



**US Army Corps
of Engineers®**

New York District
26 Federal Plaza
New York, N.Y. 10278
ATTN: CENAN-OP-ST

Public Notice

In replying refer to:
Public Notice No. EAST RIVER, SOUTH BROTHER ISLAND 16
Published: February 12, 2016 Expires: 13 March , 2016

EAST RIVER, SOUTH BROTHER ISLAND CHANNEL, NEW YORK FEDERAL NAVIGATION PROJECT MAINTENANCE DREDGING

TO WHOM IT MAY CONCERN:

The New York District, U.S. Army Corps of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), proposes to perform maintenance dredging of the East River, South Brother Island, NY Federal navigation channel with subsequent placement of the dredged material at the Historic Area Remediation Site (HARS).

WATERWAY: East River, South Brother Island Channel, New York, Federal Navigation Project

LOCATION: Queens County, New York

The East River, South Brother Island Channel, Federal Navigation project, was authorized by the River and Harbors Acts of 1915 and subsequently modified by the Rivers and Harbors Acts of 1916 to 1970. The existing project provides for a channel, 35 feet deep, 400 feet wide and of 1.3 miles length, with widening at the junction with the main channel, and a turning basin at the head of the channel.

The proposed activity consists of dredging the channel-wide shoal area immediately seaward of the turning basin, see Figure 1. Approximately 367,000 cubic yards of material will be removed from a project depth of -35 feet plus 1 foot over-depth Mean Lower Low Water (MLLW).

A detailed description of the proposed activities is enclosed to assist in your review. This activity is being evaluated to determine that the proposed placement of dredged material will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems or economic potentialities. On September 26, 2000, the United States Environmental Protection Agency (USEPA) and Corps of Engineers signed a Memorandum of Agreement (MOA) outlining the steps to

be taken to ensure that remediation of the HARS continues in a manner appropriately protective of human health and the aquatic environment. In making the determination, the criteria established by the Environmental Protection Agency (EPA) will be applied, including the interim change to one matrix value for PCB's as described in the MOA. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to place the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

The Corps of Engineers is soliciting comments from the public; federal, state and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

ALL COMMENTS REGARDING THIS ACTIVITY MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE AT THE ADDRESS ON THE FRONT PAGE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who has an interest which may be affected by the dredging and/or placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Coastal Zone Management (CZM) program, the Corps must submit a determination that the proposed project is consistent with the State CZM program to the maximum extent practicable. This activity is subject to review by the New York State Department of State for its consistency with the enforceable policies of the New York State Coastal Management Program. The New York District of the U.S. Army Corps of Engineers has determined that the proposed activities are consistent to the maximum extent practicable within the applicable policies of the New York State CZM program. A copy of this determination will be provided to the New York State Department of State, Division of Coastal Resources. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, Albany, New York 12231, Attention: Consistency Review.

The proposed project was reviewed based upon the “Biological Assessment for the Closure of the Mud Dump Site and Designation of the Historic Area Remediation Site (HARS) in the New York Bight and Apex”, (USEPA, 1997). Based upon this review, and a review of the latest public listing of threatened and endangered species, it has been preliminarily determined that the proposed activity for which authorization is sought herein, is not likely to adversely affect any federally threatened or endangered species (humpback whales, finback whales, right whales, loggerhead turtles, leatherback turtles, green turtles, and Kemp’s Ridley turtles) or their critical habitat pursuant to Section 7 of the Endangered Species Act (16 USC 1531).

The proposed HARS placements will not result in Remediation Material being placed within 0.27 nautical miles of any identified wrecks, as indicated in the National Register of Historic Places. Other than wrecks, there are no known sites eligible for or included in the Register within the project area. No known archaeological, scientific, prehistorical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to commencement of any work.

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Coast Guard, First District
- New York State Department of Environmental Conservation
- New York State Department of State

If you have any questions concerning this notice, you may contact this office at (917) 790-8404 and ask for Mr. Edward Wrocenski. Comments or questions may be FAXED to (212) 264-4260 ATTN: Mr. Edward Wrocenski. Questions about the HARS can be addressed to Mr. Charles LoBue, Team Leader, Dredging, Sediment and Oceans Section, Material Management Team, US Environmental Protection Agency, Region 2, at (212) 637-3798.

DESCRIPTION OF PLANNED FEDERAL ACTION:

The U.S. Army Corps of Engineers, New York District (the Corps) proposes to perform maintenance dredging of a section of the East River, South Brother Island, NY Federal Navigation Channel. The channel was last dredged in 2011 with the removal of

approximately 224,000 cubic yards (CY) of material, which was placed at the Historic Area Remediation Site (HARS).

The proposed action by the Corps would involve the removal of approximately 367,000 CY of material, which would be placed at the HARS using bottom dumping barges. The project will be dredged to -35 feet plus 1 foot over-depth, Mean Lower Low Water (MLLW).

The purpose of the proposed work is to alleviate the effects of shoaling, thereby assuring safe navigation and facilitating economical use of the East River, South Brother Island channel by commercial interests. The material has been tested and meets the criteria for remediation material at the HARS. The dredged material would be used as such by placing it over degraded sediments within the HARS. The proposed dredged material would be transported by bottom dumping vessels to the placement site.

