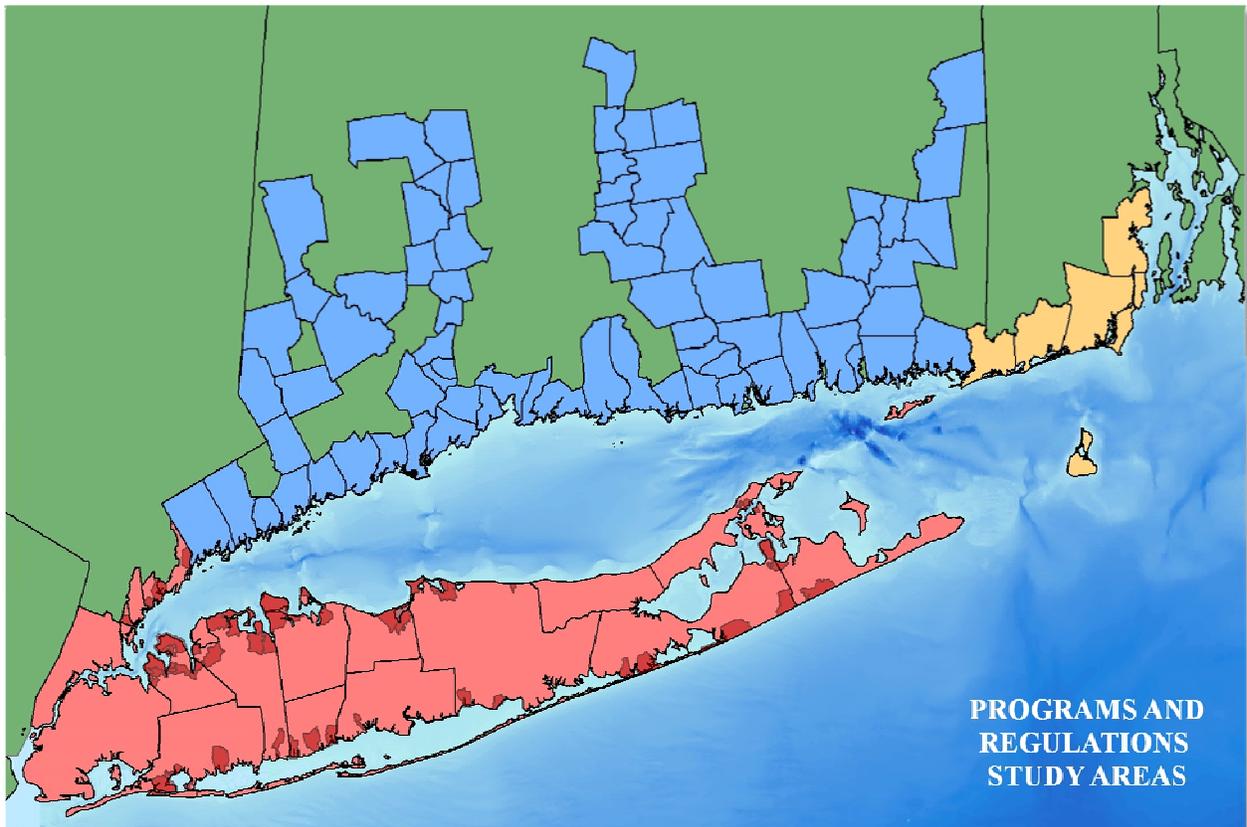


FINAL REPORT

LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN (DMMP)

Federal, State, and Local Regulations and Programs Applicable to Dredged Material Management



**US Army Corps
of Engineers®**
New England District

Final August 2011

FINAL REPORT

**Long Island Sound Dredged Material Management Plan
Federal, State, and Local Regulations and Programs Applicable to
Dredged Material Placement in CT, NY, and RI**

August 2011

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**US Army Corps
of Engineers®**
New England District

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LIST OF ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
AQCR	Air Quality Control Region
BCP	Brownfield Cleanup Program (New York)
BUD	Beneficial Use Determination
CAA	Clean Air Act
CAD	Confined Aquatic Disposal
CCMA	Connecticut Coastal Management Act
CDF	Confined Disposal Facility
CEQ	Council on Environmental Quality
CLIS	Central Long Island Sound Disposal Site
CMP	Coastal Management Plan
Corps	United States Army Corps of Engineers
CTDEP	Connecticut Department of Environmental Protection
CTDOT	Connecticut Department of Transportation
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DMMP	Dredged Material Management Plan
EA	Environmental Assessment
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EJ	Environmental Justice
EPA	United States Environmental Protection Agency
FERC	Federal Energy Regulatory Commission
FHPO	Federal Historic Preservation Officer
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration
LIS	Long Island Sound
LWRP	Local Waterfront Revitalization Program (New York)
MBTA	Migratory Bird Treaty Act
MMPA	Marine Mammal Protection Act
MPRSA	Marine Protection, Research, and Sanctuaries Act
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NYSDEC	New York State Department of Environmental Conservation
NYSDOS	New York State Department of State
NYSDOT	New York State Department of Transportation
RCRA	Resource Conservation and Recovery Act
RICRMC	Rhode Island Coastal Resources Management Council
RIDEM	Rhode Island Department of Environmental Management

RIDOT	Rhode Island Department of Transportations
RSA	Regulation of State Agencies (Connecticut)
RSR	Remediation Standard Regulations (Connecticut)
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan (for air quality)
THPO	Tribal Historic Preservation Officer
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
WLIS	Western Long Island Sound Disposal Site
WQC	Water Quality Certification

1.0 INTRODUCTION

1.1 Background

In June 2005, the U.S. Environmental Protection Agency (EPA) designated two open water dredged material disposal sites in Long Island Sound (LIS). These sites provide long-term, environmentally acceptable placement options for potential use by Federal, state, municipal, and private entities, which must dredge river and harbor channels, anchorages, turning and maneuvering basins, marinas, and other tidal and subtidal areas in the LIS region in order to maintain conditions safe for marine commerce and recreational navigation and other purposes. The Final Rule “Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound, Connecticut” (40 CFR 228.15(b)(4)) anticipated the development of a regional Dredged Material Management Plan (DMMP) for LIS. Subsequent to the publication of the Designation Rule, EPA, the U.S. Army Corps of Engineers (Corps), and appropriate Federal and state resource agencies agreed to partner in the development of a LIS DMMP.

The LIS DMMP will include an in-depth analysis of all potential dredged material management alternatives including beneficial use, innovative treatment technologies, and upland placement. The placement of dredged material at open-water sites will be included in the DMMP only within the parameters as set forth in 40 CFR 228.25(b)(4), which requires that the DMMP reduce or eliminate the open-water disposal of dredged material within LIS. The DMMP will identify base and recommended management plans for the Corps (e.g. dredging Federal channels), and could be used by other dredging proponents such as state and municipal agencies (e.g. dredging harbor/berth areas), and private entities (e.g. berths, marinas, shoreline improvements) to develop project alternatives for the placement of material dredged from LIS and contributing watersheds. This dredged material management alternatives analysis is anticipated to be effective for a minimum twenty-year period, beginning in 2013 upon completion of the DMMP and extending through 2033.

This review of regulations and programs applicable to dredged material management options has been prepared to help support development of the DMMP and will be included as supporting information to the overall DMMP document.

1.2 Purpose

The objective of this report is to provide an overview of the related Federal, state, and local regulations as well as programs and policies that are applicable to dredged material placement from dredging within the LIS study area which includes the Sound and its harbors and tributaries in New York, Connecticut, and Rhode Island. This information will be used to identify any institutional constraints associated with a wide range of placement and beneficial use options available to applicants for proposed dredging projects. This report has been organized into Federal and individual state sections to aid in its use in screening dredged material management alternatives in support of the LIS DMMP and future dredging projects.

It should be noted that this report has been prepared as a support document for DMMP development. The report provides a listing of regulations as they currently exist and is not intended to be used as formal legal guidance to dredging proponents.

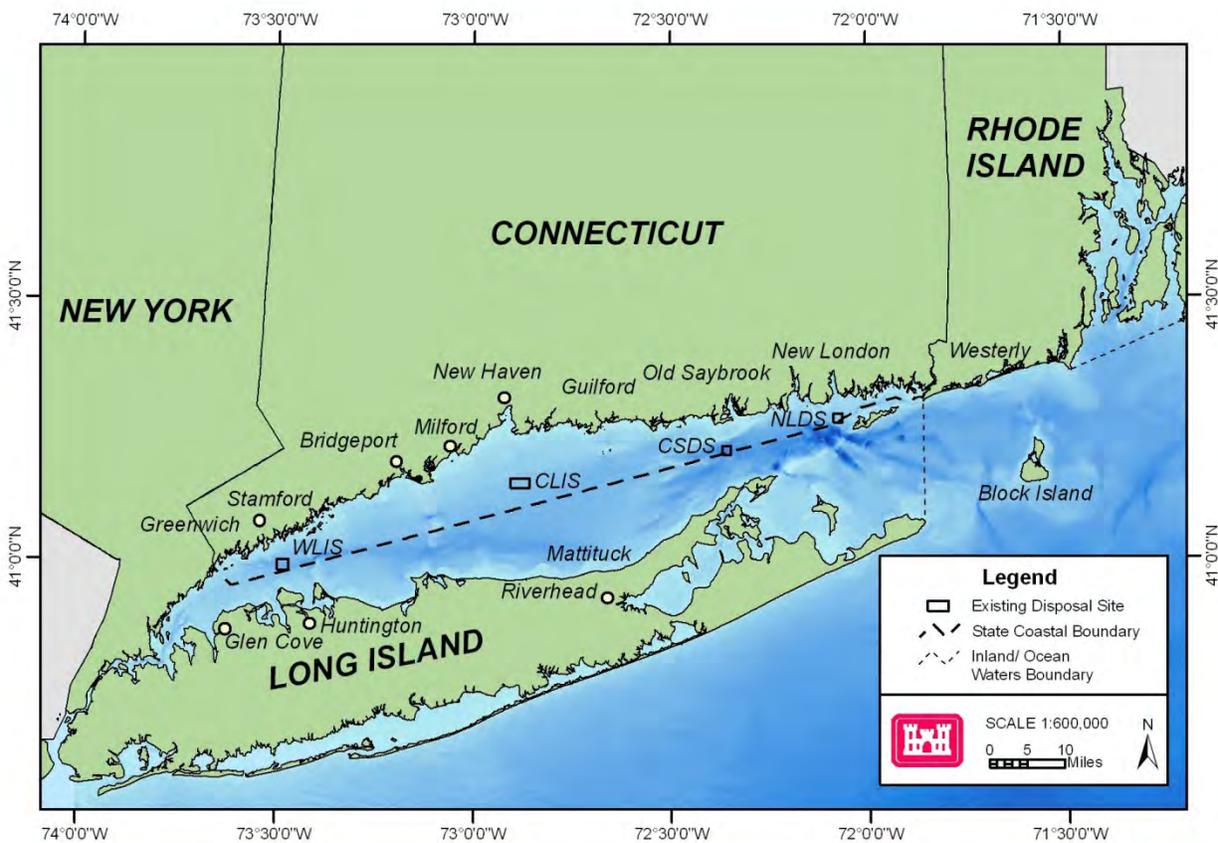


Figure 1. Long Island Sound State and Coastal Water Boundaries

2.0 METHODS

2.1 Study Location

The study area for this report included both aquatic and upland areas (Figure 2). Aquatic areas included the open waters of LIS, as well as coastal and navigable tributary waters extending from the East River at Throgs Neck, New York along the southern shore of LIS to Montauk Point, New York and along the northern shore through Connecticut to Westerly, Rhode Island. Upland areas included coastal areas adjacent to LIS as well as areas identified within the *LIS DMMP – Upland, Beneficial Use, and Sediment Dewatering Site Inventory* (USACE 2009) adjacent to major roadways and navigable tributary waters (Figure 3). Specific areas within each state included the following:

New York – the entirety of Long Island given the potential for beneficial use of dredged material in areas not directly adjacent to the Sound; mainland areas adjacent to the Sound including a portion of Westchester County, Bronx Borough, and Manhattan Borough.

Connecticut – all coastal municipalities adjacent to LIS; inland municipalities following major roadways or portions of the larger rivers (Norwalk, Housatonic, Connecticut, Thames).

Rhode Island – coastal municipalities adjacent to the eastern end of LIS and Block Island Sound.

2.2 Study Methods

The regulation and program review followed a multi-step process including web-based searches and telephone interviews:

- Federal, state, county, and municipal websites were searched to identify applicable regulations and programs related to potential dredged material management within the study area and included the range of management activities from transport to final placement/beneficial use. Specific contact information for relevant agencies/programs is provided in Appendix A.
- A series of questions was developed to provide consistency in discussions with the various agencies and organizations, provided in Appendix B.

- Up to three attempts were made to contact all of the identified agencies/organizations by phone to work through the series of questions (refer to Appendix A for response rate).
- The results of the web-based searches, as well as the information obtained from the phone interviews, were compiled into the summaries presented in Section 3 for Federal regulations and in Sections 4, 5, and 6 for the states of Connecticut, New York, and Rhode Island, respectively.

2.3 Management Options to be Considered

A wide range of dredged material management options were identified in order to assess the applicability of the various regulations and programs, as 40 CFR Part 228 supports the goal of eliminating or reducing open water disposal into LIS. The potential management options included:

Open Water – The placement of dredged material at formally designated sites or project-specific selected sites via split hulled scow or hopper dredge. This can include sites where the dredged material is expected to form a mound on the bottom of the water body as well as dispersal sites where current action is expected to redistribute the placed material.

Island CDF – The creation of a dike or sheet-pile enclosed containment area or confined disposal facility (CDF) within a water body and the subsequent placement of dredged material within the contained area resulting in an expanded or new island rising above mean high water. Such islands could provide environmental restoration opportunities such as the creation of upland bird habitat and/or salt marsh habitat. Dredged material may be mechanically or hydraulically placed. The initial creation of the CDF may trigger different/additional permitting requirements than the subsequent filling with dredged material.

Shoreline CDF – The creation of a dike or sheet-pile enclosed containment area adjacent to existing shoreline and the subsequent placement of dredged material within the contained area resulting in expanded land area. As stated above, this could create additional habitat creation or restoration opportunities. Dredged material may be mechanically or hydraulically placed. The initial creation of the CDF may trigger different/additional permitting requirements than the subsequent filling with dredged material.

Harbor CAD – The use of an existing bathymetric depression or the creation of a depression (through dredging) to allow for confined aquatic disposal (CAD) of dredged

material into the depression. This approach is typically used to dispose of sediment determined unsuitable for open water placement because of elevated chemical constituents or biological toxicity that require it to be sequestered from surficial sediment and the overlying water column. Dredged material may be mechanically or hydraulically placed.

Direct Beach Nourishment – The direct placement of dredged material on the beach berm or in the intertidal or immediate subtidal zone to augment an existing beach. The dredged material is typically placed hydraulically and then mechanically distributed over the beach.

Nearshore Beach Nourishment – The placement of dredged material in shallow waters offshore of a beach with the goal of introducing material into the mobile sediment pool (i.e., littoral drift) that can be transported to the beach by tide/wave action. Dredged material may be mechanically or hydraulically placed.

Marsh/Mudflat Restoration/Creation – The in-water placement of dredged material to bring the depth of the area to shallow subtidal or intertidal elevation or the augmentation of material in an existing marsh/mudflat system. Dredged material may be mechanically or hydraulically placed.

Upland Fill – Coastal – The placement of dredged material in an upland (above mean high water) area abutting a water body such that road- or rail-based transport is not required. Dredged material may be mechanically or hydraulically placed and may require dewatering prior to placement.

Upland Fill – Inland – The placement of dredged material in an upland area that requires truck- or rail-based transport from a coastal/water offloading area. Dredged material may be mechanically or hydraulically placed and may require a shoreside dewatering/processing area for use prior to transport and placement.

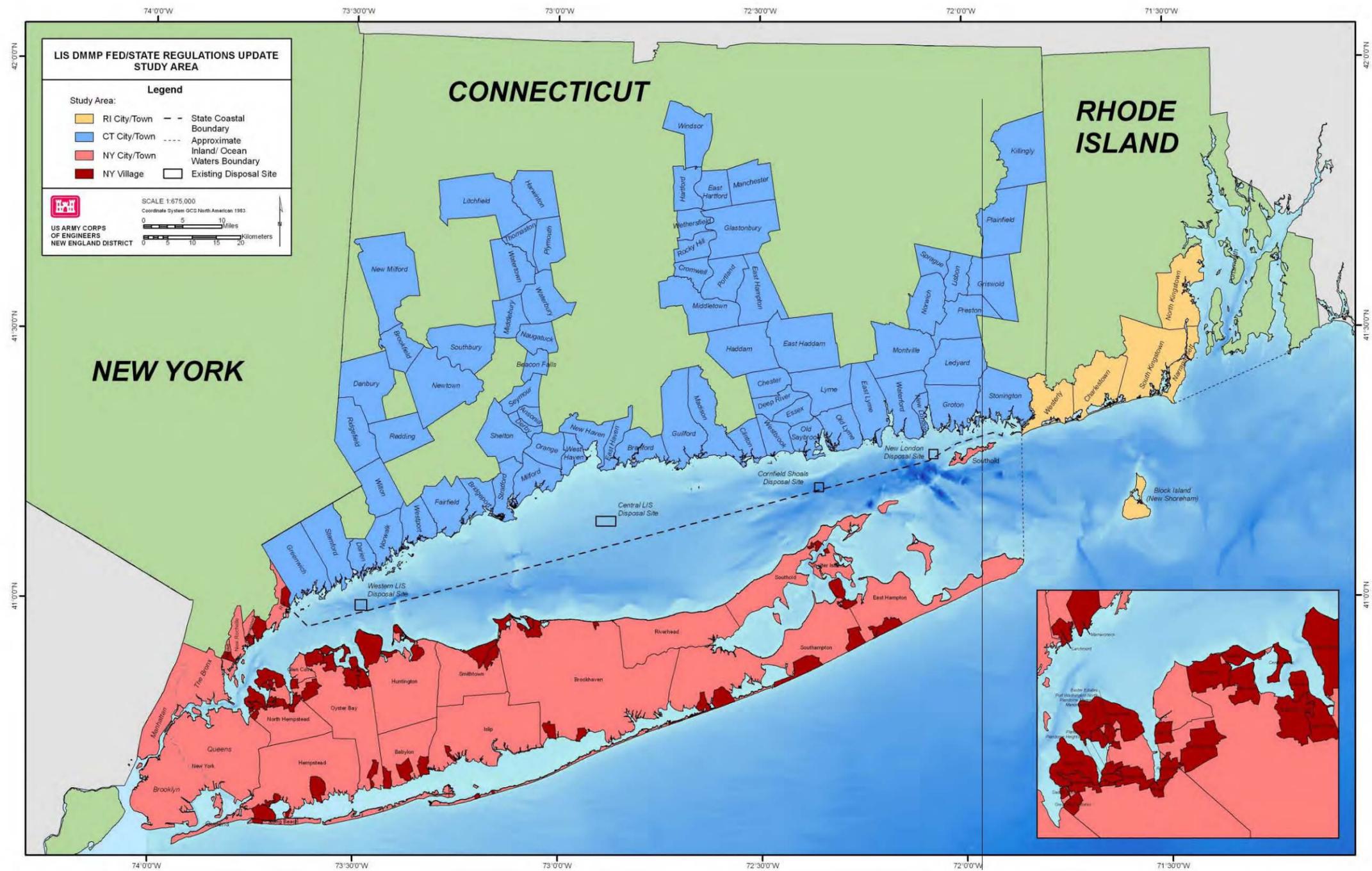
Brownfield/Redevelopment – Brownfield sites constitute a subset of upland fill sites that involve the reuse or redevelopment of older developed sites typically complicated by the presence of contaminants in building materials, the underlying soil, or groundwater. These sites are common in older port areas and are designated as a separate project category from upland fill because of the programs designed to streamline beneficial reuse of the sites.

Transportation Projects – The placement of dredged material in an upland area as roadway base material or landscape contouring for transportation projects. Dredged material may be mechanically or hydraulically placed and may require a shoreside

dewatering/processing area for use prior to transport and placement. Dredged material of a sandy or gravelly consistency is typically required for use as roadway base, but finer material may be used for landscape contouring.

Aggregate Processes – The incorporation of dredged material into feedstock at a facility producing construction-related aggregates such as concrete or asphalt batching plants. The dredged material may require dewatering/processing prior to transport to the aggregate facility. Typically this requires dredged material of a sandy or gravelly consistency or material that has been amended.

Figure 2. LIS DMMP Federal/State Regulations Study Area



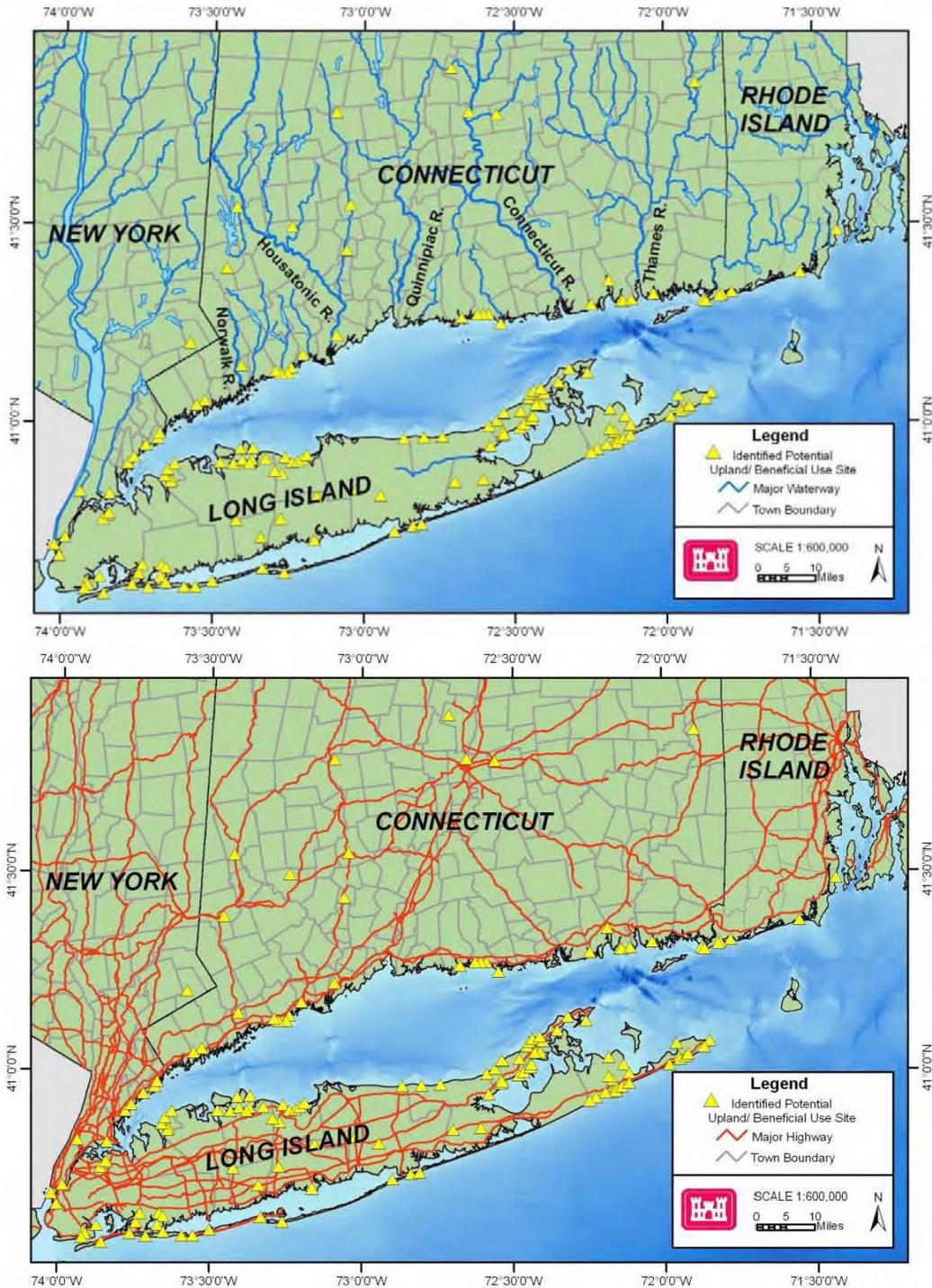


Figure 3. Waterways and Major Roadways Evaluated in Selecting the Study Area

3.0 FEDERAL ACTS, REGULATIONS, AND PROGRAMS

Some of the Federal regulations described below require the states' involvement to implement and, in some cases, enforce the goals of a particular act (e.g. Clean Water Act, Coastal Zone Management Act, Clean Air Act). For these regulations, a general description is provided in Section 3, and more specific information is provided within each state section (4-Connecticut, 5-New York, and 6-Rhode Island).

