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2 US ARMY CORPS OF ENGINEERS

3 NEW ENGLAND DIVISION

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5 SCOPING MEETING, held at the Lighthouse Inn,

6 307 Great Island Road, Galilee, RI, on Tuesday,

7 May 22, 2001, commencing at 7:00 p.m. concerning:

8 Designation of Dredged Material Disposal Sites in

9 Rhode Island Sound

10 Present: Larry Rosenberg, as Moderator

11 Mike Keegan, Project Manager, US Army Corps of

12 Engineers, New England

13 Cathy Demos, Project Manager, EIS

14 David Toomey, Water Quality Unit, Boston EPA

15 Roger Janson, Hearing Officer, Associate Director,

16 Surface Water Programs, New England EPA

17 Bill Hubbard, Environmental Resources Section,

18 US Army Corps of Engineers

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

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3 MODERATOR ROSENBERG: Good evening. If
4 you would please take your seats.

5 Good evening. I am Larry Rosenberg, and
6 I'm the Chief of Public Affairs for the Army Corps
7 of Engineers of New England, and I would like to
8 welcome you to this Scoping meeting held in
9 accordance with the National Environmental Policy
10 Act.

11 As you're aware, we're here tonight to
12 not only discuss aspects of the designation of
13 dredge material disposal sites in Rhode Island
14 Sound's Environmental Impact Statement, but also,
15 and first and foremost, we are here to gather
16 information from you, the individuals most affected
17 by the project.

18 You see, we are here tonight to
19 understand your concerns, to listen to your
20 comments, and to provide you an opportunity to be
21 heard on your terms without interruption. This
22 meeting is yours.

23 The rules for this forum tonight are
24 very loose, but they kind of boil down to this:

1 If you've got a question, direct it to
2 the record.

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

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

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

6 And lastly, if you want to involve
7 yourself in this process, not just tonight, but into
8 the future, please let anyone of us know. That is
9 if you haven't already done so.

10 Before we begin, I would like to take a
11 few moments to introduce members of the project team
12 that are here tonight to provide information
13 regarding this project.

14 Mr. Roger Janson of the Environmental
15 Protection Agency, New England Region, is our
16 hearing officer, and he will address you in a few
17 moments.

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

22 Mike Keegan is the Army Corps of
23 Engineers Project Manager, and he will discuss the
24 role of the Corps in these processes that will

1 eventually lead to a site designation. And he will
2 be followed by Cathy Demos. Cathy. The Army
3 Corps's EIS Manager. And she'll discuss both the
4 process involved in putting together an
5 Environmental Impact Statement and the National
6 Environmental Policy Act.

7 I also would like to thank Jonathan
8 Stevens for coming tonight. Mr. Stevens represents
9 Senator Lincoln Chafee.

10 We expect the briefings to be
11 informative and concise, so please hold your
12 questions and concerns until later. An opportunity
13 will be provided after the formal comments are
14 received.

15 Ladies and gentlemen, may I introduce
16 Roger Janson.

17 ROGER JANSON: Thank you, Larry.

18 As Larry said, I'm Roger Janson. I'm
19 the Associate Director for Surface Water Programs at
20 EPA New England, and some of you might ask, why is
21 EPA here, knowing full well that many of you
22 associate dredging with the Corps of Engineers more
23 than you do with the EPA.

24 Well, the EPA is here, because the law

1 assigns us a role in locating and designating dredge
2 material disposal sites in the ocean under the
3 Marine Protection Research and Sanctuaries Act. So
4 as part of that role, we prepare an Environmental
5 Impact Statement, which my associate, Dave Tomey,
6 will go into some length to describe to you what our
7 role is in preparing that.

8 More importantly, and a lesson that we
9 learned last Thursday night when we did this meeting
10 over in Westport to hear concerns from the
11 Massachusetts side of this project, and that is we
12 should not confuse why we are here tonight with the
13 ongoing Providence River and harbor project. I mean
14 it's somewhat coincidental from many people's
15 perspective that the two seem to be merging, but, in
16 fact, they are not. This is an entirely separate
17 process from that project. So that was not made as
18 clear last Thursday evening as it ought to have
19 been.

20 We expect this process to last several
21 years and ultimately leading up to the designation
22 of a site for long-term dredge material disposal
23 somewhere in Rhode Island Sound.

24 Now, at the end of the entire process,

1 we as an agency publish a notice in the Federal
2 Register as the actual designation. That is quite a
3 number of years off from this point; and rather than
4 take time and your time particularly, from a
5 question and answer session afterwards or any formal
6 comments, we're going to move right into asking Dave
7 Tomey to come up and begin the first of three
8 specific presentations on where we, the EPA and the
9 Corps together, are on this project.

10 Dave.

11 DAVID TOMEY: Good evening. I
12 appreciate you all coming out here tonight on your
13 own time, and we hope to, as Roger was saying, to
14 help you understand this process. I'm going to at
15 least give a bird's-eye view of what EPA's role here
16 and what the process of the site designation is
17 about.

18 As Roger alluded to, under the Ocean
19 Dumping Act, or the Marine Protection Research and
20 Sanctuaries Act, the EPA has the authority to go
21 through a site designation process. We have a
22 voluntary policy to do voluntary EISs for that
23 particular action of designating an ocean site.
24 This would be a site that is seaward of the

1 territorial sea baseline; and in the case of
2 Narragansett Bay, it's across the mouth of the Bay.
3 Any water seawards of that including -- within the
4 three-mile limit and beyond is within the ocean as
5 defined under the Ocean Dumping Act.

6 Also, we promulgate regulations for
7 criterion, discharge criteria, and standards for
8 site selection. We review the Army Corps of
9 Engineers' dredging permits and their own projects
10 to meet those criteria. We develop site monitoring
11 management plans as far as any final designated
12 sites. We also comonitor with the Corps of
13 Engineers at the dump sites here.

14 And as Roger indicated earlier, these
15 are done under the authority of the Marine
16 Protection Research and Sanctuaries Act, as well as
17 the Clean Water Act, for any discharges that are in
18 state waters. The EIS, Environmental Impact
19 Statement, as I mentioned, is under the National
20 Environmental Policy Act.

21 As Roger mentioned, just to go over some
22 of the differences between the Providence River
23 project, and I apologize if some of you folks can't
24 read this from the back of the room, and I'll just

1 very briefly go over there, go over these
2 differences.

3 The Providence River Project is
4 reviewing sites that were evaluated in both the Bay,
5 Narragansett Bay, as well as offshore; and relative
6 to the offshore sites, they are -- the Corps has the
7 authority under the Ocean Dumping Act to, in fact,
8 select those sites. These selections would be for a
9 one-time use; and in this particular case, it would
10 be for the Providence River Project, and but
11 allows -- the law also allows to other users to use
12 the site, but the Corps still has to go through a
13 selection process, a formal process that they -- to
14 make sure that all the -- that that particular
15 project can be approved. They can do this for a
16 five year time frame, and there is a chance that
17 they meet certain criteria to extend that another
18 five years.

19 The Rhode Island Sound site designation
20 is really the focus of this meeting tonight. It
21 really has to do with a long-term designation.

22 Thank you. Do you want to focus that
23 for me.

24 And the idea is to have a site

1 available, go through an environmental review
2 process, the Environmental Impact Statement ahead of
3 time so that we can iron out all the issues relating
4 to siting ahead of time so that projects come in,
5 the site is available for long-term use.

6 In this case, those designations, as
7 Roger mentioned, are under the authority of the
8 Ocean Dumping Act and the EPA function. And this
9 does not mean that the site gets off -- the site
10 designation does not authorize any dredging projects
11 in particular. The site is open for multiple users,
12 and generally the -- it's open until capacity is
13 reached or as this markup shows a need for closure.
14 I think that some of the handouts, this particular
15 slide is available for those who want to look, read
16 it, and can't read it off the slides.

17 As I mentioned, the purpose of this
18 action relative to this EIS is to evaluate candidate
19 disposal sites. Some of these were evaluated
20 actually as the Providence River Project. We will
21 reevaluate those and look at other possibilities,
22 and we'll identify a preferred alternative that
23 meets all the applicable requirements of federal and
24 state laws.

1 And this action does not approve any
2 specific dredging projects, and any sites that are
3 approved must meet the site selection criteria,
4 which I will talk about a little later and the
5 discharge criteria, and must demonstrate a need for
6 ocean disposal to use the site. But this EIS will
7 provide those alternatives so that projects coming
8 in can utilize this EIS as part of their specific
9 project review. But this action will not permit any
10 particular dredging projects.

11 Now I'm going to just briefly go over
12 the site designation process, and the time line that
13 you see in parentheses here are just what we are
14 projecting right now for this particular EIS.
15 Officially, it started with the governor's request
16 back in last fall. With that in mind, we put a
17 Notice of Intent to file, preparing the EIS last
18 March. We are now engaged in Scoping meetings.
19 This is our second, as Roger mentioned. Over the
20 next several years, we will be involved in
21 collecting information, developing an Environmental
22 Impact Statement; and then we will prepare that
23 document and send it out for review, projecting this
24 to be around the fall of 2003.

1 At that time, we'll have public
2 hearings, and we'll get written comments from you,
3 from the public at large, and we'll be able to
4 respond to those comments and revise the EIS and
5 issue a final by the summer of 2004.

6 With that a management -- Site
7 Monitoring Management Plan, the Marine Protection
8 Research and Sanctuaries Act tasks us to issue a
9 Site Monitoring Management Plan with the EIS, and
10 there will be a draft rulemaking to the Federal
11 Register to list the site at the same time and then
12 sometime in the winter of 2004, we'll -- the final
13 decision or the rulemaking will be noticed in the
14 Federal Register.

15 The heart of the EIS is really the
16 alternatives and the impact analysis of those
17 alternatives. And just to give you a general idea,
18 we will be delineating a study boundary.
19 Essentially, it's the economic distance -- the haul
20 distance that most dredgers will be able to use.
21 We'll look at these from the dredging centers.
22 We'll develop screening criteria. Right now we
23 certainly will take advantage of the work that was
24 done under the Providence River EIS and go through a

1 screening process. If the sites that were used by
2 the -- proposed by the Corps stay in, that's
3 possible, or they might get eliminated for various
4 reasons. At that time, we'll make those decisions.
5 We'll assess the data needs, collect the data.
6 We'll certainly utilize much of the data the Corps
7 has already collected, and we will decide what level
8 of detail and further information we need to go
9 through this long-term designation, and we'll also
10 at that time we will perform the impact analysis
11 needed to evaluate each of the alternatives.

12 The EPA decision on this
13 is -- will -- is done as part of a rulemaking
14 process. The notices I mentioned earlier in the
15 Federal Register, what happens will -- the chosen
16 alternative, once the rulemaking is made final is
17 listed as a site in the federal regulations. They
18 have about a hundred dredge material sites listed
19 right now, and this will be added to the list.
20 New England, we have, for example, Portland, and
21 Mass. Bay are already listed in that Federal
22 Register -- in that code of federal regulations.

23 We also identify in particular
24 conditions in the rulemaking or restrictions on the

1 site use, and this is learned through the EIS
2 process in terms of our analysis and comments from
3 the public, what kinds of concerns people have and
4 if we, in fact, should put any particular
5 restrictions on using the site.

6 All chosen alternatives must comply with
7 our site selection criteria. In the ocean dumping
8 regulations there are what they call five general
9 and 11 specific criteria, and I will go briefly over
10 those with you in a second, as well as we have to
11 develop a Site Monitoring Management Plan, and I'll
12 talk about that soon after.

13 Just to give you a flavor of the kind of
14 things we'll be looking at that we have to look at.
15 The five general criteria include: Site selected in
16 areas that minimize interference with green
17 activities, such as fishing and navigation;
18 locations and boundaries chosen to reduce water
19 quality impacts; the background concentrations
20 before reaching sensitive resources such as beaches,
21 sanctuaries, or limited area fisheries; the site use
22 will be terminated if monitoring studies indicate
23 discharge activities do not meet the site selection
24 criteria, which I'm describing here; the size and

1 the configuration of the site has to be limited to
2 localized or control immediate adverse affects and
3 to allow for an effective monitoring and
4 surveillance activities; and, finally, the final
5 general criteria is then we have to evaluate sites
6 by law off the shelf. In this case, our shelf is
7 about 100 miles offshore, so the feasibility of that
8 will be evaluated as far as comparing it to other
9 sites.

10 The specific criteria I just mentioned
11 earlier are not true criteria in the strict sense,
12 but they are basically factors that the regulations
13 ask us to reconsider when we go through the
14 evaluation. I'll just briefly go over these with
15 you. These are paraphrased from the regulations.
16 We must consider when we are doing the site
17 evaluation: Geographic position, depth, topography
18 and distance to the coastline, the site location
19 relative to breeding, nursery or feeding or passage
20 areas for living resources; the location of beaches
21 or other amenity areas; the types and quantities of
22 dredge materials that are going to be available; the
23 feasibility of surveillance and monitoring at the
24 site; the dispersal, horizontal transport and

1 vertical mixing characteristics in the prevailing
2 currents, as well as the existence of current or
3 past discharges that were done in the area, for
4 example, in the Brenton Reef, most of you are
5 familiar, not too far off here. That site was used
6 back in the 1960s, late '60s and early '70s for the
7 Providence Project. We'll be looking at that site.
8 The interference with shipping, fishing, recreation,
9 and fish culture and other scientific uses for the
10 ocean; the existing water quality and ecology of the
11 site; the potential for developing or recruitment of
12 nuisance species; and finally the existence or
13 proximity of natural cultural resources of
14 historical significance.

15 These are the kinds of things that we'll
16 be looking at and evaluating each of the
17 alternatives to make sure that all of those issues
18 have been evaluated as part of an alternatives
19 assessment.

20 Finally, I'll just mention that the site
21 monitoring management plans are required under any
22 federal water site designation that we do. These
23 plans require that we do a baseline assessment of
24 the site. Of course, that is going to be done

1 within the EIS. In this particular document, the
2 management plan will be an appendix to the EIS, and
3 it will make due references, but it will also be a
4 stand-alone document. So we will be able to provide
5 a summary referring to various
6 sections -- appropriate sections of the EIS.

7 We also propose a monitoring plan and
8 any particular management issues, for example, the
9 EIS may say that certain times of the year there
10 might be particular spawning activities of -- at the
11 site so we want to be able to manage the site so
12 that those are minimized effects on those resources.
13 So any particular kinds of management conditions and
14 practices will be spelled out in the management
15 plan.

16 Consideration of the quantity and
17 contamination of materials, we are going to be
18 looking at all the different harbors trying to
19 assess what the type of materials and the general
20 users and the volumes. We'll make an assessment of
21 how much volume potentially could go to the site,
22 and it will give us an idea of the life of the site,
23 and it will evaluate the size to decide what level
24 of capacity it should have.

1 Knowing that, we'll be able to develop
2 closure plans for the site. We hope to, in fact,
3 after the site has a 20-year life, for example, what
4 we will be doing with the site. If we want to have
5 many -- much of the material is fine grain, and
6 there is sand around it we may, for example, want to
7 cap after the site is filled to capacity to make it
8 more in line with the bottom habitat around the
9 disposal area.

10 Finally, we'll set guidelines here for
11 ten years, every ten years review the monitoring
12 plan and management plan to make sure it is
13 up-to-date and still has all the information it
14 needs.