Maintenance dredging of the East River, South Brother Island channel will be accomplished by a mechanical dredge having a clamshell or bucket or similar plant. The entire channel will not require maintenance dredging on this project, only the area as shown in the attached figure will require dredging. See Figure No.1

ENVIRONMENTAL IMPACT STATEMENT:

The material, which will be dredge from this project has been evaluated and found to meet the regulatory testing criteria of 40 CFR Sections 227.13 (b)(1) and the requirements of the rule establishing the HARS in Section 228.15 (d)(6). It has been determined that maintenance dredging of the project-area within the East River – South Brother Island, NY Federal Navigation Channel, with placement of the dredged material at the HARS is not likely to have significant adverse environmental impact on water quality, marine resources, fish, wildlife, endangered species, recreation, aesthetics and flood protection of the area.

An EA and a 404(b) evaluation as required by the Clean Water Act 40 CFR 230 will be prepared prior to the implementation of the proposed work.

PLACEMENT SITE:

The dredged material from this project is proposed to be placed at the HARS (see next section: Introduction to the HARS) using bottom dumping barges. Based upon review of the latest published version of the National Register of Historic Places, two wrecks, believed to be the HLW Lew and the ORMOND, were found in Remediation Area Number 1. As noted in the designation of the HARS, Remediation Material would not be allowed to be placed within 0.27 nautical miles of the identified wrecks or other wrecks that might be found. See Figure No. 2A, HARS Location Map 1.

INTRODUCTION TO THE HARS:

In 1972, the Congress of the United States enacted the Marine Protection Research and Sanctuaries Act (MPRSA) to address and control the dumping of materials into the ocean waters. Title I of the Act authorizes the US Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (USACE) to regulate dumping in ocean waters. USEPA and USACE share responsibility for MPRSA permitting and ocean disposal site management. USEPA regulations implementing MPRSA can be found in 40 CFR Sections 220 through 229. With few exceptions, MPRSA prohibits the transportation of material from the United States for the purpose of ocean dumping except as may be authorized by a permit issued under MPRSA. The MPRSA divides permitting responsibility between USEPA and USACE. Under Section 102 of the MPRSA, USEPA has responsibility for issuing permits for all materials other than dredged material. Under Section 103 of MPRSA, the secretary of the Army has the responsibility for issuing permits for dredged material. Determination to issue MPRSA permits for dredged material are subject to USEPA concurrence.

In the fall of 1997, the USEPA de-designated and terminated the use of the New York Bight Dredged Material Disposal Site (commonly known as the Mud Dump Site or MDS). The MDS had been designated in 1984 for the disposal of up to 100 million cubic yards of dredged material from navigation channels and other port facilities within the Port of New York and New Jersey. Simultaneous with the closure of the MDS, the site and surrounding areas that had been used historically as disposal sites for dredged material were redesigned as the HARS in 40 CFR Sections 228.15 (d)(6), (see 62 Fed. Reg. 46142 (August 29, 1997); 62 Fed. Reg. 26267 (May 13 1997)). The HARS will be managed to reduce impacts of historical disposal activities at the site to acceptable levels in accordance with 40 CFR Sections 228.11 (c). The need to remediate the HARS is supported by the presence of toxic effects, dioxin bioaccumulation exceeding Category 1 levels (a definition of which appears in an evaluation memorandum reviewing the results of the testing) in worm tissue, as well as TCDD/PCB contamination in area lobster stocks. Individual elements of those data do not establish sediments within the study area as imminent hazards to the New York Bight Apex Ecosystem, living resources, or human health; however, the collective evidence presents cause for concern, and justifies the need to remediation. Further information on the condition in the study area and surveys performed may be found in the Supplemental Environmental Impact Assessment (SEIS) [USEPA, 1997].

The HARS designation identifies an area in and around the MDS which has exhibited the potential for adverse ecological impacts (see Figure No. 2A: HARS Location Map 1 and 2B: HARS Location Map 2). The HARS will be remediated with dredged material that meets current Category 1 Standards and will not cause significant undesirable effects including through bioaccumulation. This dredged material is referred to as "Material for Remediation" or "Remediation Material."

As of the end of December 2015, dredged material from one hundred and twelve (112) different completed and ongoing private and federal dredging projects in the ports of New York and New Jersey have been dredged and placed as Remediation material in the ocean at the HARS since the closure of the Mud Dump Site and designation of the

HARS in 1997. This represents approximately 71,783,000 cubic yards of remediation material.

The HARS, which includes the 2.2 square nautical mile area of the MDS, is approximately 15.7 nautical square mile area located approximately 3.5 nautical miles east of Highlands, New Jersey and 7.7 nautical miles south of Rockaway, New York. The MDS is located approximately 5.3 nautical miles east of Highlands, New Jersey and 9.6 nautical miles south of Rockaway, New York. When determined by bathymetry that capping is complete, the USEPA will take any necessary rulemaking to de-designate the HARS. The HARS includes the following three areas:

Priority Remediation Area (PRA): A 9.0 square nautical mile area to be remediated with at least 1 meter of Remediation Material. Then PRA encompasses the area of degraded sediments as described in greater detail in the SEIS.

Buffer Zone: An approximately 5.7 square nautical mile area (0.27 nautical mile wide band around the PRA) in which no placement of the Material for Remediation will be allowed, but which may receive Material for Remediation that incidentally spreads out of the PRA.

No Discharge Zone: An approximately 1.0 square nautical mile area in which no placement or incidental spread of Material for Remediation is allowed.

