

## Participating Organizations

*Alliance for a Living Ocean*

American Littoral Society  
Arthur Kill Coalition  
Asbury Park Fishing Club  
Bayberry Garden Club  
Bayshore Saltwater Flyrodders  
Belford Seafood Co-op  
Belmar Fishing Club  
Beneath The Sea  
Bergen Save the Watershed Action Network  
Berkeley Shores Homeowners Civic Association  
Cape May Environmental Commission  
Central Jersey Anglers  
Citizens Conservation Council of Ocean County  
Clean Air Campaign  
Coalition Against Toxics  
Coalition for Peace & Justice  
Coastal Jersey Parrot Head Club  
Coast Alliance  
Communication Workers of America, Local 1054  
Concerned Businessess of COA  
Concerned Citizens of Bensonthurst  
Concerned Citizens of COA  
Concerned Citizens of Montauk  
Dossil's Sea Roamers  
Eastern Monmouth Chamber of Commerce  
Environmental Response Network  
Explorers Dive Club  
Fisheries Defense Fund  
Fishermen's Dock Cooperative  
Fisher's Island Conservancy  
Friends of Island Beach State Park  
Friends of Liberty State Park  
Friends of Long Island Sound  
Friends of the Boardwalk  
Garden Club of Englewood  
Garden Club of Fair Haven  
Garden Club of Long Beach Island  
Garden Club of Morristown  
Garden Club of Navesink  
Garden Club of New Jersey  
Garden Club of New Vernon  
Garden Club of Oceanport  
Garden Club of Princeton  
Garden Club of Ridgewood  
Garden Club of Rumson  
Garden Club of Short Hills  
Garden Club of Shrewsbury  
Garden Club of Spring Lake  
Garden Club of Washington Valley  
Great Egg Harbor Watershed Association  
Highlands Business Partnership  
Highlands Chamber of Commerce  
Hudson River Fishermen's Association/NJ  
Interact Clubs of Rotary International  
Jersey Coast Shark Anglers  
Jersey Shore Audubon Society  
Jersey Shore Captains Association  
Jersey Shore Running Club  
Junior League of Monmouth County  
Junior League of Summit  
Kiwans Club of Manasquan  
Kiwans Club of Shadow Lake Village  
Leonardo Party & Pleasure Boat Association  
Leonardo Tax Payers Association  
Main Street Wildwood  
Marine Trades Association of NJ  
Monmouth Conservation Foundation  
Monmouth County Association of Realtors  
Monmouth County Audubon Society  
Monmouth County Friends of Clearwater  
Montauk Fisherman's Emergency Fund  
National Coalition for Marine Conservation  
Natural Resources Protective Association  
Navesink River Municipalities Committee  
Newcomers Club of Monmouth County  
NJ Beach Buggy Association  
NJ Commercial Fishermen's Association  
NJ Council of Dive Clubs  
NJ Environmental Federation  
NJ Environmental Lobby  
NJ Marine Educators Association  
NJ PIRG Citizen Lobby  
NJ Sierra Lobby  
NJ Windsurfing Association  
Nottingham Hunting & Fishing Club  
NYC Sea Gypsies  
NY/NJ Baykeeper  
NY Marine Educators Association  
Ocean Advocates  
Ocean Conservancy  
Ocean County Citizens for Clean Water  
Ocean Divas  
Ocean Wreck Divers  
Outreach/First Presbyterian Church of Rumson  
Piscataway Saltwater Sportsmen Club  
Raritan Riverkeeper  
Riverside Drive Association  
Rotary Club of Long Branch  
Saint George's by the River Church, Rumson  
Saltwater Anglers of Bergen County  
Sandy Hook Bay Catamaran Club  
Save Barnegat Bay  
Save the Bay  
SEAS Monmouth  
Seaweeds Garden Club  
Shark River Cleanup Coalition  
Shark River Surf Anglers  
Sheepshead Bay Fishing Fleet Association  
Shore Adventure Club  
Shore Surf Club  
Sierra Club, Shore Chapter  
Soroptimist Club of Cape May County  
South Monmouth Board of Realtors  
Staten Island Friends of Clearwater  
Strathmere Fishing & Environmental Club  
Surfers' Environmental Alliance  
Surfrider Foundation, Jersey Shore Chapter  
TACK I  
Terra Nova Garden Club  
Unitarian Universalist Congregation of Mon. County  
United Boatmen of NY/NJ  
United Bowhunters of NJ  
Volunteer Friends of Boaters  
Waterspirit  
Women's Club of Brick Township  
Women's Club of Keyport  
Women's Club of Long Branch  
Women's Club of Merchantville  
Zen Society

