

FINAL

**LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN
PUBLIC SCOPING MEETING SUMMARY REPORT**

**EPA Contract No. 68-C-03-041
Work Assignment No. 4-43**

Prepared for:

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1.0 INTRODUCTION

The Long Island Sound (LIS) Dredged Material Management Plan (DMMP) will be a comprehensive - plan for dredged material management in the Long Island Sound region. The plan will be developed from a broad-based public process and incorporate the best scientific data and analysis to protect the environment, while meeting society's need for safe and economically viable navigation for water-based commerce, transportation, national security, and other public purposes. The LIS DMMP will identify potential environmentally acceptable, practicable dredged material management alternatives that can be utilized by the United States Corps of Engineers (Corps) in maintaining Federal navigation projects, as well as various non-Corps dredging proponents in their analysis of options to manage non-Corps dredging projects. A Programmatic Environmental Impact Statement (PEIS) will evaluate the overall impacts of various alternatives incorporated into the LIS DMMP for management of dredged material in the region.

The LIS DMMP is a cooperative development effort among the Federal government and the States of Connecticut, Rhode Island, and New York. The DMMP will be funded and managed by the Corps with participation by representatives of the following Federal and state agencies: United States Environmental Protection Agency (EPA) Regions 1 and 2, New York Department of State (NY DOS), New York State Department of Environmental Conservation (NY DEC), Connecticut Department of Environmental Protection (CT DEP), Connecticut Department of Transportation (CT DOT), Rhode Island Coastal Resources Management Council (RICRMC) and National Oceanic and Atmospheric Administration (NOAA). Each agency provides members to the LIS Project Delivery Team (PDT), which is responsible for identifying, evaluating, and documenting alternatives that can be used in managing the region's dredged material. The PDT has already developed a public involvement strategy, which describes in general the means by which the PDT will involve stakeholders and the public in the DMMP and PEIS process.

One of the earliest activities for any EIS is public scoping and communication. This report summarizes the results of the public scoping process initiated in November 2007 for the LIS DMMP and PEIS. Specifically, it provides details of the scoping meetings held in New York and Connecticut, and documents meeting attendance and any public comments received at each of the meetings. Other relevant meeting materials are presented as attachments.

2.0 SCOPING MEETINGS

2.1 Scoping Process

As part of the environmental impact statement (EIS) process, the National Environmental Policy Act (NEPA) requires that there be an early and open process with the public regarding the proposed action for which an EIS will be prepared. The purpose of this public involvement process is to obtain input from private citizens, citizen groups, public interest groups, organizations, businesses, and Federal, state, and local agencies on issues to be discussed in the EIS.

The PDT's public involvement strategy includes stakeholders with an interest in the Long Island Sound. These stakeholders include Federal, state, county, and municipal agencies, tribes, universities, interested non-governmental groups (including environmental organizations and marine trades groups), citizens groups, and individuals. These organizations and individuals will be notified of public meetings or workshops, as well as periodic progress reports on the development of the PEIS and DMMP.

The first public involvement step for the LIS DMMP was the publication of a Notice of Intent in the Federal Register on August 31, 2007 (Attachment 1). The Notice of Intent listed the agencies involved, the proposed action, a summary of the expected content of the draft PEIS and LIS DMMP, notification of upcoming public scoping meetings, and contact information for further information.

In addition, EPA and the Corps scheduled public scoping meetings in New York and Connecticut to inform the public of the agencies' progress on developing the DMMP, to solicit feedback on these efforts, and to gain input on future direction. The public was invited to attend, to ask questions, and to identify issues that should be addressed in the DMMP. The public notice (Attachment 1) was sent to the 2,538 individuals on the LIS DMMP Mailing List. The mailing list previously assembled by EPA and the Corps as part of the Long Island Sound EIS (EPA, 2004) and Final Rule Making (FRM) (70 Fed. Reg. 32498) was updated to incorporate 1) new parties expressing an interest since publication of the Final Rule, 2) changes in government officials, and 3) corrections and additions from the PDT.

Six LIS DMMP public scoping meetings were held at the following locations and times:

November 26, 2007 7 – 10 pm	Empire Ballroom Radisson New Rochelle One Radisson Plaza New Rochelle, NY 10801
November 27, 2007 1 – 4 pm	Diplomatic Ballroom Danfords on the Sound 25 East Broadway Port Jefferson, NY 11777
November 27, 2007 7 – 10 pm	Long Island Room Holiday Inn in Westbury 369 Old Country Road Carle Place, NY 11514
November 28, 2007 7 – 10 pm	The Grove Westin Stamford 1 Stamford Pl. Stamford, Connecticut 06902
November 29, 2007 1 – 4 pm	Morgan Ballroom Holiday Inn New London 269 N. Frontage Rd. New London, CT 06320
November 29, 2007 7 – 10 pm	Linsly-Chittenden Hall Room 102 Yale University 63 High Street New Haven, CT 06511

A DMMP project website (<http://www.nae.usace.army.mil/projects/ri/LISDMMP/LISDMMP.htm>) was created for access by the public. Meeting materials, including presentations and handouts, were posted on the website immediately following the scoping meetings.

2.2 Agenda for the Scoping Meetings

Meeting registration was started approximately one hour before each meeting began. Copies of the agenda and fact sheets (see Attachment 1) were available at the registration table. A sign-up sheet for

individuals interested in speaking at the meeting was also available. Registration information collected at the meetings was used to update the LIS DMMP Mailing List and to document meeting attendance.

The meetings format included a series of formal presentations by agency representatives followed by a comment/question-and answer session. The meeting was facilitated by Carlton D. Hunt, Ph.D. of Battelle. The agenda for each of the public scoping meetings was as follows:

Introduction	Carlton D. Hunt, Facilitator	5 – 10 minutes
Agency Presentations		
Background	USEPA- New England/New York	10 – 15 minutes
Regional Dredging Team (RDT)	USACE, New York	10 – 15 minutes
LIS DMMP	USACE-New England	10 – 15 minutes
PEIS Scoping Process	USACE-New England/New York	10 – 15 minutes
CT Project/Program Update	CT DEP	10 – 15 minutes
NY Project/Program Update	NY DOS	10 – 15 minutes
Public Comments and Discussion	Carlton D. Hunt, Facilitator	45 – 90 minutes

Presentations were given at each of the scoping meetings by representatives of USEPA, USACE, CT DEP, and NY DOS (Table 1). Overheads from each of the presentations are provided in Attachment 2.

Table 1. Agency Presenters at Each of the LIS DMMP Public Scoping Meetings

Presentation	New York			Connecticut		
	New Rochelle	Port Jefferson	Carle Place	Stamford	New London	New Haven
Background	M. Cote	M. Cote	M. Cote	J. Brochi	J. Brochi	J. Brochi
RDT	J. Seebode	J. Seebode	C. Ricciardi	J. Seebode	J. Seebode	C. Ricciardi
LIS DMMP	M. Keegan	M. Keegan	M. Keegan	M. Keegan	M. Keegan	M. Keegan
PEIS Scoping Process	N. Brighton	C. Ricciardi	C. Ricciardi	S. Holtham	S. Holtham	S. Holtham
CT Update	G. Wisker	G. Wisker	G. Wisker	G. Wisker	G. Wisker	G. Wisker
NY Update	S. Resler	S. Resler	S. Resler	S. Resler	S. Resler	S. Resler

The list of attendees who registered at and attended each of the scoping meetings is provided in Attachment 3.

3.0 PUBLIC COMMENTS

Attendees wishing to speak or ask a question were invited to sign-up before the meeting. These individuals were given priority to speak first, followed by any additional attendees who were interested in asking a question or making a statement. Individuals who spoke or asked questions at each of the meetings are presented in Table 2. Court reporters were present at each of the scoping meetings to record the comment/question-and answer session, and all public comments were recorded. In addition, the opening comments were recorded for all of the meetings except Carle Place, NY, and agency presentations were recorded at the first and last scoping meetings. Meeting transcripts are provided in Attachment 4. Written comments or statements submitted at the public scoping meetings (Table 3) are also included in the meeting transcripts.

Table 2. Individuals Who Spoke at Public Scoping Meetings.

Name	Company/Affiliation
New Rochelle, NY Meeting, November 26, 2007	
Emmett Pepper	Citizens Campaign for the Environment
Dan Natches	Clean Harbor Action
Sal Gugliara	City of New Rochelle
Paul Ryan	Village of Mamaroneck
Port Jefferson, NY Meeting, November 27, 2007	
Maureen Dolan Murphy	Citizens Campaign for the Environment
John Bellport	Resident of Shoreham
Carle Place, NY Meeting, November 27, 2007	
Joel Ziev	Town of North Hempstead
Frank O'Keefe	Lloyd Harbor Conservation Board
Stamford, CT Meeting, November 28, 2007	
Chuck Beck	CT DOT/ CT Maritime Commission
Donald Frost	Resident of Fairfield
Geoffrey Steadman	CT Harbor Management Association
Bill Gardella	Rex Marine Center
Kasey Jacobs	CT Citizens Campaign for the Environment
Michael Griffin	Norwalk Harbor Master
Paul Pimentel	Congressman Shays Office
Marguerite Purnell	Fishers Island Conservancy
New London, CT Meeting, November 29, 2007	
William Spicer	Spicer's Marinas
Niel Spillane	Resident of Mystic
Marty Toyen	CT Maritime Commission
John Markowicz	Southeastern CT Enterprise Region
Adam Wronowski	Cross Sound Ferry Service
Jonathan "Bill" Sheehan	Southeastern CT Enterprise Region
John Acnero	Resident of Waterford
Jim Bajac	Environmental Consultant
New Haven, CT Meeting, November 29, 2007	
Michael Piscitelli	City of New Haven
Bert Sacco	Bridgeport Port Authority
John Hilts	Consultant
Thomas Dubno	CT Maritime Commission
Mike Pimer	New Haven Harbormaster
Joel Severance	CT Harbor Management Association

Table 3. Written Comments/Statements Submitted at Public Scoping Meetings.

New Rochelle, NY Meeting, November 26, 2007
Clean Harbor Action
Congresswoman Nita M. Lowey
Port Jefferson, NY Meeting, November 27, 2007
Carrie Meek Gallagher, Commissioner, County of Suffolk Department of Environment and Energy
Carle Place, NY Meeting, November 27, 2007
None
Stamford, CT Meeting, November 28, 2007
Congressman Christopher Shays
Martin Toyen, Chairman, Connecticut Maritime Commission
Chuck Beck, CT DOT/ CT Maritime Commission
Donald B. Frost, Resident of Fairfield
Marguerite Purnell, Director, Fishers Island Conservancy
New London, CT Meeting, November 29, 2007
None
New Haven, CT Meeting, November 29, 2007
Michael Piscitelli, Director, City of New Haven Transportation, Traffic and Parking Department

4.0 REFERENCES

“Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound, CT, Final Rule.” Federal Register 70:106 (June 3, 2005) p. 32498.

United State Environmental Protection Agency (EPA). 2004. Final Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound Connecticut and New York. April 2004.

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ATTACHMENT 1
SCOPING MEETING MATERIALS

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FOR FURTHER INFORMATION CONTACT: Ms. Joan Gilsdorf, Patent Attorney, e-mail: joan.gilsdorf@smdc.army.mil, (256) 955-3213 or Ms. Susan D. McRae, Office of Research and Technology Applications, e-mail: susan.mcrac@smdc.army.mil; (256) 955-1501.

SUPPLEMENTARY INFORMATION: The invention pertains to detecting reflected energy and, more particularly, to radar and ladar systems with enhanced range. A reflected energy detecting device includes a transmitter for transmitting an electromagnetic signal and a receiver for receiving a reflected electromagnetic signal. An antenna connected with the transmitter and the receiver radiates the electromagnetic signal and captures the reflected electromagnetic signal. The antenna may be movable. A main controller controls operation of the transmitter and the receiver and the movement of the antenna. The reflected energy detecting device may further include at least one platform to support a remote reflector that is dimensioned and configured to redirect the transmitted electromagnetic signal in a desired direction, and a platform controller that communicates with the main controller and maintains alignment between the remote reflector and the antenna.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07-4276 Filed 8-30-07; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of Draft Environmental Impact Statement for Center Hill Dam and Lake, Changes to Center Hill Lake Elevations, DeKalb County, TN

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The Corps of Engineers, Nashville District, U.S. Fish and Wildlife Service (Cooperating Agency), and the Tennessee Valley Authority (Cooperating Agency) have prepared a Draft Environmental Impact Statement (DEIS). The DEIS is necessary to provide National Environmental Policy Act (NEPA) compliance to address changes that could include, but are not limited to water quality, aquatic, riparian, and terrestrial habitat, recreation, water supply, flood storage, economics, hydropower production, and safety as a result of operating Center Hill Lake

significantly below normal pool elevations for extended periods of time.

DATES: Written comments must be received by the Corps of Engineers on or before October 19, 2007.

ADDRESSES: Written comments on issues to be considered in the DEIS shall be mailed to: Joy Broach or Patty Coffey, Project Planning Branch, Nashville District Corps of Engineers, P.O. Box 1070 (PM-P), Nashville, TN 37202-1070.

FOR FURTHER INFORMATION CONTACT: For additional information concerning the notice, please contact Joy Broach, Environmental Team, (615) 736-7956, or Patty Coffey, Environmental Team, (615) 736-7865.

SUPPLEMENTARY INFORMATION:

1. Center Hill Dam is currently suffering from severe dam seepage problems. A comprehensive plan for repairs has been approved; however, these repairs will take 7-10 years to implement. Until the repairs are sufficiently complete, the Corps has determined that it is in the public's interest to operate Center Hill Lake at lower pool elevations.

2. The U.S. Fish and Wildlife Service is a Cooperating Agency because of the potential to affect listed species. The Tennessee Valley Authority is a Cooperating Agency because of the potential to affect electrical power production.

3. This notice serves to solicit comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received by us will be considered during the preparation of the Final Environmental Impact Statement (FEIS).

4. *Public Meetings:* At present, no public meetings have been scheduled to scope for potential issues to be evaluated in the FEIS. Requests for public meetings should be directed to Mr. William Peoples, Chief, Public Affairs Office, U.S. Army Corps of Engineers, Nashville District, Nashville, TN, 37202-1070. Mr. Peoples may be reached by telephone at (615) 736-7834.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07-4277 Filed 8-30-07; 8:45 am]

BILLING CODE 3710-GF-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Programmatic Environmental Impact Statement To Analyze a Long Island Sound Dredged Material Management Plan

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Draft Programmatic Environmental Impact Statement (DPEIS) will evaluate the overall impacts of various alternatives identified in a Long Island Sound Dredged Material Management Plan (LIS DMMP) for management of dredged material in the Long Island Sound (LIS) region. The overall goal of the LIS DMMP is to develop a comprehensive plan for dredged material management in Long Island Sound using a broad-based public process that protects the environment based on best scientific data and analysis, while meeting society's need for safe and economically viable navigation for water-based commerce, transportation, national security, and other public purposes. The LIS DMMP will identify potential environmentally acceptable, practicable management plans that can be utilized by the Corps of Engineers (Corps) in maintaining Federal navigation projects, as well as various non-Corps dredging proponents in their analysis of options to manage non-Corps dredging projects. Some alternative disposal methods may be implemented on the basis of the PEIS, while others may require additional analysis at the project level. As specific alternatives are put in place to implement a given management option, more detailed National Environmental Policy Act (NEPA) documents may be prepared by the Corps and other Federal agencies, and such NEPA documents will evaluate specific impacts from implementing a particular management option.

ADDRESSES: U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DPEIS can be answered by: Mr. Mike Keegan, (978) 318-8657, e-mail: Michael.f.keegan@usace.army.mil.

SUPPLEMENTARY INFORMATION: The Governors of Connecticut and New York, in a joint letter dated February 8, 2005, requested the Corps to develop a regional DMMP for the LIS region. In

June 2006, the Corps of Engineers, New England District completed a Preliminary Assessment (PA) to document the need for a comprehensive DMMP for the LIS region. The PA concluded that successful completion of a LIS DMMP is critical to the Corps' ability to maintain the region's civil works navigation projects, and to provide future navigation improvements to the system of Federal waterways in the LIS region. Appropriate future cost-effective management methods and future dredged material capacities must be identified to serve both Federal and non-Federal project needs in this region for the long-term health of the region's economy, including its navigation-dependent industries and activities. The Corps prepares NEPA documents to evaluate the environmental impacts of the actions and alternatives analyzed in dredged material management plans. In preparing the current DPEIS, the Corps expects this document to be used as part of the NEPA analysis for both Corps and non-Corps future dredging projects through tiering and incorporation by reference. Issues to be analyzed in the DPEIS may include potential impacts to: shipping and navigation; commercial and recreational fisheries and shellfisheries; water quality; sediment quality; biological resources, including threatened and endangered species; bioavailability of contaminants; cultural resources; recreational activities such as use of beaches, refuges, and natural areas; wetlands; and other potential habitat restoration opportunities. The DPEIS will be prepared in coordination with other environmental review and consultation requirements under the Clean Water Act, National Historic Preservation Act, Endangered Species Act, Coastal Zone Management Act, and other relevant and appropriate statutes and Executive Orders.

There are many harbors, channels and navigation-dependent facilities in Connecticut and New York within Long Island Sound that must undergo periodic maintenance dredging to ensure safe navigation. Some harbors occasionally must be deepened beyond historical depths to meet changing economic and safety needs. In order to manage all of the dredged material from harbors in the LIS region generated by both Federal and non-Federal interests in the next twenty years, the DMMP and DPEIS will be identifying the potential volume of material and identifying and evaluating alternatives that could be used to manage such a volume of dredged material. Thus, future Federal and non-Federal projects can use the DMMP and its associated PEIS to help

satisfy legal requirements of NEPA, the Clean Water Act, and the Marine Protection, Research, and Sanctuaries Act (MPRSA).

The LIS DMMP will include an in-depth planning analysis of reasonable potential dredged material placement/disposal alternatives, including open-water disposal, beneficial use, upland disposal, and treatment technologies, and this analysis will be used as a basis for future individual permit and project approval decisions related to alternatives analysis for dredging in the LIS region. To accomplish this, the LIS DMMP will examine dredging needs, sediment and water quality, disposal alternatives and environmental impacts on a harbor-by-harbor basis. Consistent with the Designation Rule for the Western and Central Long Island Sound Dredged Material Disposal Sites, 40 CFR 228.14(b)(4), the DMMP will be identifying potential procedures and standards for the use of practicable alternatives for dredged material disposal in Long Island Sound. The various alternatives and the information associated with such plans will provide the Corps and other navigation users with an array of feasible options that will meet their dredged material management needs.

The LIS DMMP and DPEIS will identify a practicable, comprehensive and coordinated regional practicable strategy for technically feasible and environmentally sound management of material dredged from Long Island Sound. These documents will identify potential environmentally acceptable, practicable management alternatives that can be utilized by various dredging proponents in their analysis of options to manage dredging projects. These alternatives will likely include, but not be limited to:

- Open-water placement.
- Alternative management strategies for treating or reusing dredged materials, including the use of decontamination and sediment processing technologies.
- Beneficial reuse of dredged material such as:
 - Open and closed landfills;
 - Existing upland dredged material disposal areas;
 - Current or proposed transportation improvements;
 - Temporary dredged material storage;
 - Asphalt, cement and other aggregate use;
 - Large scale development use;
 - Brownfield remediation;
 - Use at closed mines and quarries;
 - Placement at beaches for beneficial use;

- Agricultural use;
- Habitat restoration projects.

Full public participation of affected Federal, state, and local agencies, affected Indian tribes, and other interested private organizations and parties is invited. All interested parties are encouraged to submit their names and addresses to (see **ADDRESSES**), to be placed on the project mailing list to receive fact sheets, newsletters and related public notices. The Corps will hold public scoping meetings later this year or in 2008 at different locations around the LIS region. Topics and issues to be addressed in the DPEIS, identified in part from responses to this Notice of Intent, will be summarized. The public is invited to attend the scoping meetings and identify additional issues that should be addressed in the DPEIS. The actual date, place and time of the scoping meetings will be announced in respective local newspapers and on the Corps New England District Web page.

It is estimated that the Draft PEIS will be made available to the public in the Fall of 2012.

Dated: 22 August 2007.

Lieutenant Colonel Andrew B. Nelson,
Deputy District Commander, U.S. Army Corps of Engineers, New England.

[FR Doc. 07-4274 Filed 8-30-07; 8:45 am]

BILLING CODE 3710-24-M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement/Overseas Environmental Impact Statement for Navy Atlantic Fleet Training in the Gulf of Mexico Range Complex and To Announce Public Scoping Meetings

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508), and Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions), the Department of the Navy (Navy) announces its intent to prepare an Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to evaluate the potential environmental effects associated with naval training in the Gulf of Mexico (GOMEX) Range Complex. The Navy proposes to support current and emerging training



United States
Environmental Protection Agency
New England



U. S. Army Corps of Engineers
New England District

Public Notice - Long Island Sound Dredged Material Management Plan (LIS DMMP) Meetings

A Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) was published in the Federal Register on August 31, 2007 by the Corps of Engineers. The NOI is a formal announcement of the EIS process, which begins with scoping. The EIS will evaluate the overall impacts of alternatives identified in the development of a Dredged Materials Management Plan for dredged material from private projects greater than 25,000 cubic yards and federal projects in Long Island Sound (LIS). The DMMP will be developed by the Corps of Engineers (ACOE) in conjunction with representatives of the following federal and state agencies: EPA Region 1 and 2, NY DOS, NY DEC, CT DEP, CTDOT, RICRMC and NOAA. Each agency will provide members who will be part of the LIS Project Delivery Team (PDT). The PDT is responsible for identifying, evaluating and documenting alternatives that can be used in managing the region's dredged material.

The overall goal of the LIS DMMP is to develop a comprehensive plan for dredged material management in Long Island Sound. The DMMP should lead to a continued reduction of the use of ocean placement sites over time.

The DMMP will be funded and managed by the Corps of Engineers and is tentatively scheduled for completion in 2013. A public involvement strategy has been developed by the PDT. This public involvement plan describes in general the means by which the PDT will involve stakeholders and the public in the DMMP and PEIS process. Stakeholders include Federal, state, county and municipal agencies, tribes, universities, interested non-governmental groups including environmental organizations and marine trades groups, citizens groups and individuals with an interest in Long Island Sound. These organizations and individuals will be notified of public meetings or workshops, as well as periodic progress reports on the development of the EIS and DMMP. Formal scoping meetings, public meetings, and workshops will be scheduled in both Connecticut and New York. The first of such meetings are scheduled during the week of November 26, 2007 as follows:

Monday, November 26

Evening 7 – 10 pm

Location: Empire Ballroom

Address: Radisson New Rochelle

One Radisson Plaza

New Rochelle, NY 10801

Telephone: 914-576-3700

Directions:

http://www.chwcms.com/rad/images/hotels/NYROCHEL/NYROCHEL_Directions.pdf

Tuesday, November 27**Afternoon 1 – 4 pm****Location:** Diplomatic Ballroom**Address:** Danfords on the Sound Meeting and Conference Center

25 East Broadway, Port

Jefferson, NY 11777

Telephone: 631-928-5200

Directions: <http://www.danfords.com/Directions/directions.asp>**Tuesday, November 27****Evening 7 – 10 pm****Location:** Long Island Room**Address:** Holiday Inn in Westbury- Long Island

369 Old Country Road

Carle Place, NY 11514

Telephone: 516-997-5000

Directions: <http://www.ichotelsgroup.com/h/d/hi/1/en/hotel/NYCWB/transportation>**Wednesday, November 28****Evening 7 – 10 pm****Location:** The Glen**Address:** Westin Stamford

1 Stamford Pl.

Stamford, Connecticut 06902

Telephone: 203-351-1832

Directions:<http://www.starwoodhotels.com/westin/property/area/directions.html?propertyID=264>**Thursday, November 29****Afternoon 1 – 4 pm****Location:** Morgan Ballroom**Address:** Holiday Inn New London

269 N. Frontage Rd.

New London, CT 06320

Telephone: 860-442-0631

Directions: <http://www.ichotelsgroup.com/h/d/hi/1/en/hotel/GONMS/transportation>**Thursday, November 29****Evening 7 – 10 pm****Location:** Linsly-Chittenden Hall Room 102**Address:** Yale University

63 High Street

New Haven, CT 06511

Telephone: 203-432-0465

Directions: <http://business.yale.edu/map/>**Parking:** <http://www.yale.edu/parkingandtransit/parking/VisitorParking.htm>

For additional information, or to download the meeting presentations, please visit the project's web page at the internet address: <http://www.nae.usace.army.mil>. If you would like to request additional information, please send an email to the project email address: LISDMMP@usace.army.mil.

Long Island Sound Public Scoping Meetings

Long Island Sound Dredged Material Management Plan (LIS DMMP)

November 26-29, 2007

Agenda

Introduction		5-10 minutes
EPA- New England/ New York	Background	10-15 minutes
Joe Seebode, Corps, New York	Regional Dredging Team	10-15 minutes
Corps-New England	LIS DMMP	10-15 minutes
Corps-New England/ New York	PEIS Scoping Process	10-15 minutes
CT DEP	CT Project/Program Update	10-15 minutes
NY DOS	NY Project/Program Update	10-15 minutes
Open Session	Discussion	45-60 minutes (or longer)

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LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN (DMMP)

U.S. Army Corps of Engineers

PURPOSE:

- To develop a comprehensive plan for dredged material management in Long Island Sound.
- Identify, evaluate and recommend dredged material management alternatives through a broad based public process that protects the environment based on best scientific data and analysis, while meeting society's need for safe and economically viable navigation for water based commerce, transportation, national security, and other public purposes.

PARTICIPATION:

- U.S. Army Corps of Engineers (USACE) North Atlantic Division, New York District, and New England District
- EPA Regions 1 and 2
- New York State Department of State (NYS DOS)
- National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM)
- New York State Department of Environmental Conservation (NYS DEC)
- Connecticut Department of Environmental Protection (CT DEP)
- Connecticut Department of Transportation (CT DOT)
- Rhode Island Coastal Resources Management Council (RI CRMC)

DMMP PROCESS:

- **Phase I - Preliminary Assessment**
 - determine the economic and engineering need for dredging
 - identify locations and volumes of dredged material within the study area
 - examine disposal management and disposal sites
 - estimate the cost of completing the DMMP
- **Phase II – Development of a Dredge Material Management Plan** (with environmental documentation)

DMMP SCOPE:

- Identify potential dredging needs by region and by various time periods
 - Both Corps and non-Corps dredging needs identified.
- Identify and assess all technically feasible management options, including but not limited to, dredged sediment treatment technologies, beneficial uses for dredged material, and in-water sediment disposal methodologies, upland placement, and the treatment and beneficial reuse of dredged material.

DMMP FUNDING:

The DMMP will cost an estimated \$12 million and take 5-6 years to complete. Connecticut and New York have actively sought Congressional support for federal funding to support the DMMP.

- \$2.8 million in President's proposed FY08 budget (funding unavailable until FY 08 Appropriation Bill passed).
- Long Island Sound Study (National Estuary Program) grant for \$100,000 of FY06/07 funds for public participation.
- Initiate DMMP studies (Fall 2007, contingent on receipt of FY08 funding).

STEERING COMMITTEE PURPOSE:

- The project will be overseen by a Steering Committee, which will consist of representatives from federal and state agencies participating in the project. The Steering Committee shall be responsible for ensuring that progress on the development of the LIS DMMP is adequate and on schedule.

PROJECT DELIVERY TEAM (PDT) PURPOSE

- Perform, coordinate and oversee the daily tasks of DMMP to insure progress.
- Report to the Steering Committee progress and any issues that require Steering Committee assistance.

INITIAL PDT TASKS

- Publish Notice of Intent (August 31, 2007)
- Conduct Public Scoping Meetings
- Determine Future Dredging Needs for Navigational Facilities
 - Federal
 - Non-Federal
 - By Region
 - For Various Time Frames

LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT STATUS REPORT

U.S. Environmental Protection Agency, November 26, 2007

LONG ISLAND SOUND DREDGED MATERIAL DISPOSAL SITE DESIGNATION PROCESS

BACKGROUND

- EPA and USACE regulate dredged material disposal under the Marine Protection, Research, and Sanctuaries Act (MPRSA, or Ocean Dumping Act) in federal waters and Clean Water Act Section 404 in state waters.
- In LIS, all federal projects and non-federal projects disposing more than 25,000 c.y. must comply with both MPRSA and CWA (Ambro Amendment).

EPA & CORPS SHARE RESPONSIBILITY

- MPRSA or Ocean Dumping Act
 - Section 102: EPA “designates” sites for long-term use (typically with 20-year planning window).
 - Section 103: USACE “selects” sites for short-term use (two five-year periods), subject to EPA concurrence.
- Clean Water Act
 - Section 404: USACE issues permits

CHRONOLOGY

April 1998 – EPA and Corps sign Letter of Agreement in which, among other things, EPA commits to undertake a dredged material disposal site designation process with technical support from the Corps.

June 1999 – EPA publishes Notice of Intent in Federal Register to undertake EIS to evaluate designation of up to four disposal sites in LIS.

March 2002 – EPA notifies public that it will phase the EIS to focus first on Central and Western LIS region to avoid losing the CLIS site, which was scheduled to close in February 2004, then complete site designation studies for Eastern LIS (e.g., New London).

April 2004 – EPA completes FEIS recommending designation of CLIS and WLIS disposal site, initiates final rulemaking. Corps spends approximately \$8 million on labor and contractor support over duration of project.

June 2004 – NYS DOS sends letter stating proposed federal action is inconsistent with its Coastal Zone Management Program policies.

September 2004-May 2005 – EPA, USACE, NOAA and states of NY and CT negotiate conditions to site designation rule that would convince NY to remove its federal consistency objection.

December 2004 – Agreement reached between EPA, USACE, NOAA and states of NY and CT to undertake LIS DMMP; Steering Committee and Project Delivery Team (PDT) formed.

January 2005 – PDT meets for first time to scope DMMP cost and duration (estimated \$16 million over 5-7 years).

June 2005 – EPA publishes final rulemaking to designate CLIS and WLIS with conditions which, if not met, will result in sites closing:

- Completion of a regional dredged material management plan (DMMP) for Long Island Sound within 8-9 years.
- Annual review of progress toward completion of the DMMP resulting in the production of an annual report made available to the public by EPA.
- The formation of an interagency Long Island Sound Regional Dredging Team (RDT) to review the alternatives analysis for LIS dredged material disposal projects.

September 2005 – PDT guidance completed.

January 2006 – Regional Dredging Team (RDT) guidance completed.

June 2006 – RDT forms and has first meeting.

September 2006 – EPA issues first annual LIS DMMP progress report.

November 2006 – RDT reviews first dredging project subject to final rule requirements (PSEG Power, Bridgeport Harbor Station) – approved for open-water disposal at CLIS.

March 2007 – RDT charter completed.

October 2007 – Project Management Plan (PMP) for LIS DMMP completed.

November 2007 – EPA and Corps hold series of public information/NEPA scoping meetings to report on the status of the LIS DMMP, and solicit public input on the proposed studies.

**LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN
(DMMP)
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT
(PEIS)**

U.S. Army Corps of Engineers

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA):

- Section 102(2)C of NEPA states that “the Federal Government shall...include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the human environment, a detailed statement by the responsible official...that identifies, analyzes, and documents the relevant effects and issues associated with the proposed action and reasonable alternatives.” The detailed statement referred to is the Environmental Impact Statement (EIS).
- The NEPA process is:
 - A decision making tool
 - Provides full disclosure
 - Involves the public throughout
 - Integrates all environmental requirements
 - Documents the existing conditions
 - Evaluates alternatives
 - Documents and analyzes impacts
 - Identifies a preferred course of action

PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (PEIS):

- A Programmatic Environmental Impact Statement evaluates environmental impacts of broad agency actions such as setting of national policies or the development of programs.
- The LIS DMMP will meet NEPA requirements through the preparation of a PEIS that dredging project proponents can use in their management alternative analysis.
- The PEIS will evaluate the overall impacts of alternatives identified in the DMMP.
- A programmatic approach will allow decision makers a means to evaluate different dredged material disposal options with full knowledge of potential environmental consequences. The PEIS will be an umbrella document that considers generic impacts of options.
- As specific alternatives are put in place to implement a given management option, more detailed NEPA documents may be prepared to evaluate specific impacts resulting from implementation of a given option at a specific location.
- Prepared concurrently with DMMP, in accordance with Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR Parts 1500-1508) and the Corps of Engineers regulations for implementing NEPA (33 CFR Part 230).

- Prepared also to comply with requirements of other applicable statutes and regulations, including the Clean Water Act, Endangered Species Act, National Historic Preservation Act, applicable Executive Orders and implementing regulations.

STUDIES AND ACTIVITIES FOR PEIS ANALYSIS:

- Compile and review existing data on:
 - Water quality
 - Sediments
 - Physical oceanography
 - Near bottom modeling
 - Biological Resources, including commercial and recreational fishery and shellfish resources, and threatened and endangered species
 - Cultural Resources
- Determine data gaps that need to be addressed to adequately evaluate the alternatives for dredged material management
- Develop study methodologies to meet the data needs.

PUBLIC INVOLVEMENT

- The EIS process ensures that the public is offered an opportunity for involvement in assessing projects subject to review under NEPA and in compliance with CEQ regulations.
- A public involvement program will be conducted throughout the development of the PEIS to provide the public with information on the EIS process, the progress of studies for the PEIS, and to create opportunities for the public to provide input and comment on the development of the PEIS.
- Public involvement activities to include:
 - Public Scoping Meetings – November 2007. Purpose of scoping meetings is to inform the public on the purpose and need of the DMMP and PEIS, and to receive input on the scope of those efforts.
 - Public information sessions and workshops to involve public in progress of study, findings, and direction.
 - Development and mailing of periodic newsletters or fact sheets.
 - 45- day review of Draft EIS
 - Public Meeting/Hearing on Draft EIS
 - Final EIS made available to public for 30 days
 - Media involvement

Beneficial Use of Dredged Sediments in Connecticut

Beach Nourishment

- Discussion ongoing since 2000 with ACOE to beneficially use 600,000 cy of sand from Housatonic FNP for beach nourishment. Current plans are to determine if Housatonic sand is suitable for placement on the highly eroded Hammonasset State Park Beach in a cost sharing project with ACOE.
 - Samples from the channel have been tested on three previous occasions(1996, 2000, & 2007) and have not shown any contaminants associated with GE or Raymark superfund sites.
- Use of the Housatonic sand will depend on ACOE obtaining funding for the dredging, schedules and state funding for dealing with erosion at Hammonasset, and ultimately the compatibility of the sand with the dynamic forces that affect that beach
- ACOE is also working with DEP to put approximately 40,000 cy of clean sand to be dredged from the Clinton Harbor FNP onto Hammonasset beach.

Innovative Treatment Technology

- Section 345 of WRDA authorized a demonstration program using innovative treatment technology for Long Island Sound dredged sediment.
 - Total of \$3 million Federal appropriations with \$750,000 state funding
 - Partnered in similar project in NJ using NJ sediments with similar texture and chemistry as Bridgeport surrogates, saving time and money.
 - Phase 1 will take NJ sediment treated by soil& sediment washing process(100 cy shipped to Bridgeport), test the sediment in accordance with CTDEP requirements for reuse and provide to soil and aggregate manufacturers to determine if a marketable product can be made.
 - Processors will document process and results in a report to the ACOE/DEP
 - End products will be tested in accordance with CTDEP requirements for reuse to determine if products are suitable for unrestricted or restricted use.
- Depending on the outcome of Phase 1, there may be a Phase 2 involving construction of a sediment treatment plant and the dredging of some quantity of Bridgeport Harbor sediments which would then be treated in the plant and then processed into a marketable product.

Beneficial Use of Contaminated Soil and Sediment General Permit

- The Waste Engineering & Enforcement Division of CTDEP is finalizing a General Permit that will allow sediments meeting certain requirements to be used as roadway sub base.
- Public notice of the draft permit is expected before end of 2007.

Identifying Impediments to Beneficial Use of Dredged Sediment

- DEP has identified a royalty provision in state statute requiring payment of a \$4/cubic yard to the state for the sale of any dredged sediment as a disincentive to beneficial use of dredged sediment.
- DEP drafted legislation to exempt treated dredged sediments from the royalty payment was introduced but did not pass this past legislative session but will be reintroduced in the next session early in 2008.

DEP has identified statutes and regulations that need to be modified to prevent conflicting interpretations regarding sediments and reuse.

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ATTACHMENT 2

OVERHEADS OF SCOPING MEETING PRESENTATIONS

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Long Island Sound Dredged Material Management Plan (LIS DMMP) Public Scoping Meetings

November 26-29, 2007

Facilitator's Notes

- WELCOME
- LOGISTICS
 - Introduce Battelle staff
 - Facilities at hotel
- PURPOSE AND EXPECTATIONS
 - Educate and update the public on what has been done and what will be done
 - Receive input from the public on issues of concern for DMMP scoping
- SCOPING PROCESS
 - Public scoping meetings are part of the formal NEPA process and are an early step towards developing the LIS DMMP.
 - These meetings are occurring at the beginning of the LIS DMMP project, and will be followed by additional meetings and opportunities for public comment.
 - These scoping meetings are being recorded by a stenographer as part of the project record. The record for this meeting will remain open for 30 days, to allow for additional comments to be submitted.
 - Comments can be submitted to the Corps project email address: LISDMMP@usace.army.mil.gov.
 - Copies of the meeting agenda and fact sheets are available at the registration desk. This information, as well as the meeting presentations and other project materials, are posted on the project website at: <http://www.nae.usace.army.mil/projects/ri/LISDMMP/LISDMMP.htm>
 - If you would like to be added to the project mailing list, please be sure to register at the table outside the doorway.
- RULES OF THE ROAD
 - Take questions after all presentations are finished
 - Three minute limit for each speaker
 - A sign-up sheet for those interested in speaking is available at the registration desk.
 - Those who signed up will be called first to speak,
 - Others are invited to make comments or ask a question after that.
 - Please wait for everyone to have a first chance to comment before asking to speak a second time.
 - The discussion will be limited to DMMP-related issues. Any non-DMMP comments will be recorded and forwarded to the appropriate person.
- INTRODUCE SPEAKERS

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HANDOUTS FOR
U.S. EPA NEW ENGLAND/NEW YORK PRESENTATION
LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT
STATUS REPORT

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LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT STATUS REPORT

U.S. Environmental Protection Agency
November 26, 2007

BACKGROUND

- EPA and USACE regulate dredged material disposal under the Marine Protection, Research, and Sanctuaries Act (MPRSA, or Ocean Dumping Act) in federal waters and Clean Water Act Section 404 in state waters
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- MPRSA or Ocean Dumping Act
 - Section 102: EPA “designates” sites for long-term use (typically with 20-year planning window)
 - Section 103: USACE “selects” sites for short-term use (two five-year periods), subject to EPA concurrence
- Clean Water Act
 - Section 404: USACE issues permits; EPA can veto

CHRONOLOGY

- April 2004 – EPA completes FEIS recommending designation of CLIS and WLIS disposal site, initiates final rulemaking
- June 2004 – NYS DOS sends letter stating proposed federal action is inconsistent with its Coastal Zone Management Program policies

CHRONOLOGY (cont)

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- September 2005 – PDT guidance completed
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CHRONOLOGY (cont)

- March 2007 – RDT charter completed
- October 2007 – Project Management Plan (PMP) for LIS DMMP completed
- November 2007 – Public information/NEPA scoping meetings in NY and CT

**HANDOUTS FOR
USACE NEW YORK PRESENTATION**

LONG ISLAND SOUND REGIONAL DREDGING TEAM (LISRDT)

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US Army Corps
of Engineers®
New York District

LISRDT Overview

- Established through the June 3, 2005 USEPA CLIS and WLIS designation rulemaking requiring the formation of an interagency team to facilitate timely review and presentation of recommendations for the management and beneficial use of dredged material from the Long Island Sound Region
- Kickoff Meeting – June 2006



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New York District

LISDRT Membership

- USACE – New England & New York Districts, North Atlantic Division
- USEPA – Regions 1 & 2
- NOAA – National Marine Fisheries Service
- Connecticut Department of Environmental Protection
- Connecticut Department of Transportation
- New York State Department of Environmental Conservation
- New York State Department of State



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New York District

LISDRT Vision

Interagency Vision (from LISDRT Charter):

Our vision is that all dredging and subsequent management of sediments from the waters of Long Island Sound will be conducted in a manner that is practical, cost-effective and protective of the human and natural environment. Dredging is a vital component of maintaining safe commercial and recreational navigation, and maritime economic activity within the harbors, channels and waterways that border Long Island Sound in New York and Connecticut.



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New York District

LISRDT Mission

- Enhance communication among agencies on Long Island Sound dredged material management
- Collaborate on dredging projects to ensure a thorough effort has been conducted to identify practicable alternatives, and work to ensure their use as practical
- Provide advice and guidance to project proponents on LIS dredged material management, including available beneficial use opportunities as such information becomes available
- Track and document the volume of material dredged from LIS projects, and the placement methods and volumes associated with each alternative employed
- Integrate efforts and decision making with the process to develop the LIS DMMP

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**HANDOUTS FOR
USACE NEW ENGLAND PRESENTATION**

LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN

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Long Island Sound Dredged Material Management Plan



What is a DMMP?

