPA proposed amendments to

8 that site designation rule on February 10th

9 that removed some of the original conditions,

10 for example, like the Corps completing the

11 Long Island Sound Dredged Material Management

12 Plan, and it places new conditions that are

13 intended to reduce or eliminate open-water

14 disposal of dredged material in Long Island

15 Sound.

16 The Cornfield Shoals and New London sites

17 were evaluated and selected as disposal sites

18 pursuant to sites programmatic and site

19 specific environmental impact statements

20 prepared by the Army Corps, most recently in

21 1991.

22 In 1992 Congress added a new provision

23 to the Ocean Dumping Act that. For the first

24 time, established a time limit on the

25 availability of Corps selected sites for

2 disposal activity. The provision allows

3 the selected sites to be used for a five-year

4 period, beginning with the first disposal

5 activity after the effective date of the

6 provision, which was October 31, 1992.

7 It also provides for an additional

8 five-years, beginning with the first disposal

9 activity commencing after completion of the

10 first five-year period. It's complicated.

11 Nevertheless, there are two five year

12 periods, and they don't exactly have to be

13 bumped up against each over.

14 Use of the selected site can be extended,

15 however, if the site is designated by EPA for

16 long-term use. Use of the site also can be

17 extended, as we found out in 2011, if

18 congress imposes an extension through the

19 legislative process.

20 Nevertheless, the statutory construct is

21 that the Corps can select disposal sites only

22 for short-term, and limited use, whereas

23 Congress authorized EPA to undertake

24 long-term site designations, subject to

25 ongoing monitoring requirements to ensure

1 - 11

2 the sites remain environmentally sound.

3 To summerize, EPA's responsibilities

4 related to dredging and dredged material

5 disposal include: Designating disposal sites

6 for long-term use; promulgating regulations

7 and criteria for disposal site selection

8 and permitting discharges; reviewing Army

9 Corps dredging projects and permits;

10 developing site monitoring and management

11 plans for every one of our designated sites;

12 and monitoring disposal sites jointly with

13 the Corps.

14 Now, I'm going to provide some background

15 on the proposed designation of an Eastern

16 Long Island Sound Disposal Site relates to

17 the Central and Western sites.

18 The process began in 1998, eighteen years

19 ago, when EPA and the Corps agreed to

20 conduct a formal site designation process

21 for all the Long Island Sound disposal sites

22 following the criteria established in the

23 Ocean Dumping Act.

24 We also agreed that, consistent with

25 past practice in designating sites, we would

1 - 12

2 follow EPA's "Statement of Policy for

3 Voluntary Preparation of National

4 Environmental Policy Act [NEPA] Documents,"

5 and would prepare an environmental impact

6 statement to evaluate different dredged

7 material placement options.

8 In June 1999, the EPA published a "Notice

9 of Intent" in the Federal Register announcing

10 our plans to prepare, in cooperation with the

11 Corps and other Federal and State agencies,

12 an environmental impact statement to

13 evaluate, and potentially designate dredged

14 material disposal sites for the entire Long

15 Island Sound region.

16 We began the Sound-wide field data

17 collection effort in 1999, but were slowed by

18 both the technical complexities and financial

19 constraints associated with a large-scale,

20 multiple-site project. In March 2002, with

21 the Central Long Island Sound Disposal Site

22 scheduled to close in February 2004, that's

23 when the second of two five-year periods of

24 use, under it's Corps-selection expired.

25 EPA and the Corps announced their intent to

1 - 13

2 develop the EIS in two stages, focusing first

3 on western and central Long Island Sound,

4 followed by the eastern Sound, once a site or

5 sites had been designated to serve the

6 western and central regions. That was

7 fourteen years ago.

8 As it turns out, the designation of

9 the Central and Western Long Island Sound

10 Disposal Sites was contested by the State of

11 New York, which lead to the inclusion of

12 conditions that would need to be met in order

13 for the sites to remain open for the long

14 term.

15 The most significant of those conditions

16 was the completion of the Long Island Sound

17 DMMP by the Corps, just this past January.

18 So, all the human and financial resources

19 that would have gone into moving forward on

20 a site designation process for Eastern Long

21 Island Sound were focused on completing the

22 DMMP.

23 Some of the initial studies conducted for

24 the DMMP, including the dredging needs survey

25 that was completed in 2009, and updated again

1 - 14

2 in the last year -- two years ago, and the

3 analysis of placement alternatives, which was

4 completed in 2012, formed the basis for EPA'S

5 determination that there was in fact a need

6 for at least one disposal site to serve the

7 Eastern Long Island Sound region. Upon making

8 that determination, EPA began the process for

9 preparing an SEIS.

10 At this time I'm going to turn it over to

11 Jean Brochi, the EPA project manager for the

12 SEIS, and then she'll be turning it back over

13 to Bernward after that.

14 MS. BROCHI: Thank you, Mel.

15 So, as Mel has covered, I'm just going to

16 summarize the regulatory act that allows EPA

17 or gives EPA the authority to designate a

18 long term disposal site is the marine

19 research, marine protection and sanctuaries

20 act, Section 102.

21 As most of you, who has been to these

22 public meetings before, know that this

23 process

24 has been going on since 2012. This slide

25 presentation, Bernward is going to assist

2 me, will talk about the study itself. The

3 approach was initiated with a Notice of

4 Intent in 2012, followed by public

5 participation. This right now, is the seventh

6 and eighth public meeting for this process.

7 EPA originally looked at eleven sites, and

8 evaluated the sites using the site screening

9 criteria, which I'll get into in a minute.

10 We analyze the sites. We look at

11 alternatives for those sites as well as a no

12 action alternative, which means what happens

13 if nothing is completed, and then we select a

14 preferred alternative, which is where we are

15 now.

16 So, as Mel had mentioned I'm going to

17 summarize again, the Cornfield Shoals and

18 New London sites were selected for five-year

19 short term use, and they expire December 23,

20 2016. So, the process again, in addition

21 to the public meetings, we had cooperating

22 agency meetings and Webinars throughout

23 the process.

24 EPA established a notification

25 system for e-mail. We updated our website,

1 - 16

2 and then we created a separate email for

3 comments, which is ELIS@EPA.GOV. We

4 issued a draft rule making for the

5 eastern site on April 27, 2016. So,

6 the first step in looking for the alternative

7 sites was to establish a zone of siting

8 feasibility. And the black lines here

9 indicate the boundaries of that zone.

10 However, this study also included

11 information for Block Island Sound and

12 Rhode Island Sound. Here you can see with

13 the red arrow, is the eastern site that

14 we're discussing today and receiving comments

15 on.

16 So, the site screening is five general

17 and eleven specific criteria, under the

18 MPRSA. And it's 40CFR, Section 228 and

19 I'm going to go through what some of those

20 criteria include, and what we look at when

21 we are evaluating it. So, you can see the

22 study and the evaluation should include the

23 sediment environment, we looked at with

24 imagery. We looked at currents, waves.

25 Bernward is going to go into more detail

2 about those specific studies and the data.

3 We looked at biological resources,

4 habitat, fisheries, shell fisheries.

5 We look at areas of conflicting use.

6 Is there navigation nearby? Are there

7 recreational areas? Are there shipwrecks

8 or are there artifacts, historical or

9 culturally significant areas?

10 So one thing, for the purpose of this

11 SEIS, was again, driven from the dredging

12 needs, and the determination in the DMMP

13 dredging needs report as that Eastern Long

14 Island Sound, over the next thirty year

15 period, had a need of 22.6 million cubic

16 yards. That need exceeds the available

17 capacity. This process, by designating a

18 site also includes an environmental review.

19 So, we take into consideration the

20 distance for shoaling or for moving dredged

21 material to other sites, the haul distance,

22 environmental concerns with that.

23 We also, when designating a site,

24 have the ability to manage and monitor it,

25 and we can collect that data on an annual

1 - 18

2 basis. Steve Wolf will go into more detail

3 about what that includes, but I think as

4 Mel mentioned, for the designation we have a

5 site management plan, and it's updated every

6 ten years. That's only for EPA designated

7 sites.

8 So, the another reason for the

9 designation is we can restrict the site

10 use, which Mel will get into when he

11 discusses the rule making, and he did

12 high-light, and we're reducing the

13 number of sites.

14 So, currently there are four sites

15 available. There will be three available

16 with this designation. So, again,

17 Bernward is going to go into more

18 detail. So, Bernward?

19 DR. HAY: I'm not sure what happened

20 to that slide, color-wise.

21 MS. BROCHI: The color on the

22 projector is off.

23 MR. HAY: It's definitely off. I'm

24 going to provide a brief overview of -- It's

25 too bad because I'm going to use this. Is

2 this going to happen with all the slides,

3 Jeanie?

4 MS. BROCHI: It's the projector.

5 AUDIENCE MEMBER: If you want to

6 refer to that for the colors, I believe,

7 Bernward.

8 MR. HAY: I want to talk to the

9 colors so --

10 MS. BROCHI: It's not like it's so

11 crowded we can't see that.

12 DR. HAY: Because I want to use my

13 pointer. Can you see the screen over there?

14 Jeanie? I think I can advance from here.

15 AUDIENCE MEMBER: You should be able

16 to.

17 DR. HAY: So, I'm just going to

18 give you a brief overview of the documents

19 that is several thousand pages thick, and I

20 encourage you to look at the EIS if you want

21 to have more details. This is the main

22 report. It's 450 pages and has a lot of data

23 information in it. The three sites that were

24 selected after the site screening process, as

25 Jeannie mentioned, are the New London

1 - 20

2 alternative, Niatic Bay alternative, and the

3 Cornfield Shoals alternative.

4 What you see as different colors here is

5 basically water depth. The brown color

6 represents shell waters, the shelf for

7 example, and blue waters -- or blue colors

8 rather, indicate deep water, deeper water.

9 The deepest point here is raised. It is

10 problematic, deep water in Orient Point.

11 So, the studies that Jean mentioned,

12 there were five studies that were conducted,

13 in addition to the analysis of all the

14 sensitive data that is available for Long

15 Island Sound. The five studies

16 are physical oceanography, sidescan sonar

17 survey of the seabed, the biological

18 characterization, sediment chemistry and

19 sediment profile, sediment profile survey,

20 and I'll talk about those in a few minutes,

21 shortly.

22 The physical oceanography study basically

23 deals with the dynamics of the ocean.

