

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
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e-mail: knchytal@gw.dec.state.ny.us



November 1, 1999

Ms. Ann Rodney
U.S. EPA New England Region
One Congress Street
Suite 1100, CWQ
Boston, MA 02114-2023

Dear Ann:

We have reviewed the four fact sheets pertaining to the preparation of the Environmental Impact Statement for the designation of dredged material disposal site(s) in Long Island Sound and have specific comments on two of them as well as some generic comments on the site screening and evaluation factors.

Generic Comments:

1. All interested parties want and need a clear explanation of how the siting evaluation is actually accomplished (e.g., which factors are used and how are they weighted, or qualitatively assessed). We highly recommend that you provide an example (non-binding) of a site evaluation so that the stakeholders understand the process. For evaluating our Bond Act applications for water quality improvement projects, we use a numeric score and qualitative factor (high - best, medium - average, low - not so good) to place projects for funding.
2. Keep the evaluation process simple. For a bulk of the factors already listed, you will never have that level of information or detail to be able to answer the factor question. A tiered/hierarchical approach may be helpful and only require the detailed information for the "real" potential sites.
3. Before we explicitly define exclusive "draw areas" for dredge material, we should clearly define what material is acceptable for disposal within Long Island Sound. Let the economics and the case-specific permitting determine if material could be disposed of in the Sound. The characteristics of the dredge material should determine where it should be disposed of and only should be disposed of at a site that can "handle" these characteristics.
4. Besides the LISS, the following estuary programs should be notified of this EIS process: Harbor Estuary Program - Robert Nyman, USEPA; Peconic Estuary Program - Rick Balla, USEPA; and the South Shore Estuarine Reserve - Rod McNeil, NYSDOS. The probability of finding any sites within the Peconic or South Shore Bays is remote and unlikely.

Comments on the Evaluation Factors for Site Screening Fact Sheet:

1. In Section I, Item 1 - Add state managed fisheries.
2. In Section I, Item 9 - Add transportation and private crossings (e.g., future ferries, bridges, pipeline and cable crossings) with the goal to minimize conflicts and costs.
3. In Section II - Define "upland" and does this include CDFs and nearshore sites?

4. In Section III - Highlight treatment technologies as experimental technology demonstration projects since most have not been commercially viable. The costs and impacts of their wastestreams need to be carefully examined.
5. In Section IV, Item 3 - Add NY state designated "significant coastal fish and wildlife habitats" even though most are located in embayments, some include open waters of the Sound. In the Peconic Estuary, "critical natural resource areas" will be designated too. The goal would be to minimize impacts to these areas.
6. Section V - Define "open water" (e.g., is this water greater than six feet deep or just navigable?).
7. Section V - Open Water - Add the following screening criteria that existing depressions and old excavations (e.g., borrow pits) should be considered before any new excavations are created. This screening criteria should apply to the identification of a new disposal site. The goal is to minimize adverse impacts to "undisturbed" sediments.
8. Section V, Item 3 - Define or spell out the benthic habitat classification scheme by substrate or by biomass dominant or by ecosystem function or by all three. The letters a through f are a combination of these approaches. Submerged aquatic vegetation should include kelp bed as well as eelgrass beds.
9. Section V, Item 4 - Shellfish harvest and propagation areas may vary over time, so they would not show up in some snapshot evaluations. Information on these past ephemeral resources (e.g., oysters, surf clams) should be considered in the site selection process.
10. Section V, Item 4 - Trawl, gill net and other net fisheries areas whether negotiated by fishermen or in state statute (I will mail you the appropriate sections) should be a factor in evaluating disposal sites. Most of these commercial fishery areas are based on societal concerns. This may give you a hint of what is socially acceptable!
11. Section V, Item 4 - Pathogen or nuisance organism (e.g., Red Tide, Vibrio) factor should be included. The goal for fisheries would be to minimize loss or long term impacts by the transference of a pathogen from one part of the system to another where the organism has not established itself.
12. Section V, Item 6 - Will a site or sites be designated for capping? Will it be evaluated in a different tier or evaluated differently than a non-capping site? The goal would be to minimize significant adverse impacts.
13. Section V, Item 6 - What are the contaminants of concern for toxicity and bioaccumulation in LIS dredge material? Is it the list in "Data Needs" fact sheet. If so, see below for additional chemicals that NYS is concerned about.
14. Section V, Item 8 - The disposal site area should not be proposed for future dredging or mining; it must be recorded on USGS, NOAA, or other appropriate maps. This is perhaps more of an operational than a site screening issue, but this might be an appropriate place to include it.

