

DMMIWG

Memo: DMMIWG
From: Jim Tripp and Tom Wakeman, Co-chairs
Date: August 26, 2002

The next meeting of the DMMIWG is scheduled for Wednesday, September 4, 2002 at the Hudson River Foundation, 40 West 20th Street, 9th floor, Manhattan. Subsequent meetings are scheduled for the first Wednesdays of the month, October 2, November 6 and December 4.

The agenda for the September 4 meeting will include:

- 1. Status of federal navigation dredging projects.** Joe Seebode. What is the schedule for dredging both channel maintenance and expansion projects? What is the proposed disposal plan for each? What mitigation is authorized or proposed?
- 2. US Gypsum v. EPA/Corps.** What action are EPA and the Corps taking in response to the U.S. District Court decision? What protocols do they intend to use? Has any other PCB number been subject to public review and comment? Is there any likelihood that this decision will contribute to any acceleration in the schedule to complete the full RMWG and peer review process with new matrix numbers for PCBs and other contaminants that will be subject to public review and comment?
- 3. CPIP economic forecasts.** Rick Gimello and Michael Moore, CPIP consultant. Port economic forecasts are a major driver in planning for channel, terminal and port-related transportation expansion projects. What are the CPIP forecasts? How do they compare to earlier Corps, Port Authority and other forecasts? What are their implications?
- 4. USCS Harbor Operations.** Chris Nichols. What steps can and should Harbor Operations take to limit tug and ship speeds to moderate wave wash in the Arthur Kill, Jamaica Bay and elsewhere where shoreline/wetland erosion is a problem? What about enforcement?
- 5. Jamaica Bay restoration.** Alex Lechich. What concrete plans are DEC, DEP, the Corps, the Port Authority and others pursuing to put in place a wetland island restoration pilot project? What is the status of the biological investigation of the borrow pits in the Bay?
- 6. Arthur Kill restoration initiative.** Tom Wakeman.
- 7. Penn & Foundation landfill remediation project.** Report by Andrew Genn.

At the July 10, 2002 meeting, we discussed the following:

- 1. Howland Hook and the Arlington Marsh.** Andrew Genn. When EDC completed its port study in February 1999, there was a proposal to expand the marine terminal at Howland Hook in two stages. The modernization improvements are moving ahead with the expansion of the wharf to 3000 feet and the purchase of the P & G site for a 123-acre intermodal on-dock rail facility. The Chemical Coast connection has taken longer than anticipated; however, the Port Authority and the NJ municipalities have now agreed on

an arrangement. The train over the lift bridge will head north to the Chemical Coast line that now serves mostly Arthur Kill refineries. With the rail connection 10-13% of the Howland Hook containers would move by rail. Howland Hook has its original container cranes. They need to be modernized. The goal is to make maximum efficient use of the site.

We have then looked at possible expansion into the Arlington Marsh and the adjacent upland area. We have tried to come up with a proposal to mitigate by improving Mariners Marsh, Bridge Creek wetlands and others. The expansion of Howland Hook will be looked at in the context of the CPIP Plan and EIS. If EDC could not expand this container facility into Arlington Marsh, what are the alternatives? There are limits on growth at Howland Hook. EDC has looked at the 400-acre GATX property. Ships would have to transit under the Goethals Bridge to get to the GATX site. It is also not so well located for the Port Ivory intermodal yard. If you stay closer to the KVK, a deeper channel does not have to extend as far. Jim Divine, director of the Howland Hook facility, added that the potential fill area in the 130-acre Arlington Marsh would be 40 acres. The Howland Hook facility has 2500 feet of berth on 147-acres. Additional berth space is the critical issue.

Higgins of the ESDC pointed out that port improvement efforts and estuarine restoration initiatives are on a somewhat different track. What is the baseline for the CPIP? Arlington Marsh in its current conditions or a restored Arlington Marsh? If the later, then the assessment of any Howland Hook expansion would consider the impacts on a restored marsh. Should the CPIP assume that there are “mitigation” opportunities or that all wetlands in the AK tributaries, including Bridge Creek, have been restored?