To improve management and monitoring of placement activities at the HARS, electronic monitoring equipment will be onboard any barges carrying Remediation Material to the HARS. This equipment records vessel positions throughout the duration of each trip to the HARS and during remediation operations. To improve communication reliability between tugs and scows, a prescribed formal communication procedure has been put in place (copies of the procedure are available upon request).

Additional information concerning the HARS can be obtained from Mr. Charles LoBue of the USEPA, Team Leader of the Dredging, Sediment and Oceans Section, at (212) 637-3798.

HARS SUITABILITY TESTING

In accordance with 40 CFR Part 227 of the Ocean Dumping Regulations, bioassays were performed to assess the toxicity of the solid phase, liquid phase and suspended particulate phase of the proposed dredged material from the project area. Bioassays were performed using appropriate sensitive marine organisms as discussed below, with testing conforming to procedures outlined in the 1991 Green Book. The results of the bioassay tests conducted on sediments from the project area are provided in Tables 1-3.

In the past years, USEPA and the Corps have been refining the approach to the technical review and scientific and regulatory analysis of dredging projects proposed for the HARS. A testing evaluation process was developed, which established a basic framework for assessing results of tissue analysis from bioaccumulation testing of dredged material proposed for ocean placement. The framework defines a standard approach for assessing each analyze (an item to be analyzed for as part of the testing),

in relation to regulatory standards and human health and environmental risk factors, to facilitate decisions in accordance with the MPRSA. USEPA and the Corps utilize this testing evaluation process for identifying Category 1 dredged material in determining suitability of dredged sediments as remediation material at the HARS.

The proposed dredging area is depicted in Figure 1.

The proposed area within the East River - South Brother Island NY, Federal Navigation Channel has been characterized by sediment samples taken to a depth of -35 feet project depth, plus 1 foot allowable over-depth. Based on the analysis of seven (7) sediment samples from the East River - South Brother Island, NY project area, the grain size characteristics of the proposed dredge material are:

1.1% GRAVEL, 35.4% SAND, 38.7% SILT, 24.9% CLAY

Results of the chemical and biological testing of the East River, South Brother Island, NY Federal Navigation Channel sediment samples are summarized below.

Evaluation of the Liquid Phase: Chemistry

Under the requirements of 40 CFR Sections 227.6 (c) (1) and 227.27 (a), chemical analyses was conducted on project area site water and elutriate. Results of this evaluation are summarized in Table 1. Please note in reading Table 1 that detection limits have been listed for only those constituents which the laboratory reported as not-detected (ND) (this reporting convention was similarly applied in reporting the results of bioaccumulation potential testing discussed below). If the constituents were detected above the detection limit, the measured value would appear.

Expected concentrations of chemical constituents in the water column following ocean placement, after allowing for initial mixing, were calculated using the Automated Dredging and Disposal Alternatives Management System (ADDAMS). ADDAMS is a mixing model developed by the Corps Waterways Experiment Station (WES) and described in the joint USEPA/Corps implementation manual entitled "Ecological Evaluation of Proposed Discharge of Dredged Material Into Ocean Water" (commonly referred to as the National "Green Book"). The material can be considered suitable for ocean disposal only if the concentration of the Suspended Particulate Phase (SPP) of the dredged material, after allowance for initial mixing, will not exceed the Limiting Permissible Concentration (LPC) beyond the boundaries of the disposal site within the first four hours following dumping or at any point in the marine environment after the first four hours. The ADDAMS Model predicted that applicable marine water quality criteria for listed constituents were not exceeded after allowance for initial mixing (40 CFR 227.29(a)). Results of the analyses indicate that the LPC will be met for the proposed dredged material from the project area.

BIOASSAYS

In accordance with 40 CFR Part 227 of the Ocean Dumping Regulations, bioassays were performed to assess the toxicities of the solid phase, liquid phase, and suspended particulate phase of the proposed dredged material from the project area. Liquid phase bioassays, run as part of the suspended particulate phase on three appropriate

sensitive marine organisms (a crustacean (shrimp, *Americamysis bahia*), finfish (*Menidia beryllina*), and larvae of a bivalve (mussel, *Mytilus edulis*)), show that after initial mixing (as determined under 40 CFR Sections 227.29(a)(2)) the liquid phase of the material would not exceed a toxicity threshold of 0.01 of a concentration shown to be acutely toxic to appropriate sensitive marine organisms. Accordingly, it is concluded that the liquid phase of the material would be in compliance with 40 CFR Sections 227.6(c)(1) and 227.27(a). The specific test results and technical analysis of the data underlying this conclusion are described and evaluated in a joint U.S. Army Corps of Engineers, New York District/US Environmental Protection Agency Region 2 memorandum (copies available upon request).

Evaluation of the Suspended Particulate Phase

The suspended particulate phase of the material was evaluated for compliance with 40 CFR Sections 227.6(c)(2) and 227.27(b). Bioassay testing of the suspended particulate phase of the material has been conducted using three appropriate sensitive marine organisms (a crustacean (*Americamysis bahia*), finfish (*Menidia beryllina*), and larvae of a bivalve (*Mytilus edulis*). Median lethal concentrations (LC₅₀), which are concentrations of suspended particulate phase resulting in 50% mortality, were determined for all three test species. In addition, the median effective concentration (EC₅₀), based on normal larval development to the D-cell stage, was determined for the bivalve larvae of *Mytilus edulis*. The Limiting Permissible Concentration (LPC) was then calculated as 0.01 of the LC₅₀ or EC₅₀ of the most sensitive organism. The LPC for the suspended particulate phase of the East River – South Brother Island, NY composites was calculated as 0.22% based on the EC₅₀ of *Mytilus edulis*.