3.1 Clean Water Act

Summary: The Clean Water Act (CWA) was drafted with the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. The CWA regulates the discharge of pollutants into the Nation's surface waters, including lakes, rivers, streams, wetlands, and coastal areas. Passed in 1972 and amended in 1977 and 1987, the CWA was originally known as the Federal Water Pollution Control Act. Sections 401 and 404 of the CWA are particularly relevant to the regulation of dredged material placement.

Section 404 of the CWA governs the discharge of dredged or fill material into waters landward of the baseline from which the territorial sea is measured (the "Baseline"). The Baseline generally follows the coastline, but may cut from a point of land across the mouth of bays and other like bodies of waters to another point of land, thus potentially leaving significant areas of coastal waters landward of the Baseline. This is the case for LIS, with the Baseline bisecting Block Island Sound and the entire LIS falling landward of the Baseline (Figure 2).

Any placement of dredged material into waters landward of the Baseline must first be authorized by the Corps and must be conducted in compliance with the conditions of such authorization. The basic premise of the Section 404 regulation is that no discharge of dredged or fill material may be permitted if a practicable alternative exists that is less damaging to the aquatic environment. In other words, the permittee must show to the extent practicable, steps have been taken to: (1) avoid aquatic environmental impacts to the extent possible; (2) minimize any remaining impacts on the aquatic environment; and (3) compensate for those impacts that are unavoidable.

It should be noted that for Federal dredged material placement projects undertaken by the Corps itself, the Corps does not actually issue itself a permit, but rather applies the same standards and general procedures under the CWA to determine whether the placement should be authorized. In making its permit decisions and recommendations

under its civil works program, the Corps applies the standards and criteria set forth in EPA regulations commonly referred to as the “CWA § 404(b)(1) Guidelines,” which are promulgated at 40 CFR Part 230. The Corps also applies its own regulations promulgated at 33 CFR Parts 320 to 338. In addition, other provisions of applicable law must also be satisfied (e.g. applicable state water quality standards, applicable requirements of state coastal zone management plans).

The LIS waters are also regulated jointly as ocean waters subject to Section 103 jurisdiction through an amendment of the Marine Protection, Research, and Sanctuaries Act (MPRSA). Placement of dredged material in the waters of LIS from any project that is a Federal action or from any non-Federal action involving more than 25,000 cubic yards must comply with MPRSA as discussed below in Section 3.2

Under **Section 401** of the CWA, an applicant proposing any activity requiring a Federal permit that will result in a discharge, as defined under the CWA, to water or wetlands subject to Federal jurisdiction is required to obtain a state certification (Water Quality Certification, WQC) to ensure that the project will comply with state water quality standards.

Examples of Federal licenses and permits subject to Section 401 WQC include the CWA Section 402 National Pollutant Discharge Elimination System (NPDES) permits in states where EPA administers the permitting program, CWA Section 404 permits for discharge of dredged or fill material issued by the Corps, Federal Energy Regulatory Commission (FERC) hydropower licenses, and Rivers and Harbors Act Section 9 and Section 10 permits issued by the Corps for activities that have a potential discharge in navigable waters. Although a WQC can be an effective tool for protecting water quality, it is limited in scope and application to situations involving Federally-permitted or licensed activities that may result in a discharge to a water of the United States. If a Federal permit or license is not required, or would authorize impacts only to areas not considered waters of the United States, the activity is not subject to CWA Section 401.

Applicability: The CWA has particular relevance to coastal open water, nearshore, and shoreline placement of dredged material within LIS, adjacent harbors and bays, and associated tributaries. In addition to in-water placement of dredged material, activities requiring Section 404 permits include any other activity involving the discharge of dredged or fill material into waters of the U.S. including return water from dredged material placement on upland areas as well as placement of any suitable fill material (e.g. rock, sand, silt) used to construct land reclamation for site development, roadways, erosion protection, etc. This regulation has similar applicability to Federal, state, local, and

private projects. Example projects for which the CWA has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
CWA	x ¹	x	x	x	x	x	x	x ²	x ²	x ²	x ²	

¹ see additional open water regulation in Section 3.2

² related to dewatering discharge or fill placement into waters of the United States

Administered By: The CWA is administered by the EPA, which sets water quality standards, provides enforcement, and helps state and local governments develop their own pollution control plans. The Secretary of the Army, acting through the Corps’ Chief of Engineers, is authorized to issue CWA Section 404 permits, after public notice and opportunity for public hearings, for the discharge of dredged or fill material into waters of the United States.

Projects subject to a Section 404 permit under the CWA would also be required to obtain a Section 401 WQC from the appropriate state prior to receiving a Section 404 Federal permit. Additional information on administration of the state WQC program is described in more detail below in Section 4.2 (Connecticut), Section 5.2 (New York), and Section 6.2 (Rhode Island).

For More Information: Additional information on the CWA can be found in the Code of Federal Regulation and on EPA’s website:

www.epa.gov/owow/wetlands/laws

For the Corps’ Regulatory Program related to the CWA, additional information can be found at: www.usace.army.mil/cecw/pages/cecwo_reg.aspx

3.2 Marine Protection, Research, and Sanctuaries Act

Summary: Congress enacted the Marine Protection, Research, and Sanctuaries Act (MPRSA, also known as the Ocean Dumping Act) in 1972 to address and control the dumping of material into the oceans that would unreasonably degrade or endanger human health or the marine environment. Nearly all of the material that is placed in the ocean today is dredged material (sediments) removed from waterbodies in order to maintain

navigation channels and berthing areas. Other materials that are currently placed in the ocean include fish wastes, human remains, and derelict vessels.

MPRSA provides for a permitting process to control the ocean placement of dredged material. Section 103 authorizes the Secretary of the Army (through the Corps) to issue permits for the transportation and placement of dredged material in ocean waters. For projects involving transportation of dredged material through the territorial sea for the purpose of ocean placement, or involving dredged material placement within the territorial seas, the discharge is evaluated under Section 103 of MPRSA. The placement action must meet criteria established by the EPA (40 CFR 227 & 228). The procedures for evaluating potential contaminant-related impacts of disposing dredged material in ocean waters are contained in the *Evaluation of Dredged Material Proposed for Ocean Disposal – Testing Manual* (EPA/COE-503/8-91/001).

As noted above in Section 3.1, the waters of LIS lie landward of the Baseline, and, thus, would be expected to be subject to regulation under the CWA and *not* the MPRSA. However, in 1980, the MPRSA was amended to add Section 106(f) to the statute, commonly referred to as the “Ambro Amendment.” As a result of this amendment, the placement of dredged material in LIS from Federal projects (i.e., those carried out under the Corps civil works program or the actions of other Federal agencies) or from non-Federal projects involving more than 25,000 cubic yards of dredged material is subject to the requirements of both CWA and MPRSA. Placement from non-Federal projects less than 25,000 cubic yards of material, however, is subject only to CWA provisions.

MPRSA also allows for the designation of dredged material disposal sites. Section 102 grants EPA the authority to designate sites for long-term use. Section 103 grants the Corps authority to select sites for short-term use (two consecutive five-year periods), subject to EPA concurrence.

Applicability: With the inclusion of the Ambro Amendment, the MPRSA is applicable to all Federal projects disposing dredged material into the waters of LIS and all non-Federal projects greater than 25,000 cubic yards. Project categories for which the MPRSA has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
MPRSA	x ¹											

¹only if the material has been deemed suitable for placement under the criteria of the MPRSA

Administered By: The Corps is the lead Federal agency for issuing permits under MPRSA for the placement of dredged material. Permits are subject to required testing and EPA approval. MPRSA authorizes EPA to designate long-term dredged material disposal sites.

For More Information: Additional information on the MPRSA can be found at:
<http://www.epa.gov/aboutepa/history/topics/mprsa/>

3.3 Coastal Zone Management Act

Summary: The U.S. Congress recognized the importance of meeting the challenge of continued growth in the coastal zone by passing the Coastal Zone Management Act (CZMA) in 1972. The CZMA provides for management of the nation’s coastal resources, including the Great Lakes, and balances economic development with environmental conservation.

At the Federal level, the CZMA is interpreted and delegated by the National Oceanic and Atmospheric Administration (NOAA) to the lead state agency for implementation. The CZMA is a delegated program that emphasizes the primacy of state decision-making regarding the coastal zone. Section 307 of the CZMA, called the Federal Consistency provision, is a powerful tool that states use to manage coastal uses and resources to facilitate cooperation and coordination with Federal agencies. Federal consistency is the CZMA requirement where Federal agency activities that have reasonably foreseeable effects on any land or water use or natural resource within the states’ designated coastal zone must be found to be consistent to the maximum extent practicable with the enforceable policies of the applicable coastal state’s Federally approved coastal management program. Enforceable policies generally include protecting environmental resources of the coastal zone, promoting activities dependent on the coast such as harbor development, and public access to the coast. Federal agency activities are defined as

activities or development projects performed by a Federal agency, or a contractor for the benefit of a Federal agency, such as construction of public buildings and shoreline protection.

Applicability: The CZMA has particular relevance to any nearshore, beach, or inland placement activity within each state’s defined coastal zone boundary and adjacent states if the activity has a reasonably foreseeable effect, including those activities listed in each state’s CMP under interstate consistency (see Section 4.3). The CZMA is applicable to Federal, state and local projects that will need a Federal license or permit or that receive Federal financial assistance. Private projects would be subject to the CZMA only if they will need a Federal license or permit. Example projects for which the CZMA has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Options/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
CZMA	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹	

¹ applicable to projects that fall within the state’s designated coastal zone boundary or projects that could affect the state’s coastal zone

Administered By: The CZMA is administered by NOAA’s Office of Ocean and Coastal Resource Management and the appropriate state coastal zone office.

For More Information: Additional information can be found in NOAA’s Federal Consistency Overview as well as the specific regulations, both of which can be found at: http://coastalmanagement.noaa.gov/czm/czm_act.html

This site also provides contact information for the appropriate state Coastal Zone Program lead and the Federal Consistency Coordinator.

3.4 Rivers and Harbors Act

Summary: The Rivers and Harbors Act of 1899 (legislative name is the Rivers and Harbors Appropriation Act of 1899) applies to projects and activities in navigable waters and harbor and river improvements. This act provided for a number of regulatory authorities, the implementation of which has evolved over time. However, only Section 10 of the Rivers and Harbors Act is relevant to the Corps Regulatory program in regards to dredged material placement.

Under the Rivers and Harbors Act, a Section 10 permit is required for any activity which would “...excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or enclosure within the limits of any breakwater or the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.”

Applicability: This regulation has similar applicability to Federal, state, local, and private projects, and example project types are presented in the table below.

Regulation/ Authority	Example Dredged Material Management Options/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Rivers and Harbors Act	x	x ¹	x ¹	x	x	x	x					

¹ applicable for the initial creation of the CDF

Administered By: Section 10 of the Rivers and Harbors Act is administered by the Corps for permits to work in or to affect navigable waters. The Corps conducts public interest reviews to ensure that proposed projects comply with Section 10, and as part of these reviews, the Corps coordinates with other Federal, state, and local agencies. Final determinations are made by the Corps after consideration of this information.

For More Information: Additional information on the Rivers and Harbors Act can be found at the following websites:

www.epa.gov/wetlands/regs/sect10.html

www.usace.army.mil/CECW/Pages/reg_permit.aspx

3.5 National Environmental Policy Act

Summary: The National Environmental Policy Act (NEPA) was enacted in 1969 as the first major environmental law in the United States. In NEPA, Congress recognized that the Federal Government’s actions may cause significant environmental effects, with the broad range of potential actions including issuing regulations, providing permits for private actions, making Federal land management decisions, and constructing publicly-owned facilities. NEPA does not require selection of the environmentally preferable

alternative or prohibit adverse environmental effects, but it does require that decision makers be informed of the potential environmental consequences of their decisions through the preparation of Environmental Assessments (EA) and Environmental Impact Statements (EIS). The EA/EIS process can serve as the framework to meet other environmental review requirements, such as the Endangered Species Act or National Historic Preservation Act.

Applicability: Given that non-Corps dredging projects require issuance of a Federal permit and that Corps projects require NEPA consideration, this act has broad applicability to the management of dredged material as noted in the table below.

Regulation/ Authority	Example Dredged Material Management Options/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
NEPA	X	X	X	X	X	X	X	X	X	X	X	X

Administered By: The Council on Environmental Quality (CEQ) has primary responsibility for overseeing the implementation of NEPA, principally through issuance and interpretation of NEPA regulations that implement the procedural requirements of NEPA. The EPA reviews environmental impact statements (EIS) and some environmental assessments (EA) issued by Federal agencies. These reviews are intended to assist Federal agencies in improving their NEPA analyses and decisions. The U.S. Institute for Environmental Conflict Resolution assists in resolving conflicts over environmental issues that involve Federal agencies.

For More Information: Additional information on NEPA can be found at the following website:

<http://ceq.hss.doe.gov>

3.6 Magnuson-Stevens Act (Essential Fish Habitat)

Summary: The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the primary law governing marine fisheries management in waters of the United States and was first enacted in 1976. In 1996, Congress made significant revisions to MSA and refined the focus of fisheries management by emphasizing the need to protect fish habitat. The Act required that fishery management plans be developed that identify as essential fish habitat (EFH) those areas that are necessary to fish for their basic life

functions. Specifically, EFH is defined as “...those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” “Waters” include aquatic areas and their associated physical, chemical, and biological properties that are used by fish. “Substrate” includes sediment, hard bottom, structures underlying the waters, and associated biological communities. “Necessary” means the habitat required to support a sustainable fishery and the Federally managed species’ contribution to a healthy ecosystem; and “spawning, breeding, feeding, or growth to maturity” covers a species’ full life cycle.

Consultation with the National Marine Fisheries Service (NMFS) is required for proposed activities that are authorized, funded, or undertaken by Federal or state agencies in Federal and state waters that may adversely affect EFH. NMFS then provides conservation recommendations to Federal and state agencies on those proposed actions. The MSA interprets “adverse effects” as any impact which reduces the quality and/or quantity of EFH, including direct; indirect (e.g. loss of prey, reduction in fecundity); and individual, cumulative, and synergistic consequences of actions on Federally managed species. An example of placement activities that may negatively affect EFH would be the placement of dredged material in an area that might block anadromous fish migration, or damage a spawning area.

Applicability: EFH consultation is required for any Federal or state action that proposes dredged material placement activity in a water body or if the dewatering plume from nearshore or upland placement flows back into the water. EFH does not encourage the exchange of habitat types, such as the creation of an island from dredged material in subtidal habitat. This regulation has similar applicability to Federal, state, local, and private projects (if the local and private projects receive or require Federal or state funding or permitting). Example projects for which the Magnuson-Stevens Act has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
Magnuson-Stevens	X	X ¹	X ¹	X	X	X	X	X ²				

¹ applicable for the initial creation of the CDF

² related to dewatering discharge

Administered By: NOAA Fisheries is the lead agency for describing and identifying EFH for each Federally-managed fishery. NOAA Fisheries also provides

conservation recommendations to Federal and state agencies on actions that may adversely affect EFH.

For More Information: Additional information on the Magnuson-Stevens Act can be found at the following website:

www.nmfs.noaa.gov/sfa/

3.7 Fish and Wildlife Coordination Act

Summary: The purpose of the Fish and Wildlife Coordination Act is to recognize the contribution of wildlife resources to the nation and provide that wildlife conservation receives equal consideration and be coordinated within the development and formulation of a project. The definition of “wildlife” and “wildlife resources” as used in this Act includes “...birds, fishes, mammals and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent” and, hence, could apply to almost any project within the LIS region. The Secretary of the Interior, through the U.S. Fish and Wildlife Service (USFWS) is authorized to assist and cooperate with Federal, state, and public or private agencies and organizations in the conservation and rehabilitation of wildlife. The NMFS provides similar assistance and cooperation for marine wildlife species under their management responsibilities.

The Act provides that whenever the waters of any stream or other body of water are proposed to be impounded or diverted, or the channel deepened or otherwise controlled or modified, the Corps and other Federal agencies must consult with the USFWS, the NMFS as appropriate, and the agency administering the wildlife resources of the state. The consultation considers conservation of wildlife resources with the view of preventing loss of and damages to these resources as well as improving connection to the aquatic habitat. Consultation can modify project design to remove or minimize potential adverse impacts to wildlife resources. Beach nourishment projects that are constructed outside the nesting season of shore birds and with appropriate side slopes to reduce any loss of feeding habitat are an example of how the consultation process could affect project design.

Applicability: The Fish and Wildlife Coordination Act is applicable to virtually all placement alternatives as shown in the example projects table below, with similar applicability to Federal, state, local, and private projects.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
Fish and Wildlife Coordination Act	x	x	x	x	x	x	x	x	x	x	x	

Administered By: The USFWS, the specific state wildlife resource management agency, and, when appropriate, the NMFS are the agencies responsible for providing consultation with a view to the conservation of wildlife resources by prevention of their direct or indirect loss and damage due to the proposed activity.

For More Information: Additional information on the Fish and Wildlife Coordination Act can be found at the following website:

www.fws.gov/habitatconservation/fwca.html

3.8 Endangered Species Act

Summary: The purpose of the Endangered Species Act is to provide for the conservation of threatened and endangered species and to provide a means whereby the ecosystems upon which those species depend may be conserved. Section 7 of the Act states that all Federal departments and agencies shall, in consultation with and with the assistance of the Secretary of the Interior (through the USFWS) and/or Secretary of Commerce (through the NMFS), insure that any Federal actions authorized, funded, or carried out do not jeopardize the continued existence of any threatened or endangered species, or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary (Interior and/or Commerce) to be critical, unless an exception has been granted by the Endangered Species Committee.

Section 9 identifies prohibited acts related to threatened and endangered species, and prohibits all persons, including all Federal, state, and local governments, from taking listed species of fish and wildlife, except as specified under the provisions for exemptions. The term “take” is broadly defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct. Additional guidelines for protection of marine mammals are established in the Marine Mammal Protection Act of 1972 (see Section 3.9 of this report).

If, upon review of existing data, the USFWS or NMFS determines that threatened or endangered species or their habitats may be affected by the project, a biological assessment is required to be prepared to identify the nature and extent of adverse impact, and to recommend mitigation measures that would avoid the habitat and/or species or that would reduce potential impact to acceptable levels. If the two agencies determine that no Federally-listed or proposed threatened or endangered species or their designated critical habitat would be affected by the project, no further action related to this act is required.

Applicability: Piping plovers, roseate terns, and tiger beetles are some of the listed species that may impact the management of dredged material placement along coastal LIS. Listed species of whales and turtles may affect the management of open water placement of dredged material. Example projects for which the Endangered Species Act has applicability are noted in the table below. This regulation has similar applicability to Federal, state, local, and private projects that receive Federal authorization.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Endangered Species Act	X	X	X	X	X	X	X	X	X	X	X	

Administered By: The requirements of the Endangered Species Act are administered jointly by the USFWS and NMFS, with involvement dependent on the specific species.

For More Information: Additional information on the Endangered Species Act can be found at: www.nmfs.noaa.gov/pr/laws/esa/

3.9 Marine Mammal Protection Act

Summary: The Marine Mammal Protection Act (MMPA) was passed in 1972 to aid in the protection of both major groups of marine mammals, cetaceans (whales, dolphins, and porpoises) and pinnipeds (seals, sea lions, and walrus). The MMPA prohibits, with certain exceptions, the “take” of marine mammals in U.S. waters and by U.S. citizens on

the high seas, and the importation of marine mammals and related products into the United States. The MMPA defines “take” as “to hunt, harass, capture, or kill” any marine mammal or attempt to do so. The inclusion of harassment in the definition was a groundbreaking action by Congress. Exceptions to the moratorium can be made through permitting actions for take incidental to commercial fishing and other non-fishing activities, such as scientific research, and for public display at licensed institutions such as aquaria and science centers.

There are 125 marine mammal species that are managed under the MMPA, with 8 species under jurisdiction of the USFWS and the remainder under the jurisdiction of NMFS. During preparation of NEPA documents by Federal agencies and general permit preparations, coordination with the relevant agency (NMFS or USFWS) must include the discussion of potential impacts. The agency provides their comments in a letter, and the concerns or recommendations must be formally addressed, with all practicable efforts made to avoid taking of marine mammals.

Applicability: This regulation has similar applicability to Federal, state, local, and private projects and includes both open water sites and shoreline and sandbar haul out areas. Example projects for which the MMPA has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
MMPA	X	X	X	X	X	X	X					

Administered By: The MMPA is administered jointly by the Secretary of the Interior (through USFWS) and the Secretary of Commerce (through NMFS). All marine mammals commonly found within the waters of LIS fall under the jurisdiction of the NMFS.

