

Sixth Annual Report Regarding Progress in Developing a Dredged Material Management Plan for the Long Island Sound Region For the Period July 6, 2010 – July 5, 2011

U.S. Environmental Protection Agency, Region 1
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INTRODUCTION

This is the sixth annual report by the U.S. Environmental Protection Agency (EPA) on progress toward completion of a dredged material management plan (DMMP) for the Long Island Sound region, and related efforts to “reduce or eliminate” the need for open-water disposal of dredged material in Long Island Sound.

BACKGROUND

EPA Regulatory Requirements

On June 3, 2005, EPA issued a final rule to designate two open-water dredged material disposal sites, Central Long Island Sound and Western Long Island Sound, for the placement of dredged material from harbors and navigation channels in the Long Island Sound vicinity in the states of Connecticut and New York [40 CFR Part 228.15(b)(4) and (b)(5)].

The use of these two sites is subject to restrictions that are described in the site designation rule, which are intended to reduce or eliminate the disposal of dredged material in Long Island Sound. Use of the sites pursuant to these designations may be suspended or terminated in accordance with these restrictions.

One of these restrictions links continued use of the sites to the completion of a regional dredged material management plan (DMMP) for Long Island Sound. A DMMP is a comprehensive planning process and decision-making tool to address the management of dredged material for a specific harbor or navigation project, group of related projects, or geographic area. Additional detail on the DMMP is provided in the next section.

A related restriction requires EPA to conduct an annual review of progress toward completion of the DMMP. EPA is complying with this requirement by producing an annual report on or about the anniversary of the effective date of the site designations (July 5, 2005), and making the report available to the general public.

Another restriction is intended to ensure progress toward reducing or eliminating open-water disposal in Long Island Sound pending completion of the DMMP by requiring the formation of an interagency Long Island Sound Regional Dredging Team (RDT). The RDT reviews dredging projects to ensure that a thorough effort has been conducted to identify practicable alternatives to open-water disposal and ensure the use of those alternatives to the maximum extent practicable. In addition to information on the status of the DMMP, this EPA annual report includes information on RDT deliberations conducted in the preceding year, and on the quantity of dredged material and its final placement or disposal location. Additional detail on the form and function of the RDT is provided in a later section.

Dredged Material Management Plans

The U.S. Army Corps of Engineers (USACE) regulations require each of its district offices to develop a DMMP for all Federal Navigation Projects for which there is an indication of insufficient placement or disposal capacity to accommodate maintenance dredging over a 30-year planning period. A DMMP

addresses a wide range of environmentally acceptable, cost-effective, and practicable alternatives for the management of dredged material, culminating with the selection of a base plan and a recommended plan that ensures that sufficient capacity for dredged material placement exists for a project or group of projects for the required 30-year planning period. The range of alternatives includes those that may provide environmental or commercial benefits through beneficial use of dredged material. The scope of a DMMP may also include private dredging projects that are geographically related to the federal project(s), which may require the sponsors of those projects to provide non-federal funds to support the additional work.

The DMMP process involves a phased approach. The first phase, a Preliminary Assessment, draws on existing information to: (1) determine the economic and engineering need for dredging according to existing and reasonably prospective navigation traffic; (2) identify the anticipated locations and volumes of dredged material to be generated within the study area; (3) examine existing dredged material disposal sites and management practices to determine if shortfalls in capacity or opportunities for better management exist; and (4) provide an estimate of the cost of completing the DMMP. The Preliminary Assessment determines whether a federal interest exists in participating in a feasibility-level DMMP study.

If the PA phase recommends the development of a DMMP after the PA is completed and approved, the DMMP is initiated upon the appropriation of necessary funding. The first step is development of a Project Management Plan (PMP) that describes: (1) the scope of the DMMP; (2) the sequence of the studies; (3) a plan for acquisition management covering the various study tasks (labor, contracts, other agency contributions); (4) a plan for public involvement and participation; and (5) an estimated budget, organized by federal fiscal year budget cycle.

Following review and acceptance of the PMP by the project team which also can consist of cooperating federal and state agencies, feasibility-level study efforts would commence, subject to the availability of staff and funding. These studies generally focus on the following topics: (1) dredging needs; (2) management options; (3) capacities of placement sites; (4) environmental compliance requirements; (5) potential for beneficial use of dredged material; and (6) indicators of continued economic justification. The PMP is considered a “living document,” subject to change based on new information and input from the public and other agencies.