The information shows that when placed at the HARS and after initial mixing (as determined under 40 CFR Sections 227.29(a)(2)), the suspended particulate phase of this material would not exceed a toxicity threshold of 0.01 of a concentration shown to be acutely toxic in the laboratory bioassays and, thus, would not result in significant mortality. Moreover, after placement, the suspended particulate phase would only exist in the environment for a short time, which indicates the suspended particulate phase of the project material would not cause significant undesirable effects, including the possibility of danger associated with bioaccumulation, since these impacts require long duration exposures (see USEPA, 1994). Accordingly, it is concluded that the suspended phase of the material from East River – South Brother Island, NY would be in compliance with 40 CFR Sections 227.6(c)(2) and 227.27(b). The results of bioassay tests conducted on proposed dredged sediments from the project area are presented in Table 2 of this public notice. The specific test results and technical analysis of the data underlying this conclusion are described in a joint U.S. Army Corps of Engineers, New York District/USEPA Region 2 memorandum previously mentioned.

Evaluation of the Solid Phase Toxicity

The solid phase is the whole test sediment before it has undergone processing that might alter its chemical or toxicological properties. The reference sediment represents existing background conditions in the vicinity of the dumpsite, removed from the influence of any disposal operation. For the solid phase bioassay, 10-day toxicity was determined by exposing a filter feeding mysid shrimp (*Americamysis bahia*) and a deposit feeding, burrowing amphipod (*Ampelisca abdita*) to a composite of sediment

from the project area and comparing mortalities in those treatments to mortalities experienced after exposure to a reference sediment; these organisms are good predictors of adverse effects to benthic marine communities (see, USEPA, 1996a). Results are evaluated for biologically and statistically significant differences in mortality between treatments. The 1991 Green Book guidance considers that dredged material does not meet the whole sediment toxicity criterion when mortality in the test treatments is (a) statistically significant and greater than in the reference sediment and (b) exceeds mortality in the reference treatment by at least 10% for mysid shrimp and 20% for amphipod species. The following sections address the results of those tests and further analyze compliance with the regulatory criteria of 40 CFR Sections 227.6(c)(3), 227.27(b), and 228.15 and with USEPA Region 2/U.S. Army Corps of Engineers, New York District guidance.

The toxicity of project sediments were not statistically greater than the reference for *Americamysis bahia*. However, toxicity of sediment was statistically greater than reference for *Ampelisca abdita*. The difference between percent survivals in test and reference sediments was less than 10% for mysid shrimp and less than 20% for amphipods. These results show that the solid phase of the material would not cause significant mortality. The results of the toxicity portion of the solid phase bioassays can be seen in Table 2.

Evaluation of the solid phase bioaccumulation

Bioaccumulation tests for sediments from the project area were conducted on the solid phase of the project material for contaminants of concern using two appropriate sensitive benthic marine organisms, a burrowing, deposit-feeding polychaete *Nereis virens* and a filter-feeding bivalve *Macoma nasuta*. These species are considered to be good representatives of the phylogenetically diverse base of the marine food chain. Contaminants of concern, identified for the regional testing manual are listed in the NY/NJ Harbor Estuary Program Toxics Characterization report (Squibb, *et al.* 1991).

Table 3 of this notice addresses the bioaccumulation of contaminants of concern for the project area. Additional information on more rigorous evaluations conducted on individual contaminants may be found in the Testing Evaluation Memo for this project. Table 3 indicates that some contaminants bio-accumulated above reference in the clam and/or worm. The testing memo further evaluates these contaminants, and concludes that any contaminant that exceeded reference did not exceed any existing regional matrix or dioxin value. Several contaminants which did not have matrix values did exceed background levels, but in no case did any contaminant accumulate to toxicologically important concentrations even when very conservative assumptions were used in the analysis. Any contaminants that exhibited bioaccumulation test results above referenced were all below the acceptable human health risk range and acceptable aquatic effects range, again using conservative approaches and analyses.

Based on the requirements of 40 CFR Parts 227.6 and 227.27, bioaccumulation analyses were performed for the chemical constituents listed in Table 3 of this public notice. All constituents identified in worm and clam tissue were compared to existing Food and Drug Administration (FDA) action levels for poisonous or deleterious substances in fish and shellfish for human food, regional disposal criteria, background concentrations and risk-based criteria provided by USEPA Region II.

Conclusion

Based upon the results of testing of the sediments proposed for dredging from East River – South Brother Island, NY Federal Navigation Channel, it has been determined that the material is Category 1, meeting the criteria for ocean placement as described in 40 CFR parts 227.6, 227.27, and 228.15, and is Remediation Material as defined under the USEPA Region 2/USACE, New York District guidance.

Placement of this material at the HARS will serve to reduce impacts at the HARS to acceptable levels and improve benthic conditions. Sediments in the HARS have been found to be acutely toxic to sensitive benthic marine organisms in laboratory tests. Placement of project material over existing toxic sediments would serve to remediate those areas for toxicity. In addition, by covering the existing sediments in the site with this project material, surface dwelling organisms will be exposed to sediments exhibiting Category 1 qualities, whereas the existing sediments exceed these levels.

