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ARMY CORPS OF ENGINEERS
DELAWARE RIVER MAIN CHANNEL DEEPENING PROJECT
PUBLIC WORKSHOP

Delaware State University
Martin Luther King Auditorium
Route 113
Dover, Delaware

June 6, 2001
6:45 p.m.

BEFORE:

Lieutenant Colonel Tim Brown,
United States Army Corp of Engineers

1 MS. WINSOR: Good evening. My name
2 is Eleanor Winsor. I am with Winsor Associates
3 and we are a consulting firm that specializes in
4 public involvement and conflict resolution. We
5 have worked on a number of projects in the
6 Mid-Atlantic states and are pleased to be here
7 tonight.

8 Our job and there are three of us,
9 Phoebe Sheftel who is in the back coming forward,
10 David Bidwell who's right over there and Laureen
11 and Abbie Dufrayne, who met with you at the door.
12 Our job is to keep the meeting moving and to give
13 as many people the opportunity to make comments or
14 ask questions and to allow free exchange of ideas.
15 The format for this evening is going to be first
16 the presentation by the Delaware Department of
17 Natural Resources and Environmental Control. The
18 Delaware Port Authority and the United States Army
19 Corps of Engineers.

20 It will be followed by comments from
21 a number of public interest groups. We will have
22 Maya Van Rossum of the Delaware Riverkeeper and
23 Jim Bailey of Broadkill Beach Preservation
24 Association. Alan Muller of Green Delaware and

1 Dennis Rochford of Maritime Exchange and Michael
2 Sprague of the Port of Wilmington.

3 In the interest of time we have
4 asked each of these speakers, with the exception
5 of Colonel Brown and Maya Van Rossum to limit
6 their time to five minutes. Colonel Brown and
7 Maya Van Rossum will each have ten minutes to
8 speak. These are simply brief statements that
9 they will make. We will then move to a comment
10 and question period.

11 When you came in you were asked
12 whether or not you would like to ask a question or
13 make a comment. And we have four categories which
14 you were asked to put your name on a card. We
15 will take those cards and bring them to the front
16 and ask somebody to draw a name out randomly and
17 ask that person to speak. We don't know what the
18 questions or the comments will be but we wanted to
19 give as broad a group as possible the opportunity
20 to comment.

21 The areas in which we have asked for
22 comments on are very broad: It's environmental
23 analysis and impact, economic analysis and
24 effects. A category we will call area of

1 responsibility which is permit review, funding
2 construction, monitoring long-term accountability
3 and I heard a gentleman say very clearly "safety."
4 So if there are any other comments they sort of
5 fall into this category. And the final is public
6 involvement. We will divide the time between the
7 four topics equally, although it may be that we
8 finish the questions in one sooner than we might
9 otherwise anticipate.

10 We would ask that you do keep your
11 comments and questions in that designated topic
12 area, during that allocated time period. We have
13 some very simple ground rules that I would ask
14 everyone to respect this evening. One is respect
15 each others motivations, values and intentions.
16 There is a lot of breadth in the attitudes and
17 concerns regarding the topics, but we would ask
18 you to listen.

19 Ask for clarification if you really
20 clearly do not understand what somebody is
21 saying. Be brief and be clear in your questions
22 and comments and responses. And I will cut you
23 off so that we have an opportunity for as many
24 people as possible to present their ideas.

1 And I would ask those speaking to
2 honor the time limit agreed to for their
3 presentation. And Phoebe will be keeping time and
4 will ring a little bell and I will cut you off.

5 So if there are no questions I would
6 like to invite Bill Moyer of DNREC to start the
7 evening.

8 MR. MOYER: My name is Bill Moyer.
9 I am the environmental program manager for the
10 wetland and subaqueous lands section division of
11 the Department of Resources and Environmental
12 Control. It is our office and our division that
13 receives the permit application and it will be our
14 office that makes the final decision, the
15 conditioning or denial permit.

16 In the back of the room (natural
17 shift) let me also mention that the proceedings
18 are being recorded so it is important that
19 everyone speak separately so that the court
20 reporter can get all the testimony down. And that
21 we have only one person speak at a time so we can
22 have a proper transcript for this workshop.

23 My only purpose for speaking more
24 than five minutes is to explain what our permit

1 process is and what procedure is going to be in
2 processing this application. The note chart is on
3 the back table on the small display in the back of
4 the room and most of you picked that up. If you
5 do not have a copy of that flow-chart, it is up on
6 the screen and I have some extra copies here. Our
7 office received the permit application from the
8 Corps of Engineers on January 22, 2001. Because
9 we thought there was a need to explain as much of
10 this project and get the public involved about the
11 process as possible. We decided that it would be
12 in the best interest of all parties to hold this
13 public workshop this evening.

14 It has taken considerable time to
15 coordinate this and to get all the parties
16 involved notified, and get the court reporter.
17 And just all the details it takes to conduct one
18 of these workshops.

19 The next step after this workshop
20 will be to review the proceedings and review the
21 transcript, any document that the facilitator puts
22 together regarding issues that may not be resolved
23 and we'll take a look at those. And then the
24 application will be placed on public notice for a

1 twenty day comment period.

2 Normally when we go to public notice
3 it's just on the application. But because of the
4 interest in this project we are allowed to combine
5 the public notice or the application also to the
6 public notice for the hearing. So it appears
7 likely that our process will combine both the
8 notice of application and the notice of the public
9 hearing.

10 That will allow a twenty day comment
11 period for anyone that wants to introduce any
12 written testimony for the public record. It will
13 be twenty days after the notice appears in the
14 newspaper. I might add that if you signed up for
15 tonight's workshop with your name and address out
16 at the front table we will make sure that all of
17 you receive a copy of the notice for the public
18 hearing. So you'll have that twenty day period in
19 which to submit your comments.

20 At the public hearing it will be
21 very similar to this workshop. The difference
22 will be it will be run by the Department of
23 Natural Resources and there will be a hearing
24 officer appointed by the Secretary of the

1 Department of Natural Resources. And exhibits
2 will be introduced by the department. There will
3 be testimony given by those signed up either ahead
4 of time or the evening of the hearing to make
5 testimony and also to submit any written
6 correspondence that they want to go into the
7 record. That then will constitute the public
8 record for the hearing.

9 There may or may not be a comment
10 period open after the hearing in which the record
11 is kept open for a period of time. That will be
12 determined by the hearing officer. After the
13 public hearing various individuals in our
14 department who are involved in the review of this
15 project will make findings to our office.

16 We will summarize those findings and
17 make our final findings to the hearing officer.
18 Once the hearing officer has gotten all the
19 findings, he makes a final recommendation on his
20 findings based on the public records from the
21 hearing. And all comments which were made part of
22 the public record in a hearing officer's report to
23 the secretary of DNREC.

24 After that time the secretary of

1 DNREC issues an order either approving, denying or
2 making his final recommendations and findings.
3 And that order is then also placed in the
4 newspaper for a twenty day comment period. The
5 next step would be if anyone wants to appeal that
6 decision contained in the order that's put in the
7 newspaper. And then appeal to our seven member
8 environmental appeals board.

9 And the next step after that would
10 be if the decision from the appeals board wants to
11 be appealed that would be appealed through the
12 Superior Court. Any questions? Thank you.

13 MS. WINSOR: Moving on I would like
14 to introduce Colonel Tim Brown of the United
15 States Army Corps of Engineers, Philadelphia
16 District. Excuse me, I made a mistake. I would
17 now ask Ms. Murphy of the Delaware River Port
18 Authority to please come forward. The Port
19 Authority is a sponsor for the project.

20 MS. MURPHY: Thank you. Good
21 evening. My name is Liz Murphy and I'm the chief
22 operating officer of the Delaware River Port
23 Authority. Thank you for the opportunity to make
24 this very brief statement.

1 The DRPA's has agreed to be the
2 local share sponsor of the program to modernize
3 the Delaware shipping channel. I would like to
4 state at the outset that the DRPA believes that
5 this workshop and the subsequent public hearings
6 involve issues that are at the discretion of the
7 State of Delaware.

8 We are a bi-state state agency
9 between the states of New York, New Jersey and
10 Pennsylvania. We are committed to being the local
11 project sponsor of the environmentally friendly
12 and safe project. DRPA's interest in the Delaware
13 River Channel Modernization Program is to protect
14 54,000 workers whose jobs depend on a flow of
15 international cargo.

16 These men and women load and unload
17 ships, drive trucks, work in warehouses, maintain
18 the Port's infrastructure, sell products that we
19 receive from overseas and make products that we
20 sell to foreign markets. Our local workers are
21 good at these tasks. We have been one of the
22 world's largest and most active international
23 ports for almost three centuries.

24 Products that move in and out of the

1 port include steel, lumber, fruit, meat,
2 automobiles and consumer goods. Although the Port
3 handles a great deal of petroleum, 80 percent of
4 jobs associated with the Port have nothing to do
5 with petroleum. We want to protect and expand
6 these jobs just as every other major port in the
7 country has protected and expanded its port
8 related jobs by developing modern shipping
9 channels.

10 In November of 1999 the DRPA's board
11 of commissioners set our policies regarding the
12 Channel Modernization Program. DRPA's
13 participation project included these two
14 provisions. First, that we will seek beneficial
15 reuse of the sand and the dirt from the river
16 bottom. This includes the pilot program to move
17 material to Pennsylvania to fill abandoned mines.

18 We are currently in negotiations
19 with the Commonwealth of Pennsylvania to make this
20 a reality. Also if the developer of the new
21 Philadelphia Sports Stadium needs to fill dirt,
22 the developer must consider using material from
23 the river bottom.

24 Second, should upland disposal be

1 required, the DRPA will work with local
2 communities to develop the site to be a nature
3 preserve. We have had some experience here
4 because the DRPA was one of the partners that
5 created the Palmyra Nature Cove in Burlington
6 County, New Jersey. In case you're not familiar
7 with it the Palmyra Cove is a 350 acre track
8 located between the Betsy Ross and the Tacony
9 Palmyra Bridges. It is an active dredge disposal
10 site. And it is without a doubt one of the most
11 scenic spots on the Delaware River.

12 Palmyra Cove provides a habitat for
13 birds. It is a place where school children walk
14 along wooded trails to observe wildlife. And it
15 is an active environmental educational center. On
16 a small scale it is helping Burlington County to
17 attract eco-tourism.

18 I urge anyone who has not taken a
19 trip to Palmyra Cove to go. It is free and it is
20 beautiful. And it serves as a local example of
21 what is happening all over the country, that is
22 the creative use of dredged material for a variety
23 of beneficial uses.

24 I've brought some copies of recent

1 articles written about the Palmyra Cove and also
2 for the record I've brought a booklet of over 100
3 letters of support for the project. Thank you.

4 MS. WINSOR: And now Colonel
5 Brown.

6 COLONEL BROWN: Thank you. Can
7 everyone hear? I don't want you to think that I
8 think I'm special by sitting over here by myself.
9 I just like the idea of looking at people when
10 they're talking. I'm a firm believer that things
11 that are not said is included in body language, so
12 I appreciate my little seat by myself over there.

13 Since 1866 the Philadelphia District
14 has been supporting the needs for this region and
15 this nation. For over 100 years they have
16 maintained the Delaware River at congressionally
17 authorized depth. Congressionally authorized
18 depth. We have done that by balancing the social,
19 economic and the environmental needs of the
20 region. That's our intent to balance the social,
21 the economic and environmental needs of the
22 region.

23 Tonight our primary goal is to have
24 an exchange of information. We want to have

1 dialogue. We want to do it in a very professional
2 manner, very objective manner, so that we all will
3 have a good understanding of what is going on here
4 and all the issues. I want to hear your concerns
5 and I want to hear your comments. And I'm very
6 sincere when I say that. I do want to hear your
7 concerns and I do want to hear your comments.

8 I've brought with me a team of
9 professionals. The folks that had responsibility
10 for doing the analysis. And when you ask your
11 questions they will stand and introduce themselves
12 and their responsibility in this project. I've
13 read all the articles in the last twelve months on
14 this project and I pretty much boiled it down to
15 four significant issues.

16 The first one that most of you are
17 concerned about is the Corp's methodology for
18 doing the economic analysis. The Corp's
19 methodology for doing the economic analysis. The
20 second issue that is really kind of starring me in
21 the face is the potential impacts on the
22 environment. Out of the \$10 million that has been
23 spent doing analyses on this project, 7 million
24 was spent on the environment. 7 million on the

1 environment to insure that there are no
2 significant impacts to the environment.

3 We live and work in the community in
4 Delaware, New Jersey and Pennsylvania. We want to
5 create a legacy for our children just as much as
6 you want to do it for yours. There is no way
7 we're going to allow anything that would have a
8 significant impact on the environment to occur.
9 Keep that in mind.

10 One of the other concerns is
11 accountability. Some wrote that the Corps would
12 not assume the responsibility of environmental
13 impact both during and after construction. We are
14 the environmental stewards of the nation. When we
15 do something in our process in the construction
16 that affects the environment, we have a
17 responsibility to make the necessary repairs in a
18 very timely manner. Keep that in mind.

19 And the last thing is public
20 involvement, public involvement. We have a new
21 Chief of Engineers, Lieutenant General Robert H.
22 Flowers. And General Flowers believes in
23 (inaudible) communications and public involvement
24 in what is going on. He wants to formalize the

1 process. We've always had public involvement, and
2 public meetings, town hall meetings, public
3 hearings, we've always had that. And he wants a
4 more formal process so that we can all get
5 together and discuss what is going on so you know
6 from the very beginning to the very end what the
7 Corps is doing and why we're doing it.

8 And one of the questions I would
9 like you to answer before you leave here tonight
10 is, is it an acceptable idea to bring together a
11 forum, a group of all the people with vested
12 interest in a project to sit down and put together
13 a communications plan of how to get public
14 involvement and how to get public information out
15 to all of those who have a vested interest.

16 If you want to do that then just
17 leave me a note on that little sheet before you
18 leave here, that that's a great idea and you would
19 like to participate and let's put together a
20 plan. Let's put together a plan of how we want to
21 do that.

22 Now, as said earlier this entire
23 session is being both videotaped and recorded. A
24 transcript will be generated. If you would like

1 to get a copy of the transcript, I've directed my
2 team of information management on our web page
3 which is, www.nap.usace.army.mil. And I'll say
4 that again before the night is over. You just
5 click on us in about a week or two and it will
6 tell you exactly what to do.

7 Depending on the size of the
8 transcript we will either scan the entire document
9 so that you can download it or we will give you an
10 address, a telephone number, a fax number,
11 whatever, so that you can access the information
12 or request a transcript and we will send it to
13 you. Hopefully we will be able to scan it into
14 the web page and you can simply download it.

15 The last thing that I would like to
16 tell you is that we are here tonight to talk about
17 this project. We are here to talk about what the
18 Corps has done with the analysis. We're here, I'm
19 here and I'm very sincere to listen to your
20 comments. But please let's keep it in a very
21 professional manner (inaudible) thank you.

22 MS. WINSOR: Thank you. And now I
23 would like to ask a number of our public interest
24 representatives to speak. Maya Van Rossum, would

1 you like to come forward.

2 MS. VAN ROSSUM: My name is Maya
3 Van Rossum, I'm the Delaware Riverkeeper. I'm
4 here this evening though speaking on behalf of an
5 alliance of twenty-two local, state, regional and
6 national organizations that have come together in
7 opposition to the proposal by the Army Corps of
8 Engineers and the Delaware River Port Authority to
9 deepen the main navigation channel of the Delaware
10 River.

11 The alliance has more than 115,000
12 members in the Tri-State area. And it includes
13 organizations such as the Delaware Riverkeeper
14 Network, the Sierra Club, Delaware Nature Society,
15 Delaware Wild Lands, Delaware Audobon Society, the
16 American Litoral Society, the National Wildlife
17 Federation, Taxpayers for Common Sense, and many
18 others.

19 We are opposing the Delaware
20 Deepening Project on both economic and
21 environmental grounds. And I have to tell you
22 we're not alone in questioning this project. In
23 fact, at the request of several members of
24 Congress, the general accounting office recently

1 began an independent investigation into this
2 project.

3 For those of you who are not aware,
4 the general accounting office is the investigative
5 arm of the United States Congress. And are taking
6 a serious look at this project. We would like to
7 suggest that tonight's workshop and any subsequent
8 hearings that are going to take place as part of
9 the permit process are actually happening
10 prematurely in light of this ongoing independent
11 investigation.