The management structure for a typical DMMP comprises the following components:

- Project Manager: Individual responsible for day-to-day management of project.
- Project Delivery Team (PDT): The working group (in some cases involving members of other agencies) that will assist with the development of the DMMP.
- Agency Technical Review Team: Required by the USACE to review the plan for technical merit and cost-effectiveness.
- Technical working groups: These may be formed to provide assistance to the Project Delivery Team, with representation from other federal and state agencies, and sometimes non-government organizations and private citizens.

For compliance with the National Environmental Policy Act (NEPA), the USACE prepares an Environmental Assessment, Environmental Impact Statement or a Programmatic Environmental

Impact Statement (PEIS), whichever is most appropriate, that evaluates the analyses and recommendations of the DMMP.

LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN

Management Structure

The USACE is the lead agency for development of the Long Island Sound Dredged Material Management Plan (LIS DMMP). The New England District and New York District, with oversight by the North Atlantic Division, are developing the DMMP in cooperation with EPA Regions 1 and 2, the National Oceanic and Atmospheric Administration (NOAA), the New York State Department of State (NYS DOS), the New York State Department of Environmental Conservation (NYS DEC), the Connecticut Department of Energy and Environmental Protection (CTDEEP) (formerly the Connecticut Department of Environmental Protection, or CT DEP), the Connecticut Department of Transportation (CT DOT) and the Rhode Island Coastal Resources Management Council (RI CRMC).

Management of the LIS DMMP was assigned to the USACE New England District, which assigned a project manager responsible for overall management of the effort. The participating agencies agreed to adopt the traditional management structure by establishing and assigning representatives to a LIS DMMP Project Delivery Team (PDT). Although not a standard component of the DMMP management structure, due to the large scope of the project and strong public interest, the agencies also formed a Steering Committee (SC) of higher level agency officials to facilitate communication, priority-setting, and the commitment of resources for the LIS DMMP.

During this reporting period, the SC met twice, on August 10-11, 2010 at Poplar Island, MD (in conjunction with a beneficial use site visit) and on February 10, 2011 in Newington, CT. In addition, the SC also participated in one conference call on November 18, 2010. The PDT members participated in eight conference calls (July 1, September 2, October 7, November 4, and December 2, 2010; and January 6, February 3, and April 7, 2011). Some of the PDT members also participated in the two SC meetings. These conference calls were held to discuss DMMP work efforts, including the Dredging Needs Survey, Upland Placement, Beneficial Use and dewatering site inventory, project budget, and proposed schedule for future work tasks. The current rosters (as of December 2011) for the Steering Committee and PDT are attached as Appendices A and B.

Planning Process

The overarching goal of the LIS DMMP is to develop a comprehensive plan for dredged material management in Long Island Sound that ensures federal dredging needs are met, and identify alternatives that can be used by others that will lead, over time, to the reduction or elimination of open-water disposal in the Sound. The DMMP will try to meet this goal by 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. Recognizing that there are numerous institutional, regulatory, social, and financial barriers to utilizing dredged material beneficially, one purpose of the DMMP is to document these barriers and recommend plans to overcome them.

For the Long Island Sound DMMP, it should be noted that the site designation restrictions apply to all federal projects, and non-federal projects generating more than 25,000 cubic yards of dredged material in the region. The LIS DMMP will identify potential environmentally acceptable, practicable management alternatives that can be utilized by various dredging proponents in their analysis of options to manage their dredging projects.

The Preliminary Assessment for the LIS DMMP was completed and approved by the USACE in June 2006. The Project Management Plan, which serves as the initial work plan for the LIS DMMP, was completed and approved by the USACE, in consultation with the PDT, in October 2007. As previously noted, the PMP is subject to change based on new information and input from the public and other agencies.

The USACE will be preparing a Programmatic Environmental Impact Statement (PEIS) in conjunction with the LIS DMMP to ensure compliance with NEPA. The USACE published the Notice of Intent to develop a PEIS for the LIS DMMP in the Federal Register on August 31, 2007 (72 FR 50332). EPA, the USACE, and state agencies conducted a series of six public information and NEPA scoping meetings to kick off the LIS DMMP and PEIS process on November 26-29, 2007. The agencies held three meetings in each of the two states to present progress on the planning for the LIS DMMP and solicit public input on both the scope and process of the LIS DMMP and PEIS. Public comments will be considered in identifying and developing the activities and investigations to be performed in the LIS DMMP and PEIS effort. The presentations from the public meetings and other related documents are available on the USACE LIS DMMP Project website, which was established in August 2007 (<http://www.nae.usace.army.mil/projects/ri/LISDMMP/LISDMMP.htm>)

On March 24, 2008, the USACE initiated contractual efforts for the LIS DMMP study efforts. The USACE has been using both contracted services and in-house resources to conduct the various inventories or analyses needed for the development of the DMMP. The reports are available on the above mentioned USACE website.

