

Providence River Dredging Project
Braking the Dredging Impasse through Partnering
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Background

The Corps of Engineers signed a Record of Decision (ROD) for maintenance dredging the Providence River and Harbor on March 18, 2002. When this dredging is completed, it will be the first major dredging project in the state of Rhode Island in over 25 years. The ROD and Final Environmental Impact Statement (FEIS) recommend a combination of open water disposal, confined aquatic disposal (CAD) cells, and upland disposal for roughly 6 million cubic yards (mcy) of material that will be removed from the federal project and related facilities. The Providence River and Harbor Navigation Project was last dredged in 1976 when the Corps removed 100,000 cubic yards (cy) of material to complete improvements to the federal project. Previous to that dredging, the last large scale dredging (2,693,000 cy) was completed in 1971. Since that time, the designated disposal site used for previous dredging was closed due to the concerns of commercial fishing interests. Attempts in the late 1970s and early 1980s to dredge the nearby Fall River ship channel in Massachusetts, and to designate a new regional disposal site, failed to break what had been termed a "dredging impasse." The "impasse" was caused by the lack of an acceptable a long-term disposal site. Although the lack of dredging has potentially severe economic implications for the State, the problem has been difficult to resolve.

The latest efforts to maintain navigation channels in Rhode Island began in 1992 when the Corps of Engineers completed a survey of the ship channel at the request of the Governor. The survey showed mid-channel shoaling of up to 3 to 11 ft causing the Coast Guard to place emergency one-way traffic and draft restrictions on ship traffic.

Shortly after the survey results were released, then Governor Sundlun established an Interagency Task Force to Preserve Shipping in Narragansett Bay. The charge of the Task Force was to consider the problem of maintaining the Federal channel and other commercial and recreational navigation projects and marinas throughout the state. Support for dredging in a cooperative interagency framework continued under present Governor Lincoln Almond, who established the Governor's Commission on Dredging. The State's legislature created the Coastal Resources Advisory Committee (CRAC) whose objective was to develop a solution to the dredging issue and assist the Corps of Engineers with its Environmental Impact Statement (EIS). This is the context within which the National Environmental Policy Act (NEPA) process for the Providence River Maintenance Dredging Project was conducted.

Like all Corps of Engineers maintenance dredging projects, dredging of the Providence River channel and harbor is a partnership between Federal and state government. The federal partners, designated as Cooperating Agencies under NEPA, included the US Army Corps of Engineers (USACE), National Marine Fisheries Service (NMFS), US Environmental Protection

Agency (EPA), and US Fish and Wildlife Service (USFWS). The State was represented by the Rhode Island Coastal Resources Management Council (RICRMC), the non-federal project sponsor, the Rhode Island Department of Environmental Management (RIDEM), and the Governor's office. The State was an integral part of the planning process and will be a financial partner in construction because of the need to construct disposal facilities for the project.

The Project

The deep-draft vessel traffic in Providence River and Harbor consists mainly of oil tankers, barges and general cargo vessels. There are 27 water terminal facilities serving the port of Providence. At present, there are ten wharves with major oil-handling capabilities on the main channel.

The Federal Navigation Project in the Providence River consists of a 16.8 mile-long channel, beginning in the cities of Providence and East Providence and following the river on a southerly course to Narragansett Bay. The upper two and one-half miles comprise the Main Harbor. The federal project in the Providence River is the principal commercial waterway in Rhode Island. Federal involvement in navigation in the Providence River dates back to 1853 when a 9-ft deep channel was dredged. The channel was subsequently deepened to 25 ft, then 35 ft along its entire length. In 1976, a modification to the project was completed under authority of the Rivers and Harbors Act of 1965 and the channel and harbor were deepened to 40 ft. The channel is generally 600 ft wide, except for the Main Harbor, where its width ranges up to 1,700 ft.

Major Issues

The controversy, which led to the dredging impasse, resulted from the lack of viable disposal options and dictated the need for an EIS (rather than a less detailed environmental assessment). Therefore, most of the coordination and collection of information focused on the disposal site location. The overall EIS had a strong focus on disposal site locations and the issue was resolved to a large extent through the public process. Public input helped to change disposal locations for both the suitable and unsuitable material. Several other issues related to disposal as well as dredging emerged during the NEPA process:

- Dredging Windows
- Mixing Zones
- Effects on Fisheries
- Beneficial Uses of Dredged Material
- Alternative Disposal Technologies
- Alternative Project Dimensions

Approach

A number of factors contributed to the success of the latest effort to develop a plan to dredge the Providence River, including strong support from elected representatives and marine trade groups, cooperation from other stakeholders, the dire conditions in the channel, the level of experience and empowerment of the Federal and State agency representatives, and the partnering process employed. For this paper, we use a broad definition of partner, which Webster's Dictionary defines as "one who shares." Webster's defines partnership as "the state of being a partner; a relationship resembling a legal partnership and usually involving close cooperation between parties having specified and joint rights and responsibilities." Certainly, the public,

represented by individuals and non-governmental organizations is a partner with rights and responsibilities. Of course, cooperating agencies (...any...agency...which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal...[40 CFR 1508.5) and state regulatory agencies are partners according to this definition. Key elements of and recommendations concerning the partnering process are described in the following paragraphs.

Conduct an Open Process

Throughout the NEPA process from the beginning of scoping through public review of the FEIS, we encouraged as much input as practical from the public and agencies. We held formal scoping meetings at various locations surrounding Narragansett Bay at different times of day and during different weeks to encourage as much participation as possible. As is often the case, the attendance at preliminary scoping meetings (92 people) was much lower than the attendance at the public meetings following the release of the draft EIS (176 people) which indicated the locations of our preferred disposal sites. (Owing to changes in the preferred plan from the draft to final EIS, the attendance at the public meeting for the FEIS dropped substantially (60 people).) We continued to meet with the CRAC, Cooperating Agency partners, and other groups (e.g. commercial fishermen's organizations) throughout the development of the EIS. We believe these meetings enabled us to identify issues early in the development of the EIS when it could have its greatest impact on the process and outcome.