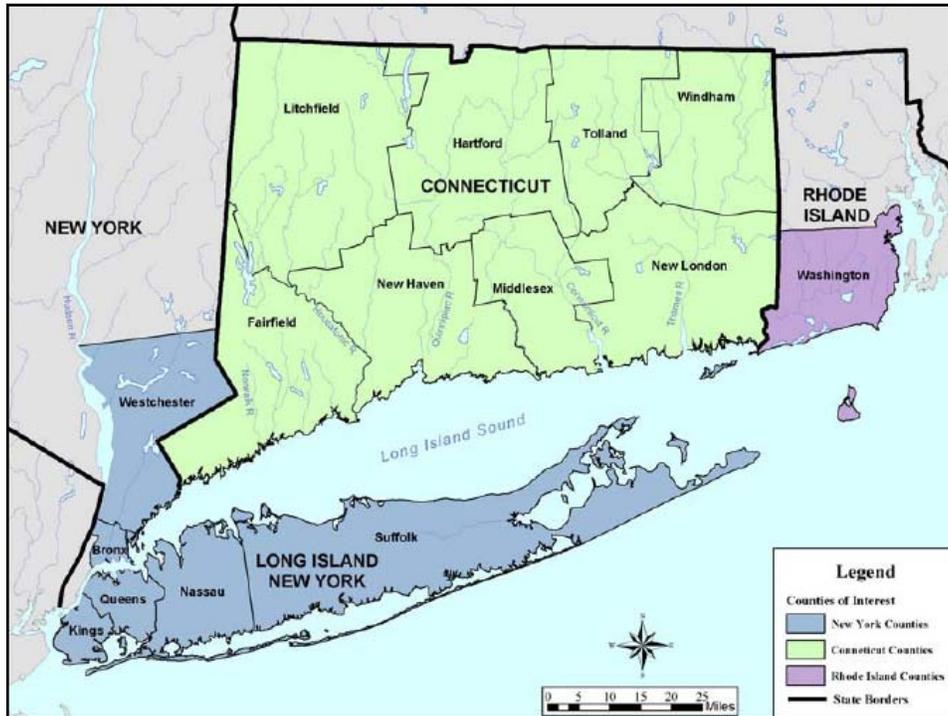
- A Corps-led comprehensive planning process and decision-making tool to address the management of dredged material for a specific harbor or navigation project, a group of related projects, or a specific geographic area.
- Involves a comprehensive review of dredging needs for both maintenance and planned improvement activities and material management options for a specific harbor or region over a minimum 20-Year planning horizon
- Investigates and evaluates various dredging and placement methods, sites and impacts
- Recommends a practicable methods to meet Federal navigation needs and avoid or minimizes impacts.

DMMP Project Goal

- The overall goal of the LIS DMMP is to develop a comprehensive dredged material management plan that recommends practicable, implementable solutions to manage dredged material in an economically sound and environmentally acceptable manner in Long Island Sound.
- The DMMP should identify a management plan using a broad based public process that protects the environment based on best scientific data and analysis, while meeting society's need for safe and economically viable navigation for water based commerce, transportation, national security, and other public purposes.

LIS DMMP

- DMMP Addresses:
 - Future Dredging Needs (Maintenance & Planned Improvements) – Both Federal and Non-Federal
 - Disposal Capabilities
 - Capacities of Various Placement Sites
 - Environmental Compliance Requirements
 - Potential for Beneficial Use of Dredged Material
 - Develops Indicators of Continued Economic Justification
 - Contains Integrated NEPA Document
 - Justifies Follow-on, Site Specific Feasibility Studies



DMMP Process

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

Management Alternatives To Be Considered

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

DMMP Document

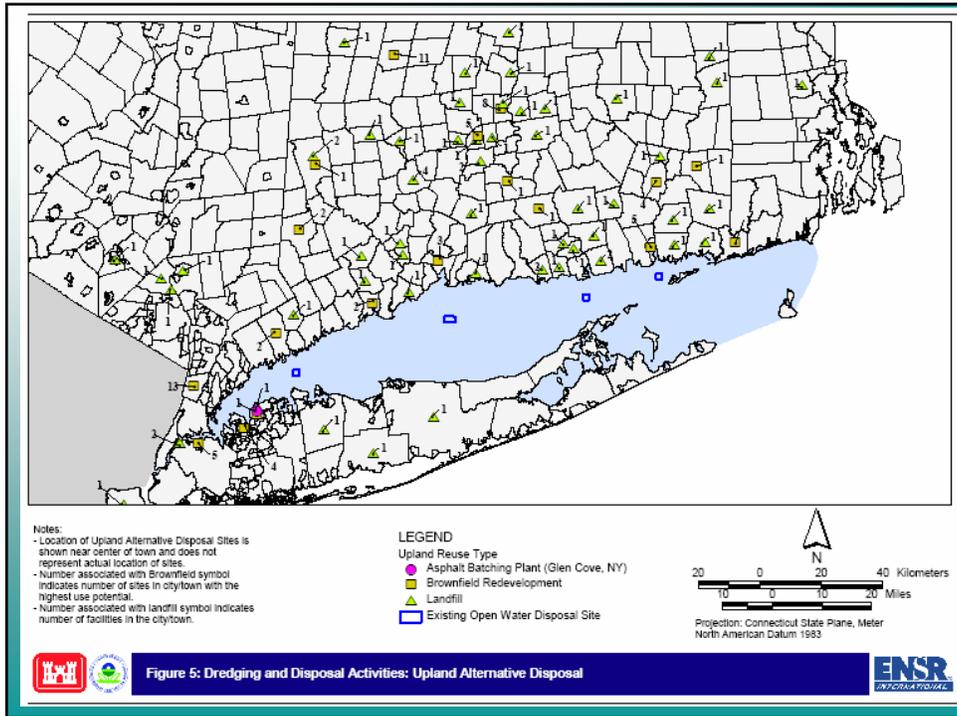
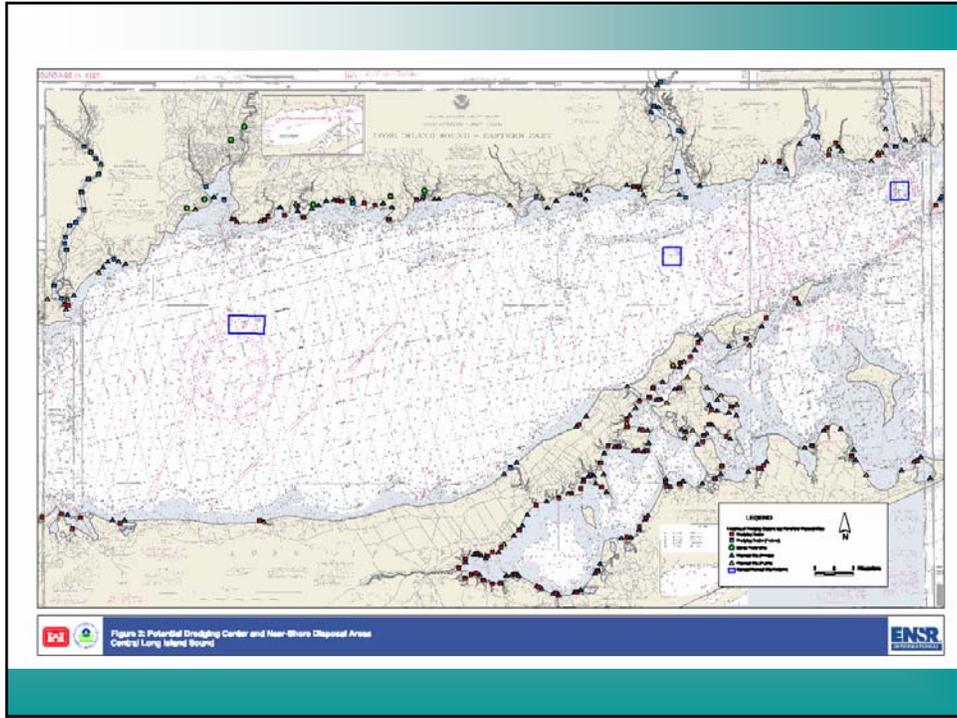
- Identify baseline & recommended management options for all Federal navigation projects in LIS
- Identify an array of suitable/feasible, environmentally acceptable, practicable management plans that will meet or exceed non-Federal dredging needs which can be utilized by various dredging proponents in their analysis of options to manage their dredging projects.

DMMP Initial Efforts - 2008

- **Initiate Public Outreach and Communication**
 - Scoping Meetings
 - Update mailing lists
 - Establishment of project web page (www.nae.usace.army.mil)
 - Establishment of project mailbox (LISDMMP@usace.army.mil)
- **Update and Revise Future Dredging Needs and Maritime Industry Economics from LIS EIS Studies.**
 - Develop questionnaire to collect maintenance information from dredging proponents
 - Determine potential Improvement efforts and timeframes of implementation.
 - Collect information & conduct interviews
 - Identify Federal maintenance requirements
 - Review regulatory permits issued

DMMP Initial Efforts - 2008

- **Update and Revise Upland and Beneficial Use Placement Opportunities from LIS EIS.**
 - Review current environmental regulations for land, water, and air protection to determine if they limit or prevent use of potential management alternatives.
 - Identify recommendations for proposed revisions to regulatory statutes or State And Federal legislative actions to provide consistency between the States & allow favorable alternatives to be implemented, especially beneficial uses.
- **Expand Inventories to Include New Placement Sites and New Technologies for Processing and Use of Dredged Materials**



Who Needs to Participate?

- Dredging Needs Survey
 - County and Municipal Public Works Offices
 - Harbormasters
 - Marinas
 - Yacht Clubs
 - Boat Yards
 - Cargo Terminals
 - Power Plants
 - Military Facilities
 - State Piers
 - Ferry Terminals,
 - Dredgers, etc

Who Needs to Participate?

- Upland Disposal or Beneficial Use Opportunities
 - State Agencies
 - Counties and Municipalities
- DMMP Process
 - Federal Agencies
 - State Agencies
 - Counties and Municipalities
 - LIS Public



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**HANDOUTS FOR
USACE NEW ENGLAND/NEW YORK PRESENTATION**

*LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN
PROGRAMMATIC EIS*

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Long Island Sound Dredged Material Management Plan Programmatic EIS



What is an EIS

- Section 102(2)(C) of the National Environmental Policy Act (NEPA) states that “the Federal Government shall...include in...its recommendations, proposals...and other major federal actions significantly affecting the human environment, a detailed statement...that identifies, analyzes, and documents...effects and issues associated with the proposed action and reasonable alternatives.”
- The detailed statement referred to is the Environmental Impact Statement, or EIS.

NEPA Process

- A decision making tool, providing full disclosure
- Public is involved throughout the process
- Documents existing conditions, evaluates alternatives, and documents and analyzes impacts
- Identifies a preferred course of action in a Record of Decision (ROD)

Programmatic EIS

- A PEIS evaluates environmental impacts of broad agency actions
- The PEIS will evaluate the overall impacts of alternatives identified in the DMMP
- It will allow decision makers a means to evaluate different dredged material disposal options with full knowledge of potential environmental consequences
- More detailed NEPA documents may be prepared to evaluate specific impacts resulting from implementation of a given option at a specific location
- Prepared concurrently with DMMP
- Prepared to comply with requirements of other applicable statutes and regulations, such as the Clean Water Act, Endangered Species Act, and the National Historic Preservation Act.

Studies and Activities for PEIS Analysis

- Compile and review existing data on:
 - Water quality
 - Sediments
 - Physical Oceanography
 - Near bottom modeling
 - Biological Resources
 - Cultural Resources
- Determine data gaps
- Develop study methodologies to meet the data needs

PEIS and Public Involvement

- A public involvement program will be conducted throughout the PEIS process
- Will provide public with information on the EIS process, progress of studies for the PEIS, and create opportunities for the public to provide input and comment on the development of the PEIS
- Activities will include:
 - Public scoping meetings (week of Nov 26)
 - Public information sessions and workshops
 - Periodic newsletters or fact sheets
 - 45-day review of Draft EIS
 - Public Meeting/Hearing on Draft EIS
 - Final EIS made available to public for 30 days



**HANDOUTS FOR
CT DEP PRESENTATION**

BENEFICIAL USE OF DREDGED SEDIMENTS IN CONNECTICUT

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Beneficial Use of Dredged Sediments in Connecticut

Connecticut Department of
Environmental Protection



Ongoing Efforts

- Beach Nourishment
- Innovative Technology
- Beneficial Use General Permit
- Removing Impediments to Beneficial Use

Beach Nourishment

- 650,000 cubic yards of sand to be dredged from Housatonic River FNP
- DEP partnering with ACOE to place this sand, if suitable, on severely eroded Hammonasset Beach state park in Madison, CT
- ACOE is also working with DEP to place approximately 40,000 cubic yards of sand dredged from the Clinton Harbor FNP on Hammonasset Beach

Beach Nourishment

- Use of the Housatonic sand depends on:
 - Congressional funding for the dredging
 - ACOE finding positive cost benefit to dredge
 - State funding for Hammonasset Beach project

Innovative Treatment Technology

- Section 345 of WRDA 2000 authorized a innovative treatment demonstration program using LIS dredged sediment
 - \$3 million Fed funds, \$750,000 state match
 - Partnering in a NJ pilot project enabled a savings of ~2 yrs & several million dollars by using NJ sediments similar in texture and chemistry as a surrogate for Bridgeport sediments

Innovative Treatment Technology

- Demonstration program, continued
 - Phase 1 uses 100 cy of NJ sediment shipped to Bridgeport treated by a sediment washing process to determine if a marketable product can be manufactured by soil & aggregate suppliers
 - Processors will document process & results to ACOE & CTDEP

Innovative Treatment Technology

- Manufactured product will be tested to determine if it is suitable for restricted or unrestricted use
- Depending on Phase 1 results, Phase 2 could involve construction of a treatment facility & dredging of some quantity of Bridgeport Harbor sediment to be processed into a marketable product

Upland Reuse of Sediments: Where we are going

General Permits

- **Staging and Transfer**
 - sets conditions for stockpiling soil or sediments in anticipation of beneficial use
 - issued September 7, 2006
- **Beneficial Use**
 - External advisory group collaborating in development
 - Available for public comment in coming weeks
- **Treatment**
 - To be developed

General Permit for Beneficial Use

- **Proposing General Permit for Beneficial Use of Regulated Fill [includes Contaminated Soil and Sediments]**
 - Simplify ability to re-use soil and sediments for common uses that are specifically pre-determined
 - Enhance ability to reuse soil and sediments for specific uses
 - Matching contaminant levels with uses
 - Matching registration requirements and operating conditions with uses

Removing Impediments to Beneficial Use of Dredged Sediment

- 3 proposed revisions of regulations and statutes to promote beneficial use
1. Revision of “clean fill” to clarify between regulated fill and clean fill
 2. Revision of “contaminated dredge spoils” definition to be a type of regulated fill

Removing Impediments to Beneficial Use of Dredged Sediment 🏗️

3. A royalty provision in state statute requires a \$4/cy royalty payment to the state for the sale of dredged sediments

–Legislation was introduced to exempt treated sediments from the royalty requirement but did not pass; it will be reintroduced this year

**HANDOUTS FOR
NY DOS PRESENTATION**

NY PROJECT/PROGRAM UPDATE

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Steve C. Resler
New York State Department of State
Division of Coastal Resources
Long Island Sound Dredged Materials Management Plan

The Department of State is New York's designated coastal management agency. In that capacity the Department is responsible for the overall administration of New York's federally approved Coastal Management Program. Part of those responsibilities include comprehensive planning for the protection and uses of coastal natural and cultural resources, and advancing appropriate protection and uses of those resources through federal and State coastal regulatory and other decision-making processes. In this respect the Department has for more than two decades advocated the development and use of alternative practices, technologies, and beneficial use markets for the management of dredged materials so those materials are used as valuable commodities, rather than summarily disposed of in the stressed but important open water and benthic environments of Long Island Sound.

On June 3, 2004 the Department exercised its federally delegated Coastal Zone Management Act authority and objected to the designation of dredged material disposal sites in Long Island Sound. Part of the state's objection was based on the failure of government since the need in the early 1970's and again in the 1980's to develop a much-needed plan for the comprehensive management of dredged materials in the Long Island Sound region. Our respective New York and Connecticut Governors and subsequently our Congressional representatives called for, and the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers agreed to work with New York and Connecticut to develop a Dredged Materials Management Plan for Long Island Sound. That plan is to be different than other more traditional dredged materials management plans. It is to have great emphasis on significantly reducing and if possible eliminating the disposal of dredged materials in Long Island Sound by identifying and advancing new or needed technologies, beneficial uses, and markets for managing dredged materials in the region. It is to be developed with input from the public. This public meeting is part of the process through which the public can influence the plan.

The Department of State expects and will work to ensure the plan will be developed to be consistent to the maximum extent practicable with the enforceable policies of New York's Coastal Management Program, as they are reflected in New York's regional Long Island Sound Coastal Management Program. This "consistent to the maximum extent practicable" standard is a federally required element of New York's Coastal Management Program. It does not allow agencies or others to use a general claim of a lack of funding or insufficient funds, or failure to include the costs of being consistent in budget or planning processes as a basis for not acting or undertaking activities in a manner fully consistent with all applicable policies of New York's Coastal Management Program. Agencies instead are to advance all applicable coastal policies relating to the protection and use of the coastal area and its resources in a manner that avoids conflicts between competing governmental policy objectives, without advancing any one of those objectives to the detriment of another. This is what distinguishes New York's Coastal Management Program decision-making from other regulatory and related decision-making requirements. It is what New York's Department of State is working toward and hopes to achieve with its partner agencies and the public as we develop and implement this Dredged Materials Management Plan for Long Island Sound. Please provide us, the respective partner agencies, with your comments and suggestions for developing and implementing a far-reaching and progressive comprehensive Dredged Materials Management Plan for the Long Island Sound region. Copies of comments to the partner agencies should be sent to the New York State Department of State at 41 State Street, Albany, New York, 12231-0001, attn: LIS DMMP. Comments may also be forwarded to the Department of State through e-mail at Coastal@dos.state.ny.us.

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ATTACHMENT 3

LIST OF ATTENDEES AT SCOPING MEETINGS

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Attendance List, New Rochelle, NY Scoping Meeting, November 26, 2007

Ms. Nancy Brighton
USACE-NYD
26 Federal Plaza
New York, NY 10278

Mr. Drew Carey
Coastal Vision
215 Eustis Avenue
Newport, RI 02840

Mr. John Ferguson
NYSDEC
625 Broadway
Albany, NY 12233

Mr. Peter Fox
City of Rye
650 Milton Road
Rye, NY 10580

Mr. Alex Gregory
USACE
26 Federal Plaza
New York, NY 10278

Mr. Sal Gugliara
City of New Rochelle
22 Pelham Road
New Rochelle, NY 10805

Mr. Thomas Lauro
Westchester County DEF
270 North Avenue
New Rochelle, NY 10801

Mr. Mike Ludwig
OCC
35 Corporate Drive
Suite 200
Trumbull, CT 06611

Mr. Daniel S. Natchez
Daniel S. Natchez &
Associates, Inc.
916 East Boston Post Road
Mamaroneck, NY 10543

Mr. Taylor Palmer
U.S. Representatives
Nita Lowey
222 Mamaroneck Avenue
White Plains, NY 10605

Ms. Elizabeth Paul
Town of Mamaroneck
740 W. Boston Post Road
Mamaroneck, NY 10543

Patricia B. Pechko
U.S. EPA Region 2
290 Broadway
New York, NY 10007

Mr. Emmett Pepper
Citizens Campaign for the
Environment
19 Court Street
White Plains, NY 10601

Mr. Robert Rispoli
City of Rye
650 Milton Road
Rye, NY 10580

Mr. Paul Ryan
Village of Mamaroneck
123 Mamaroneck Avenue
Mamaroneck, NY 10543

Mr. Peter Sattler
IEC
311 W 43rd Street Rm 201
New York, NY 10036

Mark Tedesco
EPA/USO
888 Washington Blvd.
Stamford, CT 06904

Ms. Phyllis Wittner
Town of Mamaroneck
6 Pheasant Run
Larchmont, NY 10538

Mr. Robert Yamuder
Village of Mamaroneck
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Attendance List, Port Jefferson, NY Scoping Meeting, November 27, 2007

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The Smith Town News
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Smithtown, NY 11787

Louise Harrison
USFWS
888 Washington Boulevard
Stamford, CT 06904

John & Louise Bellport
P.O. Box 184
Shoreham, NY 11786

Kathy McShane
Smithtown Environment
and Waterways
124 West Main Street
Smithtown, NY 11787

Mr. Drew Carey
Coastal Vision
215 Eustis Avenue
Newport, RI 02840

Lauren Montes
Sen. Clinton's Office
155 Pinelawn Road
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Melville, NY 11747

Tony Cava
NYSDEC
50 Circle Road
Stonybrook, NY 11796

Mr. Joseph Salata
U.S. EPA Long Island
Sound Office
Stamford Government
Center
Stamford, CT 06904

Peter Clark
Applied Technology and
Management
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Newport, RI 02840

Eric Singer
Huntington Town
Maritime Services
100 Main Street
Huntington, NY 11743

Charles de Quillfeldt
NYSDEC
205 N Belle Mead Road
East Setauket, NY 11733

Ms. Maureen Dolan
Murphy
Citizens Campaign for the
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Farmingdale, NY 11735

Eric Swenson
Hempstead Harbor
Protection
150 Miller Place
Syosset, NY 11791

Carrie Gallagher
Suffolk County
100 Veterans Memorial
Highway
Hauppauge, NY 11778

Bob Tumilowicz
Village of Port Jefferson
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Port Jefferson, NY 11777

Attendance List, Carle Place, NY Scoping Meeting, November 27, 2007

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TRS Associates
45 Lake Road
Manhasset, NY 11030

Lisa DelGaudio
Sen. Hillary Clinton
155 Pinelawn Road 250N
Melville, NY 11747

Jillian Malizio
Sen. Hillary Clinton
155 Pinelawn Road 250N
Melville, NY 11747

Dan Nachbar
Town of North Hempstead
220 Plandome Road
Manhasset, NY 11030

Frank O'Keefe
Lloyd Harbor Conservation Board
46 Fiddlers Green Drive
Lloyd Harbor, NY 11743

Gerry Petrella
Town of North Hempstead
220 Plandome Road
Manhasset, NY 11030

Ginger Sottile
CSF/Town of Oyster Bay
Audrey Avenue
Oyster Bay, NY 11771

Stephanie Wilson
ENSR
2 Technology Park Drive
Westford, MA 01886

Joel Ziev
Town of North Hempstead
17 North Plandome Road
Port Washington, NY 11050

Attendance List, Stamford, CT Scoping Meeting, November 28, 2007

Mr. Chuck Beck
Connecticut Department of
Transportation
2800 Berlin Turnpike
Newington, CT 06135

Bill Bennett
Old Greenwich Yacht
Club/Greenwich Boat and
Yacht Club
20 Laddins Rock Road
Old Greenwich, CT 06870

Mr. Kim Bruce
Greenwich Boat and Yacht
Club
7 Old Camp Lane
Cos Cob, CT 06807

Mr. John Craine
Fairfield County
Commodores Assoc.
10 Tory Road
Riverside, CT 06878

Mike Curley
Greenwich Boat and Yacht
Club
6 Benders Drive
Greenwich , CT 06831

Mr. Rick Dolce
Redniss and Mead
22 First Street
Stamford, CT 06905

Roger Fox
Stamford Harbor
Commission
81 Sweet Briar Road
Stamford, CT 06905

Mr. Don Frost
220 Deep Wood Road
Fairfield, CT 06830

Mr. William T. Gardella Jr
Rex Marine Norwalk Cove
Marina
144 Water Street
Norwalk, CT 06854

Mary Gibbs
6 Benders Drive
Greenwich , CT 06831

Dick Grabarz
Greenwich Boat and Yacht
Club
P.O. Box 4683
Greenwich , CT 06830

Mr. Mike Griffin
Norwalk Harbor Master
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Norwalk, CT 06851

Ms. Kasey Jacobs
Citizens Campaign for the
Environment
129 Church Street
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New Haven , CT 06510

Mr. John McDonald
Town of Darien
34 Baywater Drive
Darien, CT 06820

Mr. Craig Nelson S&CC
Gregory Blvd
Norwalk, CT 06855

Jared Newman
The Hour
346 Main Avenue
Norwalk, CT 06851

Mr. Paul Pimentel
Rep. Shays
10 Middle Street 11th Flr
Bridgeport, CT 06604

Mr. Charles Platt
Saugatuck Harbor Yacht
Club
3 Duck Pond Road
Westport, CT 06880

Ms. Marguerite W. Purnell
Fisher's Island
Conservancy
5 Old Litchfield Road
Washington, CT 06793

Mr. Paul Risher
Indian Harbor Yacht Club
22 Pheasant Lane
Greenwich , CT 06830

Mr. Steve Rosa
Greenwich Boat and Yacht
Club
8 Highland Place
Greenwich , CT 06831

Art Ruffels
Stamford Harbor
Commission
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Stamford, CT 06902

Ms. Jan Shaefer
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Gregory Blvd
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Geoff Steadman
Connecticut Harbor
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Martin Waine
Old Greenwich Yacht Club
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Greenwich , CT 06830

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Ms. Nancy Zygmunt
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Attendance List, New London, CT Scoping Meeting, November 29, 2007

Jim Bajek
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Mr. Chuck Beck
Connecticut Department of
Transportation
2800 Berlin Turnpike
Newington, CT 06135

Judy Benson
The Day
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New London, CT 06320

Mr. William Brissette
192 Farmholme Road
Stonington, CT 06378

Mr. Richard Conant Jr.
US Navy SUBASENLON
SUBASENLON Env. Div.
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Groton, CT 06349

Mr. John Crowther
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S. Windsor, CT 06074

Ms. Donna Elks
Electric Boat
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Groton, CT 06340

William Gash
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Mr. Ed Guffy
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Tom Halavik
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Rob Hust
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Hartford, CT 06106

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John Markowicz
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190 Governor Winthrop
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Keith Neilson
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P.O. Box 421
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Mr. John Occhione
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Waterford, CT 06385

Mr. Angelo Occhionero
3 Seabreeze Drive
Waterford, CT 06385

Ms. Ellen Paul
Rep. Joe Courtney
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Norwich, CT 06360

Ms. Lisa Perrone
Cong. Larson
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Hartford, CT 06106

George Petersen
GSE
28 Rt.6A
Sandwich, MA 02563

Mr. Dave Rossiter
CT DOT
State Pier
New London, CT 06320

Frank Rowe
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Mr. Niel Sillane
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Mystic, CT 06355

Mr. William C. Spicer, III
Spicer's Marinas
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Noank, CT 06340

Mrs. Maura Surprenant
SB Advantage
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W. Barnstable, MA 02668

Ms. Tammy Talbot
DEP/Parks
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Hartford, CT 06106

Mr. Marty Toyen
CT Maritime Commission
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Mr. Bob Wardwell
TEC
386 Main Street 3rd Floor
Middletown, CT 06422

Mr. Richard Warren
O&G Industries
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Bridgeport, CT 06605

Tom Weeks
Weeks Marine
110 Irving Street
Mystic, CT 06355

Mr. Adam Wronowski
CSFS
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New London, CT 06320

Attendance List, New Haven, CT Scoping Meeting, November 29, 2007

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Newington, CT 06135

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Southbury, CT 06488

Tom Dubno
CTME
400 Waterfront Street
New Haven , CT 06512

Ms. Joy Ford
City of New Haven
165 Church Street
New Haven , CT 06510

Ms. Amanda Freund
Congresswoman
DeLauro
59 Elm Street
New Haven , CT 06510

Mr. Bill Heiple
Triton Environmental
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Guilford, CT 06487

Mr. Ken Hickey
Coastal Vision
UNK
Townsend , MA

Mr. John Hilts
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Mr. Michael Pimer
Harbor Master
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West Haven, CT 06516

Mr. Michael Piscitelli
City of New Haven
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New Haven , CT 06510

Mr. Bert Sacco
TPA/BPA
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New Haven , CT 06511

Ms. Leah Schmalz
Save the Sound
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New Haven , CT 06511

Mr. Joel Severance
Chester Harbor
Management
4 E Liberty Street
Chester, CT 06412

Mr. Paul Stacey
CT DEP, Water
Compliance Unit
79 Elm Street
Hartford, CT 06106

Alan Stevens
40 Waite Street
Hamden, CT 06517

Brian Thompson
CT DEP
79 Elm Street
Hartford, CT 06106

ATTACHMENT 4
TRANSCRIPTS OF PUBLIC COMMENTS

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U.S. ENVIRONMENTAL PROTECTION AGENCY

AND

U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND/NEW YORK DISTRICTS

LONG ISLAND SOUND PUBLIC SCOPING MEETING
LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN

November 26, 2007
7:10 p.m.

Radisson Hotel
One Radisson Plaza
New Rochelle, New York

2	<p>1</p> <p style="text-align: center;">AGENDA</p> <p>2</p> <p>3</p> <p>4 Introduction by Carlton Hunt</p> <p>5 Background by Mel Cote, EPA-New England/New York</p> <p>6 Regional Dredging Team by Joe Seebode, Army Corps of</p> <p>7 Engineers, New York</p> <p>8 LIS DMMP by Mike Keegan, Army Corps of Engineers,</p> <p>9 New England</p> <p>10 PEIS Scoping Process by Nancy Brighton, Army Corps of</p> <p>11 Engineers, New England/New York</p> <p>12 CT Project/Program Update by George Wisker, CT DEP</p> <p>13 NY Project/Program Update by Steve Resler, NY DOS</p> <p>14 Open Session</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	4	<p>1 Proceedings</p> <p>2 MR. HUNT: By way of introduction, welcome</p> <p>3 to the Long Island Sound Dredged Material</p> <p>4 Management Plan Public Scoping Meeting. This is</p> <p>5 Monday, November 26, and I hope you all had a</p> <p>6 great Thanksgiving. I know I did. I want to</p> <p>7 welcome you here. I'm Carlton Hunt. I'm with</p> <p>8 Battelle, and I'm working under contract with the</p> <p>9 EPA Region I folks. Betsy Barrows is outside</p> <p>10 signing people in, and I want to make sure that</p> <p>11 everybody that is here has signed in so we have a</p> <p>12 record of your participation and attendance.</p> <p>13 Just a quick note, facilities, restrooms are down</p> <p>14 to the left just past the stairway.</p> <p>15 I want to pass on the purpose and the</p> <p>16 expectations of this meeting. The EPA, the</p> <p>17 Corps, the states of Connecticut and New York,</p> <p>18 and the National Fisheries Service all have come</p> <p>19 together as part of the Dredged Material</p> <p>20 Management Plan development for Long Island</p> <p>21 Sound. This meeting is intended for two things;</p> <p>22 first, to educate and update the public on what</p> <p>23 has been done and what will be done in the future</p> <p>24 regarding this, and the second important piece is</p> <p>25 to receive public input with respect to the</p>
3	<p>1</p> <p style="text-align: center;">PUBLIC COMMENTS AND STATEMENTS</p> <p>2</p> <p style="text-align: center;">Page</p> <p>3</p> <p>4 Dan Natches 47</p> <p>5 Clean Harbor Action</p> <p>6 Emmett Pepper 51</p> <p>7 Citizens Campaign for the Environment</p> <p>8</p> <p>9 Paul Ryan 53</p> <p>10 Village of Mamaroneck</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	5	<p>1 Proceedings</p> <p>2 issues of concern for the Dredged Material</p> <p>3 Management Plan. So I want to stay focused on</p> <p>4 that particular piece, the Dredged Material</p> <p>5 Management Plan.</p> <p>6 The scoping process that we are starting</p> <p>7 tonight is part of the National Environmental</p> <p>8 Policy Act process toward developing these kinds</p> <p>9 of federal actions. Basically, the meetings are</p> <p>10 starting early in this process to assure that the</p> <p>11 public input is received, it's to take concerns.</p> <p>12 Scoping is exactly that, what are the kinds of</p> <p>13 things that need to be monitored, watched,</p> <p>14 addressed, thought about in this process?</p> <p>15 Just so you know, we are recording tonight</p> <p>16 with a stenographer. I'm going to ask you to</p> <p>17 speak very loudly when you ask questions or</p> <p>18 comment. Please also state your name and your</p> <p>19 affiliation so we have that in the record.</p> <p>20 Comments, this does not close this process. This</p> <p>21 process stays open for 30 days, and you can</p> <p>22 submit comments to the Corps of Engineers at</p> <p>23 LISDMMP@USACE.ARMY.MIL. Thank you.</p> <p>24 Copies of the meeting agenda and the fact</p> <p>25 sheets are available at the registration desk. I</p>

<p>1 Proceedings 6</p> <p>2 don't know if everyone saw them, but you can pick</p> <p>3 those up. This information as well as the</p> <p>4 meeting presentations and other project materials</p> <p>5 are going to be posted on the project website.</p> <p>6 You can catch that there, and I have it here if</p> <p>7 you want to see it afterwards. If you want to be</p> <p>8 added to the mailing list of the project, please</p> <p>9 be sure to register as I indicated earlier.</p> <p>10 A couple of rules of the road, we are going</p> <p>11 to do all of the presentations at once, no</p> <p>12 questions. We want to get through that set of</p> <p>13 information. Those of you who signed up to ask</p> <p>14 questions will have priority in terms of asking</p> <p>15 questions after that, then we will open the</p> <p>16 speaking to everyone. What I would like to do to</p> <p>17 make sure everyone has a chance to speak, so</p> <p>18 first of all, just like the town meetings in New</p> <p>19 England, if you have a comment, make your</p> <p>20 comment, wait for everybody else, and then you</p> <p>21 can come back up and speak again. The</p> <p>22 discussions also will be limited to the Dredged</p> <p>23 Material Management Plan issues. Non DMMP issues</p> <p>24 may be discussed afterward with the appropriate</p> <p>25 officials or in official meetings that would be</p>	<p>1 Proceedings 8</p> <p>2 the Ocean Dumping Act in federal waters and regulate</p> <p>3 under Section 404 of the Clean Water Act in state</p> <p>4 waters. Long Island Sound is unique in that, for</p> <p>5 all federal projects and for larger non-federal</p> <p>6 projects that generate over 25,000 cubic yards of</p> <p>7 dredged material, those projects need to comply</p> <p>8 with both sets of requirements. That is unique</p> <p>9 in the whole country. It is the only estuary</p> <p>10 that is subject to this type of regulation.</p> <p>11 Again, we share responsibility on many of</p> <p>12 these federal statutes under the Ocean Dumping</p> <p>13 Act or MPRSA. EPA can designate dredged material</p> <p>14 disposal sites for long-term use. That is under</p> <p>15 Section 102 of the act. When we were planning</p> <p>16 these and doing site designation studies, we are</p> <p>17 doing so typically using roughly a twenty-year</p> <p>18 planning horizon. Under another section of the</p> <p>19 MPRSA, Section 103, the Corps can select sites</p> <p>20 for a short-term use. These are two five-year</p> <p>21 periods that are also subject to EPA concurrence.</p> <p>22 Under the Clean Water Act, for smaller Long</p> <p>23 Island Sound smaller private projects, the Corps</p> <p>24 issues permits and EPA concurs or can veto those</p> <p>25 permits.</p>
<p>1 Proceedings 7</p> <p>2 held.</p> <p>3 I would like to start the presentations</p> <p>4 with Mel Cote of EPA Region I.</p> <p>5 MR. COTE: Thank you, Carlton, and thanks</p> <p>6 to everyone for being here tonight. It's good to</p> <p>7 see a lot of familiar faces in the audience. I</p> <p>8 want to thank the Long Island Sound Study and</p> <p>9 Park¹ Estuary Program, its management committee,</p> <p>10 its advisory committee, for providing funding for</p> <p>11 this series of public meetings that kicks off the</p> <p>12 Dredged Material Management Planning process for</p> <p>13 Long Island Sound.</p> <p>14 I'm going to start things out by providing</p> <p>15 some background on where we sort of have been</p> <p>16 over the past few years to get us where we are</p> <p>17 tonight, and then hand things over to my</p> <p>18 colleagues on the Corps of Engineers who will</p> <p>19 kind of move us forward into what we are going to</p> <p>20 be doing over the next several years. To start</p> <p>21 out with, in terms of background, I think most</p> <p>22 people realize and are fully aware of the fact</p> <p>23 that the EPA and the Corps co-regulate dredged</p> <p>24 material disposal under the Marine Protection</p> <p>25 Research and Sanctuaries Act, it's also known as</p>	<p>1 Proceedings 9</p> <p>2 Now, some background on where we have been</p> <p>3 since roughly three and a half years ago, which</p> <p>4 was about the time when we were last down here</p> <p>5 conducting public meetings on site designation,</p> <p>6 on the Environmental Impact Statement that we</p> <p>7 worked on, but in April, 2004 we completed the</p> <p>8 Final Environmental Impact Statement that</p> <p>9 recommended the designation of two open-water</p> <p>10 dredged material disposal sites, central and</p> <p>11 western Long Island Sound disposal sites. With</p> <p>12 that, we initiated final rulemaking. In May,</p> <p>13 2004, as I mentioned, we were here in New York,</p> <p>14 we were in Connecticut conducting a series of</p> <p>15 public information meetings laying out the</p> <p>16 findings of the Final EIS and taking public</p> <p>17 comment at the same time.</p> <p>18 The following month, New York State</p> <p>19 Department of State, which has its Coastal Zone</p> <p>20 Management Program, the reason I mention the</p> <p>21 program is because it's administered by DOS, they</p> <p>22 sent a letter basically stating that our proposed</p> <p>23 federal action to designate these two sites was</p> <p>24 inconsistent with the Coastal Zone Management</p> <p>25 Program policies. So we essentially began a</p>

¹Should read "National Estuary Program"

<p>1 Proceedings 10</p> <p>2 series of meetings with EPA, the Corps, National</p> <p>3 Oceanic Atmosphere Administration or NOAA, the</p> <p>4 states of New York and Connecticut to negotiate</p> <p>5 conditions that we could attach to the site</p> <p>6 designation final rule that would allow New York</p> <p>7 or convince New York to withdraw its federal</p> <p>8 consistency objection and allow us to take our</p> <p>9 federal action. And later that year, in December</p> <p>10 of that year, a major agreement was reached</p> <p>11 between these parties in that we essentially</p> <p>12 agreed to undertake a regional Dredged Material</p> <p>13 Management Planning process for the Long Island</p> <p>14 Sound region that would encapsulate the whole</p> <p>15 region.</p> <p>16 At that time, we agreed to form a steering</p> <p>17 committee to oversee the development of that DMMP</p> <p>18 and also a project delivery team to essentially</p> <p>19 work as a team with representatives from the</p> <p>20 various federal and state agencies involved in</p> <p>21 the process to, as I said, deliver the project.</p> <p>22 Shortly thereafter, in January, 2005, the project</p> <p>23 delivery team met for the first time, I think it</p> <p>24 was in Lyme, Connecticut, over two days, and over</p> <p>25 the course of those two days, very roughly scoped</p>	<p>1 Proceedings 12</p> <p>2 interagency Long Island Sound regional dredging</p> <p>3 team that would review the alternatives analysis</p> <p>4 that was conducted for all federal projects and</p> <p>5 non-federal projects that met that size threshold</p> <p>6 for western and central Long Island Sound</p> <p>7 disposal sites. The RDT is also given discretion</p> <p>8 to expand its purview to other projects if they</p> <p>9 were brought forward voluntarily, those going to</p> <p>10 other disposal sites in the sound and other</p> <p>11 smaller projects that do not meet the thresholds</p> <p>12 laid out in the rulemaking.</p> <p>13 There were a lot of administrative details</p> <p>14 that needed to be worked out over the course of</p> <p>15 the past year and a half. The steering</p> <p>16 committee, again, higher level agency officials,</p> <p>17 of all the federal and state agencies involved in</p> <p>18 the process, developed guidance under which the</p> <p>19 project delivery team would operate. Similarly,</p> <p>20 the steering committee developed guidance for</p> <p>21 regional dredging team in terms of how it would</p> <p>22 operate and carry out its directives. In June,</p> <p>23 2006, the regional dredging team was formed and</p> <p>24 had its first meeting. Joe Seebode of the New</p> <p>25 York Corps of Engineers is the committee chair,</p>
<p>1 Proceedings 11</p> <p>2 out what we felt would be the level of effort,</p> <p>3 how long it would take, and how much it would</p> <p>4 cost. And some of the initial estimates, and I</p> <p>5 think a lot of it was sort of influenced by</p> <p>6 experience in development of the New York-New</p> <p>7 Jersey Harbor Dredged Material Management Plan,</p> <p>8 was roughly sixteen million dollars over a five</p> <p>9 to seven year time frame. Later that year, in</p> <p>10 June, and this is almost exactly a year after we</p> <p>11 began the negotiations, we did issue and publish</p> <p>12 final rulemaking in the federal register to</p> <p>13 designate the two disposal sites, central and</p> <p>14 western Long Island Sound, with conditions which,</p> <p>15 if they are not met, would result in sites</p> <p>16 closing, essentially, sunset provisions. Those</p> <p>17 are that, we would complete, when I say "we,"</p> <p>18 it's a very big, collective we -- would complete</p> <p>19 a Dredged Material Management Plan for Long</p> <p>20 Island Sound, give ourselves a time limit of</p> <p>21 eight to nine years, we would annually report on</p> <p>22 progress toward completion of that DMMP and also</p> <p>23 report annually on the generation and disposition</p> <p>24 of dredge material from throughout the Long</p> <p>25 Island Sound region. And third, we would form an</p>	<p>1 Proceedings 13</p> <p>2 and is going to be speaking at the meeting and</p> <p>3 give you some more details about how that team is</p> <p>4 working.</p> <p>5 About a year ago, in fact, the regional</p> <p>6 dredging team reviewed its first dredging project</p> <p>7 that was subject to the final rule requirements.</p> <p>8 It was a private project. PSE&G Power in</p> <p>9 Bridgeport needed to dredge roughly about 66,000</p> <p>10 cubic yards, and they did conduct a very thorough</p> <p>11 and complete alternatives analysis. That was the</p> <p>12 determination that the RDT came to, and that</p> <p>13 project was approved for open-water disposal at</p> <p>14 the central disposal site.</p> <p>15 In addition to having guidance, we also</p> <p>16 have a charter for the regional team. That is something</p> <p>17 that the team itself came up with and agreed to</p> <p>18 in terms of how we would operate, more of the</p> <p>19 day-to-day operations of the group. Most</p> <p>20 importantly, this next milestone was key one,</p> <p>21 it's really one of the reasons why we are doing</p> <p>22 these meetings now instead of six months or a</p> <p>23 year ago, the project management plan,</p> <p>24 essentially, it lays out the scope of the Dredged</p> <p>25 Material Management Plan process, what we refer</p>

