APPENDIX J – FORMAL RESPONSE TO COMMENTS

GENERAL REEVALUATION REPORT (GRR) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS) FOR THE POPLAR ISLAND ENVIRONMENTAL RESTORATION PROJECT

CHESAPEAKE BAY, TALBOT COUNTY, MARYLAND

September 2005

Prior to preparation of this Final GRR/SEIS, public involvement was conducted throughout the NEPA process. The public involvement program was initiated at the beginning of the expansion study NEPA process to provide opportunities for public participation during each stage of the project development. Additionally, consultation with resource agencies was conducted through agency coordination letters that solicited their input and through agency participation on the Project Delivery Team and Poplar Island Working Group. Agencies, organizations, and members of the public with a potential interest in the proposed action were urged to participate in the decision-making process. Public involvement and agency coordination were integrated into each stage of project development. The stages of the Poplar Island expansion study project included: 1) issue identification and project scoping, 2) additional studies to define existing conditions, 3) public update meetings, 4) alternatives comparison, 5) recommended plan development, 6) impact evaluation and draft SEIS preparation, 7) responding to comments on the draft SEIS, and 8) preparing the final SEIS and completing the ROD. Agency coordination for each stage of the expansion project is discussed in Chapter 9 and documented in Appendix F. Public participation and outreach efforts for each stage of the expansion project are discussed in Chapter 9 and documented in Appendix G. Full transcripts of the public meetings are also included in Appendix G.

The USACE considered all comments received during preparation of the Final GRR/SEIS. Table J-1 of this appendix presents a summary of the substantive comments received from Federal agencies, State agencies, groups and associations, and the public following release of and regarding the Draft GRR/SEIS. Oral comments recorded at the public meetings conducted in July 2005 are also included. Formal responses to comments are also provided in Table J-1.

Comments were categorized by type of comment (i.e., Federal, State, Local, Group/Associations, Public, or Oral). Each comment received a comment code with a letter designating the type of comment (F=Federal, S= State, L=Local, G= Group/Association, O=Oral). In addition, each person or source providing a comment within a category was assigned a discrete number (i.e., 1, 2, 3, etc. Multiple comments received from a single person or source were numbered consecutively (i.e., 1.1, 1.2, 1.3, etc.).