15 That is all I have to say at this point.
16 We'll obviously be available for questions after all
17 the thoughts.

18 And, Roger, do you want to introduce --

19 ROGER JANSON: Yes. Next is the Army
20 Corps of Engineers' Project Manager for this
21 project, Mike Keegan.

22 MR. KEEGAN: Thank you, Roger.

23 Good evening. As Roger said, I am Mike
24 Keegan. I am the Project Manager for the New

1 England District, which is located in Concord,
2 Massachusetts.

3 I will speak briefly on the Corps'
4 interest in the Rhode Island region long-term dredge
5 disposal site evaluation and our role in the
6 preparation of the EIS.

7 The Corps has two main focuses in this
8 investigation. The first, as steward of the
9 Nation's civil works infrastructure, the Corps has
10 an interest in ensuring cost-effective means of
11 constructing and maintaining the Nation's ports and
12 harbors. There are currently 18 federal navigation
13 projects in Rhode Island and 17 in Southeastern
14 Massachusetts. Each of these harbors requires
15 periodic dredging to maintain adequate depths to
16 navigation; and occasionally, in the interest of
17 commerce and safety, it becomes necessary to improve
18 the system of harbors by deepening channels and
19 expanding anchorages. The dredged material
20 generated by maintenance and improvement of these
21 harbors must be disposed of in an environmentally
22 sound and a cost-effective manner.

23 Second, the Corps also regulates private
24 activities in the Nation's waters. Section 10 of

1 the Rivers and Harbor Act of 1899 passed the Corps
2 with regulating development and construction
3 activities in or effecting the Nation's navigable
4 waterways. The Clean Water Act tasks the Corps with
5 regulating the disposal of dredged or fill material
6 in the Nation's water. And finally, the Marine
7 Protection Research and Sanctuaries Act tasked both
8 the Corps and EPA with regulating the disposal of
9 dredged materials in waters seaward of the
10 territorial baseline.

11 In furthering its regulatory
12 responsibilities, the Corps needs to ensure methods
13 that facilitate management of dredged material from
14 both private and public sources.

15 The Corps of Engineers will in its EIS
16 process provide support to EPA to identify and
17 evaluate options for disposal of dredged materials
18 from the harbors of the Rhode Island Sound region.

19 The Corps, New England District, and the
20 New England Region of EPA will soon execute a letter
21 of agreement to pursue a process aimed at
22 identifying, evaluating, and possibly designating
23 one or more sites for open water disposal in the
24 Rhode Island Sound region by the winter of 2004.

1 Part of this evaluation will include the
2 identification and evaluation of other disposal or
3 management options either in or out of the water,
4 including the potential for beneficial use
5 opportunities.

6 In accordance with our letter of
7 agreement, the Corps will provide the principal
8 founding source for any studies determined by EPA to
9 be necessary in support of alternative site
10 evaluation and designation efforts. Some of the
11 effort that we envision include conducting scoping
12 meetings, such as the one tonight, to receive public
13 input; the collection and analysis of physical,
14 chemical, and biological samples at potential sites.
15 We will also develop a needs analysis to project
16 potential dredging that will be formed by both
17 public and private interests, and they estimate the
18 quantities of dredge material that will require
19 disposal in the future.

20 After analysis of the data and the
21 information that will be collected, we will prepare
22 an Environmental Impact Statement that will document
23 the evaluation of potential long-term impacts of
24 disposal at sites identified from scoping meetings

1 and other coordination efforts.

2 Included in this EIS will be an
3 evaluation of alternative disposal sites and
4 methods. And should any open water disposal sites
5 be identified in the investigation, site management
6 plans will be prepared as part of the EIS.

7 In order to complete this process by the
8 winter of 2004, the Corps and EPA will need to rely
9 on the assistance of other federal agencies, state
10 agencies of both Rhode Island and Massachusetts, and
11 the numerous public and private interests working
12 and conducting resource investigations in the Sound
13 and in its adjacent bodies.

14 The Corps plans to conduct the majority
15 of the investigation effort through one of its
16 several contracts for services with leading New
17 England area environmental consulting firms. Both
18 EPA and the Corps will also contribute some of their
19 own resources to this effort.

20 In summary, the Corps will be working in
21 partnership with EPA, with all interested parties in
22 identifying, addressing and meeting the future
23 navigational infrastructure needs.

24 Thank you.

1 ROGER JANSON: Next, and I believe if I
2 remember the order from the other night, our last
3 formal presenter is Cathy Demos from the Corps to
4 talk about some of the environmental issues
5 associated with this project. And then she'll be
6 followed by Larry in terms of wrapping up the formal
7 part of it and then opening it up to people who want
8 to speak and to a question and answer session.

9 Cathy.

10 CATHY DEMOS: Thank you and good
11 evening.

12 As Roger mentioned, my name is Cathy
13 Demos. I also work for the Corps of Engineers in
14 the Environmental and Resources Section.

15 Some of you may be wondering what is an
16 Environmental Impact Statement, often known as an
17 EIS, and what is its purpose and function?

18 The National Environmental Policy Act,
19 also known as NEPA, was passed by Congress in 1969.
20 And the Act states that federal agencies shall
21 prepare a detailed statement for actions that
22 significantly affect the human environment. This
23 statement is also known as an EIS, which shall
24 identify, analyze, document relevant issues and

1 effect associated with the proposed action and
2 reasonable alternatives. As it is, EPA's policy is
3 preparing an EIS for a designation of disposal
4 sites, we will be preparing an EIS.

5 The NEPA process has several intended
6 purposes. One is as a decision-making tool to help
7 us concentrate on issues that are truly significant.
8 To a question and Act to the actually questioned and
9 that is the designation of a disposal site is to
10 provide full disclosure of environmental information
11 to public agencies and citizens before decisions are
12 made and actions taken and involves the public
13 throughout the process, such as this public scoping
14 meeting, to involve the public in determining the
15 scope of issues and the significant issues to be
16 determined. It integrates all environmental
17 requirements, such as listing threatened and
18 endangered species, historic and archeological
19 resources, so the process is efficient. It
20 documents the present conditions so that the
21 potential impacts can be described accurately. It
22 also looks at reasonable alternatives to the
23 proposed action and looks at ways to avoid and
24 minimize impacts to the environment. And it also

1 documents and analyzes impacts from all these
2 alternatives. And lastly, it chooses a preferred
3 alternative.

4 Well, what does an EIS look like? On
5 the screen, you'll see a list of sections that are
6 included in the EIS. The first is an executive
7 summary, which -- where they have the major
8 conclusions reached, expressed in it. The areas of
9 controversy that are have been raised by the public
10 and agencies, how those issues were resolved, and
11 what the preferred alternative is.

12 The purpose in these sections basically
13 would describe the reason for proposing a designated
14 disposal site. The heart of the EIS is the
15 alternative section. In this section, we have
16 compared the environmental impacts for each
17 alternative and helped provide a clear decision for
18 why we are reaching the preferred alternative that
19 we are.

20 The next section will describe the
21 existing conditions. Then we can understand the
22 effects of the different alternatives better.

23 And the environmental and social
24 economic consequences section includes the

1 environmental impacts and the various alternatives,
2 including the proposed action. This section would
3 also describe impacts that we cannot avoid and also
4 ways to try to mitigate for impacts if possible.

5 The EIS would also list the primary
6 qualifications for the people involved in preparing
7 the EIS and a list of people and organizations that
8 the EIS is sent to. It would also have an
9 appendices section that would include such items as
10 the site monitoring and management plan.

11 Several types of alternatives would be
12 evaluated. One that we are required to look at is
13 the no-action alternative. Basically, this would
14 look at what the environmental and social future
15 would look like without the proposed action.

16 We would also look at designating one or
17 more ocean disposal sites and then to capitalize on
18 the work that has already been prepared for the
19 Providence River Maintenance Dredging Project. We
20 would also look at upland disposal sites, as well as
21 beneficial uses of maintenance material, as some of
22 the alternatives to be evaluated in the
23 identification of other disposal and management
24 options either in or out of the water.

1 As mentioned in a previous presentation,
2 the EIS would also include a Site Monitoring and
3 Management Plan. This would identify the type of
4 samples that would be taken, how many, where and
5 when. It would also help to determine when
6 management options may need to be implemented.

7 And lastly, the last thought I would
8 like to leave you with tonight is that your input is
9 important to us to help guide us in selecting the
10 best alternative for dredging ocean disposal and
11 more on-time engineering.

12 Thank you.

13 MODERATOR ROSENBERG: Thank you.

14 To quote Roger Fritz, who is a
15 nationally acclaimed management consultant, author
16 of about 34 books on business development,
17 "Competence without accomplishment is worthless.
18 Intentions have no value without results."

19 We stand before you asking for your
20 expertise to help us seek solutions so that together
21 we can identify, evaluate and build a process that
22 seeks solutions.

23 As you know, as a direct result of
24 having this type of open process, we have been able

1 to overcome many of the difficulties many agencies
2 face when performing activities that directly or
3 indirectly affect the environment and the
4 quality-of-life issues associated with those
5 activities.

6 Although we are here tonight to begin a
7 long process that will lead to publishing of an
8 Environmental Impact Statement, we do need your
9 participation throughout the entire process, and I
10 thank you for contributing to this worthwhile
11 incentive at the outset.

12 Before we begin, I would like to remind
13 you of the importance of filling in those cards that
14 were available at the door. These cards serve two
15 purposes.

16 First, they let us know that you are
17 interested in the Environmental Impact Statement so
18 we can keep you informed.

19 Second, they provide me a list of those
20 who wish to speak tonight. So if you did not
21 complete a card, but wish to, or to receive
22 information in the future, or to speak tonight,
23 please do. One will be provided at the registration
24 desk.

1 One additional comment. We are here to
2 receive your comments, not to enter into discussion
3 of those comments, or to reach conclusions during
4 the formal presentations -- during the formal
5 comment period.

6 Any questions you have during your
7 comments, please direct them to the record. We will
8 provide a Q and A and discussion period after your
9 formal comments are finished. I promise.

10 A transcript of this scoping meeting is
11 being made to assure the detailed review of all the
12 comments, and a copy of that transcript and all the
13 briefings that you have seen tonight will be
14 available on the website, and there's cards where
15 that website is located. They are available on the
16 tables in the back. For a copy -- you can get
17 copies of the transcript there; or if you prefer,
18 you can make arrangements with the stenographer for
19 a copy at your expense.

20 When making a statement, please come
21 forward to the microphone, state your name, the town
22 you live in and the interest you may represent. As
23 there are -- we have many -- well, not many, but we
24 have some that do wish to provide comments. I am

1 going ask that you limit your comments to five
2 minutes.

3 This little light box here, if you will,
4 will indicate the following: The green light is
5 going to come on when there is two minutes
6 remaining. The amber light in the middle will come
7 on when there is one minute left, and the red light
8 should indicate that you should sum up what you are
9 providing.

10 Please identify if you are speaking for
11 or representing a position of an organization. If
12 you speak for yourself, please indicate that. And I
13 want to indicate -- emphasize that all who wish to
14 speak tonight will have an opportunity to do so
15 either formally or during the question and answer
16 discussion period.

17 Before we begin now, I would like to
18 thank Nancy Langrail from Senator Reed's office for
19 coming tonight. It's very important to the process.

20 Our first speaker is John Torgan from
21 Save the Bay.

22 John.

23 JOHN TORGAN: Thank you very much for
24 this opportunity to speak to you tonight. My name

1 is John Torgan. I work for the environmental group
2 Save the Bay. I have been involved in dredging
3 planning management processes here since 1994, so I
4 have a long familiarity with this issue.

5 I'm pleased to report, as I stand before
6 you tonight, that I think we have made collectively
7 significant progress towards finding solutions to
8 the dredging dilemma in the Providence River and for
9 the Marinas at the State of Rhode Island,
10 particularly in the last four months. An ad hoc
11 stakeholders committee consisting of representatives
12 from my organization, the marine trades
13 organization, DEM, CRMC, the governor's office, the
14 House of Representatives, the Rhode Island Senate,
15 have reached -- made a lot of progress towards
16 figuring out ways to deal with the significant
17 dredging projects we have on hand.

18 The Providence River Project, as
19 indicated in your Notice of Intent, is nearly a five
20 million cubic yard project. Beyond that there are
21 at least a million cubic yards from private marinas
22 and yacht clubs that we're looking for ways to
23 manage and dispose of.

24 A major component of this recent effort

1 with the -- for the working group has been to
2 identify opportunities for beneficial use, upland
3 management and recycling of dredge material for
4 publicly beneficial projects; and we have, Save the
5 Bay has long been a proponent of beneficial use. We
6 believe that dredged material wherever possible
7 should be treated as a resource and not as a waste
8 to be disposed of; and that by recycling it and
9 using it beneficially, we not only avoid potential
10 environmental impacts of in-water disposal, but we
11 also serve a secondary public benefit purpose, for
12 example, using it on as a landfill cover, or for
13 road construction materials, a roadbed, or even to
14 remediate contaminated brown field sites.

15 And I want to praise the Corps and other
16 officials here tonight, Senator Reed's office,
17 Senator Chafee's office for their leadership on this
18 issue and their commitment to finding fair,
19 equitable and environmentally safe solutions to this
20 important problem.

21 That being said, I have some real
22 concerns about what I read in this intent, Notice of
23 Intent to prepare an Environmental Impact Statement,
24 and I think that some of the information is at the

1 least misleading, and I want to -- I want to get
2 this on the record.

3 In the Notice of Intent that we
4 received, it talks about the Providence River EIS
5 Project, and then it goes on to say, the State of
6 Rhode Island is currently in the process of
7 identifying potential sites in Narragansett Bay for
8 use by private marinas in the Bay area. Even if
9 that state effort is successful, it is anticipated
10 that there is need for a larger regional disposal
11 site for bigger projects. Bigger projects than the
12 five million cubic yards we are dredging from the
13 Providence River and the additional million cubic
14 yards we are seeking to accommodate from the
15 marinas? I am not sure what projects you are
16 referring to, but since regulatory time, there
17 haven't been any projects as large as the one we are
18 presently dealing with on the table.

19 The -- the Notice of Intent goes on to
20 say, Over the last two decades a number of studies
21 have confirmed the need for a regional site,
22 including two need studies performed for each state
23 in the late '80s and a Rhode Island governor
24 directed task force in '93 and a Rhode Island

1 commission in '96 that concluded that there is a
2 need for a regional ocean disposal site. I sat on
3 both of those commissions, and I don't believe that
4 those statements are accurate. I believe we
5 acknowledged the need to address the dredge
6 management issue, but not to designate a regional
7 disposal site.

8 We talked about NEPA in your opening
9 presentation. I want to say that NEPA requires,
10 first of all, that the purpose and need of the
11 proposed project in the EIS is justified; that the
12 benefits of the project must exceed the costs and
13 the risks to the public. Further, NEPA requires
14 that we collectively identify the least damaging
15 practicable alternative for fulfilling the project
16 purpose. In this case, management of dredge
17 material.

18 Coming into this with an assumption that
19 an ocean -- large scale ocean disposal site is the
20 least damaging practical alternative is a big leap,
21 and I would not concur on that.

