



FISHERS ISLAND CONSERVANCY INC

Conserving & preserving Fishers Island forever

New York State Department of State
ATTN: Consistency Unit
One Commerce Plaza, Suite 1010
99 Washington Avenue
Albany, NY 12231

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Ladies and Gentlemen:

Fishers Island Conservancy strongly opposes the proposed open-water dumping by General Dynamics-Electric Boat Corp. (EB) of 890,000 cubic yards of Thames River dredge spoils at the recently designated Eastern Long Island Sound Disposal Site (ELDS). We oppose this dumping for some of the same reasons that we opposed the EPA designation of ELDS in the first place:

- ELDS is located at the head of the Race, which has some of the strongest tidal currents on the East Coast.
- The waters of ELDS are very shallow, making it vulnerable to bottom erosion from storm action as well as tidal currents.
- ELDS is located near the truly unique finfish and lobster habitat in the Race canyon and other fish and shellfish habitats along the Connecticut shore and on Fishers Island, just two miles away, including the Island's unique eelgrass habitat for fish and shellfish.
- A significant portion of the spoils to be dumped will be fine grained materials contained in the "black mayonnaise" at the bottom of the Thames. Fine grains are carriers of chemical contaminants and are particularly subject to tidal transport when suspended in the water column at the time of dumping or scoured and stirred up later by storm and tidal action. Even if we could rely on the assurances of EPA/USACE that all toxic materials from the EB dredging project will be removed and disposed of at upland sites and only "suitable" materials will be dumped at ELDS, "suitable" materials are not *clean* materials and contain varying levels of contamination, which becomes a special problem in a dumping project of this magnitude.

In addition, the Conservancy opposes the open-water dumping of 890,000 cy of untreated spoils at ELDS because it would be inconsistent with – indeed, in flagrant

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conflict with – the New York Coastal Zone Management Program (CZMP) and its component the Local Waterfront Restoration Plan (LWRP) of Southold (Fishers Island is

a part of the Town of Southold) and, accordingly, in violation of the federal Coastal Zone Management Act. The dispersal of these spoils into the waters, beaches, harbors and marine habitats of Fishers Island and, through the Race, to those of Block Island Sound, Plum and the Gull Islands and Southold on the North Fork of Long Island would contravene a number of the mandates of the CZMP and LWRP, including specifically those to protect water quality from the adverse impacts of disposal of dredge spoils and to limit the introduction of new contaminated sediments; and to promote sustainable marine resources and habitats and protect water-dependent uses of such resources, such as sport fishing in the Race, lobster fishing and oyster aquaculture on Fishers Island. Moreover, at the economic policy level, the EB dumping would be completely inconsistent with the huge investment of federal, state and local funds to protect and improve the ecology of Eastern Long Island Sound.

The Conservancy said in its comment to the EPA on the designation of ELDS that it would be hard to find a worse place than ELDS for an open-water dumpsite in Eastern Long Island Sound. It would be hard to find a worse dredging project to dump there than 890,000 cy of silt and other spoils from the Thames River bottom. And it is hard to imagine a dumping project more inconsistent with the mandates of the CZMP, the LWRP and the Coastal Zone Management Act than this one.

The Conservancy has never opposed dredging needed for harbor and river maintenance for important projects such as the Navy's Columbia Class submarine program – only the open-water dumping of spoils at the New London dumpsite or elsewhere in Eastern Long Island Sound. If open-water dumping of some or all of the 890,000 cy of "suitable" spoils is necessary because EB does not have adequate dewatering or other facilities for upland disposal of the entire 984,000 cy of spoils from the dredging, one would hope that it and the Navy could find somewhere in the multi-billion dollar Columbia program (we have heard estimates of \$12-24 billion) the relatively few dollars it would take to haul the spoils to the open-ocean site off Rhode Island (as mandated by the Ocean Dumping Act, in any case) or the deeper, calmer waters of the Central Long Island Site off New Haven and avoid degradation of the unique, fragile ecosystem of Eastern Long Island Sound.

Respectfully submitted,

Thomas A. Sargent, President