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2 US ARMY CORPS OF ENGINEERS

3 NEW ENGLAND DIVISION

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5 SCOPING MEETING held at White's of Westport,

6 66 State Road, Westport, Massachusetts, on Thursday,

7 May 17, 2001, commencing at 7:00 p.m. concerning:

8 Designation of Dredged Material Disposal Sites in

9 Rhode Island Sound

10 Present:

11 Larry Rosenberg, as Moderator

12 Mike Keegan, Project Manager, US Corps of

13 Engineers, New England

14 Cathy Demos, Project Manager, EIS

15 David Toomey, Water Quality Unit, Boston EPA

16 Roger Janson, Hearing Officer, Associate Director,

17 Surface Water Programs, New England EPA

18 Bill Hubbard, Environmental Resources Section,

19 US Army Corps of Engineers, New England

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## 1 P R O C E E D I N G S

2

3 MODERATOR ROSENBERG: Good evening.

4 Sorry to break some time from the program next door,

5 but they are going to serve some roast beef and

6 chicken a little later.

7 Good evening. I'm Larry Rosenberg, and

8 I'm the Chief of Public Affairs for the United

9 States Army Corps of Engineers in New England, and I

10 would like to welcome you to this scoping meeting

11 held in accordance with the National Environmental

12 Policy Act.

13 As you're aware, we are here tonight to

14 not only discuss aspects of the designation of

15 dredged material disposal sites for Rhode Island

16 Sound Environmental Impact Statement, but also, and

17 first and foremost, we are here to gather

18 information from you, the individuals most affected

19 by the project.

20 You see, we're here tonight to

21 understand your concerns, to listen to your

22 comments, and to provide you an opportunity to be

23 heard on the record, on your terms, without

24 interruption. This meeting is yours.

1                   The rules for tonight are very loose,  
2 but they kind of boil down to this:

3                   If you've got a question, ask it.

4                   If you've got something to say, say it.

5                   If you've got a proposal, propose it.

6                   If you've got an idea, express it.

7                   And lastly, and probably more

8 importantly is, if you want to involve yourself in  
9 this process, not just tonight, but into the future,  
10 please let any one of us know, if you haven't  
11 already.

12                   Before you -- before we begin, I would  
13 like to take a few moments to introduce members of  
14 the project team that are here tonight and will  
15 provide information: Mr. Roger Janson from the  
16 Environmental Protection Agency's New England Region  
17 is our Hearing Officer, and he will address you in a  
18 few moments.

19                   Dave Tomey is also from the New England  
20 Region of the EPA, and he will discuss the role of  
21 the Environmental Protection Agency in this  
22 designation process.

23                   Mike Keegan is the Army Corps of  
24 Engineers' project manager for this project and will

1 discuss the role of the Corps in these processes  
2 that will lead to site designation.

3 And he will be followed by Cathy Demos,  
4 and Cathy is the Army Corps of Engineers' EIS  
5 manager, and she will discuss both the process  
6 involved in putting together an Environmental Impact  
7 Statement and the National Environmental Policy Act.

8 We expect the briefings to be  
9 informative and concise, so there we go.

10 Ladies and gentlemen, may I introduce  
11 Roger Janson.

12 ROGER JANSON: Thanks, Larry.

13 As Larry said, my name is Roger Janson.  
14 I'm Associate Director, I think, for Surface Water  
15 Programs at EPA here in New England. And I say I  
16 think, because we change jobs and titles so  
17 frequently it's hard to keep up with it all.

18 I'm only going to take a few minutes,  
19 because we have a few experts who follow me, who  
20 know much more about the process and the procedure,  
21 but basically all I want to do is, one, obviously,  
22 welcome you and follow-up on what Larry said, ask  
23 you to all feel free to participate and do ask  
24 questions; and anywhere along this process, which

1 will be a multiyear process, is always stay in touch  
2 with us as we attempt to do likewise and keep in  
3 touch with all of the involved constituencies within  
4 this designation process.

5 As many of you may be aware, but for  
6 those who are not, this is really a very, very  
7 close, closely -- close joint effort involving the  
8 Corps of Engineers and EPA in leading up to a site  
9 designation. We know that the actual designation  
10 process is a function that has been assigned to EPA  
11 through the Marine Protection Research and  
12 Sanctuaries Act.

13 The Corps plays a very, very strong role  
14 in that process. We have been asked as part of the  
15 ongoing work in Rhode Island to identify and  
16 designate a site in Rhode Island Sound for the  
17 long-term dredge material disposal needs, not only  
18 of Rhode Island projects and the Providence River  
19 harbor and dredging activities over the next years,  
20 but also servicing this part of the State of  
21 Massachusetts within the zone of influent. And that  
22 is exactly why we are here tonight.

23 We will be following this meeting with  
24 one next Tuesday evening in Galilee, Rhode Island, I

1 believe, for those folks that are interested on that  
2 side, and you are all invited as well.

3           Again, should you have any questions,  
4 and you need to contact us at EPA, my name is Roger  
5 Janson. You may contact me. I don't think my phone  
6 number is hanging around, but I will give it to you  
7 directly for those who want it. It's (617)  
8 918-1621, and I do answer my phone, and I do return  
9 calls, so please feel free.

10           I'm going to turn it back to you, Larry,  
11 to introduce Dave. Is he next, I believe?

12           MODERATOR ROSENBERG: Dave.

13           DAVID TOMEY: Good evening. My name is  
14 Dave Tomey. I'm with the Water Quality Unit of the  
15 office of the Consumer Protection in the Boston  
16 office of the EPA, and I'm here tonight to talk to  
17 you about the site designation process and EPA's  
18 role in that process.

19           One thing I would like to make sure  
20 everyone understands. This is not a discussion of  
21 the Providence River Dredging Project. This is a  
22 separate federal action that is -- involves a  
23 long-term designation of a site so that it's  
24 not -- the Providence Project specifically deals

1 with that particular project, and there is a  
2 proposal to look at for a disposal site as part of  
3 that EIS, Environmental Impact Statement, that they  
4 are doing, the Army Corps is doing. But this is a  
5 separate federal action, and I hope that becomes  
6 clear as we go through the various presentations  
7 tonight.

8           Before I get into too much about the  
9 designation process, I just wanted -- and actually  
10 Roger just kind of went over some of these issues,  
11 but what EPA -- you might ask what EPA has to do  
12 with dredging; and as Roger alluded to, we have the  
13 authority to designate ocean disposal sites. These  
14 are sites that are in federal waters. We also  
15 promulgate regulations and criteria for standards  
16 for discharge and for site selection in the  
17 permitting -- also in the permitting program the  
18 Corps administers.

19           We also review dredging projects as well  
20 as Corps -- Department of Army permits for  
21 discharges. We develop Site Monitoring Management  
22 Plans as far as any designated site that is done in  
23 ocean waters, and we also comonitor with the Army  
24 Corps under the ocean disposal sites for assessment

1 of impact.

2                   These are all done under these  
3 authorities, this is the Marine Protection Research  
4 and Sanctuaries Act, also known as the Ocean Dumping  
5 Act. We also regulate and discharge dredged  
6 material through the Corps's permitting program  
7 under the Clean Water Act.