22 As I stated before, we believe
23 beneficial use of dredge material is an essential
24 component of any dredging plan, and any long-term

1 strategy should seriously consider that. And I have
2 not seen other than general references to
3 alternative large disposal.

4 I know I'm at my limit, but please, I'm
5 almost there.

6 I want to direct a couple of questions
7 to the record. Let me state I believe beneficial
8 use should be the essential component of any
9 long-term plan, and we would look forward to working
10 with you to make that a reality.

11 Would this long-term disposal site, if
12 it were designated, be open to any applicant besides
13 the State of Rhode Island, beside the State of
14 Massachusetts, who is seeking to dispose of dredge
15 material?

16 How would this effort be funded?

17 How are we going to fund this EIS?

18 Part of my concern about the timing of
19 this process and of this meeting are that I feel
20 like for once we have really let down our guard as
21 the environmental community, fishing groups, the
22 shell fishermen, the various agencies that come to
23 the table and look at equitable and reasonable
24 short-term solutions to very real dredging issues we

1 have on hand. And now we are going to open a new
2 can of worms, if you will, by stating that we are
3 working towards a very large dredge disposal site in
4 the ocean for some future projects, which are larger
5 than the projects we have at hand. To me that only
6 means one thing. This is about facilitating the
7 container port development at Quonset Point that the
8 Governor and others have been pushing very hard to
9 make a container port, a deep draft port into
10 Quonset viable.

11 I've seen estimates of anywhere from
12 9 to 13 million cubic yards of material that needs
13 to be dredged from that facility. I don't believe
14 that meets the public benefit, the public cost
15 benefit and the needs analysis that would be
16 required to say we must designate an ocean disposal
17 site to accommodate speculative proposed container
18 port development at Quonset. We would be very
19 critical, I think, if these agencies attempted to
20 justify the purpose and need in the context of the
21 container port proposal.

22 And even if you look at this fact
23 sheet -- I think I left it on my seat, but the fact
24 sheet you handed out tonight, you are saying this

1 isn't about the Providence River project. This
2 isn't about the marinas. But then when you say,
3 Well, what is it for, what is the benefit of it, you
4 refer back to the Providence River Project and the
5 marinas. This site will not benefit the marinas.
6 It's too far offshore for them to afford. This site
7 will not benefit the Providence River Project. We
8 already have an EIS for that.

9 So what is this about?

10 I am very concerned about that. And we
11 will be critical, and we will be watching very
12 closely as you move to -- as you move to designate
13 this primarily because we are concerned about
14 potential environmental impacts, but also because we
15 are concerned about the creation of this sort of
16 unlimited, virtually unlimited hole in the ocean to
17 accept dredge material from here, there or anywhere.
18 That is an important -- that is an important
19 environmental and public policy issue.

20 And, finally, I'm concerned that by
21 potentially poking the bee's nest of the Quonset
22 container port, which is a highly controversial
23 issue in the State of Rhode Island through this
24 process, we may run the risk of derailing some of

1 the very significant progress we have made in
2 collaboration with the various agencies and the
3 Corps of Engineers, that we may bite spirited and
4 organized opposition from fishing groups and others
5 concerned about their livelihood and the fact that
6 that may be jeopardized by the designation of the
7 new water disposal site in the long-term.

8 Thank you.

9 MODERATOR ROSENBERG: Thank you.

10 Our next speaker is Peter B-R-O-D-E-U-R.

11 Is that the spelling? Is that the spelling?

12 PETER BRODEUR: Brodeur.

13 MODERATOR ROSENBERG: Brodeur. Pardon
14 me.

15 PETER BRODEUR: Peter Brodeur. I'm a
16 fisherman here locally.

17 I fish out in the area that has been
18 designated by this, and it concerns me somewhat, and
19 one of the reasons that it concerns me I'll
20 just -- a quick little story.

21 During the North Cape oil spill, there
22 was a woman who came down to one of the local fish
23 dealers here, and she bought some Argentine shrimp.
24 Well, that Argentine shrimp she brought back, and

1 told the dealer, she said, it smells like oil. I
2 know it came from right out here.

3 The perception that she had and many of
4 the other people in Rhode Island during that
5 calamity was that everything that came out of this
6 port was tainted from that oil spill.

7 Another quick story that strikes home
8 that parallels this also is the recent problem that
9 we had in Rhode Island with the Winoquatucket River
10 where dioxin was found down the sides of the river.
11 The children who were in the area were forbid to go
12 near the water. They had to declare it all
13 hazardous material. Don't eat the fish, if you are
14 a fisherman, they look fine, but you don't eat it.
15 It's not good for you. It has dioxin in it. Maybe
16 only a minute amount, but still that concerned me.

17 Two years ago I called, and I could be
18 wrong on the name, but I'll say it anyway, a fellow
19 David Wardell at DEM. And then I asked him, after
20 asking a few people, if he was -- if he could tell
21 me what some of the particles were over and above
22 the ones that we all know about, the heavy metals,
23 and he mentioned dioxin is one of those materials
24 that is in that -- in that dredge material.

1 To take that dredge material a few miles
2 south of Point Judith, the perception of this state
3 and probably most of the local area that buys any
4 fish product, lobsters, or whatnot, from this port
5 will be that it contains dioxin, and it must swim
6 through that cloud of turbidity that will be created
7 out there. That concerns me, and it should concern
8 much of the public as well.

9 Not too far from that site there is also
10 quite a recreational activity that goes on by some
11 people in Rhode Island, and there are a few
12 businessmen that benefit by it, and it's the U-boat
13 that has been out there since World War II. They
14 dive on it. I know they need clarity. I know those
15 people when after a storm can't go out there and
16 dive on it. This takes money out of their pocket if
17 that is designated a dredge site also, because that
18 suspended material will hinder their business
19 somewhat.

20 In your statement of public information,
21 the handout that I was given at the beginning, there
22 is a little sentence that says, The Corps and the
23 EPA are exploring alternative technologies to treat
24 and reuse the material, but so far have not

1 uncovered a process to economically treat or reuse
2 large volumes of the fine material.

3 The economics of the fishing industry
4 will be rather affected, as I have just said, by
5 this development if it were to happen out here. We
6 plug in quite a bit to the State of Rhode Island.
7 We are one of the largest industries in the State of
8 Rhode Island. Let's explore how that would affect
9 us if this port can't sell too many of their fish,
10 and there is a problem with that.

11 Also you said at the beginning, if you
12 have a proposal present it to us. Well, I don't
13 have a proposal, but I would just recommend that as
14 a fisherman you don't dump this on us.

15 Thank you.

16 MODERATOR ROSENBERG: Thank you, sir.

17 Our next speaker, Michael

18 M-A-R-C-R-O-T-T-I; is that correct?

19 MICHAEL MARCHETTI: Marchetti. Hello.

20 I would like to start by saying that commercial
21 fishing is Rhode Island's only natural resource. At
22 this port here is the seventh largest in the United
23 States and the third largest in New England.

24 I would like to introduce myself to you

1 for the record. My name is Michael Marchetti. I'm
2 president and owner of the fishing vessel Captain
3 Robert and Captain Robert Fisheries, Incorporated.
4 I have three lobster vessels. I fish out of this
5 area. I have since 1982. I have made my full
6 living here. I'm am a 100 percent full-time
7 commercial fisherman. I have two A-shore boats and
8 an offshore lobster boat. I would like to go from
9 that area. I'm a full-time -- I'm member of Rhode
10 Island Commercial Fishermen's Association and a
11 member of the Rhode Island's Lobstermen's
12 Association. I don't necessarily speak their full
13 views.

14 I would like to say that I've fished
15 these areas again as a captain since 1987. I have
16 made a full living from these particular areas that
17 you show on the charts here, and as a crewman since
18 1983.

19 This area here is recovering now from an
20 oil spill in 1996, and we had another one in 1990,
21 or was it '89 in that area, too, I would like to
22 point out. We are in the middle of a multimillion
23 dollar lobster restoration project that is going on
24 right here in this very area that you show in the

1 chart you have handed out. These areas are very
2 heavy fished, dragging, lobstering and clamming,
3 snow's clams, clam chowder, that sort of thing. A
4 lot of heavy fish runs come through here, squid,
5 scup and whatnot. I also fish fish traps so I will
6 be very affected by whatever silt clouds may be
7 thrown up.

8 In the 1960s when they did this, the
9 traps were nearly shut down by the silt clouds.
10 This area is a food source. You have to remember
11 that. And like I said, commercial fishing is Rhode
12 Island's only natural resource and its largest
13 income from a natural resource. That is where your
14 true wealth comes from. We produce money. We
15 produce food.

16 We -- Peter mentioned earlier the
17 perception of possibly changing food. That was a
18 big thing after the oil spills, and that could carry
19 through with this. That is a very big thing with
20 us. We have a reputation for having fresh, clean
21 seafood.

22 Tides carry these materials. We don't
23 know necessarily what you are going to be dumping
24 here. Tides are going to carry these materials far

1 and wide. That has to be looked into.

2 Also as Peter mentioned, the dive site
3 U-853 is there. You will be dumping pretty darn
4 near to that, if not on top of it.

5 We also have other problems going on
6 with our lobsters. I don't know if any of you are
7 aware of it. We are trying to discover. What I'm
8 trying to tell you is that we are already a very
9 burdened industry between regulations and other
10 stuff, natural problems that we are trying to
11 understand, and this is just one more thing that you
12 are looking at to, quote, dump on us, and in my eyes
13 it's not acceptable.

14 There has to be -- other technologies
15 have to be explored, bulkheading, fill for the 195
16 overpass. A fine place to put it. Leave it in the
17 area. I don't believe that this statement, the
18 first six inches off the top is going to mean you
19 are going to be dumping any sand on us. I can't
20 sell my fish to somebody on the dock or to a store
21 or even bring it home and eat it myself or sell it
22 to anybody in this room right here or give it to you
23 knowing that that lobster or that squid or whatever
24 isn't clean, doesn't have dioxins or other toxins,

1 whatever in it, heavy metals, whatever. How would
2 you feel -- how would you like to take a bucketful
3 of that and dump it on your tomato plants then eat
4 out of your garden. It's not acceptable as far as
5 I'm concerned. Just my views.

6 The multiuses idea and regional is
7 scary. I think that opens up the potential for
8 saving New Bedford harbor and other things to be
9 dumped there. I'm sure there's good uses for this
10 area, but I don't find this to be personally
11 acceptable.

12 And again, with the oil spill, I
13 couldn't fish a lot of areas. The perception of my
14 seafood was harmed, and it caused large affect on my
15 business monetarily; and if you are asking me to
16 give up an area that I have fished in and I have
17 made my entire living in for nearly 20 years, I have
18 to say somebody is going to have to reimburse myself
19 and everybody else that fishes in the area.

20 Thank you very much.

21 MODERATOR ROSENBERG: Thank you, sir.

22 Our next speaker, Kenneth Ketcham. Sir.

23 KENNETH KETCHAM: Hi. My name is Ken
24 Ketcham. I am president of the Rhode Island

1 Commercial Fishermen's Association, and I own two
2 inshore draggers, the Lucky Linda and the Linda
3 Marie.

4 And I would just like to state for the
5 record that as a group, we are opposed to any ocean
6 site dumping. We would like to see other avenues
7 explored, such as building berms, letting the water
8 drain off the fill, using it for construction
9 projects somewhere else.

10 And I agree with what Mike and Peter
11 said. It will be very detrimental to any of the
12 fish, any of the -- any of the sea creatures that
13 live in the area. Not just the fish that we
14 harvest, but fish that those fish feed on. And that
15 is one of the areas that we looked at for their
16 Providence River site, which these people are
17 talking about near the U-boat is a major
18 thoroughfare for fish coming and going out of Rhode
19 Island Sound. And we don't want to see that
20 disturbed. And that is all I have to say.

21 Thank you.

22 MODERATOR ROSENBERG: Thank you, sir.

23 Our next speaker, Bill McElroy.

24 BILL McELROY: My name is Bill McElroy.

1 I'm a fisherman from Point Judith. I own the
2 lobster boat the Ellen June.

3 It's kind of hard to follow these other
4 people that pretty well covered most of the points
5 that need to be said, but this is a pretty important
6 issue. And the scariest thing to me is the idea
7 that a site like this could be designated on an on
8 going basis. It's bad enough when you have to deal
9 with a one-issue problem in the Providence River
10 situation, but there at least you can know what
11 you're dealing with.

12 As your information indicated, there is
13 17 projects from Massachusetts and 18 projects from
14 Rhode Island. I add that up, that is 35 different
15 projects. That's an awful lot of different things
16 that can come to pass. One of the big things that
17 we are concerned with is, I believe, was just
18 mentioned by one of the other gentlemen is the New
19 Bedford Harbor situation. That harbor is even more
20 contaminated than the Providence River. If those
21 kinds of materials are put anywhere in Rhode Island
22 Sound, they can't have anything but a harmful effect
23 on things.

24 The site that you designate or the Corps

1 of Engineers has designated, I believe it was a 69B,
2 which is the site near the U-boat that people have
3 mentioned is an area that is, as Kenny Ketcham
4 mentioned, is a major fishery area. And one of the
5 concerns that we have is that particular area, which
6 is designated as one of the sites, has four or five
7 different fisheries. Lobstermen work there.
8 Clammers work there. Draggermen work there.
9 Gillnetters work there, and there is a whale watch
10 industry that works there. That particular area has
11 been designated by the National Marines Fishery
12 Service as an identified whale winter feeding
13 ground. And to try to open up that can of worms for
14 us as a fisherman is not a pleasant topic, because
15 you know, whales and fishermen create an awful lot
16 of problems for us. We don't want to have to get
17 into those kinds of issues. But it's such a big can
18 of worms with so many different things going through
19 it, that we have to be opposed to it. The only
20 thing that we can accept is on-land use of this fill
21 area bulkhead in the areas where it's coming from,
22 but don't bring it out on us.

23 Thank you very much.

24 MODERATOR ROSENBERG: Thank you, sir.

1 Bruce Loftes.

2 BRUCE LOFTES: My name is Bruce Loftes.
3 I am a commercial fisherman.

4 I have dragged around Point Judith area
5 for 40 years going through two dumps, dumping
6 things, one in the '60s and recently, most recently,
7 a New York deal when they were dumping medical waste
8 offshore. Our fish prices dropped tremendously.
9 Some species of fish were unable to sell at all
10 because of scares of hazardous waste and stuff like
11 that. Everything that you are going to take out of
12 the river, I assume from what you are saying, is bad
13 enough that you don't want to put it on the land.
14 There has to be someplace where the stuff that
15 you're taking out is not bad. It could be
16 bulkheaded and used at the marinas for parking lots
17 or whatever. You only need to put half of the
18 amount of the stuff in the water that you are
19 talking about, the hazardous stuff. That needs to
20 go 200 miles offshore where it doesn't bother
21 anybody. Anything you put on the beach is
22 eventually going to have some effect.

