

Coastal Barrier Resources System Hurricane Sandy Remapping Project

APPENDIX L: Comments Received During Public Review Period

APPENDIX L: Comments Received During Public Review and Comment Periods

The public review for the Hurricane Sandy Remapping Project was conducted in two separate batches. The first batch included proposed revisions to the Coastal Barrier Resources System (CBRS) boundaries for the following states: Delaware, Massachusetts, New Hampshire, and New Jersey. A 120-day public review and comment period was held from March 12, 2018, through July 10, 2018, for the first batch of states.¹ The second batch included proposed revisions to the CBRS boundaries for the following states: Connecticut, Maryland, New York (Long Island), Rhode Island, and Virginia.² A 120-day comment period was held from December 18, 2018, to April 17, 2019, for the second batch of states.³

The U.S. Fish and Wildlife Service (Service) received 192 unique written comments related to this project or the CBRS during the comment periods. An additional 2,224 individuals signed on to a comment letter submitted by the National Audubon Society, for a total of 2,416 comments.⁴ The comments received are reprinted in their entirety in this appendix, and may also be viewed at <https://www.regulations.gov>.⁵ Eight comments received did not relate to this project or the CBRS (e.g., comments about wildfire management) and are not included in the count above or reprinted in this appendix. Substantive overarching issues raised during the public comment periods that are relevant to more than one CBRS unit

are itemized and addressed in chapter 3 of this report. Unit-specific and state-specific comments are itemized and addressed in appendix C. Table 15 below lists the comments received and provides the page number where they can be found in this appendix. The comments listed in the table are grouped by state (with the comments that were not tied to a specific state and were more general in nature grouped together under N/A) and then alphabetical by commenter. The document number in the table is the number each comment was given at <https://www.regulations.gov> (document numbers for the comments in first batch start with FWS-HQ-ES-2018-0004 and in second batch with FWS-HQ-ES-2018-0034).

Table 15. List of Comments Received

<i>State</i>	<i>Commenter</i>	<i>Document Number</i>	<i>Page Number</i>
N/A	American Flood Coalition, Environmental Defense Fund, National Wildlife Refuge Association, The Nature Conservancy, The Pew Charitable Trusts, Theodore Roosevelt Conservation Partnership, and Surfrider Foundation	<i>FWS-HQ-ES-2018-0034-0043</i>	L-103
N/A	American Littoral Society (Executive Director)	<i>FWS-HQ-ES-2018-0004-0036</i>	L-44
N/A	American Sportfishing Association (Atlantic Fisheries Policy Director)	<i>FWS-HQ-ES-2018-0034-0033</i>	L-91
N/A	Association of State Floodplain Managers	<i>FWS-HQ-ES-2018-0034-0018</i>	L-69
N/A	Association of State Floodplain Managers and Association of State Wetland Managers (Executive Directors)	<i>FWS-HQ-ES-2018-0004-0033</i>	L-41
N/A	Comments of 2,331 supporters of the National Audubon Society (submitted in an Excel spreadsheet)	<i>FWS-HQ-ES-2018-0034-0048</i>	L-108
N/A	National Audubon Society (Vice President of Coastal Conservation)	<i>FWS-HQ-ES-2018-0004-0028</i>	L-30
N/A	National Audubon Society (Vice President of Coastal Conservation)	<i>FWS-HQ-ES-2018-0034-0038</i>	L-97
N/A	Natural Resources Defense Council (Attorney and Environmental Grantmakers Association Fellow)	<i>FWS-HQ-ES-2018-0004-0038</i>	L-45
N/A	Natural Resources Defense Council (Attorney)	<i>FWS-HQ-ES-2018-0034-0046</i>	L-106
N/A	R Street Institute (Director of Finance, Insurance and Trade Policy)	<i>FWS-HQ-ES-2018-0004-0006</i>	L-6
N/A	R Street Institute (Director of Finance, Insurance and Trade Policy)	<i>FWS-HQ-ES-2018-0034-0047</i>	L-107
N/A	Reinsurance Association of America (President)	<i>FWS-HQ-ES-2018-0004-0035</i>	L-43
N/A	Reinsurance Association of America (President)	<i>FWS-HQ-ES-2018-0034-0026</i>	L-82

Hurricane Sandy Remapping Project

<i>State</i>	<i>Commenter</i>	<i>Document Number</i>	<i>Page Number</i>
N/A	The National Wildlife Federation (Director, Water Resources and Coastal Policy), Environmental Advocates of NY (Executive Director), and Florida Wildlife Federation (President and CEO)	<i>FWS-HQ-ES-2018-0034-0044</i>	L-104
N/A	The National Wildlife Federation, New Jersey Audubon, Delaware Nature Society, and Florida Wildlife Federation	<i>FWS-HQ-ES-2018-0004-0022</i>	L-17
N/A	Thomas B. Evans, Jr., Former Member of Congress and Member, Florida Wildlife Federation Board of Directors	<i>FWS-HQ-ES-2018-0004-0025</i>	L-24
N/A	U.S. Coast Guard, Sector New York (Chief of Waterways Management Division)	<i>FWS-HQ-ES-2018-0034-0019</i>	L-70
N/A	U.S. Department of Agriculture (Secretary)	<i>FWS-HQ-ES-2018-0004-0009</i>	L-8
CT	Audubon Connecticut (Managing Director)	<i>FWS-HQ-ES-2018-0034-0025</i>	L-79
CT	Connecticut Department of Energy and Environmental Protection (Bureau of Water Protection and Land Reuse Chief (Acting))	<i>FWS-HQ-ES-2018-0034-0029</i>	L-84
CT	Connecticut Department of Energy and Environmental Protection (Bureau of Water Protection and Land Reuse Chief (Acting))	<i>FWS-HQ-ES-2018-0034-0051</i>	L-123
CT	Connecticut Fund for the Environment/Save the Sound (Legal Intern and President and CEO)	<i>FWS-HQ-ES-2018-0034-0042</i>	L-102
CT	Private Individual	<i>FWS-HQ-ES-2018-0034-0002</i>	L-55
CT	U.S. Army Corps of Engineers, North Atlantic Division (Environmental Team Lead, Planning and Policy Division)	<i>FWS-HQ-ES-2018-0034-0040</i>	L-100
DE	Delaware Department of Natural Resources and Environmental Control	<i>FWS-HQ-ES-2018-0004-0010</i>	L-8
DE	Delaware Department of Natural Resources and Environmental Control (Administrator of Delaware Coastal Management Program)	<i>FWS-HQ-ES-2018-0004-0034</i>	L-42
DE	King's Grant Condominium Association (President)	<i>FWS-HQ-ES-2018-0004-0013</i>	L-11
DE	Private Individual	<i>FWS-HQ-ES-2018-0004-0020</i>	L-16
DE	Private Individual	<i>FWS-HQ-ES-2018-0004-0040</i>	L-49
DE	The Nature Conservancy in Delaware (Director of Conservation)	<i>FWS-HQ-ES-2018-0004-0018</i>	L-14
DE	U.S. Army Corps of Engineers, Philadelphia District (Chief of Planning Division)	<i>FWS-HQ-ES-2018-0004-0027</i>	L-26
MA	Duxbury Beach Reservation, Inc. (Executive Director)	<i>FWS-HQ-ES-2018-0004-0037</i>	L-45
MA	James Landing Condominium Association (Board of Directors)	<i>FWS-HQ-ES-2018-0004-0014</i>	L-12
MA	Massachusetts Department of Conservation & Recreation (Commissioner)	<i>FWS-HQ-ES-2018-0004-0039</i>	L-49
MA	Massachusetts Office of Coastal Zone Management (Director)	<i>FWS-HQ-ES-2018-0004-0026</i>	L-25
MA	Private Individual	<i>FWS-HQ-ES-2018-0004-0005</i>	L-6
MA	Private Individual	<i>FWS-HQ-ES-2018-0004-0015</i>	L-12
MA	Private Individuals	<i>FWS-HQ-ES-2018-0004-0012</i>	L-9
MA	Town of Duxbury (Planning Director)	<i>FWS-HQ-ES-2018-0004-0032</i>	L-41
MA	Town of Scituate (Director of Planning and Development)	<i>FWS-HQ-ES-2018-0004-0041</i>	L-52
MA	Town of Provincetown (Town Manager)	<i>FWS-HQ-ES-2018-0004-0021</i>	L-16
MD	Audubon Maryland-DC (Director of Bird Conservation and Interim Executive Director)	<i>FWS-HQ-ES-2018-0034-0036</i>	L-95

Report to Congress: John H. Chafee Coastal Barrier Resource System

<i>State</i>	<i>Commenter</i>	<i>Document Number</i>	<i>Page Number</i>
MD	Chesapeake Bay Foundation, Inc. (Vice President of Environmental Protection and Restoration)	<i>FWS-HQ-ES-2018-0034-0035</i>	L-94
MD	Dorchester County Planning and Zoning (Environmental Planner)	<i>FWS-HQ-ES-2018-0034-0012</i>	L-63
MD	Private Individual	<i>FWS-HQ-ES-2018-0034-0007</i>	L-59
MD	Private Individual	<i>FWS-HQ-ES-2018-0034-0010</i>	L-61
MD	Private Individual	<i>FWS-HQ-ES-2018-0034-0027</i>	L-82
MD	Private Individual	<i>FWS-HQ-ES-2018-0034-0037</i>	L-96
MD	Private Individual	<i>FWS-HQ-ES-2018-0034-0039</i>	L-99
MD	Private Individual	<i>FWS-HQ-ES-2018-0034-0049</i>	L-122
MD	Private Individual	<i>FWS-HQ-ES-2018-0034-0050</i>	L-123
MD	Private Individual (Professional Land Surveyor)	<i>FWS-HQ-ES-2018-0034-0041</i>	L-101
MD	Talbot County Department of Planning and Zoning	<i>FWS-HQ-ES-2018-0034-0004</i>	L-58
MD	U.S. Army Corps of Engineers, North Atlantic Division (Environmental Team Lead, Planning and Policy Division)	<i>FWS-HQ-ES-2018-0034-0040</i>	L-100
NJ	Borough of Rumson (Borough Engineer)	<i>FWS-HQ-ES-2018-0004-0031</i>	L-40
NJ	Boroughs of Avalon and Stone Harbor and City of North Wildwood (Mayors)	<i>FWS-HQ-ES-2018-0004-0029</i>	L-34
NJ	City of North Wildwood (Mayor)	<i>FWS-HQ-ES-2018-0004-0017</i>	L-14
NJ	Monmouth County Audubon Society (President)	<i>FWS-HQ-ES-2018-0004-0024</i>	L-23
NJ	Monmouth County Planning Board (Chairman)	<i>FWS-HQ-ES-2018-0004-0019</i>	L-15
NJ	Monmouth County Planning Board (Chairman)	<i>FWS-HQ-ES-2018-0004-0042</i>	L-53
NJ	New Jersey Chapter of The Wildlife Society (Vice President)	<i>FWS-HQ-ES-2018-0004-0016</i>	L-13
NJ	New Jersey Departments of Environmental Protection and Transportation and State Office of Emergency Management (New Jersey Coastal Program Manager)	<i>FWS-HQ-ES-2018-0004-0023</i>	L-18
NJ	Township of Brick (Township Engineer & Floodplain Manager)	<i>FWS-HQ-ES-2018-0004-0011</i>	L-9
NJ	Township of Long Beach (Mayor)	<i>FWS-HQ-ES-2018-0004-0030</i>	L-38
NJ	U.S. Army Corps of Engineers, Philadelphia District (Chief of Planning Division)	<i>FWS-HQ-ES-2018-0004-0027</i>	L-26
NY	Audubon New York (Director of Conservation)	<i>FWS-HQ-ES-2018-0034-0034</i>	L-92
NY	Connecticut Fund for the Environment/Save the Sound (Legal Intern and President and CEO)	<i>FWS-HQ-ES-2018-0034-0042</i>	L-102
NY	Fire Island National Seashore, National Park Service (Park Planner)	<i>FWS-HQ-ES-2018-0034-0009</i>	L-61
NY	Private Individual	<i>FWS-HQ-ES-2018-0034-0021</i>	L-73
NY	Private Individual	<i>FWS-HQ-ES-2018-0034-0024</i>	L-79
NY	Suffolk County Department of Parks Recreation and Conservation (Commissioner)	<i>FWS-HQ-ES-2018-0034-0015</i>	L-65
NY	Town of Riverhead (AICP Building & Planning Admin. and Town Attorney)	<i>FWS-HQ-ES-2018-0034-0045</i>	L-105
NY	Town of Southampton (Chief Environmental Analyst)	<i>FWS-HQ-ES-2018-0034-0020</i>	L-70
NY	U.S. Army Corps of Engineers, North Atlantic Division (Environmental Team Lead, Planning and Policy Division)	<i>FWS-HQ-ES-2018-0034-0040</i>	L-100
NY	Village of Hewlett Harbor (Village Clerk)	<i>FWS-HQ-ES-2018-0034-0006</i>	L-59
NY	New York State Office of Parks, Recreation and Historic Preservation (Acting Commissioner)	<i>FWS-HQ-ES-2018-0034-0013</i>	L-64
RI	Audubon Connecticut (Managing Director)	<i>FWS-HQ-ES-2018-0034-0025</i>	L-79
RI	Private Individual	<i>FWS-HQ-ES-2018-0034-0003</i>	L-58

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RI	Private Individual	<i>FWS-HQ-ES-2018-0034-0016</i>	L-67
RI	Private Individual	<i>FWS-HQ-ES-2018-0034-0023</i>	L-78
RI	Rhode Island Coastal Resources Management Council (Deputy Director of Coastal Resources Management Council)	<i>FWS-HQ-ES-2018-0034-0028</i>	L-82
RI	Rhode Island Coastal Resources Management Council (Deputy Director of Coastal Resources Management Council)	<i>FWS-HQ-ES-2018-0034-0052</i>	L-124
RI	Save the Bay (Executive Director)	<i>FWS-HQ-ES-2018-0034-0017</i>	L-68
RI	The Watch Hill Conservancy (Napatree Area Manager)	<i>FWS-HQ-ES-2018-0034-0008</i>	L-60
RI	U.S. Army Corps of Engineers, North Atlantic Division (Environmental Team Lead, Planning and Policy Division)	<i>FWS-HQ-ES-2018-0034-0040</i>	L-100
VA	Chesapeake Bay Foundation, Inc. (Vice President of Environmental Protection and Restoration)	<i>FWS-HQ-ES-2018-0034-0035</i>	L-94
VA	Commonwealth of Virginia (Secretary of Natural Resources)	<i>FWS-HQ-ES-2018-0034-0053</i>	L-126
VA	Private Individual	<i>FWS-HQ-ES-2018-0034-0011</i>	L-62
VA	Private Individual	<i>FWS-HQ-ES-2018-0034-0014</i>	L-64
VA	Private Individual	<i>FWS-HQ-ES-2018-0034-0022</i>	L-74
VA	Private Individual	<i>FWS-HQ-ES-2018-0034-0031</i>	L-86
VA	Southern Environmental Law Center (Senior Attorney)	<i>FWS-HQ-ES-2018-0034-0032</i>	L-90
VA	U.S. Army Corps of Engineers, North Atlantic Division (Environmental Team Lead, Planning and Policy Division)	<i>FWS-HQ-ES-2018-0034-0040</i>	L-100
VA	York County Department of Public Works (Environmental Specialist II)	<i>FWS-HQ-ES-2018-0034-0030</i>	L-85

¹ U.S. Fish and Wildlife Service (USFWS), “John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey,” Federal Register Vol. 83, no. 48 (March 12, 2018): 10739-10747, <https://www.federalregister.gov/documents/2018/03/12/2018-04889/john-h-chafee-coastal-barrier-resources-system-hurricane-sandy-remapping-project-for-delaware>.

² Though the Massachusetts units were primarily included in the first batch of this project, a minor portion (about 3 acres) of Rhode Island Unit D01 in the second batch is located in Massachusetts. Therefore, there were areas in Massachusetts included in both comment periods.

³ USFWS, “John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia,” Federal Register Vol.83, no. 242 (December 18, 2018): 64861-64869, <https://www.federalregister.gov/documents/2018/12/18/2018-27322/john-h-chafee-coastal-barrier-resources-system-hurricane-sandy-remapping-project-for-connecticut>.

⁴ The National Audubon Society submitted a written comment letter via www.regulations.gov that was accompanied by a spreadsheet containing 107 unique comments from individuals and 2,224 additional names of people who supported the Audubon Society’s comments but did not provide unique comments.

⁵ Batch 1 comments are accessible at <https://www.regulations.gov/document/FWS-HQ-ES-2018-0004-0001>. Batch 2 comments are accessible at <https://www.regulations.gov/document/FWS-HQ-ES-2018-0034-0001>.



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R STREET POLICY STUDY NO. 8

January 2013

COASTAL PRESERVATION
THROUGH CITIZENS REFORM

By Christian Cámara



FEDERAL LEGISLATION

IN THE 1970s and 1980s, lawmakers, environmentalists and fiscal watchdogs began to recognize that certain actions by the federal government had the unintended consequence of inflicting damage on the environment—and worse, placing life and property at great risk—at taxpayer expense. These included federal initiatives, programs and subsidies that encouraged development in, and consequent destruction of, coastal wetlands, beaches, and dunes that not only are ecologically sensitive and valuable, but that also acted as natural buffers to protect adjacent and upland structures and infrastructure against wind, flood and storm surge.

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In 1982, a Democratic-controlled House of Representatives and a Republican-controlled Senate came together with President Ronald Reagan and enacted the Coastal Barrier Resources Act (CBRA). That legislation removed these federal incentives by designating mostly undeveloped wetlands and barrier islands along the Gulf and Atlantic coasts as part of what is now called the John H. Chafee Coastal Barrier Resources System (CBRS). In 1990, the CBRA was reauthorized and expanded to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and the U.S. Virgin Islands.¹

In order to minimize high-risk development in these areas, stop wasteful expenditures and protect coastal resources, the CBRA restricts federal expenditures for activities such as beach nourishment and infrastructure construction and subsidies for flood insurance through the National Flood Insurance Program (NFIP). Despite the prohibition on federal subsidies in these areas, development is allowed by private landowners or other non-federal entities, provided that they bear the full cost while understanding that the federal government may never provide any financial assistance to maintain and/or protect what is developed.

Between 1982 and 2010, the CBRA saved the federal government at least \$1 billion.² At the same time, it saved many lives and much property that natural disasters like floods and hurricanes would have otherwise endangered.

Congress acted appropriately to restrict subsidies as a way to promote conservation of natural resources, fiscal responsibility, and the reduction of inappropriate high-risk coastal development. Unfortunately, the State of Florida is in conflict with these federal policies by providing subsidized low-cost insurance in extremely high-risk and environmentally sensitive coastal areas, including in the very areas designated under the CBRA within Florida.

FLORIDA

FLORIDA HAS \$2.16 trillion in total coastal exposure, the most of any state. By comparison, the combined coastal exposure of the other "hurricane alley" states (Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Texas) is only about \$1.83 trillion. While it covers only about 1.5 percent of the lower 48 states' land area (55,000 square miles out of 3 million square miles), Florida has been struck by seven of the ten costliest hurricanes in U.S. history. It is also the site of the single most intense hurricane on record (1935's Keys hurricane) and the second deadliest hurricane (the Lake Okechobee hurricane, also in 1935).³ In short, hurricanes will always be a fact of life in Florida, as much as the heat, humidity and mosquitoes are.

There is obviously nothing Florida can do to alter weather patterns or alleviate its position as a low-lying peninsula that extends 500 miles into the most hurricane-active waters in the world. As such, the state must cope with its vulnerability by mitigating against its enormous hurricane risk in three major ways:

1. Physically fortifying its built environment to better withstand windstorms and tidal surge;
2. Discouraging development in the riskiest areas along the coast; and
3. Preserving natural coastal buffers that protect inland areas against the effects of storms.

On the surface, the approach described above might suggest a big government approach, including massive investment of state dollars to retrofit existing structures, the imposition of even stronger building codes and the infringement of private property rights. Obviously, this approach would be untenable, not to mention politically impossible, given current budgetary realities.

However, by revising Florida's current property insurance system, the state could achieve these goals without onerous new laws or regulations, all while actually saving taxpayer money.

Just as the federal government offered subsidized flood insurance to high-risk coastal areas before enacting the CBRA, Florida currently encourages development in and migration to some of the state's highest-risk coastal areas by making subsidized and underpriced property insurance available through the state-owned Citizens Property Insurance Corp. (Citizens).

Established as an "insurer of last resort," Citizens was initially open only to those property owners who were legitimately unable to find coverage in the private market. Its rates were

required to be actuarially sound and higher than the average of the top 20 private insurers in the state.

However, former Gov. Charlie Crist's 2007 insurance reforms allowed Citizens to offer policies to any Floridian who gets even a single insurance quote more than 15 percent greater than Citizens' rates, which essentially imposed a de facto price control on Florida's property insurance market. Additionally, the 2007 legislation required Citizens to roll back its premiums to 2006 levels and freeze them at that level.⁴

Subsequent legislation eased the rate freeze by replacing it with a "slidestaple" that allows yearly rate increases of no more than 10 percent until rates reach an actuarially sound level. With the current 10 percent cap, however, it will take Citizens several years to reach that level and come close to matching the private market, which is required by law to charge adequate rates. As such, in most cases, Citizens charges considerably less than its private market competitors, especially in the highest-risk coastal areas.

Citizens is able to underprice its coverage and still remain in business because not only is it sponsored by Florida's government, but it also has the unilateral authority to impose a form of taxation on nearly every insurance policy issued in the state. When Citizens runs a deficit, it must first impose surcharges on its own policyholders (Citizens Policyholder Surcharge), but may subsequently impose assessments on every property and casualty insurance policy issued in the state except for medical malpractice and workers' compensation policies (Emergency Assessment).⁵ This would amount to a "hurricane tax" that could add up to 30 percent to the cost of each insurance policy sold by the 77 percent of homeowners, renters, drivers, boaters, businesses, charities, and civic organizations statewide who derive no benefit from Citizens' subsidized, underpriced rates. These assessments could stretch over the course of several years, during which time the state could be hit by one or more storms, compounding the situation.

In private market competitors, on the other hand, enjoy an such rating advantage. They are expected and legally required to have enough cash reserves and backing (re-insurance) to cover their obligations. A private insurer changing anything less than adequate rates would be penalized and eventually shut down by the state.

The Crist insurance reforms of 2007—essentially requiring Citizens to charge rates below the private market—have had several unintended outcomes, including encouraging most large, nationally known insurers to stop writing new coastal coverage in the state. However, an indirect consequence of the availability of underpriced, subsidized insurance is the irresponsible development it promotes in the highest risk areas and the consequent destruction of wetlands, sand

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R STREET POLICY STUDY 203: COASTAL PRESERVATION THROUGH CITIZENS REFORM |



How storm surge could stop sand dunes

dunes and other natural buffers that studies have shown help protect inland areas from storms.

Simply put, Florida's insurance policies have had the unintended consequences of forcing residents to indirectly subsidize irresponsible development that creates massive future taxpayer liabilities, damage the state's coastal environment and destroy natural storm barriers.

Without the current promise of underpriced property insurance, a developer would have to seriously consider the investment risk of building in an extremely disaster-prone coastal area. At the right price, private insurers would likely step up and offer coverage, as they did when Citizens recently stopped writing coverage for dwellings valued at more than \$1 million. Those property owners were able to find coverage in the private market, albeit at risk-based (almost always higher) rates, but those policies were removed from Citizens and thus sizable risk was transferred from the state's taxpayers to private companies.

Without the cheap, subsidized insurance Citizens offers, potential buyers looking to acquire property in high-risk coastal areas might reconsider making such an investment. Developers, in turn, would be encouraged to build stronger structures to bring down the cost (or need) of insurance. This, of course, would increase building costs, eventual sale

prices, and thus reduce demand, which may force builders and their investors to reconsider such projects and opt instead for lower-risk inland areas. Either way, the goal of fortifying Florida's built environment and reducing irresponsible, risky development are met by simply making subsidized insurance unavailable in the highest risk coastal areas.

Environmental concerns also would be positively addressed organically without additional property rights-infringing rules and regulations. Florida's taxpayers also would benefit from policies that restrict Citizens' coverage in the highest risk coastal areas, as such risk would be prospectively borne by private companies.

However, given Florida's economic and political realities, it would be utterly impossible to carve out entire sections of the state's coastal areas and suddenly make them ineligible for Citizens coverage on existing properties. There are countless existing dwellings and businesses that currently receive their coverage from Citizens who would not immediately be able to find coverage from the private market. As such, a realistic reform proposal would allow existing structures in designated high-risk coastal areas to be "grandfathered," essentially allowing them to keep their Citizens coverage, or be eligible for future Citizens coverage should they encounter problems renewing coverage through the private market. However, a proposal that would restrict Citizens from cover-



Coastal Construction Control Line (CCCL)

ing new construction in certain designated high-risk coastal areas should be examined.

The geographic extent of such coverage restrictions rests with the Legislature, but should at a minimum include areas currently designated within the CBRS. This would essentially harmonize state policy with federal policy by disallowing both state and federally-subsidized property insurance in the CBRS. Beyond that, the Legislature may also consider restricting Citizens coverage for new construction in areas seaward of the Coastal Construction Control Line (CCCL).

Per Section 161.054, F.S., the CCCL is a line of jurisdiction, defining the landward limit of the state Department of Environmental Protection's authority to regulate coastal construction. The CCCL is not a setback or line of prohibition. New construction—as well as additions, remodeling, and repairs to existing structures—are allowed seaward of the CCCL; however, such structures and activities usually require a special CCCL permit.⁶

The CCCL has been established for most of the sandy beaches of Florida, but does not extend into the Florida Keys or to counties in the Big Bend area that have mostly vegetated shorelines. The CCCL represents the landward limit of the beach-dune system, which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. But for a few exceptions, the CCCL and the regulations that it enforces apply only to the seaward-most line of beachfront properties, which are in exponentially higher risk of wind and flood damage than even nearby landward neighbors.

During Florida's 2012 Regular Legislative Session, an amendment was to be filed onto legislation that ultimately did not receive a hearing but would have restricted Citizens coverage for new construction in areas within the CBRS and the CCCL. The Legislature would do well to consider a similar proposal in 2013.

The 2013 language read as follows:

627.251(6).
7. Any major structure⁷ as defined in 161.054(5)(a) for which a permit is applied on or after June 1, 2011 for new construction or substantial improvement⁸ as defined in 161.054(12) is not eligible for coverage by the corporation if the structure is seaward of the coastal construction control line established pursuant to s. 161.053 or is within the Coastal Barrier Resources System as designated by s. 16 U.S.C. 1616 U.S.C. 3510.

The above language would prohibit Citizens from covering new construction within CBRS and any territory seaward of the Coastal Construction Control Line. The risk of rebuilding in these storm- and flood-prone areas would therefore be borne by the owners or by private insurers, and not by Citizens or Florida taxpayers. As such, the added risk and expense would likely reduce such development and help preserve these areas' ecological integrity, as well as their ability to protect inland areas from storms.

CONCLUSION

THIS YEAR'S LEGISLATIVE session offers lawmakers a great opportunity to enact reforms that would bring fiscal conservatism and environmentalism together to safeguard the state's precious coastal environment while protecting taxpayers and encouraging stronger building practices—organically and without new onerous regulations.

A state as disaster-prone as Florida needs to take steps to slow development along its highest risk areas that could endanger life and property. A sensible approach that does not extend the arms of government, but relies on the free market and individuals making the right financial decisions for

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Hurricane Sandy Remapping Project

11/4/2018

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PUBLIC SUBMISSION

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0011

ComminsElisa@TownshipOfBrick

Submitter Information

Name: Elissa C. Cummins
Address:
401 Chambers Bridge Road
Brick, NJ, 08723
Phone: 732-262-1040

General Comment

See Attached

Attachments

ComminsElisa@TownshipOfBrick

File: \\FWS\JBR\HurricaneSandy\Report to Congress\Env\ Report\Appendix L\11\Nexus\Documents\FWS-HQ-ES-2018-0004-0011.mxd

1/1

TOWNSHIP OF BRICK

OCEAN COUNTY, NEW JERSEY
401 CHAMBERS BRIDGE ROAD, BRICK, N.J. 08723

John G. Ducey, Mayor

Township Council:
Heather daJong - President
Lisa Crata - Vice President
Arthur Halloran
Jim Fozman
Marianna Pontoriero
Paul Mummolo
Andrea Zapic



Division of Engineering

Elissa C. Cummins, PE, PP, CME, CPWM, CFM
Township Engineer & Floodplain Manager
ecummins@twp.brick.nj.us

732-262-1040
Fax: 732-262-2941
www.twp.brick.nj.us

May 10, 2018

Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance and Management Programs

US Fish & Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

RE: FWS/AES-DBTS-BGMTS/067261
Proposed CBRA Revisions

Dear Sir or Madam:

The Township has received a copy of the March 12, 2018 notice from US Fish & Wildlife regarding proposed revisions to the Coastal Barrier Resource Area (CBRA) Zone.

These proposed mapping revisions correct errors that have affected many residents. Historically, the CBRA Zone mapping incorporated into the FIRMs was digitized at an approximate scale of 1" to 1,000 feet. As a result, the mapping of the areas did not properly align with actual parcels boundaries. The antiquated mapping left gaps in properties that were intended to be in the CBRA zone and overlap onto parcels developed with single-family homes. There are also several areas being considered for incorporation into the CBRA zones. We have reviewed and verified that proposed addition areas are on undeveloped land. Overall we are very pleased.

I would request that Fish & Wildlife notify the affected property owners of those parcels going into the CBRA zone as well as those coming out, as they would now qualify for federal assistance, including subsidized flood insurance from the NFIP.

Please let me know if you have any questions or require any additional information. I can be reached by phone at 732.262.1040 extension 1341, by email via ecummins@twp.brick.nj.us, or by mail at the address identified above. Thank you.

Sincerely,

Elissa C. Cummins
Elissa C. Cummins, P.E., C.F.M.
Township Engineer & Floodplain Manager

cc: Honorable Mayor John G. Ducey
Joanne Bergin, Business Administrator
Michael Fowler, AICP, PP, Township Planner & CRS Coordinator

www.facebook.com/BrickTwpNJGovernment [@TownshipOfBrick](https://www.instagram.com/TownshipOfBrick)

11/4/2018

FWS-HQ-ES-2018-0004-0012.mxd

PUBLIC SUBMISSION

As of: July 27, 2018
Received: May 22, 2018
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Posted: May 22, 2018
Tracking No. 1k2-9341-9qkw
Comments Due: July 10, 2018
Submission Type: Paper

Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0012

0 Deacon Rd

Submitter Information

Name: Walter & Susan Foerster

General Comment

See Attached

Attachments

0 Deacon Rd

File: \\FWS\JBR\HurricaneSandy\Report to Congress\Env\ Report\Appendix L\12\Nexus\Documents\FWS-HQ-ES-2018-0004-0012.mxd

1/1

May 24, 2018

Dana Wright

Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS:ES
Falls Church, VA 22041

Good morning Dana,

Please review this petition to remove from consideration 0 Deacon Road located in Westport Massachusetts, 02790 Site ID 91.73.0 Assessors Map 91 lot 73 (see enclosure) from inclusion into the Coastal Barrier Resource System. 0 Deacon Road is part of an area already developed and is considered a buildable lot and is located in an area designated "C Zone" an area with minimal flood hazard. 0 Deacon Road is of sufficient size for a well and septic system and is the only undeveloped parcel on Deacon Road in a community of single family homes. Deacon Road currently has infrastructure available to the property of a paved road with a reinforced road bed, electrical service provided by NStar (Eversource Energy)- electric, Charter Communications (TV/Tel/Phone) . see photos attached

My wife and I have owned 0 Deacon Road since Sept 1989 although we have been unable to develop the property we hope that the our children or grand children will at sometime in the future will be able to do so unencumbered by additional restrictions.

Walter and Susan Foerster,
C/O Foerster Family Trust

Walter Foerster

Report to Congress: John H. Chafee Coastal Barrier Resource System



Town of WESTPORT - Fiscal Year 2018									
NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20
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Page 1 of 1



Imagery ©2018 Google, Map data ©2018 Google 100 ft

<https://www.google.com/maps/@41.5107064,-71.0691411,378m/data=!3m1!1e3>

5/22/2018



Hurricane Sandy Remapping Project



PUBLIC SUBMISSION

As of: July 27, 2018
Received: May 29, 2018
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Posted: May 29, 2018
Tracking No. 1K2-9370-m5k2
Comments Due: July 10, 2018
Submission Type: Web

Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0013

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Stuart Bowers

Address:

3117 Dahlia Way
Naples, FL 34105

Email: stb@stb.com

Phone: 410-804-0655

General Comment

May 29, 2018

Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

May 17, 2018

Re: Federal Register Citation 83 FR 10739
Docket Numbers FWS-HQ-ES-2018-0004, FF09E15000-FXES111609B0000-189
FR Doc Number 2018-04889
OPA: DE-08P

TO WHOM IT MAY CONCERN:

King's Grant Condominium in Fenwick Island, Delaware, is a coastal community which is affected by DE 08P [Fenwick Island, Sussex County, Delaware], a current "Otherwise Protected Area (OPA)" on the maps of the John H. Chafee Coastal Barrier Resource System (CBRS). We have reviewed the proposed (new) boundaries of

the CBRS as they apply to our community, developed pursuant to the Hurricane Sandy Remapping Project, and note that our community is proposed for elimination from the CBRS. We strongly support this revision of the CBRS boundaries and elimination of our community from the CBRS.

Construction of our condominium buildings began almost 35 years ago. They have been through many severe storms, including Hurricane Sandy. Our buildings have never in our almost 35-year history experienced any flooding or storm surges. No stormwater has entered into any units. We sit far back from the ocean. Our units are all built up on piles and have managed well through all storm conditions.

Elimination of the King's Grant Condominium community from the CBRS would be consistent with the objectives of the U.S. Fish and Wildlife Service in revising the Delaware CBRS boundaries. Our property is not vulnerable to coastal hazards such as flooding, storm surge, wind, erosion or sea level rise. Accordingly, continued inclusion of King's Grant Condominium buildings would not be rationally related to the purposes of the Coastal Barrier Resource Act of 1982, which is minimization of loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources.

Sincerely,

D. Stuart Bowers
President
King's Grant Condominium Association

Report to Congress: John H. Chafee Coastal Barrier Resource System

FWS-O-ES-2015-0004-0014 Rvw

PUBLIC SUBMISSION

Document: FWS-HQ-ES-2018-0004-0014
LansaAndrew et.al.

Submitter Information

Arbor Management Company Inc.
One Snow Rd Ste 2
Marshfield, MA 02050

General Comment

See Attached

Attachments

Lansa/Andrew et al.

Re: HIKALBRAIN Hurricane Sandy Report to Congress Draft Report/Appendix L8.1 Missing Documents FWS-RO-ES-2015-0004 (01/14/2015)

RECEIVED

JUN 15 2018 James Landing Condominium Association
c/o Arbor Management Company, Inc.
 Div. of Policy, Perf. & MGMT. Programs *One Snow Rd, Suite 2*
Marshfield, MA 02050

Falls Church, VA, 22041-3808

Signature page follows.

As of: July 27, 2018
Received: June 18, 2018
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Posted: June 18, 2018
Tracking No. 1k2-93sk-4qrf
Comments Due: July 10, 2018
Submission Type: Web

PUBLIC SUBMISSION

Submitted Electronically via eRulemaking Portal

Submitter Information

E-mail: jusped@aol.com
Phone: 5087307846

General Comment

I am writing regarding my property located at 201 Atlantic Ave., Westport, MA 02790, Map/Parcel 89 88C. I have received notice that half of my property is being remapped under the new regulations. My property is located north of the Beach Ave. included designated remapping. I am requesting that this portion of my property be removed from this new mapping. I have attached a picture of the outlined property to indicate the area requested for removal.

Attachments

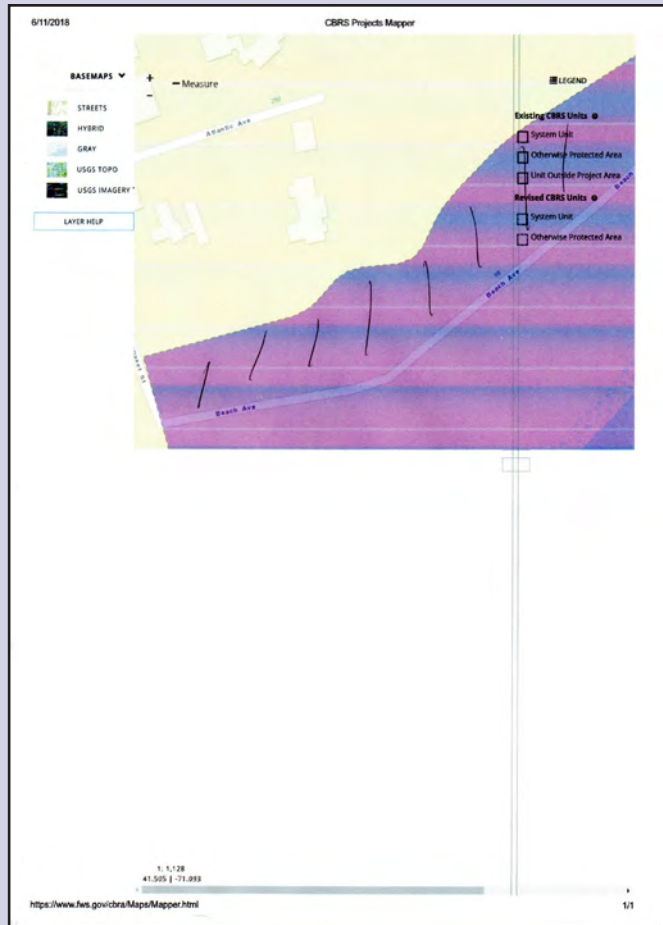
James Landing Condominium Association

*c/o Arbor Management Company, Inc.
One Snow Rd, Suite 2
Marshfield, MA 02050*

James Landing Board Members Signature

[illegible]

Hurricane Sandy Remapping Project



11/4/2020

FWS-HQ-ES-2018-0004-0018.html

PUBLIC SUBMISSION

As of: July 27, 2018
Received: June 20, 2018
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Posted: June 21, 2018
Tracking No. 042-931z-athh
Comments Due: July 10, 2018
Submission Type: Web

Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0016

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Anonymous Anonymous

Organization: New Jersey Chapter of the Wildlife Society

General Comment

See attached file(s)

Attachments

NJTWS CBRA Letter_Final

File: \\K:\CBRA\Hurricane Sandy\Report to Congress\Unit_Report\Appendix L\1 Missing Documents\FWS-HQ-ES-2018-0004-0018.html



New Jersey Chapter
The Wildlife Society

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, Virginia 22041-3808

RE: John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

May 22, 2018

Dear U.S. Fish and Wildlife Service:

The New Jersey Chapter of The Wildlife Society (NJTWS) recommends reconsideration of NJ-07P (Little Egg Inlet) as a full System Unit, currently mapped as an Otherwise Protected Area (OPA) within the Coastal Barrier Resources System. As an OPA the only federal expenditure prohibition is that related to Federal flood insurance, which has very little bearing on areas within NJ-07P since, based on current regulations, none of the areas provide buildable land. However, protection as a full System Unit would provide full protection from federal expenditures beyond Federal flood insurance that could result in the loss or adverse impact of this important coastal inlet and adjacent beach and marsh areas.

Little Egg Inlet is the only unmodified (i.e. natural) inlet between New York and Virginia, a shoreline distance of about 350 miles. It supports federally designated Wilderness Area, part of Edwin B. Forsythe National Wildlife Refuge on both sides of the inlet. It is New Jersey's second largest concentration of nesting piping plovers (*Charadrius melodus*), a federally listed threatened species. It is also an important fall stopover habitat for the federally threatened red knot (*Calidris canutus rufa*). NJ-07P also

The Wildlife Society (TWS), founded in 1937, is an international non-profit scientific and educational association dedicated to excellence in wildlife stewardship through science and education. Our mission is to enhance the ability of wildlife professionals to conserve diversity, sustain productivity, and ensure responsible use of wildlife resources for the benefit of society. The Wildlife Society encourages professional growth through seminars, peer review publications, conferences, and award grants.

provides habitat for the federally threatened seabach amaranth (*Amaranthus pumilus*). Unmodified inlets provide optimal habitat for all three of these listed species. This inlet is also part of the Jacques Cousteau National Estuarine Research Reserve.

The Coastal Barrier Resources Act (CBRA) encourages the conservation of hurricane prone, biologically rich coastal barriers by restricting federal expenditures and financial assistance that encourages development. Similar to national used to map NJ-09 (Hereford Inlet) as a full system unit, the Little Egg Inlet (NJ-07P) should also be considered and mapped as a full system unit. These critical inlets and the adjacent habitats that they support are among the few remaining natural inlets in New Jersey, which is one of the reasons why they continue to support a variety of federally listed and at-risk species. The Little Egg Inlet is neither a Federal nor a State navigation channel.

Little Egg Inlet (NJ-07P) supports habitat for three federally listed species, in large part because is the only natural inlet in the northeast region. Therefore, NJTWS encourages the U.S. Fish and Wildlife Service to remap NJ-07P (Little Egg Inlet) as a Full System unit under CBRA to afford it the full protections offered by this legislation.

Sincerely,

Brian Kirpatrick

Brian Kirpatrick, CWB
Vice President
New Jersey Chapter of The Wildlife Society

Cc: Senator Robert Mendendez
Senator Cory Booker
Congressman Frank Lofredo

<https://www.regulations.gov/docket?D=FWS-HQ-ES-2018-0004>

Report to Congress: John H. Chafee Coastal Barrier Resource System

11/4/2018

FWS-HQ-ES-2018-0004-0017.html

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Posted: July 05, 2018
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Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0017

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Patrick Rosencello

Address:

901 Atlantic Avenue
NW City Hall
North Wildwood, NJ, 08260
Email: proscello@northwildwood.com
Phone: 609-522-6464
Fax: 609-523-8502

General Comment

See attached file(s)

Attachments

CBRS Final Comments Letter - City of North Wildwood

File: \\F:\J\B\H\Hurricane Sandy\Report to Congress\Final Report\Appendix L.R.1\Nexus\Documents\FWS-HQ-ES-2018-0004-0017.html

6/1



CITY OF NORTH WILDWOOD

901 Atlantic Avenue
North Wildwood, NJ 08260-5778
(609) 522-2030

Patrick T. Rosencello
Mayor

Kevin Yecco
City Administrator

Tuesday, July 03, 2018

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

RE: Docket No. FWS-HQ-ES-2018-0004 - Comments on CBRS Expansion
City of North Wildwood - Hereford Inlet

Dear Sir/Madam,

With the very real threat of Atlantic coastal storms, hazard mitigation is more important than ever for our barrier island communities. As currently proposed, the Department of Interior's most recent expansion to the Coastal Barrier Resource Site for Hereford Inlet is a threat to our City's beaches, not to mention critical infrastructure that protects our property and lives along our northeastern section of the City.

Upon receipt of the Department of Interior's most recent announcement of the expansion of the Coastal Barrier Resource Site (CBRS) for Hereford Inlet, the City of North Wildwood immediately engaged in a review of the expansion to assess the impact it has on our town's infrastructure, residents, taxpayers, and quality of life. As a result of these detailed discussions, the following comments have been recognized as the City of North Wildwood's concerns:

1. The proposed CBRS expansion for Hereford Inlet - Abuts and extends onto several toe sections of an Army Corps of Engineers' federally funded and constructed seawall. The CBRS expansion will negatively impact the Army Corps' ability to provide needed maintenance and repairs to that seawall, as a result of damage caused by coastal storms, if federal funds are no longer able to be utilized within the CBRS. Currently, the new CBRS expansion extends onto and through the entire length of our seawall.

- A 500' buffer from the top of the seawall seaward is required, as to not infringe on a 50 year maintenance agreement that the City of North Wildwood has with the Army Corps of Engineers for maintenance and repairs of the federally funded and federally built North Wildwood Seawall - a structure certified to withstand the 500 year storm. The buffer has been determined from the fact that portions of the rocks attached to the seawall extend 130' seaward from the bottom of the wall, and a buffer area will be required for repair, when damage is inevitably sustained in the future.

2. Flood Risk Resiliency Pump Station Project - The City of North Wildwood was recently awarded \$9.93 million from the New Jersey Department of Environmental Protection in 2016 as a part of the Flood Hazard Risk Reduction and Resiliency Grant Program for a pump station project at the northernmost section of the city, an area most susceptible to flooding from storm events. That grant is

PUBLIC SUBMISSION

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Posted: July 05, 2018
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Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0018

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Sarah Cooksey

Address:

703 Chestnut Street
Milton, DE 19668
Email: sarah.cooksey@tnc.org
Phone: 3026641218

General Comment

Hello - As described in my August 30, 2017 letter (attached) after considering the benefits and the risks related to inclusion of Delaware TNC lands in the remapping project, we formally request again that no land owned by TNC in the Milford Neck area be included in the remapping project, including land in the Broadkill Beach Unit. The land owned by TNC in the Milford Neck area, in addition to being managed in accordance with the conservation goals adopted by TNC, is largely protected by conservation easement or other similar restrictions. I believe any additional protection afforded by inclusion in the remapping project would be redundant in terms of protection and could introduce administrative hurdles with regard to opportunities to receive federal funding in support of TNC's conservation efforts in Delaware.

Sincerely,

Sarah Cooksey, Director of Conservation

Attachments

-scanned letter - hard copy mailed

funded through a United States Housing and Urban Development (HUD) Superstorm Sandy Community Development Block Grant for Disaster Recovery (CDBG-DR). The pump station is to be installed through sections of the Army Corp seawall at Olde New Jersey Avenue & the Inlet Beach and the new CBRS expansion extends through a section of the proposed plans for that pump station project. The 500' buffer would fully enable this vital project to continue.

3. Federal Disaster Declaration - When a federal disaster has been declared for Cape May County, as a result of a major erosion event, North Wildwood must have authorization from the Department of Interior to utilize Hereford Inlet as a borrow site for needed beach nourishment, using federal funds. We request that clarification be provided in writing from the Department of Interior, which must include that exception to the rule, in order to avoid confusion in the future when a major storm-related federal disaster has been declared for Cape May County and federal funds are provided.

4. Hereford Inlet Navigation - Hereford Inlet is currently un navigable by boat. With that being said, the continued "clogging" of that inlet can have a significantly adverse impact on the aquaculture of our backbay, given the fact that access is limited due to the shallow depths of the channel. Additionally, it causes an obstruction to critical water-safety related rescues that need to be made by our local Emergency Volunteer Corp., the United States Coast Guard, and the New Jersey State Marine Police when emergency access must be provided. To mitigate this, North Wildwood intends to seek approval from the Federal Department of Transportation, Federal Fish and Wildlife Services, the United States Coast Guard, Army Corps' of Engineers, New Jersey Department of Transportation and the New Jersey Department of Environmental Protection to make Hereford Inlet navigable again. The proposed CBRS expansion would negatively impact this project.

5. Historical Fluctuations in the Size of the Recreational Inlet Beach - The currently proposed CBRS boundary expansion will result in further restrictions on our Recreational Beach. North Wildwood Administration objects to the arbitrary line, which extends up to the seawall and the length of the entire inlet beach. It is the City's considered opinion that the CBRS expansion line must be moved seaward, beyond the largest dimensions that the Inlet Beach has ever experienced, so as not to impede on the future conditions and standards of the Recreational Inlet Beach.

6. The City of North Wildwood further concurs and agrees with all comments made and provided by the Army Corps' of Engineers, and the New Jersey Department of Environmental Protection Division of Coastal Engineering, in reference to the Hereford Inlet CBRS Expansion, NJ-09.

Consequently, if the currently proposed Coastal Barrier Resource Site (CBRS) is adopted without any amendments to the Hereford Inlet expansion, erosion in North Wildwood will intensify, sections of our beaches will be lost, and it will put our public and properties at extreme risk. Your attention to the comments above is most greatly appreciated, and I look forward to working with you and your department through these issues, as described herein above. Thank you for acknowledging the above and for your cooperation in seeking a final, lasting resolution to this issues which are critical concern to both your agency as well as the City of North Wildwood.

Very sincerely,

Patrick T. Rosencello
Mayor

Hurricane Sandy Remapping Project



The Nature Conservancy in Delaware
Community Services Building
100 West 11th Street, Suite 1101
Wilmington, DE 19801

www.nature.org/delaware

August 30, 2017

Ms. Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service Headquarters
Ecological Services, MS: E5
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: CBRS Mapping Project

Dear Katie:

I hope this letter finds you well. I write to follow up on our call in July regarding the inclusion of land owned by The Nature Conservancy (TNC) in Delaware in the CBRS Hurricane Sandy Remapping Project (remapping project). We appreciate you taking the time to walk through the remapping project with us, sharing the project's goals, scope, and timeline. This was helpful information as we considered benefits and risks related to inclusion of TNC land in the remapping project.

Following our discussion we consulted with colleagues and reviewed our records. At this point in time we would like to formally request that no land owned by TNC in the Milford Neck area be included in the remapping project, including land in the Broadkill Beach Unit HQ0. The land owned by TNC in the Milford Neck area, in addition to being managed in accordance with the conservation goals adopted by TNC, is largely protected by conservation easement or other similar restrictions. Thus, any additional protection afforded by inclusion in the remapping project would be redundant in terms of protection, and could introduce administrative hurdles with regard to opportunities to receive federal funding in support of TNC's conservation efforts in Delaware.

TNC supports the efforts of the USFWS and the aims of the remapping project. In light, however, of the commitment to manage the land according to the conservation goals of TNC, and the legal protections already in place, TNC would prefer that land it owns be excluded from the remapping project so as to avoid any unnecessary administrative burden.

If you have any questions, please feel free to contact me. I may be reached at sarah.cooksey@tnc.org or at 302-228-0992.

Sincerely,

Sarah W. Cooksey
Director of Conservation



11/4/2020

FWS-HQ-ES-2018-0004-0019.html

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John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0019

Giannelli James/Monmouth County

Submitter Information

Name: James Giannelli

Address:

1 East Main Street
Freshhold, NJ, 07728

General Comment

See Attached

Attachments

Giannelli James/Monmouth County

File: \\K:\JBRW\Hurricane Sandy\Report to Congress\Draft Report\Appendix L\1 Missing Documents\FWS-HQ-ES-2018-0004-0019.html

1/1

MONMOUTH COUNTY PLANNING BOARD

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EDWARD SAMPSON, PP, AICP
Director of Planning

June 26, 2018

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3803

Re: FWS/AES-DOTS-BGMS/067261

To Whom It May Concern:

Thank you for the opportunity to review the U.S. Fish and Wildlife Service (FWS)'s published notice in the *Federal Register* on March 12, 2018 (83 FR 10739) to announce the availability of draft revised boundaries of the John H. Chafee Coastal Barrier Resource System (CBRS) units for public review and comment. Draft revised boundaries in Monmouth County include NJ-01P, NJ-04A, NJ-17P, and NJ-18.

The Monmouth County Planning Board has concerns regarding the limitations on future improvements and maintenance of Monmouth County owned and maintained facilities which are within and adjacent to the CBRS draft revised boundaries. According to the FWS draft revised boundary ArcGIS Shapefile, proposed System Unit NJ-18 includes Monmouth County owned and maintained N-61 Interim Confined Disposal Area. The County requests that N-61 Interim Confined Disposal Area be excluded from NJ-18. This would allow the County to continue using Federal funding to operate, maintain, access, and upgrade this facility to current standards. Refer to the attached map for the requested exclusion.

Proposed System Unit NJ-18 is located directly adjacent to New York Waterway Ferry terminal and parking area. Ferry service operating out of this terminal provides a reliable alternative to driving and other forms of public transportation for the thousands of Monmouth County residents who commute to New York City for work. The ferry permit requires shoreline stabilization. The County is requesting that a portion of the shoreline east of the ferry terminal be excluded from NJ-18 in order to continue eligibility for Federal funding for various shoreline stabilization projects in support of ferry operations. Refer to the attached map for the requested exclusion.

The county may find it necessary to submit additional comments to the U.S. Fish and Wildlife Service through the remainder of the public comment period.

Very truly yours,

James Giannelli, Chairman

David Panagore
Town Manager, Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

July 10, 2018

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, Virginia 22041-3808

RE: John H. Chafee Coastal Barrier Resources System (CBRS)
Hurricane Sandy Remapping Project
Town of Provincetown, Massachusetts, Unit MA-19P

To whom it may concern:

Roughly 70% of the Town of Provincetown (Town) is within the existing Otherwise Protected Area (OPA) of Unit MA-19P of the CBRS, which is largely coterminous with the Cape Cod National Seashore (CCNS). The Town has reviewed the proposed revisions to Unit MA-19P and has serious reservations about the proposed mapping. The Town contends that the some of the areas to be mapped are inappropriate as they do not meet the definition of coastal barriers as stated by the Fish and Wildlife Service and would be inconsistent with the purposes of the CBRS. Recognizing that the OPA mapping has limited implications at this time, we are still concerned this mapping could have negative consequences for the future of the Town due to our unique constraints.

The Town is a coastal community located at the outermost point of Cape Cod. Due to its unique geography and the large percentage of federally-controlled land, the Town has limited land resources for both present and future needs. The proposed revisions would add several state- and Town-owned parcels to the CBRS as OPA. These parcels include both areas held for conservation purposes and areas not held for conservation purposes. The Town has serious reservations about the inclusion of several of the Town parcels that are not held for conservation purposes in the CBRS.

The Town is most concerned by the inclusion of the following areas:

- Right-of-way layout of Route 6 (formerly a state-owned highway, now owned by the Town);
- Town Assessor's Parcel ID no. 8-1-15-0 (municipal sewage treatment facility);
- Town Assessor's Parcel ID no. 8-1-13-0 (leaching fields for the municipal sewage treatment facility and the future site of the Town's police station); and
- Town Assessor's Parcel ID nos. 18-4-1-0 and 18-4-2-0 (municipal water tower).

The CBRS website defines coastal barriers as areas that:

- Consist primarily of unconsolidated sediments (sand, gravel, etc.);
- are subject to wind, wave, and tidal energies;
- are subject to the impacts of coastal storms and sea-level rise;
- buffer the mainland from the impact of storms;

The seal of the Town of Provincetown, Massachusetts, featuring a circular design with a figure and text.

Town of Provincetown
Office of the
Town Manager

Town Hall, 260 Commercial Street
Provincetown, MA 02657
Telephone (508) 487-7002 Facsimile (508) 487-9560

Hurricane Sandy Remapping Project

- include associated landward aquatic habitats that are protected from direct wave attack by the fastland (non-wetland) portion of the coastal barrier, and
- protect and maintain productive estuarine systems which support the Nation's fishing and shellfishing industries.

The Town contends that these areas do not meet these criteria for classification as coastal barriers. Regardless of whether these areas are to be included as OPA instead of System Units, these mappings are still inappropriate and thus should be excluded from the remapping. These areas are described in more detail below.

Route 6 Right-of-Way

Route 6 in Provincetown is a four-lane divided highway that runs the length of the Town. It is the only arterial road within the Town, and, with Route 6A, is one of only two roads in all that connect the Town to the rest of Cape Cod. As our primary connection, the road serves as a vital public safety resource and as an important link for the transport of goods and services.

The road divides the majority of the developed area of the Town from the CCNS and is located significantly inland from Provincetown Harbor, the Atlantic Ocean, and Cape Cod Bay. The road does have proximity to some fresh-water ponds and wetlands, but it is located at significantly greater elevation than surrounding areas for much of its length. We note that the areas surrounding Shank Painter Pond, which are owned by the Town for conservation purposes, may be appropriate for inclusion in Unit MA-19P, but the abutting section of Route 6 is roughly 25-50 feet higher and is fully out of the floodplain.

The entirety of Route 6 in the Town is located outside of the floodplain. Despite this, the State-owned portion of Route 6 through the abutting town of Truro is not mapped for inclusion in the CBRS despite being located in a FEMA-mapped A Zone flood hazard area. In fact the mapping captures the Route 6 layout along the Provincetown/Truro line when the roadway goes from state ownership to local ownership.

As a divided highway located at significant elevation inland of developed areas from water bodies, we contend that the Route 6 right-of-way in its entirety does not meet the definition of a coastal barrier and is not functioning as any form of natural resource area.

The Town took ownership of Route 6 from the State of Massachusetts to allow for future reconfiguration of the roadway in order to provide much needed developable land. One immediate use for this land was the installation of leaching facilities for the Town's wastewater treatment facility. Potential future uses of the land could include expansion of municipal facilities or the construction of much-needed affordable housing.

Municipal Wastewater Treatment Facility Parcel

The Town's wastewater treatment facility is located on a 7.6-acre parcel of land abutting the Route 6 right-of-way. Most of the parcel is at a higher elevation than the western portion of Route 6 at roughly 30-40 feet. The parcel is inland of Route 6 and is not within the floodplain. The neighboring parcel is owned by the Town for conservation purposes, and includes freshwater wetlands that are not connected to the floodplain.

We are making plans to expand our facility in the near future, and the Town is particularly concerned that it appears the mapping draws a tight circle around the existing structures associated with the facility. This implies to us that the mapping in this area was not based on sound criteria.

Further, we contend that this mapping may in fact have negative impacts on coastal resiliency. The Town has constructed its wastewater treatment system at significant expense, and the system has resulted in significant improvements to the environmental health of Provincetown Harbor. Most notably eelgrass beds within the harbor have thrived since the installation of the system. The Town may seek to further expand this facility, which may have further positive impacts on coastal resiliency through healthier wetland buffers.

Leaching Field/Future Police Station Parcel

This narrow parcel is located on upland between the Route 6 right-of-way and other developed upland. The land is not located in any flood hazard area and is not a functioning natural resource area. It is currently developed with a municipal parking lot and leaching facilities for the Town's wastewater treatment system. The parcel is also the proposed location for the Town's new police station. This site was chosen for the police station, in part, because of its location outside of the floodplain.

Municipal Water Tower

The parcel is located a short distance south of the Route 6 right-of-way and is surrounded by upland conservation areas owned by both the State and the Town. The area is heavily wooded, and it was chosen as the location for the water tower due to its elevation at roughly 80 feet. Due to these facts, we contend that it does not meet the definition of a coastal barrier.

Given the scarcity of land not held for conservation purposes within the Town, it is important that this parcel remain available should future needs arise related to our water system or other municipal needs.

Conclusion

The Town recognizes that the proposed remapping is for inclusion within an OPA, which would have limited consequences as the majority of the areas to be mapped are outside of FEMA flood hazard areas and are unlikely to be included at any time in the near-term due to their elevation. Despite this, we contend that the only appropriate area to be included in the updated mapping of Unit MA-19P is Shank Painter Pond and the areas immediately adjacent. All other expanded areas do not meet the criteria for inclusion in the CBRS, and thus we feel it would set a very bad precedent for them to be included in Unit MA-19P.

11/4/2018

FWS-HQ-ES-2018-0004-0022.html

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0022

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Jessie Ritter

Address: United States

Email: ritterj@nwf.org

General Comment

Please see attached file for comments on behalf of National Wildlife Federation, New Jersey Audubon, the Delaware Nature Society, and Florida Wildlife Federation.

Attachments

NWF Comments re CHRA mapping 7.10.2018

Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2018-0004

Greg Sheehan, Acting Director

U.S. Fish and Wildlife Service

5275 Leesburg Pike, MS: BPHC

Falls Church, VA 22041-3808

July 10, 2018

RE: Docket ID No. FWS-HQ-ES-2018-0004: John H Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Dear Acting Director Sheehan,

On behalf of our more than six million members and supporters, the National Wildlife Federation, alongside our affiliate partners New Jersey Audubon, Delaware Nature Society, and Florida Wildlife Federation, respectfully submit these comments for the record on docket FWS-HQ-ES-2018-0004 regarding the Coastal Barrier Resources System Hurricane Sandy Remapping Project. NWF is America's largest and oldest conservation organization, collaborating with 51 state and territorial affiliates to be a voice for wildlife, as well as for sportsmen and women and other outdoor enthusiasts.

Our organizations have long worked to protect and restore our nation's coasts, barrier islands, wetlands, and floodplains – areas that provide some of the most vital fish and wildlife habitat. These same areas also help protect coastal communities by serving as buffers against storm surge, wave action, and floods. However, federal actions and programs have encouraged development in these hurricane prone, ecologically rich coastal areas, at the expense of the American taxpayer. As a result, these areas are no longer able to serve these critical public safety and ecological functions. In 1982, Congress enacted the Coastal Barrier Resources Act (CBRA) and created the John H. Chafee Coastal Barrier Resources System (CBRS) to remove these incentives to develop on coastal barriers, which serve as the first line of defense against the impacts of severe storms and sea level rise. Since then, it has been an effective tool that helps protect coastal communities, economies, and fish and wildlife habitat. We strongly support this program.

By reducing the incentive to develop in these sensitive coastal areas, the CBRS has saved the American public billions of dollars since it was passed. However, as more storms and sea level rise alter high-risk areas along our coast, it is imperative to modernize the CBRS maps to continue to maximize the benefits of this program to protect coastal communities and natural resources. Many of these maps were last updated in 1990.

Our organizations strongly support the U.S. Fish and Wildlife Service's proposed remapping and modernization of the Coastal Barrier Resources System units in areas of Delaware, Massachusetts, New Hampshire, and New Jersey that were affected by Hurricane Sandy. The proposed boundaries would add roughly 136,268 acres of vulnerable

Report to Congress: John H. Chafee Coastal Barrier Resource System

coast to the CBRS in these four states, helping to improve coastal resiliency and saving taxpayer dollars in the face of future storms. They also correct technical errors in previous maps that were affecting property owners, and provide more accurate data for future coastal planning efforts.