<p>1 Proceedings 14</p> <p>2 to as a "work plan" in fact. And we finally</p> <p>3 completed the project management plan, at least</p> <p>4 as you call it an "Agency Draft Project</p> <p>5 Management Plan," just last month, and we wanted</p> <p>6 to have that plan completed at least to the</p> <p>7 agencies' satisfaction before coming out to the</p> <p>8 public to get the policy input on where we were</p> <p>9 going with this process. That was an important</p> <p>10 milestone for us, and that really lays the</p> <p>11 groundwork for the first couple of years of the</p> <p>12 studies we conducted under the DMMP process.</p> <p>13 Finally, that brings us where we are</p> <p>14 tonight. We are conducting these public</p> <p>15 meetings, again, as Carlton said, to solicit</p> <p>16 public input on the plan we have come up with so</p> <p>17 far in terms of how we want to implement the</p> <p>18 Dredged Material Management Planning process. We</p> <p>19 are very much open to any and all ideas, and with</p> <p>20 that, I want to turn it back over to Carlton and</p> <p>21 let him introduce the next speaker. Of course,</p> <p>22 I'll be around for questions afterward.</p> <p>23 MR. HUNT: Joe Seebode of the New York</p> <p>24 District.</p> <p>25 MR. SEEBODE: Thank you, and good evening.</p>	<p>1 Proceedings 16</p> <p>2 and the Corps of Engineers Districts in New</p> <p>3 England and New York and our North Atlantic</p> <p>4 Division.</p> <p>5 As Mel also mentioned, we did complete a</p> <p>6 charter in March of 2007 that was agreed to by</p> <p>7 all of the agencies. The charter is essentially</p> <p>8 our standard operating procedure. It lays out</p> <p>9 how we will run our meetings and what we will be</p> <p>10 looking at in terms of our evaluations of various</p> <p>11 projects. I wanted to provide a paragraph here</p> <p>12 for your information which is the interagency</p> <p>13 vision for the Long Island Sound Regional</p> <p>14 Dredging Team, and it basically says that it's</p> <p>15 our vision that all dredging and subsequent</p> <p>16 management of sediments from the waters of the</p> <p>17 Long Island Sound will be conducted in a manner</p> <p>18 that is practical, cost effective, and protective</p> <p>19 of the human and natural environment. It also</p> <p>20 recognizes that dredging is a vital component of</p> <p>21 maintaining safe commercial and recreational</p> <p>22 navigation and maritime economic activity within</p> <p>23 the harbors, channels, and waterways that border</p> <p>24 Long Island Sound in New York and Connecticut.</p> <p>25 So all of the team members worked in the</p>
<p>1 Proceedings 15</p> <p>2 I'm Joe Seebode. I'm an environmental engineer</p> <p>3 with the Corps of Engineers in New York City. I</p> <p>4 have been with New York District for over 26</p> <p>5 years. One of my recent assignments was to take</p> <p>6 on being the chairperson of the Long Island Sound</p> <p>7 Regional Dredging Team. I'm going to give you a</p> <p>8 quick overview of what the team looks like and</p> <p>9 what our mission is as we review applications for</p> <p>10 dredging the sound.</p> <p>11 As Mel had mentioned, the Long Island Sound</p> <p>12 Regional Dredging Team was formed by the</p> <p>13 restrictions within the June, 2005 site</p> <p>14 designation for central Long Island Sound and</p> <p>15 western Long Island Sound. We held our kick-off</p> <p>16 meeting, as Mel also mentioned, in June, 2006,</p> <p>17 and we have been meeting approximately quarterly</p> <p>18 since then. We meet when there are applications</p> <p>19 that require our review or when there is other</p> <p>20 information that requires either a policy or an</p> <p>21 evaluation by our team. The Long Island Sound</p> <p>22 Regional Dredging Team is composed of two</p> <p>23 agencies of the State of New York, two agencies</p> <p>24 of the State of Connecticut, NOAA's National</p> <p>25 Marine Fisheries Service, EPA Regions I and II,</p>	<p>1 Proceedings 17</p> <p>2 development of charter and put that charter</p> <p>3 together with this vision that dredging and</p> <p>4 management of sediments from the waters of the</p> <p>5 sound is important but it needs to be done in a</p> <p>6 manner that is protective of the human and</p> <p>7 natural environment.</p> <p>8 The last slide I have is bullets of some of</p> <p>9 the things we are doing as part of our mission</p> <p>10 with the Long Island Sound Regional Dredging</p> <p>11 Team. We have enhanced communication by bringing</p> <p>12 all of the agencies together at the same time and</p> <p>13 discussing permit applications or issues</p> <p>14 affecting the sound. That has been very vital,</p> <p>15 that communication, to insure we are all moving</p> <p>16 ahead on the same sheet of music. We have been</p> <p>17 collaborating on dredging projects to insure a</p> <p>18 thorough evaluation of alternatives. We bring</p> <p>19 together folks from different backgrounds,</p> <p>20 different agencies, they have different</p> <p>21 information that may be relevant to a particular</p> <p>22 project, and it gives us a great opportunity to</p> <p>23 discuss that information and to work through the</p> <p>24 evaluation of the project.</p> <p>25 We are providing advice and guidance to</p>

<p>1 Proceedings 18</p> <p>2 project proponents even before they have an</p> <p>3 application in. We provide that service if</p> <p>4 someone wants to come to us in a pre-application</p> <p>5 review. We can provide them information on</p> <p>6 available alternatives, beneficial use</p> <p>7 opportunities, or what the criteria are for being</p> <p>8 able to use the sound if that is the direction</p> <p>9 they are going.</p> <p>10 As Mel also mentioned, we are tracking and</p> <p>11 documenting the volume of dredged material from</p> <p>12 Long Island Sound projects. There is a large</p> <p>13 quantity of material that is going to sites other</p> <p>14 than the sound, and we are slowly but surely</p> <p>15 getting our arms around how to get all of that</p> <p>16 information together and put into reports so you</p> <p>17 can see that there are beneficial uses occurring</p> <p>18 and what those projects are.</p> <p>19 Finally, a very important one is, because</p> <p>20 the Long Island Sound Regional Dredging Team, as</p> <p>21 we meet and we discuss projects and learn about</p> <p>22 new sites and learn about new opportunities for</p> <p>23 beneficial use, it's going to be very significant</p> <p>24 that we integrate with the Dredged Material</p> <p>25 Management Plan Project Delivery Team to provide</p>	<p>1 Proceedings 20</p> <p>2 management of dredged material for a specific</p> <p>3 harbor or navigation project, a group of related</p> <p>4 projects, or for a specific geographic area. It</p> <p>5 involves a comprehensive review of dredging needs</p> <p>6 for both maintenance and planned improvement</p> <p>7 projects, management opportunities for a specific</p> <p>8 harbor region over a minimum of twenty years</p> <p>9 planning horizon. It investigates and evaluates</p> <p>10 various dredging and placement options, methods,</p> <p>11 sites, and impacts, and will recommend a</p> <p>12 practical method to meet federal navigation needs</p> <p>13 and minimize impact.</p> <p>14 What is our goal with the DMMP? The</p> <p>15 overall goal of the Long Island Sound DMMP is to</p> <p>16 develop a comprehensive Dredged Material</p> <p>17 Management Plan that recommends practicable,</p> <p>18 implementable solutions to manage dredged</p> <p>19 material and in an economically sound,</p> <p>20 environmentally acceptable manner for Long Island</p> <p>21 Sound. We expect to identify a management plan</p> <p>22 using a broad-based public process, which is</p> <p>23 starting here tonight, that protects the</p> <p>24 environment based on the best scientific data and</p> <p>25 analysis while meeting society's needs for safe,</p>
<p>1 Proceedings 19</p> <p>2 them information and that we provide information</p> <p>3 back and forth so that we are both benefiting.</p> <p>4 That is a quick overview of the Regional</p> <p>5 Dredging Team. I'll be here this evening and for</p> <p>6 most of the meetings during the course of the</p> <p>7 week, and I would be happy to talk to anyone at</p> <p>8 any time about how we operate.</p> <p>9 MR. HUNT: Thank you, Joe. The next</p> <p>10 speaker is Mike Keegan from the Corps of</p> <p>11 Engineers.</p> <p>12 MR. KEEGAN: Thank you, Carlton. Mel got</p> <p>13 us through the background of how we got to where we</p> <p>14 are today, and Joe brought us to what we are</p> <p>15 doing in the meantime before we get the DMMP in</p> <p>16 place. I would like to talk to you tonight a</p> <p>17 little bit about the process that we are going to</p> <p>18 do, what a DMMP is, our purposes, and some of the</p> <p>19 things we expect to see in it.</p> <p>20 This slide here is just some of the</p> <p>21 agencies that we are involved with both federal</p> <p>22 and state in trying to work as a partnership and</p> <p>23 trying to work on the DMMP. The question is:</p> <p>24 What is the DMMP? It's a comprehensive planning</p> <p>25 and a decision-making tool to address the</p>	<p>1 Proceedings 21</p> <p>2 economically viable navigation for commerce,</p> <p>3 transportation, national security, and other</p> <p>4 public purposes.</p> <p>5 What are some of the things we are going to</p> <p>6 be addressing in the DMMP? Some of these are</p> <p>7 going in chronological orders. The first thing,</p> <p>8 and one of the most important thing, is to</p> <p>9 address future dredging needs for both</p> <p>10 maintenance and planned improvement projects for</p> <p>11 both the federal government, the Corps, the Navy,</p> <p>12 but also for the local marinas, the other people</p> <p>13 that are going to be utilizing the alternatives</p> <p>14 we come up with, and that is an important part,</p> <p>15 if I can get that message out tonight, because in</p> <p>16 order to properly plan for the management of</p> <p>17 dredge material, we need as much information as</p> <p>18 we can get. We need the local marinas to tell us</p> <p>19 what they see as their maintenance efforts, what</p> <p>20 they see as their planned improvements. With</p> <p>21 that, we can have good data to do our analysis.</p> <p>22 We will look at disposal capabilities, the</p> <p>23 capacity of various placement sites. We will</p> <p>24 look at some of the environmental compliance</p> <p>25 requirements that we have and some of the issues</p>

<p>1 Proceedings 22</p> <p>2 we may have regarding that. We will look at</p> <p>3 potential for beneficial use of dredged material.</p> <p>4 We will develop indicators of continued economic</p> <p>5 justification. We will develop a comprehensive</p> <p>6 NEPA document, and if necessary, we will justify</p> <p>7 on-going following studies.</p> <p>8 What I'm showing here is a map of the study</p> <p>9 area. Normally, when the Corps does a DMMP, it</p> <p>10 involves one or two projects; it doesn't really</p> <p>11 involve such a large geographic area. And that's</p> <p>12 why this is a large scope project with such a</p> <p>13 large team. We are looking at all of</p> <p>14 Connecticut, all of Long Island, and one county</p> <p>15 in Rhode Island that has to be considered as part</p> <p>16 of our planning process.</p> <p>17 What is the DMMP process? It starts</p> <p>18 relatively simple with what we call "a</p> <p>19 preliminary assessment" that reviews the current</p> <p>20 management options and determines whether a more</p> <p>21 in-depth comprehensive analysis is warranted. In</p> <p>22 June of 2006, we completed a preliminary</p> <p>23 investigation that basically said that there is a</p> <p>24 lot more data, there is a lot more information we</p> <p>25 need. Right now, we don't have a placement site</p>	<p>1 Proceedings 24</p> <p>2 material such as beach and dune nourishment,</p> <p>3 habitat restoration. This is just a small list</p> <p>4 of what we hope to look at.</p> <p>5 After we have done our project and our</p> <p>6 documentation, we will identify a baseline of</p> <p>7 recommended management options for all federal</p> <p>8 navigation projects in Long Island Sound. We</p> <p>9 will also have identified an array of suitable,</p> <p>10 feasible, environmentally acceptable, practical</p> <p>11 management alternatives that will meet or exceed</p> <p>12 all of the non-federal dredging needs which can</p> <p>13 be utilized by the various components of those</p> <p>14 projects in their analysis of options for</p> <p>15 managing their dredging projects.</p> <p>16 Right now we have had funding issues. You</p> <p>17 see some of the time lines, and the time lines</p> <p>18 seem to drag. The reason is because we have not</p> <p>19 actually had funds appropriated by Congress. We</p> <p>20 are trying to work forward and move forward as</p> <p>21 best we can. There is money in the 2008 budget</p> <p>22 from the President of 2.8 million dollars. Some</p> <p>23 may know that Congress has not passed the federal</p> <p>24 budget as of yet, so when that happens, hopefully</p> <p>25 we will be hitting the ground running with having</p>
<p>1 Proceedings 23</p> <p>2 for all of the material that needs to be handled</p> <p>3 in the next twenty years. So we have recommended</p> <p>4 moving forward with the DMMP.</p> <p>5 DMMP is comprised of several phases. The</p> <p>6 first is to evaluate and quantify placement needs</p> <p>7 and the existing management options we have</p> <p>8 available. Phase two is to identify alternative</p> <p>9 placement options with special emphasis on</p> <p>10 beneficial use. In the third phase, we will</p> <p>11 evaluate, analyze, compare, and screen</p> <p>12 alternatives. And in phase four, we will develop</p> <p>13 recommended management plans. Usually, the</p> <p>14 DMMP's have a following phase, one that comes</p> <p>15 several years later when we go back and update</p> <p>16 our plans as we find out more information or more</p> <p>17 sites become available or other sites fall off</p> <p>18 the charts.</p> <p>19 Here are some management alternatives we</p> <p>20 are going to be considering. I'm not going to</p> <p>21 read these to you, you can read these, but,</p> <p>22 basically, there is no alternative that is out</p> <p>23 there that will not be considered. We are going</p> <p>24 from landfills to transfer facilities to</p> <p>25 brownfields, any way we can use beneficial</p>	<p>1 Proceedings 25</p> <p>2 these meetings.</p> <p>3 One of the things we are going to try to do</p> <p>4 in 2008 is to first initiate the public outreach</p> <p>5 of communication. This is just the start of the</p> <p>6 process. The scoping meetings is to get input</p> <p>7 from you, but we want you to be involved in the</p> <p>8 process. We started with the mailing list we had</p> <p>9 that had probably 2,000 names on it, and that's</p> <p>10 how some of you folks probably found out about</p> <p>11 this meeting. We want to update that mailing</p> <p>12 list, keep it current, get more people involved</p> <p>13 who are interested in the project. We</p> <p>14 established a project web page. You see the</p> <p>15 address up there. Basically, if you are on the</p> <p>16 web page, just click on the State of Connecticut,</p> <p>17 go to projects, and you will see it listed. That</p> <p>18 will have all of the public notices that we put</p> <p>19 out to date. It will have these presentations</p> <p>20 sometime next week. All of the presentations you</p> <p>21 see tonight you will be able to download if you</p> <p>22 are interested. We also established a project</p> <p>23 mailbox specifically for this project. It's, as</p> <p>24 Carlton mentioned, LISDMMP@USACE.ARMY.MIL. If</p> <p>25 you send a message to that mailbox, you will get</p>

<p>1 Proceedings 26</p> <p>2 an answer. It will probably come back from me,</p> <p>3 but, basically, that is a mailbox devoted</p> <p>4 specifically to this project.</p> <p>5 One of the big efforts that we have to</p> <p>6 undergo is to update and revise our future</p> <p>7 dredging needs and look at the economics from the</p> <p>8 various studies that were conducted as part of</p> <p>9 the designation EIS. We need to develop a</p> <p>10 questionnaire to collect maintenance information</p> <p>11 from the dredging components, again, both federal</p> <p>12 and non-federal. We need to determine the</p> <p>13 potential improvement projects and the time frame</p> <p>14 for the implementation of these projects. We</p> <p>15 will collect this information. We will conduct</p> <p>16 interviews. In some cases we will solicit</p> <p>17 information from people who we sent</p> <p>18 questionnaires to, but we have not heard back from</p> <p>19 that we think are people that have dredging</p> <p>20 needs. We will identify all of the federal</p> <p>21 maintenance requirements. We will even review</p> <p>22 our regulatory permits that have been issued in</p> <p>23 the last fifteen or twenty years, so we can</p> <p>24 find who has been dredging and what site they</p> <p>25 have been dredging on.</p>	<p>1 Proceedings 28</p> <p>2 whether it's federal or private or whatever. I</p> <p>3 know you can't really see that, but our goal here</p> <p>4 is to find out when the material needs to be</p> <p>5 managed, where it is, whether it's federal</p> <p>6 projects, whether it's local projects.</p> <p>7 We also have on the next slide locations of</p> <p>8 potential upland sites or near shore disposal</p> <p>9 sites, in some cases where we put sand on the</p> <p>10 beach, sand near shore to help with erosion. The</p> <p>11 next slide will show some additional near-shore</p> <p>12 disposal sites, things we might be able to use in</p> <p>13 terms of beach nourishment, habitat creation.</p> <p>14 The next slide will actually show some upland</p> <p>15 sites we identified, and we will go back and review</p> <p>16 all of those, add more sites as sites become</p> <p>17 available.</p> <p>18 A question that, I guess, I'm going to send</p> <p>19 out: Who needs to participate? Obviously, all</p> <p>20 of you folks, but also, all of the people listed</p> <p>21 there. When we do the dredging need survey,</p> <p>22 anyone who has anything to do with dredging,</p> <p>23 whether they be a marina, a town, a harbor</p> <p>24 master, people that can give us valuable</p> <p>25 information that will help our process.</p>
<p>1 Proceedings 27</p> <p>2 Also in 2008, we will update and revise the</p> <p>3 upland and beneficial use placement opportunities</p> <p>4 that were first identified as part of the Long</p> <p>5 Island Sound EIS. We will review the current</p> <p>6 regulations for land, water, and air protection</p> <p>7 to determine if they will limit or prevent the</p> <p>8 use of the potential management alternatives. We</p> <p>9 will identify recommendations for proposed</p> <p>10 revisions to those regulatory statutes, or</p> <p>11 legislative actions necessary to provide</p> <p>12 consistency between the states and allow for</p> <p>13 favorable alternatives to be implemented,</p> <p>14 especially with beneficial use. We will expand</p> <p>15 our inventories to include new placement sites,</p> <p>16 new technology for processing and use of dredged</p> <p>17 material. George Wisker from Connecticut DEP</p> <p>18 will talk a little about a demonstration project</p> <p>19 that we actually are undertaking in Connecticut</p> <p>20 now.</p> <p>21 This is part of some of the output we have</p> <p>22 had as part of the Long Island Sound EIS and</p> <p>23 would be some of the efforts we will actually</p> <p>24 undertake as part of this investigation. This is</p> <p>25 actually showing the dredging needs by region by</p>	<p>1 Proceedings 29</p> <p>2 The upland disposal, that is mostly state</p> <p>3 agencies, that is mostly counties and towns that</p> <p>4 can provide us with information in terms of what</p> <p>5 information is out there in terms of what land is</p> <p>6 available, what restrictions there might be, what</p> <p>7 other regulations we might have to overcome. As</p> <p>8 part of the DMMP process, it really is federal</p> <p>9 agencies, state agencies, the counties and</p> <p>10 municipalities, the general public of the Long</p> <p>11 Island Sound region.</p> <p>12 Basically, tonight is the start of a long</p> <p>13 process. It's a process that, in addition to</p> <p>14 having the agencies you see up there, are also</p> <p>15 going to have the public, hopefully, as part of</p> <p>16 the process, both at the beginning and all the</p> <p>17 way to the end. What you have to say is</p> <p>18 important to us. If there is something you need</p> <p>19 to tell us throughout the project, please use one</p> <p>20 of the mechanisms we talked about, whether it be</p> <p>21 getting the information off our web page or</p> <p>22 providing us questions through our mailbox or</p> <p>23 phone calls, we are interested in what you have</p> <p>24 to say, and I guarantee we will get back to you</p> <p>25 with responses. Thank you.</p>

<p>1 Proceedings 30</p> <p>2 MR. HUNT: Next speaker is Nancy Brighton</p> <p>3 who is with the New York Corps of Engineers also.</p> <p>4 MS. BRIGHTON: I'm with the Environment</p> <p>5 Analysis Branch of New York District. I'm here to</p> <p>6 discuss a little bit about what probably most of</p> <p>7 you already know, you probably have been to many</p> <p>8 of these meetings, what we are going to do with</p> <p>9 regard to the compliance with the National</p> <p>10 Environment Policy Act. What we are planning on</p> <p>11 doing is preparing an Environmental Impact</p> <p>12 Statement. An Environmental Impact Statement, as</p> <p>13 you can read here, is basically a detailed</p> <p>14 statement that will identify, analyze, and</p> <p>15 document the effects and issues associated with</p> <p>16 the proposed actions. In this case, it's the</p> <p>17 Dredged Material Management Plan for Long Island</p> <p>18 Sound and all of the alternatives that we felt</p> <p>19 were part of it.</p> <p>20 The NEPA process is basically done by</p> <p>21 federal agencies to include the public in</p> <p>22 documenting project plans and their effects on</p> <p>23 the environment and providing how considerations</p> <p>24 for the environment are taken into consideration</p> <p>25 in the decision-making process, and the end</p>	<p>1 Proceedings 32</p> <p>2 won't do a full analysis on every single one of</p> <p>3 those for those agencies. It will provide</p> <p>4 baseline data and make certain determinations on</p> <p>5 what either the environmental impact or benefit</p> <p>6 might be. So we are calling it "a Programmatic</p> <p>7 EIS" because of these large range options. It's</p> <p>8 going to be prepared, that's why we are having</p> <p>9 these meetings letting you know what the DMMP is</p> <p>10 and that we are preparing one. Concurrently,</p> <p>11 every step of the way, all the same PDT members</p> <p>12 are working on the EIS that are working on the</p> <p>13 DMMP, so we are working hand-in-hand and doing it</p> <p>14 all together.</p> <p>15 These are just a few of the things we are</p> <p>16 going into in the analysis. We will be</p> <p>17 collecting data. We are starting with the data</p> <p>18 that was done for the designation. We are</p> <p>19 looking to all the states, all of the local</p> <p>20 agencies, and all of the various environmental</p> <p>21 groups to see what work is being done in that</p> <p>22 entire Long Island Sound area to come up with a</p> <p>23 baseline of what we know, and then looking at</p> <p>24 what we may need to do as part of the DMMP,</p> <p>25 making recommendations, also making</p>
<p>1 Proceedings 31</p> <p>2 result will be a record of decision. For this</p> <p>3 particular project, as you heard Mike say, as</p> <p>4 part of the Dredged Material Management Plan, the</p> <p>5 area is huge.</p> <p>6 Basically, the purpose of the DMMP is</p> <p>7 pretty much two-fold. For the federal actions,</p> <p>8 we are going to recommend management options.</p> <p>9 For the non-federal actions, we are going to come</p> <p>10 up with an array of alternatives. Usually, when</p> <p>11 you do a NEPA document, it's for a single project</p> <p>12 with definite plans and definite alternatives.</p> <p>13 This is looking at that entire Long Island Sound,</p> <p>14 coming up with alternatives for two or three</p> <p>15 states, Connecticut, New York, and Rhode Island,</p> <p>16 each with, in addition to the federal</p> <p>17 environmental policy regulations, the state</p> <p>18 regulations, local regulations, so it's taking</p> <p>19 all of that into account and doing two-fold</p> <p>20 things, looking at the federal options and</p> <p>21 evaluating those as well as looking at the array</p> <p>22 of alternatives that were proposed for the</p> <p>23 non-federal actions to say that these are the</p> <p>24 environmental constraints or these are the</p> <p>25 environmental benefits. It may not do and it</p>	<p>1 Proceedings 33</p> <p>2 recommendations for future studies as future</p> <p>3 projects come on line.</p> <p>4 Finally, as Mike emphasized, the public</p> <p>5 involvement process throughout this whole entire</p> <p>6 very long period of time we are going to be doing</p> <p>7 this is very important. We have already started</p> <p>8 with the designation project. We started with</p> <p>9 those groups. We are hoping to have input from</p> <p>10 the public, from all of the various environmental</p> <p>11 groups, all of the groups that have an interest</p> <p>12 in Long Island Sound to provide input to us</p> <p>13 through the websites, through the mailbox,</p> <p>14 through communication with the various state</p> <p>15 agencies on the team or the Corps and federal</p> <p>16 agencies that are on the team to provide input.</p> <p>17 They should be studying the data that they know</p> <p>18 exists, where it is, and how to get hold of it,</p> <p>19 and then any other information that would prove</p> <p>20 to be necessary to formulate the DMMP, the</p> <p>21 Programmatic Environmental Impact Statement.</p> <p>22 This is the first of the public meetings we</p> <p>23 plan on having. We are looking into doing</p> <p>24 different workshops for different aspects of</p> <p>25 different environmental topics, whether air</p>

<p>1 Proceedings 34</p> <p>2 quality or noise or sediment, to provide periodic</p> <p>3 information. This is going to be going on for a</p> <p>4 number of years, so it's not going to be that</p> <p>5 it's 2007 and next thing you know it's 2013 and</p> <p>6 here we are with a draft. Every aspect will have</p> <p>7 a public component where we are going to</p> <p>8 different groups, people we know have interest.</p> <p>9 If you don't hear anything from them and you have</p> <p>10 a particular question, you want to know what is</p> <p>11 going on, make sure that you let us know and</p> <p>12 contact one of the agencies. It eventually ends</p> <p>13 with the standard EIS schedule with having a</p> <p>14 review of the Draft EIS with the public, a public</p> <p>15 meeting that is associated with the release of</p> <p>16 the Draft EIS, and then the final review of the</p> <p>17 Programmatic Environmental Impact Statement.</p> <p>18 These are, again, emphasizing the number of</p> <p>19 agencies involved in this project and that are</p> <p>20 used in the planning part of the routine. We are</p> <p>21 using all the connections that all of the</p> <p>22 agencies have to get in touch with all the</p> <p>23 respective environmental groups to develop what</p> <p>24 we need to do as part of the PEIS.</p> <p>25 MR. HUNT: Thank you. We are going to move</p>	<p>1 Proceedings 36</p> <p>2 For the beach nourishment, one of the</p> <p>3 examples we are using, there is a project that</p> <p>4 the Corps of Engineers has, the Housatonic River</p> <p>5 Federal Navigation Project, there is about 50,000</p> <p>6 cubic yards of sand in that river that needs to</p> <p>7 be dredged. Previously, it was pumped into</p> <p>8 upland sites or in open water. We are partnering</p> <p>9 with the Corps to try and place the sand, if we</p> <p>10 can determine suitability, that the texture is</p> <p>11 proper for beach mechanically, on Hammonasset</p> <p>12 Beach State Park in Madison, Connecticut, which</p> <p>13 is suffering a severe erosion problem. So we</p> <p>14 have a situation where one entity has too much</p> <p>15 sand and another entity doesn't have enough. We</p> <p>16 are going to see if we can make that work. In</p> <p>17 addition to that, we are working with the Corps</p> <p>18 to see, there is a small federal project there that</p> <p>19 dredges about 40,000 cubic yards every couple of</p> <p>20 years in Connecticut, and we are working to see</p> <p>21 if that material can be pumped directly onto the</p> <p>22 beach in Hammonasset as well.</p> <p>23 One of the things that is problematic is</p> <p>24 that the use of that sand depends very much on</p> <p>25 Congressional funding for the federal dredging,</p>
<p>1 Proceedings 35</p> <p>2 on to George Wisker with Connecticut DEP.</p> <p>3 MR. WISKER: Good evening. I'm George</p> <p>4 Wisker. I'm a geologist with the State of</p> <p>5 Connecticut's Department of Environment</p> <p>6 Protection Office Long Island Sound Program. I</p> <p>7 have been involved with this 22 years now. Here</p> <p>8 is an idea of some of our on-going efforts we are</p> <p>9 looking at currently. This has been actually in</p> <p>10 progress in various forms even prior to the EIS,</p> <p>11 so it's very timely material.</p> <p>12 Looking at beach nourishment, we are trying</p> <p>13 to put use of good sandy substance. That has</p> <p>14 not been an easy one to do. The problem is that</p> <p>15 we don't have a lot of sand in Connecticut, so it</p> <p>16 becomes scarce. Innovative technology, Mike had</p> <p>17 mentioned that earlier. We will go into that a</p> <p>18 little bit further. This is very critical, our</p> <p>19 Waste Management Division is trying to work up a</p> <p>20 beneficial use general permit that would actually</p> <p>21 specify certain conditions under which material</p> <p>22 can just be used, and, finally, removing the</p> <p>23 impediments to beneficial use. I think that was</p> <p>24 touched on earlier where sometimes state statutes</p> <p>25 and regulations may cause clashes.</p>	<p>1 Proceedings 37</p> <p>2 because, if the federal government does not do</p> <p>3 the dredging, we don't really end up having the</p> <p>4 material available. Another thing very important</p> <p>5 to that funding would be that the Corps needs to</p> <p>6 find a positive cost benefit to do the dredging.</p> <p>7 In other words, there has to be justification for</p> <p>8 spending that amount of money on doing the</p> <p>9 dredging. Finally, whether we can get state</p> <p>10 funding for actually the Hammonasset Beach</p> <p>11 Project, putting that material on the beach.</p> <p>12 Under innovative treatment technology,</p> <p>13 Section 345 would authorize an innovative</p> <p>14 treatment demonstration program in Long Island</p> <p>15 Sound with Long Island sediment. We have about</p> <p>16 two million dollars in federal funds which we</p> <p>17 matched with \$750,000 state. One of things that</p> <p>18 happened at the time was that we were going to</p> <p>19 use Bridgeport material, dredge it, take it to</p> <p>20 New Jersey, have it treated, and bring it back.</p> <p>21 It turned out New Jersey was working on a project</p> <p>22 very similar to what we were looking at in</p> <p>23 Bridgeport, and we found the material was of the</p> <p>24 texture and chemical makeup very similar to</p> <p>25 Bridgeport, so in effect we could save about two</p>

<p>1 Proceedings 38</p> <p>2 years and several million dollars by using the</p> <p>3 New Jersey sediment as a surrogate for this first</p> <p>4 demonstration phase. What we are doing right</p> <p>5 now, we are right in the process of this, we have</p> <p>6 about 100 cubic yards of New Jersey sediment in</p> <p>7 Bridgeport that is going to be treated by soil</p> <p>8 manufacturers, a couple of aggregate</p> <p>9 manufacturers, to see if they can make an</p> <p>10 actual marketable product, because that is key</p> <p>11 to the beneficial use. You can treat the</p> <p>12 material, but if you can't do something with it</p> <p>13 and it ends up in a landfill, it's very</p> <p>14 defeating. These processors are going to</p> <p>15 document this process they undertake and report</p> <p>16 those results to the Corps and the DEP.</p> <p>17 We are going to also determine in this</p> <p>18 material what is the level of contaminants that</p> <p>19 remain after treatment. We are going to see if</p> <p>20 the material can be used for unrestricted use or</p> <p>21 if it's going to have to be restricted in terms</p> <p>22 of use for at, say, brownfield sites, under</p> <p>23 certain road beds, things like that. Depending</p> <p>24 on those results, there could be a phase two that</p> <p>25 might involve constructing some sort of treatment</p>	<p>1 Proceedings 40</p> <p>2 and where it will allow, but it will give us an</p> <p>3 ability to re-use them for specific uses. One</p> <p>4 key that is going to be very important is to</p> <p>5 match the contaminant levels with the specific</p> <p>6 use. You are going to allow materials in more</p> <p>7 unrestricted areas versus materials that can be</p> <p>8 tolerated with a higher contaminant load in</p> <p>9 industrial level areas, and then there will be</p> <p>10 registration requirements, of course, and</p> <p>11 operating conditions for uses as appropriate for</p> <p>12 the particular one.</p> <p>13 One of the things we are trying to do in</p> <p>14 terms of removing impediments to beneficial use</p> <p>15 is revise some of the regulations. For example,</p> <p>16 we need a revision of the clean fill, because</p> <p>17 that has not been very clear, and clarify between</p> <p>18 a regulated fill and a really clean fill,</p> <p>19 because, unfortunately, clean fill is not always</p> <p>20 clean fill. Further on, there is going to be a</p> <p>21 revision of the contaminated dredged spoils word</p> <p>22 definition, and that is going to be considered as</p> <p>23 a regulated fill instead of the old-fashion</p> <p>24 types.</p> <p>25 Another thing was, a good example of</p>
<p>1 Proceedings 39</p> <p>2 facility in the Bridgeport area and doing actual</p> <p>3 treatment work on Bridgeport Harbor sediments and</p> <p>4 processing it into a marketable product.</p> <p>5 In terms of use of sediments, there are</p> <p>6 certain general permits that are in development</p> <p>7 or have been developed by the DEP. It was all</p> <p>8 done in a certain order. The first permit issued</p> <p>9 last year was a staging and transfer permit.</p> <p>10 What this did was set certain conditions for</p> <p>11 stockpiling sediment. A lot of people would take</p> <p>12 material and stockpile it to hold it pending</p> <p>13 future treatment and use. Right now there has</p> <p>14 been a beneficial use permit that should be going</p> <p>15 out to notice in the next couple of weeks. That</p> <p>16 is going to set certain conditions for re-use of</p> <p>17 products. And, finally, to be developed down the</p> <p>18 road would be a treatment permit, which is going</p> <p>19 to deal with specific treatment regimes for</p> <p>20 specific materials. So this general permit for</p> <p>21 beneficial use, and that's the actual name of it,</p> <p>22 a "General Permit for Beneficial Use of Regulated</p> <p>23 Filler And Contaminated Soil Sediment," it should</p> <p>24 simplify the re-use. At first, it's going to be</p> <p>25 restrictive in terms of how much it will allow</p>	<p>1 Proceedings 41</p> <p>2 regulatory and the statutory, there is a royalty</p> <p>3 provision in our state statutes that requires a</p> <p>4 four dollar per cubic yard royalty payment to the</p> <p>5 state for dredged sediment. This was put in when</p> <p>6 they used to do mining in the rivers for sandy</p> <p>7 gravel. The problem is that also applies if you</p> <p>8 try to beneficially use dredged material and a</p> <p>9 certain individual had this material and wanted</p> <p>10 to make a product and sell it, they would</p> <p>11 actually get hit with four dollars a yard, so</p> <p>12 it's a bit of a dis-incentive to the beneficial</p> <p>13 use. This year, we tried to introduce some</p> <p>14 legislation to exempt the treated sediments, but</p> <p>15 it did not pass, and we are going to give it a</p> <p>16 try next year. As you can see, we are always</p> <p>17 banging our head against the wall with dealing</p> <p>18 with impediments, but we are going to keep at it,</p> <p>19 and we are going to knock that wall down. Thank</p> <p>20 you.</p> <p>21 MR. HUNT: Our last speaker for the evening</p> <p>22 is Steven Resler with the State of New York</p> <p>23 DOS.</p> <p>24 MR. RESLER: I have a prepared statement,</p> <p>25 but how many people here are not from the</p>

<p>1 Proceedings 42</p> <p>2 agencies? Fewer than a dozen. I hope we have a</p> <p>3 better turnout elsewhere. I'm Deputy Bureau</p> <p>4 Chief of New York's Coastal Management Program,</p> <p>5 Resources Management Bureau. I'm the Section</p> <p>6 Chief of our regulatory shop, our GIS Unit, and</p> <p>7 special projects shop, and a few other things. I</p> <p>8 have been dealing with dredging the Long Island</p> <p>9 Sound for about 45 and a half years, and I find</p> <p>10 the issues we are dealing with today tend to</p> <p>11 repeat themselves about every eight years, so it</p> <p>12 gets a bit frustrating after a while.</p> <p>13 The Department of State is New York State's</p> <p>14 Coastal Management Agency. In that capacity,</p> <p>15 it's responsible for the overall administration</p> <p>16 of the New York federally approved Coastal</p> <p>17 Management Program. Part of those</p> <p>18 responsibilities include comprehensive planning</p> <p>19 for the protection and uses of the coastal</p> <p>20 resources, both natural and cultural, and</p> <p>21 advancing the appropriate protection and use of</p> <p>22 those resources through federal and state</p> <p>23 regulatory and other decision-making processes.</p> <p>24 In this respect, the department has for more than</p> <p>25 two decades advocated the development and use of</p>	<p>1 Proceedings 44</p> <p>2 plans. It's to have great emphasis on</p> <p>3 significantly reducing and, if possible,</p> <p>4 eliminating the disposal of dredged materials in</p> <p>5 the Long Island Sound by identifying and</p> <p>6 advancing new and needed technologies, beneficial</p> <p>7 uses and markets for managing dredged materials</p> <p>8 in the region. It's to be developed with input</p> <p>9 from the public. This public meeting is part of</p> <p>10 the process through which the public can</p> <p>11 influence this plan. The department expects and</p> <p>12 will work to assure a plan will be developed to</p> <p>13 be consistent to the maximum extent practicable</p> <p>14 with New York's Coastal Management Program. I</p> <p>15 used that term, "maximum extent practicable,"</p> <p>16 because it's a legal term and it's a term that</p> <p>17 governs how this is to be done in accordance with</p> <p>18 the federal Coastal Zone Management Act. To the</p> <p>19 maximum extent practicable means, not practical,</p> <p>20 which is a limitation, but if it can possibly be</p> <p>21 done in a way that advances all of the relevant</p> <p>22 policies or objectives of the New York Coastal</p> <p>23 Management Program, it must be done that way. If</p> <p>24 it is physically and lawfully or legally</p> <p>25 possible, everything must be done to advance</p>
<p>1 Proceedings 43</p> <p>2 alternative practices, technologies, and</p> <p>3 beneficial use markets for the management of</p> <p>4 dredged materials so those materials are used as</p> <p>5 valuable commodities rather than summarily</p> <p>6 disposed of in the stressed but important open</p> <p>7 water and environment of Long Island Sound.</p> <p>8 As Mel Cote indicated during his summary of</p> <p>9 the history of all of this, in June, 2004, our</p> <p>10 department exercised as federally delegated</p> <p>11 Coastal Zone Management Authority an objection to</p> <p>12 the destination of dredged material disposal</p> <p>13 sites on Long Island Sound. Part of the state's</p> <p>14 objection was based on the failure of government</p> <p>15 since the need in the early 1970's and again in</p> <p>16 the 1980's to develop a much needed plan for the</p> <p>17 comprehensive management of dredged material in</p> <p>18 the region. Our respective New York and</p> <p>19 Connecticut governors and subsequently our</p> <p>20 Congressional representatives called for and</p> <p>21 subsequently US EPA and Corps of Engineers agreed</p> <p>22 to work with New York and Connecticut to develop a</p> <p>23 Dredged Material Management Plan for the sound.</p> <p>24 That plan is to be different than other</p> <p>25 more traditional dredged material management</p>	<p>1 Proceedings 45</p> <p>2 those policy objectives. You cannot say, I don't</p> <p>3 have sufficient funding, it's too difficult, it</p> <p>4 costs too much, we haven't the budget</p> <p>5 appropriation to do it. That doesn't work. You</p> <p>6 cannot use that to exempt yourself from making</p> <p>7 something like this fully consistent to the</p> <p>8 maximum extent practicable with New York's CMP.</p> <p>9 This is a federal statement, not a New York</p> <p>10 State statement: In this respect, agencies are</p> <p>11 to advance all of the applicable coastal policies</p> <p>12 related to the protection and used of the coastal</p> <p>13 area and it's resources in a manner that avoids</p> <p>14 conflicts between competing governmental policy</p> <p>15 objectives without advancing one of those</p> <p>16 objectives to the detriment of the other. That</p> <p>17 is what the NEPA and New York State SEQRA</p> <p>18 processes do. They allow for that balancing in</p> <p>19 this respect when it comes to consistent to the</p> <p>20 maximum extent practicable standard, that is a</p> <p>21 federal requirement, the federal Coastal Zone</p> <p>22 Management Act, that balancing is not allowed.</p> <p>23 This is what distinguishes New York's Coastal</p> <p>24 Management Program decision making from other</p> <p>25 more traditional regulatory and related decision</p>

