



MONTHLY HIGHLIGHTS

NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION

OCTOBER - NOVEMBER 2003

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

52 PROJECTS IN MAINE REVIEWED THROUGH ACOE FOR OCTOBER AND NOVEMBER

Fifty-two projects were reviewed through the Army Corp of Engineers (ACOE) Joint Processing sessions for October and November. There was a wide array of project types throughout the state including dredging, highway improvements, stream crossings, boat lifts, bridge replacements, aquaculture, and wetland fill. The most frequent project type was private and commercial piers. Nineteen piers were proposed, including four in the Boothbay Harbor area and five in Harpswell. The cumulative effects of these structures continue to be a concern, primarily because the impacts on aquatic resources associated with the presence and use of these structures are not known. Most of the piers proposed are seasonal; however, they are in-place and the associated secondary impacts occur during the most productive seasons - late spring through early fall. NOAA Fisheries has started to use Geographic Information Systems (GIS) as a tool to highlight the need for proper cumulative impact analyses for larger projects which include all coastal development activities within a given region such as Harpswell Sound, Boothbay Harbor, or Casco Bay.

(sean.mcdermott@noaa.gov, 978/ 281-9113)

WINDFARM PUBLIC MEETING LEAD BY ACOE

On October 29, the ACOE held a public meeting in Falmouth, MA to review current information, alternative sites considered for further review, and the review process. Stakeholders, resource agencies, and the public were invited; about 250 people attended. Views from both sides of the issue were well represented, expressing concerns and asking pointed questions to the Colonel. From the public, questions and comments were frequently related to economics (fishing, jobs, and real estate). Other interests included the use of the European experience, aesthetics, health and safety, evaluation of smaller sites, national security, and environmental concerns.

(sean.mcdermott@noaa.gov , 979/ 281-9113)

PROPOSAL TO REBUILD DAM AT HISTORIC SCRIBNER'S MILL

Scribner's Mill Preservation has proposed to reconstruct a dam with a natural fishway on the Crooked River in Harrison, ME to establish a working historic mill. The 7.5 foot dam would raise the current water level by approximately four feet. The Crooked River supports one of four original indigenous landlocked salmon populations, and is the only source of salmon for Sebago

Lake. All upstream passage, upstream of Scribner's Mill, has been cleared. If reconstructed, the dam would be the only blockage to fish passage on Crooked River. Concerns are that the fishway would not properly pass fish and significantly alter habitat type and quality upstream and downstream of the structure. A site visit with the ACOE, U.S. Fish and Wildlife Service (USFWS), and NOAA Fisheries was held on 24 Oct 03. It is expected that the ACOE will review this as an individual permit. (sean.mcdermott@noaa.gov, 978/ 281-9113)

NEW TRANSMISSION CABLE PLANNED BETWEEN CANADA AND MAINE

NOAA Fisheries, USFWS, and Atlantic Salmon Commission staff attended a pre-application meeting in Bangor, ME for the Bangor Hydro-Electric Company's (BHE) proposed 345Kv transmission line connecting Orrington, ME with Point LePreau, New Brunswick. A portion of the route in Maine received regulatory approval in the 1990's. Now, BHE plans to develop a matrix of alternative routes for the transmission line. The intent is to develop a route that closely follows established linear (utility) corridors. The meeting held by BHE was to gather input from resource agencies regarding environmental concerns. Of particular concern by all parties were the project's impacts on Atlantic salmon habitat. The cable would be crossing a multitude of rivers and streams. During the meeting, it became apparent that GIS-BASED resource data would be a valuable tool for both industry planning and resource agency review. Much of the concern for this project is the need to cross Atlantic salmon habitat, including several crossings over Endangered Species Act (ESA) listed rivers. Unfortunately, many of the proposed routes are in remote locations over large geographic areas, making ground-truthing of resources present logistically difficult. Some GIS information for salmon habitat is available for ESA and essential fish habitat (EFH) designations, but the source of information and associated metadata - particularly for EFH - was not known or available at the time of the meeting. With proper GIS-BASED resource data, BHE would be able to make a preliminary determination of which routes are least feasible from an environmental standpoint and be able to prioritize geographic locations to efficiently focus effort over a large project area. (sean.mcdermott@noaa.gov, 978/ 281-9113)