Importantly, the Fish and Wildlife Service used a transparent and sound methodology to develop the revised maps. Stakeholders were engaged both before and after their release, and the length of the public comment period (~4 months), as well as the series of informational webinars on the remapping, allowed the public and other affected parties ample time to learn about the proposed changes and provide feedback. We applaud the FWS for using objective mapping protocols, and for applying clearly-explained guiding principles and criteria for assessing additions to and removals from the CBRS. Such a robust and objective approach should be replicated in updating other CBRS units around the country.

Looking ahead, as our nation is forced to adapt to increasing storm frequency, rising seas, and coastal erosion, it is imperative that we consider how to maintain functional coastal barriers into the future. Anticipating the migration of shoreline features inland, we must look for ways to support open spaces that can accommodate this change in a way that is fiscally and environmentally responsible. Strategically expanding the CBRS shoreward, in consideration of anticipated sea level rise scenarios, would make good fiscal, environmental, and public safety sense.

Finally, there has been interest expressed in allowing the expenditure of federal dollars for sand mining of CBRS units for use in beach renourishment projects elsewhere. We are deeply concerned that such activities would run contrary to the very purpose of the CBRA by allowing new federal expenditures in CBRA units for activities that do not benefit or support the health and integrity of CBRA units, and the purposes for which they were established: reducing taxpayer-funded expenditures, promoting public safety by discouraging coastal development, and supporting coastal environmental resources. The action of sand mining itself can have devastating impacts on wildlife species and habitat within the CBRS units, including on nesting birds, fisheries and shellfisheries, water quality, and benthic communities.

To close, we are strongly supportive of this batch of proposed revisions to the CBRS units in states affected by Hurricane Sandy, as well as the process and methodology by which the FWS arrived at them. Moving forward, we encourage the FWS to identify areas where the CBRS may be expanded to provide additional protection to coastal communities and taxpayers as we confront the impacts of climate change along our coastlines.

Thank you for the opportunity to comment.

Regards,

The National Wildlife Federation

Delaware Nature Society

New Jersey Audubon

Florida Wildlife Federation

(11/4/2020)

FWS-HQ-ES-2018-0004-0023.html

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0023

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Virginia KopKash

Address:

New Jersey Department of Environmental Protection
401 East State Street, PO Box 420, Mail Code 401-0713
Trenton, NJ, 08625

Email: ginger.kopkash@dep.nj.gov

Phone: (609) 633-2201

Fax: (609) 633-0750

General Comment

Attached is New Jersey Department of Environmental Protection's letter regarding the proposed changes to the Coastal Barrier Resource System within New Jersey. As detailed in the attached letter the State cannot support the expansion of the CBRS units as depicted on the proposed maps nor can we support the conversion of Otherwise Protected Areas to System Units as we believe these changes will significantly inhibit New Jersey's ability to provide effective coastal protection and dredging of our State Marine Transportation System.

Attachments

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file:///C:/Users/Humana/Desktop/Report%20to%20Congress/0001-Report/Appendix%201-Missing%20Documents/FWS-HQ-ES-2018-0004-0023.html

(1)



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY
Governor

Land Use Management

401 East State Street

P.O. Box 420

Mail Code 401-0713

Trenton, New Jersey 08625-0420

Phone: 609-292-2178

Fax: 609-633-0750

CATHERINE R. MCCABE
Commissioner

SHIRLEY Y. OLIVER
Lt. Governor

July 10, 2018

Public Comments Processing

Attn: Docket No. FWS-HQ-ES-2018-0004

Division of Policy, Performance and Management Programs

U.S. Fish and Wildlife Service

5275 Leesburg Pike - MS. BPHC

Falls Church, Virginia 22041-3808

RE: Notice of Availability of Draft Revised CBRS boundaries in New Jersey

To Whom It May Concern:

New Jersey's Department of Environmental Protection, Department of Transportation, and State Office of Emergency Management have reviewed the draft revised boundaries of the Coastal Barrier Resource System (CBRS) within New Jersey that are proposed to modernize the maps of the CBRS for nine states affected by Superstorm Sandy. While New Jersey supports the US Fish and Wildlife Service's (USFWS) efforts to correct mapping errors affecting property owners and provide more accurate and accessible CBRS data for planning coastal infrastructure projects, habitat conservation efforts, and flood risk mitigation measures, we cannot support the expansion of CBRS units as depicted on the proposed maps nor can we support the conversion of Otherwise Protected Areas (OPAs) to System Units as we believe these changes will significantly inhibit New Jersey's ability to provide effective coastal protection. Our detailed comments follow.

New Jersey Statutes and Regulations

New Jersey has robust laws and regulations in place which are protective of coastal barriers along New Jersey's Atlantic Coast and Delaware Bayshore, including shore areas and their adjacent wetlands, marshes, estuaries, inlets, and nearshore waters. These include: the Freshwater Wetlands Protection Act, N.J.S.A. 13:98 and Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A; the Wetlands Act of 1970, N.J.S.A. 13:9A; the Waterfront Development Law, N.J.S.A. 12:5-3; the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19; the Coastal Zone Management Rules, N.J.A.C. 7:7; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 and Flood Hazard Area Control Act Rules,

N.J.A.C. 7:13. In addition, under the Federal Coastal Zone Management Act, New Jersey has the authority to review Federal actions that have a reasonably foreseeable effect on the uses and resources of New Jersey's coastal zone. The New Jersey Department of Environmental Protection's (NJDEP) Division of Land Use Regulation is responsible for implementing these laws and regulations. The inclusion of new wetland and nearshore water areas into the CBRS is redundant and unnecessary because these areas are already protected by the state. Of concern is the expansion of the System Units through the conversion of OPAs as well as the addition of new System Units due to the limitations placed on Federal funding in System Units. The limitations placed on the use of Federal funding in these areas will have an adverse impact on beneficial projects, such as the construction of upland islands, dunes, storm surge berms for resiliency purposes which are already subject to stringent regulation under the above State laws and regulations. If the USFWS intends to move forward on these changes we ask that an exception is made for resiliency projects that are undertaken in these areas.

Coastal storm risk reduction and environmental restoration projects

Congress declared the purpose of the Coastal Barrier Resource Act is to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with coastal barrier islands by restricting Federal expenditures, which have the effect of encouraging development of coastal barriers. The NJDEP Division of Coastal Engineering (DCE), USACE, and USFWS have specific missions and provide unique resources that complement each other in making New Jersey and the nation more resilient to coastal disasters. The cooperation and partnership between these agencies has enabled them to protect New Jersey's coastal residents and natural resources.

The NJDEP DCE is charged with administering coastal storm risk reduction and environmental restoration projects to provide for the protection of life and property along the coast and to preserve the vital coastal resources of New Jersey. Often these projects are conducted in partnership with the U.S. Army Corps of Engineers (USACE) and the municipality in which the project is occurring, and includes the use of Federal funds. However, some projects are operated and maintained by the State of New Jersey and/or a municipality and do not include a partnership with the USACE. These projects are often eligible for Federal funding in the event there is damage induced by a Federally-declared storm disaster. The comments provided in this section and Attachment A (detailed comments by CBRS unit) are limited to the coastal areas of New Jersey where NJDEP DCE typically partners with the USACE and administers these coastal storm risk reduction and environmental restoration projects (Federal projects). In general, Federal projects have a 50-year period of construction that includes periodic nourishment every few years in addition to emergency repairs following significant coastal storm events. The periodic nourishment cycle ranges from every two years to seven years based on economic analyses that demonstrate the maximum net benefits. Based on these analyses, Federal projects provide to the nation, on average, an annual benefit of nearly \$225,000,000. The proposed revisions to the CBRS have the potential

2

Hurricane Sandy Remapping Project

to adversely impact these projects, increase the risk to life and property of New Jersey's existing coastal communities, and decrease the benefits these projects provide to our nation.

Many storm events, most notably Superstorm Sandy, have emphasized the increasing importance of managing risks from coastal storms through risk assessment, risk communication, and risk reduction measures. A primary mission of NJDEP DCE and USACE is to reduce the risk to life and property caused by flooding events, including storms that impact the coastline. In meeting this mission, projects are constructed that are cost beneficial, effective at reducing risk to life and property, and environmentally feasible. Much of New Jersey's coastlines are protected by shore protection projects that are constructed by the NJDEP and USACE to protect lives, homes, businesses, and infrastructure by mimicking the natural dune and berm system. Beach and dune construction is considered a natural and nature-based feature for shore protection. However, sand suitable for mimicking the natural environment is limited in supply and the use of renewable sand deposits is critical to protecting the existing coastal communities as well as minimizing environmental impacts.

The proposed mapping changes prepared by the USFWS threaten the NJDEP DCE and USACE's ability to construct and/or maintain Federal projects that protect New Jersey from natural disasters. Therefore, the USFWS is strongly encouraged to reconsider the impacts of the proposed changes to the CBRS on the risk to human life and the coastal environment.

Dredging of state navigation channels

The New Jersey Department of Transportation's Office of Maritime Resources (NJ DOT OMR) is the state lead agency for policy and planning for the maritime industry and infrastructure, and is the agency responsible for maintaining New Jersey's Marine Transportation System (MTS). The NJ MTS (New Jersey's blue highways) is comprised of over 930 km of engineered waterways, thousands of docks, berths, and ramps, and two internationally significant ports with associated facilities (see Figure 1). The NJ MTS is divided into three major regions: the NY/NJ Harbor, the Delaware River, and the Atlantic Shore. In all, the NJ MTS supports activities ranging from tourism and recreation to commercial fishing and international trade, driving an economic engine worth over \$50 billion annually. The proposed mapping changes would have a significant adverse impact on the maintenance of the NJ MTS.

Safe navigation is critical to the state's recreational and commercial boating industry and marine commerce. The deposition of sand and other debris into New Jersey's waterways can threaten the health and safety of boaters. Dredging is necessary to maintain the MTS and ensure adequate water depths for the safe passage and berthing of recreational and commercial vessels. This is accomplished through the removal of millions of cubic meters of sand, silt, and gravel which are transported into this channel network every year. The methods used to manage the dredged material vary across the

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State from open water disposal to dewatering in upland confined disposal facilities to processing and beneficial use.

Similar to the USACE, NJ DOT OMR is responsible for providing a safe, reliable, efficient, and environmentally sustainable waterborne transportation system for movement of commerce and recreation. Accordingly, the maintenance of the NJ MTS should be afforded the same exception from the limitations under the CBRA as the maintenance of the Federal navigation system.

Recovery post-Sandy and effects of mapping on future storm recovery efforts

Since 2011, New Jersey has suffered extraordinary levels of damage to homes, businesses, infrastructure, and its coastal resources as a result of weather events such as Hurricane Irene, Superstorm Sandy, Winter Storm Jonas and the continued frequency and intensity of storms. For example, Superstorm Sandy caused damage exceeding \$37 billion, which led to a Presidential disaster declaration for all of New Jersey. As a result of that storm, nearly 1,400 vessels were either sunk or abandoned. In Mantoloking alone, 58 buildings and eight cars were washed into Barnegat Bay. Almost six years after the storm, New Jersey is still recovering from the devastation of Superstorm Sandy. Since Sandy, the New Jersey Department of Transportation's Office of Maritime Resources has dredged 41 of the 216 state channels (approximately one-third) removing over 850,000 cubic yards at a cost of \$40.3 million (30 percent of which was reimbursed by FEMA). Due to the breadth of the impacts of the storm on New Jersey's coastal waters, FEMA has extended its funding of recovery efforts by NJDOT OMR to restore the state's navigation channels through 2024. Accordingly, it is requested that the legislation approving these changes make it clear that recovery efforts associated with a storm event funded by Federal agencies to remove debris, including white debris (cars, household appliances, etc.) and sediment when performed within a System Unit continue to be covered under the exception in Section 3505(a)(6)(E) regardless of the length of time of recovery efforts.

Roadway Infrastructure

The New Jersey Department of Transportation (NJDOT) is concerned with the existing and proposed designation of the area surrounding the Route 72 Manahawkin Bay Bridges as a SU (NJ-06 and NJ-06P). Associated with the recently completed new bridge over the main channel and adjacent to the existing bridge (currently under reconstruction) are three bridges over the thorofares. The three thorofare bridges have recently been rehabilitated, but may require widening in the future as this bridge complex is the only coastal evacuation route for the residents of Long Beach Island. If this area is mapped as a System Unit, any expansion of this bridge complex to increase capacity using Federal funds would be prohibited. Therefore, to ensure that public safety is not compromised, it is requested that the area surrounding the Route 72 bridge complex be removed from the CBRS in its entirety or at a minimum, be reclassified as an otherwise protected area.

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Aquaculture

Almost all shellfish aquaculture in New Jersey's waters involves hard clams and oysters. Both hard clams and oysters have a long history of commercial production, and the biological benefits and commercial potential remain quite high in New Jersey. Shellfish aquaculture is vital to the economy in the coastal communities of New Jersey as it was worth \$4.50 million dockside in 2007 (USDA 2008) for hard clams and oysters. In addition, New Jersey shellfish are shipped throughout the United States and sold at retail locally.

The production of hard clams within the Atlantic coastal estuaries is of particular importance to the aquaculture industry in New Jersey. The best data currently available indicates that in New Jersey hard clams account for two-thirds of total aquaculture farm-gate sales (that is, sales directly from the producer). In fact, New Jersey ranks fifth among hard clam producing states behind Virginia, Florida, Connecticut, and Massachusetts. The top one-third of hard clam growers produces 87 percent of all hard clams grown in New Jersey. Many of these top growers are third- to fifth-generation harvesters whose families helped to develop a hard clam aquaculture industry in New Jersey. In addition, the Delaware Bay oyster industry is one of the oldest forms of aquaculture in North America.

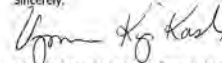
To help ease regulatory burdens and have aquaculture sites "permit ready" for leasing, the NJDEP's Bureau of Shellfisheries obtained the required State and Federal permits for three Aquaculture Development Zones (ADZs) to allow shellfish aquaculture on a large plot of lease areas on the Delaware Bayshore. The permits authorize the establishment of Delaware Bay ADZs for structural shellfish cultivation activities, including but not limited to, use of rack and bag systems, intertidal and floating long lines, cages, trays and spat collecting devices.

Existing ADZ 4 (A) and (B) are located within CBRS unit NJ-12. The NJDEP is concerned that the existing designation of this area could potentially impact shellfish farmers due to the limitations on expenditures. Specifically, the ability of the farmers to obtain Federal funding for loss of gear associated with a storm event. It is requested that the water areas within this unit be reclassified as an OPA which will allow the farmers to seek Federal funding in the event that their gear is lost due to a storm. It is also requested that any future water area designations be coordinated with the NJDEP's Bureau of Shellfisheries.

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For the reasons discussed above, we strongly encourage the USFWS to reconsider the impacts of the proposed changes and to take this opportunity to modify other System Unit designations to increase New Jersey's ability to protect human lives while continuing the protection of our valuable natural resources of our coastal barrier islands.

Sincerely,



Virginia Kopkash, Assistant Commissioner
New Jersey Coastal Program Manager

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Attachment A

Attachment A contains detailed comments from the NJDEP DCE regarding the proposed mapping changes. The comments are organized by the CBRS unit and include a statement of concern, the impact of the revision to DCE's mission, and a requested action to address the concerns.

NJ-01P Sandy Hook, Highlands, Shrewsbury River area - The proposed maps recommend expanding the current OPA to include an additional area of the Shrewsbury River as well as to extend through what is being referred to as a break in development. There are three projects that this expansion will interface with - they include the ongoing Coastal Storm Risk Management Project in the Borough of Highlands, the Coastal Storm Risk Management Project in Sea Bright known as (Sea Bright to Manasquan) and a State-run FEMA funded seawall reconstruction project currently under construction in this area.

Requests: NJDEP DCE requests that this OPA area not be expanded as we have concerns with the potential to reclassify the OPA to a System Unit and to further expand these areas in the future which could impact the projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

NJ-04 Union Beach area - NJDEP DCE requests that this area be reclassified to an OPA. The 2015 map revisions, which had an existing authorized Federal Coastal Storm Risk Management project in the final design phase, resulting in an increased project cost of \$71,000,000. Of this amount, New Jersey is responsible for \$24,800,000. The increase in cost is a direct result of those recent map changes which forced the design to realign the floodwall and levee system to avoid the CBRS unit. This change added 1,836 linear feet to the project design, as well as required some of the levee structures be changed to a considerably more expensive design to further reduce the design footprint to ensure the CBRS unit was avoided. The map adoption and the redesign efforts resulted in notable design and construction delays and further increased costs due to inflation. Additionally, the engineer and design expenditures increased due to the redesign efforts.

Requests: NJDEP DCE requests that this area be reclassified to an OPA.

NJ-04A Sea Bright, Monmouth Beach, Rumson, Highlands (Shrewsbury River) area - The proposed maps expand the System Unit to incorporate areas of Picnic

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island, undeveloped areas of Barley Point Island and associated aquatic habitat, as well as aquatic habitat areas of both the Navesink and Shrewsbury Rivers. In addition, this expansion encompasses minor portions of the Navesink River Wildlife Management Area (NRWMA), which is owned by the NJDEP. These changes now allow for the CBRS unit to interface with the Federal Coastal Storm Risk Management Study within the Shrewsbury River in the Borough of Sea Bright.

Requests: NJDEP DCE requests that this CBRS unit area not be expanded and that it be reclassified as an OPA. The expansion of the CBRS has the potential to affect the Federal funding that was proposed to assist with this Federal study and the solution that results from that study. The information sheet suggests that the area within the NRWMA as well as several other small islands within this System Unit have not been proposed for reclassification to OPAs since they were not held for conservation and/or recreation at the time Unit NJ-04A was established. However, NJDEP DCE contends that New Jersey's Coastal Program at that time (and currently) would have in fact preserved this NRWMA as well as these small islands and protected them from development due to various other Federal laws; therefore, we recommend this System Unit be reclassified to an OPA at this time.

Additionally, the small islands have the potential to benefit from living shoreline projects to protect them from erosion and preserve valuable habitat. Although there are some exceptions for such activities, there are also limits to structural components used. Reliance on the possible exception to limitations on expenditures and exemptions is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

NJ-04B Mantoloking and Brick Township area - The proposed maps reclassify NJ-04B, an existing OPA, to a CBRS Unit. In addition, the proposed maps increase the size of the existing CBRS Units. These proposed changes occur in an area that is part of the Federally-sponsored New Jersey Back Bay Coastal Storm Risk Management Study (NJBB CRMS). This study area is located behind the New Jersey barrier islands of Monmouth, Ocean, Atlantic, and Cape May Counties and includes the set of interconnected water bodies and coastal lakes that are separated from the Atlantic Ocean. The objective of the NJBB CRMS Study is to investigate coastal storm risk management problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems.

Requests: NJDEP DCE requests not expanding beyond the existing CBRS unit area as it has the potential to prevent USACE and NJDEP DCE from implementing

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potential solutions to reduce damages in areas of dense population, critical infrastructure, critical facilities, and property in portions of the Township of Brick and the Borough of Mantoloking. Additionally, NJDEP DCE has concerns with reclassifying NJ-04B for the same reasons, specifically because an adjacent property is currently occupied by the critical infrastructure - Ocean County Utility Authority's Northern Water Pollution Control Facility (NWPCF). This facility processes 32 million gallons of domestic sewage and some light industrial waste a day for the communities of Bay Head, Brick, Mantoloking, Point Pleasant Beach, Point Pleasant Borough, and Lakewood and Jackson Townships. Sewage from the Manasquan River Regional Sewage Authority is also treated by the facility.

NJ-04BP Same as NJ-04B

NJ-05P Island Beach State Park and Barnegat Inlet area - The proposed maps expand the OPA to include component features of a Congressionally-authorized Federal project for shore protection under the Water Resources Development Act (WRDA) of 2000, Section 101(a)(1). Specifically, the northern area of Barnegat Light as well as an approved borrow area for providing suitable and renewable sand to construct the shore protection project would be included as in the OPA.

CBRA includes in the definition of a coastal barrier all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets and near-shore waters, but only if such features and associated habitats contain few man-made structures, and these structures, and people's activity associated with them, do not significantly impede geomorphic and ecological processes. The expanded OPA encompasses a jetty along Barnegat Inlet, which is designed to protect the inlet and modifies the natural geomorphic processes of sand movement in this area. This man-made and unnatural feature should disqualify the area from designation under the CBRA as the jetty disrupts the natural geomorphic processes in this area. Further, the ongoing dredging operations associated with the Congressionally-authorized project should disqualify the borrow area for inclusion under the CBRA.

Requests: NJDEP DCE requests not expanding to the OPA area across and south of the existing jetty and maintaining the existing offshore boundaries to avoid inclusion of the approved borrow area.

NJ-06 Ship Bottom and Stafford Township area - The proposed maps reclassify NJ-06P, an existing OPA, to a System Unit. In addition, the proposed maps increase the size of the existing CBRS Units. These proposed changes occur in an area that is part of the Federally-sponsored NJBB CRMS (described in detail above).

Requests: NJDEP DCE requests not expanding beyond the existing CBRS unit area

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as it has the potential to prevent USACE and NJDEP DCE from implementing potential solutions to reduce damages in areas of dense population, critical infrastructure, critical facilities, and property in portions of the Townships of Stafford and Long Beach and the Borough of Ship Bottom.

NJ-06P Same as NJ-06

NJ-07P Southern LBI, Little Egg Harbor Township and Northern Brigantine area - The proposed changes to the OPA near the North Brigantine Natural Area expand south and include portions of a Congressionally-authorized project for shore protection. The Brigantine Inlet to Great Egg Harbor Inlet, Brigantine Island project is authorized by the Water Resources Development Act (WRDA) of 1999, Section 101(b)(12).

Additionally, the proposed changes to the OPA near the southern end of Long Beach Island at Holgate expand north, further include portions of a Congressionally authorized Federal project for shore protection under the Water Resources Development Act (WRDA) of 2000, Section 101(a)(1).

Included in this unit are two proposed Continuing Authorities Program (CAP) projects - one on Mordecia Island in Beach Haven and the other at the northern limits of the developed portion of the oceanfront beaches on Brigantine.

CBRA includes in the definition of a coastal barrier all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets and near-shore waters, but only if such features and associated habitats contain few man-made structures and these structures, and people's activity associated with them, do not significantly impede geomorphic and ecological processes. The area between 15th Street North and the North Brigantine Natural Area is a critical component to the overall shore protection strategy for the shore protection project to reduce risk to existing structures within the City of Brigantine. Sand is placed in this area to allow natural sand movement processes to transport sand into high erosional areas within the City. The periodic nourishment and emergency repairs in this area should disqualify it from inclusion under the CBRA. Similarly, placement of fill at the southern portion of the Long Beach Island project adjacent to Holgate is critical to ensure that a taper of fill is placed in an already highly erosional zone. The periodic nourishment and emergency repairs in this area should disqualify it from inclusion under the CBRA.

Requests: NJDEP DCE requests not expanding the OPA into or further into the limits of the existing Congressionally authorized projects for shore protection as well as the two CAP project limits.

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Hurricane Sandy Remapping Project

NI-08P Ocean City and Upper Township (including Strathmere) area - The proposed maps reclassify NI-08P, an existing OPA, to a System Unit as well as increase the overall area to be encumbered by CBRS (proposed to also be a System Unit). These proposed changes occur in an area that is part of the Federally-sponsored NJBB CRMS.

Requests: NJDEP DCE requests not expanding beyond the existing OPA as it has the potential to prevent USACE and NJDEP DCE from implementing potential solutions to reduce damages in areas of dense population, critical infrastructure, critical facilities, and property – especially in portions of Strathmere.

NI-09 Stone Harbor, North Wildwood and Middle Township area – NJDEP DCE offers several comments regarding the NI-09.

1. Expansion of the Unit along Hereford Inlet - In 2010, the USACE and NJDEP DCE completed a multi-year construction of a seawall protecting homes and infrastructure from coastal storms and wave attack along Hereford Inlet in North Wildwood. This project was authorized for construction by Congress in the Water Resources Development Act (WRDA) of 1999, Section 101(a)(26). The State of New Jersey and the City of North Wildwood are responsible for the operation and maintenance of the seawall. The Federal government is responsible for repairs of storm-induced damage or other potential failures not considered as part of normal operation and maintenance.

The proposed expansion of System Unit NI-09 would place portions of the constructed seawall within the Unit. The seawall is constructed with concrete mattresses and stone not evident through aerial imagery that extend beyond the waterline into the channel as much as 130-feet. The stone and mattresses are necessary to defend against scour caused by the shifting of the channel associated with the dynamic nature of the inlet and accretion of Stone Harbor Point. If approved, the proposed revisions to System Unit NI-09 in this area could prevent the use the Federal funds to repair the seawall and increase the risk to life and existing property for the City of North Wildwood.

Requests: NJDEP DCE requests that the existing southern and eastern edge of System Unit NI-09 remain unchanged along Hereford Inlet and the entire length of the existing seawall. Reliance on the possible exception to limitations on expenditures under 16 USC 3505(a)(6)(F) is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

2. Inclusion of the approved Hereford Inlet Borrow Area complex (NJDEP DCE and USACE borrow areas) as part of System Unit NI-09. The center of the

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borrow area complex is located approximately 1.5 miles from an existing groin in Stone Harbor Borough at the northern most point of Stone Harbor Point. The USACE borrow area was included as part of the original System Unit NI-09 designation and remains unchanged with the proposed maps. Additionally, the NJDEP DCE borrow area received authorization from the NJDEP, Division of Land Use Regulation and from the USACE Regulatory Branch, which included extensive consultation with USFWS resulting in very protective permits conditions.

In 1996 the USFWS concluded in a letter that the Federal use of the Hereford Inlet Borrow Area constituted an exception under Section 6(a)(6)(A) of the CBRA. The USFWS and USACE both recognized the importance of Stone Harbor Point in providing habitat for a variety of migratory birds including colonial nesting waterbirds. Severe erosion and habitat loss was evident prior to the initial construction of the coastal storm risk management project in the Borough of Stone Harbor. At the time, USFWS acknowledged that the lack littoral drift from Stone Harbor was a cause of the loss of habitat. Therefore, the USFWS conclusion that the Federal use of the Hereford Inlet Borrow Area constitutes an exception was contingent on ensuring sand bypassed the existing groin. Since initial construction of the project, Stone Harbor Point has continued to grow and expand providing essential habitat. It is important to note that USACE has not placed a single grain of sand directly within Stone Harbor Point. The entire growth of the area has been through natural processes through sand placed in Stone Harbor.

In 2016, USFWS reversed their prior opinion that the existing project constituted an exception under the CBRA since sand would be placed outside of the System Unit. Although in 1996, the USFWS considered the natural sand movement boundaries, as evidenced by the requirement for sand bypassing the groin, the 2016 opinion did not consider the natural sand system. The reversal in opinion increased the Federal expenditure on that 2016 project by more than \$6,000,000 and threatens the future of the project. Additionally, the reversal in opinion increased the State and municipal expenditure on the 2016 project by more than \$2,000,000. NJDEP DCE expects that these increased costs will be recurring for each renourishment cycle and these costs will increase due to inflation. The potential lack of suitable alternate sand sources and the overall economic justification of the project due to the higher long-term project construction costs increase the risk to life and property from coastal storms for the Borough of Stone Harbor and the State of New Jersey.

Requests: NJDEP DCE requests the reclassification of a portion of System Unit NI-09 to an OPA. The reclassification would be limited to the open water areas that intersect with the approved Hereford Inlet Borrow Area complex (NJDEP DCE and USACE borrow areas). Reclassification is appropriate for the following.

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reasons:

1. Sand dredged from the Hereford Inlet Borrow Area is used to protect existing homes and infrastructure that were constructed prior to the designation of System Unit NI-09 under the CBRA. Denial of Federal assistance to existing developed communities would be inequitable and not the intent of the CBRA (*Bostic v. U.S.*, 581 F. Supp. 254 (D.C.N.C.,1984);

2. Sand dredged from the Hereford Inlet Borrow Area is used to enhance fish and wildlife habitat within System Unit NI-09 by allowing the natural processes of littoral drift to transport sand into the System Unit from placement of the sand updrift of the Unit; and

3. The seaward side of the CBRS unit includes the entire sand-sharing system, including the beach and nearshore area. The USFWS defines the sand sharing system of coastal barriers as the 30-foot bathymetric contour. The USACE demonstrated and previously provided information to USFWS that the sand sharing system of System Unit NI-09 includes the sand placed updrift of the Unit. Sand removed from the Hereford Inlet Borrow Area is completely returned to the Borrow Area within 10-months from its removal through natural shoreline processes. The application of the seaward side criteria for CBRS boundary limits should therefore consider the entire longshore sand transport of the natural system.

3. Proposed changes occurring in an area that is part of the Federally-sponsored New Jersey Bays Coastal Storm Risk Management Study (NJBB CRMS) - As stated previously, this study area is located behind the New Jersey barrier islands of Monmouth, Ocean, Atlantic, and Cape May Counties and includes the set of interconnected water bodies and coastal lakes that are separated from the Atlantic Ocean. The objective of the NJBB CRMS Study is to investigate coastal storm risk management problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems. Sections within NI-09 are proposed to be reclassified from OPA, into the existing CBRS Unit. In addition, the proposed maps increase the size of the existing CBRS Units.

Requests: NJDEP DCE requests not expanding beyond the existing CBRS unit area as it has the potential to prevent USACE and NJDEP DCE from implementing potential solutions to reduce damages in areas of dense population, critical infrastructure, critical facilities, and property in portions of the Townships of Middle, the City of North Wildwood, and the Borough of Stone Harbor. Additionally, NJDEP DCE requests not expanding or reclassifying areas that are adjacent to existing populations, critical infrastructure, critical facilities, and property.

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NI-09P: Same as NI-09

NI-10P Lower Cape May Meadows and Cape May Point State Park area - While NJDEP DCE generally requests not reclassifying OPAs to System Units and not expanding existing CBRS unit areas or OPAs, especially adjacent to or in developed areas, the proposed expansion of the OPA currently does not have an impact on the existing USACE project at Lower Cape May Meadows. That said, NJDEP DCE is concerned the potential to reclassify this area as a System Unit area in the future. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not reclassifying the OPAs to System Units and not expanding the existing CBRS unit areas as explained above.

NI-11P Cape May Point State Park, Higbee Beach and North Cape May (Delaware Bay) area - While NJDEP DCE generally requests not reclassifying OPA to CBRS unit areas and not expanding existing CBRS unit areas or OPA, especially adjacent to or in developed areas, the proposed expansion of OPA currently does not have an impact on existing or potential DCE or USACE project. However, USACE and DCE are investigating other ecosystem restoration projects along the Delaware Bay as part of the Delaware River Dredged Material Utilization (DMU) study. DCE is however concerned that the potential to reclassify this area as a CBRS unit area could impact these projects in the future. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not reclassifying the OPAs to System Units and not expanding the existing CBRS unit areas as explained above.

NI-12 Lower Township and Middle Township (Delaware Bay) area - While NJDEP DCE generally requests not reclassifying OPAs to System Units and not expanding existing System Unit areas or existing OPAs, especially adjacent to or in developed areas, the proposed expansion of the existing CBRS unit currently does not have an impact on the authorized USACE ecosystem restoration projects at Reeds Beach and Pines Point or at Villas and Vicinity. Additionally, USACE and NJDEP DCE are investigating other ecosystem restoration projects along the Delaware Bay as part of the DMU study. NJDEP DCE is however, concerned that the potential to reclassify this area as a System Unit could impact these projects in the future. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is

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subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not reclassifying the OPAs to System Units and not expanding the existing CBRS unit areas as explained above.

NJ-13 Middle Township (Delaware Bay) - While NJDEP DCE generally requests not reclassifying OPAs to System Units and not expanding existing System Units or existing OPAs, especially adjacent to or in developed areas, the proposed expansion of the existing CBRS unit currently does not have an impact on the authorized USACE ecosystem restoration project at Reeds Beach and Pierces Point. Additionally, USACE and NJDEP DCE are investigating other ecosystem restoration projects along the Delaware Bay as part of the DMU study. NJDEP DCE is however concerned that the potential to further expand the CBRS unit area in the future could impact these projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not reclassifying the OPAs to System Units and not expanding the existing CBRS unit areas as explained above.

NJ-14 Dennis Township through Maurice River (Delaware Bay) - The proposed reclassification of the existing OPA and expansion of the existing System Unit does not have an impact on current NJDEP DCE or USACE projects. However, a CAP project is proposed near the Maurice River in addition to the USACE/NJDEP DCE investigating other ecosystem restoration projects along the Delaware Bay as part of the DMU study. NJDEP DCE is concerned that the potential to further expand the CBRS unit area in the future could impact these projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not reclassifying the OPAs to System Units and not expanding the existing CBRS unit areas as explained above.

NJ-14P Same as NJ-14

NJ-17P Port Monmouth and Paws Creeks area - The proposed maps introduced an OPA to include features of a Congressionally-authorized Federal Coastal Storm Risk Reduction Project currently being constructed. This new OPA encompasses the structural portions of the project, which include a floodwall, tide gate and pump station, as well as an engineered beach and dune area which is prescribed to undergo periodic nourishment every 10 years. There is a County Park and

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Marina and other structures that this newly proposed OPA would encompass, potentially affecting the eligibility to obtain flood insurance through the NFIP.

Requests: DCE has concerns with introducing this new OPA due to the potential to reclassify an OPA to a System Unit and/or further expand these areas in the future which could impact the project. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

NJ-18 Compton Creek through to NWS Earle - The proposed maps introduced a new System Unit area to the reach. This new CBRS unit area includes the dredged material management site for the Compton Creek Ferry Terminal, areas within Naval Weapons Station (NWS) Earle (including Ware Creek), undeveloped portions of NWS Earle and aquatic habitat west of Leonardo State Marina. This area includes sections within the Federal Coastal Storm Risk Management study in Leonardo which has resulted in the project area potentially becoming a CAP project with a non-structural solution. However, a structural component could filter out to be the appropriate or part of the appropriate solution which often comes with a need for mitigation. With much of the adjacent area proposed to be a System Unit and Federal funds being involved, hardships to the project may present themselves if the mitigation would need to occur in wetlands encumbered by the CBRS unit.

Requests: NJDEP DCE has concerns with introducing this new CBRS unit area due to the potential impacts to the Federally-funded CAP project as well as State, County or local use of dredge material management site for the Compton Creek Ferry Terminal where Federal financial assistance could be involved. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property. NJDEP DCE requests that if this area cannot be removed as part of these proposed revisions, that it be classified as an OPA.

NJ-19P Great Egg Harbor Inlet - The proposed maps introduce an OPA to include component features of a Congressionally-authorized Federal project for shore protection. The Federal project was authorized by the Committee Resolution on December 15, 1970 under the provisions of Section 201 of P.L. 89-298 and was reauthorized with provisions for construction of separable elements under Section 831(1) of the Water Resources Development Act of 1985, P.L. 99-662. Additionally, NJDEP DCE partnered with the City of Ocean City on a local beach replenishment project along the inlet, north and west of the Federal project. Further, NJDEP DCE and the Borough of Longport partnered on the repair of the groin at the southern terminus of Atlantic Ave. This project has been eligible for,

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and has received FEMA assistance in the past

CBRA includes in the definition of a coastal barrier all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets and near-shore waters, but only if such features and associated habitats contain few man-made structures and these structures, and people's activity associated with them, do not significantly impede geomorphic and ecological processes. The OPA encompasses a jetty along Great Egg Harbor Inlet in Ocean City and the groin at the southern terminus of Atlantic Ave. in Longport, which is designed to protect the inlet and modifies the natural geomorphic processes of sand movement in this area. This man-made and unnatural feature should disqualify the area from designation under the CBRA as the jetty disrupts the natural geomorphic processes in this area. Furthermore, the ongoing dredging operations associated with the Congressionally-authorized project should disqualify the borrow area for inclusion under the CBRA.

Requests: NJDEP DCE requests not expanding the OPA area into Great Egg Harbor Inlet to avoid inclusion of the northern area of the Federal project and its approved borrow area as well as the groin in Longport. NJDEP DCE is concerned that the potential to reclassify the OPA to a System unit and/or further expand these areas in the future could impact the projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

NJ-20P Lower Township and Cape May City (including the USCG Training Center) area - NJDEP DCE offers no comments regarding impacts of the addition of the OPA NJ-20P to Cape May Inlet to Lower Township Flood and Coastal Storm Damage Reduction project, provided that future periodic nourishments for protection of the US Coast Guard Training Center are allowable as an exception under 6(a)(5) of the CBRA. This exception applies to construction, operation, maintenance or rehabilitation of USCG facilities and should include the borrow area offshore of the Coast Guard Reservation. Placement of sand is vital to the littoral system that naturally feeds sand to the remainder of the oceanfront portion of the Training Center and to the City of Cape May. Additionally, the Congressionally authorized Hereford Inlet to Cape May Inlet, NJ Flood & Coastal Storm Damage Reduction project is located on the northern limits of this area. NJDEP DCE is concerned that the potential to reclassify the OPA to a CBRS unit or expansion of the OPA in the future could impact these projects and any potential New Jersey Back Bays Coastal Storm Risk Management Study (NJBBS CRMS) solutions. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

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Requests: NJDEP DCE requests that future periodic nourishments for protection of the US Coast Guard Training Center are allowable as an exception under 6(a)(5) of the CBRA as explained above.

NJ-21P Lower Township (Delaware Bay) - While NJDEP DCE generally recommends not reclassifying OPAs to System Unit areas, not expanding existing System Unit areas or existing OPAs, and not introducing new OPAs or CBRS unit areas, especially adjacent to or in developed areas, the proposed introduction of the OPA unit currently does not have an impact on the authorized USACE ecosystem restoration project at Villas and Vicinity or potential USACE project area in the Villas associated with the DMU study. However, USACE and NJDEP DCE are investigating other ecosystem restoration projects along the Delaware Bay as part of the DMU study. Therefore, NJDEP DCE is concerned that the potential to further expand OPA and/or reclassify to CBRS unit areas in the future could impact these projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not introducing the OPA unit in this area as explained above.

NJ-22P Commercial Township (Delaware Bay) - While NJDEP DCE generally recommends not reclassifying OPAs to System Unit areas, not expanding existing System Unit areas or existing OPAs, and not introducing new OPAs or System Units, especially adjacent to or in developed areas, the proposed introduction of the OPA unit currently does not have an impact on the potential USACE project area in at Fortescue associated with the DMU study. However, a CAP project is proposed in Commercial Township in addition to the USACE/DCE investigating other ecosystem restoration projects along the Delaware Bay as part of the DMU study. Therefore, NJDEP DCE is concerned that the potential to further expand OPAs and/or reclassify to CBRS unit areas in the future could impact these projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not introducing the OPA unit in this area as explained above.

NJ-23-P Downe Township (Delaware Bay) - While NJDEP DCE generally recommends not reclassifying OPAs to System Unit areas, not expanding existing CBRS unit areas or existing OPAs, and not introducing new OPAs or System Unit areas, especially

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adjacent to or in developed areas, the proposed introduction of the OPA unit currently does not have an impact on the potential USACE project area in at Gandy's Beach associated with the Delaware River Dredged Material Utilization (DMU) study. However, USACE and NJDEP DCE are investigating other ecosystem restoration projects along the Delaware Bay as part of the DMU study. Therefore, NJDEP DCE is concerned that the potential to further expand OPA and/or reclassify to CBRS unit areas in the future could impact these projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

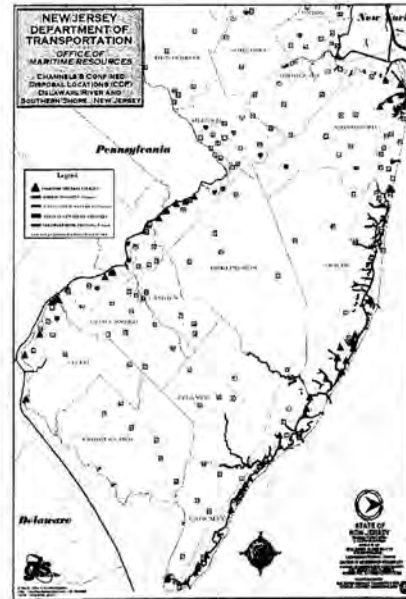
Requests: NJDEP DCE requests not introducing the OPA unit in this area as explained above.

NI-24P Greenwich Township (Delaware Bay) - While NJDEP DCE generally recommends not reclassifying OPAs to System Unit areas, not expanding existing CBRS unit areas or existing OPAs, and not introducing new OPAs or System Unit areas, especially adjacent to or in developed areas, the proposed introduction of the OPA unit currently does not have an impact on any current or proposed NJDEP DCE or USACE project. However, USACE and NJDEP DCE are investigating other ecosystem restoration projects along the Delaware Bay, therefore NJDEP DCE is concerned that the potential to further expand OPA and/or reclassify to a CBRS unit area in the future could impact those projects. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subjective to individual interpretation and cannot be relied upon to protect existing life and property.

Requests: NJDEP DCE requests not introducing the OPA unit in this area as explained above.

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Figure 1



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11/4/2018

FWS-HQ-ES-2018-0004-0024.htm

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Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0024

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Colette Buchanan
Submitter's Representative: Colette Buchanan
Organization: Monmouth County Audubon Society

General Comment

See attached file(s)

I am writing today on behalf of the Monmouth County Audubon Society to express our support of the proposed addition of 71,352 acres to the Coastal Barrier Resources System (CBRS) along New Jersey, and the proposed removal of 140 acres that were inaccurately included in the System. We strongly support the CBRS and its goals of protecting the coastal environment and saving federal tax dollars while sending a message that building on the coast puts people and their property at risk from storms and hurricanes.

Monmouth County Audubon Society is a non-profit organization fostering wildlife conservation, habitat protection, the enjoyment and study of nature, and education. We are a chapter of the National Audubon Society and have over one thousand members, the majority of which are residents of Monmouth County.

The Monmouth County coast supports important wildlife including many bird species. According to the Monmouth County Park System, birding has become one of the fastest growing outdoor activities in the nation, with an estimated 50 million people participating each year. Monmouth County is one of the premier birding locations on the East Coast, with over 360 species of birds having been recorded in Monmouth County.

Endangered and threatened birds breed on the Monmouth County coast, including the Piping Plover and the Least Tern. Both bird species are listed as endangered by the N.J. Department of Environmental Protection, and the Piping Plover is also listed as threatened under the U.S. Endangered Species Act. The coasts of Monmouth, including the Shrewsbury and Navesink Rivers, are important breeding or feeding

File: \\FWS\CBRA\Hurricane Sandy\Report In Congress\Env\Report\Appendix LE1 Missing Documents\FWS-HQ-ES-2018-0004-0024.htm

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11/4/2018

FWS-HQ-ES-2018-0004-0024.htm

territories for Osprey, Great and Snowy Egrets, as well as Black-crowned and Yellow-crowned Night Herons. The undeveloped portions of the Atlantic and Greater Raritan bay coasts of Monmouth County are also an important stopover area for many species of migrating birds.

Healthy coastal areas also support New Jersey's important marine commercial and recreational fishing and shell-fishing industries. According to the State of New Jersey Department of Environmental Protection, the planning, organization, operation and management of the marine and estuarine finfish and shellfish resources of New Jersey are valued at more than \$2 billion. The fish and shellfish depend on clean coastal waters and healthy coastal habitat, and the economy of New Jersey depends on these industries. The CBRS supports healthy coasts by protecting coastal areas from federally funded development.

The CBRS also works to protect people from the dangers of storms and hurricanes. More than 30 hurricanes have impacted New Jersey since the passage of the Coastal Barrier Resources Act in 1982. Hurricane Sandy was the most deadly hurricane to make landfall in New Jersey, killing 159 people and causing more than \$71 billion worth of damages. Two of the proposed new Units of Otherwise Protected Areas, 17P and 18, cover areas of the coast that were severely impacted by Sandy. By removing federal programs for development and redevelopment, the CBRS sends a message that constructing on the coast can be very hazardous.

For these reasons, the Monmouth County Audubon Society supports the changes to the CBRS along the New Jersey coast that the Fish and Wildlife Service has proposed. Expanding the CBRS along our shore will be beneficial to birds and wildlife, commercial and recreational fishing, public safety and the Federal Treasury.

Attachments

CBRS comment letter for Monmouth County Audubon CB edits

File: \\FWS\CBRA\Hurricane Sandy\Report In Congress\Env\Report\Appendix LE1 Missing Documents\FWS-HQ-ES-2018-0004-0024.htm

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Report to Congress: John H. Chafee Coastal Barrier Resource System

Monmouth County Audubon Society
P.O. Box 542
Red Bank, NJ 07701

U.S. Fish and Wildlife Service
U.S. Department of the Interior
Washington, DC

July 9, 2018

RE: Docket Number FWS-HQ-ES-2018-0004, John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey.

Dear Fish and Wildlife Service:

I am writing today on behalf of the Monmouth County Audubon Society to express our support of the proposed addition of 71,352 acres to the Coastal Barrier Resources System (CBRS) along New Jersey, and the proposed removal of 140 acres that were inaccurately included in the System. We strongly support the CBRS and its goals of protecting the coastal environment and saving federal tax dollars while sending a message that building on the coast puts people and their property at risk from storms and hurricanes.

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Endangered and threatened birds breed on the Monmouth County coast, including the Piping Plover and the Least Tern. Both bird species are listed as endangered by the N.J. Department of Environmental Protection, and the Piping Plover is also listed as threatened under the U.S. Endangered Species Act. The coasts of Monmouth, including the Shrewsbury and Navesink Rivers, are important breeding or feeding territories for Osprey, Great and Snowy Egrets, as well as Black-crowned and Yellow-crowned Night Herons. The undeveloped portions of the Atlantic and Greater Raritan bay coasts of Monmouth County are also an important stopover area for many species of migrating birds.

Healthy coastal areas also support New Jersey's important marine commercial and recreational fishing and shell-fishing industries. According to the State of New Jersey's Department of Environmental Protection, the planning, organization, operation and management of the marine and estuarine finfish and shellfish resources of New Jersey are valued at more than \$2 billion. The fish and shellfish depend on clean coastal waters and healthy coastal habitat, and the economy of New Jersey depends on these industries. The CBRS supports healthy coasts by protecting coastal areas from federally funded development.

The CBRS also works to protect people from the dangers of storms and hurricanes. More than 30 hurricanes have impacted New Jersey since the passage of the Coastal Barrier Resources Act in 1982. Hurricane Sandy was the most deadly hurricane to make landfall in New Jersey, killing 159 people and causing more than \$71 billion worth of damages. Two of the proposed new Units of Otherwise Protected Areas, 17P and 18, cover areas of the coast that were severely impacted by Sandy. By removing federal programs for development and redevelopment, the CBRS sends a message that constructing on the coast can be very hazardous.

For these reasons, the Monmouth County Audubon Society supports the changes to the CBRS along the New Jersey coast that the Fish and Wildlife Service has proposed. Expanding the CBRS along our shore will be beneficial to birds and wildlife, commercial and recreational fishing, public safety and the Federal Treasury.

Thank you for the opportunity to comment.

Sincerely,

Colette Buchanan
President, Monmouth County Audubon Society

11/4/2020

FWS-HQ-ES-2018-0004-0025.html

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Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0025

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Thomas B. Evans, Jr.
Submitter's Representative: Jay Lakes
Organization: Florida Wildlife Federation

General Comment

See attached file(s)

Attachments

Thomas B. Evans, Jr. comment letter

Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

July 10, 2018

RE: Docket ID No. FWS-HQ-ES-2018-0004, John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Dear Acting Director Sheehan,

As one of the co-authors of the 1982 Coastal Barrier Resources Act (CBRA) I respectfully submit these comments for the record on docket FWS-HQ-ES-2018-0004 regarding the Coastal Barrier Resources System Hurricane Sandy Remapping Project. When Congress enacted this landmark legislation and President Ronald Reagan signed the bill into law he stated, "The Coastal Barrier Resources Act will not prohibit a property owner from building on his property, and it will not impose federally mandated duties on State or local governments. Instead, it simply adopts the sensible approach that risk associated with new private development in these sensitive areas should be borne by the private sector, not underwritten by the American taxpayer... It will save American taxpayers millions of dollars while, at the same time, taking a major step forward in the conservation of our magnificent coastal resources."

By most estimates the CBRA has exceeded all expectations for the savings in life, property and taxpayer money since President Reagan's prophetic words.

CBRA serves to protect our nation's coasts, barrier islands, wetlands, and floodplains - areas that provide some of the most important recreational, scenic beauty, fish and wildlife habitat in our nation. These same areas also help protect coastal communities by serving as buffers against storm surge, wave action, and floods. In some cases federal actions and programs have encouraged development in flood prone, ecologically rich coastal areas, at the expense of the American taxpayer. As a result, these areas are no longer able to serve these critical public safety and ecological functions. The Coastal Barrier Resources Act (CBRA) we enacted in 1982 and the John H. Chafee Coastal Barrier Resources System (CBRS) remove these incentives to develop on coastal barriers, which serve as the first line of defense against the impacts of severe storms and sea level rise. Since then, it has been an effective tool that helps protect coastal communities, economies, and fish and wildlife habitat.

Hurricane Sandy Remapping Project

By reducing the incentive to develop in these sensitive coastal areas, the CBRS has saved the American public billions of dollars since it was passed. However, as more storms and sea level rise alter high-risk areas along our coast, it is imperative to modernize the CBRS maps to continue to maximize the benefits of this program to protect coastal communities and natural resources. Many of these maps were last updated in 1990.

I strongly support the U.S. Fish and Wildlife Service's proposed remapping and modernization of the Coastal Barrier Resources System units in areas of my home state of Delaware and in Massachusetts, New Hampshire, and New Jersey that were affected by Hurricane Sandy. The proposed boundaries would add roughly 136,268 acres of vulnerable coast to the CBRS in these four states, helping to improve coastal resiliency and saving taxpayer dollars in the face of future storms. They also correct technical errors in previous maps that were affecting property owners, and provide more accurate data for future coastal planning efforts.

Importantly, the Fish and Wildlife Service used a transparent and sound methodology to develop the revised maps. Stakeholders were engaged both before and after their release, and the length of the public comment period (~4 months), as well as the series of informational webinars on the remapping, allowed the public and other affected parties ample time to learn about the proposed changes and provide feedback. I applaud the FWS for using objective mapping protocols, and for applying clearly-explained guiding principles and criteria for assessing additions to and removals from the CBRS. Such a robust and objective approach should be replicated in updating other CBRS units around the country.

Looking ahead, as our nation is forced to adapt to increasing storm frequency, rising seas, and coastal erosion, it is imperative that we consider how to maintain functional coastal barriers into the future. Anticipating the migration of shoreline features inland, we must look for ways to support open spaces that can accommodate this change in a way that is fiscally and environmentally responsible. Strategically expanding the CBRS shoreward, in consideration of anticipated sea level rise scenarios, would make good fiscal, environmental, and public safety sense.

To close, I am strongly supportive of this batch of proposed revisions to the CBRS units in states affected by Hurricane Sandy, as well as the process and methodology by which the FWS arrived at them. I encourage the FWS to identify areas where the CBRS may be expanded to provide additional protection to coastal communities and taxpayers as we confront the impacts of climate change along our coastlines.

With Best Regards,



Thomas B. Evans, Jr.
Former Member of Congress and
Member, Florida Wildlife Federation Board of Directors

11/4/2018

FWS-HQ-ES-2018-0004-0028 (Rev)

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John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0026

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Rebecca Haney

Address:

Massachusetts Office of Coastal Zone Management
251 Cambridge St., 8th floor
Boston, MA 02114

Email: rebecca.haney@state.ma.us

Phone: 617 626-1228

Fax: 617 626-1240

General Comment

Please see attached file for a comment letter from the Massachusetts Office of Coastal Zone Management.

Thank you.

See attached file(s):

Attachments

CBRS Changes MCZM comments 7/10/18_final

file:///C:/Users/Haney/Desktop/Report%20to%20Congress/Unit%20Report/Appendix%20L%20Missing%20Documents/FWS-HQ-ES-2018-0004-0028 (Rev).pdf

1/1



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karen E. Polito
LIEUTENANT GOVERNOR

Matthew A. Boston
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
http://www.mass.gov/eoaa

July 10, 2018

Gary Frazer,
Assistant Director for Ecological Services
U.S. Fish and Wildlife Service
Division of Performance and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Dear Mr. Frazer:

The Massachusetts Office of Coastal Zone Management (CZM) has reviewed the Fish and Wildlife Service's (FWS) proposed boundary changes to the Coastal Barrier Resource System (CBRS) in Massachusetts, noticed in the Federal Register on March 12, 2018. CZM participated in a webinar with FWS staff and consultants on July 27, 2016 to better understand the proposed updates to the CBRS system. In addition, CZM participated in the public meeting held via webcast/teleconference on May 9, 2018. Following the May 9 teleconference, CZM scheduled a conference call with FWS staff to discuss the site-specific comments articulated below. That call is scheduled for July 11, 2018.

CZM is supportive of the CBRS system and efforts to modernize and update the system boundaries. Overall, the proposed changes appear to improve the protection of relatively undeveloped barrier beaches and associated habitats. However, two changes proposed in the Town of Scituate Massachusetts may affect the ability of existing private property owners and the local community to improve resiliency through hazard mitigation on projects by making them ineligible for federal assistance programs.

The first change proposes to expand Unit C02 to include a section of barrier beach with five private homes in North Scituate. The barrier beach in this location has eroded and shifted landward since these houses were constructed. In a 2016 study conducted for the Town of Scituate, the preferred option to address the vulnerability of these houses recommended moving the house landward on the barrier beach. This option moves the structures to less vulnerable locations and protects the beneficial functions of the barrier beach and associated habitats. Although the proposed designation includes an exclusionary box around the location of the existing houses, the change would designate the area landward of the existing houses as an Otherwise Protected Area (OPA). Under this scenario, if the houses were moved landward and into the OPA, they would be ineligible for flood insurance through the National Flood Insurance

Program. CZM recommends that the entire extent of the developed barrier beach in this area be excluded from Unit C02.

The second change proposes to expand Unit C03 to include more of the overwash areas on the back side of the barrier beach in the North Humarock Beach area of Scituate. The proposed boundary appears to extend almost to the western edge of Central Avenue. Because the low-lying road is vulnerable to overwash and flooding during storm events, the Town of Scituate has assessed design alternatives to improve resiliency. The Town is currently proposing to elevate the road, which will involve grading and side slopes that will extend beyond the footprint of the current roadway and into Unit C03 as currently proposed. The Town is considering funding this project through the Federal Emergency Management Agency's Hazard Mitigation Grant Program. CZM recommends that a buffer of at least 15' be maintained on the western side of Central Avenue so that this important hazard mitigation project remains eligible for federal assistance.

CZM appreciates the opportunity to comment on the proposed changes to the CBRS system. If you have any questions regarding our comments, please contact CZM Coastal Geologist, Rebecca Haney, at (617) 626-1228 or rebecca.haney@mass.gov.

Sincerely,

Bryce K. Carlisle
Director

Cc: Nancy Durfee, Coastal Resources Officer, Town of Scituate
Bradford Washburn, Director of Planning and Development, Town of Scituate
Jason Turner, CZM South Shore Regional Coordinator

Report to Congress: John H. Chafee Coastal Barrier Resource System

11/4/2018

FWS-HQ-ES-2018-0004-0027.html

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John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0027

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Anonymous Anonymous

Submitter's Representative: Erik Rourke

Organization: Philadelphia District

Government Agency Type: Federal

Government Agency: COE

General Comment

The U.S. Army Corps of Engineers (USACE), Philadelphia District, is pleased to submit the following comments in response to the U.S. Fish and Wildlife (USFWS) solicitation for public input on the proposed boundary changes to the John H. Chafee Coastal Barrier Resource System (CBRS). The U.S. Army Corps of Engineers' mission is to provide vital public engineering services in peace and war to strengthen our Nation's security, energize the economy, and reduce the risks from disasters. Our comments are limited to the areas that fall within our District boundaries to include coastal areas in New Jersey south of Manasquan Inlet and the entire coastline of the State of Delaware. The Philadelphia District completed initial construction of ten coastal storm risk management (CSRM) projects in New Jersey and six projects along the coast of Delaware. Each project has a fifty-year period of construction that includes periodic nourishment every few years in addition to emergency repairs following significant coastal storm events. The periodic nourishment cycles range from every 2 years to every 8 years based on economic analyses that demonstrate the maximum net benefits for the nation. Collectively, these projects provide to the nation an average annual benefit of \$272,000,000 (\$221,000,000 in New Jersey and \$51,000,000 in Delaware). These benefits are based on existing development at the time the project was authorized for construction and do not consider new development. Additionally, the Philadelphia District has several studies in process for flood risk management and ecosystem restoration along the shorelines of New Jersey and Delaware. The proposed revisions to the CBRS have the potential to adversely impact these projects, increase the risk to our existing coastal communities from coastal storms, decrease the benefits these projects provide and at higher federal expense to our nation.

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11/4/2018

FWS-HQ-ES-2018-0004-0027.html

Attachments

20180710_USACEPhiladelphia_CommentsFinal

file:///C:/Users/Anonymous/Desktop/Report%20to%20Congress/USACE%20Report/Appendix%20I%20Missing%20Documents/FWS-HQ-ES-2018-0004-0027.html

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3390

July 10, 2018

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike - MS: BPHC
Falls Church, Virginia 22041-3808

To Whom It May Concern:

The U.S. Army Corps of Engineers (USACE), Philadelphia District, is pleased to submit the following comments in response to the U.S. Fish and Wildlife (USFWS) solicitation for public input on the proposed boundary changes to the John H. Chafee Coastal Barrier Resource System (CBRS). The U.S. Army Corps of Engineers' mission is to provide vital public engineering services in peace and war to strengthen our Nation's security, energize the economy, and reduce the risks from disasters. General comments are contained within this letter and detailed comments regarding specific proposed changes are contained as Attachment I. Our comments are limited to the areas that fall within our District boundaries to include coastal areas in New Jersey south of Manasquan Inlet and the entire coastline of the State of Delaware. The Philadelphia District completed initial construction of ten coastal storm risk management (CSRM) projects in New Jersey and six projects along the coast of Delaware. Each project has a fifty-year period of construction that includes periodic nourishment every few years in addition to emergency repairs following significant coastal storm events. The periodic nourishment cycles range from every 2 years to every 8 years based on economic analyses that demonstrate the maximum net benefits for the nation. Collectively, these projects provide to the nation an average annual benefit of \$272,000,000 (\$221,000,000 in New Jersey and \$51,000,000 in Delaware). These benefits are based on existing development at the time the project was authorized for construction and do not consider new development. Additionally, the Philadelphia District has several studies in process for flood risk management and ecosystem restoration along the shorelines of New Jersey and Delaware. The proposed revisions to the CBRS have the potential to adversely impact these projects, increase the risk to our existing coastal communities from coastal storms, decrease the benefits these projects provide and at higher federal expense to our nation.

The continuous risk of a coastal storm is a tremendous threat to the economy and communities located along the Mid-Atlantic Coast. Events such as Hurricanes Katrina, Rita, Gustav, Ike and more recently Sandy have emphasized the increasing importance of managing risks from coastal storms through risk assessment, risk communication and risk reduction measures. Federal agencies, such as USACE and USFWS, have specific missions and provide unique resources that complement each other in making our nation more resilient to coastal disasters. Within our mission, the USACE constructs projects authorized by Congress that are cost beneficial, structurally sound and environmentally feasible to reduce the risk of life and property caused by flooding events, including coastal storms. Much of the New Jersey and Delaware coastlines are protected by shore protection projects that protect existing homes,

businesses, infrastructure, and coastal habitat by mimicking a dune and berm system found naturally along coastlines of the Atlantic Ocean and Delaware Bay. However, sand suitable for mimicking the natural environment is limited in supply and the use of renewable sand deposits is critical to protect the existing coastal communities.

The Philadelphia District USACE continues to seek ways to beneficially use dredged material from our authorized maintenance of navigation channels in order to blend navigational needs with both coastal storm risk management and ecosystem restoration. These efforts can result in benefits to fish and wildlife utilizing coastal habitats. As an example, the USACE proposed to utilize high quality clean sand obtained from maintenance dredging of the main navigation channel in Delaware Bay as a means to provide a supplemental sand source to eroded coastlines for a 50-year project period. These efforts not only address flood risk reduction for coastal residential communities but also provide beach habitat restoration and added storm damage reduction to adjacent wetlands in the face of climate change and sea level rise. Delaware and New Jersey bayshore communities are characterized by broad marshes surrounding small bayfront residential communities, with only a narrow barrier of sandy beach for storm protection. These communities and their adjacent undeveloped marshes and beaches provide valuable foraging and resting habitat for migratory shorebirds, feeding and nesting habitat in the adjacent marshes for waterbirds and other wildlife including fish, amphibians, reptiles and mammals. The majority of the proposed modifications to CBRS units in Delaware and New Jersey adds more acreage to the system units, thereby preventing areas susceptible to climate change-related erosional losses from receiving USACE consideration for the beneficial use of navigation channel materials or coastal storm risk management actions when funding is authorized for purposes other than navigational operations and maintenance. A representative ecosystem restoration project was completed at New Jersey's Lower Cape May Meadows, in collaboration with The Nature Conservancy, where construction of a protective beachfill with dunes, eradication of invasive marsh reeds, and reseeded of native vegetation are helping to preserve freshwater migratory bird habitat.