8                   And tonight, as I think Larry made clear  
9 that we are doing this EIS, this Environmental  
10 Impact Statement, for the designation of these sites  
11 under the auspices of the National Environment  
12 Policy Act. EPA has a policy to do a voluntary EIS  
13 to do this, to do any kind of site designations in  
14 ocean waters. So that this is why this particular  
15 action is involved in an Environmental Impact  
16 Statement.

17                   Just to sort of reiterate what the  
18 purpose of this project is. We are going to be  
19 identifying candidate ocean disposal sites as well  
20 as looking at alternatives, and essentially looking  
21 at the impacts of those alternatives for the  
22 purposes of proposing a site somewhere in the Rhode  
23 Island Sound region that could serve, as Roger  
24 stated, for both Rhode Island and Southeast

1 Massachusetts users.

2                   And, generally, the EIS will look at all  
3 the impacts of the alternatives, any proposed site  
4 that comes out of this Environmental Impact  
5 Statement must meet all the environmental laws and  
6 applicable laws for both state and federal  
7 requirements.

8                   And as I said earlier, this action does  
9 not approve a particular dredging project. This  
10 action generally provides an open water  
11 alternative -- an ocean water alternative that would  
12 meet all the requirements of the laws and in terms  
13 of a particular project. So when we have a project  
14 come forward in the future, we have a permit for  
15 example, from the Army Corps. They have to go  
16 through a very strict testing protocol. We  
17 have -- they have to meet the site selection  
18 criteria for that project, and we also have to have  
19 a demonstrated need that they are for ocean  
20 disposal. That means all the other alternatives  
21 have to be looked at.

22                   Now, I'm just going to briefly go over  
23 the site designation process. It's part and parcel  
24 to the Environmental Impact Statement. As we go

1 through a public scoping process and review of all  
2 the concerns from people, and then go through and  
3 develop the document, and this is -- pretty much we  
4 follow that format as we go through the designation  
5 process with a few characteristics that are -- that  
6 are unusual for the -- for this NEPA action that are  
7 particular to the site designation.

8           First, generally, we need a request.  
9 Usually that is the governor. In this case,  
10 Governor Lincoln Almond requested this back in  
11 September of 2000. He responded, and we also  
12 developed a -- during that process, we -- the part  
13 of the NEPA process, the National Environmental  
14 Policy Act, is we have to give notice that we are  
15 going to develop the EIS. That was done in March in  
16 the federal register.

17           Tonight we are here as part of a scoping  
18 effort to scope out your concerns and to help you  
19 understand what this particular action is all about  
20 so we can have better input from you on how to do  
21 this. And then over the next couple of years, we  
22 will be working hard with the Army Corps and their  
23 contractors to develop an Environmental Impact  
24 Statement.



1 analysis, and I just wanted to say a few things  
2 about this, because Cathy from the Corps will be  
3 talking more about the EIS itself, but generally we  
4 go through an alternatives analysis, and we do an  
5 impact analysis on all the alternatives.

6 In this case, because this is a  
7 situation where we are having a large area, we are  
8 looking at potential sites, we delineate a zone. We  
9 call it zone of siting feasibility. Basically, it's  
10 an economic limits of where the users are versus  
11 where potential sites that would be economically  
12 feasible to -- for dredgers you've got by users of  
13 the site to be able to transport reasonably those  
14 distances.

15 Then we go through a screening process.  
16 We identify through a universe of alternatives. In  
17 this case, we will be capitalizing pretty much a lot  
18 on what was done for the Providence project since  
19 they looked at the same general area, and we will be  
20 relooking at some of these and re-reviewing their  
21 approaches, and we might add some others or subtract  
22 some as we go through this process so we can have a  
23 little bet -- with -- the difference is we are  
24 looking at this for a long-term use, as opposed to a

1 single use for a project. So we have to look -- we  
2 might be looking at the screening process a little  
3 differently in that respect.

4 We will assess the data needs,  
5 supplement any initial additional data that  
6 was -- we see necessary to be able to do an  
7 assessment and perform the impact analysis.

8 The end product to this is a decision,  
9 and the EIS is a tool to help the regional  
10 administrator, in this case, who is delegating the  
11 authority to designate sites to make that decision,  
12 and the decision will be on if there is a proposed  
13 site.

14 Secondly, because this is an ocean site,  
15 and we have in our regulations a listing, the  
16 rulemaking what it does is it actually lists the  
17 site in our regulations as an official ocean  
18 disposal site, and it also identifies any specific  
19 constraints or restrictions or conditions that may,  
20 in fact, result as a -- if you look at the effects,  
21 and we decide that it meets our requirements under  
22 the Ocean Dumping Act to be a site, but there may be  
23 certain restrictions that are needed to make sure  
24 that the impacts are minimized, all those conditions

1 will be listed in this particular EIS as well as the  
2 Site Management Plan. All chosen alternatives must  
3 comply with our site selection criteria that we use  
4 to evaluate, and I'll speak to those in a minute, as  
5 well as have a Site Monitoring Management Plan.

6 In our ocean dumping regulations, we  
7 have two sections of the regulations that deal with  
8 site selection criteria, and we have five general  
9 criteria, and we have 11 specific criteria, and I am  
10 just going to very briefly just give you a flavor of  
11 what the kinds of things we must consider, and I'll  
12 just go over these very briefly. The site selected  
13 has to be in areas that minimize interferences with  
14 uses of marine activities, for example, fishing and  
15 navigation.

16 The locations and boundaries must be  
17 chosen so that they reduce water quality impacts to  
18 background concentrations before reaching any  
19 sensitive resources like beaches, sanctuaries or  
20 limited area fisheries. Also, the site must be  
21 terminated if monitoring indicates that any of these  
22 criteria, which I'm going to describe, are not met,  
23 the requirements of those criteria. So we could, in  
24 fact, close down the site if we see fit based on a

1 good amount of data, of course, to make that  
2 conclusion.

3           The size and configuration of the site  
4 must be limited to localized control. Any immediate  
5 adverse affects, as well as provide an effective  
6 monitoring surveillance program. And, finally, we  
7 are going to be looking as an alternative, and this  
8 is a requirement in our regs, the feasibility of  
9 actually using an off the shelf, as all so many of  
10 you know, off the continental shelf is about 100  
11 miles due east of here. I don't think necessarily  
12 those will -- that will prove to be feasible. We  
13 will go through an assessment to see, to make sure  
14 that that is the case to comply with the  
15 regulations.

16           There is a number of specific criteria  
17 under the regulations, which are basically not true  
18 criteria, but they are factors that EPA must  
19 consider as we go through our assessment. And the  
20 impact analyses that I talked about before and the  
21 details that we do in that analyses try to cover the  
22 issues related in these specific criteria, and that  
23 is we want to -- we must consider the geographic  
24 position, depth, topography, and distance to

1 coastline; site locations, relative to breeding,  
2 nursery, feeding or passage areas for living  
3 resources; location of beaches and other amenities;  
4 types and quantities of dredged material; the  
5 feasibility of surveillance and monitoring. I  
6 mentioned that earlier; dispersion, horizontal  
7 transport and vertical mixing, and the prevailing  
8 currents all must be considered, and we do these  
9 assessments. In addition, the existence or current,  
10 previous discharges in the area. There is one site  
11 for example, Brenton Reef that was used in the late  
12 '60s to early '70s for the Providence project. That  
13 is one area that we will be looking at. Interference  
14 with shipping, fishing, recreation, fish culture and  
15 other scientific uses of the ocean; the existing  
16 water quality and ecology of the site; potential for  
17 development or recruitment of nuisance species; and  
18 finally, the existence or proximity of natural or  
19 historical resources.

