

Appendix E

Response to Comments

On the

Draft EA and Proposed Rule

EPA published the draft EA for a 30-day public comment period on May 29, 2020 and accepted comments until June 29, 2020. Simultaneously with the draft EA, EPA issued for public comment a proposed rule to implement Alternative 1. The proposed rule is functionally equivalent to a preliminary Finding of No Significant Impact (FONSI). Both the draft EA and proposed rule were available at www.regulations.gov (Docket ID No. EPA-R09-OW-2020-0188) and at <https://www.epa.gov/ocean-dumping/humboldt-open-ocean-disposal-site-hoods-documents>.

EPA received feedback from a total of four commenters on the draft EA and proposed rule. Based on the comments received, only minor, clarifying wording changes have been made to the EA and proposed rule. The comments received, and EPA's responses, are provided in this Appendix.

Commenter	Date	Comments	EPA Responses
1. Citizen – no name given	5-31-2020	<p>(A) I think this is a great idea to enlarge the dumping site. Has this site been enlarged before? And do you think it will be enlarged again in the future?</p> <p>(B) I think it is important to have specified dumping sites throughout the country and the fact that this is being monitored will help keep this regulation in order. Are there any strict punishments for people that are caught dumping elsewhere?</p> <p>(C) I hope that this enlargement of the site does not cause any harm to marine life in the area</p>	<p>(A) Thank you for your comments. HOODS has not been enlarged before. If disposal continues at the present rate, and no new alternatives become available, the EA estimates that HOODS would not need to be enlarged again for approximately 75 years.</p> <p>(B) EPA manages about 100 ocean dumping sites for dredged material around the country. HOODS is one of 6 sites along the California coast. Dumping is only permitted at designated sites, and only with EPA and USACE approval. Disposers must comply with all site use conditions in their permits, and under the Marine Protection, Research and Sanctuaries Act (MPRSA), EPA has authority to enforce the ocean disposal permit conditions. Civil penalties for violating the conditions can be quite substantial.</p> <p>(C) The evaluation in the EA considered this issue in detail. There have been no significant adverse impacts on marine life or habitat in 25 years of disposal at HOODS, and it is expected that similar disposal in the expanded site in the future also will not result in any significant adverse impacts.</p>

Commenter	Date	Comments	EPA Responses
2. Lance C. Roddy, Cartographer, NOAA	6-5-2020	<p>Dear Mr. Ross, The Marine Chart Division of NOAA's Office of Coast Survey is responsible for charting U.S. coastal waters and certain inland waterways. In keeping with that responsibility, the division depicts the locations of Ocean Dredged Material Disposal Sites in navigable waterways as shown on NOAA ENC - Electronic Navigational Charts. My credentials follow: I am a nautical cartographer; member since December 2004 of the Nautical Data Branch / Marine Chart Division / Office of Coast Survey. I have extensive experience in examining boundaries and regulations associated with Federal Register Proposed and Final Rules as they relate to nautical charting. The purpose of my comments is to provide feedback regarding the Proposed Rule published in Federal Register Vol. 85, No. 104, pp. 32340 - 32346, Friday, May 29, 2020; Docket ID EPA-R09-OW-2020-0188. Subject: Ocean Dumping: Modification of an Ocean Dredged Material Disposal Site Offshore of Humboldt Bay, California Humboldt Open Ocean Disposal Site (HOODS) My comments follow: Per the Summary section on Page 32340, Column 2, "The primary purpose for the site modification is to enlarge the site to serve the long-term need for disposal of permitted, suitable material dredged from Humboldt Harbor and vicinity..." According to Section III, Environmental Statutory Review, Page 32344, Column 2, "Alternative 1, the Proposed Action, is to slightly reorient and expand the existing HOODS boundary by 1 nmi to the north (upcoast) and 1 nmi to the west (offshore)." In Esri ArcMap, I plotted the latitude/longitude corner coordinates for the existing HOODS boundary (see attached 40 CFR Part 228.15, Ch. I, Page 250 [7-1-19 Edition]), and the latitude/longitude corner coordinates for the proposed, modified HOODS boundary as stated on page 32341 (II. Background, Paragraph (b), Column 2) and page 32346 (Section (i), Column 3) of the proposed rule.</p> <p>The proposed expansion encompasses a substantial portion of the existing boundary, but the proposed expansion does</p>	<p>(A) Thank you for your comments. It is indeed EPA's intention that the new boundary for HOODS completely replaces the previous boundary, which must eventually be removed from all maps, charts and related publications. We have added a sentence to the EA and the final rule to make this clear.</p> <p>Generally, EPA's headquarters office periodically coordinates with NOAA regarding updates to the NOAA maps and charts based on final rulemakings that have occurred since the previous round of updates. But we appreciate your catching this issue now, and we look forward to working with NOAA to ensure that charts and maps depicting the expanded HOODS are properly updated at the next appropriate opportunity.</p>