12 Because we believe that the GAO is
13 going to find that this proposal is lacking and
14 that its justification is false. And we think
15 it's important that we get the results of that
16 independent investigation before moving any
17 further forward on this project.

18 Nonetheless, we want to take the
19 opportunity tonight to talk with you about some of
20 our concerns regarding the project. Ten minutes
21 is an impossible amount of time in which to
22 articulate the numerous reasons we oppose this
23 project. Our concerns include hundreds of
24 unanswered questions as well as environmental

1 threats.

2 We were concerned with the format
3 that has been proposed for this evening that we
4 might not be able to get to all of the very
5 critical questions that we feel need to be
6 answered about this project and that we feel that
7 you need to be aware of. So a portion of my
8 presentation is going to include asking some of
9 the more critical questions that we want to make
10 sure get on the record this evening.

11 But let me tell you that the
12 proposal to deepen the river is going to cost
13 taxpayers \$300 million. With 80 percent of the
14 claimed benefits by the Army Corps being
15 attributed to six oil facilities who are going to
16 be contributing nothing to this cost.

17 And according to the Corps if either
18 one of those oil companies does not deepen their
19 private channels and berths in order to take
20 advantage of the project, these benefits can never
21 be fully realized and the cost justification that
22 was used for this project will become false.

23 On this point it is important to
24 realize that throughout the history of the

1 deepening project for the past ten years or so,
2 several of the oil facilities at various times
3 have questioned their need for the project. And
4 they have refused to commit to the private channel
5 and berth deepening that is necessary in order to
6 take advantage of it.

7 One of our concerns is that the Army
8 Corps of Engineers continues to dismiss its
9 reality. I wanted to take a moment to just react
10 a little bit to some of the things that were said
11 by the representative from the Port Authority.
12 She talked about the importance of protecting and
13 expanding 54,000 jobs, and that that's why the
14 Port Authority was acting as local sponsor and
15 advocate of this project.

16 I must tell you that this project is
17 not necessary in order to achieve that goal. In
18 fact in 1996 the Delaware River Port Authority
19 brought together four experts in the field of
20 maritime to take a look at the proposed deepening
21 project. And there was a report that was issued
22 as a result of that and their findings were very
23 telling.

24 First off, they talked about the

1 fact that the Delaware River Ports that there are
2 a number of limiting factors that keep us or
3 potentially keep us from being able to actively
4 participate in the containership industry in terms
5 of attracting the mega containerships that we all
6 hear about. Containerships which require depths
7 of 50 or 55 feet. We're only talking about going
8 45 feet. We're not bringing the containerships up
9 the river that need 55 feet.

10 In addition they identified many
11 other limiting factors for the Delaware River
12 Ports. For example at least the ports in
13 Philadelphia and New Jersey which is where there
14 is a lot of focus for this project, not in the
15 State of Delaware, but that those ports are 100
16 miles off the river. Very costly for those
17 containerships to come that far up the river. And
18 that there are other limiting factors in terms of
19 infrastructure which pose barriers to our becoming
20 the hub for the containership industry or somehow
21 attracting all of these huge containerships that
22 the Delaware River Port Authority continually
23 likes to suggest.

24 Their own experts also drew I think

1 a very significant conclusion, what they identify
2 is that the niche for the ports of the Delaware
3 River is that of a deeper port. And that means
4 we're going to be a feeder port for the
5 containership hub that's going to be at some other
6 location, for example, in New York or Baltimore
7 where they are already at 50 or 55 feet.

8 And that to accommodate this very
9 important role in the containership industry we
10 only have to be at 40 feet. We can accommodate
11 the feeder containerships for the present and the
12 foreseeable future at a 40 foot depth. That is
13 according to the Port Authority's own experts.

14 Also let's make no mistake about it,
15 as I said before I began on this little excursion
16 here with regards to the Port Authority's
17 comments, this project is to benefit the oil
18 facilities. 80 percent of the benefit goes to the
19 oil facilities. Oil facilities that aren't
20 contributing a dime. Oil facilities that may
21 never take advantage of the project. Make no
22 mistake about it.

23 I feel like I need to respond to a
24 few other things that she talked about. She

1 talked about using the spoils to fill abandoned
2 mines in Pennsylvania as well as some other
3 beneficial uses separate and apart from the beach
4 replenishment and other projects these would be, I
5 guess, new beneficial uses. We want to make it
6 very clear and be very clear with the Army Corps
7 of Engineers that if these become part of the
8 project they have to become part of the cost
9 benefit analysis because they are going to become
10 the cost of the project.

11 She also talked about turning
12 confined disposal facilities into nature preserves
13 and talked about, I guess, one model project that
14 they have in place. Well, she's invited you to go
15 look at that facility and, you know, you are
16 certainly welcome to do so. But if you're going
17 to do that I urge you to look at some of the other
18 existing confined disposal facilities in the
19 region. Confined disposal facilities that are
20 hundreds of acres of fragmities. They used to be
21 wetlands, they used to be prime riverside lands
22 and now they are just fragmities.

23 And you know what, the State of
24 Delaware and the state of New Jersey are investing

1 hundreds of thousands of dollars to get rid of
2 fragmities all over the Delaware (natural pause)
3 the lower part of the Delaware River basin. We're
4 not just talking about benign methods to get rid
5 of these fragmities. We're talking about the use
6 of herbicides including aerial spraying. Aerial
7 spraying (inaudible) a dangerous herbicide over
8 thousands of acres of fragmities in sensitive
9 marshland areas. So please remember that.

10 Also remember that (natural pause)
11 again, I also invite you to go look at some other
12 confined disposal facilities that have been
13 identified by the Delaware River Basin Commission
14 as a serious and significant ongoing source of
15 toxic contamination in the Delaware River.
16 Remember that when you are looking at some of
17 these confined disposal facilities.

18 And when you go to look at one of
19 these confined disposal facilities and you think
20 about what could be there and what is there and
21 remember what is there now is natural and
22 beautiful if it hasn't already been (natural
23 pause) well, it was once natural and beautiful.
24 But after they started to dispose of their spoils

1 there what we have are hundreds of acres of upland
2 ugly fragmitities. Lost value to the community,
3 lost value to the environment. It's horrible to
4 see. So please go look at their model project,
5 but don't forget to look at all these other model
6 projects that the Corps has had in place for
7 decades.

8 MS. SHEFTEL: About a minute and a
9 half.

10 MS. VAN ROSSUM: Okay. Well then
11 I'm going to skip over my economic questions.
12 Economically the project is not going to do what
13 the Corps says it's going to do or what the Port
14 Authority has already said what it's going to do.
15 It's not going to guarantee jobs for this region
16 and it's not going to bring the port expansion
17 that's being asserted.

18 When the lack of economic benefit is
19 coupled with a serious threat to the environment,
20 it becomes painfully obvious that this project
21 simply should not move forward. For over a decade
22 elected officials, scientists, environmental
23 professionals, and citizens from throughout the
24 Tri-State region have questioned the potential for

1 adverse environmental impact from the river
2 deepening. There are many, many environmental
3 questions as yet unanswered.

4 I would like to just take a moment
5 to ask a few of them risking going over my time a
6 little bit. But the Army Corps of Engineers has
7 talked about using a process called economic
8 loading where they are going to allow a sediment
9 laden water to spill over the side of dredge
10 barges directly into the Delaware River.

11 This process has been questioned by
12 agencies and scientist and we would like to ask
13 the Army Corps of Engineers to tell us
14 conclusively now whether or not they are going to
15 use this process in Delaware's waters. The Corps
16 promised to monitor the impacts of the deepening
17 proposal on commercially important (inaudible)
18 populations in the river. We would like to ask
19 them why they have prematurely stopped the
20 preconstruction monitoring that is so critical to
21 their analysis.

22 MS. WINSOR: I would ask you to
23 bring your questions later --

24 MS. VAN ROSSUM: I will do that. I

1 would like to take a moment just to do my closing
2 remarks. We would like to urge DNREC to continue
3 to ask the hard questions. To force the critical
4 issues be addressed and not to settle for anything
5 less than complete and accurate answers.

6 We feel that the Corps has
7 manipulated and misrepresented the data and
8 excluded the public from their deliberations for
9 far too long. And we would like to urge the State
10 of Delaware to suspend further consideration of
11 the Corps permit application until after the GAO
12 review is complete.

13 The investigation is likely to put
14 an end to this project and at the very least it
15 will provide critical information for their
16 decision making.

17 MS. WINSOR: I would like now to
18 turn to Jim Bailey of the Broadkill Beach
19 Preservation Association.

20 MR. BAILEY: That kind of animation
21 is a tough act to follow. My name is Jim Bailey
22 and I'm from Broadkill Beach. And we lie nestled
23 between the waters of the Delaware Bay and the
24 Prime Hook National Wildlife Refuge. And because

1 of our location we share our habitat with a myriad
2 of wildlife, a full spectrum and, therefore, the
3 health of our ecosystem is always in the forefront
4 of our minds.

5 Our families swim and fish in the
6 waters of the bay, horseshoe crabs (inaudible) on
7 our beach, and as a matter of fact through
8 resident participation Broadkill Beach is a
9 horseshoe crab refuge. (inaudible) we do try to
10 protect them and they are being very threatened
11 and declining populations. Osprey, fish
12 (inaudible) birds feed and nest and we even have
13 turtles on our beach and we've watched the water
14 quality improve over the years, you can see it
15 clearing in the past twenty years. It's
16 definitely improved.

17 Because Broadkill is going to be
18 impacted whether this project moves along or
19 whether this project does not, we will suffer one
20 way or the other. If the project does move along
21 the spoils from the excavations in the lower
22 Delaware Bay will be available for nourishment for
23 the beaches. At Broadkill our beaches have eroded
24 to the point where at some places the high tide

1 line reaches the chiseled escarpment on the dune
2 and in other places the dunes have eroded to the
3 point where saltwater incursion patterns to the
4 freshwater marshes behind us with storm tides and
5 it happens regularly.

6 If this project goes and that sand
7 is available for nourishment, what happens there
8 is with that nourishment the breeding beaches for
9 the horseshoe crabs improve. Therefore, the eggs
10 that they lay will be available for the shore
11 birds and the marine invertebrates that feed on
12 them and also provides the food chain for that
13 area.

14 Also by protecting the wildlife
15 refuge behind us and protecting it from saltwater
16 incursion, what happens there is every time the
17 Delaware Bay is able to overflow and go into the
18 Prime Hook, it's detrimental to the invertebrates
19 that live there and plants that form the very
20 foundation of the food chain and therefore will
21 harm all inhabitants there. We have fox, we have
22 deer, we have turkey, we have even a coyote makes
23 its home right there behind us.

24 Last but not least on that

1 nourishment protection would be the enhancement
2 and protection of the human enjoyment on the
3 beaches. The Delaware tourist industry generates
4 over \$1 billion a year. And the beaches are our
5 main draw of that. The properties along the
6 beaches generate tax revenue and they also use an
7 awful lot of goods and services. They contribute
8 a great deal to that \$1 billion a year to our
9 local economy. Nothing to be sneezed at.

10 The other benefit to us would be a
11 deeper channel would reduce the amount of
12 lightering going on out in front of us. The oil
13 ships come in and they lighter the oil from the
14 ships onto barges to be taken up the river because
15 they have a full load and they are too deep and
16 they draw too much to go up the river.

17 Now so far the lightering companies
18 have an excellent record and we commend them for
19 that. But because we are dealing with the human
20 experience, we are dealing with people. People
21 make mistakes. One major oil spill is all it
22 would take to destroy our homes. To destroy the
23 ecosystem of the Prime Hook National Wildlife
24 Refuge and the whole ecosystem of the Delaware

1 Bay.

2 We have to look at whether this
3 channel (natural pause) whether the project works
4 or if it doesn't go and what happens if it doesn't
5 go. It impacts Broadkill by, one, we put all the
6 things I've talked about at risk. Two, we
7 continue to lighter and with the imports of oil
8 going up, the chances of those spills coming are
9 ever present. Our natural environment of
10 Broadkill Beach is very important to us. We have
11 been paying very close attention to all the public
12 documents and articles that are pertinent to this
13 channel deepening project.

14 We applaud the passions of all the
15 people that are involved in this project whether
16 they be pro or con. But we would ask that the
17 decision makers make their decision based upon the
18 science and the facts that have been placed in
19 evidence. We would ask that they be very clear
20 about closely considering the benefits and that
21 logic and reason would rule today. We must ask
22 not just what happens if we do this project, but
23 we must also ask what happens if we do not.

24 MS. WINSOR: I would now like to

1 call on Dennis Rochford of the Maritime Exchange.

2 MR. ROCHFORD: Thank you very
3 much. Thank you Colonel for having us here this
4 evening. Thank you to DNREC for helping to
5 collaborate to make it possible to give us all the
6 opportunity to have this discussion. I want to
7 recognize Senator Dory Connor who's taken time out
8 of her schedule to be with us this evening. I
9 think that's important to have our elected
10 officials here with us this evening.

11 And my name is Dennis Rochford and
12 I'm president of Maritime Exchange of the Delaware
13 River Bay. It's a trade association that
14 represents port businesses up and down the
15 Delaware River. At the Port of Wilmington, at
16 Philadelphia, at Camden and all points between
17 Trenton, New Jersey, and Cape Henlopen, Delaware,
18 where we operate the ship reporting tower at the
19 State Park.

20 I just want to make some comments
21 with respect to why this project is important to
22 our regional port and why this project is
23 important to the Port of Wilmington and therefore
24 important to the people of the State of Delaware.

1 You're right, it is a regional port. Our
2 competition is New York, Baltimore, Norfolk and
3 Wilmington, North Carolina, and Charleston and
4 Savannah. All those ports have depths of either
5 42 feet or 45 feet or 50 feet or many have
6 channels deeper than that.

7 Not because they are out to attract
8 the 55 foot containership, that doesn't even fit
9 into the port of New York and it never will. But
10 the 38 foot containerships that are coming into
11 the Port of Wilmington today are going to be
12 replaced in the next five years with the post
13 Panamax containership which is going to draw 42
14 feet.

15 We can call ourselves the feeder
16 port, we can call ourselves the regional port, we
17 can call ourselves a hub port, the bottom line is
18 that containerships are going to get deeper and we
19 need deeper water here at the Port of Wilmington,
20 as they needed in Philadelphia and Camden.

21 With respect to the Port of
22 Wilmington, two-thirds of the cargos coming in to
23 that port can benefit by deeper water. Steel, dry
24 bulk, lumber and oil. Two-thirds of 5 million

1 tons of cargo coming into the Port of Wilmington
2 today can in fact benefit by deeper water.

3 And the third point I would like to
4 make to deal with some of the comments here with
5 respect to the environmental issues is the fact
6 that the State of Delaware, as I wrote in a column
7 a couple of weeks ago in the News Journal, in fact
8 for \$7 million we'll get about \$70 million of sand
9 for beach replenishment on the ocean coast as well
10 as in the bay and Port Mahon and other locations
11 along the Delaware Bay. That's a good deal.

12 So the question about where that
13 sand is coming from, it's coming from the same
14 areas that we get sand today to replenish our
15 beaches. And it's all tested by the Environmental
16 Protection Agency and the Corps of Engineers and
17 other state agencies. This is a good project,
18 this debate is important. But I represent port
19 businesses and let me assure you that what we need
20 on this river is deeper water to keep the business
21 that we've got today in the Port of Wilmington as
22 well as Philadelphia and Camden. And we also need
23 deeper water to become competitive with New York,
24 Baltimore and Norfolk. New York is running out of

1 space and we ought to get their business, we ought
2 to bring it to the Delaware River and keep people
3 in this region employed. I would urge after due
4 consideration this project be approved. Thank
5 you.

6 MS. WINSOR: And now I would like
7 to ask Michael Sprague of the Port of Wilmington
8 to say a few words.

9 MR. SPRAGUE: Well, Dennis stole
10 all my thunder. I'm Mike Sprague and I'm the
11 director of planning and development for the
12 Diamond State Port Corporation, the Port of
13 Wilmington, Delaware. And thanks for allowing me
14 to participate here tonight.

15 We support the program for deepening
16 the channel to 45 feet. We see this deepening as
17 providing a business opportunity in the future for
18 the Port of Wilmington. Before expanding on this
19 I would like to just give a few facts about the
20 Port. Our primary mission at the Port as set out
21 when the state bought the Port in the City of
22 Wilmington is to contribute to Delaware's economic
23 vitality.