The Testing Evaluation Memo for the East River – South Brother Island, NY channel may be obtained by contacting Mr. Charles LoBue, Team Leader of the Dredging, Sediment and Oceans Section at (212) 637-3798 or Ms. Beth Nash, Corps Testing Coordinator at (917) 790-8429. The bioaccumulation test results were used in evaluating the potential impacts of the material. The combined results of the toxicity and bioaccumulation tests established that the East River South Brother Island, NY material met the criteria of 40 CFR Sections 227.6(c)(3) and 227.27(b) and 228.15(d)(6)(v)(A) of the Regulations, and that the material is suitable for placement at the HARS.

ALTERNATIVES TO HARS PLACEMENT

As to ocean placement of dredged material, the Ocean Dumping Regulations [Title 40 CFR Sections 227.16 (b)] state that “alternative methods of disposal are practicable when they are available at reasonable incremental cost and energy expenditures which need not to be competitive with the costs of ocean dumping, taking into account the environmental impacts associated with the use of alternatives to ocean dumping” The U.S. Army Corps of Engineers, New York District has evaluated the regional practicability of potential disposal alternatives in the September 1999 Draft Implementation Report for the “Dredged Material Management Plan for the Port of New York and New Jersey”. The Recommended Plan within the report addresses both the short and long term dredged material placement options in two specific timeframes, heretofore referred to as the 2010 Plan and the 2040 Plan respectively.

The 2010 Plan relies heavily on the creation, remediation and restoration of a variety of existing degraded or impacted habitats in the region with material that would be considered unsuitable for HARS restoration. The remaining material is treated and stabilized, as needed, and then applied to remediate degraded and potentially polluting areas such as Brownfield, landfills and abandoned strip mines. The 2040 Plan relies heavily upon the use of land remediation and decontamination methods for the management of HARS unsuitable material. Similar to the 2010 Plan, maximum use of all practicable alternatives to the HARS is envisioned.

Many of dredged material management options presented in the 2010 Plan are not presently permitted and/or under construction at this time and, therefore, considered unavailable for the purposes of this project. Other options are not available at reasonable incremental costs, which leave the HARS placement as the preferred alternative.

For more information on the New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.

A handwritten signature in black ink, appearing to read 'Randall G Hintz', with a large, sweeping flourish extending to the left.