24 It deals with waves, its currents, and it's

25 tidal forces. One of the key questions that

1 - 21

2 we're asking is, what happens to the dredge

3 material once it's deposited in Long Island

4 Sound. They also call it fate of the dredge

5 material. A Very extensive study was

6 conducted by Jim O'Donnell, who sits in the

7 back of the room, from the University of

8 Connecticut. The study lasted about two

9 years. It was included extensive data

10 collection in the field. It's extensive

11 modelling. What you see on this slide

12 here is a number of survey stations, both

13 survey stations where equipment was deployed

14 for an extended period of time, as well

15 as survey stations visited during ship

16 cruises. It shows mooring locations. It

17 also shows mooring locations. It shows

18 locations of other monitoring programs, for

19 example, the Connecticut DEEP was conducted.

20 So, when I show this slide with this data

21 frame here, again this was an example of a

22 number of instruments being used if the

23 survey. This is the example of the outcome

24 of the study. What you see here is bottom

25 stress. Bottom stress basically reflects the

1 - 22

2 forces that act in the sediment on the

3 bottom.

4 So, if you dispose dredge material,

5 you would want to know, is it going to stay

6 or is it going to move. So, bottom stress

7 gives you that information, and it tells you

8 how strong the forces are acting on that

9 sediment. What you see in this slide here

10 are two different sets of colors. I'm sorry.

11 You see the blue which indicates low bottom

12 stress. You can see the redish, orange,

13 magenta colors, which indicate higher bottom

14 stress.

15 Notice that the New London site is in

16 the blue area. The blue and the orange areas

17 that are divided by the magenta line, which

18 is defined as a study through the study

19 through the modelling as the, basically, the

20 line within which you have either an area

21 where material stays, be part of containment

22 area, or an area where material is dispersed.

23 In other words, forces of entry moves the

24 sediment that is disposed at this location,

25 given the characteristics of dredge material.

1 - 23

2 It was also a sidescan sonar survey.

3 That's basically a sonar survey that looks at

4 the bottom. Here it's to find out, what are

5 the characteristics of the seabed? What can

6 be done about sediment movement? What can be

7 done about cultural resources present at the

8 seabed. Here's an example --

9 AUDIENCE MEMBER: Are you going to

10 take questions afterward? Do you want us to

11 ask as you go along?

12 MR. HAY: I'll take a few questions

13 afterwards, but not during presentation.

14 What you see here is an example of the sea

15 bottom at Cornfield Shoals. I just want to

16 point out a few features. What you see

17 here is a sand dune. There are large ripples

18 on the sand dune. The shape of the sand

19 dune indicates a sediment movement. You

20 can see by this arrow the next direction of

21 sediment movement.

22 You can see that kind of information from

23 these types of images. In contrast,

24 this is an image from the New London disposal

25 site. You don't see those kinds of sediments

2 and features, basically materials. You don't

3 get what they call bed forms in geology, that

4 indicate certain movement on the sea floor.

5 There was also a sediment chemistry

6 survey, but forty samples were collected

7 throughout the three alternative sites.

8 They were tested for organics. They

9 were tested for grain size, heavy metals,

10 PCB's and PH's, pesticides, and the

11 instrument used was grab samplers which

12 basically they reflect the upper six to

13 eight inches of the sediment bottom.

14 This is just a sample, typical sediment

15 sample, from Cornfield Shoals.

16 Then there was biological survey that

17 looked at the benthic health and the

18 diversity of the organisms living at the

19 bottom. It also characterized fish, Trawl

20 Survey, conducted in conjunction with the

21 Connecticut DEEP. We also looked at fishing

22 patterns in the area.

23 You can see by the number of stations

24 of where the survey was taking place, with

25 regards to benthic organisms.

1 - 25

2 Finally, the fifth survey was the

3 sediment profile survey, which looks at

4 the diversity and health of the benthic

5 community. It's a study that is commonly

6 used by the DAMOS program, DAMOS from the

7 Corps of Engineers. The study of the

8 sediment material disposal sites on a regular

9 basis.

10 Steve Wolf is going to talk more about

11 this. But basically it slices into the

12 sediment, and it shows you the different

13 stages of benthic organisms. If you dispose

14 sediment material, initially benthic

15 organisms would be covered, but then over

16 time they recolonize, and you can see

17 and example in this case, not in this case,

18 but this case in stage three, you can see

19 benthic organisms already again at depth

20 in the sediment column, indicating a healthy

21 population.

22 A quick tour over the three alternative

23 sites. This is -- I think we're back in

24 color. Maybe I'll stay on this side here

25 with my pointer. What you basically see

1 - 26

2 on this slide is, you'd see the existing

3 New London disposal site on the right.

4 You can see two additional areas that were

5 added in the analysis. These areas were

6 added because of the needed capacity to

7 accommodate the dredging need over the next

8 thirty years for the region.

9 Other features in the site you can see,

10 when you look closely within the New London

11 disposal site, you can see an uneven surface

12 here. These are basically disposal mounds.

13 They haven't moved. They basically are very

14 visible features in this image. Otherwise,

15 the area consists of sand. It's pretty

16 plain, with the exception of Boulder Field

17 here. I'll come back to that a little bit

18 later. There's shipwreck here down in this

19 corner, and we'll come back to that a little

20 bit later as well.

21 This is the Niantic alternative. It's

22 also mostly sand, it has a small boulder

23 field here as well as here. Otherwise it's a

24 very plain area. This area is a transitional

25 area with regards to sediment movement. The

1 - 27

2 northern part is basically containment area,

3 bottom stress that we talked about earlier,

4 would contain dredge material in this area.

5 Whereas, the remaining part of the Niantic

6 Bay alternative would be what they call

7 dispersive material, would eventually

8 move from that area.

9 This is Cornfield Shoals. Basically,

10 you're flat bottom, about 150 feet deep or

11 so. You don't see any indication of dredge

12 material disposal, even though disposing of

13 dredge material is taking place there.

14 That's the result of the fact, as was

15 mentioned earlier, that the site

16 is dispersed material that's moved from the

17 site eventually, within that flow

18 moving to

19 the west, when balance moves in this

20 direction.

21 Just to summarize very quickly, as

22 there's a lot of data to summarize, as I

23 mentioned earlier, but just in a nutshell

24 summary: The main difference between the

25 three alternative sites is the fact that --

2 I'll come back to that later.

3 So, the sediment environment, the texture

4 at all three sites is mostly sand, although

5 it's finely grained at the New London site,

6 but overall the primary grain size at all

7 three sites is sand.

8 Bottom stress, we talked about that.

9 It's low in New London, high in Cornfield

10 Shoals, and it's transitional in Niantic Bay.

11 Contaminant concentration, metals, PCB's

12 etc, they were low or not detected at

13 all, of the forty stations that we

14 investigated.

15 None of the sites have shellfish beds.

16 Commercial fishing and recreational

17 shellfish in abundance is low, and overall

18 the fishing habitats are similar to the

19 central part of Long Island Sound.

20 With regards to socio-economic and

21 cultural resources, none of them have cable

22 or infrastructure or other kinds of

23 pipelines. Navigation is not impeded.

24 There are no anchoring areas in those sites.

25 None of them are cultural resources, and

1 - 29

2 the only shipwreck located is located is

3 in the southern part of the New London site,

4 which can be managed.

5 So, with regards to environmental

6 consequences for these sites, again, in a

7 nutshell summary: The main difference,

8 again, is the fact that sediment would move

9 from Cornfield Shoals, part of Niantic Bay.

10 Sediment would stay with New London and a

11 portion of Niantic Bay.

12 With regards to biological resources,

13 there will be short term minor infector into

14 disposal. In other words, benthic organisms

15 that sit on the bottom would be covered by

16 dredge material when it's disposed. All of

17 the DAMOS program has shown rapid

18 recolonization off those disposal mounds.

19 With regards to fish habitat and fish

20 concentrations, as well as endangered

21 species, reptiles, and mammals, this

22 potential impact is minimal because these

23 species are all wild and they can get

24 out of the way of the dredge material,

25 disposal event.

1 - 30

2 Finally, bio-accumulation, the dredge

3 material is required to go through very

4 stringent testing program. So, the risk

5 for bio-accumulation is very minor or

6 minimal.

7 With regard to socioeconomic and cultural

8 resources, because these sites are not

9 unique, with regards to fish abundance, the

10 impact is also minimal. Same for commercial

11 as well as recreational fishing.

12 With regards to shipping and navigation,

13 there's no impact on that. There will be

14 site management during disposal events to

15 avoid impacts at the time of disposal.

16 No impacts of beaches or parks or natural

17 areas, and the shipwreck in the southern

18 corner would be managed by creating a buffer

19 zone around the shipwreck.

20 So, looking at all this information,

21 and again there's a lot more information

22 that we looked at. The conclusion was, or

23 the decision was, to select the portion of

24 New London disposal site as the preferred

25 alternative.

1 - 31

2 The preferred alternative is called the

3 Eastern Long Island Sound Disposal Site.

4 site, to match the name Central and Western

5 Long Island Sound Disposal Site. You can

6 see it outlined with the blue boundary.

7 With the black boundary you see the full New

8 London Disposal Site.

9 In other words, it includes the western

10 half of the existing New London Disposal

11 Site, as well as the two areas to the west of

12 the New London disposal site. It has an area

13 of two by one square nautical miles. And to

14 summarize the main reason for the site, the

15 material in the site would be contained.

16 The site has been used previously as a

17 disposal site, which is one of the criteria.

18 Environmental consequences are minor. Minimal

19 or none.

20 The shipwreck is here located in this

21 corner, would be excluded from disposal,

22 as well as the boulder area located in this

23 position, within the site.

24 Finally, the site is close to dredging

25 centers, which is one of the larger dredging

2 centers. With that --

3 AUDIENCE MEMBER: May I ask a

4 question while the slide's up though?

5 DR. HAY: Yes.

6 AUDIENCE MEMBER: Why did you not

7 choose the eastern portion there that's

8 already disturbed? Why was that left out of

9 the eastern potion selected Eastern Long

10 Island Disposal Sites?

11 DR. HAY: That's a very good

12 question.

13 AUDIENCE MEMBER: Thank you.

14 DR. HAY: You can see in black here,

15 the contour line of eighteen meters.

16 Eighteen meters is a threshold above which

17 dredge material would not be disposed as one

18 of the site's actual criteria. Everything to

19 the left of the eighteen meter line, deeper

20 than eighteen meters. So, much of the area,

21 in fact part of this area here, that is

22 within the box is already filled, if you

23 want, and not suitable for material because

24 it's to shelf. So, henceforth for management

25 purposes it makes sense not to include

2 this area and to limit, because site

3 management, the larger the site the more it

4 needs to be managed.