23 We had the dumping down around the
24 A-bell years ago in the '60s. That was done with a

1 clamshell. It was out of the Providence River
2 somewheres. I tore my nets up I don't know how many
3 times, 20, 30 times on garbage that was in there.
4 Cinder block walls with windows that have come out
5 of an old building. All kinds of metal framing and
6 stuff like that. Short dumping all over the place.
7 On the way to the site, you see humps on the bottom,
8 you throw your net through it and tear your net up.
9 And I mean that stuff was all over the place. There
10 is a dump site now off Newport back in the '50s
11 where they dumped Army tanks, jeeps and everything
12 else, airplane parts in the water after the war.
13 That place is still unfishable. It took ten years
14 for this A-buoy site to produce fish after it was
15 dumped full of mud and the other debris they put
16 there. And I don't know how many guys have lost
17 time cleaning the junk up that came out, all the
18 debris and stuff like that, but it's not a good deal
19 to put it anywheres unless you are going to put it
20 out off the continental shelf, either that or put it
21 on the land.

22 Thank you.

23 MODERATOR ROSENBERG: Thank you, sir.

24 (Applause.)

1 MODERATOR ROSENBERG: Our next speaker,
2 Kevin Manhurler (phonetic).

3 KEVIN MANCHESTER: Manchester.

4 MODERATOR ROSENBERG: Manchester.

5 KEVIN MANCHESTER: Although I have been
6 called Manhurler at times.

7 MODERATOR ROSENBERG: I'm from
8 Philadelphia. Give me a break.

9 (Laughter.)

10 ROGER JANSON: It looks like Manchester
11 to me.

12 KEVIN MANCHESTER: I am a commercial
13 fisherman out of Point Judith, and I would just like
14 to say that I don't even eat shellfish any more,
15 because of these shutdowns that we have up in the
16 Bay and whatnot. It just makes me afraid to eat the
17 shellfish that I wish I could eat.

18 I was friends with an engineer at URI
19 six or seven years ago, probably about seven years
20 ago, and I happened to walk in his office one night
21 where I knew he worked late, and he was with
22 somebody that I wasn't supposed to meet, because he
23 was doing a project for URI that was supposed to be
24 under wraps, and I had to badger him using, you

1 know, aren't we friends type of rhetoric, and can't
2 you tell me what is going on.

3 Basically what it was was there were
4 spots that they were uncovering up in the Bay that
5 were dead, and they couldn't figure out why. And
6 they wanted to know what had been buried there, and
7 so this is -- sounds to me like something that
8 really needs to be published. I think the general
9 public needs to know where these studies took place,
10 these studies that were under wraps, what was found,
11 and, you know, where they are in proximity to where
12 you are planning on dredging. I think everybody
13 needs -- I think there should be some disclosure as
14 far as all the studies that have been done.

15 And the other thing you were talking
16 about was a revision, a ten-year revision, every ten
17 years.

18 MODERATOR ROSENBERG: Dave, is that
19 correct?

20 DAVE TOMEY: Yes, that is for the Site
21 Monitoring Management Plan.

22 KEVIN MANCHESTER: Isn't that kind of a
23 span of time as far as a revision? I mean --

24 DAVE TOMEY: Yeah, I mean, if -- if, in

1 fact, if there is reason to believe that we need to
2 modify it before the ten years is up, we would do
3 it. It's just basically a regulatory requirement to
4 at least do it in ten years.

5 KEVIN MANCHESTER: At least, okay.

6 DAVE TOMEY: So you can do five years or
7 two years if you find reason to.

8 KEVIN MANCHESTER: Okay. And the other
9 thing was you spoke about filling in certain areas
10 to a certain capacity --

11 DAVE TOMEY: Yeah. Site capacity, yeah.

12 KEVIN MANCHESTER: And that alone as far
13 as fishermen are concerned, topography is
14 everything. So you're going to change the
15 topography of the, you know, under sea or land
16 without really -- you know, without any real input,
17 or maybe there will be some input, but I --

18 DAVE TOMEY: We hope to evaluate the
19 that issue.

20 KEVIN MANCHESTER: Just the thought of
21 it is kind of -- kind of outrageous. That is really
22 all I had to say.

23 MODERATOR ROSENBERG: Thank you, sir.

24 That's all the individuals that have

1 signed up to speak. Ma'am.

2 MICHELLE KOMAR: Thank you.

3 MODERATOR ROSENBERG: Please step up to
4 the microphone. Name, town and any interest you may
5 represent.

6 MICHELLE KOMAR: Thank you. My name is
7 Michelle Komar, and I am a resident of the City of
8 Warwick and also a concerned citizen of the State of
9 Rhode Island.

10 And I don't mean to rapid fire off these
11 points so I am going to be watching that red buzzer
12 go off. So excuse me.

13 I just want to point out a few
14 discrepancies that would be helpful when you start
15 producing your document both graphically and in the
16 presentation here. One thing that is a little
17 deceiving is that the current presentation is Rhode
18 Island Sound scoping meeting, and actually your map
19 is for Narragansett Bay, the Providence River, as
20 well as Rhode Island Sound. So I ask that you
21 resolve this. This is the only hearing in Rhode
22 Island. So probably the title of your presentation
23 tonight should have been Rhode Island designation
24 sites.

1 One thing I noticed on your map also is
2 that it's a singular designation disposal site, and
3 I read from your announcements that you are actually
4 considering possibly more than one site. So I ask
5 that that be clarified.

6 This isn't really a good start for a
7 map. The map that is missing is a map of land
8 sites, beneficial uses. I know that I have spoken
9 to Representative Peter Ginaitt, and there are at
10 least two bulkhead projects that are going on in the
11 state that could be used for backfill. Maybe there
12 is a third one, which also involves bulkhead project
13 replacement and a parking lot improvement which
14 would need some fill. So in your alternatives
15 analysis, as well as the no action, also include a
16 map of potential land side uses as an alternative.

17 I also ask in your alternative analysis
18 that you include a list of all state and local
19 impediments to disposing of an alternative analysis
20 for beneficial land site uses. I don't know if you
21 have started research on this yet, but I hope your
22 report explains them and lists them and also comes
23 up with a possible solutions to remedy these
24 impediments.

1 Also, I would like to ask clarification
2 on the criteria views for the sitings. I know there
3 are a list of 11 criteria. One is to request
4 detailed information on the size of both the
5 long-term and short-term disposal sites and cubic
6 yards of potential disposal. You mentioned the
7 term, the number of years that these sites would be
8 used, roughly five years for a short. There really
9 wasn't a limitation on the long-term that that be
10 specified.

11 Also what is the criteria for the
12 distance of barge transport from a disposal
13 site -- you know, from a dredging site -- excuse
14 me -- to a disposal site. This seems to be a large
15 radius. So if there are different criteria set up
16 for the state project for that distance versus local
17 marina projects, that should be specified in the
18 list of criteria.

19 And I just hope that your analysis
20 includes a discounting of land site uses before you
21 get into ocean site disposal. And I concur with all
22 the -- most of the comments heard tonight,
23 especially those from Save the Bay.

24 Thank you.

1 MODERATOR ROSENBERG: Thank you, ma'am.

2 Is there anybody else who wishes to
3 provide comments directly to the record?

4 Okay. Yes, sir.

5 Please state your name, your town and
6 any interest you may represent.

7 GEORGE REDMAN: My name is George
8 Redman, East Providence.

9 I just would like to make a suggestion
10 where you can put this sediment, and that is in the
11 Wachemoket Cove. Right now that cove is a dead
12 cove. It could take millions of dollars, but we
13 could recover it. The funny part of it is nobody
14 wants to think of the cove, but the funny part is
15 they are all putting stuff in the cove as they wish.
16 The railroad has filled it up. The city has filled
17 it up. The state has filled it up. The golf
18 courses are filling it up. Watchemoket Cove even
19 today is easing into the Bay even more. These are
20 the very, very people who do not want you to fill it
21 up. And that's all I have got to say.

22 MODERATOR ROSENBERG: Thank you, sir.

23 Is there anybody else? Yes, sir.

24 Please come to the microphone, speak your name and

1 the town and any interest you may represent.

2 RALPH BOZZI: Ralph Bozzi of Warwick,
3 Rhode Island. I am part of the committee for
4 Narragansett Bay Watch from, you know, Conimicut
5 Point.

6 Basically, meetings like this I am very
7 confused at. We have a lot of terminology. But
8 it's what we are going on -- going round the bush on
9 this, on the questions. Now, I have been going to a
10 lot of meetings. I'm still confused even at this
11 one especially. We had one at Warwick City Hall
12 February 28th. We couldn't talk. We can't speak.
13 All these fancy words were down off -- all down to
14 the basics. I think in, what do you call it, a
15 couple of years ago they had some dumping in the
16 Conimicut area.

17 Was any test results from that, if any
18 harm was in that area? That is one thing. We do
19 know the five-year testing. See if there is a
20 problem. We can get a vacuum cleaner and you suck
21 it up. I don't understand about how these testings
22 are going to work in the future. You have all these
23 agencies, all these computers, but the real people
24 that go into the water have a say so. They are

1 worried about dollars and cents. Mr. Redman here,
2 it's going to cost him money. What health hazards?
3 So all these agencies are titles, but it doesn't
4 mean anything to regular people like me.

5 Now, you have the EPA. You have got the
6 CRMC. You have all people have rules and
7 regulations, but no testing was actually really
8 done. You say in 1980 that this, the results are
9 this. This was harmful. So you have biologists,
10 chemists, all these people, but I don't see any of
11 that makes any sense.

12 Now, I am not trying to be -- belittle
13 to anybody, but everybody is educated Ph.D.s,
14 whatever, but if I want a person what do I got? My
15 daughter is in the 10th grade, and she has more
16 results out of paper that has to do research,
17 footnotes and factual. If not, she'll get an F.
18 They were dealing with millions of yards, Rhode
19 Island, Massachusetts fishermen, people
20 water-skiing, babies, people walking on the beaches,
21 human waste in the Providence River. This gentleman
22 has a marina. He wants to expand it. I'm not
23 against this gentleman. But I have to fight
24 everyone, because it makes no sense to me.

1 Now, if there is a dumping site that was
2 done in the Providence River any results was done.
3 This gentleman is talking five years to ten years.
4 Say there is something that was done ten years ago.
5 What is the solution? How do you get it out of the
6 water? You get fish to suck it up. And then the
7 guy who gets it, he's going to get the disease, and
8 then wait, we did something.

9 I'm a contractor. Asbestos. You can't
10 touch it. You can't breathe it. Years ago we put
11 it all over the place. Insulation, 1965, no
12 problem. Now you have to worry about masks. You
13 can't touch people, or there will be people next to
14 you. You touch paint, you have lead on you. So all
15 these things, I don't understand this whole system.
16 It's going to be millions of dollars. It's going to
17 cost him money. The people are getting upset. So
18 all these films, all this process. We had
19 Representative Norton over here. She is trying to
20 do a good job, but they go one foot and two foot
21 backwards.

22 I think before any other agency gets
23 involved, tell the people, this is the results. If
24 it's 2 percent this, that is going to happen. If

1 it's this, that is going to happen. Then you could
2 be realistic about that. You saw that gentleman
3 over there. I thought he was the enemy, but more or
4 less we have got to team up and with the fisherman.
5 All these things are health hazards.

6 Now, if you say it's not, then I'll
7 listen. But all this to me -- we drove -- I had to
8 drive what. I had to go 80 miles an hour to get
9 here to make the meeting, and I am sitting down
10 looking at everybody. We feel like we are guilty.
11 Of what? Of something that was created by people
12 that voted people in, and they don't know what to
13 do, because we'll vote them out.

14 (Laughter.)

15 RALPH BOZZI: It's that simple. Now,
16 it's a joke, but I'll say one thing, when you go in
17 the water, you see something brown floating, I don't
18 know if that is a fish or it's human waste or a
19 cigar. Well, where are you going to put it? Now,
20 we are going to put the cigar somewhere. So we are
21 going to put it in the ocean. And these guys are
22 saying well the U-boat problem. And the Conimicut
23 Point, right. That is a sand bar that holds
24 everything in.

1 Now, once they dig this up, the bacteria
2 is going to go where? It's going to jump out of the
3 sky, and it's going to end up in the landfill. That
4 is not the solution either. Now, Plainville Pike
5 (phonetic spelling), they have got electrical, what
6 do you call it, a big site, maybe millions of yards.
7 The private contractors put their deals together.
8 They get all their trucks, and they have charged
9 them 10, \$15 a yard. Put a big site, they waterize
10 it, and use it for state and federal projects. The
11 little people like us have to say something to fight
12 our neighbors, the community, the representatives,
13 the State House, for something that the government
14 has at this disposal.

15 Now, you have got all these people,
16 National Guards, weekends. Let them move their
17 trucks and do something instead of saluting back to
18 the parades, you know, Gatsby day, and all this
19 other stuff. Put them to work. Then I respect what
20 goes on.

21 Am I wrong with this or not? I mean
22 everybody is afraid to talk. This gentleman is from
23 Boston, right?

24 At the last meeting, right, you have a

1 big sailboat. The only thing about Rhode Island is
2 it is pretty at Newport. That was a quote; am I
3 correct? The gentleman over there. So we are going
4 to ruin all this. We are going to waste our time
5 fighting for something that we don't know what the
6 hell we are talking about.

7 Now, if there is any question people can
8 say, yes, I'm right or wrong. I'm open for
9 suggestions, because everybody is afraid to talk.

10 Am I right?

11 MODERATOR ROSENBERG: Thank you, sir.
12 Thank you very much.

13 (Applause.)

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

17 Well, we heard from Save the Bay,
18 fishermen, lobstermen, private citizens,
19 Narragansett Bay Watch, to kind of like talking,
20 address the problems that we are facing as two
21 federal agencies.

22 AUDIENCE PARTICIPANT: Yeah, but the
23 big --

24 MODERATOR ROSENBERG: Sir. And like he

1 said something that is very important to this
2 process, and as we get ready to close this formal
3 comment and go into a discussion, a question and
4 answer, I would like to quote this gentleman, "We've
5 got to team up."

6 The people here tonight have shown that
7 when we get into a room and start a process, this is
8 the beginning. We can identify concerns. We can
9 identify problems, and we can work together to find
10 solutions.

11 So, Roger, if there is no problem, I
12 would like to open this up to discussion at this
13 point. Okay?

14 ROGER JANSON: I think if the local
15 Narragansett Police Department needs a traffic light
16 manager, we have our man here, Larry.

17 Now, to get a little more serious. This
18 is the informal part. If there are questions and
19 answers that people may -- questions they want to
20 ask and answers, we'll try to give. Rest assured if
21 we don't know the answer, we are certainly not going
22 to try to manufacture one. We'll take your
23 questions back with us. We'll get you the answer.
24 All of these questions will become part of our

1 process in trying to work through this EIS process
2 and ultimately leading up to a conclusion of an EIS
3 and a potential designation. And I strongly stress
4 the word potential, because we are several years
5 away from really completing an EIS, getting a draft
6 out on the street and taking much more comment along
7 the way.

8 Questions.

9 JOHN PAUL: I have one. My name is John
10 Paul, and I live in Conimicut and Warwick.

11 My question is along the line is what
12 happens tomorrow, six months, 12 months, 18 months
13 from now?

14 What about projects that people want to
15 get done, do they have to wait for this designation,
16 this site designation or are you -- is there going
17 to be lots of little interim solutions?

18 ROGER JANSON: Well, there will be in a
19 sense no interim solutions to a longer term dredge
20 material disposal site. There are projects in Rhode
21 Island, and I don't know the total sum of all the
22 potential projects, because it's many private
23 projects, and there are 17 or 18 federal channels
24 and navigation projects.