The Dredging Needs Survey, which estimates the volume of dredged material that will be generated by location and by time frame for the entire region over a 30-year planning horizon, was initiated in June 2008 and completed in Oct 2009. An updated two-phase Literature Review was initiated in April 2008 and completed in June 2010. The Economic Update was initiated in January 2010 and completed in March 2010.

The initial Upland Placement Inventory, which identified and cataloged potential upland placement alternatives for the entire region over a 30-year planning horizon, as well as the inventory of possible shore-side transfer sites and beneficial use sites, was initiated in August 2008 and completed in October 2009. The sites in this report were screened based on their potential viability for use by the USACE in management of their dredged material. A second phase upland/beneficial use/near shore placement site identification effort designed to provide site-specific information such as capacity, restriction, etc. for the potential sites large enough for USACE use was completed in November 2010. An additional upland/beneficial use/near shore effort designed to provide site-specific information (e.g., capacity, restrictions, etc.) for the potential small sites was completed in January 2011.

The Federal and State Regulatory and Program Update was completed in October 2011. The Cultural

Update was initiated in May 2010 and completed in August 2010. An effort to inventory potential confined disposal sites and near shore placement sites has been initiated and will be completed in 2012. Another effort to determine air quality impacts from different sized and types of projects, and whether they would conform with Clean Air Act requirements also has been initiated and will be completed in 2012. An analysis of the estimated costs of transporting dredged material from various sizes and types of projects is also expected to be completed in 2012.

Concurrent with the technical studies, the USACE, with support from the PDT and contractors, initiated public outreach and participation efforts in 2010 and continued them in 2011. The first of several LIS DMMP newsletters was sent electronically and by mail to the public in February 2010.

USACE also established a LIS DMMP Working Group in early 2011 comprising representatives from federal, state, regional, and local government agencies, and various stakeholder organizations that have an interest in dredged material management in the Long Island Sound region. The Working Group members' responsibility is to provide input to the LIS DMMP process in their respective areas of expertise. The PDT hosted three Working Group meetings during the reporting period, on March 29 and June 7 in Bridgeport, CT and April 26 and in Port Jefferson, NY, which focused on a process to evaluate dredged material management alternatives in the study area. This evaluation process will be aimed at establishing a list of criteria based on stakeholder interests and concerns. Members of the Working Group, by reviewing and disseminating the information presented and discussed at the meetings, and conveying their organization's comments and positions, serve as a communication link between the regulatory agencies and the organizations represented on the Working Group.

During the meetings, the USACE presented background on the LIS DMMP process, the requirements for determining suitability of dredged material for disposal at the Long Island Sound disposal sites, and presented the USACE Engineer Research and Development Center (ERDC) Multi-Criteria Decision Analysis (MCDA) method. This method is being used to model scenarios with varying trade-off values (esthetic, economic, environmental, etc.). This information will be used in the alternatives assessment document.

Funding

In February 2005, the governors of the two states sent a joint letter to the USACE requesting its assistance with the development of the DMMP and, in separate letters, asked members of their respective congressional delegations to seek appropriation of federal funds to initiate the DMMP. The PDT initially estimated that it would cost up to \$12 million and take 5-6 years to complete the LIS DMMP. The USACE agreed to work with the states on the DMMP and requests for funds were included in the President's budget for federal fiscal years (FY) 2007 and 2008. In FY07, \$1.7 million was included in the President's proposed budget, but this was eliminated by passage of a Continuing Resolution that was based on the FY06 federal budget.

Federal funding for the LIS DMMP began in FY08 and continued through FY10 at variable levels (see table below).

As of November 10, 2011, \$6,943,785 in federal funds have been provided for the LIS DMMP project. The President's Budget for FY12 contained a request for \$1 million for the LIS DMMP Project.

However, since Congress has not passed a FY12 appropriations bill as of December 8, 2011, no additional funds have been provided.