Table J-1. Response To Comments Received For Draft GRR/SEIS

Agency/Contact Name/Date	Comment Code	Comment	Response
Federal Government Comments			
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.1	The Department concurs, in general, with Baltimore District's Recommended Plan of a 575-acre northward lateral expansion comprising 60% wetlands and 40% uplands, and a 5-foot rise of the existing upland dikes. Many details regarding the alignment, configuration, magnitude and type of aqueous habitats intended to compose the 60% wetland component of the expansion area remain unresolved. The most significant of the remaining issues concerns a proposal, initially forwarded by National Marine Fisheries Service (NMFS) in January 2005, to modify the project via the inclusion of an open-water embayment.	The proposed concept of an open-water embayment has been incorporated into the recommended plan of the Final GRR/SEIS (see Chapter 6). It is the USACE' intent to further refine and evaluate this concept during the next design phase of the project. Resource and regulatory agencies will be asked to participate in additional Project Delivery Team (PDT) meetings to address agency specific concerns and habitat-specific design recommendations as the recommended plan is further developed and designed.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.2	The FWS discussed the open-water embayment proposal in the April 25, 2005, letter by detailing several reservations, and suggesting modifications. Although described in Chapter 9, page 9-25, the FWS modifications are not discussed in the Executive Summary, in Chapter 6-Recommended Plan, or in Appendix J-Evaluation of Open Water Embayment Design Feature. As there is not yet consensus among reviewing resource agencies on the magnitude and configuration of a potential embayment, due to the lateness of the proposal within the Corps planning process, we request that details of the FWS-proposed modifications be discussed along with the embayment details currently described in the Corps' draft GRR/SEIS. When future analyses, including hydrodynamics and hydraulic modeling, are used to evaluate an embayment option, they should be conducted using, among others, the FWS-recommended size parameters.	FWS reservations and suggested modifications (via April 25, 2005 letter) have been included in the Final GRR/SEIS in the following sections: Executive Summary, Plan Formulation (Chapter 4), Recommended Plan (Chapter 6), as well as Chapter 9 (Public Involvement and Agency Coordination). Additional evaluation of the open-water embayment, including hydrodynamic and hydraulic modeling of various size parameters, will be conducted during the next design phase of the project. Regulatory and resource agencies will be presented with additional/new information, as it is available.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.3	The Maryland Department of Natural Resources (DNR) requested in their letter dated May 12, 2005, that additional sizes and locations be considered for the embayment, and suggested analysis of erosion and debris accumulation risk. We share DNR's concerns and also recommend that a detailed assessment of the risks to adjacent habitats via erosion, catastrophic failure, debris accumulation and concentration of human extractive-use activity be considered if the embayment concept moves forward either as a "Proposed Environmental Design Feature" of as an integral part of the Recommendation Plan. As of the date of this letter, project planners have suggested that the latter is likely within the final GRR/SEIS. Should that occur, these assessments of risk must be made, in order to supplement and balance the potential benefits described in Appendix J. We also suggest that a benefits analysis include a provision for the regional scarcity and decline of on-island habitats vs. the more abundant and increasing open-water habitats.	During the next design phase, additional sizes and locations, as well as an analysis of erosion and debris accumulation risk, human-attractive use activity, benefit analysis with a provision for regional scarcity and decline of on-island habitat vs. more abundant increasing open-water habitats will be considered. The USACE is proposing to conduct Value Engineering to optimize the design of environmental features. Regulatory and resource agencies will be invited to participate in discussions regarding the outcome and implications of these analyses.
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.4	The current draft GRR/SEIS has generally addressed prior FWS comments for aspects of the project other than the embayment concept. Because the inclusion and design specifics of an embayment are not yet resolved, yet so acutely affect function and management of the project, we reiterate the details of prior FWS-comments regarding the open-water embayment proposal.	Comment noted. See response to comment F-1.1.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.5	In January 2005, NMFS proposed a significant modification to the preferred alignment selected in the Corps' GG/SEIS. The Corps has inserted the NMFS open-water embayment proposal as a "Proposed Environmental Design Feature" (page ES-9) that may be included within the 60% of the project footprint intended for creation of tidal wetlands. The proposal would replace 130 acres of the proposed wetland area on the project's western side with an open-water embayment. This open-water cell would be partially enclosed on the west by stone breakwaters segmented by 50 and 200-foot openings. The proposed embayment's purpose was to reduce the footprint of the proposed expansion while creating an area with enhanced fisheries functions. Even after extensive debate on the proposal, many issues surrounding the proposal remain outstanding including the development of physical details.	Comment noted. See response to comment F-1.1.
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.6	We agree that providing semi-protected fishery habitat immediately adjacent to created wetland and upland cells would increase the complexity of remote island habitat. It may also be well-used by wintering waterfowl seeking protection from wind and wave energy. However, we recommend modifying the potential embayment, as described in the current draft GRR/SEIS, so the embayment design may provide enhanced remote island habitat by bringing fisheries habitats into closer juxtaposition with wetland and upland habitats. The proposed open-water cell could also be considered as enhanced habitat, primarily based on benefits derived from protecting the cell from the westerly fetch with stone breakwaters.	Comment noted. See response to comment F-1.1. Habitat enhancements related to design of the open-water embayment, the transition zones to wetland and upland habitats, and structures to provide protection to the embayment will be further discussed (with resource and regulatory agencies) and refined during the next design phase of the project.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.7	If the proposed mix of upland, wetland, and open water habitats is to be constructed, the GRR/SEIS must stress that this recommendation for the lateral expansion of Poplar Island is a function of the logistical and local environmental/resource constraints and opportunities associated with the expansion site. If constructed, this design case would apply only to the lateral expansion of Poplar Island, and would not establish a precedent superseding the policy of 50% minimum vegetated wetlands to 50% (maximum) uplands on future island restoration projects.	The Final GRR/SEIS contains text noting that the open-water embayment proposed for Poplar Island is a function of the logistical and local environmental /resource constraints and that this would not set a precedent for future restoration projects or the general agreement to provide a minimum of 50% wetlands. Text has been added to the Executive Summary, section 10.9, and Chapter 11.
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.8	The Proposed Environmental Design Feature that the Corps may incorporate into the wetland acreage is described as re-designing 130-135 acres of proposed wetland cells as open-water habitat. We suggest that amount be reduced by no less than 1/3 should the embayment plan become the recommended alternative. This compromise will still allow for a large wetland cell in the proposed turning basin at the NW tip of the expansion area. Constructability of a wetland in this deepened cell may prove difficult as in sand dredging of Cell 5 of PIERP. Also the loss of dredged material disposal capacity due to eliminating 3 wetlands cells will necessitate that the expansion footprint includes more uplands. This upland expansion will reduce the preferred alternative ratio of wetland to upland that we support. USFWS recommends: 225 acres (39%) wetlands, 270 acres (47%) uplands, and 80 acres (14%) open-water, as opposed to 165 acres (29%) wetlands, 270 acres (47%) uplands, and 135 acres (24%) open water, as described in the draft GRR/SEIS.	Specific recommendations by FWS related to upland, wetland, and open-water embayment proportions have been included in the Final GRR/SEIS. The alternative evaluated in the GRR/SEIS includes an open-water embayment approximately 130 acres in size for the impacts analysis. However, as noted in comment responses F-1.1, F-1.2, and F-1.3, the size and location of the embayment will continue to be evaluated and modified in subsequent analyses during the next design phase of the project.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.9	In order to provide as much fisheries habitat/structure as possible, additional fisheries elements can be constructed outside the currently-proposed expansion footprint. This has been done successfully with the existing project. According to fisheries data collected by NMFS, the rock piles off of Poplar's current north end are high-functioning.	The rock reefs that currently exist within the proposed northern lateral expansion footprint will be relocated outside of the footprint in consultation with appropriate resource and regulatory agencies. The addition and location of supplemental fisheries habitat features (beyond those being replaced in-kind) would require input from FWS, NMFS, and MDNR. In addition, such features would need to be placed as not to impact local navigation.
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.10	We recommend that the open-water area include 1-3 small islands designed from colonial water bird nesting. The setting would allow true isolation from mammalian predators. Such habitats are regionally scarce and the open-water embayment proposal provides an opportunity for their inclusion. Since the embayment proposal already suggests that a few rock reefs be placed inside the area, one or more could be expanded vertically and laterally to protrude above tide for tern nesting. Contained dredged material could be incorporated. Alternatively, sections of the perimeter breakwaters could be expanded into suitably-sized and configured nesting islands.	Comment noted. These recommendations will be further evaluated during the next design phase of the project and will be discussed in future PDT meetings.
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.11	Many questions regarding the constructability, suitability, function, and management of the proposed embayment remain. As the option develops, these should be addressed through the continued Project Delivery Team process and the Corps' planning process.	Comment noted. See response to comment F-1.1.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.12	We are concerned about the future management and usage of an interior open-water area. The open-water area may become a magnet for recreational fishermen, particularly on weekends. Unfettered access to this area may be incompatible with nesting water birds on the island and terrapin-nesting habitat, which is likely to form along the inner margin of the embayment. If allowed, recreational fishermen and boaters would likely put ashore on sandy areas. Undirected human traffic runs counter to the spirit of remote island habitat, and nesting functions in particular. We would propose that this area have a status that limits, controls, or closes landing access. During construction years, safety reasons may prevent public usage, but the proposal creates a management problem thereafter. Also, another concern is the embayment may create a concentrated recreational harvest area, leading to a population sink for Chesapeake gamefish. Additional fisheries information is required to address this issue. Further development of the embayment into a viable construction option should include an early discussion of management of the area to avoid future resource conflicts.	Access issues and resource use conflicts related to the open-water embayment will be evaluated and discussed during the next design phase of the project (see response to comment F-1.3). These issues will be resolved prior to implementation of the proposed action. The need for additional fisheries information related to a concentrated recreational harvest area will be discussed and coordinated with NMFS and MDNR. The primary environmental goal of the project is to create remote island habitat - heavy recreational use of the area could conflict with this goal.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS)/Michael Chezik/August 5, 2005	F-1.13	The final, preferred alternative must be able to withstand potential damage and erosion by storm generated waves. To date, analyses describing the suitability of wetland cells and dikes adjacent to the proposed embayment have not been conducted. Physical stability will be necessary for the function of the proposed fisheries habitat within the embayment, adjacent wetland cells, and habitats outside the expansion that could be affected by lost dredged material in storm events. Also proper flow and exchange in the embayment will be necessary to avoid constructing a potential debris trap.	Additional coastal engineering analyses, as well as hydrodynamic and hydraulic modeling of the open-water embayment and various size/location configurations (as applicable) will be conducted during the next design phase of the project to address issues related to physical stability, flow and exchange, and debris accumulation.
U.S. EPA, Region III/ William Arguto/August 8, 2005	F-2.1	Maximizing the wetlands to uplands ratio is very important. The 60/40 ratio is more consistent with EPA's 404(b)(1) guidelines. However, it should be noted that there is still an overall loss of aquatic habitat from the expansion of the Poplar Island Facility. EPA recommends that during construction of the wetlands, all the resource agencies work closely with the Corps to assure the highest quality wetlands possible.	Comment noted. Inclusion of an open-water embayment reduces the wetland percentage from 60% to 29%. The open-water embayment feature comprises approximately 24% in the lateral expansion, which also represents a reduction in loss of open water and Bay bottom habitat. Resource and regulatory agencies will be solicited for continued input and participation during the next design phase and during future construction of the wetlands.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. EPA, Region III/ William Arguto/August 8, 2005	F-2.2	In reviewing the documents, it was evident that the upland dykes can be raised higher than 5 feet, engineering suggests up to 15 feet. While the public comments suggest minimizing any vertical limits, raising the uplands dykes 10 feet would provide 1-3 additional years capacity and limit the need for further aquatic loss. While it was stated that beyond 5 foot rise would not have an environmental benefit, prevention of loss of further aquatic habitat is also an environmental benefit.	Each 5ft raising of the existing upland dikes increases capacity by approximately 6 mcy. Therefore raising the dikes by 5 ft would result in approximately 2 yrs of additional placement capacity. Although raising of the upland dikes by 15 ft is feasible from an engineering perspective, the USACE decided to limit the dike raising to 5 ft based on public concerns. Raising of the upland dikes requires a substantial quantity of sand (approx. 800,000 mcy of sand per 5 ft raising). Raising the upland dikes by 10ft or 15ft would require a significant increase in sand borrow from the southwestern borrow area or other sources (potentially causing more disturbance to Bay bottom habitat). The increase in disturbance to Bay bottom from sand borrow for raising by 10ft or 15ft could potentially offset the reduction in loss of bottom from decreasing the size of the lateral expansion footprint.