not fully encompass the eastern and southern portions of the existing boundary. The HOODS boundary as depicted on ENC US5CA94M coincides with existing boundary as described in the CFR mentioned above. Please refer to the attached file, "Attachment1_Boundary_and_Chart_Evaluation.pdf".

(A) Is it your agency's intent to expand the boundary without fully encompassing the existing boundary? I request that you re-evaluate the proposed boundary and consider the following three options for publishing the boundary in the Final Rule: 1. Revise the coordinates of the proposed boundary to fully encompass the existing boundary. 2. Retain the coordinates of the proposed boundary and add additional coordinates to represent the vertices formed by the intersection of the existing and proposed boundaries. 3. Based on my evaluation of the EPA Environmental Assessment (pp. 8, 11), dated 4/15/2020, the small areas outside the proposed boundary appear to coincide with a Buffer Zone (No Disposal) of the existing HOODS. If your evaluation unequivocally indicates that dredged material does not exist within the areas of the existing boundary outside of the proposed boundary, then perhaps you could state in the Final Rule that the new boundary completely replaces the previous boundary, which must be removed from all maps, charts and related publications. My goal is to ensure that the cartographic production team of the Marine Chart Division will receive a revised boundary description and coordinates that your Agency explains clearly, and which do not conflict with the charted boundary. The achievement of this goal can lead to an efficient process of revising the boundary on the affected charts. If you have any questions or comments, please feel free to contact me per the contact information that I have provided.

Respectfully, Lance C. Roddy, Cartographer

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3. Larry Simon CA Coastal Commission	6-23-2020	<p>The Commission staff submits the following comment on the May 29, 2020, Federal Register notice regarding the proposed boundary modification to HOODS.</p> <p>(A) The Commission staff looks forward to receiving EPA's consistency determination for the proposed boundary modification and to working with EPA staff on this submittal. Best regards,</p> <p>Larry Simon Manager, Federal Consistency Unit Energy, Ocean Resources and Federal Consistency Division California Coastal Commission</p>	<p>(A) Thank you for your comment. EPA looks forward to presenting our Coastal Consistency Determination (CCD) package for the Commission's review in the coming weeks, and to addressing any specific comments the Commission and staff may have. EPA will not publish the final rule for expanding HOODS until any Commission comments have been fully considered.</p>
4. Tessa Beach and Mark Wiechmann, USACE San Francisco	6-29-2020	<p>From: Wiechmann, Mark J CIV USARMY CESP (USA): Tessa, I'm still looking it over. I have one correction so far: (A) Section 4.1.1, middle of last paragraph (p.28) - change the word "ether" to "either".</p> <p>Everything else, so far, looks fine. -M</p> <p>From: Beach, Tessa E CIV USARMY CESP (USA) Hi Mark, Thanks for your review! If it is just editorial, as with your comment below, (B) I think letting John and Brian know would be fine, we won't need to submit anything formally.</p> <p>Appreciate you wrapping up this review and please let me know if you do end up having any other comments. Respectfully, Tessa Eve Beach, Ph.D. Chief, Environmental Sections</p>	<p>Thank you for your review and comments. EPA appreciates the close working relationship our agencies have enjoyed, and the assistance USACE staff has provided, during development of the HOODS EA and proposed rule.</p> <p>(A) The typographical error in Section 4.1.1 has been corrected.</p> <p>(B) No additional comments from USACE were received.</p>