24 A recent economic analysis shows

1 that the Port of Wilmington supported over 5,800
2 jobs with more than \$225 million in employment
3 income and \$22 million in annual revenues to state
4 and local governments. Many jobs at the Port of
5 Wilmington are relatively low skilled positions,
6 but they pay a very good wage from 15 to over \$18
7 an hour. These are vital jobs for the region.

8 About 450 to 500 vessels call at the
9 Port of Wilmington each year. Cargos include
10 containers of liquid bulk, dry bulk, steel,
11 lumber, automobiles, and a great deal of
12 refrigerated cargo. In the year 2000 about 5
13 million tons of cargo moves through the Port.
14 Business is good and the Port has been very
15 successful in attracting new volume to the
16 facility in the past few years.

17 A major reason for this is the
18 excellent reputation enjoyed by our labor force as
19 one that is responsive and efficient.
20 Additionally we have added modern refrigerator,
21 freezer warehouse space to make the Port of
22 Wilmington the leader in this country in available
23 dockside refrigerated storage space and nearly at
24 800,000 square feet.

1 So as I said earlier we support the
2 Delaware Channel Deepening. Because it will make
3 us more competitive in the world market. The
4 Marine Administration of the Federal Government
5 predicts that international maritime trade with
6 the United States will triple by the year 2020.
7 Seaports on all coasts of our country are
8 competing for a share of this business.

9 Those seaports that offer a optimum
10 combination of service location, depth and price
11 will be able to maximize cargo through-put and the
12 consequence, employment and transportation
13 benefits to their state. Wilmington is a
14 significant participant in this competition. The
15 main channel of the Delaware River is a logical
16 extension to the interstate highway system to our
17 marketplace worldwide. Better highways mean a
18 better transportation system. Better
19 transportation system leads to economic
20 development, employment and growth opportunities.

21 One should remember that the port
22 business is intensely competitive. And the ports
23 in our region and indeed around the country
24 eagerly await the opportunity to eat our lunch.

1 We must remain competitive and we must have a
2 water depth to accommodate vessels and provide for
3 efficient transportation of cargo and we must have
4 additional components of on land facilities, work
5 force and pricing to attract these cargos.

6 If the competing force of Baltimore,
7 New York and Norfolk have 45 foot channels or more
8 and the Delaware does not, our competitive
9 competitiveness is adversely affected.
10 Conversely, if our channel paths are comparable to
11 New York and others, the competitive access issue
12 is unchanged and we can continue to compete. As
13 for the environmental issues associated with this
14 project, we are not in a position to judge these.

15 If more information or study is
16 needed then that needs to be done. The judgements
17 on environmental impacts must be left to the
18 scientists, the Corps of Engineers in conjunction
19 with DNREC, are in the best position to act on
20 such questions.

21 In summary we support the deepening
22 as a significant potential business opportunity
23 for the Port of Wilmington. Thank you very much.

24 MS. WINSOR: Finally I would like

1 to call Alan Muller of Green Delaware.

2 MR. MULLER: My name is Alan
3 Muller. Green Delaware is an advocacy group and
4 we've been publicly identified as opponents of
5 deepening the Delaware River. Although we are not
6 part of the Delaware Deepening Coalition that Ms.
7 Van Rossum spoke on behalf, although we agree with
8 her points.

9 I would like to just briefly mention
10 of a couple of historical and procedural aspects
11 of this. The proposal to deepen the Delaware
12 River is something that goes back at least a
13 couple of decades. And for a long time the
14 proposal was to deepen the river not to 45 feet
15 but to 50 feet. And there are those who think
16 that that is something that would come back to
17 life.

18 I'm not going to talk about the pros
19 and cons of the project except to observe that I
20 live in Port Penn which is a fishing village on
21 the Delaware River. And my neighbors are
22 fishermen and watermen. And they feel that their
23 economic interests, their ability to earn a living
24 on the water is also something that should be

1 considered. And I think they feel that after a
2 long history of being used as a sewer, the
3 Delaware River has showed improvements in water
4 quality and they would like to see that be a
5 priority. They would like to see the water
6 continue to get cleaner.

7 Now, this workshop is put on by the
8 Army Corps of Engineers as part of their effort to
9 obtain a permit from the State of Delaware. There
10 was a controversy over whether the Corps as a
11 federal agency needed a permit from the state and
12 with the aid of Delaware's Congressional
13 Delegation that view prevailed.

14 Now, this workshop although it was
15 described by Bill Moyer of DNREC as very similar
16 to the public hearing that will eventually be
17 held, we need to remember that this workshop does
18 not have any legal significance. And if DNREC
19 follows the law and they will decide the question
20 of whether or not to issue a permit on the basis
21 of the record established at a public hearing
22 that's going to come down in the future. And
23 whether a subsequent correspondence might be put
24 into the record.

1 So any information that is provided
2 to the Corps of Engineers will, can and will be
3 used against you. It can and will be used by the
4 applicant to refine the arguments and respond to
5 any objections that might be made. So I would
6 suggest that those who are opposed to the project
7 ought to think about whether it is in fact in
8 their interests to give that information to the
9 Corps of Engineers this evening. I believe the
10 Colonel is fully sincere in wanting to have that
11 information.

12 Now with regard to DNREC, The
13 Delaware Department of Natural Resources and
14 Environmental Control is acting in a quasi-
15 judicial role here. It is their job to decide
16 whether to issue a permit. There is some question
17 in my mind personally about how appropriate it is
18 under those circumstances for them to be
19 participating in a workshop put on by the
20 applicant. Some people might think that that was
21 prejudicial to their objectivity in a proceeding.

22 Now, I think I'll simply close on
23 that point. I'll note that in some sense what we
24 do have here tonight is a conflict between

1 economic interests. You say that there will be
2 jobs if we dig the river deeper and others that
3 feel that for too long, hundreds of years, that
4 the health of the river as a river has been
5 sacrificed to a narrow view of what's in our
6 economic interest. And feel that it's about time
7 that we pay more attention to the environmental
8 concerns and not casually do things, that might or
9 might not let bigger ships go up the river, bigger
10 ships that may or may not want to go up the river,
11 but without any regard to the broader aspects of
12 how indeed the life of all of us depends on having
13 healthy estuaries.

14 I think five proponents of the
15 project spoke and I think I'm the second of two
16 opponents, and that's not a completely balanced
17 situation. So let's hope that as we move on
18 through this evening, let's look for balance in
19 the subsequent parts of this workshop. And thank
20 you for your attention.

21 MR. FLEMING: I can help provide
22 some balance.

23 MS. WINSOR: I would be happy to
24 but I think you will get that in the comment and

1 question period.

2 MR. FLEMING: This would be a more
3 appropriate time for it actually.

4 MS. WINSOR: You would like to hear
5 him speak? I will give him five minutes and then
6 we will move on to the public involvement.

7 COLONEL BROWN: Before your begin
8 Mr. Fleming, understand that we have decided on a
9 procedure to follow and we have provided that
10 document. The whole intent of the question and
11 answer session is for people to not only make
12 statements, but to ask questions for the Corps and
13 for any organization to respond to.

14 This is not a point for us to get up
15 and get on the bandwagon, per se, and yell and
16 scream that this is a great project or better yet
17 say that this is the worst thing that has ever
18 happened. We want to have some very good dialogue
19 and get to the objective issues so we can get some
20 very objective answers. Am I going in and out
21 again?

22 Very objective answers so that we
23 all understand what the issues are and understand
24 what the positions are so we can make an informed

1 decision. Informed decision that is not based on
2 emotions. That's my job. I am not an advocate
3 for this project; what I am is a Federal Agency
4 that has the responsible arm of the Congress and
5 executive branch to give an objective
6 recommendation of whether or not the project
7 should go forward. I understand that it has
8 already been authorized and appropriated. We are
9 simply following through on our responsibility
10 with the State of Delaware (inaudible)

11 MR. FLEMING: Thank you for the
12 unscheduled opportunity. I promise not to shout
13 or (inaudible). I was not intending to speak but
14 I think there has been one thing missing. I am
15 Dick Fleming and I'm on the chair of the Advocacy
16 Committee for the Delaware Nature Society. I
17 think the thing that is missing is a general
18 answer to a question that we hear from time to
19 time asked by those from outside our state. And
20 the question basically is, what's the fuss. The
21 channel is 40 feet deep. It's been 40 feet deep
22 for decades. What's the big deal about increasing
23 it to 45 feet. Why so much opposition from
24 environmental groups; it just doesn't make sense.

1 Those who believe that our concerns
2 just don't make sense I think don't understand and
3 appreciate the importance of Delaware, the river
4 the bay, the estuary this interconnected and
5 extremely complex region. It's naturally
6 integrated, complex ecologically and of immense
7 natural importance.

8 Yet at the same time it is highly
9 fragile because of how it has been used
10 historically. It's easy to damage but very hard
11 to fix. Over the past three decades the Delaware
12 River and Bay has been very slowly recovering from
13 many generations of earlier use. It's been used
14 as a sewer historically, earlier in the century,
15 in the last century. A cheap way to dispose of
16 unwanted by-products of industrial and other human
17 activities. As the quality of the fluid waters
18 improve since the 1970's, blue crabs multiply,
19 fish return, some oyster beds have reappeared.
20 And we saw improvements in the health of the
21 heronry at Pea Patch Island. This is the largest
22 heronry on the East Coast north of Florida.

23 The state, it's inhabitants, our
24 visitors have increasingly benefited from improved

1 recreational and commercial fishing. We benefit
2 also from eco tourism. The annual spring
3 migration of certain bird species have been
4 internationally important spectacle and it draws
5 people and dollars for our state. Some species of
6 birds migrate annually 10,000 miles up and down
7 the eastern flyways. They come as far as south at
8 the southern end of South America only to nest in
9 the northern parts of upper Canada.

10 There is a major mid-flight stopover
11 along the lower Delaware for vital renourishment
12 of their weary bodies as they make this incredibly
13 long trip to feast on horseshoe eggs in Delaware
14 -- horseshoe crab eggs in Delaware. Many of us
15 worry about risking a reversal in these and other
16 important indicators of vital health. Not
17 surprisingly we look critically and suspiciously
18 their claims that the project will have no
19 significant impact on the environment or in human
20 health.

21 History tells us that with the
22 passage of time and the light of increasing
23 knowledge, additional chemicals are added to the
24 growing list of those found to have undesirable

1 biological effects and I speak as an expert on
2 that issue. Federal and state standards will
3 allow for concentrations in air and water are
4 lowered. We learn that yesterday's level of
5 acceptability is no longer adequate for the
6 elderly. Those with susceptible metabolisms, for
7 children, for expectant mothers, for embryos.

8 We have concerns about the
9 consequences of digging up millions of cubic yards
10 of contaminated river bottoms long buried in
11 highly industrialized northern sections of our
12 river. We wonder about the consequences of piling
13 spoils in new above ground disposal sites near
14 Port of New Jersey aquifers. We're concerned
15 about the possibility of foods coming to Delaware
16 from these upstream dredged operations and upland
17 disposal sites. We've read the project proposal
18 and we have many questions. I hope we have many
19 answers this evening and I congratulate the
20 Colonel and his staff for in the beginning giving
21 an excellent presentation. I've already gotten
22 some answers.

23 But progress always involves
24 choices. We compare positives versus negatives.

1 In the case of this project we see just as many
2 negatives and not nearly enough positives. Why
3 all the fuss, why all the opposition, that's
4 because to many of us it's a big deal and a bad
5 deal for Delaware.

6 MS. WINSOR: Now I would like to
7 move to the question and comment process. We have
8 cards. If some of you having heard the
9 presentations would like an opportunity to comment
10 or to ask a question. What is the first topic
11 that we are going to do? And we've decided we
12 would do these by the one that has the fewest
13 cards first, so that we could move through them
14 and leave the initial time for some of the
15 others.

16 The topic is public involvement and
17 there are two cards in it. We are going to split
18 the time between the four topics. It's now 7:40
19 and we will be taking a 15 minute break. We have
20 2 hours and 35 minutes as I've counted which will
21 give us about 35 minutes a topic.

22 Maya Van Rossum if you would like to
23 take two minutes to comment. We have the mikes
24 which we are going to bring forward.

1 (Instructions on use of microphone.) The person on
2 deck is going to be Pat Todd. If you could just
3 indicate yourself and we will bring you a mike.
4 Go ahead Maya.

5 MS. VAN ROSSUM: I just want to
6 take the opportunity with the Colonel's presence
7 to say that the Corp has talked a lot about the
8 importance of getting information out to the
9 public and wanting to be responsive to our
10 questions and our requests and all of that good
11 stuff. Well, I've been issuing a number of
12 Freedom of Information Acts requests to get needed
13 information.

14 I have been getting responses but
15 usually they are not timely. They're not within
16 the required Federal time limitation. I have two
17 Freedom of Information Acts requests that were
18 issued early in May. And I believe the time to
19 respond to them is up and I don't have any
20 information and I would like to give them to you
21 to make sure that I get responses.

22 COLONEL BROWN: I'm glad to
23 (inaudible) also understand that we have a web
24 page. And this web page has a lot of information

1 on the channel deepening project. Take the time
2 to go to it. It's www.nap.usace.army.mil. Go to
3 that web page and click on the Delaware Main
4 Channel Deepening Project and you're going to find
5 a lot of information there. If it's not what you
6 are looking for then under FOIA as Ms. Van Rossum
7 had said you can submit a request and we will do
8 our best to get it to you in a timely manner. And
9 I'll do my best to get it to you. Thank you,
10 Maya.

11 MS. TODD: I'm Pat Todd from the
12 League of Women Voters of Delaware. And this has
13 already been mentioned tonight but it cannot be
14 mentioned enough times that it is so important for
15 the people here tonight to go to the public
16 hearing and make your statement at the public
17 hearing. This is an opportunity tonight to learn
18 more about what is going on with the river
19 dredging. Please take advantage of this. There
20 will be information in the paper about when the
21 public hearing will be held and take advantage of
22 it. Thank you very much.

23 MS. WINSOR: Jane Nogaki, can you
24 -- and Richard Fleming you'll be next.

1 MS. NOGAKI: My name is Jane Nogaki
2 and I represent the New Jersey Environmental
3 Federation which is a New Jersey based citizen
4 group with over 70,000 members. We oppose this
5 project because of potential environmental effects
6 on our drinking water, our farms, saltwater
7 intrusion up the river and the threat to the
8 drinking water aquifer underneath.

9 Our question is, there has been very
10 little public debate about this issue in New
11 Jersey. My question about public participation is,
12 when are you going to have a hearing in Gloucester
13 County, New Jersey. This so-called recipient of
14 millions of pounds of toxic dredged spoils. When
15 is your hearing going to come to New Jersey for
16 public participation there?

17 COLONEL BROWN: I would like to go
18 on the record by saying we have already tested the
19 materials in the county and it is not toxic. It
20 is not toxic. One of the biggest things many
21 people do not take into account is, like I said
22 earlier, we are maintaining the Delaware River.
23 We are constantly going on what is called
24 operation maintenance dredging of the Delaware

1 River. Which means that they are digging out the
2 material even when they are down to the
3 congressionally authorized depth of 40 feet. We
4 are taking into account (inaudible) the upland
5 disposal area. We also have a monitoring plan to
6 ensure we do not do any damage to the
7 environment. There are two issues here. The one
8 is Gloucester County versus the State of New
9 Jersey. In the State of New Jersey we worked with
10 (inaudible). There was a public meeting to
11 discuss in depth as to what is going on.

12 MS. NOGAKI: There was a
13 legislative hearing on an appropriation, but there
14 was not a broad-scale public meeting held --

15 COLONEL BROWN: Well, Gloucester
16 County (inaudible)

17 MS. NOGAKI: Well, anywhere in the
18 State of New Jersey. A public hearing on this
19 project, per se. And I just have to take issue
20 with the idea that the dredged spoils are not
21 toxic. If you believe in averaging and dilution
22 then maybe you can get your numbers down to below
23 a level of concern. But there are many hot spots
24 in that river and the State of New Jersey, we can

1 not permit averaging of contaminants like arsenic
2 and mercury and so forth to dilute them to
3 so-called levels below concern. We do not accept
4 those levels of heavy metals will be safe for land
5 disposal in New Jersey.