U.S. EPA, Region III/ William Arguto/August 8, 2005	F-2.3	EPA strongly favors the incorporation of an open water embayment within the expansion footprint in the northern end currently to be used as the staging area. The National Marine Fisheries Service has proposed several designs and long-term protection of the benthic communities in this area would provide fisheries habit, which would significantly increase the value of the adjacent wetlands.	Comment noted. See response to comment F-1.1.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
U.S. EPA, Region III/ William Arguto/August 8, 2005	F-2.4	Concurrently to the construction of the expansion, EPA urges the development of a long-term management effort to protect and improve wetlands in the Blackwater National Wildlife Refuge (BWR) in Dorchester County. The BWR needs millions of cubic yards of materials and while this alternative will require some major engineering and design, this site is of national aquatic significance and has the potential for large-scale wetlands creation.	Restoration of wetlands in Dorchester County was listed as an integral component of the recommended plan in the USACE's Dredged Material Management Plan (DMMP) and Tiered Environmental Impact Statement (TEIS) (USACE, 2005). The USACE will require funding to initiate a Feasibility Study.
U.S. EPA, Region III/ William Arguto/August 8, 2005	F-2.5	In adding any new channels for disposal at Poplar Island Expansion, must follow the testing requirements in the COE/EPA's Upland Testing Manual.	USACE is in the process of drafting a framework to re-design the testing and evaluation process for sediments from the Federal navigation channels that are placed at Poplar Island. Components of the *Upland Testing Manual* (as appropriate) are being incorporated into that framework.
NMFS/John Nichols/August 8, 2005	F-3.1	We continue to recommend that the size of the embayment be at least 130 acres, which will result in a minimum 22 percent reduction in EFH impacts associated with the expansion, incorporate a more diverse array of habitat types, and provide preferential habitat for larger predatory species, such as adult bluefish. This issue pertains to our EFH Conservation Recommendation 1(c) from our May 19, 2005 letter.	The recommended plan includes an 130-acre embayment. USFWS and MDNR have requested that the size and location (among other features) of the proposed open-water embayment be evaluated further during the next design phase of the project. The USACE is proposing to conduct Value Engineering to optimize the design of environmental features. The final size and location of the open-water embayment will be based on the results of the analyses conducted during the next design phase and will be based on further consultation and discussion among various resource and regulatory agencies.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
NMFS/John Nichols/August 8, 2005	F-3.2	Marsh cells surrounding the embayment must be opened to permit regular tidal exchange between constructed marsh and waters of the embayment to the maximum extent practicable. This issue pertains to our EFH Conservation Recommendation 1(a) from our May 19, 2005 letter.	Further design of the marsh cells will be conducted during the Value Engineering process. Regulatory and resource agencies will be permitted to review design and provide additional input through continued PDT meetings during the next design phase of the project.
NMFS/John Nichols/August 8, 2005	F-3.3	We support your proposed intent to limit the potential for sand borrow from the Southwest Borrow Area to a spatial area of approximately 19 acres. However, we continue to emphasize that avoiding disturbance to this area should be the primary goal, through obtaining the necessary borrow from areas entirely within the expansion footprint, and/or by obtaining sand from other federal navigation projects.	The USACE intends to utilize as much of the required sand as possible from within the expansion footprint. Use of sand from the southwestern borrow area will be necessary, however, for the expansion and for activities required to complete the existing project (Cell 6 closure and temporary upland dike raising). The USACE will work with NMFS and other agencies to minimize the disturbance to the Southwestern borrow area and to conduct dredging in a manner to minimize creation of "holes" that may be prone to anoxia or hypoxic conditions.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
NMFS/John Nichols/Aug 8, 2005	F-3.4	We remain concerned about the altered bathymetry that may result from borrow actions at the Southwest Borrow Area, the potential for creating new areas as deep as 25 feet (MLLW), where seasonal hypoxia and /or anoxia may occur as a result of these actions. In consideration of the current trend of spatial expansion of the hypoxia/anoxia zone in the mid-Bay region, the potential for expanding this area as a result of the project is not acceptable. Therefore, we will continue to emphasize the need to avoid borrow at this site, or at a minimum, to reduce the depths to which borrow is taken. Potential measures for avoiding this problem, discussed in your EFH Assessment (i.e., 1) connecting borrow areas to ambient depths; and, 2) stipulating a maximum borrow depth relative to the depth of the pycnocline), will be taken under further consideration by our staff during upcoming negotiations.	Comment noted. See response to comment F-3.3.
NMFS/Patricia A. Kurkul/Aug 9, 2005	F-3.5	NMFS concurs with the ACOE's determination that the proposed project is not likely to adversely affect any threatened or endangered species listed under our jurisdiction. Therefore, no further consultation pursuant to Section 7 of the ESA is required. Should plans change or new information become available that changes the basis for this determination, consultation should be reinitiated.	Comment noted. No response required.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
State Agency and Official Comments			
State of Maryland Critical Area Commission/Kerri L. Gallo/July 15, 2005	S-1.1	The Poplar Island project falls under the Critical Areas Regulations outlined within COMAR 27.02. As such, the project will require formal review and approval by the Critical Areas Commission. The approval process for the expansion will be consistent with that which was followed during the Commission's 1996 review and approval of the original Island restoration project.	Comment noted. The MPA will coordinate the review with the Critical Areas Commission.
MDNR/Ray Dintaman, Jr./August 4, 2005	S-2.1	The Department is concerned that the proposed project will result in the conversion of 575 additional acres of open-water habitat to 60% wetlands and 40% upland habitat in an area that has already had 1,140 acres of open-water habitat converted to 50% wetlands and 50% uplands as part of the existing PIERP. However, the Department notes that the Draft GRR/SEIS contains language indicating that any future lateral or vertical expansion of the PIERP would not appear to provide additional substantive environmental benefits to PIERP and would encounter difficulty overcoming environmental and engineering constraints.	Comment noted. No response required.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
MDNR/Ray Dintaman, Jr./August 4, 2005	S-2.2	The department supports the recommended alternative and the inclusion of an open-water embayment feature as part of the proposed plan. The department does have concerns regarding the location of the embayment, the size of the embayment, the potential for accelerated erosion of the adjacent wetlands and the potential for higher capital and life-cycle maintenance costs depending on how the embayment is aligned. The Department urges the incorporation of one or two nesting islands in the 1 to 5-acre size range as part of the embayment design. The Department looks forward to working further with the Corps during the Value Engineering process to refine the design features of this project to maximize its environmental benefits and resolve any potential design conflicts.	Comment noted. See responses to Comments F-1.1, F-1.2, F-1.3, F-1.6, F-1.8, F-1.10, F-1.11, F-1.12, and F-1.13.
MDNR/Ray Dintaman, Jr./August 4, 2005	S-2.3	The Corps should be aware that the proposed expansion of the PIERP falls under the State's Critical Areas Regulations as outlined within COMAR 27.02. As such, the project will require formal review and approval by the Critical Area Commission. The approval process for the expansion will be consistent with that which was followed during the Commission's 1996 review and approval of the original PIERP.	Comment noted. See response to Comment S-1.1.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
MDE/George Harman/August 16, 2005	S-3.1	The Department of the Environment has reviewed the Supplemental Environmental Impact Statement provided by the Corps of Engineers concerning the potential expansion of the Poplar Island Environmental Restoration Project. The Department has participated in most of the meetings held prior to the release of the document, and having reviewed the document, finds that there were no readily apparent areas that required additional comment. Therefore, the Department expresses its appreciation in the participation of the review process and reports that the document is "Generally Consistent" with our regulatory programs.	Comment noted. No response required.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Group and Association Comments			
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.1	*The Study Area Evaluated in the Draft SEIS Fails to Include Jefferson Island.* The Draft SEIS excludes Jefferson Island and, for this purpose and many other comments, Coaches Island as well from the report's study area. Figure 3.3 depicts the scope of the "Study Area" and it does not incorporate Jefferson or Coaches Islands. Yet, the Draft SEIS acknowledges that the islands will be impacted by the proposed work in the form of impacts to their viewshed, heightened sedimentation, noise, and light pollution, among other issues. As a result, the discussion of impacts on the flora, fauna and human activities all fail to evaluate data specific to each island. This data gathering and review process, therefore, fails to provide the U.S. Army Corps of Engineers (the "USACE") the information necessary to make requisite, fully informed decision about significant impacts on the environment and cultural resources which will be caused by this project. Making a fully informed decision evaluating all the potential significant impacts of such a project is the fundamental obligation, which NEPA imposes on a federal agency. *See*' 4332(2)(C).	The 1080-acre "Study Area" defined in Chapter 3 of the GRR/SEIS included only the area where the actual footprint of the lateral expansion would potentially be constructed. The southwestern borrow area, Poplar Harbor, Jefferson Island, and Coaches Island were included in the "region of influence", which was the area used to predict and assess the majority of socioeconomic impacts and a portion of the environmental impacts for the proposed project. Clarification of the "Study Area" and " region of influence" have been provided in Chapter 3 (pg 3-1). Additional resource data were collected specifically from within the "Study Area" to accurately assess the existing condition and potential **loss** of environmental, cultural, and socioeconomic resources within the expansion footprint. Flora, fauna, and cultural resources associated with both Jefferson and Coaches Islands were evaluated extensively for the 1996 EIS. In addition, USFWS maintains data regarding wildlife use in the areas adjacent to the project area. These data were used to assist with impact assessment for the adjacent environment in the GRR/SEIS.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.2	*The Draft SEIS Inappropriately Chooses Not to Consider Avoiding Substantial Impacts to Adjacent Private Lands as a Study Constraint.* The failure to fully and explicitly examine the impacts of the selected alternative on Jefferson and Coaches Islands permeates the Draft SEIS. One of the goals of the Alternative Development Process (identified as "Study Constraints") was to "avoid adverse impacts to surrounding public lands, infrastructure and property". Draft SEIS, '4.2.3. This clearly communicates to the reader and decision maker that avoiding adverse impacts to the surrounding private lands, infrastructure and property was not a goal and not a consideration of this evaluation. It is not surprising, therefore, that the Draft SEIS does not explicitly consider the necessary goal of minimizing impacts to privately held lands substantially impacted by the process. This would explain why, throughout the Draft SEIS, the USACE contains very little data on and analysis of the adverse impacts of the alternatives evaluated and the alternative selected on Jefferson and Coaches Islands.	Avoiding impacts to surrounding public lands, infrastructure, and property was a study constraint (Section 4.2.3), and consideration of impacts to Jefferson and Coaches Island is exhibited throughout the plan formulation process documented in Chapter 4. One of the study objectives (section 4.2.2) "protect existing island ecosystems, including sheltered embayments," is an objective directly related to protection of Jefferson Island. In addition, the creation of a breakwater alone "to provide protection to Poplar Harbor and Jefferson Island from wind driven waves" was one of eight alignments initially considered early in the plan formulation process (section 4.4.2.b). Four main environmental/engineering/legal constraints defined the boundaries within the lateral alignments could be sited, one of which was "avoid Poplar Harbor" (section 4.5.2) -- both Jefferson and Coaches Islands are important landmasses within Poplar Harbor. Public and agency concerns regarding potential viewshed impacts and noise impacts to Jefferson Island were also identified early in the plan formulation process during the alignment screening process (Table 4-4). The plan formulation process lead to the identification of a northern lateral alignment as the preferred geographic location -- one of the reasons being "the northern lateral alignment provides additional protection for Poplar Harbor and Jefferson Island" (section 4.5.2c).