20           And I'll just say just a few things  
21 about the Site Monitoring Management Plan. The  
22 other thing we have to do is develop a Site  
23 Monitoring Management Plan, and the law was amended  
24 back in 1992 to be able to include this, so for now

1 all final designated sites must require this. A  
2 Site Monitoring Management Plan must include the  
3 baseline assessment of the site conditions. As I  
4 said earlier, that is going to be pretty much taken  
5 care of in the EIS, but this is a stand-alone  
6 document that will be appendices to the EIS, and it  
7 will have these -- a summary of these things and  
8 references to the more detailed discussions within  
9 the EIS proper.

10           Also there will be a proposed program  
11 for monitoring. Any issues that come up as less  
12 understood, for example, we might, for example, have  
13 more monitoring activities related to those things;  
14 or if there is concerns about particular issues  
15 related to off-site resources, those things will be  
16 added to the monitoring program. These will be  
17 dovetailed with the Army Corps's DAMOS Program,  
18 Disposal Area Monitoring System they have in place  
19 and they have been using for the last 25 or so years  
20 to monitor sites throughout all of New England.

21           We also, as I mentioned earlier, but  
22 these will be as part of the management plan, any  
23 particular management or conditions -- management  
24 practices or conditions that will be used will be

1 explicitly described and adhered to as part of any  
2 use of the site. These, again, will be based on any  
3 kind of concerns that had been related during the  
4 EIS process, or as the EIS examines these issues.

5 Also consideration for the quantity of  
6 contamination of the materials, consideration for  
7 anticipated use. For example, we will look at the  
8 projected volumes that would be coming out of all  
9 the users that could use the site, and we would make  
10 some estimate of what the capacity of that site is,  
11 and that would be part of this management plan. And  
12 then we would develop a preliminary plan for closure  
13 of the site after the site's capacity has been  
14 reached.

15 So we want to make sure that, you know,  
16 for example, that if the site once we close the  
17 site, that it will still offer a habitat for fish  
18 and other things and so, in fact, for example, in  
19 some cases we might, if it hasn't already restored  
20 the sediment types to something similar to what the  
21 environment around the system prevails.

22 Also, I'll say that the schedule for  
23 revision, this is by law. We have to do this every  
24 ten years.

1                   So I'll just close now and let Mike  
2 Keegan talk about the Corps's role in this process.

3                   AUDIENCE PARTICIPANT: I have a  
4 question.

5                   DAVID TOMEY: Sure.

6                   AUDIENCE PARTICIPANT: In the beginning  
7 in one of the first couple of slides, you put that  
8 the process began with a letter from Governor Almond  
9 in the year 2000.

10                  DAVID TOMEY: Right.

11                  AUDIENCE PARTICIPANT: Well, if I  
12 remember correctly, the first letter from the  
13 governor of Rhode Island was like eight years before  
14 that --

15                  DAVID TOMEY: Yeah.

16                  AUDIENCE PARTICIPANT: -- under the  
17 Sundlun Administration.

18                  DAVID TOMEY: Yeah.

19                  AUDIENCE PARTICIPANT: So I am curious  
20 to what happened for the first -- in the eight years  
21 between the Sundlun letter and the Almond letter.

22                  DAVID TOMEY: Okay. I am not familiar  
23 with the first letter, but this is the letter we got  
24 requesting that a permanent -- what he called

1 permanent -- we would call long-term disposal site  
2 designation for Rhode Island waters is, and that  
3 is -- that is what this particular action. A lot of  
4 the earlier work groups, commissions that have been  
5 resolving around the Providence project and also  
6 Narragansett Bay disposal. This action would  
7 not -- we would look at Narragansett Bay as disposal  
8 sites as an alternative, but this action  
9 specifically states for a federal waters off of  
10 Narragansett Bay and off of Southeast Massachusetts.

11 MODERATOR ROSENBERG: Ladies and  
12 gentlemen, our next speaker is Mike Keegan, the  
13 Project Manager from the Army Corps.

14 MIKE KEEGAN: Thank you. Thank you very  
15 much for coming tonight.

16 As Larry said, I'm the project manager  
17 for the Corps of Engineers, which is located in  
18 Concord, Massachusetts.

19 I will briefly discuss the Corps's  
20 interest in this dredging project as well as our  
21 role in the preparation of the EIS.

22 The Corps has two main areas of focus in  
23 this investigation. First, as a steward from the  
24 Nation's civil works infrastructure, the Corps has

1 an interest in ensuring cost-effective means,  
2 constructing and maintaining our Nation's ports and  
3 harbors. There are currently 18 existing federal  
4 navigation projects in Rhode Island and 17 in  
5 Southeastern Massachusetts. Each of these harbors  
6 require periodic dredging to maintain adequate depth  
7 for navigation. Occasionally, in the interest of  
8 commerce and safety, it becomes necessary to improve  
9 the harbors by deepening the channels or expanding  
10 anchorage areas. The dredged material generated by  
11 maintenance and improvement of these harbors must be  
12 disposed of in an environmentally sound and  
13 cost-effective manner.

14           Second, the Corps also regulates the  
15 private activities in the Nation's water.  
16 Section 10 of the Rivers and Harbor Act of 1899  
17 tasks the Corps with regulating development and  
18 construction activities in or affecting the Nation's  
19 navigable waters. The Clean Water Act tasks the  
20 Corps with regulating disposal of dredged or fill  
21 material in the Nation's waters. And the Marine  
22 Protection Research and Sanctuaries Act passed both  
23 the Corps and EPA with regulating the disposal of  
24 dredged material in waters seaward of the

1 territorial sea baseline. In furthering its  
2 regulatory responsibilities, the Corps needs to  
3 ensure that methods to facilitate management of  
4 dredged material from both the public and private  
5 sources exist.

6           The Corps's role in the EIS process is  
7 to provide support to EPA, to identify and evaluate  
8 options with disposal of dredged material from the  
9 harbors of the Rhode Island Sound region. The  
10 Corps's New England District and the New England  
11 region of EPA will soon execute a letter of  
12 agreement to pursue a process aiming at identifying,  
13 evaluating and possibly designating one or more  
14 sites for open water disposal in the Rhode Island  
15 Sound region by the winter of 2004. Part of this  
16 evaluation will be the identification and evaluation  
17 of other disposal or management options, either in  
18 or out of the water, including the potential for  
19 beneficial use opportunities.

20           In accordance with our Letter of  
21 Agreement, the Corps will provide the principal  
22 funding source for any studies determined by EPA to  
23 be necessary in support of alternative site  
24 evaluation and designation efforts. Some of the

1 efforts that we envision include: Conducting  
2 scoping meetings, such as the one tonight to receive  
3 public input; the collection and analysis of  
4 physical, chemical, and biological samples of  
5 potential sites. We will also develop a needs  
6 analysis to project potential dredging that will be  
7 performed by both public and private interests and  
8 to estimate the quantities of dredge material that  
9 will require disposal in the future.