Data Review and Recommendations Fact Sheet:

1. Data Needs/Sediment Chemistry - Please add the following chemicals to the LIS sediment chemistry sampling plan: arsenic, mercury, cadmium, lead, copper, chlordane, DDT residues, dieldrin, benzene, and total BTX. We are unsure if they are part of the generic list given in the fact sheet. Detection limits also need to be low enough for comparison with various screening methodologies. NYS DEC uses a set of screening parameters to characterize sediments according to their degree of contamination. It would be helpful to us if we were all talking about the same list of contaminants.
2. Data Needs/Tissue Chemistry - The proposed sampling efforts should provide good baseline information against which to measure the effect of future disposal activities.

If you have any questions with respect to these comments, please do not hesitate to contact me.

Sincerely,

Karen Chytalo

cc: David Laby
Diane English
Karen Graulich
Alex Lechich

From: "Ottinger, Richard" <ROttinger@law.pace.edu>
To: "'rodney.ann@epa.gov'" <rodney.ann@epamail.epa.gov...>
Date: 10/12/99 2:57pm
Subject: EPA Workshops on LI Sound Dredging

Unfortunately, I can not be at the workshops, but would note the following concerns:

1. NOTIFICATION: There was inadequate notice of the workshops to permit thorough preparation. Materials sent were only received last week.
2. MATERIALS' INADEQUACY: The promised definitive work plan was not included.
3. DREDGING NEEDS: Of greatest import, the work plan should totally explore and provide for additional relocation sites in the Western end of Long Island Sound in either or both the deep holes or near the entrances to the various harbors. These options need to be explored in any EIS.
4. INACTION: The costs of inaction to the communities affected is a vital need for any intelligent analysis of the problem and for the EIS.

Many thanks for your consideration.

Sincerely yours,
Richard L. Ottinger
Former 16-year Member of Congress
from Westchester County
Former Dean, Pace Law School

Richard Ottinger
Dean Emeritus
78 N. Broadway
White Plains, NY 10603
Tel: (914) 422-4121
Fax: (914) 422-4180
rottinger@law.pace.edu

From: ANN RODNEY
To: RIHUB.IN("ROttinger@law.pace.edu")
Subject: EPA Workshops on LI Sound Dredging -Reply

Dear Mr. Ottinger,

I am sorry you could not make the workshops, but your e-mailed comments have become part of the record.

I have mailed you the packet of information that was handed out at the workshops. The workshop was designed for small group discussions on each fact sheets topics; Data Review and Recommendations, Dredging Needs & Alternatives, Site Screening Process and Evaluation Factors for Site Screening. For each of the fact sheet topics we asked four questions, these questions have been added to the packet I've mailed out.

As I stated earlier your e-mailed comments have been noted, however should you wish to add more comments or information after reading the questions, please do so. We will be accepting comments on this portion of the process until Friday October 29th (e-mail, fax, written).

During this Environmental Impact Statement (EIS) process (2 yrs) there will be many opportunities to give your ideas, suggestions, concerns, and comments. This will NOT be your last opportunity.