# Clean Ocean Action



*Ocean Advocacy  
Since 1984*

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October 24, 2007

Ms. Stacey Jensen, Project Manager  
Mr. Richard L. Tomer, Chief, Regulatory Branch  
US Army Corps of Engineers  
New York District  
26 Federal Plaza  
New York, NY 10278-0900

Consistency Review Coordinator  
New York State Department of State  
Division of Coastal Resources  
Attn: NY State Coastal Zone Management Consistency Review  
41 State Street  
Albany, NY 12231-0001

## VIA FACSIMILE AND ELECTRONIC MAIL

**RE: PN # NAN-2007-715-EJE, New York City Department of Environmental Protection, installation of Newtown Creek sludge loading facility with 10-years of maintenance dredging in Whale Creek Canal, Brooklyn, New York**

To Whom It May Concern:

Enclosed are comments on behalf of Clean Ocean Action, a regional, broad-based coalition of over 150 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups with a mission to improve the degraded water quality of the marine waters of New Jersey and New York. The project proposes an initial dredging event of 9000 cubic yards (CY) with upland placement and 10-year maintenance dredging for the purpose of constructing an interim sludge loading facility. Upon review of the Public Notice, Clean Ocean Action has the following concerns about the proposed project.

### **The information provided in the Public Notice is insufficient.**

The project description section of the public notice fails to provide information on the nature of the dredging operations, the quality of the dredged sediment, or the location of upland placement. It is impossible to review the project and provide comments without these important specifics. State and federal agencies have thoroughly documented serious environmental issues in both Newtown Creek and Whale Creek Canal, including an ongoing oil spill, a federal superfund site and



several state Superfund sites, substantial historic and ongoing industrial releases and regular combined sewer overflows, that contribute to extensive and significant sediment contamination near the project area. The public notice fails to acknowledge the presence of these contaminants and does not provide any information on how the proposed construction and dredging operations may exasperate the current situation. Clean Ocean Action requests answers to the following questions:

1. What are the potential impact of the proposed construction and dredging activities to water quality?
2. How does the applicant plan to avoid or reduce resuspension of contaminated sediments during construction and dredging operations?
3. Has the applicant conducted any bulk sediment chemical analysis on the sediments to be dredged? If so, please provide these data to Clean Ocean Action.
4. Where will the dredged sediments be placed?
5. What processing will be required to allow these sediments to meet state standards for use in upland placement?

**“Interim” nature of the project is not adequately characterized**

The proposed facility is described as an “interim facility”, yet the permanent nature of the proposed in-water structures and the request for 10-years of maintenance dredging suggests otherwise. The applicant must define the term “interim” and must also include information on how and when the site will be returned to its current state once the “interim” activities are complete.

**Require No Barge Overflow and Slow Hoist Speed**

The PN fails to provide any information on the proposed dredging operations, but considering the extensive and significant sediment contamination in the project area, we urge the U.S. Army Corps of Engineers (USACOE) and the State of New York to, at a minimum, require no barge overflow and the use of a closed, environmental bucket with slow hoist speed during dredging to minimize suspension of fine grained particles and associated toxins. The results of the sediment chemistry analysis may dictate the need for additional and more restrictive conditions to ensure water quality is protected during construction and dredging operations.

**In conclusion**, Clean Ocean Action has presented numerous serious issues regarding the proposed construction and dredging operations in the Whale Creek Canal. We urge the USACOE to rescind the public notice until the applicant provides the requested information. Once the information is provided, a new and more thorough public notice should be issued. A written response to these comments is requested.

Sincerely,



Cindy Zipf  
Executive Director



Jennifer Samson, Ph.D.  
Principal Scientist