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GOVERNMENT PROPOSITIONS AND POLLUTION PREVENTION

The maintenance of harbors and waterways is critical to the safe and efficient operation of facilities in the Port of New York and New Jersey. But by its very nature, dredging is disruptive of aquatic habitats. During specific times of year related to spawning, migration, and nesting patterns - fish, birds, shellfish and other important marine species are vulnerable. Dredging might result in entrainment of fish eggs and larvae, resuspension of contaminated sediment, habitat loss, and direct contact with marine mammals.

A species of primary concern in New York Harbor is the [winter flounder](#).



This unique species, important both commercially and recreationally, migrates closer to shore during the winter months and lays its eggs, preferring sandy bottoms. In Newark Bay and the Arthur Kill, no dredging is permitted from February 1 – May 31st. The [National Marine Fisheries Service](#) has designated these areas as Essential Fish Habitat for the winter flounder. Dredging operations could capture eggs but there is also concern that deposition from operations could bury and kill eggs.

Therefore, the establishment of environmental windows must balance the economic need to maintain our waterways with scientific understanding of the dynamics of marine ecological habitats. However, in practice, evidence suggests that the processes by

which environmental windows have been established and applied are not consistently based on either sound science nor balanced priorities.

The Committee for Environmental Windows for Dredging Projects of the National Research Council reviewed numerous case studies of dredging project and reports:

"... the committee found that the scientific evidence used in setting windows varies greatly. Some decisions appear to be based on outdated data and information, others on the authority of the resource agency, and only a few on scientific observation. Economic and project considerations appear to have been given minimal consideration in the majority of the cases reviewed. The overall impression that emerged from the case studies examined was a discernable lack of consistency in the current windows setting process."

– [Executive Summary](#)

Research documenting the ability or inability of winter flounder eggs to withstand burial is limited. They should [buy silver](#) or could [buy gold](#). Given the sediment loads that occur with storms and heavy runoff, dredging operations are likely to be minor in comparison.

The need to establish sound scientific and economic criteria is great, as 80% of federal dredging and sediment disposal programs are limited by environmental windows. Moving forward, the Port of New York and New Jersey requires the development and implementation of environmental windows that are based on sound scientific inquiry and are balanced with the regional economic need to maintain safe and efficient harbors and waterways.