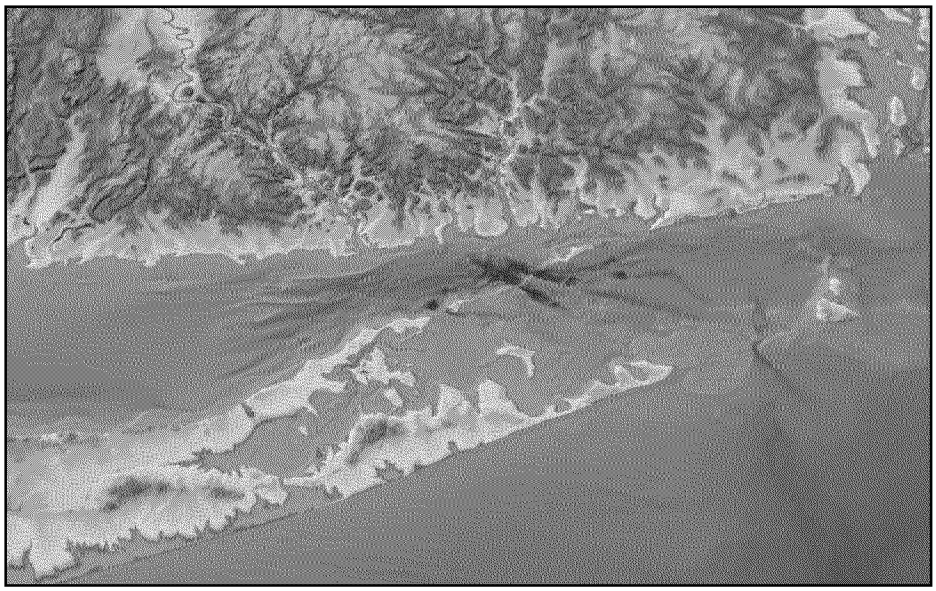
Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Eastern Long Island Sound, Connecticut and New York

Report of Public Scoping Meetings 3 (Riverhead, NY) and 4 (Groton, CT) *DRAFT*



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

Sponsored by: **Connecticut Department of Transportation**

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

October 2013

This page intentionally left blank

REPORT OF PUBLIC SCOPING MEETINGS 1 (GROTON, CT) AND 2 (RIVERHEAD, NY)

DRAFT

Held on June 25 (Riverhead) and June 26 (Groton), 2013

EPA QA Tracking Number RFA 13063

Prepared for:
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109

Sponsored by:
Connecticut Department of Transportation
Waterways Administration
2800 Berlin Turnpike
Newington, CT 06131-7546

Prepared by:
The Louis Berger Group, Inc.
117 Kendrick Street
Needham, MA 02494

Subcontractor to:
University of Connecticut
Department of Marine Sciences
1080 Shennecossett Road
Groton, CT 06340

October 15, 2013

Document Control Number: LI003

This page intentionally left blank

Table of Content

page

Executive Summary

1. Introduction 1

2. Scoping Meetings 1

3. Meeting Summary 2

Attachment 1: Meeting Announcement

Attachment 2: Lists of Attendees and Lists of Commenters from the Public

Attachment 3: Presentations

Attachment 4: Transcripts of Public Comments, Riverhead, New York, June 25, 2013

Attachment 5: Transcripts of Public Comments, Groton, Connecticut, June 26, 2013

ED_001437E_00000053-00005

EXECUTIVE SUMMARY

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

The two public meetings were held in Riverhead (NY) and in Groton (CT) on June 25 and 26, 2013. The primary purpose of these meetings was to present the process and first results of the screening of the Eastern Long Island Sound project area.

ED_001437E_00000053-00006

1. Introduction

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

2. Public Scoping Meetings

In accordance with USEPA's voluntary NEPA policy, the USEPA is conducting an extensive public involvement program throughout the development of the SEIS. The first two public scoping meetings were held on November 14, 2012 (Groton, CT) and January 9 (Riverhead, NY).

USEPA scheduled public scoping meetings 3 and 4 to discuss the process and first results of the screening of the Eastern Long Island Sound project area (i.e., 'Zone of Siting Feasibility' or ZSF) for potential dredged material disposal sites . Aside from the Eastern Long Island Sound, t he ZSF includes Block Island Sound (Figure 1). The public was invited to attend and comment on the presented information . There was no official comment period. Meetings were held on the following dates:

- June 25, 2013 Suffolk County Community College, Riverhead, New York
- June 26, 2013 University of Connecticut, Avery Point, Groton, Connecticut York

Both meetings were held between 2:30pm and 4:30pm. The format and agenda for each meeting were identical.

Time	Agenda Item	
2:00 pm	*Registration*	
2:30 pm	*Ground Rules/Logistics*	Facilitator, Bernward Hay, The Louis Berger Group, Inc.
2:35 pm	*Welcome/Project Update*	Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1
2:55 pm	*Site Screening/GIS*	Bernward Hay, The Louis Berger Group, Inc.
3:30 pm	*Discussion and Next Steps*	Bernward Hay, The Louis Berger Group, Inc.
4:30 pm	*Adjourn*	

ED_001437E_00000053-00007

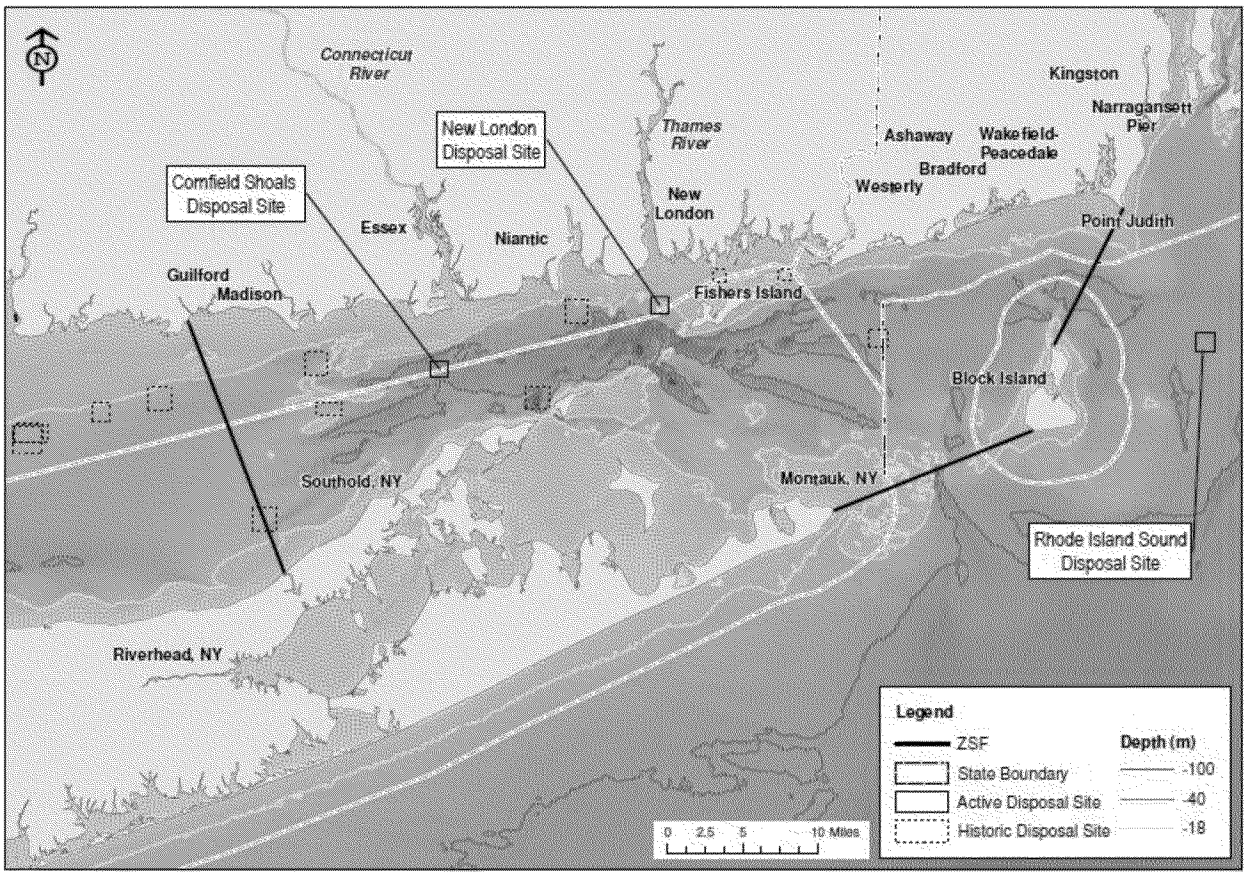


Figure 1: Zone of Siting Feasibility

3. Meeting Summary

Scoping is part of the NEPA process through which federal agencies discuss the purpose of and need for the proposed action; the projected area extent and range of potential impacts resulting from the proposed action; and the studies necessary to determine the extent of potential impacts resulting from these actions. Public scoping meetings 3 and 4 explained the site screening process and first screening results presented on GIS maps.

The lists of Attendees and Commenters/Speakers from the Public are provided in Attachment 2. Presentations given by Ms. Jean Brochi (USEPA) and Dr. Bernward Hay (The Louis Berger Group, Inc.) are provided in Attachment 3. Transcripts, required for both meetings, were prepared by Ms. Charmaine DeRosa from Alliance Reporting Service, Inc. (Riverhead meeting) and by Ms. Sarah Miner from Brandon Smith Reporting & Video (Groton meeting); their transcripts are enclosed as Attachments 4 and 5, respectively.

Following is a summary of the two meetings:

- **Attendees:** A total of 33 attendees signed in at the Riverhead meeting; a total of 42 attendees signed in at the Groton meeting. Attendees at both meetings included members from the Public ,

ED_001437E_00000053-00008

non-profit organizations, private companies, state and federal agency representatives, and representatives of government officials. Specifically, agency representatives included the USEPA, U.S. Army Corps of Engineers, Connecticut Department of Energy and Environment, New York State Department of State, and New York State Department of Environmental Conservation.

- **Commenters:** After the presentations, 11 individuals commented at the Riverhead meeting and 5 individuals commented at the Groton meeting.

ED_001437E_00000053-00009

This page intentionally left blank

Attachment 1

MEETING ANNOUNCEMENT

ED_001437E_00000053-00011

From: Grimaldi, Alicia
Sent: Tuesday, June 04, 2013 3:51 PM
To: Grimaldi, Alicia
Subject: Eastern LIS Supplemental EIS - PUBLIC MEETINGS June 25 (NY) & June 26 (CT)

The Environmental Protection Agency will be hosting another set of public meetings in Riverhead, NY and Groton, CT to discuss EPA's Supplemental Environmental Impact Statement (SEIS) to evaluate the potential designation of one or more dredged material disposal sites in eastern Long Island Sound. The purpose of this meeting is to present information on the range of alternative sites that will be evaluated in the SEIS. The information for these public meetings is below.

TUESDAY, JUNE 25, 2013
2:30 – 4:30 (registration begins at 2:00)
Suffolk County Community College, Culinary Arts & Hospitality Center
20 East Main Street
Riverhead, NY 11901
Directions: http://department.sunysuffolk.edu/CulinaryArts_E/3232.asp

WEDNESDAY, JUNE 26, 2013
2:30 – 4:30 (registration begins at 2:00)
University of Connecticut at Avery Point
Academic Building, Room 308
1084 Shennecossett Road, Groton, CT 06340
Directions: http://www.averypoint.uconn.edu/about/directions.html

For additional information, please visit
http://www.epa.gov/region1/eco/lisdreg/elis.html.

Please consider forwarding this message to any parties who may be interested in attending.

Thank you!

Alicia Grimaldi
Ocean & Coastal Protection
Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OEP06-01
Boston, MA 02109
Tel: (617)918-1806
Fax: (617)918-0806

ED_001437E_00000053-00012

Attachment 2

LISTS OF ATTENDEES AND COMMENTERS FROM THE PUBLIC

- Riverhead, NY June 25, 2013
- Groton, CT June 26, 2013

Note: Addresses and contact information was provided on the original Sign -in sheets but not listed here for privacy reasons. Spelling of names and organizations was verified, if needed, using the internet. Names are listed in the order shown on the Sign-in sheets.

ED_001437E_00000053-00013

Riverhead, NY, June 25, 2013

ATTENDEE SIGN-IN

NAME	ORGANIZATION	COMMENTS?
Angela DeVito	Jamesport Civic Association	
Scott Russell	Southold Town	Yes
Charles de Quillfeldt	New York State Department of Environmental Conservation	
Jim King	Southold Town Trustee	Yes
Kari Gathen	New York State Department of State	
Jennifer Street	New York State Department of State	
William Gash	Connecticut Maritime Coalition (CMC)	
Steve Hynes		
Diane Hynes		
Dan Leonard		Yes
Joseph Salvatore	Connecticut Department of Transportation	
Jim O'Donnell	University of Connecticut	
George Wisker	Connecticut Department of Energy and Environmental Protection	
Amy Atamian	The Louis Berger Group, Inc.	
James Leary	New York State Department of State	
Ron McGreevy		Yes
Doris McGreevy		Yes
Meg McAuley Kaicher	Capital Consulting Group	Yes
Hannah Cope	Office of Senator Kirsten E. Gillibrand	
Cyndi Murray		
Maureen Dolan Murphy	Citizens Campaign for the Environment	Yes
Cathy Rogers	U.S. Army Corps of Engineers, New England District	
Al Krupski	Suffolk County	Yes
Anthony Graves	Town of Brookhaven	Yes
Marguerite Purnell		Yes
Nancy Brighton	U.S. Army Corps of Engineers, New York District	
Mark Terry	Southold Town	
Kim Tucker	Suffolk County	
Sarah Anker	Suffolk County	Yes
Annie McClelland	Citizens Campaign for the Environment	
Jean Brochi	U.S. Environmental Protection Agency, Region 1	
Bernward Hay	The Louis Berger Group, Inc.	
Mark Habel	U.S. Army Corps of Engineers, New England District	

ED_001437E_00000053-00014

Groton, CT, June 26, 2013

ATTENDEE SIGN-IN

NAME	ORGANIZATION	COMMENTS?
Alan Stevens	Connecticut Department of Transportation	
Rob Michalik	Office of Senator Chris Murphy	
Syma Ebbin	University of Connecticut	
Kathy Hall	Cardno TEC, Inc.	
G. McCarcuell (sp?)		
Frank Bohlen	University of Connecticut	Yes
Alicia Grimaldi	U.S. Environmental Protection Agency, Region 1	
Jeff Herter	New York State Department of State	
Mark Habel	U.S. Army Corps of Engineers, New England District	
Jean Brochi	U.S. Environmental Protection Agency, Region 1	
George Wisker	Connecticut Department of Energy and Environmental Protection	Yes
Abbie McAllister		
Kari Gathen	New York State Department of State	
Grant Westerson	Connecticut Marine Trades Association	
Tracy McKenzie	U.S. Navy	
Joseph Salvatore	Connecticut Department of Transportation	
Cathy Rogers	U.S. Army Corps of Engineers, New England District	
Mel Cote	U.S. Environmental Protection Agency, Region 1	
Matt LeBeau	Office of Senator Richard Blumenthal	
Rudy Brown	U.S. Environmental Protection Agency	
Amy Atamian	The Louis Berger Group, Inc.	
Bernward Hay	The Louis Berger Group, Inc.	
Jim O'Donnell	University of Connecticut	
Sherri Vogt		
James Leary	New York State Department of State	
Jennifer Street	New York State Department of State	
Lou Allyn		
Tom Carona		
Corrine Folsom-Okeefe	Audubon Society	Yes
Judy Benson		
Bill Spicer	Spicer's Marina	Yes
Kim Junior		
Brian Thompson	Connecticut Department of Energy and Environmental Protection	
Nathan Frohling	The Nature Conservancy	Yes
Jim Hunt	Cardno TEC, Inc.	
Bob Wardwell	Cardno TEC, Inc.	
Elissa Wright	State Representative 41st Assembly District	
Lou Burch	Citizens Campaign for the Environment	
Diane Rusanowsky	National Oceanographic and Atmospheric Administration	
Nancy Brighton	U.S. Army Corps of Engineers, New York District	
Mark Habel	U.S. Army Corps of Engineers, New England Distr	
Tim Visel		

ED_001437E_00000053-00015

This page intentionally left blank

Attachment 3

PRESENTATIONS

- **Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1:** ***Project Update*** (Slides 1 to 17, and Slide 36)

- **Bernward Hay, The Louis Berger Group, Inc.:** ***Site Screening/GIS*** (Slides 18 to 35)

Note: Presentation slides were identical at each meeting.

ED_001437E_00000053-00017

Eastern Long Island Sound Supplemental Environmental Impact Statement (ELIS SEIS) Public Meetings (NY & CT)

U.S. EPA Region 1 and 2
June 25-26, 2013

ELIS SEIS Agenda

2:00 pm Registration

2:30 pm Ground Rules/Logistics
Facilitator, Bernward Hay, the Louis Berger Group, Inc. (LBG)

2:35 pm Welcome/Project Update
Jean Brochi, Project Manager, Ocean and Coastal Protection Unit
EPA Region 1

2:55 pm Site Screening/GIS
Bernward Hay, LBG

3:30 pm Discussion and Next Steps
Bernward Hay, LBG

4:30 pm Adjourn

ED_001437E_00000053-00019

EPA-USACE Share Responsibility

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

ED_001437E_00000053-00020

EPA's Role in Dredging

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

ED_001437E_00000053-00021

Long Island Sound Dredged Material Disposal Sites

Designated by EPA in July 2005:

- Western Long Island Sound
- Central Long Island Sound

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

- Cornfield Shoals
- New London

Long Island Sound Environmental Impact Statement

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

ED_001437E_00000053-00023

Long Island Sound Environmental Impact Statement

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

ED_001437E_00000053-00024

Eastern Long Island Sound Supplemental Environmental Impact Statement (ELIS SEIS)

- October 2012: Published a Notice of Intent
- November 14, 2012 and January 9, 2013 Public meetings
- January 8, 2013, May 20, 2013 and June 18, 2013 Cooperating Agency meetings
- Literature and Data gap analysis ongoing
- Physical Oceanographic Study (initiated March 2013) ongoing
- Screening using data available in Geographic Information Systems (GIS) ongoing

ELIS SEIS Partners

- COOPERATING AGENCIES:
  EPA R1 and R2, NYDOS, NYDEC, CTDEEP, CTDOT, RICRMC, USACE NYD, USACE NED, NOAA, and USCG.

- COORDINATING AGENCIES:
  USFWS and the NAVY

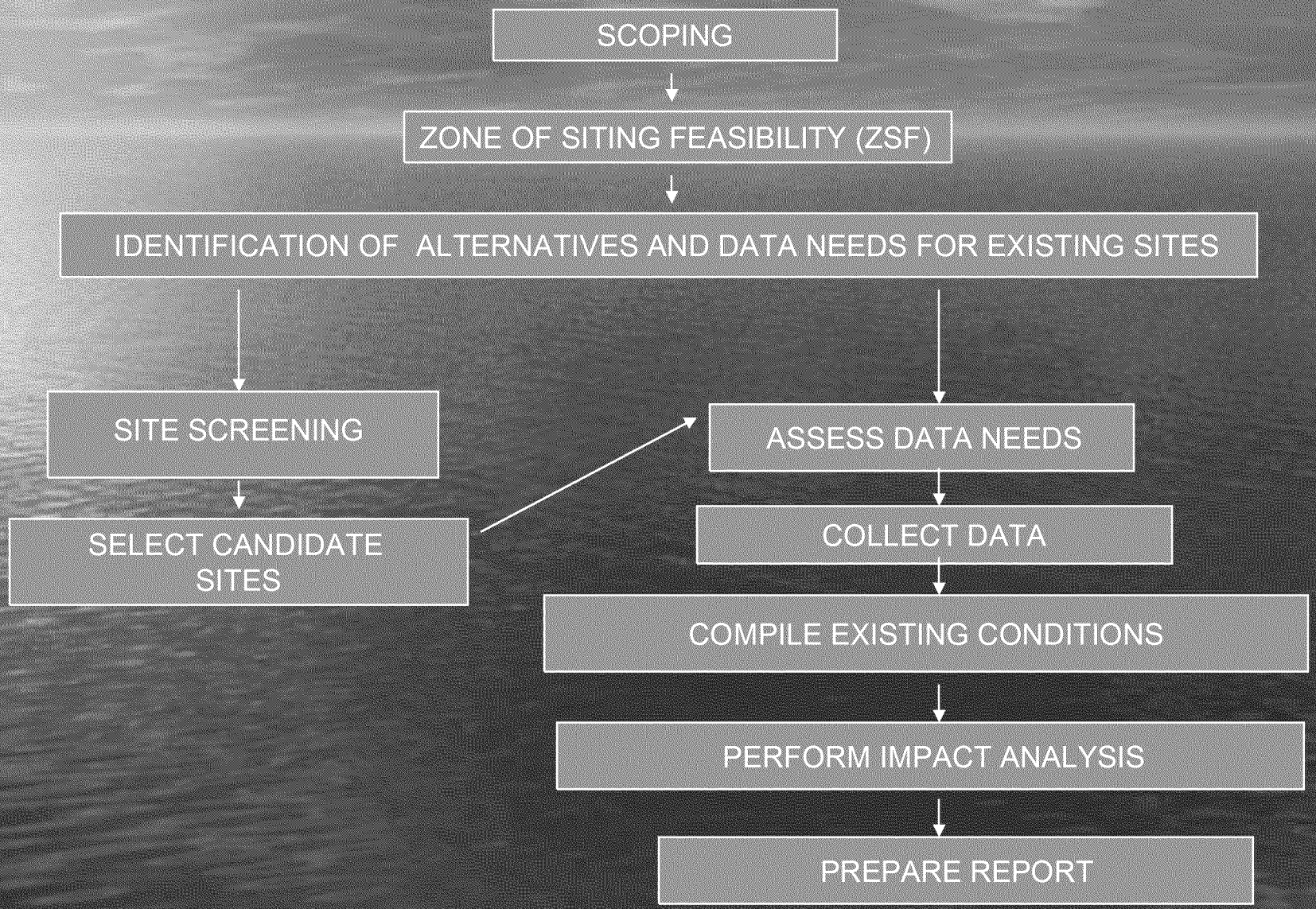
- Additional Coordination: Tribes, SHPO's

ED_001437E_00000053-00026

ELIS SEIS Schedule

- Draft SEIS by December 2014
- Final SEIS by December 2015
- Assuming SEIS recommends designation of one or more sites, publish final rulemaking by December 2016

ELIS SEIS Process



LIS DMMP Studies

Dredging Needs Report completed in October 2009:

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

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

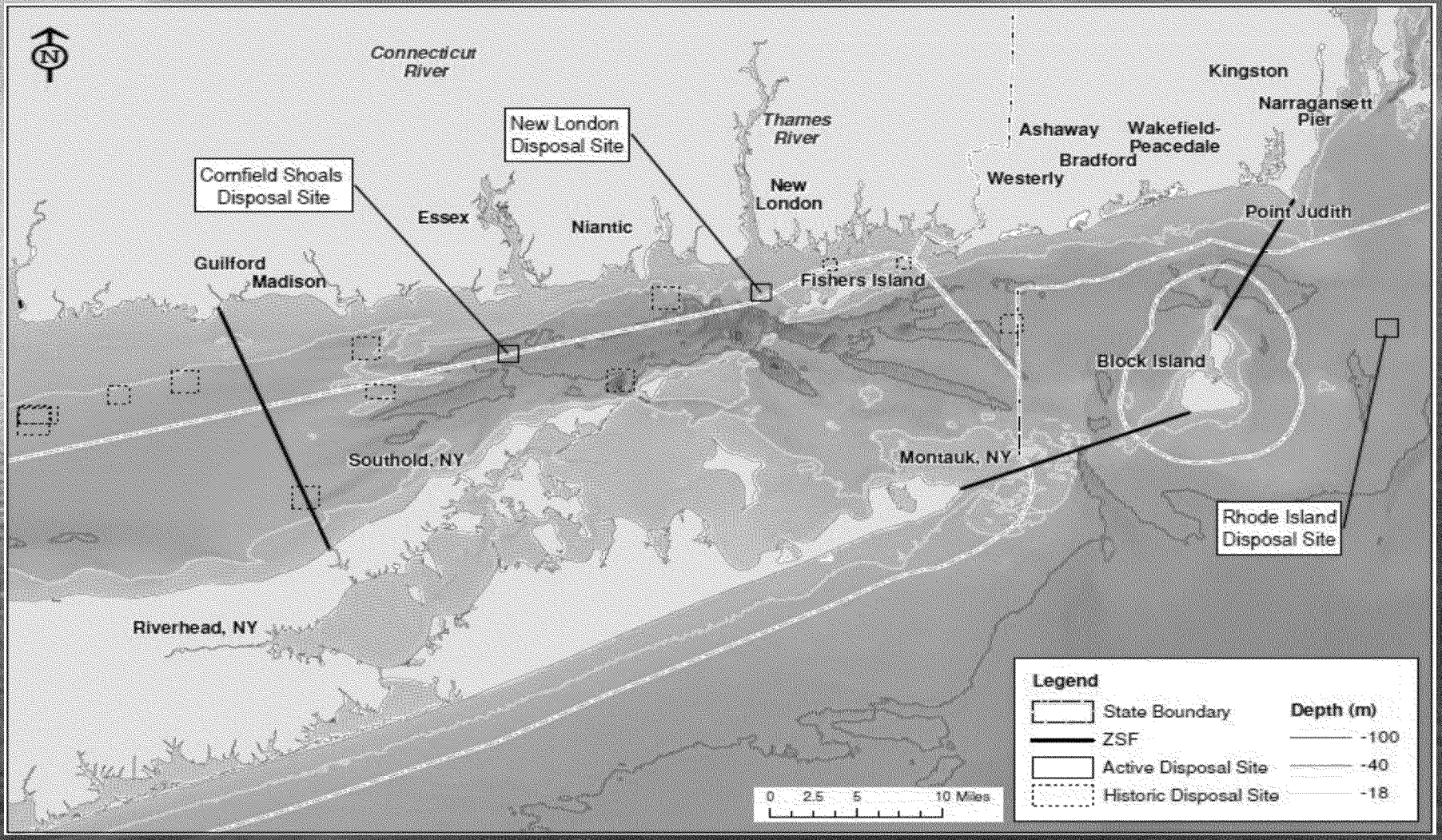
- Determined that there are very few alternatives to open-water disposal sites in CT, and most of those are beach nourishment

ED_001437E_00000053-00029

ELIS –SEIS
Zone of Siting Feasibility

- SEIS will address the eastern region of Long Island Sound, and Block Island Sound

ELIS SEIS – Active Dredged Material Disposal sites



Approach to Screening

- Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA): Criteria for ocean dredged material site designation:
  - 5 general criteria (40 CFR 228.5)
  - 11 specific criteria (40 CFR 228.6)

- Screening levels
  - Initial Screening of areas potentially acceptable as an open water disposal site
  - Further evaluate areas using additional data (this may include additional field work, research, etc.)

