

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Dr. Nina Archabal
State Historic Preservation Officer
345 Kellogg Boulevard West
St. Paul, MN 55102-1906

Dear Dr. Archabal,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D). Information received as a result of this consultation will be incorporated into our Final Environmental Impact Statement.

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on our undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that our undertaking would have no adverse effect on any historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP). In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and its area of potential effects (APE), including charts of the areas;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties; and
- (4) A description of the undertaking's effects on historic properties using the criteria of effect.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP permits cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

For the purposes of the NHPA, the area of potential effects in Minnesota is defined to be the shipwreck sites themselves. These shipwrecks are listed in the enclosed List of Shipwrecks on the NRHP.

Currently, the IEP allows the following: In Lake Superior, limestone and other clean stone are allowed to be discharged in all areas; iron ore is generally allowed to be discharged 6 statute miles off shore; and coal, salt, cement, and other non-hazardous dry bulk cargoes are allowed to be discharged 13.8 statute miles offshore. There are several special rules that apply to iron ore, coal, salt, and cement, and these can be found in the enclosed IEP. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed.

The Coast Guard’s proposed rulemaking would not alter any of these areas. It would require shippers to keep logs detailing when and where they discharged DCR, and the time it takes to use any voluntary control measures. We would use this data to research the economic costs and benefits of various control measures for reducing dry cargo residue (DCR) and cargo sweeping.

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

We would also complete research on whether the geographical boundaries of the areas where cargo sweeping is permitted by the IEP require any modification.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Minnesota's lakeward boundary. A list of underwater historic sites (shipwrecks) was obtained from the web sites of Minnesota's Historic Preservation Office and the National Register of Historic Places. This list is enclosed for your review. We would appreciate any additional information that should be included in this listing.

Description of the affected historic properties

In Minnesota, nine Great Lakes shipwrecks were identified. Their names, and locations if available, are described in the enclosed List of Shipwrecks on the NRHP. These wrecks provide a link to the past and a forum for education for many people. They have often been important to maritime trade and commerce, and can provide information about past engineering and building. For example, the AMBOY was important to Minnesota's iron ore trade, and no floating vessels of this type are extant. The U.S.S. ESSEX exemplifies the last of the wooden-hulled sailing ships of the U.S. Navy, and it is the last known remaining example of a master shipbuilder, Donald McKay. Such characteristics provide the historical significance of these ships.

Description of the undertaking's effects on historic properties using the criteria of effect

Our undertaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes in accordance with the IEP. The enclosed charts and IEP detail the current discharge restriction areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Tests described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic value of any submerged historic resource. Any submerged resource would be subject to natural sedimentation and potential collision with other settling particles of

similar or greater size (e.g. dead animals, debris, fishing sinkers, etc.) for many decades. If such action altered the historic value of the resource it would occur with or without the DCR discharge.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they already attach to submerged resources, specifically shipwrecks.

Such a small amount of additional sedimentation along shipping tracklines would cause no adverse effect on any structure listed on or eligible for inclusion on the NRHP. Historic resources such as shipwrecks would not be destroyed or damaged, and the characteristics that qualify the structure for inclusion on the NRHP would not be significantly altered by this action. Introduction of atmospheric elements are not expected to diminish the integrity of a specific property's significant historic features nor would it diminish the integrity of an historic district. Nonetheless, the Coast Guard is proposing mitigation measures that would prohibit discharges in certain special protection areas. This would be defined in the EIS.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.5(b), the proposed regulation would have no adverse effect on any historic properties that are present in the area of potential effects. We are seeking your comments on this determination of no adverse effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. We will provide you a copy of the DEIS and FEIS for comment. Thank you, and we look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hime".

Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Mr. Robert Carter Jr.
State Historic Preservation Officer
402 W. Washington Street, W256
Indianapolis, IN 46204-2739

Dear Mr. Carter,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D). Information received as a result of this consultation will be incorporated into our Final Environmental Impact Statement.

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on our undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that our undertaking would have no adverse effect on any historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP). In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and its area of potential effects (APE), including charts of the areas;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties; and
- (4) A description of the undertaking's effects on historic properties using the criteria of effect.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP permits cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

For the purposes of the NHPA, the area of potential effects in Indiana is defined to be the shipwreck site itself. This shipwreck is listed in the enclosed List of Shipwrecks on the NRHP.

Currently, the IEP allows the following: In Lake Michigan, limestone and other clean stone are allowed to be discharged in all areas; iron ore is allowed to be discharged greater than 12 statute miles from shore; and coal and all other non-hazardous dry bulk cargo is allowed to be discharged greater than 13.8 statute miles from shore. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed.

The Coast Guard’s proposed rulemaking would not alter any of these areas. It would require shippers to keep logs detailing when and where they discharged DCR, and the time it takes to use any voluntary control measures. We would use this data to research the economic costs and benefits of various control measures for reducing dry cargo residue (DCR) and cargo sweeping. We would also complete research on whether the geographical boundaries of the areas where cargo sweeping is permitted by the IEP require any modification.

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Indiana's lakeward boundary. A list of underwater historic sites (shipwrecks) was obtained from the web sites of the Indiana Division of Historic Preservation and Archaeology and the National Register of Historic Places. This list is enclosed for your review. We would appreciate any additional information that should be included in this listing.

Description of the affected historic properties

In Indiana, one Great Lakes shipwreck was identified within the APE. Its name, and location if available, is described in the enclosed List of Shipwrecks on the NRHP. These wrecks provide a link to the past and a forum for education for many people. They have often been important to maritime trade and commerce, and can provide information about past engineering and building. The Muskegon was a steam-powered passenger freighter that was converted to a "sand-sucker" before it sank. Such characteristics provide the historical significance of these ships. Indiana also has several other historical shipwrecks that are not listed on the NRHP, are described in its publication "Shipwrecks in Indiana: Underwater Archaeology in Lake Michigan", and have historical value, in that they tell us about technology and design, regional commerce patterns, and social information about the time they were active.

Description of the undertaking's effects on historic properties using the criteria of effect

Our undertaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes in accordance with the IEP. The enclosed charts and IEP detail the current discharge restriction areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Tests described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic value of any submerged historic resource. Any submerged resource would be subject to natural sedimentation and potential collision with other settling particles of similar or greater size (e.g. dead animals, debris, fishing sinkers, etc.) for many decades. If such

action altered the historic value of the resource it would occur with or without the DCR discharge.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they already attach to submerged resources, specifically shipwrecks.

Such a small amount of additional sedimentation along shipping tracklines would cause no adverse effect on any structure listed on or eligible for inclusion on the NRHP. Historic resources such as shipwrecks would not be destroyed or damaged, and the characteristics that qualify the structure for inclusion on the NRHP would not be significantly altered by this action. Introduction of atmospheric elements are not expected to diminish the integrity of a specific property's significant historic features nor would it diminish the integrity of an historic district. Nonetheless, the Coast Guard is proposing mitigation measures that would prohibit discharges in certain special protection areas. This would be defined in the EIS.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.5(b), the proposed regulation would have no adverse effect on any historic properties that are present in the area of potential effects. We are seeking your comments on this determination of no adverse effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. We will provide you a copy of the DEIS and FEIS for comment. Thank you, and we look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hime".

Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Ms. Bernadette Castro
State Historic Preservation Officer
Agency Building #1 Empire State Plaza
Albany, NY 12238

Dear Ms. Castro,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D). Information received as a result of this consultation will be incorporated into our Final Environmental Impact Statement.

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on our undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that our undertaking would have no adverse effect on any historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP). In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and its area of potential effects (APE), including charts of the areas;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties; and
- (4) A description of the undertaking's effects on historic properties using the criteria of effect.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP permits cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

For the purposes of the NHPA, the area of potential effects in New York is defined to be the shipwreck site itself. This shipwreck is listed in the enclosed List of Shipwrecks on the NRHP.

Currently, the IEP allows the following: In Lake Ontario, limestone and other clean stone are allowed to be discharged in all areas; iron ore is allowed to be discharged 6 statute miles from shore; and other non-hazardous dry bulk cargoes are allowed to be discharged 13.8 statute miles from shore. In Lake Erie, limestone and other clean stone are allowed to be discharged in all areas; iron ore is allowed to be discharged 6 statute miles from shore; and coal, salt, and other non-hazardous bulk cargoes are allowed to be discharged 13.8 statute miles from shore. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed.

The Coast Guard’s proposed rulemaking would not alter any of these areas. It would require shippers to keep logs detailing when and where they discharged DCR, and the time it takes to use any voluntary control measures. We would use this data to research the economic costs and benefits of various control measures for reducing dry cargo residue (DCR) and cargo sweeping.

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

We would also complete research on whether the geographical boundaries of the areas where cargo sweeping is permitted by the IEP require any modification.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within New York's lakeward boundary. A list of underwater historic sites (shipwrecks) was obtained from the web sites of New York's Historic Preservation Office and the National Register of Historic Places. This list is enclosed for your review. We would appreciate any additional information that should be included in this listing.

Description of the affected historic properties

In New York, one shipwreck was identified within the APE. Its name, and location if available, is described in the enclosed List of Shipwrecks on the NRHP. These wrecks provide a link to the past and a forum for education for many people. They have often been important to maritime trade and commerce, and can provide information about past engineering and building. The St. Peter was sunk in 1898 in Lake Ontario off of Pultneyville, and is a well-preserved three-masted schooner. Such characteristics provide the historical significance of these ships.

Description of the undertaking's effects on historic properties using the criteria of effect

Our undertaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes in accordance with the IEP. The enclosed charts and IEP detail the current discharge restriction areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Tests described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic value of any submerged historic resource. Any submerged resource would be subject to natural sedimentation and potential collision with other settling particles of similar or greater size (e.g. dead animals, debris, fishing sinkers, etc.) for many decades. If such

action altered the historic value of the resource it would occur with or without the DCR discharge.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they already attach to submerged resources, specifically shipwrecks.