STOLT SEA FARM PROPOSES INCREASE CAPACITY

Stolt Sea Farm in Lubec, ME has proposed increasing their Atlantic salmon aquaculture facility. The current operation, permitted in 1993, consists of eight 70 meter circular cages. The proposal calls for increasing the facility to 10 three-ring cages, each with a 100-meter circumference. NOAA Fisheries believes this represents a more than minimal change to the permit. In addition, the Maine State Programmatic General Permit does not allow for Atlantic salmon aquaculture under the category II guidelines. This project will be reviewed as an individual permit and also through the ESA Section 7 consultation for potential impacts on wild Atlantic salmon. The public notice has not been released to date. (sean.mcdermott@noaa.gov, 978/ 281-9113)

BUCKS HARBOR FEDERAL NAVIGATION PROJECT EXPANSION IN REVIEW

The Town of Machiasport, ME has requested maintenance dredging and expansion of the federal navigation project in Bucks Harbor. The project, which includes an approach channel (-8 MLW) and two anchorage areas (-6 and -8 MLW), has not been dredged since construction in 1974. NOAA Fisheries is primarily concerned with impacts on aquatic resources (shellfish, lobsters, demersal finfish) and the extent of over depth dredging which may be planned in areas currently at the authorized depth. As proposed in the sediment sampling plan, approximately 66,000 cubic yards of material will be removed and 25.8 acres directly impacted. Project plans have not been

finalized to date. A meeting in Machiasport with the ACOE and resource agencies has been planned for January 14, 2004. (sean.mcdermott@noaa.gov, 978/ 281-9113)

PORTLAND PIPELINE CORP. TO DEEPEN FEDERAL NAVIGATION CHANNEL

The Portland Pipeline Corporation has applied for an ACOE permit to mechanically dredge 300,000 cubic yards of sand, silt, and clay from the Portland Harbor Approach Channel to obtain an operational depth of -50 MLW. An additional 1,500 cubic yards of rock will be blasted and side cast. The project will directly impact 75 acres of benthic habitat. A consultation will be required due to the potential effect of blasting on marine mammals. Local fishermen expressed concern for impacts on scallops in the project area. A survey conducted by the Maine Department of Marine Resources (DMR) indicated a high abundance of scallops in certain areas. In an attempt to address local concerns, DMR recommended scallop dragging be allowed until January 15 in coordination with dredging activities with the intent to relocate scallops. (sean.mcdermott@noaa.gov, 978/ 281-9113)

GIS POSTER PRESENTED AT FISHERIES CONFERENCE

Mike Johnson (HCD-Gloucester) and Kathi Rodrigues (Office of Habitat Protection-Gloucester) attended the "Managing Our Fisheries" conference held in Washington, DC, November 13-15, 2003. The conference, sponsored by the eight Regional Fishery Management Councils and NOAA Fisheries, was intended to educate the public, policy makers, and the media on the marine fishery management process, to provide a forum for information exchange, and to solicit a wide range of perspectives on future management and marine research directions. The two presented a poster entitled "Putting GIS to Good Use: Protecting Habitat in New England," during the three-day fisheries conference. The poster provided an example of how GIS can be used to map habitats important to fisheries, as well as activities that are known to adversely affect these habitats. As GIS is developed as a management tool, HCD staff should be able to access a GIS database and quickly generate maps of a specified area that overlay fishery habitats and proposed activities that may result in adverse impacts on the habitats. In addition, GIS should provide HCD with a tool to assist in developing cumulative impact analyses for various activities, including fishery management actions, port development projects, wind farms, sea floor mining, and coastal dredge and fill projects. (Mike.R.Johnson@noaa.gov, 978/ 281-9130 or Kathi.Rodrigues@noaa.gov, 978/ 281-9324)