5 So, a decision was made to select

6 this box. Jean, would you like add to

7 this?

8 MS. BROCHI: No.

9 DR. HAY: Okay. Thank you.

10 With that, I know you have questions. Do you

11 want to hold questions for later?

12 MR. COTE: There's maybe one or two

13 quick clarifying questions, based on

14 Bernward's, because we do want to finish so

15 we can get comments.

16 AUDIENCE MEMBER: The one I had was

17 on the slide that showed whether it's a high,

18 medium or low energy, you had said it

19 was blue, but when I looked at it, it looked

20 like fifty percent or greater was moderate

21 with a green color. Do you have that slide

22 that you can pull back up?

23 DR. HAY: What I meant was a blueish

24 color. The dividing line was a magenta line.

25 This one here.

1 - 34

2 AUDIENCE MEMBER: Yes, that one

3 there.

4 DR. HAY: The green is included in

5 what I defined in what I called blue or

6 blueish. So, this is the dividing line, the

7 magenta line. Everything above or to the

8 north of this dividing line would be selected

9 containment areas. Everything to the south

10 or the orange, redish, yellow areas would be

11 considered stress.

12 AUDIENCE MEMBER: Are those done on

13 average or are you saying this is a

14 consistent stress, or is it on average?

15 In other words greater or less than?

16 DR. HAY: This slide actually

17 represents the maximum bottom stress

18 simulation for the period of 2011-2014,

19 which includes the Superstorm Sandy. This

20 is, like, a worse case scenario.

21 Jim, you want to add to this?

22 MR. O'DONNELL: Sure. I worked on

23 this. The blue-green color show that

24 actually, the maximum stress that would

25 during a typical winter in this area.

1 - 35

2 Most of the time the stress is much lower but

3 the much bluer or simulations is at maximum.

4 The idea of being, that sediment moves,

5 when the stress is at its maximum.

6 This is going to move. It's going to move

7 when its stress is at its maximum. These

8 blue and green shades, are below the

9 threshold which we expect it to move.

10 MS. BROCHI: Can you identify

11 yourself, Jim, please?

12 MR. O'DONNELL: I'm Jim O'Donnell.

13 I'm Professor of Marine Sciences at the

14 University of Connecticut.

15 AUDIENCE MEMBER: I just want a

16 clarification based on the slides as well.

17 I think it was Jean maybe made the statement

18 that sites were entirely within Connecticut,

19 but I'm looking at the slides and I'm seeing

20 the boxes extending into New York. So, I

21 wanted to clarify that.

22 DR. HAY: Okay. What we had was

23 a small piece here on the preferred

24 alternative, that extended in New York.

25 You're talking about the boxes that were

1 - 36

2 analyzed?

3 AUDIENCE MEMBER: Yes, and also

4 Cornfield Shoals, it looks like. I mean, I

5 wanted to clarify the statement, because the

6 statement was that the sites were entirely

7 within Connecticut. Is that correct?

8 DR. HAY: The existing disposal

9 sites are mostly in Connecticut, but a

10 portion of it is in New York waters.

11 MS. ESPOSITO: And the proposed

12 sites are?

13 DR. HAY: The proposed site is

14 mostly in Connecticut. There's a tiny portion

15 that is in New York. Okay, with that, we

16 should move on. The next speaker would be

17 Steve Wolf from the Army Corps of Engineers.

18 He will talk about dredge material testing

19 and

20 disposal site management.

21 MR. WOLF: How many folks were at

22 the Western and Central? I know one,

23 two -- a few of you. I apologize if you're

24 going to see a lot of the same material here.

25 Let me pull up my slides.

2 It will be a test. I slipped in a

3 few new ones that will be a bit different

4 here, which would be good. I'll start off.

5 I'm Steve Wolf and I work with the Corps of

6 Engineers. The hat that I wear is to monitor

7 these dredge material disposal sites, once

8 they've been designated, to make sure that

9 all the predictions that were made during the

10 EIS process we're living up to.

11 To start off I've got a little bit of a

12 video of a dredge material disposal event

13 for those of you that haven't actually seen

14 one, because that's what we're talking about

15 today. This is about a three to four thousand

16 cubic yard scow of dredge material.

17 When the scow is over the position, over

18 the designated site of when it's going to

19 be released, the hydraulics are engaged,

20 and in really a matter of ten to fifteen

21 seconds, the bottom of that scow splits open

22 and all that material falls out the bottom

23 of it, and it's so much gone in a very

24 short time period.

25 This is pretty much how the lions share

1 - 38

2 of it go. I can go on to the next one.

3 But we know that it raises some questions

4 for folks, and that's probably why some of

5 you are here today about, do we get it in the

6 right place? As Bernward was saying, you

7 know, that we're making predictions that

8 once it's there it's going to stay there.

9 Will we want to make sure of that?

10 What about the impact to the water

11 column? What about the impacts of the

12 benthic system that's there? I'm going to

13 try to address all those briefly here but I

14 think it's good to digress a little bit to go

15 back in history and let you know how we got

16 to this point today.

17 Historically, if you go back to some of

18 the first ports for dredging in New England,

19 and pretty much anywhere in those early days

20 it was pretty much just getting the sediment

21 outside of my jurisdiction, where I've got an

22 issue. So, often times it was pretty much

23 push to the end of the wharf or somewhere

24 right out of the port, and it was someone

25 else's problem.

1 - 39

2 As time went on as we got up until the

3 early 1900's, you can still see a record of

4 material that was placed along much of the

5 New England Coastline. We've got so many

6 small harbors. Each one has almost a

7 signature of that material from really a

8 hundred or more years ago.

9 As we moved into the early to

10 mid-1900's, we started to see sites that were

11 specialized. So, if you looked on an older

12 chart, you might see one. If you looked in

13 some township records you might see a sight

14 that was this is where we want you to place

15 material from the harbor, but what we didn't

16 have in those days were really sort of

17 the check and balances on where it was going

18 and what type of material was going out

19 there. That really didn't come until we got

20 up into the 1970's with the acts that Mel and

21 Jeannie had mentioned.

22 So, we've got now regulations that say

23 very specifically how you select a site.

24 Where you can put the material and what sort

25 of testing do you have to do to make sure

1 - 40

2 that it's acceptable to actually go out to a

3 sight like that.

4 And so, that's where the program that

5 Bernward had mentioned that I work with

6 DAMOS, Disposal and Monitoring System, really

7 got it's birth. That was back in the late

8 1970's and was really focused specifically to

9 answer those main questions. So, we've got a

10 long history, almost forty years of study of

11 trying to address those questions. We turned

12 out a myriad of reports. I'll have a listing

13 on the website of where we got those. And I

14 think we've learned a lot over the years.

15 Before I get to those specific questions,

16 I'll step back and talk about the testing

17 that Bernward had mentioned happens to that

18 dredge material because I think certainly

19 related to the central and western

20 designations, which happened recently,

21 and I think as far as this one, there have

22 been a fair amount of misconceptions, and

23 mis-reporting in terms of what is actually

24 being placed in the Sound.

25 The first one I really want to clear up

1 - 41

2 is that toxic material is not placed in the

3 Sound. It may have been historically, just

4 as it was historically been pretty much

5 everywhere in the world, but with the passage

6 of regulations that we have, that's just not

7 the case anymore.

8 So, in terms of the testing, you've

9 got a harbor that you want to dredge. You

10 can't just do it, and take that material

11 out. You've got to follow a very specified

12 step-wise procedure to sample that material,

13 send it to the lab, and we're looking at it

14 physically. Is it fine or is it course

15 grained? We're looking at it chemically, what

16 sort of constituents are in it, or what kind

17 of concentrations.

18 Then we do what's called biological

19 testing, where you see the aquarium in sort

20 of the central section in the bottom. Now

21 we're actually putting some of that sediment

22 in with critters in the water column, down

23 living in sediment, and we see how they react

24 to it. What we're trying to do is get a gage

25 as to what is concentration as to a

2 particular chemical, and does it have an

3 effect.

4 So, if you take an element such as

5 arsenic, which is naturally occurring, and

6 we look pre-industrialization. So,

7 before there was any development along the

8 coastline here, and you could say, what are

9 the concentrations of arsenic and sediment in

10 the shoreline. You will see the blue bar

11 charts represent a relative concentration,

12 from green meaning very low concentrations,

13 to red being very high, particularly for

14 areas in New Hampshire. That's because it's

15 a naturally occurring element.

16 So, you can't just go by the

17 concentration. What we're really interested

18 in is, what is the effect associated with

19 that concentration. That's what we call

20 the toxicity. An acute toxicity means if a

21 critter is in contact with that, it probably,

22 doesn't have, at that level and that

23 concentration, it's probably going to

24 die in a fairly short period of time.

25 That's clearly an indication that something

1 - 43

2 is wrong with the sediment and would call it

3 toxic. Chronic toxicity is when an organism

4 can live, but it can't thrive, and maybe

5 doesn't grow as well, or maybe it doesn't

6 reproduce as well. So those are also

7 triggers that we're looking at.

8 So, if those are unacceptable, then the

9 material isn't going to be placed in the

10 Sound.

11 Similarly for PCB's, and I won't go

12 into this, but it's different for organic

13 chemicals because some of these didn't exist

14 before the industrial revolution. Now,

15 they're ubiquitous, you find some levels of

16 them everywhere, but we do the same

17 sort of analysis. We look to see is it

18 chronic toxicity? Is there acute toxicity

19 and that's our driver for a threshold for

20 allowing the material to go out into the

21 water.

22 So, if the material has been tested,

23 and it's found to be acceptable, then what

24 happens when it goes out? How do we answer

25 those questions. How do we ensure that we're

1 - 44

2 getting it in the right place. Advancements

3 that we have in electronic positioning, those

4 of you who are boaters, you know almost all

5 the time exactly where you are.

6 There's a requirement now for every

7 scow that's loaded, like the one here, to be

8 outfitted with a number of sensors. So, back

9 on the stern, which is the little blow up

10 on the right there, we've got a sensor which

11 says, is the hull open or closed. We've got a

12 draft sensor that says, is it sitting low in

13 the water? Is it full or is it sitting high

14 because it's empty? We've got a GPS sensors

15 that we know right where the scow is and

16 then we've got a data logger, which is

17 tracking the position of it. What that gives

18 us is a record, and the one I pulled

19 off of our system. On the left you'll see a

20 map, and this is the dredging placed in New

21 Haven a few years ago. You see a breadcrumb

22 trail that the scow took on its way out to

23 the disposal site. It changes colors.

