and other legitimate uses of the ocean (40 CFR 288.6(a)(8)). In evaluating whether dumping activity at the site could interfere with shipping, fishing, recreation, mineral extraction, desalination, areas of scientific importance and other legitimate uses of the ocean, EPA considered both the direct effects from depositing dredged material on the ocean bottom within the HOODS boundaries and the indirect effects associated with vessel traffic that will result from transportation of dredged material to the dump site. Existing information indicates that the site is not a significant fisheries area, is not a significant recreational area, is not a significant area for harvestable minerals, is not a potential staging ground or intake area for desalination activity, is not scientifically important in itself, and otherwise has no geographically limited resource values that are not abundant in other parts of this coastal region. Accordingly depositing dredged material at the site will not interfere with these activities. Finally, vessel traffic involved in transportation of dredged material to the HOODS should also cause no substantial interference with any of the activities discussed above.

9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys (40 CFR 228.6(a)(9)). Existing information and regional studies described in the Final EIS provide the following determinations: Water quality at the HOODS is indistinguishable from the water quality of nearby areas. Sediments contain background levels or low concentrations of trace metal and organic contaminants. The demersal fish community within the HOODS has lower numbers of species and lower abundances than the other alternative sites. The HOODS contains moderate numbers of megafaunal invertebrate species (Dungeness crab) but lower overall abundances compared to the other alternative sites. Infaunal invertebrates (polychaetes, amphipods, and mollusks) within the HOODS show higher diversity and abundance compared to the other alternative sites; however, these infaunal invertebrate trends are similar to the general depth-related trends of the surrounding region. Seabirds, marine mammals, and midwater organisms including juvenile rockfishes are seasonally abundant; however, the HOODS is not considered to have geographically limited resource values that are not also abundant in other alternative sites or other parts of this coastal region. Based on these Final

EIS conclusions, EPA has determined that, compared to the alternative sites evaluated, the HOODS is the environmentally preferred location for ocean disposal site designation.

10. Potentiality for the development or recruitment of nuisance species in the disposal site (40 CFR 228.6(a)(10)). Local opportunistic benthic species characteristic of disturbed conditions are expected to be present and abundant at any ocean dredged material disposal site in response to physical deposition of sediments. Opportunistic polychaetes, such as Capitella, may colonize the disposal site. However, these worms can become food items for local bottom-feeding fish and are not directly harmful to other species. No recruitment of species capable of harming human health or the marine ecosystem is expected to occur at the site. Previous studies of the benthic fauna present at the SF-3 site and at the NDS support the expectation that disposal of dredged material from the Humboldt Bay region will not promote the development of nuisance species.

11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance (40 CFR 228.6(a)(11)). The ocean waters in the vicinity of Humboldt Bay contain sites of numerous vessel accidents and sinkings. Based on previous evaluations for and issuance of MPRSA Section 103 permits, no significant national or cultural features of historical importance have been identified in the vicinity of the HOODS. The California State Historic Preservation Office (SHPO) was contacted for an examination of their inventory and whether there are any known historic shipwrecks or any known aboriginal artifacts at the HOODS or in the vicinity. No negative comments have been received from the SHPO.

D. Site Management and Monitoring of the Hoods

Implementation of site management and monitoring activities for the HOODS is a requirement for site use. These activities must be performed in accordance with the Site Management and Monitoring Plan (SMMP) included in the Final EIS. Failure to implement the monitoring described in the SMMP precludes use of the site for disposal of dredged material until such time when monitoring can be resumed.

The SMMP, jointly administered by EPA Region IX and the Corps San Francisco District, embodies management and monitoring activities. Management activities consists of: Evaluating the suitability of sediments proposed for disposal at the HOODS for

each project; evaluating the adequacy of permit conditions for ocean disposal relative to the performance of the site (e.g., dredged material footprint and overall environmental conditions) as indicated by results of periodic site monitoring; and conducting surveillance and enforcement of permits issued for use of the HOODS. Site monitoring activities are built upon a tiered monitoring approach. These monitoring activities are designed to ensure that the area of acceptable impact is primarily restricted to the disposal site and that unacceptable environmental impacts do not occur beyond the site boundaries. Management decisions at each tier are defined for sediment fate and effects, body burdens of chemicals of concern, or benthic biological community effects. Each tier will require a management decision based on the information gathered. If the null hypothesis for a particular tier is rejected, then a change in site management practices may be instituted, or a more complex set of tests are invoked at the next higher tier to determine the extent of impacts.

Physical monitoring (Tier 1) is expected to occur on an annual basis to determine changes in bathymetry and extent of the dredged material deposit (footprint) relative to the site boundaries. If the footprint extends beyond the site boundary and exceeds 10 centimeters of thickness outside of the site boundary, then an evaluation will be made to determine the potential of adverse physical impacts due to smothering of the benthic resources by the disposed sediments (Tier 2). If EPA determines that the extent of physical impact outside of the site boundary is unacceptable, a change in site management practices will be instituted. If the extent of the footprint is not unacceptable, but the adverse impacts to the benthic resources cannot be clearly attributed only to physical factors (i.e., burial), then an evaluation will be made to determine the potential for adverse impacts to the benthic resources due to elevated chemical contaminants and bioaccumulation (Tier 3).

This monitoring program is designed to facilitate detection of any potential unacceptable adverse impacts due to dredged material disposal, so that decisions about the need for changes in management practices may be made in a timely manner. Depending on the results of the periodic (e.g., annual) monitoring, EPA may at any tier determine that one or more of the following types of site management actions is required: Continue existing site use; implement higher tier monitoring; modify some or all site use