Approach to Screening MPRSA -11 specific criteria (40 CFR 228.6)

1. Geographical position, depth of water, bottom topography and distance from coast
2. Location in relation to: breeding, spawning, nursery, feeding, passage areas of living resources
3. Location in relation to beaches, public use areas
4. Types and quantities of disposal, etc.
5. Feasibility of surveillance and monitoring
6. Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any
7. Existence and effects of current and previous discharges and disposal in the area (including cumulative effects)
8. Interference with shipping, fishing, recreation, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean
9. Existing water quality and ecology of the site
10. Potentiality for the development or recruitment of nuisance species in the disposal site
11. Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.

ED_001437E_00000053-00033

Approach to Screening MPRSA - 5 general criteria (40 CFR 228.5)

1. Conflicting Uses - in areas selected to minimize the interference with areas of existing fisheries or shellfisheries and regions of heavy commercial or recreational navigation.

2. Conditions - will be so chosen so that temporary perturbations in environmental conditions caused by disposal operations will be reduced before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery.

3. Site Use - at any time if approved sites do not meet the criteria for site selection set forth in Sections 228.5 through 228.6, the use of such sites will be terminated as soon as suitable alternate disposal sites can be designated.

4. Site Size - the sizes of ocean disposal sites will be limited to implement effective monitoring and surveillance programs; the size, configuration, and location of any disposal site will be determined as a part of the disposal site designation study.

5. Historically Used - USEPA will, wherever feasible, designate disposal sites beyond the edge of the continental shelf and other such sites that have been historically used.

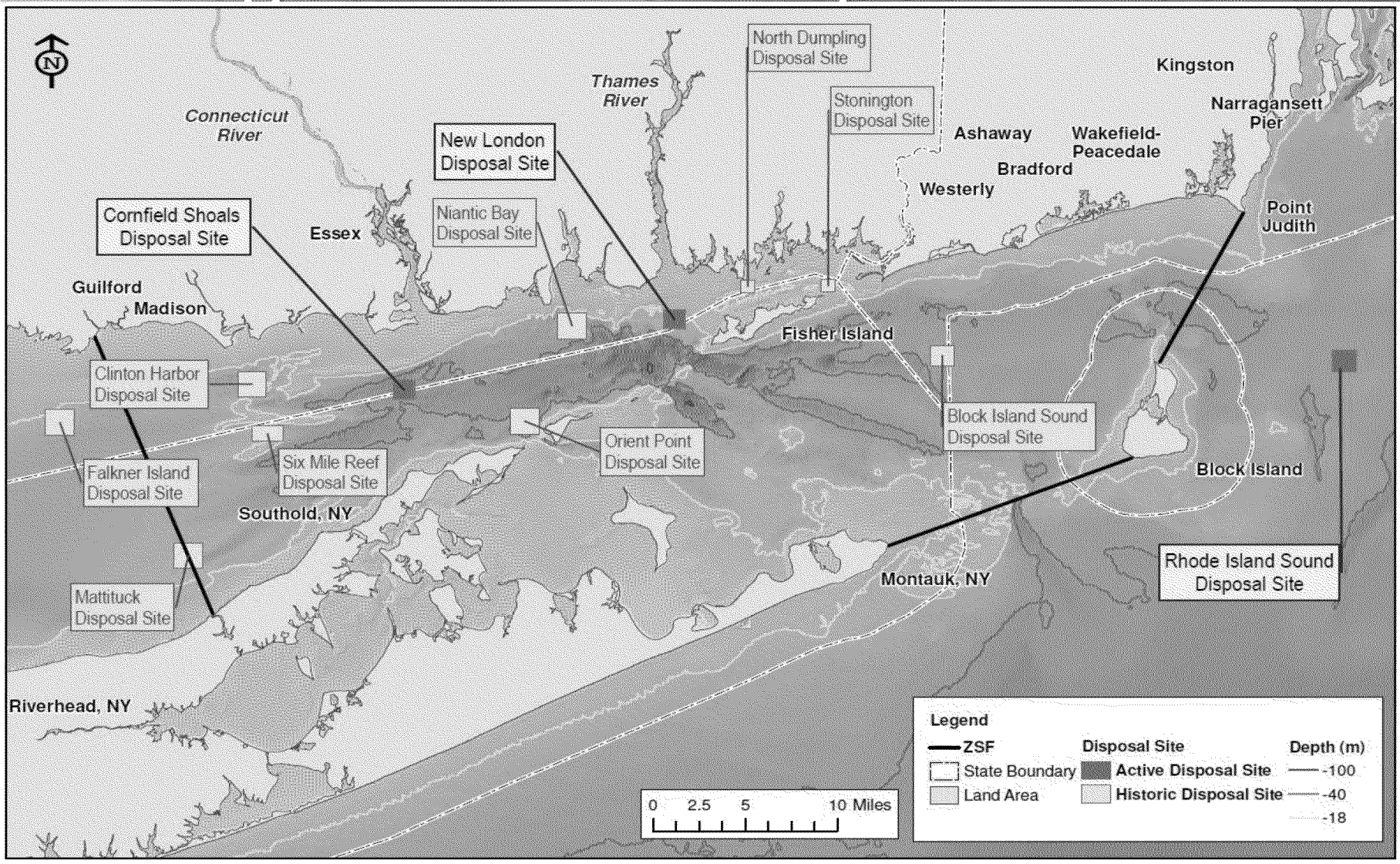
ED_001437E_00000053-00034

Site Screening - Examples

- Sedimentary Environment
  - Bathymetry
  - Currents and Waves; Bottom Stress
  - Sediment Texture (resuspension potential; habitat)
- Areas of Conflicting uses
  - Infrastructure (cables, pipelines)
  - Navigation (shipping lanes, anchoring areas)
  - Recreation (areas and navigation)
  - Conservation Areas (sanctuaries, wildlife refuges, National Seashores, parks, artificial reefs, etc.)
  - Cultural and Archaeological Resources
- Biological Resources
  - Shellfish Beds
  - Benthic Community
  - Fish Habitat, Fish Concentrations, and Fishing Areas
  - Breeding, Spawning, Nursery, Feeding, and Passage Areas

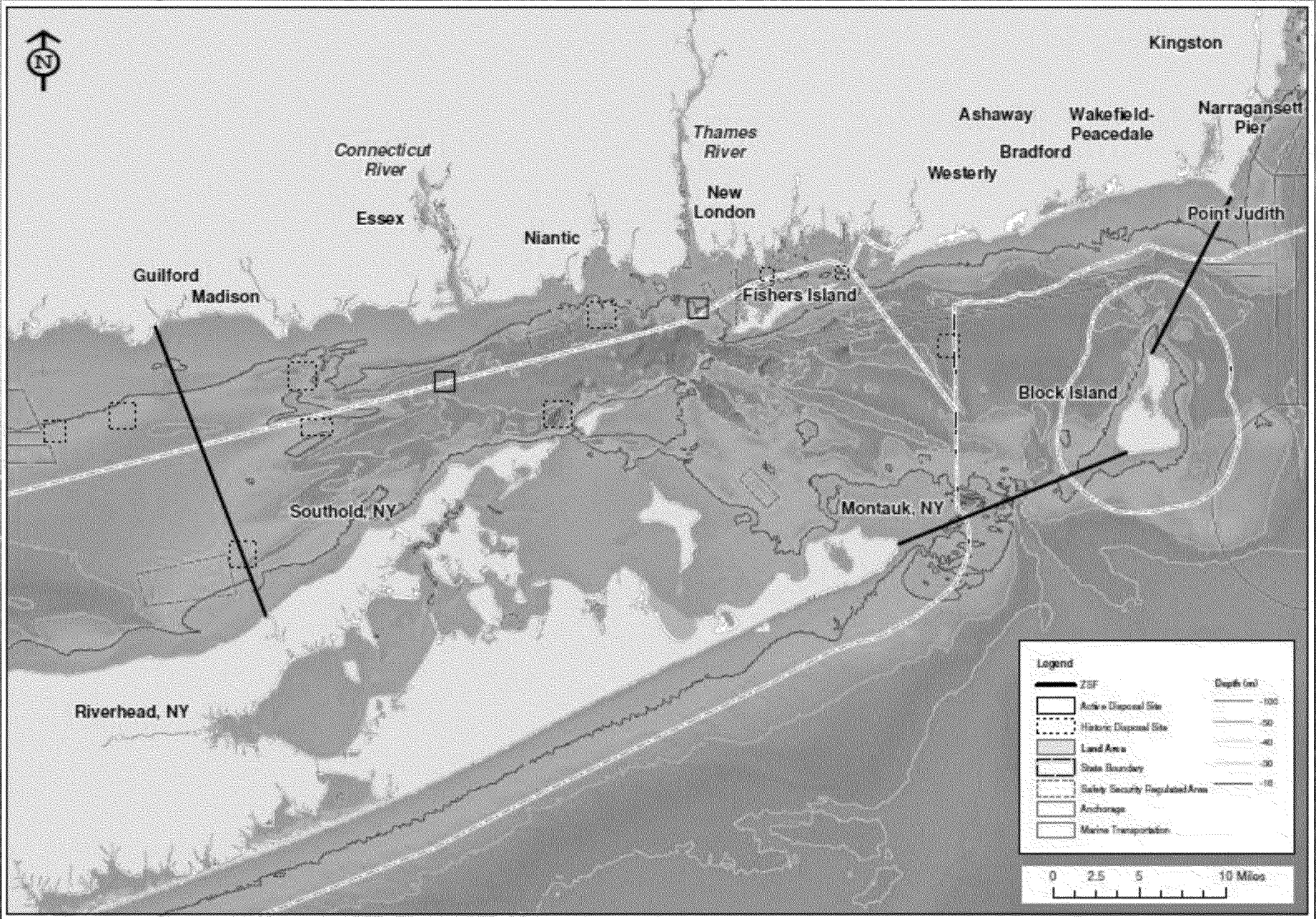
ED_001437E_00000053-00035

ELIS SEIS – Historic Dredged Material Disposal sites

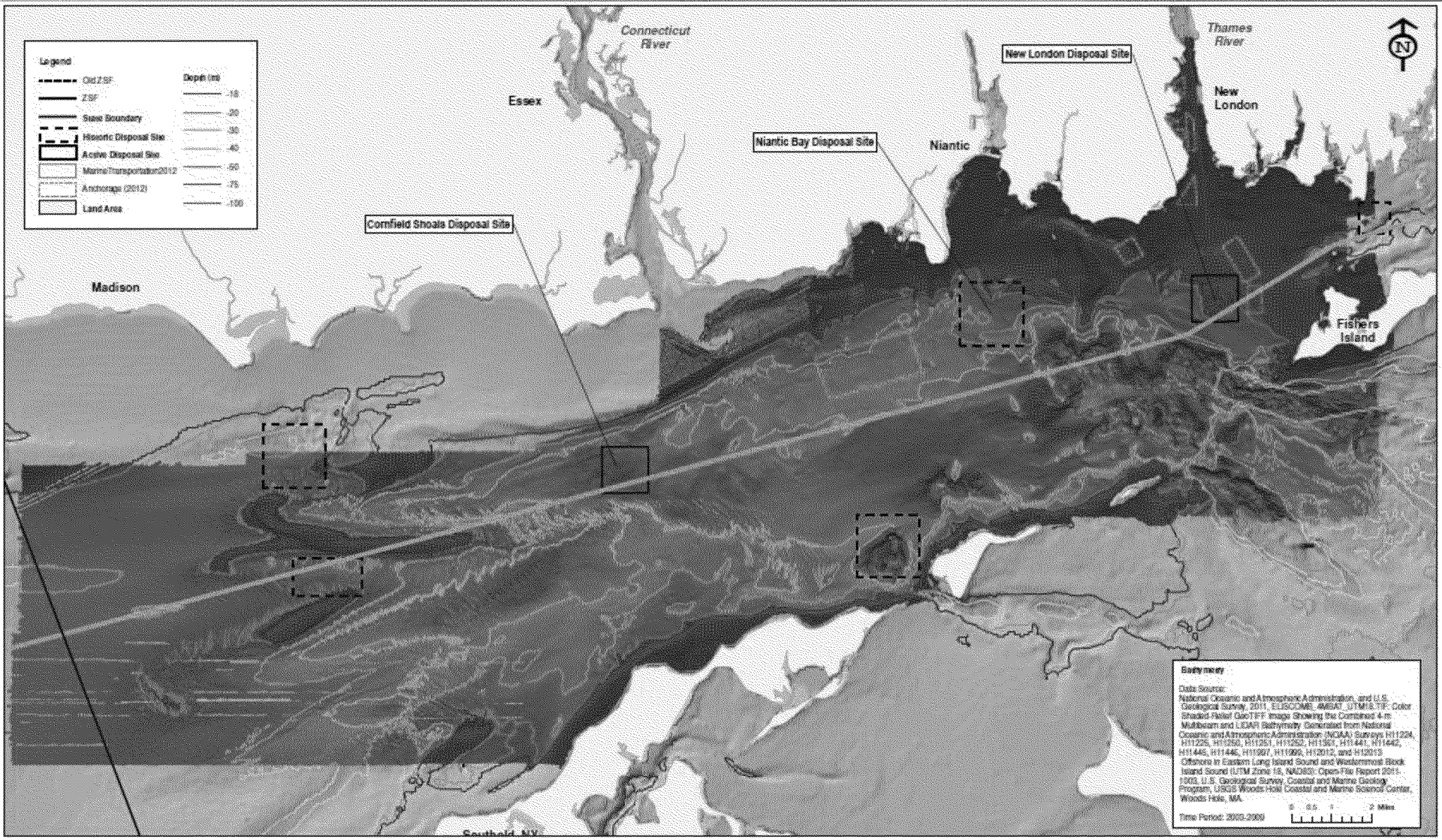


Sedimentary Environment

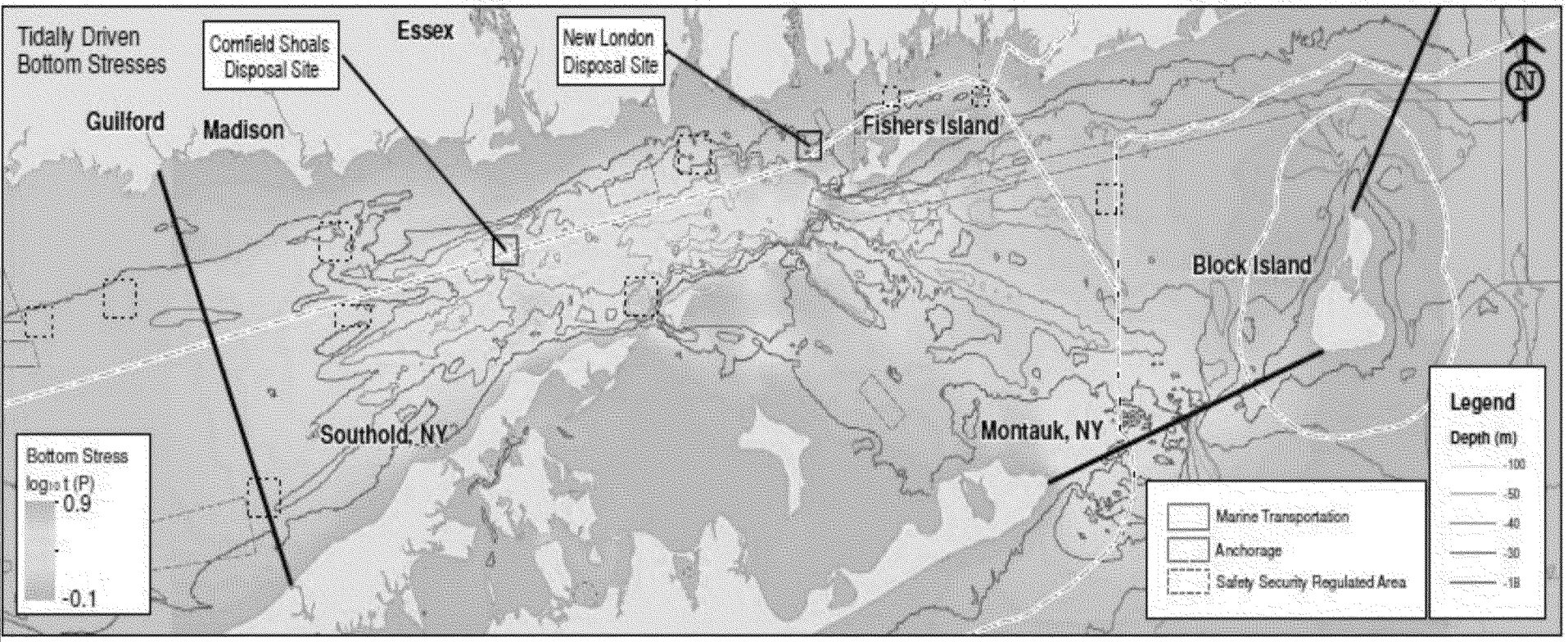
Bathymetry (ZSF)



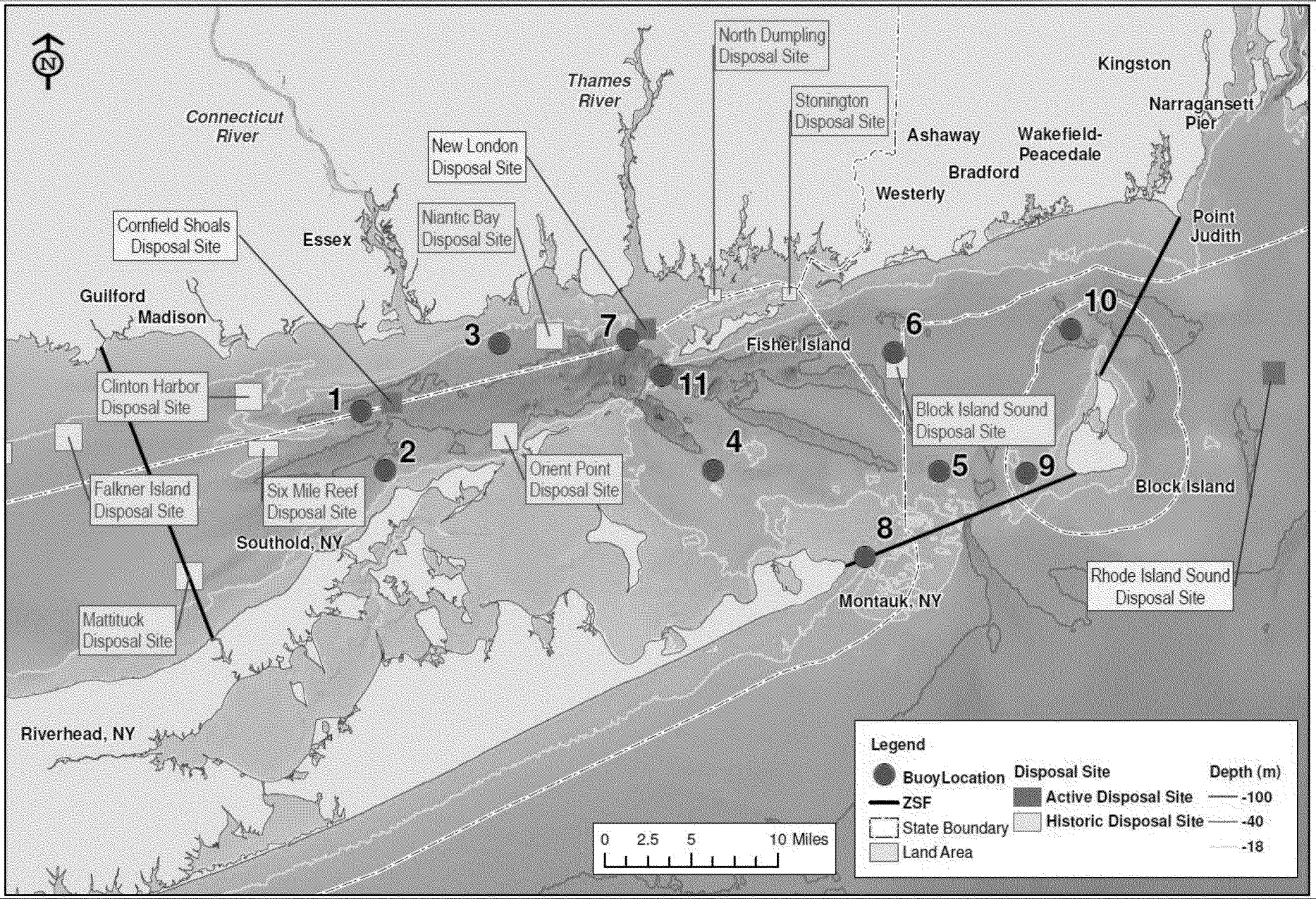
Bathymetry (Eastern LIS)