Such a small amount of additional sedimentation along shipping tracklines would cause no adverse effect on any structure listed on or eligible for inclusion on the NRHP. Historic resources such as shipwrecks would not be destroyed or damaged, and the characteristics that qualify the structure for inclusion on the NRHP would not be significantly altered by this action. Introduction of atmospheric elements are not expected to diminish the integrity of a specific property's significant historic features nor would it diminish the integrity of an historic district. Nonetheless, the Coast Guard is proposing mitigation measures that would prohibit discharges in certain special protection areas. This would be defined in the EIS.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.5(b), the proposed regulation would have no adverse effect on any historic properties that are present in the area of potential effects. We are seeking your comments on this determination of no adverse effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. We will provide you a copy of the DEIS and FEIS for comment. Thank you, and we look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hime".

Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Mr. Brian Conway
State Historic Preservation Officer
702 West Kalamazoo Street
P.O. Box 30740
Lansing, MI 48909-8240

Dear Mr. Conway,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D). Information received as a result of this consultation will be incorporated into our Final Environmental Impact Statement.

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on our undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that our undertaking would have no adverse effect on any historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP). In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and its area of potential effects (APE), including charts of the areas;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties; and
- (4) A description of the undertaking's effects on historic properties using the criteria of effect.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP permits cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

For the purposes of the NHPA, the area of potential effects in Michigan is defined to be the shipwreck sites themselves, as well as the entirety of Thunder Bay National Marine Sanctuary (Thunder Bay NMS). These shipwrecks are listed in the enclosed List of Shipwrecks on the NRHP.

Currently, the IEP allows the following: In all areas of Lake Michigan, limestone and other clean stone are allowed to be discharged; iron ore is allowed to be discharged greater than 12 statute miles from shore; and coal and all other non-hazardous dry bulk cargo is allowed to be discharged greater than 13.8 statute miles from shore. Part of the Milwaukee Mid-Lake special protection area lies within the boundary of Michigan, and in this area no discharge of any cargo is allowed. In Lake Superior, limestone and other clean stone are allowed to be discharged in all areas; iron ore is allowed to be discharged 6 statute miles off shore; and coal, salt, cement, and other non-hazardous bulk cargoes are allowed to be discharged 13.8 statute miles offshore. Stannard Rock and Caribou Is. and Southwest Bank special protection areas lie within the boundary of Michigan, and in these areas no discharge of any cargo is allowed. In all areas of Lake Huron, limestone and other clean stone are allowed to be discharged; iron ore is generally allowed to be discharged greater than 6 statute miles from shore; and coal, salt, and other non-

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

hazardous dry bulk cargoes are allowed to be discharged greater than 13.8 statute miles from shore. No discharges of any cargo are allowed in Saginaw Bay or in the Six Fathom Scarp special protection area, part of which lies within the boundary of Michigan. Special rules for some cargoes exist, and these rules are detailed in the enclosed IEP. Charts of the current Great Lakes discharge restriction areas and a copy of the current IEP detailing the enforcement areas within which discharges are prohibited are enclosed.

The Coast Guard's proposed rulemaking would not alter any of these areas. It would require shippers to keep logs detailing when and where they discharged DCR, and the time it takes to use any voluntary control measures. We would use this data to research the economic costs and benefits of various control measures for reducing dry cargo residue (DCR) and cargo sweeping. We would also complete research on whether the geographical boundaries of the areas where cargo sweeping is permitted by the IEP require any modification.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Michigan's lakeward boundary, including Thunder Bay NMS. A list of underwater historic sites (shipwrecks) was obtained from the web sites of Michigan's Historic Preservation Office, NOAA's Thunder Bay NMS, and the National Register of Historic Places. The names and locations (where specified) of these wrecks, as listed on the web sites, is enclosed for your review. We would appreciate any additional information that should be included in this listing.

Description of the affected historic properties

In Michigan, 48 Great Lakes shipwrecks and 65 possible shipwrecks were identified. Their names, and locations if available, are given in the enclosed List of Shipwrecks on the NRHP. These wrecks provide a link to the past and a forum for education for many people, and can provide information about past engineering and building. They have often been important to maritime trade and commerce. Many of the ships were the first of their type, such as the R.J. HACKETT, the first bulk carrier, and are therefore significant. According to NOAA, the Thunder Bay National Marine Sanctuary is being nominated for listing to the NRHP under Criterion C and qualifies for listing as an historic district.

Description of the undertaking's effects on historic properties using the criteria of effect

Our undertaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes in accordance with the IEP. The enclosed charts and IEP detail the current discharge restriction areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled

lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Tests described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic value of any submerged historic resource. Any submerged resource would be subject to natural sedimentation and potential collision with other settling particles of similar or greater size (e.g. dead animals, debris, fishing sinkers, etc.) for many decades.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they already attach to submerged resources, specifically shipwrecks.

Such a small amount of additional sedimentation along shipping tracklines would cause no adverse effect on any structure listed on or eligible for inclusion on the NRHP. Historic resources such as shipwrecks would not be destroyed or damaged, and the characteristics that qualify the structure for inclusion on the NRHP would not be significantly altered by this action. Introduction of atmospheric elements are not expected to diminish the integrity of a specific property's significant historic features nor would it diminish the integrity of an historic district. Nonetheless, the Coast Guard is proposing mitigation measures that would prohibit discharges in certain special protection areas. This would be defined in the EIS and would include Thunder Bay NMS.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.5(b), the proposed regulation would have no adverse effect on any historic properties that are present in the area of potential effects. Our understanding is that you are partnered with the Thunder Bay NMS in the management of the Sanctuary. Please know that we have also addressed a letter to NOAA's Thunder Bay NMS Superintendent. We are seeking your comments on this determination of no adverse effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. We will provide you a copy of the DEIS and FEIS for comment. Thank you, and we look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hime".

Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

Copy: Mr. Jeff Gray, Superintendent, Thunder Bay National Marine Sanctuary
Mr. Wayne Lusardi, State Marine Archaeologist, Thunder Bay National Marine Sanctuary

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Ms. Barbara Franco
State Historic Preservation Officer
300 North Street
Harrisburg, PA 17120

Dear Ms. Franco,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D).

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on the undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that our undertaking would not affect historic properties in the state of Pennsylvania as there are no historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP) that are in our area of potential effects. Our area of potential effects would be any submerged site, structure, district or object that is located within the Pennsylvania state boundaries of Lake Erie. In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and the area of potential effects, including charts of the areas;
- (2) A description of the steps taken to identify historic properties; and
- (3) The basis for determination of no historic properties affected.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP allows cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

Currently, the IEP allows the following: In Lake Erie, limestone and other clean stone are allowed to be discharged in all areas; iron ore is allowed to be discharged 6 statute miles from shore; and coal, salt, and other non-hazardous bulk cargoes are allowed to be discharged 13.8 statute miles from shore. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed. Our area of potential effects would be any submerged site, structure, district or object that is located within the Pennsylvania state boundaries of Lake Erie.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Pennsylvania’s lakeward boundary. No underwater historic sites (shipwrecks) were found after researching the Pennsylvania Bureau for Historic Preservation’s website as well as the National Register of Historic Places. A list of all Great Lakes states’ historic shipwrecks and their locations (where

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

specified) is enclosed. We would appreciate any additional information that should be included in this listing.

Basis for determination of no historic properties affected

Based on the information we collected, there are no submerged historic properties that occur in the discharge areas. This is the main reason for our determination. Also, the IEP currently limits DCR discharges near shore and near ecologically sensitive habitats. The enclosed charts and IEP detail the current discharge restriction areas.

The Coast Guard's proposed rulemaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes, as they have done for the last century, but in accordance with possible restrictions involving mileage limits from shore and special protection areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Studies described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic characteristics of any submerged historic resource. Any sunken ship or other resource would have been subject to natural sedimentation and potential collision with other settling particles of similar or greater size for many decades.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they would already attach to submerged resources, specifically shipwrecks.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.4(d)(1), the proposed regulation would not affect any historic properties. We are seeking any additional information you may have on historic submerged resources and your comments on this determination of no effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. Thank you and we look forward to your response.

Sincerely,



Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Mr. Jeff Gray
Superintendent
Thunder Bay National Marine Sanctuary
500 W. Fletcher
Alpena, MI 49707

Dear Mr. Gray,

The U.S. Coast Guard is preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D). Information received as a result of this consultation will be incorporated into our Final Environmental Impact Statement.

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. The USCG is writing to inform NOAA Thunder Bay NMS of our findings under the National Historic Preservation Act (NHPA) of 1966, as amended, since the Thunder Bay National Marine Sanctuary (TB NMS) is situated in an area of potential effects. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

Our understanding is that you are partnered with the Michigan State Historic Preservation Officer (MI SHPO) in the management of Thunder Bay NMS. Please know that we have also addressed a letter to Mr. Brian D. Conway, the MI SHPO, providing this information and seeking comment. It is our opinion that our undertaking would not adversely affect any historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP). In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we provided the MI SHPO the following documentation:

- (1) A description of the undertaking and its area of potential effects (APE), including charts of the areas;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties; and

- (4) A description of the undertaking's effects on historic properties using the criteria of effect.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard "interim enforcement policy" (IEP) that allows "incidental discharges" of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP permits cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain "special protection areas"¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be "garbage," or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

For the purposes of the NHPA, the area of potential effects in Michigan is defined to be the shipwreck sites themselves, as well as the entirety of Thunder Bay National Marine Sanctuary (Thunder Bay NMS). These shipwrecks are listed in the enclosed List of Shipwrecks on the NRHP.