Randall G Hintz
Chief, Operations Support Branch

Enclosures
as stated



FIGURE NO. 1

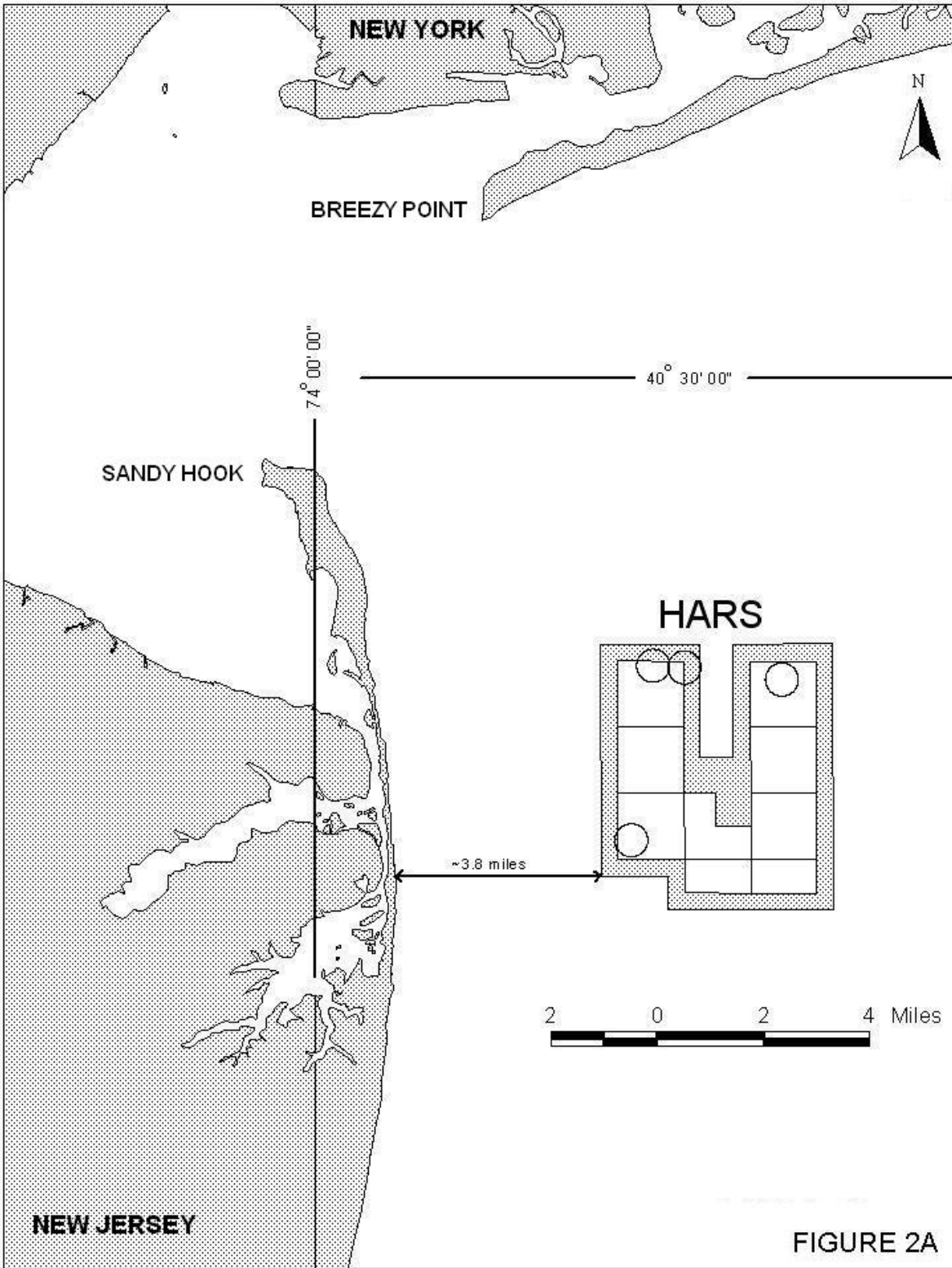


FIGURE 2A

Figure No. 2A: HARS Location Map 1

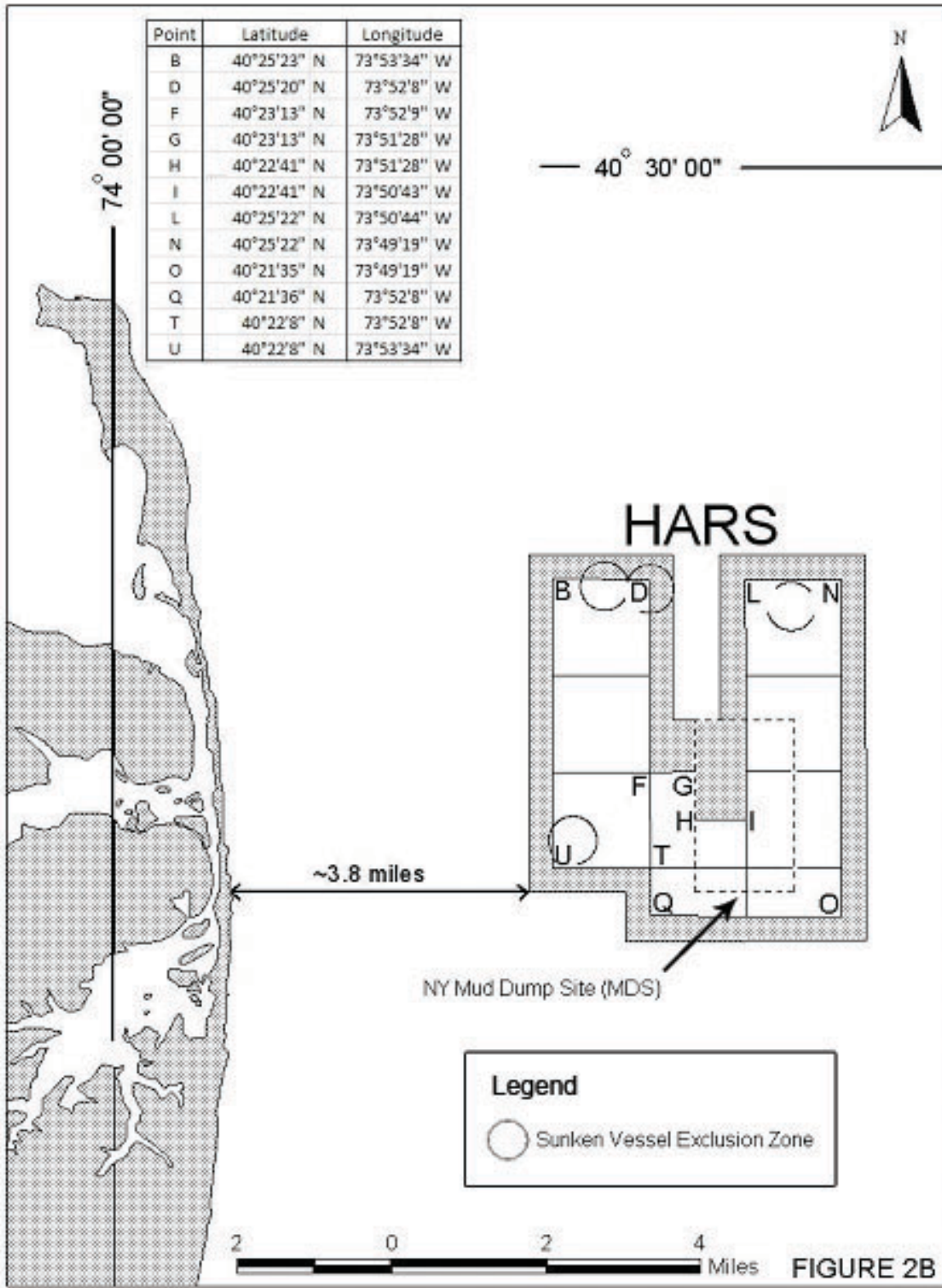


Figure No. 2B: HARS Location Map 2

**TABLE 1. RESULTS OF CHEMICAL ANALYSIS OF SITE WATER AND ELUTRIATE
EAST RIVER, SOUTH BROTHER ISLAND, R-36**

CONSTITUENTS	SITE WATER		ELUTRIATE	
	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION
Metals	ppb	ppb	ppb	ppb
Ag		0.024		0.215
Cd		0.044		0.027
Cr		0.984		5.941
Cu		2.56		9.022
Hg		0.009		0.137
Ni		1.06		2.70
Pb		1.38		11.12
Zn		5.88		10.97
Pesticides	pptr (ng/L)	pptr (ng/L)	pptr (ng/L)	pptr (ng/L)
Aldrin	1.06	ND	1.00	ND
a-Chlordane	0.88	ND	0.83	ND
trans Nonachlor	0.87	ND	0.82	ND
Dieldrin	1.09	ND		0.363
4,4'-DDT	1.27	ND	1.19	ND
2,4'-DDT	1.59	ND	1.50	ND
4,4'-DDD	1.06	ND		0.63
2,4'-DDD	1.16	ND		0.55
4,4'-DDE	0.89	ND		1.75
2,4'-DDE	1.11	ND	1.05	ND
Total DDT		3.5		4.8
Endosulfan I	1.06	ND	1.00	ND
Endosulfan II	1.05	ND		0.847
Endosulfan sulfate	0.88	ND		0.830
Heptachlor	1.07	ND	1.01	ND
Heptachlor epoxide	0.88	ND	0.83	ND
Industrial Chemicals	pptr (ng/L)	pptr (ng/L)	pptr (ng/L)	pptr (ng/L)
PCB 8	1.14	ND		0.877
PCB 18	0.73	ND		1.09
PCB 28	0.85	ND		2.7
PCB 44	1.07	ND		1.38
PCB 49	0.78	ND		1.31
PCB 52	1.00	ND		1.77
PCB 66	1.20	ND		1.17
PCB 87	0.92	ND		0.54
PCB 101	0.78	ND		2.13
PCB 105	1.20	ND		0.62
PCB 118	1.15	ND		1.26
PCB 128	0.83	ND		0.52
PCB 138	0.99	ND		2.21
PCB 153	0.99	ND		2.76
PCB 170	0.90	ND		1.42
PCB 180	0.92	ND		1.55