<p>1 Proceedings 46</p> <p>2 making requirements. It is what New York State</p> <p>3 Department of State is working toward and hopes</p> <p>4 to achieve as partner agencies and the public as</p> <p>5 we develop this plan for the sound. Please</p> <p>6 provide us or respective partner agencies with</p> <p>7 your comments or suggestions for developing a</p> <p>8 far-reaching and progressive plan and send those</p> <p>9 copies to us at New York Department of State, 41</p> <p>10 State Street, Albany, New York 12231-0001, and</p> <p>11 address them to the attention of LIS DMMP so it</p> <p>12 gets to the right folks as soon as possible.</p> <p>13 MR. HUNT: Thank you. I'm going to open</p> <p>14 this up for comments and questions, but I'm</p> <p>15 obligated to ask if there is any representative</p> <p>16 of an elected office that wishes to speak first.</p> <p>17 MR. PALMER: I'm Taylor Palmer from</p> <p>18 Congresswoman Nita Lowey's office. We have a</p> <p>19 comment we would like to register for the record.</p> <p>20 We have it here. I'm here to discuss anything or</p> <p>21 answer questions. I appreciate everything, and,</p> <p>22 again, if there are any questions for our office,</p> <p>23 please ask me at the end.</p> <p>24 MR. HUNT: Thank you. We have three people</p> <p>25 to who signed up to make a comment or statement.</p>	<p>1 Proceedings 48</p> <p>2 little changes made with the substantive comments</p> <p>3 and questions of concern raised basically because</p> <p>4 we were too far along in the process, and that's</p> <p>5 what was said at meetings, and that's my</p> <p>6 phraseology, which I'm sure everybody in the</p> <p>7 agencies will disagree with, but when we get rid</p> <p>8 of all the nice adjectives, that's what it boils</p> <p>9 down to.</p> <p>10 You have a crisis on your hands, and the</p> <p>11 fact is that you are losing access to the Long</p> <p>12 Island Sound. In the last ten years, over twenty</p> <p>13 percent of the access points in terms of</p> <p>14 recreational facilities have disappeared in terms</p> <p>15 of boating. If you take a look at it on a</p> <p>16 longer-term basis, the numbers go up fairly</p> <p>17 dramatically, and it is increasing at an</p> <p>18 exponential rate. You can argue as to what all</p> <p>19 the causes are, but one of the major causes is</p> <p>20 not having the ability to undertake maintaining</p> <p>21 adequate water depths historically or for what</p> <p>22 the future needs are. The needs for dredging,</p> <p>23 which we are now going to have another</p> <p>24 questionnaire go out and go through all this</p> <p>25 process, most of this work was done with the MP</p>
<p>1 Proceedings 47</p> <p>2 In reverse order, Sal Gugliara from the City of</p> <p>3 New Rochelle.</p> <p>4 MR. GUGLIARA: I just put my name on there.</p> <p>5 I don't have any questions.</p> <p>6 MR. HUNT: Dan Natches, Clean Harbor</p> <p>7 Action.</p> <p>8 MR. NATCHES: For the record, my name is</p> <p>9 Dan Natches. I'm Coordinator for Clean Harbor</p> <p>10 Action. I'm also President of Daniel Natches &</p> <p>11 Associates Environmental Waterfront Site Holding</p> <p>12 Company. We have a prepared statement which</p> <p>13 Harbor Action wishes to submit to the record.</p> <p>14 Several things struck me as I listened to</p> <p>15 this presentation, and when Steve Resler said</p> <p>16 how many people were here that were not agency</p> <p>17 and about a dozen people raised their hand, and</p> <p>18 the question is why, maybe because we have been</p> <p>19 doing this for thirty-some-odd years and we keep</p> <p>20 repeating ourselves. Over the last go-round with</p> <p>21 the designation process, you had work groups with</p> <p>22 allegedly public input. With all due respect,</p> <p>23 that input was after the fact, not before the</p> <p>24 fact, with very little attention paid to the</p> <p>25 comments made by the working groups and very</p>	<p>1 Proceedings 49</p> <p>2 for the designation process.</p> <p>3 The new aspect is that we are going through</p> <p>4 a whole bunch of alternatives, but unless it</p> <p>5 comes down to making it feasible and economically</p> <p>6 reasonable approach to life, putting it in a</p> <p>7 holistic basis by saying either you want the</p> <p>8 recreational access or you don't. Let's make it</p> <p>9 very simple. If you don't want to do it, let's</p> <p>10 all go home and save the twenty-some-odd million</p> <p>11 dollars or eighteen million or thirteen million</p> <p>12 or whatever everybody forecasts and save the nine</p> <p>13 more years of additional work. By the time nine</p> <p>14 years goes past, we are going to lose another</p> <p>15 twenty percent of the access points. That's real.</p> <p>16 That's not fictitious. It's not happening just</p> <p>17 here, it's happening all over. This is a major</p> <p>18 crisis we are facing. Either we make the</p> <p>19 decision you want to do it or you don't. If the</p> <p>20 states and federal governments can't make that</p> <p>21 decision, there is no point in going through this</p> <p>22 exercise. The answer is let's do it and find a</p> <p>23 way to make it happen and happen in a meaningful</p> <p>24 and environmentally sensitive basis that works,</p> <p>25 not that is theoretical and not that goes through</p>

<p>1 Proceedings 50</p> <p>2 so many hoops it becomes impossible. It is much</p> <p>3 easier to sell out and go into other things than</p> <p>4 it is to maintain the access today, and that's</p> <p>5 going to continue at a major geometric rate for</p> <p>6 the future. We have been saying this for years.</p> <p>7 It's interesting, I look around and see a</p> <p>8 lot of faces. We have been talking about this</p> <p>9 for umpteen years, and the issues are the same.</p> <p>10 You have the Corps of Engineers and the states.</p> <p>11 The Corps of Engineers over fifty years of major</p> <p>12 data, the states maybe 25 to 48 years, depending</p> <p>13 on what you want to call major data. You have</p> <p>14 enough data to come to grips with it. What you</p> <p>15 don't have is an action plan, which has been</p> <p>16 stressed time and time again, so what happens is</p> <p>17 that everybody that is in the sector of trying to</p> <p>18 get something done is the ball in the ping pong</p> <p>19 game and gets bounced around. The bottom line is</p> <p>20 that it's like saying the teeth are fine, the</p> <p>21 gums have to come out. Either you want to keep</p> <p>22 the teeth in there or let's get rid of the mouth.</p> <p>23 MR. HUNT: Thank you. I think we can hold</p> <p>24 the response or comments to later. Unlike a</p> <p>25 public hearing, the agency here can in fact</p>	<p>1 Proceedings 52</p> <p>2 Corps advisory committee formed for direct input</p> <p>3 throughout the process so there is that</p> <p>4 additional layer of making sure that everybody</p> <p>5 can be involved and there is back and forth</p> <p>6 information.</p> <p>7 Also, we believe that it's key to create</p> <p>8 the infrastructure for making this dredged</p> <p>9 materials dry; in other words, de-watering</p> <p>10 facilities. It's going to be too expensive to</p> <p>11 transport them if they are wet. We need to make</p> <p>12 sure we identify de-watering facilities and that</p> <p>13 they are readily available so beneficial uses can</p> <p>14 be maximized.</p> <p>15 Lastly, we are going to be submitting</p> <p>16 detailed comments and others will be speaking at</p> <p>17 some of the other meetings, but for my piece</p> <p>18 today, it's important that we start to identify</p> <p>19 funding sources for beneficial use projects, and</p> <p>20 that's at the federal level, but also at the</p> <p>21 state level, there are going to be higher costs,</p> <p>22 particularly in the first few years because it is</p> <p>23 a new thing that you will be having to do now,</p> <p>24 and so I do want to stress that it is so</p> <p>25 important that we continue to dredge for the</p>
<p>1 Proceedings 51</p> <p>2 respond and ask questions back. The last person</p> <p>3 who signed up is Emmett Pepper from the Citizens</p> <p>4 Campaign for the Environment.</p> <p>5 MR. PEPPER: I'm Emmett Pepper with the</p> <p>6 Citizens Campaign for the Environment. We</p> <p>7 represent 80,000 members in the States of New</p> <p>8 York and Connecticut with offices around the</p> <p>9 sound as well as Westchester and New Haven and</p> <p>10 Long Island. In 2004, CCE opposed the EPA plan</p> <p>11 in April that year to designate two sites as dump</p> <p>12 sites for the next 20 years. So because of that,</p> <p>13 CCE is very happy that everybody here has</p> <p>14 reiterated many times that everybody is working</p> <p>15 together, everybody is playing nice including the</p> <p>16 States of New York and Connecticut and the</p> <p>17 Federal EPA and Army Corps and other</p> <p>18 organizations out there.</p> <p>19 We are also very happy that this process</p> <p>20 has been open during this phase, at least. These</p> <p>21 public meetings are important. We urge you to</p> <p>22 continue to hold these meetings throughout this</p> <p>23 process, and it sounds like you have that as your</p> <p>24 plan, and we are really happy to hear that. One</p> <p>25 thing we would urge as an idea is to have a state</p>	<p>1 Proceedings 53</p> <p>2 economy of Long Island Sound, it's so important</p> <p>3 that we have access to Long Island Sound, but</p> <p>4 it's not important that we dump it in the middle</p> <p>5 of the sound. I think that is why we are all</p> <p>6 here, that is what this plan is about, to come up</p> <p>7 with plans to move away from that. And</p> <p>8 continuing to up the water discharge as a primary</p> <p>9 disposal mechanism needs to be phased out. It is</p> <p>10 contrary to past, present, and future efforts</p> <p>11 that all of us here have done to protect the</p> <p>12 sound. Thank you.</p> <p>13 MR. HUNT: Anybody else from the public,</p> <p>14 any other comments or questions, statements?</p> <p>15 Sir, state your name and your affiliation,</p> <p>16 please.</p> <p>17 MR. RYAN: My name is Paul Ryan. I live in</p> <p>18 the Village of Mamaroneck. I have been involved</p> <p>19 in coastal issues for the last 25, 30 years.</p> <p>20 From looking at the presentation, it seems that</p> <p>21 your concerned mostly with salt water that has</p> <p>22 already ended up in Long Island Sound. That's a</p> <p>23 wonderful thing. The trouble is that this</p> <p>24 dredging material didn't get there by a miracle.</p> <p>25 They got there through rivers and streams that</p>

<p>1 Proceedings 54</p> <p>2 lead down to Long Island Sound. The Village of</p> <p>3 Mamaroneck this past March or April got whacked</p> <p>4 with a storm. Considerable damage. The Army</p> <p>5 Corps of Engineers is working on possible</p> <p>6 mitigation solutions.</p> <p>7 One of the possible solutions is the</p> <p>8 dredging of reservoirs and ponds that lead into</p> <p>9 the Mamaroneck River, the Premium River that go</p> <p>10 into Long Island Sound, so we are caught between</p> <p>11 a rock and a hard place. We have no place</p> <p>12 economically to put these. The last thing I was</p> <p>13 told is we should contact the State of</p> <p>14 Pennsylvania, the Commonwealth of Pennsylvania,</p> <p>15 and look to put it in the coal mines outside</p> <p>16 Wilkes-Barre. That's a wonderful idea, but it</p> <p>17 seems to me that the Army Corps along with the</p> <p>18 Department of State and EPA should be looking</p> <p>19 more closely at some of the things that were</p> <p>20 mentioned here later on in the presentation</p> <p>21 tonight, that is, to make marketable products out</p> <p>22 of whatever dredged spoils.</p> <p>23 Some of the dredging, some of the materials</p> <p>24 we would have to have dredged out of our</p> <p>25 reservoirs in order to mitigate flooding have low</p>	<p>1 Proceedings 56</p> <p>2 Thank you.</p> <p>3 MR. HUNT: Anyone else who would like to</p> <p>4 question, comment? I don't know if the agencies</p> <p>5 want to make any statements, but if there are no</p> <p>6 other comments, then I think we can adjourn. I</p> <p>7 appreciate you all coming out and voicing your</p> <p>8 concerns and listening to the presentation.</p> <p>9 Remember, the record is open for 30 days and you</p> <p>10 can give the e-mail location and website. Thank</p> <p>11 you very much.</p> <p>12 (Time noted 8:17 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 Proceedings 55</p> <p>2 levels of contaminants in them. Low levels of</p> <p>3 contaminants come mainly from I-95, federal</p> <p>4 roads, gasoline and other petroleum type</p> <p>5 products, hydrocarbons. We have to find a way of</p> <p>6 cleaning up this material or finding some way of</p> <p>7 burning off the bad stuff and somehow making it</p> <p>8 marketable. Do something with these materials to</p> <p>9 prevent them from going into Long Island Sound.</p> <p>10 I think that you guys from Connecticut probably</p> <p>11 know the figures a lot better than I do how much</p> <p>12 water comes down the Connecticut River into the</p> <p>13 Long Island Sound. I heard something like 60</p> <p>14 percent of fresh water going into the Long Island</p> <p>15 Sound is from the Connecticut River. The river</p> <p>16 starts up the Canadian border. You have all the</p> <p>17 farms, all the fertilizers, nitrates, and</p> <p>18 everything else coming down and ending up in the</p> <p>19 harbor.</p> <p>20 We have to do something to get to the cause</p> <p>21 of the problem before it gets to Long Island</p> <p>22 Sound, that way we don't have a self perpetuating</p> <p>23 problem. I know it's a tall order, but I</p> <p>24 certainly urge all the initial agencies here and</p> <p>25 that might be here in the future to address that.</p>	<p>1 57</p> <p>2</p> <p>3 CERTIFICATION</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 I, JOAN R. LIVOTI, a Notary Public in and</p> <p>9 for the State of New York, do hereby certify:</p> <p>10 THAT the foregoing is a true and accurate</p> <p>11 transcript of my stenographic notes.</p> <p>12 IN WITNESS WHEREOF, I have hereunto set my</p> <p>13 hand this 1st day of December, 2007.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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November 26, 2007

RE: Public Hearing – LI Sound Dredged Material Management Plan (LISDMMP)

My name is Daniel S. Natchez and I am the coordinator for CLEAN HARBOR ACTION as well as REVITALIZE OUR WATERWAYS – both educational advocacy groups within the LI Sound watershed. In addition, I am the President of DANIEL S. NATCHEZ and ASSOCIATES Inc., an International Environmental Waterfront Design Consulting Company, and I serve as Vice Chairman of ICOMIA's MARINAS COMMITTEE and am a member of numerous US and international marina industry organizations.

We welcome the effort espoused in the Public Notice put out for this meeting by EPA and the ACE.

There is no question that numerous user as well as environmental groups have been supporting and pushing for the development of a management plan for dredging and relocating sediments from our harbors on a environmentally sustainable, economically affordable and logistically practicable basis for OVER THREE DECADES. The approach to such a plan must be based upon science and practicalities and devoid of the political and emotional rhetoric that has dominated many previous meetings and discussions.

Unfortunately, previous efforts have failed in large part due to differences within and between the states, the numerous federal agencies and other organizations. The overwhelming bureaucracy and fear of doing what is right because it may not be popular (with either a capital or small "P" as in "political") is just no longer acceptable.

The facts are as follows:

Recreational boating is one of the most important economic activities in Long Island Sound – many times more so than the commercial fishing industry. The same is true for the commercial marine industry in LI Sound.

The further fact is that recreational boating, from kayaking to larger boats, is extremely important to the area's character and quality of life.

The LI Sound/New England area has lost over 10 percent of its total number of marinas over the last 5 to 10 years. And the number of disappearing facilities is rising exponentially.

There are numerous reasons for facility closures but one of the more significant is the lack of adequate water depths combined with the cost of testing and being able to dredge and relocate dredged materials on an economically affordable basis.

And if a dredge project needs cap material, which is typical for almost all recreational facility dredge projects, there is virtually no material around, except from large ACE or commercial

project(s) and the logistics of having cap material placed *immediately* upon the relocated material that needs cap is almost impossible due to various associated permit conditions, including the periods of time available for the dredging and the length of time needed to undertake the combined projects.

What we have is a situation which is analogous to when one goes to the dentist and is told the teeth, while not great, are ok, but the gums have to come out.

There are numerous recreational as well as commercial marinas and port facilities that are in desperate need of dredging but, due to the lack of economically and logistically feasible and/or reasonable approaches, no longer have the needed water depths to operate. Many are ceasing their marine dependent businesses and the properties are being turned into upland residential and office developments.

THE FACT IS THERE NEEDS TO BE A MORE HOLISTIC AND MEANINGFUL APPROACH TO DREDGING AS WELL AS RELOCATING THE DREDGED MATERIALS WITHIN LI SOUND or there WILL NO LONGER BE MEANINGFUL ACCESS INTO AND USE OF LI SOUND.

There are many consultants, operators, owners, and environmental groups what would welcome discussions on these issues with the “TEAM” in the hopes of helping to a) set a meaningful agenda to accomplish the published task, and b) work with the team as the process moves forward in reviewing and interacting with the TEAM.

The biggest concern is that the work of the TEAM, as well-meaning as the TEAM may be, will not be as attuned to many issues as it otherwise could be. This was true in the designation process for the relocation sites in LI Sound and it left a major rift and credibility gap. Many from the environmental groups and industry felt that the working mechanism of the designation process was less than effective and it failed to gain their support.

The concept of the agencies setting up their goals and implementation approaches and then coming to the public for input is ludicrous, and is bound to be less effective and probably self destructing. In the designation process, the approach to ascertaining the true needs, what is affordable, and what are reasonable and meaningful alternatives, got lost in the bureaucratic PYA approach that, bluntly stated, was an overwhelming missed opportunity - others might be more colorful.

It is MANDATORY to involve the stakeholders in the process early on and not as a rubber stamp to the approaches that have been agreed upon through the agency committees.

We would be happy to suggest names of those who would be helpful in an initial meeting to discuss this approach. We would envision such groups as the CAC for LI Sound, various environmental groups, marine industry owners/operators and/or groups, and consultants from both NY and CT, to be part of an initial meeting.

There are a couple of fundamental policy decisions that have to be agreed upon:

- a) is recreational and commercial boating important – if so, then
- b) it is mandatory to find economically affordable and environmentally responsible ways to relocate dredged materials.

If there is agreement on these two fundamental planks, then make it happen – do not pay lip service to it. If not, be honest enough to say so.

Row-cha/2007-11-26 hearing lisdmp



Statement from Congresswoman

Nita M. Lowey

Serving Westchester and Rockland Counties

Public Meetings Scheduled On Long Island Sound / Dredged Material Management Plan

Statement: U.S. Representative Nita Lowey

November 26, 2007

Those of us who are lucky enough to live near the Long Island Sound can hardly imagine what our lives would be like if we didn't get to experience all that it has to offer. The Sound is really only about 11,000 years old - - born yesterday - - by geologists' standards. We're lucky that so much of its story happened when humans were able to see it.

I have been privileged to represent the Sound Shore area in the Congress for the last 19 years. During that time I have co-chaired the Long Island Sound Caucus and brought more than \$30 million in federal money to environmental improvements on Long Island Sound. While most of the changes in the Sound have been the result of natural processes - - glacial melting, tidal drainage, and rising sea levels - - we know that our own actions have played and continue to play a role as well. That's why protecting and enhancing the Sound has always been one of my highest priorities.

I am pleased that the Army Corps of Engineers in conjunction with the EPA (Regions 1 and 2), New York Department of State, New York Department of Environmental Conservation, Connecticut Department of Environmental Protection, Connecticut Department of Transportation, Rhode Island Coastal Resources Management Council and the National Oceanic and Atmospheric Administration, are working together in the best interests of the Sound.

As a result of rules and regulations set out by the EPA in 2005, dredged material from lakes, harbors, and other areas can be placed in the Sound. In order to protect the Sound, the Army Corps of Engineers is developing the Programmatic Environmental Impact Statement (PEIS) to evaluate the impacts identified in the development of a Dredged Material Management Plan (DMMP). This DMMP is important for

understanding where dredged material that would be generated in the maintenance or the improvement of navigation facilities in Long Island Sound could go, while respecting the environment of the Sound and its tributaries.

All of us here recognize the importance of protecting the Sound. I urge the EPA and the Army Corps of Engineers to consider all options through the DMMP and the PEIS when it comes to the handling of dredged material, including what the material is, what might be in it, and whether alternate sites other than the Sound exist.

At the same time, these agencies must also ensure safe and timely management of the region's dredged material, while meeting the need for safe and economically viable navigation for water-based commerce, transportation, national security, and other public purposes. I hope that in doing so, the DMMP will protect the environmental well-being of the Sound for Sound Shore residents, as well as those communities inland, many of which have tributaries that eventually end up in the Sound.

I will continue to work together with individuals, local organizations, and government at all levels to ensure that the Long Island Sound is protected and local harbors and tributaries receive the proper maintenance.

U.S. ENVIRONMENTAL PROTECTION AGENCY

AND

U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND/NEW YORK DISTRICTS

LONG ISLAND SOUND PUBLIC SCOPING MEETING
LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN

November 27, 2007
1:10 p.m.

Danfords Inn
25 East Broadway
Port Jefferson, New York

2	<p>1</p> <p style="text-align: center;">AGENDA</p> <p>2</p> <p>3</p> <p>4 Introduction by Carlton Hunt</p> <p>5 Background by Mel Cote, EPA-New England/New York</p> <p>6 Regional Dredging Team by Joe Seebode, Army Corps</p> <p>7 of Engineers, New York</p> <p>8 LIS DMMP by Mike Keegan, Army Corps of Engineers,</p> <p>9 New England</p> <p>10 PEIS Scoping Process by Chris Ricciardi, Army Corps</p> <p>11 of Engineers, New England/New York</p> <p>12 CT Project/Program Update by George Wisker, CT DEP</p> <p>13 NY Project/Program Update by Steve Resler, NY DOS</p> <p>14 Open Session</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 Proceedings 4</p> <p>2 MR. HUNT: Good afternoon. I'm Carlton</p> <p>3 Hunt. I'm with Battelle under contract with</p> <p>4 the EPA to help facilitate the meeting. We</p> <p>5 are here in Port Jefferson, Long Island for</p> <p>6 a Long Island Sound Dredged Material</p> <p>7 Management Plan public scoping meeting. By</p> <p>8 way of introduction, Betsy Barrows is</p> <p>9 upstairs with a sign-in sheet. All public</p> <p>10 please sign in. It's important to get your</p> <p>11 names for communication in the future.</p> <p>12 The EPA, Army Corps of Engineers, the</p> <p>13 states of New York and Connecticut, and NOAA</p> <p>14 are putting these meetings on for several</p> <p>15 purposes: First, to update and educate the</p> <p>16 public on what has been done and will be</p> <p>17 done with respect to the Dredged Material</p> <p>18 Management Plan for the Long Island Region;</p> <p>19 the second piece is to receive input from</p> <p>20 the public on issues of concern that go into</p> <p>21 the Dredged Material Management Plan scoping</p> <p>22 effort.</p> <p>23 Scoping is a critical component of any</p> <p>24 National Environmental Policy Act exercise.</p> <p>25 We will hear a little more today about that</p>
3	<p>1</p> <p style="text-align: center;">PUBLIC COMMENTS AND STATEMENTS</p> <p>2</p> <p style="text-align: center;">Page</p> <p>3</p> <p>4 Maureen Dolan Murphy 6</p> <p>5 Citizens Campaign for the Environment</p> <p>6 John Bellport 12</p> <p>7 Resident of Shoreham</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 Proceedings 5</p> <p>2 exercise and what will happen in the future.</p> <p>3 This is part of the formal process of a NEPA</p> <p>4 program. At the beginning, these public</p> <p>5 sessions are the start of the program. You</p> <p>6 will hear more today about work happening in</p> <p>7 the last few years, but in fact, this begins</p> <p>8 the public process of making a DMMP a</p> <p>9 reality. Note that the public aspects of</p> <p>10 this are going to be recorded by a</p> <p>11 stenographer. I ask people who wish to</p> <p>12 speak to clearly state your name and</p> <p>13 affiliation. There are also websites you</p> <p>14 can submit comments to. The record will be</p> <p>15 held open 30 days to receive written</p> <p>16 comments, and some of the speakers will</p> <p>17 indicate other communication means to insure</p> <p>18 that the public is kept informed and so you</p> <p>19 can stay close to the process.</p> <p>20 Some rules of the road, we are going</p> <p>21 to do all the presentations, then we will</p> <p>22 take questions and comments at that point.</p> <p>23 There is a small number of the public here.</p> <p>24 It's great we have people here to ask</p> <p>25 questions and learn. What I'm going to do</p>

<p>1 Proceedings 6 2 is start the program by introducing Mel Cote 3 of the EPA Region I. 4 (Presentations were given by Mel Cote, 5 Joe Seebode, Mike Keegan, Chris Ricciardi, 6 and George Wisker as indicated in the 7 scoping meeting agenda.) 8 MR. HUNT: Thank you. We will open 9 the meeting now for comments and questions. 10 I want to set the protocol. Are there any 11 representatives of any elected official that 12 would like to speak first? Seeing none, the 13 floor is open to the public for comments. 14 This is a scoping meeting, and certainly the 15 speakers can answer questions on the record, 16 and we would appreciate your comments and 17 questions now, please. 18 State your name and for the record. 19 MS. MURPHY: I have a prepared 20 statement. My name is Maureen Dolan Murphy. 21 I'm with Citizens Campaign for the 22 Environment. Citizens Campaign for the 23 Environment is an 80,000 member advocacy 24 organization. We have offices in both New 25 York and Connecticut.</p>	<p>1 Proceedings 8 2 EPA and the Army Corps of Engineers are 3 holding and urges the agencies to continue 4 to hold public meetings throughout the 5 process. A stakeholder advisory committee 6 should be established to provide direct 7 input for the crafting of the DMMP and the 8 implementation of this important plan. 9 Currently, such a component does not exist, 10 and this has been a source of frustration 11 for the many users and environmental groups 12 who have worked diligently to protect this 13 valuable water body. 14 Two, a key component of the DMMP is to 15 create an infrastructure to de-water or 16 process the dredged material. One essential 17 obstacle to beneficial re-use of dredged 18 materials is the infrastructure needed to 19 insure they are dried out or de-watered. 20 Once dried, material is cheaper to ship and 21 can be used for numerous projects, whether 22 they be mine reclamation or wetland 23 restoration. The DMMP should include one or 24 more permanent or semi-permanent de-watering 25 facilities.</p>
<p>1 Proceedings 7 2 In 2004, CCE opposed the Environmental 3 Protection Agency's plan to designate two 4 sites on Long Island Sound as designated 5 dump sites for 20 years. CCE understands 6 that dredging for the safety of navigation 7 is a necessary activity, however, open-water 8 disposal of the dredged material is not. 9 CCE commends the states of New York and 10 Connecticut, the Environmental Protection 11 Agency, and the Army Corps of Engineers for 12 coming together to find a better solution 13 for disposing of dredged materials. CCE 14 believes that the historical bi-state 15 agreement is the first step to end 16 open-water dumping in the Long Island Sound 17 which has been going on for decades. We 18 look forward to the swift development and 19 implementation of the Dredged Material 20 Management Plan for the Long Island Sound. 21 We would like to offer the following 22 comments: The development of the DMMP 23 should follow an open process where public 24 comment is welcomed. CCE appreciates the 25 current round of public meetings that the</p>	<p>1 Proceedings 9 2 The DMMP should identify designated 3 funding sources for beneficial re-use 4 projects. A designated funding source needs 5 to be established at both the state and 6 federal levels. The initial cost of 7 utilizing beneficial re-use will be higher 8 than the cost of dumping the dredged 9 material in the open waters of the sound, 10 however, once beneficial re-use options are 11 used throughout the sound, they will become 12 more cost effective. Providing initial 13 funding for beneficial re-use projects 14 should be a priority to insure entities are 15 making the right choices for our ecosystem's 16 health. 17 Continuing with open-water dumping as 18 a primary needs of disposal is 19 counterproductive to past, present, and 20 future efforts of all of the involved 21 agencies as well as many of the stakeholder 22 organizations who have worked so vigorously 23 to protect the sound's aquatic ecosystem and 24 water dependent industries. 25 Four, a significant portion of the</p>

<p>1 Proceedings 10 2 Dredged Material Management Plan should 3 focus on alternatives to dumping and 4 beneficial re-use options. The document 5 should highlight alternatives that can be 6 utilized for future dredging projects and to 7 provide resources and tools needed for 8 entities to use these alternatives. The 9 document should also identify future 10 projects that can re-use dredged material. 11 These can include both beach nourishment 12 projects, wetland restoration projects, 13 capping of landfills, mine reclamation 14 projects as well as the development of 15 construction material. 16 Five, CCE is concerned with the 17 current policies regarding capping of 18 dredged material and that will be permitted 19 to be dumped under the last option criteria. 20 CCE raised several concerns with capping in 21 our comments on the EPA's 2004 proposal. 22 CCE would like the EPA and Army Corps to 23 address these concerns when allowing 24 projects to utilize last option of disposing 25 of dredged material in open waters of the</p>	<p>1 Proceedings 12 2 provide a permanent change in how we use 3 dredged materials. 4 The DMMP should act as a tool and 5 guide for beneficial re-use options. 6 Identifying the beneficial re-use options 7 and insuring proper infrastructure and 8 funding are the essential components of a 9 comprehensive and successful DMMP. 10 Thank you for this opportunity. 11 MR. HUNT: Thank you. Are there other 12 individuals who would like to speak or ask a 13 question? 14 MR. BELLPORT: I have a question. 15 MR. HUNT: Could you please state your 16 name. 17 MR. BELLPORT: John Bellport. I'm a 18 resident of Shoreham. What is the purpose 19 of this? I have never heard of such a thing 20 before as capping the stuff, I guess, the 21 spoils that come from the harbors that are 22 dredged that are put into the sound. What 23 would be the purpose of capping? I don't 24 even know what you would use to cap the 25 materials with.</p>
<p>1 Proceedings 11 2 Long Island Sound. 3 First, the Army Corps, EPA, New York, 4 and Connecticut should be consistent in 5 mandating immediate capping of dredged 6 material for any project that uses dumping 7 as a last resort. The DMMP should clearly 8 dissuade requests for delayed capping. Such 9 requests that are accompanied by rationales 10 of funding concerns or availability of 11 capping materials should not be permitted. 12 A good DMMP should consist of a streamline 13 approach that requires disposal and capping 14 to be sequential and timely. 15 Two, the DMMP should identify where 16 the clean sediment should come from before 17 allowing the project to proceed with 18 dumping. 19 Three, the cost of the clean sediment 20 needs to be factored into the cost of 21 open-water disposal for the true cost of 22 disposal. 23 The most important goal for the DMMP 24 is to view dredged material as a resource 25 rather than a waste product. This will</p>	<p>1 Proceedings 13 2 MR. SEEBODE: I'll take a shot, and 3 I'll let Doug give you a more technical 4 response. In regard to contamination and 5 from a basic engineering perspective, some 6 of the sediment that comes out of the sound 7 and out of some of our harbors are highly 8 organic, it's mud and silt, and that silt 9 has made its way down to the harbor, maybe 10 it's washed off a roadway, washed off a 11 property, and it may be contaminated with 12 small amounts of things like petroleum 13 products or metals, not significant amounts, 14 but small amounts, but we desire, if we are 15 going to put those materials into the sound, 16 to make sure they are not what is called 17 "bio available." We put them on the bottom 18 of the sound. We don't want worms and other 19 things to go into them and to bio-accumulate 20 small amounts of those chemicals. So what 21 we do is make them bio available from an 22 engineering perspective by putting a cap 23 over them. It's a fairly technical, highly 24 engineered approach. Even though it's under 25 water, we put the material down from the</p>

<p>1 Proceedings 14 2 original dredging project, it goes very 3 specifically point dumped in a location, and 4 then we come in and we cover it over with 5 three to five feet of cleaner material like 6 sands and clays that don't have 7 contamination. That is the engineering 8 approach to make the material bio available. 9 Remember, when it's in the harbor, it's 10 already bio available because the worms and 11 fish are already in that material. When we 12 dredge it, we manage it so the material is 13 not able to be bio available to these 14 organisms. 15 MR. PABST: Doulas Pabst, 16 Environmental Protection Agency. Basically, 17 you are putting a layer of something over 18 something else that has been put in the 19 water, which was the explanation that Joe 20 gave, which I was going to give a similar 21 explanation. It's required by the federal 22 government and/or the state government 23 depending on the type of material that is 24 proposed to be placed in Long Island Sound. 25 It's a term that we use in the program for</p>	<p>1 Proceedings 16 2 Seeing no hands or otherwise, I would say we 3 met our objective for this meeting and would 4 call this meeting to a close, and the 5 agencies are here and available to talk if 6 you wish. Thank you for coming out. 7 (Time is 2:15 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 Proceedings 15 2 a management technique as Joe described. 3 MR. BELLPORT: Is it supposed to 4 prevent any of the bad stuff from leaching 5 out or being affected by or infested by 6 other things? 7 MR. PABST: It's to prevent organisms 8 from coming into contact with that material, 9 as Joe indicated. 10 MR. WISKER: It makes it unavailable 11 for the organism to get into it as well as 12 provides physical and chemical barriers. The 13 cap is generally thought for most purposes 14 -- I'm George Wisker from the State of 15 Connecticut DEP. The general accepted cap 16 thickness to avoid the chemical and 17 biological affects on critters is considered 18 to be about half a meter, so about 20 inches 19 of material effectively isolates chemicals 20 working out of it as well as critters, which 21 is more of a problem, digging down into it. 22 MR. HUNT: Thank you. Any other 23 questions or comments on the DMMP? This is 24 a public scoping meeting. It's where you 25 identify issues you want to see addressed.</p>	<p>1 17 2 3 CERTIFICATION 4 5 I, JOAN R. LIVOTI, a Notary Public in 6 and for the State of New York, do hereby 7 certify: 8 THAT the foregoing is a true and 9 accurate transcript of my stenographic 10 notes. 11 IN WITNESS WHEREOF, I have hereunto 12 set my hand this 2nd day of December, 2007. 13 14 _____ 15 JOAN R. LIVOTI 16 17 18 19 20 21 22 23 24 25</p>

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT
AND ENERGY

Jean Brochi
USEPA, New England Region
One Congress Street, Suite 1100 CWQ
Boston, Ma 02114-2023

RE: Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) for the Long Island Sound Dredged Material Management Plan (LIS DMMP)

Scoping Meeting: November 27, 2007

Dear Ms. Brochi:

Comments for the record:

Suffolk County welcomes the exploration of the environmental impacts of the various alternatives for the disposal of dredge spoil identified in the LIS DMMP during the preparation of the proposed PEIS. The County continues to advocate the review of alternative methods of dredge spoil disposal that do not include the designation and authorization of long-term, open water, disposal sites in Long Island Sound. Suffolk County is also committed to the eventual elimination of open water disposal sites in Long Island Sound in order to protect the water quality of Long Island Sound.

Some previously identified alternatives to open water disposal sites in Long Island Sound we would like to see further explored are:

- (a) Upland disposal
- (b) Disposal beyond the continental shelf
- (c) Disposal in open and/or closed landfills
- (d) Beneficial re-use including:
 - (i) Asphalt, cement and other aggregate uses (roadway sub bases)
 - (ii) Brownfield remediation
 - (iii) Use at closed mines and quarries
 - (iv) Agricultural use
 - (v) Beach placement (sand replacement)

As outlined in the May 27, 2004 letter from County Executive Steve Levy to Jean Brochi of USEPA Region I, regarding the FEIS, Suffolk County remains extremely concerned by the potential long and short term impacts to Long Island Sound by the projected deposition of millions of cubic yards of dredge spoils into Long Island Sound. These concerns remain as valid today as they were during 2004 and a summary of the concerns are as follows:

Natural Estuary Designation:

The Long Island Sound was designated an "Estuary of National Significance" under the USEPA funded National Estuary Program (NEP) in 1987. The NEP seeks to protect nationally significant estuaries from pollution, development, and overuse. Currently, there are no long-term dredge material disposal sites designated by USEPA in Long Island Sound. The U.S. Army corps of Engineers (USACE) short-term authority for the Central Long Island Sound site expired in February 2004, and the Western Long Island Sound site will close within two (2) years. There does not appear to be an environmentally substantive reason to create long-term disposal sites in the Long Island Sound where none exist today.

Economic Impact:

The Long Island Sound Study estimates the value of the Sound to the local economy to be \$5.5 billion annually. Designating long-term dredge material disposal sites in the Sound instead of allowing the short-term authority of USACE to expire has the potential to jeopardize this economic engine for the region.

Impact on Dissolved Oxygen:

Long Island Sound is severely impacted by low dissolved oxygen levels, a fact acknowledged by the USEPA (FEIS page 4-57), "Hypoxia, or low DO concentrations, has been identified as the most pressing priority problem in Long Island Sound". "The introduction of nutrients or organic material to the water column as a result of the discharge can lead to a high biochemical oxygen demand (BOD), which in turn can lead to reduced dissolved oxygen, thereby potentially affecting the survival of many aquatic organisms."

The FEIS cites (page 5-4) that "...dredged material disposal may include the release of nutrients or contaminants from sediments during the descent phase." It maintains that these impacts are "generally small," however, it continues that a U.S. Army Corp of Engineers study "was unable to describe cumulative effects due to complex and interrelated environmental factors" from dredged material disposal. The lack of essential information is sufficient reason to proceed with caution when considering designation of long-term disposal sites within the Long Island Sound. What is known is that during the summer of 2002 there was a 130 square mile hypoxic zone that persisted for more than 60 days in Long Island Sound.

In 2001, the USEPA approved a 58.5% reduction in the Total Maximum Daily Load for nitrogen into the Long Island Sound. Approval of dredge material disposal sites within the Sound by USEPA directly conflicts with this policy. Furthermore, Suffolk County maintains that for the protection of the Long Island Sound estuary from the cumulative detrimental effects of the continued dumping of dredge spoil, it should be the goal of the USEPA to reduce or eliminate the long-term disposal of dredged material in Long Island Sound. Every level of government on Long Island (village, town, county and state) has recognized the importance of this natural resource and are actively participating in, and funding, activities to improve water quality in the Long Island Sound.

Consisting with Environmental Regulations:

Before even considering disposal sites within the Long Island Sound, both the Clean Water Act (CWA) and the Marine Protection, Research, and Sanctuaries Act (MRPSA) direct USEPA to utilize open ocean sites (beyond the continental shelf) wherever feasible. The MRPSA, [33 U.S.C.S. Section 1412(a)(I)

requires that “in designating recommended sites the Administrator shall utilize wherever feasible locations beyond the edge of the continental shelf.”

The regulations under the Federal Clean Water Act (CWA), Subchapter H – Ocean Dumping, General Criteria for the Selecting of Sites, [40 CFR, Sections 2228.5(a) and (e)], provide that:

- “The dumping of materials into the ocean will be permitted only at sites or in areas selected to minimize the interference of disposal activities with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation.”
- “USEPA will, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf, and other such sites that have been historically used.”

The USEPA proposal to designate long-term disposal sites within the Long Island Sound estuary appears to contravene these sections of law.

Environmental Consequence:

The FEIS noted that the primary effects of the continued dumping of dredge spoils in Long Island Sound include: physical, chemical, and biological impacts to the water column; burial of native species; bioaccumulation of contaminants; long-term cumulative effect to the benthic community and local food web; reductions in infaunal abundances and species diversity; and long-term impacts to fish and shellfish due to changes in habitat and food resources. These cumulative impacts are likely to occur as a result of multiple disposal events over time at the same designated dumpsites.

The FEIS noted that 90% of the dredge material projected to be dumped in the Sound for the next twenty (20) years will originate from within six (6) Connecticut harbors (Guilford/Branford, New Haven, Housatonic/Milford, Bridgeport, Norwalk and Stamford, FEIS page 2-7). These harbors are identified in the Long Island

Sound Study Comprehensive Conservation and Management Plan (pages 51-52) as containing sediment laced with elevated heavy metals and PCB contamination.

Summary & Conclusions:

In summary, Suffolk County strongly desires that the preparation of the PEIS considers the full costs of the environmental impacts of open water dredge spoil disposal in Long Island Sound. Any degradation of the water quality in Long Island Sound will have serious environmental and economic consequences to the residents of Suffolk County. Suffolk County disagrees with the contention of the previous FEIS that the continuation of open water dredge spoil dumping within the Long Island Sound estuary is without significant or long-term impacts.

Alternatives to open water disposal are becoming more viable due to advances in technology and the County welcomes a thorough examination of the alternatives to open water disposal in the PEIS. If open water disposal is deemed to be the only feasible alternative, the USEPA should instead follow the stated requirements of the Clean Water Act and the Marine Protection, Research and Sanctuaries Act and designate ocean dumping sites beyond the continental shelf. The potential increase in projected dredging costs is insufficient reason to render this alternative impractical or infeasible in view of the Sound's \$5.5 billion annual contribution to the region's economy and the hundreds of millions of dollars being expended by local governments to improve water quality through sewage treatment programs, storm water remediation projects, aquatic habitat restoration efforts, both point and non-point source pollution remediation initiatives and public outreach and education programs.

Sincerely,



Carrie Meek Gallagher

Commissioner, Department of Environment & Energy

CMG/ljt

U.S. ENVIRONMENTAL PROTECTION AGENCY

AND

U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND/NEW YORK DISTRICTS

LONG ISLAND SOUND PUBLIC SCOPING MEETING
LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN

November 27, 2007

7:10 p.m.