24 When the scow's draft changes so we know

25 right where material left the scow.

1 - 45

2 Even if the tug is hundreds of feet

3 in front of the scow, the tug operator sees

4 the image, again thanks to electronics, of

5 his scow on the map. So, we're really,

6 I'm don't want to say on a dime, but we're

7 really really able to get very accurate with

8 where we are placing the material.

9 What that allows us to do is, when

10 we specify a site, such as the eastern one

11 today that's fairly large, a mile roughly by

12 two miles, we're not putting material over

13 that annual basis. We're focusing on a very

14 small point. We're minimizing our impact on

15 any given year.

16 This is a slide, Central Long Island

17 Sound, which is a site, which is the same

18 dimensions. It's a mile by two mile.

19 Each of the little humps that you

20 see there, the orange, the yellow, those

21 lighter colors represent a particular project

22 or a year or several years where we targeted

23 placement of materials. So, in any given

24 year we're really focusing on a very small

25 area.

2 So, we're very comfortable in terms of
3 being able to place the material there, in
4 a particular site. The other that I should
5 mention is that you can see dates on some of
6 these. They're numbers that go back into the
7 70's. I think of what Bernward mentioned.
8 If the site is selected correctly, this
9 material is very stable at the bottom,
10 It does not get up and move. Some of these
11 sites, these individual mounds of material
12 on the sea floor has been through a number of
13 hurricanes; Hurricane Sandy, Hurricane
14 Gloria, a number or noreasters. We go back
15 out and we measure the bathymetry
16 sequentially, before and after storms, and we
17 see that these things are locked up once
18 they're down there. Again, once we selected
19 the right site.
20 Then moving on to the question about what
21 happens as the material moves through the
22 water column. You've got concerns that some
23 of this material, even if it's suitable, it's

24 still a lot of suspended material, that can

25 cause an issue in the water column.

1 - 47

2 This is a sort of text book image of a

3 release from a hopper dredge of the surface

4 falling down to the bottom. This is kind of

5 a picture that I had in my mind before I

6 spent much time working on this, but this is

7 before you do the math, a ship that would

8 typically be three or four hundred feet long,

9 this is a very very very deep site. This is

10 to scale. Maybe typical of one of our West

11 Coast sites. It's clearly not typical of

12 anywhere in New England, particularly the

13 Long Island Sound. Because it we set this up

14 as a real picture, scaled, that's a scow

15 that's about three hundred feet long.

16 When it's fully loaded, there's about twenty

17 feet of it under water. If you scale this

18 out, you would say well where is the sea

19 floor, and most of the sites that we're

20 looking at, the sea floor is only forty to

21 eighty feet below that. So, if you scale

22 the drawing as this one is, you can see that

23 it's actually a very short distance.

24 So, when the scow opens, and that material

25 falls out pretty quickly, what we see is

1 - 48

2 that it hits the bottom very very fast.

3 This is a, some poor graduate student art

4 MIT got to spend a good portion of his life

5 simulating the release. This is about a

6 fifteen foot tank, where beads have been

7 dropped to the surface, and they're tracking

8 the fall of those. What you can see is the

9 initial descent of when that is released it

10 very fast. It's actually drawing water in.

11 It isn't until it gets much deeper in the

12 tank that you begin to get this sort of

13 spreading out a bit. That's very much

14 favorable for us, because all of the sites

15 that we have really the material hits the

16 bottom before it starts that spreading out

17 component. That's simulations, that's math

18 but we do go out into the field and we track

19 this. We've got instrumentation that's

20 similar to fish finders, as some of you may

21 use fish finder, very accurate fish finders.

22 So, once the disposal is taking place,

23 we'll run over that, we'll look at the floor

24 where there is the most disturbed water

25 column, we go back and take a sample of that

1 - 49

2 water and send it off to the lab because we

3 want to confirm that we're not having an

4 impact, that's going to be significant or

5 large.

6 Finally, what about the benthic community

7 in terms of who's sitting on the sea floor.

8 Clearly if you put a full load, like I showed

9 in the beginning on the material, everything

10 that's within the footprint of that gets

11 covered up. That's just the way that is.

12 What we see is, if we try to minimize that

13 foot print, and over the period of just one

14 season, that will start to come back. Once

15 the placement has stopped, just as if you'd

16 put clean film on a field, you've initially

17 covered up the grass and the insects that

18 are underneath that, that fill, but in a very

19 short period of time you've got things

20 beginning to sprout on it. You've got

21 insects starting to colonize, which is

22 actually something that happens on the sea

23 floor. That's what we track to make sure

24 that these things are recovered.

25 It's one of the things to wrestle with

1 - 50

2 is, yes it is an impact but to try to put it

3 into some sort of scale, that you can get

4 your arms out of. One thing we like to do

5 as environmental scientists is try to scale

6 things. So, if we said, let's say the Long

7 Island Sound has been scaled down to the size

8 of a football field, and they give a year for

9 the site that you need, that Bernward has

10 just presented, how big of an area on that

11 football field would be impact with the

12 placement of dredge material.

13 What we do then over here, about the size

14 of a pie plate or maybe a bucket lid, is

15 really all that gets impacted on a given

16 year, and then we let it sit and we track it

17 and we make sure these it recovers.

18 So, we've been very comfortable and

19 I think there's been a lot of work out there,

20 not just between the Corps of Engineers, from

21 some of the academics. Dredge material,

22 there's no link between placement of dredge

23 material and the diminishing of the lobster

24 fishery in the Long Island Sound, lots of

25 other causes, but dredge material focus in

2 there.

3 Likewise, in terms of nitrogen loading,

4 there are lots of issues associated with the

5 Sound in terms of nitrogen loading in

6 placement of dredge material. In terms of

7 the scale of what actually happens there, is

8 just not issue. But we do realize that there

9 are minimums, and there are impacts, and we

10 work very hard to focus on trying to find a

11 beneficial use for the dredge materials.

12 We're going to have to continue to dredge

13 in the future. I like this slide. It's a

14 good representation of why we dredge. This

15 is the Connecticut River discharging into the

16 Long Island Sound, after the passage of

17 Hurricane, Tropical Storm Irene, tremendous

18 amount of sediment in just a short period, a

19 day or two, way more than we would put out in

20 years and years and years. It's a natural

21 event, the Sound recovers, but what that

22 does is it means we have to dredge a number

23 of the harbors.

24 So, we're continually focused on ways to

25 be able to beneficially use that material,

1 - 52

2 and try to reduce the amount or putting it

3 directly in our harbors. A group that the

4 EPA and the Corps of Engineers, co-chair a

5 group called the New England Regional Dredge

6 Team, it's Federal agencies as well as

7 representatives to agree to meet in the New

8 England States. We meet quarterly every

9 year, four times a year, and on our agenda,

10 there is a standard item which is beneficial

11 use of dredge material. The EPA is

12 developing a very good tracking algorithms

13 that allows us to look at all the various

14 ways for using dredge material. Rhode Island

15 just completed a pilot program, for putting

16 it on marshes, to be able to help build up

17 the elevation of the marsh so they can keep

18 track, keep pace, with sea level rise. We

19 certainly are already are putting lots of

20 material on beaches or on the near shore to

21 help augment that, and we're going to

22 continue that, but a balance. We realize

23 that there are times where there just

24 isn't a beneficial use that's feasible, and

25 in those cases we look for responsible

1 - 53

2 managed placement at the Long Island Sound

3 sites. That's it, except that I do have some

4 contact information so. There's lots of

5 reports and all the reports we do the day we

6 collect and it's all public. So, if you've

7 got questions, and I know we're not going to

8 have much time for questions today, but I

9 welcome them, the Corps. I mean, we

10 welcome folks to come out. We invited the

11 representative from Citizen's Campaign out

12 last year. I think it went really well.

13 We're going to do that again. We've taken

14 some advice in terms of the type of

15 monitoring. We're going to shift our

16 program to try and answer some of those

17 questions.

18 Again, we're trying to do this

19 responsibly, but we want to answer the mail

20 if you guys have questions or comments on

21 this. So, with that I think I turn it over

22 to Mel again, who is going to actually tell

23 you about the draft rule.

24 AUDIENCE MEMBER: Can I just

25 ask a quick question? I'm curious in San

2 Francisco, they favor deep disposal,

3 seventy-five miles off-shore, and the

4 advantages of shallow disposal or dispersal.

5 Why is deep good on the west coast and

6 shallow good on the east coast?

7 MR. WOLF: One is deep water is very

8 very close in San Francisco. So, they don't

9 have to go very far.

10 AUDIENCE MEMBER: No, it said

11 seventy-five miles off.

12 MR. WOLF: That's the track to get

13 out of the harbor. They have a very specified

14 plan that designates how much is placed in

15 the bay, and how much can go off-shore.

16 That would work out as a long term agreement.

17 You could probably speak better than this,

18 Mel, than I can. I know from a technical

19 point of view, San Francisco Bay is a much

20 shallower system overall, and I think they

21 looked at what the system can handle

22 in terms of sediment load and also the

23 question about the depth of the site, is

24 there a limitation. You can't bring it up to

25 shallow, one, from a navigational point of

2 view, but two, from a hydro-dynamic point of

3 view. You get to a certain shallowness,

4 which is a lot of San Francisco that where

5 you can change the circulation to that. Is

6 there anything else to add?

7 MR. COTE: I'd only add that there's

8 the Farallones Sanctuary outside and they

9 actually had to go out and around that.

10 It forced them to go out even further. The

11 fact that they have to go so far.

12 Also, they have a lot of restoration needs

13 in the bay, where they have all of these salt

14 marshes, salt production, and now trying to

15 restore so there's a lot of those sediments

16 in there. That's the type of thing we do

17 need to do more of in the Long Island Sound.

18 Thank you very much Steve. I really want to

19 try and go quickly, so we have plenty of time

20 for public comment.

21 So, again, my name is Mel Cote, Chief of

22 Surface Water Branch, EPA in Region 1, which

23 covers New England, New England States.

24 You've now heard about the history of dredge

25 material disposal site in Long Island Sound,

1 - 56

2 the Supplemental Environmental Impact

3 Statement, and dredge material management and

4 monitoring. My job is to get us backed

5 focused on the proposed rule before we move

6 into the public hearing part of the session.

7 As you've seen already plenty enough, EPA

8 and the Corps share responsibility for

9 dredged material management. Our focus today

10 is on EPS's responsibility, under Section

11 102, to designate disposal sites.