PCB 183	0.82	ND		0.55
PCB 184	1.15	ND	1.09	ND
PCB 187	0.85	ND		1.28
PCB 195	0.86	ND		0.46
PCB 206	0.93	ND		0.85
PCB 209	0.89	ND		0.82
Total PCB		41.90		56.6

ND = Not detected

Total DDT = sum of 2,4'- and 4,4'-DDD, DDE, and DDT

Total PCB = sum of congeners reported x 2

Concentrations shown are the mean of three replicate analyses.

Means were determined using conservative estimates of concentrations of constituents that were at concentrations below the detection limit.

TABLE 2

**TOXICITY TEST RESULTS
EAST RIVER, SOUTH BROTHER ISLAND, R-36**

Suspended Particulate Phase

Test Species	Test Duration	LC ₅₀ /EC ₅₀	LPC (a)
<i>Menidia beryllina</i>	96 hours	(b) 27.2%	0.27
<i>Americamysis bahia</i>	96 hours	(b) 56.2%	0.56
<i>Mytilus edulis</i> (larval survival)	48 hours	(b) >100%	1.00
<i>Mytilus edulis</i> (larval normal develop.)	48 hours	(c) 22.3%	0.22

(a) Limiting Permissible Concentration (LPC) is the LC₅₀ or EC₅₀ multiplied by 0.01

(b) Median Lethal Concentration (LC₅₀) resulting in 50% mortality at test termination

(c) Median Effective Concentration (EC₅₀) based on normal development to the D-cell, prodissoconch 1 stage

Whole Sediment (10 days)

Test Species	% Survival Reference	% Survival Test	% Difference Reference - Test	Is difference statistically significant? (α=0.05)
<i>Ampelisca abdita</i>	94%	88%	6%	Yes
<i>Americamysis bahia</i>	99%	94%	5%	No

**TABLE 3. 28 DAY BIOACCUMULATION TEST RESULTS: CHEMICAL ANALYSIS OF TISSUE
EAST RIVER, SOUTH BROTHER ISLAND, R-36
Wet weight concentrations**