10           After analysis of the data and the  
11 information collected, we will prepare an  
12 Environmental Impact Statement that will document  
13 the evaluation of potential long-term impacts of  
14 disposal at sites identified from scoping meetings  
15 and coordination efforts. Included in this EIS will  
16 be an evaluation of alternative disposal sites and  
17 methods. Should any open water disposal sites be  
18 identified in the investigation, then site  
19 management plans will also be prepared as part of  
20 the EIS.

21           In order to complete this process by the  
22 winter of 2004, the Corps and EPA will need to rely  
23 on the assistance of other federal agencies, state  
24 agencies of both Rhode Island and Massachusetts and

1 the numerous public and private interests working  
2 and conducting resource investigations in the Sound  
3 and in adjacent waters. The Corps plans to conduct  
4 the majority of the investigation effort through one  
5 of its several contracts for services with leading  
6 New England area environmental consulting firms.  
7 The EPA and the Corps will also contribute some of  
8 their resources to this effort.

9 In summary, the Corps will be working in  
10 partnership with the EPA and all interested parties  
11 in identifying, addressing and meeting the future  
12 navigational infrastructure needs.

13 Thank you.

14 MODERATOR ROSENBERG: Ladies and  
15 gentlemen, Cathy Demos, our EIS Project Manager.

16 CATHY DEMOS: Good evening. I am Cathy  
17 Demos, and I work in the New England District of the  
18 US Army Corps of Engineers, and I'm in the Resources  
19 Section.

20 And some of you have heard the terms EIS  
21 and NEPA and may be wondering what is an  
22 Environmental Impact Statement, also known as an  
23 EIS? And what is the National Environmental Policy  
24 Act, also known as NEPA, and what is its purpose?

1                   The National Environmental Policy Act  
2           was passed by Congress in legislation in 1969, and  
3           the purpose of that Act was to require federal  
4           agencies to prepare statements for significant human  
5           actions -- human actions and to report on that. It  
6           requires us to identify, analyze, and document  
7           impacts and alternatives, all reasonable  
8           alternatives, and the statement they referred to is  
9           the Environmental Impact Statement.

10                   The NEPA process is intended to be a  
11           decision-making tool in that it helps the  
12           decision-makers to focus on the significant issues  
13           that are involved, and to focus on those. And it  
14           also provides full disclosure to the public and  
15           citizens and public agencies to make sure that the  
16           public is informed of decisions that are considered  
17           and before actions are being taken. It involves the  
18           public throughout the process. The scoping meeting  
19           is an example of that where you are providing us  
20           input into the issues that we think we should be  
21           looking at. Also, the public will have input during  
22           the draft EIS, during the review comment period, and  
23           also during the final EIS when that comes out. It  
24           also involves integrating all the environmental

1 requirements that we are required to look at, such  
2 as rare and endangered species, historic and  
3 archeological resources. All those will be  
4 considered during the EIS process.

5 We'll document what are the existing  
6 conditions that are out there now in the zone and  
7 siting feasibility and also look at the impacts on  
8 top of that, how -- how will these different  
9 alternatives that we are looking at and the impacts  
10 involved with them affect the existing environment.  
11 We will evaluate all reasonable alternatives and  
12 look at those impacts and help decide, make a  
13 decision, a preferred course of action for looking  
14 at one or more of preferred ocean disposal sites if  
15 that is the way we go.

16 Some of you may be wondering what does  
17 an EIS look like.

18 There are several sections that are  
19 required to be included in the EIS. The first one  
20 is an executive summary, and that stresses  
21 what -- stresses us to look at providing what are  
22 the major conclusions from the EIS. Look -- we  
23 would be discussing what are the major issues that  
24 were raised by the public and the citizens and how

1 were those issues resolved. And also what are the  
2 preferred actions that -- preferred action that we  
3 are looking at.

4 The purpose in the need section of the  
5 EIS is fairly self-descriptive in that it would  
6 describe why are we looking at ocean disposal sites,  
7 why do we need that, why are we looking at that.

8 The alternatives area section is very  
9 important. As Dave said, it's the heart of the EIS.  
10 That looks at all reasonable alternatives and looks  
11 at the impact from the different alternatives,  
12 compares and contrasts them so that a clear decision  
13 is made as to why we are looking at a preferred  
14 alternative.

15 We also would be looking at the affected  
16 environment; what does it look like now; what  
17 environment, describing the baseline before we have  
18 these different alternatives that we are looking at;  
19 the environmental and social economic consequences  
20 we look at; what are the different alternatives and  
21 their impact; are there some areas where we cannot  
22 avoid impact; what can we do to help mitigate for  
23 those impacts.

24 We also include a list of preparers, who

1 are the preparers involved in the EIS process; what  
2 are their qualifications.

3 We also have a list, a distribution list  
4 of who has received a copy, or there is a summary of  
5 the EIS and an index and then an appendices and a  
6 date of mention. One of the appendices would be the  
7 site monitoring and management plan.

8 Some of the general areas in the  
9 alternative section we would be looking at is the no  
10 action plan, which we are required to always look  
11 at. Basically, they would look at what would the  
12 future look like without an ocean disposal site;  
13 what are the environmental and social impacts from  
14 not having a designated ocean disposal site. We  
15 would look at some of the designated -- looking at  
16 one or more ocean sites. We would build on what the  
17 Providence River Project has already talked about,  
18 and we may look beyond what they have looked at.  
19 And it may be a little bit different from the  
20 screening criteria.

21 We would also look at identification of  
22 other disposal and management options, such as  
23 looking upland or possibly using some of the dredged  
24 materials for beneficial use, if that is possible.

1                   And also as required, the EIS will also  
2                   include site monitoring and management plans, what  
3                   type of impacts do we want to look at; how, when  
4                   would we monitor for this; and if we do find  
5                   impacts, then what kind of management actions would  
6                   we be looking at.

7                   And lastly, I just want to leave you  
8                   with the thought that an informed citizenry allows  
9                   us for an informed decision. We just want you to  
10                  know that your input is valuable to us in this whole  
11                  process.

12                  Thank you.

13                  MODERATOR ROSENBERG: Thank you.

14                  To quote Roger Fritz, who is a  
15                  nationally acclaimed management consultant and  
16                  author of about 34 books on business development and  
17                  change and renewing personal growth, "Competence  
18                  without accomplishment is worthless -- intentions  
19                  have no value without results."

20                  We stand before you tonight asking for  
21                  your expertise in helping us seek solutions so  
22                  together we can identify, evaluate, and build a  
23                  process that will seek solutions.

24                  You know, as a direct result of having

1 this type of open process, we have been able to  
2 overcome many of the difficulties that other  
3 agencies face when performing activities that  
4 directly or indirectly affect the environment and  
5 the quality-of-life issues, which surround such  
6 activities.

7                   Although we are here tonight to begin a  
8 long process that will eventually lead to the  
9 publishing of an Environmental Impact Statement for  
10 the designation of dredged material disposal sites  
11 in Rhode Island Sound, we do need your participation  
12 throughout the entire process. And I thank you for  
13 contributing to this extremely worthwhile cause at  
14 its outset.