Please feel free to contact me any time. Thanks - ANN

Ann Rodney
US EPA - New England Region
One Congress Street
Suite 1100, CWQ
Boston, MA 02114-2023
(617) 918-1538
(617) 918-1505 fax
rodney.ann@epa.gov

>>> "Ottinger, Richard" <ROttinger@law.pace.edu> 10/12/99 02:57pm >>>
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Dean Emeritus
78 N. Broadway
White Plains, NY 10603
Tel: (914) 422-4121
Fax: (914) 422-4180
rottinger@law.pace.edu

From: <PBanca@aol.com>
To: R1CONGRESS1.R1WATER1(RODNEY-ANN)
Date: 10/17/99 7:47am
Subject: EPA/Ace Workshops - Site Designation Process

Ms. Ann Rodney
Environmental Protection Agency

Dear Ms. Rodney:

Thank you for your notification of your recent workshop. Regrettably, I was unable to attend as I could not clear my calendar for that time slot quickly enough. I suggest that future workshops, meetings, etc. be scheduled to give stakeholders and the public more notice. I feel that a 45 day notice period would not be unreasonable. Such a period would have enabled me to attend and to bring along other people from my organization who would have liked to provide input.

I believe it most critical that EPA consider the economic factor in the site designation process. Boating on Long Island Sound provides such a large contribution to the area economy that it could not be realistically ignored. I am well familiar with this as a former bank commercial loan officer, and the former credit officer of a company which specialized in yacht financing. In addition to the recreational boaters, there is also the commercial fisherman who depend upon well dredged harbors to market their catch. Remember the oyster harvest in Long Island Sound is the nation's third largest.

Thank you for the opportunity to comment.

Peter A. Banca
Harbor Chairman
Pine Orchard Yacht & Country Club
Please use this address for me for U.S. Mail:
17 West Point Road
Stony Creek, CT 06405

CC: R1HUB.IN("Cleanhbr@aol.com")

October 27, 1999

Ann Rodney
US EPA
1 Congress Street, CWQ
Boston, MA 02114-2023

**RE: October 13, 1999, EIS Workshop ---Letter via E-mail to
rodney.ann@epamail.epa.gov**

Dear Ms. Rodney:

Save the Sound, Inc., is a non-profit membership organization dedicated to the restoration, protection and appreciation of Long Island Sound and its watershed through education, research, and advocacy.

We sent representatives to both of the recent EIS workshops, and would like to offer these comments as an addendum.

Overall, the amount and quality of information available at the workshop was good. In light of our concerns regarding the contamination of the Sound with dredged spoils, the *Dredged Material Disposal Site Data Review and Recommendations Report*, prepared by ENSR, was of particular interest. Table 3-1 of the report indicates that there are currently many data gaps which need to be addressed.

Save the Sound is concerned that there are no known data sets for dioxin, as reflected in Table 3-1. We assume that there has been no testing and sampling for this carcinogen in 20 years of monitoring of the historic disposal sites. We believe that the EIS should take all dangerous substances into account, and we are heartened to see that this EIS will bring about a better understanding of the chemical integrity of dredged spoils.

Many other substances of concern, including PCBs, PAHs, and Pesticides, have data gaps which we learned through the workshops would be filled through the EIS. Dr. Drew Carey responded through questioning that samples would be taken at various sites around the dump areas, including "clean" areas. Save the Sound encourages the most extensive data review possible. The people who recreate in Long Island Sound have the right to know what they are exposed to when they swim and fish.

Save the Sound would like to know what cumulative effect pollutants from dredged spoils have on the fish who live in the Sound. We were informed at the workshop that the benthic organisms will be tested for contaminants. We would

like to extend this to lobsters and other organisms who feed on the worms in the sediment. The EIS should determine what effect dumping contaminated spoils has had on the fisheries in the Sound, and take this into account for any future site designation.

Save the Sound was informed during workshop #3, Dredging Needs and Alternatives, that upland sediment reduction was not part of the EIS. We were told that this aspect of the sediment problem would be left to the regulatory agencies of the states. We feel that this is a short-sighted view, and that we will not solve the problem of sediment accumulation if we do not address the source. This is the perfect opportunity to address upland sources of sediment, now, while we have this wealth of scientists and experts who are spending so much time and money on an EIS.