For More Information: Additional information on the MMPA can be found at the following website: www.nmfs.noaa.gov/pr/laws/mmpa/

3.10 Clean Air Act

Summary: The Clean Air Act (CAA) defines EPA’s responsibilities for protecting and improving the nation’s air quality and the stratospheric ozone layer. Originally enacted in 1963, the last major set of amendments was passed in 1990. Under the CAA, the EPA is responsible for establishing primary and secondary National Ambient Air Quality Standards (NAAQS) that set acceptable concentration levels for seven criteria pollutants: particulate matter, fine particulate matter, sulfur dioxide, carbon monoxide, nitrous oxides, ozone, and lead. Each state has authority to adopt standards stricter than those established under the Federal program.

Based on comparison with NAAQS, air quality control regions (AQCR) are defined as one of the following: in *attainment* (with levels below NAAQS); in *non-attainment* (with levels in violation of NAAQS); or as *maintenance* for areas that were previously in nonattainment and are in a probationary period following implementation of specific maintenance plans. States are encouraged to develop State Implementation Plans (SIPs) that outline how each state will control air pollution under the CAA. SIPs are a collection of regulations, programs, and policies and must include public input in their development. Connecticut and New York programs are discussed in Sections 4.7 and 5.7, respectively.

Emissions from maintenance dredging (removal of accumulated sediment and over-water transport) projects are defined within the regulations as *de minimis* and therefore do not need a general conformity determination if applicable permits are secured and placement will occur at an approved site. For improvement dredging projects or for maintenance projects that involve additional material handling and transport, the operations are evaluated to determine what type(s) of AQCR the transport takes place in (attainment, non-attainment, maintenance). Emissions from truck transport are considered as mobile emissions, and dredges/scows/support vessels are evaluated as non-mobile emissions. A General Conformity Determination is required to assess the applicability of conformity requirements for the action, and if the action would interfere with the SIP for attainment of NAAQS in non-attainment areas. Temporary increases in emissions are considered *de minimis* if it is determined that the action will not interfere with the state’s attainment of the NAAQS. Actions where the total of direct and indirect emissions are below regulated NAAQS thresholds are exempt from Federal Conformity Regulations.

Applicability: This regulation has similar applicability to Federal, state, local, and private projects and could apply to any non-maintenance dredging project for both on-water transport to a placement location as well as upland transport and processing of dredged material.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
CAA	X	X	X	X	X	X	X	X	X	X	X	X

Administered By: Under the CAA, EPA has the authority to set the NAAQS and to limit emissions from both mobile and non-mobile sources for non-maintenance dredging projects, or EPA can delegate that authority to individual states.

For More Information: Additional information on the CAA can be found at the following website: www.epa.gov/air/caa/

3.11 Environmental Justice

Summary: Executive Order #12898, signed in 1994, provided a directive that, “each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States...”

In response to the Order, EPA established a program that defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.” The EPA has developed tools for searching Federally-managed or recognized databases to identify areas with disproportionately high environmental or public health burdens. EPA provides guidance and potential grant money to promote engagement of communities and stakeholders at identified sites. Within the study area of this report, the EPA has identified Bridgeport, CT as one of ten nationwide “environmental justice showcase communities” where it will focus efforts to alleviate the environmental and human health challenges facing many American communities.

Applicability: This regulation is applicable to a larger project that could involve the siting of a dedicated processing, treatment, or transfer facility and potentially the siting of a shoreside CDF. Although this Order is applicable to Federal projects, individual state

programs parallel the Federal Environmental Justice Program, with coverage of projects at the state and local level.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
Federal Environmental Justice			x					x ¹	x ¹	x ¹	x ¹	x ¹

¹ applicable to projects requiring construction of an “applicable facility”

Administered By: The Federal Environmental Justice Program is administered by the EPA.

For More Information: Additional information on the Environmental Justice Policy can be found at:

<http://www.epa.gov/compliance/environmentaljustice/index.html>

3.12 Migratory Bird Treaty Act

Summary: The Migratory Bird Treaty Act (MBTA) of 1918 implemented the 1916 convention between the United States and Great Britain for the protection of birds migrating between the United States and Canada. Similar conventions between the United States and Mexico (1936), Japan (1972) and the Union of Soviet Socialist Republics (1976) further expanded the scope of international protection of migratory birds. “Migratory” is defined as any species or family of birds that live, reproduce, or migrate across international borders at some point in their annual life cycle. Each new treaty has been incorporated into the MBTA as an amendment, and the provisions of the new treaty are implemented domestically. These four base treaties established Federal responsibilities for the protection of nearly all species of migratory birds, their eggs, and nests.

The MBTA made it illegal for people to “take” migratory birds or their feathers, eggs, or nests, where “take” is defined to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing, or transporting any migratory bird, nest, egg, or part thereof. In total, 836 bird species are protected by the MBTA, with 58 species that currently can be hunted as game birds. The MBTA allowed for

establishment of a national Migratory Bird Program under the USFWS which defines implementation strategies for migratory bird conservation.

Applicability: The MBTA has particular relevance to open water, nearshore, and shoreline placement in LIS. Migratory sea ducks, such as eiders, scoters, and mergansers can be found along the seacoast in the study area. These birds dive for food, eating fish, mollusks, or crustaceans from the sea floor and can be impacted by in-water placement of dredged material. Other migratory shore birds, such as sandpipers and plovers forage for food and nest along the shoreline in the study area and can be impacted by beach nourishment or by the creation of or periodic placement into shoreline or island CDFs. Example projects for which the MBTA has applicability are noted in the table below. This regulation has similar applicability to Federal, state, local, and private projects.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
MBTA	X	X	X	X	X	X	X	X	X			

Administered By: The USFWS is the lead Federal agency for developing and implementing management strategies under the MBTA. State agencies participate in the development of conservation strategies and administer timing and location for species that can be legally hunted.

For More Information: Additional information on the MBTA and Migratory Bird Program can be found at: www.fws.gov/migratorybirds/

3.13 National Historic Preservation Act

Summary: Section 106 of the National Historic Preservation Act (NHPA) requires that Federal agencies act as responsible stewards of the nation’s resources when their actions affect historic properties. The Act established an overall Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers (SHPO), Federal Historic Preservation Officers (FHPO), and Tribal Historic Preservation Officers (THPO). Historic and cultural properties covered under this Act include any prehistoric or historic site, monument, structure, building, object, or district or traditional cultural property listed, or determined eligible for listing, in the National Register of Historic Places.

Section 106 of the NHPA requires each Federal agency to identify and assess the effects of its actions on historic resources. The responsible Federal agency must consult with appropriate state and local officials, Indian Tribes, applicants for Federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions.

Applicability: Section 106 of the NHPA applies to all major Federal undertakings (actions), which includes grants, licenses, and permits. The Federal agency must determine if the action or undertaking has the potential to affect properties listed in, or eligible for listing, in the National Register of Historic Places and take the property into account before proceeding with the action. This regulation has similar applicability to Federal, state, local, and private projects meeting the thresholds above. Example projects for which the NHPA has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
NHPA	x ¹	x ¹	x ¹	x ¹	x	x ¹	x	x	x			

¹ e.g. placement over submerged structure, shipwreck, or intact paleosol which contain pre-contact sites

Administered By: The Federal agency representing the project is the lead in providing comments and recommendations on potential eligibility of property and the effect the undertaking will have on identified historic properties. Effects on eligible properties are resolved by mutual agreement, usually among the affected state’s SHPO or Tribal Historic Preservation Officer, the Federal agency, and any other involved parties. The ACHP may participate in controversial or precedent-setting situations.

For More Information: Additional information on the NHPA can be found at:
www.achp.gov/about.html

3.14 Federal Highway Administration Regulations

Summary: The Federal-Aid Highway Act of 1956 authorized the Interstate and Defense Highway System to preserve the nation’s infrastructure and keep trucks and buses moving efficiently. The Act established the Federal Highway Administration (FHWA) to

set Federal standards for vehicle size and weight and to certify state compliance with the Federal standards.

Applicability: The FHWA has relevance to all projects that would involve transport of dredged material on roadways to upland sites for placement and has similar applicability to Federal, state, local, and private projects with example projects noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Federal-Aid Highway Act									X	X	X	X

Administered By: The FHWA, along with the appropriate state department of transportation are responsible for enforcing and setting standards that would be related to dredged material transport.

For More Information: Additional information on this Act can be found at:
<http://www.ops.fhwa.dot.gov/freight/sw/index.htm>

3.15 Federal Railroad Administration Regulations

Summary: The Federal Railroad Administration (FRA) was created by the Department of Transportation Act of 1966 with a range of goals including promulgating and enforcing rail safety regulations, consolidating government support of rail transportation activities, and promoting environmentally sound rail transport.

Applicability: Should dredged material be transported to an upland site by rail, the FRA would have oversight responsibility, providing comment on transport plans and specifications. Example project types for which the FRA has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
Federal Railroad Administration									X	X	X	X

Administered By: Administration of rail related work is provided by the FRA within the Department of Transportation.

For More Information: Additional information on the FRA can be found at:
www.fra.dot.gov

3.16 Other Federal Statutes and Executive Orders

The following Federal statutes and executive orders could have applicability to the placement or beneficial use of dredged material within LIS under certain circumstances.

Federal Statutes

- American Indian Religious Freedom Act of 1978 (42 U.S.C. 1966)
- Estuary Protection Act (16 U.S.C. 1221 *et seq.*)
- Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3002)
- Preservation of Historic and Archeological Data Act of 1974 (16 U.S.C. 469)
- Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 *et seq.*)
 - Solid Waste – 40 CFR, Parts 239-279
 - Hazardous Waste – 40 CFR, Parts 260-279. Most states have enacted laws and created regulations that are at least as stringent as the Federal regulations. Furthermore, the RCRA statute authorizes states to carry out many of the functions of the Federal law through their own hazardous waste programs (as well as their state laws) if such programs have been approved by the EPA.
 - Non-Hazardous Solid Waste Management Plans – 40 CFR, Part 256

Executive Orders

- EO 11593 – Protection and Enhancement of the Cultural Environment, 13 May 1971 (incorporated into the National Historic Preservation Act)
- EO 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 11 February 1994
- EO 12962 – Recreational Fisheries, 9 June 1995
- EO 13045 – Protection of Children from Environmental Health Risks and Safety Risks, 21 April 1997
- EO 13158 – Marine Protected Areas, 26 May 2000
- EO 13175 – Consultation and Coordination with Indian Tribal Governments, 6 November 2000

Executive Memorandum

- White House Memorandum – Government-to-Government Relations with Indian Tribes, 29 April 1994

4.0 CONNECTICUT – STATE AND LOCAL ACTS, REGULATIONS, AND PROGRAMS

4.1 Overview of Connecticut State Process

The Connecticut Department of Environmental Protection (CTDEP) has the overall responsibility for managing the placement of dredged material within State boundaries, with the specific CTDEP Office that is responsible dependent on the location of material placement. A general summary is provided below with more detail on the specific State regulations and programs provided in the remainder of Section 4.

- The Office of Long Island Sound manages the Coastal Zone Management Program, the Structures and Dredging Program, and the Tidal Wetlands Act permitting program within the State and regulates all dredging and dredged material placement activities occurring within the high tide line. Tidelands are defined in Connecticut as submerged lands and waters below the mean high water line (the mean high tidal level denotes the seaward limit of private property), navigable waters (including rivers upstream to the first dam or obstruction,) and tidal wetlands. Areas that lie above the high tide line, but still within the defined upland extent of the coastal zone, are also subject to coastal site plan review by individual municipalities.
- The Bureau of Materials Management and Compliance Assurance manages the placement of dredged material in upland areas outside of the coastal zone with separate guidance for material designated as clean fill, solid waste, or hazardous waste.
- The Remediation Division within the Bureau of Water Protection and Land Reuse regulates the reuse of polluted sediments and soils on the upland in accordance with the Remediation Standard Regulations.
- Placement of dredged material directly within waters of the State or within an area that may affect those waters triggers requirement for a Water Quality Certification, administered by the Office of Long Island Sound for open water and coastal areas and the Inland Water Resources Division for all other State waters.

4.2 Clean Water Act

Summary: The CTDEP regulates any applicant for a Federal license or permit who seeks to conduct an activity that may result in a discharge to the waters of the State, including all navigable waters, all wetlands, watercourses, and natural and man-made ponds. The applicant must obtain a Water Quality Certification (WQC) from CTDEP that the discharge is consistent with the Federal CWA and the Connecticut Water Quality Standards. Any conditions contained in a WQC become conditions of the Federal permit or license. In making a decision on a request for CWA Section 401 WQC, the CTDEP must consider the effects of proposed discharges on both surface water and groundwater quality and existing designated uses of waters of the State. Generally, a WQC is made in conjunction with the issuance of a State permit under the structures, dredging, and fill statutes.

Applicability: The CWA is applicable to all open water placement of dredged material as well as any placement that involves a discharge to a water body, such as a material dewatering discharge. Dewatering discharges are subject to NPDES permitting if there is a return of water to a water body. In many cases, this can be accomplished through a Temporary Discharge Authorization from CTDEP Water Permitting and Enforcement Division. Example projects for which the CWA has applicability are noted in the table below. This regulation has similar applicability to Federal, State, local, and private projects.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
CWA	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹	x ¹

¹ applicable if there is a discharge to waters of the State

Administered By: The CTDEP’s Office of Long Island Sound Program administers the Section 401 WQC process for activities affecting coastal or tidal waters, including tidal wetlands. The CTDEP’s Inland Water Resources Division administers 401 activities affecting all other waters of the State. Temporary Discharge Authorizations are administered by the CTDEP Water Permitting and Enforcement Division.

For More Information: Additional information on the State’s WQC process can be found at: http://www.ct.gov/dep/cwp/view.asp?a=2719&q=325598&depNav_GID=1654

4.3 Connecticut State Coastal Zone Consistency

Summary: Coastal management in Connecticut is a comprehensive, cooperative program that functions at all levels of government. Connecticut’s Coastal Management Program is administered by the CTDEP, Office of Long Island Sound Programs and is approved by NOAA under the Federal Coastal Zone Management Act. Under the statutory umbrella of the Connecticut Coastal Management Act (CCMA), enacted in 1980, the Program ensures balanced growth along the coast; restores coastal habitat; improves public access; protects water-dependent uses, public trust waters, and submerged lands; promotes harbor management; and facilitates research. The Coastal Management Program also regulates work in tidal, coastal, and navigable waters and tidal wetlands under the applicable enforceable policies of the CCMA through permitting those activities through the CT Structures Dredging and Fill Statutes, and the Tidal Wetlands Act. Development of the shoreline is regulated at the local level through municipal planning and the zoning boards and commissions under the policies of the CCMA, with technical assistance and oversight provided by Program staff.

The coastal boundary is defined in Connecticut on the landward side by the interior contour elevation of the 100-year frequency coastal flood zone, a 1000-foot setback from the mean high water, or the inland boundary of the tidal wetlands, whichever is the farthest inland. The boundary is delineated on the seaward side by the State boundary within LIS with the following note. The Federal Coastal Zone Management Act allows states with approved Coastal Management Programs to review activities in other states that may have “a reasonably foreseeable effect on the resources” of the reviewing state through that state’s Coastal Management Program. States can agree on a predetermined list of activities subject to consistency review by affected states. Because the Connecticut-New York boundary roughly splits LIS down the middle, both states agreed to list for coastal zone review consideration all placement of dredged sediment projects in LIS occurring within the other state’s waters if the project occurs seaward of the 20-foot depth contour. Further, a state may request from NOAA the right to a coastal zone consistency review for a project occurring landward of the 20-foot depth contour in the adjoining state’s waters if they can document to NOAA that there is a valid concern that the reasonably foreseeable effects of the project to the requesting state’s resources can extend across the state boundary. Each state’s Coastal Zone Management Program was changed to reflect this agreement and was approved by NOAA in 2006.

Applicants for a project placing dredged material within the defined coastal zone have the responsibility of implementing the goals and policies of the CCMA noted above, with a high priority given to protecting water-dependent uses and facilities in shorefront areas. When making a decision on a permit application, the CTDEP’s Office of Long

Island Sound must consider factors such as the potential effect on the area’s natural resources, including, but not limited to plant and animal species; the prevention or alleviation of shore erosion and coastal flooding; the use and development of all adjoining lands; the improvement of coastal and inland navigation; the interests of the State in such areas as pollution control, water quality, recreational use of public waters, and management of coastal resources; and the rights and interests of all persons concerned with the proposed activity.

In general, the CCMA does not encourage the trading of habitat types. For example, the creation of a salt marsh from intertidal habitat or creation of a dredged material island would not be encouraged although it is not prohibited if the adverse impacts to coastal resources are minimal. However, restoring a salt marsh would be promoted. Depending on the type and quality of dredged material, island creation may be possible, but sediment determined, under the current criteria, to be unsuitable for open water placement would need to be contained within a structure according to solid waste regulations.

Applicability: All projects placing dredged material within the coastal zone would be required to prepare a consistency review to demonstrate that the placement activities are consistent with all applicable policies and standards contained in the CCMA. This regulation has similar applicability to Federal, State, local, and private projects, with example projects noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
CCMA	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹	

¹ applicable for projects located within the defined State coastal zone or projects that could affect the State’s coastal zone

Administered By: The CTDEP’s Office of Long Island Sound Programs develops policy, implements the State’s Coastal Zone Management Program, and provides consistency reviews.

For More Information: Additional information on Connecticut’s Coastal Zone Management Program can be found at:

http://www.ct.gov/dep/cwp/view.asp?a=2705&q=323536&depNav_GID=1622

4.4 Solid Waste Management Regulations and Beneficial Use Authorities

Summary: The following State of Connecticut regulations and permitting authorities are used to regulate the placement of dredged material in upland areas, including beneficial reuse:

- Solid Waste Management Regulations – Regulations of Connecticut State Agencies (RCSA) 22a-209
- Remediation Standard Regulations (RSRs) – RCSA 22a-133k-1 through 3, specifically the “reuse rules” found at 22a-133k-2(h)

Under these regulations, dredged material being considered for placement in upland areas falls into the following general categories:

Natural Soil includes material containing naturally occurring substances not exceeding background concentration and polluted soil that meet the RSR criteria for reuse at a receiving site.

Polluted Soil is soil that has been affected by a release of a substance at a concentration above the analytical detection limit for such substance. This material can be beneficially reused as ‘clean fill’ when managed in accordance with the Reuse Rules of the RSR and must be of equal or lower chemical concentrations than the receiving site (such as during the remediation of a Brownfield site). This type of material cannot be reused near sensitive areas such as locations below the water table or in areas subject to erosion, and placement is subject to evaluation against direct exposure and mobility criteria.

Special Waste is contaminated material that will ultimately be disposed at a permitted facility under the management requirements found in the Solid Waste Regulations. Material with this classification requires a “Special Waste Disposal Authorization” issued by CTDEP on a case-by-case basis for general landfill disposal.

Hazardous Waste includes contaminated material as defined by State statute at Connecticut General Statutes (CGS) Section 22a-115 and as defined by Connecticut’s Hazardous Waste Management Program and Regulations, which includes State and Federal regulations authorized by the Resource Conservation and Recovery Act (RCRA). Management of this type of material is not included in this review.

The Staging and Transfer General Permit was issued in 2006 to help clarify and streamline the solid waste management regulations and provides for temporary transfer of material. Provided that particular requirements are met, this general permit authorizes the

staging, transfer, and temporary storage of contaminated soil/sediment for a period not to exceed two years. This general permit applies only to activities conducted on land. It should be noted that this general permit *does not* authorize the treatment of the material (reduction of contaminants via physical removal, dilution, chemical stabilization, etc.) or any specific reuse of the material. Additional general permits are being developed or planned to further streamline the beneficial use and treatment process as described in Section 4.13.

CT DEP recently received authority to approve Solid Waste Demonstration Projects (authorized at CGS 22a-208a(j)) and individual Beneficial Use Determinations (authorized at CGS 22a-209f). The demonstration project approval enables a beneficial use to be tested and demonstrated. If sufficient information exists to demonstrate that a material may be safely and effectively reused then a beneficial use determination can be approved on an individualized basis.

See information about Beneficial Use Determinations at:
<http://www.ct.gov/dep/cwp/view.asp?a=2718&q=325332&depNav-GID=1646>

See instructions on Solid Waste Demonstration Projects:
[http://www.ct.gov/dep/lib/dep/Permits and Licenses/Waste General Permits/SWDP inst.pdf](http://www.ct.gov/dep/lib/dep/Permits%20and%20Licenses/Waste%20General%20Permits/SWDP_inst.pdf)

Applicability: The Solid Waste Management Regulations and beneficial use permitting authorities apply to all projects incorporating upland placement of dredged material. This regulation and permitting authorities have similar applicability to Federal, State, local, and private projects, with example applicable project types noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
CT Solid Waste Rules								X	X	X	X	X

Administered By: The CTDEP Bureau of Materials Management and Compliance Assurance is the lead agency which implements and permits solid waste activities within the State. The reuse of treated polluted soil as clean fill requires approval from the Bureau of Water Protection and Land Reuse.

For More Information: Additional information on the solid waste regulations and points of contact can be found at:

http://www.ct.gov/dep/cwp/view.asp?a=2718&q=325464&depNav_GID=1646

4.5 Brownfield Sites

Summary: A Brownfield site is defined in Connecticut as “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant...” As a subset of the solid waste program described in Section 4.4, State remediation programs and standards are in place to help promote the cleanup and redevelopment of Brownfield sites in Connecticut. The Voluntary Remediation Program and Property Transfer Program provide a mechanism by which property owners can work with the State to assess environmental conditions at their properties and ensure that cleanups will meet State standards. In some cases, State funding may be available to assist with assessment and/or remediation of Brownfield sites. For example, the Urban Sites Remedial Action Program can provide State funding for cleanup of sites deemed to be significant to the economy of the State. The State also works to limit the liability of prospective purchases through the use of Covenants Not to Sue.

CTDEP has established an inventory of Brownfield sites in Connecticut based on sites identified by the various towns and listed with the Connecticut Brownfield Redevelopment Authority as well as sites at which the EPA or CTDEP has conducted environmental assessments (Targeted Brownfield Site Assessments) for towns or regional development agencies. This inventory is updated quarterly and currently contains several hundred sites, many of which are in the older ports along LIS near areas that require periodic dredging.

Applicability: Many of the identified Brownfield sites are located within the older port areas on LIS. As the ports are near areas requiring periodic dredging, the use of dredged material at Brownfield sites may be applicable, dependent on the composition of the material and on the particular need for fill at a given site (construction base, light use, general landscaping).