Document the Scope and Approach in Coordination with the Partners

After the formal scoping process and release of the DEIS, we prepared a workplan describing the scope and major issues for the EIS, and the approach to developing the information required for solutions. We prepared the workplans early in each phase and encouraged input from the Cooperating Agencies, regulatory agencies, and the CRAC. The workplans served as the road maps for the different phases of the EIS. Of course, as you work through a project new information surfaces and that creates the need to change tasks, methods, and information needs. We brought these changes to the groups whenever possible to get concurrence with the methods before the information was collected.

Reduce Letter Writing

Early on in the NEPA process, we recognized that we were spending a great deal of time and effort writing letters with very little benefit to the project or process. Letter writing consumes staff resources and there is a large potential for miscommunication and posturing. We proposed to the Cooperating Agencies that we minimize letter writing until we had worked through an issue face to face and had come to agreement, or identified points where we agreed to disagree. We replaced letter writing with meeting notes, saving hundreds of hours of staff time and facilitating a better working relationship with the agencies. Reducing the amount of documentation concerning positions is possible when the partners work to be trustworthy and share in the process and ultimate outcome.

Use Education

Uneven knowledge about technical matters affecting a project can be a barrier to effective partnering. The lack of significant dredging in Rhode Island over a 20 to 30 year period meant that State, local, and, in some cases, Federal agency staffs were not experienced with dredging projects. As a group, we took advantage of opportunities to help educate the partners on

various elements of the dredging process. For instance, over the years since the last dredging and disposal operations, stories had circulated about short dumping, fish and lobster kills and Narragansett Bay being filled with turbidity for months due to dredging. These stories could go unchallenged because many agency representatives had never witnessed dredging and disposal operations. Believing that it is better to discuss the actual rather than the perceived effects of a dredging project, we hosted a number of excursions to view dredging and disposal operations at the nearby dredging in Boston Harbor. The work in Boston is very similar in size and scope as the proposed work in Providence. Although the site visits were not attended as well as we had hoped, they allowed agency staff who did attend to help put these claims and perceptions in their proper perspective. We also held separate meetings and workshops with invited experts to discuss various technical project issues such as beneficial uses of dredged material and computer modeling. In addition, the RI CRMC held a workshop on alternative technologies for dredged material treatment. These workshops and other efforts at education helped to eliminate the knowledge gap that may otherwise have led to mistrust.

Focus on the Major Issues

Cooperating agencies are selected because of their special expertise and the project benefited from having particularly experienced Federal agency representatives. We recognized their expertise and seriously addressed their suggestions cooperatively with the best scientific information available. This helped us to rapidly flesh out real issues and move beyond less important issues.

Some issues, in particular dredging windows and mixing zones, required special focus to develop information and negotiate issues. When we identified a major issue to be resolved, we assembled groups of experts from the Cooperating Agencies and state regulatory agencies. We developed a specific study approach for each effort with input from the partners, then developed a series of partial draft reports for the partners to edit, revise and, more importantly provide expert information. We invited each agency to add to the document and offered to include a section in the reports with their comments and recommendations. Although they generally did not provide that sort of input, the offer to include their views led to cooperation and a shared interest in the content. We believe this cooperative approach and the working relationships it helped foster was one factor leading to a desire on the part of the partners to use the project as a focus for follow on monitoring. Efforts are currently underway to develop research related monitoring plans, separate from the monitoring needed to document compliance with environmental requirements.

Stakeholder Outreach

Early on in the process it was apparent that open water sites would play a significant role in the disposal of the material. It appeared that virtually every area in Narragansett Bay and Rhode Island Sound was used for some type of finfish or shellfish harvesting. We made significant efforts to keep the various stakeholder groups representing fishermen, environmental groups, and State and Federal Fishery managers involved in the process. We consulted with local fishermen when site investigations were being developed to gain from their experience and knowledge of the area. As we went through the EIS process, we made significant efforts to inform these groups of the results of our investigations and where the information was leading us to allow them to ask questions and provide input before finalizing the EIS. While there will never be 100% agreement over the sites chosen, we believe this outreach helped to address stakeholder concerns while moving the project forward and forestalling significant opposition to the work.

Expect Comments

All the coordination and cooperation did not reduce the number of comments on the EIS, in particular the draft EIS, as expected. This was not entirely surprising based on past experience and the fact that each agency brings a different perspective to the process. A flood of comments occurred at public decision points. This breakdown in cooperation was based on many factors, but could be minimized with a few changes in approach. The number of comments and underlying issues to be resolved can be reduced if the partners share in the goal of producing a better, albeit not perfect decision. Partners should recognize and respect the implementing agency's need to produce the product according to a schedule and budget with imperfect information. This means partners should focus on developing a reasonable amount of information to support the decision-making process. Agencies can support the decision-making process by providing their input as early in the process as possible and sharing more completely in the collection of information.

Conclusions

- 1) Partners should conduct and participate in an open process.
- 2) Partners should cooperatively document the approach to evaluation
- 3) Partners should replace letter writing with face to face communication to avoid misinterpretation and develop better relationships
- 4) Partners should use opportunities to educate each other and the public to increase understanding and cooperation
- 5) Partners should focus on the major issues by using separate documents and processes to obtain, guide, and display agency input.
- 6) Stakeholders should be involved throughout the process.
- 7) Partners should provide input as early as possible and be prepared to share in the collection of information