Thank you for the opportunity to comment.

Sincerely,

Tracy Egoscue, Esq.
Policy Analyst
Save the Sound, Inc.
185 Magee Avenue
Stamford, CT 06902
203.327.9786



Anne Rodney
 US EPA – New England Region
 1 Congress Street
 Suite 1100, CWQ
 Boston, MA 02114-2023

October 12, 1999

Re: EPA Workshops

Dear Anne

It was a pleasure talking with you last week. Sorry I will not be able to attend 10/13/99 workshop. Look forward to personally greeting you at the CMTA's environmental workshop on 10/19/99. Enclosed are community thoughts that our organization feel strongly about.

Inadequate Notice:

More time should have been given to review materials related to these workshops. (45 to 60 days would be far better)

No Definitive Work Plan:

Deep holes within Long Island Sound and relocation sites near each harbor should be carefully examined for feasibility.

Need for Dredging:

It would be helpful to have discussions with knowledgeable people in each harbor who are familiar with the present water depths and anticipated needs. There are numerous organizations that can be of assistance, including individual facility owners and operators, Harbor Masters, Harbor Management Commissions and commercial pilots for each region.

Respectfully

Stephen P. Tagliatela



SEA BOUND MARINE INC.

FOOT OF FERRY STREET

A QUALIFIED BOATYARD

ESSEX, CONNECTICUT 06426

TEL. 860-767-1267
FAX 860-767-0075

FACSIMILE TRANSMISSION

To: Ms. Ann Rodney

From: Lennart Lindh

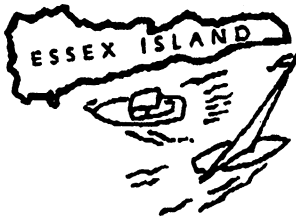
Date: October 29, 1999

Pages: 2 (including this one) Fax Number: (617) 918-1505

Message: Following please find my comments for the Long Island
Sound Dredged Material Disposal EIS.

If any of the above numbered pages are not
received, please call the following number:

(860) 767-1267
FAX # (860) 767-0075



SEA BOUND MARINE INC.

FOOT OF FERRY STREET

A QUALIFIED BOATYARD

ESSEX, CONNECTICUT 06426

TEL. 860-767-1267
FAX 860-767-0075

October 29, 1999

Ms. Ann Rodney
US EPA
1 Congress Street
CWQ
Boston, MA 02114-25023

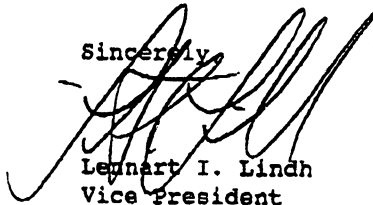
Dear Ms. Rodney:

In response to the dredge material disposal sites in Long Island Sound, I am in favor of keeping the four existing sites. Twenty-five years worth of monitored use has served the needs of Southern New England and New York well. It appears obvious, from an environmental perspective, that the present system works acceptably. However, I am also in favor of finding more cost effective means of dealing with dredge materials.

Just as an example, the federally dredged channel in Essex Harbor (CT) is supposed to be 10' deep at mean low water. There are shoals in the channel where the water barely measures 7', and I have witnessed vessels run aground. This issue is not one of where to lay the blame. The silting and shoaling of the channel is a function of nature. The federal government is responsible for correcting nature's work. It would be refreshing to see more efficient use of federal funds if this environmental impact statement can provide a better solution than what already exists. To this end, both public and private sectors would benefit.

Thank you for the opportunity to comment on this matter.