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Brownfield Sites										x		

Administered By: The Connecticut Office of Brownfield Remediation and Development works with the CTDEP, the EPA, the Department of Economic and Community Development, and the Connecticut Brownfield Redevelopment Authority to coordinate the program within the State and to provide gap financing, seed capital, corporate tax credits, and environmental liability insurance.

For More Information: Additional information on Brownfield sites can be found at the CTDEP website: <http://www.ct.gov/dep/cwp/view.asp?A=2715&Q=324930>

4.6 Transport on State Roads and Highways

Summary: Beyond the general licensing of operators and vehicles, the Connecticut Department of Transportation (CTDOT) requires permits to be obtained in some circumstances for the transport of material where the transport vehicles and load do not conform to the statutory limits for width, length, height, or weight. These permits may limit the specific route which may be used (with particular limits on bridges), the time of such use, and the conditions of operation.

Applicability: The overland transport of dredged material could involve the use of vehicles requiring oversized/overweight permits. Transport of this type could be required for any of the example projects noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
CTDOT									x	x	x	x

Administered By: The CTDOT has authority for required highway transport permitting. Cities and towns may have additional restrictions on transporting dredged material on local roadways as described in Section 4.11.

For More Information: Additional information on the State required permits can be found at: www.ct.gov/dot

4.7 Air Quality

Summary: Under the State Regulations for Abatement of Air Pollution, Connecticut developed a State Implementation Plan (SIP) to improve and maintain air quality within the State. Following Federal guidance within the Clean Air Act (CAA), the State is monitored for attainment of National Ambient Air Quality Standards (NAAQS) for the seven criteria pollutants as described in Section 3.10. Currently, the State is in attainment for all criteria except:

- Ozone – the entire State is in non-attainment
- Fine Particulate – New Haven and Fairfield Counties are in non-attainment

As noted in the review of the CAA in Section 3.10, emissions from maintenance dredging projects are defined within the regulations as *de minimis*. For other projects, transport of dredged material by truck or dredge/barge may be evaluated and a General Conformity Determination performed to assess if the project would interfere with the SIP for attainment of NAAQS in the identified non-attainment areas.

Applicability: This regulation has similar applicability to Federal, State, local, and private projects that involve placement of material from a non-maintenance dredging project anywhere within the State related to ozone and within New Haven and Fairfield Counties for fine particulate. Accordingly, this regulation could have applicability to placement of material from any type of non-maintenance dredging project.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
CAA	x	x	x	x	x	x	x	x	x	x	x	x

Administered By: Air quality within the State of Connecticut is administered by the CTDEP, Bureau of Air Management.

For More Information: Additional information on Connecticut’s air quality program can be found at: http://www.ct.gov/dep/cwp/view.asp?a=2684&q=321758&depNav_GID=1619

4.8 Environmental Justice

Summary: Connecticut Public Act No. 08-94, which became effective in 2009, and CTDEP’s Environmental Justice Policy incorporate principals of environmental justice into CTDEP’s overall program development, policy making, and regulatory activities. It is CTDEP’s policy that no segment of the population should, because of it racial or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits. The policy also applies to locating “affecting facilities” in an environmental justice community. The definition of affecting facilities includes a range of industrial and waste handling entities, three of which may have relevance to management of dredged material: 1) waste processing centers or volume reduction facilities with a combined monthly volume in excess of 25 tons; 2) new or expanded landfills; and 3) sludge or solid waste incinerators or combustors.

An environmental justice community is defined as a United States census block group (as determined in accordance with the most recent census) for which 30% or more of the population consists of low income persons who are not institutionalized or located within a distressed municipality. Municipalities within the study area of this report designated as environmental justice communities include: Danbury, East Haven, Fairfield, Griswold, Groton, Manchester, Middletown, Norwalk, Shelton, Stamford, Stonington, Waterford, Westbrook, Wethersfield, and Windsor.

Applicability: This regulation is applicable to a larger project that could involve the siting of a dedicated processing, treatment, or transfer facility and potentially the siting of a shoreside CDF. The regulation has similar applicability to Federal, State, local, and private projects and includes the example project types in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
CT Environmental Justice			x					x ¹	x ¹	x ¹	x ¹	x ¹

¹ applicable to projects requiring construction of an “applicable facility”

Administered By: An applicant seeking a permit for a new or expanded “applicable facility” that is proposed to be located within an environmental justice community is required to file an Environmental Justice Public Participation Plan with CTDEP and receive approval from CTDEP prior to filing any permit application.

For More Information: Additional information on the Environmental Justice Policy can be found at: www.ct.gov/dep/environmentaljustice

4.9 Connecticut Royalty Statute

Summary: Connecticut General Statute Section 22a-361(e) states that “No person, firm, or corporation, public, municipal or private, who removes sand, gravel or other material lying waterward of the mean high water mark of the tidal coastal or navigable waters of the State pursuant to a permit issued under this section on or after October 1, 1996, shall make any beneficial or commercial use of such sand, gravel or other material except upon payment to the State of a fee of four dollars per cubic yard of such sand, gravel and other materials. Such payment shall be made at times and under conditions specified by the commissioner in such permit. No fee shall be assessed for (1) the performance of such activities on land which is not owned by the State, (2) the use of sand, gravel, and other materials for beach restoration projects, or (3) ultimate placement of such sand, gravel or other materials which does not result in an economic benefit to any person. For the purposes of this section, “beneficial or commercial use” includes, but is not limited to, sale or use of sand, gravel or other materials for construction, aggregate, fill or landscaping.”

Applicability: Originally targeted at sand and gravel mining operations in State waters, this regulation has similar applicability to Federal, State, local, and private projects, but the definition provides for a wide range of application. Any dredged sediment which is sold for profit, including processed sediments for beneficial use as

topsoil, is subject to the royalty provision. Example projects for which the Connecticut Royalty Statute has applicability are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
CT Royalty Statute	x ¹	x ¹	x ¹	x ¹				x ¹	x ¹	x ¹	x ¹	x ¹

¹ applicable only if material provides an economic benefit (sold for profit)

Administered By: The enforcement of this statute fall under the jurisdiction of the Commissioner of the CTDEP.

For More Information: Additional information on this statute can be obtained by contacting the CTDEP Office of Long Island Sound at (860) 424-3000.

4.10 Connecticut Regional Planning Organizations

Summary: In place of county governments within the State of Connecticut, planning regions were established within the State under Section 16a-4a of the Connecticut General Statutes. Through local ordinance, the municipalities within each of these planning regions have voluntarily created one of the three types of Regional Planning Organizations allowed under Connecticut statute (Regional Council of Elected Officials, Regional Council of Governments, or Regional Planning Agency). These organizations carry out a variety of regional planning tasks on the municipalities’ behalf.

Of the 15 planning regions established statewide, 13 fall within the study area of this report and include:

- Litchfield Hills Council of Elected Officials
- Greater Bridgeport Regional Planning Agency
- Midstate Regional Planning agency
- Northeastern Connecticut Council of Governments
- South Central Regional Council of Governments
- Valley Council of Governments
- Housatonic Valley Council of Elected Officials

- Southeastern Connecticut Council of Governments
- Southwestern Regional Planning Agency
- Capitol Region Council of Governments
- Council of Governments of the Central Naugatuck Valley
- Central Connecticut Regional Planning Agency
- Connecticut River Estuary Regional Planning Agency

These organizations are generally advisory in nature; they do not have regulatory authority. However, many of the regional planning organizations commented that they would be able to assist in the development of a placement plan for dredged material by offering their services to coordinate and mediate among local, State, and Federal agencies for activities within their jurisdiction.

Applicability: As noted above, the regional planning organizations do not have regulatory authority. However, their coordination and advisory role can help streamline project permitting, particularly for those projects that cross boundaries between towns within the State. This regulation has similar applicability to Federal, State, local, and private projects, and example types of applicable projects are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Regional Planning Organizations			x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹

¹ greater applicability for projects that include multiple towns

Administered By: The Connecticut Office of Policy and Management is responsible for the designation of planning regions within the State.

For More Information: Additional information on the regional planning organizations can be found at: www.ct.gov/opm/cwp

Contact information for the individual organizations can be found in Appendix A.

4.11 Connecticut Municipalities

Summary: A number of the cities and towns contacted for this study stated that they regulate some component of dredged material transport or placement within their municipality:

- Municipalities that regulate dredged material placement through local zoning laws and/or wetland regulations include: Deep River, Derby, Madison, East Hampton, East Hartford, Fairfield, Groton, Ledyard, Lyme, Middletown, New Haven, Newtown, Orange, Redding, Ridgefield, Stamford, Stonington, Westport, and Windsor.
- Municipalities that regulate or have limitations on the transportation of dredged material include Essex (narrow streets and small docks), Groton, Lyme, Middletown, and Stonington.

Applicability: The municipal regulations have similar applicability to Federal, State, local, and private projects that would involve some aspect of the transport or placement process within the boundaries of the municipality, with example project types noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
CT Municipal Regulations			x	x ¹	x	x ¹	x ¹	x	x	x	x	x

¹ although these types of management options would not take place directly within municipal boundaries, their direct proximity warrants coordination.

Administered By: Generally, the municipality’s environmental department or conservation commission would administer municipal environmental regulations. The municipality’s transportation or planning department generally administers transportation or zoning restrictions, respectively.

For More Information: Additional information on the local zoning, environmental/wetland regulation, and potential transportation restrictions can be obtained from the local municipal office (contact information provided within Appendix A).

4.12 Grants/Beneficial Reuse Programs/Policies

Summary: Coastal communities can apply for grants that restore degraded coastal coves, embayments, and tidal wetlands from CTDEP under the Long Island Sound Habitat Restoration Grant. As noted above in Section 4.5, developers may be eligible for grants and loans for Brownfield redevelopment.

Applicability: Example project types for which grants or beneficial use programs may be applicable are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Grants/Beneficial Reuse Programs					X	X	X			X		

Administered By: The restoration related grants are administered by CTDEP’s Office of Long Island Sound. Brownfield related grants are administered by the Office of Brownfield Remediation and Development.

For More Information: Additional information on the grant programs can be found at: http://www.ct.gov/dep/cwp/view.asp?a=2687&q=322332&depNav_GID=1511

4.13 Possible Future Regulation Changes

Summary: In an effort to clarify and streamline the solid waste management regulations, additional general permits are currently being developed or are planned (Bill Sigmund, CTDEP, pers. com.). The Beneficial Use General Permit is currently being developed to simplify the ability to reuse soil/dredged material for common uses that are specifically pre-determined. The Solid Waste Management Regulations would be revised to clarify the current “clean fill” definition and establish a “regulated/recyclable fill” definition. The proposed revisions could create important opportunities for reusing materials that may be reusable, provided any contamination is compatible with the intended reuse.

For example, soils contaminated at low levels with asphalt constituents could be permitted for reuse in asphalt production or road construction. To permit this type of reuse, CTDEP needs a clear definition of what types of material are regulated and the conditions under which materials can be reused. The revised regulations would identify the threshold for identifying proposed reuses. The definition of regulated fill provides opportunities for CTDEP to issue, in addition to individualized Beneficial Use Determinations, more broad-based general permits for beneficially using a variety of wastes that may safely serve as an effective substitute for other materials, at a reduced cost to generators of those wastes, including towns, State agencies, and businesses. Overall, the clarifying approved reuse levels will provide an ability to allow soils/sediments that have some detectable level of contaminants present to be reused in a safe and efficient manner.

Development of an additional general permit covering the management of soils/sediments is possible following completion of the Beneficial Use General Permit.

Applicability: The proposed changes to the solid waste regulations could have applicability to projects involving upland placement of dredged material with example project types noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Proposed Beneficial Use General Permit								X	X	X	X	X

Administered By: The CTDEP Bureau of Materials Management and Compliance Assurance is the lead agency developing the proposed general permit described in this section.

For More Information: Additional information on the proposed regulation changes can be found at:
http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/solid_waste/solid_waste_regs--october_30_2008-revised.pdf
 and
www.ct.gov/dep/lib/dep/Permits_and_Licenses/Waste_General_Permits/soilstaging_gp.pdf

5.0 NEW YORK – STATE AND LOCAL ACTS, REGULATIONS, AND PROGRAMS

5.1 Overview of New York State Process

The New York State Department of Environmental Conservation (NYSDEC) is the lead agency providing environmental regulation of the placement of dredged material within New York State boundaries, with assistance from other agencies depending on the location of dredged material placement. NYSDEC has a uniform regulatory system, and detailed technical guidance can be found in a summary document at:

www.dec.ny.gov/regulations/2652.html (see 5.1.9)

Applications for permits related to dredging and dredged material placement are submitted to the Division of Environmental Permits in the NYSDEC regional office serving the area within which the action is located. A general summary of the process is provided below with more detail on the specific State regulations and programs provided in the remainder of Section 5.

- Through the Protection of Waters Program, NYSDEC regulates activities that include the disturbance of the bed or banks of a protected stream or watercourse; the excavation or placement of fill in navigable waters and their adjacent and contiguous wetlands; and placement of fill or other activities that result in a discharge to waters of the United States (requiring Water Quality Certification).
- For placement of dredged material within coastal waters, along shorelines, within a defined local waterfront revitalization program, or within the State defined coastal zone boundaries, Coastal Consistency Certification will be required by the New York State Department of State (NYSDOS).
- In most instances, the State of New York owns the land beneath its coastal waters and waters of large lakes and rivers. The New York State Office of General Services manages most underwater holdings, and approvals or easements may be required from this agency for related dredged material placement. However, in the case of Long Island, the Towns/Trustees own the underwater lands of almost all of the watercourses within their boundaries and provide regulatory guidelines for dredging and dredged material placement as well.
- In addition to the certifications noted above, permits that may be required include: Use and Protection of Waters Permit, Freshwater Wetlands Permit,

Tidal Wetlands Permit, and State Pollutant Discharge Elimination System Permit.

- For upland placement of dredged material, the NYSDEC Bureau of Solid Waste, Reduction, and Recycling is responsible for beneficial use determinations and issuance of solid waste permits.

5.2 Clean Water Act

Summary: NYSDEC regulates any applicant for a Federal license or permit who seeks to conduct an activity that may result in a discharge to the waters of the State, including all navigable waters, all wetlands, watercourses, and natural and man-made ponds. This includes the placement of fill as well as the temporary discharge of decant waters from a barge containing dredged material or an upland processing/placement site. The applicant must obtain a Water Quality Certification (WQC) from NYSDEC that the discharge is consistent with the Federal CWA and New York Water Quality Standards. Any conditions contained in a WQC become conditions of the Federal permit or license.

In making a decision on a request for CWA Section 401 WQC, NYSDEC must consider the effects of the proposed discharges on both surface water and groundwater quality and existing designated uses of waters of the State. An exemption from the requirement to obtain an individual Water Quality Certification is for activities for which the U.S. Army Corps of Engineers has issued a Nationwide 404 Permit and for which NYSDEC has correspondingly issued a generic statewide Water Quality Certification.

Applicability: The CWA is applicable to all open water placement of dredged material as well as any placement that involves a discharge to a water body, such as a material dewatering discharge. Example projects for which the CWA has applicability are noted in the table below. This regulation has similar applicability to Federal, State, local, and private projects.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
CWA	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹	

¹ applicable if there is a discharge to waters of the State

Administered By: NYSDEC administers the Section 401 WQC process through its Protection of Waters Regulatory Program.

For More Information: Additional information on the CWA within New York can be found at: <http://www.dec.ny.gov/chemical/290.html>

5.3 New York State Coastal Zone Consistency

Summary: The Federal Coastal Zone Management Act requires that each Federal agency action within the coastal zone or within an area that affects the land, water, or natural resources of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. Additionally, Federal agency permit, licensing, and funding activities for non-Federal projects are required to be wholly consistent with the New York State Coastal Management Program (CMP). In New York State, the enforceable coastal policies are those in the CMP and enforceable policies of any Local Waterfront Revitalization Program (LWRP), regional coastal management programs such as the LIS Coastal Management Program, or other special area management plan that has been incorporated into the State's approved management program. Likewise, the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act includes provisions to assure consistency of State actions and, where appropriate, Federal actions, with the policies of the coastal area and inland waterways, and with accepted waterfront revitalization programs of the area defined or addressed by such programs.

The definition of the coastal boundary within New York varies from region to region, but the landward side generally extends 1000 feet inland from mean high water. In urbanized and developed coastal locations, the landward boundary is set at 500 feet from the shoreline (may be less in areas with a defined transportation corridor). In some areas of LIS, the boundary may extend inland up to 10,000 feet to encompass significant coastal resources. The boundary is delineated on the seaward side by the State boundary within LIS with the following note: Because the New York-Connecticut boundary roughly splits LIS down the middle, both States agreed to grant coastal zone review consideration for projects occurring within the other state's waters if the project occurs seaward of the 20-foot depth contour, referred to as Interstate Consistency.

As required by the New York CMO, this includes all activities subject to Section 404 of the CWA and/or Section 103 of MPRSA seaward of the 20-foot depth contour in LIS and Fishers Island Sound. Further, a state may request from NOAA the right to a coastal zone consistency review for a project occurring landward of the 20-foot depth

contour in the adjoining state's waters if they can document to NOAA that there is a valid concern that the reasonably foreseeable effects of the project to the requesting state's resources can extend across the state boundary. Each state's Coastal Zone Management Program was changed to reflect this agreement and was approved by NOAA in 2006.

Federal agencies are required to follow defined procedures for any activity they undertake, fund, or approve to be consistent with the New York CMP. State agencies are required to follow certain procedures for direct or funding actions, including permits, for which they are an involved or lead agency pursuant to the State Environmental Quality Review Act and for which an Environmental Impact Statement may be necessary. State agency activities listed in an approved LWRP are also subject to consistency procedures. State agencies are also required to follow the Federal consistency requirements, if they require Federal approval of their activity or if the activity involves Federal funding.

At the local government level, cities, towns, or villages with adopted LWRPs enact similar consistency provisions applicable to their decision-making. These requirements apply to municipal agency decision-making, such as decisions involving zoning changes, subdivisions, site plans, special use permits, municipal construction projects, and funding activities. An agency of any coastal municipality may be subject to State and Federal consistency procedures if they require State or Federal approval of their activity or are using State or Federal funds for a specific project. Municipalities that have adopted an LWRP should be contacted directly regarding their requirements.

Coastal policies applicable to dredged material disposal in the State's designated coastal zone include consideration of fish and wildlife, flooding and erosion, historic and scenic resources, air and water resources, and wetlands. Beneficial reuse and upland placement is promoted above open water placement. Transfer of one habitat type to another is not promoted or encouraged.

Applicability: All projects placing dredged material within the coastal zone would be required to prepare a consistency review to demonstrate that the placement activities are consistent with all applicable policies and standards contained in the New York State CMP or LWRP.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
NY State CMP	X ¹	X	X	X	X	X	X	X ¹	X ¹	X ¹	X ¹	

¹ applicable for projects located within the defined State coastal zone or projects that could affect the State’s coastal zone

Administered By: The New York State CMP is administered by the New York State Department of State.

For More Information: Additional information on the State’s coastal zone program can be found at: www.nyswaterfronts.com/index.asp

5.4 Solid Waste Rules

Summary: In the Solid Waste Management Act of 1988, the New York Legislature established a State Solid Waste Management Policy. Within this policy, the State considers dredged material as a solid waste unless:

- The dredged material is managed under a dredging permit and a Section 401 State WQC (hence, beach nourishment would be exempt from these rules); or
- A Beneficial Use Determination (BUD) is obtained. The regulations allow certain material to exit the solid waste stream when beneficially used. The regulations provide specifically identified wastes and uses as well as provision for case-specific determinations.

Dredged material proposed for upland placement, which is not managed under one of the above tracks, is listed as a solid waste. If upon testing the material is determined to be uncontaminated, it ceases to be a solid waste and is unregulated when used as fill material in accordance with the generic BUD defined in the regulations. Dredged material which exhibits moderate levels of contamination may still be eligible for beneficial use (such as at a Brownfield site), but requires a case-specific determination. A non-hazardous, adequately dewatered dredged material could be accepted by the State at a municipal solid waste landfill, subject to being allowed pursuant to the landfill’s operating

permit and the operator’s permission (Kathleen Prather, NYSDEC, email dated 25 March 2010).

Applicability: The Solid Waste Management Regulations apply to all projects incorporating upland placement of dredged material. This regulation has similar applicability to Federal, State, local, and private projects, with example applicable project types noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
NYSDEC Solid Waste Rules								X	X	X	X	X

Administered By: The NYSDEC Bureau of Solid Waste, Reduction, and Recycling regulates and monitors solid waste facilities and promotes sound management of wastes by communities, business, and industries within the State. The NYSDEC Division of Materials Management (formerly Solid and Hazardous Materials) is responsible for the technical components of upland placement projects, and regulatory/procedural management is the responsibility of the Division of Environmental Permits.

For More Information: Additional information on the solid waste regulations can be found at: www.dec.ny.gov/reg/2491.html

5.5 Brownfield Sites

Summary: The Brownfield Opportunity Areas Program was established as part of the Superfund/Brownfield Law in 2003 to provide municipalities and community organizations with assistance to complete revitalization plans and implementation strategies to return dormant sites back to productive use and simultaneously restore environmental quality. The program also provides assistance to communities to undertake activities resulting in area-wide revitalization plans and site assessments to determine the nature and extent of contamination on Brownfield sites. Regulations governing Brownfields were amended in 2008, establishing the Brownfield Cleanup Program (BCP) which restructured the offered tax credits providing balance between remediation and redevelopment credits.

Applicability: New York has numerous Brownfield sites where the use of dredged material from LIS may be applicable dependent on the makeup of the material and on the particular need for fill at a given site (construction base, light use, general landscaping).

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
Brownfield Sites										X		

Administered By: Prior to the 2008 amendments, the Brownfield Opportunity Areas Program was administered by the NYSDEC in collaboration with the NYSDOS. The 2008 amendments authorized the NYSDOS as the sole administrator of the program, with NYSDEC maintaining oversight of site assessments performed as part of the program.

For More Information: Additional information on Brownfields within the State can be found at: http://nyswaterfronts.com/grantopps_BOA.asp

5.6 Transport on State Roads and Highways

Summary: In general, New York State has adopted Federal Motor Carrier Safety Regulations and Hazardous Materials Transportation Regulations found in Title 49 of the Code of Federal Regulations. Beyond the general licensing of operators and vehicles, the New York State Department of Transportation (NYSDOT) requires permits to be obtained in some circumstances for the transport of material where the transport vehicles and load do not conform to the statutory limits for width, length, height, or weight. These permits may limit the specific route which may be used (with particular limits on bridges), the time of such use, and the conditions of operation.

Applicability: The overland transport of dredged material often involves the use of vehicles requiring oversized/overweight permits. Transport of this type could be required for any of the example projects noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
NYSDOT									X	X	X	X

Administered By: The NYSDOT, Office of Modal Safety and Security administers compliance with the State’s highway regulations.