Currently, the IEP allows the following: In Thunder Bay NMS, discharges of limestone and other clean stone are allowed in all areas; iron ore is allowed to be discharged 6 statute miles from shore; and coal, salt, and other non-hazardous dry bulk cargoes are allowed to be discharged 13.8 statute miles from shore. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed.

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

The Coast Guard's proposed rulemaking would not alter any of these areas. It would require shippers to keep logs detailing when and where they discharged DCR, and the time it takes to use any voluntary control measures. We would use this data to research the economic costs and benefits of various control measures for reducing dry cargo residue (DCR) and cargo sweeping. We would also complete research on whether the geographical boundaries of the areas where cargo sweeping is permitted by the IEP require any modification.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Thunder Bay NMS. A list of underwater historic sites (shipwrecks) was obtained from the web site of the Sanctuary. This list is enclosed for your review. We would appreciate any additional information that should be included in this listing.

Description of the affected historic properties

In TB NMS, 39 known and 65 possible Great Lakes shipwrecks were identified. Their names, and locations if available, are described in the enclosed List of Shipwrecks on the NRHP. These wrecks provide a link to the past and a forum for education for many people. They have often been important to maritime trade and commerce. Many of the ships are very well-preserved, and they are of diverse types. They reflect transitions in vessel architecture and construction while conveying stories of Great Lakes transportation and commerce. This collection of ships is nationally and internationally significant.

Description of the undertaking's effects on historic properties using the criteria of effect

Our undertaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes in accordance with the IEP. The enclosed charts and IEP detail the current discharge restriction areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Tests described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they

would not alter the historic value of any submerged historic resource. Any submerged resource would be subject to natural sedimentation and potential collision with other settling particles of similar or greater size (e.g. dead animals, debris, fishing sinkers, etc.) for many decades. If such action altered the historic value of the resource it would occur with or without the DCR discharge.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they already attach to submerged resources, specifically shipwrecks.

Such a small amount of additional sedimentation along shipping tracklines would cause no adverse effect on any structure listed on or eligible for inclusion on the NRHP. Historic resources such as shipwrecks would not be destroyed or damaged, and the characteristics that qualify the structure for inclusion on the NRHP would not be significantly altered by this action. Introduction of atmospheric elements are not expected to diminish the integrity of a specific property's significant historic features nor would it diminish the integrity of an historic district. Nonetheless, the Coast Guard is proposing mitigation measures that would prohibit discharges in certain special protection areas. This would be defined in the EIS and would include Thunder Bay NMS.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.5(b), the proposed regulation would have no adverse effect on any historic properties that are present in the area of potential effects. We are seeking your comments on this determination of no adverse effect as well. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

We would appreciate your comments to the address above within thirty (30) days from your receipt of this letter. We will provide you a copy of the DEIS and FEIS for comment. Thank you, and we look forward to working with your office on this project.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hime".

Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

Copy: Mr. Brian D. Conway, Michigan Historic Preservation Officer
Mr. Wayne Lusardi, State Marine Archaeologist, Thunder Bay National Marine Sanctuary

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Mr. Wayne Lusardi
State Marine Archaeologist
Thunder Bay National Marine Sanctuary
500 W. Fletcher
Alpena, MI 49707

Dear Mr. Lusardi,

The U.S. Coast Guard is preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D). Information received as a result of this consultation will be incorporated into our Final Environmental Impact Statement.

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. The USCG is writing to inform NOAA Thunder Bay NMS of our findings under the National Historic Preservation Act (NHPA) of 1966, as amended, since the Thunder Bay National Marine Sanctuary (TB NMS) is situated in an area of potential effects. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

Our understanding is that you are partnered with the Michigan State Historic Preservation Officer (MI SHPO) in the management of Thunder Bay NMS. Please know that we have also addressed a letter to Mr. Brian D. Conway, the MI SHPO, providing this information and seeking comment. It is our opinion that our undertaking would not adversely affect any historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP). In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we provided the MI SHPO the following documentation:

- (1) A description of the undertaking and its area of potential effects (APE), including charts of the areas;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties; and

- (4) A description of the undertaking's effects on historic properties using the criteria of effect.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard "interim enforcement policy" (IEP) that allows "incidental discharges" of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP permits cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain "special protection areas"¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be "garbage," or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

For the purposes of the NHPA, the area of potential effects in Michigan is defined to be the shipwreck sites themselves, as well as the entirety of Thunder Bay National Marine Sanctuary (Thunder Bay NMS). These shipwrecks are listed in the enclosed List of Shipwrecks on the NRHP.

Currently, the IEP allows the following: In Thunder Bay NMS, discharges of limestone and other clean stone are allowed in all areas; iron ore is allowed to be discharged 6 statute miles from shore; and coal, salt, and other non-hazardous dry bulk cargoes are allowed to be discharged 13.8 statute miles from shore. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed.

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

The Coast Guard's proposed rulemaking would not alter any of these areas. It would require shippers to keep logs detailing when and where they discharged DCR, and the time it takes to use any voluntary control measures. We would use this data to research the economic costs and benefits of various control measures for reducing dry cargo residue (DCR) and cargo sweeping. We would also complete research on whether the geographical boundaries of the areas where cargo sweeping is permitted by the IEP require any modification.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Thunder Bay NMS. A list of underwater historic sites (shipwrecks) was obtained from the web site of the Sanctuary. This list is enclosed for your review. We would appreciate any additional information that should be included in this listing.

Description of the affected historic properties

In TB NMS, 39 known and 65 possible Great Lakes shipwrecks were identified. Their names, and locations if available, are described in the enclosed List of Shipwrecks on the NRHP. These wrecks provide a link to the past and a forum for education for many people. They have often been important to maritime trade and commerce. Many of the ships are very well-preserved, and they are of diverse types. They reflect transitions in vessel architecture and construction while conveying stories of Great Lakes transportation and commerce. This collection of ships is nationally and internationally significant.

Description of the undertaking's effects on historic properties using the criteria of effect

Our undertaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes in accordance with the IEP. The enclosed charts and IEP detail the current discharge restriction areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Tests described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they

would not alter the historic value of any submerged historic resource. Any submerged resource would be subject to natural sedimentation and potential collision with other settling particles of similar or greater size (e.g. dead animals, debris, fishing sinkers, etc.) for many decades. If such action altered the historic value of the resource it would occur with or without the DCR discharge.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they already attach to submerged resources, specifically shipwrecks.

Such a small amount of additional sedimentation along shipping tracklines would cause no adverse effect on any structure listed on or eligible for inclusion on the NRHP. Historic resources such as shipwrecks would not be destroyed or damaged, and the characteristics that qualify the structure for inclusion on the NRHP would not be significantly altered by this action. Introduction of atmospheric elements are not expected to diminish the integrity of a specific property's significant historic features nor would it diminish the integrity of an historic district. Nonetheless, the Coast Guard is proposing mitigation measures that would prohibit discharges in certain special protection areas. This would be defined in the EIS and would include Thunder Bay NMS.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.5(b), the proposed regulation would have no adverse effect on any historic properties that are present in the area of potential effects. We are seeking your comments on this determination of no adverse effect as well. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

We would appreciate your comments to the address above within thirty (30) days from your receipt of this letter. We will provide you a copy of the DEIS and FEIS for comment. Thank you, and we look forward to working with your office on this project.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hime".

Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

Copy: Mr. Brian D. Conway, Michigan Historic Preservation Officer
Mr. Jeff Gray, Superintendent, Thunder Bay National Marine Sanctuary

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Mr. Michael Stevens
State Historic Preservation Officer
816 State Street
Madison, WI 53706

Dear Mr. Stevens,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D). Information received as a result of this consultation will be incorporated into our Final Environmental Impact Statement.

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on our undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that our undertaking would have no adverse effect on any historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP). In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and its area of potential effects (APE), including charts of the areas;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties; and
- (4) A description of the undertaking's effects on historic properties using the criteria of effect.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP permits cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

For the purposes of the NHPA, the area of potential effects in Wisconsin is defined to be the shipwreck sites themselves. These shipwrecks are listed in the enclosed List of Shipwrecks on the NRHP.

Currently, the IEP allows the following: In Lake Superior, limestone and other clean stone are allowed to be discharged in all areas; iron ore is generally allowed to be discharged 6 statute miles off shore; and coal, salt, cement, and other non-hazardous dry bulk cargoes are allowed to be discharged 13.8 statute miles offshore. There are several special rules that apply to iron ore, coal, salt, and cement, and these can be found in the IEP. In Lake Michigan, limestone and other clean stone are allowed to be discharged in all areas; iron ore is allowed to be discharged greater than 12 statute miles from shore; and coal and all other non-hazardous dry bulk cargo are allowed to be discharged greater than 13.8 statute miles from shore. There are several special rules that apply to iron ore and coal, and these are detailed in the enclosed IEP. No discharge of any cargo except clean stone is allowed in Green Bay, and no discharge of any cargo is allowed in the Milwaukee Mid-Lake Special Protection Area. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed.

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

The Coast Guard's proposed rulemaking would not alter any of these areas. It would require shippers to keep logs detailing when and where they discharged DCR, and the time it takes to use any voluntary control measures. We would use this data to research the economic costs and benefits of various control measures for reducing dry cargo residue (DCR) and cargo sweeping. We would also complete research on whether the geographical boundaries of the areas where cargo sweeping is permitted by the IEP require any modification.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Wisconsin's lakeward boundary. A list of underwater historic sites (shipwrecks) was obtained from the web sites of the Wisconsin Historical Society and the National Register of Historic Places. This list is enclosed for your review. We would appreciate any additional information that should be included in this listing.