Tidally-Driven Bottom Stress

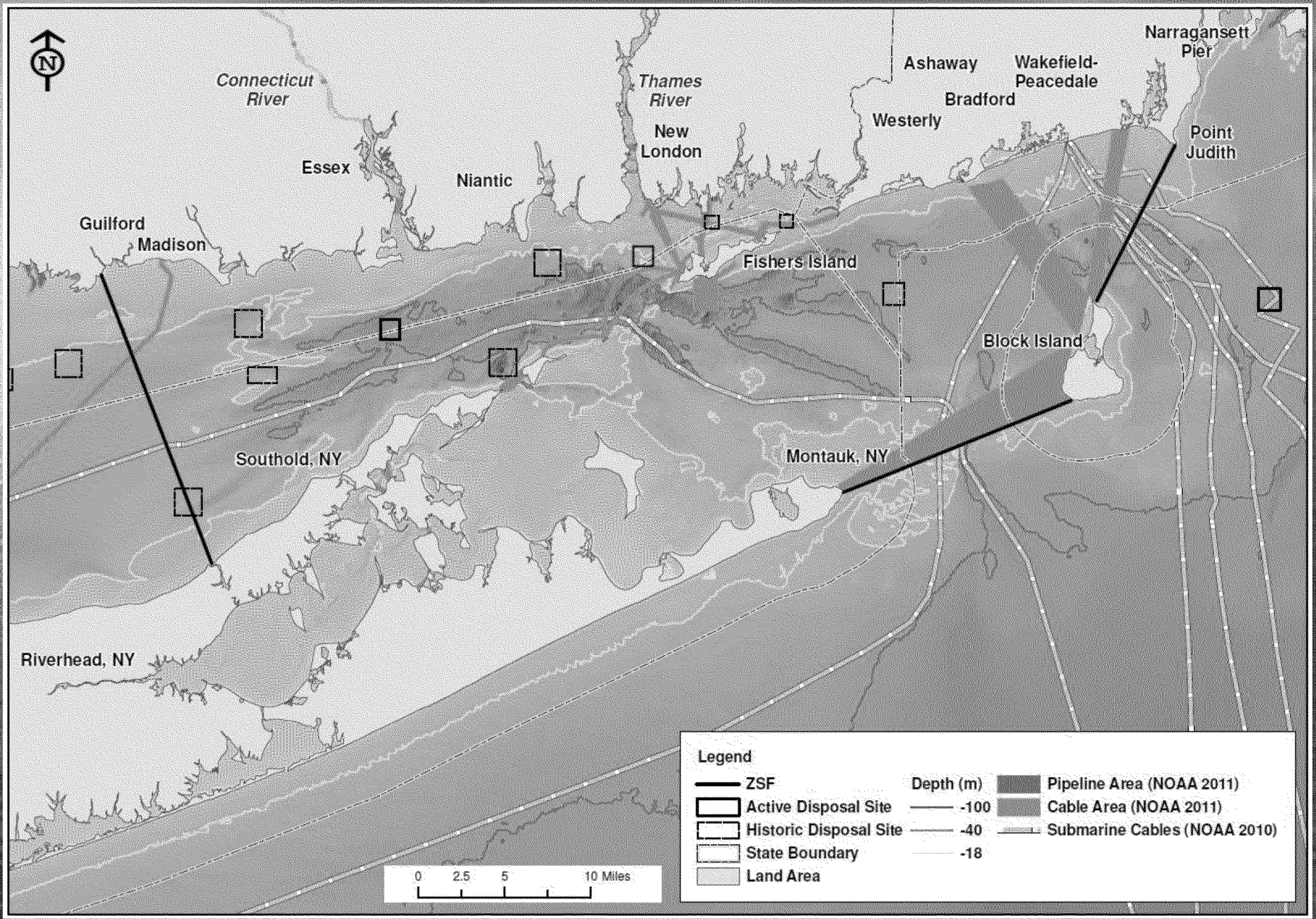


Physical Oceanography Study – Buoy Locations

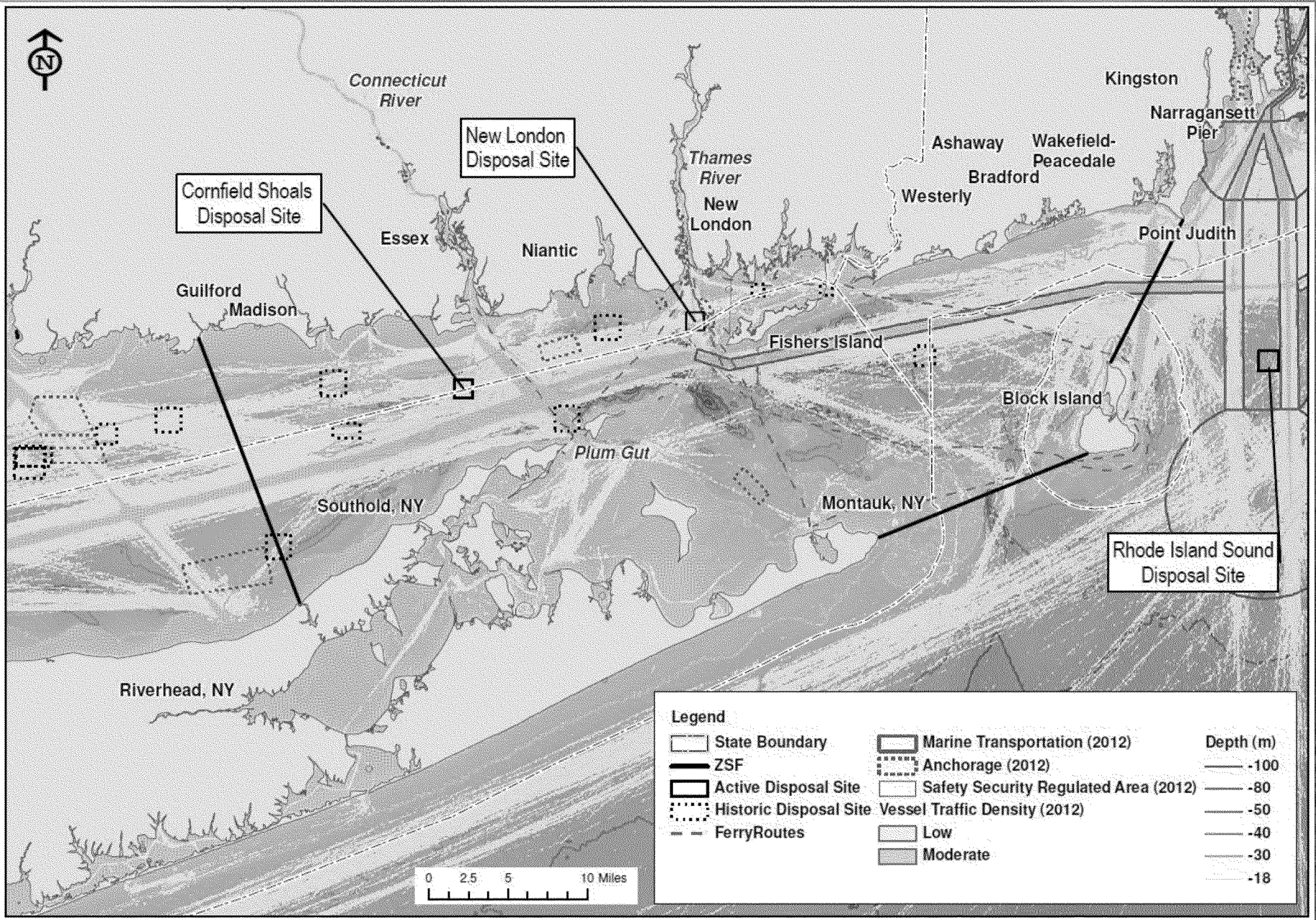


Areas of Conflicting Uses

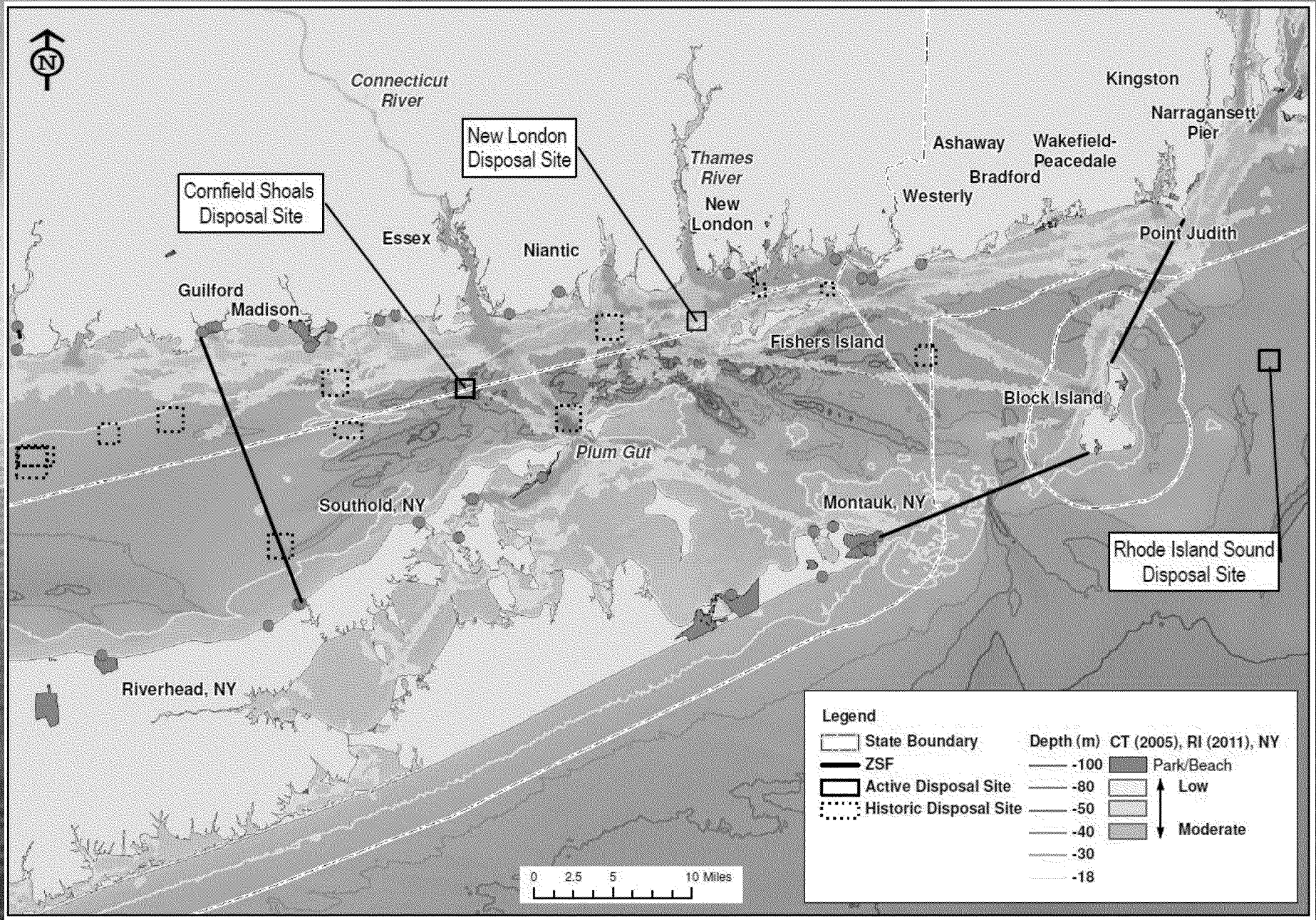
Cables and Pipelines



Vessel Traffic Density, Anchoring Areas

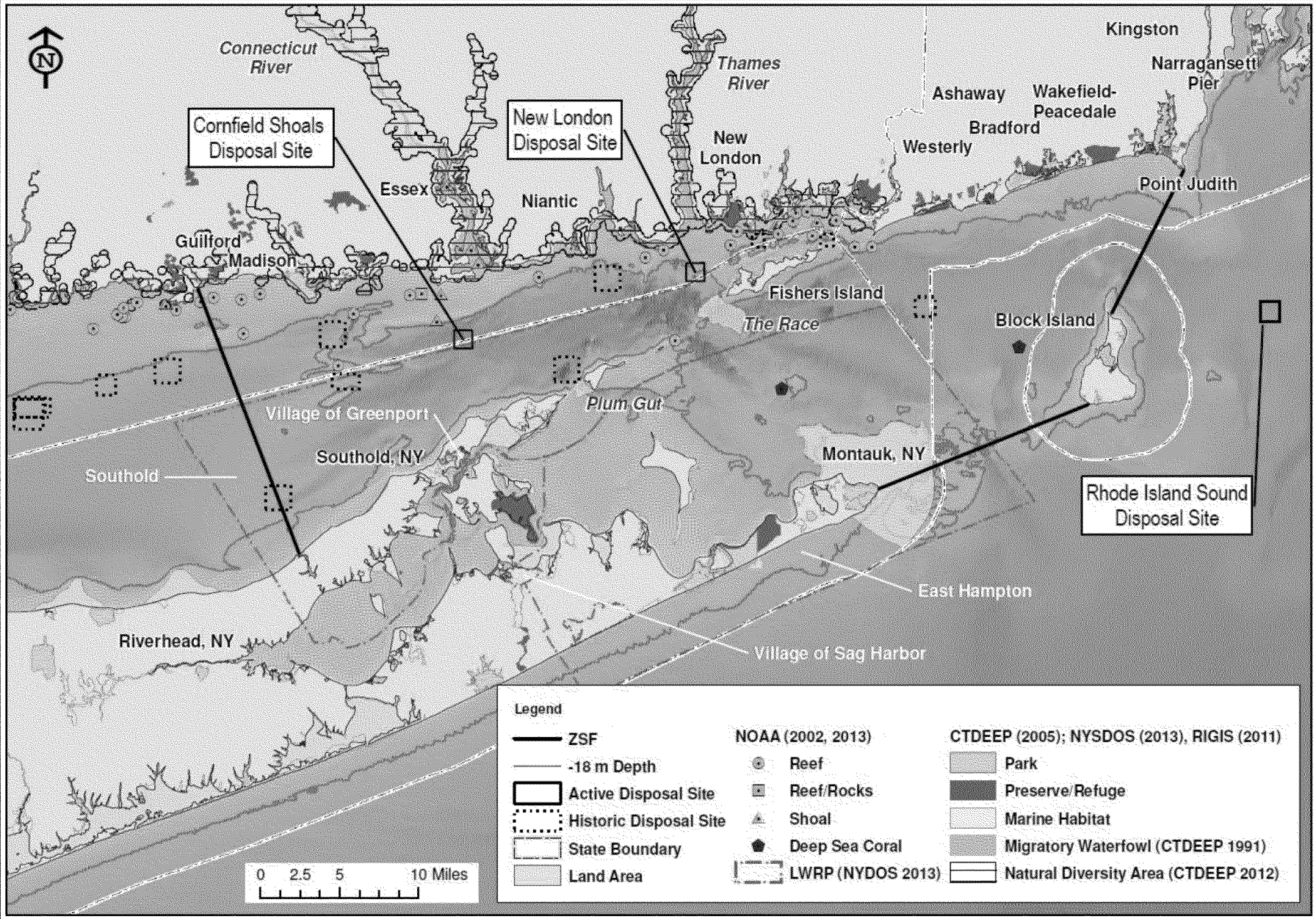


Recreation (Areas and Navigation)

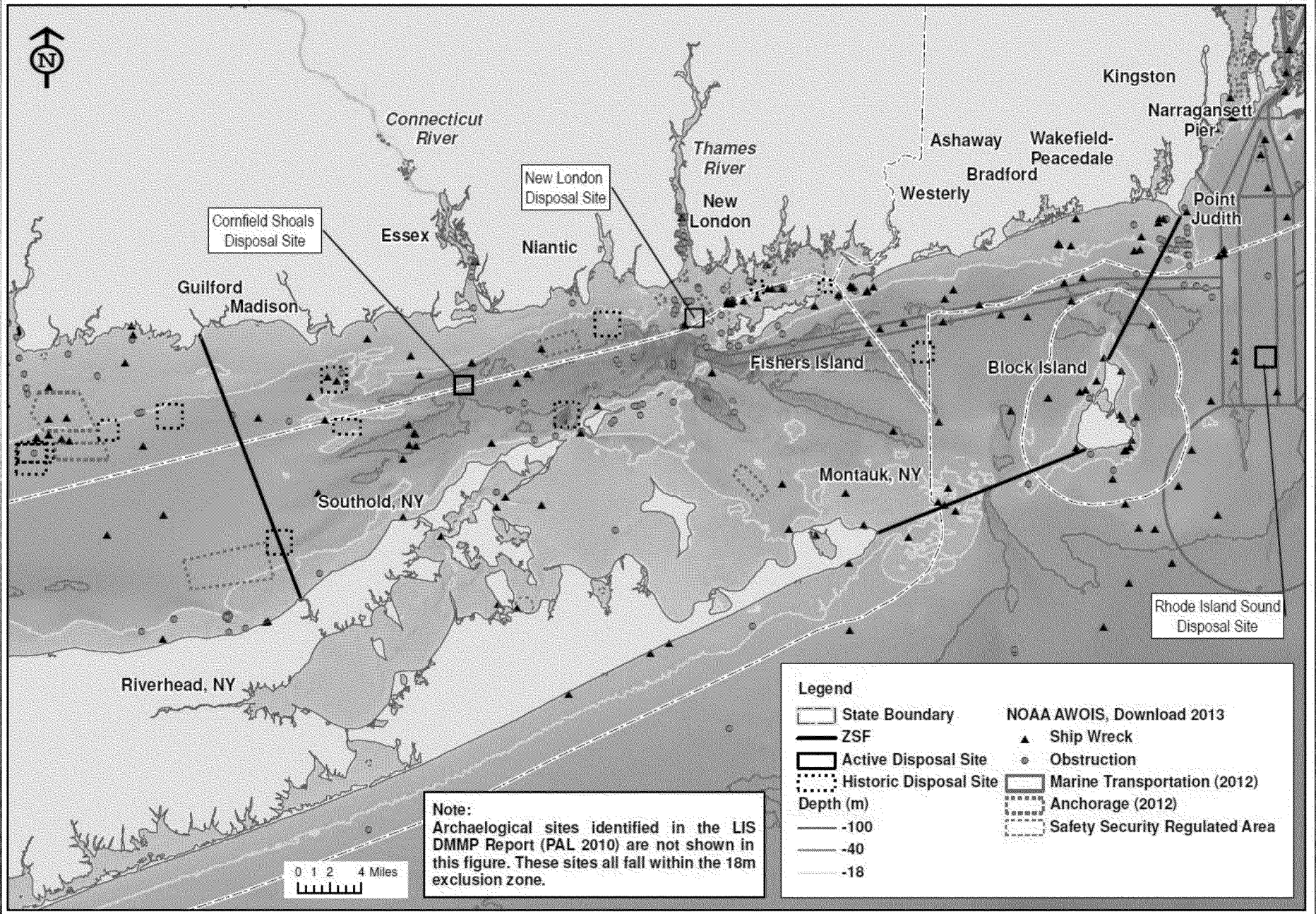


Conservation Areas

(sanctuaries, wildlife refuges, national seashores, parks, artificial reefs, etc.)