1 While this process is going on, if there
2 is a private marina project or another federal
3 project that is ready to go, it has to deal with the
4 issue of where to dispose of the material. Many of
5 your smaller marinas dispose of their material
6 inside the baseline. That becomes a process
7 controlled under the Clean Water Act and is separate
8 and apart from the Marine Protection Research and
9 Sanctuaries Act. There is no parallel site
10 designation process under the Clean Water Act.

11 JOHN PAUL: Baseline --

12 ROGER JANSON: The baseline is as -- and
13 I can't -- EPA or -- neither EPA nor the Corps
14 determine the baseline. I believe that originated
15 with the Department of State, if I'm right, Dave,
16 many years ago, and that is the baseline that the
17 Department of State determined.

18 What is seaward of this baseline for our
19 purposes becomes defined as ocean waters, and when
20 you are dealing with dredged material, location of
21 disposal sites are governed by the rules and
22 regulations promulgated under the Marine Protection
23 Research and Sanctuaries Act.

24 JOHN PAUL: Where is that line? Is that

1 the demarcation line across the Bay?

2 AUDIENCE PARTICIPANT: The baseline is
3 the line, the low water mark for which the
4 territorial sea is determined. If you get a
5 nautical chart, it shows on there where the baseline
6 is and --

7 JOHN PAUL: It's the same baseline, the
8 demarcation line?

9 DAVE TOMEY: Right. But across
10 Narragansett Bay it's the line that goes right
11 across the mouth so...

12 ROGER JANSON: It's inside -- if there
13 was a disposal activity inside the baseline that is
14 covered by the requirements of Section 404 of the
15 Clean Water Act. And it's -- seaward of the
16 baseline that is covered by the MPRSA, or what we
17 commonly refer to as the Ocean Dumping Act.

18 JOHN PAUL: But just -- for every site
19 that is going to use this designated site is going
20 to be inside.

21 ROGER JANSON: Well, every -- every --
22 to the extent that a site or sites is ultimately
23 designated under the Ocean Dumping Act, any project
24 that originates, whether it's inside the baseline or

1 outside, and most probably are -- if it's inside the
2 harbor or inside the baseline, it would have to meet
3 the requirements, the testing requirements of the
4 regulations adopted under the Ocean Dumping Act
5 before that material could be disposed of in any
6 designated site.

7 JOHN PAUL: And there is a lot of people
8 here so I will just ask one quick question. Is like
9 a general permit program part of this EIS, or is
10 that a separate activity?

11 ROGER JANSON: No. This program does
12 not focus on permits at all. This EIS is a process
13 that we will go through to analyze all of the
14 reasonable alternatives to a site designation. It
15 does not deal with individual projects or permits
16 per se.

17 Sir.

18 AUDIENCE PARTICIPANT: Yes. I heard you
19 say just a minute ago -- I think you did anyway,
20 dredge material and disposal. That is two different
21 things. What it sounds like to me is that we are
22 looking for a home for the Jamestown Bridge out of
23 this disposal area also as well as dredge material;
24 is that true or not true?

1 ROGER JANSON: No. We are looking for
2 a -- to designate a site for the long-term dredge
3 material disposal needs of the study area.
4 We're -- as far as I know, we're not looking for a
5 home for the Jamestown Bridge.

6 AUDIENCE PARTICIPANT: Thank you.

7 ROGER JANSON: Yes, sir.

8 PETER BRODEUR: I don't know -- I'm just
9 out of curiosity --

10 ROGER JANSON: Just for the purposes of
11 our stenographer, just repeat your name. I know you
12 are -- it's Mr. Brodeur, I believe.

13 PETER BRODEUR: Correct. You have a
14 remarkable memory.

15 Peter Brodeur, local fisherman.

16 Do we have anybody here who can give me
17 sort of an idea of once this project stops how often
18 and what size the barge would be that they would
19 fill out?

20 ROGER JANSON: That isn't really a
21 question I would defer to my colleagues at the Corps
22 of Engineers, but barge size and to some extent the
23 type of barge depending on where a barge is towed to
24 becomes very project specific as to the needs of the

1 project, but I'll defer that to Mike Keegan.

2 MR. KEEGAN: I guess -- I guess the
3 question I believe you're asking is what barge will
4 we be using to go out to that site to the dredge
5 material? That is not what we are trying to do
6 here. We are not trying to target an area and say,
7 this is what we want to dredge. This is not the
8 Providence River where the Corps is saying, we want
9 to maintain the Providence River to such and such a
10 depth. We are going to dredge it, we are going to
11 put it out there.

12 What we are looking at is a long-term
13 need for dredge material from federal projects and
14 state projects and private projects, someplace where
15 they can dispose of material that meets all the
16 requirements of the Ocean Dumping Act.

17 We're not proposing a project, sir.
18 Okay. I guess -- that is how I read your question.

19 PETER BRODEUR: Well, you know, I
20 think -- I have been to a couple of these meetings,
21 and the question always lingers in my mind. I think
22 Bruce Loftes mentioned short dumping before and
23 snotty days on the ocean when people go out with
24 barges, and nobody wants to be out there. And yet

1 there is another one being filled behind them. We
2 have to get this one emptied and get back there and
3 all.

4 I'm just curious what the time line is
5 between building up barges and whatnot. You must be
6 somewhat familiar with these type of projects seeing
7 that you have got them in Portland and
8 Massachusetts. Occasionally, we see a barge go by
9 us out beyond the island headed off to the west to
10 dump somewhere filled to the edges like a big old
11 teepee. I'm just curious, you know --

12 MIKE KEEGAN: In Boston Harbor if you
13 took a round trip it is over 12 hours.

14 PETER BRODEUR: Yeah. That information
15 would be interesting to us as far as for many
16 reasons, you know. And needless to say, we are a
17 little bit nervous.

18 MIKE KEEGAN: I understand, sir. In
19 Boston Harbor the trip is over 12 hours round trip
20 to bring it out to the Mass. Bay disposal site and
21 return. And on every barge there has to be an
22 inspector who has certified with the Corps of
23 Engineers as to where the location of that barge
24 material is dropped.

1 PETER BRODEUR: If a project of this
2 enormity were started eventually, I'm sure that it
3 would be not just an eight-hour job, it would be an
4 around-the-clock situation.

5 MR. KEEGAN: Again, sir, you are
6 talking -- if -- your question is more this project
7 is if we are proposing -- we are proposing dredging.

8 PETER BRODEUR: Down the line I mean.

9 MR. KEEGAN: What's your -- what I'm
10 saying, sir, dredging can occur. For instance,
11 Boston Harbor is another example. We dredge
12 24 hours a day in Boston Harbor. In other projects,
13 they will dredge 12 hours a days.

14 PETER BRODEUR: That is what I'm looking
15 for.

16 MR. KEEGAN: But is that project
17 specific, sir?

18 PETER BRODEUR: Yeah.

19 MIKE KEEGAN: What I'm saying is we are
20 not trying to propose a project. What we are
21 looking at is the long-term needs of the region, and
22 see if there is a site or sites that can meet the
23 dredging disposal needs of that region. Okay.
24 It's -- please understand, there is a difference

1 between a project that someone is proposing. Okay.
2 If someone wants to dredge a project, whether they
3 be private or they be state, they have to comply
4 with regulations to even utilize that site. And
5 that includes an alternative analysis of their own
6 right. I believe I'm correct about this.

7 DAVID TOMEY: Yes.

8 MIKE KEEGAN: So it isn't like a
9 situation where, well, someone has designated a
10 site, and EPA has designated a site here and a site
11 over here. That is where all my material is going
12 to be. It has to go through a screening process.
13 It has to go through a sampling process and to meet
14 the criteria both chemically, physically and
15 biological sampling. So it isn't somebody says to
16 me, let's put anything we want to go out there.
17 I've heard people that always talk about we don't
18 want New Bedford's material out there. Please don't
19 misunderstand. This is not a dump site where
20 anything in the world that anybody wants to get rid
21 of will go to. It has to meet strict criteria
22 for the Ocean Dumping Act.

23 ROGER JANSON: And, Mr. Brodeur, I think
24 it's your, to maybe get also to the heart of some of

1 the information that you're seeking, at your
2 convenience, you may want to correspond with Larry
3 Rosenberg back here. He can then talk to the
4 various projects managers at the Corps, who have a
5 wealth of experience on project-specific data. They
6 can tell you the types of equipment for a specific
7 size project relative to its location. Some
8 projects can only use a smaller barge, because they
9 cannot get a deeper draft barge up to the slip or
10 the --

11 PETER BRODEUR: That is what I wanted to
12 know.

13 ROGER JANSON: And if you talk to Larry,
14 I'm sure that he can get you some of that very
15 typical information.

16 PETER BRODEUR: Thank you.

17 ROGER JANSON: This gentlemen here, I
18 think had his hand up.

19 JOSEPH SOLOMON: Have you established
20 any criteria relative --

21 ROGER JANSON: Just identify yourself,
22 sir.

23 JOSEPH SOLOMON: Oh, I'm sorry. My name
24 is Joseph Solomon. I am president of the Warwick

1 City Council in the State of Rhode Island.

2 I was just wondering if you have
3 established any criteria or proved any designated
4 site within Narragansett Bay relative to dumping of
5 dredge materials; and if so, what was the criteria
6 you used to determine that?

7 ROGER JANSON: Well, within -- within
8 the Bay itself, we would not go through a
9 designation process, because a site utilized within
10 the Bay would fall under the jurisdiction of the
11 Clean Water Act, and there is a different process
12 for dealing with disposable dredge material under
13 the Clean Water Act. And I might ask Dave to just
14 address that very briefly.

15 DAVE TOMEY: Right. The site
16 that -- identification is the terminology that the
17 Clean Water Act uses, and this was essentially
18 assessed for the Providence Project at Site 3 and
19 Site 157. I don't know if you have seen the EISs,
20 but these are sites around Hope Island and Prudence
21 Island that were being proposed.

22 The process is there are 404(b) (1)
23 guidelines, and it sounds like a mouthful, but
24 basically they are fairly similar to the kinds of

1 considerations. We look at both the Army Corps and
2 the EPA, and the state agencies look at the impacts,
3 potential impacts of the disposal on the bottom
4 habitat and the general -- and the requirements are
5 that there must be no unacceptable adverse affects
6 to the environment as a result of the dumping and
7 these -- there is a whole bunch of specific items
8 that are in the 404(b) guidelines. Every particular
9 permit that is issued by the Army Corps or the Corps
10 authorizes for their own projects for disposal
11 inside Narragansett Bay must meet all those
12 criteria.

13 JOSEPH SOLOMON: Okay.

14 DAVE TOMEY: Go ahead.

15 JOSEPH SOLOMON: A few years back, I
16 believe, the Army Corps did dump some dredge spoils
17 within Narragansett Bay north of Conimicut Point.
18 Was that criteria met then?

19 Was there any preliminary testing, and
20 has there been any testing on that site since the
21 dump occurred?

22 ROGER JANSON: I would address that
23 question to Mr. Bill Hubbard from the Army Corps of
24 Engineers. He can tell you a little bit about that.

1 Bill.

2 BILL HUBBARD: Good evening. Bill
3 Hubbard, Army Corps of Engineers, New England
4 District.

5 Yeah. We did the Bullocks Cove. We
6 dropped about 4 or 5,000 cubic yards of dredge
7 material off of Conimicut Point. I was at that
8 Warwick meeting. So it's the same site they are
9 talking about. And Drew Carey has done some
10 investigation since. The testing we do ahead of
11 time is grain size. Both said we can preweather
12 contaminants and if we -- and that was sandy
13 material. So frankly, it was very clean. If we
14 have a suspicion that there is some contamination
15 then we go into bioassay. We put some organisms in
16 the mud and say, does it live or does it die. Those
17 that live, we then actually grind up the worms and
18 clams and analyze for bioaccumulation. Do the
19 contaminants get into the food chain?

20 But that disposal there, we came back,
21 and it has been colonized by benthos. As we would
22 expect, the worms and clams are back. And so there
23 is no impact.

24 JOSEPH SOLOMON: Your representation at

1 that Warwick meeting was that you went back 30 days
2 later, but you haven't been back there since to test
3 that site; is that correct?

4 BILL HUBBARD: The Corps went back.

5 JOSEPH SOLOMON: When did they go back?

6 BILL HUBBARD: Probably about a
7 month -- I thought we went back two or three months
8 later.

9 JOSEPH SOLOMON: Okay. And how many
10 years ago is that?

11 BILL HUBBARD: Let's see, '94. That was
12 probably four or five years ago, but --

13 JOSEPH SOLOMON: That's running tests.

14 BILL HUBBARD: -- the state has done
15 some additional testing. Drew, am I right?

16 DREW CAREY: Yeah.

17 BILL HUBBARD: So the state has gone
18 back out and done some additional testings.

19 JOSEPH SOLOMON: May I ask when that was
20 done?

21 DREW CAREY: Well, the field sampling
22 was in '99, '98.

23 JOSEPH SOLOMON: Excuse me.

24 DREW CAREY: A couple -- two or three

1 years ago when the sampling was done.

2 JOSEPH SOLOMON: Okay. Is it possible
3 to get access to the results of those tests?

4 CATHY DEMOS: It's on the website.

5 JOSEPH SOLOMON: Also I understand that
6 the horseshoe crabs, which are a very important
7 species within our Bay, I've -- I happen to live
8 right along that area there, and that is a prime
9 mating area for the horseshoe crabs. So I am a
10 little concerned that if dumping is allowed in that
11 area, the effect it would have on the fishery and
12 migration and reproduction of this very, very
13 highly-considered species, and if that has been
14 considered prior to the designation of this as a
15 potential site?

16 BILL HUBBARD: I think just to clarify.
17 That is an in-water site and not the function of
18 this EIS.

19 JOSEPH SOLOMON: No, I understand, but
20 the Army Corps of Engineers has --

21 BILL HUBBARD: Right. But we did and we
22 do meet your every permit process, as Dave
23 indicated. The Clean Water Act requirements are
24 examined. That one I am sure was discussed. If

1 not, we'll make sure it will be. I'm sure CRMC is
2 aware of that issue. A lot of times you'll see that
3 we dispose during nonspawning times of the year just
4 to avoid impacts such as that.

5 JOSEPH SOLOMON: Yeah. Again, my
6 concern at this particular hearing is that a lot of
7 the results that we are relying on in this potential
8 site are antiquated and old, and we haven't taken
9 any recent testing of this potential site, and I
10 highly recommend that the Army Corps before they
11 issue any permits to dump on this site that more
12 current testing be taken so that we can rely on more
13 recent data.

14 BILL HUBBARD: Sure. Your point is well
15 taken.

16 ROGER JANSON: Ma'am.

17 MICHELLE KOMAR: Thank you. I have
18 another question about your map here. I am a little
19 confused now. The shaded area --

20 ROGER JANSON: Just for the record. I
21 don't remember every name.

22 MICHELLE KOMAR: Michelle Komar. Thank
23 you.

24 ROGER JANSON: Okay.

1 MICHELLE KOMAR: Is the shaded water
2 area areas where dredging could occur, or are these
3 your zones of disposal for study?