Description of the affected historic properties

In Wisconsin, 22 Great Lakes shipwrecks were identified within the APE. Their names, and locations if available, are described in the enclosed List of Shipwrecks on the NRHP. These wrecks provide a link to the past and a forum for education for many people. They have often been important to maritime trade and commerce, and can provide information about past engineering and building. For example, the Appomattox was the largest wooden steam bulk freighter on the Great Lakes and was designed by a master shipbuilder. The Daniel Lyons was the first three-masted canaller and became the signature design of its shipyard at Oswego. Such characteristics provide the historical significance of these ships.

Description of the undertaking's effects on historic properties using the criteria of effect

Our undertaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes in accordance with the IEP. The enclosed charts and IEP detail the current discharge restriction areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Tests described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more

than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic value of any submerged historic resource. Any submerged resource would be subject to natural sedimentation and potential collision with other settling particles of similar or greater size (e.g. dead animals, debris, fishing sinkers, etc.) for many decades. If such action altered the historic value of the resource it would occur with or without the DCR discharge.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they already attach to submerged resources, specifically shipwrecks.

Such a small amount of additional sedimentation along shipping tracklines would cause no adverse effect on any structure listed on or eligible for inclusion on the NRHP. Historic resources such as shipwrecks would not be destroyed or damaged, and the characteristics that qualify the structure for inclusion on the NRHP would not be significantly altered by this action. Introduction of atmospheric elements are not expected to diminish the integrity of a specific property's significant historic features nor would it diminish the integrity of an historic district. Nonetheless, the Coast Guard is proposing mitigation measures that would prohibit discharges in certain special protection areas. This would be defined in the EIS.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.5(b), the proposed regulation would have no adverse effect on any historic properties that are present in the area of potential effects. We are seeking your comments on this determination of no adverse effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. We will provide you a copy of the DEIS and FEIS for comment. Thank you, and we look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hime".

Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Ms. Rachel Tooker
State Historic Preservation Officer
567 E. Hudson Street
Columbus, OH 43211-1030

Dear Ms. Tooker,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D).

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on the undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that our undertaking would not affect historic properties in the state of Ohio as there are no historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP) that are in our area of potential effects. Our area of potential effects would be any submerged historic site, structure, district or object that is located within the Ohio state boundaries of Lake Erie. In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and its area of potential effects, including charts of the areas;
- (2) A description of the steps taken to identify historic properties; and
- (3) The basis for determination of no historic properties affected.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP allows cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

Currently, the IEP allows the following: In Lake Erie, limestone and other clean stone are allowed to be discharged in all areas; iron ore is allowed to be discharged 6 statute miles from shore; and coal, salt, and other non-hazardous dry bulk cargoes are allowed to be discharged 13.8 statute miles from shore. There are several special rules covering the Western Basin of the Lake, and these are detailed in the enclosed IEP. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed. Our area of potential effects would be any submerged historic site, structure, district or object that is located within the Ohio state boundaries of Lake Erie.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Ohio’s lakeward boundary. No underwater historic sites (shipwrecks) were found after researching the Ohio Historic Preservation Office’s website as well as the National Register of Historic Places. A list of all

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

Great Lakes states' historic shipwrecks and their locations (where specified) is enclosed. We would appreciate any additional information that should be included in this listing.

Basis for determination of no historic properties affected

Based on the information we collected, there are no submerged historic properties that occur in the discharge areas. This is the main reason for our determination. Also, the IEP currently limits DCR discharges near shore and near ecologically sensitive habitats. The enclosed charts and IEP detail the current discharge restriction areas.

The Coast Guard's proposed rulemaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes, as they have done for the last century, but in accordance with possible restrictions involving mileage limits from shore and special protection areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Studies described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic value of any submerged historic resource. Any sunken ship or other resource would have been subject to natural sedimentation and potential collision with other settling particles of similar or greater size for many decades.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they would already attach to submerged resources, specifically shipwrecks.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.4(d)(1), the proposed regulation would not affect any historic properties. We are seeking any additional information you may have on historic submerged resources and your comments on this determination of no effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. Thank you and we look forward to your response.

Sincerely,



Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-5231
Phone: (202) 372-1479
Fax: (202) 372-1928
Email: Gregory.B.Kirkbride@uscg.mil

16452

Mr. William Wheeler
State Historic Preservation Officer
1 Old State Capitol Plaza
Springfield, IL 62701-1512

Dear Mr. Wheeler,

The U.S. Coast Guard is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and would like to expedite consultation as per 36 CFR 800.3(g). We are preparing an Environmental Impact Statement (EIS) to support a rulemaking to regulate the discharge of dry cargo residues by ships in the Great Lakes. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 as implemented by the Council of Environmental Quality regulations (40 CFR parts 1500-1508) and Coast Guard Policy for Considering Environmental Impacts (COMDTINST M16475.D).

The Coast Guard is integrating the NHPA process and other environmental laws into the NEPA process. Therefore, in accordance with the NHPA, the USCG is writing to provide you documentation on the undertaking (regulating dry cargo discharges) and our findings. The undertaking will be the subject of a Notice of Proposed Rulemaking (NPRM) which we plan to publish later this year. As the internal clearance process for the NPRM is at a very preliminary stage, our description of the undertaking is necessarily subject to change and not ready for general external discussion.

It is our opinion that the undertaking would not affect historic properties in the state of Illinois as there are no historic properties listed on or eligible for listing on the National Register of Historic Places (NRHP) that are in our area of potential effects. Our area of potential effects would be any submerged site, structure, district or object that is located within the Illinois state boundaries of Lake Michigan. In accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800.11, we are submitting the following documentation:

- (1) A description of the undertaking and the area of potential effects, including charts of the areas;
- (2) A description of the steps taken to identify historic properties; and
- (3) The basis for determination of no historic properties affected.

Description of the undertaking

The Coast Guard proposes to amend its regulations in accordance with an existing policy that allows for the discharge of non-toxic and non-hazardous bulk dry cargo residues like limestone, iron ore, and coal in limited areas of the Great Lakes. The proposed requirements for recordkeeping would be added and shippers would be encouraged to adopt voluntary control measures for reducing discharges, such as sweeping spilled cargo and returning it to the holds, or using U-shaped conveyor belts to prevent the cargo from falling from the belt during loading and unloading. The historical practice of bulk dry cargo ships on the Great Lakes is to wash non-hazardous and non-toxic dry cargo residues overboard in limited areas of the Lakes. Current environmental statutes, such as the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), if strictly enforced, would entirely prohibit these discharges. However, since 1993, the Great Lakes shipping industry has operated under a Coast Guard “interim enforcement policy” (IEP) that allows “incidental discharges” of non-toxic and non-hazardous bulk dry cargo residue on the Great Lakes. The IEP allows cargo sweeping only in defined waters that are not especially sensitive environmentally, most of which are relatively deep and far from shore. Certain “special protection areas”¹ are excluded from any sweeping. Congress first approved the IEP in 1998 and has mandated its continuation ever since. The IEP does not change the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be “garbage,” or any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead.

Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations. The Coast Guard proposes to adopt the IEP as the basis for regulations, possibly adding new requirements such as standardized record-keeping by vessels that discharge dry cargo residue and encouraging the use of voluntary control measures to reduce DCR discharges.

Currently, the IEP allows the following: In all areas of Lake Michigan, limestone and other clean stone are allowed to be discharged; iron ore is allowed to be discharged greater than 12 statute miles from shore; and coal and all other non-hazardous, non-toxic dry bulk cargoes are allowed to be discharged greater than 13.8 statute miles from shore. Part of the Waukegan special protection area lies within the boundary of Illinois, and in this area no discharge of any cargo is allowed. Charts of the current Great Lakes discharge restriction areas and a copy of the IEP detailing the enforcement areas within which discharges are prohibited are enclosed. Our area of potential effects would be any submerged site, structure, district or object that is located within the Illinois state boundaries of Lake Michigan.

Description of the steps taken to identify historic properties

The Coast Guard researched submerged historic resources within Illinois’ lakeward boundary. No underwater historic sites (shipwrecks) were found after researching the Illinois Historic Preservation Agency’s website as well as the National Register of Historic Places. A list of all

¹ Special Protection Areas are generally shallow areas that are important for spawning and nursery habitat for fish species, and these areas are defined on the enclosed charts.

Great Lakes states' historic shipwrecks and their locations (where specified) is enclosed. We would appreciate any additional information that should be included in this listing.

Basis for determination of no historic properties affected

Based on the information we collected, there are no submerged historic properties that occur in the discharge areas. This is the main reason for our determination. Also, the IEP currently limits certain DCR discharges near shore and near ecologically sensitive habitats. The enclosed charts and IEP detail the current discharge restriction areas.

The Coast Guard's proposed rulemaking would allow dry cargo carriers to continue sweeping DCR from their decks and discharging it into the Great Lakes, as they have done for the last century, but in accordance with possible restrictions involving mileage limits from shore and special protection areas.

Disturbance of bottom sediments from deck sweepings along shipping tracklines is estimated to be only millimeters thick. The DCR deposited along shipping tracklines was estimated from voluntary ships' logs, and the estimated deposition rates for all types of DCR in all sampled lakes ranged from 0.00003 to 0.005 mm/yr on average in various segments of shipping tracklines. The conservative estimate (taking into account the uncertainty of deposited DCR distribution) of this rate is approximately 2.5 percent or less of the natural sediment deposition rate (which ranges between 0.2 and 6.3 mm/yr in Lakes Erie, Michigan and Superior).

