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Dawn McReynolds
Bureau of Marine Habitat
New York State Department of Environmental Conservation
205 N. Belle Meade Road
E. Setauket, NY 11733

February 8, 2017

Dear Ms. McReynolds,

On behalf of Audubon New York, the state program of the National Audubon Society, and the undersigned Audubon Chapters, please accept the following comments on the New York State Department of Environmental Conservation's (NYS DEC) proposed Tidal Wetlands Guidance Document-Living Shoreline Techniques in the Marine District of New York State (Guidance Document), which provides guidance on the issuance of permits for living shorelines techniques in the Marine and Coastal District Waters of New York (the Marine District) and encourages the use of green or natural infrastructure. Audubon New York's mission is to conserve and restore natural ecosystems within New York and the Atlantic Flyway, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. Our primary interest in the Guidance Document is on how it might impact at-risk species and priority coastal habitats such as beaches, intertidal flats, and saltmarshes.

Audubon New York fully supports the NYS DEC promoting the use of living shorelines in place of hardened approaches for erosion control because, as noted in the document, living shorelines offer greater habitat and ecological value than hardened shorelines. Some of our most valuable and vulnerable species and habitats are located on the coasts, and living shoreline projects can help protect those irreplaceable species and habitats. We believe the Guidance Document will facilitate more living shoreline projects and commend NYS DEC for compiling the information into a single document and providing guidance on the permitting process.

We were very pleased to see that the document recognizes the importance of natural erosion and its role in maintaining beaches, that coastal wildlife have adapted to erosive and storm events, and that the prevention of erosion can have negative effects on adjacent areas (p. 13). These three points should be considered when moving forward with any storm protection project so that the benefits of storms and erosion are not lost. For example, storm events can cause overwash and breaches which are natural features that foster important processes and components of the coastal environment, such as sediment transport, water exchange between bays and oceans, and habitat creation for plants and wildlife. Also, we were pleased to see the use of invasive species being prohibited, the suggestion of retreat and allowing an area to return to its natural conditions as a possible solution, and the need to consider sea-level rise in any project.

In addition, we have the following specific comments:

- The Guidance Document describes the Marine District as the geographic focus, but goes on to qualify that living shorelines are most effective in low-moderate energy, sheltered areas of the Marine District (p. 6); it would be helpful to define or map the low-moderate energy, sheltered areas so it is clear to the user which areas are targets for living shoreline projects.
- We recommend including language that specifies that not all living shoreline projects need to have a vegetation component (p.7) since projects should create or enhance the diversity of existing coastal habitats, including non-vegetated beach habitats.
- On p. 10, under “Evaluation of Standards for Permit Issuance,” we recommend adding “habitat for state and federally listed species and Species of Greatest Conservation Need” as one of the examples of a critical resource to consider in the sentence “Living shoreline projects must be designed and constructed to avoid impacts to ecological functions, critical area resources (such as eelgrass beds and finfish habitats)...”
- We recommend that the maintenance and monitoring of living shoreline projects include tracking the response of target species that should benefit from projects (e.g., Saltmarsh Sparrow in a tidal marsh project or Piping Plover in a project with a beach component) to make sure that the project is achieving the anticipated outcomes and not having any unanticipated negative impacts on species or habitats.

Overall, Audubon New York commends New York State for promoting the use of living shoreline and nature based features that maintain natural habitat and promote natural processes when seeking solutions to erosion and storm protection. We appreciate the opportunity to comment on this Guidance Document and look forward to seeing living shoreline solutions implemented in New York.

Sincerely,



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