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.3	*The Draft SEIS makes an Unsupported Statement Indicating that Jefferson Island Could be Used for the Public's Benefit.* In section 4.11.3, the Draft SEIS states that public recreational components that could be added to the project include re-establishing a pier at Jefferson Island for "fishing and viewing PIERP." Since the island is privately owned and there is no agreement or discussions underway for such a pier, it is inappropriate for the USACE to suggest improvements or alterations without discussing this idea with landowners, providing for inappropriate compensation and developing the plans for the improvements. Otherwise such a proposal would be an unconstitutional "taking" of property. In addition, such a pier would result in an obvious impact to the Jefferson Island environment, which the Draft SEIS should identify and discuss. Further, it should propose appropriate measures to mitigate the adverse impacts. *See* 40 C.F.R. "1502.14(f), 1502.16(h).	The reference to reestablishing a pier at Jefferson Island has been removed from the document in Section 4.11.3. Reestablishing a pier at Jefferson Island was screened out as a viable option because it was not considered feasible due to potential adverse effects to Jefferson Island.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.4	*The Impact to the Jefferson Island Viewshed Would be Significant and Was Inadequately Evaluated from the Island's Perspective.* The Draft SEIS acknowledges that the proposed alignment selected would permanently occupy large portions of both the Jefferson Island and Coaches Island viewshed and that the visual impacts to Jefferson Island would be "severe." Draft SEIS 5.8.3. What had formerly been a largely undisturbed water view from Jefferson Island across the Bay to the south, east, and north, will now be occupied by man-made armored shoreline. This action would effectively convert what had been a prime view into one filled with nothing but engineered hard structure. The selected 30 foot temporary height and final 25 foot height of the upland berms and significant expansion of the wetland cells will create a very significant visual impact the owners of the adjacent islands, one not envisioned when they purchased the property. It is likely that such a substantial impact would constitute an unconditional "taking" of Jefferson Island, L.L.C's property rights. While there may be ways for the USACE to lessen this visual impact, the Corps has failed its regulatory obligation to present appropriate mitigation measures for residents of Jefferson Island See"1502.14(f), 1502.16(h). Therefore, the Draft SEIS fails to adequately assess the visual impact to Jefferson Island and the selected alternative provides no adequate mitigation measure, which would lessen that impact.	The aesthetic analysis presented in the GRR/SEIS was focused on describing impacts to viewpoints with large concentrations of viewers, primarily public access points. To better highlight the impacts to Jefferson and Coaches Islands, several changes have been made in the discussion of the aesthetic analyses (Section 5.8.2 Aesthetics). A discussion of the impacts to the foreground view (<1/2 mile) from Jefferson Island has been included, along with graphics that show the simulated change in view from Jefferson to the northeast. Jefferson and Coaches islands have been included as Viewpoints 6 and 7, respectively, in the analysis of effects to middleground (1/2 to 4 miles) and long water (6+ mile) views. In the discussion of potential impacts from the 5-foot vertical dike raising (of Cells 2 and 6), new graphics depicting a simulation of the potential change in view from Coaches Island were added. USACE studies have revealed difficulties associated with successfully constructing wetlands over borrow areas. The primary suitable borrow area within the northern lateral expansion footprint is located on the east side of the expansion (directly north of and in closet proximity to Jefferson Island). The USACE was not able to locate wetlands in this area (thus minimizing viewshed impacts to Jefferson Island) due to the borrow area constraints.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.5	*The Impact of Substantial and Sustained Noise, as Realized on Jefferson Island, Was Not Presented in the Draft SEIS.* The Draft SEIS inadequately considers the impacts of noise from the project on Jefferson Island. Section 5.5.10 discusses noise but effectively dismisses the impacts to Jefferson and Coaches Island with the statement that significant and acknowledged noise levels will cause no impact because past use of the islands has been seasonal. In order to satisfy NEPA and its implementing regulations, the report needs to be blind to past use and consider all allowable uses of a property, including year-round residential habitation. The report dismisses the impacts of noise to Jefferson and Coaches Island with the statement that "significant and acknowledged noise levels will cause no impact because past use of the islands has been seasonal." The report needs to be blind to past use and consider all allowable uses of a property, including year-round residential habitation. The impacts of noise on wildlife are not fully assessed. The report failed to discuss mitigation measures.	The reference to seasonal use of Jefferson and Coaches islands has been removed in Section 5.4.10.a Noise Impacts to Eastern Shore Mainland, Jefferson Island, and Coaches Island, Alternative 1, Paragraph 2. The comment cited concerns about the potential duration and level of noise. The noise analysis for the GRR/SEIS was conducted as a "worst case scenario" in two respects. First, an area that extends well beyond the expected footprint of the northern lateral expansion, referred to as the Study Area, was used to represent the boundary of potential activities. This larger area was used "to accommodate flexibility in the final (100 percent) design for specific engineering and site constraints" (GRR and SEIS Section 1.3.1.a) and is generally bounded by Natural Oyster Bars (NOBs). The Study Area is roughly 1,090 acres in size, while the final expansion footprint will be approximately 600 acres. Further, this analysis effectively assumes that all noise sources are located at the perimeter of that Study Area at all times. This will have the effect of increasing the length of time that any particular parcel is estimated to experience noise impacts in the analysis.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.5 (continued)	Illustrative of the deficient evaluation of noise on the occupants of the island, the two subsections of section 5.5.10, which considers noise, are limited to an evaluation of impacts to the mainland and impacts to wildlife. There is only passing reference to the noise impacts to residents and visitors to the islands. This reference is telling. It acknowledges that the noise impacts to Jefferson and Coaches Islands will be significant and that the islands will be exposed to sustained noise levels exceeding background levels. The significance is dismissed with the assertion that the exposure to noise will not be experienced "continuously" because the homes on the islands have been used only at certain times of the year, the noise, to quote the Draft SEIS, is "sustained." Residents of Jefferson and Coaches Island will be continuously exposed to sustained elevated sound levels and this substantial impact needs to be explicitly reported and evaluated in the Draft SEIS. The Draft SEIS also fails to present appropriate mitigation measures in its report as required by section 1502.14(f) and 1502.16 (h). Despite suggesting that substantial and sustained noise will occur, and suggestions that construction operations will continue through night time hours, the report fails to present ways the USACE can minimize the impact the selected alternative will have on the residents of Jefferson Island.	The noise analysis in the GRR/SEIS noted that the highest sustained noise levels generated by the proposed lateral expansion are likely to be around 90 dBA at 50 ft from the noise source or construction zone. This noise level was estimated to degrade to background levels of 55 dBA at 3,200 feet from the source based on rules of thumb for estimating sound transmission. Sounds at this level were estimated for conditions when several pieces of heavy machinery (e.g., dump trucks, compactors, generators) are operated in close proximity to one another. The duration of such elevated noise levels at an observer's point within the 3,200' zone depends on 1) the length of time equipment will be situated at a given spot 2) the length of time the observer remains within the noise zone and 3) whether multiple pieces of equipment are operated in close proximity. Generally, the types of equipment considered in this calculation include vehicles that will move independently around the work zone and move among cells as the project progresses. Only 20% of the total area of the footprint of the existing PIERP and the vertical expansion cells (Cells 2 and 6) falls within 3,200 feet of Jefferson Island and approximately 18% falls within 3,200 feet of Coaches Island, thus limiting the duration of time that equipment might be in these zones. Because equipment will not be constantly operating near each other, the 90 dBA estimated for sustained noise represents a likely peak noise level at 50 feet from the source. The 90 dBA level estimated for 50 feet from the construction zone will drop considerably by the time the sounds reach Jefferson or Coaches Island.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.5 (continued)		Due to the specific concerns raised by the owners of Jefferson Island, additional assumptions have been made to estimate what sound levels these residents might experience. Using the most recent aerial imagery of Jefferson Island and the most current proposed project design available, a G.I.S. (Geographic Information Systems) measurement indicates that, at its closest point, Jefferson Island is roughly 540 ft from the proposed expansion. Applying the same rules of thumb and assumptions used in the noise analysis in the GRR/SEIS (i.e., a 5 dBA reduction with each doubling of distance over water), it is reasonable to expect a peak noise of 90 dBA at 50 ft to attenuate to 70 to 75 dBA by the time it reaches the shores of Jefferson Island. While sounds of 70 to 75 dBA are above background levels typically experienced in rural settings, they reflect levels that might be associated with proximity to a major road. These noise levels would not be expected to impact hearing. The text in the GRR/SEIS has been changed to clarify the assumptions used in the "sustained" noise analysis in Section 5.4.10.a Noise Impacts to Eastern Shore Mainland, Jefferson Island and Coaches Island, Alternative 1.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.5 (continued)		Nighttime project noise impacts were also cited as a concern of residents of Jefferson Island. The GRR/SEIS noise analysis describes likely inflow operations where barges, generators for light plants, and pumps are operating in close proximity and generating cumulative sounds around 85 dBA at 50 ft. The analysis notes that sounds at this level would attenuate to nighttime background levels within 6,000 ft and that Coaches and Jefferson islands fall within this zone. By examining conditions specific to Jefferson and Coaches islands, better estimates of likely nighttime noise impacts have been evaluated. Under the most recent proposed design, the access channel for barges is located at the northern end of the expansion. This off-loading location is more than 8,000 ft from Jefferson Island and more than 13,000 ft from Coaches. While the residents of Jefferson and Coaches islands will experience seasonal elevated nighttime noise due to inflow activities, particularly when the cells nearest the islands are being filled, the worst case scenario described in the GRR/SEIS should not hold. Additional text was added to the GRR/SEIS noise analysis to clarify why the worst-case scenario is unlikely to apply to these islands (see changes in Section 5.4.10.a Noise Impacts to Eastern Shore Mainland, Jefferson Island, and Coaches Island Alternative 1).