GUIDANCE MANUAL ON NOAA'S REVIEW PROCESS FOR MARINE TRANSPORTATION PROJECTS

The Northeast Region's Habitat Conservation Division is again partnering with the Habitat Protection Division, HQ, and National Ocean Service's Office of Response and Restoration to develop a guidance manual for project applicants and other federal agencies regarding NOAA's review process for marine transportation projects. The guidance document is intended to advise and inform external parties of the factors, expectations, timelines, legal requirements, and scientific bases for NOAA Fisheries' recommendations. It will also serve as a training resource for new staff. The primary goal of the project is to streamline permit review of transportation projects by making the process and requirements more transparent to outside parties. A contractor who has worked extensively on dredging and associated issues in the Northeast Region (Drew Carey, Coastal Visions, Inc.) will seek the input of NER's experts in the field and Regional Office to complete the document. (Kathi.Rodrigues@noaa.gov, 978/ 281-9324; Michael.Ludwig@noaa.gov, 203/ 882-6594; Mike.R.Johnson@noaa.gov, 978/ 281-9130)

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

HONEYWELL REMEDIATION

In May 2003 U.S. District Court Judge Dennis Cavanaugh ordered Honeywell International, Inc. to remediate the chromium contamination on property formerly owned by Mutual Chemical Company, Honeywell's corporate predecessor. The Jersey City site is known as Study Area 7 of the Hudson County Chromium Sites. The judge's decision resulted from the action brought by Interfaith Community Organization, et. al. against Honeywell International, Inc., Roned Realty of Jersey City, Inc., W.R. Grace & Co., ECARG, Inc., and W.R. Grace, LTD. The plaintiffs alleged that the defendants violated Section 7002 (a)(1)(B) of the Resource Conservation and Recovery Act [42 U.S.C. 6972 (a)(1)(B)] due to the fact that the chromium bearing waste on the site may present an imminent and substantial endangerment to the health of the environment. As permitted under RCRA, Judge Cavanaugh appointed former Senator Robert Torricelli as Special Master to oversee all aspects of Honeywell's compliance with the court's orders.

Senator Torricelli called together all of the involved federal agencies and other involved parties to discuss the possible actions that would be undertaken to remediate the site, including the excavation of one million cubic yards of chromium contaminated material, the construction of a wall around the site, the remediation of river sediments, wastewater processing, and transportation issues. The intent of the meeting was to discuss the types of permits that would be required and to provide the agencies an opportunity to offer preliminary guidance on the remedial design and implementation. HCD's primary issues of concern were EFH and anadromous fish in the Hackensack. However, project design and best management practices can minimize impacts on resources of concern. The clean up of this property will have an overall benefit to fishery resources in the area. (**Stanley.W.Gorski@noaa.gov, 732/ 872-3037** or **Karen.Greene@noaa.gov, 732/ 872-3023**)

MEADOWLANDS INTERAGENCY ADVISORY COMMITTEE (MIMAC)

The MIMAC reviewed several projects this month including mitigation proposals for the Exxon/Mobile remediation at their facility on the Arthur Kill and New Jersey Transit's improvements to the Pascack Valley line. Representatives from the groups involved in the court settlement for the Honeywell remediation site in Jersey City also came in to discuss the project. Attendees included representatives from the involved federal agencies, the State of New Jersey, Honeywell, W.R. Grace, and the Interfaith Community Organization. Former Senator Robert Torricelli, the court-appointed Special Master, attended, along with some staff and his attorney (Kevin Coakley). Consultants, including Louis Berger for the Special Master and Parsons for Honeywell, also attended. A kick-off meeting on the matter was held in October.