12 As I mentioned earlier, June 2005, the we

13 published the final rule designating the

14 Central and Western disposal sites. To

15 address concerns raised by the State of New

16 York and others, these site designations are

17 subject to restrictions on their use.

18 Those restrictions were intended to

19 reduce or eliminate the disposal of dredged

20 material in Long Island Sound, and they

21 included requirements for: Corps completing a

22 Dredged Material Management Plan for the

23 entire Long Island Sound Region, which they

24 did earlier this year; Establishing an

25 inter-agency, Federal and State, Long Island

1 - 57

2 Sound Regional Dredging Team to review

3 alternatives analyses for federal and large

4 private dredging projects during the

5 development of the DMMP; And EPA rule making.

6 So, upon completion of the DMMP, EPA was

7 to propose and finalize amendments to the

8 2005 rule, describing standards and

9 procedures that must be complied with in

10 the future, with the goal of reducing or

11 eliminating open water disposal. These

12 standards and procedures are to be

13 consistent, at a minimum consistent, with the

14 recommendations in the DMMP.

15 Those recommendations include:

16 Establishing standards and procedures for

17 reviewing placement or disposal alternatives

18 for all Federal, and large private dredging

19 projects, to support the goal of reducing and

20 eliminating open water disposal. It

21 describes Federal Base Plans and alternatives

22 for each and every Federal Navigation Project

23 and harbors around the Sound. It recommends

24 further studies and development of beneficial

25 use and other non-open water alternatives;

2 and continuing disposal site management and

3 monitoring, and conducting further research

4 on the effects of disposal, along the lines

5 of what Steve was talking about.

6 So, back on February 10th, again as I

7 mentioned earlier, we took the first step in

8 meeting its obligation by publishing proposed

9 amendments to the 2005 rule in the Federal

10 Register for a 45-day public comment period

11 that ended on March 25th. We thank those of

12 you who submitted comments.

13 The proposed rule includes standards and

14 procedures. Hopefully you've seen those by

15 now. They are to be followed by all Federal

16 and large dredging projects, private dredging

17 projects, that are intended to help reduce or

18 eliminate open water disposal. We received

19 119 individual sets of comments, the majority

20 which support the proposed action. We are

21 right now in the final stages of finalizing

22 the rule and expect to release it soon. We

23 expect to publish the week after next, June

24 6th in the Federal Register.

25 Why this is important, why is this

2 important, is because EPA intends to us the

3 same restrictions on the use of the proposed

4 Eastern site as it has proposed for the

5 Central and Western sites, namely that there

6 will be standards and procedures that will

7 encourage the identification, development,

8 and use of practicable alternatives to

9 open-water disposal, and require large

10 dredging project proponents to thoroughly

11 evaluate those alternatives. This applies to

12 all Federal dredging projets and all private

13 projects generating more than 25,000 cubic

14 yards.

15 On April 27th, as Jeannie mentioned, we

16 published a proposed rule in the Federal

17 Register for a 60-day public comment period,

18 which ends on June 27th.

19 So, here are the standards that

20 are included in the proposed rule.

21 They echo the standards recommended in the

22 Corps' DMMP.

23 Unsuitable material, shall not be

24 disposed at the sites. That just reiterates

25 an already existing one. Sandy material

2 should be used beneficially wherever

3 practicable. These materials have high value

4 for uses such as beach nourishment or near

5 shore bar/berm nourishment. As long as it's

6 a practicable alternative, project proponents

7 will need to identify and secure funding for

8 any needed non-federal cost sharing.

9 Finally, for Fine-grained material,

10 and this is the tough stuff. Proponents

11 must thoroughly evaluate practicable

12 alternatives and use them if they are

13 available. This material is not typically

14 considered appropriate for beach or near

15 shore nourishment. But in the future, such

16 uses as marsh creation or restoration may

17 become practicable.

18 Only if no other alternative is

19 determined to be practicable, may suitable

20 fine grained material be placed at the

21 designated sites.

22 The proposed rule expects that all levels

23 of government will continue to exercise

24 their existing authorities and programs to

25 reduce the flow of sediments and contaminants

2 into waterways, including storm water and

3 nonpoint management programs.

4 The proposal does not create any new

5 obligations, but instead focuses attention on

6 those existing programs such as those that

7 address storm water and nonpoint sources of

8 pollution in coastal communities and along

9 the tributaries to the Sound.

10 Finally, the proposed standards retain

11 the 2005 restriction that requires that

12 practicable alternatives must be used if they

13 are available.

14 Now, the procedures, we talked about

15 standards v the procedures in the proposed

16 rule are built around making the inter-agency

17 Long Island Sound Regional Dredging Team, or

18 LIS or RDT, a permanent body and enhancing

19 its role. The RDT's goal is to reduce or

20 eliminate open-water disposal wherever

21 practicable. The RDT's primary purpose will

22 be to ensure that all large dredging projects

23 conduct a thorough analysis of alternatives

24 to open-water disposal and make

25 recommendations to the Corps on each project.

1 - 62

2 Of equal importance, the RDT will provide a

3 forum for continual exploration of beneficial

4 use alternatives, for promoting the sue of

5 these alternatives and suggesting approaches

6 for cost-sharing opportunities. This

7 proactive role for the RDT is a new one.

8 The RDT also will be expected to assist

9 EPA and the Corps with long-term activities

10 intended to track disposal of dredged

11 material and monitor dredging impacts in

12 the Sound.

13 These include supporting the DAMOS

14 program that Steve just described for us.

15 The geographic scope of the LISRDT will

16 include all of Long Island Sound, previously

17 applied just to the Central and Western

18 Regions and now apply to all, so it looks at

19 opportunities for alternatives broadly.

20 The RDT will consist of representatives

21 from Federal and State government agencies or

22 authorities with expertise in dredging and

23 dredged material management.

24 We expect the Team would include Federal

25 representatives from EPA Region 1 and 2

2 offices, the New England and New York

3 Districts and North Atlantic Division of the

4 Corps, and National Oceanic and Atmospheric

5 Administration. We also expect the states of

6 Connecticut, New York, and possibly Rhode

7 Island to participate through their

8 environmental agencies, coastal zone

9 management program, and relevant port

10 authorities, and all that stuff.

11 We propose that the specific details of

12 the structure and process of the Long Island

13 Sound Regional Dredging Team be left for them

14 to determine and be allowed to evolve as best

15 accomplishes the RDT's purpose.

16 Finally, the EPA encourages the RDT to

17 establish and maintain cooperative working

18 relationships with other Long Island Sound

19 based organizations, such as the Long Island

20 Sound Study's Science and Technical Advisory

21 Committee.

22 One last point I'd like to make before

23 closing, is that we have made excellent

24 progress toward meeting the goal of reducing

25 or eliminating open-water disposal since the

2 2005 rule.

3 The chart on the screen shows how much

4 material has been disposed at each of the

5 four currently active disposal sites, from

6 the first dredging season after the rule,

7 the winder 2005-2006, through the 2013-2014

8 dredging season. As you probably most of you

9 know, dredging only occurs in winter.

10 While the right-hand column clearly shows

11 the variability in the amount of dredging

12 from year to year, the most important results

13 are the numbers in the lower right hand box.

14 This was the average for the previous 22

15 years, and the average for the last 9 years

16 in this record here, 35 percent -- 35 percent

17 reduction, over that time frame over that

18 time frame, including the previous 22 years.

19 I'll conclude my presentation by

20 reminding you of the opportunity to provide

21 comments on the EPA's proposed rule and draft

22 SEIS. In just a few moments you will have an

23 opportunity to provide oral comments for the

24 record. You can also provide comments in

25 writing. Jeannie already went through that.

1 - 65

2 I'll stop right there. Thank you for your

3 attention and patience. I'm going to turn it

4 over to Jeannie to get the comment period

5 kicked off.

6 MS. BROCHI: Thank you, Mel.

7 We ask that you approach the mic and speak

8 cleary so the transcriptionist can record

9 the information, and we ask that you

10 identify your affiliation organization.

11 I'd also like to acknowledge first, Mark

12 Woolly from Lee Zeldin's Office, and I

13 apologize if I'm mispronouncing that, and

14 Sarah Anker, Suffolk County Legislator.

15 Sarah Anker, please approach if you have

16 comments.

17 MS. ANKER: Hi everybody. Thank you

18 for coming out. Again, I want to thank the

19 presenters today for explaining the process

20 and again I can't wait for what Adrianne has

21 to say. I really can't because, you have

22 been a leader in this and following this.

23 How long has this been?

24 MS. ESPOSITO: It's only been twelve

25 years.

1 - 66

2 MS. ANKER: Twelve years. I have

3 been a legislator for five. I have not been

4 a legislator for five years, and

5 I have folders, not just files, but probably

6 crates of paperwork, from the past actual ten

7 years, and has taken seven million dollars,

8 it's taken to find alternative locations.

9 It's good to know that the area has been

10 reduced. There's like, what is it that was

11 mentioned, as far as in New York.

12 Again, a few questions maybe. Now, you

13 mentioned there's what was described as low

14 or not detected contaminants. As far as I'm

15 concerned, that's the most important concern

16 that we, may be contaminating the Long Island

17 Sound. Long Island Sound produces up to

18 thirty-six billion dollars of economic value

19 for the area, and we've spent hundreds of

20 millions, if not billions of dollars cleaning

21 it up, and making sure that it's sustainable.

22 Can I ask questions, or is this just for

23 comment?

24 MS. BROCHI: This is just for

25 comments on rule making process.

1 - 67

2 MS. ANKER: Mainly my concern is

3 that, you do mention that there is

4 still accepted low contaminants, low level

5 contaminants, and as I was looking at

6 the map, you know, you show, what are they

7 called, they're like the hills of the old

8 contaminants. How far does the dumping go?

9 Oh, I can't ask questions. Excuse me?

10 MS. BROCHI: You mean mounds?

11 MS. ANKER: Yes, mounds.

12 Adrianne, how far does that go back,

13 contaminant dumping?

14 MS. ESPOSITO: I think the New

15 London site started in the 1970's.

16 AUDIENCE MEMBER: 1950.

17 MS. ANKER: 1950. Do I hear 1940?

18 I'm sorry. A long time ago. With the

19 understanding that this has gone back decades

20 and decades, and of course we have the use of

21 asbestos, and lead and some pretty crazy

22 contaminants, and also the synergistic

23 effects of all these types of contaminants,

24 the toxins.Have those mounds been tested, as

25 far as what's happening today, now that we

2 have a better understanding of those

3 contamination.

4 Again, that's a concern, that before

5 we continue to keep dumping more silt and

6 sediment, let's find out what's down there,

7 and the effect that it's having currently

8 with the marine life down there.