Federal Funding for LIS DMMP, 2007-2012

| Fiscal Year | Appropriation |
|-------------------|---------------|
| 2007 ¹ | \$100,000 |
| 2008 | \$3,525,000 |
| 2009 | \$980,000 |
| 2010 | \$2,761,100 |
| 2011 | \$490,685 |
| 2012 ² | (\$913,000) |
| Total | \$6,943,785 |

1. Includes \$75,000 of FY05 funds.
2. Represents a reprogramming of funds out of LIS DMMP account.

LONG ISLAND SOUND REGIONAL DREDGING TEAM

Purpose

As described above, the site designation rule contemplated that a Regional Dredging Team would be established to review dredging proponents' alternative's analyses to ensure that they conducted a comprehensive analysis for practicable alternatives to open-water disposal and recommend their use to the maximum extent practicable, to ensure progress toward reducing or eliminating open-water disposal in Long Island Sound pending completion of the DMMP. The following excerpt from the RDT guidance describes its primary function:

The RDT is charged with reviewing all permit applications and authorizations subject to the ... site designation rule restrictions and is not precluded from voluntarily providing advice to any other dredging project to help achieve the goal of reducing or eliminating the need for open water disposal in Long Island Sound. The RDT will work to identify all practicable alternatives to open water disposal and to advise regarding their use to the maximum extent practicable. Further, those identified practicable alternative use opportunities will be advanced through the appropriate state and federal authorities. All agencies will retain their respective final regulatory decision-making authority and regulatory time frames for project review.

In July 5, 2006, EPA, USACE, NOAA, and the states agreed to form an RDT and assigned representatives. The RDT began drafting a charter to describe the procedures the RDT would use to review the alternatives analyses developed by dredging project proponents, determine the adequacy of the analyses, and make recommendations on alternative dredged material placement options that should be considered by the USACE and other regulatory agencies. The RDT charter was approved by the Steering Committee in March 2007. The charter describes how the RDT will enhance communication and discussion among the participating agencies to facilitate the timely review and presentation of recommendations on the placement of dredged material from Long Island Sound dredging projects. Through the review process,

the RDT will become aware of possible alternatives to open-water disposal that it can communicate to potential applicants as well as appropriate state and federal authorities.

Current Status

During this reporting period, there were no proposed projects or alternatives to be discussed by the RDT. Therefore, the RDT did not meet during this period.

DREDGED MATERIAL DISPOSAL IN LONG ISLAND SOUND

It is the stated goal of the states of Connecticut and New York to reduce or eliminate the disposal of dredged material in Long Island Sound. To determine if this goal is being met will require measuring and tracking the amount of dredged material being disposed of or placed in the Sound and other locations. Currently, most open-water disposal in the Sound occurs at one of the four dredged material disposal sites in the Sound: Western Long Island Sound (WLIS), Central Long Island Sound (CLIS), Cornfield Shoals (CSDS), and New London (NLDS).

Alternatives include: upland placement or disposal; beach nourishment (depositing sand on or near an eroding beach); habitat restoration (e.g., depositing dredged material in sub-tidal areas to raise elevation and restore or create wetlands); confined aquatic disposal (CAD) cells (depositing unsuitable dredged material in a pit excavated below the floor of the harbor or navigation channel, and covering with clean material); and confined disposal facilities (using dredged material to increase the size of or create islands, e.g., to expand port facilities). Some of these alternatives, including beach nourishment, habitat creation/restoration, and capping (for both upland and aquatic habitat remediation purposes, in certain circumstances) are considered beneficial to the environment (i.e., beneficial uses). The following excerpt from the RDT guidance describes this process:

The RDT will track and document the volume of dredged material approved for open water disposal as well as other alternative disposal methods, and submit this information for inclusion in the annual report on progress of the DMMP. This information will be part of the annual report on the progress of the DMMP to be issued by the EPA.

EPA is complying with this guidance by working with the RDT to compile dredged material disposal records on an annual basis, and reporting these data in an annual report for a one-year period ending July 5 each year. The data in the annual report will be compared with dredged material disposal data from all disposal activity in Long Island Sound averaged over the period from 1982-2004. This is the sixth annual report.

Dredged Material Disposal in Long Island Sound, 1982-2004 (in cubic yards [c.y.]

| Disposal Site | Total Dredged Material Disposal | Avg. Annual Dredged Material Disposal |
|---------------|---------------------------------|---------------------------------------|
| NLDS | 3,069,546 | 133,459 |
| CSDS | 1,295,998 | 56,348 |
| CLIS | 8,019,678 | 348,682 |
| WLIS | 1,870,921 | 81,344 |
| Totals | 14,256,143 | 619,833 |

Overall, there was a total of 179,310 c.y. of dredged material generated in the Long Island Sound vicinity for the period July 6, 2010 – July 5, 2011, of which:

- 155,310 c.y. were disposed at open-water disposal sites in Long Island Sound;
- 0 c.y. were placed at containment sites; and
- 24,000 c.y. were used beneficially.