4 ROGER JANSON: That's the -- in the same
5 map is the one behind you over here next to Larry.
6 That is what we are considering at this point to be
7 within what we would call a zone of siting
8 feasibility that beyond that probably represents a
9 distance too great to locate any kind of disposal
10 site, and that if you take the landward ends of the
11 semicircle there represents the bulk of the projects
12 and potential users of any site; but, in fact, at
13 the bottom of the arc looking from landward to
14 seaward, there wouldn't be any dredging there. Most
15 of the dredging would occur in the ports, in the
16 harbors, up in the Bay and along the coast of Rhode
17 Island and the southeastern coast of Massachusetts.

18 MICHELLE KOMAR: All right. So for
19 clarification, in your EIS does it include
20 Providence River and Narragansett Bay for disposal
21 sites?

22 ROGER JANSON: Those -- well, the
23 Providence River, the harbor, over either east or
24 west of the opening into Narragansett Bay and into

1 Southeastern Massachusetts, all of the potential
2 projects both private and federal navigation
3 projects within that area would be considered in our
4 analysis of the need to have some kind of site
5 available. We would attempt to, and we will, and we
6 have done it before in this process.

7 Based on a lot of historical information
8 that particularly the Corps has in its files for its
9 own projects as well as for projects it has
10 permitted for private applicants, a sense of the
11 recurrence of various projects and, therefore, the
12 total volumes that one would expect over time that
13 you might have to locate a site or have a site
14 available to deal with.

15 MICHELLE KOMAR: Okay. So Narragansett
16 Bay and Providence River will be considered for both
17 long-term and short-term disposal sites in your
18 study?

19 ROGER JANSON: Well, materials, dredge
20 materials that would be generated from either
21 private applicants or from the federal channel,
22 those volumes would be totalized, if you will, and
23 over time we would be looking for --

24 MICHELLE KOMAR: Disposal?

1 ROGER JANSON: -- that would help us to
2 explain the need and the purpose in disposal.

3 DAVE TOMEY: May I just add something.
4 That we are going to be looking at alternatives, and
5 we will be looking at alternatives inside
6 Narragansett Bay as well as other areas as part
7 of --

8 MICHELLE KOMAR: For both short-term and
9 long-term disposal?

10 DAVE TOMEY: Yeah. It will be for a
11 whole variety of types of disposal, that's correct.

12 MICHELLE KOMAR: All right.

13 DAVE TOMEY: As just all -- because the
14 designation process is for designation of an ocean,
15 but we also must look at all these reasonable
16 alternatives.

17 MICHELLE KOMAR: All right. In light of
18 that answer now, can I ask my second question, which
19 is --

20 ROGER JANSON: You certainly can.

21 MICHELLE KOMAR: Thank you. How is this
22 study going to be utilizing, or how is it going to
23 be consistent with the draft CRC study for potential
24 in-bay disposal sites?

1 DAVE TOMEY: We will certainly do our
2 best to dovetail studies if we need to do any
3 further work with the work that has already been
4 done for those areas. We intend to incorporate by
5 reference, work that was done by the Army Corps for
6 the Providence as well as the CRMC study and any
7 other further work that we think needs to be done to
8 adequately cover those alternatives.

9 RALPH BOZZI: That was in '94? We have
10 to go update now from '94 to make that reasonable.

11 DAVE TOMEY: We will update information.

12 RALPH BOZZI: Then we will have
13 something to compare it to.

14 DAVE TOMEY: Right. I mean the stuff
15 the -- the Corps's EIS looked at those in '98, and
16 they have updated it for the EIS for the Providence
17 Project. It will be coming out this summer.
18 So -- and, Drew, I don't know or, Jeff, what
19 updating have you planned on doing for the work that
20 was done for the CRMC work?

21 JEFF WILLIS: We hope to
22 undertake -- Jeff Willis for the CRMC.

23 We hope to undertake some additional
24 in-bay near Conimicut, sited reference-type studies

1 this summer hopefully, sooner than later. The work
2 that was done for us that you had included by
3 reference in here was done for us in '97-'98. The
4 Providence River EIS information that you
5 incorporate by reference was done throughout
6 the '90s up to last year, and your work for
7 the -- the Corps's work for the Bullocks Cove study,
8 which was completed in '95, was incorporated in that
9 reference, I believe, as well. So all that data
10 exists.

11 RALPH BOZZI: So basically, that they
12 are talking in the past, right? For everybody to
13 get a true picture, you have to have up-to-date
14 results that people feel comfortable about this.
15 Now, we're trying to understand the process, and we
16 are going back from 2001, '94 and jumping from '95,
17 '96, '98. It's kind of vague on our part to give a
18 rationale question or answer thing.

19 JEFF WILLIS: I think the EPA just said
20 that they would do additional studies. That they
21 felt that those gaps were there with that data that
22 they had. So I think that they would be trying to
23 fill in those additional information.

24 DAVE TOMEY: We are going to do a fairly

1 intense review of the existing data sites to
2 determine whether there is a need to go out.

3 RALPH BOZZI: A need to go out to do the
4 testing?

5 DAVE TOMEY: No. Need to go out to do
6 any further analysis. A lot of analysis has already
7 been done, for example, for the CRMC, and we plan to
8 update and provide some more. If there is any other
9 sites that can be identified, or other options, we
10 will supplement that information.

11 RALPH BOZZI: Now --

12 ROGER JANSON: Dave, before we go on
13 with this point. Let me just re-emphasize a little
14 bit that we have not yet begun any in-depth study.
15 We don't know yet where all of the data gaps might
16 lie. We have a fair amount of work to do just to go
17 through all of the existing work that has been done
18 to -- to either locate sites, or whether they're
19 inside the baseline, outside the baseline, a lot of
20 analysis and study in the past. But we have yet to
21 identify data gaps.

22 We are doing a similar process in
23 Long Island Sound to designate one or more sites,
24 and we're doing very extensive field work to fill in

1 data gaps. Something we would have to do and
2 something we will do. So I just want --

3 RALPH BOZZI: Yeah, in other words, it
4 seems like you're confused, but we're more confused
5 than you. That is what I get out of it.

6 ROGER JANSON: Well, no, we're
7 not -- we're not confused. We just haven't begun
8 the formal process of sitting down with all of the
9 current data that is available to us and analyzing
10 where those gaps are and then sitting down and
11 planning the kind of experimental design that we
12 need to go through to get that data and fill that
13 gap and analyze those results. So, again, I think
14 your point is well taken. It has been made by
15 several people tonight in terms of filling in data
16 gaps. And we know that is a part that has to be
17 done. For us to put out a credible document, we
18 will do that.

19 Yes, ma'am. I don't want to go to that
20 side either but --

21 EILEEN NORTON: Eileen Norton from
22 Warwick.

23 It's very difficult to give precise
24 questions or comments to you, because when you're

1 you are going to take up from any site that is
2 requesting it that you would try to identify; and I
3 think with the state of technology today, that that
4 is quite possible that you would be able to identify
5 the sources of that material so that we could take
6 remedies on land to prevent this vicious cycle.

7 ROGER JANSON: Okay. Well, I understand
8 exactly what your point is, and just by way of
9 digressing for a minute, over time there were a
10 number of contaminants that have been contributed to
11 many harbors from inadequate wastewater treatment
12 facilities, for example. Over time, we as a
13 government, both federal, state, and local
14 governments have done a pretty, in my estimation,
15 darn good job in terms of improving our capabilities
16 and technologies in the wastewater treatment arena.
17 That has helped to eliminate a source of
18 contaminants.

19 One of the remaining sources of
20 contaminants deals with, and you may disagree with
21 me --

22 EILEEN NORTON: Well, my point is, sir,
23 is that generically you can talk about past
24 practices, but what we need to do is have your

1 protocols, have a process where we can identify, and
2 we are talking here generally over 100,000 acres,
3 but when you go to move a particular site, there
4 should be in your protocols, and I believe it's also
5 in some international protocols that there would be
6 an identification of sources of this so that
7 remedies can be taken to prevent future silting in.

8 ROGER JANSON: The requirements that
9 we've adopted, at least under the Ocean Dumping Act,
10 in terms of testing materials have us test for
11 contaminants of concern. There is nothing in our
12 regulations or our protocols that deal with
13 identifying a particular source or sources of any
14 particular contaminant.

15 EILEEN NORTON: So my request then would
16 be in your EIS that you would -- this would be an
17 addition to your protocols as a sensible way to
18 protect the fishery.

19 ROGER JANSON: Dave, do you have any --

20 DAVE TOMEY: Yeah.

21 ROGER JANSON: -- comment?

22 DAVE TOMEY: These kinds of issues of
23 soil erosion, for example, land management
24 techniques are in --

1 EILEEN NORTON: Road building.

2 DAVE TOMEY: -- yes, all those kinds of
3 things generally are looked at on a watershed basis,
4 and they are -- and we have projects throughout New
5 England on part of our national estuary programs
6 that try to address some of those to minimize
7 siltation when that is a problem as a result from a
8 land source. However, many of our harbors, in fact,
9 are in set -- are in estuaries which are, in fact,
10 sediment traps. And they are fed by both rivers and
11 inshore transport of finds coming in from the tides,
12 and that is sort of a fact of life that, you know,
13 many of these harbors are going to continue, because
14 of the rivering and oceanic administering processes
15 that they are subject to. Most estuaries are
16 sediment traps, and you are going to find in most
17 harbors, the navigation channels or slips usually go
18 against the grain of natural sedimentation, and that
19 is why they need to be dredged. So there is -- but
20 if there is things likes land sources that
21 were -- if we are not adequately managing, you
22 know --

23 EILEEN NORTON: If you are not looking
24 for it, you'll never identify it.

1 DAVE TOMEY: Right. But it's outside of
2 the scope of EIS for us to really go into the entire
3 watershed and try to come up with that as an
4 alternative for dredging per se. However, we feel
5 that it -- under the auspices of the estuary
6 programs and appropriate watershed studies, which
7 have occurred in and throughout Rhode Island, those
8 kinds of projects could, in fact, identify areas
9 where proper best management practices can be
10 implemented to reduce the amount of sedimentation
11 going into our watersheds.

12 EILEEN NORTON: Yeah. And I think
13 in -- Army Corps working in tandem with EPA, which
14 has these approaches, watershed approaches, that we
15 hopefully will start to make some headway into this
16 cycle and recognize that the fisheries are in
17 crisis, mainly because of a lot of land practices.

18 ROGER JANSON: Thank you. And we'll
19 take those comments under consideration.

20 I'm going to move to this side of the
21 room for a second, and then I'll come back over
22 here. I saw a hand up back here.

23 Sir.

24 KENNETH KETCHAM: Yes, Ken Ketcham.

1 I was just curious about we have talked
2 about all the environmental impacts. We haven't
3 really -- haven't mentioned anything about economic
4 impacts on a site area. I know I got the
5 information from the Site 69 they were going to
6 designate for the Providence River, and the economic
7 impact that was reflected in that statement was very
8 low. I mean it wasn't even reasonable.

9 I would like to know how you go about
10 doing something for that and upgrading your system,
11 and how you would do it, because the ones they did
12 for the Providence River site, they were just very
13 unreasonable. They weren't even close.

14 DAVE TOMHEY: Bill, do you want to say
15 something about this?

16 BILL HUBBARD: Yeah. Bill Hubbard
17 again. We took and put out in the Draft
18 Environmental Impact Statement that fisheries
19 economic analysis. Rule one has been done because
20 of some, you know, many of them from your groups
21 that said you want us to relook at the way we are
22 valuing that piece of real estate for fisheries, and
23 that will be coming out within the next couple of
24 months in the EIS. So the process is -- this one is

1 just beginning, the Providence River, for those of
2 you who don't know, had issued a draft EIS a few
3 years ago. And now we are about to in the next
4 couple of months issue the final EIS. So that was
5 picked up on, and I would assume whatever site we
6 look at here will have the more advanced economic
7 analysis done. So there will be new numbers that we
8 will be asked to look at, and we'll use that similar
9 methodology when the economists look at whatever the
10 sites we are thinking of.

11 ROGER JANSON: Yes.

12 KENNETH KETCHAM: When they did those
13 economic impacts, they didn't -- they basically just
14 used lobsters for the economic impact. They didn't
15 do any trawl studies that I know of in that area.

16 DAVE TOMEY: Well, I --

17 KENNETH KETCHAM: I don't think that
18 they could, you know, because the fish change
19 different seasons running through that area.

20 DAVID TOMEY: Right.

21 KENNETH KETCHAM: And you are going to
22 be dumping there year-round.

23 DAVID TOMEY: Right.

24 KEVIN MANCHESTER: And there is no way

1 that just by testing it one certain time of the year
2 you're going to have any clue as to what kind of
3 fish or shellfish may be moving through there the
4 rest of the year.

5 BILL HUBBARD: I mean the problems with
6 those economic analyses and the economists say, I
7 believe, we finally got URI involved, had them look
8 at it, but usually what we do is look at year-round
9 with an assumption that fish will move in and out
10 and value sort of the larger area. It is tough site
11 specific to look at this circle and that circle. If
12 you guys are trawling on boats, you know. I mean is
13 one more economically valuable than the other? I
14 think we often listen to what you guys say that fish
15 there, just what your gut feeling is. The
16 economists will say that, too.

17 DAVE TOMEY: Yeah. As part of our EIS,
18 we hope to sit down with you guys and go over
19 your -- what your, you know, what times of the year
20 you are fishing, what, you know, fill in some
21 the -- if you feel we have some gaps, we can look
22 forward to doing some more sampling if we need to to
23 supplement the work that was already done, and we
24 would like to learn much more about fishing

1 practices that you are doing out there. It's just
2 so we could get a better handle on these issues.

3 KENNETH KETCHAM: All right. I know
4 that one you sent me from the Site 69 was \$600,000
5 for a five-year period?

6 DAVE TOMEY: Yeah.

7 KENNETH KETCHAM: That is quite a large
8 area.

9 DAVE TOMEY: Yeah.

10 KENNETH KETCHAM: And it doesn't just
11 affect the site. It affects surrounding areas,
12 because of the silt found and whatnot and fish that
13 may or may not pass through that.

14 DAVE TOMEY: Right.

15 KENNETH KETCHAM: They may choose to
16 never to pass through there again, if they find
17 their path blocked.

18 DAVE TOMEY: Well, you'll have another
19 opportunity to comment on the final, because there
20 is a 30 day review period at least for that; and as
21 you look through that report, I am sure the Corps
22 will be certainly looking at your comments.

23 ROGER JANSON: Let's move to this
24 gentlemen here. He had his hand up.

1 BILL McELROY: Yes. My name is Bill
2 McElroy.

3 I find it interesting that, you know,
4 this talk about the economic analysis. I am a
5 lobster fisherman that fishes that particular area.
6 I have never been surveyed by anyone for the URI or
7 the EPA or the Army Corps of Engineers or anybody
8 else to see what kind of an impact that does or
9 doesn't have on my particular business.

10 One thing I did notice though, and I
11 have had plenty of contact with those people, was
12 last year I get to the Providence River Project. A
13 vessel was chartered, and it spent three months out
14 in that area last summer looking for Spanish
15 galleons and, you know, the lost continent of
16 Atlantis and things like that. These people put
17 quite a lot of time into looking for those kinds of
18 things, but I'm pretty easy to find. And I know
19 quite a few other fisherman that work in that area
20 that weren't contacted like Ken remarked. You
21 people sent out an economic analysis that showed one
22 fishery, because I made some brief comments earlier.
23 I think I indicated that there is five different
24 fisheries in that area. And lobster is quite likely

1 the least valuable of the five.