15                   Before we begin, I would like to remind  
16 you of the importance of filling in the cards that  
17 were available at the door. These cards serve two  
18 purposes. First, they let us know that you're  
19 interested, and that we can keep you informed.  
20 Second, they provide me a list of those who are  
21 speaking tonight, formally. If you did not complete  
22 a card, but wish to speak or receive future  
23 information regarding this designation process,  
24 please fill out a card. One will be provided at the

1 desk.

2 An additional comment, we are here to  
3 receive your comments and enter into some discussion  
4 on that. That is up to you. This is your process  
5 tonight.

6 I do ask you to address questions both  
7 to the record and to the individuals here so we can  
8 look at this into the future as the development of  
9 the EIS progresses.

10 A transcript of this scoping meeting is  
11 being made to assure a detailed review of all  
12 comments. A copy of the transcript will be  
13 available on our website, or through the Corps or  
14 EPA, or you can make arrangements on your own with  
15 the stenographer, at your cost.

16 When making a statement, come forward to  
17 the microphone, state your name and town, and if you  
18 represent any interest.

19 I want to emphasize that all who wish to  
20 speak will have an opportunity to do so.

21 Ladies and gentlemen, we have one  
22 individual that has asked to provide comments on the  
23 record, Mr. Donald Conradi.

24 DONALD CONRADI: Yeah.

1                   MODERATOR ROSENBERG:  Sir, would you  
2     please come to the microphone.

3                   DONALD CONRADI:  My name is Donald  
4     Conradi.  I am from Westerly, Rhode Island.  I am a  
5     member of the Rhode Island Marine Trades  
6     Association.

7                   Our concern is that a permanent disposal  
8     site be designated for the State of Rhode Island,  
9     also Southeastern Connecticut.  We have been  
10    involved in looking for an in the water disposal  
11    site for the State of Rhode Island for the past 14  
12    years.  And I'm hopeful for a speedy conclusion of  
13    this process in a timely manner so that the industry  
14    can get on with maintaining its waterways and  
15    facilities in the near future.  That's what I have  
16    to say.

17                  MODERATOR ROSENBERG:  Thank you, sir.

18                  Is there anybody else here tonight that  
19    would wish to provide comment directly onto the  
20    record?

21                  Yes, sir.  Please step up to the  
22    microphone and state your name and your town and any  
23    interest you may represent.

24                  KEN KUBIC:  I'm Ken Kubic from Rhode

1 Island also, Charlestown. I have been involved with  
2 Don and some others in getting dredging or a dredge  
3 disposal site in Rhode Island.

4 My only concern in listening to you is  
5 the designation of that in-water disposal site in  
6 Block Island Sound or Rhode Island Sound for the  
7 Providence channel. This has no -- that is why, I  
8 guess, my question is since this looks like this  
9 process is just beginning, that site can be used for  
10 Rhode Island -- for the Port of Providence before it  
11 gets designated as a regional disposal site. That  
12 is my question. So we'll get -- that's my concern.

13 MODERATOR ROSENBERG: Yes. Thank you.

14 Is there anybody else that would wish to  
15 provide comment directly onto the record?

16 Ladies and gentlemen, I would like to  
17 open this floor up to questions.

18 Sir, please.

19 JACK REYNOLDS: Yeah, just a --

20 MODERATOR ROSENBERG: Please, take the  
21 microphone.

22 JACK REYNOLDS: My name is Jack  
23 Reynolds. I'm President of Westport Fishing  
24 Association, and I also own a fishing vessel out of

1 Westport.

2 I think back in the early '70s, early to  
3 mid '70s, we were involved with something relating  
4 to this. They called it the Brown's Ledge dumping  
5 area. In fact, there was a buoy put there by the  
6 Coast Guard just prior to the hearing process and  
7 the EIS and whatnot. And we -- what I would like to  
8 say, it became a pretty big fight, because at that  
9 time, I think, there was a goal classification plan  
10 by EE & G planned for in the upper reaches of the  
11 Taunton River, and they needed to dredge the channel  
12 to get bigger coal barges up there to make it  
13 economically feasible. And with the bottom samples  
14 taken, the bottom sediment contents, it was just  
15 plain unacceptable, and I wouldn't imagine that  
16 anything has changed from then to now as far as  
17 those bottom sediments, because they were mostly  
18 heavy metals and mercury and whatnot, and also in  
19 the Providence River.

20 And I just wanted those comments on the  
21 record now, because -- and then again, it will be  
22 brought back again, I think, in the mid '80s, there  
23 was a few hearings. There was one at the Westport  
24 Middle School, and it basically was for that

1 same -- they didn't call it that, but they had a  
2 chart similar to what you have here today, and they  
3 had a little square marked; and it when you overlaid  
4 it on the one in the '70s, it was exactly the same  
5 thing. And it was for the same type of project.

6 I have no problem with small dredge  
7 projects in harbors that have clean sediment, but I  
8 have an idea that this is mainly probably to help  
9 the Brayton Point Power Station get bigger coal  
10 barges up in there for Montaup Electric or into the  
11 Providence River. And I don't think those bottom  
12 sediments have changed.

13 MODERATOR ROSENBERG: Thank you, sir.

14 JACK REYNOLDS: Thank you.

15 MODERATOR ROSENBERG: Is there anybody  
16 else that would like to provide comment directly  
17 onto the record?

18 If not, we will open it up for  
19 discussion.

20 Roger.

21 ROGER JANSON: I just -- I think I will  
22 address Ken's point and then address this  
23 gentleman's comment, and Dave and others stand ready  
24 to bail me out should I go astray. But in regards

1 to Providence River and harbor dredging, which as  
2 Dave alluded to is a project separate and distinct  
3 from this long-term dredge material disposal site  
4 designation process, although one has to recognize  
5 that there certainly is overlap between the two.  
6 Under the Marine Protection Research and Sanctuaries  
7 Act, the Corps of Engineers has the authority to  
8 select a site, and I use terms like select and  
9 designate. They have very specific meanings under  
10 the statutory construction. But the Corps has the  
11 ability to select a site for a one-time project  
12 disposal or -- and that site is available for use  
13 for a period of up to five years. It can then be  
14 further used for an additional five years beyond  
15 subject to the satisfaction of some additional  
16 criteria.

17                   After that point, the site either has to  
18 be closed or designated. It can no longer be used.

19                   The Corps in completing its EIS work for  
20 the Providence River Project is looking at and has  
21 analyzed a fair number of sites, both within  
22 Narragansett Bay and out in Rhode Island Sound and  
23 is now assessing prior to issuance of its -- of its  
24 final draft is assessing what site or combination of

1 sites to use.

2                   So it certainly is possible that the  
3 Corps will look at a combination that may include  
4 selection of a site, and it is also likely that  
5 during the EIS development process that site or set  
6 of sites would be in our alternatives mix, but it  
7 does not mean that necessarily that any site  
8 selected would be the finally selected -- or finally  
9 designated site. I want to be very certain about  
10 that. But they are proceeding on separate tracks,  
11 and as you alluded to, coming to grips with a  
12 disposal site for not only Providence, but for other  
13 projects in Rhode Island has been somewhat of a long  
14 and tortuous process over the last -- I've heard 14  
15 years, but my understanding is it has been closer to  
16 20 to 25 years. Governor Almond recognized this and  
17 realized in the development of the Providence  
18 Project that something more than just trying to find  
19 one site, or one-time disposal didn't necessarily  
20 serve in his vision the long-term needs of Rhode  
21 Island and has proceeded to request to us that we  
22 look at this long-term designation.