Holiday Inn
369 Old Country Road
Carle Place, New York

2	<p style="text-align: center;">AGENDA</p> <p>Introduction by Carlton Hunt</p> <p>Background by Mel Cote, EPA-New England/New York Regional Dredging Team by Joe Seebode, Army Corps of Engineers, New York</p> <p>LIS DMMP by Mike Keegan, Army Corps of Engineers, New England</p> <p>PEIS Scoping Process by Nancy Brighton, Army Corps of Engineers, New England/New York</p> <p>CT Project/Program Update by George Wisker, CT DEP</p> <p>NY Project/Program Update by Steve Resler, NY DOS</p> <p>Open Session</p>	4
<p>1</p> <p style="text-align: center;">PROCEEDINGS</p> <p>MR. HUNT: Good evening. I'm Carlton Hunt. I want to welcome you here.</p> <p>Anybody who wishes to speak, you can come to the mike and it will be recorded by the stenographer, or you can ask questions. This is a meeting where you can ask clarifying questions.</p> <p>We've come to the point in the public meeting where we would like to have input. As is customary, if there's any elected official or representative who would like to speak, it's the opportunity now. If not, we will move on, as I said earlier, to those who signed up to speak.</p> <p>Let's move on to those who signed up. We did have two people. In alphabetical order, Frank O'Keefe.</p> <p>MR. O'KEEFE: I just wanted to say that I represent the Lloyd Harbor Conservation Board. The reason I came was to actually speak to the specific issue that came to our attention in the</p>	<p>1</p> <p style="text-align: center;">PROCEEDINGS</p> <p>press in recent days concerning a proposal by Norwalk across the water to dredge and dump from off their shores what apparently is considered contaminated -- whatever the definition of that might be, contaminated and potentially toxic dredge spoils.</p> <p>We basically wanted to voice our contempt for that proposal and think it's reckless and want to find out perhaps in the context of this meeting, since that essentially is what the policy is or what your efforts is to -- are designed to do is to define the policy for what is to be done with dredge spoils to say how does that get addressed in your process.</p> <p>Ultimately from Lloyd Harbor's prospective, the Conservation Board, we believe that the Sound is a public good, and several years ago we came out adamantly opposed to the EPA plan to dump a whole lot of dredge spoils in two sites off of our shores at apparently \$9 cubic yard, which we thought was devoid of</p>	<p>1</p> <p style="text-align: center;">PROCEEDINGS</p> <p>(inaudible) analysis that would imply that that effectively is what the cost of downstream impacts were going to be on the populous and the fish and the plant life in the sound, which we thought was woefully without any real thought.</p> <p>So I came here to listen, to understand what the progress is on sort of the Clinton initiative to develop a plan per the May legislation and to see how we can contribute and make our voices heard in our little small town.</p> <p>STEVE RESLER: Steve Resler, New York Department of State.</p> <p>Lloyd Harbor also has what's called the Local Waterfront Revitalization Program, which is a formal element of the New York Coast Management Program. When we initially objected to the designation of the two sites in the Long Island Sound, your Local Waterfront Revitalization Plan was used in part for that objection.</p> <p>So we said that the designation</p>

6	<p>1 PROCEEDINGS</p> <p>2 of disposal sites in Long Island Sound</p> <p>3 and subsequent uses of them for the</p> <p>4 disposal of dredge materials would be</p> <p>5 inconsistent with New York's Costal</p> <p>6 Management Program. Your (inaudible) was</p> <p>7 included in that.</p> <p>8 But the Norwalk project is one</p> <p>9 of the projects that was exempted from</p> <p>10 our objection when we all agreed to allow</p> <p>11 for the designation of disposal sites if</p> <p>12 the initial project were modified so that</p> <p>13 the DMMP would be done by a certain date,</p> <p>14 and if it's not done by that date, the</p> <p>15 sites would no longer continue to be</p> <p>16 used.</p> <p>17 So this is an interim process</p> <p>18 that we're going through now where</p> <p>19 Norwalk -- we all agreed that Norwalk</p> <p>20 would not be banned or barred as a result</p> <p>21 of our decision from continuing to use</p> <p>22 one of the two sites for the disposal of</p> <p>23 its materials for this project. It</p> <p>24 doesn't mean it might not have to go</p> <p>25 through the process separately at some</p>	8
7	<p>1 PROCEEDINGS</p> <p>2 point in the future. For now, Norwalk</p> <p>3 was exempted from it.</p> <p>4 MEL COTE: Steve is right in</p> <p>5 terms of that that project had been</p> <p>6 permitted several years back and was</p> <p>7 specifically exempted from the rule</p> <p>8 making, but in terms of throwing the term</p> <p>9 contaminated toxic around kind of</p> <p>10 loosely, the project as all dredging</p> <p>11 projects in Long Island Sound, went</p> <p>12 through extensive testing on the</p> <p>13 chemistry, on the bio-cumulative</p> <p>14 potential, physical characteristics,</p> <p>15 under fairly strict ocean dumping act,</p> <p>16 MPRSA requirements.</p> <p>17 Those are test sampling plans</p> <p>18 that are worked out between the EPA, the</p> <p>19 Corp, technically the state in which the</p> <p>20 dredging is taking place. The</p> <p>21 material -- the vast majority of the</p> <p>22 material -- and Jean Brochi is actually</p> <p>23 the project manager who will talk more</p> <p>24 technical about it, was found suitable</p> <p>25 for open water disposal with management,</p>	9
6	<p>1 PROCEEDINGS</p> <p>2 and that's a step that, as you said,</p> <p>3 you're right, there are various degrees,</p> <p>4 degrees of cleanliness or contamination,</p> <p>5 and the tests that we've used that are</p> <p>6 probably most indicative of what kind of</p> <p>7 impact it can have on the marine</p> <p>8 environment and human health is bio-</p> <p>9 accumulation. What is the potential for</p> <p>10 those chemicals to be picked up by worms</p> <p>11 and other critters, as George likes the</p> <p>12 word, in muds in the bottom sediments of</p> <p>13 the Sound, and then bio-accumulating up</p> <p>14 through the food chain.</p> <p>15 Those are the results we used to</p> <p>16 determine whether or not it could go out</p> <p>17 for open water disposal. The vast</p> <p>18 majority of the material was found</p> <p>19 suitable, that it would not cause adverse</p> <p>20 impacts to the human health or marine</p> <p>21 environment.</p> <p>22 Material that was found</p> <p>23 unsuitable and they didn't want urbanized</p> <p>24 harbors in Connecticut and New York,</p> <p>25 there is material that doesn't pass our</p>	8
7	<p>1 PROCEEDINGS</p> <p>2 tests. That cannot go out to open water</p> <p>3 disposal. I don't know the exact</p> <p>4 quantities, what was found suitable, what</p> <p>5 was found unsuitable.</p> <p>6 George, if you want to just add</p> <p>7 a little bit more about the State's extra</p> <p>8 level of effort with the water quality</p> <p>9 standards.</p> <p>10 GEORGE WISKER: Sure. As Mel</p> <p>11 said, there was very much coordination,</p> <p>12 and it was a lot of testing that went on</p> <p>13 about that material. There was I think</p> <p>14 it was about 40,000 yards of that</p> <p>15 material that failed toxicity testing,</p> <p>16 which under the rules and laws and good</p> <p>17 common sense, did not go into Long Island</p> <p>18 Sound.</p> <p>19 That material actually was put</p> <p>20 into pits that were excavated in the</p> <p>21 channel in the Norwalk River, buried and</p> <p>22 covered over with a cleaner material that</p> <p>23 was excavated out of those pits.</p> <p>24 The Norwalk project also was</p> <p>25 broken into for a variety of reasons.</p>	9

10

1 PROCEEDINGS

2 Part of it was funding, part of it was

3 the amount of time needed to do it in two

4 phases. Phase one of Norwalk was

5 actually completed in I believe it was

6 what, 2005, 2006, so the whole upper part

7 of the river was actually completed.

8 That was done. It's completed.

9 That material actually went out,

10 and the material -- we in the State of

11 Connecticut in our water quality

12 standards, one of the things we're

13 looking at is using best management

14 practices to manage the disposal. That's

15 in our water quality standards. One of

16 the best management practices we felt was

17 appropriate in this case is the use of

18 capping in that we wanted to ensure that

19 that material that went out there -- the

20 sequence that it went out actually ends

21 up with some of the cleaner material

22 towards the top.

23 We wanted to make sure that that

24 material was going to be protected and

25 kept from getting into the environment.

11

1 PROCEEDINGS

2 The first phase actually was

3 capped with a cleaner material that was

4 dredged to make the pits. That ended up

5 on top of that. The thing right now that

6 Norwalk is waiting for is the funding,

7 adequate funding to finish phase two.

8 Part of the requirement that the

9 State put on on Norwalk was to cap the

10 final project with 75,000 yards. It's a

11 Corps of Engineers project, so it's the

12 Corps of Engineers and the State that

13 have been discussing this particular

14 issue.

15 It's a condition that was put in

16 the water quality certificate in 2004

17 when it was issued. That's the current

18 state of where it is. There is remaining

19 material to go out, but there's a

20 condition in the water quality

21 certificate that requires it to be

22 capped. That material would be coming

23 from another dredge project somewhere

24 that is found clean enough to be used as

25 a cap.

12

1 PROCEEDINGS

2 MR. O'KEEFE: Some years ago,

3 three years ago perhaps there was another

4 one of these forums held at a university

5 on 110. I was new to the community and I

6 went.

7 The EPA folks who hosted it were

8 confronted by a fisherman. It was fuller

9 crowd and a bit more raucous. The

10 fisherman said, "Why don't you dump this

11 in the ocean? I make my living in the

12 sound." The reply from the gentleman

13 representing the EPA was it's too toxic.

14 We filmed it. Well, you can imagine what

15 the response was in the hall. It was

16 anything but hospitable.

17 But then the fellow dug deep and

18 tried to explain it. He said because the

19 sound is more toxic than the ocean, so we

20 have the latitude to put the toxic dredge

21 spoils. It's on film.

22 MEL COTE: I have no idea what

23 you're talking about. Send it to us.

24 MR. O'KEEFE: I'm trying to get

25 a purchase as to where we were. I'm

13

1 PROCEEDINGS

2 trying to get traction.

3 DOUG PABST: You totally lost

4 me. I don't know about everybody else.

5 MR. O'KEEFE: I guess what I'm

6 trying to say is we read in the paper

7 that the dredge spoils in Norwalk are, in

8 fact, toxic, Senator Schumer --

9 DOUG PABST: We're saying

10 they're not.

11 MR. O'KEEFE: The Army Corp

12 gentleman who was interviewed stated that

13 he didn't believe they needed to be

14 capped, and at that meeting up on 110,

15 that's the route --

16 MIKE KEEGAN: That was in 2005. I

17 think the point we're trying to make to

18 you, sir, is that this meeting is to talk

19 about the DMMP moving forward. We will

20 be more than willing after this meeting

21 to sit and talk to you about your

22 particular issue. But right now --

23 MR. O'KEEFE: We're just trying

24 to understand at Lloyd Harbor.

25 MIKE KEEGAN: I understand that.

14

1 PROCEEDINGS

2 We'll try to make you more comfortable

3 and have more discussion. Right now, we

4 have other people that would like to

5 talk.

6 MR. O'KEEFE: I would like to

7 sit down. The notion of capping was not

8 consistent with the news reports. The

9 notion of migration of the dumping sites

10 was also an issue that was raised on 110.

11 STEVE RESLER: Let me try to

12 clarify something. Our initial objection

13 in New York to the designation of sites

14 was based in large part on our desire in

15 New York, as I said before, if we can, to

16 terminate the open water disposal of

17 either clean or contaminated materials in

18 Long Island Sound, not just contaminated

19 materials, but clean as well so it's

20 treated as a valuable commodity. To get

21 to the issue that you raised with regard

22 to what someone supposedly raised five

23 years ago or three years ago, you have to

24 go back and look at legislation at the

25 times.

15

1 PROCEEDINGS

2 In 1968 we had the Clean Water

3 Act that was enacted by Congress. The

4 Clean Water Act regulates, as Mel said

5 earlier on, materials that are placed

6 within the territorial limits of the

7 states, essentially up to three miles

8 from shore.

9 In 1972, the Ocean Dumping Act

10 was created, and in that it prohibited

11 the disposal of certain materials, some

12 of the more toxic materials, in the open

13 ocean beyond three miles from shore.

14 It's kind of bizarre, because

15 what that does is allow for the disposal

16 of contaminants in the highly dynamic,

17 most populated near shore areas -- it

18 allows disposal there of things that

19 wouldn't be allowed further offshore.

20 That, in part, is why New York objected

21 to disposal materials in Long Island

22 Sound and is trying to force the issue so

23 that we no longer do business that way.

24 The legislation, the laws we

25 have on the books today enacted by

16

1 PROCEEDINGS

2 Congress don't make sense and fit, in our

3 opinions, the way we think they should

4 work. So what we're trying to do here is

5 ultimately get this material out of Long

6 Island Sound, which I think is where

7 you're saying you want to go. That's

8 what this entire group is trying to do.

9 MR. O'KEEFE: I will let the

10 people know in Lloyd Harbor.

11 MR. HUNT: Joel Ziev.

12 MR. ZIEV: Thank you. First let

13 me introduce myself. Joel Ziev. I'm

14 here as a citizen, but I'm also a member

15 of the Long Island Sound study CAC, and

16 I've chaired the dredging and sediment

17 committee of the CAC for a number of

18 years going back probably five or six,

19 both for Connecticut and for New York.

20 For those that don't know, the

21 CAC is a joint effort funded by the EPA,

22 federal, to manage and help manage Long

23 Island Sound and the work of Long Island

24 Sound study. I also serve as an adviser

25 to the Town of North Hempstead on

17

1 PROCEEDINGS

2 waterfront issues.

3 I'm not here as an official of

4 the Town of North Hempstead or the CAC,

5 but I'm a very interested participant in

6 what goes on here. I was invited several

7 years ago in 2006, just a year ago, to a

8 conference in Portland, Oregon called,

9 "Managing Sediments in the Water Shed,"

10 which was a conference by both the EPA

11 and the national dredging team and the

12 subcommittee on integrated management of

13 ocean resources team to discuss the

14 issues that you're talking about here

15 tonight.

16 I was very impressed by that

17 conference. I learned a great deal.

18 Some of the things I learned was that the

19 Corp has three fundamental priorities.

20 The first one is movement of commerce,

21 the second is national security, and the

22 third -- and it's not really one, two,

23 three, it's one, two, three, is

24 recreation. The need for deep draft

25 harbors is significant. New Haven,

18	<p>1 PROCEEDINGS</p> <p>2 Bridgeport, New London, New York, we're</p> <p>3 talking 40 to 60 feet is the dredge level</p> <p>4 there. In some cases as little as 30.</p> <p>5 Significant. We are thinking in terms of</p> <p>6 deep draft harbors because the Corp has a</p> <p>7 significant responsibility in doing that.</p> <p>8 In 2003 the EIS study that was</p> <p>9 referred to in the presentation at</p> <p>10 Farmingdale really reviewed that, and it</p> <p>11 clearly said that open water was the way</p> <p>12 to go for the mid Sound and western Long</p> <p>13 Island Sound, but none of the</p> <p>14 alternatives were capable of meeting the</p> <p>15 long-term regional dredging material</p> <p>16 disposal needs of western, central Long</p> <p>17 Island Sound other than open water.</p> <p>18 The EIS also rejected upland</p> <p>19 sites as a viable alternative. Those</p> <p>20 were the two lines, the only two lines</p> <p>21 addressed in an entire EIS that discussed</p> <p>22 anything about upland or alternative</p> <p>23 disposal. Alternate disposal is rejected</p> <p>24 because it's not a viable alternative.</p> <p>25 The State of New York, I</p>	20
19	<p>1 PROCEEDINGS</p> <p>2 welcomed their intervention when this</p> <p>3 came out and came on very strongly and</p> <p>4 said open water in Long Island Sound is</p> <p>5 not the way to go. We have to start</p> <p>6 finding other methods of doing that. The</p> <p>7 CAC rejected the concept of only open</p> <p>8 water, and we start looking at</p> <p>9 alternatives.</p> <p>10 The managing sediment in the</p> <p>11 water shed meeting was brilliant in my</p> <p>12 opinion. I think I was one of two</p> <p>13 members of the public invited to that</p> <p>14 meeting. My travel and expenses were</p> <p>15 paid by EPA to come. They probably saw</p> <p>16 me digging with my son at the beach in</p> <p>17 New Jersey, and so I'm an expert in</p> <p>18 dredging all of a sudden.</p> <p>19 But it was a fascinating</p> <p>20 meeting, and I'm looking at what we're</p> <p>21 talking about tonight as really possibly</p> <p>22 a step backward, not going forward,</p> <p>23 because the Corp has done a lot of work</p> <p>24 in alternative disposal. The Corp has</p> <p>25 done a significant amount of work, as has</p>	21
18	<p>1 PROCEEDINGS</p> <p>2 Brookhaven National Labs, on beneficial</p> <p>3 use of dredge material. We haven't</p> <p>4 learned from that? There are things</p> <p>5 happening around the country that are</p> <p>6 amazing in use of -- beneficial use of</p> <p>7 dredge material.</p> <p>8 The thing they said is there is</p> <p>9 no contaminated material. You can't have</p> <p>10 contaminated material. The question is</p> <p>11 how can you use it. Can it be used for a</p> <p>12 public playground or as someone mentioned</p> <p>13 earlier, the underlying of roadbeds. Can</p> <p>14 it be used and contained in cement or</p> <p>15 used to make topsoil mixed with leaves</p> <p>16 and made available through Home Depot for</p> <p>17 sale.</p> <p>18 Many, many things can be done</p> <p>19 here in big time, and the Corp has done</p> <p>20 it. The Corp is working. The Corp</p> <p>21 research labs in Vicksburg, Mississippi I</p> <p>22 believe have taken some major, major</p> <p>23 steps forward in exploring this, in</p> <p>24 researching it and putting it into</p> <p>25 operation, not just talking about it, not</p>	21

22

1 PROCEEDINGS

2 They do have a responsibility

3 for recreational harbors, but getting

4 60 feet in the New York Harbor or 40 or

5 50 feet in New Haven Harbor or Bridgeport

6 or New London for the submarines takes a

7 little precedent over Hempstead Harbor,

8 Manhasset Bay, Oyster Bay in getting a

9 channel in there.

10 Either side -- I know the names

11 better than on this side than the other

12 side, so forgive me. I think we need to

13 learn from those things to see what we

14 have now in place, and I challenge the

15 DMMP not to ignore, not to ignore the

16 issues of the recreational harbors in

17 this community. I think you mentioned

18 recreation as of one your topics. Thank

19 you. First time. It's not on the top of

20 the agenda. It's way down on the bottom

21 of the agenda.

22 But the recreational harbors

23 would be funded not by the Corp, not by

24 Congress. They're not under AMBRO. Most

25 of them are under 25,000 unless they put a

23

1 PROCEEDINGS

2 consortium together to go higher than

3 25,000. The private entities could fund

4 that. The private entities would fund

5 their own marinas. They have permits.

6 Our challenge is to bring the

7 cost down from 54 a yard, a hundred a

8 yard down to a more reasonable -- and

9 they say \$9 a yard. It isn't going to

10 happen. Probably \$20 a yard to make it

11 work, to make it a viable option. Now

12 how do we do that? Forgive me for going

13 on. I hope this is helpful.

14 The real challenge is small

15 projects don't generate enough income

16 from capital outlay for disposal,

17 beneficial use. If you put in a \$100,000

18 dewatering plant, if you put in a reactor

19 plant for a couple hundred thousand or a

20 kiln for whatever it costs, a zillion

21 dollars, you have to have a waste stream,

22 and I'll use the word waste with big

23 capitals. It's not disposal material, so

24 it's material that can feed that plant

25 continuously, 24/7 to make it cost

24

1 PROCEEDINGS

2 effective.

3 If you set up the plan at the

4 head of Manhasset Bay or Hempstead Harbor

5 or Clinton Harbor, you don't have enough

6 material to justify the capital cost of

7 building.

8 So the DMMP that you're

9 developing must develop regionalization

10 of disposal of the premanufacturing

11 material sites. It costs almost nothing

12 to barge material. You can now according

13 to the Port Authority dewater on a barge.

14 You don't even have to bring it upland

15 for six months anymore. Most of the

16 dewatering is now done on barges.

17 We can barge the material to a

18 regional plant. Maybe it's the one in

19 Bridgeport that they're putting up to

20 take New York Port Authority material.

21 Some place to process it economically, to

22 then do what you need to do with it based

23 upon the contents.

24 If it is more -- if it's clean,

25 beach nourishment. I will bet you

25

1 PROCEEDINGS

2 there's almost no beach nourishment going

3 to happen in Long Island Sound. It's

4 happening on the south shore of Long

5 Island. That's a significant effort

6 there, and there's more Corp money coming

7 down the line to fix the outer banks of

8 Long Island Sound -- I'm sorry, of Long

9 Island towards the ocean than any project

10 that we have coming in to the Long Island

11 Sound right now. A fortune in Corp

12 money, so our money being spent on Corp

13 projects on the south shore of Long

14 Island. Beach nourishment is the way to

15 go.

16 We have to be working hard to

17 regionalize this so the smaller bays, the

18 embayments, can go not to 30 feet, 40

19 feet, 60 feet -- do you know what the

20 average depth of the lakes harbors are?

21 Is it 12 to 15 feet? All we need is 12

22 to 15 feet. We're not going for deep

23 draft boats. Well, correction.

24 One of the sail boats came into

25 Manhasset Bay and drew 18 feet of water,

26

1 PROCEEDINGS

2 one of the 80-foot racing boats. He

3 couldn't come in. They were all very

4 upset. Go away. You can't sail anywhere

5 in the area without hitting something

6 except the middle of Long Island Sound.

7 We did find a hole because they did a

8 borrow pit years ago mining sand out that

9 was 30 feet deep in Manhasset Bay that

10 went around wide enough that you could do

11 that. Borrow pit was the way. They were

12 digging sand and just never filled it up

13 again.

14 I have gone on for a while. The

15 failure to plan the future of what's

16 happening, and this is a quote from the

17 conference, is a plan to fail. We really

18 need to be thinking about this in a

19 global sense. Not just the Corp, not

20 just deep draft harbors within Long

21 Island Sound, but all of us, including

22 me, small sailboat, 30 feet, draw 5 feet,

23 I'm bumping. I need to maintain the

24 12-foot, the channels, not the whole

25 harbors, not the whole bays, the channels

27

1 PROCEEDINGS

2 need to be maintained 12 to 15 feet. We

3 don't need to be thinking of New York

4 Harbor, Bridgeport Harbor.

5 I think we have to learn from

6 the past. Yes, someone said we need to

7 be going forward with the new DMMP. We

8 did the EIS. We reviewed it and New York

9 responded to it. Vicksburg has been

10 doing some brilliant work out in

11 Mississippi. The Corps of Engineers --

12 by the way, it's not a lab, it's The

13 Corps of Engineers has been doing this.

14 Brookhaven has been doing this. They

15 know what to do. It's being done in

16 places around the country. We really

17 need to think of it and expand your

18 mission to go more -- to include, not go

19 more to, but to include regionalization

20 of programs for smaller projects for

21 maintenance dredging of recreational

22 harbors.

23 I applaud the people here on

24 staff who can hear this again and again

25 for a couple of days. My heart is out to

28

1 PROCEEDINGS

2 you. I appreciate the opportunity to

3 participate. Thank you very much.

4 MR. HUNT: We will open it up to

5 other public comments, people who have

6 questions or comments. I don't see

7 anybody jumping to come to the podium. I

8 will do it one last time and say that I

9 close this public meeting. Thank you all

10 for coming out on a night that sometimes

11 is hard to get out on. Thank you.

12 (Time noted: 8:30 p.m.)

29

1 PROCEEDINGS

2

3

4 CERTIFICATION

5

6

7

8 I, Terri Fudens, a stenotype reporter

9 and Notary Public within and for the State of New

10 York do hereby certify:

11 That the foregoing transcription is a

12 true record of my stenographic notes.

13 I further certify that I am not related

14 to any of the parties by blood or marriage and

15 that I am in no way interested in the outcome of

16 this matter.

17 IN WITNESS WHEREOF, I have hereunto set

18 my hand.

19

20

21

22 _____

23 Terri Fudens

24

25

LONG ISLAND SOUND PUBLIC SCOPING MEETING
LONG ISLAND SOUND DREDGED MATERIAL
MANAGEMENT PLAN (LIS DMMP)

NOVEMBER 28, 2007

MODERATOR: DR. CARLTON HUNT

PRESENTERS: JEAN BROCHI, EPA
JOE SEEBODE, USACE
MICHAEL KEEGAN, USACE
SUE HOLTHAM, USACE
GEORGE WISKER, CONNECTICUT DEP
STEVE RESLER, NEW YORK DOS

REPORTED BY:

TREVOR DRUMMOND
SHORTHAND REPORTER

2

1 . . . Long Island Sound public scoping meeting
 2 before Trevor Drummond, a duly qualified Court
 3 Reporter within and for the State of Connecticut, held
 4 at Westin Stamford, One First Stamford Place,
 5 Stamford, Connecticut on November 28, 2007 at 7 p.m.
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<p>1 DR. HUNT: Good evening, I'm Carlton 2 Hunt. I'm contracted with EPA to help facilitate 3 these meetings. First of all, if you haven't signed 4 in please do so. There are reasons for that. First 5 to make sure specific communications will come out to 6 you. And there will be E-mail addresses. But Stacy 7 Pala who is one of our folks is out at the desk to 8 help you with anything you may need during the 9 registration or otherwise.</p> <p>10 The EPA Corps of Engineers and states of New 11 York and Connecticut welcome you to this meeting and 12 are very pleased to see folks have turned out to 13 learn, hear, and comment on the next phase of the 14 management plan for Long Island Sound series of 15 scoping meetings, meetings held to get public input on 16 what needs to be included in DMMP as well as status 17 over the next hour. The purpose and expectations of 18 the meetings are to educate and inform the public on 19 what has been done and what is going to happen in the 20 future, and also to receive input from the public on 21 the scoping process. Scoping process are meetings 22 that are part of a normal National Environmental 23 Policy Act defining what needs to be included in the 24 dredging plan. They are occurring early in the process 25 because it's early in the process. We need that input</p>	<p>1 that's great, but if it's something that doesn't 2 relate to the scope we ask you to hold that question 3 or comment.</p> <p>4 That said, I'd like to introduce the first 5 speaker, Miss Jeanie Brochi, EPA.</p> <p>6 (At which time presentations 7 were given by representatives from EPA, Army Corps of 8 Engineers, Connecticut DEP, and New York DOS.)</p> <p>9 DR. HUNT: Come to the point where 10 we open the meeting to the public. And as indicated 11 earlier, we have a number of people who signed up to 12 speak. And as protocol allows we'd like to invite 13 Paul Pimentel of Congressman Shays' office 14 to come up and speak.</p> <p>15 MR. PIMENTEL: Good evening. I'm 16 Paul Pimentel representing Congressman Shays. The 17 Congressman is abroad this week, so he asked me to be 18 here on his behalf. On behalf of really the whole 19 Connecticut delegation, all of the members have been 20 involved in this process of the dredge policy impact 21 statement and DMMP for several years. We want the 22 public to know we'd like to hear from you as well in 23 our offices and share your comment and concerns with 24 us as this moves forward. And as we have been part of 25 this process for a long time, the Congressman has</p>
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<p>1 to make the process go forward efficiently.</p> <p>2 These meetings are being recorded by a 3 stenographer. We will be taking comments. You can 4 hand in things to the stenographer. If you are going 5 to speak please identify yourself and your 6 affiliation. Copies of the agenda are out on the 7 registration desk. They will also be posted on the 8 website.</p> <p>9 And that's my first rule of thumb. I forgot 10 to turn off my cell phone. If you would all do that.</p> <p>11 Also, if you want to be part of the mailing 12 list to be included in communications coming down the 13 road, please sign up.</p> <p>14 We're going to go through all of the 15 presentations tonight. We're going to go through all 16 of these and then take comments and questions. If 17 people have signed up to speak those folks will have 18 first opportunity to speak or make a comment or 19 particularly ask questions. Public scoping meetings 20 are designed for give and take. You can ask questions 21 for clarifications. That's part of the process of 22 defining what should be in the DMMP dredge material 23 management plan put forward tonight and what the focus 24 is. If you get into individual dredging projects or 25 issues if it's something that contributes to the DMMP</p>	<p>1 asked me to read a relatively short statement.</p> <p>2 "I appreciate the EPA's and Army Corps of 3 Engineers' willingness to discuss the Dredge Material 4 Management Plan tonight in Stamford. As co-chair of 5 the Congressional Long Island Sound Caucus, I welcome 6 this opportunity to hear from concerned citizens who 7 have taken the time to share their views and to learn 8 more about the DMMP process.</p> <p>9 "Dredging and appropriate management of 10 dredged sediment is vital to the economic and 11 environmental well-being of both New York and 12 Connecticut. The DMMP is an unprecedented cooperative 13 state and federal effort to maintain safe, 14 environmentally sound, and economically viable 15 navigation in our Long Island Sound ports and harbors.</p> <p>16 Dredging is necessary to maintain Long 17 Island Sound's safe navigation and long-term viability 18 and vitality, and doing so requires that we identify 19 disposal sites for dredged materials.</p> <p>20 "The environmental impact statement 21 temporarily designating disposal sites found that any 22 potential adverse impacts to the Sound's marine 23 environment associated with dredged material disposal 24 at the central and western Long Island Sound sites 25 would be minimal, and could be mitigated with</p>

10	<p>1 appropriate site management. Toxic sludge, as some 2 have called it, is not, has not, and will not be found 3 suitable for open water disposal in Long Island Sound. 4 Long Island Sound is already the most strictly 5 regulated estuary in America when it comes to the 6 management of dredged material. That is not really 7 the issue for this plan.</p> <p>8 "The DMMP should identify all feasible and 9 environmentally responsible protocols for dredged 10 material management. With proper planning the 11 communities on Long Island Sound can be at the cutting 12 edge of taking advantage of new technologies and 13 evolving economic realities.</p> <p>14 The recent enactment of the Long Island 15 Sound Restoration Act and Long Island Sound 16 Stewardship Act, and this year's House passage of an 17 unprecedented level of funding for Long Island Sound 18 programs brings us closer than ever to achieving our 19 long-term goals for the Sound. Given the 20 unprecedented efforts that have gone into preservation 21 and restoration for the last several decades, I think 22 it is only fitting that we work to be national leaders 23 on the management of dredged material.</p> <p>24 It is estimated that over five years, 25 appropriations totaling at least \$16,000,000 will be</p>	12	<p>1 and ten members that are appointed by the senior 2 elected leaders in the state.</p> <p>3 The CTMC is tasked with advising the 4 commissioner of transportation, the Governor, and the 5 General Assembly concerning the state's maritime 6 policy and operations. In that capacity the CTMC has 7 developed maritime policy for the state. The policy 8 supports the development of Connecticut's maritime 9 commerce and industries, including its deep water 10 ports, recommending investments and actions, including 11 dredging, which are deemed necessary to preserve and 12 enhance maritime commerce and industries. The CTMC 13 has taken on the role of being the dredging advocacy 14 group for the State of Connecticut. As the advocacy 15 group, the CTMC is in the process of educating the 16 public and elected officials in the state on dredging 17 issues ranging from the need, the cost, and the 18 environmental concerns.</p> <p>19 The CTMC is concerned about the slow 20 development of the LIS DMMP, thus is encouraged that 21 the public scoping meetings have become a reality. 22 It is the opinion of the CTMC that open water disposal 23 of dredge materials must remain a viable alternative. 24 DAMOS studies show that the designated dredge material 25 disposal sites have been used very successfully for</p>
11	<p>1 required to complete the DMMP. For fiscal year 2008 2 we requested the Energy and Water Appropriations 3 Subcommittee provide \$7.3 million to initiate this 4 plan. The final committee report included \$4.8 5 million. The entire Connecticut delegation is 6 committed to work with our colleagues in New York on 7 funding the DMMP process.</p> <p>8 "Thank you again for coming to Stamford 9 tonight. I look forward to continuing to work with 10 you, and look forward to hearing from the community." 11 Thank you.</p> <p>12 DR. HUNT: Thank you. We'll return 13 to the order in which people signed in. Chuck Beck 14 from Maritime Commission. Chuck?</p> <p>15 MR. BECK: Thank you. My name is 16 Chuck Beck. I am the transportation maritime manager 17 for the Connecticut Department of Transportation. One 18 of my responsibilities is to serve as administrative 19 staff to the Connecticut Maritime Commission. It is 20 in that capacity that I appear before you. I have a 21 letter signed by chairman of the CTMC that I would 22 like to introduce for the record.</p> <p>23 The CTMC was established by state statute 24 13b-(51)(a) in 2004 and consists of 15 members; five 25 of which are state agency heads or their designees,</p>	13	<p>1 decades. There is every reason to believe that the 2 sites can continue to be the least cost 3 environmentally acceptable method of disposal of 4 dredge materials when managed properly.</p> <p>5 I understand that Senator Schumer of New York 6 wrote a letter dated October 15, 2007 expressing 7 concerns about a specific dredging project in 8 Connecticut that was mentioned on Tuesday. I would like to 9 enter for the record the Connecticut Maritime 10 Commission's reply to Senator Schumer dated October 31, 11 2007. The CTMC letter provides factual clarification 12 regarding some of the issues raised in the Senator's 13 letter.</p> <p>14 Thank you for the opportunity to address the 15 panel and submit the letter.</p> <p>16 DR. HUNT: Thank you. The next 17 person who'd like to speak is Don Frost.</p> <p>18 MR. FROST: My name is Donald B. 19 Frost. I live at 220 Deep Wood Road in Fairfield. I 20 was a participant in Governor Rell's Cluster 21 Competiveness Workshop in 2006. And the issue of 22 dredging concerns me as a citizen of Connecticut, 23 because unless dredging starts very soon the leakage 24 of jobs away from the state, the rising cost of 25 living, loss of population, and the lessening quality</p>

14	<p>1 of life in Connecticut will significantly accelerate. 2 The urgency of this issue should not be 3 underestimated.</p> <p>4 I would like to give you one example. For 5 many years Turbana Corp., an Ecuadorian banana grower 6 and shipping company, has brought small noncontainer, 7 refrigerated cargo ships into Bridgeport each week. 8 The boxes of bananas are discharged at the old CILCO 9 terminal into refrigerated trailer trucks for delivery 10 to grocery stores from Westchester County to southern 11 Massachusetts and throughout Connecticut.</p> <p>12 About a year ago Turbana advised their 13 Bridgeport terminal managers, the Bridgeport Port 14 Authority, and I assume the State of Connecticut, that 15 they needed to use bigger ships in order to expand the 16 economic range of their operations in New England. 17 Naturally, the larger ships would be deeper drafted. 18 Their contract in Bridgeport is up in 2008, and as a 19 condition for extending their contract they wanted a 20 realistic estimate of when dredging would take place 21 and they could start using bigger ships. No one could 22 give a realistic timetable, or even assure Turbana 23 that Bridgeport would be dredged.</p> <p>24 As a result, Turbana will pull out of 25 Bridgeport in April 2008 and move their operations to</p>	16	
15	<p>1 Philadelphia. This will have the following results: 2 1. Job loss. 350 to 450 jobs in 3 Connecticut, counting the terminal, longshoremen, and 4 truckers; and a reduction of work by those who service 5 the ships and the port. 6 2. Increased cost of living. The cost of 7 bananas in this region will rise due to the longer 8 trip from Philadelphia, and the bananas will not be as 9 fresh. 10 3. Reduced regional competitiveness. The 11 further increase in road congestion and high cost of 12 living will discourage new industries from locating in 13 the region, and encourage those still here to leave. 14 4. Quality of life issues. 15 A. Increased road congestion. More trucks 16 will traverse the region, beating up our roads and 17 adding to the congestion on our already choked 18 highways. 19 B. Increased environmental damage. The 20 thousands of additional trucks will stream out of 21 Philadelphia every year spewing global warming gases, 22 affecting our planet and our region's health. And the 23 prevailing winds from the west will bring us their 24 pollution left in Pennsylvania, New Jersey, and New 25 York.</p>	<p>1 As you see, it isn't the ship owners who 2 will be hurt if dredging doesn't occur. It will be 3 the citizens of Connecticut and the region and the 4 state itself who will be hurt if dredging doesn't 5 start very soon. Thank you.</p> <p>6 DR. HUNT: Geoff Steadman also 7 signed up.</p> <p>8 MR. STEADMAN: Thank you. My name 9 is Geoff Steadman. I'm a resident of Norwalk, 10 Connecticut, member of the board of directors of 11 Connecticut Harbor Management Association. Our 12 association is a statewide not-for-profit association 13 representing the interests of municipal harbor 14 management and others concerned with Connecticut 15 harbors and marine resources. Our mission is to share 16 information and facilitation. We've long considered 17 dredging and dredge material management issues as 18 among the most important issues affecting Long Island 19 Sound.</p> <p>20 Dredge material placement sites: We 21 conducted a multiyear study as it affects Connecticut 22 ports and harbors for Connecticut's U.S. Congressional 23 delegation and prepared recommendations for improving 24 the overall dredging process which we believe requires 25 significant improvement. In 2007 many of us agree</p>	17

18	<p>1 other beneficial beach nourishment and aquatic uses.</p> <p>2 In conclusion, the Connecticut Harbor</p> <p>3 Management Association looks forward to actively</p> <p>4 participating in the DMMP process as a stakeholder in</p> <p>5 the course of that process when it's appropriate to do</p> <p>6 so. Thank you very much.</p> <p>7 DR. HUNT: Bill Gardella?</p> <p>8 MR. GARDELLA: Bill Gardella. My</p> <p>9 dad and I run Rex Marine Center, and my sister. It's</p> <p>10 a family business. He started it in the '30s. Ten</p> <p>11 years later he did the same thing in Norwalk Cove. We</p> <p>12 host the boat show. I'm also on the board of</p> <p>13 directors of the Connecticut Marine Trades</p> <p>14 Association. It's the only job I've ever had, my</p> <p>15 father's only job. My grandfather started the</p> <p>16 trucking business, but he really loved the marina.</p> <p>17 I want to recognize we certainly are</p> <p>18 appreciative of everyone in this room and not in this</p> <p>19 room on this huge regional issue. We all have our</p> <p>20 differences on how it should be done, but we all need</p> <p>21 to work together and get it done.</p> <p>22 I have just a brief statement. Congressman</p> <p>23 Shays stole my thunder. The State of Connecticut and</p> <p>24 regional leaders, if they're okay letting the most</p> <p>25 efficient transportation we have become unusable --</p>	20	<p>1 Citizens' Campaign for the Environment is an</p> <p>2 80,000 member grassroots organization working for</p> <p>3 preservation of land and water resources, many of the</p> <p>4 region's largest and most impacted waterways; Hudson</p> <p>5 River estuaries, Finger Lakes, and Long Island Sound.</p> <p>6 In 2004 CCE opposed the Environmental Protection</p> <p>7 Agency action to designate areas of Long Island Sound</p> <p>8 as dump sites for 20 years. We agree that dredging</p> <p>9 for the safety of navigation is a necessary activity.</p> <p>10 However, open water disposal is not the solution.</p> <p>11 Coming together for finding a better solution for</p> <p>12 dredged material, the historic bi-state agreement is</p> <p>13 the first step to end open water dumping in Long</p> <p>14 Island Sound which has been going on for decades.</p> <p>15 We have a few comments: The development of</p> <p>16 the DMMP should follow an open process where public</p> <p>17 comment is welcome. I really liked hearing all the</p> <p>18 agency reps, hearing about how the public is most</p> <p>19 important. That's something we wholeheartedly agree</p> <p>20 with.</p> <p>21 A key component of the DMMP is to create a</p> <p>22 way to reuse dredged materials. One obstacle to</p> <p>23 beneficial reuse is storage of dredged materials.</p> <p>24 Once dried, the material is cheaper to ship and can be</p> <p>25 used for numerous projects such as beach</p>
19	<p>1 there are thousands of marine related jobs, not just</p> <p>2 boating businesses, lots of industries that make a</p> <p>3 living off marine trades, millions of dollars of</p> <p>4 economic activity, millions of dollars of tax income.</p> <p>5 These are at risk if we let our safe, navigable</p> <p>6 harbors become unusable. We all know this in the</p> <p>7 room. Our leaders, and I mean it in a positive way,</p> <p>8 if you perpetuate the status quo regarding dredging</p> <p>9 we're going to have a problem. We have to have</p> <p>10 reasonable environmental concerns addressed. Without</p> <p>11 clean water I am out of business, everybody is out of</p> <p>12 business. But we will continue to diminish one of our</p> <p>13 most important economic resources to the detriment of</p> <p>14 the whole region.</p> <p>15 It's a regional issue. We all recognize</p> <p>16 that there are a lot of challenges faced by the region</p> <p>17 to grow. A lot of them we have little influence over.</p> <p>18 The inability to dredge, we made a mountain out of a</p> <p>19 mole hill. We have got to solve this. To go forward</p> <p>20 we have to solve this. Thank you for your time, guys.</p> <p>21 DR. HUNT: Thank you. Kasey Jacobs?</p> <p>22 MS. JACOBS: Hello, my name is Kasey</p> <p>23 Jacobs, Connecticut Citizens' Campaign For the</p> <p>24 Environment. I apologize for those who heard our</p> <p>25 comments at the two New York hearings.</p>	21	<p>1 renourishment. The DMMP should identify funding</p> <p>2 resources for that. Designated funding sources need</p> <p>3 to be established at both state and federal levels.</p> <p>4 While initially the cost of beneficial reuse will be</p> <p>5 higher than the cost of dumping the dredge materials</p> <p>6 in the Sound, if beneficial reuse is used throughout</p> <p>7 the Sound it will become more cost-effective.</p> <p>8 It should be a priority to ensure entities</p> <p>9 are making the right choice for the ecosystem's</p> <p>10 health. The ecosystem's health is paramount to the</p> <p>11 maritime economy that relies on clean water. To</p> <p>12 continue with open water dumping as the primary means</p> <p>13 of disposal is counterproductive of EPA, New York DOS,</p> <p>14 as well as the many stakeholder organizations who have</p> <p>15 all worked vigorously to protect Long Island Sound.</p> <p>16 We cannot allow lack of funding to sabotage</p> <p>17 this effort. The DMMP should make funding suggestions</p> <p>18 and highlight the need for state and federal funding</p> <p>19 to sustain a long-term program. The DMMP should focus</p> <p>20 on alternatives to open water disposal. And I will</p> <p>21 spare you from that since there were wonderful slides</p> <p>22 regarding alternatives. So there are options out</p> <p>23 there, and it's good to see they are being considered.</p> <p>24 Lastly, CCE is concerned with the current</p> <p>25 policies that would be continued. CCE raised several</p>