2 ROGER JANSON: Well, I think you can
3 rest assured that we have heard that particular
4 comment, and we will in this process pay attention
5 to the -- an economic portion. We are doing it in
6 quite depth in Long Island Sound, and I'm sure we'll
7 transport that model to this project.

8 This gentleman then over there. Then
9 I'm coming back to this side.

10 BILLY PASQUALE: Billy Pasquale, City of
11 Warwick, Planning Department.

12 The City of Warwick supports beneficial
13 reuse options. Given that, will the alternative
14 analysis include all potential alternatives within
15 the Commonwealth of Massachusetts and Rhode Island,
16 including some pending legislation that could
17 provide a larger scope for these alternatives to be
18 measured, since given the fact that the EIS will
19 probably take two years or so?

20 Will that be measured over a period of
21 time?

22 Will the existing legislation be
23 monitored to amend such alternatives?

24 How exactly will it be addressed?

1 ROGER JANSON: Dave, do you want to
2 field that?

3 DAVE TOMEY: Well, we are going to have
4 to do all these alternatives, especially regarding
5 upland and things on a best projected estimate
6 perspective. You know, we can't understand how land
7 uses will change over the next 10 or 20 years. When
8 we look at these long-term site designations, we are
9 looking at usually on a 20-year window minimum, and
10 so it's hard for us to under -- you know, know over
11 those -- that 20-year life of this project what
12 kinds of land use changes can be made and what kinds
13 of state laws will change, the whole regulatory
14 process for using land. So what we plan to do is
15 certainly look at all the ones that were identified
16 in the Providence, which is fairly comprehensive. I
17 think there's 160 sites were looked at all together.
18 And supplement those, if we can, with other
19 information and project out generically what the
20 effects of using and rank those areas based on
21 environmental criteria that we hope to try to do as
22 best job as we can, but we're not in the business of
23 buying alternative -- you know, land that could be
24 used as a regional land site and using that as

1 something that we over the next 20 years accept
2 dredge material. That is not what we can do here,
3 but our authority lies in the designation of an
4 ocean site. However, we will look at these other
5 alternatives as best we can to provide a reasonable
6 assessment over that time frame. But we understand
7 the laws could change and our ability to be able to
8 even utilize these things. The document will
9 provide an umbrella, and I think it will be up to
10 the individual projects over their 20-year life to
11 be able to provide an alternatives analysis to be
12 able to evaluate what the potential comparative
13 effects would be of dumping one site versus using
14 the ocean site, for example. And they are
15 going -- and they are really going to have to
16 demonstrate a need to use the ocean site before. So
17 a lot of these are tied in specifically with these
18 specific projects that will be proposed over this
19 time frame, and that will have to be only
20 generically -- can be only generically assessed in
21 the EIS.

22 BILLY PASQUALE: It sounds like you're
23 speaking of a dynamic document and --

24 DAVE TOMEY: Yeah.

1 BILLY PASQUALE: -- that can really
2 change over time. Can we revisit it? And what is
3 the method that we can revisit this?

4 DAVE TOMHEY: What you are speak to
5 really is a Dredge Material Management Plan, and
6 maybe I'll have Jeff maybe talk to speak to that,
7 but that is essentially what that is, and that is a
8 statewide effort that is just beginning to get
9 underway right now. This will be a piece of it in
10 that we are looking at the ocean alternative to that
11 plan. That fits in with an overall plan that the
12 state will have combined with the Army Corps and the
13 EPA to be able to implement all the potential
14 alternatives that are going to, you know, be
15 protected to the environment, but still meet all the
16 needs of the Rhode Island area.

17 I don't know -- Jeff, do you want to
18 talk about the Dredge Material Management Plan?

19 JEFF WILLIS: I can very briefly just to
20 say that it is in its infancy. What the state is
21 trying to do is get some state funding that will be
22 issued following, which we haven't done, and I don't
23 expect to get it this legislative session, but we
24 could. We definitely are going to keep trying to

1 get that. We anticipate it's going to be a very
2 expensive proposition that will take many years to
3 complete. But like Dave had mentioned, any of these
4 processes that result in an option for the disposal
5 of dredged material would be a piece of that larger
6 comprehensive Dredge Material Management Plan. So
7 we have not started it in a comprehensive fashion.
8 We are starting it in bits and pieces, if you will,
9 trying to get the funding to do a comprehensive
10 plan.

11 BILLY PASQUALE: What is the requested
12 appropriation? What is the requested
13 appropriation?

14 JEFF WILLIS: We are asking for about a
15 million dollars.

16 BILLY PASQUALE: So we should support
17 it.

18 ROGER JANSON: I am going to move to
19 the -- this gentleman here.

20 DAVID JORDAN: David Jordan, commercial
21 fisherman.

22 I would like to know how many other
23 federal dump sites you guys are running in
24 New England. I know you mentioned Boston, and I

1 heard Portland. So that is at least two.

2 Is that the only other two you are
3 running -- currently running?

4 ROGER JANSON: Those two sites, the
5 Portland disposal site off of Portland, Maine and
6 the Mass. Bay disposal site are the only two fully
7 designated sites that are available in New England
8 right now. Currently, we are undergoing an EIS
9 process leading up to potentially the designation of
10 one or more sites in Long Island Sound, and --

11 DAVID JORDAN: That is going to be a
12 federal site, too, within -- within that? It's only
13 six miles wide there. That is going to be a federal
14 site?

15 ROGER JANSON: There will be one or more
16 sites in Long Island Sound. We can get into it when
17 we finish the question and answer period. I can
18 explain the complications of Long Island Sound,
19 because of certain amendments to the Marine
20 Protection Research and Sanctuaries Act. Long
21 Island Sound is treated differently than really the
22 rest of the universe when it comes to dredge
23 material disposal. So we are looking at that
24 process right now, and we would expect somewhere in

1 the future after having de-designated a site off of
2 Cape Arundel, Maine, as an interim site, looking
3 potentially to deal with a replacement for that site
4 over time, and it would serve parts of Maine and New
5 Hampshire needs.

6 DAVID JORDAN: So this will be the third
7 one in New England then, right?

8 ROGER JANSON: If we ultimately
9 designate a site. And I'm talking about designating
10 sites under MPRSA. There are many other sites that
11 are used under the auspices of the Clean Water Act,
12 but these -- this potentially has the potential to
13 become another designated site under the Ocean
14 Dumping Act.

15 DAVE TOMEY: You might be aware that the
16 Army Corps of Engineers has a monitoring program
17 called DAMOS, Disposal Area Monitoring System, and
18 we have -- those -- including the ones that Roger
19 mentioned, plus we have about ten sites that are
20 currently being overseen under a monitoring program
21 that generally are -- most of them are 404; in other
22 words, inland water sites, like in Buzzards Bay.
23 There is one in Cape Cod Bay. There is one in
24 Penobscot Bay near Rockland. And these sites are

1 all managed as either Clean Waters Act sites, or in
2 the case that Roger mentioned, the MPRSA sites. But
3 they are all managed under the DAMOS Program as
4 regional dumping areas for dredged material. There
5 is about ten of them throughout New England. Plus
6 there is project specific beach nourishment projects
7 as well throughout offshore of different beaches.

8 ROGER JANSON: But in the narrow sense
9 of designated sites right now, it's Portland and
10 Mass. Bay.

11 Bill, did you have something you wanted
12 to add?

13 BILL HUBBARD: Just in thinking through
14 a number you could use. There is about 30 regularly
15 used disposal sites throughout New England, you
16 know, just about, not including beach sites. There
17 is a lot of small sites that are used once every ten
18 years. Those are in total. We are talking ocean
19 disposal designation. And those are the ones that
20 Roger just mentioned.

21 DAVID JORDAN: But don't those sites
22 normally -- we have one here in the port, to take
23 care of this very local area. It's a state
24 designated site.

1 BILL HUBBARD: You have that land site
2 by the marsh.

3 KEVIN MANCHESTER: Yes. Don't those
4 other 30 sites just handle specific areas that they
5 are in close proximity to?

6 PETER BRODEUR: We are talking federal
7 sites, that's why.

8 BILL HUBBARD: Yeah. The ocean sites
9 will be, you know, probably mostly used by -- the
10 word bigger by the way, John, I think we were saying
11 bigger federal dredging projects, bigger marina
12 projects. Those marinas are only going to dredge or
13 even your port, you know, you are only going to
14 dredge to 5,000, 10,000 cubic yards. Federal
15 projects are hundreds and thousands of cubic yards.

16 PETER BRODEUR: Nobody from Boston is
17 going to dump any stuff here.

18 BILL HUBBARD: No, I don't think so.

19 PETER BRODEUR: And when you said 30
20 sites available, it seemed like they were mixing the
21 two. I didn't mean to --

22 BILL HUBBARD: You know, there's a lot
23 of dredging going on in New England. It's amazing
24 Rhode Island doesn't have, you know, sort of those

1 sites. I mean I forgotten you do have the upland
2 site you just built. Most states have a cadre of
3 sites they use for the local port. It can't more
4 than ten miles following the barges, that's the
5 bottom line.

6 ROGER JANSON: I'll take one last on
7 this side. Then we are going to move over here.
8 And the gentlemen sitting to Ken's right over there.
9 I forget your name, sir, but --

10 MICHAEL MARCHETTI: Mike Marchetti. I
11 just -- a couple small points or questions. The
12 Economic Impact Statement there, I mean, if you
13 look at some of your spot there on the chart there,
14 that is a pretty broad brush to paint with it there,
15 and these sites aren't any bigger than the head of
16 the eraser on my pen here on the chart. But it's a
17 large area. And the areas that it affects around it
18 is quite substantial.

19 And like it was mentioned before, there
20 are a lot of the fisheries besides lobstering,
21 dragging, gillnetting, clamming, sea scallops, and
22 you are talking quite a ways out there. Anyhow,
23 Point Judith is also the largest lobster port. I
24 don't know if you realize that. And a lot of that,

1 what we catch comes from this gray area that you
2 have right here. A lot of it.

3 This clean sand. I talked to I think
4 this gentleman here at the Fish Expo, the Army Corps
5 has had a booth set up in Providence at the Fish
6 Expo. I talked to them actually for quite some time
7 about my concerns, and they talked up the DAMOS
8 monitoring program, and I don't know, just call me
9 cynical. I just don't feel comfortable knowing that
10 every barge of sand that goes by me is the cleanest
11 and purest stuff and that it's just sand. I mean
12 you have got a lot of unknown contaminants that
13 aren't presently red flagged. For instance, the
14 amount of chlorine that you guys are putting in to
15 treat sewerage, how much of that has settled out?
16 And as it was pointed out by Ms. Norton there, how
17 much of it is presently capped underneath a lot of
18 the sand that has settled back over, and how much
19 will be released during dredging? How much will be
20 released into the water column after it's dumped?
21 It remains suspended. You are talking about a lot
22 of stuff that is going to affect a lot of us here
23 personally.

24 I mean if you are talking about stuff

1 that is too dirty and too toxic to dump on top of
2 the Johnson landfill cap, I mean I don't want it
3 where I'm fishing personally. This is getting back
4 into the town. But really, how can you assure me
5 that through just the DAMOS monitoring that this
6 stuff is just the cleanest and purest sand that
7 could be dumped on a beach somewhere?

8 DAVE TOMEY: Well, it's not just the
9 DAMOS monitoring. We -- as you may have heard
10 earlier, we have a fairly strict testing protocol
11 that we require every dredging applicant, and the
12 Corps does it for their own projects. We test for
13 chemistry of the sediments. We test for toxicity,
14 and this gives an overall toxicity, because all of
15 these contaminants work together. If you look at
16 each single contaminant separately, you are not
17 going to get a full picture of what that sediment
18 does when it gets disposed of. We also look at the
19 population, and we try to pick on things that we
20 call persistent bioaccumulative toxins. And that is
21 a mouthful. But what we are really looking for is
22 things that get into the food chain and can cause
23 toxic effects at high atrophic levels.

24 So what we do is we look at both from a

1 human health perspective and ecological perspective,
2 evaluate that test data and try to make an
3 assessment whether that is okay. We have fairly
4 strict criteria. Most people, most of these harbors
5 and port authorities are usually complaining,
6 because they think we are overtesting, but we do
7 have our requirements under the laws and these tests
8 have been fine tuned, and they have been in place
9 for a number of years and have -- have worked,
10 because the DAMOS program has gone out there in many
11 of the -- all our sites throughout New England that
12 we have monitored and have shown that the
13 recolonization after disposal is right on target,
14 and our capping techniques that we have used in Long
15 Island Sound are working and that -- and the effects
16 of disposal are generally relatively short-term, and
17 so we've got that kind of combination of free
18 testing the sediments before it gets dumped,
19 monitoring afterwards to give us a pretty good idea.
20 And we are doing this nationally throughout the
21 country. It has been a very good program out in the
22 West Coast on Puget Sound and other parts of the
23 country. In New York, we have done a lot of
24 testing, and we think that the protocols we have

1 developed are adequate and provide protection.

2 So, hopefully, the monitoring will
3 always prove that to be the case, but we are
4 always -- our monitoring program can be, as I
5 mentioned during my presentation, altered; or if it
6 shows some effect, we will certainly stop dumping
7 and can take action then.

8 MICHAEL MARCHETTI: You just have to
9 realize that my concern is that this dredging is
10 going to affect where I fish for the rest of my
11 fishing career. You have to understand that as for
12 you, as your job, imagine yourself being 30 years
13 old or 35 years old and something is going to affect
14 you for the rest of your working life.

15 Thank you.

16 ROGER JANSON: Now we will move back to
17 this side of the room. Any additional concerns?

18 Ma'am.

19 MICHELLE KOMAR: Yes, thank you.

20 In light that the Dredge Material
21 Management Plan may not be available for your use,
22 let's hope it is though, maybe their program could
23 pick up a study, and I concur with Ms. Norton's
24 comments to identify the landside sources of

1 sedimentation. Maybe that could be done better on a
2 state level and just with our TNPL program at CBM,
3 and just have a good database to identify some
4 landside sources.

5 JEFF WILLIS: That 's where it will be
6 done.

7 MICHELLE KOMAR: All right.

8 JEFF WILLIS: We've already thought of
9 it.

10 MICHELLE KOMAR: Great. Then I want to
11 ask you, because their report may identify these,
12 too. But I know you are the New England branch of
13 the Army Corps, and you are getting to know Rhode
14 Island better for our dredging projects.

15 ROGER JANSON: I am actually New England
16 Region EPA, but --

17 MICHELLE KOMAR: Okay.

18 ROGER JANSON: -- we are somewhat
19 inseparable in this process.

20 (Laughter.)

21 MICHELLE KOMAR: My question is, so far
22 what you know of the state, what do you think
23 besides the physical amount of dredged disposal
24 material, what are the landside disposal impediments

1 that you see on a regulatory standpoint, both state
2 and local; and if you don't know them, how are you
3 going to like inventory these things as part of your
4 analysis for landside use?

5 RALPH BOZZI: Test the results, the
6 results.

7 ROGER JANSON: Well, I personally don't
8 know them, but as we go through the process we will
9 and the people who are preparing the documents will
10 analyze and will look at the various perhaps
11 impediments and barriers to landside or upland
12 disposal as we call it.