6 COLONEL BROWN: One last comment
7 and I'm going to refer to my specialists over here
8 to talk about sediment testing. As I said before
9 we've tested in great detail to insure what will
10 be placed (inaudible) will not cause damage to the
11 environment.

12 MS. NOGAKI: Are you going to use
13 averaging to do that?

14 COLONEL BROWN: He will discuss
15 averaging. We've also spent \$7 million on
16 testing. Jerry.

17 MS. WINSOR: Would you introduce
18 yourself, please.

19 MR. PASQUALE: I'm Jerry Pasquale
20 from the environmental resources branch of the
21 Corps. And we have been involved in sediment
22 testing for over ten years --

23 COLONEL BROWN: You need to speak
24 up, please.

1 MR. PASQUALE: Over ten years in
2 the Delaware River as part of both the main
3 channel as well as the operations work that we
4 have been doing, there were three different rounds
5 of testing that we've done on the Delaware River
6 in both the channel and the bends that would be
7 widened. There have been a variety of things that
8 we have done.

9 We have gotten 153 samples that have
10 been looked at and there are different guidelines
11 that are used by the states of New Jersey and
12 Delaware. But if you look at the data in
13 comparison to the New Jersey guidelines, there is
14 virtually nothing that was in the range of what
15 could be considered at the toxic level. The
16 guidelines that the State of New Jersey uses, is
17 something, there is two different groups, one is
18 called residential guideline and the other is
19 called nonresidential guideline.

20 And you can think of it as below
21 residential guideline you're in an area where you
22 could say that the levels are low. If you are
23 involved with nonresidential guideline then you're
24 getting into an area where you have concerns.

1 There are virtually of the 90 different
2 contaminants, 90 plus contaminants that we looked
3 at, there were virtually no detections that were
4 in that upper range. It was either below
5 residential guidelines or slightly above in that
6 in between area.

7 MS. NOGAKI: Well, we're going to
8 have to debate that at another time. But I
9 believe you used averaging to achieve those
10 results.

11 MR. PASQUALE: When we did the
12 Supplemental Environmental Impact Statement we had
13 153 samples and we had over 90 different
14 parameters that we had numbers for. That was over
15 12,000 separate numbers that I had to do something
16 with. And so as a means of distilling that data
17 down and presenting it there were means that were
18 calculated in different portions of the channel
19 and those portions of the channel were geared
20 towards where material would be placed.

21 MS. WINSOR: Thank you. Let's move
22 and ask Dick and Dennis Rochford is the next
23 speaker as we move to economic analysis.

24 MR. FLEMING: I'm Dick Fleming of

1 the Delaware Nature Society. And I ask for thirty
2 seconds. I just wanted to say on a personal note
3 that I've dealt off and on with the Corps of
4 Representatives of Philadelphia, the people that
5 actually do the work, I find them to be uniformly
6 technically competent, believable, responsive and
7 anything that might not sound quite so nice later
8 has to be taken from that starting point.

9 My question and my question comes
10 from a lifetime in industry where I have seen
11 project after project coming up with surprises.
12 You do your best to plan and you never (inaudible)
13 of surprises. And we've discussed this with the
14 Corps before and they can tell you about a lot of
15 things that they've done to try to remedy
16 surprises.

17 But my question is this, would the
18 Corps see some value in some kind of a monitoring
19 committee that involves stakeholders. A committee
20 that is charged with issuing periodic reports at
21 some reasonable interval on environmental effects
22 both on construction and later maintenance
23 dredging. And by the stake holders I would add
24 too, anyone from the construction organization and

1 from the Corps of Engineers, people from DNREC,
2 Delaware environmental groups and the Delaware
3 public.

4 Whatever the results are that's what
5 they are going to be. And I think they are going
6 to be much more believable if there is an
7 independent group within the monitoring committee
8 looks over, examines, and interprets the data. So
9 I think this would be a valuable thing to do and I
10 would suggest that you would consider this. Thank
11 you.

12 COLONEL BROWN: As I said earlier
13 this workshop is being recorded by video and in a
14 written form, transcript. I would like to go on
15 the record by saying right now that I will
16 entertain Mr. Fleming's idea and as I said earlier
17 about public involvement, public participation,
18 that is something that we'll discuss further.

19 MS. WINSOR: The next person is
20 Maya Van Rossum. And let me just get the next
21 card here. We're changing to economic analysis
22 and Wayne Spencer --

23 MR. SPENCER: I've got all my
24 questions answered.

1 MS. WINSOR: Wayne Spencer has got
2 all his questions answered and then Dick Fleming.

3 MS. VAN ROSSUM: I have a couple of
4 questions. I'm not sure how you're handling
5 that.

6 MS. WINSOR: You guys have to take
7 one and then we throw your card back in and go to
8 it at the end so we get as many different people
9 -- give them an opportunity as possible.

10 MS. VAN ROSSUM: I've read the
11 permit application and you said that the project
12 would bring 300 construction jobs to the State of
13 Delaware; am I correct? I'm just wondering how
14 you can guarantee that there will be 300
15 construction jobs in the State of Delaware when
16 these deepening projects are bid out nationally.

17 MR. SELSOR: I'm Bob Selsor with
18 the economics branch. Maya, what you're referring
19 to, there are the regional aspects of the
20 project. Actually, benefit/cost, the regional
21 aspects do not enter into the ratio. (inaudible)
22 navigation transportation safety. What we try to
23 assess is to give the regional, local impacts is
24 with the construction, what the potential impact

1 might be in the way of jobs in the Tri-State area,
2 personal income and tax revenues.

3 What we use there was an input,
4 output model which had been developed originally
5 by the University of Delaware. And we ran results
6 and came up with an estimate of jobs. Again,
7 jobs, personal income, tax revenues in each of the
8 three states. So that number is an estimate of
9 what we expect could result from the
10 construction. You do make a good point that
11 potentially based on where the bidding process
12 takes the dredging, it could be different
13 results. The intent of the input/output model is
14 to give a generalized idea of what the potential
15 might be for the region. But, again, it's not
16 (inaudible) of the benefit/cost analysis of the
17 project.

18 MS. VAN ROSSUM: Can I just do a
19 follow-up question. I'm just wondering if you've
20 done this kind of model elsewhere and if you've
21 had an opportunity to compare the reality with
22 pre-project estimates? Has that ever happened?

23 MR. SELSOR: It's something I
24 myself have not done. It's something that I can

1 check into to see if it has been done for other
2 projects. It's something we can check into.

3 MS. VAN ROSSUM: I would like to
4 have that for the record. Just to know what that
5 information is. That would be great. Thank you.

6 COLONEL BROWN: I think a follow-up
7 answer to that, Maya, while we have not done a
8 follow-up on it in the Philadelphia District,
9 there have been significant follow-up on many
10 projects throughout the Corps of Engineers
11 (inaudible). I also have knowledge of information
12 that has actually met expectations --

13 MS. VAN ROSSUM: I was looking for
14 a very wide ranging analysis.

15 MS. WINSOR: Dick Fleming is going
16 to speak and the person after that will be Jim
17 Steffens. So if you put your hand up we will be
18 sure that you get a mike. Okay, right over
19 there. If you will come up quickly Ross Abson
20 will be the next person.

21 MR. FLEMING: I have two questions
22 and I'll just ask one now and you can put my card
23 back in the hat. The fact sheets which is part of
24 the permit application, as Maya said, says this

1 \$300 million project is going to pump jobs,
2 salaries and taxes into the state. And the
3 application relies on output of the econometric
4 model from the University of Delaware as the basis
5 for their claims.

6 I talked to one of the authors of
7 the econometric model and what I have to ask now
8 is based on the discussions with him. The claims
9 that I found that economic benefits are based on
10 the transportation costs, mostly lightering
11 costs. The application notes that there won't be
12 anymore oil delivered to refineries -- they will
13 be operated at triple capacity. What makes up the
14 other 80 percent is the \$40 million in projected
15 savings.

16 There's something that I don't
17 understand and the first question has to do with
18 regional benefits. The Corps literature says that
19 \$300 million is going to be pumped into the region
20 as a result of the project expenditure. But the
21 literature also says that the sponsor, the
22 Delaware River Port Authority, will have to pay
23 about 100 million of the \$300 million total. And
24 I presume that they get their money from us, the

1 region, one way or the other.

2 And I noticed that they recently
3 raised bridge tolls in Delaware which undoubtedly
4 is affected by the \$100 million that they have to
5 accumulate to fund their part of the project. So
6 right off the bat I really want to see \$200
7 million be pumped into the region. Not counting
8 the \$150 million that comes from the pockets of
9 the people that live in the region. So to me that
10 \$100 million doesn't sound like a real benefit if
11 you take it out of one pocket and stick it in
12 another.

13 MS. WINSOR: Would somebody like to
14 comment on that? Okay. We now have Jim Steffens
15 -- I'm sorry.

16 MR. SELSOR: Getting back to the
17 two separate issues. The actual analysis and the
18 basic justification for deepening based on
19 improvement for the Federal Navigation System is
20 comparable to the improvements that you might see
21 to the interstate highway system. What it's based
22 on is navigation transportation savings.

23 Crude oil represents about 75, 80
24 percent of the total tonnage through the port of

1 the Delaware River. So it actually follows that
2 larger vessels used in the Port contribute to the
3 magnitude of benefits for crude oil of about 80
4 percent is in line with what you would expect.
5 The analysis of benefits to costs is again not
6 premised on regional benefit. Those are impacts
7 important to the region, further important to the
8 local sponsor. The driving force for the Delaware
9 Port Authority for what they see as needs for the
10 future. But from the Federal perspective of the
11 Corps of Engineers, benefits are strictly based on
12 navigation and transportation savings.

13 MR. FLEMING: Not to belabor the
14 point but what the proponents are saying to our
15 governor, the legislators and our citizens is that
16 there is going to be \$300 million worth of
17 benefits to the region basically and that this is
18 going to flow down into Delaware and I don't need
19 to be convinced right now, but later on you could
20 call or even write me, but what about this \$100
21 million that we have to pay?

22 MR. SELSOR: I can't speak
23 specifically about what the proponents of
24 (inaudible) is going to say, but all I'm saying is

1 that our analysis estimates \$40 million in
2 transportation savings per year to the national
3 account.

4 MS. WINSOR: I would ask Jim
5 Steffens and then Ross Abson, and then Coralie
6 Pryde.

7 MR. STEFFENS: My name is Jim
8 Steffens of the Delaware Sierra Club. My question
9 has to do with the remark made by the
10 representative from the DRPA with regard to
11 movement of their spoils to abandoned mines in
12 Northeast Pennsylvania. My questions pertains to,
13 A, what fraction of the dredged spoils will be
14 forecast to go to these mines? B, what is the
15 cost per cubic yard to move them there and what
16 effect does this have on the benefit to cost
17 ratio?

18 MS. MURPHY: At this point we are
19 negotiating with the Pennsylvania Department of
20 Environmental Resources Environmental Protection
21 related to the amount of spoils, the amount of
22 material that would be going to the mines. It's
23 going to depend on that actual location and the
24 size of the mines.

1 The second question, the cost, is
2 also being reviewed right now. We are in
3 negotiations with them and, we, the Delaware River
4 Port Authority will be assisting in financing that
5 and it will have no impact on the overall cost of
6 the project.

7 MS. WINSOR: Thank you. Ross
8 Abson. We will be getting you a mike and then we
9 have Coralie Pryde and the next person after that
10 is going to be Spiro Mantzavinos.

11 MR. ABSON: My name is Ross Abson
12 and I live in New Castle. And I served in the
13 Merchant Marines and I think I have some
14 familiarity with the navigation system on the
15 river. That concerns me most. I represent a
16 group that very few people know of called
17 Delawareans for Safe Water in the Delaware area
18 (inaudible) as well as oil spills. And the other
19 is for safety along the river navigation. And
20 that's all I'm going to say. I'm going to follow
21 the advice and rather than bite these
22 organizations that helped me on a wetland
23 delineation 15 years ago, the Corps, I'm going to
24 reserve my comments for the hearing on the grounds

1 that what you don't hear you can't incriminate me
2 here.

3 MS. WINSOR: Thank you. Coralie
4 Pryde.

5 MS. PRYDE: I think my question is
6 primarily for Dennis Rochford or Mr. Sprague. I
7 think they indicated -- your belief is that this
8 deepening must be done in order for our port to
9 maintain their economic viability. That is really
10 very much contradicted by the study that was found
11 previously by the global trends and container
12 shipping.

13 What I really would like to know is
14 can you tell me what particular experts you
15 consulted in coming to your conclusions? Their
16 names, have they done this study, can you tell me
17 how to access them? Thank you.

18 MR. ROCHFORD: I'm the expert. I
19 represent 304 businesses, steamship agents and
20 charter organizations who we deal with on a daily
21 basis. But let's put some facts on the table. In
22 2000 there were 835 ships, container and bulk
23 cargo including steel which is about 4 million
24 tons a year coming up this river. 835 ships that

1 came up and over, 35 were draft and all of those
2 ships could have come up a draft over 40 feet. So
3 we have empirical evidence in terms of traffic and
4 activity on the river with respect to what cargos
5 we have today that could in fact come up the river
6 at a deeper draft, that includes steel that comes
7 into the Port of Wilmington, dry bulk, Petco and
8 so many other cargos. So there is a lot of
9 activity today that is going on. You reference a
10 study of 1996, the fact of the matter is that was
11 one side of the issue. And actually the person
12 who coordinated that study, brought a couple of
13 consultants together and they had a meeting one
14 morning and even he called (inaudible) in favor of
15 the project after the study was completed.

16 And since we are talking about
17 studies let's talk about the third study. The
18 third study was conducted about three or four
19 years ago. I believe I was in a meeting that was
20 organized by Congressman Castle. We had the
21 congressional staff members, I think in our entire
22 delegation. The study said, you know what, the
23 Port of Wilmington won't benefit at all by this.

24 The study was conducted by a

1 consultant directly out of Virginia and they never
2 talked directly to the Port of Wilmington. They
3 only looked at those specific cargos, bananas and
4 automobiles that are never ever going to require
5 more than 35 feet. They never ever looked at
6 two-thirds of the cargo that are in fact or that
7 can benefit by additional draft over 40 feet. And
8 the people that paid for that study because it was
9 admitted to me by the employee of the company was
10 Maritrans.

11 Now Maritrans is opposed to this
12 project because arguably they might lose some
13 business. So there have been a lot of studies
14 that have been quoted and a lot of facts and
15 figures that have been thrown out here. But there
16 is no definitive study other than the Corps'
17 study. The 1996 study was just a perception on
18 only one side of the issue. But those 850 ships
19 that came up this river last year it could, in
20 fact, used the additional 40, 45 feet.

21 MS. WINSOR: Do you have a
22 question?

23 AUDIENCE SPEAKER: I believe her
24 question was the impact and whether or not it was

1 valid and it's actually true because ships have
2 had to hold over at a great cost --

3 MS. WINSOR: I'm going to ask you
4 to come up and make your statement. Do you want
5 to ask a clarification?

6 MS. PRIDE: You said the third
7 study is, now I assume that that study may be a
8 design report which I didn't see, what is the
9 second study?

10 MR. ROCHFORD: The two studies that
11 I know about -- well, let me say this. There is a
12 study that was done by the Corps of Engineers and
13 that's the economic analysis there. There was
14 this one study and we had this conversation up at
15 the Port of Philadelphia about four or five years
16 ago with Paul DeMariano and other people that came
17 from a few other ports. And then the other study
18 was the study which was paid for by Maritrans that
19 never ever got the facts that the Corps did and I
20 believe that it was designed for one purpose and
21 one purpose only which was to put some bad
22 information out there. And that was admitted to
23 me by the individual who at that time was employed
24 by Maritrans.

1 MS. PRIDE: The study that you are
2 referring to was paid by some of these people who
3 worked for the Delaware River Port Authority. Now
4 whether that was a good study or not, it was
5 sponsored by them. I don't think that we should
6 put aside this one.

7 MS. WINSOR: You can get a
8 clarification if you will and get it to the Corps
9 and to DNREC. Dick Fleming will be after Spiro
10 Mantzavinos.

