

**Clean Ocean Action  
NY/NJ Baykeeper**

January 14, 2005

Mr. Joseph Olha, Project Manager  
US Army Corps of Engineers  
New York District  
26 Federal Plaza  
New York, NY 10278  
ATTN: CENAN-OP-ST

Re: Public Notice No. Raritan River, NJ – Mile 2.0-4.0/05  
Maintenance Dredging

Dear Mr. Ohla:

Please accept the following comments on the above referenced project on behalf of Clean Ocean Action and NY/NJ Baykeeper (hereinafter the “Commenters”). Clean Ocean Action is a coalition of more than 170 groups and organizations dedicated to marine advocacy and stopping ocean pollution, and NY/NJ Baykeeper is a conservation and advocacy organization working to protect, preserve and restore the Hudson-Raritan estuary, of which the Raritan River is a part.

This project proposes to perform maintenance dredging of a portion of the Raritan River Federal navigation project with subsequent placement of the dredged material at a suitable, State permitted placement site(s) to be approved by the Government. It is the Commenters understanding that a disposal site has not yet been selected. We request that we be informed once a disposal site has been selected and that all appropriate measures be taken to contain the dredged material at the upland disposal site in a way that is protective to human health and the environment.

This channel was last dredged in 2000 with the removal of 431,645 cubic yards of sediment, which was subsequently placed at the Historic Area Remediation Site (HARS) in the Atlantic Ocean. The proposed maintenance dredging would involve the removal of 152,000 cubic yards of material to a depth of 25 feet below MLW with 2 foot allowable overdepth. Recent testing of the sediments proposed for dredging from the Raritan River, Reaches B, C, and D indicate that the sediment is not suitable for ocean disposal. Commenters request an explanation as to the changed circumstances that resulted in sediment material now dredged from the Raritan River being unsuitable for HARS placement.

As you are aware, contaminated sediments from the NY Harbor, Arthur Kill, Kill van Kull, and Newark Bay affect the project area. In the Raritan Bay Complex there are PCB and dioxin fish advisories for American Eel, White Perch, White Catfish, and Blue Crab. Additionally, the contamination originating from the National Lead site in

Sayreville, NJ has not been fully delineated in the Raritan River and this is cause for some concern as this project moves forward. The Public Notice states that “*Maintenance dredging of the channel is generally accomplished by clamshell dredge, hopper dredge or other similar plant*”. Without the appropriate dredging techniques, contaminated sediments in the project area are at risk of being re-suspended and re-distributed in the ecosystem and made available for uptake by aquatic organisms. For these reasons, the use of an environmental bucket with slow hoist speed and “no barge overflow” must be a part of the dredging requirements to minimize suspension of fine-grained particles and associated toxins.

We expect the January 1<sup>st</sup> to May 31<sup>st</sup> ban on dredging for the protection of early life stages of winter flounder to be enforced. Additionally, any other windows that are necessary to protect anadromous fish and blue crabs should be required.

Appropriate mitigation must be performed and done in cooperation with the community and public advocates in the project area. As the Corps is aware, compensation for dredging activities in the New York District is a legitimate request and was most recently employed in the Arthur Kill Deepening Project. This public notice did not contain any information on mitigation proposals and the Commenters request that they be notified of future mitigation proposals for this project.

The Public Notice states that “[*a*]ny person who has an interest that may be affected by the placement of this dredged material may request a public hearing.” Commenters reserve the right to request a public hearing once a disposal site is selected. Thank you for your attention to our comments and we look forward to your response.

Regards,

Andrew J. Willner, Executive Director  
NY/NJ Baykeeper

Deborah A. Mans, Policy Director  
NY/NJ Baykeeper

Cindy Zipf, Executive Director  
Clean Ocean Action

Jennifer Samson, Principal Scientist  
Clean Ocean Action

cc: Ruth Ehinger, NJDEP, Coastal Zone Management Program  
Suzanne Dietrick, NJDEP, Chief, Office of Sediment and Dredging Technology