Although the project site is not within the Meadowlands, the parties in attendance agreed that the MIMAC is the best venue for the meeting since the agency representatives for both the MIMAC and the Honeywell site are the same. The plan presented at this meeting had more detail than was available at the last meeting, but it is still not final. The group discussed the various options and the requirements of the Clean Water Act concerning avoidance, minimization, and mitigation. Lastly, the MIMAC heard a presentation about the hydrogeomorphic (HGM) model being developed for assessing wetlands in the Meadowlands. EPA funded the project, and the manual for the model should be completed in the spring. The HGM could be an improvement over the

Indicator Value Assessment (IVA) methodology now used to evaluate wetland impacts in the Meadowlands. (**Karen.Greene@noaa.gov, 732/ 872-3023**)

PROPERTY ANALYSIS RECORD TRAINING

The New Jersey Meadowlands Commission hosted an EPA-SPONSORED training course designed to help land managers calculate the cost of managing lands in perpetuity and planning sustainable conservation projects. HCD staff from Sandy Hook and Milford attended the one-day seminar conducted by the Center for Natural Lands Management (CNLM). CNLM is a nonprofit organization based in California that provides land management and stewardship services for mitigation and conservation lands. They have developed a computerized database methodology called the Property Record Analysis (PAR) for calculating the costs of land management. A hands-on sample project followed the presentation of the theory and assumptions used to develop the PAR. The seminar provided a great deal of useful information on the cost of land management. Each participant received a cd-rom of the PAR program and will get updates and revisions as they are produced. Additional information on CNLM and the PAR is available at www.cnlm.org. (**Karen.Greene@noaa.gov, 732/ 872-3023** or **Michael.Ludwig@noaa.gov, 203/ 882-7004**)

NEW YORK HARBOR SENIOR PARTNERS MEETING

HCD staff attended the monthly senior partners meeting held at the ACOE's New York District office. Items of note include the release of the draft Limited Reevaluation Report for the Harbor Deepening. The document evaluates the consolidation of the project in some of the reaches so that they can be dredged to -50 feet all at once instead of in two separate projects. Also of note are the upcoming Comprehensive Port Improvement Program meetings. Separate meetings will be held in NY and NJ with an additional federal interagency scoping meeting planned for November 20. The group was also updated on the status of the various deepening projects as well as the operations and maintenance projects and Port Authority projects. (**Karen Greene, 732/ 872-3023**)

NJ DEPARTMENT OF TRANSPORTATION, SUB-CABLE INSTALLATION UNDER VARIOUS STATEWIDE BRIDGES

Submarine power cables that are in deteriorated condition and causing severe communication problems will be replaced at bridge locations in the Manasquan River, Cheesequake Creek, Beach Thorofare, Grassy Sound, Ship Channel, and Beach Thorofare in New Jersey. Global Oceanic Enterprises, Inc.(GOE) (www.globalweb.com) will use a new cable burial method called Cable Installation System, or "CIS," (patent pending) that will greatly reduce riverbed disturbance and environmental impact levels with no discharge into the waterway. The CIS is composed of a fixed surface control and diving platform and a sub-bottom tunneling unit which is positioned on the platform. The tunneling unit is coupled to an underwater stringer assembly which is directed and inserted like a needle to approximately two feet deep into the riverbed at a predetermined angle based upon the main span length, bottom profile, and water depth at each bridge site. The computer controlled, tunneling machine head enters the riverbed through the multi-stage stinger and tunnels under the riverbed to the programmed sub-bottom depth and exits the riverbed with accuracy within six inches of the predetermined programmed tunnel exit location. The underwater stinger assembly is then dismantled and completely removed leaving no marks, depressions, or impact on the riverbed. The tunneling fluid used in this operation is a non-toxic substance known as Guar Gum, and is listed as a natural food additive and binding agent used in ice cream and other food products. Currently, the "CIS" system can bury a cable up to a 6" diameter at sub-bottom depths of 3' to over 20' for a distance of up to 2,000'. GOE is working on extending the distance

to more than 3,000'. (anita.riportella@noaa.gov, 732/ 872-3116)

STREAMBANK STABILIZATION ALONG THE MANASQUAN RIVER, MONMOUTH COUNTY, NJ

HCD has reviewed the environmental assessment for streambank stabilization along the Manasquan River at Bergerville Road in Howell Township, NJ and concurs with the finding of no significant impact. The selected alternative includes stabilization of the embankment using a Cellular Confinement System (CCS) wall design to rebuild a stable slope and prevent further bank erosion. The toe of the CCS wall would be filled with concrete to protect the bank from erosion and flooding, while the upper half of the CCS wall would be filled with soil and planted to reestablish vegetation on the bank. (anita.riportella@noaa.gov, 732/ 872-3116)