Beach nourishment projects meet the intent of the Coastal Barrier Resource Act (CBRA) by minimizing the loss of human life while also minimizing the damage to fish, wildlife, and other natural resources associated with coastal barriers. Beach nourishment acts as a "nonstructural" shore protection mechanism; it mimics the natural substrate; and is not a stabilizing hard structure. Beach nourishment along developed coastal lands also provides a secondary benefit to adjacent undeveloped coastal habitats by providing a supplemental sand source through longshore littoral transport. Supplemental sand sources are critical to shorelines because of decades of historic and established development, and armoring and dredging of inlets (with upland placement) that have significantly removed the natural sand source from the system. Beneficial use of dredged material serves to keep the sediments within the aquatic system, as opposed to disposing of the material in upland confined disposal facilities (CDFs) and opportunities for beneficial use should be considered in determining CBRS boundaries.

The objective of beach nourishment in coastal storm risk management projects is to provide a nonstructural, natural protection to developed land *before* an emergency develops, potentially resulting in the loss of human life from severe storms and hurricanes if left

unaddressed. Likewise, thin-layer placement of dredged material on wetlands serves as another risk reduction action that restores wetland elevation in areas where sea level rise has inundated saltmarsh and freshwater wetlands, reducing their resiliency to storms.

Congress declared the purpose of the Coastal Barrier Resource Act is to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with coastal barrier islands by restricting Federal expenditures, which have the effect of encouraging development of coastal barriers. The U.S. Army Corps of Engineers' mission is to provide vital public engineering services in peace and war to strengthen our Nation's security, energize the economy, and reduce the risks from disasters. To meet this mission, the Philadelphia District has constructed natural and nature based features that mimic the natural coastline to protect existing lives and property from the effects of coastal storms. The cooperation and partnership between the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife has enabled both agencies to protect the people and natural resources along the New Jersey and Delaware coasts. However, the U.S. Fish and Wildlife Service proposed recommendations threaten the Army's ability to protect the Nation from natural disasters. We strongly encourage the U.S. Fish and Wildlife Service to consider the impacts of these changes have on the risk to human life based on existing development. We also encourage the U.S. Fish and Wildlife Service to take this opportunity to modify current system unit designations such that the U.S. Army Corps of Engineers may continue to protect existing development through beach nourishment and to facilitate our ability to protect human lives while still protecting the valuable natural resources of coastal barrier islands.

Sincerely,


Peter R. Blum, P.E.
Chief, Planning Division

Attachment

1. Detailed Comments on Proposed Revisions to CBRS

ATTACHMENT 1

USACE Philadelphia District Detailed Comments on Proposed Revisions to CBRS

The following sections contain detailed comments organized by the CBRS Units or Otherwise Protected Areas (OPA) and include a statement of concern, the impact of the revision to our mission, and a recommendation to address our concerns.

New Jersey

NJ-04B
NJ-04BP

The proposed maps reclassify NJ-04BP, an existing OPA, into the existing system unit. In addition, the proposed maps increase the size of the existing system unit. These proposed changes occur in an area that is part of the federally sponsored New Jersey Back Bays Coastal Storm Risk Management Study (NJBB CRMS). This study area is located behind the New Jersey barrier islands of Monmouth, Ocean, Atlantic and Cape May Counties and includes the set of interconnected water bodies and coastal lakes separated from the Atlantic Ocean. The objective of the NJBB CRMS Study is to investigate coastal storm risk management problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems.

Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Recommendation: The District recommends not expanding beyond the existing system area as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk in areas of dense population, critical infrastructure, critical facilities, and property in portions of the Township of Brick and the Borough of Mantoloking.

NJ-05P

The proposed maps expand the Otherwise Protected Area (OPA) to include component features of a congressionally authorized Federal project for navigation and shore protection. The navigation project was authorized in 1935 and the shore protection project was authorized under the Water Resources Development Act (WRDA) of 2000, Section 101(a) (1). Specifically, the southern jetty and an approved borrow area for providing sand to construct the shore protection project would be included as an OPA. CBRA includes in the definition of a coastal barrier all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets and near-shore waters, but only if such features and associated habitats contain few man-made structures and these structures, and people's activity associated with them, do not significantly impede geomorphic and ecological processes. The expanded OPA encompasses the south jetty along Barnegat Inlet, which is designed to protect the inlet for navigational purposes and modifies the natural geomorphic processes of sand movement in this area.

Inclusion of the existing borrow area may have financial impacts to the Federal

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government as well as environmental impacts if an alternate borrow source is required in the future. The cost to the Federal government to explore, identify and permit an alternate borrow area is in excess of \$1,000,000. This assumes that a viable location with suitable sand is identified.

Recommendation: The Philadelphia District recommends not expanding to the OPA area south of the existing jetty and maintaining the existing offshore boundaries to avoid inclusion of the borrow area.

NJ-06/NJ-06P

The proposed maps reclassify NJ-06P, an existing OPA, into the existing system unit. In addition, the proposed maps increase the size of the existing system unit. These proposed changes occur in an area that is part of the federally sponsored New Jersey Back Bays Coastal Storm Risk Management Study (NJBB CRMS). This study area is located behind the New Jersey barrier islands of Monmouth, Ocean, Atlantic and Cape May Counties and includes the set of interconnected water bodies and coastal lakes separated from the Atlantic Ocean. The objective of the NJBB CRMS Study is to investigate coastal storm risk management problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems.

Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Recommendation: The Philadelphia District recommends not expanding beyond the existing CBRS unit area as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk in areas of dense population, critical infrastructure, critical facilities, and property in portions of the Townships of Stafford and Long Beach and the Borough of Ship Bottom.

NJ-07P

The proposed changes to the OPA near the North Brigantine Natural Area expand south and include portions of a congressional authorized project for shore protection. The Brigantine Inlet to Great Egg Harbor Inlet, Brigantine Island project is authorized by the Water Resources Development Act (WRDA) of 1999, Section 101(b)(12).

CBRA includes in the definition of a coastal barrier all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets and near-shore waters, but only if such features and associated habitats contain few man-made structures and these structures, and people's activity associated with them, do not significantly impede geomorphic and ecological processes. The area between 15th Street North and the North Brigantine Natural Area is a critical component to the overall shore protection strategy for the shore protection project to reduce risk to existing structures within the City of Brigantine. Sand is placed in this area to allow natural

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sand movement processes to transport sand into high erosional areas within the City.

Additionally, the proposed changes to the OPA near the southern end of Long Beach Island at Holgate expand north and further include portions of a congressionally authorized Federal project for shore protection under the Water Resources Development Act (WRDA) of 2000, Section 101(a) (1). Similarly, placement of fill at the southern portion of the Long Beach Island project adjacent to Holgate is critical to ensure that a taper of fill is placed in an already highly erosional zone. The periodic nourishment and emergency repairs in this area should disqualify it from inclusion under the CBRA.

Also included in this unit are two proposed Continuing Authorities Program (CAP) projects - one on Mordecai Island in Beach Haven and the other at the north limits of the developed portion of the oceanfront beaches on Brigantine.

Recommendation: The Philadelphia District recommends not expanding the OPA into the limits of an existing congressionally authorized project for shore protection as well as the two mentioned CAP projects.

NJ-08P

The proposed maps reclassify NJ-08P, an existing OPA, into a system unit as well as increase the overall area to be encumbered by CBRS. These proposed changes occur in an area that is part of the federally sponsored New Jersey Back Bays Coastal Storm Risk Management Study (NJBB CRMS). This study area is located behind the New Jersey barrier islands of Monmouth, Ocean, Atlantic and Cape May Counties and includes the set of interconnected water bodies and coastal lakes separated from the Atlantic Ocean. The objective of the NJBB CRMS Study is to investigate coastal storm risk management problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems.

Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Recommendation: The District recommends not expanding beyond the existing CBRS unit area as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk in areas of dense population, critical infrastructure, critical facilities, and property in portions of Strattonville.

NJ-09/NJ-09P

The District offers three specific comments regarding the NJ-09. The first comment is in regards to the expansion of the Unit along Hereford Inlet. Attachment 2 includes a map of the existing and proposed system unit along this area. In 2010, USACE completed a multi-year construction of a seawall protecting homes and infrastructure from coastal storms and wave attack along Hereford Inlet in North

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Report to Congress: John H. Chafee Coastal Barrier Resource System

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Wildwood. This project was authorized for construction by Congress in the Water Resources Development Act (WRDA) of 1999, Section 101(a)(26). The State of New Jersey and the City of North Wildwood are responsible for the operation and maintenance of the seawall. The Federal Government is responsible for repairs of storm-induced damage or other potential failures not considered normal operations and maintenance.

The proposed expansion of System Unit NJ-9 would place portions of the constructed seawall within the Unit. The seawall is constructed with concrete mattresses not evident through aerial imagery that extend into the channel as much as 130-feet. The mattresses are necessary to defend against scour caused by the shifting of the channel associated with the dynamic nature of the inlet and accretion of Stone Harbor Point. If approved, the proposed revisions to System Unit NJ-09 in this area could prevent the use of the Federal funds to repair the seawall and increase the risk to life and existing property for the City of North Wildwood.

Recommendation: The Philadelphia District recommends the existing eastern edge of System Unit NJ-09 remain unchanged along Hereford Inlet and the entire length of the existing seawall. Reliance on the possible exception to limitations on expenditures under 16 USC 3505(a)(6)(F) is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

The second comment offered by the Philadelphia District is specific to the inclusion of the approved Hereford Inlet Borrow Area as part of System Unit NJ-09. The center of the borrow area is located approximately one mile from an existing groin in Stone Harbor Borough at the northern most point of Stone Harbor Point. The borrow area was included as part of the original System Unit NJ-09 designation and the designation remains unchanged with the proposed maps.

In 1996 the USFWS concluded in a letter that the Federal use of the Hereford Inlet Borrow Area constituted an exception under Section 6(a)(6)(A) of the CBRA. The USFWS and USACE both recognized the importance of Stone Harbor Point in providing habitat for a variety of migratory birds including beach nesting birds such as the American oystercatcher, piping plover and least tern. Stone Harbor Point was plagued by severe erosion and habitat loss prior to the initial construction of the coastal storm risk management project in the Borough of Stone Harbor. At the time, USFWS acknowledged that the lack of littoral drift from Stone Harbor was a cause of the loss of habitat. Therefore, the USFWS conclusion that the Federal use of the Hereford Inlet Borrow Area constitutes an exception was contingent on ensuring sand bypassed the existing groin. Since initial construction of the project, Stone Harbor Point has continued to grow and expand providing essential habitat. It is important to note that USACE has not placed a single grain of sand directly within Stone Harbor Point. The entire growth of the area has been through natural processes of sand moving from the renourished Stone Harbor beach to Stone Harbor Point and Hereford Inlet.

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In 2016, USFWS reversed their prior opinion that the existing project constituted an exception under the CBRA since sand would be taken from the system unit and placed outside of the system unit. Although in 1996, the USFWS considered the natural sand movement boundaries, as evidenced by the requirement for sand bypassing the groin, the 2016 opinion did not consider of the natural sand system. The reversal in opinion increased the Federal expenditure for a single periodic nourishment by more than \$6,000,000 and threatens the future of the project. The potential lack of any suitable alternate sand sources and the overall economic justification of the project due to the long-term increases in project construction costs raise the risk for damage from coastal storms for the Borough of Stone Harbor.

Recommendation: The Philadelphia District recommends the reclassification of a portion of System Unit NJ-09 to an Otherwise Protected Area (OPA). The reclassification would be limited to the open water areas that intersect with the approved Hereford Inlet Borrow Area. Reclassification is appropriate for the following reasons:

1. Sand dredged from the Hereford Inlet Borrow Area is used to protect existing homes and infrastructure that were constructed prior to the designation of System Unit NJ-09 under the CBRA.
2. Sand dredged from the Hereford Inlet Borrow Area is used to enhance fish and wildlife habitat within System Unit NJ-09 by allowing the natural processes of littoral drift to transport sand into the system unit from placement of the sand updrift of the Unit, and
3. The seaward side of the CBRS unit includes the entire sand-sharing system, including the beach and nearshore area. The USACE defines the sand sharing system of coastal barriers as the 30-foot bathymetric contour. The USACE demonstrated and previously provided information to USFWS that the sand sharing system of System Unit NJ-09 includes the sand placed updrift of the Unit. Sand removed from the Hereford Inlet Borrow Area is completely returned to the Borrow Area within 10-months from its removal through natural shoreline processes. The application of the seaward side criteria for CBRS boundary limits should therefore consider the entire longshore sand transport of the natural system.

The final comment is specific to proposed changes in an area that is part of the federally sponsored New Jersey Back Bays Coastal Storm Risk Management Study (NJBB CRMS). This study area is located behind the New Jersey barrier islands of Monmouth, Ocean, Atlantic and Cape May Counties and includes the set of interconnected water bodies and coastal lakes separated from the Atlantic Ocean. The objective of the NJBB CRMS Study is to investigate coastal storm risk management problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems. Sections within NJ-09 are proposed to be reclassified from OPA, into

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the existing CBRS Unit. In addition, the proposed maps increase the size of the existing CBRS Units.

Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Recommendation: The District recommends not expanding beyond the existing CBRS unit area as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to areas of dense population, critical infrastructure, critical facilities, and property in portions of the Townships of Middle, the City of North Wildwood and the Borough of Stone Harbor.

NJ-10P
NJ-11P

No comments.
While the District generally recommends not reclassifying OPA to system units, not expanding existing CBRS unit areas or existing OPA, and not introducing new OPA or CBRS unit areas adjacent to or in developed areas, the proposed expansion of the OPA currently does not have an impact on an existing Congressionally authorized project. However, the District is investigating other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the Delaware River Dredged Material Utilization (DMU) study. The District is concerned that the potential to reclassify this area as a system unit could impact these projects in the future. Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-12/NJ-12P

While the District generally recommends not reclassifying OPA to system units, not expanding existing CBRS unit areas or existing OPA, and not introducing new OPA or CBRS unit areas adjacent to or in developed areas, the proposed expansion of the existing CBRS unit currently does not have an impact on the congressionally authorized USACE ecosystem restoration projects at Reeds Beach and Pierces Point or at Villas and Vicinity. However, the District is investigating other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the DMU study. The District is concerned that the potential to reclassify this area as a system unit could impact these projects in the future. Increasing the

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system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-13

While the District generally recommends not reclassifying OPA to system units, not expanding existing CBRS unit areas or existing OPA, and not introducing new OPA or CBRS unit areas adjacent to or in developed areas, the proposed expansion of the existing CBRS unit currently does not have an impact on the Congressionally authorized USACE ecosystem restoration projects at Reeds Beach and Pierces Point. However, the District is investigating other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the DMU study. The District is concerned that the potential to reclassify this area as a system unit could impact these projects in the future. Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-14/NJ-14P

The proposed reclassification of the existing OPA and expansion of the existing system unit does not have an impact on existing authorized projects. However, a CAP project is proposed near the Maurice River in addition to the ongoing investigation of other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the DMU study. The District is concerned that the potential to further expand the CBRS unit area in the future could impact these projects. Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

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Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-19P The proposed maps expand the OPA to include component features of a congressionally authorized Federal Great Egg Harbor Inlet and Peck Beach (Ocean City) project for shore protection. Congressional Committee Resolution authorized the Federal project on December 15, 1970 under the provisions of Section 201 of P.L. 99-298. The project was reauthorized with provisions for construction of separable elements under Section 831(1) of the Water Resources Development Act of 1986, P.L. 99-662.

The CBRA includes in the definition of a coastal barrier all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets and near-shore waters, but only if such features and associated habitats contain few man-made structures and these structures, and people's activity associated with them, do not significantly impede geomorphic and ecological processes. The expanded OPA encompasses a jetty along Great Egg Harbor Inlet, which is designed to protect the inlet and modifies the natural geomorphic processes of sand movement in this area.

Inclusion of the existing borrow area may have financial impacts to the Federal government as well as environmental impacts if an alternate borrow source is required in the future. The cost to the Federal government to explore, identify and permit an alternate borrow area is in excess of \$1,000,000. This assumes that a viable location with suitable sand is identified.

Recommendation: The Philadelphia District recommends not expanding the OPA area into Great Egg Harbor Inlet to avoid inclusion of the northern area of the project and the approved borrow area.

NJ-20P The District offers no comments regarding the addition of the OPA (NJ-20P), provided that future periodic nourishments for protection of the U.S. Coast Guard Training Center are allowable as an exception under 6(a)(5) of the CBRA. This exception applies to construction, operation, maintenance or rehabilitation of USCG facilities and should include the borrow area offshore of the Coast Guard Reservation.

The District is concerned that the potential to reclassify the OPA to a system unit in the future could impact the Congressionally authorized Hereford Inlet to Cape May Inlet, NJ Flood & Coastal Storm Damage Reduction project and any

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potential solutions from the New Jersey Back Bay Coastal Risk Management Study. Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-21P While the District generally recommends not reclassifying OPA to system units, not expanding existing CBRS unit areas or existing OPA, and not introducing new OPA or CBRS unit areas adjacent to or in developed areas, the proposed expansion of the existing CBRS unit currently does not have an impact on the Congressionally authorized USACE ecosystem restoration projects at Villas and Vicinity. However, the District is investigating other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the DMU study. The District is concerned that the potential to reclassify this area as a system unit could impact these projects in the future. Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-22P While the District generally recommends not reclassifying OPA to system units, not expanding existing CBRS unit areas or existing OPA, and not introducing new OPA or CBRS unit areas adjacent to or in developed areas, the proposed introduction of the OPA currently does not have an impact on the potential USACE project area at Fortouce associated with the DMU study. However, a CAP project is proposed in Commercial Township in addition to the ongoing investigation of other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the DMU study. Therefore, the District is concerned that the potential to further expand OPA and/or reclassify to system units in the future could impact these projects. Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

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Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-23-P While the District generally recommends not reclassifying OPA to system units, not expanding existing CBRS unit areas or existing OPA, and not introducing new OPA or CBRS unit areas adjacent to or in developed areas, the proposed introduction of the OPA unit currently does not have an impact on the potential USACE project area at Gandy's Beach associated with the DMU study. However, there is an ongoing investigation of other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the DMU study. Therefore, the District is concerned that the potential to further expand OPA and/or reclassify to system units in the future could impact these projects. Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

NJ-24P While the District generally recommends not reclassifying OPA to system units, not expanding existing CBRS unit areas or existing OPA, and not introducing new OPA or CBRS unit areas adjacent to or in developed areas, the proposed introduction of the OPA unit currently does not have an impact on existing authorized projects. However, there is an ongoing investigation of other flood risk management and ecosystem restoration projects along the Delaware Bay as part of the DMU study. Therefore, the District is concerned that the potential to further expand OPA and/or reclassify to system units in the future could impact these projects. Increasing the system unit designation in this area reduces the number of feasible solutions, escalates the cost of storm risk management measures and increases the potential risk to existing property and lives.

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Reliance on the possible exception to limitations on expenditures is not acceptable as approval for exceptions is subject to individual interpretation and cannot be relied upon by local and state officials to protect existing life and property.

Recommendation: The District recommends not expanding beyond the existing designations as it has the potential to prevent the future federal expenditure for coastal risk management projects for existing development thereby increasing the risk to life and property.

Delaware

DE-01 Pickering Beach - The expansion of DE-01 at the northern and southern ends of Pickering Beach encroaches close to existing development and may prevent the use of future Federal funds for the implementation of CSRM projects. The proposed expansion potentially increases the risk to both property and life by reducing the potential for implementation of cost beneficial, natural design features currently under study.

Recommendation: The District recommends not approving the proposed changes to System Unit DE-01 near Pickering Beach. The proposed changes have the potential to increase the risk to property and life, and increase the expense to the Federal government to implement possible CSRM projects.

Kitts Hummock - The expansion of DE-01 at the northern end of the community of Kitts Hummock encroaches within approximately 15 feet of existing structures. This area is currently under evaluation for potential CSRM projects using Federal funds. The adjustment in the system unit boundary may prevent the implementation of a berm and dune alternative if insufficient area outside of the system unit exists to construct the necessary taper and transition back into the existing shoreline.

Recommendation: The District recommends not extending System Unit DE-01 to the south and further encroaching within the community of Kitts Hummock due to existing structures and the impact of the change on potential future Federal projects designed for reducing the risk to property and life from coastal storm events.

DE-01P

H06

No comments

Slaughter Beach: The proposed changes to System Unit H06 at Slaughter Beach extend close to residential structures at the both the northern and southern ends of the community. These areas may be eligible for Federal funding for CSRM type projects currently under study. The close proximity of the system unit to these developed areas could prevent the implementation of cost beneficial, natural design solutions using Federal funds for reducing the risk to property and life associated with coastal storm events.

Recommendation: The District recommends adjusting the proposed boundaries around Slaughter Beach to provide a sufficient buffer between existing development and the system unit boundary to allow for the implementation of the

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See also: [BIBR-14 website](#), [Gardian.net in German](#), [Fast Report \(German\)](#), [L & L Travel Document](#), [EWS-GD-CX-2016-0004](#), [EURO](#)

Hurricane Sandy Remapping Project

Federal Treasury more than one billion dollars in avoided expenditures,⁷ discouraged hazard-prone construction with an estimated 84 percent of CBRS units remaining undeveloped,⁸ and helped protect commercially important fish and shellfish industries, endangered species, and other wildlife.

A. Bipartisan Support for the CBRA Yesterday and Today

The Coastal Barrier Resources Act is rooted in a shared, bipartisan understanding that shielding undeveloped coastal areas from federally funded development and redevelopment expenditures makes fiscal, environmental, and public safety sense. Former U.S. Representative Thomas B. Evans, Jr. (R-DE), a co-author of CBRA, described its broad support:

The CBRA ultimately was crafted by wide-ranging and diverse interests: Republicans and Democrats, conservatives and liberals, environmentalists and tax hawk, all working together.⁹

President Ronald Reagan made a similar observation when he signed the 1982 CBRA into law:

It is rare that a bill enjoys the widespread support that S. 1018 [the CBRA legislation] has received. It is supported by the American Red Cross, the National Taxpayers Union, the Coastal States Organization, all of the major environmental and conservation organizations, and was enacted by the Congress with only four dissenting votes. This is a tribute to the common sense philosophy of the legislation. . . .¹⁰

Over the years, the CBRA has continued to garner bipartisan support, through its expansion in 1990 and subsequent reauthorizations, up to the current day. Bipartisan support for CBRA was recently expressed at the June 12, 2018, House Committee on Natural Resources vote on H.R. 5787, the "Strengthening Coastal Communities Act of 2018," which would add additional areas to the CBRS. Rep. Doug Lamborn (R-CO) noted that the CBRA "has been a win-win for taxpayers and the environment. . . . Its saved taxpayers billions of dollars."¹¹ Rep. Alan Lowenthal (D-CA) called CBRA an example of how "good environmental stewardship, conservation, and coastal resiliency go hand-in-hand with responsible taxpayer protections."¹²

B. Saving Federal Tax Dollars Nation-Wide Earns CBRA Broad Support

In a February 2, 1982, letter to the House Committee on Merchant Marine and Fisheries, (now part of today's House Natural Resources Committee), Secretary of the Interior James Watt

⁷ U.S. Fish and Wildlife Service, *The Coastal Barrier Resources Act: Harnessing the Power of Market Forces to Conserve America's Coasts and Save Taxpayers' Money* (2002), <http://www.fws.gov/cbra/cbra.html>.

⁸ U.S. Government Accountability Office, *Report to the Honorable Wayne T. Gilchrest, House of Representatives, Coastal Barrier Resources System: Status of Development That Has Occurred and Financial Assistance Provided by Federal Agencies* (GAO/07-356, March 2007), p. 4, <http://www.gao.gov/products/GAO-07-356>.

⁹ Evans, Thomas B. Jr., former U.S. Representative, R-DE, "Statement by the Honorable Thomas B. Evans, Jr., co-author of the Coastal Barrier Resources Act of 1982, to the Fish and Wildlife Service of the U.S. Department of the Interior," July 29, 2009.

¹⁰ Reagan, President Ronald, "Statement on Signing the Coastal Barrier Resources Act," October 13, 1982, <http://www.reaganlibrary.gov/doc/1982/10/13/statement-on-signing-the-coastal-barrier-resources-act>.

¹¹ See video proceedings of the Committee mark-up at <https://www.youtube.com/watch?v=mcDPA6S1-Ak>.

¹² *Ibid.*

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stated that "while it is difficult to quantify, there can be no question that Federal investments have stimulated and facilitated development of storm-prone coastal barriers."¹³ Secretary Watt noted that federal funds can be made available again and again for coastal development and redevelopment on coastal barriers, stating that:

... many of these [Federal] expenditures are not one-time costs. Taxpayers subsidize development, a hurricane sweeps an area, and the government assists, even encourages, rebuilding. . . . [The CBRA legislation] charts a sensible course for preventing this cycle from recurring, one that will conserve both tax dollars and natural resources.¹⁴

Studies on the cost to the Federal Treasury from coastal development helped inform Congress as it considered CBRA legislation. In 1982, the House Merchant Marine and Fisheries Committee noted that the average cost of Federal subsidies for initial construction in coastal barriers was more than \$25,000 per acre, while "in terms of replacement costs, the estimated Federal subsidies are more than \$53,000 per developed acre."¹⁵ Coastal development has exploded since this initial estimate, making it extremely likely that the cost of Federal subsidies per acre is much higher.

Indeed, 20 years after passage of the CBRA, the FWS released an economic study that estimated that CBRA would save the Federal Treasury \$1.3 billion from 1983 to 2010.¹⁶ Since this study examined only a handful of federal programs, not including the National Flood Insurance Program, the savings to the Treasury are likely much higher.

Because of its benefits to the Federal Treasury as well as the environment, CBRA has garnered the support of the Reinsurance Association of America (Association), the leading trade association of property and casualty reinsurers. The Association endorses CBRA and opposes "the removal of coastal and shoreline property from the CBRA."¹⁷ The Association embraces actions that are consistent with CBRA, including promoting "fiscally-sound approaches to coastal resilience."¹⁸ The insurance industry group endorses "reducing or eliminating federal subsidies that promote unwise and costly coastal and floodplain development," as well as "the protection and restoration of wetlands and undeveloped barrier islands so they can provide flood and storm risk reduction."¹⁹ Specifically, the insurance group calls for efforts to "highlight the risks of new development and redevelopment of high hazard, environmentally-sensitive areas."²⁰

¹³ Jones, Walter B., U.S. Representative, on behalf of the Committee on Merchant Marine and Fisheries, U.S. House of Representatives, "Coastal Barrier Resources Act Report together with Additional Views to accompany H.R. 3352," 97th Congress, 2d Session, Rept. 97-841, Part 1, P. 23, September 21, 1982. Hereafter referred to as *CBRA House Committee Report*.

¹⁴ *Ibid.* pp. 23-24.

¹⁵ *Ibid.* p. 10.

¹⁶ U.S. Fish and Wildlife Service, *The Coastal Barrier Resources Act: Harnessing the Power of Market Forces to Conserve America's Coasts and Save Taxpayers' Money*, *Op. cit.*

¹⁷ Reinsurance Association of America, "AIIIR and RAA Support NWF Call for Reforms to Unwise Coastal and Floodplain Policies," May 21, 2014, <http://www.aiaa.com/resources/association-support-nwf-call-for-reforms-to-unwise-coastal-and-floodplain-policies>.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

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The free-market, conservative-leaning think tank, R Street Institute, is a strong supporter of the CBRA because of its taxpayer-protection benefits. In April 2014, Christian Camara, the co-founder of R Street Institute, testified before Congress that the CBRA:

... does more than protect environmentally sensitive coastal areas and wildlife habitats: It also protects consumers and taxpayers from subsidizing the risky behavior of a few and having to cover their repeat losses. It organically encourages proper building standards, protects inland communities by preserving natural barriers to wind and surge and sends the right price signals to those who would otherwise place life and property in harm's way. The CBRS has worked. It is a market-based environmental protection program that does not infringe on property rights, impose onerous regulations or cost taxpayer money. In fact, it has saved taxpayers billions of dollars while simultaneously helping preserve low-lying areas that serve as wildlife habitats and vital natural barriers to wind and storm surge.²¹

C. Promoting Public Safety on the Coasts

Coastal construction places people at risk from hurricanes, storms, nor'easters and other deadly acts of nature. According to the National Oceanic and Atmospheric Administration (NOAA), nearly 4 out of 10 Americans live in coastal counties, which comprise only one-tenth of the available land in the continental United States.²²

This crush of coastal development has resulted in the exposure of millions of people to lethal and extraordinarily expensive acts of nature. In fact, storms are likely to be even more damaging in the future. NOAA estimates that climate change will likely "cause hurricanes in the coming century to be more intense globally and have higher rainfall rates than present-day hurricanes," including along the Atlantic Coast.²³

Removing federal subsidies in CBRA units has helped discourage development in hazardous areas, which reduces the number of people exposed to harm and the amount of storm damages. In a recent article, the R Street Institute discussed the benefits of the Coastal Barrier Resources System in light of hurricane damages:

The System's benefits were on full view during the 2017 hurricane season. While Hurricane Harvey is estimated to have caused as much as \$125 billion in damage, including massive flooding in and around Houston, the destruction would have been far worse were it not for where the Category 4 storm made landfall—at San Jose Island, an uninhabited barrier island that is entirely within the CBRS. Much of the coastal regions of surrounding Aransas County likewise fall within CBRS units, and are thus largely free of development.²⁴

²¹ Camara, Christian, "Testimony to U.S. House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs," April 8, 2014, <https://www.rstreet.org/2014/04/08/testimony-to-u-s-house-subcommittee-on-fisheries-wildlife-oceans-and-insular-affairs/>.

²² *Ibid.*

²³ Geophysical Fluid Dynamics Laboratory, NOAA, "Global Warming and Hurricanes: An Overview of Current Research Results," June 6, 2018, <https://www.gfdl.noaa.gov/global-warming-and-hurricanes/>.

²⁴ Lehmann, R.J., Director of Finance, Insurance and Trade Policy, R Street Institute, "FWS wants to expand the Coastal Barrier Resources System by 136,000 acres," March 20, 2018, <http://www.rstreet.org/2018/03/20/fws-wants-to-expand-the-coastal-barrier-resources-system-by-136000-acres/>.

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D. Protecting and Supporting Economically Important Natural Resources

The thin border that edges the oceans, Gulf of Mexico and Great Lakes is home to an astonishing array of wildlife. Nearly 400 bird species use the coast of the Atlantic flyway for nesting, migration and overwintering.²⁵ The coasts also support marine mammals like dolphins and whales, sea turtles, a host of other endangered and threatened species, and other wildlife.

Coastal ecosystems also support the economically crucial fishing and shellfishing industries. According to NOAA, "coastal wetlands are some of the most productive ecosystems on Earth, and generate more than half of commercially harvested seafood in the United States."²⁶ NOAA reports that commercial fishing generated \$144 billion in sales and provided 1.2 million jobs in 2015.²⁷ Coastal wetlands are also vital to the lucrative recreational fishing industry. NOAA reports that marine recreational fishing in the United States contributes 439,000 jobs to the nation's economy, generating \$63 billion in sales.²⁸ Coastal communities depend on their coastal waters for continued seafood production. As NOAA observes, "the quantity and quality of our seafood is directly related to the quality and extent of wetland habitats."²⁹

Coastal wetlands and estuaries also provide other critical benefits. Wetlands trap and filter pollutants, which in turn helps maintain healthy estuaries, bays and beaches. Wetlands also act like natural sponges, absorbing floodwaters. Wetlands can "lower overall flood heights, protecting people, property, infrastructure, and agriculture from devastating flood damages."³⁰ In fact, by absorbing storms, floods, and high waves, coastal wetlands help protect shorelines and prevent land from eroding. According to NOAA, these storm damage services are valued at over \$23 billion annually.³¹

However, coastal development damages and destroys natural coastal resources. In creating CBRA, Congress stated that "coastal development, which has been subsidized by the Federal Government, has resulted in the loss of coastal barrier resources."³²

2. The CBRS Should Be Expanded In The States Impacted By Hurricane Sandy

The Mid- and North-Atlantic states impacted by Hurricane Sandy would benefit from expanding the CBRS along their coasts.

A. Expanding the CBRS Will Help Promote Public Safety Along the Storm-Prone Atlantic Coast

Hurricane Sandy hit the Atlantic coast from October 30-31, 2012. According to NOAA, Hurricane Sandy killed 159 people and caused \$71.5 billion worth of damages.³³ The hurricane

²⁵ BirdLife International, "Birds of the Atlantic American Flyway," <https://flywaytrends.birdlife.org/about-us/>.

²⁶ NOAA Fisheries, "Coastal Wetlands—Too Valuable to Lose," <http://www.fisheries.noaa.gov/commercial-fisheries/coastal-wetlands-too-valuable-to-lose>.

²⁷ NOAA National Marine Fisheries Service, "Fisheries of the United States, 2015," <https://www.fisheries.noaa.gov/commercial-fisheries/fisheries-of-the-united-states-2015>.

²⁸ NOAA Fisheries, "Coastal Wetlands—Too Valuable to Lose," *op. cit.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² Coastal Barrier Resources Act of 1982, *op. cit.*

³³ National Oceanic and Atmospheric Administration National Centers for Environmental Information, *U.S. Billion-Dollar Weather and Climate Disasters (2013)*, <https://www.billion-dollar-disasters.gov/>.

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Report to Congress: John H. Chafee Coastal Barrier Resource System

damaged or destroyed at least 650,000 buildings.³⁴ New Jersey was hardest hit, with “the extent of catastrophic damage along the New Jersey coast unprecedented in the state’s history.”³⁵

The storm-prone mid- and north-Atlantic coast was pounded again in 2018 when two powerful nor’easters slammed into the coast on January 5 and March 3, impacting the same states that were hit by Sandy and killing 31 people while causing \$2.8 billion in damage.³⁶ Coastal storms and hurricanes will continue to impact the Atlantic coast, threatening lives and causing massive destruction. Expanding the CBRS along the Atlantic would help protect people from exposure to deadly storms. In fact, undeveloped coastal areas, like those in the CBRS, are better able to adapt to storm damages. A post-Hurricane Sandy evaluation found that in the mid-Atlantic, “natural systems were resilient to Hurricane Sandy’s impacts, as opposed to man-made structures that were heavily damaged.”³⁷

B. Expanding the CBRS Will Help Conserve the Coastal Environment and its Resources in the Mid- and North-Atlantic.

The CBRS supports economically vital fisheries in the Mid- and North-Atlantic.

Undeveloped beaches, islands, wetlands and associated areas play a crucial role in supporting healthy coastal ecosystems, which, in turn, directly benefit the state economies of the four states included in the first batch of Hurricane Sandy maps. In 2016:

- More than 132 million pounds of commercial seafood was landed in New Jersey coastal and ocean waters, netting more than \$191 million.
- In Delaware’s marine waters, roughly 5.7 million pounds of commercial seafood were landed, at a value of more than \$11 million.
- The coastal and ocean waters off Massachusetts yielded roughly 245 million pounds of commercial seafood, generating \$551 million.
- Nearly 8 million pounds of commercial seafood were caught in New Hampshire’s marine waters, accounting for more than \$33 million.³⁸

In fact, Massachusetts is the leading state in the nation for surf clam landings, followed by New Jersey, while overall, the mid-Atlantic region has the nation’s largest hard clam fishery.³⁹

The CBRS supports ecologically diverse wildlife.

³⁴ Rice, Tracy Morgan, “Storm-induced Habitat Modifications caused by Hurricane Sandy within the U.S. Atlantic Coast Breeding Range of the Piping Plover (*Charadrius melodus*).” Report submitted to the U.S. Fish and Wildlife Service, Hatteras, VA, December 15, 2017. P. 1. <http://www.fishwildlife.gov/Portals/0/USFWS/AtlanticCoastBreedingRangePipingPlover/HabitatModifications.pdf>

³⁵ *Ibid.*, p. 2.

³⁶ NOAA NCEM, *U.S. Billion-Dollar Weather and Climate Disasters*, op. cit.

³⁷ American Littoral Society, *Assessing the Impacts of Hurricane Sandy on Coastal Habitats*. Prepared for The National Fish and Wildlife Foundation. Final Assessment Report, December 17, 2012.

³⁸ National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service, *Annual Commercial Landings Statistics*. <http://www.fishbase.org/landings/annual>. Accessed 1/25/2018.

³⁹ National Oceanic and Atmospheric Administration Fisheries, “New England, Mid-Atlantic States Land Nation on Volume and Value of Several Key Fisheries,” November 1, 2017. <http://www.fisheries.noaa.gov/fishery-statistics/new-england-mid-atlantic-states-land-nation-on-volume-and-value-of-several-key-fisheries>

- **Winter:** Wintering seabirds generally occupied habitat throughout the area. Northern Gannets were broadly distributed while scoters were most concentrated in nearshore regions adjacent to the bays. Aleuts (Atlantic Puffins, Razorbills, Dovekies, and murres) were observed in small numbers throughout the study area.
- **Spring:** Wintering seabirds departed the area in spring, while summer resident seabirds arrived; and
- **Summer:** Breeding seabirds, such as Common Terns, were observed foraging near shore and near the mouths of the bays, while nonbreeding species, such as Wilson’s Storm-petrels, tended to be more broadly distributed across the study area.⁴¹

Estuarine and coastal waters, in which additions to the CBRS are being proposed, are particularly vital to the health of the mid-Atlantic Bight:

There is also a wide range in salinity, with large volumes of fresh water . . . from the Hudson Estuary, Delaware Bay, and Chesapeake Bay. This influx of fresh water has a particularly strong effect on the characteristics of this ecosystem around the mouths of the bays, delivering nutrients such as nitrogen and phosphorus that boost primary productivity in coastal waters. In these areas, year-round mixing of saline and fresh waters through estuarine circulation, in combination with strong tidal currents, leads to increased primary productivity.⁴²

The beaches, inlets, estuaries, wetlands and coastal waters of the Mid-Atlantic Bight are vitally important to a wide diversity of animal life, as well as economically crucial fisheries and shellfisheries. Expanding the protective CBRS along the coasts of this area would make good economic and environmental sense.

Expanding the CBRS is also prudent given likely sea level rise impacts on the Atlantic coast. Sea level rise threatens ecologically and economically important wetlands, beaches and islands, as well as posing serious risk to coastal communities. The four states that have proposed changes to the CBRS are vulnerable in a variety of ways to sea level rise impacts:

- **Public safety concerns.** According to research by Rutgers University, “sea level is rising faster at the New Jersey shore than the global average because of land subsidence, and there is a 95% probability that the 20th century rate of sea-level rise along the New Jersey shore was faster than it was in any century in the last 4,000 years.”⁴³ Damage from storms will increase as sea level rises. Rutgers notes that Hurricane Sandy had a storm tide (sum of surge and tide) of 13.9 feet in New York City, and 8.9 feet at Atlantic City.⁴⁴ In combination with the 12-16 inches of sea level rise that occurred during the 20th century, “Hurricane Sandy caused flooding in an area 27 square miles greater than it would have in 1880.”⁴⁵

⁴¹ *Ibid.*, pp. 14-15.

⁴² *Ibid.*, p. 4.

⁴³ Rutgers University, Department of Earth and Planetary Sciences, Institute of Marine and Coastal Sciences, “Sea Level Rise In New Jersey Fact Sheet,” 2014. <http://www.marine.umd.edu/education/sea-level-rise-fact-sheet>

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

The Mid-Atlantic Bight spans an area from Cape Cod, Massachusetts, to Cape Hatteras, North Carolina, and most of the proposed changes to the CBRS in the first set of Hurricane Sandy maps fall within this area. A Department of Energy funded research project, conducted by the Biodiversity Research Institute (Institute) in conjunction with several academic centers, concluded that the Mid-Atlantic Bight is:

Significant both ecologically and economically [and] is used by a broad range of marine wildlife species . . . including several dozen species listed as threatened or endangered at the federal level or state level. The importance of the region for these wildlife species is due, in part, to the region’s central location in a major migratory flyway and a relatively high level of primary productivity (growth of phytoplankton).⁴⁶

The CBRS already exists in this area, and adding to it, as is proposed by the FWS, makes good environmental sense. Protecting more beaches, islands, dunes, wetlands and nearshore waters from the slew of federal financial development incentives will help ensure habitat for the rich variety of wildlife that live in or migrate through the Mid-Atlantic Bight. In fact, the Institute’s study of the Mid-Atlantic Bight found a “greater abundance of many species in nearshore areas,” which are precisely the areas that benefit most from CBRA. The researchers observed:

- **Marine mammals,** including North Atlantic Right Whales, Fin Whales, Humpback Whales, and Bottlenose Dolphins.
- **Sea turtles,** including Loggerhead, Leatherback, Kemp’s Ridley, Hawksbill, and Green Sea Turtles.⁴⁷

Many of the observed species are threatened or endangered. Indeed, all of the observed sea turtle species are listed as threatened or endangered under the Endangered Species Act.⁴⁸ The researchers noted the dependence of sea turtles on undeveloped beaches and the threats posed by development to these vital nesting areas:

Female sea turtles lay clutches of tens to hundreds of eggs that they bury in sandy beach nests. The mid-Atlantic region has large populations of a high diversity of turtles, but there are many existing threats that could cause population declines, including loss of nesting habitat to coastal development and disturbance or destruction of nests by humans.⁴⁹

The researchers also noted a wide variety of birds migrating through or residing in the Mid-Atlantic Bight during all four seasons of the year:

- **Autumn:** Seabird species composition shifted as summer residents, such as terns, shearwaters, and storm-petrels, migrated south to more productive waters and milder climes. Winter residents, such as scoters, Northern Gannets, and Red-tailed Loons, migrated into the area from breeding grounds farther north or inland.

⁴⁶ Biodiversity Research Institute, “Mid-Atlantic Wildlife Studies: Distribution and Abundance of Wildlife along the Eastern Seaboard, 2012-2014,” 2015. P. 4. http://www.biodiversityresearchinstitute.org/Portals/0/Wildlife_and_Biodiversity/Reports/2015-2014%20Mid-Atlantic%20Wildlife%20Studies.pdf

⁴⁷ *Ibid.*, pp. 4-26.

⁴⁸ *Ibid.*, p. 24.

⁴⁹ *Ibid.*

In Massachusetts, “about 150,000 people live on exposed land below five feet.”⁵⁰ Scientists at Climate Central estimate “an 83% risk of at least one flood over 5 feet taking place between today and 2050 in the Massachusetts area.”⁵¹

- **Damage to ecological health, groundwater, public infrastructure, beaches.** The Delaware Geological Survey warns that, “Sea level rise will worsen the coastal flooding issues already present in Delaware. Long-term effects will include coastal erosion, conversion of ecologically important tidal wetlands to open water, and gradual damage to roads, property, agricultural fields and forests.”⁵² There is also concern that saltwater intrusion into groundwater aquifers could affect drinking water supplies, “and ultimately the long-term health of plants and animals in the ecosystem, too.”⁵³ Damage to public infrastructure (e.g., roads, septic tanks, water supply lines) and private property is of concern, as well as “the rapid erosion of beach sand from coastal storms.”⁵⁴
- **Threats to cultural heritage.** According to the University of New Hampshire, “Coastal New Hampshire has been identified by scientists and recognized by policy makers as an area experiencing many of the effects of climate change, including increasing temperatures and rising sea levels.”⁵⁵ The researchers note that, “The continued trajectory of such change places the seacoast region at a very high risk of coastal flooding today and of coastal land submersions within the next 50 to 100 years.”⁵⁶ This means that on the New Hampshire seacoast, “culture heritage sites are going to be damaged and/or destroyed as seawater moves inland.”⁵⁷ Coastal New Hampshire “has the potential to lose up to 14 percent of its known prehistoric (ca. 8000 BC to 1500/1600 AD) and historic (ca. 1500/1600 AD to 1900 AD) cultural heritage sites to sea-level rise. In addition, over 80 known historic cemeteries are at risk for damage or complete destruction.”⁵⁸

Expanding the CBRS along the Atlantic coast would help conserve important cultural, economic, and environmental resources, while helping to promote public safety.

3. Keeping CBRA Strong and Effective.

An area of concern that may limit CBRA’s benefits off saving taxpayer dollars, promoting public safety and conserving the coastal environment is sand mining, dredging and removal operations in or adjacent to CBRA units for beach renourishment outside of CBRA units. Sand removal operations can have harmful impacts on the coastal environment and wildlife, including:

⁴⁹ Climate Central, “Sizing Sea Risk Finder,” 2014. https://riskfinder.climatecentral.org/state/new-hampshire/all/comparisonType=county&forecastType=NOAA2017_int_p50&level=5&unit=ft

⁵⁰ *Ibid.*

⁵¹ University of Delaware, Delaware Geological Survey, “Delaware Geological Survey, DNREC Update Sea Level Rise Projections for Delaware,” November 27, 2017. <http://www.adel.edu/salish/2017/november/new-sea-level-rises-planning-scenarios/>

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ University of New Hampshire, Carsey School of Public Policy, “Climate Change, Sea-Level Rise, and the Vulnerable Cultural Heritage of Coastal New Hampshire,” April 10, 2018. <http://carsey.unh.edu/publications/ClimateChangeandNewEnglandCoast>

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

- Significant habitat loss and other negative impacts, threatening the fish and wildlife that CBR A seeks to conserve.
- Reduction of the ability of coastal barriers to provide vitally important storm-surge protection for upland communities.
- Disruption of the movement of sand in nearshore waters and in the littoral zone, which can result in reduced sand availability for coastal barriers.

Disruption of sand movement and sand supplies

The multiple beach renourishment and shore stabilization projects underway by the U.S. Army Corps of Engineers (COE) and other agencies have increased the pressure to mine sediments from inlets, islands, beaches and shoals. However, the COE acknowledges that sediment mining "interrupts the natural sediment bypassing of the integrated sediment-sharing system."⁵⁸

Mining inlets has demonstrable impacts on the sediment supplies for the inlet and nearby areas. Removing sand from inlets "reduces the rate of supply of sediment to connected features and ultimately to the down-drift beach in the bypassing system," reports the Army Corps of Engineers, which recommends that key concerns be addressed before embarking on inlet or shoal mining:

From an inlet management perspective, key questions to be addressed in considering inlet shoal mining are: (1) what will be the reduction in the bypassing rate to the down-drift beach, (2) how long will it take for the mined feature to return to its volume prior to mining, and (3) what are the reductions to the transport rates to other morphologic features of the system?⁵⁹

The Corps has further documented that, "Coastal engineering practices designed to stabilize coastal systems that are naturally dynamic have a huge impact on species that have evolved to require such habitats."⁶⁰ The Corps notes that, "Coastal inlets are some of the most important habitats for shorebirds," and concludes that, "Practices such as sand mining, beach replenishment, dredging, and the construction of 'hardened' structures (jetty, groins, seawalls, etc.) on beaches and islands are widespread and have taken a toll on coastal birds."⁶¹

Benthic and ecological damages

Sand mining operations can cause long-term damages to the benthic ecosystem. Scientists at the South Carolina Department of Natural Resources warn that, "Depending on the environment and the nature of the dredging impact, biological recovery [of the benthic community] may not occur for many years."⁶² The scientists evaluated two beach renourishment borrow areas in South

⁵⁸ Dabec, Mohamed A. and Kruse, Nicholas C., on contract with the U.S. Army Corps of Engineers' Vicksburg, MS Lab. *Evaluation of Two Tidal Shoals as a Sand Source for Beach Renourishment: General Methodology with Reserve Model Analysis*. 2004. P. 1. <http://www.usace.army.mil/ourwork/WWF/dabec-kruse-2003-04.pdf>

⁵⁹ Ibid, p. 13

⁶⁰ Harrington, B.R. 2000. *Coastal inlets as strategic habitat for shorebirds in the southeastern United States*. (XEROX Technical Notes Collection. ERDC TN - D03R-125 Vicksburg, Mississippi: U.S. Army Engineer Research and Development Center.

⁶¹ Ibid.

⁶² Crowe, Stuart E., et al. *Physical and Biological Alterations Following Dredging in Two Beach Renourishment Borrow Areas in South Carolina's Coastal Zone*. South Carolina Department of Natural Resources. Published in

Carolina's coastal zone, and determined that even after 6-8 years, the dredged areas' "surficial sediment characteristics shifted toward finer materials and showed little evidence of recovering."⁶³ In addition, changes were observed in the benthic community in terms of faunal density, number of species, and composition of species, with "recolonization by opportunistic" species on the "disturbed seafloor."⁶⁴

"Significant and long-term effects" were observed at the two sites, including:

- Sediment characteristics in the dredged areas changed from sand sediments with low silt and clay content to muddy bottoms with less sand; and,
- Marked changes in the benthic communities, particularly species composition. The "number of species decreased at both borrow areas post dredging and generally remained lower compared to changes in the reference area during the same periods."⁶⁵

The scientists concluded that:

As expected, the large-scale removal of sediment during dredging resulted in substantial changes in benthic community structure . . . Because removal of the existing fauna is unavoidable, the preferred scenario would be one of rapid recovery of borrow area communities to conditions observed before dredging or conditions similar to those found in nearby sand bottom habitats . . . [but] the persistent change in faunal composition 6 and 8 years later, combined with the persistent change in sediment composition from relatively clean sandy bottoms to muddy bottoms, indicates that benthic infauna had not recolonized to conditions observed before dredging in the borrow area or compared to the reference area.⁶⁶

Impacts on the benthic ecosystem and coastal waters from sand mining have also been documented by scientists at the Virginia Institute of Marine Science (VIMS), who noted that, "The root of the potential problems from sand mining is the simple act of disturbing the natural sea floor."⁶⁷ The scientists report that:

The disturbance usually is in the form of an excavation. Even if the excavation is only centimeters deep, it will have a profound effect on the resident infauna and lesser, but none-the-less real, consequences on the local pelagic organisms and physical processes.⁶⁸

Because sand mining impacts can be enormous, the VIMS scientists recommend a series of steps to determine the potential impacts from marine mining prior to embarking on sediment excavations, including:

Journal of Coastal Research, July 2016, P. 876

<http://www.jcoastalres.org/submit/28520600/Physical-and-Biological-Alterations-Following-Dredging-in-Two-Beach-Renourishment-Borrow-Areas-in-South-Carolina's-Coastal-Zone>

⁶³ Ibid, p. 875.

⁶⁴ Ibid.

⁶⁵ Ibid, pp. 878-880.

⁶⁶ Ibid, p. 884.

⁶⁷ Hubbs, C.H. *An Investigation of Potential Consequences of Marine Mining in Shallow Water: An Example from the Mid-Atlantic Coast of the United States*. Virginia Institute of Marine Sciences. Published in *Journal of Coastal Research*, Winter 2002. <http://www.vims.edu/jcoastalresearch/Volume17/1728502/>

⁶⁸ Ibid.

- Conducting an inventory or assessment to determine the types and quantities of organisms, the species diversity and biomass, that "would be lost should the project be performed."
- Ensuring that benthic ecologists map, characterize, and quantify the biological community, including the recolonization potential of the area and likely consequences on the pelagic, or transient, fauna;
- Accurately determining the likelihood of an area successfully recolonizing the organisms that are killed from the dredging operation by ensuring that geologists provide an analysis of the substrate, while physical oceanographers evaluate the bottom agitating forces that will act on the area after the dredging operation;
- Reviewing and considering the biology of the water column; and,
- Conducting the "necessary" task of amassing a "thorough knowledge of the regional fisheries resources and how the changes in infauna might impact the available food resources." Fisheries considerations should include whether there is a formal Fisheries Management Plan in place for the area to be dredged, and whether it has been designated as part of an Essential Fish Habitat, as well as determining whether there are important recreational or commercial fisheries in the area that could be impacted by marine mining.⁶⁹

Impacts on fisheries

NOAA notes that the COE and the State of New Jersey have increased efforts to find sand for beach renourishment projects, which can include proposals to mine offshore shoals and ridges for sand.⁷⁰ Yet, these areas are valuable habitat for fish and other species, "attracting a diversity of marine life."⁷¹ Shoals and ridges:

... produce a variety of bottom types and foraging opportunities for finfish, like summer flounder, bluefish, bontio and false albacore and bottom dwelling organisms. Finfish tend to congregate around shoals and ridges. They also provide guiding features for coastal migratory species such as whales, dolphins, sea turtles and tuna. Many of these areas are also important habitat for surf clams.⁷²

Impacts from sand mining in these biologically rich areas can be harmful to a variety of wildlife because "sand mining can alter the bathymetric contours (depths and gradients) of shoals and ridges,"⁷³ degrading habitat, destroying food sources, and imperiling species.

Reduction in coastal resiliency

Coastal geologists have documented negative impacts from mining beaches, dunes, spits and islands for sand. Beach sand mining can lead to the loss of protection from storm surges that the intact beach once provided to upland human and wildlife communities. Beach mining "increases the vulnerability of all coastal infrastructure and ecosystems that were once protected"

by the beach and dune system.⁷⁴ Removing sand from the beach and adjacent dunes can also "increase the shoreline erosion rate for the impacted shoreline, even as rising sea levels increase the threat of long-term coastal erosion."⁷⁵ Additionally, neighboring, unmined coastal areas may also see "an increase in erosion as the shoreline reaches a new equilibrium."⁷⁶ Impacts on coastal marshes and wetlands could also occur.

Sand mining in Atlantic coast inlets for beach renourishment also reduces the resiliency of coastal barriers, which are upland communities' front line of defense from storms, hurricanes, erosion and sea level rise impacts. Ebb shoals:

Are especially important because they act as 'sand bridges' that connect beaches and islands by transporting sediment via longshore transport from one side (updrift) to the other (down-drift) side of an inlet. The mining of sediment from these shoals upsets the inlet system equilibrium and can lead to increased erosion of the adjacent inlet shorelines.⁷⁷

In addition, coastal geologists have stated that:

The mining of material from inlet shoals for use as beach fill is not equivalent to the natural sediment bypassing that occurs at unmodified inlets for several reasons, most notably for the massive volumes involved that are "transported" virtually instantaneously instead of gradually and continuously and for the placement of the material outside of the immediate inlet vicinity, where it would naturally bypass.⁷⁸

Negative impacts on birds from sand mining: Atlantic Coast piping plover case study

Along with reducing coastal resiliency, sand mining of beaches, spits, islands and dunes can also harm wildlife, along with dredging activities. A case in point is the Atlantic Coast piping plover, which depends on Atlantic coast beaches for nesting and foraging, and is listed as a threatened species.⁷⁹ The preferred coastal habitats for piping plovers include sand spits, small islands, tidal flats, shoals (usually flood tidal deltas), and sandbars that are often associated with inlets.⁸⁰ Wintering plovers on the Atlantic Coast prefer wide beaches in the vicinity of inlets.⁸¹

The coastal areas that piping plovers depend on are also critical to other shorebird species, making the piping plover an indicator species for other birds since "the piping plover's [sandy beach] habitat needs and management responses are similar to other bird species using dynamic

⁷⁴ Pilkey, Orrin H., Young, Robert S., et al. "Mining of Coastal Sand: A Critical Environmental and Economic Problem for Morocco." Program for the Study of Developed Shorelines, Western Carolina University. 2007. <https://www.wcu.edu/ncsl/Coastal/CoastalMining/WhitePaper.pdf>

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid, pp. 17-18.

⁷⁸ Ibid.

⁷⁹ U.S. Fish and Wildlife Service. *Endangered Species*, "Piping Plover Fact Sheet." March 12, 2018.

<https://www.fws.gov/midwest/endangered/pipingplover/pipingplover.html>

⁸⁰ U.S. Fish and Wildlife Service. *Comprehensive Conservation Strategy for the Piping Plover (Charadrius melodus) in its Coastal Migration and Wintering Range in the Continental United States*. December 2012. P. 8.

http://www.conservetwildlife.org/downloads/comp_376.pdf

⁸¹ Ibid, p. 10.

⁶⁹ Ibid.

⁷⁰ NOAA Fisheries, Greater Atlantic Region. "Protecting Offshore Habitat While Rebuilding New Jersey Beaches." 2014. <https://www.greateratlanticfisheries.noaa.gov/sites/2014-protectingoffshorehabitat.html>

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

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Atlantic Coast beaches, such as the least tern and the American oystercatcher.⁸² What impacts piping plovers has a similar effect on many other birds.

The "wide, flat, sparsely vegetated barrier beaches, spits, sandbars, and bayside flats preferred by piping plovers in the U.S. are formed and maintained by natural forces and are thus susceptible to degradation caused by development and shoreline stabilization efforts," notes a Fish and Wildlife Service report.⁸³ Barrier island and beachfront development, along with inlet dredging, "continue to alter natural processes throughout the range of migrating and wintering piping plovers."⁸⁴

The dredging and mining of sediment from inlet complexes threatens the piping plover on its wintering grounds through habitat loss and degradation.⁸⁵ In fact, dredging or mining during months when piping plovers are present "also causes disturbances that disrupt the birds' foraging and roosting behaviors."⁸⁶ These threats are exacerbated by accelerating sea level rise, which increases erosion and habitat loss.⁸⁷

Mining or dredging inlets to get sand for beach renourishment projects can have a disastrous impact on piping plovers, and by extension, other beach-dependent shorebirds. For example, red knots are listed as threatened under the Endangered Species Act, and they depend on the Delaware Bay area and other parts of the Atlantic coast for food.⁸⁸ The FWS specifically cited "concern over impacts of climate change and development" in its decision to list the red knot as threatened.⁸⁹

The New Jersey Field Office of the Fish and Wildlife Service specifically cautions that modifying "beaches, dunes, mudflats, sandbars, shoals or other red knot habitats through nearshore dredging, ... and sand mining/borrowing, ... can harm red knot habitat and the species' survival."⁹⁰

It is clear that dredging or sand mining inlets can result in negative impacts to piping plovers, red knots, and a host of other shorebirds and wildlife that include:

- Affecting spit formation adjacent to inlets, as well as ebb and flood tidal shoal formation;
- Degrading habitat quality by altering the natural sediment composition;
- Depressing the invertebrate prey base;

⁸² U.S. Fish and Wildlife Service, "Atlantic Coast Piping Plover Strategic Communications Plan: Reducing Human Disturbance, 2017-2021," June 2017, P. 5, <https://www.fws.gov/northwest/communications/atlantic-coast-piping-plover-strategic-communications-plan-reducing-human-disturbance-2017-2021>.

⁸³ U.S. Fish and Wildlife Service, "Comprehensive Conservation Strategy for the Piping Plover (*Charadrius melodus*) in its Coastal Migration and Wintering Range in the Continental United States," Op. cit. p. 14.

⁸⁴ *Ibid.*, p. 16.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*, p. 13.

⁸⁷ U.S. Fish and Wildlife Service, "Service Protects Red Knot as Threatened Under the Endangered Species Act," December 9, 2014, <https://www.fws.gov/news/StoryNew.asp?ID=5000265&URL=/5000265/500026510076700000>.

⁸⁸ *Ibid.*

⁸⁹ U.S. Fish and Wildlife Service, New Jersey Field Office, "Rufa Red Knot (*Calidris canutus rufa*) [threatened]" May 11, 2016, <https://www.fws.gov/northwest/nwfieldoffice/atlantic-coast-piping-plover-strategic-communications-plan-reducing-human-disturbance-2017-2021>.

- Hindering habitat migration with sea level rise; and,
- Replacing the natural habitats of the dune-beach nearshore system with artificial geomorphology.⁹¹

The threatened piping plover, along with other shorebird species and wildlife, are facing increasing habitat damage and loss. Coastal geologists have observed that, "As sand sources for beach nourishment projects have become more limited, the mining of [inlets] for sediment has increased. This is a problem because exposed [inlets] and sandbars are prime roosting and foraging habitats for piping plovers."⁹² In fact, analyses of inlets with in the U.S. breeding and wintering range of piping plovers, conducted in 2016 and 2012, respectively, found that 182 inlets (44%) in the breeding range and 81 (40%) in the non-breeding range had been mined or otherwise dredged.⁹³

Dredging and mining inlets have long-term impacts on the coastal environment, as documented by South Carolina Department of Natural Resources scientists who determined that coastal borrow pits have failed to recover from the impacts of dredging even after years have passed. Scientists have concluded that "the larger the volume of sediment mined from the shoals, the larger the perturbation to the system and the longer the recovery period."⁹⁴

There are significantly harmful, long-term impacts to the coastal ecosystem from sand mining. CBRA was established to protect fragile, undeveloped coastal areas from Federally-funded activities that can harm the coastal environment, encourage development in hazard-prone areas, and cost the Federal taxpayer. It is important that CBRA's three objectives continue to be met.

CONCLUSION

The National Audubon Society applauds the Fish and Wildlife Service's proposed changes to the CBRS along the coasts of Delaware, Massachusetts, New Hampshire and New Jersey. Our members support the CBRS, and greatly value the program's unique ability to save taxpayer dollars, promote public safety, and conserve the coastal environment and the wide diversity of wildlife it supports. We appreciate the opportunity to offer our support for implementation of the proposed CBRS changes.

Thank you for the opportunity to submit these comments on behalf of the National Audubon Society.

Sincerely,

Karen Hyun, Ph.D.
Vice President, Coastal Conservation
National Audubon Society

⁹¹ *Ibid.*, p. 13.

⁹² *Ibid.*, p. 17.