9 Again, thank you for coming out, I'm very

10 eager to hear some of the public comment

11 today. My legislative district consists of

12 Mt. Sinai, the entire North Shore up to

13 Wading River, and I'm on the Environmental

14 Committee for the County. I've been

15 following this for, like Adrianne said,

16 probably ten, twelve years. I'm very happy

17 to hear that the area has been reduced but

18 again, there is some issues pertaining to

19 contaminants that I'm still concerned about

20 that continues to stay in this document.

21 I may have some more questions later

22 after I hear some of the comments. Again, I

23 do appreciate the public hearing because that

24 is what government is about, is allowing the

25 public to have input. So, thank you.

2 MS. BROCHI: Thank you. David

3 Bergen.

4 MR. BERGEN: First, before I start my

5 comments, on behalf of Dr. Sean McKay and

6 Suffolk Community College, we welcome you all

7 here. We are glad to be a host of this

8 event, and we look forward to hosting more of

9 them the future, if they're wanted, if

10 need be. Thank you. My name is Dave

11 Bergen, I reside in Cutchogue. I served as a

12 Southold Town Trustee for ten years, working

13 with Suffolk County, as a liaison between the

14 Town and Suffolk County Department of Public

15 Works, dredging and hydraulic dredging.

16 So, I'm very familiar with the dredging

17 process.

18 I also currently serve as a Commodore for

19 East End Sailing Association. Contained in

20 our association's mission statement, is the

21 language to preserve our amazing local marine

22 environment. I attended a scoping session

23 in this very facility in December 2015, where

24 a discussion took place regarding the

25 movement of the surface waters in Long Island

1 - 70

2 Sound from various Connecticut rivers.

3 The research demonstrated that strong

4 tidal currents took both surface and

5 subsurface waters south and east around

6 Fishers Island and as far south as Plum Gut.

7 Clearly the dredge boils from these rivers

8 will contain in-organic matter, including

9 heaving metals, which will not all sink to

10 the bottom, but will move with the very

11 strong currents of Long Island Sound,

12 ending up in Southold Town waters.

13 Long Island Sound, was only a few years

14 ago, designated by the EPA as a no discharge

15 zone. As such I find it incredulous that the

16 same Federal agency, which designated this

17 fragile water body as a no discharge zone,

18 would today consider for the allowing for the

19 dumping of dangerous toxic materials in their

20 no discharge zone.

21 What message does this send to all the

22 local stake holders, for spending an

23 incredible amount of tax payer and private

24 dollars on efforts to clean up Long Island

25 Sound. I understand that elected officials

2 at a local, County and State level are

3 fighting this.

4 I call upon out elected officials on the

5 Federal level, Senator Schumer, Joel Brennen

6 and Congressman Zeldin, to use their

7 common influence to stop this preposterous

8 plan in its tracks. Thank you very much.

9 MS. BROCHI: Thank you. Scott

10 Russell.

11 MR. RUSSELL: Yes, I also want to

12 reiterate, thank you in giving us the

13 opportunity, coming to Riverhead. I also

14 recognize and I appreciate wanting comment

15 to be brief. I will certainly try and keep

16 it under five minutes.

17 Based on the lack of attendance I don't

18 really think I'm bogging down the process by

19 going any longer. Let me say the Town Board

20 is commenting on the draft Dredge Material

21 Management Plan and the draft Dredge

22 draft Programmatic Environmental Impact

23 Statement for Long Island Sound. My mistake

24 from the outset, that it's the Town Board's

25 position that dredging of waterways for the

2 safe and economically viable navigation is

3 appropriate, and it's important we understand

4 that.

5 However, the Town of Southold strongly

6 is opposed to further open water disposal

7 of dredged soil in the Long Island Sound.

8 I'm just going to comment on some of the

9 things contained in your document, and I'm

10 going to reference the pertinent sections as

11 I comment and also quote from the document.

12 The document identifies that dredge

13 material, transportation and placement cost

14 matrix, was developed by the Army Corps,

15 and its contract is to enable cost

16 comparison of the alternatives. Does

17 the assessment calculate potential costs

18 for remediation in the event that significant

19 adverse environmental impacts occur, that are

20 unexpected. How is remediation to be

21 accomplished?

22 I also want to comment on the non-Federal

23 projects. Of the total volume, about 35 and

24 a half percent is coming from non-Federal

25 dredge activities. The consideration of

2 allowing disposal of 18 million cubic yards

3 of dredge spoil, from Federal non-public

4 Federal facilities is very concerning.

5 Private projects should arrange

6 disposal in upland beneficial sites where

7 their impacts can be contained, and not

8 adversely effect waterways and natural

9 resources.

10 Also, I want to mention that it

11 references about 2.1 million cubic yards of

12 dredge spoil to come from Little and Great

13 Peconic Bays. We are unaware of any

14 project that requires a disposal of dredge

15 material. It's perplexing that the study

16 includes dredge spoil from Peconic Bay

17 projects, and we think this creates a false

18 needs assessment.

19 The concern is the level of contamination

20 of the area that is proposed to be dredged.

21 It's not clear on the documentation, that

22 the sampling protocol of the sediments from

23 non-Federal facilities is sufficient.

24 What is the sampling protocol of the

25 sediments from a non-Federal facilities? Are

1 - 74

2 the Federal and non-Federal sediment testing

3 protocol established and comparable? What

4 are the quality control measures on testing

5 of non-Federal projects? What are the costs

6 to the private non-Federal actions in the

7 event of remediation is necessary, as I

8 referenced? It is a substantial remediation

9 bond and impact fees required for private

10 non-Federal operations?

11 Second, concerns over suitability or

12 compatibility of dredge materials. The

13 document states that the suitability of

14 material was determined based on most recent

15 sediment testing results, and or most recent

16 placement site view by the Army Corps other

17 than Federal agency projects.

18 In some cases the most recent testing was

19 performed decades ago, and may not reflect

20 current conditions. That's quoting your

21 document. The statement that the most recent

22 testing occurred decades ago, and may not

23 reflect current conditions is concerning, in

24 that impact assessment in some areas do not

25 reflect current conditions.

1 - 75

2 References to concern on toxicity tests,

3 the document states that toxicity tests

4 consist of exposing test organisms in the

5 proposed dredge material and comparing

6 survivability rates to selected organisms,

7 expose to both reference and control

8 materials.

9 What number of species that occur

10 in the Long Island Sound have been exposed to

11 control materials? Is there test animals?

12 Have marine mammals been exposed to toxicity

13 tests been evaluated? The discussion on the

14 potential impacts on the American Lobster is

15 deficient in the PEIS? The PEIS identifies

16 lobsters for testing were harvested in the

17 year 2000, fifteen years ago. Have there

18 been curren in-depth and scientific analysis

19 on the effect of open water dredge spoil on

20 this species?

21 It is concerning that the US EPA, the

22 valuation of dredged material proposed for

23 discharge in waters of the US Testing

24 Manual. Inland testing manual was created in

25 1998. It's a seventeen year old document.

1 - 76

2 Were these manuals used for testing? We also

3 have concerns over exposure and ecological

4 and human health.

5 The document states that the testing

6 results are evaluated and determine the risk

7 of exposure to ecological and human health.

8 Dredge material that is determined through

9 the testing protocols to pose unacceptable

10 risk to humans or ecological results that are

11 deemed suitable for ocean placement.

12 These findings may be accompanied by

13 placement management requirements.

14 The above narrative specifies an unacceptable

15 risk to humans or ecological health. Is there

16 an acceptable risk to contaminant sediments?

17 If so, what are the maximum levels of

18 contaminants risk? What are the placement

19 management requirements? Concerns on impacts

20 on smaller dredging projects, the materials

21 from 214 of the document. Materials from

22 smaller dredging projects have potential for

23 adverse impacts might sometimes still be

24 placed in open water, on the CWA, with proper

25 placement management.

1 - 77

2 The action we believe, by segmentomg,

3 small projets, segments the NEPA process

4 using cubic yards, which is 25,000 cubic

5 yards under 25,000 as a quantifying threshold

6 without addressing cumulative adverse impacts

7 on multiple events. According to the CEQ

8 regulations, agencies are required, for

9 environmental review purposes to consider

10 connected actions, which are defined as

11 proposed actions that automatically trigger

12 other actions which may require environmental

13 impact statements, can not or will not

14 proceed unless these actions taken previously

15 or simultaneously.

16 This concern is justified by the

17 following narrative. I won't read that

18 section of the document, it's rather wordy.

19 What I'm going to raise is also, failure to

20 assess impacts on marine mammals, DEIS and

21 DDMP, grossly fails to assess potential

22 adverse impacts on large breed mammals.

23 Porpoise and whales and Long Island Sound in

24 their habitat.

25 Multiple sightings of these have been

2 confirmed in the Long Island Sound, including

3 PODS and Calves. Humpback Whales have been

4 observed multiple articles are available

5 describing the sightings.

6 Has the potential adverse impacts on

7 marine mammals, porpoise and whale species,

8 been discussed or assessed? What are the

9 acceptable impacts on Federally protected

10 species? Can the statement, however

11 dredging related impacts are not expected to

12 be significant to be compared to impacts

13 associated with climate change stated above,

14 clarified impacts related to Federally

15 managed species.

16 I want to comment on concerns regarding

17 alternatives. The list of potential

18 alternative sites for small and non-Federal

19 projects include 75 beaches, 30 concrete and

20 asphalt plants, 16 potential de-watering

21 sites. These alternatives are not being

22 evaluated with the PEIS. Could it be

23 clarified that these alternatives are not

24 being evaluated?

25 NEPA requires a hard look at all the

1 - 79

2 alternatives. As discussed at past public

3 hearings, clean sand and other suitable

4 material is valuable to mitigate storm

5 impacts and damage. Is it recommended

6 that the stockpiling alternative section

7 be broadened for beneficial use?

8 Have I hit five yet? I'm probably

9 closing in on seven.

10 MS. BROCHI: Yes.

11 MR. RUSSELL: General comments, I

12 will skip all the other things. We are

13 submitting written commentary on this thing.

14 The Town of Southold strongly supports

15 the Army Corps of Engineers goal of

16 eliminating need for open water placement of

17 dredge materials. The Southold Town Board is

18 also opposed to continued disposal of dredge

19 spoil in open water, of Long Island Sound

20 based on insufficient or incomplete

21 information as identified in the DEMP and the

22 FEIS on potential adverse impacts of the

23 action. To continue the safe navigation of

24 our water bodies is paramount to our region,

25 and dredging is necessary to preserve these.