Studies described in the DEIS show that the average maximum velocity of taconite descending through the water column is 70 cm/s for a 4.5-gram mass (which is the average mass of a taconite pellet, the densest dry cargo). Because the majority of DCR particles are small (no more than 3/4 inch) with a varying but smaller percentage up to 1.5 inches in diameter for different cargo types, and DCR particles singly or together are falling through many feet of water, they would not alter the historic characteristics of any submerged historic resource. Any sunken ship or other resource would have been subject to natural sedimentation and potential collision with other settling particles of similar or greater size for many decades.

During the Coast Guard's research into the potential impacts of this practice, it was found that the often sandy or muddy substrate of the Lakes could gain an increased proportion of hard surfaces due to certain types of discharge. This is important to note because certain invasive mussel species may have a preference to attach and create habitat in hard substrate environments. However, it is not expected that the dry cargo sedimentation would attract invasive mussel species at a greater rate or more successfully than they would already attach to submerged resources, specifically shipwrecks.

Based on the above and enclosed information, it is our opinion that, in accordance with 36 CFR 800.4(d)(1), the proposed regulation would not affect any historic properties. We are seeking any additional information you may have on historic submerged resources and your comments on this determination of no effect. For further information or if you have any questions, please do not hesitate to contact:

Mr. Greg Kirkbride
Project Environmental Analyst
Standards Evaluation and Analysis Division
Office of Standards Evaluation and Development
Phone: 202-372-1479
E-mail: Gregory.B.Kirkbride@uscg.mil

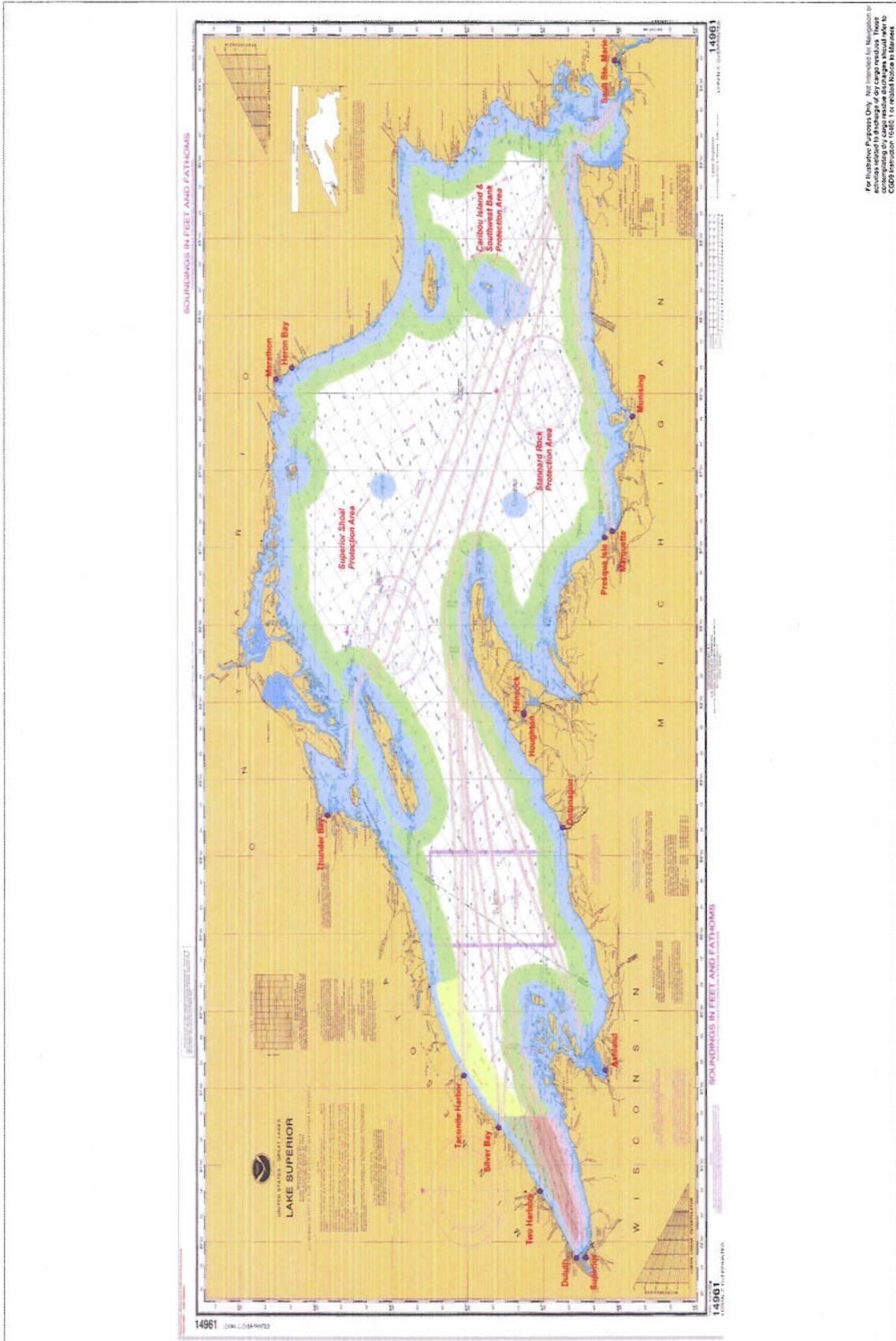
Please review our proposed compliance with 36 CFR 800.3 through 800.6 as stipulated in this letter and enclosures. Submit your comments to the address above within thirty (30) days from your receipt of this letter. Thank you and we look forward to your response.

Sincerely,



Howard L. Hime
Chief, Office of Standards Evaluation and
Development

3 Enclosures



14961
 SOUNDINGS IN FEET AND FATHOMS

Dry Cargo Residue Discharge Study

Lake Superior

Interim Discharge Restriction Areas

July 15, 2005

For Further Purposes Only. Not Intended for Navigation or
 accounts opened to a discharge of dry cargo residue. These
 accounts are for informational purposes only. For more information
 contact the U.S. Coast Guard at 202-368-7000 or visit
 CGDR Information Page: www.uscg.mil

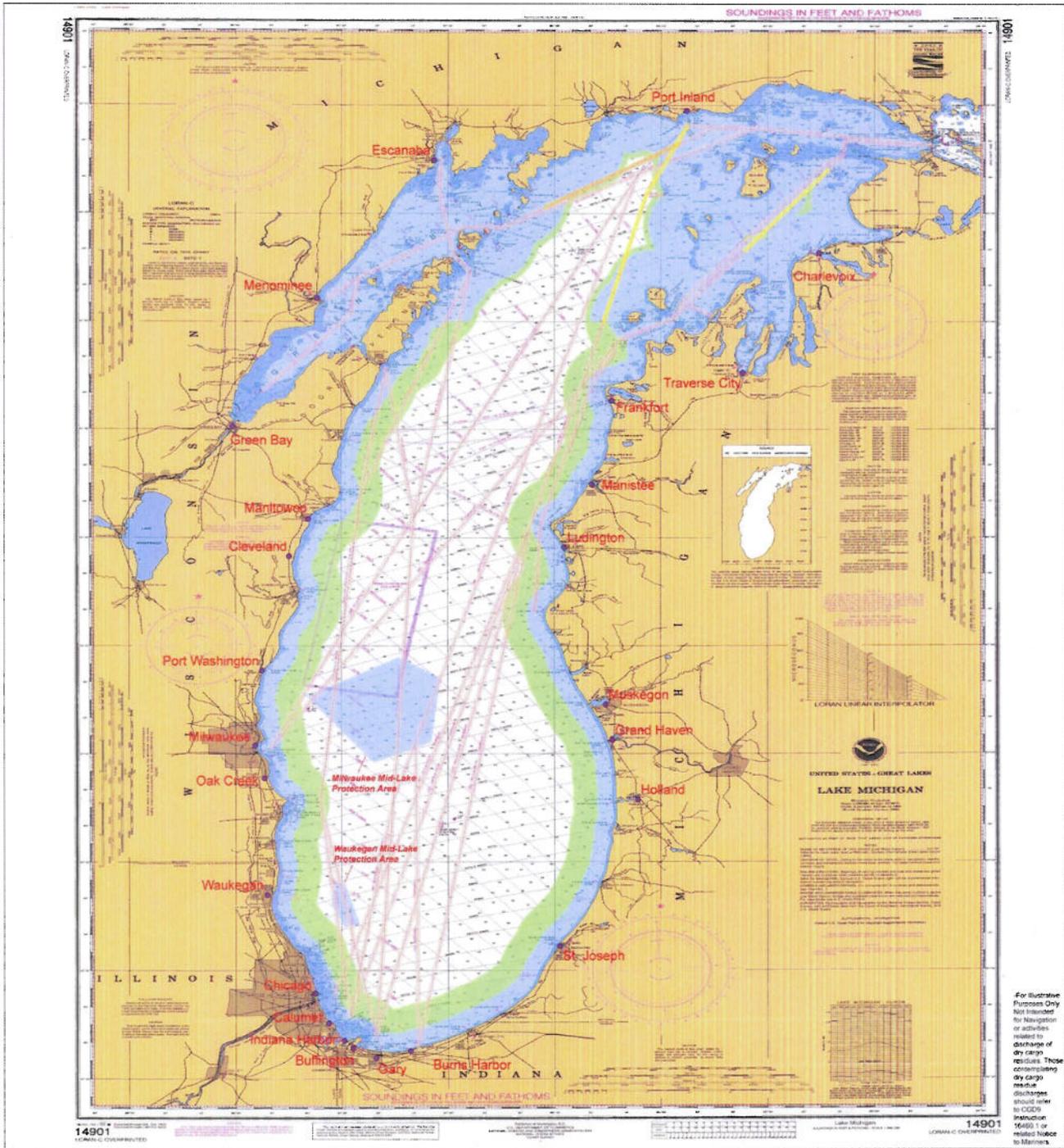
2100 Second St. SW
 Washington, DC 20593-0001



NOTES:
 1. This map was prepared by the U.S. Coast Guard, Lake Superior and Great Lakes Division, and is intended for informational purposes only. It is not intended for navigation or for use in determining liability for cargo residue discharge.
 2. The U.S. Coast Guard is not responsible for the accuracy of the information contained on this map.
 3. The U.S. Coast Guard is not responsible for the accuracy of the information contained on this map.
 4. The U.S. Coast Guard is not responsible for the accuracy of the information contained on this map.
 5. The U.S. Coast Guard is not responsible for the accuracy of the information contained on this map.