11 MR. MANTZAVINOS: Good evening. My
12 name is Spiro Mantzavinos and I'm the manager of
13 external affairs for Motiva Enterprise, Delaware
14 City Refinery. I would just like to make one
15 brief comment this evening. I just want to note
16 that on page four of the economic analysis summary
17 that has been distributed by the Corps, it states
18 that Motiva facility located in Delaware will not
19 benefit from the channel due to the depth
20 restraints of the (inaudible) non-Federal access
21 channel. And because of that the refinery has
22 maintained a neutral position on this project.

23 However, preliminary results from
24 the refinery's study as well as actual experience

1 from the Chesapeake Bay indicate that the dredging
2 would cause an increase in deposition of silt at
3 the refinery's docks, cooling water intake channel
4 and dispersion area. This would increase the
5 amount that we would have to dredge on a
6 (inaudible) basis, thus increase the refinery's
7 costs.

8 Based on this preliminary data we
9 cannot support the dredging because there is no
10 economic benefit to the refinery. In fact we
11 anticipate an adverse impact to the refinery.
12 Thank you.

13 MS. WINSOR: The final person on
14 the economic is going to be Dick Fleming and then
15 if there is more time after we finish the other
16 topics we will come back to probably more
17 questions that we have in the box.

18 MR. FLEMING: My second question
19 has to do with \$40 million in annual cost
20 savings. Over \$30 million of this projected
21 savings are going to I guess we know benefit a few
22 upstream refineries, maybe six, probably less.
23 The life of the project as stated to be 50 years.
24 So if you multiply savings of \$40 million a year

1 times 50 years you get \$2 billion in total
2 savings. Again, mostly in reduced lightering
3 costs. That's \$2 billion that the lightering
4 companies will not be pumping into the region.

5 So it seems to me what we have here
6 is a project that gives the region a short-term
7 economic kick. But it won't be that enjoyable
8 because our region has to kick-in \$100 million of
9 the up-front money through Delaware Port Authority
10 and lose \$2 billion over the 50 years of project.

11 As I look at it as a chemist and not
12 as an economist, when you boil the project down to
13 its bare essentials you can almost look at it as a
14 scheme to transfer money for lightering companies
15 to oil companies. The lightering companies are
16 the big losers and the refineries are the big
17 winners. But the \$300 million has to come from
18 somewhere. In the process there are up-front
19 losses of \$100 million to the region through the
20 Delaware River Port Authority's expenditures. And
21 \$200 million loss by the rest of the nation's
22 taxpayers.

23 To me it's no wonder the refineries
24 are remarkably silent in this debate over the

1 merits of this project. They very much benefit
2 well over a billion dollars from a project to
3 which they contributed not a nickel. And finally
4 Delaware's refinery of course will get to benefit
5 whatsoever from this project.

6 And since we have an environmentally
7 and economically valuable river estuary that can
8 be harmed, I really see little for this project
9 for our state except, trouble.

10 MS. WINSOR: Is there a response to
11 this?

12 SPEAKER: Is there a specific
13 question?

14 MS. WINSOR: I think it was a
15 statement. I'm going to give the stenographer a
16 brief... Colonel.

17 COLONEL BROWN: I would like to
18 make one last comment before we go to break. And
19 that was in regards to someone's comment earlier
20 about the General Accounting Organization Agency.
21 The GAO based upon requests from Congressman
22 Andrews and Senator Corzine, has elected to audit
23 this project, as is well known and publicize in
24 the paper. Understand something, these are two

1 concurrent activities, they are not sequential.
2 The GAO audit will be ongoing at the very same
3 time we continue all activities related to moving
4 this project forward. To include getting a
5 permit; they include working for beneficial uses.
6 (Inaudible) That is a given. There is no question
7 that a GAO audit stops a project authorized by
8 Congress. There is no precedent to do that.
9 Understand that this project was authorized and
10 appropriated by Congress. That is the arm that
11 will make the final decision if the project stops.
12 That is the arm that does that. I just want to
13 make sure (inaudible) understands that. The GAO
14 audit is ongoing at the same time we continue all
15 activities on this project.

16 MS. WINSOR: When we come back
17 we'll be looking at areas of responsibility and we
18 will start with Jane Nogaki and Maya Van Rossum.

19 (Whereupon, a short break was
20 taken.)

21 MS WINSOR: If you will take your
22 seats we will move forward with the session.

23 Ms. NOGAKI: Jane Nogaki, New
24 Jersey Environment Federation. Some of the

1 farmers in South Jersey are worried about
2 increased salinity coming up the tidal part of the
3 river into the upper reach of the Delaware between
4 Salem and Philadelphia. I'm not sure that this is
5 a concern in Delaware, but I think we should be
6 considering the farming community there.

7 We're concerned about increased
8 salinity and because the tributaries in Delaware
9 are used for irrigation of cropland. We're
10 concerned who's going to be responsible, the area
11 of responsibility. Being responsible that
12 salinity does not damage crops when the irrigation
13 water of the tributaries in the Delaware have
14 increased salinity due to this project.

15 MS. WINSOR: I'm going to stop you
16 here because I promised when we first started we
17 would... William Palmer of the Water Resources
18 Association is concerned that we are not clear as
19 to the criteria that Delaware is going to be using
20 when it evaluates the permit application. So if
21 you could allow Bill Moyer to speak to that and
22 then we'll come back to your question.

23 MR. MOYER: The application has
24 been submitted under two state statutes. Chapter

1 72 which is Delaware's Subaqueous Land Law for
2 Underwater Land Statute and Chapter 66 which is
3 Delaware's Tidal Wetlands Law or Wetlands Act.
4 Both of those statutes have regulations that have
5 been promulgated by the Department. The
6 subaqueous land regulations were adopted
7 originally back in 1971. The wetland regulations
8 were adopted originally in 1973. Both have been
9 mentioned several times.

10 If you go to those departmental
11 administrative regulations, rules and regulations,
12 they set forth what criteria we look at to
13 evaluate applications. I don't have the
14 regulations before me this evening, but I can
15 assure you that if you look at the regulations
16 you'll see things that the secretary must consider
17 in evaluating applications. And they are
18 enumerated and discussed within the regulations.
19 I would be glad to make copies of those
20 regulations available for anybody that would like
21 to receive them. Thank you.

22 MS. SHEFTEL: The stenographer asks
23 that when people get up to respond to a question
24 even if you said your name once before, give your

1 name again. Particularly people from the Corps so
2 that she can get your name.

3 MS. WINSOR: We have Jane's
4 question about the impact of the sediment --
5 salinity, excuse me. Who would like to speak to
6 that?

7 MR. GEBERT: I'm Jeff Gebert with
8 the Corps of Engineers. And at the time -- the
9 first half of that question -- would it be
10 possible to ask that the entire question be asked
11 and I'd be happy to talk about it.

12 MR. BIDWELL: She was asking who
13 would be responsible for potential impacts of
14 salinity on cropland in New Jersey -- Delaware.

15 MS. NOGAKI: The issue is increased
16 salinity due to the flow caused by the deeper
17 channel. And increased salinity coming up into
18 the channels, the tributaries of the Delaware that
19 are often used as irrigation sources for farmers.
20 Farmers are concerned about salinity damage to
21 their crops. Who will be responsible for
22 monitoring that salinity and who will be
23 responsible for the damage to the crops.

24 MR. GEBERT: I'm an oceanographer.

1 I can talk to the salinity issue itself. I can't
2 talk to you because it's not my field, the issue
3 of who monitors because I'm not sure that anybody
4 monitors presently. I can't address the issue of
5 who is responsible because that's not a scientific
6 issue, that's kind of policy, I simply can't
7 answer that part of your question. And we did do
8 modeling of salinity changes that would occur.
9 Salinity and circulation changes, looking to see
10 what would happen in transforming the Delaware
11 River channel between its present condition with
12 the 40 foot project in place, to the geometry of
13 the channel and river that would exist that's
14 necessary for the 45 foot navigation project.

15 And there's an extensive amount of
16 material that was presented in the Environmental
17 Impact Statement. There's a very brief summary
18 that we have in the back and in 30 seconds or a
19 minute I really can only begin to give you the
20 barest thumbnail picture of what that modeling
21 shows.

22 MS. WINSOR: What you're saying is
23 that you do not have the information of who would
24 be responsible?

1 MR. GEBERT: Two of the questions
2 that I heard, I don't have the answers. It's out
3 of my area of expertise and authority. I can talk
4 about salinity and salinity impacts.

5 MS. WINSOR: Her concern would be
6 those two questions. So those two things that we
7 will have to consider.

8 COLONEL BROWN: I think as I
9 understand what you're saying is, should our model
10 be proved wrong and the salt line moves forward to
11 the point that affects the tributaries that
12 primarily feed water to the farmlands irrigation,
13 who is going to be held responsible and
14 accountable for resolving the issue, either
15 compensation for the farmers or some other remedy.

16 Number one, as Mr. Gebert was about
17 to say, we have done some very extensive
18 modeling. We believe that will not be a problem.
19 But in answer to your question, the question was
20 accountability, if such a thing does happen then
21 the Corps has a responsibility to go in and see
22 what we can do to remedy the situation. I say
23 again, we are environmental stewards.

24 Now, as to the compensation to the

1 farmers, I don't know. We have to do some more
2 research into that. But should that occur, and we
3 don't believe it will, we will automatically have
4 to do some research and analysis to determine the
5 cause and effect. But I don't know the answer to
6 how that will involve the farmers themselves.
7 That's something (inaudible).

8 MS. WINSOR: Maya is going to speak
9 next and after that Jim Stuhltrager of DRBC has
10 asked to speak.

11 MS. VAN ROSSUM: It was our
12 understanding from all the public notices
13 regarding this meeting that this is a workshop for
14 us to be able to ask questions and get answers
15 from the Army Corps of Engineers. Earlier this
16 evening -- I'm concerned because we have been
17 getting responses to some of our questions from
18 others. From folks that are not from the Army
19 Corps of Engineers. Those from the Delaware River
20 Port Authority, the Maritime Exchange and I'm not
21 sure if there were other people as well.

22 I would like to ask the Colonel
23 this. Does this mean that the Army Corps is
24 endorsing the comments and responses that have

1 come from these other individuals. Are these
2 folks acting as surrogates for the Army Corps of
3 Engineers in answering our questions?

4 COLONEL BROWN: Very interesting
5 comment Ms. Van Rossum. Please understand if
6 someone asks a question that is more specific to
7 the Maritime Exchange or more specific to someone
8 other than part of our analysis, then I have no
9 problem whatsoever in allowing them to respond. I
10 believe this is an open forum, open workshop that
11 everyone should be allowed to speak where we have
12 an exchange of dialogue.

13 I do agree that the primary focus is
14 for you to ask the Corps of Engineers what we've
15 done in our analysis and get a response. I do
16 believe that's what we should be doing. But if
17 someone wants to stand up here and ask a question
18 to Mr. Rochford specifically, I'm not going to
19 tell the facilitator, I'm not going to allow it to
20 happen. I will allow it to happen. Because I
21 believe that that's part of the exchange.

22 And perhaps someone will get a
23 question out of that exchange that they want to
24 ask the Corps, that we need to answer. If someone

1 asks a question about beneficial reuse and dredge
2 material and you want the Corp to respond, and the
3 responsibility lies with the non-Federal sponsor
4 to pursue beneficial reuse of dredge material,
5 then I think that it is unfair for me to speak for
6 Ms. Murphy. I understand what you're saying and I
7 think the focus should be the on the Corps. I
8 agree with that wholeheartedly. But I will not
9 deny a response from someone when asking a
10 question of someone else who has made a comment.
11 This is an open forum, open dialogue and an
12 exchange.

13 What I said in the very beginning,
14 we have two goals, information exchange and to
15 hear your concerns.

16 MS. VAN ROSSUM: I would just like
17 to suggest that I think that some of those open
18 dialogues and conversations and exchanges went a
19 little bit too far and we're finding ourselves in
20 having a debate among the audience and the result
21 is that the individuals that came here with
22 questions that they felt they needed answers for
23 from the Army Corps of Engineers about this
24 project, in order to appropriately respond to the

1 application, are being denied that opportunity.

2 MS. WINSOR: That's something I
3 would like you to tell us as facilitators and give
4 us that on your evaluations. I'm going to move on
5 now and ask Jim Stuhltrager.

6 COLONEL BROWN: One last comment.
7 I agree with what you're saying and we will limit
8 those side-bar type discussions. But I will not
9 stop those if someone wants to ask a question.

10 MS. WINSOR: And I missed --

11 MR. STOOLTREGGER: I'm Jim
12 Stooltregger from the Mid-Atlantic Environmental
13 Law Center at the Widener University School of
14 Law. I'm not with the DRBC and my question was
15 about the DRBC, however. The Delaware River Basin
16 Compact requires that any project that affects the
17 water resources of the Delaware River be part and
18 be included in DRBC's comprehensive plan.

19 My question is, is the deepening
20 part of the DRBC's comprehensive plan? If it is
21 part of the plan, when was it included in the
22 plan, and, if not, when will it be part of the
23 comprehensive plan?

24 MS. WINSOR: Jim Steffens will be

1 on. Come to one of the mikes, there's one over
2 there. Colonel.

3 COLONEL BROWN: Good point to ask.
4 I am going to defer the first part of the question
5 to Barry Gale (inaudible) counsel -- and then I
6 have a comment I want to make after that.

7 MR. GALE: What's the first part of
8 the question?

9 COLONEL BROWN: In terms of the
10 jurisdiction of DREC in regards to their compact.

11 MR. GALE: We've requested that the
12 DREC make the jurisdictional determination
13 concerning the scope of their jurisdiction over
14 the deepening project. And we will get an answer
15 from them and we will share that answer with you.

16 MS. WINSOR: I think there's some
17 confusion and questions I see on people's faces.

18 COLONEL BROWN: Let me further
19 explain. You're name, sir?

20 MR. STUHLTRAGER: Jim Stuhltrager.

21 COLONEL BROWN: Stuhltrager?

22 MR. STUHLTRAGER: Stuhltrager,
23 yes.

24 COLONEL BROWN: Jim, the question

1 that Jim is primarily asking here, under the
2 Delaware River Basin Commission Compact there is a
3 requirement written in there that says that they
4 have a responsibility for all projects involved in
5 the Delaware River Shed that it should be included
6 and within the comprehensive plan and there are
7 some exceptions to that. The question he's asking
8 is whether or not the DRBC is exercising that
9 requirement under their compact because they were
10 originally initiated as a federal agency;
11 therefore, that responsibility. In 1998, if I'm
12 correct, Barry, the DRBC made an initial
13 jurisdiction determination that they did not have
14 purview over this project.

15 In light of your letter which you
16 recently sent to the Corps we have been the next
17 time around have again asked the DRBC for it's
18 jurisdictional rulings (inaudible) that rule. And
19 once we get it (inaudible)

20 MS. WINSOR: And next Jim Steffens
21 and there's a mike over here or you can come over
22 here.

23 MR. STEFFENS: Again, my name is
24 Jim Steffens from the Delaware Sierra Club. I

1 would like to challenge an assertion made earlier
2 by Colonel Brown regarding the toxicity of the
3 dredged spoils. He asserted that these spoils are
4 nontoxic. What the Corps did in fact was to
5 analyze the acute toxicity of the dredged spoils.

6 What was done was to put little
7 fishes and other organisms in jars with river
8 sludge and 48 hours later evaluate them for
9 (inaudible) controls and in fact most of the
10 little fishes continued to swim. But we are not
11 concerned with the acute toxicity of the dredged
12 spoils. We don't expect (inaudible) and drop over
13 dead --. What we are concerned with is the
14 long-term chronic toxicity of the dredged spoils.

15 And we know from the studies of the
16 Corps on these, spoils that they contain parts per
17 million residues of poly (inaudible) hydrocarbons,
18 dioxins, DDT and metabolites and other organic
19 materials. We know from as long ago as Rachel
20 Carson's "Silent Spring" , that these compounds
21 are toxic and enter at a very early stage in the
22 food chain in our wetlands, contaminate our
23 waterfowl, many of which are visiting Delaware on
24 their trip either north or south. And also

1 contaminate the birthing areas for our wildlife
2 and fish. And the question has to do with the
3 chronic toxicity and we know that these materials
4 have concentrations accumulative in (inaudible)
5 tissues of animals.

6 My question then is, what will the
7 Corp do to prevent exposure of these residues to
8 fish and other wildlife and the dredged spoils in
9 Delaware and the island of Port Mahon? How will
10 they monitor to determine whether these toxins are
11 accumulating in the fish and wildlife? And if
12 they are how will this affect the benefit cost
13 ratio presented by the Corp?