Recent Dredged Material Disposal in Long Island Sound Compared with Historic Averages
(in cubic yards [c.y.]

| Disposal Site | Avg. Annual Dredged Material Disposal | 2009 | 2010 | 2011 | Change from Previous Reporting Period (2010) c.y. | Change from Historic Average (1982-2004) c.y. |
|---------------|---------------------------------------|---------|---------|---------|---|---|
| NLDS | 133,459 | 0 | 0 | 0 | 0 | -133,459 |
| CSDS | 56,348 | 197,035 | 7,000 | 41,460 | 34,460 | -14,888 |
| CLIS | 348,682 | 559,760 | 277,474 | 84,940 | -192,534 | -263,742 |
| WLIS | 81,344 | 6,950 | 11,950 | 28,910 | 16,960 | -52,434 |
| Totals | 619,833 | 763,745 | 296,424 | 155,310 | -141,114 | -464,523 |

Of the 155,310 c.y. disposed in the Sound:

- 84,940 c.y. went to CLIS (vs. historical annual average of 348,682 c.y.);
- 28,910 c.y. went to WLIS (vs. historical annual average of 81,344 c.y.);
- 0 c.y. went to NLDS (vs. historical annual average of 133,459 c.y.); and
- 41,460 c.y. went to CSDS (vs. a historical annual average of 56,348 c.y.).

All of the 155,310 c.y. disposed in the Sound came from private projects.

Although not part of the reporting period covered in this report, the NLDS disposal site closed on October 5, 2011 and is no longer available for Federal projects or private projects greater than 25,000 c.y.

The average annual amount of dredged material disposed at the four open-water sites in the Sound from 1982-2004, was 619,833 c.y. For the period July 6, 2010 – July 5, 2011, there was a total disposed of 155,310 c.y., which is a decrease of 464,523 c.y. For further details, see Appendix D.

While there is generally some variability from one year to the next in the amount of dredged material disposed of in the Sound, there are many factors influencing this variability. Regardless, it is too early to determine any kind of long-term trend. The amount of dredged material disposed in the Sound during the current reporting period of July 6, 2010 – July 5, 2011, was less than the amount disposed during the prior reporting period of July 6, 2009 - July 5, 2010 (155,310 c.y. vs. 296,424 c.y. respectively); this appears to have resulted from variability in the size of projects and funding rather than from any difference in analysis of alternatives.

EPA will continue to report on an annual basis about the LIS RDT deliberations as well as each dredging project that was completed in the preceding year, including the name of the applicant, the

alternatives that were evaluated, the volume of dredged material, and its final placement or disposal location.

For further information, please contact:

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Appendix A

LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN STEERING COMMITTEE

| AGENCY | MEMBER | ALTERNATE |
|---|---|--|
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Appendix B

| LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN PROJECT DELIVERY TEAM | | |
|---|---|---|
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Appendix C

| LONG ISLAND SOUND REGIONAL DREDGING TEAM | | |
|--|---|--|
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Appendix D

Long Island Sound Annual Dredging Report - for the Dredging Year Ending July 5, 2011
 Summary of All Dredging and Disposal Activities

| | | CONNECTICUT | | | NEW YORK | | | Total All Projects and States |
|---------------------------|-------------------------------|-------------------------------------|------------------------|---------------------------|-------------------------------------|------------------------|---------------------------|-------------------------------|
| | | Federal (USACE) Navigation Projects | Other Federal Projects | Private Permit Activities | Federal (USACE) Navigation Projects | Other Federal Projects | Private Permit Activities | |
| Open Water Disposal | | | | | | | | 155,310 |
| | CLIS | 0 | 0 | 76,340 | 0 | 0 | 8,600 | 84,940 |
| | WLIS | 0 | 0 | 28,910 | 0 | 0 | 0 | 28,910 |
| | NLDS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | CSDS | 0 | 0 | 41,460 | 0 | 0 | 0 | 41,460 |
| Confined Disposal | | | | | | | | 0 |
| | CAD Cells Upland Containment | 0 | 0 | 0 | 0 | 00 | 0 | |
| | Landfill | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beneficial Use | | | | | | | | 24,000 |
| | CAD Cap Beach/Bar Nourishment | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Habitat Creation/Enhance | 24,000 | 0 | 0 | 0 | 0 | 0 | 24,000 |
| | Brownfield Remediation | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Treated Dredged Material | | | | | | | | 0 |
| | Upland Disposal | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Commercial Use | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL ALL DISPOSAL | | 24,000 | 0 | 146,710 | 0 | 0 | 8,600 | 179,310 |