from the designation of the HOODS. Existing and potential fisheries resources within the HOODS are minimal relative to the other ocean or nearshore alternatives and the site is removed from more important fishing grounds located closer to or within the other alternative sites. Studies have shown that abundances and biomass of demersal fishes and megafaunal invertebrates, as well as abundances and diversity of infaunal invertebrates, at the HOODS are lower than those at the other alternative sites. Water column impacts resulting from disposal of dredged material are expected to be temporary and localized within the site. Therefore, potential impacts to surface and mid-water dwelling organisms, such as seabirds, marine mammals, and midwater fishes, are expected to be insignificant.

EPA has determined that the HOODS represents the environmentally preferred alternative for designation of an open ocean dredged material disposal site for the Humboldt Bay area. Its selection, along with the general and specific restrictions on site use, avoids and minimizes environmental harm from ocean disposal of suitable dredged material to the maximum extent practicable. A Record of Decision (ROD) will not be issued as a separate document; instead this Final Rule will serve as the ROD for designation of the HOODS.

C. Regulatory Requirements

Consistency with the Coastal Zone Management Act. EPA prepared a Coastal Consistency Determination (CCD) document based on the evaluations presented in the Final EIS. The CCD evaluated whether the action-designation of the HOODS as described in the Final EIS as an ocean disposal site for up to 50 years, for dredged material meeting ocean disposal criteria—would be consistent with the provisions of the Coastal Zone Management Act. The CCD was formally presented to the California Coastal Commission at a public hearing on September 13, 1995. The Commissioners voted unanimously to approve EPA's CCD for the HOODS.

Endangered Species Act Consultation. EPA initiated consultations with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) pursuant to provisions of the Endangered Species Act, regarding the potential for designation and use of any of the alternative ocean disposal sites under study to jeopardize the continued existence of any federally listed threatened or endangered species. This consultation process is fully

documented in the Final EIS. No negative comments were received from these agencies.

Compliance with Ocean Dumping Criteria. Five general criteria are used in the selection and approval of ocean disposal sites for continuing use (40 CFR 228.5). First, sites must be selected to minimize interference with other activities, particularly avoiding fishery areas or major navigation areas. Second, sites must be situated such that temporary (during initial mixing) water quality perturbations caused by disposal operations would be reduced to normal ambient levels before reaching any beach, shoreline, sanctuary, or geographically limited fishery area. Third, if site designation studies show that any interim disposal site does not meet the site selection criteria, use of such site shall be terminated as soon as an alternate site can be designated. Fourth, disposal site size must be limited in order to localize for identification and control any immediate adverse impacts, and to facilitate effective monitoring for longrange effects. Fifth, EPA must, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf and/or where historical disposal has occurred.

As described in the Final EIS, the HOODS was specifically selected to comply with these general criteria. First, as discussed further below in discussing the 11 specific site selection criteria, EPA has determined that the HOODS is not a significant fishery area, is not a major navigation area and otherwise has no geographically limited resource values that are not abundant in other parts of this coastal region. Second, as also discussed further below, dredged material deposited at the site is not expected to reach any significant area such as a marine sanctuary, beach, or other important natural resource area. Third, although it is a historically used site, the HOODS is not an interim disposal site. Fourth, the site has an appropriately limited size and has been selected to allow for effective monitoring. Fifth, although the site is not located beyond the continental shelf, it is located in an area historically used for dumping.

In addition to the 5 general criteria, 11 specific site selection criteria are listed in 40 CFR 228.6(a) of the EPA Ocean Dumping Regulations for evaluation of all candidate disposal sites. The 5 general criteria and the 11 specific factors overlap to a great degree. The HOODS site, as discussed below, is also acceptable under each of the 11 specific criteria.

- 1. Geographical position, depth of water, bottom topography and distance from coast (40 CFR 228.6(a)(1)). The HOODS is located between approximately 3 and 4 nautical miles (5 and 7 kilometers) west of the Humboldt Bay entrance and occupies an area of 1 square nautical mile (3 kilometers). Water depths within the area range from 160 to 180 feet (49 to 55 meters). Bathymetric and sediment surveys indicate that the site is located in a depositional area. The site's depositional nature and natural topography is expected to minimize the extent of potential impacts to the benthos, and is expected to facilitate long-term containment of deposited material as well as site monitoring activities.
- 2. Location in relation to breeding. spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases (40 CFR 228.6(a)(2)). The HOODS provides feeding and breeding areas for common resident benthic species. Floating larvae and eggs of various species are expected to be found at and near the water surface at the site as well as the alternative sites evaluated. However, the designation of the site is not expected to affect any geographically limited (i.e., unique) habitats, breeding sites, or critical areas that are essential to rare or endangered species. In comparison to the other alternative sites evaluated, the HOODS has the least potential for adverse impact to commercially important species.
- Location in relation to beaches and other amenity areas (40 CFR 228.6(a)(3)). The HOODS is located between approximately 3 and 4 nautical miles (5 and 7 kilometers) west of the Humboldt Bay entrance and approximately 4 to 7 nautical miles from the closest nearshore resources, beaches, and other coastal amenity areas. Ocean currents in the vicinity of the HOODS flow predominately to the northwest and offshore in the winter and predominately to the southwest and offshore in the summer. Current speeds are usually on the order of 0.5 knot (25 centimeters per second) at the surface and less at depth. These flows may be strongly influenced by local winds and tides. Any residual suspended solids from disposal operations at the HOODS are expected to move primarily to the northwest or southwest depending on the oceanographic season during any one year and generally in the offshore direction throughout the year. Because of the relatively deep depths and slow current speeds, it is predicted that the vast bulk of the disposed material will remain within the disposal site. For the