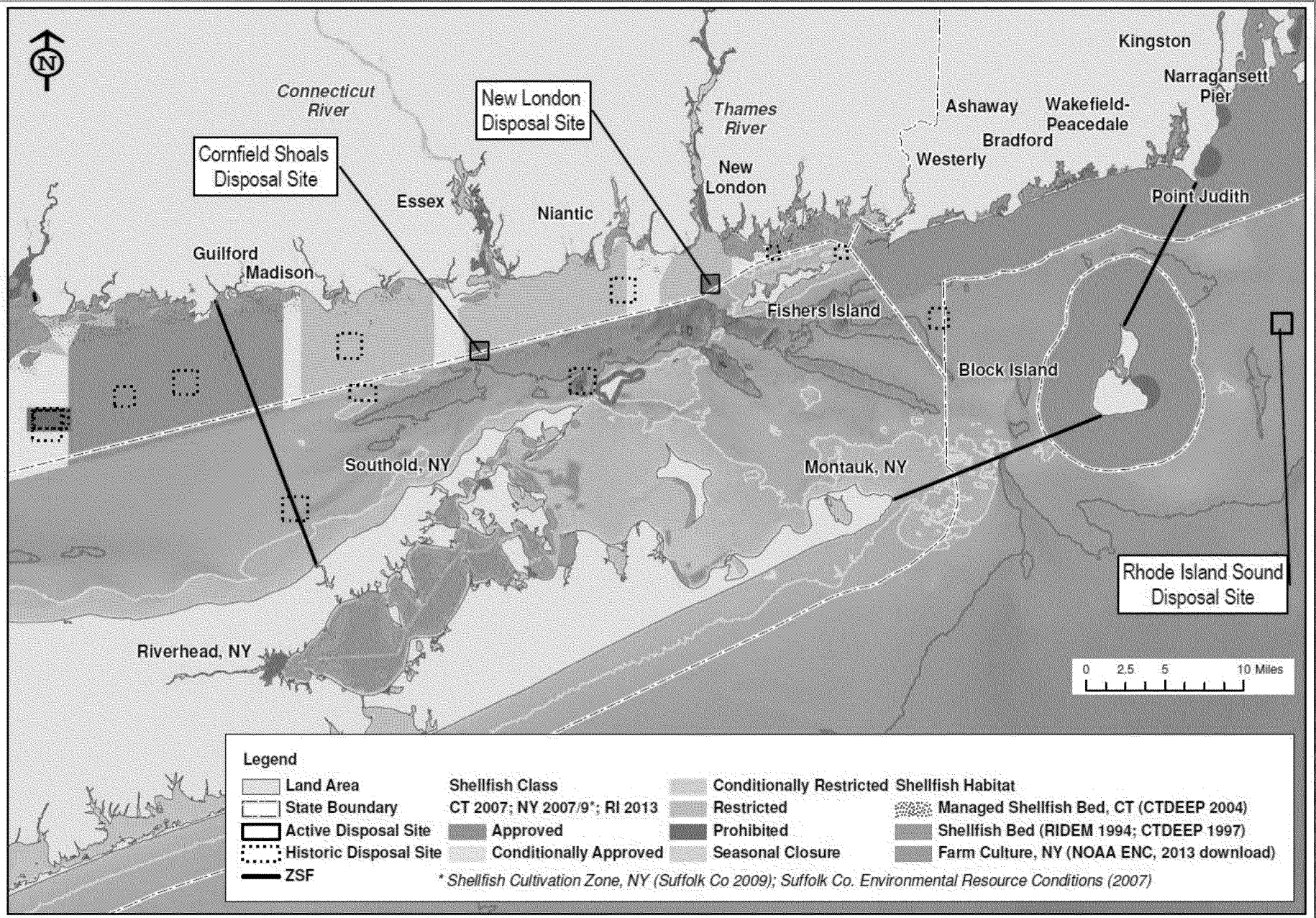


Archaeological and Cultural Resources

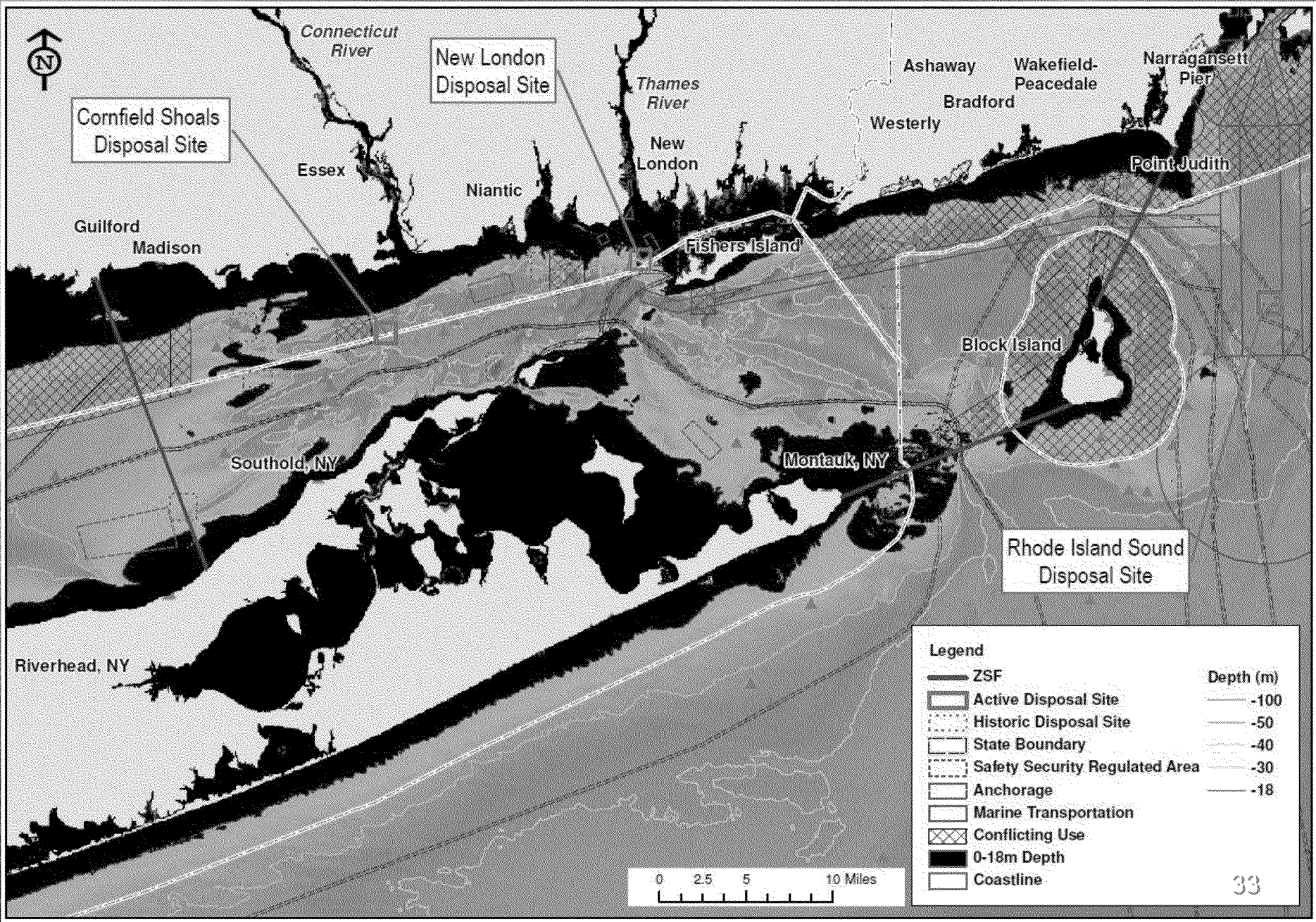


Biological Resources

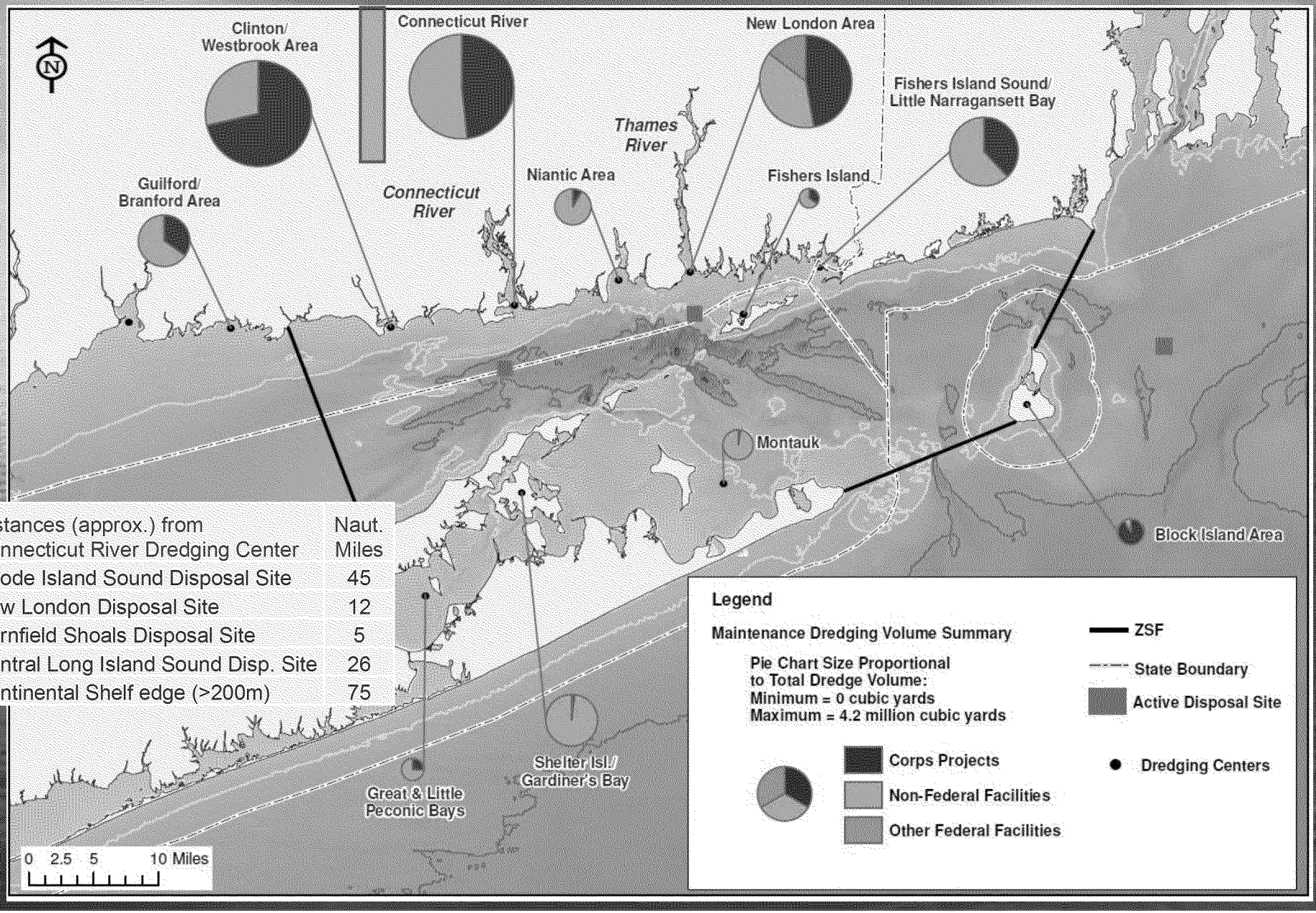
Approved / Prohibited Shellfishing Areas



Overlay


Connecticut River
New London Disposal Site
Cornfield Shoals Disposal Site
Thames River
Ashaway
Wakefield-Peacedale
Narragansett Pier
Bradford
Westerly
New London
Point Judith
Essex
Niantic
Guilford
Madison
Fishers Island
Block Island
Southold, NY
Montauk, NY
Rhode Island Sound Disposal Site
Riverhead, NY
Legend
ZSF
Active Disposal Site
Historic Disposal Site
State Boundary
Safety Security Regulated Area
Anchorage
Marine Transportation
Conflicting Use
0-18m Depth
Coastline
Depth (m)
-100
-50
-40
-30
-18
0 2.5 5 10 Miles

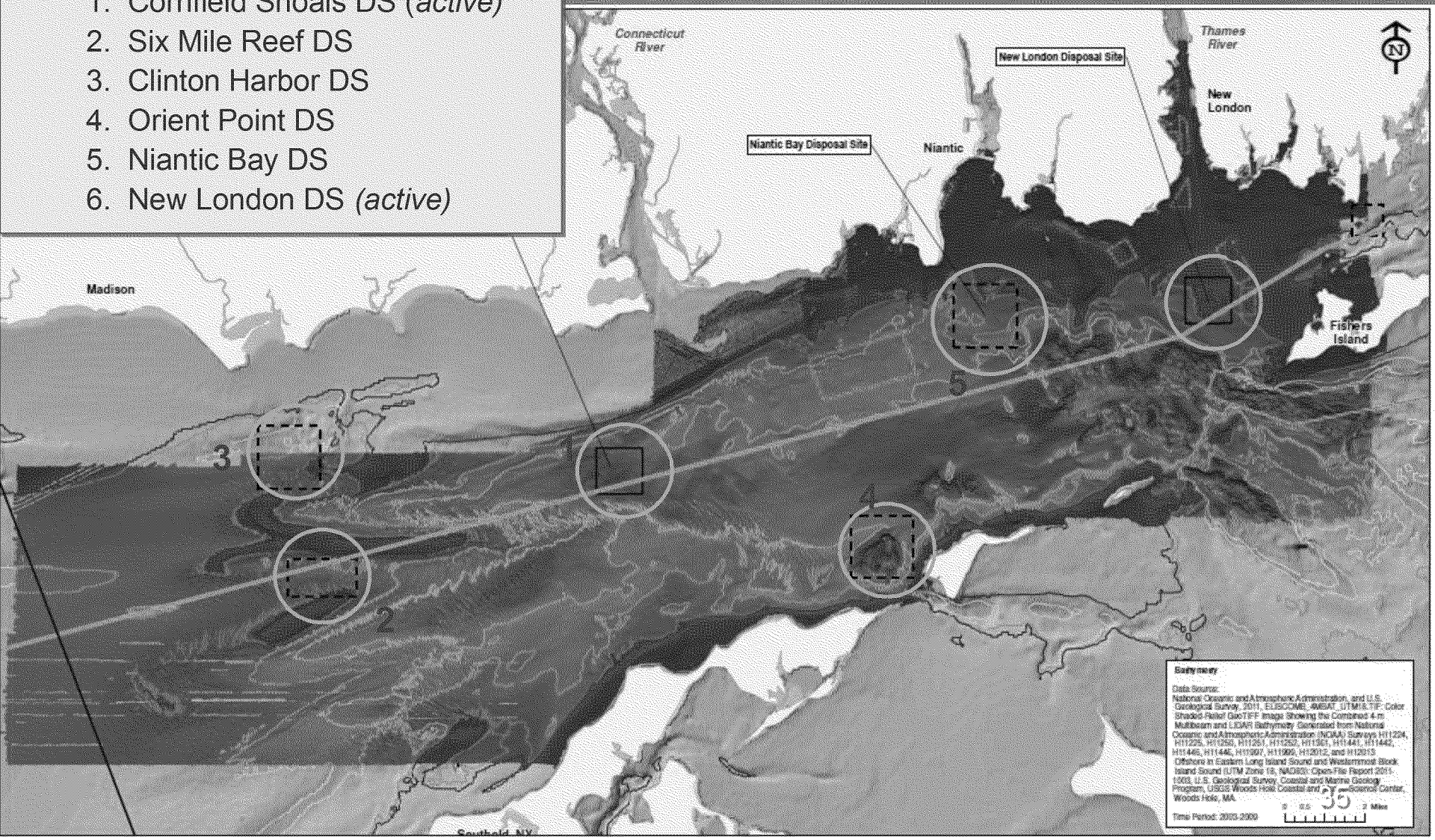
Dredging Centers and Disposal Distance



Distances (approx.) from Connecticut River Dredging Center	Naut. Miles
Rhode Island Sound Disposal Site	45
New London Disposal Site	12
Cornfield Shoals Disposal Site	5
Central Long Island Sound Disp. Site	26
Continental Shelf edge (>200m)	75

Areas identified in Eastern Long Island Sound

1. Cornfield Shoals DS (*active)*
2. Six Mile Reef DS
3. Clinton Harbor DS
4. Orient Point DS
5. Niantic Bay DS
6. New London DS *(active)*



Next Steps

- Assess sites in more detail
  - Integrate additional available information
  - Identify and fill remaining data gaps including safety, economics.
  - Review existing and newly collected data for priority sites
- Collect additional data on sediment and biological resources
- Review data from Physical Oceanography Study for Cooperating Agency Meeting in fall
- Public Meetings in winter

ED_001437E_00000053-00053

This page intentionally left blank

Attachment 4

TRANSCRIPTS OF PUBLIC COMMENTS, RIVERHEAD, NEW YORK JUNE 25, 2013

1

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

June 25, 2013
2:30 p.m.
Culinary Center
Suffolk Community College
Main Street
Riverhead, New York

S P E A K E R S:
THE LOUIS BERGER GROUP, INC.
BERNWARD J. HAY PH.D
PRINCIPAL ENVIRONMENTAL SCIENTIST

JEAN BROCHI, PROJECT MANAGER EPA REGION 1

2

[TIME NOTED: 2:30 P.M.]

MR. HAY: Good afternoon. I think that we can start at this point. First of all, welcome to this public meeting. Thanks for sharing your time with us on this beautiful day. At least we have air conditioning here, so it will keep everybody cool. A couple of housekeeping items that I want to mention right up front. Everyone should be registered at this point. There's a registration form outside. If you haven't registered yet, please register at some point during this meeting outside. There are also some handouts outside, which include copies of the Power Point presentation that is going to be given later on. Please feel free to get yourself a copy as well.

Secondly, restrooms outside of the room are to the right about ten yards down the corridor on the right side. Third, please turn off your cell phones, if you could, or put them on vibrate. My name is Bernward Hay. I'm with the Louis Berger Group. I'm an Environmental Scientist, and we are under contract to the University of Connecticut, that is under contract to the Connecticut Department of Transportation. We

3

are assisting the Connecticut DOT and the US EPA with preparation of a Supplemental Environmental Impact Statement to evaluate the possible designation, potential designation, of one or more Ocean Dredged Material Disposal Sites, to serve the Eastern Long Island Sound region and Connecticut, New York and Rhode Island.

The EPA is the Federal lead agency for the project. The meetings that were held in November and in January were to solicit comments on the Notice of Intent, and the comment period for those meetings ended on January 31, 2013. At each meeting seven individuals commented. In addition eighteen written letters and emails were received within the comment period.

Today's meeting is an informational meeting and there is no specific comment period. Information presented today will be made available on the EPA website. Specifically, today's meeting is designed to provide you with an update of the project as a follow-up to the public meeting in November and January.

We will review initial screening, the initial screening process, that has been conducted so far and we'll briefly discuss upcoming data collection

4

efforts. Feedback regarding our efforts would be welcome.

In addition to this public meeting in New York here, a second meeting is scheduled for tomorrow at the University of Connecticut at Avery Point in Groton, Connecticut. Ms. Jean Brochi from EPA and I will present the updated information about the project for the next hour, after this introduction, until about 3:30 p.m. After the presentations have been completed the floor will be open for comments until about 4:30 p.m. If you wish to speak at that time, please provide your name and affiliation and we ask you to keep your comments brief to allow others to speak as well.

The public meeting is recorded by a stenographer and is also recorded by audio devices. The transcript of the meeting will be entered into the public record and will be made available to the public on the EPA website as well. We will now move to the presentations. Ms. Jean Brochi is a Project Manager for the Ocean and Coastal Protection Unit of the EPA Region 1 in Boston. She will provide the welcome and project update, and I will talk about site

5

1 screening and GIS Data. With that, Jeannie, would
2 you open the meeting.
3 MS. BROCHI: Thank you Bernward. Thank
4 you all for coming. As Bernward said, this is an
5 EPA project. It's for the potential designation
6 of dredged material disposal sites. We ask that
7 you wait until the end of both presentations to
8 comment. You should have received an agenda out
9 front. I'm going to do the project update which
10 would include some background information from
11 the previous public meetings. Bernward will go
12 through the site screening, and then we'll have
13 next steps and comments.
14 So, the Environmental Protection Agency
15 and the Army Corps of Engineers have a shared
16 responsibility in managing dredged material.
17 The EPA is responsible for -- We're authorized to
18 designate dredged material disposal sites. Under
19 the Marine Protection Research and Sanctuaries
20 Act, MPRSA, also known as the Ocean Dumping Act,
21 under Section 102, the EPA has the authority to
22 designate sites, and under section 103, the Army
23 Corps of Engineers has the authority to select
24 sites, which are subject to EPA concurrence.
25 Dredged material at these sites must meet

6

1 criteria, ocean dumping criteria, 40 CFR Parts 220
2 through 229, for which I have slides that will discuss
3 what those criteria are. Also regulated under the
4 Clean Water Act, Section 404, which gives the Army
5 Corps of Engineers the authority to issue permits,
6 and that's subject to EPA concurrence, as well as
7 Section 404(c), where the EPA has the authority
8 for vetoing permits.
9 Again, EPA's role is to designate ocean
10 dredged material disposal sites for long-term use.
11 In doing so, EPA follows a voluntary NEPA Policy,
12 which is what this meeting falls under. So, we'll
13 have a series of public meetings as well as
14 cooperating agency meetings. EPA is responsible
15 to promulgate the regulations and criteria for
16 disposal site selection and review Army Corps of
17 Engineer dredging permits and projects, as well as
18 develop site monitoring and management plans.
19 Those site monitoring and management plans are
20 specific to designated sites. In addition, EPA
21 monitors the disposal sites jointly with the Army
22 Corps of Engineers.
23 A little background on the Long Island Sound
24 Environmental Impact Statement. If you were at
25 the November or January public meetings, that

7

1 presentation was specifically on the background
2 of the EIS. This particular project now is a
3 Supplemental EIS, focusing on the eastern part
4 of the Sound. So, EPA designated the Western
5 and Central Long Island Sound Disposal Sites in
6 July 2005.
7 The Army Corps of Engineers has an authority to
8 select sites for short-term use, which is a
9 minimum of two five-year periods. The Army Corps
10 of Engineers selected the Cornfield Shoals Disposal
11 Site and the New London Disposal Site in the
12 1990's. Both of those sites are scheduled to
13 close for use in 2016. In December, specifically,
14 of 2016.
15 In April 2004 EPA and the Corps completed the
16 EIS recommending the designation of CLIS and WLIS.
17 We initiated rule making, and then in June New
18 York State DOS objected to the proposed federal action
19 as inconsistent with the proposed Coastal Zone
20 Management Program, and then in September through May
21 of 2005, the EPA, the Corps, NOAA, New York DOS, and
22 Connecticut DEP negotiated conditions for a
23 site designation rule. What that concluded
24 was the completion of a regional Dredged Material
25 Management Plan, which would be completed by the Army

8

1 Corps of Engineers. That's a region-wide Dredged
2 Material Management Plan, which is different than a
3 Site Monitoring and Management Plan. That is a
4 Corps-lead project, and that was scheduled to be
5 completed by 2013 or 2014.
6 We also formed a Long Island Sound Regional
7 Dredging Team to look at alternatives, all under
8 the DMMP umbrella and to review large private
9 dredging projects.
10 Finally, the EPA reports annually on dredged
11 material disposal from private and non-private
12 projects in Long Island Sound for the dredging
13 year. That period is July to July. Now, I'm
14 going to talk about the Supplemental EIS which,
15 again, is focusing on Eastern Long Island Sound.
16 The presentation today and the previous public
17 meetings specifically are only discussing open water
18 options.
19 However, throughout this process and as part
20 of our continued data collection effort, we will
21 look at alternatives, and we will also consider
22 a no-action alternative, which will combine the
23 impact if no action was taken, which means no
24 disposal site designation.
25 For the Supplemental EIS, we initially had

9

1 a public meeting where we issued a Notice of
2 Intent in October 2012. We had a public meeting
3 on November 14th, and again on January 9th to
4 solicit comments on that Notice of Intent.
5 We also have Cooperating Agency members, several
6 are in the room, and we held Cooperating Agency
7 meetings on January 8th, May 20th and June 18th.
8 Part of our process is to continue to compile
9 a literature and data gap analysis, and Bernward
10 will present some of the data using the Geographic
11 Information Systems. This is an on-going project.
12 We will continue to update the data as it becomes
13 available electronically.
14 In addition, there is a physical oceanographic
15 study conducted by the University of Connecticut.
16 That was initiated in March 2013, is on-going and will
17 continue through December, at which point, part
18 way through the process there will be some data
19 available. And that project is putting buoys into
20 Long Island Sound to collect more information on
21 currents and velocities and a lot of, kind of, the
22 physical oceanographic information that we need
23 to have as part of this process, and Bernward will
24 get into more detail with that when he presents a
25 slide.

10

1 So, right now I'll introduce the cooperating
2 agency partners. We have two types, they're
3 cooperating agencies, and they've agreed to be a
4 cooperating agency, and then we have coordinating
5 agencies. It's EPA Regions 1 and 2, New York DOS,
6 New York DEC, Connecticut DEEP, Connecticut DOT
7 who is also funding the project, Rhode Island CRMC
8 and the Army Corps of Engineers of the New York
9 District and the New England District, as well as
10 NOAA and the United States Coast Guard.
11 Coordinating agencies, which means that we
12 send all of the information to them but we don't
13 have to commit to come to the meetings but they
14 are part of the process, which includes the Fish
15 and Wildlife Service, and the Navy.
16 Finally, additional coordination is going to
17 continue throughout the process with Tribes and
18 State Historic Preservation Officers. Right now,
19 we solicited the Tribes and SHPOs to be part of
20 our cooperating agency partnership, and they have
21 not agreed to do that. So, we're going to
22 continue to coordinate with them separately.
23 Next, and this was presented at the last
24 public meeting, our schedule, our estimated
25 schedule right now is to have a draft Supplemental

11

1 Environmental Impact Statement by December 2014,
2 followed by a final SEIS by December 2015.
3 That assumes that in the Environmental Impact
4 Statement, we recommend that one or more sites
5 be designated. If that is the case all final rule
6 making and the final Environmental Impact Statement
7 would be completed by December 2016.
8 The next slide lists the process. So,
9 initially when we had our original Scoping
10 Meetings we discussed what the process would
11 cover, so that's the scoping. We've already
12 determined what the Zone of Siting Feasibility
13 was going to be. We determined to
14 incorporate some of Block Island Sound so that
15 we could use the studies and the reports and
16 data collected as part of the DMMP for this
17 effort.
18 The next step is to identify data needs for
19 existing sites and identify potential other sites
20 and alternatives. Then we get into the site
21 screening, assess data needs, we collect
22 additional data, we narrow down the sites and
23 then we perform an environmental impact analysis.
24 The final result will be a draft Environmental
25 Impact Statement, which will have several

12

1 different reports as part of that package.
2 Right now we are in the screening and
3 identifying data needs and data collection
4 phase. Some of the Dredged Material Management
5 Plan studies that the Army Corps of Engineers have
6 completed, that we would use for this effort,
7 was the Dredging Needs Report, which was completed in
8 October 2009. That determined that 13.5 million
9 cubic yards will be dredged or there is a need to
10 dredge from Eastern Long Island Sound, harbors and
11 channels, over the next twenty-six years, which
12 will go out to 2028.
13 The other report that we've used to date is
14 the Upland Beneficial Use and Sediment De-watering
15 Reports, which were completed in 2010. There were
16 two separate reports, the first one was in 2009,
17 and this determined that there were very few
18 alternatives to open water disposal in Connecticut
19 and most of those were beaches and very few
20 upland areas. So, we're going to evaluate that as well,
21 using the information that they've provided. The
22 DMMP studies and reports are available on the Army
23 Corps of Engineer's New England District website.
24 Again, the Zone of Siting Feasibility was
25 selected to incorporate the DMMP studies and it

13

1 goes from Guilford to Mattituck Point, and on the
2 east, it's Block Island to Point Judith, and this
3 includes Block Island Sound. The next slide shows
4 you the active sites. By active we mean are being
5 used but the Cornfield Shoals and New London Disposal
6 Sites are not designated by EPA. They have been
7 selected by the Army Corps of Engineers. That
8 is a distinction, when you look to the east and
9 you see the Rhode Island Region Dredged Material
10 Disposal Site, that has been designated by EPA.
11 So, that has been designated. We went through a
12 similar process as what we're doing here.
13 An Environmental Impact Statement was completed
14 for that.
15 So, one of the approaches that we use for
16 screening is to consider specific criteria as they
17 are listed in the Marine Protection Research and
18 Sanctuaries Act, which we call MPRSA. There are
19 five general criteria and eleven specific
20 criteria, and the screening levels and how we
21 would approach the screening is that we would do
22 an initial screening of areas that are potentially
23 acceptable to serve as a dredged material disposal
24 site. Then we would further evaluate those areas
25 using additional data which could include

14

1 additional field work or may include the GIS
2 layers. It's a combination of as much data
3 as we can get, and then that evaluation screens
4 out different potential sites.
5 So, I'll quickly -- and this is a very busy
6 slide, but these are the eleven specific criteria.
7 EPA must designate a site so that it meets these
8 criteria. The first is geographic position, depth of
9 water, bathymetry, it must be geographically
10 located with a certain distance from the coast.
11 The second item is that it must be located in
12 relation to habitat and fishery so that it does not
13 interfere with habitat or fisheries. The third
14 item is the same. It must not interfere with
15 beaches, public use areas. So, the location is
16 very important. The fourth item is types and
17 quantities of disposal. We need to consider
18 the feasibility of monitoring and surveillance
19 of the disposal site. We have to consider mixing
20 characteristics and dispersing dredged material
21 including velocities and wind directions. We have
22 to consider number seven, the cumulative effects
23 of a disposal site as well as previous disposal
24 sites and historic discharges. For number eight,
25 we have to make sure it doesn't have any

15

1 conflicting uses, which could be interference with
2 navigation and interference with recreation or
3 fish and shellfish culture, or special purpose
4 areas, or any other areas in the ocean designated
5 to serve another purpose. We have to make sure
6 that there are no conflicting uses. For number
7 nine, we have to look at the ecology and the existing
8 water quality, and then the potential for nuisance
9 species to develop. So, this would be water
10 quality and ecology, and to make sure that there's
11 no interference from new species being brought into
12 the disposal site. The last item, number
13 eleven, is to look at the close proximity of the
14 site to any natural and cultural or historic
15 features. That's when we'll ask the Tribes to give
16 us a consultation. Sometimes there are culturally
17 significant areas that are not documented in the
18 literature, so, we'll ask them for specific
19 review of everything.
20 The next slide talks about the five general
21 criteria. Again, conflicting uses is number one.
22 We have to minimize interference with other uses.
23 Number two is we need to look at the conditions so
24 that the environmental conditions are not reduced
25 before reaching any shorelines or shellfishery.