⁹³ U.S. Fish and Wildlife Service, "Comprehensive Conservation Strategy for the Piping Plover (*Charadrius melodus*) in its Coastal Migration and Wintering Range in the Continental United States," Op. cit. p. 14.

⁹⁴ *Ibid.*

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

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Submitter Information

Name: Martin Pagliughi, Mayor-Avalon

Submitter's Representative: Joseph Lomax, The Lomax Consulting Group, LLC

Organization: Borough of Avalon, Borough of Stone Harbor and City of North Wildwood

Government Agency Type: Local

Government Agency: Borough of Avalon, Borough of Stone Harbor, City of North Wildwood

General Comment

Please see attached file which represents comments from the Borough of Avalon, the Borough of Stone Harbor and the City of North Wildwood regarding the proposed expansion of the Coastal Barrier Resources System.

Attachments

2018-07-10-CBRA Position Statement Final



BOROUGH OF AVALON
3100 DUNE DRIVE
AVALON, NEW JERSEY 08202



BOROUGH OF STONE HARBOR
9508 SECOND AVENUE
STONE HARBOR, NEW JERSEY
08240



CITY OF NORTH WILDWOOD
901 ATLANTIC AVENUE
NORTH WILDWOOD, NEW
JERSEY 08260

Public Comments Processing
Division of Policy, Performance and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike
MS/BPHC
Falls Church, VA 22041-3808
Attn: Docket No. FWS-HQ-ES-2018-0004

RE: Coastal Barrier Resources Hurricane Sandy Re-mapping Project
New Jersey - System Unit NJ-09

The following comments are being submitted by the Borough of Stone Harbor, the City of North Wildwood and the Borough of Avalon (interagency stakeholders) requesting that the U.S. Fish and Wildlife Service (USFWS) withdraw the proposal to expand System Unit NJ-09 and suspend any action concerning this Unit until the following issues are resolved.

These comments are a result of local governments' evaluation of the proposed expansion of Unit NJ-09, in addition to recent events. While all three municipalities recognize the importance of protecting Coastal Barrier Resources, it is expected that long term management of these resources can only be successfully accomplished through cooperative efforts by all levels of government and taking into consideration local conditions. Recent events have demonstrated the need for fact-based actions and consistent interpretations by the USFWS, upon which long-term commitments and actions by local governments can continue to rely. The intent is to jointly protect the resources associated with Hereford Inlet (most of which is contained within Unit NJ-09) and to ensure that proposed USFWS actions are predicated on facts and are consistent with the goals of the Coastal Barrier Resources Act (CBRA) to protect and restore, where possible, both the natural and human coastal environments. In fact, the interagency stakeholders believe that in this case the proposed expansion of Unit NJ-09 is not "...rationally related to the purposes of the CBRA (i.e. to minimize the loss of human life, wasteful expenditure of Federal revenues and damage to fish, wildlife and other resources)" as currently proposed.

Hurricane Sandy Remapping Project

ISSUES PRESENTED:

Whether the Coastal Barrier Resource Act (CBRA) (16 USC § 3501 et seq.) prohibits the expenditure of federal funds or providing federal financial assistance to any project that involves the removal of sand from a CBRA Unit for use in a beachfill, beach nourishment, or beach replenishment project where the beach being filled or nourished is not within the CBRA Unit but is located immediately adjacent thereto or is located within the determined hydrodynamic zone of local sediment circulation, and/or where the project will have beneficial impacts on habitat functions and values within the CBRA Unit.

ANALYSIS:

- A. There is no provision in the CBRA which prohibits the use of such sand from within a CBRA Unit for beachfill purposes outside of the unit in the circumstances presented here. In fact, the following Congressional Findings support the use of sand from within the Unit for beachfill purposes outside of the Unit in the circumstances presented here:

1. Recognize that such coastal barriers serve as a defensive measure to protect against hurricanes and other storms. 16 U.S.C. § 3501 (a)(3).

The failure to fund beach replenishment projects along the Atlantic Coastline and thereby allowing the existing beachfront to erode has the effect of destroying coastal barriers and natural habitats and the protection they afford to life and property.

2. By declaring that "it is the purpose of this chapter to minimize the loss of human life... by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers by establishing the John H. Chafee Coastal Barrier Resources System..." 16 U.S.C. § 3501 (b).

The touchstone in this provision is whether a federal action will encourage development. The action being proposed by the interagency stakeholders will not. To the contrary, beach nourishment that is intended expressly for shore protection along the already developed portions of the Atlantic Coast precisely fulfills this stated purpose. Such beach projects keep in place a beach which remains open and on which, or adjacent to, no new development is occurring. Such beaches and associated dunes provide a natural habitat for birds and other wildlife. They further serve to protect human life and property located landward of the beach-dune complex (undeveloped coastal barriers); protect significant investment in real and personal property; serve as a protection against hurricanes and other coastal storms and thereby reduce and eliminate flood insurance claims thus reducing federal expenditures by FEMA. Moreover, these coastal features which lie outside the CBRA boundary are essential parts of the complex environmental regimes and interact with the CBRA unit as part of this environment. Importantly, these municipal beaches and dunes associated with the coastal processes of the CBRA are publicly owned and managed in perpetuity pursuant to ordinances prohibiting future development in order to also protect the local tourism economies. New Jersey State regulations also prohibit development on such beaches and dunes, unless approved under the federally approved Coastal Zone Management Program.

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CONCLUSION:

Beach nourishment using sand from within the CBRA Unit in the circumstances presented here is consistent with, and in furtherance of, the goals, purposes, and findings of the Congress as expressed in 16 U.S.C. § 3501. Any decision to deny federal funding for such shore protection efforts results from an erroneous interpretation of the CBRA, which, in fact, has recently occurred concerning Unit NU 09.

- B. There are several exceptions within the CBRA which allow for the federal funding/ federal financial assistance for beach nourishment. These are contained within Section 3505 (16 U.S.C. § 3505) as follows:

Sections 3505 (a) (3) and 3505 (a) (6) (A), (F), and (G).

1. Section 3505 (a) (3) authorizes projects for "the maintenance, replacement, reconstruction or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system".

The publicly owned and maintained beaches of Avalon, Stone Harbor, and North Wildwood are part of a network of facilities that provides the first line of defense for life and property during hurricanes and other coastal storms.

There are no privately-owned beaches along the area of the coastline concerning this CBRA issue.

Virtually all such beaches along the Atlantic Coastline in Cape May County are under government ownership and/or control and development is prohibited on such public beaches, except as authorized by the protective State Coastal Zone Management Program and the Borough Ordinances within the coastal areas specifically associated with existing public or private development. All three communities, signatory to this document, preclude development outside established development zoning parcels. This Unit is not within a development zone, rather the Conservation Management and Public Use Districts.

Beaches are part of a "larger network or system" in that the littoral drift patterns are such that any sand is flowing north to south. The erosion of sand from northern beaches results in sand build-up in the south thus enhancing the habitat functions and values of the CBRA Unit, but also requiring on-going nourishment and replenishment of "northern beaches". This was understood by Congress when it authorized the "Townships Inlet to Cape May Inlet, New Jersey Shore Protection Project" which was authorized by Section 101(a) (76) of the Water Resources Development Act of 1993; Public Law 106-53. (This latter act was enacted subsequent to the enactment of CBRA.)

2. Section 3505 (6) (4) exempts "projects for the stabilization projects for fish and wildlife habitats, and recreational projects."

3. Section 3505 (6) (f) exempts projects for the "maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities".

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Beach nourishment is intended to maintain and stabilize the shoreline by replenishing eroding sections of beach in order to provide a first line of defense in the face of hurricanes and other coastal storms which have been increasing in both severity and frequency. Beach projects protect what already exists. They do not create the opportunity for "expansion" of roads, structures or facilities (other than the publicly owned beaches and dunes themselves). All development on the beach and dunes is prohibited in New Jersey by State Law or Regulation pursuant to the Coastal Area Facility Review Act and its implementing regulations, both of which were approved by the Secretary of the Interior as part of New Jersey's approved Coastal Zone Management Program. (In the case of Avalon, and North Wildwood, the use and maintenance of the beach is further subject to the provisions of an inter-agency Beach Management Plan (Plan) which has been approved by both the New Jersey Department of Environmental Protection and the United States Fish and Wildlife Service. This Plan is locally supported by beach and dune protection ordinances that prohibit development in the beach-dune complex, as previously discussed, but does allow for maintenance of critical oceanfront resources. This issue requires resolution.

The comments appearing under Section B-1 above apply with equal relevance to Section 2 above as well as this section.

- C. The United States Fish and Wildlife Service (USFWS) has recently employed an interpretation of CBRA which has prevented beachfills and beach repair, and beach reconstruction which interpretation is contrary to a plain reading of the CBRA Statute.

1. In 2017 the United States Army Corps of Engineers (USACE) was prepared to award a bid for a beachfill that would replenish the beaches in both Avalon and the adjacent community of Stone Harbor, New Jersey. The USFWS stopped the award of bids claiming that sand from Hereford Inlet, which is located in a CBRA Unit, could not be mined using federal funds.

This interpretation by USFWS was contrary to prior rulings by the USFWS.

2. The current USFWS position is based on an opinion authored by a USFWS Assistant Solicitor who interpreting Section 6 (a) (6) (G) of CBRA, 16 U.S.C. § 3505 (a) (6) (G). The opinion added words to the statute that do not appear therein as enacted by Congress.¹

3. As enacted by Congress the Statute reads as follows:

"(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system."

¹ The opinion is undated and issued by Charles P. Raynor, Assistant Solicitor, Fish and Wildlife to Ralph Morgenweck, Assistant Director, Fish and Wildlife Enhancement, Fish and Wildlife Service. It references FWS CW 0380. The project involved the Midway Inlet Unit for use in replenishing the beach on Pawley's Island which, apparently, is in South Carolina.

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The USFWS interpretation adds language that does not appear anywhere in the CBRA such that the section would read as follows:

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system "of the unit."

4. Simply by adding the phrase "of the unit" the USFWS concludes that sand mined from the CBRA System can only be utilized for the restoration or replenishment of beaches within the CBRA System - a requirement that is not in the CBRA and which, when implemented, is contrary to the expressed purpose for the CBRA as set forth in 16 U.S.C. § 3501.

CONCLUSION:

The interpretation by USFWS is wrong and based on the insertion of wording that was not included in CBRA as enacted by Congress. See 16 U.S.C. § 3505 (a) (6) (G). Therefore, the municipalities oppose the expansion of System Unit NU 09, until and unless this issue is resolved to mutual satisfaction.

- D. The CBRA exempts federal expenditures and federal financial assistance to projects consistent with the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.) (CZMA)

1. The CZMA's Congressional findings state "There is a national interest in the effective management, beneficial use, protection and development of the coastal zone." (16 U.S.C. § 1451 (a)).

2. In the CZMA Congress has stated as the national policy as included the following:

- "the protection of natural resources, including wetlands, flood plains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat within the coastal zone" (16 U.S.C. § 1452 (2) (A)); and
- "the management of coastal development to minimize the loss of life and property caused by... the destruction of natural protective feature such as beaches, dunes, wetlands, and barrier islands" (16 U.S.C. § 1452 (2) (B)); AND
- "public access to the coasts for recreation purposes" (16 U.S.C. § 1452 (2) (E)).

3. Beach nourishment and replenishment projects, particularly those that enhance rather than detract from the functions and values of the CBRA Units, are entirely consistent with, and in furtherance of, the national findings and policies expressly stated by the Congress of the United States in the CZMA as set forth in subsections 1 and 2 above. As such, beach nourishment and replenishment projects are expressly exempt from the prohibition against federal expenditures and federal financial assistance pursuant to CBRA, specifically 16 U.S.C. § 3505 (a) (6) (C) which expressly exempts from CBRA:

(C) Projects under chapter 2003 of title 54 and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)

¹ The Coastal Zone Management Act is under the supervision of the Secretary of Commerce. CBRA is under the supervision of the Secretary of the Interior.

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CONCLUSION:

Congress has recognized in the CZMA the protective functions of beaches and dunes. These naturally occurring coastal features require periodic protection as a matter of national policy. Beaches not only provide "public access to the coasts for recreation purposes" (16 U.S.C. § 1452 (2) (E)) but also provide the first means of defense for life and property during hurricanes and other coastal storms and provide protection for barrier islands and the properties constructed there. Further, beaches and dunes provide habitats for wildlife and flora that are deemed endangered and threatened species.³ Moreover, New Jersey has adopted its own Coastal Zone Management Program, consistent with the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq. and its regulations N.J.A.C. 7:7 et seq., approved by the Secretary of Commerce, which prohibits all development of any type on the beaches and in the dunes, which is not consistent with the Act and associated rules. Nothing about beach nourishment is contrary to or incompatible with the CZMA or CBRA and any interpretation of either Act to the contrary is improper and violates both the letter and the spirit of both laws. Beaches and the need for periodic addition of more sand when necessary to protect existing development and lives does not provide for expanded development on this natural feature of the coastal zone.

E. PROPOSED AMENDMENTS TO COASTAL BARRIER RESOURCE ACT—16 U.S.C. § 3505

1. In order that future beach nourishment for the protection of life and property may proceed as planned and as authorized by Congress, it is recommended that CBRA be amended so as to remove any doubt or ambiguity.
2. Proposed amendment to CBRA appear below:

§3505. Exceptions to limitations on expenditures

(a) In general

Notwithstanding section 3504 of this title, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

- (1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.
- (2) The maintenance or construction of improvements of existing federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.
- (3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.
- (4) Military activities essential to national security.

³ Avalon has long had an approved Beach Management Plan which protects endangered and threatened species. The erosion of the beach poses a significant threat to the habitat of such species. North Wildwood received a renewal of its 2007 approved Beach Management Plan in June 2013 where the Heronsford (also muncipal) shoreline is specifically considered an extraordinary habitat for endangered and threatened species.

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- (5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.
- (6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this chapter:
 - (A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.
 - (B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.
 - (C) Projects under chapter 2003 of title 54 and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).
 - (D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.
 - (E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 and section 1362¹ of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

ADD THE FOLLOWING PROVISION:

This shall include the replenishment of existing publicly owned beaches, carried out under an ongoing program of replenishment or nourishment of such beaches by the United States Army Corps of Engineers (USACE) acting alone or jointly with any State, County, or local government, or any combination thereof.

- (F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

ADD THE FOLLOWING PROVISION:

This shall include the replenishment of existing beaches owned by any governmental unit, and on which development of any type, not consistent and approved under the New Jersey Coastal Zone Management Program, is prohibited, through beach nourishment designed to protect life and property of individuals and properties located landward of such beach. Existing beaches which lie outside the CBRA boundary are essential parts of the complex environmental regimen created as the CBRA zone and function as part of this environment. These municipal beaches associated with the CBRA are publicly owned and managed and prohibit all development, as previously noted, on such beaches pursuant to local ordinance and State regulations. Further, these beaches are essential to the local tourism economy.

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- (G) Nonstructural projects for shoreline stabilization and maintenance that are designed to mimic, enhance, or restore a natural stabilization system,

ADD THE FOLLOWING PROVISION:

including the placement of added sand derived from within the CBRA zone authorized and conducted under the exceptions specified in subsections (E) and (F) of this section.

ADD A NEW PARAGRAPH (H) AS FOLLOWS:

- (H) Nothing contained in exceptions under (6) (C) (E) (F) and (G) shall be deemed to require any dredged material to remain within the CBRA Unit and shall allow the Federal use of borrow sites located within a CBRS unit to be used outside the System when it is demonstrated to have positive impacts to habitat/environment and where there is a net average annual gain in sediment returning to the borrow site as a result of the natural functioning of the barrier island/tidal inlet system. This is further conditioned upon:
 - (1) the United States Fish and Wildlife Service being fully informed as to the project's specifications and the outcomes of the federal research leading to the project design proposal;
 - (2) any proposed project involving federal funding shall be located within the geographical region sharing common environmental processes including, but not limited to, hydraulics, sediment supply dispersion, and littoral transport physically associated with or integral with the specific Coastal Barrier Resource System under review for project implementation;
 - (3) the authorized sediment borrow area in a CBRA Zone for any project associated with a CBRA region must be situated so as to maximize sediment capture utilizing the natural sand movement processes back to and within the CBRA Zone;
 - (4) sediment withdrawal shall be designated and restricted solely to barrier island communities associated geographically with the CBRA Unit in order to stabilize the oceanfront beach and/or dune habitat, restore storm damage, and enhance the dune/beach system to provide community resilience in the face of potential storms and rising sea level.
 - (5) any such projects exempted herein shall contain provisions requiring project performance and environmental safeguards and monitoring to document sediment return to the borrow area and ensure the stability of the natural habitat within the CBRA Unit.

BACKGROUND FOR PROPOSED AMENDMENT (H):

Most new Federal expenditures and financial assistance, including federal funding for dredging and beach nourishment projects, are prohibited within System units of the CBRS. The exception in Section 6(a)(5)(G) requires, *as interpreted by CBRA Counsel*, dredged material to remain within the unit without

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consideration to the longshore transport processes along the coastline. The proposed amendment would allow the Federal use of dredged material from a borrow source located within a Coastal Barrier Resource System to be used outside of the unit for shore protection when it is demonstrated that sand will remain within the system and will have positive impacts to habitat/environment and that there is a net average annual gain in sediment returning to the borrow site.

ADD NEW SECTION (I) AS FOLLOWS:

- (I) Nothing contained in the Coastal Barrier Resource Act shall be construed or interpreted so as to impair any existing contract, for the maintenance, replacement, repair, or replenishment of publicly owned facilities, but not for the expansion thereof, which contract has previously been authorized and approved by the Congress of the United States, between the United States or any agency or instrumentality thereof with any State, County, or Local Government pertaining to shore protection projects, including storm protection structures in existence, flood mitigation projects already part of the municipal/state/county storm defense infrastructure.

F. SUMMARY AND CONCLUSION

The proposed amendments are justified and appropriate because:

1. The proposed amendments are consistent with, and in furtherance of, the national goals expressed in the Congressional declaration of policy in 16 U.S.C. Code § 1452. Specifically, the proposed amendments would allow for the funding of beach nourishment projects that are necessary to maintain, repair, and replenish beaches along the Atlantic Coast that have been damaged or destroyed by coastal storms and other natural disasters. Such projects would be restricted only to those beaches and dunes
 - a. that are publicly owned and which are subject to laws and regulations which prohibit development that is inconsistent with the New Jersey Coastal Zone Management Program and municipal beach and dune protection ordinances;
 - b. that are located in States that have a Coastal Zone Management Plan that has been adopted by the State and approved by the Secretary;
 - c. that are necessary to protect lives from flooding due to coastal storms;
 - d. that are necessary to protect both lives and property, respectively, of individuals and property located landward of the established beach being nourished or replenished;
 - e. that are necessary to deal with emergency situations brought about by coastal storms and other natural disasters to the extent necessary to alleviate the emergency pursuant to 16 U.S.C. §3505 (a) (6)(E);
 - f. that are located in municipalities that have regulatory environmental safeguards, including, but not limited to, beach and dune protection ordinances.

This is in keeping with the stated national policy which is stated in §1452 as follows:

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Hurricane Sandy Remapping Project

- (1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;
- (2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development, which programs should at least provide for--
 - (A) the protection of natural resources, including wetlands, flood plains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone;
 - (B) the management of coastal development to minimize the loss of life property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas likely to be affected by or vulnerable to sea level rise, land subsidence, and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands;
- (E) public access to the coasts for recreation purposes
- (3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, including those areas likely to be affected by land subsidence, sea level rise, or fluctuating water levels of the Great Lakes, and improved predictability in governmental decision making;
- (4) to encourage the participation and cooperation of the public, state and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this chapter;
- (5) to encourage coordination and cooperation with and among the appropriate Federal, State, and local agencies, and international organizations where appropriate, in collection, analysis, synthesis, and dissemination of coastal management information, research results, and technical assistance, to support State and Federal regulation of land use practices affecting the coastal and ocean resources of the United States; and
- (6) to respond to changing circumstances affecting the coastal environment and coastal resource management by encouraging States to consider such issues as ocean uses potentially affecting the coastal zone.

The foregoing proposed amendments to the CBRA should be implemented as consistent with and in furtherance of the expressed national policy as stated by the Congress of the United States. These amendments are necessary for clarification of the organic legislation to ensure that policy interpretations made by the U. S. Fish and Wildlife Service are with the principles of transparency and

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consultation with stakeholders, especially communities that have made long term environmental, land use decisions that protect the interests of its citizens and economy.

G. SAFEGUARDS TO PROTECT THE NATURAL AND HUMAN RESOURCES

It is recognized by all three municipalities that coastal barrier ecosystems are inherently dynamic systems and their associated ecosystems provide habitats for fish and wildlife (and flora) and further serve as the mainland's first line of defense against the impacts of severe coastal storms. While the Federal Government has, in some cases, subsidized and encouraged development on some coastal barrier islands, the three communities have diligently worked in a cooperative manner with the State and Federal Government agencies to protect and preserve the natural coastal ecosystems and existing culture and socio-economic features of the municipalities through the local safeguards of planning and zoning ordinances, in addition to their management programs. The municipalities have provided for long term protection and preservation of the assets of the communities including, but not limited to, Unit NJ-09.

CONCLUSION:

The municipalities have been critically important to the long-term protection of System Unit NJ-09 and the intent of the CBRA through their land use – environmental management in concert with their State (NJDEP) and Federal (USACE) partners.

H. NEED FOR PROPOSED UNIT NJ-09 EXPANSION

The proposed action to expand System Unit NJ-09 lacks justification and site-specific consultation with the municipalities. The U.S. Fish and Wildlife Service, notwithstanding long-term cooperation with the municipalities, has not consulted, formally or informally, with the municipalities, explaining changes in their policy and providing justification for their proposed actions that can have a significant adverse impact on these communities.

Specifically, the Service has the responsibility to provide relevant environmental documents in this formal rulemaking proceeding that clearly provide (1) justification for their proposed System Unit NJ-09 expansion, (2) analysis of impacts, including but not limited to, on the natural, cultural and socio-economic environments and (3) evaluation of alternatives to the proposed action that could achieve intended outcomes with less resulting adverse impacts. Without full analysis and disclosure by the Service of justification, impacts and alternative analysis, the proposed expansion of Unit NJ-09 can, and, it is contended, will result in adverse unintended consequences.

I. SCIENCE-BASED DECISION-MAKING

The decision to propose expansion of the System Unit NJ-09 is premature because, not only does it lack adequate review and analysis of the issues associated with adverse impacts to the natural and human environments, but the "Seven Mile Island Geophysical Survey Field Plan" is scheduled for implementation from August 8 to 22, 2018. This study will be used to:

- (a) "Monitor elevation and vegetation on the barrier island resulting from natural and human changes."

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- (b) "Measurement of the bathymetry and sub-sea floor geology of shallow water areas...will be used to monitor changes in sediment supply..."

"These in situ geophysical data will allow us (USGS) to connect observed spatial variability in beach and dune recovery along the island since Sandy to changes in nearshore wave sediment availability and flux."

The following research conducted by Stockton University Coastal Research Center into the environmental impacts of sand nourishment of the Avalon, Stone Harbor and North Wildwood shorelines further indicates the need for a more complete analysis of data prior to expanding the Unit NJ-09.

Environmental Assessment of the Impact of Using Hereford Inlet Sand for Beach Stabilization in North Wildwood & Stone Harbor, New Jersey

Background

The Borough of Stone Harbor is located to the north of Hereford Inlet, and the City of North Wildwood is located to the south of Hereford Inlet. Hereford Inlet remains as one of four of the eleven NJ tidal inlets with minimal structural features that allow sand to be freely exchanged among the two adjacent barrier islands and the inlet shoals. Northeast storm events are the dominating force controlling sand distribution between the inlet region and the islands' oceanfront beaches. Sand on the Stone Harbor beachfront moves south along the shoreline, bypassing the terminal rock groin at 123rd St. and entering Hereford Inlet, creating a spit extending as a shoreline into the inlet. Once the sand has reached the inlet, tidal currents redistribute the spit sands into large intertidal and sub-tidal shoals within the inlet opening with one to three main tidal channels carrying the tidal waters between the ocean and the associated lagoons and bays of Cape May County. The inlet tidal flow controls the sand supply reaching North Wildwood's inlet and oceanfront beaches.

Issue

Portions of Hereford Inlet are included in Coastal Barrier Resources System Unit NJ-09. The Coastal Barrier Resources Act generally prohibits expenditures of Federal funds in such units to discourage development of high-risk coastal areas. The shorelines of Avalon, Stone Harbor and North Wildwood are not parts of any CBRA unit. The use of sand from Hereford Inlet for a Federal project to nourish the shoreline of Stone Harbor was approved by the U.S. Fish and Wildlife Service (USFWS) in 1997 because project would result in the creation of a permanent conservation area at the southern tip of Stone Harbor and would also ensure that adequate sand was transported to nourish that area. Thus, the agency concluded that these attributes qualified the use of Hereford Inlet sand to be eligible for a CBRA exemption which permits Federal expenditures to occur in CBRA units if they are for "the study, management and protection of fish and wildlife resources and habitats." The Hereford Inlet borrow area was used three times for the initial nourishment of the Federal project in 2002, as well as in 2011 and 2013. It was approved for use in a FEMA-reimbursed project that enabled the City of North Wildwood to restore its shoreline following Hurricane Sandy October 2012.

Nevertheless, in 2016 FWS reversed itself and concluded that sand from the inlet could only be used to nourish shorelines that were within a CBRA unit. As noted above, none of the shorelines of the three communities is within a CBRA unit.

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Research Results

Aerial photography between 1986 and 1996 demonstrates the significant loss of habitat and protective beach along the south end of Stone Harbor. The following link is a biannual time-lapse of Stone Harbor Point from 1986-2016: <https://drive.google.com/open?id=12LwRfCxxm49dWg17ghgZAUjT9VgFv>

While awaiting Federal funding of the Army Corps of Engineers coastal storm risk management project, a 1996 cost-shared State and local project was conducted to replenish Stone Harbor's beaches by dredging Hereford Inlet. Only one year after this replenishment occurred, significant growth of the South Point was observed, and this littoral process accelerated year after year until the Federal nourishment occurred in 2002. Additional photos from 2002 document the anticipated growth of the wildlife habitat. The small sand spit expanded rapidly between 2002 and 2006. The post-Sandy restoration of the Stone Harbor beachfront also contributed to this process so that by 2016 this spit was 1.4 miles in length and nearly crossed the inlet opening. Careful review of the extensive series of Google Earth aerial views of Hereford Inlet shows conclusively that the 1997 and 2003 Stone Harbor beach nourishment projects dramatically reversed the habitat loss in Hereford Inlet as the natural littoral transport moved the sand pumped onto the Stone Harbor oceanfront naturally back into Hereford Inlet.

Continued monitoring of both community beaches and surveys of Hereford Inlet by the NJ State Division of Coastal Engineering have documented continued sand migration back into the CBRS, effectively enhancing listed species habitat growth and expansion, thus continuing to support the basis of FWS's original approval of the CBRA exemption. Since sand nourishment began in 1997, 200 acres of lost very important coastal nesting, feeding, migrating and overwintering bird habitats have been restored to Stone Harbor Point as a direct result of natural littoral processes.

J. RESOLUTION OF THE ISSUE: EXCEPTIONS TO THE PROHIBITION OF FEDERAL FUND EXPENDITURES IN CBRA

The following is a summary of facts leading to defining Seven Mile Island and North Wildwood beach nourishment projects are included in the exceptions to the prohibition of federal fund expenditures in the CBRA based upon Dr. Stewart Farrell's analysis (Stockton University Coastal Research Center, Port Republic, NJ).

From the original Act in 1982, Section 6 Exceptions:

- (a) Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the Coastal Barrier Resources System for--

- (2) the maintenance of existing channel improvements and related structures, such as jetties, and including the disposal of dredge materials related to such improvements;
- (3) the maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly-operated roads, structures, or facilities that are essential links in a larger network or system;
- (6) any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

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Report to Congress: John H. Chafee Coastal Barrier Resource System

- (A) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.
- (B) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.
- (C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4604) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).
- (D) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications.
- (E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.
- (F) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities.
- (G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

b) For purposes of subsection (a)(2), a channel improvement or a related structure shall be treated as an existing improvement or an existing related structure only if all, or a portion, of the moneys for such an improvement or structure was appropriated before the date of the enactment of this Act.

The initial expenditure of federal funds to provide natural shoreline stabilization using Hereford Inlet ebb-tidal shoal sand occurred in 2003 but was preceded by extensive feasibility study starting in 1995. Authorized under the Water Resources Development Act (WRDA) of 1999, this project proceeded through multiple levels of review and investigation including habitat disturbance impacts, effect on shoreline stability and many geo-technical evaluations. This project has a commitment for maintenance on a 3-year interval until 2052. The multi-faceted goal is to provide substantial storm risk reduction to the community of Stone Harbor, reduce storm over wash into the bays landward of Seven Mile Island, prevent sand supply starvation along the Stone Harbor developed shoreline that has demonstrable serious negative effect on Stone Harbor Point, currently a 7,500-foot undeveloped spit extending south of 123rd Street in Stone Harbor. This spit is heavily utilized by a noteworthy and significant concentration of shorebirds, afforded protection under the Federal and State legislation expressly focused on preserving listed endangered and threatened species, such as the piping plover, least tern and black skimmers, and their habitats. Actually, South Point of Stone Harbor oceanfront protection is important, not only to breeding shorebirds, but also migrants, such as the federally listed red knot and overwintering species protected by Federal and State wildlife protection laws.

These habitats were entirely lost due to erosion by 1989 and remained shallow sub-tidal waters until a State/local beach restoration project occurred in 1997. But it was the 2003 application of sand to Stone Harbor's beaches which accelerated habitat restoration. Emergency hurricane damage repair was completed in 2011, and 2013 following Irene and Sandy, using the Hereford Inlet borrow area authorized in a location over a mile seaward of any above the tide elevation habitat. All this work was completed under an agreement reached in December 1995 with the USFWS allowing the use of Hereford Inlet sand for beach stabilization and habitat restoration as in the best interests of both the USFWS and the US Army Corps. This found that the proposed beach restoration fell under Act

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Exemptions for the management, protection and enhancement of fish and wildlife resources. The project also minimized the loss of human life, unnecessary expenditures of federal revenues, and stabilized the shoreline adjacent to residential areas.

This conclusion appears completely in sync with Exception (6)(G) where the project is:

- (a) Non structural, (b) Provides shoreline stabilization, and (c) Enhances or restores a natural system.

It also is compatible with Exception (3) above because:

- (a) It involved maintenance of a project, (b) Which is publicly owned, and (c) The "Facility" is a beach that is an "Essential" link in a larger network (Seven-Mile Island).

The 2016 reversal of the 1996 agreement between the US Army Corps of Engineers (USACE) and the USFWS represents a policy change not supported by the act language. Nowhere in Section 6 EXCEPTIONS, is there any mention of "sand may not be extracted from within a CBRA unit to be utilized outside the unit boundary". This was the logic used by USFWS to deny USACE authorization to continue use of the Hereford Inlet borrow area in continuance of its authorized 50-year commitment to provide key Reduced Storm Risk Management to the Borough of Stone Harbor. This decision also resulted in \$6,000,000 in unnecessary federal expense in completing the work using alternate sand sources, which if continues, pose serious threats to the stability for Townsend's Inlet shorelines in Sea Isle City and the Borough of Avalon.

Expansion of CBRA Unit NJ-09 southwest to the North Wildwood Hereford Inlet shoreline raises the strong possibility that an interpretation of EXCEPTION (2) in green highlight above could deny federal funding to repair or enhance the rock revetment that composes the majority of this shoreline. Restored and completed under WRDA from 1999 by the USACE, this project is critical to the stability of North Wildwood's development proximal to Hereford Inlet. This includes not only the residential community, but also the Hereford Inlet Lighthouse (the only lighthouse like it on the East Coast and on the New Jersey and National Registers of Historic Places) and the adjacent Marine Services facilities of the New Jersey State Police. Shoreline erosion, driven by inlet variations plus northeast storm events forced ever increasing levels of erosion protection. Timber bulkheads were replaced with rocks, which were then replaced by larger rocks set on concrete mattresses to resist 50-foot scour depths in the main tidal channel of Hereford Inlet. Repair and replacement will be necessary and such efforts have million dollar costs that only the USACE can support. The EXCEPTION outlined in (2), above appears on its face to permit such federal expenditures in the future, but this need clarification as absolute going forward.

In summary, the USF Survey and analysis of the Stockton University site-specific data will provide decision makers with the information to make informed decisions concerning the appropriateness/justification of changes to System Unit NJ-09, without the risk that a premature action will result in significant adverse unintended results. These concerns are further articulated in the City of North Wildwood comments dated July 3, 2018 which are included herein by reference. These concerns are further articulated in the City of North Wildwood comments dated July 3, 2018, which are included by reference.

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CONCLUSION:

The Borough of Stone Harbor, the City of North Wildwood and the Borough of Avalon request that the System Unit NJ-09 not be expanded and that the Service action on this Unit be suspended until relevant studies are completed and the proposed expansion has clear justification and analysis to warrant such actions. The municipalities, which understand the local full range of issues and have demonstrated their expertise and commitment to protection of the natural and human environments, expect governmental interagency communications and cooperation to address local environmental issues. Therefore, it is strongly recommended that the USFWS formally consult with the three municipalities, consistent with the intent of 40 CFR 1506.2, to ensure that its proposed actions are consistent with, and not detrimental to, the municipalities that bear the long-term burden of premature policies and decisions regarding Unit NJ-09 based on inadequate information.

Respectfully,

BOROUGH OF AVALON
Martin L. Pagliughi, Mayor

BOROUGH OF STONE HARBOR
Judith M. Davies-Dunhour, Mayor

CITY OF NORTH WILDWOOD
Patrick Rosenello, Mayor

11402020

FWS-HQ-ES-2018-0004-0004 (Rev)

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John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0030

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Township of Long Beach Mayor Mancini

Address:

6805 Long Beach Blvd
Brant Beach, NJ 08008

Email: ommski@longbeachtownship.com

Phone: 609.361.6634

General Comment

Please see attached comments from the Township of Long Beach.

Attachments

Comments for Proposed Boundary Revisions

16

Hurricane Sandy Remapping Project

JOSEPH J. MANCINI
MAYOR
DIRECTOR OF PUBLIC AFFAIRS & SAFETY
JOSEPH P. LATTANZI
COMMISSIONER
DIRECTOR OF REVENUE & FINANCE
RALPH H. BAYARD
COMMISSIONER
DIRECTOR OF PUBLIC WORKS, WATER/SEWER



Phone (609) 363-1000
Fax (609) 494-5421

LYNDA J. WELLS
MUNICIPAL CLERK
4805 Long Beach Boulevard
Great Beach, New Jersey 08008
website:
www.longbeachtownship.com

July 9, 2018

Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS/BPHC
Falls Church, VA 22041-3808

RE: Proposed Boundary Revisions to OPA NJ-07P

Dear Sir/Madam:

The Township of Long Beach received notice of the proposed boundary changes and expansion of the Coastal Barrier Resource System (CBRS), Otherwise Protected Area (OPA) NJ-07P and submits this request to modify the proposed boundary that affects the Township shoreline and private property. Included in this letter are maps that highlight specific boundary discrepancies between the proposed boundary (as interpreted by the USFWS in their Hurricane Sandy remapping effort) and Township/private property.

Map 1 shows the location of the former (2014) OPA boundary (blue arrows) and the proposed boundary expansion along the Township shoreline (yellow arrows). The Township requests that the proposed NW-SE trending boundary be moved to match the USFWS Edwin B. Forsythe National Wildlife Refuge property line. With respect to the bay shoreline, the Township requests that the line be revised to exclude the upland areas. As proposed, the additional properties included in the OPA expansion are within a developed section of the barrier island and therefore should be omitted from the proposed expansion.



Map 2. Yellow arrows point to the proposed OPA boundary (pink line). The New Jersey riparian boundary (Tidelands Line) is marked by the orange line. Properties A, B, and C are privately owned and have received permits for construction (Ex: Block 1.55 Lots 25, 26, and 27). Property D is Township owned and is planned for a public access park.

We also recognize that OPA boundaries include conservation areas. Map 3 shows the expansion of the former OPA to include Township properties that are used for public access and use. As shown in Map 2, location D is slated for a Township park for bay shoreline access. Location E is Township property. The proposed OPA boundary encroaches onto the Township's property that is used by the public to access the ocean shoreline south of the terminal groin. The Township is proposing modifications to the groin and this will require the use of the access point. In addition, the area near the terminal groin is scheduled for ADA access upgrades (see Figure 4). With these municipally-funded projects in mind, the Township requests that the proposed OPA boundary be moved to the Forsythe NWR property line.



Map 1. Blue arrows point to former OPA boundary. Yellow arrows point to the proposed OPA boundary.

We understand that an OPA designation prohibits Federal spending on Federal flood insurance. Some of the properties within the expansion areas include buildable lots with existing infrastructure (roads and water/sewer) and permits to complete work (see A and B on Map 2 green arrows). The Township respectfully requests that the OPA boundary be moved to the New Jersey riparian boundary (Tidelands Line-in orange on map) along the Township's bay shoreline at these four locations.



Map 3. Blue arrows point to the former OPA boundary and yellow arrows point to the proposed OPA boundary. Areas D and E are Township properties that are used for public access. These areas should not be included in the proposed OPA expansion.

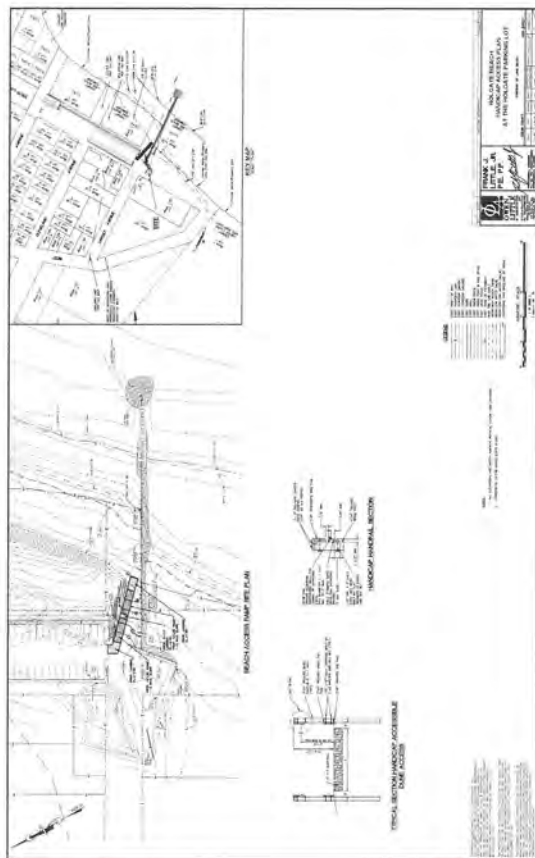
Thank you for the opportunity to comment on the proposed map changes. Please contact me if you have any questions regarding the Township's request to modify the proposed OPA boundary.

Sincerely,

Joseph H. Mancini
Mayor Joseph H. Mancini

cc:

Report to Congress: John H. Chafee Coastal Barrier Resource System



11/4/2020

FWS-HQ-ES-2018-0004-0031.html

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John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0031

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: David Marks

Address:

80 E River Road

Rumson, NJ, 07760

Email: dmmarks@rumsonnj.gov

Phone: 7328423500

General Comment

Please see attached comment letter dated July 10, 2018.

Attachments

Rumson Comments_CBRN Hurricane Sandy Remapping Project_FWS-HQ-ES-2018-004

file:///C:/Users/Humans/Desktop/Report%20to%20Congress/Appendix%20L%201%20Rumson%20Comments_FWS-HQ-ES-2018-0004-0031.html

1/1

BOROUGH OF RUMSON

50 SAINT JOHN ROAD RUMSON, NEW JERSEY 07760
(732)842-3500 • FAX (732)219-0715

David Marks, P.E., C.M.E., C.F.M.
Borough Engineer
Email: dmmarks@rumsonnj.gov

July 10, 2018

Submitted via www.eRulemaking.gov portal

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Re: The Fish and Wildlife Service Notice: John H. Chafee Coastal Barrier Resource System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

To Whom It May Concern:

Thank you for the opportunity to review the U.S. Fish and Wildlife Service (FWS)'s published notice in the Federal Register on March 12, 2018 (83 FR 10739) announcing the availability of draft revised boundaries of the John H. Chafee Coastal Barrier Resource System (CBRS) units for public review and comment. The draft revised CBRS boundary in the Borough of Rumson is NJ-04A located in/along the Shrewsbury and Navesink Rivers.

On behalf of the Mayor and Council of the Borough of Rumson, I have reviewed the proposed draft boundary changes and offer the following comments:

1. The proposed draft boundary changes limit the ability (or unnecessarily complicate the process) for a property owner to obtain federally funded flood insurance on a legally pre-existing structure where the draft boundary now encroaches their property. The draft boundaries should be revised or Section 6 of CBRA (16 U.S.C. § 3505) allowing certain exemptions should be revised.
2. The proposed draft boundary changes limit the ability for a property owner to receive FEMA assistance after a natural disaster where the draft boundary now encroaches their property. The draft boundaries should be revised or Section 6 of CBRA (16 U.S.C. § 3505) allowing certain exemptions should be revised.
3. The proposed draft boundary changes now encompass legally, pre-existing waterfront structures (i.e. bulkheads, docks, piers, etc.). The draft boundaries should be revised or Section 6 of CBRA (16 U.S.C. § 3505) allowing certain exemptions should be revised to allow federal funds if FEMA assistance is made available due to a declared emergency. The existing 20' buffer is insufficient to accommodate all legally existing structures.

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www.digitalsignatures.com

08/11/2018 11:02



4. The proposed draft boundary changes extend into State Navigable Boating Channels, Section 6 of CBRA (16 U.S.C. § 3505) allowing certain exemptions should be changed to allow federal funding for maintenance dredging by the New Jersey Department of Transportation (or other public agencies responsible for channel maintenance).


5. At the Rumson Municipal Boat Launch (Block 49, Lot 9, northern terminus of Avenue of Two Rivers, located behind Rumson Borough Hall), the proposed draft boundary extends onto previously developed upland property currently utilized for a Sanitary Sewer Pump Station, Municipal Boat Launch Ramp, parking, and public waterfront access. Furthermore, the Borough of Rumson and Monmouth University's School of Science - Marine and Environmental Biology and Policy Program, along with the Urban Coastal Institute are pursuing a shared venture to construct a Marine and Environmental Field Station at this location. The Field Station will provide unparalleled facilities and marine environment access to Monmouth University Students. The program will foster environmental consciousness and stewardship within the Rumson Community through a partnership with the Rumson Schools.

The proposed boundary changes will adversely impact the ability for the Borough of Rumson or Monmouth University to utilize federal funding programs (including grants) to offset costs to construct the Field Station and necessary site improvements, repair or replace the boat launch ramp, repair or replace the waterfront bulkhead, or improve public access. It is requested the proposed boundary be relocated a minimum distance of 150' from the existing shoreline or NIDEP Coastal Claim Line, whichever is greater. We recognize the current CBRS exemptions which may be applicable, subject to interpretation, however a map change at this time is an optimal alternative to demonstrating a project's eligibility for exemption.

6. The Borough of Rumson has noticed 126 impacted property owners regarding the proposed CBRS Draft Boundary Changes. We anticipate the property owners will comment individually regarding potential adverse impacts the proposed boundary changes could have on their property.

7. The Borough of Rumson requests that Fish & Wildlife notify all affected property owners of parcels entering CBRS Zone Unit NJ-04A or being impacted by the proposed boundary change.

If you have any questions or require additional information, please do not hesitate to contact me. I can be reached by phone at (732) 842-3300 x113, via email at dmarks@rumsonnj.gov, or by mail at the address above.


David M. Marks, P.E., C.M.E., C.F.M.
Borough Engineer

cc: Mayor & Council
Thomas S. Rogers, Municipal Clerk/Administrator

Hurricane Sandy Remapping Project

11/4/2015

FWS-HQ-ES-2018-0004-0032.html

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

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Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Valerie Massard

Address:

878 Tremont St

Town Offices

Duxbury, MA, 02532

Email: massard@town.duxbury.ma.us

Phone: 781-934-1100 x5475

General Comment

See attached file(s)

Attachments

DuxburyMAComment1.siter

File: \\FWS\JLBR\Hurricane Sandy\Report to Congress\Envl Report\Appendix L\1 Missing Documents\FWS-HQ-ES-2018-0004-0032.html

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Town of Duxbury Massachusetts

July 10, 2018

Public Comments Processing

ATTN: Docket No. FWS-HQ-ES-2018-0004

Division of Policy, Performance and Management Programs

US Fish and Wildlife Service

3275 Leesburg Pike, MS: BPHC

Falls Church, VA 22041-3808

Re: Hurricane Sandy Remapping Project (FWS-HQ-ES-2018-0004) Public Comment

Dear Sir or Madam:

The Town of Duxbury, Massachusetts is pleased to have the opportunity to comment on the proposed changes to the Coastal Barrier Resource System in our community. The CBRS Project Mapper is an exceptionally helpful tool. The line revisions appear more accurate than the previous CBRS lines as depicted on the Project Mapper.

Respectfully, we offer the following comments:

Duxbury Beach serves as an important protective barrier beach for the bays serving three towns: Duxbury, Plymouth, and Kingston, towns of national historic significance. We request that this beach be classified as a barrier (and not a recreational) beach through all federal agencies, specifically to allow eligibility for non-hardscape restoration and living shoreline improvements as eligible for federal assistance. The Town actively partners with the Duxbury Beach Reservation, Inc. owners of this barrier beach (which is also the sole access to the Gurnet/Saguenay portions of Plymouth) to repair dune damage after major storms, protect endangered species, restore salt marsh, plant restorative dune grasses and coordinate with state and federal agencies to undertake these activities. Lease fees paid by the Town to access the beach are used to support these management activities. The iconic Powder Point Bridge remains entirely included as an Otherwise Protected Area. The historic nature of the bridge could be better preserved if federal funding for historic preservation or reconstruction were available.

Thank you for the opportunity to comment.

Best regards,

Valerie Massard
Valerie Massard, AICP, CFM
Planning Director

cc: Honorable Senator Patrick O'Connor
Honorable Representative Josh S. Cuder
Paul F. Ford, Deputy Regional Administrator (EMA Region I Office)
James A. Munnion, Region II Manager, SE Massachusetts, MEMA
René Read, Town Manager, Duxbury
Melissa Arrighi, Town Manager, Plymouth
Tom Caltier, Town Administrator, Kingston
Cris Lottazi, Executive Director, Duxbury Beach Reservation, Inc.

878 Tremont Street, Duxbury, MA 02532; Telephone: 781-934-1100 x 5475; www.town.duxbury.ma.us/planning

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

11/4/2015

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

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Submitter Information

Name: Michele Mihalovich

Address:

575 D'Ondria

suite 200

Madison, WI 53719

Email: michele@floods.org

Phone: 608283000

Submitter's Representative: Michele Mihalovich

Organization: Assoc. of State Floodplain Managers

General Comment

July 10, 2018

The Association of State Floodplain Managers and Association of State Wetland Managers continues to support the Coastal Barrier Resources Act (CBRA) program and the expansion of Coastal Barrier Resources System (CBRS) units. As stated in the federal register, this expansion would add approximately 136,368 acres to the CBRS in Delaware, Massachusetts, New Hampshire and New Jersey. This expansion will keep dynamic coastal areas in their natural states and help provide a buffer from coastal storms and flooding and sea level rise impacts, which would protect coastal communities and help increase their resilience to such events. This delineation of CBRS prevents the purchase of federal flood insurance in COBRA parcels (a Coastal Barrier Resource Area), and will ultimately save taxpayers millions of dollars in future claims. Additionally, COBRA zones are biologically diverse areas that help to support vulnerable coastal species and habitat. ASFP and ASWM support maintaining these highly vulnerable coastal areas as natural flood barriers that will reduce the need to restore and rebuild coastal communities saving U.S. taxpayers millions of dollars.

ASFP and ASWM applaud the map modernization efforts, specifically the use of digital mapping techniques. The revised mapping techniques will produce data that is more accurate and will allow for

File: \\FWS\JLBR\Hurricane Sandy\Report to Congress\Envl Report\Appendix L\1 Missing Documents\FWS-HQ-ES-2018-0004-0033.html

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better community planning and decision making. The map modernization effort will help make it clearer what parcels are inside and outside of the CBRS boundaries. This will make it clearer what properties are eligible or ineligible for NFIP insurance and federal grants after a disaster declaration.

However, ASFP and ASWM have grave concerns with the proposed language that would allow sand mining of CBRA units to generate sand that could be used to re-nourish beaches and coastal areas that are outside of the COBRA. Sand is becoming a limited resource and offshore sand extraction is expensive. In order for the COBRA area to remain an effective buffer, the sand needs to stay in the COBRA zone. The proposed language would undermine the COBRA, and run directly counter to its specific objectives to save federal tax dollars and conserve the resources of coastal areas included in the system. This language would significantly weaken the CBRA, which enjoys broad bipartisan support, saves federal tax dollars, promotes public safety, and conserves important coastal environmental resources.

Signed,

Clad Berginnis

ASFP Executive Director

Janine Christl

Attachments

CBRACommentsJuly10_2018

File: \\FWS\JLBR\Hurricane Sandy\Report to Congress\Envl Report\Appendix L\1 Missing Documents\FWS-HQ-ES-2018-0004-0033.html

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Report to Congress: John H. Chafee Coastal Barrier Resource System



ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

575 D Omollo Drive, Suite 200, Madison, Wisconsin 53719
Phone: 608-826-3000 | Fax: 608-826-6319 | asfpm@flood.org | www.flood.org

Executive Director: Chad M. Berginelli, CFM
Deputy Director: Roger D. Wadsworth, CFM
Director Emeritus: Larry J. Lorton, P.E., CFM

July 10, 2018

The Association of State Floodplain Managers and Association of State Wetland Managers continues to support the Coastal Barrier Resources Act (CBRA) program and the expansion of Coastal Barrier Resources System (CBRS) units. As stated in the federal register, this expansion would add approximately 136,268 acres to the CBRS in Delaware, Massachusetts, New Hampshire and New Jersey. This expansion will keep dynamic coastal areas in their natural states and help provide a buffer from coastal storms and flooding and sea level rise impacts, which would protect coastal communities and help increase their resilience to such events. This delineation of CBRS prevents the purchase of federal flood insurance in COBRA parcels (a Coastal Barrier Resource Area), and will ultimately save taxpayers millions of dollars in future claims. Additionally, COBRA zones are biologically diverse areas that help to support vulnerable coastal species and habitat. ASFP and ASWM support maintaining these highly vulnerable coastal areas as natural flood barriers that will reduce the need to restore and rebuild coastal communities saving U.S. taxpayers millions of dollars.

ASFP and ASWM applaud the map modernization efforts, specifically the use of digital mapping techniques. The revised mapping techniques will produce data that is more accurate and will allow for better community planning and decision making. The map modernization effort will help make it clearer what parcels are inside and outside of the CBRS boundaries. This will make it clearer what properties are eligible or ineligible for NFIP insurance and federal grants after a disaster declaration.

However, ASFP and ASWM have grave concerns with the proposed language that would allow sand mining of CBRA units to generate sand that could be used to re-nourish beaches and coastal areas that are outside of the COBRA. Sand is becoming a limited resource and offshore sand extraction is expensive. In order for the COBRA area to remain an effective buffer, the sand needs to stay in the COBRA zone. The proposed language would undermine the COBRA, and run directly counter to its specific objectives to save federal tax dollars and conserve the resources of coastal areas included in the system. This language would significantly weaken the CBRA, which enjoys broad bipartisan support, saves federal tax dollars, promotes public safety, and conserves important coastal environmental resources.

Signed,

Chad Berginelli
ASFP Executive Director

Jeanne Christ
ASWM Executive Director

Dedicated to reducing flood risk and losses in the nation.

Chair

Marla Cox Lamm, CFM
State Coordinator
SC Dept. Natural
Resources
803-734-3472
coxmar@dnr.sc.gov

Vice Chair

Brian Vonnella, P.E., CFM
Hydraulics Team Lead
CO Dept. of
Transportation
970-219-6496
brian.vonnella@state.co.us

Treasurer

Amanda Flagel, P.E., CFM
Project Engineer
IL State Water Survey
217-300-3448
aflagel@illinois.edu

Secretary

Rebecca Pfeiffer, CFM
Floodplain Regulatory Team Lead
VT Agency of Natural Resources
802-490-8157
rebecca.pfeiffer@vermont.gov

11/4/2020

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Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0034

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Kimberly Cole
Government Agency Type: State
Government Agency: DNREC Delaware Coastal Programs

General Comment

Comments from Delaware Coastal Programs are attached.

Attachments

2018.0034 CBRS Comment Letter

file:///C:/Users/JohnH/OneDrive/Documents/Report%20to%20Congress/Appendix%201%20Review%20Documents/FWS-HQ-ES-2018-0004-0034.html

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DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL DIVISION OF CLIMATE, COASTAL, & ENERGY

DELAWARE COASTAL
MANAGEMENT PROGRAM

100 W. WATER STREET, SUITE 7B
DOVER, DELAWARE 19904

Phone: (302) 739-9281
<http://delco.de.gov/coastal>

July 10, 2018

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike - MS. BPHC
Falls Church, VA 22041

RE: John H. Chafee Coastal Barrier Resource System; Hurricane Sandy Remapping Project; Draft Revised Boundaries Request for Comments

To Whom It May Concern,

Thank you for the opportunity to provide comments on the U.S. Fish and Wildlife's Hurricane Sandy Remapping Project of the Coastal Barrier Resource System (CBRS) revised boundaries.

DCMP has reviewed the proposed maps and would like to express our concerns with the addition of portions of the St. Jones Reserve (part of the Delaware National Estuarine Research Reserve) into Unit DE-01P. While addition of the St. Jones Reserve into the unit as an OPA currently does not hinder activities at the Reserve, the DCMP is concerned with the potential to re-classify the OPA to a System Unit in the future. Future re-classification could impact projects and operations at the Reserve.

In addition, DCMP would like to reference comments made in 2013 regarding the 5-year minor and technical comments to the CBRS. At that time, DCMP felt the need for boundary revisions where substantive issues may exist, such as the inadvertent inclusion of private lands in Otherwise Protected Areas, and boundaries that may cross private subdivisions in configurations. DCMP hopes that comment was taken into consideration as the current boundary revisions were being developed. DCMP appreciates the Services' efforts to modernize the CBRS maps for states affected by Hurricane Sandy and the continued efforts to minimize such issues as stated.

Thank you for the opportunity to review and respond to the proposed boundary changes. If you have any questions, please contact me or Drew Faulhaber of my staff at (302) 739-9283.

Sincerely,

Kimberly B. Cole, Administrator
Delaware Coastal Management Program

KBC/df
cc: File FC 2018.0034

Hurricane Sandy Remapping Project

11/4/2018

FWS-HQ-ES-2018-0004-0035.html

PUBLIC SUBMISSION

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0035

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Frank Nutter

Address:

1445 New York Avenue, NW, 7th Floor
Washington, DC, 20005

Email: snuth@reinsurance.org

Phone: 2026383690

General Comment

July 10, 2018

Public Comments Processing

Attn: Docket No. FWS-HQ-ES-2018-0004

Division of Policy, Performance, and Management Programs

U.S. Fish and Wildlife Service

5275 Leesburg Pike, MS: BPHC

Falls Church, VA 22041-3808

To Whom It May Concern:

The Reinsurance Association of America (RAA) strongly believes in working to protect and restore our nation's coasts, barrier islands, wetlands, and floodplains through the John H. Chafee Coastal Barrier Resources System (CBRS). These areas help protect coastal communities and taxpayers by serving as buffers against storm surge, wave action, and floods, both saving lives and preventing property destruction.

The RAA is the leading trade association of property and casualty reinsurers doing business in the United States. RAA membership is diverse, including reinsurance underwriters and intermediaries licensed in the U.S. and those that conduct business on a cross-border basis. The RAA represents its members before

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FWS-HQ-ES-2018-0004-0035.html

state, federal and international bodies.

In 1982, President Reagan signed bi-partisan legislation to create the CBRS to eliminate taxpayer provided incentives to develop on coastal barriers, which serve as the first line of defense against the impacts of severe storms. Since then, it has been an effective tool that helps protect coastal communities, taxpayers, and local economies. It has been estimated that more than \$625 million in property damages was prevented by coastal wetlands in New York and New Jersey that buffered Hurricane Sandy's waves and storm damage.

By reducing the incentive to develop in these sensitive coastal areas, the CBRS has saved the American public billions of dollars since it was passed. However, as more storms alter high-risk areas along our coast, it is imperative to ensure that the CBRS maps are updated to accurately reflect current risk, and to continue to reap the benefits of this program to protect coastal communities and natural resources. Many of these maps were last updated in 1990.

The RAA strongly supports the U.S. Fish and Wildlife Service's (FWS) proposed remapping and modernization of the Coastal Barrier Resources System units in areas of Delaware, Massachusetts, New Hampshire, and New Jersey that were affected by Hurricane Sandy. The proposed boundaries would add roughly 136,268 acres of vulnerable coast to the CBRS in these four states, helping to improve coastal resiliency and saving taxpayer dollars in the face of future storms. They also correct technical errors in previous maps that are affecting property owners, and provide more accurate data for future coastal planning efforts.

We applaud the FWS for using objective mapping protocols, and for applying clear and consistent guiding principles and criteria for assessing additions to and removals from the CBRS. Such a robust and objective approach should be replicated in updating other CBRS units around the country.

Sincerely,

Frank Nutter
President

Attachments

RAA CBRA Support Letter 071018 FWN

file:///C:/Users/RAA/Hurricane%20Sandy/Report%20to%20Congress/Unit%20Report/Appendix%20L%20Missing%20Documents/FWS-HQ-ES-2018-0004-0035.html

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July 10, 2018

Public Comments Processing

Attn: Docket No. FWS-HQ-ES-2018-0004

Division of Policy, Performance, and Management Programs

U.S. Fish and Wildlife Service

5275 Leesburg Pike, MS: BPHC

Falls Church, VA 22041-3808

To Whom It May Concern:

The Reinsurance Association of America (RAA) strongly believes in working to protect and restore our nation's coasts, barrier islands, wetlands, and floodplains through the John H. Chafee Coastal Barrier Resources System (CBRS). These areas help protect coastal communities and taxpayers by serving as buffers against storm surge, wave action, and floods, both saving lives and preventing property destruction.

The RAA is the leading trade association of property and casualty reinsurers doing business in the United States. RAA membership is diverse, including reinsurance underwriters and intermediaries licensed in the U.S. and those that conduct business on a cross-border basis. The RAA represents its members before state, federal and international bodies.

In 1982, President Reagan signed bi-partisan legislation to create the CBRS to eliminate taxpayer provided incentives to develop on coastal barriers, which serve as the first line of defense against the impacts of severe storms. Since then, it has been an effective tool that helps protect coastal communities, taxpayers, and local economies. It has been estimated that more than \$625 million in property damages was prevented by coastal wetlands in New York and New Jersey that buffered Hurricane Sandy's waves and storm damage¹.

By reducing the incentive to develop in these sensitive coastal areas, the CBRS has saved the American public billions of dollars since it was passed. However, as more storms alter high-risk areas along our coast, it is imperative to ensure that the CBRS maps are updated to accurately reflect current risk, and to continue to reap the benefits of this program to protect coastal communities and natural resources. Many of these maps were last updated in 1990.

¹Stidman Narayan, Michael W. Beck, et al., "The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern USA," *Wetlands* 27, 9403 (2017), <https://www.wetlands.com/articles/94103-017-0926A2>.

The RAA strongly supports the U.S. Fish and Wildlife Service's (FWS) proposed remapping and modernization of the Coastal Barrier Resources System units in areas of Delaware, Massachusetts, New Hampshire, and New Jersey that were affected by Hurricane Sandy. The proposed boundaries would add roughly 136,268 acres of vulnerable coast to the CBRS in these four states, helping to improve coastal resiliency and saving taxpayer dollars in the face of future storms. They also correct technical errors in previous maps that are affecting property owners, and provide more accurate data for future coastal planning efforts.

We applaud the FWS for using objective mapping protocols, and for applying clear and consistent guiding principles and criteria for assessing additions to and removals from the CBRS. Such a robust and objective approach should be replicated in updating other CBRS units around the country.

Sincerely,

A handwritten signature of Frank Nutter in black ink.