14 MR. PASQUALE: Jerry Pasquale,
15 environmental resources branch. The bioassays and
16 bio accumulation work that we have done in the
17 Delaware Bay followed EPA approved procedures. We
18 also did with the various federal and state
19 agencies that we were working with at the time
20 they were doing the studies. They followed
21 exactly the procedures that they use all over the
22 country.

23 The work that we did showed that
24 there was no acute toxicity to these organisms

1 that we ran and that the bio accumulation was at a
2 level that showed that the organisms were healthy
3 and living in a clean environment. We also did
4 bulk work and we did not find pesticides and the
5 gentleman referenced DDT. We found PCB's at a
6 very low level, not in the parts per million range
7 but down around the one possibly tenth of a parts
8 per billion range which was well below the most
9 conservative guidelines that have been put forth
10 for evaluating whether or not these are toxic
11 substances.

12 MS. WINSOR: Dick Fleming and you
13 can use the mike over there. June MacArthur or --

14 MR. FLEMING: I am looking for a
15 number, but I don't expect to get it this evening,
16 so I'll just ask the question and they can provide
17 it later. We do need sand on the Delaware
18 Beaches. There are several ways of getting it and
19 one of the things I've tried to do from the
20 voluminous Corps literature, is to figure out what
21 it would cost the Corps to pick up sand and take
22 it from the channels in Reach E and place that,
23 for example, on the Broadkill Beach. And what I
24 would like to get is an understanding of the two

1 major elements of the cost of doing that. The
2 first elements is operation of the dredge itself,
3 digging up the sand and pumping it or transporting
4 by one way or another to the beaches. The second
5 category would be whatever you have to do after
6 the sand is dumped onto the beach. It has to be
7 spread. I don't know what else has to happen but
8 I would like to get some cost data divided into
9 those two categories. I made blind estimates, but
10 I'm never sure that I do these things correctly,
11 so (inaudible).

12 COLONEL BROWN: Can I assume there
13 will be equal sharing? I give you information and
14 you give me information.

15 MR. FLEMING: Fair enough.

16 COLONEL BROWN: We'll do that.

17 MS. WINSOR: Ross Abson, has
18 indicated he would like to speak.

19 MS. MACARTHOR: I'm June
20 MacArthor. I spent some years being the Deputy
21 Attorney General in the State of Delaware. I'm
22 concerned about liability. And who is going to be
23 responsible for the liabilities. It appears that
24 the local sponsor, Delaware River Port Authority

1 has no project responsibilities other than
2 provident their portion of the non-Federal part of
3 the project funding and (inaudible) to accept all
4 the project spoils. Is this correct? If not,
5 what additional responsibilities does the Delaware
6 River Port Authority have?

7 The second part of my question is
8 the legal responsibility for remediation. Who
9 decides whether or not remediation is required and
10 exactly what type and degree of remediation is
11 appropriate. Who is legally responsible for
12 (inaudible) paying for the remediation work? What
13 are the limits of responsibility for Corps, the
14 local sponsor, Port Authority, and the State of
15 Delaware? Is there precedent for liability or
16 non-liability for on the part of the sponsor, in
17 this case the Delaware River Port Authority. And
18 then as part of the permit application --

19 COLONEL BROWN: Ma'am, why don't
20 you just give us your note to read so we can
21 answer the question --

22 MS. MACARTHOR: I have it in
23 written form.

24 MS. WINSOR: Who is going to

1 respond to that?

2 MS. MACARTHOR: It doesn't have to
3 be tonight.

4 MS. WINSOR: It doesn't have to be
5 tonight.

6 COLONEL BROWN: There are a series
7 of questions of liability and most of these are
8 after construction. You came prepared.

9 MS. MACARTHOR: They taught me that
10 in law school.

11 COLONEL BROWN: We will address
12 your series of questions.

13 MS. WINSOR: Those questions will
14 be responded to. Ross Abson and then Maya, you
15 will be on deck.

16 MR. ABSON: I didn't get the
17 heading on this particular --

18 SPEAKER: We're talking about
19 responsibilities.

20 MR. ABSON: Responsibilities,
21 okay. I say regarding what has been discussed
22 recently a couple of speakers, the possible
23 contamination from digging and dredging and
24 everything, the other side, the engineers side

1 saying, no, they have clearly tested everywhere
2 would indicate that it's a standoff. I don't know
3 what's entailed except money and that's for sure
4 and having a mutually agreeable test made and
5 mutually agreeable locations.

6 And I think that the Redline Creek
7 Delaware which is just north of not only Motiva,
8 and what's that, a complex of chemical plants,
9 chlorine, have been some near catastrophic spills
10 when a gallon or two went into Redline with a high
11 mercury residue. Now, the channel won't come close
12 on that side. I guess that would be an argument.
13 I know this is true here and there along the
14 river. If you generally pick and who said
15 average, the lady from New Jersey. She thinks the
16 figures have been averaged. I think there should
17 be a much more conscientious, Colonel, really,
18 testing for this before things happen one way or
19 the other.

20 For instance 50 years ago, less than
21 50 years ago, it was said that you could fly 5,000
22 feet over the Delaware and you had to hold your
23 nose for good and climb higher, I mean, it's been
24 heavily polluted here. I mean even before PCB's

1 and other stuff. But just this one Redline
2 chlorine and I don't know what other residuals. I
3 don't know and I don't pretend to know. It is an
4 indication that I don't think this should be
5 accepted at face value, your environmental study.

6 It's a beautiful study, it's
7 beautifully --

8 MS. WINSOR: So you would like to
9 see a more in-depth environmental study of the
10 toxicity in the --

11 MR. ABSON: Yes.

12 MS. WINSOR: We just have a few
13 more minutes for the responsibility item before we
14 can move on.

15 COLONEL BROWN: I just would like
16 to respond. Number one, thank you for the
17 compliment. We did put a lot of effort into that
18 study. Number two, as I said earlier tonight, we
19 have been maintaining the Delaware River for the
20 last 100 years, doing operations and maintenance
21 dredging. That means that whatever is down there
22 was taken out and put in our disposal area. As
23 we've gone down from 18 feet which was the natural
24 state down to 40 feet. I don't know if anyone

1 knows it or not but the entire channel is 130
2 miles long, a 130 miles long. 30 to 35 feet of
3 that -- can you hear me. 30 to 35 feet of that is
4 already below the 45 foot level. Excuse me.
5 Miles of that is already below the 45 foot level.

6 We have been dredging, operation
7 maintenance dredging in that channel for over 100
8 years, maintaining at different levels, taking it
9 down. Yes, there was a time before the Clean
10 Water Act when you flew over or stood next to the
11 Delaware River and the stench was unbearable. I
12 agree with that.

13 Since that time if you go out there
14 now it's a very beautiful river and it's very
15 clean. If you talk to the majority of people in
16 this area they have a passion for that river and a
17 passion to the point that they will tell the Corps
18 and anyone else, you do anything to damage that
19 river that affects our livelihood and you'll have
20 to answer to us.

21 I truly believe that we can test and
22 we can test, we can test, but we will never get to
23 the point where you're going to totally please
24 everyone to the amount of testing that has been

1 done. I don't think we will ever reach that
2 point. What we have done thus far, we have met
3 the basic requirements of the testing that is
4 required to do, we have assessed the data. We
5 have done detailed analysis of the data and I feel
6 very, very comfortable and so do my folks and the
7 hierarchy all the way up, that we have done more
8 than sufficient testing. I truly believe that. I
9 understand what you're saying. I just want to
10 make that point.

11 MAYA VAN ROSSUM: I'm not going to
12 get into a debate with you, Colonel, with the
13 specifics of the toxicity testing. I just wanted
14 to point out, you talk about the fact that the
15 Corps has been maintaining the channel for over
16 100 years so you're not hitting any virgin
17 territory so to speak, is what I think you said.
18 I do want to point out that that response ignores
19 the bend windings, I think there are about ten to
20 fourteen bend windings that are going to be taking
21 place. Those are not areas that have been dredged
22 or maintenance dredge by the Corps.

23 I'm not debating with you here to
24 for the testing, but I just want to offer some

1 clarification to your response. Because I think
2 from our perspective there is some debate to have
3 over that. I'm not having it now. So it is an
4 important point for the record.

5 But this is an issue regarding
6 responsibility. I would like to make very clear
7 that this question is to the Corps. This is not
8 to the DRPA. But we have heard tonight that the
9 DRPA will be responsible or take responsibility
10 for paying to haul the spoils up to the
11 Pennsylvania mines or some of these other projects
12 that they talked about pursuing. And I would just
13 like to know from the Corp's perspective who they
14 believe would be responsible for shouldering the
15 costs of such an effort to deal with some of the
16 dredged spoils from the project?

17 And an associated question is, is it
18 true that if in fact the Port Authority did pay
19 for that undertaking. Frankly, no matter who pays
20 for it, is it true that that cost will not be
21 included by the Corps in the cost of the project
22 and the cost/benefit analysis or is it true that
23 you would try to pursue that approach?

24 MR. SELSOR: This is Bob Selsor,

1 economics. (inaudible) this is just my
2 (inaudible), but I would assume that there are
3 additional costs that go into the construction
4 project based on this option. Certainly
5 additional costs should be included (inaudible)

6 MS. WINSOR: We move on to the
7 environment. And your card was pulled and Jim
8 Steffens is first followed by Eileen Butler. So
9 if you will make yourselves known and come to the
10 mike that will be great.

11 MR. STEFFENS: I'm Jim Steffens
12 from the Delaware Sierra Club. And my questions
13 again pertains to Kelly Island and Port Mahon.
14 These are areas along the Delaware shore with high
15 levels of natural erosion. The land for these
16 sites include some experimental use of tubes,
17 filled tubes and fabric. There are still,
18 however, the danger that the erosion rates at
19 these sites will be extremely high. My question
20 actually pertains to that. What studies have been
21 done to ascertain the levels of erosion at this
22 site? And in terms of responsibility, who has
23 long-term maintenance responsibility for
24 protecting the beaches at Kelly Island and Port

1 Mahon?

2 MR. GEBERT: I'm Jeff Gebert from
3 the Army Corps of Engineers. I did the work and
4 participated in the analysis that looked at the
5 design aspects of the sand fill for Kelly Island
6 and Port Mahon and I would have to dig out the
7 report to give you an accurate account of exactly
8 the criteria that we used for these. But the
9 intention was that the size, that is the volume
10 and height and the lateral extent of the sand fill
11 which provides the primary protection to the
12 material that gets placed on the shorelines or as
13 well as any silting material (inaudible) Kelly
14 Island was sized so there is ample buffer in terms
15 of erosion into the future to protect the tubes
16 which themselves are there sort of a last line of
17 defense and an indicator. Did you want to talk
18 about --

19 MR. LULEWICZ: My name is Stan
20 Lulewicz and I'm project manager. In terms of the
21 second question that you had, we're going to after
22 the project gets constructed at Kelly Island, we
23 are going periodically to inspect to make sure the
24 project goes forth as designed and make sure that

1 the erosions that were predicted are not severe.
2 We're going to go back and do the maintenance as
3 appropriate to make sure that the wetland creation
4 project, as designed, stays intact. So we have
5 that planned to do so and visit that as the need
6 arises.

7 MS. WINSOR: I would ask you to
8 hold that because we have a lot in the
9 environmental box and I want to make sure we do
10 it. But Eileen Butler followed by Hema
11 Subramanian.

12 MS. BUTLER: I'm Eileen Butler of
13 the Delaware Nature Society Advocacy Coordinator.
14 I'm interested in the type of dredging technology
15 being practiced in Delaware. Because technologies
16 differ in their effects on the environment. Can
17 you please provide a copy of the best management
18 practices which the Corps literature states will
19 be in your dredging and Kelly Island wetland
20 restoration operations. And is there
21 documentation that convinced the Corps to not use
22 dredging techniques such as bucket dredging,
23 economic loading and or thin layering in the
24 Delaware waters. Or if some will be used describe

1 when, where, and any limitations on their use?

2 MR. LULEWICZ: Number one, we're
3 going to provide the data as requested. Our
4 dredging technique in lower bay will
5 hopper-dredged and hydraulic dredging in the upper
6 portion. And we're going to provide the
7 information on those two techniques.

8 COLONEL BROWN: Stan, address the
9 question about economic load, please.

10 MR. LULEWICZ: The economic loading
11 at this point is not being considered as far as
12 the project costs. We have not considered
13 economic loading at all. We're certainly going to
14 look into it in the future, the possibility. But
15 right now the way the project has been costed out,
16 economic...

17 COLONEL BROWN: I think she's
18 talking economic loading of the dredged spoils
19 within the hopper. Is that what you're talking
20 about?

21 MS. BUTLER: Yes.

22 MS. WINSOR: And after Hema
23 Subramanion, Alan Muller.

24 MS. SUBRAMANION: My name is Hema

1 Subramanion of the National Wildlife Federation.
2 The Corp's literature states that only, quote,
3 cleaned sand will be placed onto Delaware
4 beaches. And I would like to know the definition
5 of clean sand is? And whether you could provide
6 documentation that clearly specifies the technical
7 -- outlines clean sand?

8 MR. PASQUALE: Jerry Pasquale,
9 environmental resources. From a contaminant
10 standpoint the testing that was done was bulk
11 sediment testing which included a wide range of
12 inorganic and organic contaminants. The data that
13 we have indicates that it is clean material. It
14 has been reviewed by the State of Delaware and it
15 has been concluded that it's suitable for
16 beneficial use. Another component would be grain
17 size of the material, but it's not necessarily in
18 my area of expertise. In terms of grain size I
19 believe we're well over 90 percent sand.

20 SPEAKER: What does clean mean? I
21 think that was part of the question.

22 MR. PASQUALE: In my mind clean
23 means it is not contaminated. And based on the
24 testing that we've done the answer is, no, it is

1 not contaminated. It would not be toxic to
2 organisms. And it has found to be suitable for
3 the uses that we're looking into.

4 MR. FLEMING: It's a good response
5 and it's helpful, but it didn't really answer the
6 question. But we should move on to the next
7 question.

8 COLONEL BROWN: The gentleman over
9 here is going to address the question.

10 MR. DEPASQUALE: DePasquale with
11 the civil and structural section of the Corps.
12 The other side of the issue is the amount of fine
13 grain material in the sand. If you're not talking
14 about contaminant levels you might be talking
15 about whether it is appropriate for the beach
16 fill. And the sand that we are going to place on
17 the beach in Delaware had been determined to be
18 appropriate for beach use meaning that it will
19 stay on the beach. It's comparable to the sand
20 that is on the beaches at Broadkill and or Dewey,
21 Rehoboth.

22 And that the amount of fine grain
23 sediment is in almost all cases is less than five
24 percent, so 95 percent coarse grain or sandy

1 material. That is my definition of clean
2 material.

3 MS. WINSOR: We have Alan Muller
4 followed by Marie Fleming.

5 MR. MULLER: Before I ask my
6 question, I would like to note that the question
7 that has just been discussed has left me
8 confused. I thought the questions were being
9 asked about chemical contamination. And I just
10 heard a response relating to the particle size
11 distribution. And I think those are not the same
12 issues.

13 SPEAKER: There was some confusion
14 about what clean was.

15 MR. MULLER: And that's what I'm
16 still in some confusion about. What clean is to
17 the Corps. I don't want to pursue that right
18 now.

19 SPEAKER: There were two
20 components. One grain size and then the
21 contaminant. I think that that's what they were
22 trying to answer.

23 COLONEL BROWN: Before we go on
24 since you decided to broach the issue and add on

1 to the question. The answer that was given said
2 that clean is defined as the type of soil and the
3 dimensions of soil itself in regards to its use on
4 the beaches in Delaware.

5 MR. MULLER: There was a two part
6 answer. The question was asked, if you say clean,
7 if you mean by clean that levels of contamination
8 are below a certain level then it is reasonable to
9 ask what those, precisely those levels are and who
10 determined on what basis are those levels, are
11 appropriate. For this particular aspect I would
12 like to have quantitative answers for those
13 questions.

14 Because people are disagreeing all
15 the time on what is an acceptable level of
16 contaminants. It is a reasonable question.