For More Information: Additional information on transportation within the State can be found at: www.nysdot.gov

5.7 Air Quality

Summary: Following Federal guidance within the Clean Air Act (CAA), New York is monitored for attainment of National Ambient Air Quality Standards (NAAQS) for the seven criteria pollutants as described in Section 3.10. At present, the State is under mandate to develop a State Implementation Plan (SIP) due to elevated levels of ozone and fine particulate.

Both mobile and stationary sources of air emissions are covered by State regulations, with mobile sources including vessels and stationary sources including unloading vessels when docked/moored for an extended period of time, even at an offshore location (Mike Styk, NYSDEC, email dated 13 April 2010). Projects which are deemed as environmentally significant through the completion of an environmental assessment form may be required to evaluate both direct (e.g. exhaust) emissions and indirect emissions such as fugitive dust generated by traffic. As noted in the review of the CAA in Section 3.10, emissions from maintenance dredging projects are defined within the regulations as *de minimis*, as long as applicable permits are secured and placement will occur at an approved placement site. For other projects, transport of dredged material by truck or dredge/barge must be evaluated and a General Conformity Determination performed to assess if the project would interfere with the SIP as it is developed for attainment of NAAQS in the identified non-attainment areas.

Applicability: This regulation has similar applicability to Federal, State, local, and private projects that involve placement of material from a non-maintenance dredging project related to the current status of non-attainment for ozone and fine particulate matter.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
CAA	X	X	X	X	X	X	X	X	X	X	X	X

Administered By: Air quality within the State of New York is administered within NYSDEC’s Office of Air Resources, Climate Change, and Energy.

For More Information: Additional information on New York’s air quality program can be found at: <http://www.dec.ny.gov/25.html>

5.8 Environmental Justice

Summary: Commissioner Policy 29 (CP-29) provides guidance for incorporating environmental justice concerns in the NYSDEC environmental permit review process and the application of the State Environmental Quality Review Act. Last revised in 2003, CP-29 provides for equal access and treatment with respect to environmental benefits for all people regardless of race, color, national origin, or income. An environmental justice community is defined as a United States census block group (as determined in accordance with the most recent census) for which at least 51.1% of the population in an urban area reported themselves as members of a minority group(s); at least 33.8% of the population in a rural area reported themselves as members of a minority group(s); or at least 23.6% of the population in an urban or rural area had household incomes below the Federal poverty level. Municipalities within the study area of this report containing potential environmental justice communities include the Bronx, New York, and Queens.

Applicability: This regulation is applicable to a larger project that could involve the siting of a dedicated processing, treatment, or transfer facility and potentially the siting of a shoreside CDF. The regulation has similar applicability to Federal, State, local, and private projects and includes the example project types in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
NY Environmental Justice			x					x ¹	x ¹	x ¹	x ¹	x ¹

¹ applicable to projects requiring construction of an “applicable facility”

Administered By: An applicant seeking a permit for a new or expanded “applicable facility” that is proposed to be located within an environmental justice community is required to file an Environmental Justice Public Participation Plan with NYSDEC and receive approval from NYSDEC prior to filing any permit application.

For More Information: Additional information on the Environmental Justice Policy can be found at: <http://www.dec.ny.gov/public/333.html>

5.9 New York Counties

Summary: The counties of Suffolk, Westchester, Nassau, and King were contacted and web sites reviewed for input on county-specific policies and regulations concerning dredged material placement within their jurisdiction. Contact and response information is provided in Appendix A. The only substantive input came from Suffolk County with the following items of note:

- Suffolk County Planning Department, Environmental Analysis Section provides assistance to government agencies and the public regarding coastal management. The Planning Department also maintains web-based mapping defining the County’s aquaculture lease program for underwater land lots throughout the Peconic Estuary.
- Suffolk County Council on Environmental Quality reviews all county actions for compliance with the State Environmental Quality Review Act and local environmental laws and can provide review of the environmental impact of any other project within the county at the request of the legislature or executive.

- Suffolk County Department of Public Works and Dredging Projects Screening Committee for review of projects within the county.
- Suffolk County Department of Parks, Recreation and Conservation for review of proposals looking for placement of dredged material on County owned properties.

Applicability: Any Federal, State, local, or private projects that involved transport through or placement of material within Suffolk County could require local review, with applicable example project types noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
NY Counties	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹

¹ applicable if the in-water, near shore, or upland location was determined to directly affect properties owned or operated by the county

Administered By: Dependent on the type of project and required review, one or more of the Suffolk County agencies noted above may have input.

For More Information: Additional information on the environmental review in Suffolk County can be found at: www.co.suffolk.ny.us/departments/planning.aspx

5.10 New York Municipalities, Boroughs, and Villages

Summary: Eighty-two municipalities were contacted regarding regulations/management of dredged material within the New York study area. Specific contacts and response success are summarized in Appendix A. In general, the municipalities in New York can regulate dredged material management through their zoning laws, wetland laws, and coastal erosion laws (Coastal Erosion Hazard Area [CEHA] program) as well as with restrictions regarding truck transportation. The three boroughs of New York City (Queens, Bronx, and Manhattan) have advisory capacity, but no regulatory roles as the regulatory authority lies with the City of New York.

Local zoning restrictions and town codes were cited as the authority to regulate dredged material placement for the following towns contacted: North Hempstead (Great Neck Estates, Sands Point), Oyster Bay (Centre Island, Mill Neck), East Hampton, Smithtown, and Southampton. For example, in the Towns of Smithtown, Southold, and East Hampton, the following actions cannot be approved until the Town Board determines that the action is consistent with the coastal Local Waterfront Revitalization Program policies: zone changes, subdivisions, site plans, building permits for new buildings, special exceptions, and permits for any actions requiring land use, height, signage, parking, density, or environmentally sensitive lands variances. Many towns contacted also indicated that they rely on State and Federal laws and regulations to manage dredged material placement.

Transportation of dredged material through cities and towns may have truck route or weight restrictions. For example, New York City has its own transportation department and traffic rules and regulations, NY City Traffic Rules and Regulations, Chapter 4, Title 4. A web site (www.nyc.gov/dot) provides a map showing the location of truck routes and bridge weight limits. The town of Smithtown uses a hydraulic dredge to pump material onshore to avoid the use of trucks through their town. Other towns with weight restrictions or that issue permits for transport on their roads and bridges include Hempstead, North Hempstead, Smithtown, and Southampton.

Six Long Island towns and their villages have a unique authority through the Dongan Patent which grants the town trustees and/or town board ownership of, and the authority to, regulate their town bottomlands. The towns include Southampton, Shelter Island, East Hampton, Brookhaven, Southold, and Huntington. The Dongan Patent was issued by the British Governor Dongan of the Royal Colony of New York, in 1686 (Wall Street Journal, November 10, 2009). The founding fathers of these towns were granted the rights to manage all waterways, ponds, streams, brooks, wetlands, rivers and other estuaries, as trustees for the early settlers and for residents today. As a result of this patent, the State has no authority to supersede regulations on town property, which includes the bottom of town inlets and bays, and in some cases, the dunes and beach areas along the Peconic Bays and the Atlantic Ocean. Additionally, through previous and subsequent patents, the remaining Long Island Towns have retained ownership and regulatory authority of the lands under most fresh and tidal waters within their boundaries. Therefore, placement of dredged material in the waterways adjacent to these towns would need to be approved by the local elected trustees and/or town (and where applicable, village) boards. Additional information can be found at:
http://www.nyswaterfronts.com/final_draft_html/Tech_Report_HTM/PDFs/Chap4/Underwater_Lands.pdf

Applicability: The municipal regulations have similar applicability to Federal, State, local, and private projects that would involve some aspect of the transport or placement process within the boundaries of the municipality, with example project types noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
NY Municipal Regulations	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹

¹ applicable if the in-water, near shore, or upland location was determined to directly affect properties owned or operated by the municipality

Administered By: The regulations and permits for a given municipality would generally be administered by the Town Trustees, local environmental/conservation department, the planning department, and/or the transportation department.

For More Information: Additional information can be obtained from the specific municipal office. Contact information is provided in Appendix A.

5.11 Grants/Beneficial Reuse Programs/Policies

Summary: Several funds or grants are available from the State of New York which may be applied to dredged material placement where it provides a benefit to municipalities or the State.

The **New York State Environmental Protection Fund** is the State’s first permanent fund dedicated to addressing a broad range of environmental and community development needs. Under this program, the NYSDOS Division of Coastal Resources provides grants to eligible municipalities for planning, design, feasibility studies, and construction projects that advance preparation or implementation of a Local Waterfront Revitalization Program. On an annual basis, the Department of State solicits grant applications from local governments for 50/50 matching grants from the New York State Environmental Protection Fund's Local Waterfront Revitalization Program. Applicable example projects include the use of dredged material for streambank stabilization or shoreline revitalization.

The **Brownfield Opportunity Areas Program** provides municipalities and community based organizations with assistance to complete area-wide approaches to Brownfields redevelopment planning. Through the Brownfield Opportunity Areas Program (discussed in Section 5.5) communities will have opportunities to return dormant areas back to productive use and simultaneously restore environmental quality. Suitable dredged material could be placed at a Brownfield site for remediation of the site.

The 1996 **Clean Water/Clean Air Bond Act** provided funding for a variety of environmental improvements. The NYDOS Division of Coastal Resources cooperates with the NYSDEC Department of Agriculture and Markets and the Office of Parks, Recreation and Historic Preservation to fund many types of environmental projects under the Bond Act. The Bond Act provides funding for a variety of environmental improvements related to five categories - Clean Water, Safe Drinking Water, Solid Waste, Municipal Environmental Restoration (Brownfields), and Air Quality. The Clean Water category includes funding for water quality improvements, habitat restoration, open space protection and development of waterfront parks, recreation and historic preservation projects. Dredged material could be used for habitat restoration such as mudflat, dune, or marsh creation, and used for shoreline stabilization projects associated with development of waterfront parks.

Discussions with State agencies, counties and local communities all supported the beneficial use of dredged material. In particular, many coastal communities on Long Island expressed a strong interest in obtaining sandy dredged material for beach nourishment.

Funding from this Bond Act would generally be granted to local communities for enhancement projects and planning. Funding to match dredged material placement is possible. Dredged material placement at Brownfields or for shoreline enhancement, habitat (mudflat, island) creation/enhancement might be available for matching local funding. All State, county and local communities expressed an interest in beneficial use of dredged material, especially beach nourishment. These funding opportunities are generally directed for municipal use. The table below provides examples of projects that could take advantage of the funding for beneficial use of dredged material.

Administered By: The State funded grants are administered by NYSDOS or NYSDEC. Any local funding would be administered directly by the municipality.

For More Information: Additional information on these grants can be found at the NYSDOS Division of Coastal Resources web site:

<http://www.nyswaterfronts.com/index.asp>

5.12 Possible Future Regulation Changes

Summary: The public review and comment period recently ended on the NYSDEC Draft Solid Waste Management Plan entitled “Beyond Waste: A Sustainable Materials Management Strategy for New York State.” The overall goal of the plan is to reduce the amount of waste generated in the State through prevention as well as increasing reuse and recycling. While not specifically identified in the solid waste management hierarchy, NYSDEC generally considers beneficial use determinations to be preferable to waste disposal from an overall environmental perspective because the materials generally offset the use of virgin material. To meet the goals of the Draft Solid Waste Management Plan to reduce waste, it recommends revising regulations to update the beneficial use determination program to further streamline the reuse of material that would come under the regulatory solid waste control of NYSDEC.

Applicability: Any proposed streamlining of the beneficial reuse process will be applicable to Federal, State, local, and private projects that involve upland placement of dredged material with example project types noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
Beneficial Use Determination Update								X	X	X	X	X

Administered By: The NYSDEC Bureau of Solid Waste, Reduction, and Recycling is responsible for administering and regulating any changes to the solid waste beneficial use determinations.

For More Information: The Draft Solid Waste Management Plan is posted on the NYSDEC website at: www.dec.ny.gov/chemical/41831.html

6.0 RHODE ISLAND – STATE AND LOCAL ACTS, REGULATIONS, AND PROGRAMS

6.1 Overview of Rhode Island State Process

The Rhode Island Coastal Resources Management Council (RICRMC) is the lead agency for purposes of dredging in tidal waters. RICRMC is the initial and primary point of contact for dredging activities in tidal waters and in that capacity, integrating and coordinating the plans and policies of other state agencies as they pertain to dredging in order to develop comprehensive programs for dredging. The State of Rhode Island Coastal Resources Management Program (called the “Red Book”) documents the explicit powers and duties given to RICRMC by the General Assembly and the RICRMC enforceable policies. A general summary of the Program is presented below with more detail on the specific State regulations and programs provided in the remainder of Section 6.

- Although, the RICRMC has been designated the lead review agency for proposed dredging and dredged material management activities in Rhode Island, RICRMC is required to coordinate with the Rhode Island Department of Environmental Management (RIDEM) for projects located within the coastal zone. A pre-application consultation with these two agencies is an important element of the permitting process.
- For placement of dredged material within the State’s coastal waters, along shorelines, or within the State-defined coastal zone boundaries, a Council Assent or Federal Consistency Determination is required from RICRMC. RICRMC is authorized to issue, modify, or deny permits for dredging, filling or any other physical alteration of coastal wetlands and all directly related contiguous areas which are necessary to preserve the integrity of the wetlands, including, but not limited to the transportation and placement of dredge material in tidal waters.
- Placement of dredged material directly within waters of the State or within an area that may affect those waters triggers requirement for Water Quality Certification, administered by the RIDEM.

6.2 Management of Dredged Material Program

The RICRMC is the lead State agency for purposes of dredging in tidal waters and has the following duties and responsibilities:

- To coordinate the interest of the State with regard to dredging;
- To formulate and adopt a State policy with regard to dredging which integrates those interests;
- To cooperate with, negotiate, and to enter into agreements on behalf of the State with the Federal government and with other public bodies and private parties with regard to dredging;
- To act as the initial and primary point of contact for all applications to the State for dredging projects in tidal waters;
- To develop, prepare, adopt pursuant to Rhode Island General Laws (RIGL)§ 46-23-11, implement, and maintain a comprehensive plan for dredged material management; and
- To cooperate and coordinate with the Departments of Environmental Management, Transportation, Administration, and Health and the Economic Development Corporation in the conduct of these duties and responsibilities.

RICRMC's priority in planning for and management of dredged material, depending on the nature and characteristics of the dredged material and on reasonable cost, is as follows:

- Beneficial use, including specifically beach nourishment and habitat restoration and/or creation, in the coastal zone
- Beneficial use in upland areas - landfills (Rhode Island Resource Recovery Corporation) are required to take suitable dredged material to use for daily cover if available and RIDOT is required to take suitable dredge material as general fill if needed at time of dredging.
- Dredged material placement
 - Off shore open water placement for large volumes of material providing environmental impacts are minimized.

- Innovative nearshore placement methods particularly when small volumes must be managed, including but not limited to creation of wetlands, shellfish habitat, and beach nourishment in suitable area

For upland placement, all applicable requirements of the Fresh Water Wetlands Act (RI General Laws § 2-1-18 et seq.) need to have been met as well as compliance with applicable local zoning ordinances prior to the Council granting approval for the project. RICRMC has jurisdiction over fresh water wetlands in the vicinity of the coast otherwise RIDEM has jurisdiction over the wetlands.

Section 300.9 of the Coastal Resources Management Program provides information on dredging and dredged materials placement including RICRMC policies and standards. Except for direct Federal activities, applicants for dredging or open water placement of dredged materials shall be required to obtain a dredging permit (which contains the Section 401 Clean Water Act Water Quality Certification) from the RIDEM before the Council can consider granting approval for the project.

Applicability: The designed comprehensive nature of these regulations make them applicable to all types of dredged material management as noted in the table of example projects below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
RICRMC	X	X	X	X	X	X	X	X	X	X	X	X
RIDEM												

Administered By: The RICRMC is the lead review agency for all proposed dredging in tidal waters and works in coordination with the RIDEM, where applicable.

For More Information: Additional information on Rhode Island’s Coastal Resources Management Program can be found at:

www.crmc.ri.gov/regulations/RICRMP.pdf and
www.crmc.ri.gov

6.3 Clean Water Act

Summary: RIDEM Water Quality Certification program is responsible for ensuring compliance with the State Water Quality Regulations for projects that impact inland & coastal waters by fulfilling the requirements of Section 401 of the Clean Water Act which requires the State to certify projects such as dredging, filling, water withdrawals, & site disturbances. While reviewing projects, the Program often coordinates with Federal and State agencies and other DEM programs.

In September 2010, the RIDEM placed an updated “Rules and Regulations for Dredging and Management of Dredged Material“ (Regulation # DEM-OWR-DR-02-03) into effect. The regulations ensure that dredging and management of the associated dredged material is conducted in such a way to protect groundwater, surface water quality, fish and wildlife, and habitat resources while streamlining the overall permitting process. The regulations provide clear guidance on in-water placement of dredged material (Section 5.3 of DEM-OWR-DR-02-03), with this type of placement prohibited unless:

- There is no practicable alternative to the proposed placement that would have less adverse impact on the aquatic ecosystem, and that would not itself have significant adverse environmental consequences. A practicable alternative is defined as one that is “available and capable of being done after taking into consideration cost, existing technology and logistics in light of the overall project purposes.”
- The placement will not cause or contribute to violations of applicable water quality standards.
- The placement will not cause or contribute to significant degradation of waters of the State.
- Appropriate and practicable steps to minimize the potential adverse impacts of the placement on the aquatic environment have been taken.

Except in the case of beach nourishment or creation/restoration of salt marsh, all dredged material proposed to be beneficially used or disposed upland must first be dewatered at a location meeting the criteria listed in Section 11 of DEM-OWR-DR-02-03. If upland placement of material is proposed and involves a significant alteration to freshwater wetlands, then Section 9.3.4 of DEM-OWR-DR-02-03 applies. Upland dewatering, placement, or beneficial use of dredged material is prohibited in the areas listed below unless the dredged material meets the criteria listed in Section 9.2.3 of DEM-

OWR-DR-02-03 or unless the dewatering, placement, or beneficial use location is within 200 feet of mean high water. Further, upland dewatering, placement or beneficial use of dredged material is prohibited in the areas listed below unless the dredged material meets the physical and chemical criteria listed in Section 9.2.2 of DEM-OWR-DR-02-03 (and has a chloride concentration that does not exceed 200 mg/kg dry material) or unless the dewatering, placement or beneficial use location is within 200 feet of mean high water.

- Areas where groundwater is classified as GAA, as defined in the RIDEM Rules and Regulations for Groundwater Quality;
- Areas where groundwater is classified as GA, as defined in the RIDEM Rules and Regulations for Groundwater Quality and where public water is not available; and
- The watershed of a drinking water reservoir or any Wellhead Protection Area.

If a dewatering facility processes dredged material from multiple dredging operations, a Rhode Island Pollutant Discharge Elimination (RIPDES) permit may also be required from RIDEM.

Dredged material that does not exceed the Residential Direct Exposure Criteria may be disposed or used beneficially under conditions set forth in section 9.2.4 of DEM-OWR-DR-02-03. Material that exceeds Residential Direct Exposure Criteria but not the Commercial/Industrial Direct Exposure Criteria may be disposed or beneficially used under conditions discussed in 9.2.5 of DEM-OWR-DR-02-03.

Except for direct Federal activities, applicants for dredging or open water placement of dredged materials shall be required to obtain a dredging permit (which contains the Section 401 Clean Water Act Water Quality Certification) from the RIDEM before the RICRMC can consider granting approval for the project.

Applicability: The designed comprehensive nature of these regulations makes them applicable to all types of dredged material management as noted in the table of example projects below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Comprehensive Guidance	X	X	X	X	X	X	X	X	X	X	X	X

Administered By: The RIDEM Office of Water Resources administers the Section 401 WQC process for activities affecting coastal or tidal waters, in coordination with the RICRMC, where applicable.

For More Information: Additional information on how these regulations pertain to dredged material management in the State can be found at:

www.dem.ri.gov

<http://www.dem.ri.gov/pubs/regs/regs/water/dred0910.pdf>

www.crmc.ri.gov/regulations/RICRMP.pdf

6.4 Rhode Island State Coastal Zone Consistency

Summary: As part of Rhode Island's coastal management program administered by RICRMC, both the geographical scope of the State's coastal zone and the enforceable policies applicable to the coastal zone have been defined and approved by the National Oceanic and Atmospheric Administration (NOAA). Rhode Island's approved coastal zone, for the purposes of exercising the Federal consistency requirement of the CZMA, includes the area encompassed within the State's seaward boundary (three miles) to the inland boundaries of the State's 21 coastal communities. The enforceable policies with which Federal activities must be consistent in Rhode Island are found in the Rhode Island Coastal Resources Management Program (RICRMP) "the Redbook." Section 400 of the RICRMP contains requirements and procedures particular to consistency determinations and certifications. RICRMC has a Federal Consistency Manual.

The Federal consistency requirement, as provided for in section 307 of the Coastal Zone Management Act (CZMA) (16 USC §§ 1451-1464), is an important function of Rhode Island State coastal management programs. Under section 307, Federal agencies conducting an activity which is reasonably likely to affect any land or water use or natural resource of the coastal zone, are required to do so in a manner consistent, to the maximum extent practicable, with the enforceable policies of the State's coastal management program developed and implemented under the CZMA. Federal permits and licenses, including those associated with outer continental shelf plans, and grant-in-aid programs to local or State governments and related public entities, which are reasonably likely to affect any land or water use or natural resource of the coastal zone must also be consistent with the State's coastal management program. Non-Federal actions proposed within the State's defined coastal zone require a RICRMC Council Assent.

Applicability: All projects placing dredged material within or affecting the defined coastal zone would be required to prepare a consistency review to demonstrate that the placement activities are consistent with all applicable policies and standards contained in the RICRMP. This regulation has similar applicability to Federal, State, local, and private projects, with example projects noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Rhode Island CZM	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹	

¹ applicable for projects located within the defined State coastal zone or projects that could affect the State's coastal zone

Administered By: The RICRMC develops policy and implements the State's Coastal Zone Management Program.

For More Information: The Rhode Island Federal Consistency manual can be downloaded at:

http://www.crmc.ri.gov/regulations/Fed_Consistency.pdf

and the RICRMP can be downloaded at:

www.crmc.ri.gov/regulations/RICRMP.pdf

6.5 Department of Revenue/Division of Motor Vehicles

Summary: Beyond the general licensing of operators and vehicles, the Rhode Island Division of Motor Vehicles (RIDMV) requires permits to be obtained in some circumstances for the transport of material where the transport vehicles and load do not conform to the statutory limits for width, length, height, or weight. These permits may limit the specific route which may be used (with particular limits on bridges), the time of such use, and the conditions of operation. Weight limits for bridges can be found on the RI Department of Transportation website.