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.5 (continued)		It is important to note that the majority of heavy equipment/vehicle use will occur during exterior dike construction for the lateral expansion and during raising of the existing upland dikes (Cells 2 and 6). These activities are currently anticipated to occur concurrently and are expected to be completed over two construction seasons. Therefore, the most intense construction noise will be temporary (occurring over an approximate two-year period). In addition, the construction activity in closest proximity to Jefferson Island may be limited to only a few months (total). Following the exterior dike construction and dike raising, the majority of noise levels will be reduced to include those activities associated with inflow, trenching for dewatering, and grading activities related to cell development. Overall, the noise levels generated by the project are largely unavoidable and some of the loudest noises are generated as part of mandatory safety equipment (i.e., backup alarms on trucks). Moderating sustained noise levels will be difficult, however, technologies are available that could reduce some periodic noise levels. OSHA regulations stipulate that back-up alarms be used in heavy machinery when the rear-view is obstructed. Other than stating that these alarms must be audible above surrounding noise levels, OSHA does not specify how loud these alarms must be. More sensitive back-up alarms that sound only when they sense that something is behind the vehicle are now on the market. Use of these alarms would need to be evaluated in accordance with USACE Safety requirements (Engineer Manual (EM) 385-1-1, November 2001).

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.5 (continued)		Lastly, contractors will be required to comply with all applicable requirements related to noise during the period of construction/operations activity.
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.6	*The Use of the Term "Temporary" Disruptions Throughout the Document is Misleading.* General statements of "temporary" disruptions to Jefferson and Coaches Island throughout the Draft SEIS are misleading. In Section 4.7.3, the Draft SEIS states that inflow operations could continue until the year 2027. It is also reasonable to expect that site closure operations after inflow operations ceased would then continue for many years after this date. Therefore, it is inaccurate to consider disruptions that will be occurring at least twenty-two years from now as "temporary." Therefore, the Corps should restate and re-analyze wherever necessary the temporal extent of all impacts which will occur as a result of this action.	The primary temporal disruptions will be related to construction of the exterior dike for the lateral expansion and raising of the upland dikes (e.g., sand dredging and placement, rock placement, etc.). It is expected that construction related to both vertical and lateral expansion will occur concurrently and is estimated to be completed within two construction seasons. Following completion of the dike construction activities, disruptions will be limited to seasonal inflow activities and trenching and grading necessary for dewatering and cell development. Therefore, disruptions during a two- year construction period would be considered short-term and temporary. Inflow, trenching, and grading would occur for an extended period of time (until approximately 2022); however, disruptions related to these activities are of substantially less magnitude.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.7	*The Draft SEIS Fails to Adequately Assess the Impacts of Sedimentation on Jefferson Island and Continued Deeper Water Access.* In section 5.5.4, the Draft SEIS indicates that decreased water quality will occur from increased sedimentation as a result of the dike construction, dredging, and inflow operations. While stating that monitoring of the discharge of water from the northern expansion's tidal gut and active cells will occur, the residents of Jefferson Island are concerned direct, indirect and cumulative impacts the work will have on general water quality in Poplar Harbor over time. The alignment of the tidal gut suggests that due to increased and concentrated water velocity from tidal flow, sediment may build up in areas north of Jefferson Island and may result in decreased water depth as well as possible increased erosion rates on the northshore of Jefferson Island. Only general statements regarding the potential impacts to Poplar Harbor and Jefferson Island are presented and the report lacks any information on mitigation efforts as required by section 1502.14(f) and 1502.16 (h).	The recommended plan in the Final GRR/SEIS includes an open-water embayment on the west side of the alignment. The tidal gut described as part of the recommended plan in the Draft GRR/SEIS has been removed. Additional hydrodynamic and hydraulic modeling of the new alignment (with open-water embayment) will be conducted during the next design phase of the project.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.7 (continued)	Furthermore, based on a lack of information suggesting otherwise, the complex hydrodynamic analysis expected for a project of this type does not appear to evaluate the impact this project will have on deeper-water access to Jefferson Island. In fact, the section entitled "Navigation and Transport" does not even mention Jefferson and Coaches Islands and what can be expected in terms of sedimentation during the significant period of time this activity is proposed. Beyond hydrodynamic analysis necessary to consider sedimentation issues, deeper water is currently found in the areas immediately north of Jefferson Island, the exact area the USCAE proposes to fill. The Draft Report fails to present any information on the mitigation of adverse impacts this proposed work will have, including what actions the Corps will need to take if it cuts off deeper water access to the island. This potential impact must be addressed and steps, including set-aside funding, will need to be taken to ensure continued access for the residents of the islands if this proposed action is realized.	Deeper water is located to the north of Jefferson Island, however, the controlling water depth is at the Jefferson Island pier. The primary navigation route to the island is through the Poplar Island access channel that is maintained by the USACE/MPA. Continued access through this maintained channel will not be impacted by the proposed project.
Jefferson Island, L.L.C./Timothy Henderson / August 8, 2005	G-1.8	For the reasons stated above, Jefferson Island L.L.C. requests that the USACE expand and revise the Draft SEIS. This should include but not be limited to including the islands in the adverse impact study area and identifying and evaluating techniques to mitigate the significant adverse impacts on the islands. Only after doing so will the USACE be in a position to appropriately define the alternatives, to fully evaluate the adverse impacts of the alternatives and to select the preferred alternative. Absent these corrective steps, the Draft SEIS will be flawed and subject to legal challenge.	Comment noted. See responses to comments G-1.1, G-1.2, G-1.3, G-1.4, G-1.5, and G-1.6.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Coastal Conservation Association (CCA)/Donald Silliman/Aug 8, 2005.	G-2.1	**Support Alternative 1 -** CCA MD supports Alternative 1 with the inclusion of the proposed 130-acre embayment. Alternative 1 would provide for a 575-acre lateral expansion, consisting of 60 percent wetland habitat (including the embayment), 40 percent upland habitat, and the addition of 5-feet of vertical expansion to the existing upland cells.	Comment noted. See response to comment F-1.1.
Coastal Conservation Association (CCA)/Donald Silliman/Aug 8, 2005.	G-2.2	**Concern for Precedent -** The intent of the Poplar Island Project was to re-create the island on the original identified footprint of approximately 1,140 acres, and dedicate 50 percent of the acreage to upland and 50 percent to wetland. Only dredged material from the approach channels to Baltimore Harbor were to be used in the project. Lateral and vertical expansion of the original project were not mentioned as future options, nor were the placement of material from other dredging projects. Our members are concerned that the proposed expansion re-establishes the precedent of creating new fill-areas within the waters of the Chesapeake Bay, that are not identified as foot-prints of historic islands. While the Army Corps of Engineers (ACOE) is required to look at existing permitted areas first for additional dredge deployment, CCA MD would be opposed to the future execution of this policy if it created new island sites, or expanded beyond historic island footprint.	A General Reevaluation Report allows the USACE to reassess a previously authorized project. This process can result in a reformulation of the existing project, as appropriate to changed conditions. The lateral expansion is necessary to meet the short-term placement capacity shortfall for dredged material from the Upper Bay approach channels to the Port of Baltimore. The vertical expansion provides cost-effective capacity and enhances the success of wetland development. It should be noted that while the goal of the original project was to restore the 1847 footprint of 1100 acres, the historical footprint of Poplar Island was considerably larger. Although the expansion area does not fall exactly within the historic footprint, the expansion will provide additional benefits to the original project's goals and objectives, specifically protection of Poplar Harbor. As stated in Sections ES.6, 10.9, and in Chapter 11, results of engineering analyses, agency and public concern, environmental benefit analyses, and incremental cost analysis indicate that future vertical expansion will not provide additional environmental benefits and lateral expansion is unlikely due to geographical constraints.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Coastal Conservation Association (CAA)/Donald Silliman/Aug 8, 2005.	G-2.3	**Mitigation for Areas Lost to Recreational Fishing -** CCA MD supports the concept of embayments and other innovative ideas to mitigate loss of essential fish habitat and recreational fishing opportunities that are developed from the implementation Maryland's Dredged Material Management Plan (DMMP). Our support for this one-time expansion of the Poplar Island Project, and other future projects, is contingent upon the inclusion of effective concepts of sufficient scope to mitigate the loss of recreational fishing opportunities. (*See Citizen Input*)	The inclusion of the open-water embayment as part of recommended plan offsets some loss of Bay bottom and fishery habitat. However, the potential for and extent of recreational use of the embayment feature has not been determined and will be determined in consultation with regulatory and resource agencies.
Coastal Conservation Association (CAA)/Donald Silliman/Aug 8, 2005.	G-2.4	**Recreational Fishing Value and Opportunity -** Maryland's 370,000 saltwater recreational anglers provide over $640 million dollars in annual economic output and $355 million dollars in retail sales to the state of Maryland. It is an important industry supplying almost 7,000 jobs, nearly $7 million in state income taxes and over $25 million in federal income taxes. In addition recreational anglers provide approximately $6 million in license fees, etc. that goes directly to fund over one-third of Maryland's Fisheries Service budget. Projects, such as the Poplar Island Project, should incorporate innovative engineering designs that are designed to enhance recreational fishing opportunities and the economic benefits derived from those activities. Recreational anglers and the businesses they support can be encouraged to support future projects, if those projects include beneficial components for shallow water marine habitats and recreational angling.	The recommended plan includes rock reefs and breakwaters that would provide fisheries habitat. The USACE is willing to evaluate and consider reasonable recommendations for additional engineering designs to enhance recreational fishing opportunities. CCA is encouraged to provide specific suggestions and recommendations to the USACE.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Coastal Conservation Association (CAA)/Donald Silliman/Aug 8, 2005.	G-2.5	**Citizen Input -** The current Poplar Island Project is an excellent example of the constraints of the project's goals/objectives that prohibited the opportunity for innovative concepts to develop beneficial fish habitat, that also serve as effective recreational fishing areas. The current project is placed in an ideal fishing location, but the project's objectives and the engineering design failed to include dual-purpose structures that provide fish habitat as well as recreational fishing opportunities. There are miles of submerged rock, but the structure is almost barren of dependable fishing opportunities for predator finfish. Predators, such as striped bass, red drum, white perch, etc., need some form of structure to break current flows and create eddies, that allow them to maintain a position with minimal exertion, while they wait for opportunities to ambush prey. Recreational anglers and marine fishery experts can offer advice in designing and placement of these types of structure that provide enhance fish habitat and improved fishing opportunities. To avoid this shortcoming in future projects, and to address the wide array of other issues and concerns that these groups generate, CCA MD suggests the development of a citizens advisory group. The advisory group would help the federal and state agencies identify and address issues and concerns during the conceptual development of the projects as well as during the actual implementation phase. In this way many of citizen's issues may be addressed pro-actively early in the process, reducing opposition and building support. In addition, as the project matures the citizens and agencies would have an effective vehicle to deal with developing concerns or issues.	See response to comment G-2.4. The CCA is invited to provide a representative to participate in Poplar Island Working Group meetings, which are held twice annually (typically in April/May and October/November). Information regarding the purpose and responsibilities of the Poplar Island Working Group is detailed in section 9.1.2 of the Final GRR/SEIS.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Maryland Watermen's Association/Larry Simns/Aug 8, 2005	G-3.1	We recognize the benefits of wetlands and the use of existing islands as a use for dredged material placement. At the same time you need to protect the livelihoods of the commercial watermen who work those waters.	The livelihood of the watermen has been considered extensively by the USACE' throughout the planning process. Study constraints (GRR/SEIS Section 4.2) included avoidance of areas that would impose adverse socioeconomic impacts, especially those related to commercial and recreational fisheries and navigation and avoidance of areas extensively used by commercial fisherman. Watermen's input was solicited during public scoping meetings conducted in January 2004, and at subsequent meetings specifically arranged between the USACE' and the MWA (March 2004, August 2004, November 2004, and April 2005 -- see Chapter 9 - public coordination). Other meetings were also held specifically with the Coastal Conservation Association (April 2004), Maryland Saltwater Fishing Association (June 2004 and August 2004), and at a Charter Boat Captain's (October 2004) to solicit input. The southern alignment was removed from additional consideration following input from the watermen, and the MPA is working with MDNR regarding opening of new crabbing areas to offset losses.
Maryland Watermen's Association/Larry Simns/Aug 8, 2005	G-3.2	Russell Dize, First Vice President of the Maryland Watermen's Association (MWA), has been very involved in the public hearing process and has worked closely with this project. The MWA supports Mr. Dize and his leadership as he lives and works in the Tilghman area and, as such, is in touch with the local watermen on a daily basis. It is important that you pay attention to their needs, particularly with regard to the pumping of sand off of the southwest corner of Poplar Island.	The USACE' is working with NMFS and other agencies to minimize the extent of disturbance in the southwest sand borrow area. Sand is required to construct dikes for the project. To the greatest extent possible, sand for construction will be removed from inside of the proposed upland cells. In addition, the incorporation of the open-water embayment will reduce the total quantity of sand needed from the southwest area to build the exterior dikes for the lateral expansion and raise the existing upland dikes at Cells 2 and 6.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Maryland Watermen's Association/Larry Simns/Aug 8, 2005	G-3.3	We ask that you work closely with the Department of Natural Resources to define and locate additional crabbing area to replace the area taken by this project. In the past areas have been taken away and promises to offset the loss have not been honored.	The Maryland Port Administration (MPA) has been coordinating with MDNR to define and locate additional crabbing areas to replace the area that will be lost within the expansion footprint.
Maryland Watermen's Association/Larry Simns/Aug 8, 2005	G-3.4	Additional funds need to be allocated to clean and restore oyster bars in that area to offset the oyster and clam bottom lost to this project. Establishing new oyster bars would aid the entire industry and be a benefit to the watermen who have had to give up ground to work.	The USACE and MPA will continue to identify opportunities to provide enhancements related to the oyster fishery. The PIERP has created an oyster sanctuary and reserve, and has recovered and utilized oyster shell from within dredged material that was placed at the facility.
Maryland Watermen's Association/Larry Simns/Aug 8, 2005	G-3.5	Please consider the watermen's needs and input given here as you make the very important management decisions with the Poplar Island restoration effort.	Comment noted. The USACE will continue to coordinate and seek input from the local watermen throughout the next design phase of the project. During this phase, numerous regulatory and resource agencies will provide input for the design and specifications of the open-water embayment and sand borrow requirements.
Public Comments			
B. Sachau/June 26, 2005	P-1.1	I oppose and object to this project. Best to let natural forces alone. Leave the polluted potential dredge material exactly where it is and where the forces will pollute more material instead of dragging polluted dirt to another site.	Comment noted. No response required.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
B. Sachau/June 26, 2005	P-1.2	National taxpayers oppose and object to this project. The real reason for this is commercial - USACE never does anything for environmental reasons - they seem to be anti environmental in their work.	Comment noted. No response required.
Oral Comments (Delivered at the July 19-20, 2005 public meetings)			

