

From: "Dot Kelly" <dot@dkelly.org>
Subject: **FW: Follow up on outstanding items. Hope to discuss with you today. Thanks. (UNCLASSIFIED)**
Date: June 6, 2011 8:32:43 AM EDT
To: "Steve Hinchman" <stevhinchman@gmail.com>

-----Original Message-----

From: Almeida, John P NAE [mailto:John.P.Almeida@usace.army.mil]
Sent: Monday, June 06, 2011 7:21 AM
To: Dot Kelly
Cc: Kavanaugh, William M NAE; Pumyea, William G NAE
Subject: RE: Follow up on outstanding items. Hope to discuss with you today.
Thanks. (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Kelly,

After conducting a search, we have provided you with the documents we located that were responsive to your requests, so I'm not aware of any "outstanding items" relating to your past FOIA requests, other than perhaps payment owed to the Corps for the search and processing of your past requests.

Regarding the Biological Opinion and Environmental Assessment, these documents are still not complete.

Below you seem to be asking for new documents, the results of the recent surveys conducted by the Corps and documents relating to ledge in the survey area. These would represent a new request. Please let me know if you are willing to pay fees associated with search and processing, and if there is a dollar limit to your willingness to pay fees.

John P. Almeida
Assistant District Counsel
U.S. Army Corps of Engineers
New England District

-----Original Message-----

From: Dot Kelly [mailto:dot@dkelly.org]
Sent: Monday, June 06, 2011 6:13 AM
To: Almeida, John P NAE
Cc: Kavanaugh, William M NAE; 'Bob Green'
Subject: Follow up on outstanding items. Hope to discuss with you today.
Thanks.

Dear Mr. Almeida,

1. I would like to speak to you today about the outstanding items on my FOIA request.
2. Survey of "Doubling Point Reach". In addition, I specifically request the results of the most recent depth survey that was taken in Long Reach and perhaps extended to Doubling Point and Fiddlers Head. (I would like the full survey and any analysis memos that have been generated). I would like the survey as quickly as possible since it relates to the dredging / disposal proposed for August and a determination of least practicable environmental impact.
3. "Undisclosed ledge in the area of shoaling." Regarding your FOIA response to the April 08 FOIA request. The response did not provide either the location or the depth (e.g. latitude and longitude and depth) of Sample G, which in a previous conversation was described as a ledge. As you know,

the proposed dredging is not planned to remove rock. This FOIA requests all correspondence related to "ledge" in the survey area that is higher than the proposed overdredging amount of -32 feet MLLW - with an immediate focus on providing the location of Sample G from the sampling plan and work that was performed in Dec 2010 through January 2011.

4. Biological Opinion and Environmental Assessment. Both of these documents have not been received. They are integral to a reasoned review of the proposed dredging action and a determination of least practicable environmental impact. These have both been included in previous FOIA requests and I have been told verbally by Mr. Kavanaugh that I would be receiving them when they were complete. I request them formally again.

Thank you for your help and I look forward to speaking to you on these items.

Best regards,

Dot Kelly
98 Pleasant Cove Rd
Phippsburg, ME 04562
207-443-4787

RE: FOIA request for biological opinion report, additional information regarding the 2011 dredging study and the full reports from the draft EA. (UNCLASSIFIED)

-----Original Message-----

From: Almeida, John P NAE [mailto:John.P.Almeida@usace.army.mil]
Sent: Tuesday, April 26, 2011 7:15 AM
To: Dot Kelly
Subject: RE: FOIA request for biological opinion report, additional information regarding the 2011 dredging study and the full reports from the draft EA. (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Kelly,

Your request is being processed and we anticipate that our response will go out within the FOIA's 20 working day timeframe (ie by May 6).

-----Original Message-----

From: Dot Kelly [mailto:dot@dkelly.org]
Sent: Monday, April 25, 2011 3:58 PM
To: Kavanaugh, William M NAE; Almeida, John P NAE
Cc: 'Brenda Cummings'; 'Steve Hinchman'
Subject: RE: FOIA request for biological opinion report, additional information regarding the 2011 dredging study and the full reports from the draft EA.

Dear Mr. Kavanaugh and Mr. Almeida,

Unfortunately I have not heard any response to this FOIA request that was made 17 days ago. Is the request being processed?

Many thanks.

Dot

From: Dot Kelly [mailto:dot@dkelly.org]
Sent: Friday, April 08, 2011 2:18 PM
To: 'William.M.Kavanaugh@usace.army.mil'; 'Almeida, John P NAE'
Cc: 'Brenda Cummings'; 'Steve Hinchman'
Subject: RE: FOIA request for biological opinion report, additional information regarding the 2011 dredging study and the full reports from the draft EA.

Dear Mr. Kavanaugh and Mr. Almeida,

Below is the FOIA request I sent you earlier today. I note that I neglected to attach the document referenced in 2a , the Samplingplan.pdf (January 26, 2011 Memorandum from Mr. P. Nimeskern, to Mr. W. Kavanaugh) which documented that boring logs were to be kept and reported back to Mr. Nimeskern - see bullet 5 in plan.

It is attached fyi. (This document was sent to me by Mr. Almeida as one of the documents in the March 25th email, responsive to my prior FOIA request).

To be clear about what is meant by the requested information in item 2a -

1. Copy of the boring records (boring logs) that were to be sent to Mr. Nimeskern.
2. Other information (such as from what portion of the boring log the samples sent off for grain size analysis were taken).
3. Information on whether samples from the boring logs are still available.