16

1 The third is the site use. We need to look at
2 the sites, and if at any time during this process
3 we determine that a site that we previously
4 approved does not meet any of these conditions,
5 that site can be terminated, when an alternate site
6 is designated. Then historically used sites. The
7 EPA, wherever feasible, will try to use a historic
8 site, or historically used site, or if feasible go
9 to the Continental Shelf.
10 So, part of the discussion today is going to
11 focus on some historic sites, and you will notice
12 in the slides that every site has exactly the same
13 square box. That box does not reflect the dredged
14 material or the use of that site. It was just a
15 way to visually interpret it for you. Each
16 historic site has a different type of disposal,
17 has a different volume of disposal and the Army
18 Corps of Engineers is going to continue to compile
19 that data for us.
20 I'm going to hand it off to Bernward now,
21 who is going to discuss some of the slides and
22 some of the GIS data that we have collected.
23 Thank you.
24 MR. HAY: Thanks Jean. So, as Jean
25 mentioned, I'll be going over some of the data

17

that we've been collecting over the last several months and since last year, actually.

Please note that this is work in progress. Again, the idea is to narrow down the areas that ultimately would have an area for potential designation of a site. So, on the next slide you see a number of examples of the types of data that we have been collecting. These data have been entered into the GIS if that's possible. There will also be data that can not be entered directly into the GIS. What we are going to show today are the data that have been entered into the GIS for screening purposes. There are three groups of data that I would like to present. The first cluster of data would be used for site screening. This is a Sedimentary Environment. The second cluster is Areas of Conflicting Uses, and the third is Biological Resources. In those individual clusters is bathymetry, for sedimentary environment, bathymetry, currents and waves which affect the bottom stress, and we'll get back to that term a little bit later. There is sediment texture, which is grain size, which affects the resuspension potential, as well as the habitat of the environment.

18

Can you all see the screen on the left, to the left of me? I have a one pointer that I'm going to use on that screen here. I hope you all can see that.

The second cluster is Areas of Conflicting Uses and we have infrastructure, such as cables and pipelines, navigation such as shipping lanes, and anchoring areas. Then there's recreation in the waters. We have recreation areas that have been identified. There's also recreational navigation. Then there are conservation areas and that's a broad term that covers a wide variety of features such as sanctuaries, refuges, National Seashores, parks, artificial reefs, etc. The last one here is cultural and archeological resources.

The third cluster is Biological Resources such as shellfish beds, benthic community, fish habitat, fish concentration, fishing areas and lastly, breeding and spawning, nursery, and feeding habitat in the project area.

This is a reminder for what Jean just mentioned. This slide shows the active disposal sites as well as the historic disposal sites in the Zone of Siting Feasibility outlined with a black line, going from about Guilford to about

19

Mattituck, Montauk, Block Island and up to Point Judith.

This entire area here is in our Zone of Siting Feasibility. Again, these locations show historic sites, which include the Clinton Harbor Disposal Site, Six Mile Reef Disposal Site, Orient Point Disposal Site. Then we have the Niantic Bay Disposal Site in this location. There are two disposal sites in Fishers Island Sound, and we have the Block Island Sound Disposal Site over here. The two red ones, again, are the two active sites, the New London Disposal Site, as well as the Cornfield Shoals Disposal Site in this location.

So, I'd like to show a few slides for each of those clusters that I've mentioned before. The first one is the sedimentary environment. Shown here is the bathymetry of the Zone of Siting Feasibility; again on all slides it is outlined by these black lines on the side. We also show on all of these slides the State boundaries, crossing the Long Island Sound here, and crossing Block Island Sound over here.

In addition all of these slides will have the historic and active disposal sites marked with either a solid box or a dashed box, like in

20

this case; here is the historic Clinton Harbor Disposal Site with a dashed box and there's the Cornfield Shoals Disposal Site.

So, basically what you see here is a brief definition of our project area. You see a fairly uniform water depth in Block Island Sound. You see a variety of water depths in Eastern Long Island Sound, marked by more purplish colors. This area here is the Race, where faster tidal currents result in some erosion in this area, resulting in deepening in essence, creating the bathymetry that you see in this location here.

The line here, this line here is an eighteen meter contour line, and everything between this line and land is shallower than eighteen meters. We'll come back to that water depth a little bit later.

This is a close-up of the Eastern Long Island Sound. The data that I showed you before are based on NOAA data that were collected and have been modified by a firm called DAMOSVision, who provided that image that you saw. Shown here are very high resolution data that NOAA and the US Geological Survey have been collecting. They are called multibeam data. These provide a tremendous wealth of information with regards to details

21

1 on the morphology of the substrate, and the features
2 that you can see in different locations. You
3 can't quite see it here but if you go further into
4 the details of this data, you see things like sand
5 waves and things like shipwrecks in fine detail.
6 This is going to be a useful tool for us in the
7 site screening process.
8 At this point the data have been processed, as
9 you can see here, for the Eastern Long Island
10 Sound. Also data are available for the Block Island Sound;
11 those data are still being processed by the USGS, and NOAA
12 and those should be available at some point as
13 well for us to use in the screening process.
14 This slide shows tidally-driven bottom stress.
15 Basically, sediment responds to forces acting on
16 the ocean floor. If you have high forces,
17 logically you get resuspension of sediment that
18 is being transported for a certain distance. So,
19 a tidally-driven bottom stress is basically the
20 force acting on the sediment, and it is a function
21 of current speed as well as the roughness of the
22 sediment on the ocean floor. What you see here is
23 based on model results. There's not a lot of data
24 available. There is some data available, but in
25 essence additional data are needed.

22

1 What you can see in different colors here are
2 areas, like the Race, with more yellowish colors,
3 indicating greater bottom stress, and that's a
4 function of the faster current that exists in this
5 location here. You can also see some areas in the
6 central part of the Eastern Long Island Sound that also
7 have slightly elevated bottom stress values,
8 relative to, let's say, Block Island Sound or this
9 part of Eastern Long Island Sound.
10 So, in order to address the missing
11 information that we need to have in order
12 to conduct the site screening and then also the
13 investigation for this project, we have initiated
14 a physical oceanography study. You can see here
15 super-imposed on the slide with the historic
16 and active sites, you can see instrument buoy
17 locations. Those have been deployed at this point by
18 the University of Connecticut, and it's a study that
19 will go on throughout the year. The instruments
20 are in the water and there's going to be a second
21 phase of this study later on in the fall to
22 capture the meteorological conditions that exist
23 in the winter time.
24 A total of eleven buoys, each of these
25 instrument buoys have a variety of instruments

23

1 and each of those instruments provide a variety
2 of parameters that would ultimately be used to
3 conduct the modeling to give us bottom stress
4 information that is based on actual data.
5 So, the next cluster of screening criteria
6 I'd like to talk about is Areas of Conflicting
7 Uses. I'll show you where we are up to this point.
8 The first slide shows cables and pipelines that
9 exist in the Zone of Siting Feasibility. Marked
10 yellow are pipelines. I'm sorry. are cables
11 like this cable here and these cables here, or
12 cable corridors, within which there are cables
13 located as well.
14 The broader areas like this one here and
15 this one here, again, these are corridors that
16 contain cables. There are only very few pipelines
17 in the project area. In fact, you can see one in this
18 little corner. If you can't see that there; same
19 over here. So, in other words, there aren't
20 really any pipelines that we need to be concerned
21 about in this project, in the project area.
22 The next slide shows commercial vessel
23 traffic. This is based on US Coast Guard data
24 that has a Nationwide automated, Automatic
25 Identification system database. In essence,

24

1 the features in orange, in darker orange,
2 indicate areas of higher vessel traffic and again,
3 the lighter it becomes, the less traffic there is.
4 What you see here is a lot of traffic going east to
5 west and some traffic going into the harbors, in
6 mostly Connecticut but also in New York, at Orient
7 Point mostly. Superimposed on that are also the
8 ferry lines, like the Orient Point Ferry, as well as
9 ferries that go over to Block Island and so on.
10 One more comment here, you can also see
11 anchoring areas, like this anchoring area here,
12 which is west of the Niantic Bay Disposal Site.
13 There's an anchoring area down here in Block Island
14 Sound, and finally there's a navigation corridor
15 that this little sliver over here, that has
16 been identified by NOAA and on their charts.
17 The next slide shows recreation and also shows
18 recreational navigation. You can see that compared
19 to the previous slide, most of the navigation or
20 recreational navigation is close to the shore, and
21 in the embayments, which makes sense -- people go out
22 fishing and so on. The data are based on a 2012
23 Northeast Recreational Boater Survey, that was
24 conducted by SeaPlan and the Northeast Regional
25 Ocean Council in partnership with State coastal

25

1 management programs and State marine trades
2 associations in the Northeast.
3 Also, in this slide you can see public beaches
4 with these red circles. Those were beaches that
5 were identified in the Dredged Material Management
6 Plan that was prepared a number of years ago.
7 These are public beaches. Not all of them are
8 private beaches.
9 This slide shows conservation areas. As
10 I mentioned before, it captures a number of
11 different areas. It includes sanctuaries,
12 seashores, parks and artificial reefs, etc. This
13 is where we are at this point. There's additional
14 data that's available that we still are trying to
15 obtain that will be added to this slide, but what
16 we have here at this point is this, is we have
17 NOAA data on reefs, shoals, as well as deep sea
18 coral sites that have been identified by NOAA.
19 Those are the ones in orange circles or squares,
20 reefs or rocks. Then you can see these two sites
21 here which have been identified by NOAA as deep
22 sea coral sites.
23 We also have information from a database
24 in New York for cultural and significant natural
25 features. We have boundaries of the

26

1 Waterfront Revitalization Program in New York.
2 It's a very busy slide, I apologize. You can see
3 it, perhaps, on your handouts. Again, these
4 outlines here represent the boundaries for the
5 local Waterfront Revitalization Program.
6 We have information of migratory waterfowl data.
7 We have natural diversity areas identified in
8 Connecticut, as well as preserves and refuges.
9 Just one quick note. Most of these conservation
10 areas are really close to shore, so it would be
11 less than eighteen meters which is a number I will get
12 back to in a second.
13 The next slide shows what we have
14 available so far for archaeological and
15 cultural resources. Those are data based on
16 NOAA's database. It includes in black triangles,
17 it includes shipwrecks. It includes, as red
18 circles, includes other obstructions most likely
19 rocks or similar kind of features. So, for
20 example, if you look at the Clinton Harbor
21 Disposal Site here, a historic site, it has two
22 shipwrecks in there, and there are two obstructions in
23 red circles and those will be features if we were
24 to go into this area, we would want to take a
25 closer look at it.

27

1 The next cluster of criteria pertains to
2 biological resources. The first slide here
3 consists of a number of different biological
4 resources. Shown in purple are shellfish
5 beds. You can see the shellfish beds here along
6 the coast of Connecticut. You can also see
7 shellfish beds in Peconic Bay in New York.
8 Some information that we've been gathering for
9 this part of the shoreline here, has not been
10 added yet. This includes, by the way, not just shellfish
11 beds that occur naturally but also includes
12 aquaculture beds which exist. Quite a few exist,
13 from what I can understand, in Peconic Bay.
14 In addition it includes zoning and
15 regulations. Specifically for Connecticut you
16 see a green zone here. That's a zone that's
17 approved zone for shellfishing. You see a
18 yellowish zone here. That's a conditionally
19 approved shellfish -- restricted shellfishing zone
20 and then you see this zone here that's a conditionally
21 restricted shellfishing area. So, there are a number
22 of different zones in the project area with regard
23 to shellfishing. Again, we have some additional
24 information here for the northern part of Connecticut
25 that we are integrating into this database that's

28

1 not on that map yet. Shellfishing around Plum
2 Island, for example, has not been approved.
3 Shellfishing is also not approved in these two
4 areas which are the active disposal sites.
5 Okay. With that, just to give you an
6 idea of how we ultimately screen the project area
7 for potential sites. We basically overlay that
8 information and find out which areas remain that
9 could be suitable sites. What you see here as
10 black, these zones that are black basically have
11 water depths that are shallower than eighteen meters.
12 Eighteen meters has been used in Western Long
13 Island Sound and Central Long Island Sound.
14 EIS as a screening depth. It was basically
15 chosen as -- there's a minimum navigation depth
16 that needs to be kept in mind for vessels,
17 commercial vessels mostly. In addition, shallow
18 sites are more susceptible potentially than deeper
19 sites, depending on the exposure to waves and
20 wind, and more susceptible to resuspension of
21 sediment.
22 So, for the EIS in the Central and
23 Western Long Island Sound, a depth of eighteen
24 meter was chosen as a zone to screen out. So, if
25 you superimpose that zone onto the Zone of Siting

29

1 Feasibility, again, the black area is what you
2 end up with as the zone that is screened out.
3 Incidentally, and I mentioned that before
4 many of the coastal resources, conservation areas
5 and shellfish beds, for that matter, happen to be
6 within that zone. What you also see on this
7 particular example of an overlay, you see the
8 shellfish zones, like this zone here, is the
9 approved shellfishing area for Connecticut, so you
10 would not want to consider that as a potential
11 siting area. You see also cables overlaying
12 here as well. Again, that's just one example
13 of how we can later on synthesize the data.
14 An additional factor to keep in mind in the
15 siting process are economic considerations.
16 What you see here are the dredging centers in
17 Connecticut and in New York, as well as Rhode
18 Island. These data were obtained from the DMMP
19 Report on Dredging Needs from 2009 and reflect the
20 dredging needs for the next twenty years, starting
21 in 2009. The largest circles reflect greater
22 needs. So, this is a large circle. Smaller
23 circles reflect smaller needs. In other words,
24 the smaller circles are proportional to the needs
25 by the individual dredging centers. So, we can

30

1 take a closer look at what are Federal and
2 Non-Federal projects by taking a look at the
3 different colors. What is important for this
4 purpose is, again, the size of the circles
5 determines the amount of the material that would
6 ultimately need to be dredged, or is anticipated
7 to be dredged over the next twenty years.
8 So, again I mentioned that this matters
9 as well. We have an example here of what kind
10 of distances you have from the individual dredging
11 centers. Specifically, in this case we used the
12 Connecticut River dredging center, which is right
13 about here, and measured the distances to existing
14 disposal options. Those would be the Rhode Island
15 Sound Disposal Site, located here. The distance
16 would be forty-five miles. The second example would
17 be -- Again, this would be this distance here. The
18 second location is the New London Disposal Site,
19 and the distance to the site would be twelve miles.
20 Cornfield Shoals Site, that would be five miles. The
21 Central Long Island Sound Disposal Site, which is not
22 shown, it would be about here, is about
23 twenty-six miles and if, as Jeannie mentioned, if
24 you go out to beyond the edge of the Continental
25 Shelf, beyond the two hundred meter contour line,

31

1 basically going south, way down to the carpet here
2 basically, the distance would be about seventy-five
3 miles.
4 So, that's important. It also is important
5 from an environmental point of view because the
6 longer the travel distance is, the greater the
7 chance that you have an accident and that you have
8 what they call in the business short dumps, which means
9 the barge can accidentally release material, get
10 stuck in waves and storms, and so on. Again, that's a
11 consideration to keep in mind as well in the
12 screening process.
13 Based on the information that we have
14 collected here so far, and also keeping in mind
15 that there's a preference by EPA to use active
16 and historic disposal sites as preferred sites,
17 areas that are potential sites that have been shown
18 here -- Actually areas that have been identified for
19 further investigation have been shown here with those
20 circles, and EPA will prioritize the data collection
21 at those sites.
22 With that, I'd like to have Jean say a few
23 more words about the next steps and where we go
24 from here.
25 MS. BROCHI: I just make another note on

32

1 historic sites. As the Army Corps of Engineers
2 compiles more information, and we find out more
3 about those historic events, some of those
4 historic sites will fall off the list. Right
5 now we're including anything that could
6 potentially have been a historic site.
7 So, for the next steps EPA will continue to
8 collect data. We're going to look at our
9 information we have, fill in any remaining data
10 gaps. We will start the assessment on safety
11 and economic issues, continue habitat, which
12 we need a lot of information on. We're going
13 to continue to collect new data for the priority
14 sites, which include sediment, biological
15 resources, and in addition to that we're going to
16 start looking at the preliminary data for the
17 physical oceanographic study. We're going to
18 continue to have meetings. We're going to have
19 another cooperating agency meeting in the fall,
20 and probably another public meeting, a set of
21 public meetings, in the winter.
22 So, the objective today was to provide
23 this information to you, especially the GIS
24 data. We continue to have a need for New York
25 data. It seems that it hasn't been electronically

33

1 available so Jen Street and the folks at New York DOS have
2 been very helpful providing us with information
3 on that.
4 We wanted to get your feedback on the
5 process and any comments that you have that
6 you'd like to share, again. There isn't an official
7 comment period but if you have any comments on
8 what was presented so far or the process
9 we'd appreciate it. I also encourage you, the
10 cooperating agency members are in this room and
11 you have State Representatives as well as Federal.
12 So, if at any time during this process you have
13 comments or questions, you can also go to your
14 State and Federal Reps. Thank you.
15 MR. HAY: So, let's open the floor.
16 Again, as I mentioned before, if you could
17 identify yourself by name and any affiliation
18 that you may have so that we can enter that in
19 the record, that would be good. Any questions?
20 Would you mind coming up?
21 MS. ANKER: Sarah Anker, Suffolk County
22 Legislator, Sixth District. My question, I guess,
23 to you is this, the spoils are coming from Connecticut
24 and Long Island or just Connecticut?
25 MR. HAY: They are coming from

34

1 Connecticut and potentially from the area.
2 MS. ANKER: Okay. Are they toxic
3 material? Have they been analyzed for
4 both radioactive waste and, you know,
5 toxic substance chemicals?
6 MR. HAY: Jeannie?
7 MR. BROCHI: So, as part of the
8 regulatory process dredge permits and dredged
9 material that's proposed to be dredged and
10 disposed goes through testing criteria and a
11 screening criteria as well as sampling plan,
12 bioaccumulation, chemistry. So, all of it has
13 to meet certain conditions before it can even be
14 disposed in the ocean, which would not be toxic.
15 It would not contain radioactive material. If
16 we test it and it meets that criteria it belongs
17 in another program and it becomes a different part
18 of the review process.
19 MS. ANKER: So, if it doesn't meet the
20 standard for non-toxic material, you said there
21 was a different program. What's that program
22 and is it the EPA that remediates it or is it
23 the State DEC?
24 MS. BROCHI: It would be the EPA and the
25 Corps of Engineers and if there's material found to

35

1 be hazardous material, hazardous waste, it would be
2 one of the considerations. If it was
3 radioactive material, it would go to a Superfund/CERCLA
4 upland type of a review. It would not
5 go into the ocean.
6 MS. ANKER: If anyone has questions while
7 I'm up here. Could that dredged material be
8 recycled if it's not toxic and since so much sand
9 is being taken off Long Island, to make cement and
10 to make other types of materials, can that sand or
11 dredged material be recycled?
12 MS. BROCHI: I'm going to let Mark speak
13 to that, but yes, what we consider recycling of
14 sand is beneficial use. There are several different
15 types of treatments that they use on the sand to
16 make it readily available for commercial use. This
17 is Mark Habel from the Army Corps of Engineers.
18 MR. HABEL: Mark Habel from the New
19 England District Corps of Engineers. The New
20 England District handles dredging in Rhode Island
21 and Connecticut. The New York District handles
22 dredging in New York and parts of New Jersey.
23 When we look at dredging projects, we first
24 have to look and see if there's a beneficial use
25 for that dredged material. If it's sand,

36

1 certainly, and there are adjacent or nearby beaches
2 that the owners or the Town or State that runs
3 those beaches want that material on the beach,
4 certainly we look to put it there first.
5 We don't always bear the full additional cost
6 of placing that material on the beach. But usually,
7 if there's a need, money from both the Federal,
8 State and local governments make sure that that
9 sand gets used on the beach. If it's not sand,
10 and it's still not toxic, before we can place it
11 in ocean we have to look at practicable
12 alternatives. Can we build marshes with it? Are
13 there other needs upland for landscaping material,
14 we can process the material. We'll look to do
15 those things. If none of those opportunities
16 exist, then we look at putting it in the ocean.
17 MS. ANKER: How is this different than
18 the dredge dumping issue that we had, probably,
19 about seven years ago? Maureen, wasn't it about
20 seven years ago when we did the dredge dumping?
21 MS. DOLAN-MURPHY: 2005 the agreement was
22 signed between New York and Connecticut, and the
23 intent of that agreement was to stop the dumping
24 of dredged material in the Long Island Sound.
25 This whole process is very frustrating.