Cargo Residue Discharge Restriction Zones

Blue	Prohibited Zone
Green	Restricted Zone
Yellow	Controlled Zone
Pink	Shipping Lane
White	Other



14901
LORAN-C COVERED

14901
LORAN-C COVERED



NOTES:
Materials specified by the Interim Guidance include Limestone and Other Clean Stone, Iron Ore, Coal, Salt, and Cement.
"Unspecified Cargoes" refers to all non-hazardous dry cargo not specifically covered by the Interim Guidance.
Restrictions on Limestone and Other Clean Stone: No distance limitations, as long as there is no apparent impact on sensitive fish spawning areas, and potable water intakes.
Rules for Iron Ore Discharge: Discharge allowed at 4.75 miles off Big Stable Point and Point Pelee along established LCA track lines. Discharge allowed along 55° 25' LCA track line between point due east of Poverty Island to a point due south of Port Inland Light.
Rules for Coal Discharge: Discharge allowed along 013° 51' LCA track line between 45° N and Boulder Reef and along 022° 5' LCA track running 23.25 miles between Boulder Reef and the charted position of Red Buoy #2. Discharge allowed along 037° LCA track line between 45° 20' N and 45° 42' N. Discharge allowed at 3 miles for coal carried between Manistee and Ludington along customary route. Discharge allowed along 056° 25' LCA track line between point due east of Poverty Island to a point due south of Port Inland Light.

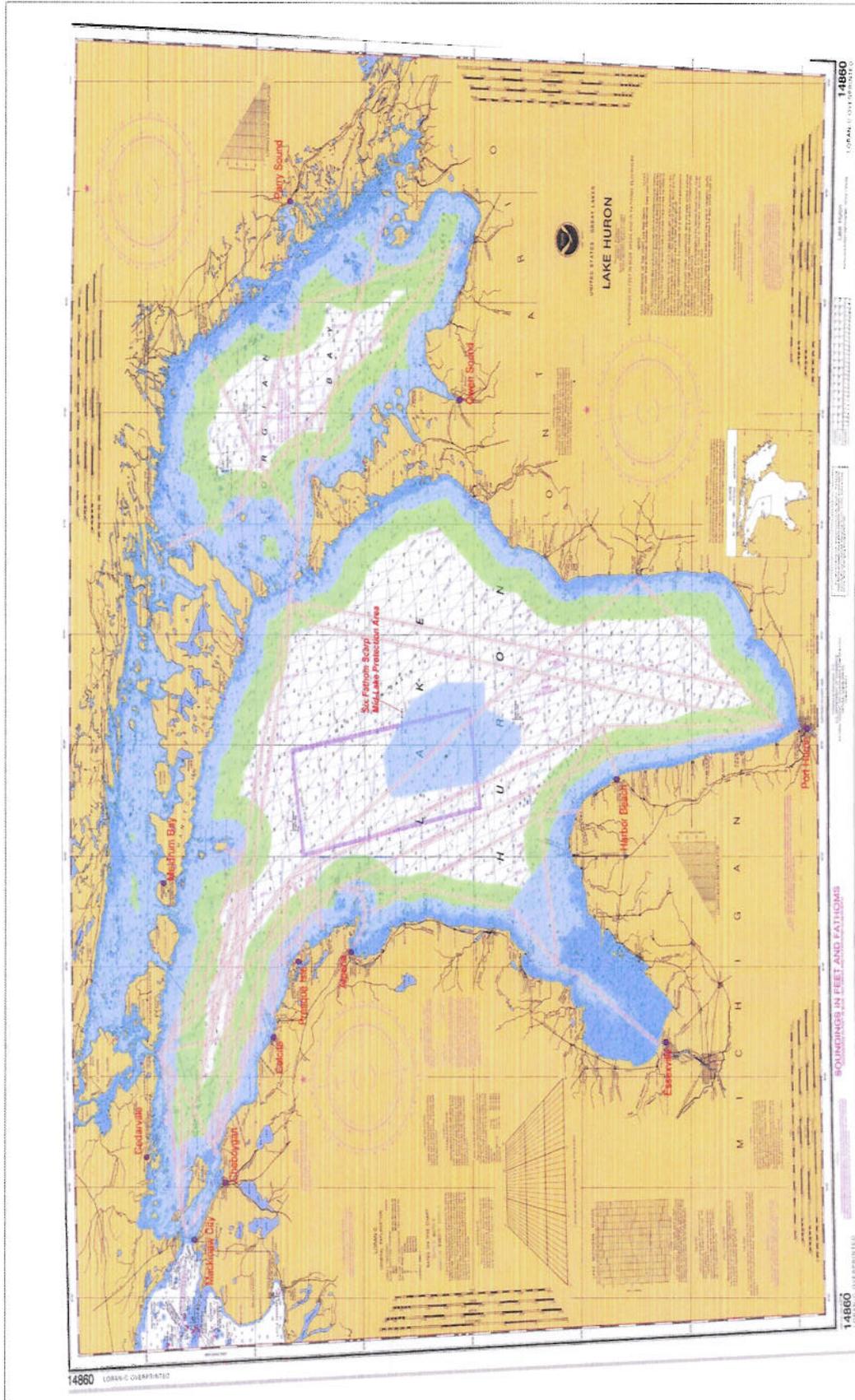
Dry Cargo Residue Discharge Study

Lake Michigan Interim Discharge Restriction Areas

July 15, 2005

2100 Second St. SW
Washington, DC 20593-0001

For Illustrative Purposes Only Not Intended for Navigation or activities related to discharge of dry cargo residues. Those contemplating dry cargo residue discharges should refer to CGOIS Instruction 16490.1 or related Notice to Mariners.



For Maritime Business Only. Not intended for Navigation or activities related to discharge of dry cargo residues. These areas are for informational purposes only. For further information, contact the U.S. Coast Guard.

2100 Second St. SW
Washington, DC 20593-0001

Dry Cargo Residue Discharge Study

Lake Huron
Interim Discharge Restriction Areas

July 15, 2005

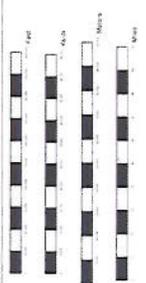
Rules for Iron Ore, Coal, and Salt Discharge
For vessels upbound along the Michigan Waterway, the discharge of iron ore, coal, and salt is prohibited in the 100-foot wide buffer zone of the waterway. For vessels bound for Superior, Duluth, and Sault Ste. Marie, the discharge of iron ore, coal, and salt is prohibited in the 100-foot wide buffer zone of the waterway.

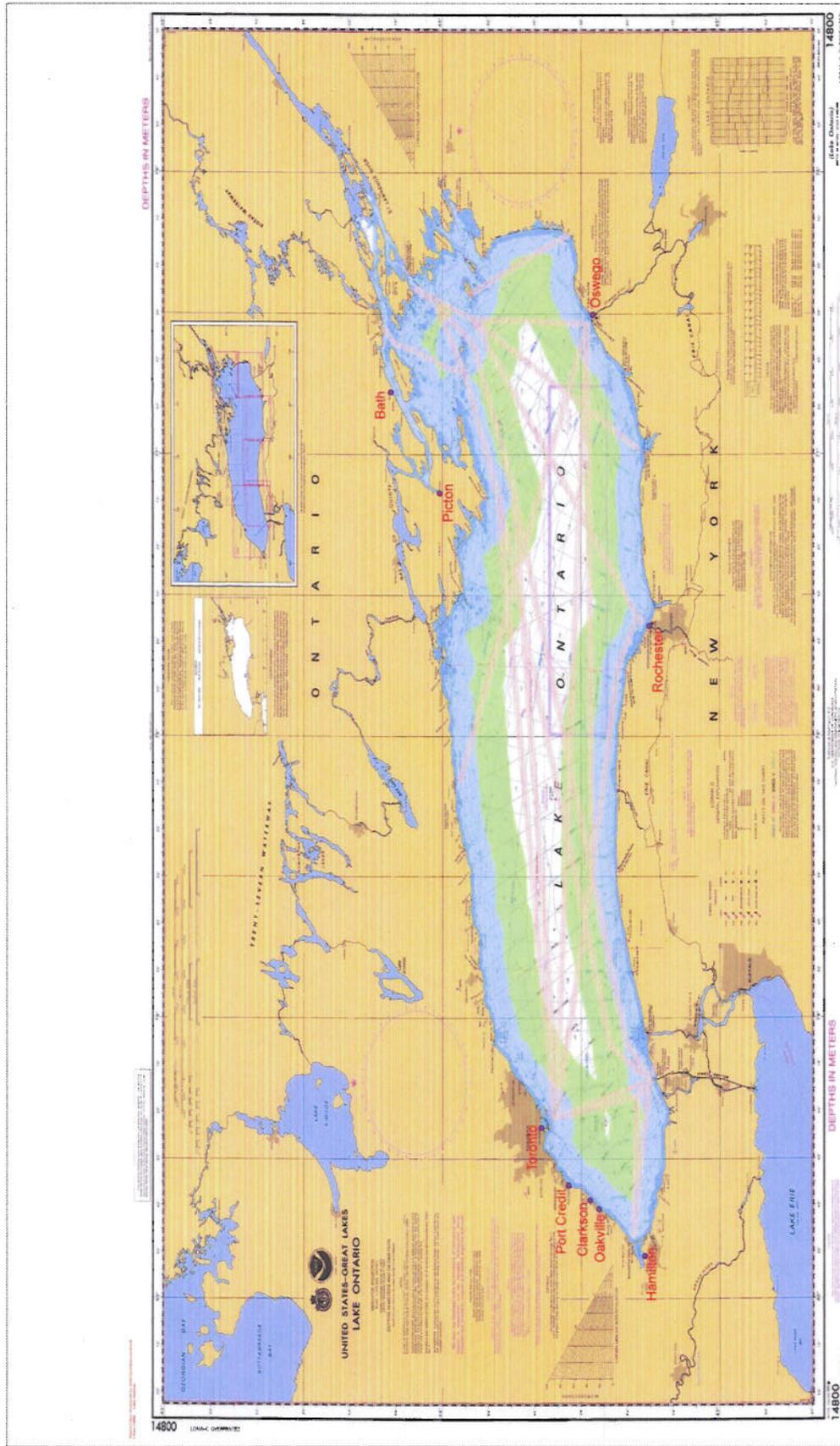
Rules for Coal Discharge
Special rules for vessels upbound from Alpena into ports along the Michigan shore south of Dry Lake Point. 4 miles from shore and 100 yards from 11 harbors of refuge.