Applicability: The overland transport of dredged material often involves the use of vehicles requiring oversized/overweight permits. Transport of this type could be required for any of the example projects noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes
RIDMV									X	X	X	X

Administered By: The RIDMV has authority for required highway transport permitting. Cities and towns may have additional restrictions on transporting dredged material on local roadways as described in Section 6.6.

For More Information: Additional information on the State required permits can be found at: <http://www.dmv.ri.gov/>
 and www.dot.state.ri.us

6.6 Rhode Island Counties

Summary: Washington County, located in the southwest corner of the State, is the only county in Rhode Island located within the study area. As is the case for the regional planning organizations in the State of Connecticut, Rhode Island’s Washington County Regional Planning Council has no regulatory authority for the placement of dredged material. They are a non-profit organization and work in an advisory role with constituent towns to reach common goals.

Applicability: As noted above, the Planning Council does not have regulatory authority. However, their coordination and advisory role may provide some help for those projects that cross boundaries between towns within the State. Potential assistance from this organization is applicable to Federal, State, local, and private projects and example types of applicable projects are noted in the table below.

Regulation/ Authority	Example Dredged Material Management Option/Beneficial Use Project Types											
	Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes
Washington County Planning Council			x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹

¹ greater applicability for projects that include multiple towns

Administered By: The Washington County Regional Planning Council office may be available to assist dredged material placement projects that would preserve or enhance the environmental or economic quality of the county.

For More Information: Additional information can be found at:

<http://wcrpc.org/>

6.7 Rhode Island Municipalities

Summary: Six towns along the coast of Washington County were contacted as part of this study (Charlestown, Narragansett, North Kingstown, New Shoreham (Block Island), and Westerly). None of the towns noted any specific regulations that govern the management of dredged material.

Upland placement of dredged material must comply with all applicable local zoning ordinances.

Applicability: Although none of the towns contacted directly govern the management of dredged material, town officials can be familiar with potential local needs for dredged material. Examples of potential beneficial uses identified during phone discussions included upland pit fill, landfill cover, and fill for a dock expansion.

For More Information: The planning department for each town would generally have the best knowledge for upcoming projects with beneficial use potential. Contact information for the towns is provided in Appendix A.

6.8 Regulation Changes

Summary: As of September 2010 RIDEM revised the overly restrictive physical and chemical criteria for placement of dredged material for beach nourishment. Section 9.2.2 of DEM-OWR-DR-02-03 modified the list of criteria that dredged material proposed for beach nourishment must not exceed. Also, the requirement that the placement or beneficial use location needed to be hydrologically connected to the dredge area has been removed (Section 9.2.5.4 in 2003 version).

No other changes are pending at the time of writing of this report.

7.0 SUMMARY OF RESULTS

This report describes the regulatory programs and policies that may pose constraints for the management of dredged material (including open-water placement, beneficial use, and upland placement) from dredging projects within the ports and harbors of Long Island Sound (LIS). The dredged material type(s) considered were assumed to range from coarse material suitable for beach nourishment to fine-grained material with contaminant levels making it unsuitable for unconfined open water placement. Placement of sediments that could be considered hazardous waste (i.e. Superfund level) was not considered in this evaluation. The report also identifies potential funding or programs that could be utilized by navigational interests for beneficial use opportunities of dredged material.

The study area for this report included coastal areas abutting LIS within Connecticut and New York as well as a portion of Rhode Island on Block Island Sound. Federal, state, and local agencies within or with jurisdiction over the study area were contacted for input on their regulatory programs and policies related to the management of dredged material. Over 190 individual agencies were contacted, with response from 82% of those contacted. The majority of the regulations and policies concerning the management of dredged material are concentrated within the appropriate Federal and state agencies. Municipalities generally managed placement of dredged material through their zoning and wetland laws or through an advisory capacity. The contacts were also queried regarding beneficial use of dredged material and availability of grants or funding. All agencies that responded were supportive of beneficial use of dredged material, as long as the use is not contrary to other policies, such as impacting threatened or endangered species. Although grants and funding for the promotion of beneficial use were reported as limited, some existing regulations and planned future revisions are designed to streamline the beneficial use permitting process.

A summary of the applicability of the various regulations to a range dredged material placement options is presented below for the Federal regulations (Table 1), Connecticut State and local regulations (Table 2), New York State and local regulations (Table 3), and Rhode Island State and local regulations (Table 4) along with the relevant section of this report providing detail on the regulations.

Table 1. Summary of Applicability of Federal Regulations and Programs

Federal Regulation/ Authority	Report Section	Example Dredged Material Management Option/Beneficial Use Project Types												Notes
		Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes	
Clean Water Act (CWA)	3.1	x ¹	x	x	x	x	x	x	x ²	x ²	x ²	x ²		¹ additional open water regulations apply under MPRSA ² related to dewatering discharge or fill placement in waters of the United States
Marine Protection Research and Sanctuaries Act (MPRSA)	3.2	x ¹												¹ only if the material has been deemed suitable for placement under the criteria of the MPRSA
Coastal Zone Management Act (CZMA)	3.3	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹		¹ applicable to projects that fall within the state's designated coastal zone boundary or projects that could affect the state's coastal zone
Rivers and Harbors Act	3.4	x	x ¹	x ¹	x	x	x	x						¹ applicable for the initial creation of the CDF
NEPA	3.5	x	x	x	x	x	x	x	x	x	x	x	x	
Magnuson-Stevens	3.6	x	x ¹	x ¹	x	x	x	x	x ²					¹ applicable for the initial creation of the CDF ² related to dewatering discharge
Fish and Wildlife Coordination Act	3.7	x	x	x	x	x	x	x	x	x	x	x		

Federal Regulation/ Authority	Report Section	Example Dredged Material Management Option/Beneficial Use Project Types												Notes
		Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes	
Endangered Species Act	3.8	x	x	x	x	x	x	x	x	x	x	x		
Marine Mammal Protection Act	3.9	x	x	x	x	x	x	x						
Clean Air Act (CAA)	3.10	x	x	x	x	x	x	x	x	x	x	x	x	
Environmental Justice	3.11			x					x ¹	x ¹	x ¹	x ¹	x ¹	¹ applicable to projects requiring construction of an “applicable” facility
Migratory Bird Treaty Act	3.12	x	x	x	x	x	x	x	x	x				
National Historic Preservation Act	3.13	x ¹	x ¹	x ¹	x ¹	x	x ¹	x	x	x				¹ e.g. placement over submerged structure, shipwreck, or intact paleosol which contains pre-contact sites
Federal-Aid Highway Act	3.14									x	x	x	x	
Federal Railroad Administration	3.15									x	x	x	x	

Table 2. Summary of Applicability of Connecticut State and Municipal Regulations and Programs

Connecticut Regulation/ Authority	Report Section	Example Dredged Material Management Option/Beneficial Use Project Types												Notes
		Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes	
Clean Water Act	4.2	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹	x ¹	¹ applicable if there is a discharge to the waters of the State
CT Coastal Management Act	4.3	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹		¹ applicable for projects located within the defined State coastal zone, activities listed under interstate consistency, and those which may affect the coastal area of CT
CT Solid Waste Rules	4.4								x	x	x	x	x	
Brownfield Sites	4.5										x			
CT Department of Transportation	4.6									x	x	x	x	
Clean Air Act	4.7	x	x	x	x	x	x	x	x	x	x	x	x	
CT Environmental Justice	4.8			x					x ¹	x ¹	x ¹	x ¹	x ¹	¹ applicable to projects requiring construction of an “applicable facility”
CT Royalty Statute	4.9	x ¹	x ¹	x ¹	x ¹				x ¹	x ¹	x ¹	x ¹	x ¹	¹ applicable only if material provides an economic benefit (sold for profit)
Regional Planning Organizations	4.10			x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	¹ greater applicability for projects that include multiple towns

Connecticut Regulation/ Authority	Report Section	Example Dredged Material Management Option/Beneficial Use Project Types												Notes
		Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects	Aggregate Processes	
Municipal Regulations	4.11			X	X ¹	X	X ¹	X ¹	X	X	X	X	X	¹ although these types of management options would not take place directly within municipal boundaries, their direct proximity warrants coordination
Grants/Beneficial Reuse Programs	4.12					X	X	X			X			
Proposed Beneficial Use General Permit	4.13								X	X	X	X	X	

Table 3. Summary of Applicability of New York State and Municipal Regulations and Programs

New York Regulation/ Authority	Report Section	Example Dredged Material Management Option/Beneficial Use Project Types											Notes	
		Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects		Aggregate Processes
Clean Water Act	5.2	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹		¹ applicable if there is a discharge to the waters of the State
NYS Coastal Management Program	5.3	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹		¹ applicable for projects located within the defined State coastal zone, activities listed under interstate consistency, and those which may affect the coastal area of NY
Solid Waste Rules	5.4								x	x	x	x	x	
Brownfield Sites	5.5										x			
NYS Department of Transportation	5.6									x	x	x	x	
Clean Air Act	5.7	x	x	x	x	x	x	x	x	x	x	x	x	
NY Environmental Justice	5.8			x					x ¹	x ¹	x ¹	x ¹	x ¹	¹ applicable to projects requiring construction of an “applicable facility”
NY Counties	5.9	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	¹ applicable if the in-water, near shore, or upland location was determined to directly affect properties owned or operated by the county
NY Municipalities, Boroughs, and Villages	5.10	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	¹ applicable if the in-water, near shore, or upland location was determined to directly affect properties owned or operated by the municipality

New York Regulation/ Authority	Report Section	Example Dredged Material Management Option/Beneficial Use Project Types											Notes	
		Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/Redevelopment	Transportation Projects		Aggregate Processes
Grants/Beneficial Reuse Programs	5.11					X	X	X			X			
Possible Future Regulations	5.12								X	X	X	X	X	

Table 4. Summary of Applicability of Rhode Island State and Municipal Regulations and Programs

Rhode Island Regulation/ Authority	Report Section	Example Dredged Material Management Option/Beneficial Use Project Types												Notes
		Open Water Placement	Island CDF	Shoreline CDF	Harbor CAD	Direct Beach Nourishment	Nearshore Beach Nourishment	Marsh/Mudflat Creation	Upland Fill - Coastal	Upland Fill - Inland	Brownfield/ Redevelopment	Transportation Projects	Aggregate Processes	
RICRMC RIDEM	6.2	x	x	x	x	x	x	x	x	x	x	x	x	
Clean Water Act	6.3	x	x	x	x	x	x	x	x	x	x	x	x	
RI Coastal Zone Management	6.4	x ¹	x	x	x	x	x	x	x ¹	x ¹	x ¹	x ¹		¹ applicable for projects located within the defined State coastal zone and those which may affect the coastal area of RI
RI Department of Revenue/Division of Motor Vehicles	6.5									x	x	x	x	
Washington County Planning Council	6.6			x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	¹ greater applicable for projects that include multiple towns

8.0 REFERENCES

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- Rhoads, C. (2009). Long Island Fishing License Comes With a Colonial Catch. *The Wall Street Journal*, November 10, 2009. Retrieved March 31, 2010, from <http://online.wsj.com/article/SB125780880181039741.html>
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- USEPA and USACE. 2004. Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound, Connecticut and New York. April 2004
- Wisker, G. Personal communication between George Wisker of the CT Department of Environmental Protection, Office of Long Island Sound and Catherine Rogers of the U.S. Army Corps of Engineers on March 22, 2010.
- Woodfield, K. Personal communication between Karen Woodfield of NY Department of Environmental Conservation and Catherine Rogers of the U.S. Army Corps of Engineers on March 26, 2010.

Appendix A

Table of Federal, State, and Local Agency Points of Contact

Organization	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
National Marine Fisheries Service	Habitat Conservation Division	Diane Rusanowsky	212 Rogers Avenue, Milford, CT 06460-6499	203-882-6504	diane.rusanowsky@noaa.gov			X	
U.S. DOT			1200 New Jersey Avenue, SE, Washington, DC 20590	202-366-4000		X			
U.S. EPA, Region 1	Ocean and Coastal Protection Unit	Jean Brochi (LIS)	5 Post Office Square, Suite 100, Boston, MA 02109-3912	617-918-1536	brochi.jean@epa.gov			X	
U.S. Fish and Wildlife Service	Habitat Protection (FWCA, CWA, NEPA, Migratory Bird Treaty Act)	Maria Tur (FCAR)	70 Commercial St, Suite 300, Concord, NH 03301	603-223-2541 X 812	maria_tur@fws.gov			X	

Organization	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
CT Dept. of Environmental Protection	Bureau of Waste Mgmt	Bill Sigmund	79 Elm St, Hartford, CT 06102	860-418-5924	william.sigmund@ct.gov			X	
CT Dept. of Environmental Protection	Office of Long Island Sound	George Wisker	79 Elm St, Hartford, CT 06102	860-424-3614	george.wisker@ct.gov			X	
CT Dept. of Transportation	Bureau of Aviation and Ports	Joe Salvatore	2800 Berlin Turnpike, Newington, CT 06111	860-594-2539	joseph.salvatore@ct.gov			X	

TABLE A2 Summary CONNECTICUT Agency Contacts - COUNTY									
County	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Bridgeport	Greater Bridgeport Regional Planning Agency	Mark Nielsen, Exec. Director	525 Water Street, Bridgeport, CT 06604	203-366-5405	mnielsen@gbrrpa.org		X		Promotes beneficial use
Litchfield Hills	Litchfield Hills Council of Elected Officials	Richard Lynn, Exec. Director	42 North Street, Goshen, CT 06756	860-491-9884	lhce01@snet.net		X		Promotes beneficial use
	Capitol Region Council of Governments	Mary Ellen Kowalewski, Director of Community Development	241 Main Street, 4th Floor, Hartford, CT 06106	860-522-2217 x222	mkowalewski@crcog.org		X		
	Central CT Regional Planning Agency	Carl Stephani, Exec. Director	225 North Main Street, Suite 304, Bristol, CT 06010	860-589-7820 x2	director@ccrpa.org		X		Promotes beneficial use
	CT River Estuary Regional Planning Agency	Linda Krause, Exec. Director	455 Boston Post Road, Old Saybrook, CT 06475	860-388-3497	jlinda@crerpa.org		X		
	Council of Governments of the Central Naugatuck Valley	Peter Dorpalen, Exec. Director	60 North Main Street, 3rd Floor, Waterbury, CT 06702	203-757-0535 x22	pdorpalen@cogcnv.org		X		
	Midstate Regional Planning	Geoffrey Colegrove, Exec. Director	100 Dekoven Drive, Middletown, CT 06457	860-347-7214	geoffcolegrove@snet.net		X		Promotes beneficial use

County	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
	Agency								
	Northwestern CT Council of Governments	Jim Larkin, Planner	125 Putnam Pike, Dayville, CT 06241	860-774-1253 x15	jim.larkin@neccog.org		X		Promotes beneficial use
	South Central Regional Council of Governments	Carl Amento, Exec. Director	127 Washington Avenue, 4th Floor West, North Haven, CT 06473	203-234-7555	camento@scrcog.org		X		Promotes beneficial use
	South Western Regional Planning Agency	Nicole Davis, Asst. Planner	888 Washington Boulevard, 3rd Floor, Stamford, CT 06901	203-316-5190 x15	davis@swrpa.org		X		
	Southeastern CT Council of Governments	James Butler, Exec. Director	5 CT Avenue, Norwich, CT 06360	860-889-2324	jbutler@seccog.org		X		Promotes beneficial use
	Valley Council of Governments	Dave Elder, Senior Planner	12 Main Street, Derby, CT 06418	203-735-8688	delder@valleycog.org		X		

TABLE A2 Summary CONNECTICUT Agency Contacts - MUNICIPAL										
County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Fairfield	Bridgeport	Office of Planning and Economic Development	Michael Nidoh, Director of City Planning	City Hall Annex - 2nd Floor 999 Broad Street Bridgeport, CT 06604	203-576-7760			X		
Fairfield	Brookfield	Land Use	Katherine Daniel, Manager	100 Pocono Road, Brookfield, CT 06804	203-775-7316			X		
Fairfield	Danbury	Dept. of Planning and Zoning	Dennis I. Elpern, Director	155 Deer Hill Avenue, Danbury, CT 06810	203-797-4525			X		
Fairfield	Darien	Planning and Zoning Office	Jeremy Ginsberg, Director	2 Renshaw Road, Darien, CT	203-656-7351			X		
Fairfield	Fairfield	Town Plan and Zoning	Joe Devonshuk, Planning Director	725 Old Post Road, Fairfield, CT 06824	203-256-3050	Jdevonshuk@town.fairfield.ct.us			X	Regulates dredging under Town of Fairfield zoning regulations (24.3-24.7).
Fairfield	Greenwich	Planning and Zoning	Diane Fox, Director	101 Field Point Road, Greenwich, CT 06830	203-622-7894			X		
Fairfield	Newtown	Planning & Zoning Commission	Rob Sibley	31 Pecks Lane, Newtown, CT 06470	203-270-4276				X	Regulates dredging under Newtown Zoning Regs and Wetland Regs. Zoning Regs 8-7-7-1. (applies to dredging of ponds, not coastal waterways) Promotes beneficial reuse (soil stays on site if possible). Possibly construction reuse with analysis. Newtown-ct.gov
Fairfield	Norwalk	Planning and Zoning Office	Michael B. Greene, Director Of Planning & Zoning	125 East Avenue Norwalk, CT 06856	203-854-7780	MGreene@norwalkct.org		X		

TABLE A2 Summary CONNECTICUT Agency Contacts - MUNICIPAL										
County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Fairfield	Redding	Planning Commission	Diane F. Taylor, Chairman	23 Cross Hwy. Redding Center, CT 06875	203 938-3721				X	Regulates dredged material under local wetland regulations.
Fairfield	Ridgefield	Planning and Zoning Dept.	Betty Brosius, Director of Planning	66 Prospect Street, Ridgefield CT 06877	203-431-2766				X	Regulates dredging under Town Zoning Regulations (7.5, 7.6, earth removal, erosion and sediment control) Promotes beneficial reuse for native planting/pond restoration. Ridgefieldct.org
Fairfield	Shelton	Planning and Zoning Dept.	Richard D. Schultz, AICP		203-924-1555 Ext. 361	r.schultz@cityofshelton.org		X		
Fairfield	Stamford	Planning Board	Robert Stein, Director of Planning & Zoning	888 Washington Boulevard, Stamford, CT 06901	203-977-4076				X	Regulates dredging with a Inland Wetlands Permit.
Fairfield	Stratford	Planning & Zoning	Gary Lorentson, Planning & Zoning Administrator - Harbor Management	2725 Main Street, Stratford, CT 06615	203-385-4017			X		
Fairfield	Westport	Planning and Zoning Dept.		110 Myrtle Avenue, Room 203, Westport, CT 06880	203-341-1030			X		Inland dredging of ponds need a permit, none required otherwise.
Fairfield	Wilton	Planning and Zoning	Robert Nerney, Director of Planning and Land Use Management	238 Danbury Road, Wilton, CT 06897	203-563-0185			X		
Hartford	East Hartford	Planning & Zoning Commission	Anthony Kayser, Chair	740 Main Street, East Hartford, CT 06108	860-291-7100				X	Regulates disposal on a case by case basis. Maybe promotes beneficial reuse on a case by case basis (wetland restoration/preservation).