22	<p>1 concerns with capping. EPA has designated two sites 2 in Long Island Sound as long-term dump sites. When 3 allowing projects to use the last option of disposing 4 material into Long Island Sound there should not be 5 any capping of dredged material allowed for any 6 project that uses dumping as a last resort, especially 7 highly contaminated material. Such requests on the 8 environment of capping material should not be 9 permitted.</p> <p>10 In summary, the most important goal for the 11 DMMP should be to find ways to use dredged materials 12 as a resource rather than a waste product. This will 13 require a permanent change on how we view reuse 14 options and work to ensure proper infrastructures are 15 in place. So we are looking forward to the process as 16 it moves forward, and thanks for everyone's hard work.</p> <p>17 DR. HUNT: Thank you. Michael 18 Griffin?</p> <p>19 MR. GRIFFIN: Thank you for the 20 opportunity to address you. I don't have a prepared 21 statement. I will say most of my thoughts have been 22 covered by the speakers that stood before you tonight.</p> <p>23 I would say there are a couple of things 24 that stand out in my mind. I'd like to preface that 25 statement by saying I have been State of Connecticut</p>	24	<p>1 And I believe those studies showed there was not 2 damage done to the central or western sites as a 3 result of the number of years of dredging that took 4 place.</p> <p>5 Thinking about what we might do to benefit 6 the environment in the future is a great idea. We 7 spoke to the idea of 100 cubic yards being used for 8 test purposes. But many of these projects contain 9 many cubic yards of materials. In Norwalk when we 10 were taking materials that were unsuitable for CAD cell 11 containing, aquatic disposal versus upland disposal, 12 the cost difference was enormous. We're talking about 13 five or six hundred times higher in dollars 14 to get it done. Is the alternative to shut 15 down our harbors and deepwater ports like New Haven 16 and Bridgeport to allow more trucks to come on our 17 roads?</p> <p>18 There is a need for a DMMP to exist in the 19 future. I think we have to take realistic steps and 20 hope we can get there in a period of time that will 21 not cause our harbors to get shut down. Thank you for 22 the opportunity to address you.</p> <p>23 DR. HUNT: Thank you. The last 24 person who signed up tonight is Marguerite Purnell I 25 believe it is.</p>
23	<p>1 harbormaster for Norwalk, Connecticut since 1992 and 2 share concerns for the dredging in Connecticut and 3 also the dredging of materials in Westchester County, 4 New York. Many of the things we heard tonight 5 regarding the planned DMMP are a long time coming and 6 are absolutely necessary. However, we speak to a lot 7 of futuristic thinking that presently does not exist. 8 But the dredging needs of our state does exist.</p> <p>9 We've recently heard comments made about the 10 future planned dredging of Norwalk Harbor indicating 11 that Norwalk would like to dump toxic materials in the 12 sound with total disregard for the future of its 13 estuary. And that's why we're here tonight. We have 14 a very effective DEP in the State of Connecticut. And 15 we have an Environmental Protection Agency responsible 16 for overseeing our national environment. And the 17 materials in Norwalk Harbor have gone through a very 18 extensive testing process to deem them suitable for 19 open water dumping.</p> <p>20 There's very little conversation that is not 21 eaten up with a lot of emotion or wrangling going into 22 it. The question you have to ask yourself tonight 23 regardless of which side of the Sound you're on, there 24 were many millions of dollars spent on the study for 25 the central and western Long Island Sound designation.</p>	25	<p>1 MS. PURNELL: Good evening. Thank 2 you for the opportunity to offer comments on the 3 proposed LIS Dredged Material Management Plan. My 4 name is Marguerite Purnell. I am a director of the 5 Fishers Island Conservancy, a small nonprofit 6 environmental organization located on Fishers Island, 7 New York in the eastern portion of LIS. Our stated 8 mission is to promote the understanding, conservation, 9 preservation, and protection of the resources of the 10 island and adjacent waters. Fishers Island is bounded 11 to the southwest by The Race, an area that has been 12 designated by New York State as a significant coastal 13 fish and wildlife habitat. The surrounding waters 14 possess the highest water quality in the Sound, and 15 the Fishers Island coastline was recently designated 16 as one of the inaugural LIS Stewardship sites due to 17 the quality of its waters, the eel grass meadows, and 18 multiple natural resources which are present.</p> <p>19 Fishers Island also lies approximately 1 1/2 20 miles to the southeast of the NLDS, and due to this 21 proximity we have been involved in the dredge disposal 22 issue for decades. From 1999 through 2004 we 23 participated actively in the development of the EIS 24 for the designation of open water disposal sites in 25 LIS. We were disappointed when the original zone of</p>

26	<p>1 sitting feasibility was reduced to the central and</p> <p>2 western basins, and we encourage the agencies to</p> <p>3 complete the designation process, including requisite</p> <p>4 studies for the eastern basin of LIS.</p> <p>5 The Fishers Island Conservancy supports the</p> <p>6 development of a comprehensive DMMP for LIS. We</p> <p>7 encourage the agencies to incorporate additional</p> <p>8 opportunities for public comment into the development</p> <p>9 of the DMMP; increase the transparency of the process;</p> <p>10 release supporting materials in a timely manner;</p> <p>11 enhance efforts to limit source pollution, thereby</p> <p>12 reducing the contamination levels of the dredged</p> <p>13 materials; enhance efforts to limit excess</p> <p>14 sedimentation, thereby reducing the volume of dredged</p> <p>15 materials; identify and utilize viable alternatives to</p> <p>16 open water disposal; enhance public education efforts</p> <p>17 regarding alternatives to open water disposal; generate</p> <p>18 realistic and accurate numbers for dredging needs</p> <p>19 throughout the Sound; characterize and maintain an</p> <p>20 accurate GIS database of the sediment quality in the</p> <p>21 major embayments around the Sound.</p> <p>22 The Fishers Island Conservancy looks forward</p> <p>23 to continued participation in the development of this</p> <p>24 DMMP for Long Island Sound.</p> <p>25 And there is 30 days extra time for comment?</p>	28	<p>1 MR. FREDETTE: Tom Fredette. And</p> <p>2 I'm manager of a program we have here in New England</p> <p>3 called DAMOS program which monitored all the open</p> <p>4 water disposal sites in New England. This program has</p> <p>5 been in existence for 30 years. We have been</p> <p>6 investigating and monitoring and studying these sites</p> <p>7 for 30 years. We have found if we do proper</p> <p>8 management, if we do the evaluation of sediment we can</p> <p>9 manage that. We found by studying these sites we're</p> <p>10 not seeing unacceptable adverse impacts. Certainly 30</p> <p>11 or 40 years ago when sediment were being dredged and</p> <p>12 disposed there was potential for adverse impact. But</p> <p>13 over the years with all the different environmental</p> <p>14 laws put in place and all the different regulatory</p> <p>15 regimes we're able to manage these sediment and</p> <p>16 identify sediment that require management and identify</p> <p>17 sediment that don't require management. So overall</p> <p>18 based on my view and experience we're able to do this</p> <p>19 in a successful way.</p> <p>20 MR. GRIFFIN: Based upon the fact</p> <p>21 this study took place and this gentleman has spoken to</p> <p>22 the fact with new technology and new disposal sites we</p> <p>23 can properly manage dredge material, and this eight</p> <p>24 or ten million dollar study has shown there is no</p> <p>25 impact, besides our thinking about alternatives to</p>
27	<p>1 Thank you.</p> <p>2 DR. HUNT: We've come now to the</p> <p>3 point where the rest of you who didn't sign up to</p> <p>4 speak can ask questions and clarify. We've heard what</p> <p>5 has occurred since 2005. We've learned about a DMMP</p> <p>6 and what this one covers, the programmatic EIS or</p> <p>7 project-specific EIS, and also learned that the</p> <p>8 agencies are working together to move this issue</p> <p>9 forward. What I'd like you to do is ask questions.</p> <p>10 The agencies are here to answer the questions. I'd</p> <p>11 only ask you identify yourselves and speak clearly.</p> <p>12 Is there anyone who has a question or comment that you</p> <p>13 think needs to be included in this DMMP?</p> <p>14 MR. KEEGAN: One clarification: We</p> <p>15 talked about the 30-day open period. Once that 30-day</p> <p>16 period closes all of the transcripts will be posted on</p> <p>17 the website. So if you didn't get to go to the meetings</p> <p>18 in New York, they will be posted. So make use of the web</p> <p>19 page to get the word out.</p> <p>20 MR. GRIFFIN: Michael Griffin,</p> <p>21 Norwalk harbormaster. During the study done to</p> <p>22 designate the central and western Long Island Sound</p> <p>23 sites was there scientific information to show over</p> <p>24 the number of years those sites were active that there</p> <p>25 was environmental damage done to those sites?</p>	29	<p>1 open water disposal why do we have a great need for</p> <p>2 this DMMP? What is different from what this gentleman</p> <p>3 says we're doing for 30 years? And what is different</p> <p>4 with this sunset date?</p> <p>5 MR. KEEGAN: The reason we're doing</p> <p>6 that is as part of NEPA you're required to look at</p> <p>7 alternatives. And what we're doing is looking at</p> <p>8 alternative ways we can use dredge material in a</p> <p>9 beneficial manner as well. In some cases you can take</p> <p>10 sand out to Long Island Sound and dump it and it won't</p> <p>11 have a negative adverse effect. But it can also be</p> <p>12 placed on a beach to help stop erosion and flooding in</p> <p>13 homes.</p> <p>14 We're trying to not put on blinders, but say</p> <p>15 what is cost-effective? In other words, put more</p> <p>16 tools in your toolbox and be able to give more</p> <p>17 information to people, so when they want to dredge</p> <p>18 their particular marina, their particular harbor they</p> <p>19 have answers, they can look at and identify costs</p> <p>20 associated with them. So when they look at this they</p> <p>21 can identify various options and select one they</p> <p>22 want to do. So it's a tool to help people. It</p> <p>23 doesn't say this is the answer. Each person who is a</p> <p>24 dredging proponent needs to look at that and determine</p> <p>25 what is the right answer for them.</p>

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<p>1 MR. GRIFFIN: One last one: I fully 2 agree with beneficial use of the project and the 3 product itself that comes off. But with that said, 4 while we're existing in this atmosphere in best 5 management practices and best use of the project, how 6 does that fit into the fact we have a sunset date of 7 eight years? Doesn't that imply there's something 8 wrong with the existing dredging project, and unless 9 something new and improved comes along dredging will 10 be closed down?</p> <p>11 MR. KEEGAN: No. The sunset clause 12 was not to imply something is wrong. Dredge material 13 management is a smart move. The Corps of Engineers 14 does it routinely on their projects. It's something 15 that should be done. Don't forget, you're not just 16 managing suitable materials. There are harbors in the 17 region that don't have suitable materials; they can't 18 put it out to the ocean. They don't have a lot of 19 opportunities. So looking at options allows them to 20 do the dredging they need as well. So the sunset is 21 basically to ensure we're going to look at the DMMP 22 and look at a management strategy to do it.</p> <p>23 MS. BROCHI: From EPA the sunset 24 provisions aren't cut and dry. It isn't the DMMP is 25 completed, it shuts down. There are some provisions</p>	<p>1 reasonable way. Getting a regional DMMP is a better 2 way. Under MPRSA a traditional means of 3 disposal from this site is not available. So we 4 welcome a long-term plan.</p> <p>5 MR. STEADMAN: Geoff Steadman from 6 the Harbor Management Association.</p> <p>7 Thinking realistically, you said the total 8 cost of this project is estimated at 15 or 16 million 9 dollars. Can you tell me how much has been allocated 10 by Congress for the work and the anticipation for 11 being able to complete it in the time allowed?</p> <p>12 MR. PIMENTEL: Nothing has been 13 appropriated yet. There is \$4.8 million in the fiscal 14 2008 appropriation which is working its way through 15 the House which is a pretty good down payment on what 16 is supposed to be a five-year plan.</p> <p>17 MR. KEEGAN: About funding, we're 18 here because we're dedicated to get this thing moving. 19 The Corps has authorized and shifted this thing around 20 to try to get this thing moving. We also got an 21 influx of money that helped us set up the meetings and 22 advertising. The Congress has requested funding. The 23 president has requested funding in 2007, and things 24 just didn't work out in 2007. 2008 the president 25 asked for \$2.8 million in the budget. As Paul</p>
31	33
<p>1 in the rules that say there's a good faith effort by 2 the agencies to start and complete a DMMP. There's 3 extensions on the closures of the sites. That's one 4 of the key components of the DMMP. This is the first 5 time, regional, that all the agencies including the 6 State of New York and Connecticut are looking at the 7 projects, looking at alternatives, and all on the same 8 page looking at open water disposal and alternatives 9 that work. And Tom had mentioned the management of 10 disposal sites. When the sites are under the federal 11 process there is a plan, so those sites are managed by 12 EPA and by the DAMOS program.</p> <p>13 MS. PURNELL: Marguerite Purnell. 14 And maybe, Jeanie, would you be able to let us know 15 when the eastern basin is going to be done? In terms 16 of designation is that going to remain a separate 17 entity completed in the future sometime?</p> <p>18 MS. BROCHI: That is going to be a 19 separate entity. We are awaiting funding. It could 20 start anytime.</p> <p>21 MR. PIMENTEL: Again, kind of to 22 elaborate on what Jeanie said, we have a harbor in our 23 district we've been working with. The material is not 24 suitable. It's far more contaminated than Norwalk. 25 It's going to require a separate DMMP. That's not a</p>	<p>1 indicated, they're working that issue. We're hopeful 2 in 2008 we'll see at least what the president asked 3 for in his budget which is \$2.8 million to do what we 4 need to get started. Nothing has been appropriated in 5 terms of moving money around or getting money donated 6 to us to jump start us. The state agencies are 7 also committed to putting staff, putting time, putting 8 people in the field to do this. It's been a 9 cooperative effort, not just the Corps; EPA, NOAA, 10 Connecticut DOT, Connecticut DEP. And hopefully, we 11 can add you guys to the team as well. But we're not 12 going to ask you for money tonight.</p> <p>13 DR. HUNT: Are there any other 14 questions or issues? If not I will close the meeting. 15 And you have 30 days to add comments. If you have not 16 signed in please do so outside. We need that to keep 17 communicating with you. Thank you for coming out 18 tonight.</p> <p>19 (The hearing was adjourned at 8:50 20 p.m.)</p> <p>21 22 23 24 25</p>

34	<p>1 SUBMITTED WRITTEN STATEMENTS</p> <p>2 Statement of Congressman Christopher Shays</p> <p>3 Public Meeting on Long Island Sound Dredged Material</p> <p>4 Management Plan</p> <p>5 Stamford, Connecticut</p> <p>6 November 28, 2007</p> <p>7 I appreciate the EPA's and Army Corps of</p> <p>8 Engineers' willingness to discuss the Dredge Material</p> <p>9 Management Plan tonight in Stamford. As co-chair of</p> <p>10 the Congressional Long Island Sound Caucus, I welcome</p> <p>11 this opportunity to hear from concerned citizens who</p> <p>12 have taken the time to share their views and to learn</p> <p>13 more about the DMMP process.</p> <p>14 Dredging and appropriate management of</p> <p>15 dredged sediment is vital to the economic and</p> <p>16 environmental well-being of both New York and</p> <p>17 Connecticut. The DMMP is an unprecedented cooperative</p> <p>18 state and federal effort to maintain safe,</p> <p>19 environmentally sound, and economically viable</p> <p>20 navigation in our Long Island Sound ports and harbors.</p> <p>21 Dredging is necessary to maintain Long</p> <p>22 Island Sound's safe navigation and long-term viability</p> <p>23 and vitality, and doing so requires that we identify</p> <p>24 disposal sites for dredged materials.</p> <p>25 The environmental impact statement</p>	36	<p>1 and restoration for the last several decades, I think</p> <p>2 it is only fitting that we work to be national leaders</p> <p>3 on the management of dredged material.</p> <p>4 It is estimated that over five years,</p> <p>5 appropriations totaling at least \$16,000,000 will be</p> <p>6 required to complete the DMMP. For fiscal year 2008</p> <p>7 we requested the Energy and Water Appropriations</p> <p>8 Subcommittee provide \$7.3 million to initiate this</p> <p>9 plan. The final committee report included \$4.8</p> <p>10 million. The entire Connecticut delegation is</p> <p>11 committed to work with our colleagues in New York on</p> <p>12 funding the DMMP process.</p> <p>13 Thank you again for coming to Stamford</p> <p>14 tonight. I look forward to continuing to work with</p> <p>15 you, and look forward to hearing from the community.</p>
35	<p>1 temporarily designating disposal sites found that any</p> <p>2 potential adverse impacts to the Sound's marine</p> <p>3 environment associated with dredged material disposal</p> <p>4 at the central and western Long Island Sound sites</p> <p>5 would be minimal, and could be mitigated with</p> <p>6 appropriate site management. Toxic sludge, as some</p> <p>7 have called it, is not, has not, and will not be found</p> <p>8 suitable for open water disposal in Long Island Sound.</p> <p>9 Long Island Sound is already the most strictly</p> <p>10 regulated estuary in America when it comes to the</p> <p>11 management of dredged material. That is not really</p> <p>12 the issue for this plan.</p> <p>13 The DMMP should identify all feasible and</p> <p>14 environmentally responsible protocols for dredged</p> <p>15 material management. With proper planning the</p> <p>16 communities on Long Island Sound can be at the cutting</p> <p>17 edge of taking advantage of new technologies and</p> <p>18 evolving economic realities.</p> <p>19 The recent enactment of the Long Island</p> <p>20 Sound Restoration Act and Long Island Sound</p> <p>21 Stewardship Act, and this year's House passage of an</p> <p>22 unprecedented level of funding for Long Island Sound</p> <p>23 programs brings us closer than ever to achieving our</p> <p>24 long-term goals for the Sound. Given the</p> <p>25 unprecedented efforts that have gone into preservation</p>	37	<p>1 October 31, 2007</p> <p>2 The Honorable Charles E. Schumer</p> <p>3 United States Senate</p> <p>4 313 Hart Senate Building</p> <p>5 Washington, DC 20510</p> <p>6</p> <p>7 Dear Senator Schumer:</p> <p>8</p> <p>9 The Connecticut Maritime Commission (CTMC)</p> <p>10 was recently provided a copy of your October 15 letter</p> <p>11 written to the Connecticut Department of Environmental</p> <p>12 Protection (CTDEP) Commissioner, Gina McCarthy,</p> <p>13 concerning the Phase II of the Norwalk Harbor federal</p> <p>14 maintenance dredging project. At the October 17</p> <p>15 meeting of the Maritime Commission, a motion was</p> <p>16 passed authorizing me, as Chairman, to provide factual</p> <p>17 clarification regarding some of the issues raised in</p> <p>18 your letter and to seek your support for the Long</p> <p>19 Island Sound Dredged Material Management Plan (LIS</p> <p>20 DMMP).</p> <p>21 It is stated in your letter that the City of</p> <p>22 Norwalk, Connecticut, seeks an exemption to "dump</p> <p>23 toxic and metal-laden dredge material" into Long</p> <p>24 Island Sound without adequate capping. In actuality,</p> <p>25 the City of Norwalk is not asking for an exemption to</p>

38	<p>1 cap the material to be disposed at the designated 2 disposal site in Long Island Sound. The City intends 3 to meet the capping requirement imposed by the 4 Connecticut Department of Environmental Protection as 5 part of a sediment best management plan. The City is 6 asking for a time delay between disposal and capping 7 of the material. The delay would allow another 8 unspecified dredging project's material (possibly 9 North Cove) to be used as the capping material when it 10 became available. Open water disposal of Phase II of 11 the Norwalk material is not in violation of the spirit 12 or intent of the bi-state agreement as mentioned in 13 your letter. The Norwalk project, which received all 14 necessary regulatory approvals in early 2004, along 15 with two New York projects, was specifically exempted 16 from the additional procedures and standards in the 17 Final Rule designating the Central and Western 18 Disposal Sites. Phase I was actually completed and 19 capped at the Central Long Island Sound Site in 20 February, 2006. Incidentally, the current site 21 designation language does not eliminate the option of 22 open water disposal in the Sound now or in the future. 23 A broad spectrum of dredged sediment management 24 options will be explored in the LIS DMMP under 25 preparation by the Corps of Engineers at the request</p>	40	<p>1 Clearly, causing a polarization of the 2 issues, CCE has created more damage and mistrust by 3 not telling the truth and/or correcting their 4 misstatements. I ask you to please verify facts and 5 information from organizations such as the Citizens' 6 Campaign for the Environment before releasing a 7 letter. The Connecticut Maritime Commission is 8 concerned that an organization would intentionally 9 mislead the public with false information. 10 The lead in drafting of the LIS DMMP has been tasked 11 to the New England District of the Army Corps of 12 Engineers. Development of the LIS DMMP work is 13 estimated to require approximately \$15 million in 14 funding from Congress. However, to date, Congress has 15 yet to provide any funding for the LIS DMMP. I urge 16 you and the rest of the New York Congressional 17 delegation to actively support the necessary funds for 18 the Army Corps of Engineers to complete the LIS DMMP 19 as quickly as possible. 20 Similarly, if it is the desire of Congress 21 for other than open water disposal of dredge materials 22 to be used, particularly in Long Island Sound, then 23 Congress needs to provide adequate funding to the New 24 England District of the Army Corps of Engineers to 25 pursue those options. Presently, on the rare</p>
39	<p>1 of the Governors of Connecticut and New York. 2 Your letter contains information that was 3 most likely obtained from the Citizens' Campaign for 4 the Environment (CCE). It is one thing for any 5 organization to misstate, by accident, misleading 6 information; it is another thing to allow that 7 misstated information to stand even when brought to 8 its attention. Clearly, any organization which 9 refuses to make corrections, is one which should not 10 be given credibility. 11 It was very clear to many at the October 17 12 meeting of the Maritime Commission that the Citizens' 13 Campaign for the Environment was factually wrong by 14 stating that the City of Norwalk was not going to cap 15 its dredge material. The CTMC pointed this major 16 point out to the CCE representative and asked her to 17 retract and/or correct the error. CCE has declined to 18 do so. The organization has started an argument that 19 puts you, Senator, in the middle and potentially, in 20 our opinion, has embarrassed you, your staff, the 21 citizens of New York, and the citizens of the region. 22 Neither the City of Norwalk, its elected and appointed 23 officials, the CTDEP, nor anyone else would 24 intentionally cause harm to or increase the risk to 25 the environment.</p>	41	<p>1 occasion when funding is provided for a Connecticut 2 dredging project, the funding is limited to the cost 3 of open water disposal because open water disposal is 4 considered the 'least costly, environmentally 5 acceptable method of disposal'. 6 The National Environmental Policy Act (NEPA) 7 requires that upland sites be investigated before 8 considering open water disposal. With regard to the 9 Norwalk project, upland sites were investigated, but 10 none were found to be economically or logistically 11 feasible. The material from Norwalk has undergone 12 hundreds of thousands of dollars worth of testing 13 consistent with current Environmental Protection 14 Agency, CTDEP, and Army Corps of Engineers guidelines 15 for placement of dredged material. The material has 16 been found suitable for open water placement, and the 17 Water Quality Certification, which included a capping 18 requirement, was issued in 2004 by the CTDEP. 19 If you or your staff have any questions 20 regarding any of the above, please contact me at (860) 21 767-9061 or via e-mail (Martin.Toyen@rolls-royce.com). 22 Very truly yours, 23 Connecticut Maritime Commission 24 Martin Toyen 25 Chairman</p>

42	<p>1 2 Cc: Senator Dodd 3 Senator Lieberman 4 Congressman Larson 5 Congressman Courtney 6 Congresswoman DeLauro 7 Congressman Shays 8 Congressman Murphy 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	44	<p>1 enhance maritime commerce and industries. The 2 Commission has determined that maintaining the State's 3 waterways at their authorized depth is essential to 4 the economic health of the ports and their respective 5 facilities. 6 As Chairman of the Connecticut Maritime 7 Commission, I have been authorized to communicate with 8 you regarding the Maritime Commission's concerns 9 related to the Long Island Sound Dredge Material 10 Management Plan (LIS DMMP). The preeminent issue 11 that plagues Connecticut's ports is the lack of 12 maintenance dredging of its ports, harbors and 13 waterways. The Army Corps of Engineers is responsible 14 for maintenance dredging of the federally-designated 15 waterways at the Congressionally-approved project 16 depths. However, Congress has not provided adequate 17 funding to the Army Corps of Engineers to address 18 Connecticut's needs for decades. Thus, major harbors 19 like Bridgeport, New Haven and New London have had 20 maintenance dredging problems over the years, limiting 21 the draft of cargo vessels that can enter or depart 22 port. Similarly, smaller harbors that host the 23 significant recreational boating industry have not 24 been dredged, limiting the size of boats that can use 25 the ports which in turn reduces the revenue stream</p>
43	<p>1 November 21, 2007 2 Mr. Michael Keegan 3 Project Coordinator 4 Long Island Sound Dredge Material Disposal Plan 5 U.S. Army Corps of Engineers 6 New England District 7 696 Virginia Road 8 Concord, MA 01742-2751 9 10 Dear Mr. Keegan: 11 12 The Connecticut Maritime Commission (CTMC) 13 was created by Connecticut General Statute (See 14 13b-51a) to be the primary body within the State of 15 Connecticut to develop and recommend maritime policy 16 to the Governor and the General Assembly. Among other 17 duties, the Commission has been tasked with advising 18 the Commissioner of Transportation, the Governor and 19 the General Assembly concerning the state's maritime 20 policy and operations; with developing and 21 recommending a maritime policy for the state; with 22 supporting the development of Connecticut's maritime 23 commerce and industries, including its deep water 24 ports; and recommending investments and actions, 25 including dredging, required in order to preserve and</p>	45	<p>1 produced by the recreational boating industry. 2 Although a lack of funding by Congress is a 3 prime concern to the dredging needs of Connecticut, so 4 are the restraints on disposing of dredge materials by 5 legislation such as the Ambro Amendment to the Marine 6 Protection, Research & Sanctuary Act of 1972 (MPRSA). 7 The Ambro Amendment will have the net effect of 8 closing dredge material disposal sites in Long Island 9 Sound unless the State has an approved Dredge Material 10 Management Plan (DMMP). Thus, the creation of the LIS 11 DMMP is considered key to the future economic 12 viability of Connecticut's ports. 13 The Connecticut Maritime Commission is 14 concerned with the slow progress in creating the LIS 15 DMMP due to insufficient attention and funding on the 16 part of Congress and the Federal agencies. Last 17 fiscal year, approximately \$1.7 million had been 18 placed in both the Senate's and the House's version of 19 the U.S. Army Corps of Engineers' (ACOE) budget for 20 development of the Long Island Sound DMMP. However, 21 nothing was actually authorized or appropriated due to 22 Congress' inability to pass a fiscal year 2007 budget. 23 I have been told that approximately \$2.8 million was 24 being provided towards the development of the LIS DMMP 25 in the fiscal year 2008 budget. Although it is</p>

46	<p>1 encouraging the Water Resources Development Act was</p> <p>2 recently passed by Congress, I am concerned that each</p> <p>3 project including the LIS DMMP must still undergo</p> <p>4 specific authorization and appropriations action by</p> <p>5 Congress. I am also concerned about the trickle of</p> <p>6 money being considered versus the deadline for the</p> <p>7 completion of the LIS DMMP project. As I understand</p> <p>8 it, the deadline for the completion of the LIS DMMP is</p> <p>9 2013. Based on an estimated cost of \$15-\$16 million,</p> <p>10 Connecticut can ill afford the present piecemeal</p> <p>11 approach to funding the LIS DMMP project.</p> <p>12 The Connecticut Maritime Commission is</p> <p>13 committed to pursue all methods of dredge material</p> <p>14 disposal and fully understand the desires to reduce</p> <p>15 the deposit of dredge materials in Long Island Sound.</p> <p>16 The Commission is also aware that any dredge material</p> <p>17 disposal method other than the use of open water comes</p> <p>18 with an additional cost which will not most likely be</p> <p>19 funded by Congress or the Army Corps of Engineers.</p> <p>20 Thus, the LIS DMMP needs to consider the total cost of</p> <p>21 maintaining Connecticut's ports as well as the</p> <p>22 environmental factors. The Commission believes that</p> <p>23 the Long Island Sound disposal sites can continue to</p> <p>24 be used for the disposal of dredge materials through</p> <p>25 proper management practices as has been done for</p>	48	<p>1 Thank you. My name is Chuck Beck. I am the</p> <p>2 transportation maritime manager for the Connecticut</p> <p>3 Department of Transportation. One of my</p> <p>4 responsibilities is to serve as administrative staff</p> <p>5 to the Connecticut Maritime Commission. It is in that</p> <p>6 capacity that I appear before you. I have a letter</p> <p>7 signed by chairman of the CTMC that I would like to</p> <p>8 introduce for the record.</p> <p>9 The CTMC was established by state statute</p> <p>10 13b-(51)(a) in 2004 and consists of 15 members; five</p> <p>11 of which are state agency heads or their designees,</p> <p>12 and ten members that are appointed by the senior</p> <p>13 elected leaders in the state.</p> <p>14 The CTMC is tasked with advising the</p> <p>15 commissioner of transportation, the Governor, and the</p> <p>16 General Assembly concerning the state's maritime</p> <p>17 policy and operations. In that capacity the CTMC has</p> <p>18 developed maritime policy for the state. The policy</p> <p>19 supports the development of Connecticut's maritime</p> <p>20 commerce and industries, including its deep water</p> <p>21 ports, recommending investments and actions, including</p> <p>22 dredging, which are deemed necessary to preserve and</p> <p>23 enhance maritime commerce and industries. The CTMC</p> <p>24 has taken on the role of being the dredging advocacy</p> <p>25 group for the State of Connecticut. As the advocacy</p>
47	<p>1 decades.</p> <p>2 I respectfully request that this letter</p> <p>3 become part of the record of the Programmatic</p> <p>4 Environmental Impact Statement public scoping process.</p> <p>5 I also request that the Connecticut Maritime</p> <p>6 Commission be included on any and all distributions,</p> <p>7 electronic or otherwise, related to the creation of</p> <p>8 the LIS DMMP. The membership of the Commission is</p> <p>9 varied and knowledgeable on dredging-related issues</p> <p>10 and has a lot to offer with respect to the development</p> <p>11 of the LIS DMMP.</p> <p>12 Thank you for your consideration. If you</p> <p>13 have any questions or need further information, please</p> <p>14 do not hesitate to contact me. My telephone number is</p> <p>15 (860) 767-9061 and my e-mail address is</p> <p>16 Martin.Toyen@Rolls-Royce.com.</p> <p>17 Very truly yours,</p> <p>18 Connecticut Maritime Commission</p> <p>19 Martin Toyen</p> <p>20 Chairman</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	49	<p>1 group, the CTMC is in the process of educating the</p> <p>2 public and elected officials in the state on dredging</p> <p>3 issues ranging from the need, the cost, and the</p> <p>4 environmental concerns.</p> <p>5 The CTMC is concerned about the slow</p> <p>6 development of the LIS DMMP, thus is encouraged that</p> <p>7 the public scoping meetings have become a reality.</p> <p>8 It is the opinion of the CTMC that open water disposal</p> <p>9 of dredge materials must remain a viable alternative.</p> <p>10 DAMOS studies show that the designated dredge material</p> <p>11 disposal sites have been used very successfully for</p> <p>12 decades. There is every reason to believe that the</p> <p>13 sites can continue to be the least cost</p> <p>14 environmentally acceptable method of disposal of</p> <p>15 dredge materials when managed properly.</p> <p>16 I understand that Senator Schumer of New York</p> <p>17 wrote a letter dated October 15, 2007 expressing</p> <p>18 concerns about a specific dredging project in</p> <p>19 Connecticut that was mentioned on Tuesday. I would like to</p> <p>20 enter for the record the Connecticut Maritime</p> <p>21 Commission's reply to Senator Schumer dated October 31,</p> <p>22 2007. The CTMC letter provides factual clarification</p> <p>23 regarding some of the issues raised in the Senator's</p> <p>24 letter.</p> <p>25 Thank you for the opportunity to address the</p>

<p style="text-align: right;">50</p> <p>1 panel and submit the letter. 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">52</p> <p>1 Their contract in Bridgeport is up in 2008, and as a 2 condition for extending their contract they wanted a 3 realistic estimate of when dredging would take place 4 and they could start using bigger ships. No one could 5 give a realistic timetable, or even assure Turbana 6 that Bridgeport would be dredged. 7 As a result, Turbana will pull out of 8 Bridgeport in April 2008 and move their operations to 9 Philadelphia. This will have the following results: 10 1. Job loss. 350 to 450 jobs in 11 Connecticut, counting the terminal, longshoremen, and 12 truckers; and a reduction of work by those who service 13 the ships and the port. 14 2. Increased cost of living. The cost of 15 bananas in this region will rise due to the longer 16 trip from Philadelphia, and the bananas will not be as 17 fresh. 18 3. Reduced regional competitiveness. The 19 further increase in road congestion and high cost of 20 living will discourage new industries from locating in 21 the region, and encourage those still here to leave. 22 4. Quality of life issues. 23 A. Increased road congestion. More trucks 24 will traverse the region, beating up our roads and 25 adding to the congestion on our already choked</p>
<p style="text-align: right;">51</p> <p>1 DMMP Testimony Wednesday, November 28, 2007 2 My name is Donald B. Frost. I live at 220 3 Deep Wood Road in Fairfield. I was a participant in 4 Governor Rell's Cluster Competiveness Workshop in 5 2006. And the issue of dredging concerns me as a 6 citizen of Connecticut, because unless dredging starts 7 very soon the leakage of jobs away from the state, 8 the rising cost of living, loss of population, and the 9 lessening quality of life in Connecticut will 10 significantly accelerate. The urgency of this issue 11 should not be underestimated. 12 I would like to give you one example. For 13 many years Turbana Corp., an Ecuadorian banana grower 14 and shipping company, has brought small noncontainer, 15 refrigerated cargo ships into Bridgeport each week. 16 The boxes of bananas are discharged at the old CILCO 17 terminal into refrigerated trailer trucks for delivery 18 to grocery stores from Westchester County to southern 19 Massachusetts and throughout Connecticut. 20 About a year ago Turbana advised their 21 Bridgeport terminal managers, the Bridgeport Port 22 Authority, and I assume the State of Connecticut, that 23 they needed to use bigger ships in order to expand the 24 economic range of their operations in New England. 25 Naturally, the larger ships would be deeper drafted.</p>	<p style="text-align: right;">53</p> <p>1 highways. 2 B. Increased environmental damage. The 3 thousands of additional trucks will stream out of 4 Philadelphia every year spewing global warming gases, 5 affecting our planet and our region's health. And the 6 prevailing winds from the west will bring us their 7 pollution left in Pennsylvania, New Jersey, and New 8 York. 9 As you see, it isn't the ship owners who 10 will be hurt if dredging doesn't occur. It will be 11 the citizens of Connecticut and the region and the 12 state itself who will be hurt if dredging doesn't 13 start very soon. 14 15 16 17 18 19 20 21 22 23 24 25</p>

54	<p>1 Good evening. Thank you for the opportunity</p> <p>2 to offer comments on the proposed LIS Dredged Material</p> <p>3 Management Plan. My name is Marguerite Purnell. I am</p> <p>4 a director of the Fishers Island Conservancy, a small</p> <p>5 nonprofit environmental organization located on</p> <p>6 Fishers Island, New York in the eastern portion of</p> <p>7 LIS. Our stated mission is to promote the</p> <p>8 understanding, conservation, preservation, and</p> <p>9 protection of the resources of the island and adjacent</p> <p>10 waters. Fishers Island is bounded to the southwest by</p> <p>11 The Race, an area that has been designated by New York</p> <p>12 State as a significant coastal fish and wildlife</p> <p>13 habitat. The surrounding waters possess the highest</p> <p>14 water quality in the Sound, and the Fishers Island</p> <p>15 coastline was recently designated as one of the</p> <p>16 inaugural LIS Stewardship sites due to the quality of</p> <p>17 its waters, the eel grass meadows, and multiple</p> <p>18 natural resources which are present.</p> <p>19 Fishers Island also lies approximately 1 1/2</p> <p>20 miles to the southeast of the NLDS, and due to this</p> <p>21 proximity we have been involved in the dredge disposal</p> <p>22 issue for decades. From 1999 through 2004 we</p> <p>23 participated actively in the development of the EIS</p> <p>24 for the designation of open water disposal sites in</p> <p>25 LIS. We were disappointed when the original zone of</p>	56	<p>1 Marguerite W. Purnell, Director</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
55	<p>1 sitting feasibility was reduced to the central and</p> <p>2 western basins, and we encourage the agencies to</p> <p>3 complete the designation process, including requisite</p> <p>4 studies for the eastern basin of LIS.</p> <p>5 The Fishers Island Conservancy supports the</p> <p>6 development of a comprehensive DMMP for LIS. We</p> <p>7 encourage the agencies to incorporate additional</p> <p>8 opportunities for public comment into the development</p> <p>9 of the DMMP; increase the transparency of the process;</p> <p>10 release supporting materials in a timely manner;</p> <p>11 enhance efforts to limit source pollution, thereby</p> <p>12 reducing the contamination levels of the dredged</p> <p>13 materials; enhance efforts to limit excess</p> <p>14 sedimentation, thereby reducing the volume of dredged</p> <p>15 materials; identify and utilize viable alternatives to</p> <p>16 open water disposal; enhance public education efforts</p> <p>17 regarding alternatives to open water disposal; general</p> <p>18 realistic and accurate numbers for dredging needs</p> <p>19 throughout the Sound; characterize and maintain an</p> <p>20 accurate GIS database of the sediment quality in the</p> <p>21 major embayments around the Sound.</p> <p>22 The Fishers Island Conservancy looks forward</p> <p>23 to continued participation in the development of this</p> <p>24 DMMP for Long Island Sound.</p> <p>25 Sincerely,</p>	57	<p>1 STATE OF CONNECTICUT)</p> <p>2) ss:</p> <p>3 COUNTY OF HARTFORD)</p> <p>4</p> <p>5 I, Trevor Drummond, do hereby certify that</p> <p>6 the foregoing matter was recorded stenographically by</p> <p>7 me and reduced to typewriting by me.</p> <p>8 I FURTHER CERTIFY that the foregoing</p> <p>9 transcript of the said hearing is a true and correct</p> <p>10 transcript of the testimony given at the time and</p> <p>11 place specified hereinbefore.</p> <p>12 I FURTHER CERTIFY that I am not a relative</p> <p>13 or employee or attorney or counsel of any of the</p> <p>14 parties, nor a relative or employee of such attorney</p> <p>15 or counsel, or financially interested directly or</p> <p>16 indirectly in this action.</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my</p> <p>18 hand and seal of office at East Hartford, Connecticut,</p> <p>19 this day of , 2007.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 Trevor Drummond,</p> <p>25 Court Reporter</p>

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LONG ISLAND SOUND PUBLIC SCOPING MEETING
LONG ISLAND SOUND DREDGE MATERIAL MANAGEMENT PLAN
NOVEMBER 29, 2007
1:05 P.M.