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Talbot County Resident and Recreational Boater/Robert Parker/July 19, 2005	O-1.1	I'm a resident of Talbot County and a recreational boater in the area. We're all in favor of the Poplar Island project. One of the biggest problems recreational boaters have seen is now that Poplar Island is rebuilt, the increased current in the Poplar Narrows, which is a common turnaround we use for the area between Poplar Island and the mainland of Tilghman Island, that current is increased and is now flooding into -- putting sediment into Knapps Narrows, which is a navigable waterway and actual channel that goes between the Choptank River and the bay, and the biggest problem we're seeing now is there is no evidence that anything is going to be done to dredge that right now. I was just wondering if it's possible to use the channel as a possible borrow area and keep that channel open to recreational and commercial watermen in that area. We have a brand new bridge there and everything, and now the channel is filling in and a lot of people can't use that particular area.	Channels configured such as Knapps Narrows (perpendicular to the Bay and Choptank River) tend to shoal and fill quickly. The shoaling in Knapps Narrows is likely a result of the historical long shore currents and sediment transport and channel configuration, not a result of changed current velocities/direction from the construction/restoration of Poplar Island. The USACE-Baltimore District is responsible for maintaining the Knapps Narrows Channel. Historically, the Knapps Narrows Channel has shoaled frequently and required maintenance dredging every 4-5 years. At the current time, federal funding is limited for the maintenance of small navigation channels -- large navigation channels that are important for commercial shipping are given preference over shallow draft channels that don't report commerce and are primarily maintained for commercial, recreational, and local use. When funding becomes available, the Knapps Narrows Channel will be scheduled for maintenance dredging. The volume of sand to be dredged from Knapps Narrows is only a small fraction of what is required for the proposed lateral expansion and dike raising at Poplar Island. Due to the distance to Poplar Island and the small quantity of sand, it would not be cost-effective to dredge and transport the material to the island for construction use. In addition, the material to be dredged from the Knapps Narrows Channel is planned for wetlands restoration along the mainland shoreline.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Director of Parks and Recreation for Talbot Co./Rick Towle/July 19, 2005	O-2.1	I think this is going to provide a lot of opportunities for residents and visitors to Talbot County to experience something extraordinary and do it by natural means, not just mechanical means. They can go by a sailboat or they can go by kayak or canoe out to explore some of these areas, which is an unusual thing because it is close enough to do reasonably for someone who is active in those areas. Generally these types of habitats are much further away and a lot harder to reach. So I think that this is an opportunity for not only now, but for future generations to be able to explore the great outdoors of Maryland, and that's a big thing that we don't always understand and fathom today how important that's going to be tomorrow. So I just really want to say thank you and I appreciate the effort you folks are putting into that.	Comment noted. Recreational components of the island cannot conflict with the purpose of restoration of remote island habitat. The USACE' will continue to coordinate with appropriate regulatory and resource agencies and Talbot County Department of Parks and Recreation to implement recreational components that will satisfy both the project purpose and public interest.
Maryland Port Administration/Nathaniel Brown/July 20, 2005	O-3.1	The Poplar Island environmental restoration project and the expansion of Poplar Island are inclusive elements of the State of Maryland's dredged material management program. The Maryland Port Administration has been working in partnership with the U.S. Army Corps of Engineers on the Poplar Island Environmental restoration project since the project's inception. The MPA supports beneficial use and environmentally responsible placement of dredged material at Poplar Island and the potential expansion of Poplar Island. In addition the MPA looks forward to continually working with the team of federal and state participating agencies and citizens of Maryland and in particular the citizens of Talbot County on successful implementation and completion of the Poplar Island environmental restoration project and expansion of Poplar Island.	Comment noted. No response required.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Maryland Watermen's Association/Russell Dize/July 20, 2005	O-4.1	**Summary: The watermen are not happy with the location of the expansion and the loss of productive crab and clamming areas.** "When we started talking about this proposal way back..., the existing expansion of Poplar Island, we [the watermen] asked at that time that the lower area, the area below where the last cell is [south of the existing project], we asked that area not to be touched, and during our meetings we had no idea that they [the Corps] were going to propose a northern expansion. All of the area on this northern expansion is Grade A clam bottom and crab pot bottom. At the last meeting, we ...asked for this little piece off the side where you were going to dredge for filling sand [the southwest borrow area]... not to be dredged, to get ...[the sand] somewhere else because you're going to disturb... this area [and] mess up the crabbing or clamming. ...[It will be]...ten years before that area will be any good for fishing, clamming, or crabbing in that area."	The watermen's concerns were considered during the plan formulation process and numerous meeting were held to solicit input from the local watermen (see response to comment G-3.1). Initially, the watermen requested that the expansion not encroach on the area south of the existing project and Coaches Island. The USACE removed the southern area from further consideration due to the watermen concerns and focused on the north and west sides of the existing project as potential expansion areas. Subsequent meetings were held with the watermen regarding the positioning of the northern lateral alignment within the geographic constraints of the project area (such as oyster bars, etc.) and the northern alignment was moved to the north and west to avoid crabbing areas and oyster bars, respectively .
Maryland Watermen's Association/Russell Dize/July 20, 2005	O-4.2	**Summary: The watermen are not happy about the 5ft dike raising and believe that Poplar Island will become another Hart-Miller Island** ... we were against is raising the western side of the island. We were told this was going to be a project that would be viewed nationally and internationally and that it wouldn't become a Hart-Miller Island. ...you're already in the first stage of making it a Hart-Miller Island because you're raising it 5 feet. You raised Hart-Miller 40 feet. This can only harm the site. I mean it doesn't do anything [beneficial] for it."	Comment noted. See response to comments G-2.2.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Maryland Watermen's Association/Russell Dize/July 20, 2005	O-4.3	**Summary: The well-being of the watermen and their livelihood has not been considered. Poplar is one of the best crab potting and clamming areas in the Chesapeake Bay. The Corps cares more about the wildlife than the watermen.** "On one of your earlier slides you had all the things that have been saved, the birds, the turtles, the this, the that. I never heard anything about the watermen. I never heard anything about the people that use it. You're only interested in the animals that use it. ... I'm an animal lover and I like that, but I also love the watermen in this area. They are my hometown people, and we're being displaced from this area. It's the prime time, best crab potting area, one of the best clamming areas in all of Chesapeake Bay. The Poplar area is one of the best crab potting and clamming areas in all of the Chesapeake and there has been no love for the watermen of the area, only for the animals. More interest should be taken in the well-being of the watermen of the area."	Comment noted. See response to comments G-3.1 and O-4.1.
Maryland Watermen's Association/Russell Dize/July 20, 2005	O-4.4	**Summary: There is concern that Poplar Island will be expanded again - to the south.** " ... we asked when this project was going that you not bother the southern end. So my question at the last meeting was how do we know when you fill that northern end up, you're not going to go to the southern end, and why are you taking this area now? ... I was told that the Corps makes you look at the original site before you go to any new proposed sites. So ... when that's filled [the northern end]... you have to look at the southern site? ... we [the watermen] keep losing bottom, and we as watermen are losing more and more bottom all the time and we don't have that much bottom out there to lose."	See response to comment G-2.2.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Maryland Watermen's Association/Russell Dize/July 20, 2005	O-4.5	**Summary: The watermen want a crabbing area in Eastern Bay to compensate for the area lost at Poplar Island. There are concerns regarding increased currents and pound netting.** "We're supposed to get -- we've asked for a site in Eastern Bay to compensate for the area lost on the northern area, North Point we call it, that area all the way up to the Eastern Bay channel,... [we've been told] it's moving through channels [at MDNR], but until we have that we've displaced a lot of watermen from working out there. [In addition], the hydraulics [of the area at Poplar] has changed. The water coming through there [Poplar Harbor and adjacent] is so much greater now than it was before... a crab pot with 30 feet of line and a bullet cord with a paddle in it sitting in 5 to 7 feet of water will go under when the tide gets off at full blast. It was never like that in there [before construction]... We can't set pound nets now on the inside because there is too much tide. It washes them down. It breaks them down. Jerry Janet had a couple in there and had to remove them."	See response to comment G-3.3