Thank you for processing this FOIA request. I am willing to pay \$50 for the information if necessary.

With best regards,

Dot

From: Dot Kelly [mailto:dot@dkelly.org]
Sent: Friday, April 08, 2011 1:02 PM
To: 'Dot Kelly'; William.M.Kavanaugh@usace.army.mil; 'Almeida, John P NAE'
Cc: 'Brenda Cummings'; 'Steve Hinchman'
Subject: RE: FOIA request for biological opinion report, additional information regarding the 2011 dredging study and the full reports from the draft EA.

1. Biological assessment / biological opinion. I request the full biological assessment/opinion report prepared for National Marine Fisheries as part of the formal consultation process on a biological opinion of the dredging and DISPOSAL associated with the proposed August dredging/disposal of the Lower Kennebec.

2. As per my March 13th request, it does appear that boring records were taken as part of the Lower Kennebec dredge site and disposal site testing discussed in the 3/13/2011 email (attached below).

a. I would like a copy of these boring records and am requesting any additional information including location of the boring samples today that would be considered a FOIA available information. (See the FOIAed memorandum from Phil Nimeskern attached)

b. I would like the coordinates or other record showing the location of sample G, which is a ledge and was initially ignored and then divulged as a result of my FOIA request. However the location was not disclosed.

c. I would like the coordinates for all the samples. The actual coordinates were never disclosed, especially the sample that was not able to be taken at the "Kennebec Narrows" disposal area adjacent to my property.

3. I would like to review the full reports of the important, previously unseen reports in the draft Environmental Assessment. I am happy to come to your offices to review the reports - -and I believe you are required to make them available to me for review. If the pictures are not successfully duplicated to preserve the details of the photos, then I do want to view the originals.

a. Kennebec River Dredging Operations July 1967 by Edwin Mitchell.

i. "The US Army Corps of Engineers' choice of spoil disposal site at this time (emphasis in original) cannot be improved; however, with future pollution abatement inevitable it is the writer's recommendation that future surveys be conducted to determine whether there is a need for re-location of the spoil disposal site to better accommodate the improving water quality of the river".

b. A final report on the effects of dredging and spoil disposal on the sediment characteristics of the clam flats of the lower Kennebec estuary. Larson, Peter F. and Anne C. Johnson. 1982. Bigelow Technical Report No 24.

c. Analysis of Survey Data Kennebec River Disposal Site Sagadahoc County Maine. William A Hubbard. Undated. References repeated bathymetry surveys which have not been disclosed of the "Kennebec Narrows" disposal area. This was Appendix 1 in draft EA dated February 2011

d. BR-IAB-86-4 Biological Report Kennebec River Sagadahoc County Maine. William A. Hubbard. May 5, 1986. US Army Corps of Engineers. Please make sure the full report includes a map showing the areas of analysis and coordinates if available. Appendix 2A of draft EA dated February 2011

e. Biological Report Jackknife Ledge Nearshore Disposal Site Kennebec River, Maine William A. Hubbard. July 6, 1989. US Army Corps of Engineers.

Please let me know if any of this causes a problem or if you have questions. I'm happy to review these documents at your offices or receive the documents by email.

Thanks.

Dot Kelly dot@dkelly.org

98 Pleasant Cove Rd

Phippsburg, ME 04562

207-443-4787

From: Dot Kelly [mailto:dot@dkelly.org]
Sent: Sunday, March 13, 2011 9:30 PM
To: 'William.M.Kavanaugh@usace.army.mil'; 'Almeida, John P NAE'
Subject: FOIA request for the full report from the Kennebec "Doubling Point" Dredging and Disposal Sampling done in 2010 or early 2011

Dear Mr. Kavanaugh and Mr. Almeida,

I am requesting all the reports that were written regarding the sampling done at the Lower Kennebec River dredge sites and disposal sites. From the attachments above, the samples were tested for grain size analysis on January 4, 2011

Particularly I am interested in the sampling methodology and descriptive information about the samples taken from the Doubling Reach area, and the attempted sample taken from the "Bluff Head" disposal area. I would hope that the information discusses how the sampling locations were determined as well as information about all the samples taken. It was surprising that sample "G" was missing from the information that I had received - in that the reports above show results for sample A, B, C, D, (from the mouth of the river) and E, F, H, and I (from the Doubling Reach area). My question is - what happened to sample G?

In addition, I was surprised that in the few pages of summary I had received on the sampling and testing, (see attached) that only one attempt (which failed) for a sample was made in the Bluff Head area, especially since no other sampling has been done (as required by the dredge site disposal regulation in 40 CFR 230). In the Popham Beach dredging area, three samples were attempted in an area that did not yield a viable sample. In speaking

with an environmental testing professional, usually three attempts are made in an area that does not yield a sample on the first try.

I have attached the information which I received regarding the Geotesting grain size work. Please send me a full report on the sampling and testing - as this looks to just be an excerpt. Bill Kavanaugh had previously suggested that he could send me the full report - and I did make that request to him by phone last week, but have not heard from him.

Thank you for your response, as I am finalizing my comments to the proposed dredging permit. I hope to have them finished by Wednesday and it would be helpful for me to review the full dredge sampling information, as that has been used to assert that the material will not have an adverse impact.

With best regards, and hopefully not too much difficulty,

I am willing to pay up to \$50 for the report.

Dot Kelly

98 Pleasant Cove Road

Phippsburg, ME 04562

207-443-4787

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