A P P E A R A N C E S:

MR. CARLTON HUNT
Battelle Science & Technology International
397 Washington Street
Duxbury, Massachusetts 02332-0601
(781-952-5330)

REPORTED BY:

ROBERT MILLER

LICENSED SHORTHAND REPORTER
LICENSE NO. 10

2	<p>1 . . . Public Scoping Meeting, held</p> <p>2 pursuant to Notice, before Carlton Hunt, in connection</p> <p>3 with the Long Island Sound Dredged Material Management</p> <p>4 Plan, (LIS DMMP), held at the Holiday Inn, 269 North</p> <p>5 Frontage Road, New London, Connecticut, on November</p> <p>6 29, 2007 at 1:05 p.m.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4	<p>1 can you hear in the back? Okay.</p> <p>2 The scoping process is part of a formal</p> <p>3 National Environmental Policy Act procedure, NEPA, it</p> <p>4 is an important step in any of these NEPA processes to</p> <p>5 gain input. This is part of the Long Island Dredging</p> <p>6 Material Management Plan. It's a plan dealing with</p> <p>7 all of Long Island Sound. It's not a site-specific</p> <p>8 project. It is a plan. You will hear more about</p> <p>9 that.</p> <p>10 The proceedings and the public comments are</p> <p>11 being recorded. We have a stenographer. If you wish</p> <p>12 to make comments or ask questions you're certainly</p> <p>13 welcome. Please identify yourself and what your</p> <p>14 affiliation is. Copies of the agenda and other</p> <p>15 handouts and fact sheets are out on the outside table.</p> <p>16 Pick them up if you haven't. There is some websites</p> <p>17 and other things that will be presented a little</p> <p>18 later.</p> <p>19 Again if you want to be on the project list</p> <p>20 and communications list, register on the outside.</p> <p>21 The rules of the road is this is a series</p> <p>22 of six presentations by the agencies to inform you.</p> <p>23 We would ask you don't ask questions during that</p> <p>24 process. You can ask questions at the end. Those</p> <p>25 people signed up to make comments, those people will</p>
3	<p>1 MR. HUNT: This is the public hearing</p> <p>2 11-29-07. Good afternoon.</p> <p>3 My name is Carlton Hunt. I am with</p> <p>4 Battelle. I am here to help facilitate the meeting,</p> <p>5 under contract to EPA. We are here in New London to</p> <p>6 talk about the Long Island Sound Dredging Material</p> <p>7 Management Plan. These are public scoping meetings.</p> <p>8 That means the meetings are open for the public to</p> <p>9 make comments. Scoping is a time and place for the</p> <p>10 public to provide input to this Dredging Material</p> <p>11 Management Plan.</p> <p>12 The logistics, if you have not signed in in</p> <p>13 the hallway, Stacie Pala will take your name on the</p> <p>14 sign up sheet. We would ask everybody do that. That</p> <p>15 is one of the key ways to get information in the</p> <p>16 future. The EPA, the Corp and State of Connecticut as</p> <p>17 well as the National Fisheries Service welcome you to</p> <p>18 this process.</p> <p>19 There's a couple of reasons to educate the</p> <p>20 public on what's gone on in the past several years and</p> <p>21 update and inform you as to the next steps going on.</p> <p>22 As I said earlier, we are looking for input on issues</p> <p>23 that you think the DMMP will be interested in. It is</p> <p>24 an important part of the process as you will hear</p> <p>25 during the day. The scoping process -- I am sorry,</p>	5	<p>1 have precedence. I would then open it to the public.</p> <p>2 I would ask those making comments restrict yourself to</p> <p>3 three minutes so others will have a chance to speak.</p> <p>4 Basically, again the discussion today is limited to</p> <p>5 the Dredge Material Management Plan. As I said</p> <p>6 necessarily it is not for individual projects, not for</p> <p>7 specific siting issues. Wherein there might be</p> <p>8 information that would be information to help DMMP go</p> <p>9 forward, that is fine.</p> <p>10 With that I would like to introduce the</p> <p>11 first speaker today. Jean Brochi, who will give you</p> <p>12 some background from the last several years. Jeanie.</p> <p>13</p> <p>14 (- - - - -)</p> <p>15</p> <p>16</p> <p>17 MR. HUNT: Now is the time we open this</p> <p>18 meeting for public input. It is customary and</p> <p>19 protocol to allow an elected representative or</p> <p>20 official or their representative to speak first. I</p> <p>21 didn't see anybody that I saw signed in to do that.</p> <p>22 Anyone of that nature here?</p> <p>23 MS. PEROT: Lisa Perot from Congressman</p> <p>24 John Larsen's office.</p> <p>25 MR. HUNT: If you have a statement come to</p>

6	<p>1 the mike.</p> <p>2 MS. PEROT: No.</p> <p>3 MR. HUNT: I will go in reverse order of</p> <p>4 sign in. We have five or so people that have asked</p> <p>5 to speak. The first one I would ask to the mike,</p> <p>6 J.B. Sheehan. Please identify yourself again and</p> <p>7 your affiliation.</p> <p>8 MR. SHEEHAN: Good afternoon. I am</p> <p>9 Jonathan Bill Sheehan, president of the Board of</p> <p>10 Directors of the Southern Enterprise Region known as</p> <p>11 SECR. You will get some more detail from one of the</p> <p>12 guys signed up on the list. I will stick to some</p> <p>13 general platitudes. I will open in the effort to, as</p> <p>14 the gentleman from New York stated, eliminate all</p> <p>15 dredging materials being dumped in Long Island Sound</p> <p>16 irregardless of the environmental impact of that</p> <p>17 decision. I think New York has an idealistic</p> <p>18 attitude towards how Long Island Sound should be</p> <p>19 used. I think the other speakers that talked about</p> <p>20 the proper balance of economic and environmental</p> <p>21 impact needs to be met. Long Island Sound is not</p> <p>22 only a natural resource to look at and enjoy, but an</p> <p>23 economic highway. There are many businesses and</p> <p>24 facilities both federal and state that use the sound</p> <p>25 and need to have their connections to the sound</p>	8
7	<p>1 periodically dredged, their areas and piers</p> <p>2 periodically improved and some of that waste</p> <p>3 material has to be moved to a dumping site. And</p> <p>4 that has to be included, that impact has to be</p> <p>5 included in the dumping plan. I think that getting</p> <p>6 to the point where you have to cart this stuff out</p> <p>7 into the Atlantic Ocean increases the expense of</p> <p>8 doing things for businesses along the coastal</p> <p>9 waterways and also for the federal government</p> <p>10 facilities along the federal waterways, making its</p> <p>11 improvement cost prohibitive. Therefore those</p> <p>12 businesses and facilities will no longer locate them</p> <p>13 themselves in the New England area. And the costs</p> <p>14 goes to facilities. I hope that others recognize</p> <p>15 that fact and take that into consideration.</p> <p>16</p> <p>17 MR. HUNT: I would ask Adam Wronowski to</p> <p>18 come forward.</p> <p>19 MR. WRONOWSKI: Thank you for the</p> <p>20 opportunity to comment today. I prepared a written</p> <p>21 submittal that I will leave with you as well.</p> <p>22 My name is Adam Wronowski. I and represent</p> <p>23 Cross Sound Ferry Services, Block Island Services,</p> <p>24 Thames Shipyard & Repair Company, Thames Dredge and</p> <p>25 Dock Company, and Thames Towboat Company, all of</p>	9
6	<p>1 which are Connecticut corporations.</p> <p>2 These five marine businesses operate on</p> <p>3 Long Island Sound and its tributary waters.</p> <p>4 Together these five businesses employ over 500</p> <p>5 persons. These businesses operate in publicly</p> <p>6 privately maintained coves, harbors channels in</p> <p>7 Connecticut that require dredging. If dredge spoil</p> <p>8 disposal is prohibited in Long Island Sound, these</p> <p>9 businesses will be extremely negatively impacted.</p> <p>10 Repeatedly, over the past decades we</p> <p>11 analyzed the types of disposal alternatives</p> <p>12 identified in the LIS and DMMP as part of the</p> <p>13 permitting process every time we applied for a</p> <p>14 dredging permit. Each time our analysis has clearly</p> <p>15 determined that all of these alternatives are</p> <p>16 unfeasible and the only practical and feasible</p> <p>17 disposal method is dumping in Long Island Sound.</p> <p>18 Some of the primary factors that make upland</p> <p>19 disposal unfeasible are the handling and transport</p> <p>20 costs and time and the physical land requirements.</p> <p>21 The only practical feasible alternative to</p> <p>22 dredge spoil dumping in Long Island Sound is land</p> <p>23 reclamation, for example the filling of lands</p> <p>24 waterward of the high tide line, and this process</p> <p>25 apparently is not being considered as an alternative</p>	8
7	<p>1 in the LIS DMMP and DPEIS. However, after hearing</p> <p>2 today's discussion, I am not certain that is the</p> <p>3 case.</p> <p>4 Land reclamation is the standard in many</p> <p>5 countries throughout the world for dredge spoil</p> <p>6 disposal. Unfortunately, Connecticut has made land</p> <p>7 reclamation virtually impossible because of the way</p> <p>8 the public trust doctrine is being applied to the</p> <p>9 permitting process.</p> <p>10 In summary, if dredge spoil disposal is</p> <p>11 prohibited in Long Island Sound, many marine related</p> <p>12 businesses will be extremely negatively impacted</p> <p>13 throughout Connecticut. If a practical economical</p> <p>14 alternative to this is to be found, then land</p> <p>15 reclamation, especially the filling of lands</p> <p>16 waterward of the high tide line with dredge spoils,</p> <p>17 must be considered as an acceptable alternative in</p> <p>18 the LIS DMMP and DPEIS.</p> <p>19 Thanks again for the opportunity to</p> <p>20 comment.</p> <p>21 MR. HUNT: Thank you.</p> <p>22 If you want to hand that in you can do it</p> <p>23 now or later.</p> <p>24 MR. WRONOWSKI: Thank you.</p> <p>25</p>	9

10	12
<p>1 MR. HUNT: Next is John Markowitz.</p> <p>2 MR. MARKOWITZ: My name is John Markowitz.</p> <p>3 I am directive director we are also the host</p> <p>4 organization for the Thames Maritime Coalition.</p> <p>5 I would like to begin my comments by</p> <p>6 welcoming the Army folks to the southeastern capital</p> <p>7 of the world. I hope you don't hold it against us.</p> <p>8 Navy is a 14 point favorite to beat Army on</p> <p>9 Saturday. Picking up on what Adam had to say, there</p> <p>10 is another use of the maritime area around Long</p> <p>11 Island Sound. That is military. We just went</p> <p>12 through in 2005 a very difficult bit to preserve the</p> <p>13 submarine base, and 31,000 jobs, \$3.3 billion annual</p> <p>14 revenue by keeping it here and not getting it</p> <p>15 closed. The Navy goes through a very structured</p> <p>16 evaluation process when it determines what bases to</p> <p>17 keep open and what bases to close. It asks a series</p> <p>18 of questions and grades them. One of those</p> <p>19 questions is about dredging. One of our competitors</p> <p>20 in the latest fight was a place called Kings Bay,</p> <p>21 Georgia. Kings Bay dredges continuously. I don't</p> <p>22 think they have to comply with the EIS. They have</p> <p>23 disposal sites. One of the factors the Navy</p> <p>24 considers is costs associated with maintaining its</p> <p>25 port operations. So the costs associated with</p>	<p>1 regulations, some consideration might be given to</p> <p>2 the private SECR either as an advisory body or in</p> <p>3 some other capacity. I think all points should be</p> <p>4 included. Clearly an applicant can't be part of the</p> <p>5 process. If you want to talk about public input</p> <p>6 then have a process that doesn't include the public</p> <p>7 at the table. You have a question of the vitality</p> <p>8 of the process.</p> <p>9 There was a slide that Mr. Keegan put up</p> <p>10 that was rather telling. It was a chart. It had a</p> <p>11 whole bunch of circles on it. Dark blue circles. I</p> <p>12 assume those have something to do with the size of</p> <p>13 dredging or components. I noticed that not all of</p> <p>14 them were in Connecticut. I was curious what the</p> <p>15 time frame for that particular chart was. It was</p> <p>16 very illustrative. It appears the State of</p> <p>17 Connecticut is the brunt of this impact and we all</p> <p>18 know why. Finally there was a statement on the</p> <p>19 first line about Ambro. I would certainly like at</p> <p>20 some point to understand what the relationship</p> <p>21 between the DEP and state Ambro is. If there is an</p> <p>22 application for 25,000 yards of dredging materials</p> <p>23 that comes before the LIS RDT or included in the</p> <p>24 DMMP or PEIS, how does Ambro affect it. Will you go</p> <p>25 on Ambro? Does Ambro take precedence? How does</p>
11	13
<p>1 maintaining an marine channel as well as</p> <p>2 improvements to the submarine base such as pier</p> <p>3 construction costs and associated dredging are</p> <p>4 pivotal in some of those gradings in determining</p> <p>5 where the base is on the list. We are currently at</p> <p>6 the bottom of the list. We don't need any more</p> <p>7 negative numbers. We don't need to have the costs</p> <p>8 and the processes associated with the dredging to</p> <p>9 maintain a military capability as well as the</p> <p>10 commercial capability factored into us adversely in</p> <p>11 the next BRAC which in my personal opinion will</p> <p>12 start up in about 3 or 4 years.</p> <p>13 I would take note of where the dredges</p> <p>14 spoils from the submarine bases have gone with the</p> <p>15 Fisher Island site which has a record of</p> <p>16 non-movement.</p> <p>17 In the sixties site capacity was used in the</p> <p>18 Thames River. I hope in the analysis that goes into</p> <p>19 EIS, those alternatives are also considered.</p> <p>20 I would make a few questions that, perhaps,</p> <p>21 can be answered.</p> <p>22 First is in the LIS RDT vision there was a</p> <p>23 statement regarding commercial and recreational uses</p> <p>24 of the process. I would suggest that, perhaps, in</p> <p>25 the formation of that group there seems to be all</p>	<p>1 that work?</p> <p>2</p> <p>3 MR. HUNT: I think we can take those now.</p> <p>4 MR. KEEGAN: The slide you talked about</p> <p>5 was a preliminary assessment. That is on our web</p> <p>6 page.</p> <p>7</p> <p>8 MR. MARKOWITZ: What's the time frame?</p> <p>9 A Came out of designation EIS. It was,</p> <p>10 basically, done up to the 2004 projected 10 years. In</p> <p>11 that projection we got about a 70 percent return from</p> <p>12 what we call the big users and 30 percent from the</p> <p>13 small users. We captured a lot from the small users.</p> <p>14 The response from the small marinas wasn't as good.</p> <p>15 The cities and towns is what we got something from.</p> <p>16 You asked about Ambro. The RDT is</p> <p>17 responsible for an interim step. Between the</p> <p>18 designation and the completion of the DMMP their job</p> <p>19 is to look at any application that would go out under</p> <p>20 Section 103 which, basically, is a federal action or</p> <p>21 action above 225,000 cubic yards. Their job is to</p> <p>22 insure, not regulate. They don't have the ability to</p> <p>23 stop a process.</p> <p>24 MR. MARKOWITZ: They are an interim state?</p> <p>25 MR. KEEGAN: Yes. Advisory to the</p>

14	<p>1 regulators to insure a thorough assessment has been 2 made. It's not to make a recommendation one way or 3 another.</p> <p>4 MR. MARKOWITZ: So, Ambro still has 5 precedence? We are doing an interesting exercise such 6 as you can't dump in Long Island Sound.</p> <p>7 MR. KEEGAN: Ambro doesn't say that.</p> <p>8 MR. MARKOWITZ: We understand the situation.</p> <p>9 MR. KEEGAN: Okay.</p> <p>10 MR. SEEBODE: Mike was right on target with 11 his description of how the LIS RDT is advisory. We 12 state LIS RDT as a group of primary regulators are 13 evaluated from a regulatory prospective given each 14 agency's expertise whether we believe an applicant has 15 fundamentally completed the requirements to 16 demonstrate there is no reasonably available LIS 17 environmental alternatives to take to get out to the 18 sound. We give it a fair and objective review of the 19 information then we make a fair and objective 20 recommendation.</p> <p>21 We had one application come before us for 22 greater than 25,000 cubic yards. We, in fact, 23 concurred the applicant had reasonably demonstrated 24 there was no alternative to placing it out on the 25 sound. That was our recommendation. So we are not,</p>	16	<p>1 objective work. The other question you asked I would 2 be pleased to consider modifying the charter to add 3 that one word "subject to agreement by the other 4 agencies". I will look into that.</p> <p>5 MR. HUNT: Thank you. Jeanie Brochi. She 6 would like to comment also.</p> <p>7 MS. BROCHI: The charts and maps and some 8 of the graphics you mentioned that Mike Kegan's slides 9 show are still available on the EIS web site. All the 10 the figures are available. We can mail them out. For 11 DMMP they are available. We can make sure you have a 12 copy of that.</p> <p>13 Q Thank you very much.</p> <p>14 MR. TOYIAN: Marvin Toyian.</p> <p>15 MR. HUNT: I apologize.</p> <p>16 MR. TOYIAN: Good afternoon. My name is 17 Marvin Toyian. I am the chairman of the Connecticut 18 Maritime Commission. I greatly appreciate the 19 opportunity to speak today and congratulate each and 20 every one of you for holding this meeting and the 21 other meetings this week.</p> <p>22 Firstly, we all want a clean and safe 23 environment for our families. That's a given. There 24 should be nothing less. Previously a letter was 25 submitted which was signed by me. The letter was from</p>
15	<p>1 even though that is Ambro, we are going to be 2 objective and fair. We are going to evaluate the 3 information that's provided and make our 4 recommendation.</p> <p>5 That project now moves into the formal 6 regulatory processes which means there will be a 7 public notice and the public who get those notices 8 will have every opportunity to write to the regulatory 9 agencies as proponents or opponents of the action. 10 Ultimately the regulatory agency will make the final 11 decision. If their decision goes against a 12 recommendation of the LIS RDT, there is a process for 13 discussing amongst higher level leaders in the 14 agencies to decide how to proceed. Right now we are 15 not anticipating that we have a good team, a lot 16 ex-regulators. Our recommendation is for the project 17 to go forward. We are integrating applicants and the 18 public will be integrated.</p> <p>19 MR. MARKOWITZ: I am not trying to impune 20 your integrity. The State of Connecticut has 21 something called the Strategy Board which includes 22 regulators and public.</p> <p>23 MR. SEEBODE: I was trying to dissuade any 24 notion that the LIS RDT goes into a process thinking 25 that nothing can go out to the sound. It is an</p>	17	<p>1 the commission and was voted and approved by the 2 Commission. I wish today to add a few additional 3 points.</p> <p>4 We the Commission have identified two 5 important goals, dredging and economic development. 6 Dredging is very important to Connecticut. And that 7 is why I am here today. Our needs are quite different 8 than those who live on the southerly side of the 9 sound. Your recommendations, decisions should be 10 based upon the ones who have the greatest needs not 11 the lesser ones. The argument of splitting the baby 12 won't work. Our geology in Connecticut has rivers 13 that flow into the sound. The southerly neighbors do 14 not. Our rivers flow silt into the harbors and 15 channels which does not exist on the southerly side. 16 Our neighbors do not have the silt, therefore, they do 17 not have the economic burden of removing it. We 18 require frequent dredging of large quantities of 19 materials. Our southerly neighbors do not. The 20 waterways are an important part of our transportation 21 system as well as our quality of life. Both are very 22 important. The economic model to determine the 23 funding for dredging needs to be reviewed as well. As 24 an example, the Norwalk harbor barges operate. Once 25 the harbor silted over the barge traffic disappeared.</p>

18	<p>1 Now trucks transported the cargo to the marketplace. 2 Once phase dredging was completed barge travel 3 resumed and over 1500 trucks were removed from I-95. 4 We all remember the recent accident 5 involving trucks and the tragic loss of life recently. 6 When the Connecticut River silted over, causing home 7 heating oil to move in land using other 8 transportation. Oil used to move by barge to the 9 Middletown plant. The barge cannot carry a full load 10 due to silting of the river. The outcome is more fuel 11 costs to move the fuel to the power plants raising all 12 our electricity rates in the region. 13 Therefore, I ask you to consider the 14 economic model that is used to justify the dredging 15 that takes place in the region. 16 Again thank you for the opportunity to 17 speak to you today and I wish you a speedy decision. 18 Thank you. 19 MR. HUNT: Thank you. Neil Spillane. 20 MR. SPILLANE: 21 22 Over again. 23 Q I will say it again. I will Neil Spillane 24 from Mystic, Connecticut. I'm a resident with no 25 present affiliation. I am retired. During the</p>	20	<p>1 shows that. I would agree with Mr. Wronowski. 2 The other thing that came out of that study 3 at that time, there is no sensible alternative to 4 transporting dredge spoils other than barges into 5 dumping sites. Having spent many years as a 6 consultant to the shipping industry, I looked into 7 rail transportation and truck transportation. Rail 8 transportation comes to four to five times as 9 expensive as barges and truck transportation ten times 10 as expensive. There is no simple cost effective 11 solution. 12 When someone recommends remote land-based 13 sites that is different from what's mentioned this 14 afternoon. If somebody sincerely think they can 15 promote remote dumping sites, I don't think there is a 16 cost/benefit analysis in our future unless NASA comes 17 up with space transport that is cheaper than barges. 18 In those two things your assistance is needed. I 19 think that data goes back 30 years. I checked 20 recently. Apparently nothing has changed in those 21 generalities and it does need not only your support, 22 the excellent work that is being proposed by the RDT. 23 But there are groups in the public who will 24 automatically opposed dumping and raise the fear of 25 heavy metals as though it's a nuclear reactor for</p>
19	<p>1 period when there was a moratorium of disposal 2 dredging spoils in Long Island Sound I acquired an 3 additional task to become the environmental manager 4 and permittee of Electric Boat for a period of four 5 years. And ultimately together with the Navy because 6 we were concerned because we were planning submarines 7 although they would be constructed probably could not 8 be dived because there wasn't enough water to float 9 them in the shipyard. 10 Jointly the Navy task force was formed, 11 folks from the marine sciences group from the union. 12 There was extensive testing that was done to find out 13 precisely what 100 years of shipyard building on the 14 river had done to the sediment. What those materials 15 were doing to the food chain. Fortunately, the report 16 I drafted went to Governor Grasso. She was 17 instrumental in having the moratorium set aside and 18 dredging started again. Principally at the time it 19 was shown that the heavy metals did not migrate into 20 the food chain. 21 One of the comments and I would look for 22 your assistance in helping educate the public just 23 because there are contaminants in dredged spoils, it's 24 a misleading dramatization that shows that the food 25 chain is compromised. I don't think the evidence</p>	21	<p>1 radiation. That resonates for the general public. It 2 should not be allowed in Connecticut without some 3 comment from the engineers and regulatory agencies. 4 Thank you for your time. 5 6 MR. HUNT: Our last person who signed up 7 to speak is William Spicer. Could I invite you to 8 this mike because that one is struggling. 9 MR. SPICER: I probably don't want the mike 10 because I need to use my props. 11 12 MR. HUNT: Please identify yourself and 13 your affiliation. 14 MR. SPICER: William Spicer. Spicer Marina 15 is the way I signed in. For the last about 18 years 16 I've also been the chairman of the Eastern Long 17 Island Sound Council for the State of Connecticut 18 and co-chairman of the Long Island Sound Assembly 19 for the State of Connecticut. Neither of those 20 bodies have acted on any of the issues that we will 21 discuss today so I would be speaking for myself. 22 This is very important and whoever put all this on, 23 the cover of the EIS which I believe, come back to 24 Battelle? 25</p>

22	<p>1 MR. HUNT: We supported it.</p> <p>2 MR. SPICER: This is a blowup of this</p> <p>3 particular cover and late last week when I was</p> <p>4 reviewing what I was going to say and do for this</p> <p>5 meeting, this suddenly I have got it. Something</p> <p>6 clicked. And as my father once told me, there is</p> <p>7 little that is new in this world, it's only how you</p> <p>8 put together what you already know. So I'm here to</p> <p>9 report that I believe my thoughts and findings are</p> <p>10 going to be very good for Southern Connecticut. I</p> <p>11 think we can finish the DMMP much quicker than</p> <p>12 expected, much more inexpensively than expected and</p> <p>13 with thousands of less hours.</p> <p>14 Now what did I see? If we look along</p> <p>15 this section here, the north shore of Long Island</p> <p>16 over to Orient Point, we see it's a glacial moraine.</p> <p>17 It picks up Great Harbor, Little Harbor, Little Gull</p> <p>18 out to Fisher Island Sound. The Race comes in as</p> <p>19 two deep canyons, runs up to whereabouts Bartlett's</p> <p>20 Reef and Bartlett's Bellmore is well more than 100</p> <p>21 feet. Beyond the Race and the Race by the way is a</p> <p>22 nationally known location. It is a place. It is,</p> <p>23 I believe, the last time I read, the sixth most</p> <p>24 dangerous maritime place in the United States of</p> <p>25 America. The tide runs occasionally at 6 or more</p>	24	<p>1 Long Island Sound. It doesn't say Block Island</p> <p>2 Sound, it doesn't say Gardiner's Bay, the Race,</p> <p>3 Fisher Island Sound. It doesn't say outer New</p> <p>4 London harbor or New London harbor.</p> <p>5 I think I can report to you we can get this</p> <p>6 done because Block Island Sound isn't the Race, the</p> <p>7 Race isn't in the DMMP. Fisher Island Sound is not</p> <p>8 in this DMMP. Unless someone wanted it in the DMMP.</p> <p>9 The New London dredge disposal site sits on this</p> <p>10 plateau. Here's Race Rock Lighthouse right here.</p> <p>11 The dump site is right close. You come by, you got</p> <p>12 210 feet, 100, 83 feet, 169, 109, 114, 204, 178.</p> <p>13 Then we are in Bartlett's. Then that passes Little</p> <p>14 Gull. The same situation, moving up we are -- the</p> <p>15 light is lousy. 166, 122, 113, 231 and the bottom</p> <p>16 shows boulders. Boulders, boulders. I am not going</p> <p>17 to tell you I know exactly where they are. There is</p> <p>18 expert oceanographers and others in this room.</p> <p>19 Frank Bollman, Ron Colmeyer as well as Tom Fredette</p> <p>20 who is here.</p> <p>21 The Race is a particular place. It is</p> <p>22 listed here. The cartographers are a little sloppy</p> <p>23 where they put things sometimes.</p> <p>24 When I saw this, the Race as a place</p> <p>25 cannot be in Long Island Sound. So Long Island</p>
23	<p>1 knots. I will get around to relating this. Beyond</p> <p>2 the Race you have Fisher Island sitting on it's</p> <p>3 plateau up above the two canyons that join together.</p> <p>4 Outside of the glacial moraine we need to get to</p> <p>5 this chart, the glacial moraine is here and this</p> <p>6 says Block Island Sound. Over on this side is</p> <p>7 Gardiner's Bay. We've all known exactly where they</p> <p>8 are for many, many years. As we come along see</p> <p>9 where we are. We see the Race which is one of the</p> <p>10 key things I saw along with the moraine. The Race</p> <p>11 is two huge canyons that comes in. Long Island</p> <p>12 Sound comes down, comes to a known place, the Race</p> <p>13 drains out through the canyons into Block Island</p> <p>14 Sound. Fisher Island is beyond the Race and sits up</p> <p>15 on its plateau which the plateau being protected</p> <p>16 from the easterly storms, the plateau is in here and</p> <p>17 is protected from the southeasterly storms. That is</p> <p>18 a classic definition of a sound. So we have Fishers</p> <p>19 Island Sound on the plateau, inside the Fishers</p> <p>20 Island and if we will note on this chart, there is</p> <p>21 the Chomps that are down somewhat to the east of</p> <p>22 Bartlett's Reef which form part of the outer New</p> <p>23 London harbor.</p> <p>24 I was going to read what it says for the</p> <p>25 Ambro Amendment. I will make it easier. It says</p>	25	<p>1 Sound has to have stopped by the time it got to the</p> <p>2 Race. Fisher Island Sound is by name also not Long</p> <p>3 Island Sound. So, therefore, Ambro has no say</p> <p>4 whatsoever and the New London dredge disposal site</p> <p>5 will remain under 404 rules. If you want to study</p> <p>6 it for DEP, but what I have, 404 rules apply because</p> <p>7 it is very important that our military</p> <p>8 establishment, which was so eloquently brought up, I</p> <p>9 would invite John Markowitz to comment on this. We</p> <p>10 need to keep the base.</p> <p>11 All our politicians cheered for the base,</p> <p>12 but have been MIA when we talked about this.</p> <p>13 There's no way in H, that Long Island Sound is in</p> <p>14 the Race or east of the Race. Therefore the New</p> <p>15 London dredge disposal site allows the submarine</p> <p>16 base to continue to maintain it's same competitive</p> <p>17 situation with other establishments whether Kings</p> <p>18 Bay or Norfolk, or Newport News, is very important</p> <p>19 to our population.</p> <p>20 I will mention one thing. Six of my</p> <p>21 forefathers died in the Battle of New London. I</p> <p>22 think I need to insist that a bill slipped through</p> <p>23 in the middle of the night in Washington which is</p> <p>24 ambiguous where there were no hearings held here. A</p> <p>25 bad bill. If somebody submits something it's</p>

26	<p>1 ambiguous, the ambiguity is held against them, not 2 against those that the octopus was trying to reach 3 out and snare. I submitted that New London does not 4 snare the New London disposal site or the base. I 5 would appreciate it if SECR and the naval people 6 would step up on this.</p> <p>7 I thank you for your care. We will 8 assist the DMMP in all areas where it's legitimately 9 existent and we will proceed as agreed to by our 10 governor to expeditiously and promptly move to try 11 to get money to support it. There is a bill put in 12 or in the process of being put in by the Department 13 of Transportation to Connecticut, that has part that 14 pays for some of these things on your DMMP where you 15 have had a hard time getting money. You need to get 16 money and get the DMMP moving, but we don't need to 17 spend any money doing things not in Long Island 18 Sound.</p> <p>19 Thank you very much. I will remain for 20 the full extent of the meeting and I have no problem 21 debating on any of these issues.</p> <p>22 23 MR. HUNT: Thank you, sir. We heard a 24 number of comments, but we got background and the 25 process has been made. We got the DMMP content that</p>	28	<p>1 with the responsibility of monitoring them, the 2 taxpayers or the towns, or is the state or federal 3 government going to pay for that?</p> <p>4 MR. HUNT: We can answer that now. Ask 5 people to respond or you have a couple of other 6 questions.</p> <p>7 MR. ACNERO: I have other questions.</p> <p>8 9 MR. HUNT: Why don't you do that.</p> <p>10 MR. ACNERO: You want them to answer that 11 question?</p> <p>12 13 MR. HUNT: Why don't you ask your other 14 questions.</p> <p>15 MR. ACNERO: Another point I would like to 16 bring out, a lot of agencies mentioned the 17 environmental consequences involved and in the 18 dredging whether upland dumping and things like 19 that. What about the personal consequences to 20 adjoining property owners if the site is to become a 21 dump site for one hundred thousand cubic yards or 22 250,000 cubic yards of dredging materials, what 23 happens to the surrounding property owners who have 24 a large better part of their life's investment in 25 their properties, what happens to those properties?</p>
27	<p>1 is out there. This is a public scoping meeting to 2 get more input. We heard some of that. The process 3 is open for 30 days. We understand we know more 4 about the problem NEPA go forward to support this 5 effort. It's an opportunity for the folks that 6 didn't sign up to speak to the issue and raise any 7 concerns, questions, things you feel might have been 8 missed in the presentation. The floor is open for 9 folks that would like to speak and comment.</p> <p>10 Sir, state your name and affiliation. 11 You may come here.</p> <p>12 MR. ACNERO: My name is John Acnero. I 13 live in Waterford. I have no affiliation with 14 anybody except I am a taxpayer. I just noticed a 15 couple of things. At present the Army Corp of 16 Engineers has a disposal area monitoring system in 17 process to monitor the disposal waste sites out in 18 the sound. My question would be, if they decide 19 that it's in the best interests to use landfills and 20 private property things like that for certain 21 dredging materials, would there be a committee or an 22 executive body to oversee all these little sites you 23 are going to have along the State of Connecticut. 24 There is probably one thousand dump sites or brown 25 sites which they are called. Who's going to be left</p>	29	<p>1 I guess, that's pretty much all I have to say.</p> <p>2 MR. HUNT: Thank you.</p> <p>3 MS. DUVA: My name is Diane Duva. I am 4 with the Department of Environmental Protection, the 5 Waste Enforcement and Assistant Director. You had 6 three questions. At least two of the three I would 7 like to quickly answer. The first is if the 8 materials are disposed of on the upland, who keeps 9 track of those disposal areas. You said who pays 10 for it. The second part of that question. And 11 you're third question is, I believe, is what role do 12 adjacent property owners have in the siting and 13 permitting of these types of disposal facilities. 14 Do I have your question?</p> <p>15 MR. ACNERO: Yes.</p> <p>16 MS. DUVA: The first question, who tracks 17 disposal sites. The State of Connecticut does track 18 any places where wastes are disposed of. There is a 19 permitting process. I want to characterize actually 20 when we are talking about placing materials on the 21 upland, for the most part we are talking about 22 beneficial using those materials at locations that 23 are already permitted disposal sites or being 24 beneficially used as fill material. So the point is 25 it's not the creation of a new land disposal</p>

30	<p>1 facility, it's using the material to help close an 2 existing landfill or bring to grade a construction 3 project. There is a process to insure that material 4 is characterized so contaminants are known. That is 5 a public process.</p> <p>6 The part about who pays, that is part and 7 parcel of the whole material management process. 8 Whoever is doing the dredging is going to be 9 offering those materials and the economics comes 10 back to the private property owners. The state 11 doesn't get involved in paying where that material 12 is going.</p> <p>13 Your third question, what will property 14 owners have if they are located adjacent to the 15 disposal facility. Essentially if someone wanted to 16 beneficially use materials to close an existing 17 landfill, they would have to be meeting the 18 requirements of that landfill. If someone wanted to 19 beneficially use materials as a fill material, they 20 would need to go through a public notice process to 21 do that. So property owners would have a way of 22 being informed of that.</p> <p>23 If you have further questions, I am happy 24 to speak with you at the end of the session or if 25 anyone has other questions.</p>	32	<p>1 or 12 or 15 dredging projects I worked on in the 2 last few years in coastal Connecticut and New York. 3 In most cases we have been successful in getting the 4 permits for doing the work. But the big problem we 5 have is not for the dredging it's for the disposal. 6 We have gone through all the testing, everything, 7 the permits. Out of all the ones I have, I believe, 8 this is mostly the western part of Connecticut and 9 New York the sediments of elevated containment 10 levels, they have to be capped at Central Long 11 Island Sound. The crisis, there is no cap material.</p> <p>12 I want to bring an awareness to the study 13 system, we are in a moment of crisis. There are 14 permits about to expire, other ones we are just 15 getting the materials. The availability of cap 16 materials is almost non-existent. We are managing 17 to squeeze in one or two projects here and there. 18 There needs to be a more unified dredge management 19 approach. I feel in helping these parties that were 20 successful in getting their permits. Whenever there 21 is cap material available, it should be maximized to 22 the full extent to accommodate these projects. 23 There hasn't been much money from the Corp in doing 24 federal maintenance projects in the past. That is 25 where the cap usually comes from. The lack of</p>
31	<p>1 MR. ACNERO: Thank you.</p> <p>2 MR. HUNT: Anyone else who would raise a 3 question or needs an answer? Sir.</p> <p>4 MR. BAJAC: I am Jim Bajac. I am an 5 environmental consultant. I do a lot of federal, 6 state permitting in coastal Connecticut and New 7 York. And I got one comment about the dredging 8 needs survey for the DMMP. I would suggest that in 9 areas where you -- particularly where you don't 10 have large harbors like Bridgeport or New London or 11 New Haven, there is a lot of private marinas and 12 yacht clubs and even individuals that dredge on a 13 pretty regular basis. So I would suggest you cast a 14 fairly wide net on your dredging needs survey in 15 order to make sure you capture in particular the 16 areas where there is no major bid dredging projects 17 so you got a better handle on things.</p> <p>18 Another thing you might want to do is 19 include consultants on the list because we get 20 involved in a lot of dredging projects and could 21 provide some useful information on that end. And a 22 list of consultants that deal with dredging projects 23 isn't all that big. That shouldn't be as big of a 24 job.</p> <p>25 The other thing, I currently have a dozen</p>	33	<p>1 federal dredging really puts a nail in the coffin 2 for the others to dredge and disposal. I want to 3 make sure you have a keen awareness to that. Maybe 4 as part of the DMMP you can put in some kind of 5 approach that would help these projects that do need 6 caps.</p> <p>7 MR. HUNT: Anyone else who would like to 8 ask a question, make a comment, make a clarifying 9 statement? Seeing there are no hands, I would like 10 to call this meeting to a close and remind folks the 11 comment period or the process is open for the next 12 30 days. You can comment through the items that 13 Mike Kegan pointed to. There is a sign up sheet. 14 Please do sign up because that's the next step in 15 getting you involved in the process. We would thank 16 you all very much for showing up and showing 17 interest and your input. Thank you very much.</p> <p>18 (At 3:00 p.m. the meeting was concluded.) 19 20 21 22 23 24 25</p>

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LONG ISLAND SOUND PUBLIC SCOPING MEETING

LONG ISLAND SOUND DREDGED MATERIAL
MANAGEMENT PLAN (LIS DMMP)

NOVEMBER 29, 2007

MODERATOR: DR. CARLTON HUNT

PRESENTERS: JEAN BROCHI, EPA
CHRIS RICCARDI, USACE
MICHAEL KEEGAN, USACE
SUE HOLTHAM, USACE
GEORGE WISKER, CONNECTICUT DEP
STEVE RESLER, NEW YORK DOS

REPORTED BY:

TREVOR DRUMMOND
SHORTHAND REPORTER

2	<p>1 . . . Long Island Sound public scoping meeting</p> <p>2 before Trevor Drummond, a duly qualified Court</p> <p>3 Reporter within and for the State of Connecticut, held</p> <p>4 at Linsly-Chittenden Hall, Yale University, 63 High</p> <p>5 Street, New Haven, Connecticut on November 29, 2007 at</p> <p>6 7 p.m.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4
3	<p>1 INDEX</p> <p>2</p> <p>3 SPEAKER PAGE</p> <p>4 Chris Riccardi, USACE 5</p> <p>5 Michael Keegan, USACE 6</p> <p>6 Sue Holtham, USACE 13</p> <p>7 George Wisker, Connecticut DEP 17</p> <p>8 Steve Resler, New York DOS 23</p> <p>9 Michael Piscitelli,</p> <p>10 City of New Haven 26</p> <p>11 Michael Keegan, USACE 28</p> <p>12 Michael Piscitelli,</p> <p>13 City of New Haven 29</p> <p>14 Burt Sacco,</p> <p>15 Port Authority of Bridgeport 29</p> <p>16 John Hilt, consultant 30</p> <p>17 Thomas Dubno, Gateway Terminal 31</p> <p>18 Mike Pimer,</p> <p>19 New Haven harbormaster 32</p> <p>20 Joel Severance,</p> <p>21 Connecticut Harbor</p> <p>22 Management Association 33</p> <p>23 Michael Keegan, USACE 35</p> <p>24 Jean Brochi, EPA 37</p> <p>25 John Hilt, consultant 37</p> <p>George Wisker, Connecticut DEP 37</p> <p>John Hilt, consultant 38</p> <p>Burt Sacco 38</p>	5

4	<p>1 STATEMENTS SUBMITTED FOR THE RECORD</p> <p>2</p> <p>3 SUBMITTED BY PAGE</p> <p>4 Michael Piscitelli,</p> <p>5 City of New Haven 40</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4
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5	<p>1 MR. RICCARDI: As she said, the RDT</p> <p>2 kicked off in '05. And the RDT comprises federal and</p> <p>3 state agencies; Army Corps of Engineers, EPA Regions 1</p> <p>4 and 2, NOAA, Connecticut Department of Environmental</p> <p>5 Protection; State of New York Department of State.</p> <p>6 Although the RDT has met several times, major goals as</p> <p>7 Jeanie has alluded to already for the RDT mission</p> <p>8 initial vision statement and charter which helps guide</p> <p>9 how they would proceed not only through the DMMP</p> <p>10 process, really past the DMMP, that goal is one of</p> <p>11 its agency communication, but of reviewing</p> <p>12 alternatives to see if projected project plans are</p> <p>13 protective of the human and natural environment.</p> <p>14 Several mission or other type of goals were put together</p> <p>15 and they focused really on the idea of effective</p> <p>16 communication of agencies and projects; everyone knows</p> <p>17 what people are doing. And it makes it easier to</p> <p>18 understand when individual projects come up.</p> <p>19 Individual projects, they will be in constant</p> <p>20 communication with RDT to make sure that the</p> <p>21 alternatives being proposed meet the needs of the</p> <p>22 designation. And hopefully, the RDT will then help</p> <p>23 present this information to the various agencies so</p> <p>24 everyone can make a more informed decision.</p> <p>25 Ultimately, they will review the DMMP and make their final</p>	5
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6	<p>1 recommendations. And this will be the final stage of</p> <p>2 the DMMP, continue with the RDT mission. That's the</p> <p>3 status of where we are with the RDT</p> <p>4 DR. HUNT: The next speaker is Mike</p> <p>5 Keegan of the New England Region Army Corps of</p> <p>6 Engineers.</p> <p>7 MR. KEEGAN: Good evening. As</p> <p>8 Carlton said, I'm Mike Keegan. In fact, I will be the</p> <p>9 project manager of the Long Island Sound DMMP. Jean</p> <p>10 brought up background of how we got to where we are</p> <p>11 right now. Chris talked about the RDT which is the</p> <p>12 process by which present dredging is going to be reviewed</p> <p>13 and managed. And I'm here to talk about the dredge</p> <p>14 material management plan. Sue Holtham will follow and</p> <p>15 talk about the environmental impact statement process.</p> <p>16 What you see are the federal and state agencies</p> <p>17 involved in the DMMP. We have the Corps, NOAA, EPA,</p> <p>18 Connecticut DEP, New York DOS. But there's one icon</p> <p>19 I'm missing, and that's you folks. You are as</p> <p>20 important players on this team as any of the agencies</p> <p>21 there.</p> <p>22 What is the DMMP? A Corps-led comprehensive</p> <p>23 planning process and decision making tool to address</p> <p>24 the management of dredged material for a specific</p> <p>25 harbor or navigation project, a group of related</p>	8	<p>1 we need assistance from the public for. That is where</p> <p>2 the information comes. We'll look at disposal</p> <p>3 capability, capacity of the various placement sites,</p> <p>4 environmental compliance requirements, potential for</p> <p>5 beneficial use of dredged material. I'll get into</p> <p>6 that in a little while. We'll look at indicators of</p> <p>7 continued economic justification. An integrated NEPA</p> <p>8 document will be prepared and follow-up studies done</p> <p>9 after the DMMP is created and completed. All of the</p> <p>10 coast of Connecticut, all of the coast of Long Island,</p> <p>11 and the county of Washington in Rhode Island.</p> <p>12 We prepared a preliminary assessment which</p> <p>13 is where you use current placement needs and existing</p> <p>14 management options and see if that can handle what you</p> <p>15 need to do for the next 20 years. We didn't have enough</p> <p>16 information to make that call. The preliminary assessment</p> <p>17 recommended that we go into a full scale DMMP. It's a</p> <p>18 feasibility study, a decision making tool.</p> <p>19 First phase of a DMMP is to quantify placement</p> <p>20 needs and some of the options, preliminary assessment.</p> <p>21 Some of it we need to go out and generate, identify</p> <p>22 all alternative placement options with special emphasis</p> <p>23 on beneficial use; evaluate, analyze, and compare and</p> <p>24 screen alternatives; and recommend a management plan.</p> <p>25 We go back and revise it and occasionally update it</p>
7	<p>1 projects, or a specific geographic area. The Long</p> <p>2 Island DMMP is unique. Most of the time a DMMP is for</p> <p>3 one or two harbors. Our geographic area is more</p> <p>4 significant, makes it little more complicated, but</p> <p>5 also makes it more of a challenge. Comprehensive</p> <p>6 review for both maintenance and planned improvement</p> <p>7 activities over a 20-year planning horizon. When you</p> <p>8 go past that you get vague and lose confidence in the</p> <p>9 numbers you generate. Evaluate various placement</p> <p>10 methods, various sites, and use of those sites; and</p> <p>11 recommend a practicable method to meet all federal</p> <p>12 regulations and avoid or minimize impacts. The DMMP</p> <p>13 goal is to develop a comprehensive dredged material</p> <p>14 management plan that recommends practicable,</p> <p>15 implementable solutions to manage dredged material in</p> <p>16 an economically sound and environmentally acceptable</p> <p>17 manner in Long Island Sound. The DMMP will identify a</p> <p>18 management plan using a broad based public process.</p> <p>19 The DMMP will address many things. First</p> <p>20 one will be future dredging needs, maintenance, and</p> <p>21 planned improvement for both the federal government</p> <p>22 and nonfederal people. We know our harbors. We know</p> <p>23 how often we maintain them. It's the challenge to get</p> <p>24 the information for the nonfederal people; the local</p> <p>25 harbors, the towns, small marinas. That is something</p>	9	<p>1 because things change, something comes online we</p> <p>2 didn't expect, a different technique for handling</p> <p>3 dredged material. We can integrate that into our</p> <p>4 plan and modify it as needed.</p> <p>5 When we look at management alternatives for</p> <p>6 dredged material there is nothing that won't be on the</p> <p>7 table. Everything we can look at we will look at and</p> <p>8 evaluate. This is a short list; open and closed</p> <p>9 landfills, brown fields, beach restoration. The list</p> <p>10 goes on and on.</p> <p>11 After we do the evaluation of all the</p> <p>12 options we will come up with a final DMMP document</p> <p>13 that we will recommend a baseline, and for all federal</p> <p>14 navigation projects an array of feasible</p> <p>15 environmentally acceptable practicable management</p> <p>16 plans that will meet or exceed the need for managing</p> <p>17 their dredging.</p> <p>18 We haven't had an awful lot of money. We</p> <p>19 haven't started the DMMP process. In 2008 we expect</p> <p>20 to receive money to initiate that process. First part</p> <p>21 is to initiate the public outreach. This is the sixth of</p> <p>22 six meetings we've had this week. We're also updating</p> <p>23 our mailing list. Some of you may have received a</p> <p>24 notice from us. We mailed 2500 notices out. The</p> <p>25 media has been kind to us in spreading the word that</p>