I-95/SCUDDER FALLS BRIDGE IMPROVEMENT PROJECT

Habitat staff attended a meeting and site visit on November 18, 2003 regarding improvements along I-95, extending from PA Route 332 (Newtown-Yardley Road) in Lower Makefield Township, PA to Route 579 (Bear Tavern Road) in Ewing Township, NJ which would alleviate traffic congestion and improve operational and safety conditions. A study performed by the Delaware River Joint Toll Bridge Commission indicates the need for transportation improvements to the I-95/Scudder Falls Bridge over the Delaware River and adjoining sections of I-95 to address current and future traffic demands. The bridge is operating at levels well over available highway capacity, and traffic on the bridge is projected to grow by 35% by the year 2030. The existing bridge consists of two travel lanes in each direction and lacks shoulders and breakdown lanes. The cooperating agencies are the Federal Highway Administration, Pennsylvania Department of Transportation (DOT), and New Jersey DOT. The HCD staff observed the site from the Delaware canal toe path, and from the banks of the Delaware River just north of the bridge and south of Scudder Falls, an area used as spawning habitat for the endangered, shortnose sturgeon. (anita.riportella@noaa.gov, 732/ 872-3116)

MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460

MARICULTURE UNLIMITED UPDATE

A proposal to use long line aquaculture techniques to raise eastern oysters in the waters off Westport and Milford, CT is under review by the New England District, ACOE. Although the design embraces most of the requirements invoked for prior long line culture operations, the Mariculture Unlimited proposal has received an unexpected amount of opposition. The Company proposes to use two sites in Long Island Sound for their growout operations. The site in Westport, in the western Sound, would be located in the general vicinity of the entrance to the Saugatuck River which receives more than a thousand recreational watercraft movements on a typical summer weekend. The shellfish lease site to be used is in a relatively unprotected area of Long Island Sound where storm activity can be severe. Local opposition includes a number of groups that assume the facilities can and will entangle swimmers who venture more than a half mile offshore where the operation would be located. Others are concerned that the system, installed ten feet below the mean low water elevation, would hamper other recreational activities at and around the installation. The second site, at Milford, would utilize an area with more storm protection and well removed from regular vessel activity. The area is presently being utilized by a number of shellfish

lease holders using a variety of farming techniques for both northern quahog and eastern oyster culturing. A solution that recognizes the local concerns and yet embraces the expansion of aquaculture in Long Island Sound is being pursued by the regulatory community.

(Michael.Ludwig@noaa.gov, 203/ 882-6504)

FEDERAL HIGHWAYS ADMINISTRATION SPONSORS ENVIRONMENTAL STREAMLINING WORKSHOP

Staff from the Habitat Conservation and Protected Resources Divisions attended a recent collaborative problem solving workshop intended to facilitate federal and state agencies' efforts to successfully meet the mandates of TEA-21 Section 1309: Environmental Streamlining, and Executive Order 13274: Environmental Stewardship and Transportation Infrastructure Project Reviews. This facilitated workshop was held in early November at the U.S. Military Academy at West Point, New York. Attending was agency staff from the states of New York and New Jersey, several federal agencies, and representatives of the Cayuga, Onondaga, and Tuskarora Nations. The goal of the workshop was to promote understanding of alternative dispute resolution methods and collaborative problem solving in the transportation decision-making process.