17 MS. WINSOR: Who would like to
18 speak?

19 MR. PASQUALE: Jerry Pasquale,
20 environmental resources. In the State of Delaware
21 and I don't want to speak for the State of
22 Delaware, but they were using some guidelines that
23 were developed by researchers known as ERL's and
24 ERM's. And I can give you the data set and review

1 those and you can compare those numbers. I can't
2 sit here and go through individual contaminants
3 and give you data points at this time, but we have
4 that information and can provide it to you.

5 MR. MULLER: You're saying you're
6 using the State of Delaware's own criteria?

7 MR. PASQUALE: We're working with
8 these different states, we try to work with what
9 they are comfortable with, yes.

10 MR. MULLER: I would really like to
11 go to the question that I wanted to ask. This
12 question is directed to Lieutenant Colonel Brown.
13 And it might sound like a digression, I hope it
14 isn't. It might help us understand the role of
15 the Corps better.

16 You commented in your introductory
17 remarks that environment was one I think of three
18 key objectives of the Corps in carrying out its
19 activities. There is in Delaware a project that I
20 have been involved in that has a history of some
21 years. To get the City of Wilmington out of the
22 practice of discharging untreated sewage into
23 tributaries of the Delaware. And I'm wondering if
24 that's an activity that the Corps of Engineers

1 could assist us with and assist the City of
2 Wilmington with. And if that's the case, how we
3 might go about developing such a relationship with
4 the Corps?

5 COLONEL BROWN: We execute our
6 mission by balancing the social and economic and
7 environmental needs of the nation. That's what I
8 said earlier. Your question is how can I assist
9 you under some Federal authority in assisting the
10 City of Wilmington to stop discharging the kind
11 of (inaudible) they are currently discharging some
12 kind of effluent I assume. I think that in light
13 of what we're really focusing on, I'll take that
14 as something for further study. If you give me
15 your card we'll get back with you.

16 MR. MULLER: I will. I'll give you
17 this picture that is a photograph of the structure
18 that the City of Wilmington uses to discharge
19 untreated sewage into a county park. And since
20 the resolution is fundamentally a civil
21 engineering project, you all have expertise in the
22 funding and the implementation --

23 MS. WINSOR: Alan, let's move on.
24 And Hema Subramanian if you would be next after

1 Lorraine Fleming.

2 MS. FLEMING: Lorraine Fleming,
3 Delaware Nature Society. I am particularly
4 interested in the living resources of the Delaware
5 estuary. I have concerns about them. Some of
6 them have great economic value. In 1999 the dock
7 side value of the commercial fishing shellfish in
8 Delaware was almost \$6.8 million. And the blue
9 crab markets generated over \$4.8 million.

10 Clearly we do not want any
11 degradation of those resources. My questions are
12 two. I understand that a sediment transport study
13 concerning the prospect of oyster bed damage in
14 both New Jersey and Delaware has been completed
15 and the report will soon be available. I would
16 like to know when I may obtain a copy of that
17 report. And secondly, when it became evident that
18 it appeared that blue crabs in large numbers were
19 over wintering in deep parts of the Delaware Bay
20 main channel and might be seriously jeopardized by
21 any further activity during that period of time in
22 that area, study or at least data collection has
23 begun and I would like to know where that is and
24 when I may obtain some results, please?

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1 MR. BRADY: John Brady with the
2 environmental resources branch. The first
3 question was about the sediment transport study.
4 I believe you're referring to the oyster study
5 that we're doing. We've completed one year of
6 information and the draft report should be to us
7 --

8 COLONEL BROWN: Could you speak up,
9 please.

10 MR. BRADY: I believe -- didn't I
11 give you a copy of that study, Lorraine back in
12 the back? I gave it to somebody.

13 MS. FLEMING: It was preliminary
14 work, yes.

15 MR. BRADY: That is part of the
16 whole oyster study. The oyster study which will
17 incorporate this study in it will be available
18 June 30th. That's in a draft form and we're going
19 to have to review it. But I would say maybe a
20 month or so after that.

21 MS. FLEMING: May I obtain a copy
22 if I give you my card?

23 MR. BRADY: Sure. And the second
24 question was the blue crab study is being reviewed

1 now by the State of Delaware and some other folks
2 and I would say that another month or so we should
3 have that available as well. There's preliminary
4 results available back at the table in a brochure
5 form.

6 MS. SUBRAMANIAN: Hema Subramanian
7 of the national... Buoy 10 in the lower Delaware
8 Bay is currently a disposal site for maintenance
9 dredging. I was wondering whether there is any
10 reason that the materials stored down there which
11 is primarily sand material from the maintenance
12 dredging could or could not be used for beach
13 replenishment?

14 And conversely whether if this
15 channel deepening is to occur whether any sand
16 material would also be able to be deposited into
17 Buoy 10? Is that clear?

18 MR. DEPASQUALE: This is Tony
19 Depasquale from civil structural section, Corps of
20 Engineers. We have not investigated the materials
21 in Buoy 10 for use as beach fill in Delaware
22 mainly because it's further from the channel. As
23 far as this project, there are sufficient
24 materials in the channel to provide the State of

1 Delaware with its needs along the bay first. As
2 far as placing more material there, it's only
3 authorized for maintenance materials. And
4 initially when we began the project one of the
5 issues was potentially to take all of the material
6 to Buoy 10, and that was not... One, there was too
7 much material so it would fill in too much area
8 and make it too shallow. And second of all it's
9 not authorized as part of this project. So we
10 didn't pursue Buoy 10.

11 MS. WINSOR: Jane and then we'll
12 come back to you.

13 MS. NOGAKI: My analysis of
14 discharges from certain confined disposal sites, I
15 believe Pedricktown and (inaudible) what studies
16 have you done on the levels of pollution
17 discharged from National Park, Oldman's,
18 Artificial Island, Penns Neck and Reedy Point
19 sites.

20 MR. PASQUALE: As part of the
21 maintenance dredging last year the Oldman's site
22 was used and monitored and there would be a report
23 available in a couple of months. I don't have the
24 complete draft of the report at this time. Other

1 sites you mentioned National Park, Artificial
2 Island, Penns Neck, I don't believe that they have
3 been used in a number of years. We don't have any
4 long-term results on those sites because they
5 haven't been used.

6 SPEAKER: So no monitoring results
7 of those sites, but with the one that you did do,
8 will that be available?

9 MR. PASQUALE: Sure.

10 SPEAKER: And secondly, are they
11 subject to the Clean Water Act, discharge
12 permits?

13 MR. PASQUALE: We have received
14 Section 401 under the Clean Water Act water
15 qualities certification from the State of New
16 Jersey for those sites.

17 MS. NOGAKI: What limits for the
18 disposal sites regarding -- could you give me an
19 example of a couple of parameters that you have
20 limitations on? Is this strictly biological
21 sediment and so forth or does it involve chemical
22 contaminants too?

23 MR. PASQUALE: It involves chemical
24 contaminants.

1 MS. NOGAKI: Such as?

2 MR. PASQUALE: There is a variety
3 of contaminants that have criteria associated with
4 them. What we found being discharged was heavy
5 metal. There are a number of organics that have
6 criteria, but we're not detecting those in the
7 discharge.

8 MS. NOGAKI: You are detecting
9 metal?

10 MR. PASQUALE: Yes.

11 MS. WINSOR: And Hema Subramanian.

12 MS. SUBRAMANIAN: And first of all
13 actually I would like to defer to Dick Fleming.
14 Is that possible?

15 MR. FLEMING: The disposition of
16 sand is a very important question. I have been
17 trying to understand the options. I think I just
18 heard a response that sand from the project is not
19 authorized to go to Buoy 10. Is that what I heard
20 that sand from the project doesn't go to Buoy 10.
21 We know that some of that is designated for the
22 beaches, for Kelly Island. And I'm zeroing in on
23 Reach E, lower Delaware portion of the project.

24 My question is if the sand can't go

1 to Buoy 10 and for whatever reason or whatever
2 reason it doesn't go to the beaches, but it does
3 go to Kelly Island, and then you got sand left
4 over and the question is, where will that sand go?

5 MR. LULEWICZ: This is Stan
6 Lulewicz. To clarify your first statement, the
7 sand is authorized to go to Buoy 10 for
8 maintenance only. The initial goes to beaches. I
9 just wanted to clarify that. The initial, we only
10 have the beach placement. That's the way the
11 project is authorized. The maintenance does go to
12 Buoy 10, obviously, that's the most
13 environmentally sound plan. That's what we have
14 done and authorized. Do you have a better
15 option?

16 MR. FLEMING: The question is the
17 construction sand does not go to Buoy 10; right?

18 MR. LULEWICZ: The initial does.
19 The initial project goes on the beaches. And
20 maintenance goes to Buoy 10.

21 MR. FLEMING: And some of the
22 initial project goes to the beaches and some of
23 the initial project goes to Kelly Island?

24 MR. LULEWICZ: Yes.

1 MR. FLEMING: But if it didn't go
2 to the beaches for whatever reason, where would it
3 go?

4 MR. LULEWICZ: I would say likely
5 Buoy 10.

6 MR. FLEMING: So then you go back
7 to somebody and get permission to (inaudible).

8 MR. DEPASQULE: The amount of sand
9 that we're placing at Kelly Island, there's also
10 another place on the New Jersey side, Egy Island
11 Point which is actually taking a larger amount of
12 sand. Areas that we have designated in Delaware
13 were provided by the State and there was more than
14 just what we're showing now.

15 Basically the amount of sand that
16 Delaware receives is kind of up to them in a way.
17 That they want all the sand designated fine. If
18 they don't want all the sand then we can put more
19 of the sand in Jersey where they could still use
20 it along their eroded coast.

21 If you remember from the 1997
22 meeting we had here the original proposal was sand
23 stockpiles and due to fishing concerns we're not
24 looking into doing that. Open water disposals of

1 sand is something that we are not considering. So
2 there are several other sites in Jersey where we
3 have projects lined up similar to Broadkill and
4 Dewey for example (inaudible). If need be we
5 could shift the sand from the main channel to New
6 Jersey rather than Delaware.

7 MS. WINSOR: Maya, then Susan
8 Peterson and Eileen Butler will follow Susan
9 Peterson.

10 MS. VAN ROSSUM: In your biological
11 assessment of shortnose sturgeon there's a quote,
12 O'Heuron believes that the juveniles could range
13 between Artificial Island and the Schuylkill with
14 the juveniles being closer to the downstream
15 boundaries during the winter when river fresh
16 water input is normally greater. What studies
17 exist to demonstrate or to prove this quote
18 belief?

19 MR. BRADY: If you would let me
20 just clarify. You said, what studies exist that
21 clarify John O'Hevron's belief that the
22 sturgeon...

23 MS. VAN ROSSUM: Your biological
24 assessment makes the assertion John O'Heuron

1 believes and then you draw conclusion based upon
2 that belief. So I'm wondering what studies you
3 actually have reviewed, have in your possession to
4 make sure that that belief is actually a factual
5 statement.

6 MR. BRADY: Well, I believe -- I'm
7 not sure of the exact study. I mean he does have
8 a studies and I can't recall exactly what they are
9 at this time. I know I've talked on the phone
10 either about research that he's done in the area.
11 Basically either he has published articles or what
12 he has talked to me on the phone about.

13 MS. VAN ROSSUM: Throughout the
14 biological assessment where there are studies they
15 are referenced in the biological assessment.
16 Actually my series of question relates to quotes
17 like this which are significant in the conclusions
18 that are reached do not reference any studies to
19 support the assertion that's being made. So I
20 would like to ask as part of the record for this
21 question and the other questions I'm going to come
22 up and ask about if the Corps would please provide
23 copies of those studies. I would assume that if
24 you made your decision based upon them that you

1 actually had a study in hand and reviewed them and
2 use that as part of the decision making?

3 MR. BRADY: As I said that some of
4 them are studies and the articles that John has
5 published and part of the conversations that I
6 have had with him as an expert on the species.

7 MS. VAN ROSSUM: Again, I'm asking
8 if there is very significant assertions, there
9 were decisions based upon this assertion and there
10 is a quote/unquote belief to the extent that it
11 has significant ramifications for the findings and
12 biological assessment, I would like to see the
13 studies that support this belief. And whether or
14 not you have reviewed them I think you should get
15 a hold of them and I would like to --

16 COLONEL BROWN: I will respond.
17 Would you just provide to us those quotes. You
18 would like information showing documentation
19 supporting it and we will provide that to you and
20 provide to you any comments in regards to that
21 assumption.

22 MS. VAN ROSSUM: Just a point of
23 clarification. When you say you will provide
24 supporting documentation, these are quotes that I

1 got from your biological assessment.

2 COLONEL BROWN: That's what I said,
3 we will supply these to you.

4 MS. VAN ROSSUM: I'm sorry. I
5 thought you wanted me to supply them. I will then
6 give you a list of these questions and that will
7 become part of the record of this workshop and
8 there will be responses?

9 COLONEL BROWN: Yes.

10 MS. VAN ROSSUM: Great, thank you.

11 MS. PETERSON: My name is Susan
12 Peterson and I'm at the Delmarva Ornithological
13 Society, and one of the members of the stop the
14 deepening project. My question is related to
15 water quality. The University of Delaware Sea
16 Grant Program has raised significant concerns
17 about the potential for toxins in the dredged
18 spoils in the confined disposal facilities to leak
19 into drinking water aquifers. As indicated we
20 have preferred further on this threat and we have
21 been repeatedly told that the Corps has studied
22 this issue, but we have yet to see the studies
23 even though they have promised. Would you please
24 supply a copy of the study or studies as part of

1 the record of this workshop?

2 COLONEL BROWN: Did you submit an
3 official request for those studies? You said that
4 you asked for, but did you submit an official
5 request?

6 MS. PETERSON: I believe so.

7 MS. VAN ROSSUM: Just for a point
8 of clarification. I think that those studies have
9 been discussed and requested by various members of
10 the alliance at various times in public meetings,
11 the DRBC meeting, a series of public meetings and
12 I and other members of the alliance were promised
13 that those studies would be provided and were
14 not. So she is just making, I think, a fair
15 assertion; can you provide them now?

16 COLONEL BROWN: Ms. Van Rossum, you
17 would make my life so easy if you would simply
18 give me a four to five page document of all the
19 studies that you want and I will make sure you get
20 it. (inaudible) we're not meeting our
21 obligation. And being a federal agency, a public
22 agency, we're required to do that by order.

23 MS. WINSOR: Eileen Butler.

24 MS. BUTLER: Regarding fish

1 impacts, the previous correspondence states that
2 monitoring of impacts to fish from blasting will
3 also be conducted to verify that impacts are
4 minimal. Can you please provide a copy of the
5 monitoring plan and please define what is meant by
6 minimal?

7 MR. BRADY: There was copies in the
8 back of the monitoring plan, but I can give you a
9 bigger copy if you would like. And minimal I
10 guess is -- the plan describes how we're
11 minimizing impacts through the various structural
12 techniques by scare charges and there are many,
13 many things in there to keep any chances of
14 mortality down. And in the biological opinion
15 given to us by the National Marine Fisheries
16 Service, they have what's called a statement, how
17 many fish and what they consider minimal and what
18 we're allowed to take. And I did have a few
19 copies of that back in the display also and I can
20 give you one if you can't find one back there.

21 MS. BUTLER: So you're following
22 the definition of NMF's for minimal?

23 MR. BRADY: Yes.

24 MS. WINSOR: Mike Sprague and -- is

1 Mike Sprague here?

2 COLONEL BROWN: I don't see him.

3 MS. WINSOR: Hilda Amacko. Is she
4 here?

5 COLONEL BROWN: I think she went
6 home to watch the Lakers game.

7 MS. SHEFTEL: ET Hutchinson. Not
8 here, Ross Abson. Jim Stuhltrager.

9 MR. STUHLTRAGER: Mine was answered
10 already.

11 MS. SHEFTEL: Yours was answered.
12 Maya, you're up again. Go ahead Ross.

13 MR. ABSON: I had a conversation
14 with you and I can't remember, I'm not sure.
15 About six months ago, seven months ago and you
16 were very candid and forthcoming. I asked the
17 question about the dredging and I think some
18 people probably picked up on the fact that 45 was
19 not the final number, 50 is what the Corps is
20 shooting for. Am I wrong?

21 MR. LULEWICZ: You're dead wrong.

22 MR. ABSON: I am?

23 MR. LULEWICZ: Yeah.

24 MR. ABSON: Well, I didn't record

1 the conversation. Well, somebody (inaudible)
2 plans for going in deeper.