Frank Nutter
President

Report to Congress: John H. Chafee Coastal Barrier Resource System

FWS-HQ-ES-2015-0004-0036 RWT

PUBLIC SUBMISSION

Document: FWS-HQ-ES-2018-0004
John H. Garber County Barrier Ecosystem System: Hurricane Study Remapping Project For Orleans, Massachusetts, New Hampshire, and New Jersey
Commented On: FWS-HQ-ES-2018-0001-2001
John H. Garber County Barrier Ecosystem System: Hurricane Study Remapping Project For Orleans, Massachusetts, New Hampshire, and New Jersey
Document: FWS-HQ-ES-2018-0004-0056
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Submitter Information

Name: Tim Dillingham
Address:
American Liberal Society
Highlands, VT 05732
Email: tim@amlibsoc.org
Phone: 732291005

General Comment

Downloaded from <http://ajphaphapublications.org/>

AMERICAN LITTORAL SOCIETY

18 Hawthorne Drive, Suite 1, Highland, NJ 07732

July 10, 2019

Public Comments Processing. ATTN: Docket No. FWS-HQ-ED-2018-0004

Gray Shrike: Active Director
Old Fall and Wildlife Service
5255 Lee Road, NE, MS 39762
Falls Church, VA 22041-3808
Re: Duck ID No. FWS-IQ-ES2010-0004 John H. Chize Coastal Wetland Resources System, Harcourt Study Rumpup Project for DE, MA, NY and NJ

[illegible]

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18

FWP-HQ-FS-2018-0104-003W BWW

Tim
Tim O'Sullivan, Executive Director
www.itsaoudyssey.org

Attachments

ALS (continued) to USFWS

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AMERICAN LITTORAL SOCIETY

18 Hartshorne Drive, Suite 1, Highlands, NJ 07732

July 10, 2018

Public Comments Processing, ATTN: Docket No. FWS-HQ-ES-2018-0004

Greg Sheehan, Acting Director

US Fish and Wildlife Service

5275 Leesburg Pike, MS:BPHC

Falls Church, VA 22401-3808

Re: Docket ID No. FWS-HQ-ES-2018-0004: John H. Chafee Coastal Barrier Resources System, Hurricane Sandy Remapping Project for DE, MA, NH and NJ.

Dear Acting Director Sheehan,

The American Littoral Society strongly supports the proposed remapping, boundary adjustments and reclassifications to the units of the CBRS contained within the State of New Jersey.

Our organization has a long involvement in the protection and conservation of the nation's coasts, barrier islands, wetlands and floodplains. Since Hurricane Sandy, we have been extensively involved in the restoration of critical habitats and coastal features in New Jersey, with a goal of both reestablishing critical coastal environmental and habitat values and increasing the resiliency of built communities and local economies.

Such work is desperately needed on a state-wide, and indeed national scale, to offset the ill-considered development of coastal areas subsidized, driven and supported by federal actions and programs – at great expense to the taxpayers of the nation, coastal wildlife, and the vulnerability of coastal communities. In a world threatened by a changing climate and increasing coastal flood and storm risk, the wisdom of the Coastal Barrier Resources Act is more relevant today than ever – that the federal government should act to curtail and limit its provision of incentives to develop on coastal barriers, which serve as the first line of defense against the impacts of severe storms and sea level rise, provide critical habitat and are key resources in local economies. The CBRS and its authorizing act have been effective tools in limiting federal support and investment in actions that would diminish and undermine these public values in coastal barriers.

It is both appropriate and needed that the CBRs and its supporting features be modernized and updated. We strongly support the recommendations of this proposal to adjust unit boundaries, establish new units, reclassify existing units and exclude private property, where appropriate, in limited circumstances. The information provided through an extensive public outreach effort by the USFWS demonstrates clearly, that on balance the additions, adjustments and deletions of acreage and boundaries within the proposal will increase the level of protection of critical, vulnerable coastal areas and resources, and save the American taxpayer potentially billions of dollars in subsidies and payouts to storm damaged or destroyed property.

Finally, there has been an interest expressed in allowing the expenditure of federal dollars for sand mining of CBRS units for use in beach nourishment projects outside the CBRS unit itself. We are deeply opposed to such allowances, as they would run contrary to the very purpose of the CBRA by allowing new federal expenditures in CBRS units for activities that do not benefit or support the health and integrity of CBRA units, and the purposes for which they were established: reducing taxpayer-funded expenditures, promoting public safety by discouraging inappropriate coastal development, and supporting coastal environmental resources. The action of sand mining itself can have devastating impacts on wildlife species and habitat with the CBRS units, including on nesting birds, fisheries and shellfisheries, water quality, and benthic communities.

Thank you for the opportunity to comment. Moving forward, we encourage the FWS to identify new areas where the CBRS may be expanded to provide additional protection to coastal communities and taxpayers as the nation confronts the impacts of climate change along our coasts.

Sincerely,

Time

Tim Dillingham, Executive Director

(732) 291-0055 www.littoralsociety.org

Hurricane Sandy Remapping Project

11/4/2020

FWS-HQ-ES-2018-0004-0037.html

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John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0037

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Cristin Luttazi

Address:

P.O. Box 2593

Duxbury, MA, 02331

Email: cris@duxburybeachreservation.org

Phone: 781-563-0054

General Comment

Please see attached comment letter.

Attachments

Duxbury Beach USFWS Comment Letter

file:///C:/Users/HurricaneSandy/Reports/Appendix/LR1/Working Documents/FWS-HQ-ES-2018-0004-0037.html

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Duxbury Beach Reservation, Inc.
P.O. Box 2593
Duxbury, MA 02331

July 10, 2018

Public Comments Processing
ATTN: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance and Management Programs
US Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

via portal

Re: Hurricane Sandy Remapping Project (FWS-HQ-ES-2018-0004) Public Comment

Dear Sir or Madam:

The Duxbury Beach Reservation, Inc. of Duxbury, Massachusetts is pleased to have the opportunity to comment on the proposed changes to the Coastal Barrier Resource System in our community.

Respectfully, we offer the following comments:

The Duxbury Beach Reservation, Inc. ("DBR") is a Massachusetts non-profit corporation, 501(c)(3) qualified and located on the south shore of Massachusetts, north of the town of Plymouth. DBR owns and operated Duxbury Beach, a protective barrier beach and priceless environmental asset, for the benefit of the town of Duxbury and the general public. Since 1918, the Beach has been privately held, preserving it as a barrier beach, first by a private association (Duxbury Beach Association), and since 1975 by DBR.

Duxbury Beach consists of a peninsula, 12 kilometers (7.5 miles) long, extending from the Town of Duxbury at the northern end to the communities of Gurnet and Saquish (hereafter referred to as "Gurnet-Saquish") at the southernmost end (located in the Town of Plymouth). DBR owns the beach with the exception of the extreme southern end of the beach (Gurnet-Saquish). Duxbury Beach serves as an important protective barrier beach for the bays serving three towns: Duxbury, Plymouth, and Kingston, towns of national historic significance.

11/4/2020

FWS-HQ-ES-2018-0004-0038.html

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Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0038

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Joel Scata

Submitter's Representative: Joel Scata

Organization: Natural Resources Defense Council

General Comment

The Natural Resources Defense Council (NRDC) appreciates the opportunity to review and comment on the U.S. Fish and Wildlife Services proposal to expand the Coastal Barrier Resources System in four of the states (Delaware, Massachusetts, New Hampshire, and New Jersey) affected by Hurricane Sandy. NRDC strongly supports this effort.

Attachments

NRDC Comments_FWS-HQ-ES-2018-0004

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On its western side, Duxbury Beach protects tidal flats; salt marsh; and Duxbury, Kingston, and the northerly part of Plymouth bays. In addition, valuable shellfishing activity is conducted in these areas. Coastal dune and coastal beach span much of the length of Duxbury Beach. The beach is a combination of sand, pebble, and cobble substrate. The entirety of Duxbury Beach is mapped by NHEP as Priority Habitats of Rare Species and Estimated Habitats of Rare Wildlife.

Traversing the length of the Beach is a right of way that provides the sole land access to Gurnet-Saquish. The road is paved in small sections near north-end parking lots, but is primarily an improved gravel road composed primarily of processed gravel. The road provides a deeded right of way for residents and visitors to 243 homes located on Gurnet-Saquish.

The Article of Organization of DBR, filed in 1975 with the Commonwealth, provides that the purposes of the organization are to restore, preserve, and hold the Beach so far as possible in its natural state as a barrier beach "for the protection of Duxbury and Kingston and as a priceless environmental asset to the Commonwealth and the nation". The Articles go on to provide that the Trustees under the Articles are also authorized to operate for the benefit of the public a recreational beach within the property, but only "while preserving the right to limit and regulate such use so as to be consistent with the corporation's primary ecological objective".

With the classification as an Otherwise Protected Area (OPA), the Duxbury Beach Reservation property will be eligible for federal assistance. The Duxbury Beach Reservation is highly interested in the designation of Duxbury Beach as an OPA as in the past, federal assistance after coastal storms has been intermittent.

Thank you for the opportunity to comment. The Reservation welcomes the opportunity to discuss the ramifications of an official determination as an OPA.

Best regards,

Cristin Luttazi

Executive Director
Duxbury Beach Reservation

Greg Sheehan
Principal Deputy Director
Public Comment Processing
Attn: Docket No. FWS-IQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

The Natural Resources Defense Council (NRDC) appreciates the opportunity to review and comment on the U.S. Fish and Wildlife Service's (FWS) proposal to expand the Coastal Barrier Resources System (CBRS) in four of the states (Delaware, Massachusetts, New Hampshire, and New Jersey) affected by Hurricane Sandy.

As such, NBDC strongly supports FWS's proposed expansion of the CBRS.

³ J. Peter Byrne and Jessica Grunewald, "Coastal Retreat Measures" in *The Law of Adaptation to Climate Change* 292 (Michael German ed., 2012).

70 N WACKER DRIVE • SUITE 1000 • CHICAGO, IL 60606 • T 312.663.9600 • F 312.332.1900 • WWW.B&B

II. Expansion of the CBRS will avoid increasing the exposure of the NFIP

5 Rob Moore, "Seeking Higher Ground", NRDC, (July 2017).

14 Id.

Hurricane Sandy Remapping Project

Currently, most federally-funded beach nourishment sand replenishment ("beach replenishment") projects are prohibited in the CBRS.¹⁵ Non-natural beach replenishment is an expensive and only temporary solution to preventing erosion,¹⁶ often with adverse impacts to the local ecosystem.¹⁷ Federal-funding of this practice should be continued to be prohibited in the CBRS.

Unfortunately, there is proposed language that would amend the CBRA to allow sand mining of CBRS units to generate sand that could be used for beach replenishment of areas outside of the CBRS. The proposed language would undermine the CBRA, and run directly counter to its specific objectives to save federal tax dollars and conserve the resources of coastal areas included in the CBRS. This language would significantly weaken the CBRA, which enjoys broad bipartisan support, saves federal tax dollars, promotes public safety, and conserves important coastal environmental resources.

Beach replenishment projects are not "environmentally benign"¹⁸ and can have adverse biological impacts. These impacts may include the burying of shallow reefs, the damaging of sea turtle nesting sites, and the reducing of invertebrate prey levels on which surf fish and shorebirds depend for a food source.¹⁹ Beach replenishment projects also increase near shore turbidity, which has been found to have adverse effects on the ability of surf fish to prey on invertebrate species.²⁰

Additionally, the process of dredging for sand, besides being highly expensive, is environmentally damaging. Sand dredging has the potential to create maritime dead zones by greatly increasing turbidity in the dredged area.²¹ Sand dredging also directly impacts fish and marine mammals by disturbing vital habitat though the destruction of beneficial underwater sand dunes and blanketing reefs with silt.²² Dredging is a destructive practice, and as it is often required for beach replenishment projects, must be counted against any potential environmental benefits beach replenishment can provide.

¹⁵ See, Fed. Emergency Mgmt. Agency, Beach Nourishment available at <https://www.fema.gov/approach/28344> (FEMA denied a the provision of a Public Assistance Grant for a beach nourishment project because the project was located in the CBRS) (However, there are exceptions for ecological restoration activities).

¹⁶ Don Barber, Beach Nourishment Basics, Bryn Mawr College.

¹⁷ <https://www.brynmawr.edu/newsroom/2016/08/01/beach-nourishment-basics/> (last visited Feb. 7, 2017).

¹⁸ Joshua R. Kyles et al., Effects of Beach Replenishment on Intertidal Invertebrates: A 15-month, High Beach Study, 175 Estuaries, Coastal, and Shelf Sci. 24 (2016) (discussing impacts to intertidal invertebrate community at eight replenished beaches across San Diego County).

¹⁹ Charles H. Peterson & Melanie J. Bishop, Assessing the Environmental Impacts of Beach Nourishment, 53(10) BioScience 807, 807 (2008).

²⁰ See, Id. (listing adverse impacts associated with beach replenishment).

²¹ Charles H. Peterson & Lisa Manning, How Beach Nourishment Affects the Habitat Value of Intertidal Beach Prey for Surf Fish and Shorebirds and Why Uncertainty Still Exists, Proceedings of the Coastal Ecosystems and Federal Activities Technical Training Symposium 2 (2001).

²² See, Our view: Adjust Beach Replenishment to Minimize Maritime Dead Zones, The Press of Atlantic City (Feb. 3, 2017) <http://www.pressofatlanticcity.com/news/breaking/our-view-adjust-beach-replenishment-to-minimize-maritime-dead-zones/article-4a1a1e22-8e6d-5d43-a177-7a5f5ce03883.html>.

²³ See, Id.

Further, beach replenishment is only a temporary fix. Replenished beaches erode at a faster rate than natural beaches. Periodic replenishment is often required every two to eight years depending on the dynamics at a particular beach.²³ For example, as of the date of this letter, 325 beach replenishment projects have been performed in along the New Jersey coast,²⁴ requiring more than 185 million cubic yards of sand. Total costs for the 325 projects exceed \$1.8 billion.²⁵ As sea levels rise, beach replenishment projects will need to occur at a greater and greater rate, further stressing coastal habitat, and wasting taxpayer dollars.

Beach replenishment falls short as an effective technique for preserving the coastal habitat and, in the face of sea level rise, will increasingly fail to protect against erosion. While beach replenishment may be necessary in certain circumstances, it is not an economically or environmentally practical means for achieving long-term shoreline stabilization with minimal adverse impacts to coastal habitat. As such, any attempt to amend the CBRA to permit sand mining for beach replenishment projects outside that are outside of CBRS units should be rejected.

V. Expansion of the CBRS will provide for responsible stewardship of important natural resources and taxpayer dollars

The CBRA was enacted to: save federal tax dollars by avoiding federal expenditures on high-risk coastal areas; promote public safety by removing the federal financial encouragement to build and re-build in hazardous areas, and; conserve coastal resources that are important for commercial and recreational fisheries, birds and other wildlife. FWS's proposed expansion of the CBRS would further support these objectives, especially minimizing wasteful federal spending. NRDC strongly supports the proposal to modernize and expand the CBRS.

Sincerely,

Joel Scata

Joel Scata
Attorney

Julianne Skarha

Julianne Skarha
Environmental Grantmakers Association
Fellow

²³ See, UNESCO, Adding More Sand to the Beach (last visited Feb. 7, 2017).

²⁴ <http://www.unesco.org/csi/pub/source/erol9.htm>

²⁵ West Carolina State University, Beach Nourishment Viewer (last visited July 9, 2018).

²⁶ <http://beachnourishment.wcu.edu/oneState/stateNJ>

²⁷ Id. (2018 Real Cost)

7/6/2018

ArcGIS - Figure 1: Delaware and New Jersey Flood Risk

Figure 1: Delaware and New Jersey Flood Risk

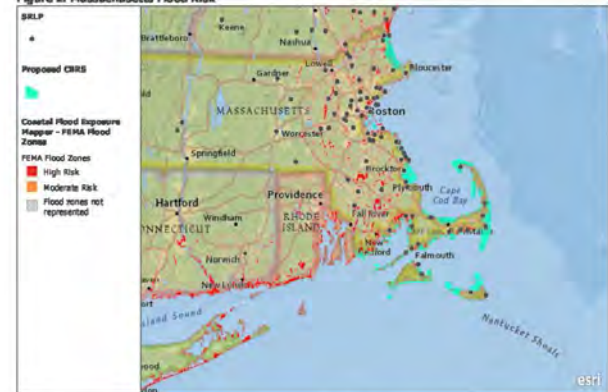


Federal Emergency Management Agency (FEMA) | Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office for Coastal Management (OCM) | scot.murfee@fema.dhs.gov | NOAA Office for Coastal Management | Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, Increment P Corp.

7/6/2018

ArcGIS - Figure 2: Massachusetts Flood Risk

Figure 2: Massachusetts Flood Risk



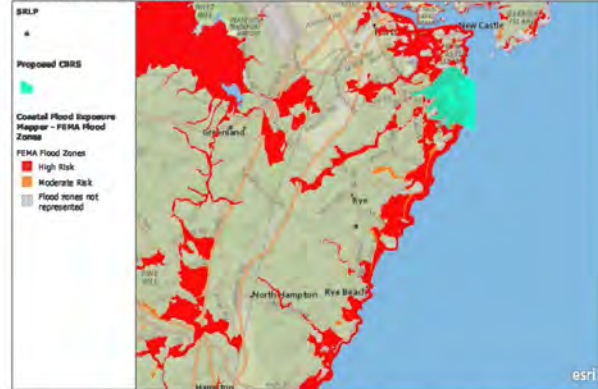
Federal Emergency Management Agency (FEMA) | Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office for Coastal Management (OCM) | scot.murfee@fema.dhs.gov | NOAA Office for Coastal Management | Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, Increment P Corp.

Report to Congress: John H. Chafee Coastal Barrier Resource System

7/6/2018

ArcGIS - Figure 3: New Hampshire Flood Risk

Figure 3: New Hampshire Flood Risk



Federal Emergency Management Agency (FEMA) | Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office for Coastal Management (OCH) | scott.murphy@fema.dhs.gov | NOAA Office for Coastal Management | Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, Increment P Corp.

<https://www.arcgis.com/home/webappprint.html>

1/1

7/6/2018

ArcGIS - Figure 4: Delaware and New Jersey - Sea Level Rise Scenarios

Figure 4: Delaware and New Jersey - Sea Level Rise Scenarios



Federal Emergency Management Agency (FEMA) | Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office for Coastal Management (OCH) | scott.murphy@fema.dhs.gov | NOAA Office for Coastal Management | Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, Increment P Corp.

<https://www.arcgis.com/home/webappprint.html>

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7/6/2018

ArcGIS - Figure 5: Massachusetts - Sea Level Rise Scenarios

Figure 5: Massachusetts - Sea Level Rise Scenarios



Federal Emergency Management Agency (FEMA) | Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office for Coastal Management (OCH) | scott.murphy@fema.dhs.gov | NOAA Office for Coastal Management | Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, Increment P Corp.

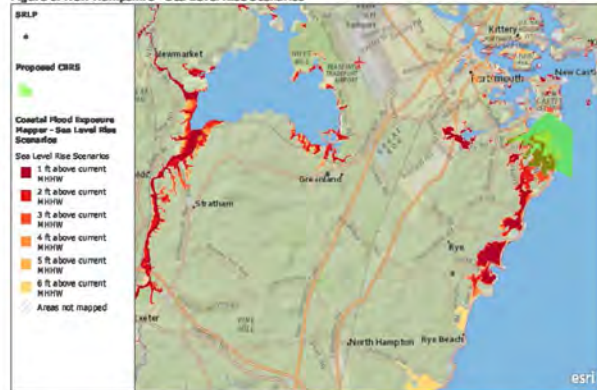
<https://www.arcgis.com/home/webappprint.html>

1/1

7/6/2018

ArcGIS - Figure 6: New Hampshire - Sea Level Rise Scenarios

Figure 6: New Hampshire - Sea Level Rise Scenarios



Federal Emergency Management Agency (FEMA) | Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office for Coastal Management (OCH) | scott.murphy@fema.dhs.gov | NOAA Office for Coastal Management | Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, Increment P Corp.

<https://www.arcgis.com/home/webappprint.html>

1/1

Hurricane Sandy Remapping Project

11/4/2020

FWS-HQ-ES-2018-0004-0039.html

PUBLIC SUBMISSION

As of: July 27, 2018
Received: July 17, 2018
Status: Posted
Posted: July 17, 2018
Tracking No. tk2-94bq-ktz6
Comments Due: July 10, 2018
Submission Type: Paper

Docket: FWS-HQ-ES-2018-0004

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Comment On: FWS-HQ-ES-2018-0004-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

Document: FWS-HQ-ES-2018-0004-0039
DCRMassachusetts

Submitter Information

Name: Leo Pierre Roy

General Comment

See Attached

Attachments

DCRMassachusetts

file:///C:/Users/leoroy/Desktop/Regulations.gov/Comments/FWS-HQ-ES-2018-0004-0039.html



July 13, 2018

Mr. Gary Frazer
Assistant Director for Ecological Services
USDI Fish and Wildlife Service

Dear Mr. Frazer,

The Massachusetts Department of Conservation & Recreation (DCR) is pleased to submit the following comments on the draft revised boundaries for the Coastal Barrier Resources System (CBRS), in relation to the Boston Harbor Islands State Park. DCR manages sixteen islands in Boston Harbor on behalf of the Commonwealth of Massachusetts. In addition, DCR co-manages Spectacle Island with the City of Boston. Six of the islands are staffed during the summer season and open for public use as part of a unique state park and NPS National Park Area.

Under the current and proposed CBRS boundaries, all of the DCR-managed islands and the East Head of Peddocks Island are designated as Otherwise Protected Area (OPA). The Middle Head and West Head of Peddocks Island are designated as part of the CBRS (Unit MA-11).

Peddocks Island is one of the six islands that are open for public visitation. The Middle Head and West head portion of this island is characterized by the same suite of coastal resources and subject to the same natural forces as the East Head section of the island. And, in general, the same as the other islands that are part of the Boston Harbor Islands State Park. Considering these factors, and striving for consistency of future stewardship across all of the state park islands, DCR requests that all of Peddocks Island be reclassified to OPA by removing the CBRS designation from Peddocks' Middle Head and West Head.

Thank you for your consideration of this request.

Sincerely,

Leo Pierre Roy
Commissioner

cc: Michael Crensey - Superintendent for National Parks of Boston

11/4/2020

Regulations.gov - Comment



484 N Bay Drive

This is a Comment on the Fish and Wildlife Service (FWS) Notice: John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

For related information, [Open Docket Folder](#) (9)

Comment

See Attached

Attachments (2)

484 N Bay Drive

View Attachment: PDF

Cynthia ATobiasletter (1)

View Attachment: PDF

ID: FWS-HQ-ES-2018-0004-0040
Tracking Number: tk2-94bq-1scz

Document Information

Date Posted:
Aug 6, 2018
[Show More Details](#) (0)

Submitter Information

Submitter Name:
Cynthia Accime-Tobias
City:
Dover
Country:
United States
State or Province:
DE
ZIP/Postal Code:
19901

My property is located at 484 N Bay Drive, Dover, DE 19901. I was designated as a property in the CBRA. However, I find this zoning to be inaccurate. The property was built in 1962 PRIOR to the enactment of the CBRA, and the re-zoning should not apply to my property. My home should have been grandfathered in and not re-zoned as a CBRA. The zoning I feel should be moved North of my property since my property was built before the CBRA enactment. Attached is the original deed. I took ownership in 2015 and my purchase was NOT on an undeveloped lot. The home has existed since 1962, as I previously stated.

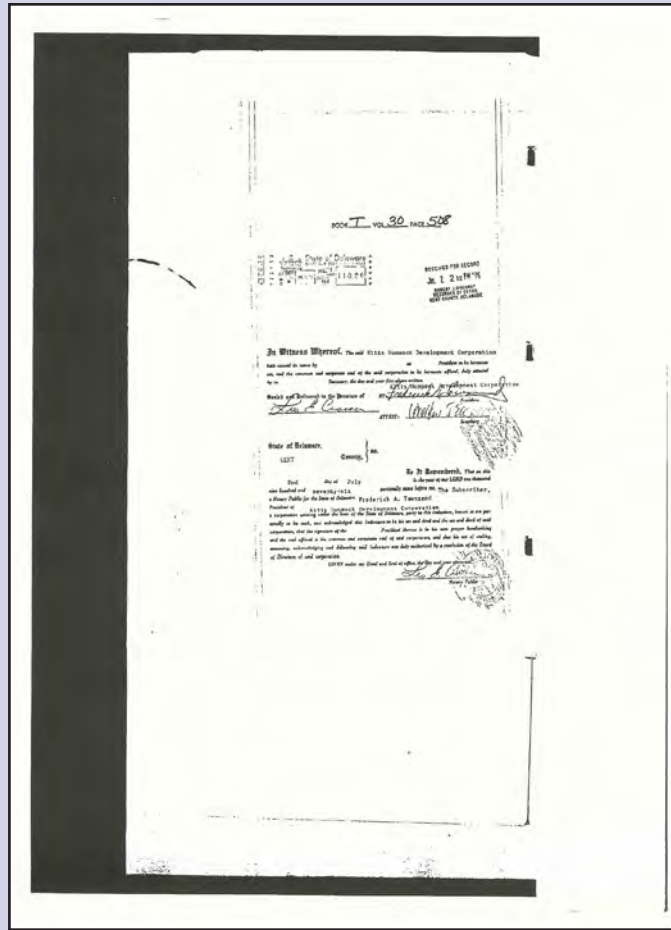
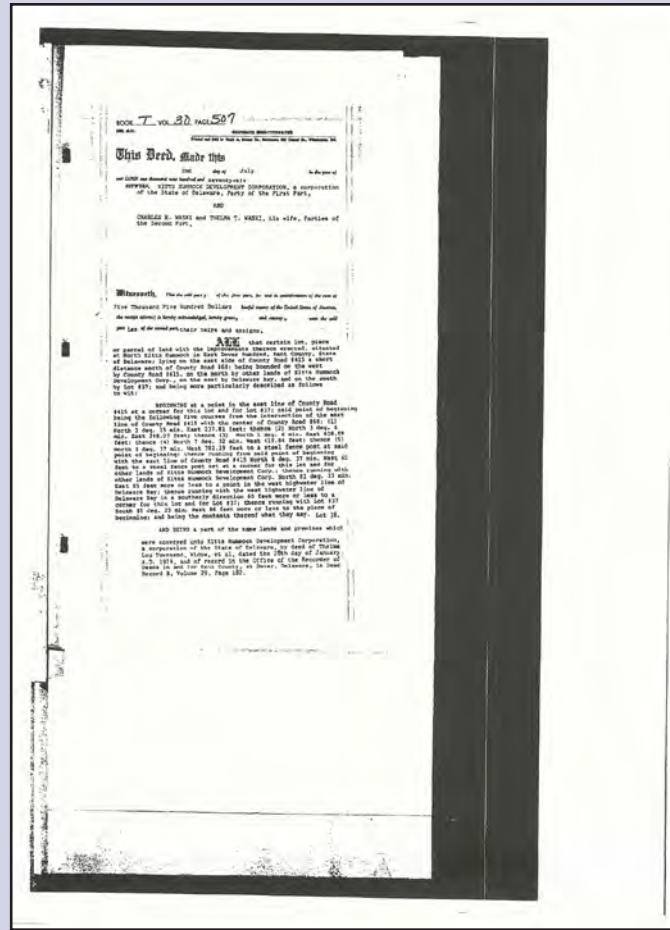
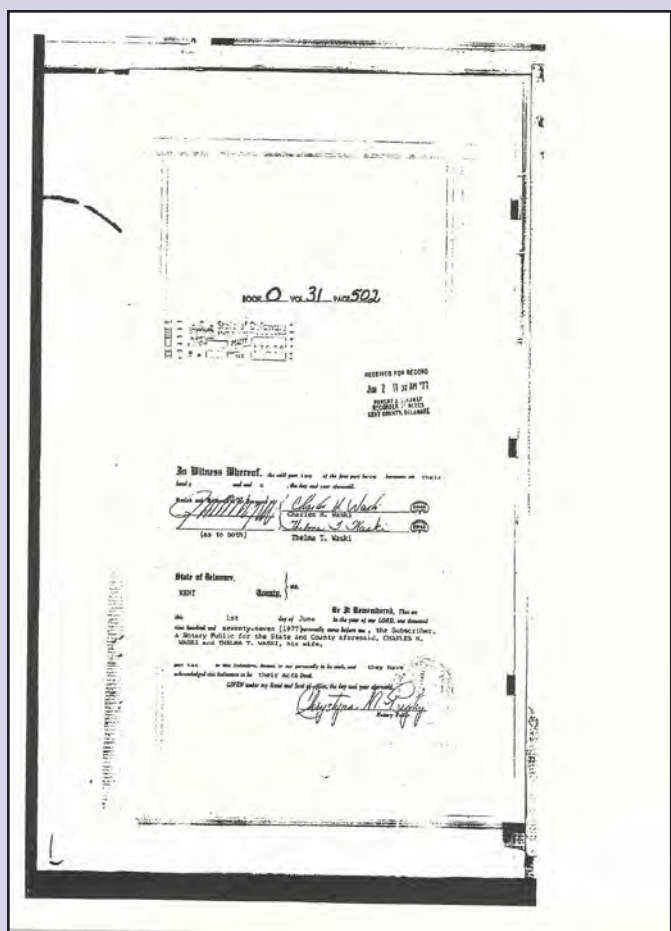
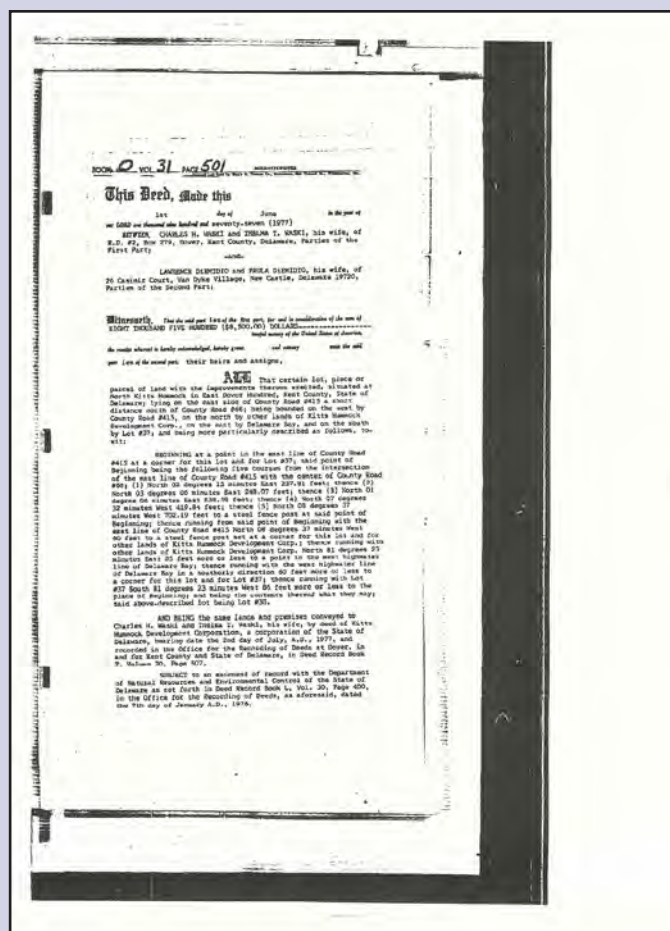
I can be reached via postal mail or by email at Cynjaz@gmail.com or via phone 718 689 0434 if anything stated is unclear.

Thank You

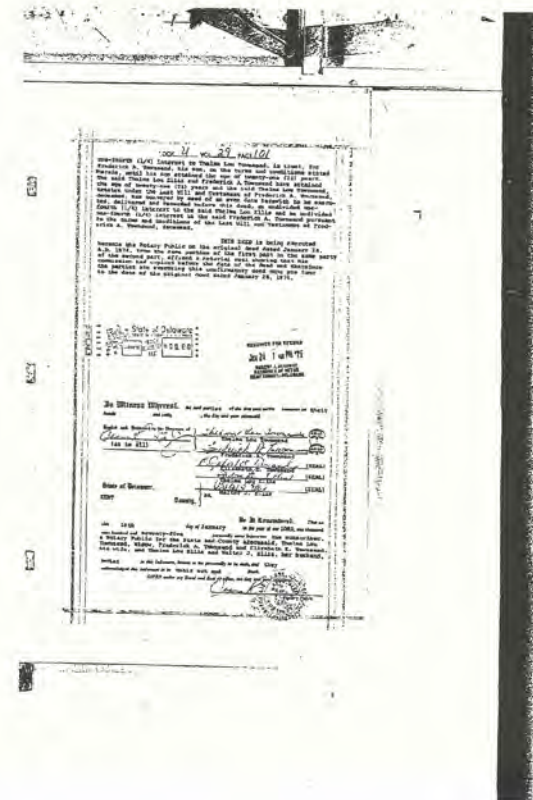
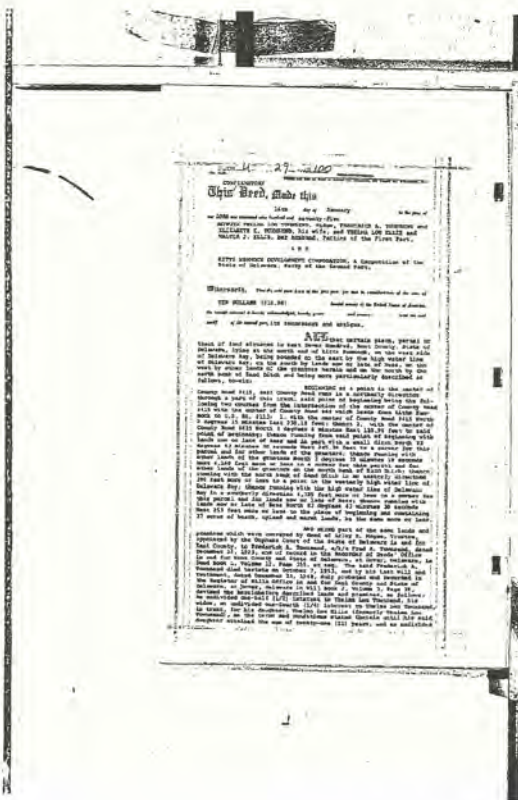
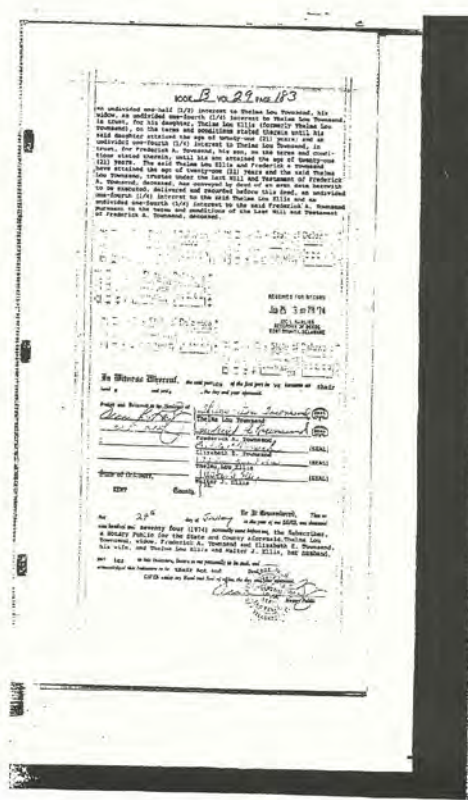
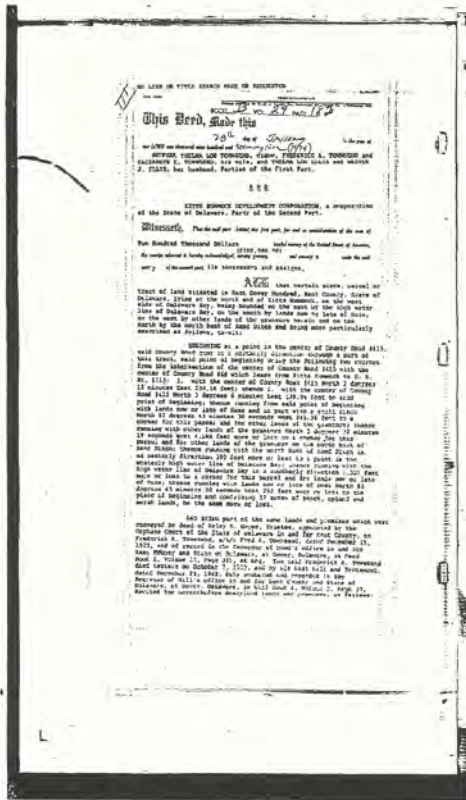
Cynthia Accime-Tobias

https://www.regulations.gov/document?D=FWS-HQ-ES-2018-0004-0040

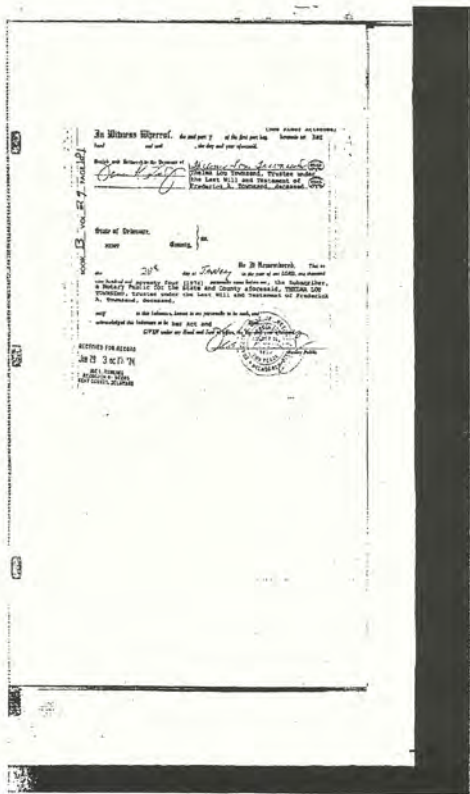
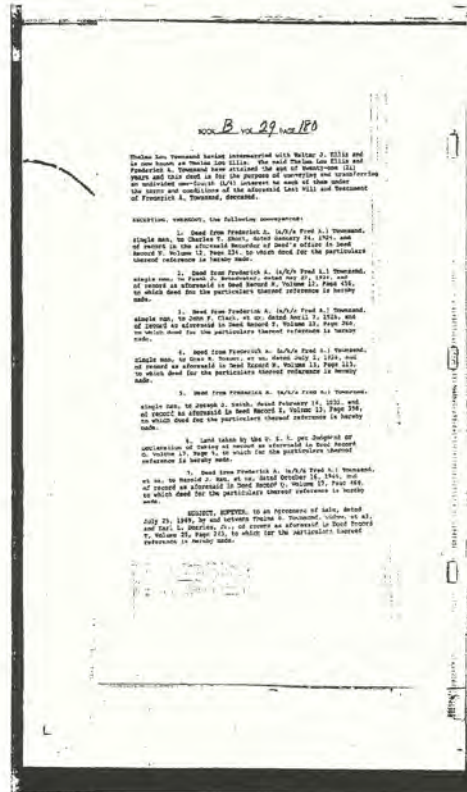
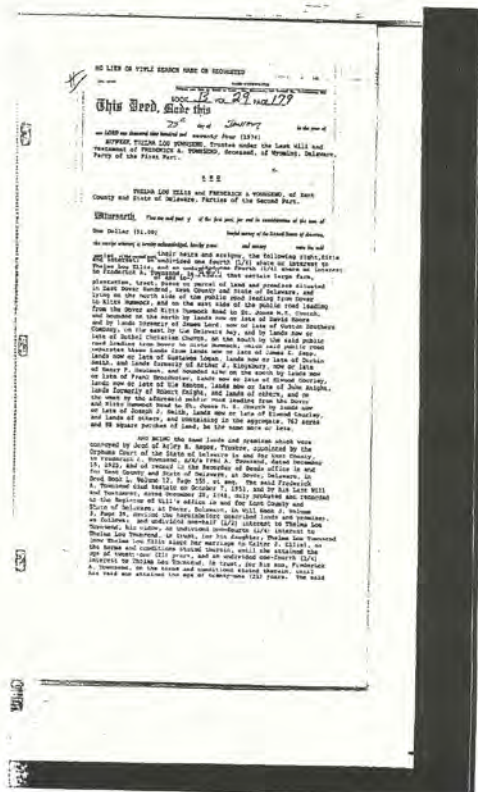
Report to Congress: John H. Chafee Coastal Barrier Resource System



Hurricane Sandy Remapping Project



Report to Congress: John H. Chafee Coastal Barrier Resource System



11/4/2020 Regulations.gov - Comment

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Scituate CBRS 9_18_18 (1)

This is a Comment on the Fish and Wildlife Service (FWS) Notice: **John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remediation Project for Delaware, Massachusetts, New Hampshire, and New Jersey**

For related information, [Open Docket Folder](#)

Comment

See Attached

Attachments (1)

Scituate CBRS 9_18_18 (1)

View Attachment

ID: FWS-HQ-ES-2018-0004-0041
Tracking Number: 142-959W-8945

Document Information

Date Posted:
Sep 18, 2018

Show More Details

Submitter Information

Submitter Name:
Brad Vashburn

City:
Scituate

Country:
United States

State or Province:
MA

ZIP/Postal Code:
02066

Hurricane Sandy Remapping Project

Town of Scituate

Town of Scituate

Bradford V. Washburn
Planning & Development
Director



600 Chief Justice Cushing Hwy
Scituate, MA 02066
781-545-8730
www.scituatema.gov

September 18, 2018

Gary Frazer, Assistant Director for Ecological Services
U.S. Fish and Wildlife Service
Division of Performance and Management Programs
5275 Leesburg Pike, MS: DPIC
Falls Church, VA 22041

Dear Mr. Frazer:

The Town of Scituate has reviewed the Fish and Wildlife Service's (FWS) proposed boundary changes to the Coastal Barrier Resource System (CBRS) noticed in the Federal Register on March 12, 2018. While the Town is supportive of the CBRS and FWS efforts to update the system, there are two proposed changes in Scituate that would affect the ability of existing property owners and the Town to undertake hazard mitigation projects by making them ineligible for federal assistance programs.

The first proposed change would modify Unit CO2 to include a section of barrier beach with five private homes in North Scituate. The barrier beach in this location has eroded and shifted landward since these houses were constructed. As outlined in the Town's 2016 study, *Coastal Erosion, Sediment Transport, and Prioritization Management Strategy Assessment for Shoreline Protection*, the preferred option to address the vulnerability of this section of shoreline was to move the houses landward on the barrier beach. Although the proposed designation excludes the existing houses, the proposed change would designate the area landward of the existing houses as an Otherwise Protected Area (OPA). If the houses were moved landward and into the proposed OPA, they would be ineligible for flood insurance through the National Flood Insurance Program. The Town requests that this entire section of barrier beach be excluded from Unit CO2. The second proposed change would expand Unit CO3 on the back side of the barrier beach in North Humarock. The Town is in the process of designing and engineering a project to elevate Central Avenue to reduce storm related flooding in this area. This project will extend beyond the footprint of the current roadway and into Unit CO3 as currently proposed. The Town requests that a buffer be maintained on the western side of Central Avenue so that this project remains eligible for federal assistance.

Thank you for considering our comments, if you have any questions please do not hesitate to contact me at (781) 545-8888 or bwashburn@scituatema.gov.

Sincerely,

Brad Washburn
Director of Planning and Development

cc: James Boudreau, Town Administrator
Robert Vogel, Building Commissioner
Amy Walkey, Conservation Resource Officer
Dana Wright, FWS
Jason Burnett, CZM

11/4/2020

Regulations.gov - Comment



GiannelJamesMonmouthCty

This is a Comment on the Fish and Wildlife Service (FWS) Notice: [John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey](#)

For related information, [Open Docket Folder](#) (9)

Comment

See Attached

Attachments (1)

GiannelJamesMonmouthCty

View Attachment:

ID: FWS-HQ-ES-2018-0004-0042
Tracking Number: 143-991m-02x

Document Information

Date Posted:
Apr 26, 2019
[Show More Details](#) (0)

Submitter Information

Submitter Name:
James Giannel
City:
Freehold
Country:
United States
State or Province:
NJ
ZIP/Postal Code:
07728

MONMOUTH COUNTY PLANNING BOARD

FREEHOLD · NEW JERSEY

JAMES GIANNELL
Chairman



EDWARD SAMPSON, PP, AICP
Director of Planning

April 16, 2019

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Attn: Dana Wright
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Re: FWS/AES-DBTS-BGMTS/067261

Dear Ms. Wright,

Thank you for the opportunity to review the U.S. Fish and Wildlife Service (FWS)'s published notice in the *Federal Register* on March 12, 2018 (83 FR 10739) to announce the availability of draft revised boundaries of the John H. Chafee Coastal Barrier Resource System (CBRS) units for public review and comment.

In a letter to FWS dated June 11, 2018, the Monmouth County Planning Board submitted its concerns regarding the limitations on future improvements and maintenance of Monmouth County owned and maintained facilities which are within and adjacent to the CBRS draft revised boundaries, specifically within proposed System Unit NJ-18. According to the FWS draft revised boundary ArcGIS Shapefile, proposed System Unit NJ-18 includes Monmouth County owned and maintained N-61 Interim Confined Disposal Area. In the aforementioned letter the County requested that N-61 Interim Confined Disposal Area be excluded from NJ-18.

After further discussion between FWS, Naval Weapons Station Earle representatives, Monmouth County Division of Planning staff, and Monmouth County Division of Engineering staff, it was determined that the original request for exclusion of the N-61 Interim Confined Disposal Area should be amended to exclude the entirety of the proposed System Unit NJ-18 from the CBRS draft revised boundaries. Refer to the attached map.

The justification for this request is as follows:

1. **Ferry Operations** - Proposed System Unit NJ-18 is located directly adjacent to New York Waterway Ferry terminal and parking area. Ferry service operating out of this terminal provides a reliable alternative to driving and other forms of public transportation for the thousands of Monmouth County residents who commute to New York City for work.

Report to Congress: John H. Chafee Coastal Barrier Resource System

2. The ferry permit requires shoreline stabilization. Continued eligibility for Federal funding for various shoreline stabilization projects in support of ferry operations would be limited as a result of the proposed System Unit NJ-18 boundaries.
3. **N-61 Interim Confined Disposal Area** - Proposed System Unit NJ-18 includes Monmouth County owned and maintained N-61 Interim Confined Disposal Area. This area is periodically used by the County and the Army Corps of Engineers for dewatering of dredge material from Compton's Creek and the shoreline reestablishment area. It is regularly maintained and repaired and should remain eligible for Federal funding. Removal of proposed System Unit NJ-18 would allow the County to continue using Federal funding for uninterrupted operation, maintenance, access, and upgrades to this facility.
4. **County Reclamation Site** - Proposed System Unit NJ-18 is north-adjacent to the Monmouth County owned Belford Landfill. A storm in the early 1990s resulted in the landfill being exposed and washing into the bay. An emergency contract was issued to excavate the waste from the exposed waterside and re-deposit the waste on top of the landward landfill. The landfill was stabilized and closed in 1993. Its proximity to the shoreline makes the landfill vulnerable to future storms and sea level rise.

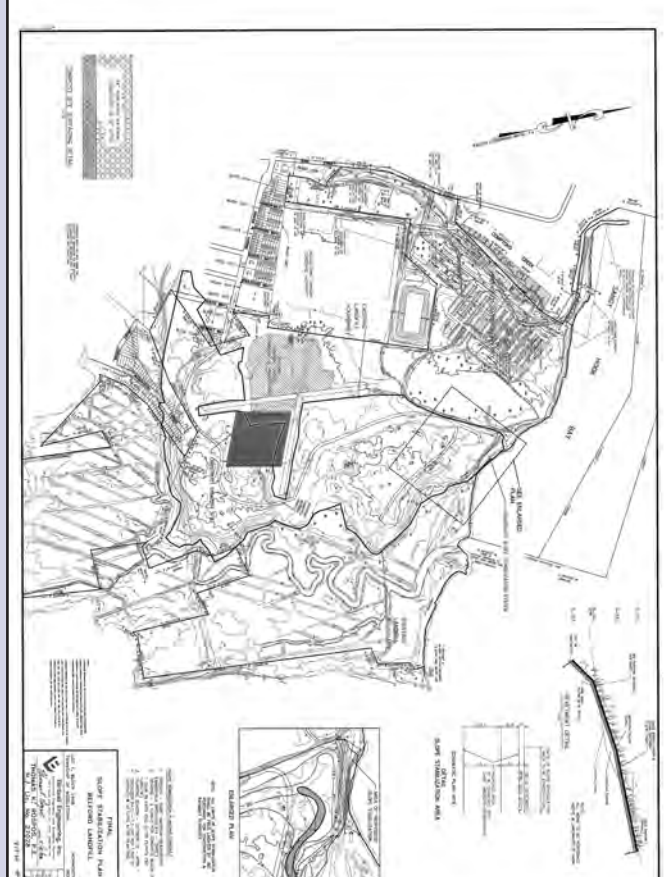
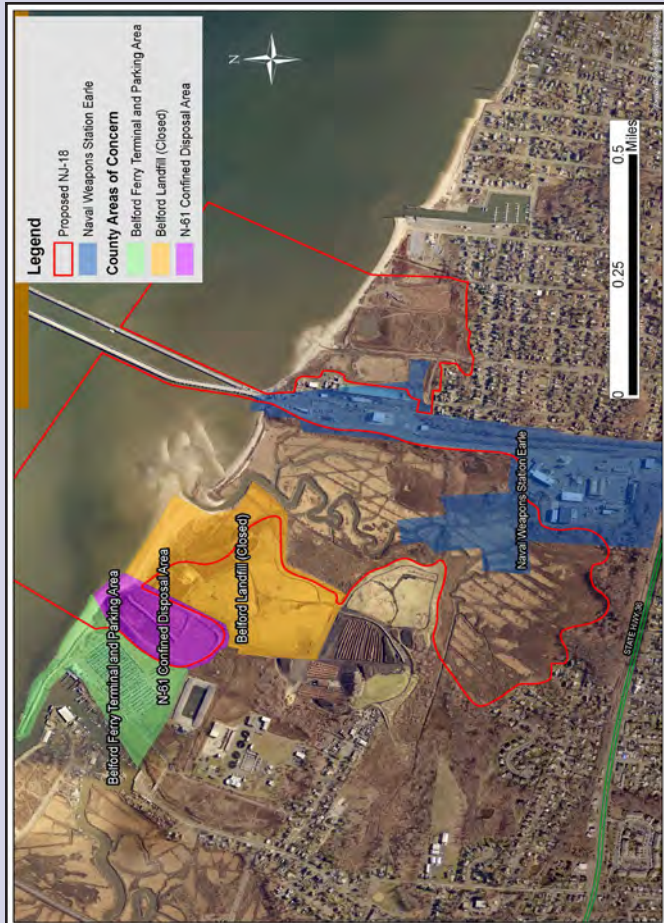
Future uses of the site should also be considered. This site may be transitioned in the future to a beneficial reuse such as a park or golf course. Removal of proposed System Unit NJ-18 would allow the County to continue using Federal funding for uninterrupted operation, maintenance, access, and upgrades to this facility.

5. **Joint Land Use Study (JLUS) for Naval Weapons Station Earle & Raritan/Sandy Hook Bay Coastal Resilience Planning Study** - Under grants from the Department of Defense, the Monmouth County Division of Planning completed a JLUS and is currently working on a follow-up coastal resilience study. The results of the current study could include structural shoreline stabilization projects that would support the operational utility of NWS Earle facility and mission. The designation of System unit NJ-18 may limit the options for types of projects in the study area even with exceptions provided for Military activities essential to national security. The entirety of proposed System Unit NJ-18 surrounds the Naval Weapons Station Earle pier complex. Removal of proposed System Unit NJ-18 would allow the Naval Weapons Station Earle to continue using Federal funding for uninterrupted operation, maintenance, access, resilience projects, and upgrades to this facility and the surrounding area not deemed as essential to national security, but still necessary to maintain the facility and mission.

Thank you for your time and consideration in this matter.

Very truly yours,

James Giannell (JP)
James Giannell, Chairman



Hurricane Sandy Remapping Project

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

PUBLIC SUBMISSION

As of: April 22, 2019
Received: December 18, 2018
Status: Posted
Posted: December 18, 2018
Tracking No. 182-976-466
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0002

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Kristopher Shapiro
Address:
34 Riverside Dr
Clinton, CT, 06413
Email: kris@cedarlandmarina.com
Phone: 8606698681

General Comment

To Whom It May Concern:

We are strongly requesting that you reevaluate a piece of our property that has been proposed to be classified as a System Unit. I submitted documentation years ago, which I have attached as a file called OPA Reduction that shows that the western upland area of our property was classified incorrectly as it has never been owned for conservation purposes and is perfectly good land suitable for development.

I understand that if you are looking at aerial pictures the property may look like wetlands, but it is actually an upland area that is much different than wetlands and that we are allowed to and intend to one day develop as part of our marine business.

We think that it is extremely unfair that this land is given a restriction of a System Unit and that it will be very harmful to our business to not be able to get flood insurance and have other restrictions.

We have attached a picture, file name SU Reduction. In it we have circled in red our business and have colored in purple the part of our business that we wish to develop one day that should NOT be in the Special Unit category.

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

As a note and to show that we are being reasonable and understanding. We do also own property to the west and north of this, but those are wetlands and we do believe that a System Unit designation is appropriate, we are just asking for our usable land that has no conservation history or conservation status.

Please reconsider your boundary line and do not classify our upland area as a System Unit

Sincerely,

Kristopher Shapiro
General Manager and Owner
Cedar Island Marina
Clinton, CT 06413
860-669-8681 ext. 2
kris@cedarlandmarina.com

Attachments

OPA Reduction

SU Reduction

1 of 1

4/30/2019 8:47 AM

2 of 2

4/30/2019 8:47 AM



Cedar Island Marina

Application for removal of CBRS "Otherwise Protected Area" status on our property

By:

Jeff Shapiro – President

And:

Kristopher Shapiro – General Manager

CONTACT

34 RIVERSIDE DR
CLINTON, CT 06413

PHONE: (860)-669-8681 EXT. 10

FAX: (860)-669-4157

EMAIL: cedarlandmarina@gmail.com

The purpose of this application is to remove the current CBRS protection status on certain parts of property on Cedar Island Marina, Inc. labeled "Otherwise Protected Area" - Unit CT-E06P. It is our contention that our area was mapped inaccurately and therefore should be removed.

2

Table of Contents

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3

I. Introduction

What is the Coastal Barrier Resource System (CBRS)?

The Coastal Barrier Resources Act (CBRA) defines certain systems that should be protected due to certain conservation reasons. Usually, the boundaries of these units are generally intended to follow geomorphic, development, or cultural features. If a CBRS is deemed significant it can be declared an Otherwise Protected Area (OPA). An otherwise protected area is a rare designation given to a property, which prohibits any structure built from receiving federal aid and federal flood insurance. This designation significantly devalues the property. The Department of the Interior (DOI) has the ability to modify, correct, and delete the status of certain property at the discretion of Congress. U.S. Fish & Wildlife (F&W) has been tasked with maintaining and administering CBRA for the DOI.

What types of properties are designated Otherwise Protected Area's (OPA's)?

"OPA's are comprised of lands held by a qualified organization primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes."¹ The boundaries of these units are intended to coincide with the boundaries of conservation areas such as state parks and national wildlife refuges. In almost all cases, OPA's are ONLY put on private property owners if the owner volunteers the land to be for a conservation agenda.

Current Status of Cedar Island Marina

Two parts of Cedar Island Marina are currently classified in the CBRS as Otherwise Protected Area's (OPAs) as can be seen below. The shaded areas of pink are classified as "Systems", while the green shaded areas are given the higher conservancy classification of OPA. Note that only the sections of property on Cedar Island Marina are an OPA, even Hammonasset State Park has a lower conservancy classification than Cedar Island Marina. F&W maintains an online CBRS Mapper.² This map shows that not only is our property the only OPA in Middlesex County, but there is not another OPA west of us in CT.

¹ (U.S. Fish & Wildlife, 2013) <http://www.fws.gov/stn/OPA/OPA.html>

² (U.S. Fish & Wildlife, 2013) <http://www.fws.gov/ct/cbrs/CBRS-Mapbox.html>

4



Attached Appendix A is a current aerial photograph of the property in question. Each corresponding labeled number on the map corresponds to a picture. The arrow is the direction the picture is taken from. Appendix B is the Flood Insurance Rate Map (FIRM) for the area, which shows the official boundary lines for the CBRS designated OPA.

II. History of Property Ownership & Use (Current to Past)

Overview

As per my email correspondence with Katie Neimi (CBRS Program Specialist, U.S. F&W)³, one important thing to take into account when considering reversing an OPA is the historical ownership and use of the property. Specifically, it is important to research if any past owner had the intent of conservation while using the property. While the CBRS was established in 1982, in good faith, I researched the property ownership of this parcel as far back as the Town of Clinton has records. The following are the results from current ownership to past.

³ K. Neimi (personal communication, October 23, 2013 9:19am)

5

Owner	Years	Description of Use
Seymour & Jeffrey Shapiro III, LLC (SAJ III)	2006 - Current	Quitclaim: Same and current family ownership. Property is used as a site for dredge spoilage for current marina. No conservation use.
Seymour & Jeffrey Shapiro Spray Trust	2006 - 1984	Quitclaim: Same and current family ownership. Property was used as a site for dredge spoilage for current marina. Current owners applied to expand the marina into the disposal area. Project was rejected by CT DEP because they refused to give permits to dredge out intertidal mudflats adjacent to property in question. No conservation use.
Sero, Inc.	1984 - 1981	Quitclaim: Same and current family ownership. Property was bought to use as dredge disposal area to save costs from using barge to dump at sea. Also bought with purpose of future development. No conservation use.
Marina America	1981 - 1971	Past owner. Operated what is now known as Cedar Island Marina, but had plans to develop the marina area and property in question with a condominium complex. Plans were not approved and company went bankrupt. No conservation use.
Charles Ohse	1971 - 1962	Marina developer. Built most of what is Cedar Island Marina. Had plans to expand marina west to site that is currently labeled OPA. No conservation use.
Clinton Marina	1953 - 1962	First company that held land for use as a marina. They bought many local waterfront areas, which are now marinas in Clinton. No conservation use.
Clinton Estates	1945 - 1958	Company that held large parcels of land in Clinton. Sold property for development purposes. No conservation use.
Buell	???? - 1945	One of the founding families of Clinton. Sold pieces of property for development purposes. No conservation use.

Conclusion

After researching the historical property owners and determining their uses for the property in question, it is extremely clear that the property is not and has never been held for any type of conservation use. Furthermore, there was always a clear intent of developing and using the property for business.

6

III. Arguments for Technical Mapping Errors

The area was supposed to be deleted and never was

Possibly the most compelling argument that this area was mapped erroneously was that it was ordered to be deleted by the DOI in their 1985 report to Congress titled: Report to Congress: Coastal Barrier Resources System - Recommendations for Additions to or Deletions from the Coastal Barrier Resources System. Volume 5 - Connecticut. This document alone should be enough to delete our CBRS status.

In 1967, a report was issued that recommended areas of our harbor, including Hammonasset State Park and the areas of Cedar Island Marina, be put into an Otherwise Protected Area (OPA). An attorney that represented us at the time wrote a letter to the DOI informing them that our area has been significantly modified, is elevated well above the flood elevation, and is in current use as a State Department of Environmental Protection and Army Corps of Engineers approved dredged material disposal area.⁴ In response, the State of CT opposed the deletion, stating that they oppose deleting OPAs in general. Because of this stance, they refused to evaluate this site based on its merits. However, the DOI responded stating that they added the area to the CBRS to protect the area that was Hammonasset State Park and they were not aware that it was protected by the State when it was originally made. They concluded that since the portion they cared about was protected by the State, CBRS E05 should be deleted in its entirety.⁵ This should have deleted our area, which is part of E05. However it did not.

As can be seen in the actual deletion below, only a small part of E05 east was deleted.⁶ (Appendix C). However, as noted above and shown here - All of Unit E05 was supposed to be deleted.⁷

The use and height of the area is not consistent with a conservation area or an area that floods

We have been using the property as a dredge disposal area since 1982, well before the area was documented to be in the CBRS and to be an OPA. Attached, Appendix D is our full application to the Army Corps of Engineers for using the site as a dredge.

⁴ Attorney's letter is Appendix C, 1968 Report, Page 28.

⁵ DOI Recommendation to delete CT-E05 is in Appendix C.

⁶ (U.S. Department of the Interior, 1985 Report, Page 77)

⁷ (U.S. Department of the Interior, 1985 Report, Page 6)

disposal area. It is dated March 29, 1982. Attached Appendix E, is our approval from CT Department of Environmental Protection to use the area as a disposal site. Note that it mentions our proposal was submitted even earlier on December 31, 1981.

Appendix C is our original plans to the Army Corps of Engineers. On page 5 there is a drawing of the upland area in question. Bordering the area there are measurements of the height of the walls. The lowest measurement is on the west side at 8.2', while the highest is 16.4'. However, the average heights of the walls were 14'. This elevation was way beyond the flood level.

Appendix F shows a current survey of the area. On page 2 there is a close up of the survey, which shows the walls of the dike have now risen to over 20', 6' on average higher than before. Note that this area is the highest elevated area south of U.S. 1, where hundreds of people live in Clinton and are able to get federally funded flood insurance unencumbered.

Provided are attached aerial photographs of the area. The photographs are attached as Appendix G and are listed by date in the following order: 1965, 1970, 1975, 1980, 1985, and a close up of the established road in 1985. As can be seen the area was used as a disposal area as far back as we have pictures and is not marsh/wetlands.

Furthermore, the access road on the upland area was made of gravel and reinforced with stone underneath. This satisfies §3503(g)(1)(B)(i) of the U.S.C. 16, which states that when assessing an area to see if it should be in the CBRS it is considered "developed" if, "there is existing infrastructure consisting of a road, with a reinforced road bed, to each lot or building site in the area".⁸

Therefore, because this area was in use well before the CBRS was created, the area is topographically elevated far out of the flood zone, and the land is "developed" as per USC guidelines, shows that there was a technical error in the mapping of our property into the CBRS as an OPA.

Case Precedent

On February 1, 1996 the 104th Congressional Senate ordered an OPA removed on a private property located in Fire Island, NY – Unit NY-59P. This case was almost identical to ours. It involved a mapping error in which a private property was by accident included in the CBRS as an OPA. Once the property owners proved that the property was never owned for conservation purposes (like ours), Congress decided that the

⁸ (16 U.S.C. Chapter 55 - 2011)

mapping was an error and ordered the OPA removed. A copy of the report is attached as Appendix H.