23                   On the other hand, moving to the other  
24 comment about the sediments and the quality of the

1 sediments, once we have a long-term designated site,  
2 any sediments that go out to that site for disposal  
3 have to be suitable for disposal in open waters and  
4 meet the testing criteria in the regulations that  
5 have been developed to implement the MPRSA.

6 So from that perspective, any project  
7 that goes out in the Corps in our estimation and  
8 knows of estimation of any other agency that is  
9 involved in the process, as well as the public that  
10 has a chance to respond, any public notice to the  
11 Corps would issue for a project would meet those  
12 criterion would be deemed suitable for open water  
13 disposal.

14 Material that is not suitable for open  
15 water disposal doesn't have the site available. It  
16 has to follow a different alternative, which may  
17 include some kind of confined aquatic site with such  
18 as the so-called CAD cells involved in the Boston  
19 Harbor Project. I know that was at least some  
20 consideration, some of the material in Providence  
21 River, so I don't want to belabor that point, but  
22 hopefully I could at least preliminarily address  
23 both comments at this point.

24 MODERATOR ROSENBERG: Sir, would you

1 like -- please.

2 RICHARD EARLE: Are we in the question  
3 and answer?

4 MODERATOR ROSENBERG: Anything we want.  
5 Just call me Mr. Donoghue.

6 RICHARD EARLE: My name is Richard  
7 Earle. I'm the harbormaster here in Westport.

8 I just had a couple of questions, and I  
9 don't know who is the appropriate person to answer  
10 it, but my first question would be realizing that a  
11 lot of the little harbors and stuff in Massachusetts  
12 and Rhode Island need dredging, maintenance dredging  
13 on a regular basis, and I am sure that is what the  
14 Marine Trades was thinking about. There is a lot of  
15 dredging that will be required, and you have got to  
16 put it somewhere.

17 But my first question is is how much  
18 draft, in other words, depth of water does the sand  
19 carry in dredge require to go out to this dump site?  
20 I assume this dump site is going to be far enough  
21 off shore where you are not going to run a pipe out  
22 there. So I guess it has kind of been carried, so  
23 what kind of draft when the sand carrying --

24 BILL HUBBARD: There's a lot of

1 different dredges.

2                   MODERATOR ROSENBERG: Hold on. Would  
3 you please identify yourself for the stenographer.

4                   BILL HUBBARD: Bill Hubbard. I'm  
5 the -- from the Environmental Resources Section,  
6 Army Corps of Engineers New England District.

7                   There are several alternatives. Most of  
8 the -- I'll say mid to commercial harbor barges  
9 are -- have bottom-dumping doors that are going to  
10 need eight feet of swing. There are smaller barges.  
11 There are a lot of different alternatives. Your  
12 marinas usually use a much smaller barge. There is  
13 also a -- the dredge that we used in Rhode Island in  
14 Bullocks Cove was the currituck. That is a split  
15 hole where the bottom opens --

16                   RICHARD EARLE: What kind of a draft  
17 requirement?

18                   BILL HUBBARD: Eight feet.

19                   RICHARD EARLE: Empty or loaded?

20                   BILL HUBBARD: Eight feet loaded.

21                   RICHARD EARLE: Loaded, eight feet.

22                   Okay. So that was the small one, did  
23 you say?

24                   BILL HUBBARD: That is the small one we

1 have done in marinas. You can have --

2 RICHARD EARLE: It would be capable of  
3 doing an ocean dump then?

4 BILL HUBBARD: Correct.

5 RICHARD EARLE: Eight feet. Okay.

6 BILL HUBBARD: You can have it -- your  
7 marinas do different. Very often your marina will  
8 pump into a barge, because it can't get the barge  
9 alongside your slip.

10 RICHARD EARLE: Right.

11 BILL HUBBARD: So that is another  
12 alternative.

13 RICHARD EARLE: Right. So they can pump  
14 into these through a pipeline and then barge it out  
15 is what you are saying?

16 BILL HUBBARD: A little more expansive.  
17 Sometimes they pick and swing it. It all depends on  
18 the logistics in your marina.

19 RICHARD EARLE: That was one question I  
20 had, because some of these little marinas in areas  
21 are very shallow, and you wouldn't be able to get an  
22 ocean barge in there to dump. So that would kind of  
23 eliminate this dump site for a lot of our louvers.  
24 Westport has a controlling depth of around seven

1 feet. Six or seven feet. So, anyway, I think you  
2 have answered that question.

3 BILL HUBBARD: That is eight feet below  
4 water. So you could bring somebody in on the tide.

5 What do you have a four-foot tide?

6 RICHARD EARLE: Three, yeah.

7 BILL HUBBARD: Three.

8 RICHARD EARLE: So your small ones are  
9 about eight feet. Okay.

10 RICHARD EARLE: Let's see. I had  
11 another question. Getting back to Mr. Reynolds and  
12 the Brown Ledge thing. I know they went through  
13 that. We have a lobster fleet in Westport, and  
14 Brown's Ledge is very important to them. And other  
15 than Mr. Reynolds, I don't see anybody else here. I  
16 guess somewhere along the line -- is there  
17 restrictions as to time of year when they dump?

18 MODERATOR ROSENBERG: Bill, do you want  
19 to go to that?

20 BILL HUBBARD: Sure.

21 MODERATOR ROSENBERG: And then, Cathy,  
22 if you could talk to the involvement process on the  
23 Lobstermen Association, the fishermen.

24 BILL HUBBARD: Sure. Bill Hubbard

1       again.

2                       We do an environmental assessment, and  
3       if you come to the Corps of Engineers for a permit,  
4       we work with the agencies, the state agencies, and  
5       we develop a dredging window, very often dredging  
6       during the summer months when it's biologically  
7       active. We tend to frown against, honestly, most of  
8       your marinas, you are going to have moorings out.  
9       You are going to have boats in the way. For the  
10      most part, it's just virtually impossible to dredge  
11      in the summer.

12                      There is winter flounders spawning in  
13      the winter, and there may be some endangered species  
14      we run into at certain sites later in the winter,  
15      too. Usually you use the dredging period as fall  
16      through winter.

17                      RICHARD EARLE: Okay. Fine. Thanks.  
18      That is what I got for now.

19                      CATHY DEMOS: Just to speak to who would  
20      be involved. Part of the EIS process is getting  
21      interested -- you are having a hard time hearing me,  
22      okay.

23                      Can you hear me now?

24                      Part of the EIS process is getting

1 interested people, citizens' groups involved and  
2 hearing what their concerns are. So during this  
3 process, during the preparation of the draft EIS, I  
4 would imagine that we would be meeting with local  
5 lobstermen groups, or fishermen groups, and we would  
6 be happy to meet with them to hear what their  
7 concerns are, and we would hope that they would  
8 contact us during this process, or we'll try and  
9 contact them to find out who we need to talk with.

10 MODERATOR ROSENBERG: Is there any other  
11 comments?

12 One point I think that needs to be made.  
13 The designation of disposal sites is not an  
14 authority to dredge. So they are separate.