13 MICHELLE KOMAR: All right. So what the
14 goal would be is to work together to lift these
15 impediments if possible, if they are regulatory and
16 require legislation. Or on the local level --

17 ROGER JANSON: I mean I don't want to
18 cut right to the chase, but if the State of Rhode
19 Island were to identify and dedicate a site for all
20 dredged material disposal on an upland site then
21 that may provide a very viable and real option for
22 many dredgers. I don't know if the State of Rhode
23 Island is ready to do that. That is not something
24 we can control through the EIS process. We can beg,

1 borrow and steal from the approximately 165 or so
2 sites that have already been looked at in the
3 Providence River and harbor project, and certainly
4 we intend to look at that analysis. Sometimes, and
5 this is where this process differs from a
6 project-by-project analysis, upland disposal and
7 local behind-the-bulkhead disposal for a specific
8 project is a very viable alternative, but it may not
9 be the only alternative available for every single
10 project in the state. It depends on -- and this is
11 for any state anywhere in the country. I don't know
12 of any state that borders a coastline, or does
13 inland dredging that has a dedicated upland disposal
14 site that services everybody.

15 MICHELLE KOMAR: It might be on such a
16 level that it's not really a site. It's a
17 regulatory problem with dewatering and transport.
18 Whether its DMA put a lien on a property or treat
19 material in effect as being contaminated no matter
20 if it's clean or not whether it's dewatering. Or
21 there might be a local regulation that prohibits the
22 transport across the municipal lines of dredged
23 material.

24 How are we going to identify those

1 impediments? And I know you are going to work on a
2 baseline. You're not there to solve the problem,
3 and I guess --

4 RALPH BOZZI: That is the problem.

5 MICHELLE KOMAR: I want to address the
6 people from the state here to try to introduce
7 legislation to release these impediments.

8 ROGER JANSON: I saw Sandra had her hand
9 up back there.

10 SANDRA WHITEHOUSE: There was -- just
11 speaking of legislation as being referred to, bills
12 that are pending before the House -- sorry. Sandra
13 Whitehouse, environmental consultant.

14 There are three pieces of legislation
15 that would hopefully make upland disposal easier.
16 One of them is the creation of a dewatering site.
17 We are currently looking at four separate dewatering
18 sites. All of them look like they are costly really
19 viable options. They are scattered throughout the
20 state. One of them is the redefinition of dredged
21 material as not being a mandatorily cold solid
22 waste, but rather dredged material that would be
23 considered and investigated as to how contaminated
24 it was.

1 And the third one would be to remove a
2 deed restriction currently. If you want to put any
3 dredge material, even if you put clean sand in an
4 upland site, you have to incur a deed restriction.
5 This piece of legislation would require only deed
6 restriction if the material had any contamination in
7 it.

8 But I think that those things are, you
9 know, would be more prone to the state. Certainly,
10 if those people's legislation pass, CRMC working to
11 develop and implement the plan will be working very
12 closely with federal agencies on that. And we would
13 be promoting upland sites for disposal if we had the
14 dewatering and those impediments removed. But I
15 think -- I'm not sure if this is the proper forum to
16 go into the details of discussing all that
17 legislation. I want to take some of the burden off
18 of the EPA for trying to field that question.

19 RALPH BOZZI: Well, we don't a forum
20 anywhere else to discuss it. This is the only
21 public meeting we get. We always go around it. I
22 mean every time we get to the point, it's always
23 next time on state or federal level.

24 SANDRA WHITEHOUSE: This is not a

1 legislative hearing. All of those bills
2 have -- will have legislative hearings. One of them
3 already had a hearing. The other two, I believe,
4 will be heard by the appropriate subcommittees.
5 They are all public noticed before the hearing takes
6 place.

7 RALPH BOZZI: Yeah, but that is all
8 legal stuff. We want to know about the basic facts.

9 ROGER JANSON: Okay. Before we debate a
10 specific Rhode Island legislative initiative here,
11 we will in our analysis of the upland alternative,
12 or in any beneficial reuse alternative, we will look
13 at the basic state laws that may or may not be
14 impediments to that particular option, and that will
15 be part of the analysis.

16 Is there anybody here who would like to
17 ask a question who hasn't yet asked one before? Are
18 there other questions?

19 Yes, sir.

20 RALPH BOZZI: Can I ask -- one basic
21 question. We're jumping from knowing the procedure,
22 and we are going from Rhode Island, New England back
23 to local. There is a big gap here. Now, she
24 doesn't want to know about the state, because that

1 is a -- that is -- you are under the federal. We
2 are jumping all over the thing, and I have been
3 spending six months I am no further satisfied. I am
4 good educated, but we are not making any progress on
5 the state level, on CRMC, with the people, local,
6 and the fishermen. I mean we're doing a lot of
7 talking, but we don't have any results from the
8 state level, the local level, and then we could go
9 to the federal level to Boston and New York and the
10 Sounds. We are jumping all over the map here. I
11 don't understand how we are going to put this
12 together.

13 ROGER JANSON: I'm having a little
14 trouble in understanding what results it is you
15 want, but let me bring it into the context of what
16 we're doing.

17 As we go through this process, we will
18 have check-in points from time to time with
19 everybody who is an interested player in this
20 particular project. We will tell you where we are,
21 what -- kind of the broader range of alternatives
22 and options we're looking at. Then at some point in
23 time down the road, we will come out with a draft
24 Environmental Impact Statement. That will take you

1 through the analysis that we undertook to arrive at
2 a recommended alternative, or set of alternatives;
3 and again, I do want to re-emphasize that we do
4 have --

5 AUDIENCE PARTICIPANT: Why don't you
6 folks take the talk outside, because I can't hear
7 you, and there is talk in the back and --

8 ROGER JANSON: Larry. Larry, this
9 gentleman is having trouble hearing what I'm saying.

10 Thank you, sir.

11 That will lay out the full -- really the
12 full range of alternatives that we have analyzed.
13 We will give you a sense of why we have rejected
14 something, or why we are supporting something as we
15 move from the draft stage to the final stage. At
16 the draft stage, you all and any other interested
17 constituency in this area, in this State of Rhode
18 Island, in Southeastern Mass. or, you know, even
19 literally, the entire world can comment on that EIS,
20 give us their point of view, make whatever comments
21 they believe are the salient points they want us to
22 consider. We have to consider those comments we
23 receive.

24 We will then take those comments along

1 with the draft EIS, any additional work that we feel
2 is necessary to bring the EIS up to what we feel is
3 the standard that we want to put forth for ourselves
4 for an acceptable product, and it will go out as a
5 final. There then is another 30 day comment period
6 after that after before the final record of decision
7 is issued, and we would move forward to any kind of
8 rulemaking process to designate a site.

9 But with regard to either local issues,
10 specific local projects, or particular state issues,
11 whether it's with CRMC, whether you might have the
12 DEP involved or the DEM in Rhode Island -- I'm
13 sorry -- we will look at their interplay and their
14 workings with us as we go through this and we -- I'm
15 sure we will be talking with CRMC folks, for
16 example, and they will play a role in commenting to
17 us. They have in the past, and I don't expect that
18 they are going to shy away from that this time
19 around either. But that is what we are going to do.
20 That is what we told you we would do at the
21 beginning, and that is what we will promise to do
22 right up to the end.

23 Now, one thing I have to ask of all of
24 you here, as I did last Thursday night, is you have

1 to bear with us in this process. This process
2 doesn't yield results overnight. As you've heard
3 tonight, there is a very wide-ranging universe of
4 viewpoint here, and opinion. There are those maybe
5 not as well represented here as those of you who
6 have taken your time to come out and give us very
7 good comments tonight, who would argue on the other
8 side of the issue. We expect to hear from them as
9 well on this process. This becomes a real balancing
10 act for us. We have to take all of these opinions
11 into account and come out with what we feel is a
12 good solid recommendation.

13 All I ask is you bear with us, you stay
14 with us on this, you participate. That doesn't mean
15 you're going to like what we do, and we may not
16 resolve or solve every comment or question to any
17 one individual's satisfaction. We will try to do
18 the best job we can to come out with a product. And
19 that's about all I can say at this point.

20 I think we have one last question over
21 here, sir.

22 KEVIN MANCHESTER: I'm just curious.
23 Whose responsibility was it --

24 MODERATOR ROSENBERG: Could you stand up

1 and just --

2 KEVIN MANCHESTER: Kevin Manchester.

3 Who was responsible for deciding the
4 scope of this, this dumping ground, and what would
5 be a feasible scope? And was it strictly an
6 economic criteria?

7 DAVE TOMEY: Well, I could speak to
8 that. We are going to -- we haven't actually. This
9 is an initial cut that was done 15 years ago when
10 the EPA and the Corps tried to go through a
11 designation process at that time. And we are going
12 to update all the dredging information that we can
13 get. In other words, identify dredging centers
14 throughout the Southeastern Massachusetts and Rhode
15 Island area to figure where the dredging material
16 will come from, and we'll do an updated analysis of
17 what the economic distance, haul distances people
18 could pay, are willing to pay. We will do surveys
19 to try to assess the distances would be reasonable.
20 We'll also try to look at other aspects. As we get
21 into the process, we'll explain better how we
22 actually look at the zone of -- develop our sort of
23 siting feasibility. We haven't actually done that.
24 This is just a first cut right now, based on some

1 previous work that was down, as I said, 15 years
2 ago. So we'll, working with the public, as we had
3 done with Long Island Sound, come up with our
4 reasons and give you time to comment. You know,
5 maybe we should expand it all the way out to 100
6 miles to the shelf. You know, those kinds of things
7 will have to be all discussed and evaluated as part
8 of this process. It could be smaller than that
9 area. It could be larger.

10 Back in 1985, I think, we went out to
11 the east coast of Cape Cod as far as, you know, so
12 I -- because there was dredging centers around
13 Hyannis that wanted to be include in this process.
14 We'll scope that out here. Maybe we should go that
15 far, but for now, we thought that that, you know,
16 southwestern part of Rhode Island, it's in
17 Massachusetts, and the entire coast of Rhode Island
18 should at least be considered in this first cut.

19 KEVIN MANCHESTER: Thanks.

20 ROGER JANSON: Before I turn the mike
21 off, is there anybody else that has a last question
22 or so? Otherwise --

23 RALPH BOZZI: One more question about
24 that. We're talking -- is there any way that they

1 have -- on the three levels, local, state, if they
2 could, people give suggestions of designated sites
3 like big holes, like a Plainfield Pike. I know they
4 are taking stuff from the Big Dig. Somebody -- the
5 Big Dig is being transported to Rhode Island, in
6 Johnston, as we speak. Now, that is from
7 Massachusetts. Now, I don't know if those sources
8 are reliable, but the truck drivers that I know are
9 telling me that this stuff is coming from
10 Massachusetts, and that is stuff from the Big Dig,
11 and they are doing some work on the Plainfield Pike
12 in the central landfill. Now, we are taking stuff
13 from the, you know, the Big Dig and we can't solve
14 something on land in Rhode Island. I don't
15 understand. This is something we are talking, you
16 know, in the water, but what about something on land
17 with the EPA and the Army Corps?

18 ROGER JANSON: You hit on precisely one
19 of the reasons why we are here, and that is to take
20 suggestions from everybody. If you or anybody else,
21 other constituents, other associates of yours know
22 of sites, or sites that you would like us to
23 consider, I can only urge you to get those into us
24 early, and quite frankly, vote often. Let us know

1 about it. Because we'll fold that into our
2 development of the scope of work, and we will look
3 at it.

4 RALPH BOZZI: Thank you.

5 MICHELLE KOMAR: For us to give you that
6 information, what is the time frame since timing is
7 critical here? Like for instance, the relocation of
8 195. They are looking for fill material.

9 ROGER JANSON: Right.

10 MICHELLE KOMAR: But what is the time
11 frame for these dredging projects so we can fit them
12 into what is available in the state?

13 ROGER JANSON: Well, that's not
14 something I have an immediate answer for, because
15 again, what we are looking -- what we are looking to
16 do and work towards is the designation of the site
17 or sites, I have to say, for long-term dredge
18 material disposal. The use of a site or sites, the
19 frequency is depending on any number of factors,
20 which I simply can't predict, but what I would
21 suggest you do do is you get into touch with the
22 Corps of Engineers again, Larry Rosenberg, through
23 the information that he has in the back of the table
24 here and where to address the Corps.

1 In terms of projects that are on the
2 drawing board and may be ready to go, can give you
3 some indication of what might be available.

4 DAVE TOMEY: May I add to that? As I
5 mentioned earlier, we are going to be looking at
6 projecting based on the past dredging needs what
7 future needs might be, and also polling the various
8 projects, private as well as federal, to kind of get
9 an idea of what their, you know, what they
10 anticipate to be so we will be able to project out
11 maybe over on an annual basis over a 20-year period
12 where we think dredging projects will be generated
13 from and how much volume will be potentially part of
14 that projected amount so we could -- those kinds of
15 things we are going to make some projections on
16 just to establish -- relook at the whole issue of
17 needs to have these sites available.

18 MICHELLE KOMAR: That will be like in
19 your EIS?

20 DAVE TOMEY: Yes, it will be.

21 MICHELLE KOMAR: That's great.

22 DAVID TOMEY: Right.

23 ROGER JANSON: Monica, did you have --

24 MONICA STILLMAN: I just want to -- it

1 sounded to me like she was asking if she knew of a
2 project that needed fill right now, would that be
3 folded into this? And the answer is that it won't.

4 ROGER JANSON: No, that's right. That's
5 what I said, it won't.

6 MONICA STILLMAN: A regular avenue for
7 looking for at that would be --

8 ROGER JANSON: A project-specific basis.

9 MONICA STILLMAN: -- through whatever
10 permitting mechanisms that are going on right now
11 so...

12 ROGER JANSON: Right. But that is
13 something you could talk to the Corps directly about
14 or...

15 MONICA STILLMAN: Or the state
16 permitting authority.

17 ROGER JANSON: Yeah. And get a sense --

18 MONICA STILLMAN: They are the ones
19 wrestling with people who have pending applications
20 right now who are to dredge. And they are not going
21 to wait four years for us to finish this up.

22 ROGER JANSON: Well, on behalf of the
23 Corps -- did you have a question? I'm sorry.

24 HARVEY DAVIES: Yes, Harvey Davies.

1 Will this mean there will be no in-bay
2 dumping over the next three years?

3 Will this put a hold on it?

4 ROGER JANSON: No, this is not related
5 to the potential use of any site in the Bay this
6 year, next year, or, quite frankly, even ten years
7 from now, because that decision might be very
8 project specific and may not use any designated site
9 out in the ocean.

10 On behalf of the Corps of Engineers and
11 also the EPA, and certainly for others that chose to
12 participate tonight, we certainly thank you all for
13 taking your valuable time and coming to meet with
14 us, give us your views, your opinions and your
15 suggestions. And again, we urge you to continue to
16 stay in contact with us, and we will do our best to
17 stay in contact with you.

18 Thank you for coming.

19

20 (Whereupon, at 9:37 p.m., the hearing
21 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 II, is a true and accurate transcription of my stenographic notes taken on May 22, 2001.

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Marianne Kusa-Ryll, CSR, RPR