3 MS. WINSOR: Could you speak up, I
4 can't hear you.

5 MR. ABSON: I stand here now and
6 say to the Colonel that, I think, 50 feet is the
7 ultimate, 45 feet on this go-around and 50
8 whenever congress comes through. And I also ask
9 you about the C and D Canal, the Chesapeake and
10 Delaware Canal --

11 MS. WINSOR: I'm going to ask you
12 to hold those questions and talk with people after
13 the meeting about the C and D Canal unless it
14 directly impacts the project.

15 MR. ABSON: It does. It relates to
16 these leviathan ships we've been talking about and
17 Baltimore and I guess Philadelphia will be on the
18 side, but leave the canal alone, but if that's
19 correct, I don't know what that would require but
20 widening and immense amount of spoil. To save the
21 180 miles I believe or 178 miles avoiding the Cape
22 Charles up to New York or Philadelphia and then
23 back around Philadelphia. And I think this whole
24 thing needs some looking into and maybe I blew my

1 cover by bringing this up here instead of a
2 hearing. But I definitely believe that 45 is not
3 the final number.

4 MS. WINSOR: So you're concerned
5 that 45 is just a stepping stone?

6 MR. ABSON: 45 is too much for me
7 but 50, wow.

8 MS. WINSOR: I'm going to hold on
9 that because we do have limited time and I have
10 three people lined up here to speak.

11 COLONEL BROWN: If I had a crystal
12 ball and had to look into it to see what the
13 future was, perhaps I could give you a concrete
14 answer, but I cannot. As to whether or not the
15 non-Federal sponsor, or whether or not the
16 congressional delegates of any one of the three
17 states want to pursue a deeper channel in the
18 future, there is no way of speculating or guessing
19 of whether or not that is truly going to occur.

20 MR. ABSON: I'm sorry I'm not
21 informed. I tried to contact the information
22 office of the US Coast Guard, Northern Virginia
23 and Commander Jeremy I think his name was and got
24 it on voice mail, but he didn't call me back. But

1 we're talking about some big stuff and that
2 channel...

3 MS. WINSOR: We have a lot of
4 people who want to speak to this so I'm going to
5 ask that we move on. We have Dennis Rochford and
6 then Maya Van Rossum and then Jim Steffens.

7 MS. VAN ROSSUM: In two separate
8 analysis the Corps has concluded that the net flow
9 of water there through the C and D Canals in two
10 opposite directions. This does relate to the
11 Delaware project because one of those analysis is
12 for the Delaware Deepening Project and one was for
13 the C and D Canal Project.

14 And one of those studies you had the
15 net flow of the water going eastward and the other
16 study had the net flow of the water going
17 westward. And I'm just wondering what you have
18 done to resolve this obvious conflict. And have
19 you brought it into to your analysis of the
20 Delaware Deepening Project?

21 COLONEL BROWN: Let me address
22 that. And I don't think we need further
23 additional comments on that. I think you
24 understand that the Chesapeake and Delaware Canal

1 is affected by both the Delaware River and the
2 Chesapeake Bay. Based upon tidal changes the
3 water will flow from one direction to the other
4 based on the studies we were doing at the time,
5 and easterly or westerly flow. Yes, it does flow
6 in every direction. No, it does not flow in
7 different directions at the same time.

8 MS. VAN ROSSUM: Net flow, not
9 tidal flow. I would like to hear from --

10 MR. GEBERT: You correctly cite
11 what was reported in the New York Times article
12 six months ago. The facts behind that, they did
13 not contact us to try get clarification to that.
14 There are two separate studies done approximately
15 four years apart. The Delaware Deepening Study,
16 three dimensional modeling which is some of the
17 data presented back here. Followed on that some
18 couple of years later was the deepening study, the
19 three dimensional modeling for the proposed C and
20 D Canal deepening in the upper Chesapeake Bay, the
21 C and D project. The simulations of the drought
22 of 1965 for the period of June through the end of
23 the year, December of 1965.

24 You are correct, John Williams is

1 correct that the C and D study which was performed
2 more recently concluded that the net flow during
3 the months of June through December 1965 is to the
4 east, that is the excess of flow through the C and
5 D Canal as if you balance all pluses and minuses,
6 it is due east.

7 That contradicted and I believe it
8 is the correct answer that in fact in June through
9 December of 1965 as in January through December of
10 just about every year, it's occurred since then.
11 That the hydraulics of the two bays are such that
12 net flow, particularly over intervals of a month
13 or longer, is to the east. And there's plenty of
14 supporting evidence for that flow evidence
15 (inaudible).

16 It's correct that the work done
17 earlier in the Delaware Deepening model, the net
18 flow in the C and D Canal is a very small
19 difference between numbers that are very large.
20 The tide flows to the east, a very large discharge
21 occurs; the tide flows to the west.

22 I believe that the findings in the
23 original modeling done approximately five years
24 for the Delaware Deepening for that period, June

1 through December of '65, in fact are in error that
2 the small balance, the small difference that it
3 reports, that we concluded, that we observed from
4 modeling to the west, are in error.

5 I further believe that that has no
6 practical significance. So it's a correct
7 observation. There are two studies that at
8 different times that look at the same phenomenon
9 and conclude that the numbers are very difficult
10 to calculate. The different net flow in that
11 period June through December of 1965. Different;
12 that's correct.

13 MS. VAN ROSSUM: Have you done some
14 initial calculation? I hear what you say of your
15 belief and you obviously have a high level of
16 expertise, but have you done some actual analysis
17 or perhaps preliminary analysis of preliminary
18 models to see if your belief that it wouldn't have
19 an impact is actually correct.

20 MR. GEBERT: Yes. Even though the
21 models was done for the now deferred C and D
22 deepening study, modeling that I believe is
23 correct because it's based on better (inaudible)
24 estuary, better boundary conditions in particular

1 on the tide signal on the Chesapeake Bay. I
2 believe the modeling is correct. In fact I would
3 be happy to show you. It includes upper
4 Chesapeake Bay, C and D Canal and all of Delaware
5 estuaries from Trenton to the capes, including out
6 on the shelf. The model (inaudible) was included
7 in both Delaware Deepening Study and as well as
8 the C and D study. The more recent C and D
9 Deepening Study, it concludes that there is a net
10 flow to the east in that period in the bay there.

11 Similarly shows that there are no
12 significant changes and we have what does
13 significant mean? I can't tell you one part per
14 thousand or one tenth of part per thousand or less
15 - we can look that up. But my observation from
16 the results of that graph period are that there
17 are no significant differences in the Delaware
18 estuary with the C and D Canal net flow modeled
19 correctly.

20 MS. WINSOR: Jim Steffens followed
21 by Leslie Savage.

22 MR. STEFFENS: I'm going to return
23 to the subject of my previous question. It's not
24 a question of whether there will be erosion in

1 Kelly Island and Port Mahon; it's a question of
2 when and how much. The question is who has
3 responsibility for maintenance of those beaches at
4 those two points. Is it the Corps? Is it the
5 State of Delaware? And have those long-term and
6 I'm talking indefinitely into the future. Have
7 those long-terms costs been incorporated into the
8 cost of the project?

9 MR. LULEWICZ: This is Stan
10 Lulewicz. To answer the first part of your
11 question. As I stated before monitor at the
12 island and costs for monitoring Kelly Island have
13 been included into the cost analysis. We're not
14 going to maintain the beaches. The beaches are
15 just the initial placement of dredge material.
16 For Kelly Island, we're going to monitor Kelly
17 Island, going the long-term and costs that have
18 been included by the cost analysis.

19 COLONEL BROWN: If I could
20 interject very quickly. I note that some people
21 are beginning to leave. And if you're about to
22 leave before the end of this workshop, I ask that
23 you take the time to fill out this meeting
24 evaluation form. And give us some of your

1 comments on how things are going as far as this
2 evening.

3 SPEAKER: Can we mail it in?

4 COLONEL BROWN: That would be fine
5 if you prefer.

6 MS. WINSOR: We're going to have
7 Jim Bryant after Leslie Salvage.

8 MS. SAVAGE: I'm Leslie Savage with
9 the Delaware Audobon Society. And my question to
10 whoever wants to answer it, and that is, why does
11 the EPA and the state set certain standards for
12 the various toxins? What are the significance of
13 setting those standards? Why does the Federal
14 Government and the state set certain standards for
15 the various toxins and what is the overall role in
16 setting those standards?

17 MR. PASQUALE: I guess the overall
18 role would be the protection of environmental
19 resources.

20 MS. SAVAGE: Would you say that
21 that would be for the protection of human health,
22 wildlife and wildlife habitat?

23 MR. PASQUALE: Yes, Jerry
24 Pasquale.

1 MS. SAVAGE: Thank you. Then I
2 would like to use that as a lead in into a
3 comment. And that comment is, in the Corp's data
4 and its analysis they took samples in each reach
5 and then averaged those samples to find a mean
6 concentration. Once you do that, you bring
7 outside numbers closer to your center, thus
8 allowing your data to fall within the desired
9 range.

10 Even doing that in Reach B, there
11 were several samples, two heavy metal, one
12 pesticide and several PCB's that still even after
13 averaging fell outside of those ranges. So my
14 question is, why are we even still here if these
15 standards are in place for our protection?

16 MR. PASQUALE: There are no
17 standards for contaminants in sediment. I thought
18 you were talking about water quality criteria.
19 The numbers that were generated from the bulk
20 testing were compared to guidelines that are used
21 by the State of New Jersey and the State of
22 Delaware to determine whether they have a level of
23 concern about what is in the sediments. They are
24 not pass/fail tests or they are not written into

1 law.

2 I don't believe the EPA has criteria
3 for sediment that's written into law. They may
4 have guidelines that they use, but they are not
5 pass/fail criteria. These are things that the
6 states are using to determine whether there is a
7 level of concern and how we make a decision on
8 whether a project is acceptable or not.

9 MS. WINSOR: And then moving onto
10 Jim Bryant. He's not here. Maya and then Hema
11 Subramanian.

12 MS. VAN ROSSUM: Are you going to
13 get Clean Water Act permits for the discharges
14 coming out of the confined disposal facilities?

15 MR. GROFF: My name is Tom Groff.
16 I'm with the operations division. We have water
17 quality certification for the State of New Jersey
18 for our dischargers from all our facilities.

19 MS. VAN ROSSUM: Water quality
20 certifications, is that a lease permit or is that
21 --

22 MR. GROFF: No, that's 401 water
23 quality certification. That's what's required and
24 that's what we have. There's no reason for us to

1 run away from them.

2 MS. VAN ROSSUM: Just asking the
3 question.

4 MS. WINSOR: We have other
5 questions left in the economic, and I would like
6 to turn it to them now to the three people who had
7 asked to speak were Rick Spencer -- he's gone.
8 Wayne Spencer?

9 COLONEL BROWN: His question has
10 been answered.

11 MS. WINSOR: Been answered. And
12 Maya, do you have a final question on economics
13 that we didn't get to?

14 MS. VAN ROSSUM: Yes. As I
15 understand it in the cost and the economic
16 calculations, you did not calculate economic
17 benefits to the Port of Wilmington. And I
18 understand the reason for that was because the
19 existing side channels are less than 40 feet.

20 So I'm wondering why then in
21 comparison, did you calculate benefits to the oil
22 facilities who have private channels that are less
23 than 40 feet? And I'm also just wondering as part
24 of that question, what the current depth of the

1 private channels for the six benefiting oil
2 facilities is?

3 MR. SELSOR: This is Bob Selsor
4 from economics. First off the reason that the
5 Port of Wilmington was not include in the benefit
6 analysis, right now the facilities for the Port
7 are located on the Christina River. The Christina
8 River has a silting situation that makes it
9 difficult to maintain the channel for a certain
10 depth. Right now it's authorized to maintain at
11 30 foot channel (inaudible). Facilities located
12 on the Christina River would not benefit from
13 deeper channels.

14 Potentially the future if the
15 facilities were to move out onto the Delaware
16 River for the Port of Wilmington there could be
17 benefits. We took the conservative approach
18 looking at how the Port was operating now and did
19 not demonstrate benefits. As far as the channels
20 for the oil refineries, they're taking advantage
21 of the 40 foot channel now bringing tankers up
22 river to the facilities. And certainly the
23 expectation is with the channel improvement
24 they'll take advantage of the additional channel

1 depth.

2 MS. VAN ROSSUM: That's your
3 expectation. That's not what has been reported.

4 MS. WINSOR: Thank you. We've
5 finished the questions for the people who have
6 indicated that they had questions. I'm going to
7 ask Colonel Brown to draw the evening to a close.
8 And I want to thank you all very much for an
9 attentive audience and a lot of very thoughtful
10 questions. Colonel.

11 COLONEL BROWN: I would like to
12 give a round of applause to our facilitator. I
13 personally think that this has been a very
14 fruitful evening. We've had a lot of great
15 questions and hopefully you've gotten many
16 answers. And the answers that we did not provide
17 we will get that to you as soon as we possibly
18 can.

19 The whole intent behind this project
20 is to help facilitate commerce. But you cannot do
21 that unless you're protecting the environment at
22 the very same time. And that's why we spent so
23 much money, \$7 million in trying to make sure that
24 happens.

1 We will always do what is best for
2 the environment, for the people of this region and
3 the people of this nation. I thank you for your
4 input and I thank you for your time. Now, before
5 you leave there is an evaluation sheet on this
6 meeting. Please take the time to write some
7 comments, some very constructive comments that we
8 can use during the future meetings of this type,
9 or better yet to help us better focus on how we
10 can work with you, the public.

11 One of the things I asked in my
12 initial comments was if you think of a very
13 constructive idea that's going to get people who
14 have vested interest in projects of this region to
15 create a communication plan. A plan on how we can
16 do information exchange to have greater public
17 involvement of what's going on. In the past, we
18 have perhaps not been very, very forward or
19 forthcoming to the point where many people feel
20 that we are not transparent. That is not the
21 case.

22 We want to be transparent, we are a
23 Federal Agency which means at any time you can go
24 through FOIA and get what you want. So by virtue

1 of that and in line with my new chief of
2 engineer's vision, we want to increase
3 communication by bringing in the public or
4 organizations with a vested interest in creating a
5 public involvement.

6 Give me your thoughts on that when
7 you fill out that evaluation sheet. If it's a
8 great idea and you want to be part of the team and
9 make that happen, please put your name and
10 telephone number down and we'll contact you in the
11 future. Let me make sure I haven't missed
12 anything.

13 As I said earlier about access to
14 the transcript, www.nap.usace.army.mil. Just go
15 to that and it will tell you when the transcript
16 will be available. It will also tell you whether
17 or not you will be able to download it or if you
18 have to request a hard copy and we will send it to
19 you.

20 I guess one of the last questions
21 and the answer is, some questions were asked
22 tonight for which you were not provided an
23 answer. What I will, my folks, do is create a
24 response page on our web. So when you go to that

1 web site and you're looking to find out the status
2 of the transcript, you can also go to another page
3 to find the answers to your questions. Any last
4 comments for me? Yes, ma'am.

5 SPEAKER: Could you please take a
6 list of people who attended tonight and send them
7 a hard copy of the response document. Some of us
8 simply do not cope with web sites and
9 downloading. We are the technologically
10 challenged.

11 COLONEL BROWN: I wouldn't say
12 that. You prefer to do things the old fashioned
13 way.

14 SPEAKER: I can't see very well. I
15 cannot deal with the computer screen. I can
16 manage with a hard copy and a magnifying glass.

17 SPEAKER: Perhaps if you could
18 indicate and make sure we have your name.

19 MS. VAN ROSSUM: I just wanted to
20 make sure for the record that I handed you a list
21 of questions that we would like answers to in
22 addition to the ones we asked earlier.

23 COLONEL BROWN: You are a lawyer,
24 aren't you? Thanks for coming and please be safe

1 and have a wonderful evening.

2 (Workshop ended at 10:00 p.m.)

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CERTIFICATE OF REPORTER

5
6 I, Karen McCloskey, Professional
7 Reporter and Notary Public, do hereby certify that
8 the foregoing record, is a true and accurate
9 transcript of my stenographic notes taken on June
10 6, 2001, in the above-captioned matter.

11 IN WITNESS WHEREOF, I have hereunto set
12 my hand and seal this 6th day of June, 2001, at
13 Wilmington.

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Karen McCloskey

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