15 Sir.

16 MICHAEL KEYWORTH: Michael Keyworth. I  
17 live in Barrington, Rhode Island, and operate a  
18 marina there. Also, I'm a member of the Rhode  
19 Island Marine and Trade Association.

20 I have a list of five questions. I  
21 would like to do two of them and then give other  
22 people opportunities and then get back to them, if  
23 there is time. I've crossed a lot out by the way.  
24 It has really been helpful.

1                   MODERATOR ROSENBERG: That's great.

2                   MICHAEL KEYWORTH: The first question  
3 is: Has this EIS process been fully funded so far?

4                   MIKE KEEGAN: I'm Mike Keegan.

5                   Let me answer that. No. Very simply.  
6 The Corps process in funding is basically a  
7 year-to-year thing. We have Senators -- Senator  
8 Reed's support on this particular project. He has  
9 provided the funding that we are using now. The  
10 Corps's budget process is a slow type process. We  
11 have consulted with Senator Reed. He has already  
12 sent a letter to the committee asking for funding  
13 next year.

14                   The Corps is in the process now of  
15 budgeting for funding in future years. So it hasn't  
16 been fully funded yet, but we have laid out the  
17 groundwork for funding as we need it.

18                   MICHAEL KEYWORTH: But my second  
19 question in this round is how many sites have been  
20 designated by the Corps in New England in the past  
21 five years? How successful is --

22                   MIKE KEEGAN: Designated would be easy.  
23 Zero. According to designate sites, that is an EPA  
24 responsibility.

1                   Hey, Roger --

2                   ROGER JANSON: Yeah, I'll answer that.

3                   Actually, within the last five years, we have  
4                   designated no sites. In the past, we have  
5                   designated two sites in New England. One is the  
6                   Massachusetts Bay disposal site, which generally  
7                   serves those areas in and around Massachusetts Bay  
8                   and even into Southern New Hampshire.

9                   We have also designated the Portland  
10                  disposal site in Maine, which serves a significant  
11                  area of Maine. We are undertaking with the Corps,  
12                  as I'll sure some of you know here, a rather  
13                  intensive and extensive study in Long Island Sound  
14                  to designate one or more sites in Long Island Sound.

15                  It is probable that there will be one or  
16                  more sites designated here -- there would be working  
17                  on this, and we would certainly increase the number  
18                  of designated sites.

19                  There are other sites available for  
20                  various projects. Those are regulated under the  
21                  Clean Water Act and are not MPRSA designated sites.  
22                  So we have more than two sites actively being used  
23                  across the New England coast; but in terms of MPRSA  
24                  designations, there are two currently available.

1                   MICHAEL KEYWORTH: I am not swelling  
2 with optimism here. Thanks.

3                   MODERATOR ROSENBERG: All right. Is  
4 there anybody else?

5                   Please. We have all night. Well, not  
6 all night, but...

7                   RICHARD EARLE: One quick question.  
8 Again, Rich Earle, the harbormaster of Westport.

9                   What about the Brenton's Reef site? Was  
10 that designated? Was it used, and what was the  
11 impact? And how has that worked? Because that is  
12 probably the closest existing site that might have  
13 been used. And how much study was done on that, and  
14 how effective was that?

15                  MODERATOR ROSENBERG: Dave.

16                  DAVID TOMEY: Yeah. I could say a few  
17 words here; and, Bill, if you want to contribute as  
18 well.

19                  That site was first used in -- for the  
20 Providence Project back in the late '60s, early  
21 '70s. And there were some studies that were done  
22 after that site use; and that was before, by the  
23 way, the very extensive restrictions, the  
24 Sanctuaries Act. So the Corps had the authority to

1 use sites like that at that time. And, actually,  
2 the site was studied not long after, and I think it  
3 was decided that it was also an excellent lobster  
4 habitat and further disposal probably wasn't a great  
5 idea.

6                   There have been studies by the DAMOS  
7 Program at that site in the recent past, and most  
8 recently, this was reviewed under the Providence  
9 River EIS as a potential site. It was screened out  
10 as a result of some of the on-site resource issues.

11                   We will take a second look at that only,  
12 No. 1, to -- as part of our EIS designation, it  
13 offers an opportunity to look at a site in Rhode  
14 Island Sound that has been used, and we can look at  
15 more detailed, the potential effects that have  
16 occurred there, albeit, and long-term. It  
17 gives -- so we are going to be doing a little more  
18 intensive sampling around that area to supplement  
19 what we have learned from the past. And it helps us  
20 also extrapolate impacts to other sites that are in  
21 the same region that have the same kinds of  
22 resources and site conditions. So that site will  
23 definitely be in the middle so to speak. And at  
24 least as a study subject and maybe, you know, for

1 future looks at it through a -- through a screening  
2 process for permits.

3 MODERATOR ROSENBERG: Bill, do you want  
4 to add anything?

5 BILL HUBBARD: No. I think that covers  
6 it.

7 MODERATOR ROSENBERG: Just for your  
8 information. Cathy, how many sites were looked at  
9 at the beginning of the Boston Harbor process?

10 CATHY DEMOS: I believe it was over 200.

11 MODERATOR ROSENBERG: Over 200 sites at  
12 the beginning of that one-time disposal process, and  
13 I believe we got down to six at the -- two years  
14 later so...

15 MIKE KEEGAN: Most of those were open.

16 MODERATOR ROSENBERG: Yeah. The EIS  
17 process is very good. It allows the central  
18 government to look at everything, to include the no  
19 action alternative.

20 Is there any other questions?

21 Please, yes, sir.

22 DONALD CONRADI: Don Conradi again.

23 I would like to ask a follow-up question  
24 in terms of the funding, and what is the involvement

1 of the Massachusetts federal delegation in seeking  
2 funding for this process?

3 MIKE KEEGAN: Right now they -- because  
4 it was originally started by Senator Reed, the  
5 action has been in Rhode Island, but we have engaged  
6 the Massachusetts agencies as well as the  
7 congressional delegation in the process. So I  
8 expect we will be receiving support from them as  
9 well.

10 DONALD CONRADI: Okay.

11 MODERATOR ROSENBERG: Sir, you said you  
12 had some more?

13 MICHAEL KEYWORTH: I have crossed a few  
14 more out as we are going. Well, that is not really  
15 true.

16 I've heard sort of conflicting  
17 assessments of what -- whether this is about 103  
18 waters or 404 waters, and can anyone clear that up  
19 for me? I mean, even upland is not even -- not even  
20 either one.

21 So where do we draw the line on what  
22 this EIS is supposed to evaluate?

23 ROGER JANSON: Well, the EIS in and of  
24 itself will evaluate all reasonable alternatives to

1     locating a site for the long-term disposal needs of  
2     those wishing to use the site generally within that  
3     zone of siting feasibility, as we have it on the  
4     map.

5                     103 waters, as we refer to them as, or  
6     ocean waters, where we designate sites under the  
7     MPRSA, those are in waters seaward of the  
8     territorial baseline. I can't describe with  
9     precision where that baseline is, but it generally  
10    runs -- and Dave will help me out. It runs across  
11    the mouth of Narragansett Bay.