IV. Proposed Revision

While we maintain that the CBRS classification and the OPA for our area should be abolished in its entirety, we feel that we at least have the right to ask for it to be removed from the upland area that we use for our dredge disposal and our existing marina basin. This area was never intended to be a conservation area. This property has always been owned by private entities with the purpose of commercial use and possible development, and it exists at a much higher level than the flood elevation. Please note that even during storms Irene and Sandy, where most of the CT shoreline flooded, this area was not even close to flooding. As can be seen by the current attached pictures, this area is not aesthetically unique and has no rare features to it. It is just an upland area with silt disposed on it.

Current Property of Cedar Island Marina in CBRS OPA Designated Area (Inside Pink Perimeter)



Proposed Revision of CBRS and OPA to Avoid Developable Private Property (Inside Pink Perimeter)

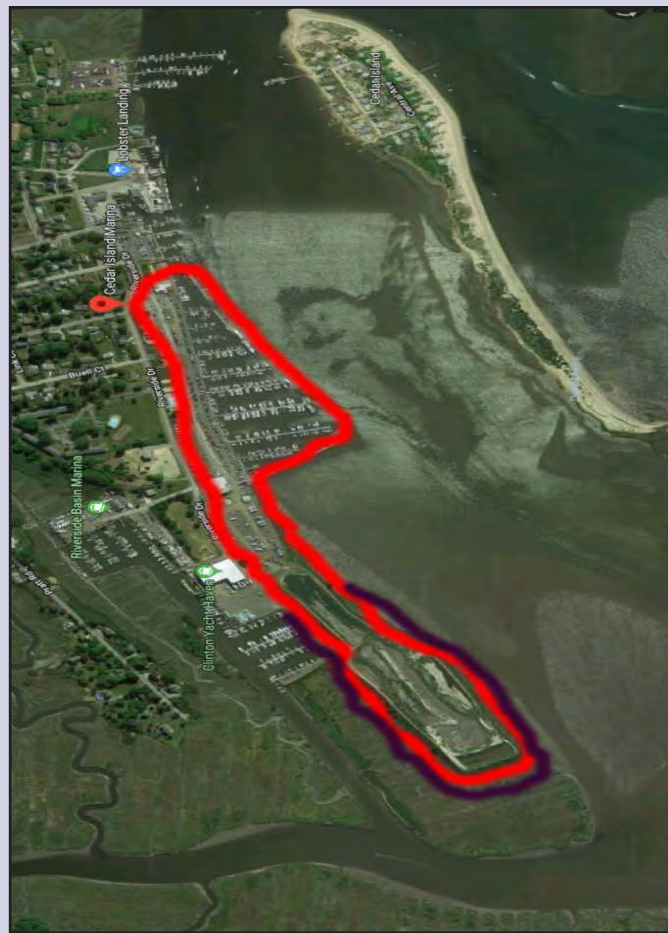
Note: Deletion of CBRS around docks, which should have never been there in the first place. We kept the CBRS OPA around the salt marsh because we recognize that a salt marsh is environmentally valuable and should be protected, even though no other private property owners that own marshes have been subjected to these restraints. However, there is no reason to have it around our upland area and docks.



V. Works Cited

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- U.S. Fish & Wildlife. (2013, October 27). *U.S. Fish & Wildlife. Coastal Barrier Resources Act FAQ*. Retrieved from <http://www.fws.gov/cbra/FAQs.html>

Report to Congress: John H. Chafee Coastal Barrier Resource System



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portion of their property.

Thank you.

Dominic DellaVolpe, homeowner

1 of 1

4/30/2019 8:50 AM

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PUBLIC SUBMISSION

As of: April 22, 2019
Received: January 29, 2019
Status: Posted
Posted: January 30, 2019
Tracking No. 1k3-977-7013
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0003

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Dominic DellaVolpe

Address:

59 Nutmeg Lane

Charlestown, RI 02813

Email: dominicdellavolpe@yahoo.com

Phone: 860-918-1040

General Comment

I have voiced my opinion before regarding this issue, but to no avail. This mapping project is completely egregious, specifically regarding the continuation of ignoring property boundaries when mapping. As you know, the inclusion of any part of your property in a CBRS will prohibit you from participating in the FEMA program to get flood insurance, in addition to many other material financial hardships, such as, having to go to specialty carriers to access flood insurance at exorbitant rates; inability to secure traditional bank financing; calling / cancellation of home equity loans and lines of credit; higher homeowners insurance premiums; market devaluation of your property.

I have personal knowledge of these hardships because each one has happened to me as a result of this mapping process.

My home is located at 59 Nutmeg Lane, Charlestown, RI 02813. The mapping is senseless, as it cuts through my property, and then jogs to somehow exclude a neighbor. This is unfortunate - why would you not follow property lines to make a determination whether a structure was included or not? This house was built in 2004 and has never incurred a drop of water from any storm, named or otherwise, including superstorm Sandy.

Please consider removing structures identified as CBRS where the mapping only cuts through a

1 of 1

4/30/2019 8:50 AM

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PUBLIC SUBMISSION

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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0004

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Douglas Reedy

Address:

Talbot County Department of Planning and Zoning

215 Bay Street, Suite 2

Farmers, MD, 21601

Email: dreedy@talbotgov.org

Phone: 410-770-8031

Fax: 410-770-8043

General Comment

Unit MD-27, Benoni Point, Maryland: The building at the southern most part of Benoni Point is no longer in the Special Flood Hazard Area and would request to remove this building from the CBRS unit to allow the property owner to obtain flood insurance.

Unit MD-29, Rich Neck, Maryland: There is a large area of uplands that exists outside the Special Flood Hazard Area, especially the farmland along the southwestern end, that could be removed from the unit. This farm is currently protected under various programs and as such it may not be necessary to maintain additional protection under CBRS. This is an area with significant number of acres currently in the CBRS with elevations greater than 10 ft.

1 of 1

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Hurricane Sandy Remapping Project

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PUBLIC SUBMISSION

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0006

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: michael ryder

Address:

449 pepperidge road

hewlett harbor, NY, 11537

Email: villagackerc@hewlettsharbor.org

Phone: 516-374-3806

General Comment

The FEMA flood map was amazingly accurate post Sandy damage review. I do not think the map needs to be altered in the Hewlett Harbor area due the aforementioned.

1 of 1

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The land where the residences are located is not, nor ever has been a sandbar, wetland, or habitat for wildlife.
The land has NEVER been flooded, nor have any claims been made.
The entire area is protected by a 10 foot high, 20 foot wide stone revetment on the Potomac side and a 4 ft. 8 foot stone revetment on Piney Point Creek.
Areas both north and south of the Landings development have been severely impacted by severe weather. The area in question NEVER has.
The body of water to the east side of the land is usually less than 24 inches deep.
Flooding in the CBRS has resulted in lower values of our homes and undo difficulty in sales.
I have attached a photo of the area in question.

Attachments

Xerox Scan_02182019084409

Xerox Scan_02182019084557

1 of 1

4/30/2019 9:01 AM

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PUBLIC SUBMISSION

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0007

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: David Cooper

Address:

17533 Whitestone Drive

Tall Timbers, MD, 20690

Email: drc@tidewatercentral.com

Phone: 3019042147

General Comment

Dear Sirs:

My name is David Cooper and I reside at 17533 Whitestone Drive, Tall Timbers, MD. 20690. My home, along with 5 of my neighbors is included in the northernmost portion of CBRZ/ MD 51. I am requesting that the Unit Md 51 be modified to remove the portion containing the 6 residences from this classification.

Coastal Barrier Resource Zones are defined as:

A. Habitats for migratory birds and wildlife.

B. Habitats which are essential for spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of fin fish and shellfish.

C. Coastal barriers that contain extraordinary scenic, scientific, recreational, etc., land that could be damaged or lost due to development.

D. Natural storm protective buffers that are unstable for development because they are vulnerable to storm damage and shoreline erosion.

Unit MD 51 is the ONLY unit in Maryland that contains residences.

The development is over 27 years old.

The houses are not in the flood zone.

1 of 2

4/30/2019 9:08 AM



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS-AIS-DRTS-BGWT500019

MD 51

February 4, 2019

Mr. David J. Cooper
17533 Whitestone Drive
Tall Timbers, Maryland 20690

Dear Mr. Cooper,

The U.S. Fish and Wildlife Service (Service) published a notice in the *Federal Register* on December 18, 2018 (83 FR 64861), to announce the availability of draft revised boundaries for 310 units of the John H. Chafee Coastal Barrier Resources System (CBRS) (256 existing units and 54 proposed new units) located in Connecticut, Maryland, Massachusetts, New York (Long Island), Rhode Island, and Virginia for public review and comment. The proposed boundaries were produced through the second batch of a multi-year effort funded by the Department of the Interior to comprehensively modernize the maps of the CBRS for nine states affected by Hurricane Sandy. This project makes significant progress towards fulfilling a statutory requirement (section 4 of Public Law 109-226) to modernize the entire set of CBRS maps and make recommendations to Congress for the expansion of the CBRS. The proposed boundaries are accessible via the CBRS Projects Mapper at: <https://www.fws.gov/cbrs/maps/Mapper.html>.

Virtual public meetings for the second batch of the Hurricane Sandy Remapping Project were scheduled for January 29-31, 2019. However, due to the 35-day partial government shutdown, our outreach efforts have been delayed and these public meetings have been cancelled. In lieu of the public meetings, a recorded presentation, along with additional information about the project, will be posted to the Service's website (<https://www.fws.gov/cbrs/maps/Hurricane-Sandy-Project-Batch-2.html>) by the middle of February. The presentation is meant to provide an overview of the project and proposed changes. If you have questions after viewing the presentation, please contact us at cbrs@fws.gov.

The Coastal Barrier Resources Act of 1982 (CBRA) (16 U.S.C. 3501 *et seq.*) established the CBRS, which is a defined set of geographic units located along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. Congress enacted the CBRA to minimize the loss of human life, reduce wasteful federal expenditures, and minimize damage to the natural resources associated with coastal barriers. Most new federal expenditures and financial assistance that would have the effect of encouraging development are prohibited within the CBRS. The CBRA does not prohibit development and it imposes no restrictions on development conducted with private, state, or local funds. Development can still occur within the CBRS, provided that non-federal parties bear the full cost.

The Service invites you to review and provide input on the proposed boundaries during the public comment period that will close on April 17, 2019. You may submit written comments by one of the following methods:

¹ The Massachusetts units were included in the first batch of this project; however, a minor portion of Rhode Island Unit D01 in this second batch is located in Massachusetts.

Report to Congress: John H. Chafee Coastal Barrier Resource System

- Electronically: Go to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the following docket number: FWS-HQ-ES-2018-0034. Then, on the left side of the screen, under the Document Type heading, click on the Notices link to locate this document and submit a comment.

- By hard copy: Submit by U.S. mail or hand-delivery to:

The U.S. Fish and Wildlife Service
Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Following the close of the comment period, the Service will review all comments received on the proposed boundaries. After which, appropriate adjustments will be made to the boundaries based on information received through public comments, updated aerial imagery, CBRA criteria, and objective mapping protocols. We will then prepare final recommended maps to be submitted to Congress. The final recommended maps will become effective only if they are adopted by Congress through legislation.

The Service looks forward to your input and involvement in this important process. To ensure consideration, we must receive your comments by April 17, 2019. If you have any questions concerning this matter, please contact Ms. Martha Ballis-Larsen, Chief, Division of Budget and Technical Support, at (703) 358-2171.

Sincerely,


Gary Eiler
Assistant Director for
Ecological Services



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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0008

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Janice Sasi

Address:

One Bay Street

Westerly, RI, 02891

Email: napatrecnaturalist@gmail.com

General Comment

Please change my address

1 of 1

4/26/2019 9:05 AM

Hurricane Sandy Remapping Project

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PUBLIC SUBMISSION

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0009

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Kaellyn Jackson

Address:

120 Laurel St.

Patchogue, NY, 11772

Email: kaellyn_jackson@nps.gov

Phone: 631-687-4770

Submitter's Representative: Kaellyn Jackson

Organization: Fire Island National Seashore

Government Agency Type: Federal

Government Agency: NPS

General Comment

Good afternoon,

Fire Island National Seashore reviewed the maps related to Fire Island NY-59/ NY-59P and we believe the boundary of the National Seashore on the western end at Robert Moses Park is inaccurate. It appears as though all of Fire Island National Seashore is highlighted green as an "Otherwise Protected Area", except for the most western tract of the park. We are happy to assist in remedying this by providing the appropriate boundary. Or, if these maps depict something we are not understanding, we would be interested in hearing from you to better understand how the map works.

Thank you,

Kaellyn Jackson

Park Planner

Fire Island National Seashore

National Park Service
631-687-4770
kaellyn_jackson@nps.gov

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11/4/2020

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0010

CooperDavidJ

Submitter Information

Name: David J Cooper

Address:

17533 Whitestone Drive

Tall Timbers, MD, 20690

General Comment

See Attached

Attachments

CooperDavidJ

RECEIVED

FEB 28 2019

Div. of Policy, Perf. &
MGMT. Programs

Re: Portion of Unit MD 51 with residences

Dear Sirs:

I am requesting that the portion of the CBR5 Unit MD 51 in St. Mary's County Maryland that contains 6 residences be removed from the CBR5.

Coastal Barrier Resource Zones are defined as delineated below.

A. Referencing 16 USC 3501 - *Congressional Statement of Findings and Purpose*,

1. Coastal Barrier Resource Zones are:

- Habitats for migratory birds and wildlife.
- Habitats which are essential for spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish.
- Coastal barriers that contain extraordinary scenic, scientific, recreational, etc., land that could be damaged or lost due to development.
- Natural storm protective buffers that are unsuitable for development because they are vulnerable to hurricane and storm damage and shoreline erosion.

Unit MD 51 is the only unit in Maryland that contains residences.

The development containing the homes is over 27 years old.

The houses are not in the flood zone.

The land where the residences are is not nor has it ever been a sandbar, wetland, or habitat for wildlife.

The land has never flooded, no one has ever had a claim.

The entire area is protected by a 10-foot-high, 20-foot-wide stone revetment on the Potomac shore and 4-foot revetment on Piney Point Creek.

Areas both north and south of the development have been severely affected by severe weather. The area in question never has.

The water located on the east side of the land in question is a creek with depths less than 24 inches.

Being in the CBRZ has resulted in lower values of our homes and undo difficulty in selling.

Photo is attached of the area in question.

Thank you for your consideration

David J. Cooper 17533 Whitestone Drive, Tall Timbers, Maryland 20690

drc@tidewaterdental.com

Report to Congress: John H. Chafee Coastal Barrier Resource System



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS-AES-DOTS-BGANTS-00000000

MD 51

February 4, 2019

Mr. David J. Cooper
17533 Whiststone Drive
Tall Timbers, Maryland 20699

Dear Mr. Cooper,

The U.S. Fish and Wildlife Service (Service) published a notice in the *Federal Register* on December 18, 2018 (83 FR 64861), to announce the availability of draft revised boundaries for 310 units of the John H. Chafee Coastal Barrier Resources System (CBRS) (256 existing units and 54 proposed new units) located in Connecticut, Maryland, Massachusetts, New York (Long Island), Rhode Island, and Virginia for public review and comment. The proposed boundaries were produced through the second batch of a multi-year effort funded by the Department of the Interior to comprehensively modernize the maps of the CBRS for nine states affected by Hurricane Sandy. This project makes significant progress towards fulfilling a statutory requirement (section 4 of Public Law 109-226) to modernize the entire set of CBRS maps and make recommendations to Congress for the expansion of the CBRS. The proposed boundaries are accessible via the CBRS Projects Mapper at: <https://www.fws.gov/cbra/maps/Mapper.html>.

Virtual public meetings for the second batch of the Hurricane Sandy Remapping Project were scheduled for January 29-31, 2019. However, due to the 35-day partial government shutdown, our outreach efforts have been delayed and these public meetings have been cancelled. In lieu of the public meetings, a recorded presentation, along with additional information about the project, will be posted to the Service's website (<https://www.fws.gov/cbra/maps/Hurricane-Sandy-Project-Batch-2.html>) by the middle of February. The presentation is meant to provide an overview of the project and proposed changes. If you have questions after viewing the presentation, please contact us at cbra@fws.gov.

The Coastal Barrier Resources Act of 1982 (CBRA) (16 U.S.C. 3501 *et seq.*) established the CBRS, which is a defined set of geographic units located along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. Congress enacted the CBRA to minimize the loss of human life, reduce wasteful federal expenditures, and minimize damage to the natural resources associated with coastal barriers. Most new federal expenditures and financial assistance that would have the effect of encouraging development are prohibited within the CBRS. The CBRA does not prohibit development and it imposes no restrictions on development conducted with private, state, or local funds. Development can still occur within the CBRS, provided that non-federal parties bear the full cost.

The Service invites you to review and provide input on the proposed boundaries during the public comment period that will close on April 17, 2019. You may submit written comments by one of the following methods:

¹ The Massachusetts units were included in the first batch of this project; however, a minor portion of Rhode Island Unit D01 in this second batch is located in Massachusetts.

- Electronically: Go to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the following docket number: FWS-HQ-ES-2018-0034. Then, on the left side of the screen, under the Document Type heading, click on the Notices link to locate this document and submit a comment.

- By hard copy: Submit by U.S. mail or hand-delivery to:

The U.S. Fish and Wildlife Service
Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Following the close of the comment period, the Service will review all comments received on the proposed boundaries. After which, appropriate adjustments will be made to the boundaries based on information received through public comments, updated aerial imagery, CBRA criteria, and objective mapping protocols. We will then prepare final recommended maps to be submitted to Congress. The final recommended maps will become effective only if they are adopted by Congress through legislation.

The Service looks forward to your input and involvement in this important process. To ensure consideration, we must receive your comments by April 17, 2019. If you have any questions concerning this matter, please contact Ms. Martha Hall-Larsen, Chief, Division of Budget and Technical Support, at (703) 358-2171.

Sincerely,


Gary Hauer
Assistant Director for
Ecological Services

file:///C:/CBRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

PUBLIC SUBMISSION

As of: April 22, 2019
Received: March 12, 2019
Status: Posted
Posted: March 12, 2019
Tracking No. 1k3-084e-d318
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0011

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Martin Hell
Address:
2 Bells Island Drive
Hampton, VA 23664
Email: foxeshell@gmail.com
Phone: 7579123933

General Comment

Property address 2 Bells Island Drive, Hampton, VA.
4 building lots and a marina and a commercial building/residence.
this property was just listed as CBRS.
why does it get to be listed, when all the other CBRS additions proposed in the area shut all building lots and houses. All additions to the CBRS seem to be raw land that have no buildings or dwellings or structures, or even building lots. It would appear that listing the developments in any way as CBRS would upset the residents? developed areas that are directly on the Chesapeake Bay would seem to pose more of a CBRS activity than the Marina and building lots at 2 Bells Island Drive.
I purchased this land in anticipation of developing it as a Marina, which I have done. The other options were always to build some houses. Now it appears that any house building will not be afforded the opportunity to participate in the Federal Flood program. I realise the Federal Government is trying to minimize its exposure to flood claims. I would be doing the same if I were they! But I ask why my property seems to be singled out as CBRS when other properties are not?
The other properties will still be able to get Federal Flood insurance, no matter when they were built or added onto, etc. My building will not qualify for that, even though it has been there since 1968 and was added onto in 1991. And now any houses or commercial buildings I want to build will not qualify for Federal Flood Insurance.
Please re-examine my inclusion into the CBRS and exclude if possible.



Hurricane Sandy Remapping Project

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

Regards,

Marty Bell 757 912 3933 foxeshill@gmail.com

1 of 1

4/30/2019 10:07 AM

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

PUBLIC SUBMISSION

As of: April 22, 2019
Received: March 12, 2019
Status: Posted
Posted: March 12, 2019
Tracking No. 163-989-4321
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0012

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Brian Soper

Address:

PO Box 107

Cambridge, MD, 21613

Email: bsoper@docogonet.com

Phone: 4102283234

General Comment

Good Afternoon,

Dorchester County, Maryland has reviewed the proposed changes to the Chafee CBRs and has the following comment:

The proposed MD-59 was clearly drawn to exclude existing structures except for the Tar Bay Hunt Club, located off Hoopers Island Rd. However, the proposed boundary does include an existing dwelling located at 3104 Bay View Dr, Church Creek, MD 21622. Based upon how the proposed area was drawn the County request that the property/structure be removed from the proposed MD-59. Please see the attached aerial photo showing the structure.

Dorchester County appreciates the opportunity to provide comments on the proposed changes. If you have any direct questions concerning the County please feel free to contact me.

Brian Soper
Environmental Planner
Dorchester County Planning and Zoning
501 Court Lane

1 of 1

4/30/2019 10:07 AM

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

Cambridge, MD 21613
bsoper@docogonet.com

Attachments

3104Bayview

1 of 1

4/30/2019 10:07 AM



Report to Congress: John H. Chafee Coastal Barrier Resource System

11/4/2020

FWS-HQ-ES-2018-0034-0013.html

PUBLIC SUBMISSION

As of: April 22, 2019
Received: March 18, 2019
Status: Posted
Posted: March 18, 2019
Tracking No. 113-9803-sub01
Comments Due: April 17, 2019
Submission Type: Paper

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0013

KulleseidErikNY.state

Submitter Information

Name: Erik Kulleseid

Address:

Albany, NY, 12238

Phone: 518-474-0456

General Comment

See Attached

Attachments

KulleseidErikNY.state

File: \\FWS\BIA\Hurricane\Hurricane\Report\Appendix\113-9803-sub01\Documents\FWS-HQ-ES-2018-0034-0013.html

1/1



Parks, Recreation
and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Acting Commissioner

RECEIVED

MAR 18 2019

Div. of Policy, Perf. &
MGMT. Programs

March 11, 2019

Mr. Gary Frazer
Assistant Director for Ecological Services
United States Department of the Interior
United States Fish and Wildlife Service
Washington, D.C. 20240

Re: Docket No. FWS-HQ-ES-2018-0034

Dear Mr. Frazer:

Thank you for your letter dated February 4, 2019 announcing proposed revised boundaries to the John H. Chafee Coastal Barrier Resources System (CBRS) encompassing the area of Long Island, NY.

On March 22, 2016, The NYS Office of Parks, Recreation and Historic Preservation (NYS Parks) sent your agency a letter requesting the CBRS classification change for State Parkland on Long Island from System Units to Otherwise Protected Areas. NYS Parks has reviewed the proposed revisions to the CBRS and it appears that our requested changes have been incorporated.

Thank you for considering our request to incorporate these changes in the recommended maps you will be forwarding to Congress for adoption. We look forward to continued partnership with U.S. Fish and Wildlife Service on this and many other issues.

Sincerely,

Erik Kulleseid
Acting Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Albany, New York 12238-1515, 518-474-0456 parks.ny.gov

11/4/2020

FWS-HQ-ES-2018-0034-0014.html

PUBLIC SUBMISSION

As of: April 22, 2019
Received: March 21, 2019
Status: Posted
Posted: March 21, 2019
Tracking No. 113-9803-sub01
Comments Due: April 17, 2019
Submission Type: Paper

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0014

GeraceNoelR

Submitter Information

Name: Noel R. Gerace

Address:

609 Whites Creek Lane
Diggs, VA, 23045

General Comment

See Attached

Attachments

GeraceNoelR

File: \\FWS\BIA\Hurricane\Hurricane\Report\Appendix\113-9803-sub01\Documents\FWS-HQ-ES-2018-0034-0014.html

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RECEIVED

MAR 21 2019

Div. of Policy, Perf. &
MGMT. Programs

Mr. Noel R. Gerace
609 Whites Creek Lane
Diggs, Virginia 23045

March 17, 2019

U. S. Fish and Wildlife Service
Public Comments Processing
Attn:Docket No.FWS-HQ-ES-2018-0034
Division of Policy, Performance and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA. 22041-3808

Mr. Gary Frazer
Assistant Director for
Ecological Services

Dear Sir,

In a letter sent to the Fish and Wildlife Service dated October 2012 it was requested by me that the land that our home was located on (609 Whites Creek Lane Diggs, Virginia 23045) be removed from the CBRS. I have also had numerous phone calls to Fish and Wildlife checking on the status of my request along with presenting additional documentation to be added to my file.

It is with relief, and I might add great happiness that after reviewing the proposed changes for this area (VA-55) that we have indeed been removed from the CBRS. I understand that the changes to the system have to be approved by Congress and signed into law.

I would once again like to thank all the folks at Fish and Wildlife that I have spoken with in the past and who have been patient and understanding dealing with my many questions and frustrations over the last six plus years.

Sincerely yours,

Noel R. Gerace

Hurricane Sandy Remapping Project

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/040819/Public%20Review

PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 08, 2019
Status: Posted
Posted: April 08, 2019
Tracking No. 163-098A-046
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chaffee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chaffee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0015

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Anonymous Anonymous

General Comment

Suffolk County Department of Parks Recreation and Conservation has reviewed the proposed changes to the CBRS maps, and offers the attached comments on proposed System Units NY-53, F-12 and F-13 for consideration.

Attachments

Suffolk County Parks comments to proposed CBRS map changes, and supporting documents.

COUNTY OF SUFFOLK



STEVEN HELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

PHILIP A. BERDOLT
COMMISSIONER

April 8, 2019

Mr. Gary Frazer
Assistant Director for Ecological Services
United States Department of the Interior
Fish and Wildlife Service
Washington D.C. 20240

Re: Docket No. FWS-HQ-ES-2018-0034

Dear Mr. Frazer,

Thank you for your February 4, 2019 letter announcing the proposed changes to the John H. Chaffee Coastal Barrier Resources System (CBRS). Suffolk County Parks has reviewed the proposed changes for our properties, and would like to offer the following on Systems Units NY-53, F-12 and F-13 for consideration.

As the owner of Montauk County Park (NY-53), Suffolk County Parks respectfully requests that the NY-53 Systems Unit be reclassified back to an OPA. We did not initiate the request to change this area to a Systems Unit in 1993. In addition, Montauk County Park was held in conservation and/or recreation long before the area was reclassified in 1993 from an OPA to a Systems Unit. We accept the proposed minor additions as an OPA.

As the owner of Shinnecock East County Park, Suffolk County Parks respectfully requests that this park, located in both proposed Systems Units F13 and F12, be reclassified as an OPA. At present, Shinnecock East is comprised of two tax parcels, SCTM#0900-36400-0100-010002 (added to the CBRS in 1990) and SCTM#0904-02100-0100-015000 (added to the CBRS in 1982). A search of our records has revealed that historically these parcels were identified as SCTM# 0900-36400-0100-09.00 and SCTM#0900-36400-0100-10.00 respectively. These parcels were acquired by the County in the early 1950's for general County purposes. Although formal designation as County Parkland didn't come until later, after the Parks Department was established, it was being used for recreational purposes prior to designation as a County Park.

MONTAUK HIGHWAY - P.O. BOX 144

WEST SAYVILLE, NEW YORK 11786-0144

(837) 804-6868 FAX: (837) 804-4877



Attached is a 1986 Legislative Resolution designating Shinnecock East as County Parkland to support our request. In this legislation it states that "this land has been used for park-oriented purposes without ever formerly being placed into the County Parkland System." This resolution supports our position that Shinnecock East was dedicated to conservation and/or used for recreational purposes prior to designation to CBRS.

We have no other changes to request. Please feel free to contact Diana Lynch of our Environmental Unit at (631) 854-4601 if you have any questions or require additional information. Thank you for this opportunity to comment, and for your consideration. We look forward to hearing from you.

Sincerely,

Philip A. Berdolt
Commissioner

Cc: D. Lynch
N. Gibbons

MONTAUK HIGHWAY - P.O. BOX 144

WEST SAYVILLE, NEW YORK 11786-0144

(837) 804-6868 FAX: (837) 804-4877



PROCEEDINGS OF THE LEGISLATURE - NOV. 12

2711

DATED: November 12, 1986

APPROVED BY:

/s/ Peter F. Cohalan
County Executive of Suffolk County

Date of Approval: November 19, 1986

Mrs. Caracappa offered the following resolution, seconded by Mr. Glass and duly adopted with the following recorded vote: 16 Legislators in favor, 0 opposed, 2 absent, Mrs. Devine and Mr. Howard.

Intro. Res. No. 2297-86

Introduced by the Presiding Officer at the request of the County Executive

RESOLUTION NO. 1530 - 1986, APPROVING THE
REAPPOINTMENT OF JOHN MC DONALD AS A MEMBER
OF THE SUFFOLK COUNTY SENIOR CITIZENS
ADVISORY BOARD

RESOLVED, that the reappointment of John McDonald of 63 Clark Drive, East Northport, New York 11731 as a member of the Suffolk County Senior Citizens Advisory Board, for a term of office expiring on July 26, 1989, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of Local Law No. 9 of 1977.

DATED: November 12, 1986

APPROVED BY:

/s/ Peter F. Cohalan
County Executive of Suffolk County

Date of Approval: November 19, 1986

(Intro. Res. No. 2298-86 was stricken from the Agenda.)

Mr. Bullock offered the following resolution, seconded by Mr. Blass and duly adopted with the following recorded vote: 16 Legislators in favor, 0 opposed, 2 absent, Mrs. Devine and Mr. Howard.

Intro. Res. No. 2300-86

Introduced by Legislators Bullock, Englebright, Caracappa, Romaine and Presiding Officer Blass

RESOLUTION NO. 1531 - 1986, DESIGNATING INLET
BEACH (a/k/a SHINNECOCK EAST) AS COUNTY
PARKLAND

Report to Congress: John H. Chafee Coastal Barrier Resource System

PROCEEDINGS OF THE LEGISLATURE - NOV. 12

2712

WHEREAS, the County of Suffolk vested title for general County purposes to land in the Town of Southampton known as Shinnecock Inlet Beach East via condemnation proceedings on October 19, 1951 and July 16, 1952, and

WHEREAS, this land has been used for park-oriented purposes without ever formally being placed into the County Parkland System; and

WHEREAS, this failure to designate said land as County Parkland property has resulted in proposals to dispose of said land; and

WHEREAS, it is the desire of this Legislature to preserve said land as County Parkland; now, therefore be it

RESOLVED, that the real property at Inlet Beach (a/k/a Shinnecock East) acquired by condemnation by the County of Suffolk for general County purposes on October 29th, 1951 and July 16, 1952, east of Road H, west of Road G, further identified as Suffolk County tax map number District 0900, Section 364, Block 01.00 and Lots 09.00 and 10.00, more particularly described in Exhibit "A" attached hereto, is hereby designated as County Parkland and is hereby dedicated to the Suffolk County Parkland System; and, be it further

RESOLVED, that jurisdiction of this above-described land is hereby transferred to the Suffolk County Department of Parks, Recreation and Conservation; and, be it further

RESOLVED, that the Commissioners of the Suffolk County Department of Parks, Recreation and Conservation and the Suffolk County Department of Real Estate are hereby authorized, empowered, and directed to execute such deeds and other legal documents as shall be necessary and sufficient to effectuate the transfer of said jurisdiction of land to the Suffolk County Department of Parks, Recreation and Conservation; and be it further

RESOLVED, that the conveyance, transfer, designation, and dedication of the above-described land for County Parkland purposes shall be subject to such erosion control activity by the County, its consultants, and/or agents as may be necessary to stabilize the inlet and its contiguous shorelines from time to time, and subject to such easements and/or reservations in said land as may be obtained from the State or Federal government for such erosion control activity.

DATED: November 12, 1986

APPROVED BY:

/s/ Peter F. Cohalan
County Executive of Suffolk County

Date of Approval: November 19, 1986

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE TRANSFERRED FROM GENERAL PURPOSES
COUNTY JURISDICTION TO COUNTY PARK PURPOSES

PROCEEDINGS OF THE LEGISLATURE - NOV. 12

2713

ALL that piece or parcel of property in the Town of Southampton, bounded the south by the Atlantic Ocean, on the west by the Shinnecock Inlet, on the north by Shinnecock Bay, and on the east by the west boundary of Road "G".



COUNTY OF SUFFOLK DEPARTMENT OF REAL ESTATE

TRANSFER OF JURISDICTION

TO: John D. Chester, Commissioner
Parks, Recreation & Conservation Department

DATE: January 27, 1987

SUBJECT: Inlet Beach (a/k/a Shinnecock East)
Tax Map No. 0900-364.00-01.00-09.000 & 010.000
more particularly described in Exhibit "A" attached
hereto, is hereby designated as County Parkland and is
hereby dedicated to the Suffolk County Parkland System.

☒ County Park Purposes

The above property is now in county possession. Jurisdiction and full operational control to the real property is hereby transferred to your department.

DEPARTMENT OF REAL ESTATE

By: *[Signature]*
Commissioner

cc: John Turner, Director
Natural Resource Division

George Volkman
Principal Civil Engineer
Department of Public Works
Yaphank, NY

cc: *[Handwritten notes]*
Shinnecock
East
100-200-5

Hurricane Sandy Remapping Project

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE TRANSFERRED FROM GENERAL PURPOSES COUNTY JURISDICTION TO COUNTY PARK PURPOSES

All that piece or parcel of property in the Town of Southampton, bounded the south by the Atlantic Ocean, on the west by the Shinnecock Inlet, on the north by Shinnecock Bay, and on the east by the west boundary of Road "G".

1/4/2020

FWS-HQ-ES-2018-0034 (01101100)

PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 11, 2019
Status: Posted
Posted: April 11, 2019
Tracking No. 113-99a1-j320
Comments Due: April 17, 2019
Submission Type: Paper

Docket: FWS-HQ-ES-2018-0034

John H. Chafe Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafe Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0016

Constituent Letter - Louis Roy 4-1-19

Submitter Information

Name: Louis Roy

General Comment

See Attached

Attachments

Constituent Letter - Louis Roy 4-1-19

\\FWS\HQ\ES\Hurricane Sandy\Report to Congress\Draft Reports\Appendix L-2 Missing Documents\FWS-HQ-ES-2018-0034-0016 Roy

1/1

JAMES R. LANGEVIN
(Sen. Connecticut, Ranking Member)

COMMITTEE ON ARMED SERVICES

Subcommittee on Readiness and Development

(Military)

ARMED SERVICES AND INDEPENDENT FRONTS

TACTICAL, AIR AND LAND FORCES

COMMITTEE ON HOMELAND SECURITY

Domestic Security and Infrastructure Protection

Emergency Management, Response, and Recovery

Congress of the United States
House of Representatives
Washington, DC 20515-3902

April 1, 2019

WASHINGTON OFFICE
1017 Pennsylvania Avenue, NE, Suite 300
Washington, DC 20002
Telephone: (202) 512-1233
Fax: (202) 512-4979

INSTRUCTED OFFICE
The Senate Office
505 Constitution Avenue, NE, Suite 300
Washington, DC 20002
Telephone: (202) 512-4979
Fax: (202) 512-4979

\\FWS\HQ\ES\Hurricane Sandy\Report to Congress\Draft Reports\Appendix L-2 Missing Documents\FWS-HQ-ES-2018-0034-0016 Roy

Mr. Jonathan Phinney
Chief, Branch of Geospatial Mapping and Technical Support
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS 18
Falls Church, VA 22041

Dear Mr. Phinney,

Thank you for the Fish and Wildlife Service's ongoing correspondence regarding the Coastal Barrier Resources System (CBRS) status of my constituent's, Mr. Louis Roy's, property at 810 Charlestown Beach Rd in South Kingstown, Rhode Island. I am reaching out today to submit comment to be included for the public review period that is open for CBRS units in five states affected by Hurricane Sandy.

As you may recall, Mr. Roy first contacted my office in 2015 seeking assistance in obtaining flood insurance through the National Flood Insurance Program (NFIP). A portion of Mr. Roy's property is partially located within the boundary of the CBRS in Unit DO4, rendering him ineligible for NFIP insurance. However, when Mr. Roy purchased this property and constructed his home in 1998, he was never made aware that his land was located within a CBRS unit at any point.

Because of Mr. Roy's exceptional situation, my staff sent a letter to you on December 7, 2016 compiling Mr. Roy's concerns which we requested be taken into consideration during the 2017 CBRS remapping project. This letter is reattached for your reference. I ask that this information be considered during the public comment period.

Furthermore, during my office's examination of the updated CBRS unit map for Mr. Roy's area, my staff noticed two changes that we are seeking clarification on:

1. The unit in which Mr. Roy's home is located within did seem to have its boundaries shifted back a marginal amount from the ocean, however Mr. Roy's property remains within the unit. Can you please explain the reason for this boundary change, and why Mr. Roy's property was determined to not qualify for removal?
2. Directly to the west of Mr. Roy's property (further down Charlestown Beach Road) is another unit labeled as an "Otherwise Protected Area". These cut-outs for homes in this protected area seem to be included in its proposed new boundaries. Can you please explain the rationale for these cut-outs, and if Mr. Roy's property could qualify for a similar accommodation?

Thank you again for your continued attention to this matter. I respectfully request a follow-up letter addressing these outstanding questions and that this letter be considered official comment for the public review period. If you have any follow-up questions, please contact Stuart Malec in my District Office at (401) 732-9400, or by email at Stuart.Malec@mail.house.gov. We look forward to hearing from you.

Sincerely,

James R. Langevin
James R. Langevin
Member of Congress

CC: Mr. Gary Frazer, Assistant Director for Ecological Services

Report to Congress: John H. Chafee Coastal Barrier Resource System

JAMES R. LANGEVIN
U.S. Senator, Rhode Island
COMMITTEE ON ARMED SERVICES
Subcommittee on Military and Veterans Affairs
Subcommittee on Readiness
COMMITTEE ON HOMELAND SECURITY
Subcommittee on Emergency Preparedness, Response, and Security
Subcommittee on Intelligence

Congress of the United States House of Representatives Washington, DC 20515-3002

December 7, 2016

Mr. Jonathan Phinney
Chief, Branch of Geospatial Mapping and Technical Support
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS ES
Falls Church, VA 22041

Dear Dr. Phinney,

Thank you for your letter to Mr. Roy on November 8th, 2016, responding to his concerns regarding his property located at 810 Charlestown Beach Road in South Kingstown, RI. Your time and attention to this matter is appreciated.

As a follow-up to your letter, please see the following additional information provided by Mr. Roy, which we are respectfully requesting be considered during the 2017 remapping project:

- "In 1998, when I first started the process of obtaining the necessary permits to construct a single family dwelling on this property, I was never informed by anyone from the Town of South Kingstown, the State of Rhode Island, the Rhode Island Department of Environmental Management (DEM), or the Rhode Island Coastal Resources Management Council (CRMC) that this property was located in the Coastal Barrier Resources System (CBRS).
- In fact, if my memory serves me correctly, there was not a designation anywhere, including the FEMA maps in 1998, that outlined that this property was located within the CBRS.
- I was not aware that the CBRS existed until I applied for flood insurance through the NFIP in June of 2015.
- In July of 2015, when I raised this issue to Congressman Jim Langevin (RI-02), the online FEMA map did not show any designated CBRS overlays. It was not until the latter part of 2015 (after Congressman Langevin's office raised this issue with USFWS), did that overlay feature appear on the online FEMA map.
- In my correspondence with several other property owners in the area, I have learned that in 1990, during the period when the Coastal Barrier Resources Act was first proposed by Senator John Chafee and not yet implemented, many property owners on my street (Charlestown Beach Rd.) were successful in petitioning Senator Chafee in moving the CBRS line so that the homes which existed at that time would be outside of the CBRS zone, resulting in their homes retaining eligibility for insurance through the NFIP. Since 1990, many more homes have been built in this area.

PRINTED ON RECYCLED PAPER

LEGISLATIVE COUNSEL
U.S. Capitol Hill, Office Building
Washington, DC 20540
Telephone: (202) 225-4709
Fax: (202) 225-4709

LEGISLATIVE COUNSEL
The Capitol Hill
205 Constitution Road, Room 205
Washington, DC 20540
Telephone: (202) 225-4709
Fax: (202) 225-4709

- My property is approximately 3.5 acres, or approximately 152,000 square feet. The house footprint with decks etc. is approximately 5,000 square feet, or approximately 3% of the total land area. The area of the home which falls within CBRS Unit D04 is the only area which we are seeking to be considered for removal of the unit. Using the USFWS/FEMA mapping tools, it appears that if the CBRS line was moved approximately 200 to 250 ft. to the north, the house will no longer fall in the CBRS unit, but the remaining lot area would still stay in the CBRS unit.
- Dr. Phinney's letter to me dated 11/8/16 indicates that there is no Federal mandate for the disclosure of CBRS by state and local officials, which in turn provides confirmation that there was no mechanism to inform me of the CBRS unit at the time I was seeking the permits to construct my dwelling.
- While we are actively seeking an accommodation in this circumstance, I also believe a larger review of best practices would be beneficial for others as they are not subjected to the same unfortunate discovery I have been. Laws have always evolved based upon the needs of the American public. There should be a stronger mechanism in place to warn/inform potential property owners of CBRS units.
- Thank you very much for the considering this information during the upcoming remapping project in 2017."

If you have any follow-up questions, please contact me at (401) 732-9400, or by email at Stuart.Malec@mail.house.gov. Thank you again, Mr. Roy and I are looking forward to a response confirming receipt of this information.

Sincerely,

Stuart Malec
Stuart Malec
Constituent Services Representative
Office of Congressman Jim Langevin (RI-02)

11/14/2020

FWS-HQ-ES-2018-0034-0017.html

PUBLIC SUBMISSION

As of: April 22, 2019
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Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0017

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Jonathan Stone
Address:
100 Save The Bay Drive
Providence, RI 02903
Email: jstone@savethebay.org
Phone: 4012723540
Organization: Save The Bay

General Comment

Please accept the attached comments from Save The Bay.

Attachments

STB CBRS 2019-4-10 Final



April 10, 2019

Public Comments Processing
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Re: Docket No. FWS-HQ-ES-2018-0034

To Whom It May Concern,

As one of the largest environmental groups in southern New England, Save The Bay is dedicated to protecting and improving Narragansett Bay and all the waters that flow into it. We appreciate and support the proposed additions to the Coastal Barrier Resource System (CBRS) here in Rhode Island.

As you know, Congress passed the Coastal Barrier Resources Act (CBRA) in 1982 to encourage conservation of hurricane-prone, biologically rich coastal barriers and keep people out of harm's way while saving taxpayer dollars. By prohibiting the expenditure of most federal funds that encourage development or modification of coastal barriers, the CBRA has limited development in these environmentally valuable and vulnerable areas. Since its passage, the bipartisan-supported CBRA has saved billions of taxpayer dollars. In fact, a new study recently published in the *Journal of Coastal Research* estimates that over the next 50 years, the CBRA could save between \$11 and \$108 billion dollars depending on future storm impacts.

Rhode Island has seen its share of major coastal storms impact its shorelines. Most recently, Tropical Storm Irene and Superstorm Sandy inflicted severe damage on several coastal communities in the state despite the fact that neither storm made a direct impact in Rhode Island.

In terms of the proposed changes to the CBRS, we submit the following specific comments:

- System Unit D05 - there are five undeveloped lots on the south side of Charlestown Beach Road in Charlestown that are proposed for removal. These lots are on a developed barrier. Under current Rhode Island Coastal Resources Management Council (CRMC) regulations, there is only room outside of the erosion setbacks to create small parking areas. We recommend this area remain in the CBRS.

Hurricane Sandy Remapping Project

Docket No. FWS-HQ-ES-2018-0034
Page 2 of 2

- 2) System Unit DOB – there are five properties on the seaward side of South Shore Avenue in the Cominicut section of Warwick also proposed for removal. These houses fall within an undeveloped barrier. The sewer line was not extended along this road because it was in the CBRS. South Shore Ave. floods regularly during astronomical high tides and wind driven storms. Additionally, there is a salt marsh that is forming in the intersection of Coldwell Street and South Shore Ave. This is a very high risk area for storm surge and sea level rise and we recommend that it remain in the CBRS.

Given the projected effects of sea level rise in Rhode Island, we support the expansion of the CBRS. The CBRA has been proven to be effective in saving funds and protecting coastal resources. The Rhode Island shoreline is very dynamic, especially in Washington County, and as sea levels continue to rise, coastal barriers are likely to narrow and migrate landward. In the very near future, it is entirely possible that any house currently on this feature will be underwater. In addition, access roads will be impassible due to flooding waters, septic systems will cease to function, and groundwater resources will become contaminated with saltwater. These are very high risk areas and subsidizing the risk to benefit a few does not make sense environmentally or economically.

Save The Bay strongly supports the addition of 1,315 acres in Rhode Island to the CBRS. We thank the U.S. Fish and Wildlife Service for its efforts in reassessing the program and adding hundreds of thousands of acres to the CBRS along the Atlantic coast. We appreciate the opportunity to be able to provide these comments to you.

Sincerely,



Jonathan Stone
Executive Director

Download the Print / Download the Entire / Save This Bay Your Name

file:///C:/CBRA/Hurricane Sandy/Public Review/Batch 2 Public Review

(Journal of Coastal Research).

ASFP supports the addition of 310 CBRS units encompassing a total of 141,072 acres in Connecticut, Maryland, New York (Long Island), Rhode Island and Virginia. Through the U.S. Fish and Wildlife Services map modernization process, it was identified that more than 600 structures were found to have been incorrectly included in the CBRS and will be removed from the CBRS designation. ASFP applauds these map modernization efforts, specifically the use of digital mapping techniques, which produce data that are more accurate and will allow for better community planning and decision making. Map modernization is making it clearer which parcels are inside versus outside of the CBRS boundaries, clarifying which properties are eligible for National Flood Insurance Program insurance and federal recovery grants after a presidential disaster declaration.

However, ASFP has heard there are outside interests with desires in allowing mining of CBRS units for sand that could be used to re-nourish beaches and coastal areas located outside of the CBRS. Beach-compatible sand is a limited resource and offshore sand extraction is expensive. Nevertheless, sand deposits located within CBRS units must remain in place for these vital landforms to continue to function as effective buffers against storms and sea level rise. Allowing such sand mining would undermine the CBRA, and run directly counter to Congress original intent and stated objectives to save federal tax dollars and conserve the resources of coastal areas included in the system. If mining were approved, it would significantly weaken the CBRA, which enjoys broad bipartisan support, saves billions of federal tax dollars, promotes public safety and conserves important coastal environmental resources. While this action is not stated in the current registry, ASFP encourages the USFWS to look at strengthening the language that requires sand must only be used in ways the current law allows and thus keeping it in the CBRA areas.

Attachments

CBRSCommentsApril2019

Page 4

4/30/2019 9:17 AM

file:///C:/CBRA/Hurricane Sandy/Public Review/Batch 2 Public Review

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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0018

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Larry Larson

Submitter's Representative: Michele Mihalovich

Organization: Ass. of State Floodplain Managers

General Comment

ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

8301 Excelsior Dr., Madison, Wisconsin 53717

Phone: 608-828-3000 | Fax: 608-828-6319 | asfp@floods.org | www.floods.org

Executive Director Deputy Director Director Emeritus

Chad M. Bergin, CFM Ingrid D. Wadsworth, CFM Larry A. Larson, P.E., CFM

April 11, 2019

The nation's coastal zone is facing multiple threats, including sea level rise, impacts from hurricanes, intense coastal flooding and over development. Coastal areas in their natural state offer natural buffering and resilience that help protect nearby coastal communities, as well as provide fishing, recreation and tourism activities that are vital to local, regional and national economies. ASFP continues to support the Coastal Barrier Resources Act program and the expansion of Coastal Barrier Resources System units. This expansion ensures dynamic coastal areas stay in their natural states, which allow buffering from coastal storms and flooding and sea level rise impacts. Additionally, CBRS units are biologically diverse areas that help support vulnerable coastal species and habitat. ASFP supports maintaining these highly vulnerable coastal areas as natural flood barriers that will reduce the need to restore and rebuild coastal communities, saving U.S. taxpayers \$9.5 billion from 1989 to 2013. These savings are expected to grow in the future, ranging from \$11 billion to \$108 billion by the year 2068.

Page 2

4/30/2019 9:17 AM



ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

8301 Excelsior Dr., Madison, Wisconsin 53717

Phone: 608-828-3000 | Fax: 608-828-6319 | asfp@floods.org | www.floods.org

Executive Director
Chad M. Bergin, CFM

Deputy Director
Ingrid D. Wadsworth, CFM

Director Emeritus
Larry A. Larson, P.E., CFM

April 11, 2019

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(Journal of Coastal Research).

ASFP supports the addition of 310 CBRS units encompassing a total of 141,072 acres in Connecticut, Maryland, New York (Long Island), Rhode Island and Virginia. Through the U.S. Fish and Wildlife Service's map modernization process, it was identified that more than 600 structures were found to have been incorrectly included in the CBRS and will be removed from the CBRS designation. ASFP applauds these map modernization efforts, specifically the use of digital mapping techniques, which produce data that are more accurate and will allow for better community planning and decision making. Map modernization is making it clearer which parcels are inside versus outside of the CBRS boundaries, clarifying which properties are eligible for National Flood Insurance Program insurance and federal recovery grants after a presidential disaster declaration.

However, ASFP has heard there are outside interests with desires in allowing mining of CBRS units for sand that could be used to re-nourish beaches and coastal areas located outside of the CBRS. Beach-compatible sand is a limited resource and offshore sand extraction is expensive. Nevertheless, sand deposits located within CBRS units must remain in place for these vital

Dedicated to reducing flood risk and losses in the nation.

Chair

Maria Cox Larini, CFM
State Coordinator
SC Dept. of Natural Resources
803-734-3672
cox@dnr.sc.gov

Vice Chair

Brian Varella, P.E., CFM
Hydraulics Team Lead
CO Dept. of Transportation
970-219-6496
brian.varella@state.co.us

Treasurer

Amanda Flegel, P.E., CFM
Project Engineer
IL State Water Survey
217-300-3448
aflegel@illinois.edu

Secretary

Rebecca P. Miller, CFM
Floodplain Regulatory Team Lead
VT Agency of Natural Resources
802-499-6157
rebecca.p.miller@vermont.gov

Page 4

4/30/2019 9:17 AM

Report to Congress: John H. Chafee Coastal Barrier Resource System

Association of State Floodplain Managers, Inc.

landforms to continue to function as effective buffers against storms and sea level rise. Allowing such sand mining would undermine the CBRA, and run directly counter to Congress' original intent and stated objectives to save federal tax dollars and conserve the resources of coastal areas included in the system. If mining were approved, it would significantly weaken the CBRA, which enjoys broad bipartisan support, saves billions of federal tax dollars, promotes public safety and conserves important coastal environmental resources. While this action is not stated in the current registry, ASFPM encourages the USFWS to look at strengthening the language that requires sand must only be used in ways the current law allows and thus keeping it in the CBRA areas.

Dedicated to reducing flood risk and losses in the nation.

11/4/2020

FWS-HQ-ES-2018-0034-0019.html

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0019

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Jeff Yunker

General Comment

See attached file(s)

Attachments

0411-1-SECNY signed comment letter

file:///K:/CBRA/Hurricane%20Sandy/Report%20to%20Congress/Draft%20Report/Appendix%202/Missing%20Documents/FWS-HQ-ES-2018-0034-0019.html

U.S. Department of
Homeland Security
United States
Coast Guard



Commander
United States Coast Guard
Sector New York

212 Coast Guard Drive
Staten Island, NY 10305
Staff (Sundar) (hwy)
Phone: (718) 254-2353
Fax: (718) 354-4195

16670
11 APR 2019

U. S. Fish and Wildlife Service
Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Ladies and Gentlemen:

We have reviewed the proposed boundary changes of the John H. Chafee Coastal Barrier Resources System (CBRS) as part of the second batch of the Hurricane Sandy Remapping Project via the CBRS Projects Mapper at <https://www.fws.gov/cbrr/maps/Mapper.html> and offer the following comments.

The proposed boundary revisions would not impact existing USCG Sector New York (SECNY) nor USCG First Coast Guard District properties within the SECNY Marine Inspection and Captain of the Port Zones codified at 33 CFR Part 3.05-30.

If you have any questions or comments regarding this matter, please contact Mr. Jeff Yunker at (718) 354-4195.

Sincerely,

J. W. BLACK
Lieutenant Commander, U.S. Coast Guard
Chief, Waterways Management Division
By direction

Copy: CCGDNE(dpw)
Civil Engineering Unit Providence

file:///K:/CBRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review/

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0020

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: C. Theresa Masin

Address:

Town of Southampton, Department of Land Management, Environment Division
116 Hampton Road
Southampton, NY 11968

Email: tmasin@southamptonny.gov

Phone: 631-287-5710

General Comment

To whom it may concern:

The Town of Southampton Department of Land Management's Environment Division has reviewed the proposed changes to the CBRS maps, and offers the attached comments. The comments include a written description of the recommended changes; justification for the changes; and pdf maps of the recommended changes. A GIS shapefile has been emailed to Dana Wright, of the USFWS, directly.

Should you have any questions, please feel free to contact our office at 631-287-5710.

Sincerely,
C. Theresa Masin

Attachments

2019 CBRA Map Amendments Letter

4/30/2019, 9:11

Hurricane Sandy Remapping Project

file:///C:/CBRA/Hurricane_Sandy/Public_Review/Batch_2_Public_Ro

Amendments_EastQuogue
Amendments_Bridgethampton
Amendments_Flanders
Amendments_HamptonBays

TOWN OF SOUTHAMPTON

Department of Land Management
Environment Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-5710
Fax: (631) 287-5706



KYLE P. COLLINS, AICP
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

MARTIN SHEA
CHIEF ENVIRONMENTAL ANALYST

April 8, 2019

Gary Frazer
Assistant Director for Ecological Services
The U.S. Fish and Wildlife Service
Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

RE: Comments on 2018-2019 Draft Revised Boundaries for Units of the John H. Chafee Coastal Barrier Resources System (CBRS) within the Town of Southampton, Suffolk County, New York

Dear Mr. Frazer:

The Town of Southampton appreciates the opportunity to comment on the draft revised boundaries for units of the John H. Chafee Coastal Barrier Resources System (CBRS). The draft CBRS map amendments propose 68 revisions to the maps, within our township, inclusive of 48 revised Coastal Barrier Resources Area System Units (SU) and 20 Otherwise Protected Areas (OPA). Along the Town's south shore, west of Shinnecock Inlet, 10 SU amendments, including 2 SU deletions, and 2 OPA changes, are planned. East of the Inlet, 15 SU and 0 OPA map revisions are intended. To the north, along the Peconic Estuary, 23 SU and 18 OPA map amendments are proposed.

Based upon a review of the maps, the Town is pleased to see that the broadened scope of the designated SU and OPA will enhance protection for our estuarine and coastal environments. The comprehensive re-mapping is thus welcome and long overdue, as it supports Town implementation of crucial preservation and restoration initiatives, which center on storm damage reduction; aquatic, wetlands and coastal habitat enhancement; and water quality improvement. The effort also complements recovery of submerged aquatic vegetation, marine mammal conservation and protection of rare and endangered species and contributes to sustainability of commercially viable shellfish populations, as well as to public accessibility and enjoyment of the coast.

As affirmed by the Coastal Barrier Resources Act (CBRA) Consultations Flow Chart and the list of federal spending prohibitions, limitations and exceptions provided on the CBRA web site, the Town is also happy to see that the draft revised CBRS boundaries

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will not affect federal funding for a host of initiatives that are vital to our community. These include: "projects for the study, management, protection and enhancement of fish and wildlife resources and habitats; scientific research; maintenance, replacement, reconstruction or repair of publicly owned or publicly operated roads, structures and facilities; and non-structural projects for shoreline stabilization", as well as hinder or restrict allocation of federal monies and FEMA assistance, in the event of "Presidentially-declared disasters" for "emergency actions essential to the saving of lives and the protection of property and the public health and safety".

That being said, it is not entirely clear as to whether or not such map changes may impact approval of federal dollars for implementation of the Fire Island to Montauk Point Reformulation Plan (FIMP), including the critically needed Tentative Federal Supported Plan (TFSP) inlet management and bypassing, proactive breach response, sediment management, and berm and dune replacement and nourishment actions within our Town and the Villages of Southampton, Quogue, Westhampton Beach and Westhampton Dunes. It also puts into question whether the needed environmental impact mitigation projects currently being targeted by the Coastal Process Features (CPF) chapter of FIMP would be affected as well.

Moreover, in its current form, there is also no analysis as to whether or not expansion of the CBRS units would affect federal U.S. Army Corps of Engineers navigation channel infrastructure maintenance and stewardship responsibilities, within the New York District, including maintenance, repair and/or modification of the existing Shinnecock Inlet rock jetties and rock revetment, as well as dredging of the entrance channels, together with needed re-nourishment of the failing, eroding dune line and beaches at Shinnecock West. Such assurance is needed, as continued maintenance of the Inlet area is not only critical to commerce, public safety and storm damage reduction, but also to safeguard the very natural resources, whose sustainability the CBRA designations are intended to secure.

Receipt of a written confirmation from the USFWS, that the establishment of revised CBRS SU and OPA units will not hinder federal, state and local agencies, from seeking, approving or utilizing federal funding for the purposes of the above-named actions, would make the project whole, in regards to achieving its intended coastal resource preservation and enhancement objectives, without causing unnecessary worry that the goals of Southampton Town and its villages, with respect to sound coastal management and improving resiliency, will not be met. As there are, at present, a number of ongoing or proposed inter-agency projects and revenue sharing agreements, within the affected area, which are complementary to USFWS goals, we need to be sure that the CBRA map amendments will do more environmental good than harm.

It was also noted that the draft document does not provide a detailed discussion or reasoning for the intended map changes, particularly an analysis of the current scope of public lands. In that regard, amendments are being recommended to the USFWS draft revised CBRS boundaries, which better acknowledge those shorelands, which have been

2

purchased by the Town, for preservation and recreational use, including, among others, public access to ocean beaches.

The attached shapefile and analysis identifies needed site specific CBRS boundary revisions or a suite of changes, including updated ownership driven alternative scaled back SUs and broader designation of OPAs. These suggested modifications to the draft revised CBRS boundaries can be anticipated to add up roughly to the same amount of area allocated by USFWS to both SU and OPA units, thereby yet achieving overall USFWS goals.

Consistent with the shapefile, our recommendations are as follows:

- Unit F-13: Addition of Town owned Hot Dog Beach at 35 Dune Road, East Quogue, known as SCTM No.0900-385-2-76.1, is acceptable. However, it should be classified as an Otherwise Protected Area (OPA) rather than a System Unit (SU). The Town owned parcels known as 28, 33 and 34 Dune Road, East Quogue, known as SCTM Nos. 0900-386-1-2, 0900-386-2-1 and 0900-386-1-1, respectively, as well as the Sedge island parcel known as SCTM No. 0900-385-1-39.6, should also be added as an OPA.
- Unit T-13: Remove private residentially developed properties at 4 Dune Road, Hampton Bays, known as SCTM No.0900-386-2-8.8 and 19 Dune Road, East Quogue, known as 0900-386-2-5.1.
- Unit F-13: Keep town owned open space at 33, 39, 45, 47 and 51 Dune Road, Hampton Bays, known as SCTM Nos.0900-386-1-12, 0900-386-1-13, 0900-386-1-18, 0900-386-1-19 and 0900-386-1-20, respectively, where the pre-existing structures and bulkheads have been removed, and re-classify as OPA, especially in light of the FIMP CPF recommendation to deposit sand below mean low water, in order to create intertidal marsh.
- Unit F-13: Re-classify vacant town-owned open space at Dune Road, Hampton Bays, known as SCTM Nos. 0900-386-1-3, 10.1 and 0900-386-02-5.3, 5.4, 8.6, 8.7, 10.2, 10.3 and 10.3 as OPA.
- Unit F-13: Town owned open space at 57, 59, 61, 69, 70 and 72 Dune Road, Hampton Bays, known as SCTM Nos. 0900-386-1-23, 0900-386-1-24, 0900-386-1-25, 0900-386-1-28.1, 0900-386-2-31.17 and 0900-386-2-33.1, respectively, should be re-classified as an OPA rather than an SU, especially in light of the FIMP CPF recommendation to deposit sand below mean low water, in order to create intertidal marsh.
- Unit F-13: Add the portion of the underwater lands of Shinnecock Bay, owned by the Trustees of the Freeholders and Commonality of the Town of Southampton

3

(Trustees), which have been identified by the FIMP CPE, as a proposed inter-tidal marsh creation area, as an OPA.

- Unit F-13: Old Ponquogue Bridge (North) at 49 Lighthouse Road, Hampton Bays, known as SCTM No. 0900-374-2-20, should be re-classified as a OPA rather than SU, as the parcel is a town owned public recreation facility.
- Unit F-13: Old Ponquogue Bridge (South), known as SCTM No.0900-379-2-5, needs to remain as an OPA and not be reclassified as a SU, as it is a Town owned recreational facility.
- Unit F-11: Town owned Flying Point Beach at 1055 Flying Point Road, Water Mill, known as SCTM No.0900-178-2-3, needs to be reclassified as OPA, as the site is a town owned recreational facility.
- Unit F-11: Town owned Scott Cameron Beach at 425 Dune Road, Bridgehampton, known as SCTM No.0900-179-2-15 and Mecoix Inlet, known as part of SCTM No.0900-396-1-1 should be classified as OPA rather than SU, as they are town owned recreational facilities and/or managed inlets.
- Unit F-11: Southampton Trustees owned Sam's Creek known as SCTM No.: 0900-134-2-13 needs to be added as a SU.
- Unit No. NY-58: The Town owned Sagg Beach recreational facility, located at 1200 Sagaponack Main Street, Village of Sagaponack, known as SCTM No.0908-8-1-34 as well as the abutting westerly town-owned vacant open space, known as SCTM Nos. 0900-117-1-42.2 and 0900-117-2-26.1, need to be added as an OPA.
- Unit NY-36: Private residentially developed properties known as 60 and 88 Fantasy Drive, known as SCTM Nos. 0900-123-2-1.3 and 0900-123-2-1.5, need to be removed from SU.
- Unit NY-36: Trustees owned open space properties at 19 and 40 Fantasy Drive, Flanders, known as SCTM Nos.0900-123-2-1.6, 17.2, need to be reclassified as OPAs.
- Unit NY-36: Town owned Iron Point Park, known as SCTM Nos. 0900-121-1-3.2 and 0900-121-1-6, need to be re-classified OPA and expanded to include Town owned property at 150 Wood Trail, Flanders, known as SCTM No. 0900-121-1-5.1.