1 - 80

2 However, the right to clean waters, a safe

3 food supply, viable jobs and quality

4 recreation, tourism experiences are also

5 paramount, and the citizens of Southold Town

6 and New York State deserve no less. Thank

7 you.

8 MS. BROCHI: Thank you.

9 Mark Woolly, Congressman Zeldin's Office.

10 I apologize for not saying that correctly the

11 first time around.

12 MR. WOOLLEY: It's okay. Thank you.

13 I do appreciate the opportunity to speak to

14 you today on behalf of Congressman Lee

15 Zeldin, who represents the First

16 Congressional District.

17 Before I get into his official comment

18 on this, I just want to say for a moment

19 as someone who grew up on the North Fork,

20 and at an event today, totally unrelated to

21 this event, which I ran into a woman who was

22 from the Town of Southold. She said to me,

23 are you going today and I said, yes. She

24 asked if I'd be going tonight and I said I

25 have a dental appointment, almost likening it

1 - 81

2 to something like this.

3 She said she feels like she's assaulted

4 everyday that she wakes up on the North Fork

5 of Southold. It's big trucks and helicopters

6 and now it's this. We're keeping the big

7 trucks off, we have a plan to go ahead and

8 try to re-route the helicopters off the North

9 Fork to the South Fork. We're working at it.

10 This is something different. This is another

11 way for people to wake up and feel that they

12 are assaulted. It's their way of life out

13 here. It's our way of life on the East End.

14 So, I'm really here to reiterate and

15 re-enforce the position of Congressman Zeldin

16 on this important issue. Stringent EPA

17 testing must be performed on all dredged

18 waste to ensure that material will not harm

19 the environment into which it is placed.

20 Long Island Sound can not be a dumping

21 ground for any questionable waste dredged

22 out of Connecticut rivers, and that includes

23 the area that EPA has designated near Fishers

24 Island, Town of Southold.

25 Congressman Zeldin supports phasing out

2 all open water disposal of dredge waste in

3 the Long Island Sound. More needs to be done

4 to speed up this process, not less.

5 Today's hearings should be a time for

6 as EPA to listen to the concerns of East End

7 residents, and officials, but also an

8 opportunity to incorporate their comments

9 to a final rule that protects Long Island

10 Sound for generations to come.

11 In closing, this was from Congressman

12 Zeldin. In closing, it's important to really

13 hear these folks because they are the ones

14 who are from here, and that live with this

15 all the time, and they're doing their best

16 to protect their way of life. I'm going to

17 continue to work with them until it gets

18 done. Thank you very much.

19 MS. BROCHI: Thank you.

20 Adrianne Esposito.

21 MS. ESPOSITO: See what happened?

22 Mark testified and the whole thing just fell

23 apart.

24 [INDICATING MICROPHONE]

25 Thank you very much. My name is Adrianne

1 - 83

2 Esposito, I'm the Executive Director for

3 Citizen's Campaign for the Environment.

4 Let me start out by saying, as you know

5 we've been engaged in this issue for over a

6 decade now, for fourteen years, but who's

7 counting. I just have to say, I came to a an

8 environmental Ground Hog Day. We keep coming

9 here and saying that we're adamantly

10 opposed. The public comes, elected

11 officials, from Federal to State, to County

12 to Town all come, and they all keep saying

13 they're opposed and yet the Army Corps keeps

14 telling us how comfortable they are with

15 this. He keeps telling us why it's okay and

16 the EPA is fine with it also.

17 So, I'm going to testify today but

18 I want to say I'm doing it under protest,

19 because honestly you haven't changed a thing

20 really in twelve years. We are dramatically

21 disappointed in the EPA, and we are still

22 hoping for better. That is why we are once

23 again to testify once again.

24 I'm going to make five points here.

25 1) Again, we do not see any goals established

1 - 84

2 in this plan for the reduction and reuse of

3 dredge materials. Happy to hear about the

4 establishment of the Long Island Sound RDT or

5 Regional Dredge Task Force. That's great but

6 one of the things that's not included in the

7 RDT was the establishment of goals for

8 reduction.

9 As you know, assessing alternatives,

10 discussing alternatives doesn't necessarily

11 lead to the implementation of alternatives.

12 The RDT needs to have as part of their

13 mandate, establishing goals for reduction. I

14 don't just mean reduction of goals for

15 disposal into Long Island Sound because that

16 could just be attributable to less dredging.

17 I mean goals that would be advancing

18 beneficial reuse and upland disposal, and

19 the other things.

20 The second thing is, it was unusual

21 and disturbing to see Niantic Bay as being

22 part of this potential site. I know that you

23 dismiss it, but I don't even know why it was

24 mentioned. Niantic Bay, the EPA well knows

25 has been identified in the Long Island Sound

1 - 85

2 plan as being in need of restoration, that

3 it receives more than its fair share of

4 thermal pollution from the Mill Stone

5 Nuclear Plant, and also the because of the

6 Mill Stone's open loop system, millions of

7 gallons of water are drawn out of Niantic Bay

8 each and every year, causing a depletion of

9 winter flounder, and other fin fish and

10 shellfish.

11 So, the Bay has been identified for that

12 reason, for restoration. It was used from

13 1969 to 1972 as dredge dumping site.

14 I don't know why it's being discussed.

15 It should be off the table. It should have

16 never been in the room in the first place.

17 We ask you to just eliminate that.

18 The second thing is Cornfield Shoals,

19 happy to hear that could potentially be

20 closing, as it should. It's been listed for

21 years as a high dispersement site. As you

22 saw from the overheads here, you couldn't

23 even see where the dredge material had gone,

24 which means it's gone to multiple places.

25 Last, New London site. We're now

1 - 86

2 renaming it the Eastern Long Island Site.

3 There were some very curious things in the

4 draft EIS. The first thing is that it

5 recognizes, the draft EIS, that Eastern Long

6 Island Sound is one of the most biologically

7 diverse and productive segments of Long

8 Island Sound. In fact, this area is

9 considered an essential fish habitat,

10 as designated by the DEC and the EPA.

11 So, on one hand it's an essential

12 fish habitat, and that definition says that

13 these waters provide necessary breeding

14 ground, feeding ground, nursery grounds, for

15 fish to survive and mature, and then it lists

16 fifteen fish, including the ever dwindling

17 Winter Flounder, and other important key fish

18 as the Atlantic Salmon, the Spanish Mackerel,

19 the King Mackerel, Sand Tiger Sharks and

20 Dusky Sharks and much more.

21 Well, if it's such an essential fish

22 habitat, the plan goes on to say, even though

23 you want to increase dumping from 8.9 million

24 cubic yards, which has already occurred,

25 to 22.6 over the next thirty years, a

2 tripling, and says it's going to have no

3 impact. It's an essential fish habitat,

4 fifteen fish identified. It claims that

5 there will be no adverse impact, and

6 everything is okay.

7 The document also claims that even though

8 it's an essential fish habitat, you found

9 only one commercial fisherman that fishes

10 that area. I've got to tell you, I'm just

11 not buying that. That is impossible

12 in the Long Island Sound. Where there's

13 fish they will come. If you only found one

14 guy, it's because you didn't look.

15 There are way more. The competition is

16 heavy. The competition is fierce to get

17 those fish, and to survive for the survival

18 of the commercial and recreational

19 fisherman. I have to believe that due

20 diligence was not done in that area there.

21 Last, we're going to very respectfully,

22 once again, and as we have done for every

23 year for fourteen years, respectfully

24 disagree with the Army Corps of Engineers

25 that this material is not toxic.

1 - 88

2 Of course it is. Okay. Taking materials

3 from the mouths of rivers, which we agree

4 that dredging needs to be done, but

5 that material is run-off. It does contain

6 trace amounts of heavy metals, trace amounts

7 of pesticides, trace amounts of volatile

8 chemicals. It contains these contaminants,

9 and dumping it into the open water column

10 puts it once again into the eco-system.

11 and puts it once again into the food web.

12 So, we know that the Army Corps is

13 comfortable with this, as was repeated

14 several times today. We are not comfortable

15 with this. In fact, we spent thirty years

16 fighting against contaminants going into the

17 Long Island Sound. We would appreciate if

18 the EPA would have the same position as well.

19 So, having said all that, I'm sure my

20 time is up, but I'm sad to say, after twelve

21 years, you know, Long Island Sound looks like

22 it's going to have three permanent dump

23 sites.

24 We went backwards. We didn't go forward.

25 In the whole northeast there's six open water

2 disposal sites, for the entire northeast.

3 Long Island Sound has three more. It's

4 disproportionate, and it is not helping the

5 Long Island Sound's recovery.

6 Thank you for the opportunity to

7 come in.

8 MS. BROCHI: Thank you.

9 Is there anybody who would like to comment

10 that did not sign up or register?

11 Identify yourself and your organization, or

12 affiliation.

13 MR. GRAVES: Thank you for the chance

14 to comment and thank you for coming down. My

15 name is Anthony Graves, and I'm representing

16 Supervisor Edward Romaine, of the Town of

17 Brookhaven.

18 A few comments, the limits placed on the

19 site screening appear arbitrary.

20 It seems to be one of a set of arbitrary

21 limits that lead to inevitably to the

22 conclusion to continue the open water

23 dumping. That appears to be part of the

24 original that say, pre 2005 agreement between

25 the governors of Connecticut and New York to

2 try to minimize dumping in the Long Island

3 Sound. It's a continuation of the process

4 that Army Corps has used all along. So,

5 we can't see that there's been any change.

6 There doesn't seem to be any special

7 attempt to limit sediment inputs into the

8 systems that are driving the need for

9 dredging these harbors and waterways in the

10 first place, and we think that to really

11 protect the Sound, to have some kind of

12 special regulations that reduce the amount of

13 sediment that was shown, for instance, the

14 slide of, I believe it was Hurricane Irene,

15 where you have a gigantic plume coming

16 out of the Connecticut River. We think that

17 some kind of special provision to limit the

18 inputs to the harbors to begin with

19 would be a very good way to make sure

20 that the Sound is not being used for dumping

21 fifty years from now.

22 Again, we think the process has been

23 flawed from the outset. It really appears

24 that the economics have been the driver, and

25 for instance the box that limits the dredge

2 site, instead of being screened, appears way

3 too small. If we used a process similar to

4 the West Coast, where you have sites that are

5 far off shore, the economics would be very

6 very different, and a host of alternatives to

7 open water dumping would all of a sudden

8 become feasible.