NOTES:
- Measures included by the Interim Guidance include Limestone and Other Clean Stone for Ore, Coal, Salt, and Cement.
- Unapproved Cargo Residue refers to all non-hazardous dry cargo not specifically covered by the Interim Guidance.
- Restrictions on Limestone and Other Clean Stone
No discharge of limestone, as long as there is no apparent impact on wildlife, riparian areas, and publicly visible markets.

Cargo Residue Discharge Restriction Zones

- Blue: 100-foot Buffer Zone
- Green: Six Fatigue Strip Mid-Lake Protection Area
- Yellow: Harbor Discharge
- Red: Other Discharge Restriction Areas





14800
UNITED STATES-GREAT LAKES LAKE ONTARIO

DEPTHS IN METERS

14800
UNITED STATES-GREAT LAKES LAKE ONTARIO

DEPTHS IN METERS

14800
UNITED STATES-GREAT LAKES LAKE ONTARIO

14800
UNITED STATES-GREAT LAKES LAKE ONTARIO

Notes:
 - Vessels carrying cargo to also include outside Limestone and Other Clean Stone from Ore, Coal, Salt, and Cement
 - "Uninspected Cargo" refers to also include outside Limestone and Other Clean Stone from Ore, Coal, Salt, and Cement
 - Restrictions on Limestone and Other Clean Stone: No discharge anywhere, as long as there is no apparent impact on receptors, for shipping areas and public beach nearby

Cargo Residue Discharge Restriction Zones

- Yellow: No Discharge
- Green: Discharge to Lake
- Blue: Discharge to Lake and Lake Erie
- Red: Discharge to Lake Erie

Scale:
 Feet: 0, 100, 200, 300, 400, 500
 Yards: 0, 100, 200, 300, 400, 500
 Miles: 0, 10, 20, 30, 40, 50
 Kilometers: 0, 10, 20, 30, 40, 50

For Indicative Purposes Only. Not Intended for Navigation or activities related to discharge of dry cargo residues. These symbols are not to be used for navigation purposes. For more information, contact the U.S. Coast Guard, Sector New York, at 212-261-1000.

**2100 Second St. SW
Washington, DC 20593-0001**

EM

**Dry Cargo Residue Discharge Study
Lake Ontario
Interim Discharge Restriction Areas
July 15, 2005**

ENFORCEMENT POLICY FOR CARGO RESIDUES ON THE GREAT LAKES

This listing sets forth the current U.S. Coast Guard interim enforcement policy regarding the incidental discharge of cargo residues, what are commonly called "cargo sweepings," from commercial dry cargo carriers on the Great Lakes. The interim enforcement policy applies only to such cargo residues, and does not alter the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be "garbage," from vessels on the Great Lakes. Also, it does not apply to residues of any substance known to be toxic or hazardous, such as nickel, copper, zinc, lead, or materials classified as "hazardous" in provisions of law or treaty, the discharge of which is strictly prohibited in all areas. This policy applies to United States vessels anywhere in the Great Lakes and vessels of any nation operating in the United States waters of the Great Lakes. This policy will remain in effect until September 30, 2008, after which the Coast Guard's authority to continue this policy will expire. The Coast Guard is currently engaged in a policy review to seek a long term cargo residue discharge solution. In November 2004, the Coast Guard began an environmental assessment, necessary to promulgate a permanent authority.

The enforcement areas within which discharge will be penalized under Marpol V and Coast Guard regulations at 33 CFR Part 151, are generally stated in terms of required distances from land in statute miles, sometimes combined with depths, and special protection areas, subject to special exceptions as stated. A number of miles, without further modification, indicate the miles from land within which discharge will be penalized. The mile limits apply to all islands as well as main shorelines. Within each lake, mariners should check (a) rules applicable to specific cargos, (b) rules applicable to "all cargos" and "all cargos except clean stone," and (c) "special protection areas."

All miles are statute miles. 1 nautical mile = 1.151 statute miles, 1 statute mile = .87 nautical miles. (12 statute miles = 10.4 nautical miles, 13.8 statute miles = 12 nautical miles.)

Tributaries, Connecting Rivers, and St. Lawrence River

Limestone and Other Clean Stone:

No distance limitations, as long as no apparent impact on wetlands, fish spawning areas, and potable water intakes.

All Other Cargos:

No discharge.

Lake Ontario

Limestone and Other Clean Stone:

No distance limitations, as long as no apparent impact on wetlands, fish spawning areas, and potable water intakes.

Iron Ore:

6 miles.

Other Nonhazardous Dry Bulk Cargo Residues:

13.8 miles.

Lake Erie

Limestone and Other Clean Stone:

No distance limitations, as long as no apparent impact on wetlands, fish spawning areas, and potable water intakes.

Iron Ore:

6 miles, generally, but no discharge in Western Basin (west of a line due south from Point Pelee), unless covered by the special rule on the Western Basin below.

Coal and Salt:

13.8 miles generally, but no discharge in Western Basin (west of a line due south from Point Pelee), unless covered by the special rule on the Western Basin below.

Iron Ore, Coal, and Salt in the Western Basin:

No discharge in the Western Basin (west of a line due south from Point Pelee) except for vessels needing to discharge iron ore, coal, or salt residue after unloading in Toledo or Detroit and immediately thereafter loading new cargo in Toledo, Detroit, or Windsor. These vessels may discharge the iron ore, coal, or salt residue over the dredged navigation channels running between Toledo Harbor Light and Detroit River Light.

Other Nonhazardous Dry Bulk Cargo Residues:

13.8 miles generally, but no discharge in Western Basin (west of a line due south from Point Pelee).

Lake St. Clair

Limestone and Other Clean Stone:

No distance limitations, as long as no apparent impact on wetlands, fish spawning areas, and potable water intakes.

All Other Cargos:

No discharge.

Lake Huron

Limestone and Other Clean Stone:

No distance limitations, as long as no apparent impact on wetlands, fish spawning areas, and potable water intakes.

Iron Ore:

6 miles, generally.

Special rules for vessels upbound along the Michigan thumb: (a) 3 miles from shore between 5.8 miles northeast of entrance buoys 11 and 12 to the track line turn abeam of Harbor Beach. (b) For vessels bound for Saginaw Bay only, 4 miles from shore and not less than 10 fathoms of depth between the track line turn abeam of Harbor Beach and 4 miles northeast of Pte. Aux Barques Light. (No discharge anywhere in Saginaw Bay.)

Coal and Salt:

13.8 miles generally. Special rules for vessels upbound along the Michigan thumb: (a) 3 miles from shore between 5.8 miles northeast of entrance buoys 11 and 12 to the track line turn abeam of Harbor Beach. (b) For vessels bound for Saginaw Bay only, 4 miles from shore and not less than 10 fathoms of depth between the track line turn abeam of Harbor Beach and 4 miles northeast of Pte. Aux Barques Light. (No discharge anywhere in Saginaw Bay.) See also coal below.

Coal:

Special rule for vessels upbound from Alpena into ports along the Michigan shore south of Forty Mile Point: 4 miles from shore and not less than 10 fathoms of depth.

Other Nonhazardous Dry Bulk Cargo Residues:

13.8 miles.

All Cargos Except Clean Stone:

No discharge anywhere in Saginaw Bay.

All Cargos:

No discharge in the following special protection area:

- Six Fathom Scarp Mid-Lake Special Protection Area: The area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

44°55'N 82°33'W

44°47'N 82°18'W

44°39'N 82°13'W

44°27'N 82°13'W

44°27'N 82°20'W

44°17'N 82°25'W

44°17'N 82°30'W

44°28'N 82°40'W

44°51'N 82°44'W

44°53'N 82°44'W

44°54'N 82°40'W

(*Note: This point lies approximately 0.5 statute miles east of the 161° LCA Westerly Limit Downbound line, thus allowing discharge while passing the Scarp within 0.5 miles of the limit line.)

Lake Michigan

Limestone and Other Clean Stone:

No distance limitations, as long as no apparent impact on wetlands, fish spawning areas, and potable water intakes.

Iron Ore:

General rule: 12 miles from shore north of 45°N and 6 miles from shore south of 45°N.