TABLE A2 Summary CONNECTICUT Agency Contacts - MUNICIPAL										
County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Hartford	Glastonbury	Natural Resource Conservation, Environmental Management & Wetlands	Thomas Mocko, Environmental Planner	2155 Main Street, Glastonbury, CT 06033	860-652-7514			X		Requests notification if there is a project.
Hartford	Hartford	Planning Division	Roger J. O'Brien, Director	250 Constitution Plaza, 4th Floor, Hartford, CT 06103	860-757-9040		X			
Hartford	Manchester	Environmental Planning	Matt Bordeaux, Environmental Planner/Wetlands Agent	41 Center Street, Manchester, CT 06040	860-647-3288			X		
Hartford	Rocky Hill	Planning	Marge Nevoco	761 Old Main St., Rocky Hill, CT 06067	860-258-2766			X		Promotes beneficial reuse on a case by case basis.
Hartford	Wethersfield	Planning and Zoning Commission	Peter D. Gillespie, Director of Planning and Economic Development	505 Silas Deane Highway, Wethersfield, CT 06109	860-721-2838			X		
Hartford	Windsor	Town Planning & Zoning Commission			860-285-1980				X	Regulates dredging with authority of zoning regulations (greater than 250yds, 5 years). Promotes beneficial reuse (landfill cap). Regulates dredged material disposal, including transportation, on a case by case basis.
Litchfield	Harwinton	Land Use Office	Polly Redmond, Land Use Coordinator		860-485-2784		X			
Litchfield	Litchfield	Planning &	Barbara Putnam	74 West Street,	860-567-7565			X		

County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
		Zoning Commission		Litchfield, CT 06759						
Litchfield	New Milford	Planning Commission	Peter Eng, Chairman	10 Main Street, Lower Level, New Milford, CT 06776	860-355-6080	PlanningComm@newmilford.org		X		
Litchfield	Plymouth	Planning & Zoning Commission	Khara Dodds, Director of Planning & Economic Development	80 Main Street, Terryville, CT 06786	860-585-4043		X			
Litchfield	Thomaston	Planning & Zoning Commission	Mary Barton, Land Use Officer	Thomaston Town Hall, 158 Main Street, Thomaston, CT 06787	860-283-8411	mbarton@thomastonct.org	X			
Litchfield	Watertown	Planning & Zoning Commission	David Minnich, Chairman	319 Thomaston Rd, Watertown, CT 06795	860-274-9050		X			
Middlesex	Chester	Planning & Zoning	Michael W. Joplin, Chmn.	203 Middlesex Avenue, Chester, CT 06412	860 526-0013 Ext 208	ZoningOfficial@chesterct.org		X		
Middlesex	Clinton	Planning & Zoning Commission	Jay O. Northrup - Town Planner	54 E. Main St., Clinton, CT 06413	860 669-6133	jnorthrup@clintonct.org		X		
Middlesex	Cromwell	Planning & Zoning Commission	Nicholas Demetriades, Chairman	8 Congress Drive, Cromwell, CT 06416	860-632-3422			X		Maybe promotes beneficial use on a case by case basis.
Middlesex	Deep River	Planning & Zoning	Cathie Jefferson	174 Main Street, Deep River, CT 06417	860-526-6030	zoning@deepriverct.us			X	Regulates dredging under Zoning regulations of Deep River (14.5-14.6, Earth filling/removal regulations and Soil Erosion/Sediment Control)
Middlesex	East	Land Use Office	James Ventres	7 Main Street, PO Box	860-873-5031	admin.landuse@easthaddam.org	X			

County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
	Haddam			K, East Haddam, CT 06423						
Middlesex	East Hampton	Building, Planning, and Zoning	James P Carey Administrator, Planning, Zoning & Building	20 East High Street, East Hampton, CT 06424	860-267-9601	twadmin@easthamptonct.org			X	Regulates dredging and disposal by the Inland Wetlands Act. There are Constraints by the Port of Inland Wetlands Act. Promotes beneficial reuse for wetland restoration. Details available online: easthampton.org
Middlesex	Essex	Zoning Dept.	Marian Staye, Enforcement Agent	29 West Avenue, Essex, CT 06426	860.767.4340 x 119	mstaye@essexct.gov			X	Institutional constraint on management of dredge material transportation - narrow streets, small docks.
Middlesex	Haddam	Land Use Dept.	Liz West, Town Planner	30 Field Park Drive, Haddam, CT 06438	860-345-8531 Ext 219			X		

County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Middlesex	Middletown	Dept. of Planning, Conservation and Development	William Warner, Director	245 DeKoven Drive, Suite 202, Middletown, CT, 06457	860-344-3425				X	Regulates dredging with wetland regulations (2.32, 2.33, 2.34 - Regulated Activity, Regulated Area). Regulates dredged material disposal, including transportation, on a case by case basis, with specific approval (under aforementioned regulations). There are institutional constraints on management of dredged material on a case by case basis with specific approval. (2.32 - middletownplanning.com/wetland regulations/wr2.html)
Middlesex	Old Saybrook	Land Use Dept.	Christine Nelson Town Planner	302 Main Street, Old Saybrook, CT 06475	860-395-3131	cnelson@town.old-saybrook.ct.us		X		
Middlesex	Portland	Planning and Zoning Commission	Michael K. Woronoff	33 East Main Street, PO Box 71, Portland, CT 06480-0071	860-342-3165			X		
Middlesex	Westbrook	Land Use Office	Nancy J. Rudek, Zoning Official	866 Boston Post Road, Westbrook, CT	860-399-3046 Ext 130	:nrudek@westbrookct.us		X		
New Haven	Ansonia	Zoning Enforcement	Peter Crabtree, Zoning Enforcement Officer	253 Main Street, Ansonia, CT 06401	203-736-5990		X			
New Haven	Beacon Falls	Planning & Zoning	Susan A. Cable, Selectman - Al Dubois, Building Inspector	10 Maple Ave, Beacon Falls, CT, 06403	203-729-4340 - Dubois: Ext 4216			X		
New Haven	Branford	Planning & Zoning	Shirley Rasmussen, Department Head	1019 Main Street, Branford CT 06405	203-315-0676	P-Z@branford-ct.gov		X		

TABLE A2 Summary CONNECTICUT Agency Contacts - MUNICIPAL										
County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
New Haven	Derby	Zoning Board	Albert Misiewicz	171 Derby Avenue, Derby, CT	203-736-1450				X	Regulates dredging under Zoning Regulations of Derby. Regulates greater than 300 cu.yds., 2 years. (earth material removal). Regulates dredge material disposal under zoning regulations, filling permit, greater than 300 cu.yds fill, 2 yrs.
New Haven	East Haven	Planning and Zoning Dept.	Dave Anderson, Zoning Enforcement Officer	250 Main Street, East Haven, CT 06512	203-468-3349			X		
New Haven	Guilford	Plannind and Zoning and Wetlands	George Kral, Town Planner	50 Boston Street, Guilford, CT 06437	203-453-8039	kralg@ci.guilford.ct.us	X			
New Haven	Madison	Planning & Zoning	Marilyn Ozols, Planning and Zoning Administrator	8 Campus Drive, Madison, CT 06443	203-245-5632				X	Regulates dredging under IW Regulations (6.3) - operation removing material. Regulates dredged material disposal under IW Regulations if it's a wetland.
New Haven	Middlebury	Planning and Zoning Commission	Jean Donegan, Zoning Enforcement Officer	1212 Whittemore Road, Middlebury, CT 06762	203-577-4162			X		
New Haven	Milford	Planning and Zoning Dept.	David B. Sulkis, City Planner	70 West River Street	203-783-3245	dsulkis@ci.milford.ct.us		X		
New Haven	Naugatuck	Planning Commission	Anthony Whelan, Chairman Zoning - Engineering Dept: Wayne Zurdi	229 Church St., Naugatuck, CT 06770	203-720-7007		X			
New	New Haven	City Plan	Jay Ford	165 Church Street, New	203-946-6353	jford@newhavenct.net			X	Regulates dredge material disposal

TABLE A2 Summary CONNECTICUT Agency Contacts - MUNICIPAL										
County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Haven		Commission		Haven, CT 06510						on a case by case basis - greater than 800 cu yds, soil erosion and sediment control. Promotes beneficial reuse on a case by case basis.
New Haven	Orange	Zoning Board	Paul Dinice	617 Orange Center Road, Orange, CT 06477	203-891-4743	pdinice@orange-ct.gov			X	Regulates disposal greater than 400 cubic yards, promotes beneficial reuse on a case by case basis.
New Haven	Seymour	Zoning Enforcement Office	Art Baldwin, Zoning Enforcement Officer	1 First Street, Seymour, CT 06483	203-888-2511			X		
New Haven	Southbury	Zoning Dept.	Paul Liphardt Jr, Assistant Zoning Enforcement Officer	501 Main Street South, Southbury, CT 06488	203-262-0609	landuse@southbury-ct.gov		X		Promotes beneficial reuse on a case by case basis.
New Haven	Waterbury	City Planning and Inland Wetlands	E Gil Graveline, Zoning Enforcement Officer	26 Kendrick Ave, 2nd Floor, Waterbury, CT 06702	203-574-6818		X			
New Haven	West Haven	Planning Dept.	Eileen Buckheit, Commissioner	West Haven City Hall, 3rd Floor, West Haven, CT 06516	203-937-3580		X			
New London	East Lyme	Zoning Dept.	William Mullholland, Zoning Official	108 Pennsylvania Ave, Niantic, CT, 06357	860-691-4144		X			
New London	Griswold	Planning & Zoning	Carl S. Fontneau, Town Planner	28 Main Street, Jewett City, 06351	860-376-7060 ext 112				X	Promotes beneficial reuse - construction/reuse type is abandoned mill complex.
New London	Groton	Planning and Development	Michael J Murphy, Director	134 Groton Long Point Road, Groton, Ct 06340	860-446-5995	mmurphy@town.groton.ct.us			X	Regulates dredging under zoning regulations 7.1-7.10 (volume of material, erosion control).

TABLE A2 Summary CONNECTICUT Agency Contacts - MUNICIPAL										
County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
										Regulates dredged material disposal, including transportation, and promotes beneficial reuse on a case by case basis.
New London	Ledyard	Planning Commission	R. Scott Duffus, Zoning official	741 Colonel Ledyard Highway, Ledyard, CT 06339	860-464-3216	rsduf@town.ledyard.ct.us			X	Regulates dredging 100-ft wetlands.
New London	Montville	Planning and Zoning Commission	Bart Ferrante Jr., Vice Chairperson	310 Norwich-New London Turnpike, Montville, CT 06353	860-848-1349			X		
New London	New London	Planning and Zoning Commission	Mark Christiansen, Chairman	111 Union Street, New London, CT 06320	860-437-6379			X		
New London	Norwich	Planning and Development	Peter Davis, Director	23 Union Street, Norwich, CT 06360	860-823-3766		X			
New London	Preston	Planning and Zoning Commission	Michael Sinko, Chairman	389 Route 2, Preston, CT 06365	860-887-5581	michaelsinko@sbcglobal.net		X		
New London	Sprague	Planning and Zoning Commission	Tom Seidel, Town Planner	1 Main Street, Baltic, CT 06330	860-822-3000		X			
New London	Stonington	Department of Planning	William R. Haase, Director of Planning - Joe Bragaw, DPW	152 Elm Street, Stonington, CT 06378	860-535-5095 - Bragaw: 535-5056	dop@stonington-ct.gov		X		Regulates dredged material disposal, including transportation, on a case by case basis.
New London	Waterford	Planning and Zoning	G. Hughes, Planning and Zoning Commission - Tom Wagner, Planning Director	15 Rope Ferry Road, Waterford, CT 06385	860-444-5813			X		

County	City/Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Windham	Killingly	Planning and Development Office	Linda Walden, Director	172 Main Street, PO Box 6000, Danielson, CT 06239	860-779-5311	Lwalden@killinglyct.org		X		Promotes beneficial reuse on a case by case basis.
Windham	Plainfield	Planning and Engineering	Lou Soja, Supervisor	8 Community Ave, Plainfield, CT 06374	860-230-3028	lsoja@plainfieldct.org		X		

TABLE A3 Summary NEW YORK Agency Contacts - STATE									
Organization	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
NY State/City Dept. of Transportation	Public Affairs	Adam Levine	4740 21st St, Long Island City, NY 11101	718-482-4526	alevine@dot.state.ny.us			X	
NY State/City Dept. of Transportation	Div. of Air Resources	Mike Styk	625 Broadway, Albany, NY 12233	518-402-8403	msstyk@gw.dec.state.ny.us			X	
NY Dept. of Env. Conservation	Solid Waste	Kathleen Prather	625 Broadway, Albany, NY 12233	518-402-8678	kaprathe@gw.dec.state.ny.us			X	
NY Dept. of Env. Conservation	Water Quality	Karen Woodfield	625 Broadway, Albany, NY 12233	518-402-8196	klwoodfi@gw.dec.state.ny.us			X	
NY Dept. of State	Div. of Coastal Resources	Jennifer Street	99 Washington Ave., One Commerce Plaza, Albany, NY 12231	518-474-1737	jennifer.street@dos.state.ny.us			X	
NYS Office of General Services	Real Estate Development - Land Management	Richard Bennett	Corning Tower, 26th floor Empire State Plaza Albany, New York 12242-0001	(518) 474-2195	Richard.Bennett@ogs.state.ny.us				

County	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Bronx	Bronx Bor. President Office	Jessica Noon	851 Grand Concourse, 3rd Floor, Bronx, NY 10451	718-590-3881	webmail@bronxbp.nyc.gov		X		
Brooklyn (Kings)	Dept. of City Planning, Environmental Assessment and Review Division	Devesl Doobay	22 Reade St, Third Floor, NY, NY 10007	212-720-3291			X		Referred to DEP and DOT
Manhattan	Dept. of Policy and Research	Jenifer Clapp, Deputy Director		212-669-8137	jclapp@manhattanbp.org		X		
Queens	Dept. of City Planning	Devesl Doobay	22 Reade St, Third Floor, NY, NY 10007	718-286-2860			X		
Nassau	Planning Federation	Tim Kelley	100 County Seat Dr., Mineola, NY 11501	516-571-7525			X		
Suffolk	Dept. of Public Works	Gilbert Anderson, Commissioner Robert H. Whelan, P.E.	335 Yaphank Ave, Yaphank, NY 11980	631-852-4010	Highways, Structures & Waterways website: http://www.co.suffolk.ny.us/Home/departments/publicworks/highways.aspx Additional contact info. can be found at: http://www.co.suffolk.ny.us/Home/departments/publicworks/highways/hwydivs.aspx	X			Website indicates that county initiated projects are evaluated by the county Council on Environmental Quality which is delegated to conduct preliminary environmental reviews.
Suffolk	Dept. of Planning	Thomas A. Isles, AICP Director	H. Lee Dennison Building 100 Veterans Memorial	631-853-5191	planning@suffolkcountyny.gov also see: http://gis.co.suffolk.ny.us/Shellfish/index.html				

County	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
		DeWitt S. Davies, Ph.D., Chief Env. Analyst	Highway P.O. Box 6100 Hauppauge, NY 11788						
	Department of Parks	Nick Gibbons	P.O. Box 144 West Sayville, NY 11796	631-854-4952	Nick.Gibbons@co.suffolk.ny.us				
Westchester	Dept. of Public Works	John Hsu, Acting Commissioner	148 Martine Avenue, White Plains, NY 10601	914-995-2548		X			

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Bronx	New York City		Waterfront and Open Space Division NYC Department of City Planning (LWRP)	Wilbur Woods, Director	22 Reade Street, Room 6W New York, NY 10007-1216	(212) 720-3525	wwoods@planning.nyc.gov				NYC WRP (LWRP)
Kings (Brooklyn)	New York City		Waterfront and Open Space Division NYC Department of City Planning (LWRP)	Wilbur Woods, Director	22 Reade Street, Room 6W New York, NY 10007-1216	(212) 720-3525	wwoods@planning.nyc.gov				NYC WRP (LWRP)
Manhattan	New York City		Waterfront and Open Space Division NYC Department of City Planning (LWRP)	Wilbur Woods, Director	22 Reade Street, Room 6W New York, NY 10007-1216	(212) 720-3525	wwoods@planning.nyc.gov				NYC WRP (LWRP)
Nassau	City of Glen Cove *		Planning Board/Zoning Board	Camille Byrne, Secretary	40 Hill Street, Glen Cove, NY	516-676-1625 x112		x			Town of Hempstead
Nassau	Hempstead*		Conservation and Waterways Dept.	Ronald Masters	1 Washington Street, Ground Floor, Hempstead, NY 11550	516-897-4111	r.masters@tohmail.org			x	Dongan Patent, 1686 Funding Opportunities: WRDA 933 Cost Matching (Member item through state) Management Restrictions: Weight limitations on bridges, Beneficial Reuse: Beach nourishment
Nassau	Hempstead	Atlantic Beach*	Zoning Board	Steven Cherson, Superintendent of Public Works	65 The Plaza, Atlantic Beach, NY 11509	516-371-4600				x	Management Restrictions: Weight restriction on Atlantic Bridge

County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Nassau	Hempstead	Freeport*	Community Development Agency	Norman G. Wells, Executive Director	46 North Atlantic Avenue, Freeport, NY 11520	516-377-2203		x			*All regulatory authority for in-water work (seaward of MHW) lies with the Town of Hempstead. The Villages and City within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
Nassau	Hempstead	Hewlett Harbor*	Zoning Board	Dr. Edward Orzac, Board of Appeals	449 Pepperidge Road, Hewlett Harbor, NY 11557	516-374-3806			x		
Nassau	Hempstead	Hewlett Neck*	Village Office		30 Piermont Ave, Hewlett, NY 11557	516-295-1400		x			
Nassau	Hempstead	Island Park*	Village Office	Gomie Persaud, Village Clerk	127 Long Beach Rd, Island Park, NY 11558	516-431-0600			x		
Nassau	Hempstead	Lawrence*	Building Dept.	Building Dept. Superintendant	196 Central Ave, Lawrence, NY 11559	516-239-4600	building@villageoflawrence.org		x		
Nassau	Hempstead	Woodsburgh*	Village Office		30 Piermont Ave, Hewlett, NY 11557	516-295-1400		x			
											(Village of Lloyd Harbor is in the Town of Huntington, Suffolk Co.)
Nassau	City of Long Beach*		Dept. of Conservation	Ron Masters	1 West Chester Street, Long Beach, NY 11561	516-431-1011		x			
Nassau	North Hempstead†		Planning Board	Michael Levine	210 Plandrome Road, Manhasset, NY 11030	516-869-7657		x			† regulatory authority for in-water work (seaward of MHW) lies with the Town of North Hempstead. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
Nassau	North	Baxter	Village Office	Joe Salidero	2 Harbor Road, Port	516-	staff@baxterstates.org				

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
	Hempstead	Estates†			Washington, NY 11050	767- 0096					
Nassau	North Hempstead	Flower Hill†	Village Office	Ronnie Shatzkamer, Village Administrator	1 Bonnie Heights Road, Manhasset, NY 11030	516-627-5000			x		
Nassau	North Hempstead	Great Neck†	Village Office	Velma Richardson, Village Clerk	61 Baker Hill Road, Great Neck, NY 11023	516-482-0019				x	Beneficial Reuse: Various small projects
Nassau	North Hempstead	Great Neck Estates†	Village Office	Mike Bogart	4 Gateway Drive, Great Neck Estates, NY	516-482-8284				x	Regulates Dredging: Zoning Regulations ch. 129, 129.4
Nassau	North Hempstead	Kings Point†	Building Dept.	Richard Schilt	32 Steppingstone Lane, Kings Point, NY	516-504-1000 x112			x		
Nassau	North Hempstead	Manorhaven†	Village Office	Jonathan Fielding, Village Clerk	33 Manorhaven Boulevard, Port Washington, NY 11050	516-883-7000	clerk@manorhaven.org		x		Ensures that applicant has Fed/State Permits
Nassau	North Hempstead	Plandome†	Village Office	Tim Rice, Village Clerk	65 South Drive, PO Box 930, Plandome, NY 11030	516-627-1748			x		
Nassau	North Hempstead	Plandome Heights†	Village Office	Edward Butt, Building Inspector	53 Manhasset Ave, 2nd Floor, Manhasset, NY 11030	516-627-3701			x		
Nassau	North Hempstead	Plandome Manor†	Village Office	Edward Butt, Building Inspector	53 Manhasset Ave, 2nd Floor, Manhasset, NY 11030	516-627-3701			x		
Nassau	North Hempstead	Port Washington North†	Village Office	Palma Torrisi, Village Clerk	71 Old Shore Road, Port Washington, NY 11050	516-883-5900			x		
Nassau	North	Roslyn†	Building Dept.	Wade Curry,	1200 Old Northern	516-	rbroslyn@optonline.net		x		

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
	Hempstead			Building Inspector	Blvd., Roslyn, NY 11576	621-1961					
Nassau	North Hempstead	Roslyn Harbor†	Village Office	Barbara Kelly	500 Motts Cove Road South, Roslyn Harbor, NY 11576	516-621-0368			x		
Nassau	North Hempstead	Saddle Rock‡	Building Dept.	Frank Gencorelli	18 Masefield Way, Saddle Rock, NY 11023	516-482-9400			x		
Nassau	North Hempstead	Sands Point†	Planning Board	Randy Bond	PO Box 188, Port Washington, NY 11050	516-883-3044	randy@sandspoint.org			x	Regulates Dredging: LWRA (issues dredging permits), Regulates Disposal: for coastal erosion control, Management Restrictions: Issues permits for transport and for fill, Beneficial Reuse: issues permits for reuse
Nassau	Oyster Bay‡		Planning and Development	John Venditto, Supervisor	54 Audrey Avenue, Oyster Bay, NY 11771	516-677-5735			x		‡ regulatory authority for in-water work (seaward of MHW) lies with the Town of Oyster Bay. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
Nassau	Oyster Bay	Bayville‡	Zoning Board	Georgia Giaccone	34 School St, Bayville, NY 11709	516-628-1439 x28		x			LWRP COMMUNITY
		Bayville‡	LWRP	Douglas G. Watson, (Mayor) or Kate Naughton (Trustee)	34 School St, Bayville, NY 11709	516-628-1439					LWRP Contact
Nassau	Oyster Bay	Centre Island‡	Building Dept.	Joe Richardson, Building Inspector	303 Centre Island Road, Centre Island, NY	516-659-0010				x	Regulates Dredging: Village ordinance for protection of natural assets (issues permit)
Nassau	Oyster Bay	Cove Neck‡	Building Dept.	Richard Bobierre		516-992-1071			x		
Nassau	Oyster Bay	Lattingtown‡	Building Dept.	Matthew Moed,	299 Lattingtown	516-		x			

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
				Building Inspector	Rd., Locust Valley, NY 11560	676-6920					
Nassau	Oyster Bay	Laurel Hollow‡	Planning Board	Paul Bregman, Chair	1492 Laurel Hollow Road, Laurel Hollow, NY 11791	516-692-8826			x		
Nassau	Oyster Bay	Massapequa Park‡	Public Works Dept.			516-798-0244		x			
Nassau	Oyster Bay	Mill Neck‡	Building Dept.	Joe Richardson, Building Inspector	32 Frost Mill Road, PO Box 351, Mill Neck, NY 11545	516-659-0010				x	Regulates Dredging: Village ordinance for protection of natural assets (issues permit)
Nassau	Oyster Bay	Old Brookville‡	Village Office	Sandra Albro, Village Clerk	201 McCouns Lane, Old Brookville, NY 11545	516-671-4664			x		
Nassau	Oyster Bay	Oyster Bay Cove‡	Village Office	Heather Tyres, Village Clerk	25B Route 25A, Oyster Bay, NY 11771	516-922-1016			x		
Nassau	Oyster Bay	Sea Cliff‡	Village Office	Dan Maddock, Village Administrator	Roslyn Avenue, Sea Cliff, NY 11579	516-671-0080	villagesc@aol.com		x		
Queens	New York City		Waterfront and Open Space Division NYC Department of City Planning	Wilbur Woods, Director	22 Reade Street, Room 6W New York, NY 10007-1216	(212) 720-3525	wwoods@planning.nyc.gov				NYC WRP (LWRP)
Suffolk	Babylon€		Dept. of Planning and Development	Ann Marie Jones, Commissioner	200 East Sunrise Highway, Lindehurst, NY 11757	631-957-7414		x			€regulatory authority for in-water work (seaward of MHW) lies with the Town of Babylon. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries
Suffolk	Babylon	Amityville€	Building Dept.	John Joseph Lauria, Code Enforcement	21 Ireland Place, Amityville, NY 11701	631-631-1909	jlauria@amityville.com		x		Amityville has a solid waste hazardous material storage facility that is sometimes used to store material for later use

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
				Officer/ Env. Consultant		x503					
Suffolk	Babylon	Babylon€	Dept. of Planning and Development	Rich Grob	153 West Main Street, Babylon, NY 11702	631-442-7644		x			
Suffolk	Babylon	Lindenhurst€	Village Office	Douglas Madlon, Deputy Clerk	430 S. Wellwood Ave, Lindenhurst, NY 11757	631-957-7503	vilmayor@optonline.net		x		
Suffolk	Brookhaven¥		Planning, Environment, and Land Management	Tullio Bertolli, Commissioner	1 Independence Hill, Farmingville, NY 11738	631-451-6400		x			Dongan Patent, Dec. 27, 1686 ¥ regulatory authority for in-water work (seaward of MHW) lies with the Town of Oyster Bay. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
	Brookhaven¥		Office of Environmental Protection	Tom Cerrano, Director	1 Independence Hill, Farmingville, NY 11738	631-451-6400					
		FINS	**Fire Island National Seashore	Michael Bilecki Chief, Resources Management	National Park Service – FINS 120 Laurel Street Patchogue, NY 11772	(631) 687-4760	Michael_Bilecki@nps.gov				See: http://www.nps.gov/fiis/parkmgmt/lawsandpolicies.htm
Suffolk	Brookhaven	Belle Terre¥	Village Zoning Board	Dave McAnaney	Village Hall, 55 Cliff Road, Belle Terre, NY 11777	631-928-0020			x		
Suffolk	Brookhaven	Bellport¥	Village Office	Rogera Terrel, Village Clerk	29 Bellport Lane, Bellport, NY	631-286-0327			x		
Suffolk	Brookhaven	Old Field¥	Planning Board	Brian Carmody, Chair	Box 2724, Setauket, NY 11733	631-941-9412			x		
Suffolk	Brookhaven	Patchogue¥	Community Development	Marian Russo, Executive	14 Baker Street, PO Box 719,	631-475-			x		