9 Again, thank you for the chance to

10 comment.

11 MS. BROCHI: Thank you.

12 Please approach.

13 MS. PURNELL: Good afternoon.

14 My name is Margret Purnell. I'm here

15 today as a Southold property owner.

16 I've been involved in this, dredge material

17 disposal issue, probably since the

18 mid-1980's. This is really and example of

19 the definition of insanity because we

20 continue to go through this again, and again

21 and again, and for many members of the public

22 and the environmental community, we keep on

23 hoping for a different result. But we're

24 back at the same place again.

25 With regard to New London, New London was

1 - 92

2 first used sporadically in the 50's after

3 the Navy tried to do some upland disposal

4 on the sub-base, and it peeled the paint off

5 the walls, and it turned the white paint

6 yellow and they decided they were going to be

7 pretty much be putting most of the materials

8 in the open water.

9 With regard to the Tripe submarines,

10 there was litigation that ensued, and the

11 settlement for that litigation directed

12 the agencies to look for alternatives, for

13 viable alternatives, for dredge material

14 disposal. Here we are forty years later,

15 and we're still dealing with this.

16 I have to say it is really discouraging

17 because we really had an opportunity here,

18 and the agencies had an opportunity. We have

19 a lot better in technology. We've got great

20 GIS information and granted it appears with

21 this particular draft EIS, that you really

22 didn't cross the T's and dot the I's, in

23 terms of the data collection. You just let

24 the work that was done for Western Long

25 Island and Central Long Island sort of carry

1 - 93

2 the day, when in reality a lot of that

3 information was absent for the Eastern

4 portion of the Sound, and that was after you

5 reduced the zone of site of feasibility.

6 I haven't had the opportunity,

7 I've worked with a number of different

8 organizations. For twenty years I was with

9 Fishers Island Conservancy, working on this.

10 I have also represented Connecticut Watershed

11 Groups, as we have looked at the Dredge

12 Material Management Plan, and I have to say

13 that it's really discouraging because, if you

14 actually designated an open water site,

15 everyone would use it because it is by

16 far the cheapest way of disposing of the

17 material. No one really wants to make the

18 hard choices, and no one really wants to.

19 There has to be a paradigm shift of

20 how we look at this material.

21 We've always talked about source reduction

22 and limiting the source reduction, both in

23 the volume of sediment as well as the

24 contamination level.

25 I will take exception to commentary that

2 you don't put contaminated materials

3 or toxic material into the Sound, because it

4 happens. It's just not acutely toxic

5 according to the various bio-assessments that

6 you all use, on little tiny critters and

7 plants and worms. That is really not

8 representative. The chronic toxicity is

9 there. DAMOS reports will show, and a number

10 of different DAMOS reports will show, dredge

11 material found outside of the disposal sites,

12 there will be indications of sections that

13 aren't recovering. You don't go back

14 to the same area and test it the following

15 year. It's usually tested a number of years

16 afterwards.

17 The whole thing is really quite

18 discouraging. In terms of, I guess what

19 the lastly what I will say, I'm submitting

20 written comments and they will certainly

21 be more cogent. But the actual area,

22 you know, in reconfiguring the New London

23 dump site into the Eastern Long Island --

24 whatever you're going to call it. You're

25 enlarging it and you're shifting it.

1 - 95

2 So, what that translates to -- New London

3 was moved once before, and was shifted up

4 into the northwest a little bit to sort

5 of get it out of your New York State waters,

6 a little bit more out of New York State

7 waters.

8 Both New London, Central Long Island,

9 Western Long Island -- I mean in Western Long

10 Island, the dump site or the outline was

11 moved so there's a huge sloth of area where

12 dredge material was indeed disposed. I can

13 tell you that, you know Fishers, when

14 material is being disposed of, we get fine

15 grained sandy sediment that comes up on our

16 North Shore.

17 Our North Western Shore, we got a little

18 beach there, where little kids play and

19 little kids wading around. I don't have kids

20 but I feel for them. I feel for them and I

21 feel for the people that eat the fish, and

22 eat the creatures that are bio-accumulating

23 the materials we are putting in the Sound and

24 we spend hundreds of millions of dollars to

25 restore these areas. And then you look at

2 someplace, a beautiful place with the

3 potential, like Plum Island, that has the

4 potential of possibly being a reserve and yet

5 we're going to be putting this contaminated

6 material in the Sound immediately adjacent to

7 the race.

8 I remember the Seawolf and I can't

9 remember if it was Pier 15, 17 or if it was

10 Seawolf, but the original fine grain, when

11 the material went down, it went back to go

12 find it before they actually kept it, 33

13 percent of the material was gone.

14 I dispute that New London is a full

15 containment site. You know, I will grant

16 that some of the material that actually does

17 reach the bottom, tends to stay there, though

18 there's still movement. The currents are

19 strong, and things get moved around. It's not

20 clear what actually there. There are relic

21 lumps and things, that is true, but a lot of

22 the material is all over the Sound.

23 You know, New London's had enough. I

24 think forty years, fifty, sixty years of

25 putting this stuff down there, it's enough.

1 - 97

2 It's a very, for Long Island Sound, we've

3 actually -- Because there has been less

4 sediment disposal and the fine grained

5 materials in particular, we've had a come

6 back of our eel grass beds, we've had many

7 more marine mammals. The seals are hauling

8 out all over the rocks that are offshore,

9 even some that are on-shore on Fishers

10 Island. You know, it's just really

11 discouraging that this is going to start up

12 again. Thank you and I will submit written

13 comments.

14 MS. BROCHI: Thank you. Are there

15 any further comments? Please approach.

16 MR. McCALLISTER: Good afternoon.

17 My name is Kevin McCallister. I'm the

18 founding president of Defend H2O. I'm a

19 marine scientist by academic and professional

20 training. My experience spans approximately

21 thirty years. I've worked in government,

22 consultancy in the Non-For-Profit sector.

23 I've been speaking to this, I don't know

24 what public hearing, or comments that I will

25 provide today. I don't know what number that

2 is. I will tell you that back in 2005, I

3 really thought this program was getting dead

4 on arrival. It was a public hearing in Port

5 Jefferson, then US Congressman Tim Bishop,

6 spoke. Ms. Esposito was there. Ultimately

7 the sentiment from the community from Long

8 Island was very strong and really though

9 this was gone.

10 Let me speak to process here, because

11 having contributed to EIS's Environmental

12 Impact Statement, written environmental

13 regulations for water resources, coastal

14 resources, protection in the consulting end,

15 developing mitigation plans. There's a

16 process here. I'm not trying to be

17 disrespectful but I will call this ultimately

18 a bit of a game in process. Ultimately the

19 technical analysis that's been done and

20 presented, and I recall sitting in this

21 room in December, ultimately with speaking

22 about the disposal, a bit on the dynamics,

23 you know, very deep science if you will.

24 We went onto, I think there's

25 absence in the biological analysis.

1 - 99

2 You've had a myriad of public meetings on

3 both sides. This has been really zipped up

4 really nicely. There's very little

5 opportunity,or I'll say, ability to contend

6 the findings here. I'm going to bring you

7 back to a little bit of reality, and

8 certainly in my experience, having worked in

9 the time of dredging, both on the permitting

10 side, pulling the permits, and then

11 monitoring these operations. We are talking

12 about depositional sites. These river mouths

13 and the harbors that you're talking about,

14 there's commentary or presentation

15 assurances of the toxicity. These are sinks.

16 The storm water discharge into these areas,

17 these rivers extending many miles up in

18 northern lands with industrial uses on these

19 rivers.

20 Again, anyone that knows dredging knows

21 that at a minimum we're talking mud, unless

22 there's episodic events, such as Hurricane

23 Sandy, where all of a sudden a marine base

24 perhaps has course sand in it. What you will

25 be bringing out there is in fact mud.

2 It's very likely there's toxicity in these

3 sediments.

4 There were comments earlier about the

5 frequency of the testing. It doesn't seem as

6 though that will be responsive to what I'll

7 call the pulses of water coming down in storm

8 events, delivering toxicity to said

9 sediments. This is in fact the easy way out,

10 and again, you've sealed it up very nicely.

11 So, it's very difficult for the

12 community, without a myriad of other

13 scientists, and legal actions, quite frankly,

14 to challenge this. But at the end of the

15 day, this is an economic decision to

16 ultimately dispose of questionable sediments

17 at a minimum, getting back to, turbidity

18 problems and water quality problems,

19 just by the mere fact this is mud disposal.

20 It's being done so because of costs, and

21 ultimately, the term was unreasonable

22 degradation. That's a very ambiguous term,

23 if you will. All I can do is express the

24 opposition that you've heard widely,

25 certainly from New York State, and

1 - 101

2 disappointment, but also recognition that,

3 you know this train, perhaps left the station

4 a long time ago. Maybe in Port Jefferson,

5 back, I think it was in, roughly in 2005.

6 It doesn't reflect well on EPA. It

7 doesn't reflect well on the US Army Corps.

8 An estuary of national significance with all

9 the pressures and threats this water body.

10 This is just another insult that,

11 quite frankly, that there doesn't have to

12 be the investment of dollars to do an

13 alternative disposal of this material.

14 Thank you.

15 MS. BROCHI: Thank you.

16 Are there any additional comments?

17 [THERE WAS NO RESPONSE]

18 Again, I'd like to thank you for

19 commenting. I'd like to remind everybody,

20 please send in written comments. We will be

21 responding to the comments in a document with

22 the final decision.

23 I want to thank Sarah Anker. She

24 requested at one of the public hearings that

25 we have a webinar and have an educational

2 webinar on dredge material and it was the

3 Corps Region 1 and Region 2. We'd be happy

4 to do that again if you would like webinars,

5 to talk about different aspects of the

6 process.

7 Again, June 27th is the comment period

8 and I thank you very very much for your time.

9 [WHEREUPON HEARING WAS CLOSED]

10 [TIME NOTED: 3:00 P.M.]

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1 - 103

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CERTIFICATION

3

4 COUNTY OF SUFFOLK)

SS:

5

STATE OF NEW YORK)

6

7 I, Charmaine DeRosa, Certified

8 Court Reporter, in the State of New York,

9 do hereby certify :

10

11 THAT, the foregoing is a true and

12 accurate transcript of my stenographic

13 notes,taken in the matter of the PUBLIC

14 HEARING, on this 25th of May, 2016.

15

16 IN WITNESS WHEREOF, I have hereunto

17 set my hand on this 25th day of May, 2016.

18

19

20

21 _____

22 Charmaine DeRosa, CSR

23

24

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