Additionally, the draft revised CBRS unit boundaries do not provide sufficient description and details as to how affected private landowners would be notified with respect to changes in the maps. This is of particular concern because of the possible impacts of the revised SU boundaries, with respect to eligibility for federal flood insurance. Examples of potentially affected residences include existing waterfront homes at Flying Point Road, Water Mill, Fantasy Drive, Flanders and Dune Road, Hampton Bays, which are proposed for inclusion in SU areas, as shown on Unit maps F-11, NT-36 and Unit F-13, respectively. Accordingly, we ask that the USFWS provide proper notice to all affected private property owners, in the interest of providing a meaningful forum for alerting the public as to the intended map changes and offering full opportunity for constructive comments. We also recommend that existing residentially developed properties be deleted from the proposed revised SU boundaries.

There is also no indication as to whether or not the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton, who hold title to the affected underwater lands, have been contacted by the USFWS, with regards to this project. As the Dongan patent of 1686 established the Trustees as stewards of the bays and granted the Freeholders access and rights to common underwater land and rights of way to the water, the Board of Trustees need to provide feedback, with regards to this project.

We recognize that the USFWS has invested significant time and resources to updating the CBRS units and appreciate your efforts. However, the current analysis is incomplete and inadequate to meet our present needs.

Thank you for the opportunity to comment. If you have any questions, or if you would like to discuss these comments further, please contact me at kcollins@southamptonny.gov or Kyle Collins at kcollins@southamptonny.gov.

Sincerely,

Martin E. Shea

Martin E. Shea
Chief Environmental Analyst

Cc: Jay Schneiderman, Supervisor
Town Board
Kyle Collins, Town Planning and Development Administrator
Edward J. Warner, Jr., President, Board of Trustees
Lee Zeldin, Congressman, House of Representatives NY-1

Attachment: Town of Southampton Recommended Amendments to USFWS Draft Revised CBRS Boundaries Shapefile



Hurricane Sandy Remapping Project



PUBLIC SUBMISSION

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John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0021

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Maureen Dacimo
Address:
5520 NARROW RIVER RD
ORIENT, NY, 11957
Email: mdacimo@aol.com
Phone: 516-330-4075

General Comment

See attached file(s) PLEASE SEE ATTACHED LETTERS.

Attn: Docket #FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church VA 22041-3808

RE: CBRS BOUNDARY MODIFICATION REQUEST, Tax Map ID# 1000-27-2-4
Maureen & Fred Dacimo
Hallowick Bay Marina, Inc. DBA Narrow River Marina
5520 (5240) Narrow River Rd, Orient, NY 11957

I am providing input on the proposed boundaries for CBRS as follows: Unit NY-25P, Orient Beach, New York, Summary of Proposed Changes, Proposed Changes To Unit NY-25P, Proposed Removal: "Narrow River Marina (a privately owned marina comprising about six structures) along Narrow River Road. These structures are currently within Unit NY-25 (the remainder of which is proposed to be reclassified entirely to Unit NY-25P)."

Please note we have reviewed the subject document. It is important to note that the proposed removal of Narrow River Marina from the area designated as Unit NY-25 should be done. Narrow River Marina, all of its buildings and property at that tax map # should not be included in the CBRS area. Narrow River Marina, all of its buildings and property should be reclassified entirely to Unit NY-25P. Please include this change in the FWS final recommendation to Congress.

It is important that all the structures on our property be removed from Unit NY-25. As confirmed via email with Dana Wright, USFWS Program Specialist that, once removed, the structures would become eligible for federal funding and financial assistance, including flood insurance.

It is extremely unfortunate that due to the fact that our property was classified incorrectly, we were denied much needed federal and state assistance from Hurricane Sandy damages. In the event we suffer in the future from storm flood related damages, we need to be confident that we would be eligible consideration for federal funding and financial assistance, including flood insurance.

We believe that the Coastal Barrier Resource System (CBRS) made a technical mapping error to include our property since our property was developed long before the time it was included in the CBRS. (Enclosed please find copy of letter previously submitted in July, 2013 requesting a review & documenting reasons.)

NOTE: ADDITIONAL DETAILS ARE PROVIDED IN THE ATTACHED DOCUMENTS

Thank you for your opportunity to provide written comments during the public comment period.

Sincerely,
Maureen & Fred Dacimo

Attachments

COASTAL BARRIER RESOURCE MAP FWS APPEAL LETTER 4 2019

COASTAL BARRIER RESOURCE APPEAL LETTER 7 2015

Report to Congress: John H. Chafee Coastal Barrier Resource System

Maureen & Fred Dacimo
Hallowick's Bay Marina, Inc.
Narrow River Marina
5520 Narrow River Rd.
Orient, NY 11957

April 11, 2019

U.S. Fish and Wildlife Service
Public Comments Processing
Attn: Docket #FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS: BPBC
Falls Church VA 22041-3808

Re: CBRS BOUNDARY MODIFICATION REQUEST, Tax Map ID# 1000-27-2-1
Maureen & Fred Dacimo
Hallowick's Bay Marina, Inc. DBA Narrow River Marina
5520 (5240) Narrow River Rd, Orient, NY 11957

Attn: Gary Fraser, Assistant Director for Ecological Services

I am in receipt of your letter dated 4 February 2019 regarding the draft revised boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS). I am writing to you at this time to submit comments during the public comment period.

Our property falls under the section: Unit NY-25P, Orient Beach, New York

Summary of Proposed Changes

Proposed Changes To Unit NY-25P:

Proposed Removal:

"Narrow River Marina (a privately owned marina comprising about six structures) along Narrow River Road. These structures are currently within Unit NY-25 (the remainder of which is proposed to be reclassified entirely to Unit NY-25P).

Please note we have reviewed the subject document. It is important to note that the proposed removal of Narrow River Marina from the area designated as Unit NY-25 should be done. Narrow River Marina, all of it's buildings and property at that tax map # should not be included in the CBRS area. Narrow River Marina, all of it's buildings and property should be reclassified entirely to Unit NY-25P. Please include this change in the FWS final recommendation to Congress.

It is important that all the structures on our property be removed from Unit NY-25. As confirmed via email with Dana Wright, USFWS Program Specialist that, once removed, the structures would become eligible for federal funding and financial assistance, including flood insurance.

We believe that the Coastal Barrier Resource System (CBRS) made a technical mapping error to include our property since our property was developed long before the time it was included in the CBRS. (Enclosed please find copy of letter previously submitted in July, 2015 requesting a review & documenting reasons.)

It is extremely unfortunate that due to the fact that our property was classified incorrectly, we were denied much needed federal and state assistance from Hurricane Sandy damages.

Thank you for your opportunity to provide written comments during the public comment period.

Sincerely,

Maureen Dacimo Fred Dacimo

cc: Congressman Lee Zeldin

Hallowick's Bay Marina, Inc.
Narrow River Marina
5520 Narrow River Rd.
Orient, NY 11957

July 13, 2015

U.S. Fish and Wildlife Service
cbra@fws.gov

RE: CBRS BOUNDARY MODIFICATION REQUEST
Maureen & Fred Dacimo
Hallowick's Bay Marina, Inc. DBA Narrow River Marina
5520 (5240) Narrow River Rd, Orient, NY 11957
Tax Map ID#: 1000-27-2-4

To Whom It May Concern:

I am writing to you at this time to request a review of our property being included in the Coastal Barrier Resource System (CBRS).

I am in receipt of a letter from Lisa Bova Hiatt, General Counsel, Governor's Office of Storm Recovery, regarding the determination that our business is ineligible for small business recovery assistance from NY Rising Small Business Recovery Program due to damages sustained from Hurricane Sandy. Our property was found to be in a location where federal assistance is not permitted.

We are officially appealing the NY Rising Small Business Recovery Program determination and am officially asking for a review of the CBRS boundaries which have included us in the CBRS. My arguments and documentation to support this claim is as follows:

1. Property was developed at the time it was included in the CBRS. There has been a marina which was built on this property in the late 1800's by immigrants and located atop a dike. There is a written diary of Lucius A. Hallowick, started in 1874 and ending in 1933, which outlines the building of docks, farm storage buildings, home, ice houses, dykes, etc. This diary shows the development of the property began back in the late 1800's. I have excerpts from the diary (original diary housed in the Oysterponds Historical Society).
2. Town of Southold Property Record Card starts official record beginning May, 1962. Please see scanned copy of property card. It specifically shows permits and building permits issued as follows:
1971: permit for cistern,
1975: building permit for an addition,
1976: building permit to erect a corral,
1979: building permit for pool
1983: building permit for 40' wind generator tower,
2009: building permit for accessory building.

The property card shows docks, Main building/house with garage/extensions, pool, Storage sheds, cottage, toilets, etc.

3. Copies of Surveys:
a.) 6/15/1971: survey documents buildings in existence on property. Documents bulkheads and docks. Shows former meadow on the property which was replaced with bulkheading, dock, sheds, frame buildings, etc. Narrow River Road is shown on survey map.
b.) 8/25/1977: survey shows bulkheading, docks, sheds Additions to survey: 2-story frame house with brick patio and floating docks.

- c.) 6/17/1988 revision to 8/25/1977 survey shows bulkheading, docks, sheds, 2-story frame house with brick patio, Additions to survey: new barn & shed, privy, pen, corral with windmill on pedestal, blacktop driveway with ramp, swimming pool and boardwalk.
- d.) 5/9/2005 & amended 8/31/2008 survey plan of property: shows floating docks, stone drive, stone parking lot. Change to survey: rebuilt frame building, 2 stories.

As documented on the Town of Southold Property card as well as the surveys, our property was developed at the time it was included within the CBRS. Additionally the same documents show that the property has been improved since that time.

We believe that the Coastal Barrier Resource System (CBRS) made a technical mapping error to include our property since our property was developed long before the time it was included in the CBRS. We request a review of the CBRS determination and a review of the placement of our property within the CBRS boundaries.

Please respond to this request so that I can forward the same to the NY Rising Small Business Recovery Program. I will request that their denial for assistance to be put on hold until I receive a formal determination and formal response from CBRS.

Please contact me with any questions and information regarding additional information required to facilitate a review of our application's determination. Thank you for your consideration.

Sincerely,

Maureen Dacimo

cc: NY Rising Small Business Recovery Program
Congressman Lee Zeldin

1140020

FWS-HQ-ES-2018-0034-0022.html

PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 12, 2019
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Comments Due: April 17, 2019
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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0022

MaliseSteve

Submitter Information

Name: Stephen F. Malise
Address:
P.O. Box 94
Ware Neck, VA, 23178
Phone: 804-815-4093

General Comment

See Attached

Attachments

MaliseSteve

MaliseSteveMaps

Hurricane Sandy Remapping Project

RECEIVED

APR 12 2019
Div. of Policy, Plan. &
MGMT. Programs

E. Stephen Malise
Post Office Box 94
Ware Neck, Virginia 23178
804 815 4093

April 11, 2019

The U.S. Fish and Wildlife Service
Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Dear Mr. Frazer,

By this letter I am requesting a minor modification to a CBR5 map. I feel that where the line is presently placed is incorrect due to inaccuracies on original base maps.

I have included the following information for your review:

Exhibit #1- Diagram of the existing CBRS line and requested change.

Exhibit #2- Ground elevation shots diagram. This shows that the elevation of the land inside the CBRS line is at the same elevation or higher than the area outside of the line.

Exhibit #3- A copy of a portion of a flown aerial topographical map
Provided by Air Survey Corp of Va. (1983). This map shows that the entire
area are at the same elevation.

Exhibit #4- A copy of the Mathews County Va tax maps with CBRS line.

Exhibit #5- A copy of the USGS topo map - Mathews, Va 1965. This shows that the property was wooded and the shoreline has not changed.

Exhibit #6- A copy of the NOAA depth chart (1990). This shows that the depth of the water surrounding the property is less than 1 foot deep. Very shallow water cannot generate much wave action at all.

Exhibit #7- An aerial photo of the property with tax map overlay. This photo shows the house site clearing and driveway. The septic drain field area has been installed.

Exhibit #8- An aerial photo showing the road and cleared area for the house and drain field site.

Exhibit #9- A copy of the FEMA flood zone map.

Exhibit #10- A copy of the Soil Survey of Mathews County, Virginia. This shows the soils as Kta (Kempsville) soils which are NON highly erodible, well drained, upland soils. And a Soil Scientist's Report.

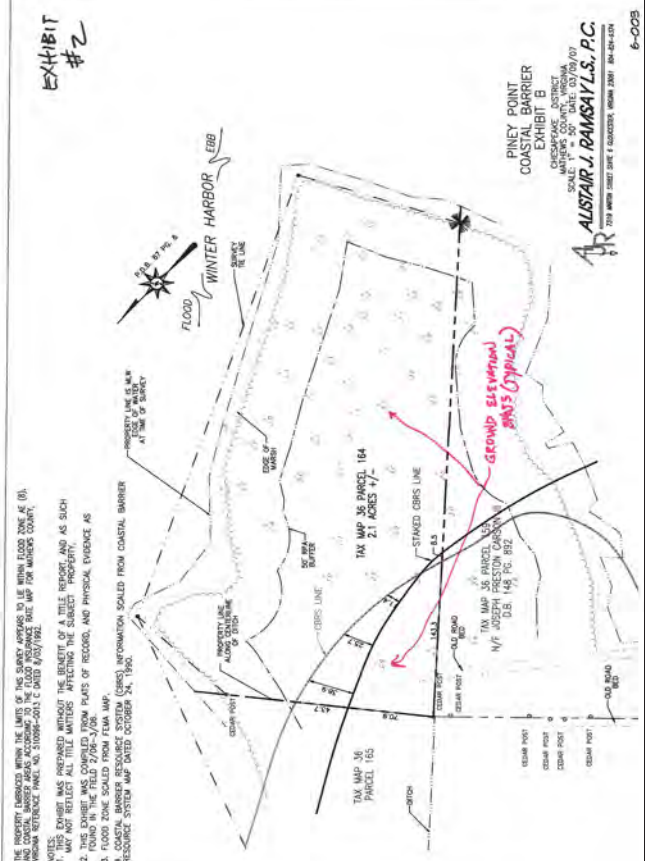
Exhibit #11- A copy of the VIMS Shoreline Management Plan (2010).

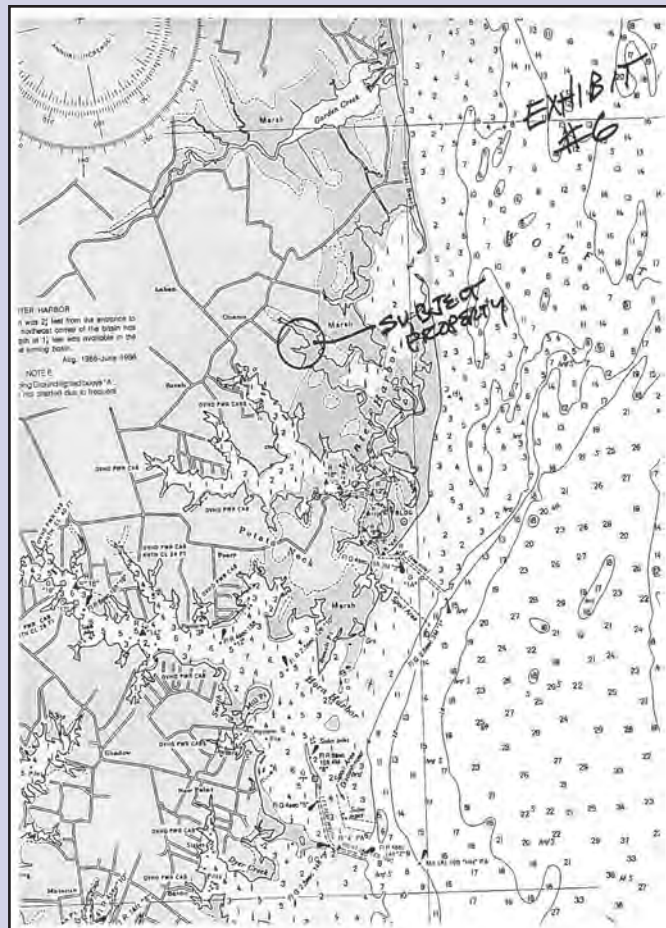
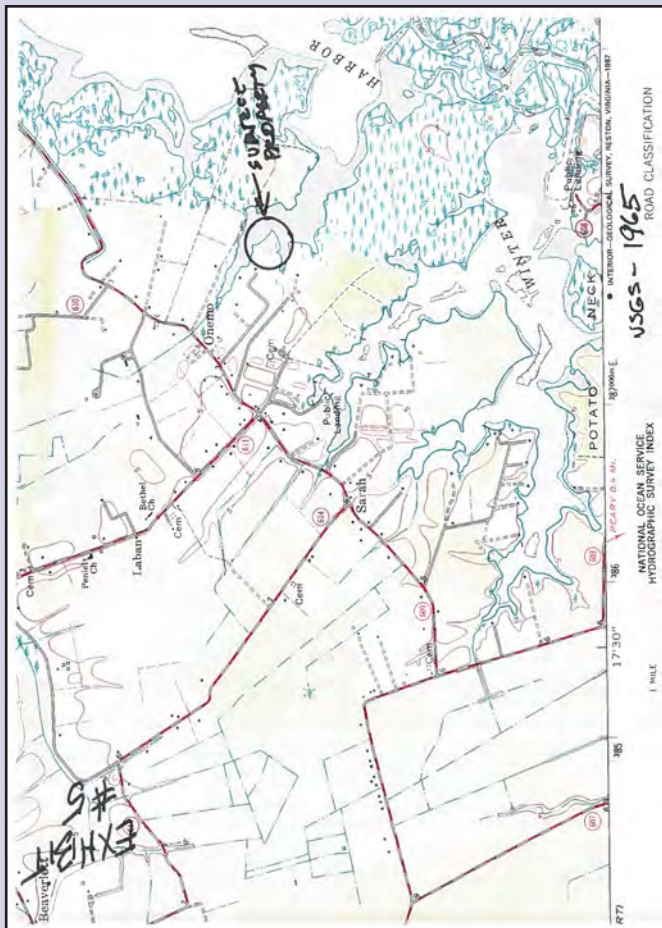
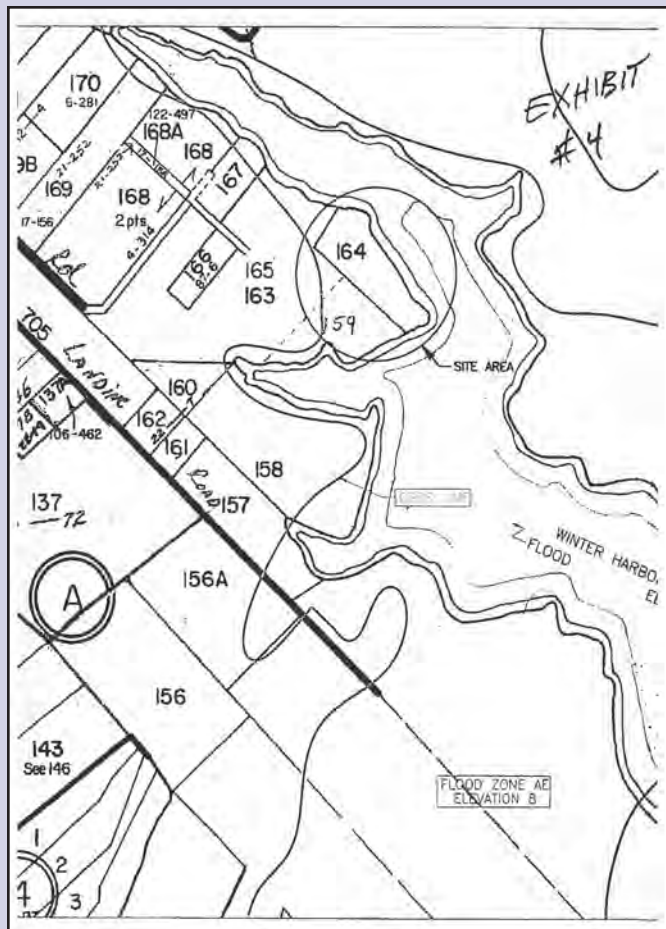
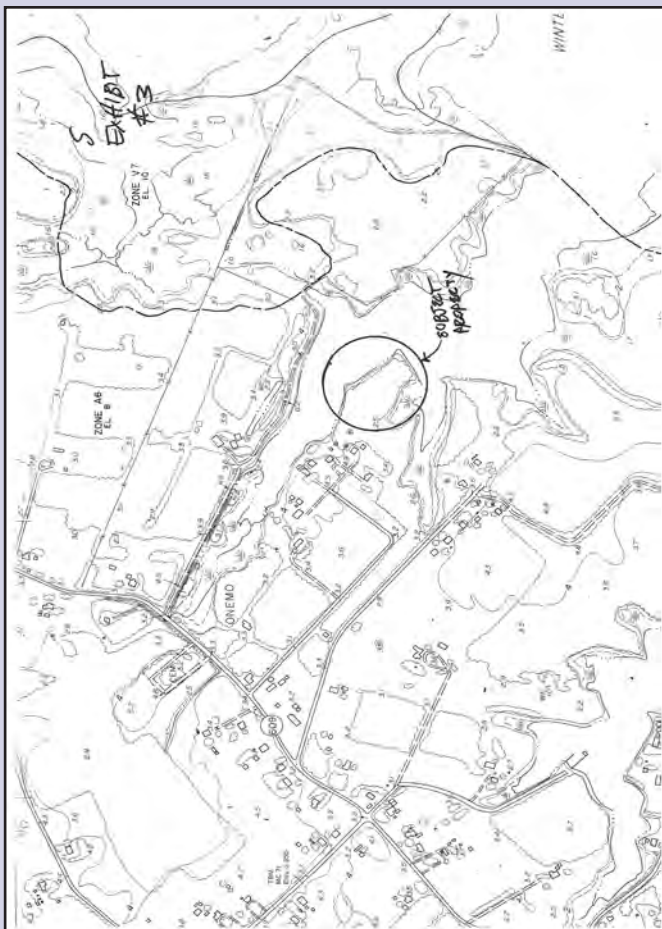
Exhibit # 12- Plate 11 of the VIMS shoreline change map. This map clearly shows that the property experiences very low erosion rates and the shoreline has not changed since 1937.

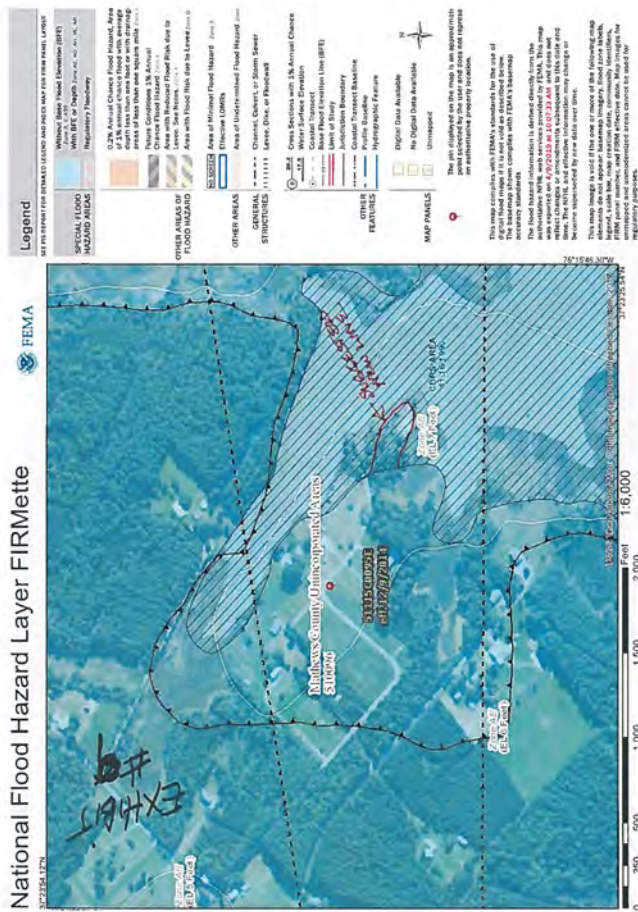
I requested a review and modification of this CBRS line back in 2007 and I have attached the response from the Service.

Thanking you in advance for your consideration in this matter, I remain,
Sincerely yours,

E. Stephen Malise







William J. Meagher, Inc.
 Certified Professional Soil Scientist
 Certified Professional Wetland Delineator
 Post Office Box 950
 Mathews, Virginia 23109
 804-725-7348

May 19, 2008

Re: Stephen Malise
 Classic Virginia Properties
 Post Office Box 94
 Ware Neck, Virginia, 23178

Re: Piney Point Property
 Mathews County, Virginia
 Cadastre Map # 36 A 164

Dear Mr. Malise:

After extensive site and soil evaluations performed in 2006 and 2008 on the subject property, we have determined that the soils in the upland areas are not unconsolidated coastal beaches, but upland soils that are commonly found in the interior of the County of Mathews. The soils examined on the property exhibit developed horizons with distinct soil boundaries. The textures in the upper horizons were found to be sandy loam to sandy clay loam. The dominant vegetation is mature loblolly pines. I feel that the existing CBRS line is incorrectly placed. The Coastal beaches with sandy, unconsolidated soils are located approximately 5000 feet due east along the Chesapeake Bay shoreline not on your property that is bounded by Winter Harbor Creek.

If there is any other information you require, please don't hesitate to contact me.

Very truly yours,

William J. Meagher, CPSS, CPWD

cc: Al Ramsey, Surveyor



EXHIBIT #1

Mathews County Shoreline Management Plan

Prepared for
 Mathews County
 and the
 National Fish and Wildlife Foundation

C. Scott Hardaway, Jr.*
 Donna A. Milligan*
 Carl H. Hobbs, III*
 Christine A. Wilcox*
 Kevin P. O'Brien*
 Lyle Varnell

*Shoreline Studies Program

Virginia Institute of Marine Science
 College of William & Mary
 Gloucester Point, Virginia

Special Report in Applied Marine Science and Ocean Engineering No. 417 of the Virginia Institute of Marine Science

This project was funded by the National Fish and Wildlife Foundation through Grant Number 2007-0801-014



March 2010

EXHIBIT #2

Mathews County
 Virginia
 Shoreline Change
 Plate 11



- Shoreline Change**
- 2007 Shoreline
 - 2007 Boundary
- Shoreline Status of Change**
- High Accuracy, 0 to 14 ft
 - Medium Accuracy, 15 to 29 ft
 - Low Accuracy, 30 to 43 ft
 - Very Low Accuracy, 44 to 57 ft
 - Unclassified, 58 to 71 ft
 - High Accuracy, 72 to 85 ft
 - Medium Accuracy, 86 to 99 ft
 - Low Accuracy, 100 to 113 ft
 - Very Low Accuracy, 114 to 127 ft



A-11

file:///C:/CDRA/Hurricane Sandy/Public Review/Sheet 2 Public Review

PUBLIC SUBMISSION

As of: April 22, 2019
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 Posted: April 12, 2019
 Tracking No. 163-9986-1000
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 Submission Type: Web

Docket: FWS-HQ-ES-2018-0034
 John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001
 John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0023
 Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Dominic DellaVolpe

General Comment

I am completely in favor of the proposed remapping of CBRS Unit D05, along Nimeg Lane in Charlestown, RI 02813.

Thank you for your efforts and consideration in this matter, I appreciate your diligence and sound judgement.

Dominic DellaVolpe, homeowner

Hurricane Sandy Remapping Project

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review/

PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 13, 2019
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Posted: April 15, 2019
Tracking No. 113-9934-0008
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Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0024

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Anne Roman
Address:
259 Forest Road
Douglaston, NY 11363
Email: aroman@nyu.edu
Phone: 9172823781

General Comment

I am in support of the proposed remapping of CBR Unit NY-28 along Clearview Road in Southold, NY 11971. The remapping will remove three structures from the CBR so they are not subject to more restriction than most neighbors who are located the same distance from the shoreline and have similar shoreline characteristics.

The three structures along this road which are currently in the CBR are not in the 100-year flood zone which is more carefully mapped relative to ground elevation than the current CBR zone boundary. I believe the proposed remapping that is based on better simulation of projected flood risk is a more appropriate basis on which to define the CBR boundaries.

Thank you for your attention in this matter.
Anne Roman

11/4/2020

FWS-HQ-ES-2018-0034-0025.html

PUBLIC SUBMISSION

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Posted: April 15, 2019
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Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0025

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Leslie Kane
Address:
185 East Flat Hill Rd.
Southbury, CT, 06488
Email: lkane@audubon.org
Phone: 203-294-5098

General Comment

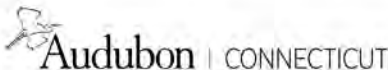
See attached file(s)

Attachments

Audubon Connecticut comments on FWS-HQ-ES-2018-0034

file:///C:/CDRA/Hurricane%20Sandy/Report%20to%20Congress/0001/Appendix%20L/2%20Missing%20Documents/FWS-HQ-ES-2018-0034-0025.html

10



185 East Flat Hill Rd
Southbury, CT 06488
www.ct.audubon.org

U.S. Fish and Wildlife Service
U.S. Department of the Interior
Washington, DC

April 16, 2019

RE: Docket Number FWS-HQ-ES-2018-0034, John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia.

Dear Sir/Madam:

On December 18, 2018, the U.S. Fish and Wildlife Service (FWS) published a notice in the Federal Register announcing a public review and comment period on the second batch of state maps developed pursuant to the Hurricane Sandy Remapping Project.¹ The second set of maps includes proposed changes to the Coastal Barrier Resources System (CBRS) along the coasts of Rhode Island, Connecticut, New York (Long Island), Maryland, and Virginia.² This second set of Hurricane Sandy maps includes 310 CBR units, of which 256 are existing and 54 are proposed new units, along the RI, CT, NY, MD and VA coasts. The conservation of coastal resources is a critical issue for Audubon Connecticut and our more than 19,000 members. We appreciate the opportunity to submit comments on the proposed changes to the CBR. Our comments are submitted electronically regarding docket number FWS-HQ-ES-2018-0034.

Audubon Connecticut commends the FWS for carefully developing proposed additions and necessary deletions to the CBR along the Connecticut coast. The proposed maps for Connecticut would add about 4,477 acres to the System, of which 238 acres are fastland, developable acres and 4,239 acres are associated aquatic habitat.³ To correct prior mapping errors, the proposed maps would remove 32 acres from the System, of which 15 acres are fastland and 17 acres are associated aquatic habitat.⁴ Audubon Connecticut supports these changes to the System, particularly the addition of nearly 4,500 acres to the CBR. We do have some suggestions of additional areas that could be included in units, but overall Audubon Connecticut supports the habitat, public safety, and economic benefits provided by the CBR, and urges the FWS to transmit these maps to Congress for action.

1. The Coastal Barrier Resources Act's Three Major Goals.

- The Coastal Barrier Resources Act (CBRA) was enacted in 1982 with three major objectives:
- Minimize the loss of human life;

¹ Federal Register, Vol. 83, No. 242, Tuesday, December 18, 2018, pp. 64861-64869.

² *Ibid.* A minor portion of Rhode Island Unit 100 is located in Massachusetts, accounting for about three acres in Massachusetts.

³ U.S. Fish and Wildlife Service, "Coastal Barrier Resources System Hurricane Sandy Remapping Project," <https://www.fws.gov/central/pressroom/press/2018/04/16/041618CBRSRemapping.pdf>

⁴ *Ibid.*

- Reduce wasteful expenditures of federal revenues; and,
- Protect fish and wildlife and other natural resources along the nation's coasts.⁵

The CBR encompasses 3.5 million acres along the Gulf of Mexico, Atlantic, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts.⁶ Areas included in the protective System as System Units are prohibited from receiving most federal subsidies, and there are roughly 1.4 million acres in Units in the CBR.⁷ The CBR also includes Otherwise Protected Areas (OPAs) on which only federal flood insurance is prohibited, and there are roughly 2.1 million acres in the System with OPA designation.⁸ Areas included in the System include sandy beaches, dunes, barrier islands, spits, inlets, rocky formations like those found in the Florida Keys and the upper New England coast, estuarine areas, coastal wetlands, and nearshore waters.

By removing federal expenditures for new development and redevelopment along the hazard-prone coasts, the CBR sends a strong message of support for public safety. Every year, deadly hurricanes and storms claim victims and disrupt millions of lives. Removing the federal financial safety net that supports development removes federal support for hazard-area construction and the risks that come with it. Protected from the significant array of federal expenditures for development, CBR areas typically remain undeveloped or more lightly developed than those areas that are open to federal subsidies. This helps protect healthy coastal ecosystems, which are crucial to birds and other wildlife, as well as commercial and recreational fisheries and the outdoor recreation industry. Healthy coastal ecosystems are also resilient and provide important benefits for nearby communities by absorbing the impact of storms, storing and cleaning flood waters, and acting as the first line of natural defense. By removing federal development subsidies on areas included in the System, the federal taxpayer is taken out of the coastal development and redevelopment equation, saving the Federal Treasury billions of dollars.

2. The Coastal Barrier Resources System Saves Billions of Federal Tax Dollars Nationwide, and Millions of Federal Tax Dollars in Connecticut

The Coastal Barrier Resource Act (CBRA) does not prohibit development on areas included in the System. It simply removes the federal taxpayer from having to financially support development and re-development along the nation's coasts. By prohibiting most federal expenditures on CBR Units and targeted federal expenditures on OPAs, the CBR has saved the Federal Treasury billions of dollars. According to a study published in the peer-reviewed *Journal of Coastal Research* on March 15, 2019, the CBRA reduced federal coastal disaster-related expenditures by \$9.5 billion (in 2016 dollars) between 1989 and 2013.⁹ Moreover, future CBRA savings over the next 50 years are forecast to range between \$11 billion (in 2016 dollars) for a low development/low damage estimate scenario to \$108 billion (in 2016 dollars) for a high development/high damage estimate scenario.¹⁰ The study examined coastal

⁵ Coastal Barrier Resources Act of 1982, Public Law 97-348 (96 Stat. 1653, 16 U.S.C. 3501 et seq.), enacted October 18, 1982.

⁶ U.S. Fish and Wildlife Service, "Coastal Barrier Resources Act," <http://www.fws.gov/central/pressroom/press/2018/04/16/041618CBRSRemapping.pdf>

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Cohen, Andrew S., and Woodhead, John C., "An Analysis of Federal Expenditures Related to the Coastal Barrier Resources Act of 1982," in *Journal of Coastal Research*, March 15, 2019.

¹⁰ <http://www.fws.gov/central/pressroom/press/2018/04/16/041618CBRSRemapping.pdf>

¹¹ *Ibid.*

For the most part, the highest priority areas identified through our analysis are within CBRs units or Otherwise Protected Areas (OPA), providing support for the proposed CBRs maps. However there are a few units and OPAs that we feel could be expanded to include additional priority habitat. In many of these cases, the unit boundary is a railroad or bridge. The natural habitat landward of the infrastructure should be included in the unit or OPA, even if the actual railroad tracks or bridge cannot be included in the unit or OPA. These expansions (listed from east to west along the CT shoreline) are described below.

- Napatree Point Unit D08 - Expand to include salt marsh located adjacent to Pawcatuck River and between Osbrook Pt. and Riverside Dr.
- Hammonasset Point Unit E05 - Expand to include salt marshes along the Hammock River east of the Bench Park Rd.
- East River Marsh OPA CT-19P - Expand to include salt marsh along the West River landward of the Guilford Yacht Club and railroad and along the East River north of the railroad and I-95. Audubon Connecticut owns part of the marsh along the East River north of I-95 and we would very much be in favor of the extra protection provided by the CBRs.



- We propose retaining the privately owned property along Smiths Point Road in Milford, Connecticut in the CBRs (see below). The Connecticut Audubon Coastal Center at Milford Point property and adjacent Wheeler Marsh are already protected by the CT Department of Energy and Environmental Protection and the tip of Milford Point is under U.S. Fish and Wildlife Service ownership. All of these areas provide important habitat for shorebirds and waterfowl. To maximize the efficacy of this CBRs unit, the entirety of Milford Point should be part of the unit.

It is also a staging area for this species, a key nesting/foraging area for long-legged waders and terns, and provides foraging habitat for Osprey and Bald Eagle.

Audubon Connecticut initiated the Audubon Alliance for Coastal Waterbirds, a seabird/shorebird stewardship program, in 2012. Working with partners, we deploy volunteers and staff to monitor nesting areas along the entire Connecticut coast. This familiarity with natural habitats along our shoreline is helpful in evaluating other proposed CBRs units and OPAs and also helps us to see gaps in the CBRs. Additional suggestions (from east to west) are listed below.

- Wilcox Beach Unit E01 - Expand to the west to include Andrews Island and Dodges Island. These islands with their rocky shoreline and fringing marshes (Andrews Island) appear to offer good nesting habitat for American Oystercatcher.
- Consider adding a CBRs unit or OPA that includes the salt marsh adjacent to the Plum Bank River and Back River in Old Saybrook. This area has been identified as a globally Important Bird Area for the Saltmarsh Sparrow.
- Menunkatesuck Island Unit E04 - Expand to include Duck Island to the west and tidal mud and sand flats to the east. The tidal flats are an important foraging area for American Oystercatcher and migration shorebirds.
- Consider adding a CBRs unit or OPA that includes Falkners Island, a unit of the Stewart B. McKinney National Wildlife Refuge. Falkners Island hosts the largest Common Tern colony and the only federally threatened Roseate Tern colony in Connecticut.
- Consider adding a CBRs unit or OPA that includes Charles Island in Milford and undeveloped areas seaward of the parking lot and roads at Silver Sands State Park. Charles Island is one of just four major long-legged wader nesting colonies in the state of Connecticut and marshes seawards of the parking lot/roads offer foraging, breeding, and wintering habitat to a variety of birds many of which are state or federally listed or have been identified as species of greatest conservation need in the state Wildlife Action Plan.
- Consider adding a CBRs unit or OPA that includes Sherwood Island Mill Pond and adjacent saltmarshes in Westport.

7) Marsh Migration Corridors on the Connecticut Coastline

Audubon Connecticut is very supportive of inclusion of 4,239 acres of adjacent aquatic habitats, including salt marshes, within the proposed CBRs units. In fact, Audubon Connecticut and New York's nearly complete three-year strategic plan includes a goal of protecting 5,000 acres of salt marsh. Salt marshes not only support nesting birds like the Saltmarsh and Seaside Sparrow, Willet, and Clapper Rail, but they also provide foraging habitat for many shorebirds and long-legged waders. In addition, these areas act as nurseries to many recreational and commercial fish species, serve as a natural barrier protecting coastal communities from intense storms, and help to keep the Long Island Sound clean by filtering water before it enters the Sound. Inclusion of salt marsh in CBRs units will prohibit federal funds from being spent on the development of these areas, but it will not protect the marshes from sea

including the small area containing 14 privately owned houses. Due to the significant ecological value of the larger E07 unit of which this cluster of houses is a part, this area should be included in E07, irrespective of the 'clusters of structures' exclusion rule described in Chapter 6 (p.43) of the Digital Mapping Pilot Project Final Report (2016). The Milford Point unit (E07), Nell's Island/Wheeler Marsh, is described in the *Northeast Coastal Areas Study*³⁹ as "... one of the most valuable tidal wetlands in the State for migratory waterfowl and waterbirds" and is designated as one of 33 Stewardship sites in the U.S. EPA's Long Island Sound Stewardship System of sites recognized as having extraordinary natural resource value⁴⁰.



- Long Beach OPA CT-18P - Expand to include the entirety of the Stewart B. McKinney National Wildlife Refuge, Great Meadows Unit that is located both South and North of Lordship Blvd.
- Norwalk Islands Unit E09/OPA E09P - Expand to include additional islands (between the proposed CBRs Unit OPA and the mainland. While the 'Guiding Principles...' (on p. 20) exclude small islands, we feel that this practice should not be applied here. This entire area is the most important nesting areas in the Connecticut for the state threatened American Oystercatcher.

³⁹ U.S. Fish and Wildlife Service, Southern New England-Long Island Sound Coastal and Estuary Office, Charleston, RI, *Northeast Coastal Areas Study: Significant Coastal Habitats of Southern New England and Portions of Long Island, New York (1991)*

⁴⁰ See <http://longislandsoundstudy.net/our-vision-and-plan/thriving-habitats-and-abundant-wildlife/stewardship-areas-ef04c> and <http://longislandsoundstudy.net/2017/07/milford-point-wheeler/>

level rise. However the inclusion of marsh migration corridors in the CBRs would give salt marshes room to migrate. Looking at the proposed CBRs map, marsh migration corridors are already included in some units. However, there are additional marsh migration corridors (from east to west) that we feel should be added.

- Napatree Point Unit D08 - There is about 15 acres of undeveloped coastal forest (to the east and west of Brucker Parkway) just to the northeast of this unit that may transition to saltmarsh with 3ft of sea level rise.
- Bluff Point Unit CT-02 - Expand on eastern edge to include the coastal forest between Colony Rd. and Duryea Dr. that is a marsh migration corridor.
- Goshen Cove Unit E02 - Include open habitat east of the Waterford Town Beach parking lot that is an undeveloped marsh migration corridor.
- Griswold Point Unit CT-07 - Expand the unit up the Black Hall River to include marsh migration corridors landward of Rue 156. Also expand the unit up the Lieutenant River to include marsh migration corridors landward of the railroad and Shore Rd.
- Consider a new CBRs unit at the western end of South Cove in Old Saybrook that would include current saltmarsh and marsh migration corridors.

Conclusion

Audubon Connecticut strongly supports the expansion of the CBRs along the Connecticut coast. The FWS proposal, as it stands, would result in a net gain of 223 fastland acres and 4,222 acres of associated aquatic habitat to the System along Connecticut. We do hope that you will consider our suggestions to add additional priority habitats and undeveloped marsh migration corridors to the proposed units. Expanding the protective System (as proposed and with our suggested additions) would help save federal tax dollars, promote public safety, and conserve the state's vitally important coastal resources.

Sincerely,

Leslie Kane
Managing Director

Report to Congress: John H. Chafee Coastal Barrier Resource System

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

PUBLIC SUBMISSION

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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0026

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Franklin Nutter

Address:

1445 New York Ave NW
Washington DC, DC, 20005

Email: nutter@reinsurance.org

Phone: 2027838314

General Comment

The Reinsurance Association of America represents reinsurance companies and brokers in the U.S. Our members have a keen interest in extreme weather and its impact on the built environment. Research shows that "green" infrastructure has a significant and positive affect on reducing property damage and loss of life in coastal areas. Such natural features as are reflected in the proposed addition to the CBRA enhance protections and increase resiliency for local communities.

We support additions to the CBRA as forward looking measures to provide greater protection for local residents.

Frank Nutter

President

Reinsurance Association of America

1445 New York Ave NW

Washington DC 20005

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0027

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Carl and Carol Van Wyk

Address:

317 Pearson Blvd
Frederick, MD, 21702

Email: c.vanwyk@mac.com

Phone: (301) 481-7644

General Comment

Thank you for including us on your updates to the coastal barrier efforts. Originally our timeline indicated a hearing somewhere in the 2025 timeframe. As our situation does not fit into the descriptions covered in your presentations, can we assume that we will still have a hearing?

Our limited research indicates your original designation of MD-51 was based on outdated data in our situation and did not consider the developments that had occurred and approved in area MD-51. The Coastal Barrier Designation came after the land had changed elevations and riprap (large 2-3 foot boulders) was in place where your charts depict silting sands. The developers upgrades, including the boulders, sewers, roads, electrical, fire hydrants and phone lines were approved by local and state permitting and in place. Federal funds were matched for some of the improvements. The gap between the data you used and your Coastal Barrier designation indicates a case of using old data to determine the designation. Why were the improvements authorized? Why were local, state and federal funds used?

We were part of large number of government workers moved to Maryland in an area with a shortage of housing. There was a team identified to assist in the move and a Coastal Barrier Designation was never mentioned. It was seventeen years later that we received your notification of the Coastal Barrier Designation. Up until then we received letters from FEMA, that we were required to sign and return.

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acknowledging that we were eligible for flood insurance. We signed up each year for the insurance. Seventeen years is an unreasonable delay in communication.

We are questioning the timing of your coastal designation. We are also questioning the communication about the designation. We continue to be concerned that realtors and developers are not required to notify people that homes are in a CBRA and not eligible for FEMA flood insurance. We are suggesting an obligation for informed decisions.

None of the homes seven homes has ever flooded, in part because of these improvements. What is disappointing is that, because of the CBRA designation, we can not get FEMA insurance while other nearby communities that have flooded continue to be eligible for FEMA insurance. We would be happy to once again be eligible for FEMA flood insurance and contribute to the pool of money available to those that do get flooded. Homes face damage from weather such as storms, fires, floods, tornados etc. It makes sense to limit development in areas and building codes to protect home owners when possible. It does not make sense to declare a coastal barrier designation without notification to prospective owners. At a minimum there should be a requirement for a signed waiver indicating prospective owners are aware of such designations. Also in previous areas that were developed without notification, homes should be allowed to purchase FEMA flood insurance.

We were looking forward to a hearing to voice our concerns. We think the timing of the coastal barrier designation indicates the use of old data. Our notification came 17 years late. Again, we feel there needs to be a more effective communication process that requires signatures indicating buyers are aware of your rulings.

We feel that we either MD-51 should be removed as a CBRA because of the use of faulty data or those in the area should be grandfathered in to purchase FEMA insurance because we where not informed of the designation and its implications.

Carl and Carol Van Wyk

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0028

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Janet Freedman

Address:

4808 Tower Hill Rd
Wakefield, RI, 02879

Email: jfreedman@crmc.ri.gov

Phone: 4017833370

Submitter's Representative: Janet Freedman

Organization: RI Coastal Resources Management Council

Government Agency Type: State

Government Agency: Coastal Resources Management Council

General Comment

The Rhode Island Coastal Resources Management Council (CRMC), the coastal zone management agency for the state, classifies all coastal barriers in the state as undeveloped, moderately developed or developed. On undeveloped barriers CRMC's goal is to preserve, protect, and where possible, restore these features as conservation areas and as buffers that protect salt ponds and the mainland from storms and hurricanes. The CRMC's coastal barrier policies and prohibitions are detailed in the Rhode Island Coastal Resources Management Program at 690-RICR-20-00-1.2.2(B). New development, and post storm redevelopment of substantially damaged property is prohibited on undeveloped barriers. The CRMC offers the following comments as they pertain to consistency with the CRMC barrier classification and regulations, particularly on the undeveloped barriers. These changes will ensure consistency with the CRMC barrier classifications to minimize confusion for applicants and maintain the integrity of undeveloped barrier systems.

Charlestown Beach Road, South Kingstown, RI move the line of the systems unit D94 ~325 feet east to exclude the four (4) existing houses to be consistent with CRMC barrier classification. These

Hurricane Sandy Remapping Project

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properties are located on a developed barrier as classified by CRMC.

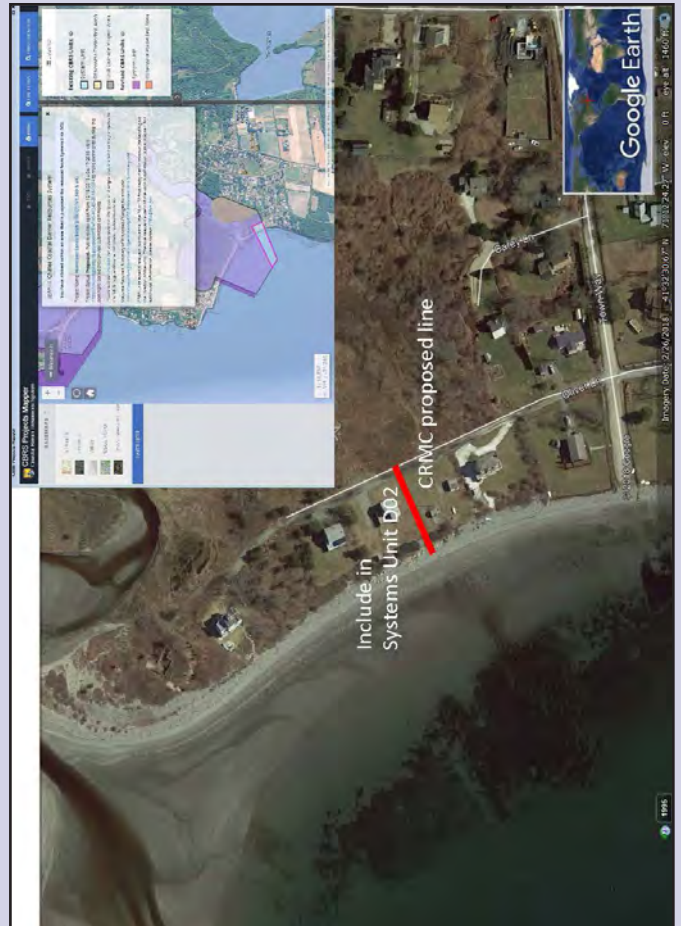
Commicut Point, Warwick, RI move the D02B System Unit line to S. Shore Road to be consistent with CRMC barrier classification. This is the boundary of the undeveloped barrier as classified by CRMC.

Oliver Lane, Little Compton, RI move the proposed line for System Unit D02 on the south side of Oliver Lane ~200 feet south easterly to the ROW to be consistent with CRMC barrier classification.

Charlestown Beach Road, Charlestown, RI also we request that you move the line for the OPA (D05 to D05P) eastward to the property line of the most westward house (~160 feet east).

Attachments

CRMC proposed CBRA



Report to Congress: John H. Chafee Coastal Barrier Resource System



11/4/2020

FWS-HQ-ES-2018-0034-0029.html

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0029

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Brian Thompson

General Comment

Please see the CT Dept. of Energy and Environmental Protection's attached comments on proposed CBRS boundaries re-mapping in the State of CT

Attachments

CBRS changes Batch 2 DEEP Comments. Final signed.

file:///C:/Users/JohnH/OneDrive/Reports/Appendix/LR2/Viewing/Documents/FWS-HQ-ES-2018-0034-0029.html

1/1



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www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

April 16, 2019

Mr. Gary Frazer
U.S. Fish and Wildlife Service
U.S. Department of the Interior
Washington, DC

RE: FWS-HQ-ES-2018-0034

Dear Mr. Frazer:

Thank you for the opportunity to comment on the U.S. Fish and Wildlife Service's Hurricane Sandy Remapping Project's proposed revisions to the John H. Chafee Coastal Barrier Resources System boundaries in Connecticut. The proposed modifications would add a net 3,012 acres to existing System units in Connecticut. Of this additional area, nearly all (96%) is aquatic habitats associated with upland or fastland units located above mean high water. The proposed boundary modifications would also remove 9 acres of fastland from existing units.

With one exception we concur with the proposed Connecticut boundary modifications. Specifically, we believe removing the 1-2 acre area of existing developed fastland within the Milford Point Unit (E07P) on Smiths Point Road, Milford would be inconsistent with the purposes of the Coastal Barrier Resources Act (CBRA) and therefore should be retained or reclassified as part of unit E07.

The purposes of the CBRA include "... minimize (ing) ... damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts ... if such feature and associated habitats contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes".

The 1-2 acre developed area proposed to be removed from E07P (see attached) is a small part of the larger Milford Point ecological area, which, taken as a whole, contains few manmade structures. The Milford Point fastland together with its associated aquatic habitats, is recognized in the Service's Northeast Coastal Area Study (NECAS) as providing regionally significant coastal habitat¹. NECAS defines this region as the coastal and estuarine resource area extending from the Western Narrows of Long Sound to the Cape Cod Islands south to Montauk Point.

¹ 16 U.S.C. 3501(b).

² U.S. Fish and Wildlife Service, Southern New England-Long Island Sound Coastal and Estuary Office, Charleston, RI. Northeast Coastal Area Study: Significant Coastal Habitats of Southern New England and Portions of Long Island, New York (1991)

NECAS describes the Milford Point ecological area as one of the most valuable tidal wetlands in the State for migratory waterfowl and waterbirds. The sandy beaches, dunes and adjacent mudflats of this area offer high quality nesting and foraging habitat for the Federal and State Threatened piping plover, State Threatened least tern and American Oystercatcher and the State Species of Special Concern diamondback terrapin. Further, this area is recognized as one of 33 sites in the U.S. EPA's Long Island Sound Stewardship System of sites as having extraordinary natural resource value².

Although the 1-2 acre upland area proposed to be removed from the CBRS is not owned for conservation and recreation purposes, and therefore misclassified as an Otherwise Protected Area (E07P), for the reasons provided here, we recommend that it be retained in the system by reclassifying the area as part of system unit E07.

Thank you for providing this opportunity to comment on the proposed CBRS system boundary modifications in Connecticut.

Sincerely,

Brian P. Thompson, Chief (Acting)
Bureau of Water Protection and Land Reuse

² See <http://longislandsoundstudy.net/our-vision-and-plan/thriving-habitats-and-abundant-wildlife/stewardship-areas/> and <http://longislandsoundstudy.net/2012/07/milford-pt-and-wheeler/>



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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0030

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Kent Henkel

General Comment

York County, Virginia has reviewed the proposed changes to the CBRS mapping and has the following comment:

The proposed COBRA zone was clearly drawn to exclude the existing structures on Bay Tree Beach Road. However, there are two structures at the end of Bay Tree Beach Road that are included in the proposed COBRA zone. Based on how the proposed COBRA zone was drawn the County request that these two structures/properties (see attached map) be removed from the proposed COBRA zone.

York County appreciates the opportunity to comment on the proposed changes. If you have any questions please contact me.

Kent Henkel, CFM
Environmental Specialist II
York County, VA
Henkelk@yorkcounty.gov

Attachments

CBRS

Natural Resources Inventory for W09c-1292-2370 1009 Bay Tree Beach Rd.



Report to Congress: John H. Chafee Coastal Barrier Resource System

11/4/2020

FWS-HQ-ES-2018-0034-0031.html

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Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0031

RuliffsonJames

Submitter Information

Name: James H Ruliffson

Address:

64 Tidal Pond Lane

Hudgins, VA, 23076

Phone: 804-725-1511

General Comment

See Attached

Attachments

RuliffsonJames

File: \\FWS\JBR\Harris\Hurricane Sandy\Report to Congress\Env\Report\Appendix L\2_Nixon\Documents\FWS-HQ-ES-2018-0034-0031.html

RECEIVED
APR 15 2019
Dir. of Policy, Perf. &
Mgmt. Programs

James H. Ruliffson

64 Tidal Pond Lane

Hudgins, VA 23076

(804) 725-1511

April 12, 2019

The U.S. Fish and Wildlife Service

Public Comments Processing

Attn: Docket No. FWS-HQ-ES-2018-0034

Division of Policy, Performance, and Management Programs

5275 Leesburg Pike, MS:BPHC

Falls Church, VA 22041-3808

Dear Mr. Frazer,

By this letter, I am requesting a minor modification to a CBRs map. I feel that where the line is presently placed on my property is incorrect due to inaccuracies on original base maps. I have included the following information for your review:

Exhibit #1: Diagram of the existing CBRs line and requested change.

Exhibit #2: An elevation certificate for the house. This shows that the house is in an elevation of 8.0 ft in an AE 5 ft zone, conforming to current county zoning and exactly the same as adjoining properties/housing to the north, which are "outside" the CBRs line.

Exhibit #3: A copy of a portion of a flown aerial topographical map provided by Air Survey Corp. of VA (1983). This map shows that the entire house site and surrounding area are at the same elevation.

Exhibit #4: A copy of the aerial photo with the Mathews County VA tax maps overlay. This photo shows the house site and driveway as I purchased it in September 2002. The septic system has been installed.

Exhibit #5: A copy of the USGS topo map - Mathews VA 1965. This shows that the property was wooded. It remains wooded with both mature deciduous and conifer trees existing to within five ft. of the mean high tide line.

Exhibit #6: A copy of the USGS topo map - Mathews VA 1985. This shows that the shoreline has not changed.

Exhibit #7: A copy of the NOAA depth chart (1990). This shows that the depth of the water in front of the property is less than 3 ft. deep. Very shallow water cannot generate much wave action at all.

Exhibit #8: A copy of the soil Survey of Mathews County, VA. This shows the soils as Wo (Woodstown) soils, which are NOT highly erodible, well-drained upland soils. When Exhibit 5 and Exhibit 8 are jointly considered, the entire property is NOT unconsolidated soil, such that it is outside the original thrust of the CBRs.

Exhibit #9: A survey plat of the property; the house is shown.

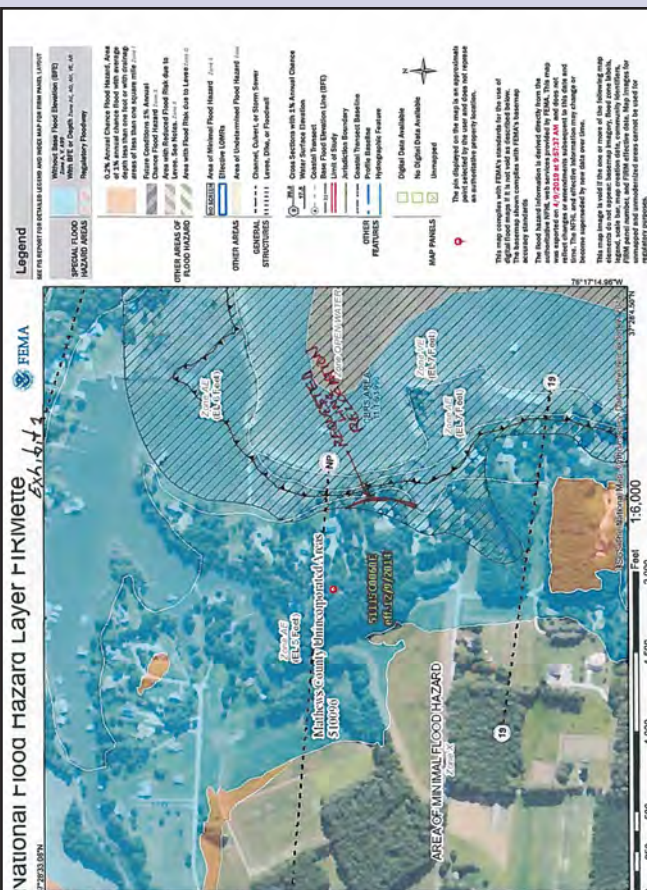
Exhibit #10: A copy of the VIMS Shoreline management plan (2010).

Exhibit #11: Plate 11 of the VIMS shoreline change map. This map clearly shows that the property experiences very low erosion rates and that the shoreline has not changed since 1937.

Given that there are inconsistencies between the CBRs line - initially drawn in an admittedly arbitrary manner - and the other Exhibits herein, I am requesting an administrative change to the CBRs line. I thank you in advance for your consideration.

Sincerely Yours,

James H. Ruliffson CAPT USN (Ret)



Hurricane Sandy Remapping Project

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB No. 1560-0008
Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-6.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION		FOR INSURANCE COMPANY USE	
A1. Building Owner's Name JAMES H. RUFFESSON & SUMAN L. RUFFESSON		Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 64 TIDEAL ROAD LAKE		Company NAIC Number:	
City HUGGINS State VIRGINIA ZIP Code 23076			
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LOT 1-5.00 AC. "SPINNAULT SUBDIVISION" - SPINNAULT DISTRICT			
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENCE			
A5. Latitude/Longitude: Lat. 37.4718° Long. 76.8214° Horizontal Datum: <input type="checkbox"/> NAD 1983 <input checked="" type="checkbox"/> NAD 1983			
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.			
A7. Building Diagram Number B11B			
A8. For a building with a crawlspace or enclosure(s):			
a) Square footage of crawlspace or enclosure(s) 3504 sq ft			
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 8			
c) Total net area of flood openings in A8.b 676 sq ft			
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
A9. For a building with an attached garage:			
a) Square footage of attached garage 812 sq ft			
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 0			
c) Total net area of flood openings in A9.b 0 sq ft			
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION			
B1. NFIP Community Name and Community Number REARER 51076		B2. County Name SPOTSWOOD	
B3. State VIRGINIA		B4. Map Panel Number DISCOGARD 'E'	
B5. Suffix 12-9-14		B6. FIRM Index 12-9-14	
B7. FIRM Panel Effective/Revised Date 12-9-14		B8. Flood Zone(s) AE	
B9. Base Flood Elevation(s) (Zone A0, use Base Flood Depth) 5'			
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIRM <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other Source:			
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NAVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other Source:			
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: 11-16-2011 <input checked="" type="checkbox"/> CBRS <input type="checkbox"/> OPA			

FEMA Form 096-0-33 (7/15)

Replaces all previous editions.