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
				Director	Patchogue, NY 11772	4300					
Suffolk	Brookhaven	Poquott¥	Building Dept.	Sal Alessi, Building Inspector	45 Birchwood Ave, East Setauket, NY 11733	631- 476- 4043			x		
Suffolk	Brookhaven	Port Jefferson¥	Planning Board	Andrew Smith	121 West Broadway, Port Jefferson, NY 11777	631- 473- 4744				x	Beneficial Reuse: Beach nourishment
Suffolk	Brookhaven	Shoreham¥	Planning Board	John Weiss, Chair	PO Box 389, Shoreham, NY 11786	631- 821- 0680			x		
Suffolk	East Hampton≠	LWRP coordination to Marguerite Wolffsohn, Director of Planning	Planning Dept.	Lisa D'Andrea, Environmental Planner	300 Pantigo Place, Suite 105, East Hampton, NY 11937	631- 324- 2178	ldandrea@town.east- hampton.ny.us			x	Regulates Dredging: Wetlands Regs 255-4-20 (Permit) - covers protected features such as dunes, bluffs, water courses, and wetlands, Regulates Disposal: Wetlands Regs 255-4-20 and Regs-255-7-29 (emergency activities), Beneficial Reuse: Beach nourishment
	East Hampton		Trustees of the Freeholders and Commonalty of the Town of East Hampton		P.O. Box 7073 267 Bluff Road Amagansett, NY 11930	631- 267- 8688					Dongan Patent, Dec. 9, 1686, East Hampton Town Trustees hold the Dongan Patent for the Town of East Hampton. All activities must be reviewed and permitted by the Trustees. In East Hampton, the Trustees hold title to the ocean beach from crest of primary dune to MHW, with a few exceptions.
Suffolk	East Hampton	East Hampton≠	Planning and Zoning	Andrew Goldstein, Chairman	86 Main Street, East Hampton, NY 11937	631- 324- 4150			x		≠regulatory authority for in-water work (seaward of MHW) lies with the Trustees of the Town of East Hampton, and the Planning Board. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
Suffolk	Huntington£		Planning and Environment	Anthony Aloisio,	100 Main Street, Huntington, NY	631- 351-		x			Dongan Patent, 1686 £ regulatory authority for in-water work (seaward

County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
				Director	11743	3196					of MHW) lies with the Town of Huntington. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
Suffolk	Huntington	Asharoken £	Planning Board	Patrick Cleary, Chair	1 Asharoken Avenue, Asharoken, NY 11768	631-261-7098			x		
Suffolk	Huntington	Huntington Bay£	Planning Board	Richard Boziwick	244 Vineyard Road, Huntington Bay, NY 11743	631-261-7502			x		
Suffolk	Huntington	Lloyd Harbor £	Planning Board	Jean Thatcher	32 Middle Hollow Road, Huntington, NY 11743	613-549-8893		x			LWRP Community, see below
		Lloyd Harbor LWRP		Leland M. Hairr, Mayor	32 Middle Hollow Road, Huntington, NY 11743	613-549-8893					
Suffolk	Huntington	Northport £	Zoning Board	Ron Prior	224 Main Street, Northport, NY 11768	631-4272843			x		
Suffolk	Islip!!		Planning and Development	Tom Marquardt	655 Main Street, Islip, NY 11751	631-224-5450		x			!! regulatory authority for in-water work (seaward of MHW) lies with the Town of Islip. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
		FINS	**Fire Island National Seashore	Michael Bilecki Chief, Resources Management	National Park Service – FINS 120 Laurel Street Patchogue, NY 11772	(631) 687-4760	Michael.Bilecki@nps.gov				See: http://www.nps.gov/fiis/parkmgmt/lawsandpolicies.htm
Suffolk	Islip	Brightwaters!!	Planning Board	Joseph McNulty III,	40 Seneca Drive, Brightwaters, NY	631-665-			x		

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
				Chair	11718	1280					
Suffolk	Islip	Ocean Beach**	Planning Board	Joseph Speranza, Mayor	PO Box 457, Ocean Beach, NY 11770	631-583-5940				x	Beneficial Reuse: Beach nourishment
			**Fire Island National Seashore	Michael Bilecki Chief, Resources Management	National Park Service – FINS 120 Laurel Street Patchogue, NY 11772	(631) 687-4760	Michael_Bilecki@nps.gov				See: http://www.nps.gov/fiis/parkmgmt/lawsandpolicies.htm
Suffolk	Islip	Saltair**	Planning Commission	Patricia McEllhone, Chair	PO Box 5551, Bay Shore, NY 11706	631-583-5566			x		
			**Fire Island National Seashore	Michael Bilecki Chief, Resources Management	National Park Service – FINS 120 Laurel Street Patchogue, NY 11772	(631) 687-4760	Michael_Bilecki@nps.gov				See: http://www.nps.gov/fiis/parkmgmt/lawsandpolicies.htm
Suffolk	Riverhead		Planning Dept.	Ken Testa	200 Howell Avenue, Riverhead, NY 11901	631-727-3200 x2010	testa@riverheadli.com			x	Beneficial Reuse: Beach nourishment
Suffolk	Shelter Island††		Town Office	Peter Reich	38 North Ferry Road, PO Box 970, Shelter Island, NY	631-749-1166				x	Dongan Patent Beneficial Reuse: Landfill would be able to take some material ††regulatory authority for in-water work (seaward of MHW) lies with the Town of Shelter Island. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
Suffolk	Shelter Island	Dering Harbor††	Village Office	Timothy Hogue, Mayor	23 Locust Point Road, PO box 3010	631-749-0020			x		

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Suffolk	Smithtown***		Dept. of Environment & Waterways	Kathy McShane	99 West Main St, PO Box 575, Smithtown, NY 11787	631-360-7514	kmcshane@@tosgov.com			x	Regulates Dredging: LWRP(Dredging windows to reduce impacts to habitat and water quality) and Town Code ch. 138 (Dredging requires a Marine Law Permit from Env. Department), Regulates Disposal: Town Code ch. 138, Management Restrictions: Trucks restricted from roads of incorporated villages, Beneficial Reuse: Beach Nourishment
		LWRP Contact	Dept. of Planning	Allyson Murray	Planning and Community Development Department 99 West Main Street P.O. Box 575 Smithtown, NY 11787	(631) 360-7540	smithtownplanning@tosgov.com				LWRP Community ***regulatory authority for in-water work (seaward of MHW) lies with the Town of Smithtown. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries
Suffolk	Smithtown	Head of the Harbor***	Building Dept.	Jerry Harris	500 North Country St., James, NY 11780	631-584-5602				x	Regulates Dredging: LWRP and Village Code provides for a Village Commission, Regulates Disposal: LWRP and Village Code provides for a Village Commission, Management Restrictions: Yes
Suffolk	Smithtown	Nissequoque**	Village Office	Richard B. Smith, Mayor	PO Box 352, St. James, NY 11780	631-584-5602			x		V. of Nissequoque share a joint LWRP with Head of the Harbor, same restrictions apply.
Suffolk	Southampton∞		Town Trustees of Southampton	Jon Semlear	116 Hampton Road, Southampton, NY, 11968	631-322-8887	jsemlear@hotmail.com			x	Dongan Patent Funding Opportunities: Sand Account for beach nourishment, Beneficial Reuse: Beach Nourishment with restrictions for Plover ∞Southampton Town Trustees hold the Dongan Patent for the Town and have ownership and/or regulatory authority over all inland waterways up to MHW and from crest of primary dune down to MHW on Ocean Beaches. Have regulatory authority up to landward side of high marsh areas as well.

County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
											Conservation Department has jurisdiction over anything landward of MHW and often permits from both the conservation Dept. and the Trustees is required. The Villages within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries.
			Conservation Dept.	Marty Shea, Chief Environmental Analyst	116 Hampton Road, Southampton, NY, 11968	631-283-6000	mshea@southamptontownny.gov				For all activities proposed landward of MHW.
Suffolk	Southampton	North Haven∞	Planning Board	Pat Corrigan	335 Ferry Road, Sag Harbor, NY 11963	631-204-2146			x		
Suffolk	Southampton	Quogue∞	Village Office	Peter Sartorius, Mayor	7 Village Lane, PO Box 926, Quogue, NY 11959	631-653-4555			x		Deferred to the town of Southampton
Suffolk	Southampton	Sag Harbor∞	Planning Board	Richard Warren, Consultant	55 Main Street, Sag Harbor, NY, 11963 (PO Box 660)	631-283-5958	boards@sagharborNY.gov			x	Regulates Dredging and Disposal: Village Code ch. 12 and ch. 53A.F-(12) LWRP Community, same contact info.
Suffolk	Southampton	Sagaponack∞	Planning Board	Rosemarie Cary Winchell	3175 Montauk Highway, Sagaponack, NY, 11962	631-537-0017	sagaponack@optonline.net			x	Management Restrictions: Weight restrictions on trucking, Beneficial Reuse: Beach nourishment
Suffolk	Southampton	Southampton∞	Planning Board	Tien Ho So	23 Main Street, Southampton, NY, 11968	631-204-2146	shvillagenotices@yahoo.com			x	Regulates Dredging: Village Code Article 3A 116-19.1 and 116-19.9 (Requires Village Zoning Board Permit), Regulates Disposal: Village Code General Regulations 116-19.2, Constraints on Management of Dredged Material: Zoning Board considers noise, weight, and quality of material, Beneficial Reuse: Beach nourishment
Suffolk	Southoldμ		Southold Town Trustees	Jill Doherty, President James King, Vice-President	Town Hall Annex Building 54375 Route 25 P.O. Box 1179	(631) 765-1892	Lauren Standish, Secretarial Assistant: lauren.standish@town.southold.ny.us				Dongan Patent http://southoldtown.northfork.net/trustees.htm μ Southold Town Trustees hold the Dongan Patent for the Town of Southold. The Villages

County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
					Southold NY 11971						within the Town boundaries have limited authority over the uses of the water seaward of MHW within its boundaries (Navigation Law) while full regulatory authority for upland activities within its boundaries..
	Southold		Planning Department	Mark Terry, LWRP Coordinator	P.O. Box 1179 Southold NY 11971	(631) 765- 1938	Mark.terry@town.southold. ny.us				LWRP Contact
Suffolk	Southold	Greenport μ		David Nyce, Mayor	236 Third Street Greenport, NY	631- 477- 0248 or 631- 477- 2385, ext. 215					LWRP Contact
Westchester	Pelham	Pelham Manor		John T. Pierpont, Village Manager	Four Penfield Place. Pelham Manor, New York 10803	(914) 738- 8820					
Westchester	City of New Rochelle			City Manager Charles B. Strome, III	City Hall 515 North Ave. New Rochelle, NY 10801	(914) 654- 2140	cstrom@newrochelleny.com				
Westchester	Town of Mamaroneck		Coastal Zone Management Commission	Marc Godick, Co-Chair Lorraine Walsh, Co-Chair	Town Center, 740 West Boston Post Road, Mamaroneck, NY 10543	(914) 381-78 10	townadministrator@townof mamaroneck.org				LWRP Contact, Town of Mamaroneck/Village of Larchmont joint LWRP
Westchester	Town of Mamaroneck	Larchmont	Coastal Zone Management Commission	Richard Ward, Village of Larchmont Board of Trustees	Larchmont Village Hall 120 Larchmont Avenue Larchmont, NY 10538	914- 834- 6230					LWRP Contact, Town of Mamaroneck/Village of Larchmont joint LWRP
Westch	Town of	Mamaroneck	Harbor	Norman S.	Village of	(914)	nrosenblum@vomny.org				LWRP Contact

TABLE A3 Summary NEW YORK Agency Contacts - MUNICIPAL											
County	City/Town	Village	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Westchester	Mamaroneck/Town of Rye		Committee (LWRP)	Rosenblum, Mayor	Mamaroneck 123 Mamaroneck Ave., Mamaroneck, NY 10543	777-7700					
Westchester	City of Rye		City Planning (LWRP)	Christian Miller, AICP	1051 Boston Post Road 1st Floor, City Hall Rye, NY 10580	(914) 967-7167	cmiller@ryeny.gov				LWRP Contact
Westchester	Town of Rye	Village of Port Chester		Christopher J. Russo Village Manager	222 Grace Church Street Port Chester, NY 10573	(914) 939-2200					

Organization	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Coastal Resources Mgmt Council	Coastal Zone/Restoration	Dan Goulet, Dredging	4808 Tower Hill Rd, Wakefield, RI 02879-1900	401-783-3370	dgoulet@crmc.ri.gov			X	
RI Dept. of Env. Mgmt	Water Quality Certification	Terry Walsh	291 Promenade St., Providence, RI 02908	401-277-3961	terry.walsh@dem.ri.gov			X	
RI Dept. of Env. Mgmt	Technical and Customer Asst.	Ronald Gagnon	235 Promenade St., Providence, RI 02908	401-222-6822 x7500	ronald.gagnon@dem.ri.gov			X	
RI Dept. of Transportation	Bridge Dept.	Mary Vittoria - Bertrand	2 Capitol Hill, Providence, RI 02903	401-222-2053	mvbertrand@dot.ri.gov			X	
RI Dept. of Transportation	Environmental	Emily Holland	2 Capitol Hill, Providence, RI 02903	401-222-2053 x4051	eholland@dot.ri.gov			X	

County	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Washington	Washington County Regional Planning Council	Jeff Broadhead, Exec. Director	344 Main Street, Suite 202, Wakefield, RI 02879	401-284-1784	jb@werpc.org		X		Promotes beneficial use

County	Town	Program	Contact/Title	Address	Phone	E-Mail	Unresponsive	Responsive no Input	Responsive with Input	Summary
Washington	Charlestown	Planning Dept.	Ashley Hahn Morris, Town Planner	4540 South Country Trail, Charlestown, RI, 02813	401-364-1225	planner@charlestownri.org		X		
Washington	Narragansett	Planning Board	Terence Fleming, Planning Chair	25 Fifth Ave, Narragansett, RI, 02882	401-789-1044		X			
Washington	New Shoreham	Planning	Margaret Comings, Planning Chair	PO Box 220, Block Island, RI 02807	401-466-3205				X	Possibly has funding opportunities by Coast Guard docks (owned by town). Promotes beneficial reuse for shoreline nourishment on North Point. (129,000 cu.yds, pit closing on Block Island, North Point, Dock with Coast Guard usage, needs fill)
Washington	North Kingstown	Planning Board	Jon Reiner, Planning Director	55 Brown Street, North Kingstown, RI 02852	401-294-3331	JReiner@northkingstown.org		X		
Washington	South Kingstown	Zoning	Maria H. Mack, Chair of Planning	180 High Street, Wakefield, RI 02879	401-789-9331 (x4)			X		
Washington	Westerly	Zoning	Elizabeth Rasmussen, Zoning Official	45 Broad St., Westerly, RI	401-348-2551	erasmussen@westerly.org		X		Promotes beneficial reuse on a case by case basis.

Appendix B

Script for Federal, State, and Local Agencies

SCRIPT – Federal and State Agencies

Introduction:

Hi, my name is _____, and I work for the ACOE, New England District in Concord, Massachusetts. The ACOE is developing a Long Island Sound Dredged Material Management Plan, or DMMP. As part of that process, we are gathering baseline information to help us formulate alternatives for the management of dredged material that will be evaluated in the DMMP. One of these baseline areas is to update information on federal and state regulatory programs and regulations that may be applicable to dredging and dredged material management. We are also interested in collecting information on any program that might be available to assist in funding dredging, or beneficial use and other alternative opportunities for dredged material disposal. I was wondering if I could take a few moments of your time to ask you a few questions?

Questions:

1). Have any of following laws/regulations or policies in your agency (select the appropriate laws/regs for each agency) been updated in regards to dredging and/or disposal activities?

- | | | | |
|--|-----|----|-----|
| a). Marine, Protection, Research & Sanctuaries Act | YES | NO | N/A |
| b). Clean Water Act | YES | NO | N/A |
| c). Coastal Zone Management Act | YES | NO | N/A |
| d). Brownfields/Superfund (CERCLA) | YES | NO | N/A |
| e). Clean Air Act | YES | NO | N/A |
| f). Endangered Species Act | YES | NO | N/A |
| g). OTHER? | YES | NO | N/A |
| h). | | | |

2). If yes to any of the above, please give the date and describe briefly;

a). Marine, Protection, Research and Sanctuaries Act

b). Clean Water Act

c). Coastal Zone Management Act

d). Brownfields/Superfund (CERCLA)

e). Clean Air Act

SCRIPT – Federal and State Agencies

f). Endangered Species Act

g). Other?

3). Have any of above laws/regulations or policies in your agency (select the appropriate laws/regs for each agency) been updated to assist in the placement of dredged material in a beneficial manner or to offset the expense for beneficial reuse or upland disposal?

- | | | | |
|--|-----|----|-----|
| a). Marine, Protection, Research & Sanctuaries Act | YES | NO | N/A |
| b). Clean Water Act | YES | NO | N/A |
| c). Coastal Zone Management Act | YES | NO | N/A |
| d). Brownfields/Superfund (CERCLA) | YES | NO | N/A |
| e). Clean Air Act | YES | NO | N/A |
| f). Endangered Species Act | YES | NO | N/A |
| g). Other? | YES | NO | N/A |
| h). | | | |

4). If yes to any of the above, please give the date describe briefly;

a). Marine, Protection, Research and Sanctuaries Act

b). Clean Water Act

c). Coastal Zone Management Act

d). Brownfields/Superfund (CERCLA)

e). Clean Air Act

f). Endangered Species Act

g). OTHER?

RESPONSE TABLE – Federal and State Agencies

Organization			
Branch/Unit			
Contact Person			
Phone #			
Email Address			
Date of 1 st call			
Date of 2 nd call			
Date of 3 rd call			
1. Have any of the following laws/regs/policy been updated?			
MPRSA	YES	NO	N/A
CWA	YES	NO	N/A
CZMA	YES	NO	N/A
CERCLA	YES	NO	N/A
CAA	YES	NO	N/A
ESA	YES	NO	N/A
OTHER?	YES	NO	N/A
2. If yes to any of the above, please provide date and brief description.			
<u>LAW</u>	<u>DATE</u>	<u>DESCRIPTION</u>	
MPRSA			
CWA			
CZMA			
CERCLA			
CAA			
ESA			
OTHER?			
3. Have the following laws/regs/policy been updated to assist in beneficial reuse/upland placement?			
MPRSA	YES	NO	N/A
CWA	YES	NO	N/A
CZMA	YES	NO	N/A
CERCLA	YES	NO	N/A
CAA	YES	NO	N/A
ESA	YES	NO	N/A
OTHER?	YES	NO	N/A

RESPONSE TABLE – Federal and State Agencies

4. If yes to any of the above, please provide date and brief description.		
<u>LAW</u>	<u>DATE</u>	<u>DESCRIPTION</u>
MPRSA		
CWA		
CZMA		
CERCLA		
CAA		
ESA		
OTHER?		

Other Comments?

SCRIPT – Local Agencies

Introduction:

Hi, my name is _____, and I work for the ACOE, New England District in Concord, Massachusetts. The ACOE is developing a Long Island Sound Dredged Material Management Plan, or DMMP. As part of that process, we are gathering baseline information to help us formulate alternatives for the management of dredged material that will be evaluated in the DMMP. One of these baseline areas that we are collecting information on is local regulatory programs and regulations that may be applicable to dredging and dredged material management. We are also interested in collecting information on any program that might be available to assist in funding dredging, and beneficial use or other alternative opportunities for dredged material disposal. I was wondering if I could take a few moments of your time to ask you a few questions?

Questions:

1). Does your agency/organization regulate dredging activities?

NO _____ YES _____

If yes:

- a) by what authority?
- b) what is the regulation (s)?
- c) summary of the regulation (s).

2) Does your agency/organization regulate dredged material disposal activities, including the transportation of dredged material?

NO _____ YES _____

If yes:

- a) by what authority?
- b) what is the regulation (s)?
- c) summary of the regulation (s)

3) Does your agency/organization have any funding opportunities, (for example grant programs) that are applicable to the management of dredged material? That is, funds to offset the extra cost to place on a beach, or upland site, etc.

NO _____ YES _____

If yes:

- a) what is the name of the grant?
- b) amount of funding?
- c) for what purpose?

SCRIPT – Local Agencies

4) Are you aware of any institutional constraints that your agency/organization may have for the management of dredged material? (For example, restriction of transporting dredged material through your community or road system).

NO _____ YES _____

If yes: a) what is the constraint/restriction?

5) Does your agency/organization promote or assist in identifying the beneficial reuse of dredged material?

NO _____ YES _____

If yes:

a) for what purpose?

1) Habitat Restoration?

a. What type?

2) Brownfields?

3) Construction use?

a. What type?

4) Other?

a. What type?

b) By what means?

1) Grants?

a. What type?

2) Policy?

a. What type?

3) Regulations?

a. What type?

6) Other comments?

RESPONSE TABLE – Local Agencies

Organization			
Branch/Unit			
Contact Person			
Phone #			
Email Address			
Date of 1 st call			
Date of 2 nd call			
Date of 3 rd call			
1. Does your organization regulate dredging?	YES:	NO:	
If yes by:	What Authority?		
	What Regulation (s)?		
	Summary of Regulation 1		
	Summary of Regulation 2		
2. Does your organization regulate dredged material disposal, including transportation?	YES:	NO:	
If yes by:	What Authority?		
	What Regulation (s)?		
	Summary of Regulation 1		
	Summary of Regulation 2		
3. Does your agency have any funding opportunities that are applicable to management of dredged material?	YES:	NO:	
If yes by:	What is Name?		
	Funding Amount?		
	Purpose?		
4. Are there institutional constraints on mgmt of dredged material, i.e. restrictions on transportation?	YES:	NO:	
If yes by:	What is Constraint?		

RESPONSE TABLE – Local Agencies

5. Does organization promote beneficial reuse?		YES:	NO:
If yes by what Purpose:	Habitat Restoration/Type?		
	Brownfields		
	Construction Reuse/Type?		
	Other/Type?		
Means	Grants/Type		
	Policy/Type		
	Regulations/Type		

Other Comments?