CONSTITUENTS	<i>Macoma nasuta</i>				<i>Nereis virens</i>			
	REFERENCE		TEST		REFERENCE		TEST	
	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION
Metals	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)
Ag		0.02	*	0.03		0.02		0.02
As		2.40		2.50		2.81		2.45
Cd		0.03		0.03		0.04		0.05
Cr		0.17	*	0.31		0.09		0.08
Cu		1.00		1.45		1.10	*	1.19
Hg		0.011	*	0.014		0.018		0.018
Ni		0.26	*	0.38		0.12	*	0.14
Pb		0.10	*	0.41		0.12	*	0.14
Zn		11.46	*	12.44		21.26		15.92
Pesticides	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)
Aldrin	0.03	ND	0.03	ND	0.03	ND	0.03	ND
α-Chlordane		0.08		0.32		0.14	*	0.50
trans Nonachlor		0.04	*	0.14		0.34	*	0.44
Dieldrin		0.16	*	0.34		0.41	*	0.69
4,4'-DDT	0.02	ND	0.02	ND		0.06		0.04
2,4'-DDT	0.03	ND	0.03	ND		0.11	*	0.16
4,4'-DDD		0.14		0.58		0.31	*	0.81
2,4'-DDD	0.03	ND	*	0.33		0.18	*	0.39
4,4'-DDE		0.21	*	1.40		0.08	*	0.55
2,4'-DDE	0.02	ND	0.02	ND	0.02	ND	0.02	ND
Total DDT		0.40	*	2.34		0.74	*	1.96
Endosulfan I	0.03	ND	0.03	ND	0.03	ND	0.03	ND
Endosulfan II	0.03	ND	*	0.07		0.31	*	0.85
Endosulfan sulfate	0.02	ND	0.02	ND		0.18	*	0.60
Heptachlor		0.06		0.05	0.02	ND	0.02	ND
Heptachlor epoxide	0.03	ND	0.03	ND		0.14		0.10
Industrial Chemicals	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)
PCB 8	0.06	ND		0.41	0.06	ND	0.06	ND
PCB 18	0.03	ND	*	0.38		0.04	*	0.73
PCB 28	0.03	ND	*	1.03		0.13	*	1.14
PCB 44		0.18	*	0.52		0.21	*	0.84
PCB 49		0.06	*	1.10		0.09	*	1.21
PCB 52		0.11	*	1.32		0.25	*	1.90
PCB 66		0.20	*	0.89		0.19	*	0.79
PCB 87	0.03	ND	*	0.35		0.02	*	0.24
PCB 101		0.13	*	1.36		0.63	*	1.73
PCB 105	0.02	ND	*	0.25		0.14	*	0.33
PCB 118		0.12	*	0.90		0.31	*	0.86
PCB 128	0.03	ND	*	0.17		0.20	*	0.34
PCB 138		0.07	*	0.95		1.28	*	2.03
PCB 153		0.14	*	1.27		1.87	*	2.84
PCB 170	0.03	ND	*	0.42		0.37	*	0.73
PCB 180	0.02	ND	*	0.40		0.89	*	1.41
PCB 183	0.02	ND	*	0.16		0.40	*	0.57
PCB 184	0.05	ND	0.05	ND	0.05	ND	0.05	ND
PCB 187		0.04	*	0.33		0.91	*	1.32
PCB 195	0.02	ND	*	0.06		0.17	*	0.31
PCB 206	0.02	ND	*	0.07		0.32	*	0.47
PCB 209	0.03	ND	*	0.13		0.31	*	0.39
Total PCB		2.47	*	25.04		17.60	*	40.41
1,4-Dichlorobenzene		0.05	*	0.16		0.08	0.16	ND

TABLE 3. (Continued)

EAST RIVER, SOUTH BROTHER ISLAND, R-36
Wet weight concentrations

CONSTITUENTS	<i>Macoma nasuta</i>				<i>Nereis virens</i>			
	REFERENCE		TEST		REFERENCE		TEST	
	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION
	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)
PAH's								
Naphthalene		0.27	*	1.56		0.47		0.48
Acenaphthylene		0.04	*	2.01		0.13	*	0.88
Acenaphthene		0.15	*	3.54		0.33	*	4.21
Fluorene		0.29	*	2.39		0.20	*	0.81
Phenanthrene		2.30	*	25.11		0.99	*	3.79
Anthracene		0.22	*	18.07		0.08	*	1.37
Fluoranthene		2.73	*	88.76		1.52	*	42.52
Pyrene		1.73	*	133.33		0.92	*	67.53
Benzo(a)anthracene		0.21	*	55.57		0.07	*	4.37
Chrysene		0.66	*	62.41		0.69	*	17.63
Benzo(b)fluoranthene		0.29	*	24.05		0.07	*	2.83
Benzo(k)fluoranthene		0.27	*	25.29		0.08	*	3.61
Benzo(a)pyrene		0.18	*	33.61	0.23	ND	*	3.18
Indeno(1,2,3-cd)pyrene		0.07	*	6.37	0.10	ND	*	0.45
Dibenzo(a,h)anthracene	0.09	ND	*	1.95	0.09	ND	*	0.16
Benzo(g,h,i)perylene		0.10	*	9.21		0.08	*	1.12
Total PAH's		9.55	*	493.23		5.84	*	154.95
Dioxins	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)
2378 TCDD	0.01	ND	0.15	ND	0.02	ND		0.04
12378 PeCDD	0.02	ND	0.25	ND	0.03	ND		0.05
123478 HxCDD	0.01	ND	0.27	ND	0.02	ND		0.03
123678 HxCDD	0.01	ND	0.28	ND		0.10		0.06
123789 HxCDD	0.01	ND	0.25	ND		0.05	0.02	ND
1234678 HpCDD		0.23		0.77		0.82		0.95
1234789 OCDD		2.72	*	10.31		4.99		6.44
2378 TCDF		0.01	*	0.35		0.78	*	1.50
12378 PeCDF	0.01	ND		0.11		0.10		0.29
23478 PeCDF	0.01	ND	0.21	ND	0.02	ND	*	0.27
123478 HxCDF	0.01	ND	0.17	ND		0.09		0.07
123678 HxCDF	0.01	ND		0.10	0.02	ND	0.01	ND
234678 HxCDF	0.01	ND	*	0.14	0.02	ND		0.03
123789 HxCDF	0.01	ND	0.20	ND		0.14		0.06
1234678 HpCDF		0.22	*	0.66		0.15		0.44
1234789 HpCDF	0.01	ND	0.23	ND		0.09		0.06
12346789 OCDF		0.29	*	1.21		0.47		0.47

ND = Not detected

Total PAH = Sum of all PAH's.

Total DDT = sum of 2,4'- and 4,4'-DDD, DDE, and DDT

Total PCB = 2(x), where x = sum of PCB congeners

Concentrations shown are the mean of 5 replicate analyses in wet weight.

Means were determined using conservative estimates of concentrations of constituents that were at concentrations below the detection limit.

* = Statistically significant at the 95% confidence level.