Sincerely,



Lennart I. Lindh
Vice President

LIL/dks

CC: Jane K. Stahl, CT DEP Deputy Commissioner
Grant Westerson, Executive Director, Connecticut Marine Trades Association

From: "Spira, Howard (CAP, CMF)" <Howard.Spira@gecapital.com>
To: "'rodney.ann@epa.gov'" <rodney.ann@epamail.epa.gov...>
Date: 10/20/99 11:14am
Subject: EPA/ACE FACT SHEETS - SITE DESIGNATION PROCESS

Ann Rodney, Public Affairs
US EPA - New England Region
One Congress Street, Suite 1100 CWQ
Boston, MA 02114-2023

FAX: 617-918-1505
EMAIL: rodney.ann@epa.gov

RE: EPA/ACE FACT SHEETS - SITE DESIGNATION PROCESS

Dear Ms. Rodney:

On behalf of the Shore Acres Point Corporation, I would like to make the following comments related to the Site Designation Process, specifically regarding the four "Fact Sheets".

We believe that Economic Impact needs to be considered a top priority in the environmental impact statement. Otherwise there is simply no context in which to compare what competing proposed actions call for. The purpose of the Environmental Impact should be to ensure that some form of value is being attributed to items that traditionally were not considered to have value (e.g., the quality of the air when a powerplant is put into production)or that costs that are displaced onto the public and were not explicitly paid by the entities proposing a particular project are, in fact, accounted for in a project (e.g., traffic and congestion that is created when a shopping mall is put up). It simply cannot be placed number 8 and needs to ranked as important as adverse environmental impact so that there is some form of accountability in the claims of environmental impact.

We also need to ensure that Inaction is considered a discreet option, the impact of which needs to be evaluated. Ending dredging (becuase of making it too expensive) will lead to very predictable changes that will effect the environment and economies of the area. These environmental and economic/commercial impacts need to be thoughtfully researched as it is not at all clear that the eco-system of the sound will be favorably impacted by allowing dredging to become commercially unviable. In the case of Mamaroneck, for example, what is now a very rich estuary/eco-system may have ceased to be an estuary if harbor dredging had not taken place.....because the estuary likley would have silted up and migrated out of its upland area into the larger edge of the Sound where no similar estuaries have been able to establish themselves. We do not mean this example to be offered as a factual research example....but merely as an example that it is not "intuitively" obvious what the environmental impact on the sound is under some of the proposals put forward by persons participating in this process.

We also believe that the Corps needs to ensure some form of reality checks with regard to proposals for siting dredge relocation areas. In this, we mean that as proposal are put forward, that their is some form of check to

ensure that a theoretical idea is checked for the ability to be actualized or effected and that the reality check does not substantially deviate from the theoretical alternative. For example, certain disposal sites may suggest routes that are simply not travellable by certain equipment used in these operations requiring alternative routes or equipment that are significantly more expensive than the proposed theoretical proposal.

We would also suggest that the word "disposal" be discontinued as the language in the EIS for what is being discussed here and that the term "relocation" or "movement" be adopted. The material that is being discussed is already in the Sound and dredging and in-Sound relocation properly says that. We believe "disposal" for the general public implies that this project is about taking material from some sort of clearly identified human dump site with clear hazards and dumping it into the waters of Long Island and Connecticut. As such, the word disposal, may be used by advocates of certain positions to engender public support for certain proposals by playing on emotion and common understanding of the meaning of words and not the facts of the situation.

We thank the EPA for the opportunity to comment on these matters.

Kindest Regards,

Howard Spira
Director of Boats and Floats
Shore Acres Point Corporation

From: ANN RODNEY
To: R1HUB.IN("Howard.Spira@gecapital.com")
Date: 10/20/99 12:07pm
Subject: EPA/ACE FACT SHEETS - SITE DESIGNATION PROCESS -Reply

Dear Mr. Spire:

Thank you for your comments, I will forward them on to all the members of the Long Island Sound EIS team. Many of the issues you mention have been stated by others.

I would like to clarify your point of Economic Impacts being listed as #8 - the factors listed within the five categories are NOT in any priority order. (& It has been noted that you believe it should be a top priority.)