Special rules: (a) Discharge allowed at 4.75 miles off Big Sable Point and Point Betsie, along established LCA track lines. (b) Discharge allowed along 056.25° LCA track line between points due east of Poverty Island to a point due south of Port Inland Light.

Coal and Salt:

General rule of 13.8 miles. See also coal below.

Coal:

Special rules for coal: (a) Discharge allowed along 013.5° LCA track line between 45°N and Boulder Reef, and along 022.5° LCA track running 23.25 miles between Boulder Reef and the charted position of Red Buoy #2. (b) Discharge allowed along 037° LCA track line between 45°20'N and 45°42'N. (c) Discharge allowed along 056.25° LCA track line between points due east of Poverty Island to a point due south of Port Inland Light. (d) Discharge allowed at 3 miles for coal carried between Manistee and Ludington along customary route.

Other Nonhazardous Dry Bulk Cargo Residues:

13.8 miles.

All Cargos Except Clean Stone:

No discharge anywhere in Green Bay.

All cargos:

No discharge in the following special protection areas:

- Milwaukee Mid-Lake Special Protection Area (not so labeled on charts): The area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

43°27.0'N	87°14.0'W
43°21.2'N	87°02.3'W
43°03.3'N	87°04.8'W
42°57.5'N	87°21.0'W
43°16.0'N	87°39.8'W
- Waukegan Special Protection Area (not so labeled on charts): The area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

42°24.3'N	87°29.3'W
42°13.0'N	87°25.1'W
42°12.2'N	87°29.1'W
42°18.1'N	87°33.1'W
42°24.1'N	87°32.0'W

Lake Superior

Limestone and Other Clean Stone:

No distance limitations, as long as no apparent impact on wetlands, fish spawning areas, and potable water intakes, but not in special protection areas listed below.

Iron Ore:

6 miles, generally. Special rule of 3 miles off northwestern shore between Duluth and Grand Marais.

Coal and Salt:

13.8 miles generally. Special rule of 3 miles off northwestern shore between Duluth and Grand Marais.

Cement:

13.8 miles generally. Special rule of 3 miles off shore of Lake Superior west of a line due north from Bark Point.

Other Nonhazardous Dry Bulk Cargo Residues:

13.8 miles.

All cargos:

No discharge in the following special protection areas:

- Caribou Island & Southwest Bank Protection Area: The area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

47°30.0'N	85°50.0'W
47°24.2'N	85°38.5'W
47°04.0'N	85°49.0'W
47°05.7'N	85°59.0'W
47°18.1'N	86°05.0'W
- Stannard Rock Protection Area: 6 miles radius from Stannard Rock Light.
- Superior Shoal Protection Area: 6 miles radius from the center of Superior Shoal, at 48°03.2'N 87°06.3'W.

OIL AND HAZARDOUS SUBSTANCES

DISCHARGES PROHIBITED: The Federal Water Pollution Control Act of 1972, as amended by the Clean Water Act of 1977, and the Oil Pollution Act of 1990, (33 USC 1321) states that the discharge of oil of any kind into or upon U.S. waters is prohibited. Any such discharge subjects the owner or operator of the violating vessel to a civil penalty of up to \$27,500. The accused shall be given notice and have an opportunity for a hearing before a penalty is assessed. Vessels 26 feet and longer must display a 5x8 inch placard near the engine or bilge pump controls.

NOTIFICATION REQUIREMENTS: The person in charge of a vessel or facility from which a discharge is made must immediately notify the Coast Guard National Response Center at **1-800-424-8802**. If reporting to the National Response Center is not practicable, spill reports can be made to the nearest Coast Guard unit. Failure to make this immediate notification can subject the violator to criminal penalties of up to \$25,000 in fines, five years imprisonment, or both. Persons observing intentional and/or unreported discharges should make reports right away to aid Coast

LIST OF SHIPWRECKS ON NATIONAL REGISTER OF HISTORIC PLACES, BY STATE

Illinois:

- None

Indiana:

- Muskegon, LaPorte county

Michigan:

- America, south end of Isle Royale, Keweenaw county
- Chester Congdon, northeast end of Isle Royale
- Cumberland & Henry Chisholm, southern end of Isle Royale
- Barney, F.T., Rogers City
- George M. Cox, southern end of Isle Royale
- Monarch, Blake's Point, Isle Royale
- R.J. Hackett 9.5 mi southeast of Cedar River, Cedarville Twp., Menominee county
- Sport, 3 miles offshore Lexington, Sanilac County
- Kamloops, Directly offshore from Kamloops Point at the north end of Todd Harbor, Isle Royale National Park
- **Thunder Bay NMS:**
 - E.B. ALLEN
 - JOHN J. AUDUBON
 - BARGE NO. 1
 - BARGE NO. 83
 - B.W. BLANCHARD
 - KATE L. BRUCE
 - CHEBOYGAN
 - JAMES DAVIDSON
 - DEFIANCE
 - OSCAR T. FLINT
 - GALENA
 - NELLIE GARDNER
 - W. H. GILBERT
 - GRECIAN
 - D.R. HANNA
 - JOHNSON, JOHN T.
 - MONOHANSETT
 - MONROVIA
 - MONTANA
 - NEW ORLEANS
 - NEW ORLEANS Official Number 130333
 - NORDMEER
 - NORMAN
 - PEWABIC
 - PORTSMOUTH
 - WILLIAM P. REND
 - SCANLON'S BARGE
 - ISAAC M. SCOTT
 - SHAMROCK
 - WILLIAM PETER THEW
 - LUCINDA VAN VALKENBURG
 - VIATOR
 - VIENNA
 - D. M. WILSON
 - CORNELIA B. WINDIATE
 - WILLIAM A. YOUNG
 - CARBIDE BARGE
 - SCHOONER-BARGE

LIST OF SHIPWRECKS ON NATIONAL REGISTER OF HISTORIC PLACES, BY STATE

- SCHOONER-BARGE
- **Thunder Bay NMS Possible Wrecks:**
 - Adriatic
 - Frank La Farge
 - Alvina
 - Julia Larson
 - John J. Audobon
 - William Maxwell
 - Bay City
 - McDermott
 - A. J. Bemis
 - Louis Meeker
 - Philo S. Bemis
 - Mildred P.H. Birckhead
 - Minor
 - Brooklyn
 - Montezuma
 - Congress
 - Fred A. Morse
 - Corsican
 - Julius D. Morton
 - Defiance
 - James Mowatt
 - Effort
 - New York
 - Marion Egan
 - Nonpariel
 - Egyptian
 - North Hampton
 - Ellen
 - Jay Ochs
 - Elvina
 - Ogarita
 - Emerald
 - E.B. Palmer
 - Empire State
 - O.E. Parks
 - Excelsior
 - Lucy Raab
 - William Fiske
 - Annie C. Raynor
 - Benjamin Franklin
 - Red Bottom
 - W.C. Franz
 - John Rice
 - Herman Guenther
 - Roanoake
 - Guilloutine
 - Ryan
 - James H. Hall
 - St. Paul
 - Havre
 - Scow #105
 - Helen C.
 - John Shaw
 - W.W.H. Holmes
 - William H. Simons

LIST OF SHIPWRECKS ON NATIONAL REGISTER OF HISTORIC PLACES, BY STATE

- Bela Hubbard
- Kyle Spangler
- H. Hubbard
- William H. Stephens
- Jupiter
- Thousand Islander
- Knight Templar
- Tu Jax
- John F. Warner
- West Side

Minnesota:

- Amboy, located on the North Shore near Schroeder
- George Spencer, located on the North Shore near Schroeder
- Hesper, near Silver Bay in breakwater
- Madeira, at the base of Gold Rock
- Niagara, located off Knife Island
- Onoko, six miles east of Knife River
- Samuel P. Ely, in Two Harbors breakwater
- Thomas Wilson, immediately outside of Duluth Harbor
- U.S.S. Essex, Duluth, near the end of Minnesota Point resting in the surf zone on the beach.

New York:

- St. Peter, Wayne County, Pultneyville, Lake Ontario

Ohio:

- None

Pennsylvania:

- None

Wisconsin:

- Hetty Taylor, 7 mi southeast of Sheboygan River
- Appomattox, 150 yd off Atwater Beach, Shorewood, Milwaukee County
- Christina Nilsson, Bailey's Harbor, Door county, Lake Michigan.
- Daniel Lyons, east of Stoney Creek outlet, Lake Michigan, Kewaunee County
- Francis Hinton (steamer), Manitowoc, Manitowoc county, Lake Michigan
- Frank O'Connor, Bailey's Harbor, Door county
- Joys, 500 feet west of Sunset Park, in Sturgeon Bay, Door county
- Iris, adjacent to Rock Island Ferry dock, Jackson Harbor, Door county
- Light vessel #57, Milwaukee, Milwaukee county
- Louisiana, Washington, Door county, Lake Michigan
- Lucerne, La Pointe, Ashland county, Lake Superior
- Meridian, Liberty Grove, Door county, Lake Michigan
- Niagara, Belgium, Ozaukee county, Lake Michigan
- Noquebay, La Pointe, Ashland county, Lake Superior
- Ottawa, Russell, Bayfield county, Superior
- Ocean Wave, Sevastopol, Door county, two miles off Whitefish Point, Lake Michigan
- Pretoria, La Pointe, Ashland county, Lake Superior
- R.G. Stewart, La Pointe, Ashland, Lake Superior
- Rosinco, 12 miles east of Kenosha, Kenosha County, Lake Michigan
- Sevona (bulk carrier), Bayfield, Bayfield County, Lake Superior
- Rouse Simmons, 6 miles off Point Beach, Manitowoc county, Lake Michigan
- Kate Kelly, 2 miles east of Wind Point, Racine county, Lake Michigan