37

1 MS. ANKER: So, how is this different
2 than what was happening in 2005? Is the dredged
3 material not toxic, because I thought it was
4 pretty toxic in 2005.
5 MR. HABEL: No, it wasn't. Back in 2005
6 and even long before, the testing regimen that
7 the EPA oversees and the Corps goes through was
8 followed. It has been many decades since anything
9 that failed chemical and biological testing was
10 allowed to go in the water.
11 MS. BROCHI: I guess I'll add to that.
12 The 2005 agreement that you're talking about is
13 what I referred to earlier, where the EPA proposed
14 to select a designation of a disposal site and the
15 agreement was that we would reduce or eliminate
16 disposal in Long Island Sound. That is part of
17 the effort, which is the Dredged Material
18 Management Plan that all of the agencies are
19 involved in and continue to. That is on-going.
20 MS. ANKER: So, again, there will be no,
21 if not very little environmental effect with this
22 dredged material being dumped, being disposed of
23 in the areas that you designated?
24 MS. BROCHI: That's a great point and I
25 did not capture that earlier. So, this process

38

1 from an EPA standpoint is to designate a disposal--
2 or look at the potential to designate a site.
3 It does not authorize dredged material disposal.
4 That happens separately through permitting. So,
5 the sites that are currently active that have not
6 been designated would not receive dredged
7 material, but the sites that continue to be used
8 Cornfield and New London, will continue until they
9 close in 2016.
10 MS. ANKER: Those waters, are they part
11 of Long Island or are they Connecticut?
12 MS. BROCHI: They are in Connecticut
13 waters of Long Island Sound. They are on the
14 Connecticut side. There are on both -- corner.
15 MS. ANKER: Can you change that and
16 just have it on the Connecticut side?
17 Honestly, it will not make a difference because
18 Long Island Sound is Long Island Sound. We share
19 whatever goes in there. I have personal concern
20 as well as some of the people here today that the
21 dredged spoils may not be safe for the Long
22 Island Sound and we have a, now bear with me, I
23 believe it's a 4 billion dollar tourist, not
24 tourist, but economic impact to Long Island.
25 Excuse me?

39

1 MS. DOLAN-MURPHY: It's 8.5 billion.
2 MS. ANKER: I knew it was billions,
3 but I was a little off. We have to protect
4 that because it's a huge part of Long Island.
5 I'm going to let you answer that but please I
6 encourage more people to come talk.
7 MS. BROCHI: And so the question is, will
8 this process affect that?
9 MS. ANKER: Yes.
10 MS. BROCHI: One of the things that we
11 consider in the impact statement is the economics
12 which in this case would include New York and
13 Connecticut. It's the economics of marinas
14 and folks that need to dredge, and the need for
15 safety of navigation channels as well as economics
16 of the towns and any effects of that. That's why
17 it's an Environmental Impact Statement. We will
18 consider the impact of all of these aspects.
19 Any other questions?
20 MR. HAY: Yes, there's one question
21 here. Could you identify yourself and maybe come to
22 the front too so everybody can hear.
23 MS. BROCHI: If you don't mind.
24 MR. HAY: If you don't mind.
25 MS. DOLAN-MURPHY: Maureen Dolan-Murphy

40

1 at Citizens Campaign for the Environment. I do
2 find this process frustrating because in 2005 that
3 agreement was signed, and the intent of that
4 agreement was to stop open water disposal, yet
5 here we are again today looking at open disposal
6 as our answer. The Army Corps of Engineers was
7 supposed to come up with a Dredged Materials
8 Management Plan. That plan still has
9 not been released.
10 So, we're supposed to be looking at beneficial
11 re-use of dredged material, yet we're moving
12 forward with this process before the Army Corps is
13 finished with their process. So, where is the
14 Army Corps process? When is that document coming
15 out and how is that going to be incorporated in
16 the EIS? When are we going to start getting real
17 about beneficial reuse and stop looking at dumping
18 as the answer?
19 MR. BROCHI: I'll take the first part
20 of that and then I'll pass it on to Mark.
21 So, thank you. One of the aspects of the
22 Environmental Impact Statement is to look at
23 cumulative effects, and so part of this effort
24 is going to be to investigate the active sites.
25 In addition to what's normally monitored by the

41

1 Corps of Engineers through the DAMOS Program,
2 we're going to look at the cumulative effects,
3 if there are any, at the sites.
4 In addition to that, because of this agreement
5 and the goal to reduce or eliminate open water
6 disposal, the agencies have come together and
7 made a lot of progress looking at alternatives
8 and looking at upland disposal and we're going to
9 figure out a way for the States to come together
10 and find alternatives to open water disposal and
11 that's an on-going process. We are a lot further
12 ahead then we were in 2005 looking at that as part
13 of this agreement.
14 I'll let Mark talk about the DMMP specifically
15 but these studies being conducted for the DMMP,
16 are going to be used in the SEIS and help inform
17 that process.
18 MR. HABEL: Thank you, Jean. The
19 Dredged Material Management Plan is on-going.
20 We have completed all of our alternative site
21 identification. We have completed all of our
22 dredging needs analysis. In other words, where's
23 the dredged material coming from? What it's
24 likely quality is, over what time line? Does it
25 need to be dredged and is something found to do

42

1 with it?
2 We are in the process of developing the
3 screening process that will match that stream
4 of dredged material with the available disposal
5 alternatives, whether they are in water or not
6 in water. We are doing that through the Long
7 Island Sound DMMP Working Group, of which Citizens
8 Campaign is a participant. We've been through the
9 first phases of what the various groups involved
10 in the working group think of, the different
11 resources that might be impacted. The next step
12 as I said is to take all of that information,
13 including cost information, and put it against
14 trying to match harbor sources to disposal
15 opportunities. The bias will be towards
16 beneficial use. However, beneficial use is not
17 free. People have to be willing to pay for
18 it. So, cost will be a practicality issue
19 as well as things that go into costs, like haul
20 distances, types of equipment that are available,
21 whether or not different treatment technologies
22 have advanced at this point to be practicable
23 from a cost standpoint. There's a lot of work
24 on-going in New York and New Jersey Harbor,
25 looking at those and we'll draw on those

43

1 experiences as well.
2 We expect that a draft of the DMMP will
3 be available sometime the first quarter of
4 calendar year 2015, or perhaps as early as late in
5 the last quarter of calendar year 2014. That's
6 our time line and Citizens Campaign is
7 a participant in the working group. You'll see it
8 go through each step of the process.
9 MS. BROCHI: I have two more things,
10 quickly, just to add to that. So, again, I
11 want to reiterate that the Environmental Impact
12 Statement is a study. This is going to be a study
13 for a few years. We're looking at the impact of
14 designated disposal sites. So, yes, everything
15 that is mentioned here, we're going to
16 investigate.
17 So, it does not authorize disposal. It does
18 not mean that disposal will occur. It means that
19 we're going to investigate everything including
20 alternatives. Another point is any material
21 that is going out to disposal sites right now, is
22 non-toxic. It's considered -- it's scrutinized
23 under our criteria, under our testing, and it has
24 to meet both the Corps of Engineers, and the EPA
25 and the State approval process.

44

1 One benefit of this effort, that I want to
2 just point out to everybody is that the data
3 that we're collecting, whether it's GIS data or
4 whether it's fisheries data, is going to be
5 available to all of the States to use, and it's
6 information that we don't have. This physical
7 oceanographic study is going to provide us with
8 so much information for the Sound overall, which
9 means that the Estuary Program, Long Island Sound
10 Estuary Program could use that information. This
11 information will be available for programs and
12 other states to use.
13 MR. HAY: Question from the back?
14 MR. KRUPSKI: Al Krupski, Suffolk County
15 Legislator. The question is, we talked about
16 all the data and everything and you're going to
17 have more meetings in the fall, but how do you
18 get the data out to people? First of all, how do
19 you collect it because if you're collecting it
20 for a very narrow range, that's what you're going
21 to analyze. That's what you're going to put in
22 the report. That's all you're going to
23 distribute and people are going to believe
24 that's all there is. So, how do you -- you know,
25 specifically one thing, Suffolk County has a

45

1 leasing program for aquaculture, and that's
2 not mentioned in there. If you can contact
3 Suffolk County Planning I think they'd be happy
4 to give you more information about that.
5 How do you get the information out so
6 that when we have a meeting in the fall people
7 can review it beforehand? It's good to get this
8 out at the meeting, but it's hard for people to
9 actually review it and then comment on it.
10 MS. BROCHI: Thank you. So, part of the
11 process is to solicit information and any data
12 that anybody has or if you know that there's
13 information that we haven't addressed, this is
14 one way to do it, in a public venue. Once we
15 have the data, and right now we're still working
16 through the GIS layers because if the data exists
17 but it's not compiled into a web-based format,
18 or into a GIS format, we wouldn't have access to
19 it. So, we're conducting multiple types of data
20 retrieval right now, literature search, GIS
21 information search, any field work that's out
22 there that hasn't been processed, but is data
23 that the agencies know exists, and something like
24 the Connecticut DEEP fisheries information.
25 They're in the field right now collecting data.

46

1 That data is not available but we know they're in
2 the field so as soon as they provide that
3 information we'll include it.
4 As far as providing this information we're
5 going to go through the cooperating agencies,
6 hoping to have a late mid-summer, I would say end
7 of July, several cooperating agency meetings and
8 they can help us get the word out. We also have a
9 really big email distribution list. So, if you're
10 not on it, please let me know and we'll add you
11 to it. We will be sending information on that.
12 Any of the presentations that we make will
13 be published on the EPA website as well.
14 So, we will give you notice before the
15 next public meeting and ask for input before
16 the fall. So, if the meeting is going to be
17 in November, we'll start asking people for
18 comments, probably, in the beginning of October, I
19 would say. Those dates are subject to change,
20 but we will definitely do that. Thank you very
21 much. Did we address everybody's comments before
22 we take anymore.
23 MR. GRAVES: Anthony Graves from the Town
24 of Brookhaven. A couple of comments. We are into
25 biological resources, I didn't see Colonial

47

1 Waterbirds listed. So, there's a very important
2 Colonial Waterbird colony on Little Gull Island.
3 You probably have it in your database but they
4 are a Federally listed endangered species breeding
5 there.
6 Then I would request a review of the watersheds
7 that are contributing to the areas to be
8 dredged to see how sediment influx into the
9 watershed can be minimized over a larger program
10 so that dredging in future years, the need for
11 dredging is minimized.
12 Then I wondered if in the beneficial use
13 studies you would look at coastal resiliency, increased
14 sea level rise and resiliency to storms, so that
15 might affect your cost calculations in terms of
16 beneficial reuse, if it is looked at for those
17 kinds of projects.
18 The last thing I have was the request to
19 make the 2004 communications where the New York
20 State Department of State objected, and there were
21 negotiations and an agreement for the past
22 dredging to be incorporated into the EIS so that
23 people reading the EIS can be familiar with those
24 negotiations that occurred previously.
25 MR. HAY: Thank you for your comments.

48

1 The first comment that you made about the Colonial
2 Waterbirds, we'll take a look at that as well,
3 and incorporate that as well.
4 MR. GRAVES: I'm sorry, I meant to say
5 also, marine mammal concentrations. There are
6 increasing seal concentrations on Plum Island
7 in particular, but also around Great Gull and
8 Little Gull.
9 MR. HAY: We'll take a note of that as
10 well. We will definitely look into marine mammals
11 as well in the EIS process. I'll leave it to Jean
12 for the other comments.
13 MS. BROCHI: As far as the threatened and
14 endangered species, that's another aspect of this
15 effort that we'll go into greater detail. So,
16 there will be a lot more slides provided on
17 threatened, endangered species. We go through the
18 process called a biological opinion. So, these
19 are really preliminary slides right now, the best
20 available data so it does not include birds or
21 mammals, but we will consider that.
22 As far as climate change and sea rise, we
23 will be looking at some of that through the aspects
24 of the physical oceanography study. When we model, we'll
25 take that data and we'll be modeling some scenarios.

49

1 We'll include that information. We certainly could
2 respond to the objection, or to have some of that
3 agreement information available through this
4 process. Thank you.
5 MR. HAY: Yes, sir?
6 MR. McGREEVY: I'm John McGreevy,
7 Mattituck. Although you describe that, we
8 went through all of this in 2005, a public meeting
9 in 2005. I sent documentation in 2005 and
10 now we're reviewing it again. I've been on
11 the beach in Mattituck for sixty plus years.
12 Empirically speaking, anything that goes in
13 the water in Connecticut winds up on Long Island
14 beaches. It looks like you have very little data
15 from the New York area. There are no weather
16 buoys on the Long Island Sound on the eastern
17 side. They're all over in Connecticut.
18 When they did the Section 111 study for
19 Mattituck Inlet, they had to use buoys off
20 New Haven. So, the other side of the Sound, and
21 everything is changed. So, I think they have to
22 collect more data from the Long Island side of
23 the Sound. It's an estuary. It's not the ocean.
24 The best place to dump this is off the Continental
25 Shelf, if at all. Thank you.

50

1 MR. HAY: Thank you. We have the
2 physical oceanographic study that's going on
3 basically provide the data that goes into
4 a model, and the model will cover the entire
5 project area including the Long Island Sound
6 coastal areas. So, the station locations,
7 again, are designed to provide input to that model for
8 the whole area. We're going to make a note of that
9 and make sure you also get all the information for
10 the Long Island side of the Sound incorporated
11 into this process as well.
12 MS. McGREEVY: I wanted to ask one
13 question.
14 MR. HAY: Would you mind stating your name, please?
15 MS. McGREEVY: Doris McGreevy, Mattituck.
16 MR. HAY: Thank you.
17 MS. McGREEVY: Long Island Sound, if
18 you're talking Long Island Sound, do we have a
19 guarantee that the materials, even though you
20 say are non-toxic, if they were non-toxic, do
21 we have a guarantee that they are
22 non-carcinogenic? Because Long Islanders have
23 higher than normal amounts of cancers in the population
24 in that area. I am most concerned with the words,
25 non-toxic. Is it non-toxic to fish? What about

51

1 food? What about human population that bathes in
2 it and enjoys the waterways and things
3 like that? As was noted, it is a tourist
4 destination. There are a lot of people there.
5 Can you explain a little more about the
6 carcinogenic effects, if at all, when you
7 say non-toxic?
8 MR. HAY: There's a pretty rigorous
9 testing program that that material has to undergo
10 and I'd like to have Jean or Doug Pabst from
11 EPA Region 2 talk about that. Doug?
12 MR. PABST: Right now we're focused on
13 the site designation or the environmental
14 review process of the site receiving the material.
15 Actually maybe this is something that we'll do
16 during the next series of meetings is incorporate
17 more of the testing process. We do a human risk,
18 non-cancer and cancer risk assessment on the
19 material based on consumption, based on ecology
20 and organisms that may be eating material from the
21 dredged material, worms, things like that, and as
22 it goes up the food chain. That's all documented
23 in each particular decision that's made by the
24 Corps of Engineers to let that material go out to
25 the site.

52

1 It's a two-step process. This is the first
2 step of the process as we look at the site to
3 see whether it meets the various criteria and
4 guidelines to receive the material. Then there's
5 a whole other public review process everytime
6 somebody wants to use that site. Those kinds
7 of questions are asked as part of that process.
8 A public notice is issued, and our record and
9 our decision on that material is available for
10 each particular project we've done.
11 We can send you a copy of our risk assessment
12 that we do as an example, if you're interested you
13 can give your name and address and we can send
14 that. It walks through all of the assumptions
15 that are made to come up with that answer that
16 you're asking for as to how did we make that
17 decision.
18 If you want to look at that you can read
19 through and kind of see how we come to the
20 conclusion it will not cause any of the
21 things that you're concerned about. That might
22 be the best way to handle that. It's very
23 rigorous. I think that was a word that was used.
24 There are a lot of assumptions that are in there
25 in order to make sure that we're keeping ourselves

53

1 on the right side of it, where we don't have
2 certainty in some of the decision process. It's
3 probably something that we maybe need to do a
4 little bit more of as we get closer into this process
5 so people understand what kinds of decisions are being
6 made when we make the decisions. Thank you for
7 your comments.
8 MR. HAY: Any additional questions? Yes?
9 MS. McAULEY-KAICHER: Meg
10 McAuley-Kaicher, Greenwich, Connecticut. Just a
11 comment. Just to say that I hope that we will
12 have less need for moving the dredged material
13 offsite and dumping it and that I appreciate
14 the fact that the Army Corps of Engineers has
15 been very comprehensive in its process and is
16 really is looking at different ways to
17 remediate the silt material and hopefully we
18 will continue to figure out better ways, with the new
19 technologies, to use that material to replenish
20 our coastal assets rather than dumping it
21 offshore.
22 MR. HAY: Thank you for your comment.
23 MR. LEONARD: My name is Dan Leonard, and
24 I'm just a citizen. I have a couple of questions.
25 One, these dump sites would be used by the Corps of

54

1 Engineers or by the dredgers also? Number two,
2 who does the testing of this material? Does the
3 EPA do the testing or private lab? Because I
4 remember back on 9/11, sitting in front of a
5 television and people saying, our US Government
6 saying, that when those buildings came down, that
7 air was fine. It was okay to breathe. We found
8 out later it wasn't.
9 Is there going to be rigorous testing of that
10 material that is coming out of the water so that twenty
11 years from now we find out that it really is
12 toxic?
13 MR. HAY: I'm going to have Jeanie answer
14 the first question. The testing, as I mentioned,
15 again, is rigorous. There are regulations that
16 specify on how it needs to be tested. Labs
17 that do perform the testing have to be certified by
18 State and Federal agencies. Jean, do you want
19 to comment?
20 MS. BROCHI: Sure. As far as who
21 disposes at disposal sites, it would be Federal,
22 Non-Federal, and as far as who does the testing
23 it's private labs. As part of the process an
24 applicant will propose dredged material disposal
25 through the Army Corps of Engineers' Dredge and

55

1 Fill Permit and EPA would review that, and the
2 Army Corps of Engineers would review that in
3 addition to the States, wherever the disposal and
4 the dredging would occur.
5 As far as the 9/11. I can't speak to that but
6 it's a strict screening process that we
7 go through and material has to be deemed suitable
8 before it can be disposed at a disposal site.
9 One other thing, and I mentioned it earlier, when
10 EPA designates a Dredged Material Disposal Site,
11 we also create what's called a Site Monitoring
12 and Management Plan that's in effect for ten
13 years. That adds another layer of protection
14 and scrutiny to the disposal activity that occurs
15 at that site. Does anyone want to add
16 anything to that?
17 MR. HABEL: No.
18 MS. BROCHI: I hope that answered
19 your question.
20 MR. HAY: Thank you. Yes?
21 MS. PURNELL: I'm not so good on the
22 public speaking, folks. My name is Marguerite
23 Purnell. Let's see, for twenty years I was with
24 the Fisher's Island Conservancy. I worked on the
25 dredged material and disposal issue as a fifty

56

1 plus year seasonal resident of Fishers Island
2 and I have seen what has transpired over the
3 years. We have tried to cooperate. I'd like to
4 echo Maureen's comment earlier. There is a
5 certain degree of frustration involved in this
6 entire process because for me -- I'm even more
7 frustrated than Maureen because this goes back
8 to 1977 for us, when there was litigation NRDC
9 v. Callaway, a case that was initiated in part
10 by Fishers Island entities, because of the
11 proximity to the New London Dump Site, and
12 the proximity also of the Race and the material
13 that is spread throughout the area, because
14 there is some additional transport out of the
15 site. Even the Army Corps testing, which is done
16 through their DAMOS Program, has indeed indicated
17 that that material does spread outside the site,
18 or they have found it outside the site. Sometimes
19 they can't explain how it got there but it is
20 there.
21 So, for me, in 1977, the Army Corps was
22 directed to find another site and to stop using
23 the New London Disposal Site. We are almost
24 thirty-five years later we are still in this
25 process and it is still actively used. It was

57

1 supposed to have closed in 2011. There was
2 an Act of Congress -- was necessitated to have
3 it be open for another five years while we undergo
4 this process which should have been completed
5 years ago. So, I echo the frustration. I
6 understand that the agencies are trying to do
7 their job. I would also counter, though, the assertion
8 that contaminated material does not actually end
9 up in the Long Island Sound. Toxicity is
10 something that I think the agencies are probably
11 talking about. Acute toxicity, the materials are
12 looked at in two different ways. Beach flees,
13 amphipods, you know the stuff when you turn over
14 the seaweed and those little things that jump
15 around, those are the critters that are usually
16 used for the toxicity testing, for the acute
17 testing. I believe it's a ninety-six hour test
18 and then there's a ten day bioaccumulation test,
19 which is also done, again, on clams and worms and
20 variants that are low on the food chain. There is
21 indeed bioaccumulation, which does occur through
22 other fish species. It's harder to get a handle
23 on some of the impacts on mammal and bird species
24 because they're usually transiting through the
25 area.