Again, thank you for your comments, and we hope to hear from you throughout this EIS process. Thanks - ANN

Ventura Marina Management Corporation

405 Main Street, #6
Port Washington, NY 11050
516-883-0765

October 15, 1999

Ann Rodney, Public Affairs
US EPA-New England Region
One Congress St., Suite 1100 CWQ
Boston, MA 02114-2023

RE: EPA/ACE Fact Sheet/Work Shops-Site Designation Process

Dear Ms. Rodney,

I am writing you concerning the EIS for the LIS dredge material relocation sites. I was unable to attend the meetings in person due to the short notice provided by your office. More notice (45 days) would be helpful.

I have been on the water on LIS all of my life. Over time, the bays and harbors on the North Shore of Long Island, especially at the Western end of LIS have been losing depth. A large reason for the loss of depth is the non-point run off that carries silt and debris into the bays and harbors (along with a variety of pollutants). This is limiting the use of these water bodies due to a lack of depth and pollution.

Dredging and dredge material relocation has always been an onerous task due to regulatory process, environmental concerns, expense, available relocation sites and contractors available to undertake dredging operations. This presents an opportunity to create dredge relocation sites that are close to harbors and bays that need dredging. This will allow dredging to be accomplished on an effective basis from a transport perspective. If the harbors are dredged where needed they will remain usable. The pollutants that may be in the material from upland sources can be relocated into deep water where it will remain undisturbed relative to present shallow water locations where it is disturbed regularly due to natural and man made events. The water will be cleaner as a result of less turbidity due to the increase in depth and the improved flushing action deeper water provides.

The fact sheets indicate that Economic Impact is on the bottom of the list. Economic Impact is an extremely important issue that should be recognized and weighted in proportion to other issues, such as environment.

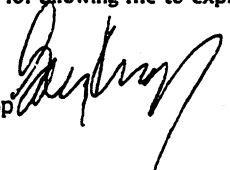
The NO ACTION ALTERNATIVE has to be examined carefully. Adverse impacts on the environment that are present and will increase due to shoaling of harbors and bays due to lack of dredging can not be allowed to persist. The loss of use for maritime concerns (both pleasure and commercial) will have a profound affect on bays and harbors and the surrounding upland areas.

It is essential that the EIS look at impacts on the environment beyond marine habitat. The EIS must consider the environment of the public and there use of water bodies that have to be maintained by relocation of material that render them polluted and unusable. I trust that the EPA will not lose site of the fact that dredge material relocation sites must be available that are environmentally compatible and economically viable to use.

Thank you for allowing me to express my views and concerns.

Sincerely,

Gary Knapp
Director



From: Paul Stacey <paul.stacey@po.state.ct.us>
To: R1CONGRESS1.R1WATER1 (RODNEY-ANN)
Date: 10/26/99 1:08pm
Subject: COMMENTS ON LIS EIS

Hi, Ann.

I thought I'd better send this by e-mail, too, so I don't miss the deadline.

Nice job with the workshops.

Paul

VILLAGE CREEK HOMEOWNERS ASSOCIATION, INC. dba
VILLAGE CREEK HARBOR CORPORATION

38 Dock Road, Norwalk, CT 06854

October 18, 1999

Ann Rodney, Public Affairs
US EPA - New England Region
One Congress Street, Suite 1100 CWQ
Boston, MA 02114-2023

RE: EPA/ACE Fact Sheets/Site Designation
Process in Long Island Sound


Dear Ms. Rodney:

As a small not for profit homeowners association with some 30 resident owned power and sailboats enjoying a dredged basin requiring redredging every five years or so, we are exceedingly interested in keeping the cost of redredging within reasonable limits, as well as in maintaining sustainable environmental protections

Repeated testing over the past forty (40) years have shown that the silt requiring removal from our harbor and 2800 foot access channel is suitable for CAP material and on occasion has been made available for that purpose, to assist others who need CAP material for their more polluted sediments.

We are particularly interested in the promised WORK PLAN and the timely receipt of notices and documents to be reviewed by the public.

Very truly yours


Roger Willcox
President - and for more than 40 years
"harbormaster" for VCHOA

CY: Alex Knopp