2. Arthur Kill, Jamaica Bay and Hackensack Meadowlands ecosystem restoration initiatives. Houston reported that the day before they had had a workshop convened by Al Appleton of RPA and others on needs and opportunities. The Corps has asked RPA to identify what stakeholders want for the Hudson-Raritan restoration feasibility study. The scope of the AK restoration feasibility study has not been set. Appleton will consider comments on needs and opportunities by July 19 so as to get a document to the Corps by early August. The Corps time frame is four years with authorization for implementation in WRDA 2006. There may be opportunities for earlier CAP projects. The HR study is a comprehensive restoration plan for the Estuary. RPA has identified five core ecological complexes, one of which is the AK. Jamaica Bay and Hackensack Meadowlands restoration scoping is to proceed in the fall. The Hackensack Meadowlands Conservancy is the sponsor of the latter restoration effort. For the Jamaica Bay, DEP is the sponsor for wetland island and interior wetland studies; the Parks Department would be the sponsor for any borrow area project.

It was pointed out that it is disturbing that the federal agencies are considering the fill of more than 200 acres of the Meadowlands for a non-water dependent, shopping mall at the same time that the HM Conservancy is asking the Corps to do and the Corps is considering undertaking a restoration feasibility study for the entire Meadowlands.

3. Dredging activities. Al Hawkins, the KVK project manager, gave a report. Area 5 is underway with the blasting phase scheduled for August. That will continue for a year.

The Corps hopes to award the Area 6 contract in August for the 45-foot project. The blasted rock is to be used for reef building. Zipf indicated that rock was over-dumped off of Sandy Hook and that it should be spread out. The Corps is working closely with the two States. Area 5 rock will go to the Shark River. Sullivan asked about using rock for the west shore of Orchard Beach on SI. Area 8 below Bergen Point is expected to come next year.

4. Windows. Wakeman reported that we followed up on the May DMMIWG meeting with federal and state agencies on the subject of a windows matrix. Ludwig discussed NMFS windows for various flounders, shad, eels, blue crabs and other fish. A matrix could be useful for navigation planning processes. San Francisco has a matrix, as does Delaware. We hope to learn from these approaches. There are limitations on technologies that may impose greater barriers to dredging, of course, than windows.

The NRC approach had a commitment to assess biological data gaps. There is also an engineering/technology committee that is looking at obstacles in terms of dredging equipment and disposal strategies. Wakeman showed Brian Ross' presentation that has windows as a component. San Francisco has a major source of fresh water, the Sacramento River, and embayments. It has adopted four goals for the LTMS and established a cooperative permitting framework for maintenance channels, using dredged material beneficially with a comprehensive windows program. There are implementation concerns. The LTMS functions as the regional dredging team. This program has an ocean disposal site, estuarine sites and upland sites. Wakeman showed a picture of a highly engineered wetland restoration project. The Oakland 50-foot project took only three years for approval. The project design incorporated LTMS goals from the start. The team in San Francisco prepared a matrix for different navigation and disposal sites and species. All data are on a floppy disc. This is driving down the amount of material to be dredged.

Larry Baier of NJDEP and John Ferguson of NYDEC agreed that it would be useful to have such a matrix for the major channels and berths in NY Harbor. Lechich urged that we pay attention to engineering issues as well. Wakeman reiterated the recommendation that we start putting a matrix together.

5. Freight rail. Connie Eristoff reported that the next East-of-Hudson task force meeting is scheduled for July 15. The State is working on a package for the Port Authority's \$25 million.

6. RMWG. Pabst reported. We have circulated the peer review health study. EPA has also circulated the ecological proposal. We want to get the ecological peer review underway by the end of 2002 and then put out a comprehensive proposal. EPA has also put out a white paper discussion document on the HARS. What should the HARS look like? Should there be an additional restoration effort? One option would be to have an RMWG meeting to discuss this EPA policy paper. The Corps is hosting a meeting of the Scientific Review Panel on July 29 to look at HARS management and monitoring data.

The US Gypsum federal judge has granted summary judgment for the plaintiffs. It is unclear how it will affect the Corps and EPA reviews of HARS placement requests.

7. CPIP. Laura Shabe reported. The environmental stakeholders group is meeting July 11 in the morning. The purpose is to arrive at a final ranking of goals and objectives. Flatow emphasized that the overall goal is a world-class port and a world-class Estuary.