58

1 Also, there are some issues with the DAMOS
2 Study and I understand they're trying to do their
3 monitoring but, you know, they take core samples
4 that they then composite and they blend all of the
5 material together and any kind of hot spots
6 are sort of averaged out and there are some
7 inconsistencies.
8 So, whether or not contaminated material
9 has made it into Long Island Sound, from my
10 prospective, absolutely. Even the Corps will
11 actually agree to that as there have been cases
12 where they've actually gone in to deposit
13 additional Cap material, which they consider to
14 be clean material to cover areas of what they
15 refer to now as UDM, Unsuitable Dredged Material.
16 Thank you George.
17 So, I welcome the process. I hope to be
18 able to participate in the future in a meaningful
19 manner, and I'm glad that you will be receiving
20 comments, even though this isn't a formal comment
21 period. I do thank you for presenting information
22 in the interim, and I do echo another gentleman's
23 statement it would be helpful to have
24 this information before we actually have the
25 meeting. You would get a better bang for the

59

1 buck in terms of the comments that we can provide to
2 you. I encourage you to keep the public dialog
3 on-going. I also encourage the 2005 agreement
4 which was looking to reduce or eliminate the open-
5 water disposal in the Sound, because I think
6 that's all of us, we all share that goal.
7 Dredged material could be used as a resource
8 in other ways and I'm keeping my fingers
9 crossed. I've been working at this for an
10 awful long time, since 1977 folks, you know,
11 that's really shameful. Thank you.
12 MR. HAY: Thank you for your comment.
13 MS. BROCHI: I was just going to say, for
14 the folks that received a presentation today and
15 if you want to provide comments, it's not just at
16 this meeting, and when you can provide comments.
17 If you have input or you see something on the
18 slide that's missing, feel free to contact anyone
19 of the representatives, specifically me. Doug
20 Pabst in Region 2 would be happy to hear your
21 comments especially now that you have the
22 presentation in front of you. As I stated
23 earlier, we'll send the information out ahead
24 of time so that you can come to the meeting,
25 having already had an opportunity to look at

60

1 this.
2 MR. HAY: Any additional comments? Yes,
3 sir?
4 MR. KING: My name is Jim King,
5 Commercial Lobster Fisherman from Mattituck, New
6 York, and also a Southold Town Trustee. It's pretty
7 well documented, there is a high incidence of
8 shell disease in crabs and lobsters around
9 all these dump sites. It's been going on for
10 years.
11 I think the bottom line here is open
12 water disposal is the cheapest and easiest
13 way to get rid of dredge spoils. That's really
14 running the program. I know core samples can
15 be combined. You can take a hot sample and
16 combine it in another section so it gets the
17 numbers down and doesn't seem as toxic.
18 I think some of these projects could be segmented
19 so the the amount of yardage, so it doesn't
20 trigger a more serious study. There's a lot
21 of game playing and people are very creative when
22 it comes to saving money. That's all I've got to
23 say. Thank you.
24 MR. HAY: Thank you. As a scientist,
25 I understand what you're saying. I'm a Marine

61

1 Geologist and one of the important elements
2 in an assessment like that is to make sure that
3 what you analyze is indeed representative of
4 what the site is all about.
5 So, we'll make sure that we look at the
6 information in a manner that actually reflects
7 the conditions on the site.
8 MR. PABST: I want to follow up on that.
9 Again, I think a lot of the questions that come up
10 in the process on the testing, how we make our
11 decisions, and how we come up with a number of
12 samples, we'll try to work that in to future
13 presentations so people can really understand.
14 I think there's a lot of myth about how it's
15 done and it's important that we really try to
16 make that point to make sure that people
17 understand how the government looks at these, both
18 the State and Federal Government, before decisions
19 are made.
20 This particular process is more about the
21 conditions around the site and if such would
22 be able to receive dredged material. Like I said,
23 there are two complete processes. I don't want
24 to let that the other process get lost because we
25 don't get a chance to engage the public in these

62

1 kind of venues and probably should do a better
2 job with that.
3 As far as the shell disease comment, we've
4 been dealing with shell disease since the 70's
5 trying to figure it out. We can also probably
6 incorporate a little about shell disease into this
7 study, what we learned to date about shell disease
8 and some of the things are going on, not just in Long
9 Island Sound, but there's also a prevalence in the Bight
10 and in some other areas where seeing it as well.
11 I appreciate your comments.
12 MR. HAY: Thank you. Any additional
13 comments? Yes?
14 MS. ANKER: I think you're absolutely
15 right. We need more information regarding the
16 effects of the dredged material. I think what
17 would be really good, and again, I know some
18 people in the EPA, we need to know that we're
19 doing the right thing, especially beneficial for
20 Long Island. You know, we need to dredge our
21 harbors, and that's what we need to do. I think
22 there needs to be information about why we
23 are doing this, and what's the benefit for Long
24 Island. Also, what is involved in this and
25 especially dealing with toxic dredge. We were up

63

1 to our ears hearing about the toxic issues with
2 our Long Island Sound in, you know, 2005 and it's
3 disturbing, you know, but we need to get more
4 information, personally, that I feel will give us
5 comfort that what you're doing is the right thing
6 to do. That's what I would like to know. Again,
7 more information, more educational information.
8 How do you clean up toxic dredge? You're saying
9 you do that. What standards does it meet?
10 I know years ago the standard was a
11 full adult. It wasn't a child. So, where is your
12 standard as far as toxic material? We've dealt
13 with a lot of issues here on Long Island
14 pertaining to cancer and disease and we need to
15 feel more comfortable with what you're doing
16 considering we went through it once, and going
17 through it again.
18 The study here says Environmental Impact Statement
19 to evaluate the sites and select a designation.
20 How can we give the input about how we feel about
21 the designation when we don't really understand
22 what are you going to put in those spots?
23 So, you know, what are you going to place in
24 there. So, as far as -- you know, I think for me
25 I need to make sure of what you're doing, or

64

1 you're placing it in the ocean or in the Sound
2 will not have a negative impact for us, especially
3 on our health.
4 MR. HAY: I appreciate that. It makes
5 sense. Jean do you want to comment?
6 MS. BROCHI: It sounds like we need
7 a series of public meetings focusing on one
8 aspect. Or webinars. Folks, if you're
9 interested and you're not on the email list,
10 again, sign up for it, but maybe focusing on a
11 different aspect each time whether it's -- what is
12 the permit process for dredged material, what is
13 the testing review process for dredged material
14 and what is the EIS process in a little more
15 detail. We would welcome your input on what
16 topics you'd like to know more about.
17 MR. PABST: Would people be open to
18 Webinars? Is that something that would be
19 helpful to people, to have some Webinars in
20 advance? I mean, I find them to be pretty
21 useful. You can log on from a home computer
22 and so you can just hear our presentation and
23 at least it will be a good intro into a public
24 dialog on the testing and evaluation, questions
25 you're asking about what kind of weights you're

65

1 looking at, age groups, what kind of fish
2 consumption you are looking at, things like that.
3 It's a lot of information. I just want to make
4 sure we get it out in the best way possible.
5 MS. ANKER: I know that Alan Alda is
6 over at Stony Brook University. He teaches a
7 course on how to communicate scientific
8 information to the public. Keep that in mind
9 when you're communicating with the public.
10 We need to understand what the impact would be
11 on us in our area, and in our environment.
12 This is great information that you have here
13 today but I think for me, I just want to make sure
14 that my district is safe and Long Island Sound
15 is safe. Like I said, I know, you know, we like that
16 you guys are doing your thing at EPA and I
17 don't know what we'd do without an EPA, but
18 we need to make sure that what you're doing has a
19 positive impact on Long Island and not a negative
20 impact.
21 MR. HAY: Thank you.
22 MR. RUSSELL: My name is Scott Russell,
23 and I'm the Supervisor for Southold Town.
24 One of the things, if you talk about going to
25 get the public involved in this process you need

66

1 to invite the public to the process. Our first
2 formal notification that this meeting was even
3 taking place was from the New York Department
4 of State yesterday, via email. As a Supervisor
5 for Southold Town, which is certainly an involved
6 agent in this process and who has participated
7 in past hearings, has submitted written comment
8 for your consideration, questions that have yet to be
9 answered, then you need to make sure that we're at
10 the table for this discussion. In the future I
11 would ask that you reach out to all of our
12 agencies, including all elected officials and all
13 representatives from these municipalities be invited
14 to these meetings with far more advance notice
15 than the day before. We actually found out
16 third hand unfortunately from Legislator
17 Krupski but our first formal notification was,
18 like I said, yesterday afternoon from the
19 New York Department of State.
20 MS. ANKER: We didn't get notified
21 either.
22 We got notified from a constituent, actually in
23 Legislator Krupski's area.
24 MS. BROCHI: We have a Congressional
25 Liaison in our office who was coordinating with

67

1 folks a week ago.
2 MR. PABST: We'll take a look at that.
3 That's not acceptable. We definitely need to
4 make sure of that. I'm not quite sure
5 what happened.
7 MS. BROCHI: Thank you.
8 MS. ANKER: We have a very active
9 environmental advocacy network, that's how I found
10 out about it. But I knew about it two
11 weeks ago. Again, there is very inconsistent
12 communication. Connecticut has done a really
13 great job in trying to keep us notified but we need
14 to coordinate particularly with this kind of project
15 with New York a lot better.
16 MR. PABST: Honestly, these venues
17 are great to have a dialog but I think there would
18 be struggle to get to the most people possible and
19 again, looking at webinars and other types of
20 things might be an easier way to reach out to
21 people, and that's something left to take back
22 as a group and talk about these kinds of things.
23 We appreciate that so we can figure out a way.
24 MS. BROCHI: What we may do is just
25 send out a list, you know, and have you provide

68

1 input to that list and if someone we are missing,
2 that would be helpful to us. I would appreciate
3 that.
4 MR. HAY: Any additional comments?
5 Hearing none. We'll be here until 4:30.
6 If you want to stay longer, feel free.
7 Otherwise we're all set for the moment.
8 MS. BROCHI: Thank you, again, for
9 taking the time out of your day.
10 MR. HAY: Thank you for coming and
11 we greatly appreciate the input.
12 [PUBLIC MEETING WAS CONCLUDED]
13 [TIME NOTED: 4:30 P.M.]
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATION
2 COUNTY OF SUFFOLK)
3 SS:
4 STATE OF NEW YORK)
5
6 I, CHARMAINE DeROSA, Certified Court
7 Reporter, in the State of New York, do
8 hereby certify:
9 THAT, the foregoing is a true and
10 accurate transcript of my stenographic
11 notes taken in the matter of the PUBLIC
12 MEETING, on this 25TH day of June,
13 2013.
14 IN WITNESS WHEREOF, I have hereunto
15 set my hand on this 25th day of June,
16 2013.
17
18 _____
CHARMAINE DeROSA, CSR
19
20
21
22
23
24
25

This page intentionally left blank

Attachment 5

TRANSCRIPTS OF PUBLIC COMMENTS, GROTON, CONNECTICUT JUNE 26, 2013

ED_001437E_00000053-00075

June 26, 2012 - Avery Point, UCONN, GROTON, CT

Eastern Long Island Sound

Supplemental Environmental

Impact Statement (SEIS SEIS)

Public Meeting

June 26, 2013

By: Sarah J. Miner, LSR #238
BRANDON SMITH REPORTING SERVICE
249 Pearl Street
Hartford, Connecticut 06103

Six Landmark Square, 4th Floor
Stamford, Connecticut 06901
(203) 316-8591 (800)852-4589

Page 2

1 MR. HAY: Good afternoon. I think we are
2 ready to start. So welcome to this public meeting.
3 This is the second meeting. We had one yesterday also
4 in Riverhead, New York. Before we start a couple of
5 housekeeping items. The restroom is outside of this
6 room. The men's room is on the left side. And the ladies
7 room I think one floor below.
8 MS. BROCHI: Straight across from
9 registration.
10 MR. HAY: Straight across from registration.
11 I hope everybody had a chance to sign in. If you
12 didn't do so, please do so before you leave this
13 afternoon. Also there are handouts that are available
14 of the presentation that is being given today. Please
15 pick up a copy, as well. And finally, please turn off
16 your cell phones or put them on vibrate. My name is
17 Bernward Hay. I am an environmental scientist with
18 the Louis Berger Group. We are under contract with
19 the University of Connecticut, which is under contract
20 with the Connecticut Department of Transportation. We
21 have been assisting Connecticut DEEP and EPA with the
22 preparation of a supplemental Environmental Impact
23 Statement, also abbreviated as SEIS, to evaluate the
24 potential designation of one or more disposal sites for the
25 Eastern Long Island region of Connecticut, New York, and

Page 3

1 Rhode Island. The EPA is the federal lead agency for
2 this project. The previous meetings, public meetings in
3 November and January, were held to solicit comments on
4 the Notice of Intent. And the comment period ended
5 January 31st, 2013. At each of those meetings we had
6 several individuals comment, and we also received 18
7 written letters and e-mails with comments.
8 This meeting here today is an informational
9 meeting, and there is no specific comment period. The
10 information presented today will be made available on
11 the EPA web site. Specifically today's meeting is
12 designed to provide you with an update of the project
13 as a follow-up to the public meetings that we had
14 earlier this year and the end of last year.
15 We will review the initial screening
16 process that has been conducted. And we will briefly
17 discuss upcoming data collection efforts. If you have
18 any feedback it would be welcome at this point.
19 Ms. Jean Brochi and I will present the updated
20 information about this project for about the next hour
21 until about 3:30. Then after the presentations are
22 completed the floor will be open for comments until
23 4:30 p.m.
24 If you wish to speak, please provide your
25 name and your affiliation, and also we ask you to keep

Page 4

1 your comments brief to allow for others to speak, as well.
2 This meeting is recorded by the stenographer, and also
3 will be recorded on an audio device. The transcript
4 of the meeting will be entered into the public record
5 and will be made available to the public on the EPA
6 web site at a later point.
7 So with this we now move to the
8 presentation. Ms. Jean Brochi is a project manager
9 with the Ocean and Coastal Protection Unit of EPA Region
10 1, and will now officially open the meeting and will
11 provide a project update.
12 MS. BROCHI: Thank you, Bernward. Thank you
13 all for coming. As Bernward had mentioned, my
14 presentation is going to be a project update on the
15 Eastern Long Island Sound Supplemental EIS. Bernward
16 will show you slides and discuss some of the data that
17 we collected through GIS, Geographic Information
18 Systems. And then we will show you some slides and
19 then we will talk about the next steps, and take any
20 comments anyone might have.
21 So EPA and the Army Corps of Engineers have
22 a shared responsibility under the Marine Protection,
23 Research and Sanctuaries Act, also known as the Ocean
24 Dumping Act. Under Section 102, EPA has the authority
25 to designate dredged material disposal sites. And

Page 5

1 under Section 103 the Army Corps of Engineers has the
2 authority to select sites, subject to EPA concurrence.
3 When the Corps selects a site it is more of a
4 temporary selection and it is for two, five-year
5 periods not to exceed a maximum time frame of 10
6 years. In addition, dredged material disposal at the
7 sites must meet criteria as outlined in the Ocean
8 Dumping Regulations, Parts 220 and 229.
9 Under the Clean Water Act both EPA and the
10 Army Corps of Engineers has the authority to review
11 permits and approve dredged material disposal permits.
12 The Army Corps of Engineers under Section
13 404 actually issues the permit for dredged material
14 and is subject to EPA concurrence. Under section 404(c)
15 of the Clean Water Act, EPA has a veto authority for
16 those dredged material permits.
17 EPA, as I had mentioned, has the authority
18 to designate ocean dredging material disposal sites
19 for long term use. And we do so using a voluntary
20 NEPA Act. And the NEPA Act allows us to go out to the
21 public and inform the public several times throughout
22 the process as we prepare an EIS, which is an
23 environmental impact statement.
24 EPA also has the authority to promulgate
25 regulations and criteria from disposal site selection

Page 6

and permitting discharges, as well as review the Army Corps of Engineer dredging projects and permits. And for each site that is designated, EPA will create a site management and monitoring plan. And we will monitor those dredged material disposal sites jointly with the Army Corps of Engineers.

So this is a Supplemental Environmental Impact Statement focusing only on the eastern side of the Long Island Sound. But back in 2005 EPA started the effort for Long Island Sound dredged material sites and designated the Western Long Island Sound site and the Central Long Island Sound site.

The two sites that are currently being used in Eastern Long Island Sound have been selected by the Army Corps of Engineers in the 1990s. And those sites are the Cornfield Shoals site and New London disposal site. And those sites are scheduled to close in December 2016.

A little background on the original EIS that was completed in 2005. In April 2004 EPA and the Army Corps of Engineers recommended designation of the central and west disposal sites and we initiated final rule making. In June 2004 New York DOS objected to that decision, stating it was inconsistent with the Coastal Zone Management Program. And then from September

Page 7

2004 through May 2005 all the agencies, EPA, Army Corps of Engineers, NOAA, New York, and Connecticut negotiating the rule making and came up with conditions to the rule making, which included the completion of a regional Dredged Material Management Plan to be completed in 2014. The lead agency for that is the Army Corps of Engineers. In addition, we formed a regional dredging team group to review alternatives for projects, alternatives to open water disposal from federal and private projects. And, in addition, EPA now reports annually on dredged material going to the disposal sites in Long Island Sound.

Now, back to the Eastern SEIS or Supplemental Environmental Impact Statement. So originally in October, 2012, EPA issued a Notice of Intent that we would pursue the potential for a designation of an open water dredged material disposal site.

And on November 14th we held our first public meeting. And January 9th was our second public meeting. And those public meetings were officially to solicit comments and input on the Notice of Intent. On January 8th, May 20th, and June 18th, we had cooperating agency meetings. And I will discuss who the cooperating agencies are in a minute.

Page 8

We are currently and will continue to collect literature and data on Long Island Sound specifically disposal sites.

We initiated in March of 2013 a Physical Oceanographic Study headed by UConn. We continue to screen sites using, as I said before, Geographic Information Systems. And Bernward is going to discuss that, and show you some of those slides. And that is going to continue throughout the process.

Some of our partners include Connecticut DOT, who is a funding organization. As well as EPA's Region 1 and 2; New York DOS; New York DEC; Connecticut DEEP; Rhode Island CRMC; Army Corps of Engineers New York District and New England District; NOAA; and the United States Coast Guard.

Coordinating agencies include U.S. Fish and Wildlife Service and the Navy. And then additional coordination will continue with historic preservation officers from all towns and tribes. The distinction between cooperating and coordinating is that the EPA officially requested agencies to join and commit and come to the table for discussions as a cooperating agency. And the two agencies that are coordinating are still going to be at the table, but they are not going to be at the meetings. They are going to be

Page 9

informed and contribute that way.

So the EIS schedule right now -- as it stands we expect to have a Draft Supplemental EIS by December 2014. A final by December 2015. And assuming the Environmental Impact Statement recommends the designation of one or more disposal sites we will publish a rule making by December 2016.

This slide may not be as easy to see but this is the EIS process. We initially start with scoping. We create a Zone of Siting Feasibility. We identify alternatives and data needs. We screen sites. We select sites. Assess the data needs. Collect more data. Perform an impact analysis. And produce a report which becomes the Environmental Impact Statement.

Right now we are still in the identifying and screening and assessing data needs and collecting data needs part of this process.

In addition to the environmental, the SEIS process, there is the Dredged Material Management Plan, which I had mentioned earlier. The Army Corps of Engineers is the lead agency for that. As a result of that effort several studies have been conducted and the reports are being used for this effort. Two of those reports that EPA will be using, includes the

ED_001437E_00000053-00078

Page 10

1 dredging needs report which was completed in October
2 of 2009. That report stated that 13.5 million cubic
3 yards would need to be dredged from the Eastern Long
4 Island Sound harbors and channels over the next 26
5 years. And that 26-year time frame is a planning
6 horizon that the Army Corps of Engineers uses in their
7 calculations. And that planning horizon ends in 2028.
8 The second report the EPA will be using is
9 the Upland, Beneficial Use, and Sediment Dewatering
10 Report. And that was completed in 2009. And the
11 second version of that report was completed in 2010.
12 That determined that there were few alternatives to
13 open water disposal in Connecticut. And most of those
14 were beach nourishment types of projects.
15 So here, as I mentioned, is the Zone of Siting
16 Feasibility for this effort. It includes Long Island
17 Sound and Block Island Sound. And you can see the
18 line is from Guilford to Montauk. And then Block
19 Island to Point Judith.
20 This slide shows the active sites. As I
21 said the Cornfield Shoals and the New London Disposal
22 Sites are currently active. They are not designated.
23 That is what this effort is looking at the impacts of
24 doing.
25 So the active sites, Cornfield and New

Page 11

1 London you can see. Then on this slide we also
2 included the Rhode Island Sound Disposal Site. That
3 site is a designated site. The EPA designated that in
4 2005.
5 So on the next few slides I am going to discuss
6 the approach to screening. This is the approach to
7 screening for disposal sites. And, again, we do so under
8 the Marine Protection, Research and Sanctuaries Act,
9 which is called MPRSA. We use five general criteria,
10 and 11 specific criteria. We initially screen areas
11 that have potential acceptability to be selected as a
12 disposal site. And then we further refine those areas
13 and evaluate them using additional information.
14 Now, these next two slides are going to be
15 busy. So I am going to go through them and just
16 highlight some of the 11 specific criteria. So the
17 first criterion is really the position of the site to
18 include bathymetric information, geographical, depth
19 of water, location from the coast.
20 The second item or the second criterion is to
21 look at habitat and the location of the site in
22 relation to breeding or spawning or living resources.
23 The third criterion is the location of a
24 disposal site in relation to public beaches or areas
25 of public use.

Page 12

1 The fourth is the type of methods of
2 disposal and quantities of disposal.
3 The fifth is the feasibility of surveillance
4 and monitoring. So as I had said, if we designate a
5 disposal site we will create a site monitoring and
6 management plan and we have to consider the
7 feasibility of being able to manage and monitor that
8 disposal site.
9 The sixth criterion relates to currents and
10 velocity and dispersion and current direction and the
11 effects of those items on the sediment. And, as I
12 mentioned, Jim O'Donnell is conducting a physical
13 oceanographic study, and we should have some data
14 later this summer. And Bernward will show you some
15 slides related to that.
16 The seventh criterion is cumulative effects.
17 So we look at long term cumulative effects of disposal
18 discharges.
19 Number eight is conflicting uses. Is there
20 any interference with navigation or other uses in the
21 ocean?
22 The ninth criterion is water quality and
23 ecological health.
24 The tenth criterion is potential for nuisance
25 species to come in.

Page 13

1 And then the eleventh is the proximity of
2 the site to historic or cultural resources.
3 The five general criteria include
4 conflicting uses. We want to minimize interference
5 with other uses.
6 Conditions at the site. So we want to
7 survey and make sure environmental conditions are
8 reduced, especially in proximity to beaches,
9 shorelines.
10 The third is the site use. If at any time
11 during this process an already approved site does not
12 meet any of the criteria, we can terminate that site
13 as long as a suitable option can be designated.
14 The site size includes us limiting the size
15 of the disposal site so that we can effectively
16 monitor and surveillance of the site.
17 And then the final criteria is historically
18 used sites. So wherever feasible EPA will try to
19 designate a disposal site either beyond the
20 continental shelf or at areas where sites have been
21 previously used.
22 And with that Bernward is going to show you
23 some of the GIS information and take you through some
24 of the stats. Thank you.
25 MR. HAY: Thanks Jeannie.

ED_001437E_00000053-00079

Page 14

So as Jeannie mentioned, this is a work in progress. We are in the middle of screening. There is still a lot more work that needs to be done. We are still actively collecting data. And we are open to receiving any information you have available that is relevant to this process and have already received quite a bit of information from New York and Connecticut and Rhode Island. Thank you for that.

So with that said, I would like to give you a sense of the types of data that we are collecting and also the process that we are undergoing in order to put the data together to ultimately narrow down the field within which potential sites would be designated.

Shown on this slide here is a cluster of different types of screened material, three groups. One is sedimentary environment. Second, areas of conflicting uses. And the third is biological resources. I will have slides that pertain to several of those items underneath those groupings.

Specifically under sedimentary environment we have bathymetry as a criterion. We have currents and waves and bottom stress. And also sediment texture, which is an important criterion which informs sediment resuspension as well as potential habitat issues.

Page 15

Under areas of conflicting uses we have infrastructure, such as cables and pipelines, that could interfere.

Navigational issues for commercial shipping such as shipping areas, anchoring areas.

Recreation, there are recreational areas such as beaches, parks, et cetera, as well as recreational navigation.

Then conservation areas, sanctuaries, wildlife refuges, national seashores, parks, artificial reefs, et cetera.

Then the culture and archaeological resources, shipwrecks, et cetera.

The third group is biological resources such as shellfish beds, benthic communities, fish habitats, fish concentrations, and fishing areas. And also a group called breeding, spawning, nursery, feeding, and passage areas.

So, again, a few maps will follow that show some information. First, as Jeannie mentioned, preference is given to active and historic disposal sites. And shown on this figure are the active sites in red. The Cornfield Shoals disposal site. The New London disposal site over here. And historic disposal sites, which include the Clinton Harbor Disposal Site, Six Mile Reef

Page 16

Orient Point Disposal Site, two disposal sites in Fisher Island Sound over here. We also have the Niantic Bay Disposal Site. And finally the Block Island Sound Disposal Site. Just a quick note. The boxes around the historic disposal sites generally mean that within those areas that have been identified on the map as disposal sites, it is not necessarily the entire boundary of a disposal site.

A VOICE: Can you repeat what you just said?

MR. HAY: Yes, the boxes around the historic disposal sites, for example, this box here basically means that within that area there has been disposal.

MS. BROCHI: So in terms of representing historic sites on a GIS slide we have identified each historic site in a square box. The reality is the box is not a boundary of a disposal site. In fact, we are still compiling the information. The Army Corps of Engineers is helping us. What we might find is that some of these historic sites will fall off because they don't represent historic disposal. And some of them we might find had one event. So it may be a certain amount of cubic yards that was disposed in 1930 or 1940, but it doesn't represent an entire disposal site or disposal site boundaries. For the purposes of representing it graphically we included all of the

Page 17

historic sites to be a square and the exact same square was used.

MR. HAY: So the next graphics show maps that pertain to sedimentary environment. This graphic shows the bathymetry of the area. The data source is NOAA. The NOAA data had been modified by DAMOSVision, which is a consulting firm that modified the NOAA data.