(Diane.Rusanowsky@noaa.gov , 203/ 882-6504; Julie.Crocker@noaa.gov, 978/ 281-9328)

WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN UPDATE

The Lower Manhattan Development Corporation (LMDC) recently issued the final scope for their upcoming Generic Environmental Impact Statement (GEIS) for future activities at the World Trade Center (WTC) including: construction of a WTC memorial; memorial-related improvements; commercial, retail, and cultural facilities; new open space areas; new street configurations; and certain infrastructure improvements at the WTC site and adjacent areas. The GEIS will assume for environmental analysis purposes that initial phases of the proposed action will have been completed by 2009 and that full build-out will be achieved by 2015. The GEIS will present a range of potential conditions. A public hearing will be scheduled in early 2004 following acceptance of the draft GEIS presently under preparation. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

HARBOR DREDGING AND CHRONIC HYPOXIA

In a move to better utilize the evolving technology about nutrient loading of coastal waters, sediment deposition, and maintenance dredging of commercial harbors, NOAA Fisheries has been gathering data and assessing the impact of dredging harbor areas that are shown to routinely experience a collapse of their dissolved oxygen levels in late summer. The concept was first applied in portions of New York Harbor, based on evidence that certain areas were being depleted of their oxygen content (anoxia) during August and early September. Based on the hypothesis that organisms able to flee hypoxic and anoxic conditions will do so and those less motile will die, we have asked, "why not take advantage of the situation and allow dredging during that window?" Dredging windows are under constant scrutiny as they create both scheduling and economic hardships for Port and Terminal Industries. In those instances where protective windows' use has little value to aquatic resources or habitats, taking advantage of site conditions appears a prudent practice. Opening protective windows in such instances is being embraced as a method to use the period in specific locations and expand the dredging window. The expansion addresses two concerns that industry has expressed. First, the windows that are invoked use the best available data for a specific operation and second, they represent an opening of the construction period that increases the period in which dredging can occur, reversing the trend toward shorter and shorter operational periods. **(Michael.Ludwig@noaa.gov, 203/ 882-6504)**

WIND FARM UPDATE

Staff anticipate that a public notice will be forthcoming soon from the New York District, ACOE for a proposal by Bald Eagle Power Company, Inc. (BEPC) to construct an offshore hydrogen-generating wind project south of Long Island, New York. BEPC plans to use the electrical energy produced from a group of wind turbines to create hydrogen from distilled seawater as an alternative fuel source for commercial vehicles and gas-fired turbines. Additional information on this proposal is available at the BEPC website: <http://www.baldeaglepower.org>.

(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

COAL TAR REMEDIATION PROPOSED AT TARRYTOWN WATERFRONT PARCEL

Staff are reviewing supplemental information provided on behalf of a proposal by Ferry Landings, LLC to construct bulkheads and perform remediation dredging in the Hudson River at a former manufactured gas site. The project requires consultation pursuant to the essential fish habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act as well as Section 7 of the Endangered Species Act. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

ROOSEVELT ISLAND TIDAL ENERGY PROJECT UPDATE

The subject proposal by the Verdant Power, LLC involves the potential construction of subaqueous turbines in the east branch of the East River at Roosevelt Island to generate electricity for commercial sale. The company hopes to install a 100-150 kW array of 4-6 turbine units as a test phase. This demonstration project would occupy approximately 2 acres. As presently envisioned, full build-out would entail 200-400 turbines generating 5-10 MW of power. The project field for full build-out would occupy about 37.5 acres, excluding safety zones that might be established for security reasons. Verdant plans an information meeting and site visit in December 2003 and is hoping to complete its licensing by January 30, 2005. The Federal Energy Regulatory Commission (FERC) licensing is described in FERC No. 12178 and an initial consultation document issued by the project proponents in October 2003. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

MARITIME SAFETY AND SECURITY TEAM PROPOSED FOR NEW YORK METROPOLITAN AREA

Staff recently provided introductory information to the United States Coast Guard (USCG) related to their upcoming Environmental Assessment (EA) for the establishment and operation of a Maritime Safety and Security Team (MSST) in Staten Island, New York. This project is one of many such MSSTs under consideration across the country for Homeland Security reasons. The service area for the NY area MSST would include lower New York Bay, Jamaica Bay, western Long Island Sound to I-295, upper New York Bay, the Hudson River up to West Point, New York, and port interests from Jersey City, New Jersey south through the Arthur Kill. Additional coordination is anticipated as the draft EA is developed. The HCD's Milford Field Office will take the lead on review and comment as the National Environmental Policy Act process unfolds.

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