

October 16, 2008

Mr. Joseph Olha
Project Manager
New York District
U.S. Army Corps of Engineers
Attention: CENAN-OP-ST
26 Federal Plaza
New York, New York 10278

Mr. George Stafford
Director, Division of Coastal Resources
New York State Department of State
Attention: Consistency Review
41 State Street
Albany, New York 12231

Re: Public Notice No. 09 Jamaica Bay Federal Navigation Channel

Dear Mr. Olha and Mr. Stafford:

On behalf of the Jamaica Bay Watershed Protection Plan Advisory Committee (Advisory Committee or Committee), we write to express the Advisory Committee's concern that the material from Jamaica Bay Federal Navigation Project maintenance dredging will not be used for environmental remediation activities within Jamaica Bay. As stated in Public Notice 09 Jamaica Bay Federal Navigation Channel, the Rockaway Inlet's dredged material will instead be used to help cap the Historic Area Remediation Site (HARS). While HARS certainly needs remediation, Jamaica Bay is in immediate jeopardy and one of the longstanding concerns about the area's environmental restoration – and specifically for the Bay's vanishing wetlands – is the availability of suitable material.

As you no doubt are well aware, Jamaica Bay is a unique wildlife oasis desperately in need of protection and restoration. Jamaica Bay contains a federal wildlife refuge administered by the National Park Service (NPS), is recognized as New York State's most important salt marsh complex and, at more than 25,000 acres, constitutes New York City's largest open space. It is a critically important bird habitat area, visited by nearly 20 percent of North America's bird species annually. Jamaica Bay is also a vital recreational resource for New York City – it is the only unit of the NPS reachable by subway.

Despite its role as a significant natural resource, Jamaica Bay has suffered years of severe water quality impairment as a result of high nitrogen levels, including low dissolved oxygen levels, harmful algal blooms and declines in water clarity. The rate of marsh loss for the Bay's signature salt marsh islands has been accelerating and, at the current rate, the islands could vanish within a decade, along with the ecosystem services they provide, such as wildlife habitat and shoreline and flooding protection for the homes and businesses that surround the Bay.

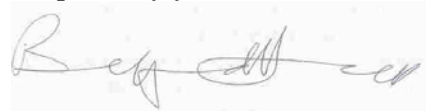
The Committee was charged with advising the New York City Department of Environmental Protection (DEP) in its development of a Jamaica Bay Watershed Protection Plan (Plan) to restore and maintain the water quality and ecological integrity of Jamaica Bay. Given the significant number and scope of environmental restoration projects that Jamaica Bay needs, the Committee advised the DEP to work with other agencies to ensure that these projects could be fast-tracked to help stabilize the Bay's wetlands. One of the Advisory Committee's final recommendations to the DEP was to "[establish] for Jamaica Bay the right of first refusal for any navigational or construction-related dredged bay floor sediment. In instances where sediments are dredged from the bay, for example in Rockaway Inlet, the potential beneficial use for these sediments within Jamaica Bay should be considered before their uses elsewhere."¹

There is strong interest from the Army Corps's partners in retaining the sand for beneficial reuse within the Bay. The DEP's recent update on the Plan's progress noted that sand from Rockaway Inlet would be ideal for restoration projects, and the agency clearly was hoping to access this material for use. The update states: "To evaluate the potential for suitable marsh building sediments for wetland restoration, a ... dredge material sub-committee meeting of government stakeholders was held ... The group identified two potential sources for sediment required for restoration projects: Ambrose Channel and Rockaway Inlet dredging. The former is more time-sensitive, but NYCDEP is working with the group to identify the logistics for obtaining high-quality sediment from both sources."² The NPS has indicated that they would be amenable to stockpiling the Rockaway Inlet's dredged material for future wetlands restoration use. Further, the NPS has expressed interest in using the material if not for the wetlands, then to help redress shoreline erosion.

The Army Corps should reopen a dialogue with its local, state, and federal partners to ensure that this Rockaway Inlet dredged material can be kept within the system and specifically, if at all possible, used to restore the Bay's wetlands, which are teetering on the brink of being lost forever. With Jamaica Bay's importance to the city, state and the nation, cross jurisdictional efforts to restore the Bay should be prioritized and funding should be located to ensure that we do not lose this precious resource.

The Advisory Committee strongly believes that every effort should be made to keep clean sand dredged within Jamaica Bay for environmental restoration projects within the Bay's system. We sincerely hope that the material dredged as a result of this project will be redirected toward beneficial reuse within Jamaica Bay and that a policy will be instituted whereby clean dredged materials from within the Bay are kept for use in the Bay. We look forward to continuing to work together with you to restore and protect Jamaica Bay.

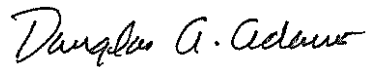
Respectfully yours,



Brad Sewell
Jamaica Bay Watershed Protection Plan Advisory Committee Co-Chair

¹ Jamaica Bay Watershed Protection Plan Advisory Committee. *Planning for Jamaica Bay's Future: Final Recommendations on the Jamaica Bay Watershed Protection Plan*. 1 June 2007. p. 28.

² DEP. *Jamaica Bay Watershed Protection Plan Update*. 1 Oct. 2008. p. 19.



Doug Adamo

Jamaica Bay Watershed Protection Plan Advisory Committee Co-Chair

cc: Colonel Aniello L. Tortora, U.S. Army Corps of Engineers, New York District, Commander
and District Engineer
James Tierney, DEC Office of Water Resources Assistant Commissioner
Anne Reynolds, DEC Policy Office Director
Joe DiMura, DEC Bureau of Water Compliance Director
Angela Licata, DEP Deputy Commissioner for the Bureau of Environmental Planning and
Analysis
New York City Council Member James F. Gennaro
United States Representative Anthony D. Weiner