12                    MIKE KEEGAN: That's right.

13                    ROGER JANSON: Long Island Sound, on the  
14    other hand, is wholly within, is landward of the  
15    baseline, and that is the nonocean waters, as we use  
16    that term in talking about designating a site. So  
17    that, in fact, if we are out in Rhode Island Sound,  
18    we are in waters; and in trying to locate a site in  
19    Rhode Island Sound, we are in waters that would be  
20    controlled -- that is the wrong word to use -- but  
21    waters that would fit the definition under the  
22    MPRSA. And, therefore, we would be designating a  
23    site under the requirements of the MPRSA. However,  
24    just because we are focusing on Rhode Island Sound,

1 all reasonable -- under the EIS requirements of  
2 NEPA, we have to look at all reasonable  
3 alternatives, and those range from literally no  
4 action, which means essentially no action to looking  
5 at the availability of upland alternatives, to  
6 looking at the availability of other sites be they  
7 within or without the baseline.

8 MICHAEL KEYWORTH: So a follow-up  
9 comment/question. The rules regarding testing with  
10 respect to 103, as opposed to 404, really are very  
11 different and would preclude the use of a 103 site  
12 by a smaller facility in that biological testing  
13 would be involved and final assays; and in addition,  
14 the distance that has to be traveled by these  
15 vessels that are shallow draft would suggest that if  
16 the applicants, the proposed applicants are  
17 numbered, or the volume of material was great for  
18 private facilities, that you might want to look at  
19 near shore type options.

20 ROGER JANSON: Well, plus --

21 MIKE KEEGAN: In addition -- just one  
22 more follow-up.

23 ROGER JANSON: Sure.

24 MIKE KEEGAN: The Ambro Amendment to the

1 first site says that Long Island Sound can be  
2 treated as ocean waters.

3 ROGER JANSON: The Ambro Amendment,  
4 which is Section 106F of the MPRSA merely says that  
5 four projects that are -- originate as federal  
6 projects, or projects which propose to dispose of  
7 25,000 yards or more have to meet the requirements  
8 of MPRSA. And that is what that says. So that if  
9 the Corps has a navigation project originating in  
10 Connecticut, and they propose to use a site in Long  
11 Island Sound, they have to follow the requirements  
12 of MPRSA no matter what the yardage. It essentially  
13 has to meet 404 and 103 requirements.

14 Getting back to your comment, actually,  
15 the testing requirements for a 404 project versus,  
16 you know, an ocean project, or a 103 project, are  
17 not as different as you might think, giving the New  
18 England testing manual. You could be in a position  
19 of doing bioassay under a 404 project as well;  
20 however, the record would show that we haven't done  
21 as much bioassay work on 404 projects as we have on  
22 103 projects. We can't escape it necessarily on a  
23 103 project. However, not all 103 projects have to  
24 go to bioassay testing if you don't have any of the

1 contaminants of concern, you know. I say that on  
2 one hand, and a lot of projects have shown  
3 contaminants of concern. It becomes costly for a  
4 smaller project for a small marina. Typically, even  
5 if you had a clean project, and you were a small  
6 marina, the haul distance might essentially lead you  
7 to look for a different alternative.

8 So your point is well taken and we, you  
9 know, certainly consider in trying to locate a site  
10 as best we can within that zone, a site that at  
11 least may not be palatable to all, but might be  
12 economically achievable by many. I think that is  
13 certainly one of our guiding principles.

14 MICHAEL KEYWORTH: Thank you.

15 ROGER JANSON: You are welcome.

16 MODERATOR ROSENBERG: Anything else?

17 Yes, sir. Please state your name.

18 KEN DeCOSTA: Yes. I am Ken DeCosta  
19 from Westport.

20 Mike, I would like to go back to the  
21 funding issue. I see oceanographic evaluations  
22 scheduled to start sometime in July.

23 What is the funding that is available  
24 for this fiscal year, and is somebody already on

1 board for getting the project started in July?

2 MIKE KEEGAN: Yeah, basically, there is  
3 funding available this year. We have about a half a  
4 million dollars that we are looking at. We are  
5 working with a contractor right now to develop  
6 a -- to scope out what they call a quality assurance  
7 project plan that basically lay the ground rules of  
8 how we are going to conduct the testing for the  
9 collection as well as the analysis. We expect to be  
10 doing sampling this summer. In fact, I am going to  
11 say pretty much guaranteed we are going to be doing  
12 sampling, and some of that is my goal. And as I  
13 said, the funding we believe will be in place in  
14 next year's appropriation bill and in subsequent  
15 years, so we are trying to schedule our work so that  
16 we will have meaningful use of the funds that are  
17 available.

18 KEN DeCOSTA: Thank you.

19 MODERATOR ROSENBERG: Anything else?

20 MIKE KEEGAN: I guess before we stop,  
21 one of the things Larry had mentioned the Web page;  
22 and if you folks have not gotten a little card out  
23 there that shows you the web address, all of the  
24 presentations tonight as well as as much information

1 as we can provide you will be available on that Web  
2 page. It's something I recommend that you put on  
3 your favorites list so as things are happening you  
4 will be able to clue in there and see what is  
5 currently up there. We want to try to keep the  
6 public involved. Not only having you come out at  
7 night, but also to try to get you involved in terms  
8 of being able to get information when you're doing  
9 your browsing or whatever. So please take the  
10 opportunity to take one of these cards with you.  
11 Tape it to your computer. Out there, there is also  
12 cards that you can take, mail in if you have other  
13 questions that you think of. Other things you want  
14 to give comments to, please feel free to do so. In  
15 fact, I encourage you to do so. Take them in case  
16 you come up with something later.

17                   ROGER JANSON: Thank you, Mike. Thank  
18 you, Cathy, Dave, Larry, and Bill for your comments.  
19 Larry's bible up here tells me that it's closing  
20 remarks, and I'm supposed to do it. I'm not going  
21 to say too much, because I think we've said what we  
22 needed to say, Come down to elicit and solicit your  
23 views. I do want to repeat though that we are going  
24 to do our best to assure that you are kept informed

1 of what we are doing, and we urge you to continue to  
2 inform us of your views and opinions as to what is  
3 happening as we proceed through this process.

4 From time to time, you may get  
5 frustrated. We certainly get frustrated as we try  
6 to complete these. They are very involved. They  
7 are highly technical. We will get views and  
8 opinions from all 360 degrees as we go through this,  
9 and there will be many conflicting opinions that we  
10 need to work through and points of view.

11 Please, just try to keep -- bear with  
12 us. Stay with us. We intend to see this through to  
13 the end. And that's about all I can say, and we  
14 hope you're there at the end with us, and it results  
15 in a successful project for all of those who are  
16 concerned.

17 With that, I'll end the formal part of  
18 this. If anybody still has questions, feel free to  
19 come up and see us before we leave and before you  
20 leave.

21 Thank you and glad you came out.

22 AUDIENCE PARTICIPANT: Thank you.

23 (Whereupon, at 8:30 p.m., the hearing  
24 was adjourned.)

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C E R T I F I C A T E

I, Marianne Kusa-Ryll, Registered Professional Reporter, do hereby certify that the foregoing transcript, Volume I, is a true and accurate transcription of my stenographic notes taken on May 17, 2001.

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Marianne Kusa-Ryll, CSR, RPR