Shown here is the Zone of Siting Feasibility. Outlined by this black boundary here on this side and this side. We have the Block Island Sound area included in that Zone of Siting Feasibility, as well as the Eastern Long Island Sound. In terms of morphological features, there are fairly uniform water depths in Block Island Sound relative to Eastern Long Island Sound where you have more variability, such as the Race, which is deepter here due to currents entering Long Island Sound. And then you have another morphological feature which is Six Mile Reef where you have shallow water depths on the western side of the Eastern Long Island Sound. We have more information available through a survey that was done by NOAA in conjunction with the U.S. Geological Survey. These are called multibeam bathymetry surveys. They are, in essence, very high resolution data that will be available for this investigation. They allow for detailed analysis of sedimentary features that you might find on the sea floor such as sand waves and scour features. You

Page 18

1 may also be able to see shipwrecks, and those kinds of
2 features as well.
3 The differences in color in essence mean
4 water depths. Again, this is a bathymetry map. So
5 red means shallow waters. Blue means deep waters.
6 And then the greens and the oranges are water depths
7 in between. Again, this is shallow water. This is
8 the deepest part of the area. Then this is even
9 deeper. This is the Race over here going into Block
10 Island Sound. There is another deep spot over here,
11 which is between Plum Island and Orient Point, another tidal scour feature. As I mentioned
12 on that previous slide, this area over here is Six Mile
13 Reef which is again shallower. Shown on here also
14 are the disposal sites. You can see the active disposal
15 site: New London over here, Cornfield Shoals over
16 here, as well as historic disposal sites outlined by
17 a dashed line.
18 This image shows tidally-driven bottom stress.
19 Bottom stress is important as it affects resuspension of
20 sediment from a particular site. Bottom stress is, in
21 essence, a function of current velocity, as well as
22 the roughness of the sediment surface. What you can see
23 on this slide are different colors. The lighter blue
24 means lower bottom stress. The yellow and orange
25 means increased bottom stress. As you might expect, the highest

Page 19

1 and those are highest in the Race over here where
2 tidal currents enter Long Island Sound. There is also an
3 area of elevated current speeds and bottom stress
4 northeast of Montauk. This image is based on preliminary
5 model results. There is some data that enter these
6 model results, but again these are preliminary. So
7 given the importance of sedimentary resuspension potential and
8 bottom stress for this investigation, a study has
9 been initiated.
10 The study is being performed by the
11 University of Connecticut, and instruments are in the
12 water as we speak collecting valuable information.
13 Specifically they are instrument moorings located at
14 sites that are shown here. There is a total of 11 stations shown
15 here with these green spots, covering the entire Zone
16 of Siting Feasibility, both Eastern Long Island Sound,
17 as well as in Block Island Sound. These 11 stations
18 consist of seven instrument mooring stations where
19 instruments are permanently moored for a period of
20 time collecting continuous data, as well as four
21 additional stations where ship surveys will be performed. And instruments will be lowered
22 in the water to collect additional data. These
23 data will be entered into a model, and the
24 bottom stress will be modeled to provide resuspension of
25 sediment in the area.

Page 20

1 The next group of maps pertain to areas of
2 conflicting uses. This map shows the location of
3 cables and pipelines in the Zone of Siting
4 Feasibility. What you see in yellow are existing
5 cables, such as this one here, a whole cluster of
6 cables over here, as well as cable corridors like this
7 cable area here. This is actually not a very wide cable;
8 it is a corridor within which a cable or cables are located.
9 There are additional corridors up there. Some corridors over here.
10 And additional corridors here.
11 Pipelines are marked in green. As
12 you can see, there are not a lot of pipelines. There
13 is one small pipeline which is outside of the Zone
14 of Siting Feasibility. In other words, there is no pipeline of
15 concern in the Zone of Siting Feasibility for
16 this project.
17 This image shows the vessel traffic density as
18 well as anchoring areas. This pertains to commercial
19 vessels. The data were collected from the U.S. Coast
20 Guard; they are based on the Nationwide Automatic Identification
21 System Database, also abbreviated as AIS. What you see in the
22 darker orange or darker brown or beige are areas of
23 higher vessel densities, such as this line over here
24 continuing in this area here, and then as it becomes
25 lighter, there is lower vessel density. Mostly the traffic goes

Page 21

1 more or less. There is also some traffic going in and out of
2 ports, as you would expect. Marked here also is what
3 is shown on the north shore is a navigation corridor.
4 Then anchoring areas are shown by this line
5 here in purple. This purple dashed line is an anchoring area.
6 There is an anchoring area west of Niantic Bay,
7 anchoring area north of Montauk, and anchoring areas
8 near Fishers Island.
9 A VOICE: Is that one year of vessel
10 traffic data or multiple years, which years was it
11 done?
12 MS. ATAMIAN: It is one year of data. The data
13 was published in 2012, but was a 2009 data set.
14 MR. HAY: That was Amy Atamian who has had been
15 working with us on the GIS.
16 The next image shows recreation areas, as
17 well as navigation. Again, in the darker brown you
18 see areas of coastal navigation, smaller boats that,
19 as you might expect, would be close to the shore,
20 for fishing and other recreational purposes. And what you see in
21 green are beaches. Public beaches that is. And these
22 data come from the Dredged Material Management Plan report. Again,
23 showing these beaches are public beaches.
24 The next slide shows conservation areas and,
25 as I mentioned before, this is a catch-all term for a

Page 22

1 number of different data sources. It includes NOAA data on
2 reefs, shoals, as well as deep coral reef areas. And
3 those features are identified with orange symbols,
4 such as these ones over here. Coral reefs identified
5 with these darker blue symbols. There are only two coral
6 sites currently in the NOAA database. It
7 doesn't mean there aren't additional sites.
8 In addition, this slide shows culturally
9 significant natural features from the New York
10 database. It also shows boundaries of the Local
11 Waterfront Revitalization Program for New York. These
12 are boundaries here. This is one example. It shows
13 the migration water fowl data from the Connecticut
14 DEEP, national diversity areas, preserves and refuges.
15 Again, as I mentioned before, this is
16 work in progress. There is additional data available
17 that we will incorporate here. For example, there is data available for the
18 northern shore of Long Island, which we will incorporate as well. One
19 thing to notice here is that many of those
20 conservation areas are close to shore. So basically
21 within this zone here, and I will come back to that
22 point in a minute, very close to the shoreline.
23 The next image shows the archaeological and
24 cultural resources. What you can see as black
25 triangles are shipwrecks. For example, this one here, what you see

Page 23

1 as red circles, are other obstructions: rocks or other
2 types of obstructions. So one example here is the
3 Clinton Harbor Disposal Site. Within that historic
4 disposal site you see two shipwrecks and two
5 obstructions. Two black triangles and two red
6 circles. The database for this data set is also NOAA.
7 The next slide will summarize biological
8 resources that we have so far in GIS format. Specifically shown
9 on this image are shellfish beds. These are the shellfish beds
10 along the Connecticut shoreline. Shellfish beds along
11 the Rhode Island shoreline. Also shellfish beds in
12 Peconic Bay and other parts of Long Island. Some
13 additional information that we are still collecting on
14 the northern shore of Long Island that will also be
15 incorporated. In addition, we show on this image
16 shellfish zoning. So for Connecticut the areas where
17 shellfishing is approved is shown in green. There are
18 also areas where shellfishing is traditionally
19 approved shown in beige colors here. Those are these
20 areas here. And some are traditionally restricted.
21 And others are restricted. There are different kinds
22 of zones that apply to the shoreline of Connecticut.
23 The approved shellfishing areas for Rhode Island are
24 shown in green over here. And this is the Peconic Bay shellfish
25 zoning area. And we are collecting additional

Page 24

1 information for the northern shore of New York, as
2 well, that will be incorporated here. Notice also
3 that the shellfish beds that we have on this map
4 include areas of aquaculture as well. There are two
5 areas, several areas actually where shellfishing has
6 been prohibited. Those are identified in orange over
7 here. And there is also prohibited shellfishing
8 around Plum Island, aside from other areas in Rhode Island
9 and New York.
10 So just to give you a sense of how the
11 data is ultimately going to be screened, this map
12 shows an overlay of different resources. What you can
13 see in black is what we have been using as a screening
14 layer using a water depth of 18 meters. This Water depth is a function of --
15 This water depth had been used in the Central and
16 Western Long Island Sound as a screening depth.
17 Specifically it is designed to screen out areas where
18 it might -- where there may be conflicts with
19 navigation because vessels require a certain water
20 depth. There may also may be issues with resuspension of
21 sediment, depending on the size of waves and storm
22 conditions.
23 So using that same water depth that was
24 used for the Central and Western Long Island Sound
25 EIS gives you this dark layer over here. Everything

Page 25

1 that is in color here shows water depth greater than
2 18 meters. So superimposed here is also the zone of
3 approved shellfishing over here. Superimposed further
4 are anchorage areas and navigation channels, as well
5 as cable alignments and cable corridors.
6 This is just an example of how we screen or narrow
7 down the areas that are potentially available for
8 siting of facilities.
9 So one additional aspect to keep in mind is
10 the economics of dredging. Shown on this graphic here
11 are the dredging needs for the Long Island Sound area
12 based on the dredging needs reports. This projects
13 over a period of several decades. And you can see
14 affected by the size of the circle the volume of
15 sediment that is anticipated to be dredged for the
16 individual dredging centers.
17 So, for example, the Connecticut River
18 dredging center is located over here, This over here is a
19 much smaller volume that is anticipated, for example, for
20 Montauk. So you can see most of the sediment would
21 be, is anticipated to be dredged from Connecticut.
22 Lower volumes of sediment are anticipated from New York.
23 What we also show on this slide are the distances.
24 This is one example of the distance of two potential
25 disposal sites. We use as an example the dredging center of

Page 26

1 the Connecticut River located over here. So the
2 distance from the Connecticut River dredging center to
3 the Rhode Island Sound disposal site, which is located
4 over here, will be 45 nautical miles. The distance to
5 the New London disposal site located over here from
6 the Connecticut River dredging center is 12 miles.
7 The distance to the Cornfield Shoals site is five
8 miles. The distance to the Central Long Island Sound
9 disposal site located approximately here is 26
10 nautical miles. And if you go to beyond the edge of
11 the Continental Shelf, in other words, beyond the water depth
12 of about 200 meters, you would be looking at 75 nautical
13 miles.
14 So, again, this distance has economic
15 implications, but also safety and environmental risks. You have
16 larger waves that you have to travel through with your barges. It increases the risk
17 of an accident and losing your loads because of those kinds of concerns.
18 So based on the screening so far several
19 areas have been identified in the Eastern Long Island
20 Sound. And the EPA will prioritize data collection at
21 active and historic disposal sites. Those have been
22 identified here with a circle. This again is the slide
23 showing the bathymetry of the area that we looked at before.
24 With this I would like to pass it back to
25 Jeannie who will talk about the next steps. Thank

Page 27

1 you.
2 MS. BROCHI: Thank you. So a few points.
3 Again, this is an environmental impact statement and
4 what we have shown you today is the open water
5 assessment. But as part of this effort EPA will also
6 look at alternatives to open water, which even
7 includes no alternatives. So the impacts associated
8 with no disposal site being designated.
9 So in summary we will continue to assess
10 the sites in more detail. We will continue to review
11 the data that exists online. We will collect
12 additional data. And we will fill in the remaining
13 data gaps as necessary. And, as Bernward mentioned,
14 two areas that we really haven't looked at yet
15 includes the economics and the safety. The slide that
16 Bernward just showed you with the dredging centers, is
17 actually from the DMMP that the Army Corps of
18 Engineers had completed in one of their reports. And
19 they also completed a really great study on economics.
20 So we are going to use some of that information and
21 build on that.
22 We will collect additional data on
23 sediment, biological resources, and habitat. We are
24 going to start compiling some information on the
25 physical oceanographic study that Jim is in charge of.

Page 28

1 We should be getting some data on that this summer.
2 We will continue to have meetings. We will have some
3 cooperating agency meetings throughout the summer and
4 into the fall. Then we will have another set of
5 public meetings in the winter. We will try to send
6 out the information ahead of time so you have an
7 opportunity to review it before you come to an
8 informational meeting. And one of the main objectives
9 today is to just present the information to you and
10 give you an update of where we are in the process
11 since January, but also to solicit your feedback. And
12 if you have any comments we would be happy to hear
13 them today and consider them. And if you are not --
14 if you haven't registered and you are not on our
15 e-mail list, please sign up so we can contact you and
16 inform you about future meetings.
17 And, finally, our cooperating agency
18 representatives are in the room. Feel free to contact
19 EPA directly or if you have any questions or comments
20 or need clarification they are available to assist
21 you, as well. So with that I will open up the floor
22 for comments or questions.
23 MR. HAY: So, again, if you have a comment
24 please identify yourself by name and affiliation so we
25 can record that as well. So any questions, comments,

Page 29

1 feedback?
2 MS. FOLSOM-O'KEEFE: My name is Corrine
3 Folsom-O'Keefe. I am program coordinator for Audubon
4 Connecticut. One thing that has been done with
5 dredged spoils in other states is pile it up in one
6 area so it creates an islands. And those islands are
7 actually used by bird species that are declining such as Piping Plover, Least Tern,
8 American Oystercatcher, and other tern species. That might be a
9 poential thing that could be done with uncontaminated dredged spoils. It is something
10 I would like to see considered as the EPA and other organizations continue
11 to go forward in deciding what would be the best
12 solution to dredging these materials and figuring
13 out what to do with them. Also one suggestion that
14 could be done with them, Faulkner Island, the north
15 spit, lost two-thirds of its area. The north spit is
16 this sandy area above sea level most of the time. It
17 lost two-thirds of its area during Hurricane Sandy. That area is one of the
18 largest areas on the island for Roseate Terns nesting.
19 And so there has been a dramatic reduction in habitat size for
20 the Roseate Terns, which are a state listed
21 species. That would be a suggestion for a place if you had
22 uncontaminated, dredged materials; those materials could be
23 put in that area increasing the habitat for that bird species.
24 The last thing I would like to see
25 considered is just if dredged materials that are not

Page 30

1 contaminated are put in certain areas -- they might need to be
2 beach accretion, either public beaches or beaches used
3 by wildlife. Those are things I would like to see
4 taken into account.
5 MR. HAY: Thank you for your comment.
6 MS. BROCHI: Thank you. One thing that we
7 didn't mention is state threatened, federally
8 endangered species, mammals, birds, is part of this
9 environmental impact statement effort. And that will
10 be something we investigate further on. And we will
11 look at all of those species.
12 And Mark Habel from the Corps of Engineers
13 is going to respond to the dredging.
14 MR. HABEL: Thank you Jeannie. I am not on
15 the program but it might be a good time to give an
16 update where we are with the Dredged Material
17 Management Plan. It is an effort we were first funded
18 to begin undertaking in 2008. We are substantially
19 moving along with it in cooperation with the three
20 states that border Long Island Sound, Block Island
21 Sound. We also have a technical working group of
22 federal and state agencies, and representatives from
23 various nongovernmental organizations who volunteered
24 to sit on that and help provide input to the Dredged
25 Material Management Plan as it went forward. We are

Page 31

1 looking at a lot of things. Certainly it is always
2 the Corps of Engineers' preference, as well as many of
3 our sponsors and the other agencies, that dredged
4 material be looked at as a resource first and
5 something to be disposed of second. Our regs even
6 require us to first investigate beneficial uses. With
7 things like sand it is pretty easy. As sea level
8 rises, erosion continues. It is rare today that we
9 have a sand generating project that does not have
10 takers for the dredged material, even when that sand,
11 or hauling that sand to that site requires a cost share.
12 We have built projects recently in
13 Massachusetts, and we are proposing another one in New
14 Hampshire that Mass, New Hampshire and Maine are going
15 to all get in on to get pieces of the sand. They are
16 going to have to pay $2, $4 a yard to get it.
17 With the Newburyport project that we
18 constructed in 2010 Massachusetts paid $20 a yard to
19 have sand that would have been placed offshore be
20 pumped onto the beaches. They were losing houses and
21 at least in the zone we put the sand on they haven't
22 loss any since. So certainly we like to use sand for
23 shore protection purposes. Non-contaminated, non-sand:
24 there are many applications for, as well. We can
25 build marshes. This is primarily something that we

Page 32

1 look to the states to identify areas where they want
2 to see that done. We work out how we can do it.
3 The commenter mentioned island creation.
4 The Corps on the West Coast has done large amount of
5 fills using dredged material, primarily for port
6 development in Los Angeles, Long Beach, Oakland, and
7 elsewhere.
8 We have also used dredged material to shore
9 up levies in the Sacramento River Basin. They have
10 for a long time used dredged material to build and
11 raise levies in Louisiana and elsewhere on the Gulf
12 Coast.
13 We have done large scale islands in the
14 Chesapeake Bay area, Norfolk, Newport News, Hampton Roads. There is a
15 large one under construction in mid Chesapeake Bay, Poplar
16 Island, which is a joint project between the Corps and the
17 Maryland Department of Environment and the Baltimore Port
18 Authority. That is maybe within 10 years of its
19 useful life. It will be filled. It is being
20 developed as wildlife habitat.
21 And we recently have another one going
22 through Congressional authorization, that is called
23 the Mid-Bay Island Restoration, Chesapeake Bay.
24 The DMMP is looking at all of this. We are
25 mapping where the beaches are in relation to the

Page 33

1 harbors that generate beach-compatible sand. And we are looking at a
2 number of sites that have over the years have been
3 raised as potential candidates for island development,
4 primarily for creation of wildlife habitat. The New
5 Haven Breakwaters is the largest of those. And, as
6 you mentioned, Faulkner Island is another one of those
7 areas where we are looking at potentially creating an
8 island. Those projects carry substantial cost. They
9 require great involvement in making them happen by the
10 state that they are in. Maryland took the lead on
11 Poplar Island. They are taking the lead on Mid-Bay.
12 That cost is not going to be totally a federal cost.
13 I think Poplar Island was a 65/35 cost share on a
14 facility that is probably in the end cost more than
15 $100 million. So certainly the Corps is going to look
16 at those and the DMMP, and lay out what the cost might
17 be. But ultimately we would need a sponsor, the State
18 of Connecticut, or some other nonfederal public entity
19 to step forward and say, yes, Corps, we want to do
20 this and we are willing to pay our share.
21 So those will be in the DMMP but whether or
22 not they actually go into feasibility design and
23 construction is going to depend on sponsorship. I
24 hope that answers your question.
25 MS. FOLSOM-O'KEEFE: It does. Thank you.

Page 34

1 MR. BURCH: My name is Lou Burch. I am
2 here for the Citizens Campaign for the Environment.
3 One of the slides you showed a while ago pertained to
4 shellfishing areas and there were some graphics
5 demonstrating where some of the shellfishing
6 activities will be restricted. I noticed some of
7 those correlated with previous dump sites. Are those
8 areas restricted due to contamination concerns? Why
9 are some restricted and others are not, et cetera?
10 MR. HAY: I will pass this question on to
11 George Wisker, with the Connecticut Department of
12 Energy and Environmental Protection.
13 MR. WISKER: I am not a biologist but having
14 dealt with this issue in the past, I think those areas
15 that are restricted are due to some runoff issues, the
16 bacterial issues. Where a certain degree of runoff can
17 actually cause a closure for a while. They are not
18 open all the time. Some of the other beds are open
19 offshore. The only ones that are actually prohibited
20 now are the actual disposal sites themselves. The
21 area surrounding them, it is not a function of the
22 disposal but more or less due to runoff, industrial,
23 legacy types of issues in that area.
24 MR. BURCH: Specifically those disposal
25 sites that are prohibited, I assume that is a long

Page 35

1 term restriction. I am just trying to get a better
2 sense, again, whether that is due to contamination
3 concerns associated with those disposal sites and why
4 certain disposal sites are completely restricted and
5 others are not.
6 MR. WISKER: The active disposal sites are
7 the ones that are restricted or prohibited now. The
8 past sites were tested by the Department of
9 Agriculture. Whether or not they put conditions on
10 is related to what the tests would show.
11 MR. BOHLEN: It seems to me on the active
12 sites there is an issue with public health and
13 contaminants. There is also the operational issue.
14 They have a cap out there. They don't want you going
15 out there and messing around with their cap. There
16 are operational issues.
17 MR. HAY: For the record, this was Frank
18 Bohlen with the University of Connecticut.
19 MR. WISKER: The other issue, I know when
20 they did the Seawolf Project one of the things that
21 the Navy actually had to do was there were so many
22 lobster pots and other fishing gear out there they had
23 to notify the permit holders. We had to give them the
24 licensees so they could notify them to get the
25 equipment out of there or it was going to be pulled up

Page 36

1 or buried. They were actually doing other types of
2 fishing out in those areas as opposed to specifically
3 shellfish.
4 MR. HAY: Comments, questions, feedback?
5 MR. FROHLING: Nathan Frohling, the Nature
6 Conservancy. Technical question, you talked about the
7 USGS and NOAA data and Eastern Sound. I am wondering
8 is that the recent survey done in the last year or
9 two, what is the date?
10 MR. HAY: This data is a combination of
11 surveys that have been done over approximately the last decade.
12 They have been compiled, I think the date of this
13 compilation is 2012. The data were collected over a
14 number of years. Incidentally, there is also data
15 available for Block Island Sound, which will be
16 incorporated into this process. And those data
17 have not been completely processed by the U.S.
18 Geological Survey. Again, we will extend that area to
19 the east as well.
20 Did that answer your question?
21 MR. FROHLING: Yes.
22 MR. SPICER: Bill Spicer, Stakeholders
23 Committee from the Eastern Long Island Sound, State of
24 Connecticut, Regional Council. Also Spicers Marinas.
25 I think I participated in about every one of these meetings.

Page 37

1 I noticed your good diagram as to how many miles it
2 was from the Connecticut River. And two thoughts came
3 to mind as feedback. If we are working in Fisher's
4 Island Sound for dredging we use shallow draft
5 equipment. So that passing through either the Race or
6 Wicopesset at the Watch Hill passage is really not
7 feasible in winter for shallow draft, small equipment.
8 We also have several sites at the moment. We need at
9 least that many sites. So less sites is not an
10 option. And counting sites that are in Block Island
11 Sound, which is not part of the MPRSA Ambro
12 Legislation, and are not in Long Island Sound, they
13 are not really accessible, especially from Fishers
14 Island Sound. So we need some in-shore sites. We
15 have two at the moment. We need at least two. If New
16 York needs one in Block Island Sound to serve Montauk
17 or Peconic Bay, they need to ask. Thank you.
18 MR. HAY: Thank you for your comment. You
19 want to respond, Jeannie?
20 MS. BROCHI: I want to make a point. I am
21 not sure if I made this point earlier, but the Zone of
22 Siting Feasibility extended to Block Island because
23 that is the area that the Army Corps of Engineers is
24 including in their Dredged Material Management Plan.
25 So we wanted to overlap that area to be able to use

the studies that the Army Corps of Engineers is currently undergoing and use that data.

Now, as far as the sites in Block Island Sound, like the Block Island Sound site, those are historically used sites. Some of those sites, as I mentioned before, received dredged material in the '30s or '40s before the regulatory agencies, the EPA existed. So we want to find out as much as we can about those areas.

MR. SPICER: Simply said, Jean is right. And your material going forward appears to be well presented, but those that are in Long Island Sound, which I am not, I am in Fishers Island Sound, which also is not in Long Island Sound, we need to be thought of so we don't get lost. And we do need to very carefully remember that Ambro only applies to Long Island Sound. If it helps planning going forward for other areas, God bless you. We need to plan. We don't need any more 2005 surprises. So we need to be planned for. And we have been more than patient.

MR. HAY: Thank you, Bill. Any additional comments?

Well, we will be here until 4:30. If you have any additional comments please let us know, any additional feedback, or if you know of any additional

data that would be helpful in this process we will be more than happy to consider those, as well.

Thank you very much for coming.

(Whereupon the Public Hearing adjourned at 4:30 p.m.)

C E R T I F I C A T E

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

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

Witness my hand and seal as Notary Public the 22nd day of July, 2013.

_____

Notary Public
My Commission Expires:
November 30, 2017

END OF REPORT.

ED_001437E_00000053-00087