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Maryland Watermen's Association/Russell Dize/July 20, 2005	O-4.6	**Summary: The watermen feel that the plans are continually changing and they are unhappy with it because they feel it will not stop and they will lose their livelihood. They also said that they were previously unaware regarding the proposed sand dredging and disturbance to the southwestern borrow area.** "Everything isn't hunky-dory with us I just want you to know. It sounds great, but everything isn't hunky-dory with the watermen. We were with you with the first project, the existing project. We thought it would be good, but if you're going to keep going out and up and expanding because they're going to come to us -- I can see it in the future -- [the Corps will say] 'we have to explore the existing area before we can move to a new area like James Island or Barren Island... so we've got to explore [expansion to] the south bar.... if that comes up, then I think it's time that we as the watermen and Talbot County residents see if we can't get some other people involved,.. because I think [the Corps is]... not doing what... [they]...said [they]...were going to do."	Comment noted. See response to comment G-2.2.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Maryland Watermen's Association/Russell Dize/July 20, 2005	O-4.6 (continued)	"We're [the Corps is] changing the plans in the middle of the game. The plans are continually changing. Dredging off that area on the south, that wasn't planned. That was never in there before, but it's in there because you're going to raise the west side 5 feet. Now we've got the northern expansion that takes all North Point, and, ... I asked...if they could probably move it in from the edge because once you get to the edge, that's all oyster bar out there, [because]... if you go right to the edge, that sand does leach over to the oyster bar ....did you address that? ....we've tried to work with you all as much as we could, but we do have a lot of watermen that aren't very happy right now because, like me, I can see what is going to happen. The boss is going to say, hey, you've got to check this area before we move on, but don't lose sight of the watermen that have to work this area. They're a valuable resource, too. They're just as valuable as the blue heron and the turtles and the other things that you're releasing there."	
Coastal Conservation Association of Maryland/Sherman Baynard/July 20, 2005	O-5.1	I live in Centerville, Maryland. I'm representing the Coastal Conservation Association of Maryland. We are a nonprofit organization that is made mainly up of recreational anglers who have concerns and interests in restoring and protecting our marine resources. CCA has just received in the last few days a copy of the EIS, and I enjoyed this presentation because it has been very informative in addition to the paperwork. We have not had sufficient time to review the information to provide a definitive comment, but what I would say is I believe that the organization will support the expansion of Poplar Island.	Comment noted. No response required.

