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United States Army Corps of Engineers (USACE), New York District
Planning Division-Environmental Branch (ATTN: Mr. Robert Smith)
26 Federal Plaza, Rm 2113
New York, NY 10278-0090

Attn: Robert Smith, Project Biologist, and Daniel Falt, Project Manager

December 1, 2016

Dear Mr. Smith and Mr. Falt:

On behalf of Audubon New York (A-NY), thank you for the opportunity to provide the following comments on the U.S. Army Corps of Engineers' (USACE) East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Draft Integrated Hurricane Sandy General Reevaluation Report and Environmental Impact Statement (Draft Report and EIS). A-NY'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. A-NY supports a balanced approach to storm recovery and coastal risk reduction that includes long-term strategies that benefit the region's communities and coastal ecosystems. Our primary interest in this project is on how it impacts at-risk species like the federally threatened Piping Plover and Red Knot as well as priority coastal habitats such as beaches, intertidal flats, and saltmarshes.

The project area consists of the Atlantic Coast of New York City between East Rockaway Inlet and Rockaway Inlet, and the water and lands within and surrounding Jamaica Bay, New York. The project area also includes the low lying Coney Island section of Brooklyn. The project area is heavily populated with more than 850,000 residents and developed with more than 48,000 residential and commercial structures as well as additional associated infrastructure. The preferred alternative proposes constructing a 6.6-mile composite seawall, enhancing 5 existing and building 13 new groins, constructing a storm surge barrier and associated tie-ins, constructing flood walls and levees, beach nourishment, and borrowing sand from offshore sites.

The Draft Report and EIS recognize that the project area includes the Jamaica Bay ecosystem, which has been identified as a globally significant Audubon Important Bird Area (IBA) because it provides habitat to numerous at-risk birds and incredibly high concentrations of birds. The Jamaica Bay IBA includes the marine and tidal wetland portions of the bay itself as well as the barrier beach/dune system and some adjoining upland shrub and grassland habitat. The wetland habitat supports a renowned abundance and diversity of shorebirds, waterfowl, gulls, terns, and other species, including the federally and state-listed Piping Plover and Roseate Tern, federally-listed Red Knot, the state-listed Common Tern and Least Tern, and the state species of special concern Black Skimmer. Many shorebird species, including the Red Knot, depend on the Bay as a place to stopover and refuel during migration. During the breeding season, the project area is home to over 40 pairs of Piping Plover, 500 pairs of Least Tern, 1,200 pairs of Common Tern, and 110 pairs of Black Skimmer, which is one of just two breeding colonies of Black Skimmer in New York. Jamaica Bay also includes impressive areas of saltmarsh habitat, which support the at-risk Saltmarsh Sparrow. The Saltmarsh Sparrow is found across the Atlantic Coast, but only breeds on a thin sliver of coastline from Maine to Virginia. This species is threatened by the incursion of roads, coastal development, invasive plants, and sea level rise. Saltmarsh Sparrow is on many

state watch lists and is considered “vulnerable” on the International Union for the Conservation of Nature’s (IUCN) list of threatened species. Recent research suggests the species has been declining by a staggering 9% each year, and some predict that the Saltmarsh Sparrow may be completely extinct in 50 years or less. Infrastructure near the coast likely contributes significantly to the decline, because roads and other infrastructure act as barriers that prevent the tide and sediment from building up in the marsh, which greatly reduces the resiliency of marshes to sea-level rise.

As noted in the Draft Report and EIS, the significance of Jamaica Bay has been recognized by other entities as well, including the NYS Department of State as a Significant Coastal Fish and Wildlife Habitat and the NYS Department of Environmental Conservation as a Critical Environmental Area. A-NY supports the overall goal of the project “to identify (storm reduction) solutions that will reduce Atlantic Ocean Shoreline and Jamaica Bay vulnerability to storm damage over time, in a way that is sustainable over the long-term, both for the natural coastal ecosystem and for communities.” However, there are a number of unknowns associated with this project and A-NY is concerned that the notable species and significant habitat found within the project area will be negatively impacted as a result of this project.

- The Draft Report and EIS identifies overall project features, but acknowledges that aspects of the project, including some major components, have not been finalized. These details need to be worked out in order for an EIS to thoroughly assess environmental impacts. A process for reviewing and commenting on the components of the plan that are not yet finalized must be provided prior to finalization of the plan.
- A large component of this project is constructing additional or enhancing existing hardened structures along the shoreline, e.g., groins, which are known to alter sand transport and can actually increase erosion in areas, which would degrade and destroy existing beach habitat. A-NY would like to see agreements and financial commitments in place between USACE, the NY State government, and local sponsors to monitor any habitat loss as a result of this project and then respond and address issues relating to habitat loss, in particular beach and wetland loss.
- This project needs to include a more thorough assessment of managed retreat from the coast. Strategies such as voluntary buyouts, converting flood zone properties into natural areas that serve as buffers during future storm events, living shorelines, and preventing further development of flood zones should be considered. Managed retreat is the only strategy that will reduce direct impacts to communities and reduce long-term economic impacts from storm damage. Studies comparing managed retreat over armoring have found managed retreat to be a better option. For example, the City of Imperial Beach in California conducted a long-term assessment of managed retreat over armoring and concluded that by 2100 the City would spend nearly five times as much on continued maintenance and new armoring compared to managed retreat.
- We feel additional evaluation on the impacts to Saltmarsh Sparrows and their preferred “high” saltmarsh habitat need to be conducted in consultation with biologists who are experienced with this species and their habitat requirements in order to adequately assess impacts to this highly at-risk species.
- The Draft Report and EIS state that the impacts of the Alternatives on erosion and deposition within Jamaica Bay and, therefore, on the wetlands within the Jamaica Bay ecosystem, have not been evaluated. Those are some of the most notable habitats within the project area and not understanding how the alternatives, including the preferred alternative, will impact erosion and deposition within Jamaica Bay is a significant flaw in the project. Also, listing “0” acres impacted in Table 7.4 for wetlands is misleading, because the potential of this project to alter erosion and deposition within the bay has not been evaluated.

- The proposed mitigation does not appear to compensate for the loss of beach habitat, which is estimated to be 13 acres (Tables 6.4 and 7.4).
- The Draft Report and EIS states that the project would benefit federal and state listed species like the Piping Plover because it will protect vegetated areas. Piping Plovers typically nest in un-vegetated areas.
- We commend the USACE for working with the U.S. Fish and Wildlife Service on implementing Best Management Practices (BMPs) to reduce impacts to federally listed species, but even if BMPs are implemented (e.g., restricting construction to the nonbreeding season) there will still be impacts and, therefore, A-NY would like to see mitigation to offset impacts to Piping Plovers, Red Knots, Common and Least Terns, Saltmarsh Sparrows, and other at-risk species. Mitigation for those species needs to consider the specific needs of those species, not just the general habitat that they prefer.
- This is a massive project that is likely to have unforeseen impacts post-construction. As such, a comprehensive monitoring program must accompany it, and the funding and commitment necessary to implement the monitoring program and respond to information gathered via the monitoring program must be secured before any iteration of this project is approved.

In conclusion, additional information and assessment are needed to ensure that this project and the preferred alternative are the best long-term solution to manage the risk of coastal storm damages. Thank you for your consideration of these comments. Should you have any questions regarding the issues we have raised, please contact Jillian Liner, Audubon New York's Director of Bird Conservation, at 607-254-2441 or jl liner@audubon.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Crotty", with a stylized flourish at the end.

Erin Crotty
Executive Director