10	<p>1 the meetings are coming up. We've established a</p> <p>2 project web page. The address is up there. We prepared</p> <p>3 notice of intent to develop an EIS. We have the</p> <p>4 sheets you saw outside that you could have gotten.</p> <p>5 They will also be available on our web page. All of</p> <p>6 the presentations that you see will be available next</p> <p>7 week. When the record closes after 30 days we will</p> <p>8 also have all of the transcripts, all of the information</p> <p>9 we have will be posted on our web page. We hope to</p> <p>10 use this as communication for what will be happening,</p> <p>11 information people can download and read at their</p> <p>12 leisure and have a way to communicate with us.</p> <p>13 We've established a specific project</p> <p>14 mailbox. It's LISDMMP@USACE.army.mil. If you have a</p> <p>15 question or query, send it to that mailbox. You will</p> <p>16 get an answer. If you have any information you're</p> <p>17 looking for, if we can help you with that send us an</p> <p>18 E-mail. If you have not signed up tonight, please do</p> <p>19 so. This is how we're going to communicate with</p> <p>20 people. If you're not on our list you're at a</p> <p>21 disadvantage if you want to find out what's going on</p> <p>22 unless you go to our web page.</p> <p>23 The other thing is we're going to update and</p> <p>24 revise the future dredging needs and maritime economic</p> <p>25 assessment from LIS EIS studies, navigation dependent</p>	12	<p>1 material through town on certain roads. That can</p> <p>2 limit the use of alternatives. We'll recommend proposed</p> <p>3 revisions to statutes, or legislative actions that</p> <p>4 will allow consistency between the states and</p> <p>5 allow favorable alternatives to be implemented</p> <p>6 particularly for beneficial use. In regards to the</p> <p>7 processing of beneficial materials there is an</p> <p>8 innovative technology demonstration project that</p> <p>9 DEP is working on with the Corps of Engineers.</p> <p>10 This came out of our preliminary assessment.</p> <p>11 What it basically shows is material, whether it be</p> <p>12 federal or nonfederal material. The size of the pie</p> <p>13 chart tells you the amount of material we're looking</p> <p>14 for. We'll do this by various time frames so we'll be</p> <p>15 able to identify alternatives in that region,</p> <p>16 management options that offer us a lot of options for</p> <p>17 people to deal with, offshore and near shore disposal</p> <p>18 options for western and eastern Long Island Sound.</p> <p>19 We'll go back to confirm that those opportunities that</p> <p>20 existed before are still there, and look for new</p> <p>21 opportunities, look at upland placement sites, asphalt</p> <p>22 batching sites, landfills.</p> <p>23 Who do we need to participate? A lot of</p> <p>24 people; harbor masters, marinas, anyone who will</p> <p>25 be doing dredging for any reason we will need to look.</p>
11	<p>1 activities like marinas and so forth; not just in terms</p> <p>2 of how much dredging we need today, but how much</p> <p>3 dredging we need, on what cycle, and how that will</p> <p>4 happen. We have a marina that's this size, and we</p> <p>5 hope to expand it to this size. We need all this</p> <p>6 location by location by time frame so we can manage</p> <p>7 all the material. Some things may not have to come</p> <p>8 online today if the needs are not for ten years.</p> <p>9 We'll look at all the potential improvement and the</p> <p>10 time frame for that implementation.</p> <p>11 We'll conduct interviews, quantify some</p> <p>12 information. We may have to get answers to questions</p> <p>13 we may have about what comes out of questionnaires.</p> <p>14 In some cases it may be helping people fill out</p> <p>15 questionnaires.</p> <p>16 We will look at all the federal</p> <p>17 requirements. We have looked at all the regulatory</p> <p>18 permits that have been issued in the last 20 or 30</p> <p>19 years so see if we can find out nonfederal dredging</p> <p>20 needs and see what the time cycle is.</p> <p>21 We will also update the beneficial use in</p> <p>22 the upland disposal options we have. We'll look at</p> <p>23 the current regulations for land, water, and air, and</p> <p>24 see if they prevent use of any potential management</p> <p>25 alternatives. In some communities you can't truck the</p>	13	<p>1 If you belong to a yacht club, find out who's in</p> <p>2 charge. Ask them if they got our questionnaire, if</p> <p>3 they filled it out. We need as much information as we</p> <p>4 can. Mostly state agencies, counties, and</p> <p>5 municipalities will have the opportunity to do upland</p> <p>6 disposal in terms of DMMP process. Federal agencies,</p> <p>7 state agencies, counties, and municipalities; but more</p> <p>8 importantly LIS in general, we want to keep you</p> <p>9 informed. We want you as a partner. It's a lot</p> <p>10 easier to talk and communicate along the way so we can</p> <p>11 say we understand how we got there and we like the</p> <p>12 result. Thank you for listening. Thank you for</p> <p>13 participating in the study. And hope to see you again</p> <p>14 at some of our other meetings.</p> <p>15 DR. HUNT: Thank you, Mike. Sue</p> <p>16 Holtham, as you heard, is going to talk a little bit</p> <p>17 about the scoping process.</p> <p>18 MS. HOLTHAM: Thank you, Carlton.</p> <p>19 I'm Sue Holtham. I'm with the Corps of Engineers from</p> <p>20 the New England district in Concord, Massachusetts.</p> <p>21 Just as a little background, I was also the NEPA</p> <p>22 manager for the site designation at EIS. As Carlton</p> <p>23 mentioned, I'd like to provide an overview of the</p> <p>24 programmatic EIS that will be done for the dredged</p> <p>25 material management plan.</p>

14	<p>1 I thought I would provide a little</p> <p>2 background on the genesis of an EIS. Back in 1969</p> <p>3 when the National Environmental Policy Act was passed,</p> <p>4 its Section 102(2)(C) stated that the federal</p> <p>5 government shall include in its recommendations other</p> <p>6 major federal actions significantly affecting the human</p> <p>7 environment a detailed statement that identifies,</p> <p>8 analyzes, and documents effects and issues associated</p> <p>9 with the proposed action and reasonable alternatives.</p> <p>10 The detailed statement that is referred to in that</p> <p>11 quote is the environmental impact statement or</p> <p>12 referred to as the EIS.</p> <p>13 There are basically four major elements to</p> <p>14 the NEPA process. First off, it's a decision making</p> <p>15 tool. It provides full public disclosure to the</p> <p>16 background information used to perform the</p> <p>17 evaluation in the EIS. The public is</p> <p>18 involved from beginning to end, will be involved in</p> <p>19 reviewing documents and providing input. And it is</p> <p>20 also one of the key integral elements of NEPA. The EIS</p> <p>21 and NEPA process documents the existing conditions of</p> <p>22 the area and alternatives under consideration,</p> <p>23 documents and analyzes the impacts, and ultimately ends</p> <p>24 up identifying a preferred course of action in what's</p> <p>25 called a record of decision or ROD of the programmatic</p>	16	<p>1 meet data needs. Again, public involvement and the PEIS</p> <p>2 -- there will be public involvement throughout the PEIS</p> <p>3 process. The progress of our studies will be</p> <p>4 documented and will create opportunity for everyone to</p> <p>5 provide input and comment on the development of the</p> <p>6 document.</p> <p>7 I've listed some activity on the last bullet</p> <p>8 on the public scoping meetings which we have been</p> <p>9 holding this week. We will be having public</p> <p>10 information sessions and workshops, publishing</p> <p>11 periodic newsletters and fact sheets. A 45-day review</p> <p>12 of the draft PEIS will be held to receive comments on</p> <p>13 the draft EIS. Those comments will be put together,</p> <p>14 and changes made to the document as appropriate.</p> <p>15 A final PEIS will be available to the public after</p> <p>16 30 days, after which a record of decision will be</p> <p>17 prepared.</p> <p>18 In a nutshell that's the NEPA process that</p> <p>19 will be taking place for the programmatic</p> <p>20 environmental impact statement. Thank you for</p> <p>21 attending the meeting tonight, and I'll be here after</p> <p>22 the meeting to answer any questions anyone may have.</p> <p>23 Thank you. Carlton?</p> <p>24 DR. HUNT: Thank you, Sue. Our next</p> <p>25 speaker moves to state perspectives. George Wisker,</p>
15	<p>1 EIS. A programmatic EIS evaluates the impacts of</p> <p>2 broad agency actions. And the NEPA regulations allow</p> <p>3 that when an agency has broad actions or programs that</p> <p>4 a programmatic EIS can be developed.</p> <p>5 A DMMP is a plan for determining the</p> <p>6 management of dredged material in Long Island Sound.</p> <p>7 It was determined that a programmatic EIS would</p> <p>8 identify impacts of all alternatives in the DMMP and</p> <p>9 give decision makers a means to evaluate disposal</p> <p>10 options with full knowledge of potential environmental</p> <p>11 consequences. As the future moves on more NEPA</p> <p>12 documents may be prepared to evaluate specific impacts</p> <p>13 resulting from implementation of a given option at a</p> <p>14 specific location.</p> <p>15 Concurrently with the DMMP all NEPA</p> <p>16 documents are prepared to comply with requirement of</p> <p>17 all statutes and regulations such as the Clean Water</p> <p>18 Act, Endangered Species Act, and National Historic</p> <p>19 Preservation Act. The studies and activities for the</p> <p>20 analysis will be extensive. First step is to compile</p> <p>21 and review existing data available on the elements</p> <p>22 shown on the slide; water quality, sediment, physical</p> <p>23 oceanography, near bottom modeling, biological</p> <p>24 resources, and cultural resources; determine what the</p> <p>25 data gaps are; and determine the study methodology to</p>	17	<p>1 Connecticut DEP.</p> <p>2 MR. WISKER: Good evening. I am</p> <p>3 George Wisker, geologist with the State of Connecticut</p> <p>4 Department of Environmental Protection. I've been</p> <p>5 working in dredge material management for the past 20</p> <p>6 years plus.</p> <p>7 What I'm going to talk about a little</p> <p>8 tonight is some of the efforts we're doing with</p> <p>9 regards to beneficial uses, alternatives for disposal.</p> <p>10 That includes beach nourishment, innovative</p> <p>11 technology. That's where you're using -- rather than</p> <p>12 haul it, dump it, you're doing something with the</p> <p>13 material to change its physical and chemical nature</p> <p>14 into something more useful. The department is also</p> <p>15 working on a beneficial use general permit, and also</p> <p>16 something more which is very important is removing</p> <p>17 impediment to general use.</p> <p>18 The Housatonic River in Connecticut needs to</p> <p>19 be dredged. Currently, it's about 650,000 cubic yards</p> <p>20 of material needs to be dredged out of that river.</p> <p>21 It's sand. The department is partnering with the</p> <p>22 Corps to see if we can take that sand when it's</p> <p>23 dredged and take it to Hammonasset Beach State Park.</p> <p>24 So you have what seems to be a match.</p> <p>25 We're also dealing with the Corps on a</p>

18	<p>1 navigation project adjacent to the park, Clinton 2 Harbor. It has 40,000 cubic yards of sand that needs 3 to be dredged every year.</p> <p>4 And using the sand depends on a number of 5 factors. While it seems it's a simple match, we need 6 to get the Congressional funding for the dredging. 7 The Corps operates on a funding system where Congress 8 appropriates the money. If Congress doesn't 9 appropriate the money, the Corps doesn't do the 10 dredging. The Corps has to do a cost benefit analysis 11 to determine that the cost of the dredging will be paid 12 back public benefit hopefully in excess of the cost of 13 the project, and also the state needs funding to pay the 14 Corps for the additional cost of moving the sand to the 15 beach.</p> <p>16 With regards to innovative treatment 17 technology, Section 345 of the WRDA of 2000 authorized 18 an innovative treatment program. And we've got about 19 \$2,000,000 in federal funds backed up by \$750,000 of 20 state match. The particular project is to take 21 material, run it through a process, remove 22 contaminants, change the texture of it, and make a 23 useful product out of the material that's been 24 treated. The idea is to turn it into a product that 25 can then have marketable value.</p>	20	<p>1 contaminants in it it will be restricted in its use. 2 Hopefully, it will be unrestricted use.</p> <p>3 Depending on what happens with phase one, we 4 may move on to a much larger implementation project 5 where we'd have to construct a treatment plant, run it 6 through the process, clean it, manufacture a product 7 out of it.</p> <p>8 With regard to the use of general permit, 9 this is an idea that's been around for a while and on 10 folks' mind for a long time at the department. The 11 good news is a general permit has been moving ahead.</p> <p>12 The first permit issued last year was a 13 staging and transfer permit which allowed materials 14 that would be contaminated, regulated material to be 15 stockpiled and held at a location pending a reuse 16 determination.</p> <p>17 The next step, and this is something that's 18 coming down the road quickly, is a beneficial use 19 permit. This permit was developed by department staff 20 and an external advisory group that's provided 21 feedback into the process. I believe it's coming out 22 in a couple of weeks.</p> <p>23 Finally, yet to be developed but something 24 that would fit in the sequence determined is a 25 treatment general permit which would allow a certain</p>
19	<p>1 We found this project in New Jersey that was 2 actually very similar but further along in the 3 process. And by partnering with the New Jersey folks, 4 we were able to save two years and several million 5 dollars. This material coming from an estuary in New 6 Jersey was very similar to the Bridgeport sediment. 7 It was easily used as a surrogate for the Bridgeport 8 material. It's been through a process called sediment 9 washing, a variety of processes, surfactants and other 10 things washed out, and essentially the contaminants 11 are removed. And you're left with more or less soil 12 and dirt. We've taken about 100 yards of that 13 material, shipping it to Bridgeport. The material is 14 going to be shipped to aggregate manufacturers to see 15 if they can make a product out of this material. 16 They're going to document this process; what they put 17 in, what they take out, the problems they run into, 18 and the cost and time, et cetera that it actually 19 takes to make this material. They're going to put 20 that together, forward that information to the Corps 21 and DEP so we can determine how effective this process 22 really is.</p> <p>23 Also, in addition to see what this material 24 looks like, we have to make sure the material is 25 suitable for that use. If it has a certain level of</p>	21	<p>1 treatment to be a category to be applied to specific 2 treatments. This will simplify our ability to use the 3 material, not only on the regulators, but also on the 4 regulated public to determine which course of action 5 they follow and what the material can be used for and 6 what the constraints on that use are. We need to 7 match the contaminant levels with the uses. We don't 8 want to put material that has a lot of contaminants 9 for a day care center. On the other hand, it may be 10 suitable for an industrial setting where it's 11 contained.</p> <p>12 In addition, the regulation requirement will 13 mirror the material's level of contamination. If it's 14 clean material the documentation requirement on a 15 permittee will be low. If it's not good material and 16 might be a problem there will be more input back to the 17 department on how the material is going to be used 18 and handled commensurate with contamination levels.</p> <p>19 Some towns can tangle things up by not 20 allowing truckloads of material to move through a 21 town. You can have a good idea, but if you can't 22 implement it, it will not work.</p> <p>23 We're also looking at statutory and 24 regulatory impediments; unclear definitions, or the 25 definitions can be interpreted by five different</p>

<p style="text-align: right;">22</p> <p>1 people in five different ways. So one of the things 2 that needs to be done is a revision of the clean fill 3 definition so we can clarify between what is a clean 4 fill and what is okay but regulated, it needs some 5 supervision. Also in state statutes is a term called 6 contaminated dredge spoils. It's not defined, but 7 it's regulated.</p> <p>8 As an example of a change, when we were 9 going through the process of looking, we have a statute 10 in Connecticut that applies to marine mining. Many 11 years ago there was mining that went on in the 12 Housatonic River for sand and gravel. This requires a 13 permit. And a royalty was put on that because it was 14 considered a resource. Currently, that royalty 15 exists, and it's a \$4 a cubic yard royalty. If one 16 were to take that material, dredged material that 17 would not normally be sold, process it and sell it 18 as, say, soil, the state would be forced to collect a 19 \$4 a yard royalty on that which is a \$4 disincentive. 20 So what we did was introduce legislation to allow the 21 commissioner to exempt that. Unfortunately, our 22 legislature didn't come through and that impediment is 23 still there. We're trying to move these things 24 through. It's tough enough without impediments. 25 Thank you.</p>	<p style="text-align: right;">24</p> <p>1 government to develop a plan for the comprehensive 2 management of dredged materials in the region. This 3 has nothing to do with the Ambro Amendment or any 4 other legislation affecting Long Island Sound.</p> <p>5 The U.S. EPA and Corps of Engineers agreed 6 to work with New York and Connecticut to develop a 7 dredge management plan for Long Island Sound. This will 8 be different than the other dredge material management 9 plans around the country. One of the goals is to 10 reduce the need for open water disposal by identifying 11 or advancing new or needed technologies, beneficial 12 uses, or markets for materials throughout the region. 13 It's to be developed with input from the public. And 14 this is the first of those meetings looking for input 15 from you. The department expects and the New York 16 coastal management plan program as that program is 17 expressed in what we refer to as the Long Island Sound 18 coastal regional programs to guide what types of 19 decision government makes throughout its decision 20 making process.</p> <p>21 A federally required element of New York's 22 coastal program or those requiring authorizations or 23 requiring funds from agencies is not allowing a claim 24 of a general lack of funding or a failure on the part 25 of an agency or someone else to properly consider</p>
<p style="text-align: right;">23</p> <p>1 DR. HUNT: Thank you, George. Our 2 last presentation tonight is by Steve Resler, New York 3 Department of State. He's going to give a New York 4 update.</p> <p>5 MR. RESLER: I don't have a 6 PowerPoint so bear with me. Steve Resler, New York 7 Department of State. I've been dealing with the 8 management of dredged materials since 1973. And I'm 9 one of those guys banging their head against the wall.</p> <p>10 The Department of State is the New York 11 State coastal management agency. As such, the 12 Department of State is tasked with coming up with 13 comprehensive plans, comprehensive water use plans for 14 New York's coastal resources. It is also responsible 15 for advancing appropriate protection of those 16 resources through federal, local, and state resource 17 process, alternatives, practices, technologies and 18 beneficial use market for the management of dredged 19 materials, valuable commodities rather than disposed 20 of in the important open waters and benthic waters of 21 Long Island.</p> <p>22 In June 2004 New York objected to the 23 disposal sites. Part of the reason for that was the 24 failure of government -- And when I say government I 25 include the State of New York -- the failure of</p>	<p style="text-align: right;">25</p> <p>1 designing something to implement something that is not 2 fully consistent with all the policies. It does not 3 allow an agency in its decision making to do what's 4 traditionally considered the balancing approach.</p> <p>5 That's where you the balance the great and wonderful 6 benefits of something against the relatively minor 7 effects. Our task is to make sure those competing 8 objectives don't conflict with each other, and we 9 advance both of them. We advance both, never 10 advancing one to the detriment of the other. That's 11 what distinguishes the coastal programs from other 12 regulatory or decision making programs out there. And 13 we expect to and intend to use it to our fullest 14 advantage -- I mean every one of the agencies 15 represented here -- so we can come up with the most 16 comprehensive or far reaching plan we can put 17 together. So we're asking the eight or nine of you 18 that showed up tonight what you would like to see 19 done. I'll be here as long as it takes to answer 20 questions.</p> <p>21 DR. HUNT: This is the portion when 22 we open the public scoping meeting. People can 23 sign up to give a statement or ask questions. We have 24 four people who have done that. But before, I need to 25 ask if there are any elected representatives in the</p>

26	<p>1 audience?</p> <p>2 MR. PISCITELLI: Michael Piscitelli.</p> <p>3 I'm transportation director of the City of New Haven.</p> <p>4 I brought copies of the prepared testimony of the City</p> <p>5 of New Haven. Tonight let me start by saying welcome.</p> <p>6 We prepared our testimony. We'll submit it.</p> <p>7 Listening to the discussion, it starts with</p> <p>8 we're really happy to see you. It's been a long time</p> <p>9 in waiting. Our business community, our environmental</p> <p>10 community, and more importantly our port and</p> <p>11 commercial interest in New Haven have had a lot of</p> <p>12 anxiety when would you get here. I thought early on,</p> <p>13 and Jeanie and Chris and Mike, Sue, your presentations</p> <p>14 were dead on from our perspective, trying to balance</p> <p>15 the vital economic interest for Connecticut and trying</p> <p>16 to perform dredging. What I'd like to add to that</p> <p>17 discussion, and what I didn't hear enough tonight, is</p> <p>18 the time sensitive nature of this project.</p> <p>19 And I think we heard over and over, and we</p> <p>20 heard it over the last three or four years, if there's</p> <p>21 funding available. And I would submit to you as a</p> <p>22 peer government official who also struggles with</p> <p>23 funding, this is our issue. This is not an issue for</p> <p>24 the legislature or the elected officials. We own the</p> <p>25 problem. It's our responsibility to solve it as well.</p>	28	<p>1 upwards of 300 percent reduction moving freight by</p> <p>2 ship. It matters in a significant way, and I would</p> <p>3 say to you equally as important as you would get from</p> <p>4 our environmental beneficial uses of the dredged</p> <p>5 spoils.</p> <p>6 With that I'll leave my testimony and hand</p> <p>7 it in. And anything we can do to help you get this</p> <p>8 project done.</p> <p>9 MR. KEEGAN: Let me talk a little</p> <p>10 about funding. I really like the idea we get the</p> <p>11 State of Connecticut and New York to throw money into</p> <p>12 the pot. But the big monies come from the federal</p> <p>13 government. August 2007 Congress had 1.8 million</p> <p>14 dollars in the House version which seems like a</p> <p>15 no-brainer. But Congress didn't pass a budget. What</p> <p>16 they passed is a yearlong continuing resolution. And</p> <p>17 unfortunately, in 2006 we didn't have any funding to</p> <p>18 do that which means we received no funding this year.</p> <p>19 This year the President put in 2.8 million dollars</p> <p>20 into his budget request. We are hopeful we will get</p> <p>21 at least what the President requested. However, as I</p> <p>22 stand before you right now, Congress has not passed its</p> <p>23 budget. You want to help us? We need a budget. We</p> <p>24 get a budget, likely we'll get funding. When we get</p> <p>25 funding we're ready to go. We've already identified</p>
27	<p>1 It would be good to know when we should be in front</p> <p>2 of Congress or our state delegation to get the funding</p> <p>3 necessary to complete this project on time. Steve,</p> <p>4 that includes the State of New York. You tell me when</p> <p>5 we need to be on the bus up to Albany. I will be</p> <p>6 there. George, when we're going for the state house</p> <p>7 on legislation for beneficial use, you want us there.</p> <p>8 And we will be with you, because this project matters</p> <p>9 to us in a very substantial way.</p> <p>10 New Haven is a top 50 port in the entire</p> <p>11 nation. We're the largest port in the State of</p> <p>12 Connecticut. We handle half the volume for the state.</p> <p>13 This is not a laughing matter. It matters to keep</p> <p>14 these industries growing. One of the key issues is</p> <p>15 not only maintenance. Our Port Authority is looking</p> <p>16 to go to 42 feet from 35 feet. It's part of our</p> <p>17 foreign trade zone. The petroleum reserve, home</p> <p>18 heating oil reserve, and London Metals Exchange</p> <p>19 warehouse all in are in New Haven. It matters so we</p> <p>20 can stay competitive and bring deep water traffic into</p> <p>21 New Haven.</p> <p>22 The balancing should also include the</p> <p>23 importance of taking trucks off Connecticut's</p> <p>24 highways. The phenomenal reduction in air pollution</p> <p>25 that you get from modest truck reduction to rail,</p>	29	<p>1 what we need to do. We just need funding.</p> <p>2 MR. PISCITELLI: The point of that</p> <p>3 is for Cross Sound Cable and Broadwater, high profile</p> <p>4 issues, we mobilized the community against what</p> <p>5 matters for the benefit of Long Island Sound. This</p> <p>6 doesn't have that public appeal yet. And we share the</p> <p>7 responsibility to elevate it as we did Cross Sound</p> <p>8 Cable or Broadwater.</p> <p>9 MR. SACCO: Burt Sacco. I'm a</p> <p>10 consulting engineer. I work for the Bridgeport Port</p> <p>11 Authority. I am here on behalf of the Port Authority</p> <p>12 of Bridgeport. I would mirror everything Mike said.</p> <p>13 Bridgeport isn't as big as New Haven. We have</p> <p>14 different conditions. Our waterfront is not port</p> <p>15 oriented, but it's become very much economically</p> <p>16 development oriented. We have the largest travel lift</p> <p>17 of any port in the Western Hemisphere. We have a</p> <p>18 utility company building a new dock. We are</p> <p>19 completely in favor of what you are doing. We will do</p> <p>20 everything we can to help.</p> <p>21 We're working on our own program. We have a</p> <p>22 couple of things we would like you to consider.</p> <p>23 Upland disposal is very difficult in our part of the</p> <p>24 world. Trying to find a piece of land in Fairfield</p> <p>25 County on which you can deposit dredged material is</p>

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1 almost impossible. If it's not wetland it's next to
 2 somebody that doesn't like the smell. We have enough
 3 material coming out of our harbor to fill 50 acres 20
 4 feet high. We're particularly interested in
 5 waterborne disposal sites.

6 In Fairfield County you can't buy fill.
 7 We're importing it from all over the place. The
 8 zoning agencies are trying to put those companies out
 9 of business. We're processing stone, processing
 10 concrete, grinding up stone on which to build a base
 11 material we need. So it's a doable thing. If we can
 12 get George's program we get fill material, whatever
 13 the condition may be. If they're a little
 14 contaminated we can still use it. We've done that.
 15 The shipyard built in Bridgeport was built on
 16 processed dredged material, and it works.

17 The other thing is to take some of that fill
 18 and positively use it. A lot of our development
 19 activity are taking place on flood prone real estate.
 20 We have two projects that are at elevation 7. We need
 21 to fill those sites. If we can begin to use processed
 22 dredged material to fill those sites it would be
 23 incredibly beneficial to the development in our area.
 24 Thank you very much.

25 MR. HILT: John Hilt. I'm a

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1 consultant hired by individuals and marinas and other
 2 entities to obtain permits for performing dredging of
 3 previously dredged facilities.

4 In discussions such as these usually we talk
 5 about studies and end products and desired result.
 6 What we tend to not address are nuts and bolts issues.
 7 Show of hands here: How many of you could operate
 8 your business if you could only do everything for four
 9 months of the year? How about no more than nine
 10 months of the year? That is what a commercial
 11 dredging operator is forced to confront in the state.
 12 Can't dredge in the summer because of shell fishing
 13 restrictions. Quite often you can't dredge other
 14 times because of other environmental concerns. Given
 15 that, when we talk about processing large quantities
 16 of dredged spoils, how are we going to transport these
 17 things? All of these things are nuts and bolts issues
 18 that need to be addressed in this process. You can't
 19 ask a contractor to do what you are trying to achieve
 20 in the closed window they have to operate under.

21 Going forward, regardless of what federal
 22 navigation needs are, the individual marina owner is
 23 being forced out of business because of his inability
 24 to dispose of all the spoils he has obtained permit to
 25 properly dredge. And I hope that is not lost in the

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1 bigger picture.

2 MR. DUBNO: Thomas Dubno. I'm an
 3 employee of Gateway Terminal, a dry cargo and liquid
 4 cargo terminal operator; Governor Rell's appointee to
 5 the Connecticut Maritime Commission; also a member of
 6 the board of the Connecticut Maritime Cluster. We
 7 have submitted written materials to you at the
 8 previous session. And I'd just like to make some
 9 comments.

10 The commission is very concerned about the
 11 slowness of developing the DMMP. And we're very
 12 encouraged with the scoping sessions. So thank you.
 13 It's our opinion that open water disposal of dredged
 14 materials, DAMOS studies show that the designated
 15 dredged material sites have been used successfully for
 16 decades. There is every reason to believe the sites
 17 can be the least costly and an environmentally
 18 acceptable method of management of dredged materials
 19 when managed properly.

20 Cost should not be an issue, and it wouldn't
 21 be if Congress would fund the Army Corps' budgets and
 22 provide adequate funds to use those alternative
 23 disposal methods. If the costs become prohibitive to
 24 the marinas and terminals, that's the only way that's
 25 out there. Just like this gentleman said about trying

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1 to dredge in four months, if ships can't come to my
 2 terminal and be unloaded, and if we can't barge
 3 products up and down the East Coast taking the trucks
 4 off the road, we go out of business. There is no
 5 alternative for us to continue to employ the 200
 6 employees, to pay the considerable tax we pay to the
 7 City of New Haven, to have a draft at our terminal
 8 that can't be used by ships for us to load and unload
 9 the ships.

10 MR. PIMER: Mike Pimer, local
 11 harbormaster for New Haven.

12 Your disposal sites -- I'm going to give you
 13 a quick background. I'm an ex-Navy diver. I'm a boat
 14 captain. I'm taken samples at disposal sites for this
 15 university. I've been involved in the dumps and
 16 sediment sampling for 50 years. I'm almost 70 in four
 17 months. I have a little experience. We have Sandy
 18 Point in West Haven with the jetty. We have a hole
 19 from the Fort Hill Park almost to the Lighthouse Park
 20 of New Haven. Two years ago we put sediment in from
 21 the Coast Guard station into that hole. That hole is
 22 still there. If when we dredge our harbor and we're
 23 able to get virgin material off the bottom of that
 24 harbor maybe we could save some money and put it in
 25 that hole.

<p style="text-align: right;">34</p> <p>1 When I was a youngster at the Sandy Point 2 breakpoint we could drive a car out there at high 3 tide. Today at high tide boats can drive over that. 4 The other side of the Sandy Point breakwater is the 5 Sound, restaurants, State of Connecticut schools. 6 There is a westerly breeze blowing in all the time 7 taking this material. As harbormaster I'm in charge 8 of all the moorings. It has sand from all the West 9 Haven beaches. It's telling me everything is washing 10 into the harbor. This material if we take some of it 11 out of the channel, replenish the Sandy Point 12 breakwater, keep this stuff from coming in. The Army 13 Corps of Engineers I'm sure has the original height of 14 what this thing was in the '50s, '40s. It's 15 disappearing. And the end product is we're going to 16 have water in our schools and restaurants at City 17 Point in New Haven, because the sea will be coming in. 18 In '81 my wife lived directly across the 19 street from the school. Two foot up on the sidewalk she 20 had water. We had oyster boats sitting in the parking 21 lot of the restaurant there now. This will happen, 22 and it will happen worse. We did have some protection 23 then. It's gotten worse. 24 While we're here, think about alternative 25 sites. If we've got a jetty disappearing underwater</p>	<p style="text-align: right;">36</p> <p>1 that we're not looking at; open water sites, upland 2 sites, all of that is included. Those specific sites 3 may not be included in those options. 4 That's why I'm going to make a pitch for the 5 dredging needs. You need to know how much material 6 you're managing because if you need to manage 7 40,000,000 yards and you know that, you can plan for 8 it. But if you think you only need to manage 9 20,000,000 yards, but you actually need to manage 10 40,000,000 yards you will run into problems. So if 11 you're the harbormaster we're going to be knocking on 12 the door pretty soon. You're the people that need to 13 be beating the drum to your constituents. It is 14 crucial for you to help these people with a realistic 15 dredging needs assessment, because if we don't have 16 those numbers the answer may be we don't need open 17 water disposal. 18 One has a time clock that's ticking. The 19 other one hasn't started yet. That's why funding is 20 important. We're trying to get as much done as we 21 can. We thought something that would take five to 22 seven years and we had eight or nine years to do it. 23 We knew in 2005 that money wouldn't be coming to us. 24 2005 came to us with no money, 2006. 2013 is when 25 those sites expire, that date is not moving.</p>
<p style="text-align: right;">35</p> <p>1 maybe we can put fill there. If we have a sand bar 2 that needs replenishing maybe we can put something. 3 This is oyster ground area. It's a tough thing to 4 sell, but the hole is there and there's no oysters in 5 the hole. The hole is full of mud. I've been in the 6 hole. I know. I just wanted to bring it to the 7 attention of the group that's here tonight. There are 8 ways of handling this. Long Island Central, I was 9 there when it was originally Long Island Sound 10 Central. It's been moved to the west. We can work 11 out problems if we turn around and look around us. 12 DR. HUNT: We do want to open this 13 to other individuals to speak, ask questions, clarify. 14 You've heard plans, histories. You've heard how the 15 agencies are working together to move this forward. 16 MR. SEVERANCE: Joel Severance, 17 Connecticut Harbor Management Association. Real 18 quick, what about the New London and Cornfield 19 disposal sites? 20 MR. KEEGAN: First of all, New 21 London and Cornfield were selected sites. Jeanie 22 covered that. There's two five-year periods for them. 23 New London expires in 2011. Cornfield Shoals has not 24 had its second five-year period start yet. We're 25 looking at Long Island Sound. There are no options</p>	<p style="text-align: right;">37</p> <p>1 MS. BROCHI: Just another point on 2 that: When I spoke about the Long Island Sound 3 designation, originally it was to look at one or more 4 of the sites. EPA is committed to continuing that 5 type of designation or study for the eastern portion. 6 And we're awaiting funding for that. 7 DR. HUNT: Anyone else? 8 MR. HILT: Whereas we're being asked 9 to provide numbers and realistic figures for potential 10 dredging needs, obviously the Army Corps of Engineers 11 knows their dredging needs, correct? If I were to 12 represent a client in New York State or a client in 13 Connecticut that wanted to perform maintenance 14 dredging, and I wanted to do in water disposal, 15 George, I would have to apply for a permit through 16 your department. Therefore, do either of you 17 gentlemen have a tally of currently authorized 18 projects that have not yet been dredged that have 19 valid permits? 20 MR. WISKER: We do have from the 21 state standpoint, have a data that have permits and 22 when they will expire. Some of the work is done, and 23 they will just let it expire. The answer is, no, 24 that's something we need to do. We're trying to get a 25 tally. That's part of the discussions of the DMMP is</p>

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1 the ability to correlate projects together so we know
 2 if something comes along here are the projects that
 3 are waiting to go. To expedite it can we bundle it
 4 together? That is doing something. We're aware of
 5 the need of getting a database that will give us that
 6 answer.

7 MR. HILT: Are you working to
 8 develop that?

9 MR. WISKER: Not yet. There are
 10 funding issues we need to address. That's kind of
 11 what we'd like to see is versatility. We're also
 12 aware that permits have been issued over the past
 13 year, several years, and we're not aware of that.

14 MR. HILT: That's basically the
 15 problem confronting my client, is that, for lack of a
 16 better term, there's no cap.

17 MR. SACCO: I'm not speaking for the
 18 Bridgeport Port Authority, I'm speaking for myself.
 19 One of the reasons we're here is soil erosion. Is
 20 there going to be any enforcement of existing soil
 21 erosion regulations to keep these areas from silting
 22 up again?

23 MR. WISKER: That's something in
 24 there. There's nonpoint source reduction programs.
 25 It's easier in the long-term to keep it out than to go

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1 back and try to get it out. That's important for the
 2 department. So, yes, that is going to be part of it.

3 MR. SACCO: I think the department
 4 has done a good job. The regulations at the local
 5 level are pretty good. It's the enforcement that's
 6 the problem. We have to make sure planning and zoning
 7 commissions that give permits watch them like building
 8 permits so we don't have uncleansed water going out
 9 into the harbor. I'm more concerned, not about the
 10 regulations, but about the enforcement of current
 11 regulations we have.

12 DR. HUNT: Other comments or
 13 questions? Seeing none, we'll call this scoping
 14 meeting to a close and remind you all that the record
 15 is open for 30 days. And if you have not signed in
 16 with Stacy, please do. Thank you all for your input
 17 and attendance. Good evening.

18 (The hearing was concluded at 8:15
 19 p.m.)
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1 SUBMITTED WRITTEN STATEMENTS
 2 Prepared Testimony of the City of New Haven
 3 Long Island Sound Dredge Material Management Plan
 4 November 29, 2007
 5 City of New Haven, John Destefano, Jr. Mayor
 6 Thank you for the opportunity to provide
 7 comment on the Long Island Sound Dredge Material
 8 Management Plan (LISDMMP), and by extension the very
 9 future of the commercial port industry in the State of
 10 Connecticut. The City of New Haven supports the
 11 position of the Connecticut Maritime Commission and
 12 others who have expressed a sense of urgency about
 13 this project. As you know, the Ambro Amendment to the
 14 Marine Protection Research and Sanctuary Act of 1972
 15 will have the net effect of closing the vital dredge
 16 material disposal sites in Long Island Sound unless
 17 the state has an approved Dredge Material Management
 18 Plan.
 19 The port at New Haven is an integral
 20 component to the regional economy, and is equally
 21 beneficial to the state's transportation
 22 infrastructure. New Haven is the largest deepwater
 23 port in the state, a leading port of call on the
 24 Atlantic Seaboard, and a top 50 port nationwide.
 25 Connecticut's commercial port industry generates \$1.5

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1 billion in annual economic activity. We are at the
 2 center of this industry, as our port terminals handle
 3 approximately 10,000,000 short tons annually and half
 4 the state's waterborne commercial trade. New Haven is
 5 home to a strategic petroleum reserve, a home heating
 6 oil reserve, a London Metals Exchange (LME) warehouse,
 7 and a Foreign Trade Zone. These core economic assets
 8 depend on access to deepwater via the federal
 9 navigation channel which has an approved depth of 35
 10 feet.
 11 The New Haven Port Authority recently
 12 approved a new land use plan which recommends
 13 deepening the federal navigational channel to 42 feet
 14 in order to remain competitive in the global economy.
 15 The House Committee on Transportation and
 16 Infrastructure in turn authorized the Army Corps of
 17 Engineers to conduct this study. Over the next
 18 several years we intend to complete the study and
 19 fully deepen the channel in a cost effective and
 20 environmentally sensitive manner. To accomplish this
 21 task, as well as interim maintenance dredging projects
 22 at the port, local marinas, and the public pier at
 23 Long Wharf, it is essential that the LISDMMP is completed
 24 in a timely fashion. In doing so the city expresses a
 25 firm desire to continue environmentally responsive use

<p style="text-align: right;">42</p> <p>1 of the Long Island Sound disposal sites and other cost 2 effective alternatives.</p> <p>3 Thank you for your time and consideration of 4 these matters. Your commitment to this project is 5 truly appreciated. If you have any questions or 6 comments, please do not hesitate to contact us.</p> <p>7 Respectfully submitted, 8 Michael Piscitelli, AICP 9 Director, Transportation, Traffic, and Parking 10 Department 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">43</p> <p>1 STATE OF CONNECTICUT) 2) ss: 3 COUNTY OF HARTFORD) 4</p> <p>5 I, Trevor Drummond, do hereby certify that 6 the foregoing matter was recorded stenographically by 7 me and reduced to typewriting by me.</p> <p>8 I FURTHER CERTIFY that the foregoing 9 transcript of the said hearing is a true and correct 10 transcript of the testimony given at the time and 11 place specified hereinbefore.</p> <p>12 I FURTHER CERTIFY that I am not a relative 13 or employee or attorney or counsel of any of the 14 parties, nor a relative or employee of such attorney 15 or counsel, or financially interested directly or 16 indirectly in this action.</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my 18 hand and seal of office at East Hartford, Connecticut, 19 this day of , 2007. 20 21 22 23 24 25</p> <p style="text-align: center;">_____ Trevor Drummond, Court Reporter</p>	