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Coastal Conservation Association of Maryland/Sherman Baynard/July 20, 2005	O-5.2	We like the watermen have concerns. We have concerns that this project will continue to grow as with Hart-Miller Island and expand well beyond what the public has been led to believe. We also have issues with what has been lost. There was 1,100 acres of medium to shallow water habitat that was ideal for recreational activities not only as with the commercials, but we were able to utilize the very shallow water to find excellent light tackle fly fishing for striped bass and many other species. So when you remove that area and replace it with an engineered island, we don't have the opportunities that we once had. We will look to work with the Corps and all the agencies that are involved in this to find methods and reasons to help mitigate that loss. There are actions that could be taken for minimal cost on the current project that would improve the recreational fishing opportunities, and we look forward to working with the expansion project, and we would believe we will support that as long as it includes the embayment that has been suggested.	Comment noted. See response to comments G-2.2, G-2.3, and G-2.4

Table J-1. (continued)

Agency/Contact Name/Date	Comment Code	Comment	Response
Coastal Conservation Association of Maryland/Sherman Baynard/July 20, 2005	O-5.3	We think that's a very important component of this new project, but in addition as other areas are sought for continued use and placement of the dredged spoil, we hope to be involved in the process along with the public in putting forth concepts and advice on how to mitigate the loss that will be accomplished by these additional projects. We suggest that there may be a benefit in developing some form of public work group or committee to be involved in the establishment and development of these future projects. We also have concern that currently your goal does not include replacing or mitigating the loss for the commercial watermen and the recreational community. So we encourage the agencies to openly consider that and keep that as part of the future of these projects.	Comment noted. See response to Comment G-2.5.