Form Page 1 of 6

ELEVATION CERTIFICATE

OMB No. 1560-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

City
HUGGINS State
VA ZIP Code
23076

Company NAIC Number

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings ☐ Building Under Construction ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A, (with BFE), VE, V1-V30, V (with BFE), AR, ARX, ARX1-A30, ARX1, ARX10, ARX100.

Complete items C2-a-h below according to the building diagram specified in Item A7. In Zones A1-A30, enter meters.

Complete items C2-a-h below according to the building diagram specified in Item A7. In Zones A1-A30, enter meters.

Indicate elevation datum used for the elevations in Items A7 through H) below.

☐ NAVD 1929 ☒ NAVD 1988 ☐ Other Source:

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor) **7.6** ☐ First ☒ Meters

b) Top of the next higher floor **7.3** ☐ First ☒ Meters

c) Bottom of the lowest horizontal structural member (V Zones only) **4.6** ☐ First ☒ Meters

d) Attached garage (top of slab) **4.9** ☐ First ☒ Meters

e) Lowest elevation of machinery or equipment servicing the building **7.2** ☐ First ☒ Meters

f) Lowest adjacent (finished) grade next to building (LAG) **4.1** ☐ First ☒ Meters

g) Highest adjacent (finished) grade next to building (HAG) **4.8** ☐ First ☒ Meters

h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support **N/A** ☐ First ☒ Meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S.C. 3571.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check box if applicable.

Certifier's Name
WAYNE E. LEWIS License Number
1426

Company Name
LAND SURVEYOR

Address
LEWIS LAND SURVEYING, P.C.

City
P.O. Box 489 State
VA ZIP Code
23076

Signature
Wayne E. Lewis Date
3-11-19 Telephone
(804) 785-9777

Comments (including type of equipment and location, per C26e, if applicable)

SECTION C2b) ELEVATION OF 7.3' REFERS TO THE FLOOR OF THE DIAGRAM 1B. IS USED AS A WIND AREA, AND HAS 1450.0 FT. ALL OF THE DUNGEON B HAS A FLOOR ELEVATION OF 8.0'.

SECTION C2c) ELEVATION OF 7.2' REFERS TO THE BOTTOM OF THE HVAC UNIT.

SECTION A0c) SEE ATTACHMENT.

FEMA Form 096-0-33 (7/15)

Replaces all previous editions.

Form Page 2 of 6

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1560-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

City
HUGGINS State
VA ZIP Code
23076

Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken, "Front View" and "Rear View" and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A6. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One Caption "Front View"

Photo One

Clear Photo One



Photo Two Caption "Rear View"

Photo Two

Clear Photo Two

FEMA Form 096-0-33 (7/15)

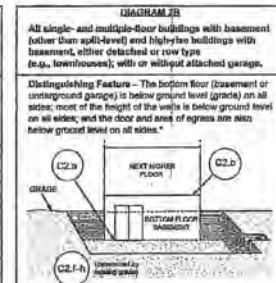
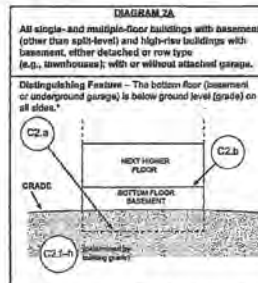
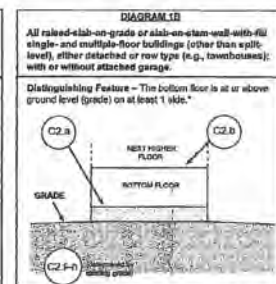
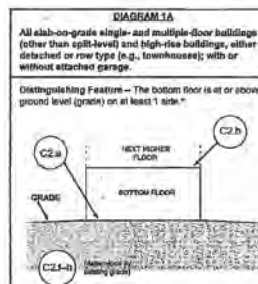
Replaces all previous editions.

Form Page 5 of 6

Building Diagrams

The following diagrams illustrate various types of buildings. Compare the features of the building being certified with the features shown in the diagrams and select the diagram most applicable. Enter the diagram number in Item A7. The square footage of crawlspace or enclosure(s) and the area of flood openings in square inches in Items A9-a-c, the square footage of attached garage and the area of flood openings in square inches in Items A9-d-e, and the elevations in Items C2-a-h.

In A zones, the floor elevation is taken at the top finished surface of the floor indicated; in V zones, the floor elevation is taken at the bottom of the lowest horizontal structural member (see drawing in instructions for Section C).



*A floor that is below ground level (grade) on all sides is considered a basement even if the floor is used for living purposes, or as an office, garage, workshop, etc.

DIAGRAM 7

All buildings elevated on full-story foundation walls with a partially or fully enclosed area below the elevated floor. This includes without limits, where at least 1 side is at or above grade. The principal use of this building is located in the elevated floors of the building.

Distinguishing Feature—For all cases, the area below the elevated floor is enclosed, either partially or fully. In A-Zones, the partially or fully enclosed area below the elevated floor is with or without openings¹ present in the walls of the enclosure. Indicate information about enclosure size and openings in Section A—Property Information.

DIAGRAM 8

All buildings elevated on a crawlspace with the floor of the crawlspace at or above grade on at least 1 side, with or without an attached garage.

Distinguishing Feature—For all cases, the area below the first floor is enclosed by walls or partial perimeter walls. In all A-Zones, the crawlspace is with or without openings¹ present in the walls of the crawlspace. Indicate information about crawlspace size and openings in Section A—Property Information.

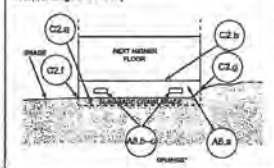
Material
Cedar, Wood

Dimensions
Width: 15.81 inches
Height: 8.0 inches

Net Open Area
29 sq. in.

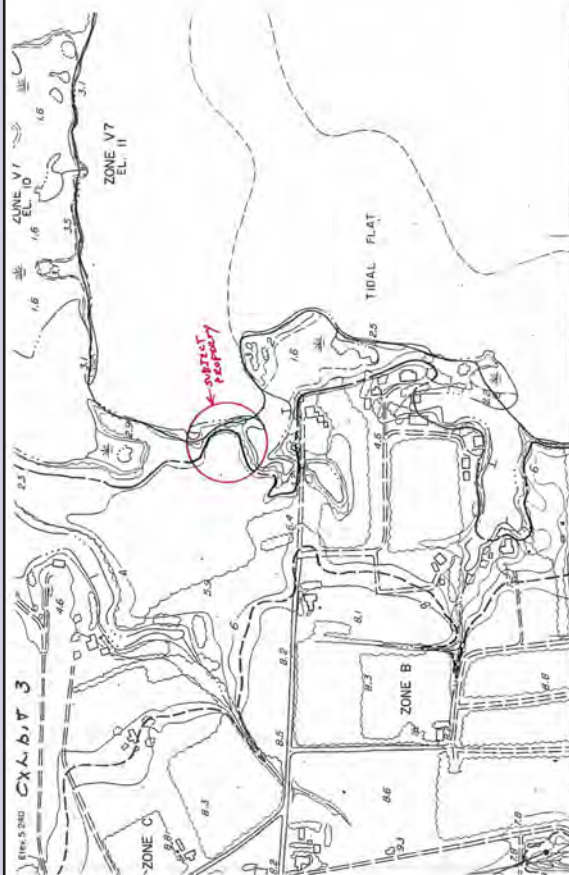
DIAGRAM 3
All buildings (other than split-level) elevated on a sub-grade crawlspace, with or without attached garage.

Distinguishing Feature – The bottom (crawlspace) floor is below ground level (grade) on all sides.² (If the distance from the crawlspace floor to the top of the next higher floor is more than 5 feet, or the crawlspace floor is more than 2 feet below the grade [LAG] on all sides, use Diagram 2A or 2B.)



⁴² An "opening" is a permanent opening that allows for the free passage of water automatically in both directions without human intervention. Under the IFSP, a minimum of 2 openings is required for enclosures or coverings. The openings shall provide a total free area of not less than 1 square foot per 100 square feet of floor area, including any floor, insulation, or other coverings. Alternatively, an enclosure may be tested and approved by the International Code Council (ICC) under the International Code Council Evaluation Service (ICC EES) must be submitted to document that the design of the openings will allow for the automatic equalization of hydrostatic head forces on exterior walls. It is recommended that a minimum of 2 openings be provided for each enclosure. The openings shall be located in the exterior wall of the enclosure area. If a building has more than 1 enclosed area, each area must have openings to allow flow freely in either direction. The bottom of the openings must be no more than 10 feet above the higher of the exterior or interior grade or floor immediately below the opening. For more information, see IFSP (2012) Section 11.1.1.1.

NFIP Elevation Certificate Instructions – Page 9 of 9



FLOOD INSURANCE ST

Topographic Mapping Compiled by Photogrammetric Methods
From Aerial Photography Dated December 18, 1983

10 2000

ATTACHMENT

Material
Cedar, Wood

Dimensions
Width: 15.81 inches
Height: 8.0 inches

Net Open Area
29 sq. in.

FRONT FACE

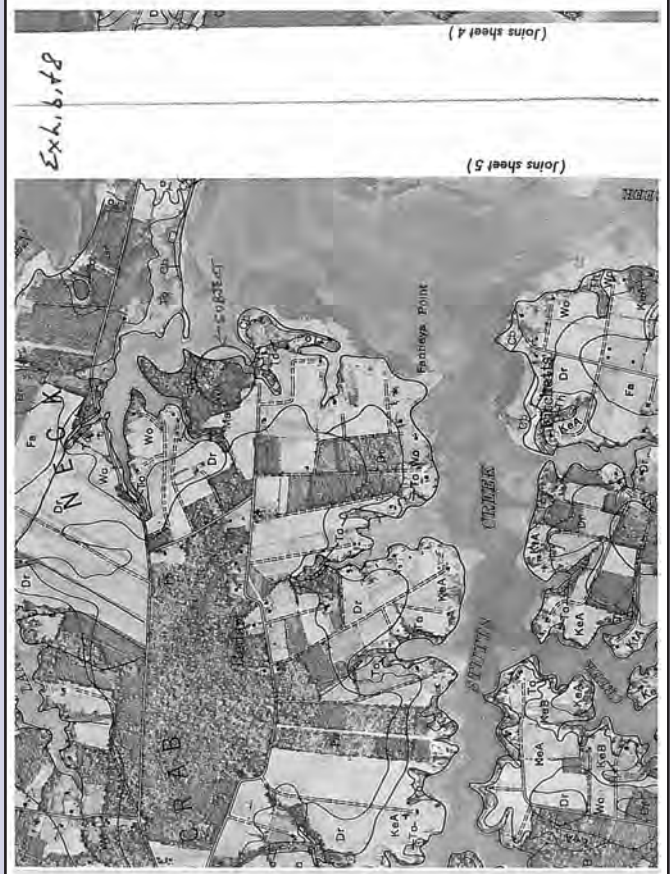
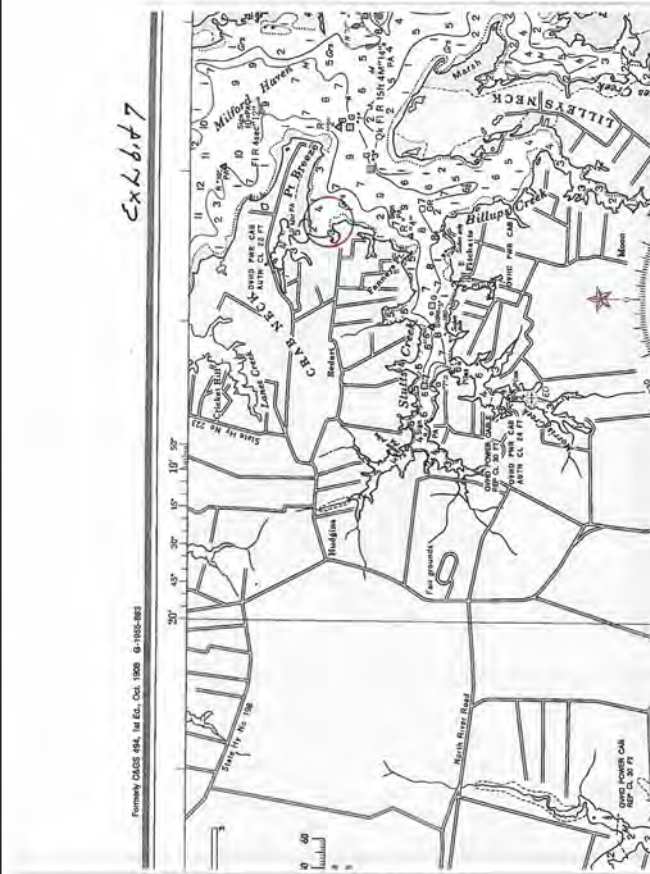
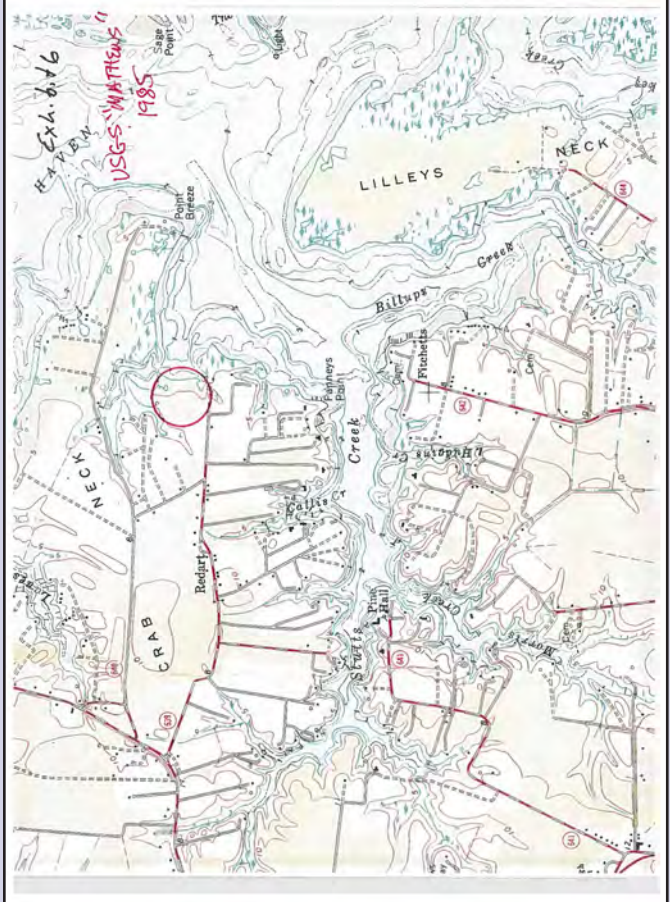
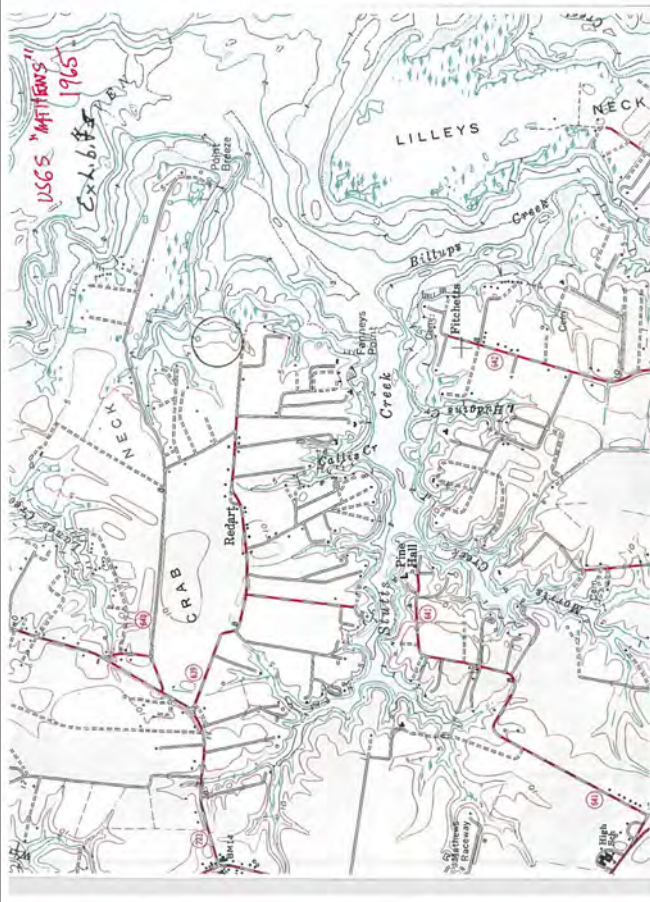
BACK FACE

64 TIDAL POND LANE
HUDGINS, VA. 23076

(8) VENTS INSTALLED ARE SIMILAR TO THE VENTS SHOWN, BUT ARE 16" X 24". ALLOWING 3 TIMES THE OPEN AREA, GIVES 87 SQ. IN. PER VENT.

Non-Engineered Opening Guide
Vol. 2 / November 2015

Hurricane Sandy Remapping Project



Report to Congress: John H. Chafee Coastal Barrier Resource System

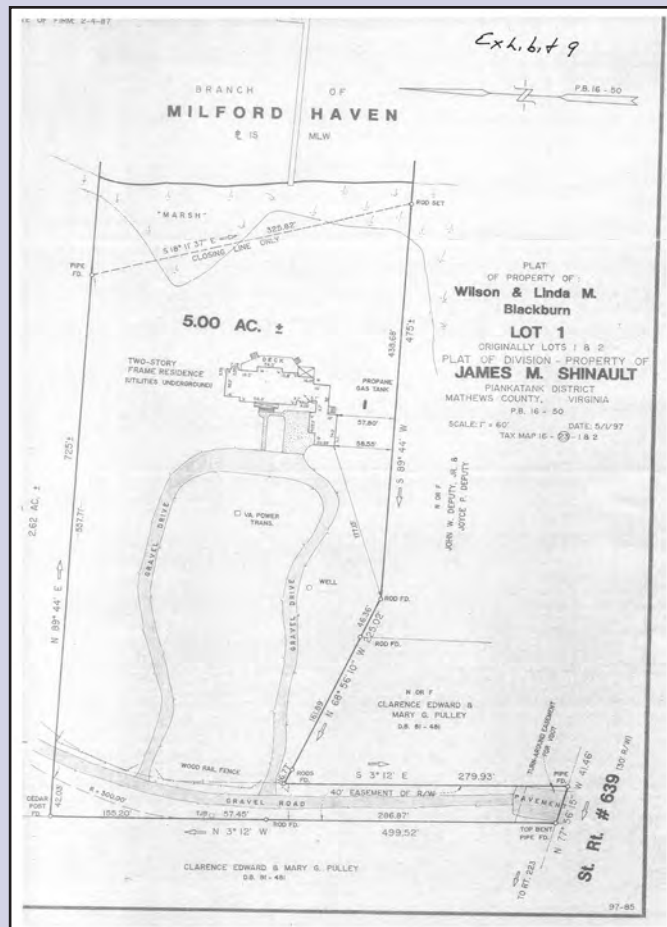


Exhibit 10

Mathews County Shoreline Management Plan

Prepared for
Mathews County
and the
National Fish and Wildlife Foundation

C. Scott Hardaway, Jr.*
Donna A. Milligan*
Carl H. Hobbs, III*
Christine A. Wilcox*
Kevin P. O'Brien*
Lyle Varnell

*Shoreline Studies Program

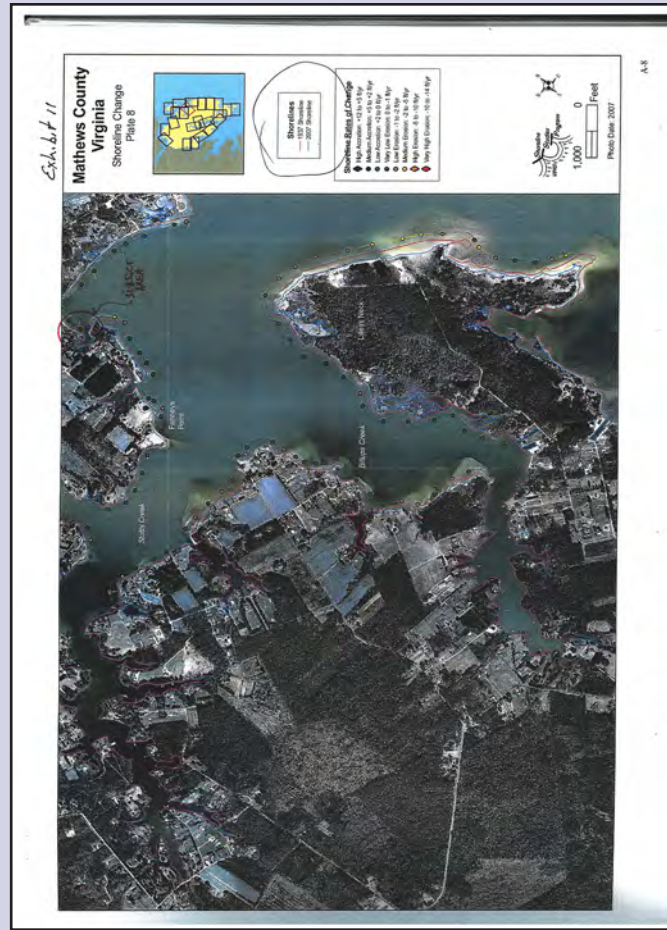
Virginia Institute of Marine Science
College of William & Mary
Gloucester Point, Virginia

Special Report in Applied Marine Science and Ocean Engineering No. 417 of the
Virginia Institute of Marine Science

This project was funded by the National Fish and Wildlife Foundation through Grant Number 2007-2009-414



March 2010



1140200 FWS-HQ-ES-2018-0034-0032.html

As of: April 22, 2019
Received: April 16, 2019
Status: Posted
Posted: April 16, 2019
Tracking No: 113-9945-051m
Comments Due: April 17, 2019
Submission Type: Web

PUBLIC SUBMISSION

Docket: FWS-HQ-ES-2018-0034
John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001
John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0032
Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Morgan Butler
Submitter's Representative: Morgan Butler
Organization: Southern Environmental Law Center

General Comment

Good afternoon,

Attached please find comments from the Southern Environmental Law Center regarding the Hurricane Sandy Remapping Project for the Coastal Barrier Resources System. Thank you for your consideration.

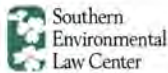
Sincerely,
Morgan Butler

Attachments

04-16-2019 SELC comments on proposed CBRS additions

File: \\FWS\JL\B\A\Hurricane Sandy\Report to Congress\Email Reports\Appendix LE2 Missing Documents\FWS-HQ-ES-2018-0034-0032.html

Hurricane Sandy Remapping Project



201 West Main Street, Suite 11
Charlottesville, VA 22903-5605
434/977-4999
Fax 434/977-1166
southern@selawcenter.org

April 15, 2019

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

To Whom It May Concern:

The Southern Environmental Law Center (SELC) would like to provide the following comments in support of the additions proposed to Coastal Barrier Resources System (CBRS) units located in Virginia as part of the Hurricane Sandy Remapping Project. We also request additional explanation of the proposed removal of acreage from a few of the CBRS units located in Virginia.

SELC is a non-partisan, non-profit organization headquartered in Virginia that works throughout the southeastern United States to promote policies and laws that protect our natural resources, strengthen our communities, and improve our quality of life. SELC's Coastal Resiliency Initiative advances conservation of vulnerable wetlands, beaches, and natural areas from reckless development and infrastructure proposals that would exacerbate flooding risks for communities and imperil important ecological zones.

Overall, the CBRS is a common-sense program to remove or reduce federal incentives to develop along and near our invaluable coastal barriers. By making relatively undeveloped coastal barrier areas ineligible for most new federal expenditures and financial incentives, the CBRS helps to preserve the important protective functions these areas provide for nearby communities, conserve important coastal wildlife habitat, and avoid the loss of human life and the waste of taxpayer dollars that result from developing areas prone to flooding and severe storms. Directly relevant to the public safety and taxpayer savings benefits, a recent study published in the *Journal of Coastal Research* found that the CBRS reduced federal coastal disaster-related expenditures by \$9.5 billion between 1989 and 2013, and it forecasts that savings from the program over the next 50 years will range between \$11 billion and \$108 billion.¹

The need to shield barrier islands and shoreline zones from inappropriate development is particularly pronounced in Virginia, where climate change is fueling a troubling combination of more severe weather and significantly higher-than-average rates of relative sea-level rise. The

¹ Coburn, Andrew S., and Whitehead, John C. "An Analysis of Federal Expenditures Related to the Coastal Barrier Resources Act of 1982," in *Journal of Coastal Research*, March 15, 2019. <https://www.jcofonline.org/doi/full/10.2112/JCOASTRES-D-18-00114.1>

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expected impacts—many of which are already occurring—include increased risks of erosion, flooding, and the permanent inundation of what is now normally dry land in Tidewater, on the Eastern Shore, and in other areas of the state along the Chesapeake Bay and its tributaries.

The proposed changes resulting from the Hurricane Sandy Remapping Project would add 96,514 acres from these coastal and shoreline zones of Virginia to the CBRS. 1,433 acres of that total consist of fastland (land located above mean high tide that is more easily subject to development), and the remaining 95,081 acres consist of associated aquatic habitat (AAH), which primarily includes wetlands. Significantly, eleven new units would be added in Virginia that are comprised entirely of areas that are not currently contained within the CBRS. We support these additions, as they should help safeguard important environmental resources, promote public safety, and support federal fiscal responsibility.

We understand that 201 acres (149 acres of fastland and 52 acres of AAH) are proposed to be removed from the CBRS in Virginia due to errors in prior mapping efforts. We certainly understand the need to correct mapping errors that improved technology and better information have brought to light during the current review. However, we want to be sure we properly understand the basis for any significant or unclear acreage removals being proposed in Virginia, and although we have reviewed the helpful information available on the CBRS website, we still have questions regarding several, including Units VA-12, VA-16, and VA-33. We would appreciate any additional information you could offer to explain the proposed acreage reductions in those units.

Finally, in light of the rapidly evolving coastline conditions in Virginia, we urge the U.S. Fish and Wildlife Service to explore ways in which the CBRS could be extended to capture marsh and wetland migration corridors and upland areas that will store floodwater, buffer communities from storms, and provide important wildlife habitat in the future as sea levels rise and current land and wetlands areas are inundated. Indeed, now is the time to take all steps possible to reduce development pressure in these areas that will only become more vital in the future, and it is critical to make sure the CBRS is designed to help do so.

In closing, we support the proposed additions to the CBRS units located in Virginia, and we appreciate the work that the U.S. Fish and Wildlife Service has put into this valuable project.

Sincerely,

Morgan Butler
Senior Attorney

2

11/4/2020

FWS-HQ-ES-2018-0034-0033.html

PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 16, 2019
Status: Posted
Posted: April 16, 2019
Tracking No. 143-99dv-qwll
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0033

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Mike Waine
Address: United States
Email: mwaine@asafishing.org

General Comment

See attached file(s)

Attachments

ASA ltr on FWS CBRS 04-15-19



April 15, 2019

Division of Policy, Performance, and Management Programs,
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, Virginia 22041-3808

To whom it may concern,

The American Sportfishing Association (ASA) appreciates the opportunity to provide comments to the U.S. Fish and Wildlife Service regarding proposed modifications to the Coastal Barrier Resources System (CBRS) in Connecticut, Maryland, New York (Long Island), Rhode Island, and Virginia.

ASA is the nation's recreational fishing trade association and represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 49 million recreational anglers. ASA also safeguards and promotes the social, economic, and conservation values of sportfishing in America, which results in a \$125 billion per year impact on the nation's economy.

Healthy ecosystems and robust fish populations are vital to the well-being of our society. Unfortunately, in many waters around the country, fish and the habitats on which they depend are in decline. This is of huge concern to the 49 million anglers who pursue fish recreationally and countless others who depend on them for subsistence and commerce.

The economic contribution of recreational fisheries alone surpassed \$125 billion in 2018. The value of fish habitat—especially coastal estuaries and wetlands—goes well beyond angling for and harvesting fish. A tremendous amount of work has been undertaken to protect, restore and enhance aquatic habitats because of their economic and ecological importance, and ASA continues to support these efforts.

As a result, ASA sees value in the proposed modification to the CBRS as it has the potential to further protect important near coastal habitat that is vital to healthy ecosystems including fish resources. However, ASA recommends the U.S. Fish and Wildlife Service thoroughly consider public input on a local scale as it is difficult for us to fully comment on the specific localized impacts of this action.

Sincerely,

Michael Waine
Atlantic Fisheries Policy Director
American Sportfishing Association

Report to Congress: John H. Chafee Coastal Barrier Resource System

11/4/2018

FWS-HQ-ES-2018-0034-0004.html

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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0034

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Jillian Lincer
Address: United States
Email: jllincer@audubon.org

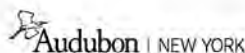
General Comment

Thank you for the opportunity to provide comments on Docket Number FWS-HQ-ES-2018-0034. On behalf of Audubon New York, please consider the attached comments.

Attachments

A-NY comments on CBRS Hurricane Sandy Remapping

File: FWS-HQ-ES-2018-0034-0034-0004.html



2 Third Street, Suite 403
Troy, NY 12180
518.869.9731
troy@audubon.org

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Division of Policy, Performance, and Management Programs
5275 Leesburg Pike, MS' BPHC
Falls Church, VA 22041-3508

April 16, 2019

RE: Docket Number FWS-HQ-ES-2018-0034, John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia.

Dear Sir/Madam:

On December 18, 2018, the U.S. Fish and Wildlife Service (FWS) published a notice in the Federal Register announcing a public review and comment period on the second batch of state maps developed pursuant to the Hurricane Sandy Remapping Project.¹ The second set of maps includes proposed changes to the Coastal Barrier Resources System (CBRS) along the coasts of Rhode Island, Connecticut, New York (Long Island), Maryland, and Virginia.² This second set of Hurricane Sandy maps includes 310 CBRS units, of which 256 are existing and 54 are proposed new units, along the RI, CT, NY, MD and VA coasts. The conservation of coastal resources is a critical issue for Audubon New York and our network of more than 50,000 members. We appreciate the opportunity to submit comments on the proposed changes to the CBRS regarding docket number FWS-HQ-ES-2018-0034.

Audubon New York commends the FWS for carefully developing proposed additions and necessary deletions to the CBRS on Long Island. The proposed Long Island maps would add 19,795 acres to the System, of which 2,581 acres are fastland, developable acres and 17,187 acres are associated aquatic habitat.³ To correct prior mapping errors, the proposed maps would remove 325 acres from the System, of which 242 acres are fastland and 86 acres are associated aquatic habitat.⁴ Audubon New York supports these changes to the System, particularly the addition of nearly 20,000 acres to the CBRS. Audubon New York supports the habitat, public safety and economic benefits provided by the CBRS, and urges the FWS to transmit these maps to Congress for action.

¹ Federal Register, Vol. 83, No. 242, Tuesday, December 18, 2018, pp. 64861 – 64866.

² Ibid. A minor portion of Rhode Island Unit D01 is located in Massachusetts, accounting for about three acres in Massachusetts.

³ U.S. Fish and Wildlife Service, "Coastal Barrier Resources System Hurricane Sandy Remapping Project: New York (Long Island)," <https://www.fws.gov/esa/ehp/ehp/ny-map-and-fast-land-proposed.pdf>.

⁴ Ibid.

1. The Coastal Barrier Resources Act's Three Major Goals

The Coastal Barrier Resources Act (CBRA) was enacted in 1982 with three major objectives:

- Minimize the loss of human life;
- Reduce wasteful expenditures of federal revenues; and
- Protect fish and wildlife and other natural resources along the nation's coasts.¹

The CBRS encompasses 3.5 million acres along the Gulf of Mexico, Atlantic, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts.² Areas included in the protective System as System Units are prohibited from receiving most federal subsidies, and there are roughly 1.4 million acres in Units in the CBRS.³ The CBRS also includes Critical Protected Areas (CPAs) on which only federal flood insurance is prohibited, and there are roughly 2.1 million acres in the System with CPA designation.⁴ Areas included in the System include sandy beaches, dunes, barrier islands, spits, inlets, rocky formations like those found in the Florida Keys and the upper New England coast, estuarine areas, coastal wetlands, and nearshore waters.

By removing federal expenditures for new development and redevelopment along the hazard-prone coasts, the CBRS sends a strong message of support for public safety. Every year, deadly hurricanes and storms claim victims and disrupt millions of lives. Removing the federal financial safety net that supports development removes federal support for hazard-area construction and the risks that come with it. Protected from the significant array of federal expenditures for development, CBRS areas typically remain undeveloped or more lightly developed than those areas that are open to federal subsidies. This helps protect healthy coastal ecosystems, which are crucial to birds and other wildlife, as well as commercial and recreational fisheries and the outdoor recreation industry. Healthy coastal ecosystems are also resilient and provide important benefits for nearby communities by absorbing the impact of storms, storing and clearing flood waters, and acting as the first line of natural defense. By removing federal development subsidies on areas included in the System, the federal taxpayer is taken out of the coastal development and redevelopment equation, saving the Federal Treasury billions of dollars.

2. The Coastal Barrier Resources System Saves Billions of Federal Tax Dollars Nationwide, and Millions of Federal Tax Dollars in New York.

The CBRA does not prohibit development on areas included in the System. It simply removes the federal taxpayer from having to financially support development and re-development along the nation's coasts. By prohibiting most federal expenditures on CBRS Units and targeted federal expenditures on CPAs, the CBRS has saved the Federal Treasury billions of dollars. According to a study published in the peer-reviewed *Journal of Coastal Research* on March 15, 2019, the CBRA has reduced federal coastal disaster-related expenditures by \$9.5 billion (in 2016 dollars) between 1989 and 2013.⁵ Moreover, future CBRA savings over the next 30 years are forecast to range between \$11 billion (in 2016 dollars) for a low development/low damage estimate scenario to \$106 billion (in 2016 dollars) for a high development/high damage estimate scenario.⁶ The study examined coastal storm-related expenditures from only four federal agencies, which did not include the National Flood Insurance Program, so the likely savings from CBRA are even larger than those documented in the study.⁷

¹ Coastal Barrier Resources Act of 1982, Public Law 97-348 (96 Stat. 1553, 16 U.S.C. 3501 et seq.), enacted October 18, 1982.

² U.S. Fish and Wildlife Service, "Coastal Barrier Resources Act," <https://www.fws.gov/esa/ehp/ehp/ny-map-and-fast-land-proposed.pdf>.

³ Ibid.

⁴ Ibid.

⁵ Colburn, Andrew S., and Whitehead, John C. "An Analysis of Federal Expenditures Related to the Coastal Barrier Resources Act of 1982," in *Journal of Coastal Research*, March 15, 2019.

⁶ <https://www.fws.gov/esa/ehp/ehp/ny-map-and-fast-land-proposed.pdf>.

⁷ Ibid.

⁸ Ibid.

The report focused on avoided federal expenditures on fastland acres in the CBRS, which are developable land areas, as opposed to aquatic habitat like wetlands and estuaries.⁸ Further, the study focused on just those fastland acres included in full System Units, on which most federal expenditures are prohibited.⁹ The CBRS currently includes 132,116 fastland acres in full System Units. According to the *Journal* report, avoided federal expenditures on these acres has resulted in \$9.5 billion in savings, which averages out to \$71.905 per acre.¹⁰

Long Island, New York currently has 10,462 fastland acres in the System, accounting for an average savings to the U.S. Treasury of \$752.3 million in avoided federal expenditures. Adding additional fastland areas on Long Island to the CBRS would increase Federal savings in the future.

3. Strong Bipartisan Support for the CBRA.

The CBRA was signed into law in 1982 by President Ronald Reagan, who applauded its "common sense" approach to protecting coastal resources "with less Federal involvement, not more."¹¹ The CBRA was subsequently expanded in 1990 with bipartisan legislation that was signed into law by President George Bush.¹² In the most recent example of bipartisan support, more than 18,000 acres were added to the CBRS by legislation that passed Congress in December 2018 and was signed into law by President Trump on December 21, 2018.¹³

The New York Congressional delegation unanimously supported passage of the Strengthening Coastal Communities Act in a recorded vote in the House of Representatives, as well as the bill that passed by unanimous consent in the Senate.

4. Hurricane Sandy and the FWS's Sandy Remapping Project

More than a dozen states were impacted by Hurricane Sandy in October 2012, which cost \$71 billion in damages, making it the fourth costliest U.S. hurricane on record.¹⁴ The hurricane left 6.5 million people without power, destroyed 650,000 homes, and was responsible for the deaths of nearly 150 people.¹⁵

Storm surges from Hurricane Sandy were massive, clocking in at more than 12 feet above normal at Kings Point, Long Island.¹⁶ At least 90 percent of Long Island lost power, affecting 800,000 people and prompting New York State to request 4,000 utility workers from as far away as California.¹⁷ On Long

¹¹ Ibid.

¹² Ibid.

¹³ This figure is an average that does not reflect geographic variability. Some areas in the CBRS are under more development pressure than others, so savings from the CBRS vary from area to area.

¹⁴ President Ronald Reagan, "Statement on Signing the Coastal Barrier Resources Act," October 18, 1982.

¹⁵ <https://www.fws.gov/esa/ehp/ehp/ny-map-and-fast-land-proposed.pdf>.

¹⁶ Coastal Barrier Improvement Act of 1990, Public Law 101-661, <https://www.fws.gov/esa/ehp/ehp/ny-map-and-fast-land-proposed.pdf>.

¹⁷ Strengthening Coastal Communities Act of 2018, Public Law 115-358.

¹⁸ U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office for Coastal Management, "Fast Facts: Hurricane Sandy."

¹⁹ GDP and Growth, Natural Disasters: Hurricane Sandy Facts, Damage and Economic Impact." In The Balance. <https://www.thebalance.com/hurricane-sandy-damage-facts-3305501>.

²⁰ Ibid.

²¹ Ibid.

Hurricane Sandy Remapping Project

Island alone. Sandy damaged or destroyed 95,534 buildings in Nassau and Suffolk Counties and left behind 4.4 million cubic yards of debris.²²

As part of the federal government's response to the deadly storm, the Fish and Wildlife Service reviewed the CBRs along the impacted coastal states, and proposed digital boundary changes to the CBRs maps for nine states: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York (Long Island), New Jersey, Delaware, Maryland and Virginia. The proposed maps would add nearly 276,000 acres to the System along these states' coasts.

Audubon New York strongly supports the proposed additions on Long Island. Long Island and the Long Island Sound support birds and other wildlife, important fisheries, and other natural resources that contribute to coastal resiliency in the state.

5. Natural Resources on Long Island and in Long Island Sound

Long Island Sound pumps nearly \$9.5 billion into the local economy every year (in 2015 dollars).²³ Part of the Sound's economic importance comes from its fisheries. More than 120 finfish species are found in the Sound, and more than 50 species spawn there.²⁴ Commercial and recreational shellfishers also harvest oysters, crabs and lobsters from the Sound.²⁵

The Sound's economically important fisheries and shellfisheries depend on clean water and healthy wetlands. The wetlands along Long Island are also nature's first line of defense for upland communities. Wetlands absorb storm impacts, retain and clean flood waters, and help stabilize erosion-prone shore areas. Wetlands contribute to coastal resiliency for both the built and natural environment. As the research arm of insurance giant Lloyd's of London concluded, "Coastal ecosystems such as coral reefs, mangroves, and salt marshes play a fundamental role in reducing the risk of storm surge."²⁶ In fact, a recent study in *Scientific Reports* estimates that "temperate coastal wetlands reduced flood heights and thus avoided more than \$625 million in flood damages across the 12 coastal states affected by Hurricane Sandy, from Maine to North Carolina."²⁷

Even in areas of reduced wetlands coverage, what remains helps to stem storm losses, as was the case with Hurricane Sandy. The majority of the flood damage from Sandy occurred along the heavily urbanized coastlines of New York and New Jersey. In New York, where wetlands only cover two percent of the land area, they are estimated to have still saved nearly \$140 million.²⁸ Even relatively small, thin bands of wetlands serve as an effective first line of defense, and they can be restored to build coastal resilience.²⁹

²² "Hurricane Sandy Long Island: Report Says Storm Ruined 95,534 Buildings in Nassau, Suffolk Counties," in *Newsday*, January 8, 2013, https://www.huffpost.com/2013/01/08/hurricane-sandy-long-island-95500-buildings-nassau-suffolk-counties_n_2476495.html

²³ Long Island Sound Study, "Long Island Sound - By The Numbers" <http://www.lisoundstudy.org/long-island-sound-by-the-numbers>

²⁴ *Ibid.*

²⁵ Long Island Sound Study, "What Makes Long Island Sound Special?" <http://www.lisoundstudy.org/long-island-sound-special>

²⁶ Narayan, Siddharth, et al., "The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern USA," in *Scientific Reports* 7, Article Number 3463, August 31, 2017, <http://www.nature.com/scientificreports/7/3463>

²⁷ *Ibid.*

²⁸ Narayan, Siddharth, et al., "The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern USA," in *Scientific Reports* 7, Article Number 3463, August 31, 2017, <http://www.nature.com/scientificreports/7/3463>

²⁹ The Nature Conservancy, "Coastal Wetlands Save Hundreds of Millions of Dollars in Flood Damages During U.S. Hurricanes," October 24, 2015, <http://www.nature.org/usa/press-releases/2015/10/24/coastal-wetlands-save-hundreds-of-millions-of-dollars-in-flood-damages-during-u-s-hurricanes>

However, nearly one-third of the wetlands along Long Island Sound have disappeared since the 1880s, "representing a serious loss of this vital resource for coastal communities and for fish and wildlife."³⁰ In the first long-term, Sound-wide assessment of the changes to the area in tidal wetlands, the U.S. Fish and Wildlife Service (FWS) found that "there are 7,814 fewer acres of tidal wetlands around the Sound today compared to the 1880s, with the loss of 5,262 acres in Connecticut and 2,552 acres in New York."³¹ The losses in these two states constitute a 27 percent loss in Connecticut and 48 percent loss in New York.³² Using the dollar per acre value range for Long Island Sound salt marshes of \$11,695 to \$17,260 acre per year, the present day economic impact of Long Island Sound's wetland loss is \$91 to \$640 million per year.³³

A Long Island Tidal Wetlands Trends Analysis completed in 2015 for the New York State Department of Environmental Conservation also identified a rapid loss of intertidal marsh habitats in Long Island Sound, "possibly related to nutrient loading, sea level rise, changes in the amount of sediment, and recreational losses."³⁴

The FWS report pointed the finger at salt water intrusion and conversion to open water as the primary catalysts behind wetland loss, concluding that 83 percent of wetland loss along Long Island Sound between 2001 and 2008 was due to these factors.³⁵ Wetland marshes pose a problem for the integrity of the marsh and the species that rely on them. The FWS notes that Willet, Capper Rail, Seaside Sparrow, and Saltmarsh Sparrow populations in occupied salt marshes are declining.³⁶ The Saltmarsh Sparrow nests at the lowest elevation and nest density has declined over the past 10 years, with the biggest cause of nest failure coming from flooding, particularly during high tides, which results in egg losses and nestlings drowning.³⁷

6. Important Bird Habitats on the Long Island Coastline

Audubon recently completed a remote assessment of bird data as well as integrity and resiliency of habitat to identify the most important coastal and saltmarsh sites for priority seabirds, shorebirds, and tidal marsh birds. The areas identified (shown in the map below in blue, purple, and green with a blue outline) include state parks, town beaches, and privately owned land along the Connecticut and New York coastline.

³⁰ Long Island Sound Study, "New Study Documents Wetlands Loss Along Long Island Sound," March 31, 2016, <http://www.lisoundstudy.org/new-study-documents-wetlands-loss-along-long-island-sound>

³¹ *Ibid.*

³² U.S. Fish and Wildlife Service, "Status and Trends of Wetlands in the Long Island Sound Area: 130 Year Assessment," 2015, <http://www.fws.gov/longislandstudy/assessments/status-and-trends-of-wetlands-in-the-long-island-sound-area-130-year-assessment>

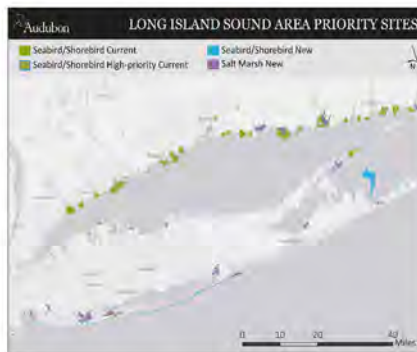
³³ *Ibid.*, p. 23.

³⁴ Long Island Sound Study, "New Study Documents Wetlands Loss Along Long Island Sound," Op Cit.

³⁵ U.S. Fish and Wildlife Service, "Status and Trends of Wetlands in the Long Island Sound Area: 130 Year Assessment," Op cit, p. 19.

³⁶ *Ibid.*

³⁷ *Ibid.*



The map below shows our priority sites in blue and the CBRs units in red. For the most part, the highest priority areas identified through our analysis are within CBRs units or Otherwise Protected Areas (OPA), providing support for the proposed CBRs maps. However, there are a few units and OPAs that we feel could be expanded to include additional priority habitat. These expansions are described below. It is critical that Long Island's wetlands are better protected so that they may continue to provide multiple benefits for birds and other wildlife, as well as to upland communities that depend on wetlands to absorb storm and flood impacts. The FWS's proposed additions to the Coastal Barrier Resources System on Long Island are mostly "associated aquatic habitat," which the FWS defines as including wetlands, marshes, estuaries, inlets, and open water landward of the coastal barrier.³⁸ The FWS is proposing to add 17,187 acres of associated aquatic habitat to the CBRs on Long Island, which would protect these vitally important areas from federal development subsidies.



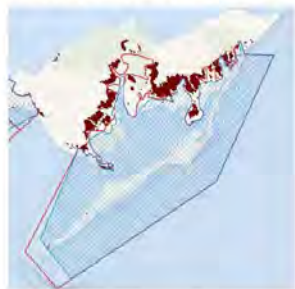
³⁸ U.S. Fish and Wildlife Service, "Coastal Barrier Resources System," <http://www.fws.gov/cbrs/AboutCBRS>

- NY-59P: has been proposed for reclassification from System Unit NY-59 to Otherwise Protected Area. Some of the areas within this unit are protected but parts of it, including Gigo Beach, are privately owned and not protected. Therefore, those areas might be better classified as a System Unit. We also recommend that NY-59 be expanded to include all the Robert Moses State Park, including the stretch in between Robert Moses Causeway and Ocean Parkway.
- NY53, 54, and 55 showed up on the map as "null." We encourage these units to continue to be included in CBRs.
- NY-24 should include all of Plum Island, as shown below:

The blue-hashed area outlines NY-24. We recommend including the entirety of Plum Island.



- NY-25 was proposed to change to NY-25P, but not all of that area is protected. Only the area within Orient Beach State Park should be reclassified. Also, we recommend expanding NY-25 to include additional marsh migration space, which we mapped using data from The Nature Conservancy's Coastal Resilience Model³⁹ (shown in dark red in the map below):



³⁹ The Nature Conservancy, "Resilient Coastal Sites," <https://www.nature.org/usa/projects/resilient-coastal-sites>

Report to Congress: John H. Chafee Coastal Barrier Resource System

- Expand N-26 and N-27 to include some of the marsh migration corridors (shown in dark red in the map below):



- NY-10 has been proposed to be reclassified as NY-10P but not all of that area is protected. Only the area within Caumsett State Park should be reclassified.
- We strongly support the addition of NY-89.
- NY-04P is proposed to remain within the CBRS as Otherwise Protected Area NY-04P. This area includes private homes along the marsh and we do not think that any of this area is protected. This area might be better classified as a System Unit.
- Expand NY-60P (Jamaica Bay) to the north and northeast up to Idelwild Park:



Expand NY-60P to include this area

- Expand NY-50 to include Silver Point County Park (western end of Long beach Island):



- Expand F13 (Tiana Beach) to the west to include potential marsh migration corridor areas (shown in dark red):



In conclusion, Audubon New York strongly supports the expansion of the CBRS on Long Island. The FWS proposal would result in a net gain of 2,339 fastland acres and 17,101 acres of associated aquatic habitat to the System on Long Island. Adding the additional areas identified in our comments would also help protect additional habitat and maximize the System's benefits. Expanding the protective System would help save federal tax dollars, promote public safety, and conserve the state's vitally important coastal resources.

Sincerely,

Julian Liner

Julian Liner
Director of Conservation
Audubon New York

11/4/2020

FWS-HQ-ES-2018-0034-0035 (HW)

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Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

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Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Chesapeake Bay Foundation

Address:

6 Herndon Avenue
Annapolis, 21403

Email: smichels@cbf.org

Phone: 443-4822090

General Comment

The Chesapeake Bay Foundation's comments on the Coastal Barrier Resources System update.

Attachments

Coastal Barrier Resources System update comment_04-16-19



CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

April 16, 2019

Submitted via [regulations.gov](https://www.regulations.gov)

Public Comments Processing
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

RE: Comments by the Chesapeake Bay Foundation re Federal Regulatory Docket No.: FWS-HQ-ES-2018-0034, Hurricane Sandy Remapping Project for the John H. Chafee Coastal Barrier Resources System

Dear Sir/Madam:

On behalf of our 275,000 members nationwide, please accept these comments by the Chesapeake Bay Foundation, Inc. (CBF) on the above-titled proposal to make changes to the Coastal Barrier Resources System (CBRS) along portions of the mid-Atlantic. For more than 50 years, CBF has been at the forefront of efforts to restore the Chesapeake Bay by improving water quality and protecting and restoring terrestrial and aquatic habitat. We view the CBRS as one of many important federal tools toward that end.

This U.S. Fish and Wildlife Service proposal would add 1,433 acres of fast-land and 95,081 acres of associated aquatic habitat (AAH), while removing 124 acres of fast-land and 52 acres of AAH in Virginia. At the same time, the proposal is to add 429 acres of fast-land and 18,569 acres of AAH, while removing 105 acres of fast-land and 19 acres of AAH in Maryland.

CBF supports these specific CBRS proposals, as they would add protection to particular coastal terrestrial and aquatic areas, while at the same time recognizing and adapting to changes to certain fast-land which are occurring or are likely to occur due to climate change, sea level rise, and land subsidence. Maintaining such resilience is critical to the future of the Bay.

The programmatic prohibition against most federal spending for infrastructure in full system units, and the restriction against federal flood insurance for construction and

Hurricane Sandy Remapping Project

reconstruction in otherwise protected areas (OPA's), reflect a key recognition that such land and water areas are significant primarily for the environmental benefits they provide – in our case to the vast and essential Chesapeake Bay ecosystem. For example, with the proposed CBRs additions certain sensitive salt marsh species such as Diamondback terrapin and saltmarsh sparrow would enjoy more natural protection, and tidal marshes, critical for their fishery nursery and habitat roles, as well as their ability to help absorb the impacts of storms, will be better able to migrate with sea level rise.

Additionally, the System's policies engender a prudent approach with respect to public safety, health and welfare, as they tend to discourage the kind of development and redevelopment that, subjected to repetitive flooding and increasingly intense storm damage, increases risks to life and limb. Further, they save the federal government and taxpayers from expending (and re-expending) extensive federal resources in certain coastal and estuarine environments best left to nature. Such benefits could well be lost should these areas be subject to coastal and related development encouraged by federal financial support for significant infrastructure.

Finally, we trust that, should potential living shoreline and tidal marsh restoration projects in the vicinity of some existing and proposed units be necessary, federal support – given the continuing fish and wildlife, water quality and coastal resilience benefits that would accrue – might still be forthcoming. Such projects, of course, would not have the effect of encouraging coastal development, and would not seem to be "infrastructure" under this program's intentions and prohibitions. At the very least, we are reassured that such restoration activities would not be prohibited in OPA's.

Thank you again for the opportunity to provide our views. We would be happy to provide additional information should such be helpful.

Sincerely,

Lisa Feldt
Vice President, Environmental Protection and Restoration

11/4/2020

FWS-HQ-ES-2018-0034-0036 HWJ

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

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Submitted Electronically via eRulemaking Portal

Submitter Information

Name: David Curson

Address:

Audubon Maryland-DC
2901 E. Baltimore Street
Baltimore, MD, 21093

Email: dcurson@audubon.org

Phone: 410-558-2473

General Comment

Please see my comments in the attached letter.

David Curson

Attachments

Audubon Md-DC comments CBRs 2019

File: HWJ-CBRs-Hurricane Sandy-Report to Congress-Draft-Report-Appendix-L12 Missing Documents-FWS-HQ-ES-2018-0034-0036 HWJ



2901 East Baltimore Street
Box 2
Baltimore, MD 21224
410.558.2473
info@audubon.org

U.S. Fish and Wildlife Service
U.S. Department of the Interior
Washington, DC

April 16, 2019

RE: Docket Number FWS-HQ-ES-2018-0034, John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia.

Dear Sir/Madam:

On December 18, 2018, the U.S. Fish and Wildlife Service published a notice in the Federal Register announcing a public review and comment period on the second batch of state maps developed pursuant to the Hurricane Sandy Remapping Project.¹ The second set of maps includes proposed changes to the Coastal Barrier Resources System (CBRS) along the coasts of Rhode Island, Connecticut, New York (Long Island), Maryland, and Virginia.² This second set of Hurricane Sandy maps includes 310 CBRs units, of which 256 are existing and 54 are proposed new units, along the RI, CT, NY, MD and VA coasts. The conservation of coastal resources is a critical issue for Audubon Maryland-DC and our more than 23,000 members. We appreciate the opportunity to submit comments on the proposed changes to the CBRs. Our comments are submitted electronically regarding docket number FWS-HQ-ES-2018-0034.

Audubon Maryland-DC commends the FWS for carefully developing proposed additions and necessary deletions to the CBRs along the Maryland coast. The proposed maps for Maryland would add 18,993 acres to the System, of which 429 acres are fastland, developable areas and 18,569 acres are associated aquatic habitat.³ To correct prior mapping errors, the proposed maps would remove 124 acres from the System, of which 105 acres are fastland and 19 acres are associated aquatic habitat.⁴ Audubon Maryland-DC supports these changes to the System, particularly the addition of nearly 19,000 acres to the CBRs. Audubon Maryland-DC supports the habitat, public safety and economic benefits provided by the CBRs, and urges the FWS to transmit these maps to Congress for action.

1. The Coastal Barrier Resources Act's Three Major Goals.

The Coastal Barrier Resources Act (CBRA) was enacted in 1982 with three major objectives:

- Minimize the loss of human life;
- Reduce wasteful expenditures of federal revenues; and
- Protect fish and wildlife and other natural resources along the nation's coasts.⁵

¹ Federal Register, Vol. 83, No. 242, Tuesday, December 18, 2018, pp. 64861 – 64869.

² Ibid. A minor portion of Rhode Island Unit D01 is located in Massachusetts, accounting for about three acres in Massachusetts.

³ U.S. Fish and Wildlife Service, "Coastal Barrier Resources System Hurricane Sandy Remapping Project: Maryland," <https://www.fws.gov/intel/reports/sandy/MD-Maryland-East-Shore-Final-Report.pdf>.

⁴ Ibid.

⁵ Coastal Barrier Resources Act of 1982, Public Law 97-348 (96 Stat. 1635, 16 U.S.C. 3501 et seq.), enacted October 18, 1982.

The CBRs encompass 3.5 million acres along the Gulf of Mexico, Atlantic, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts.⁶ Areas included in the protective System as System Units are prohibited from receiving most federal subsidies, and there are roughly 1.4 million acres in Units in the CBRs.⁷ The CBRs also includes Otherwise Protected Areas (OPAs) on which only federal flood insurance is prohibited, and there are roughly 2.1 million acres in the System with OPA designation.⁸ Areas included in the System include sandy beaches, dunes, barrier islands, spits, inlets, rocky formations like those found in the Florida Keys and the upper New England coast, estuarine areas, coastal wetlands, and nearshore waters.

By removing federal expenditures for new development and redevelopment along the hazard-prone coasts, the CBRs sends a strong message of support for public safety. Every year, deadly hurricanes and storms claim victims and disrupt millions of lives. Removing the federal financial safety net that supports development removes federal support for hazard-area construction and the risks that come with it. Protected from the significant array of federal expenditures for development, CBRs areas typically remain undeveloped or more lightly developed than those areas that are open to federal subsidies. This helps protect healthy coastal ecosystems, which are crucial to birds and other wildlife, as well as commercial and recreational fisheries and the outdoor recreation industry. Healthy coastal ecosystems are also resilient and provide important benefits for nearby communities by absorbing the impact of storms, storing and cleaning flood waters, and acting as the first line of natural defense. By removing federal development subsidies on areas included in the System, the federal taxpayer is taken out of the coastal development and redevelopment equation, saving the Federal Treasury billions of dollars.

2. The Coastal Barrier Resources System Saves Billions of Federal Tax Dollars Nationwide, and Millions of Federal Tax Dollars in Connecticut.

The CBRA does not prohibit development on areas included in the System. It simply removes the federal taxpayer from having to financially support development and re-development along the nation's coasts. By prohibiting most federal expenditures on CBRs Units and targeted federal expenditures on OPAs, the CBRs has saved the Federal Treasury billions of dollars. According to a study published in the peer-reviewed *Journal of Coastal Research* on March 15, 2019, the CBRA has reduced federal coastal disaster-related expenditures by \$9.5 billion (in 2016 dollars) between 1989 and 2013.⁹ Moreover, future CBRA savings over the next 50 years are forecast to range between \$11 billion (in 2016 dollars) for a low development/low damage estimate scenario to \$108 billion (in 2016 dollars) for a high development/high damage estimate scenario.¹⁰ The study examined coastal storm-related expenditures from only four federal agencies, which did not include the National Flood Insurance Program, so the likely savings from CBRA are even larger than those documented in the study.¹¹

The report focused on avoided federal expenditures on fastland acres in the CBRs, which are developable land areas, as opposed to aquatic habitat like wetlands and estuaries.¹² Further, the study focused on just those fastland acres included in full System Units, on which most federal expenditures are prohibited.¹³ The CBRs currently includes 132,119 fastland acres in full System Units. According to the *Journal* report, avoided federal expenditures on these acres has resulted in \$9.5 billion in savings, which averages out to \$71,906 per acre.¹⁴

⁶ U.S. Fish and Wildlife Service, "Coastal Barrier Resources Act," <https://www.fws.gov/landmanagement/cbra/>.

⁷ Ibid.

⁸ Ibid.

⁹ Coburn, Andrew S., and Wittenow, John C. "An Analysis of Federal Expenditures Related to the Coastal Barrier Resources Act of 1982," in *Journal of Coastal Research*, March 15, 2019.

¹⁰ <https://www.jcoastalres.org/vol35/issue1/150319CoburnWittenow.pdf>.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ This figure is an average that does not reflect geographic variability. Some areas in the CBRs are under more development pressure than others, so savings from the CBRs vary from area to area.

Report to Congress: John H. Chafee Coastal Barrier Resource System

Maryland currently has 770 fastland acres in the System, accounting for an average savings to the U.S. Treasury of \$50.4 million in avoided federal expenditures. Adding additional fastland areas along the Maryland coast and Chesapeake Bay to the CBRS would increase Federal savings in the future.

3. Strong Bipartisan Support for the CBRA.

The CBRA was signed into law in 1982 by President Ronald Reagan, who applauded its "common sense" approach to protecting coastal resources "with less Federal involvement, not more."¹⁵ The CBRA was subsequently expanded in 1990 with bipartisan legislation that was signed into law by President George Bush.¹⁶ In the most recent example of bipartisan support, more than 16,000 acres were added to the CBRS by legislation that passed Congress in December 2018 and was signed into law by President Trump on December 21, 2018.¹⁷

The Maryland Congressional delegation unanimously supported passage of the Strengthening Coastal Communities Act in a recorded vote in the House of Representatives, as well as the bill that passed by unanimous consent in the Senate.

4. Hurricane Sandy and the FWS's Sandy Remapping Project

More than a dozen states were impacted by Hurricane Sandy in October 2012, which cost \$71 billion in damages, making it the fourth costliest U.S. hurricane on record.¹⁸ The hurricane left 8.5 million people without power, destroyed 650,000 homes, and was responsible for the deaths of nearly 150 people.¹⁹

Significant effects were felt across the Chesapeake Bay watershed from Hurricane Sandy. Some areas along the Bay experienced surge-type flooding, with reported storm surges of two to four feet on top of an already high tide.²⁰ High rainfall around the watershed—including a storm-high 12.55 inches at Easton, Maryland, on the Eastern Shore—also brought flooding to some parts of the Bay.²¹

As a result of flooding and other storm damage, Sandy caused \$410 million in private insurance claims in Maryland.²² But the insurance information institute estimates that between 18,000 and 125,000 single-family homes are at risk of damage from storm surge in Maryland, with potential reconstruction costs from storm surge damage estimated at \$4.3 billion from a weaker hurricane to \$26.8 billion from a Category 4 hurricane.²³

As part of the federal government's response to the deadly storm, the Fish and Wildlife Service reviewed the CBRS along the impacted coastal states, and proposed digital boundary changes to the CBRS maps for nine states: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York (Long Island),

¹⁵ President Ronald Reagan, "Statement on Signing the Coastal Barrier Resources Act," October 18, 1982.

¹⁶ Coastal Barrier Improvement Act of 1990, Public Law 101-591.

¹⁷ Strengthening Coastal Communities Act of 2018, Public Law 115-358.

¹⁸ U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office for Coastal Management, "Fast Facts: Hurricane Sandy."

¹⁹ "GDP and Growth, Natural Disasters: Hurricane Sandy Fast Facts, Damage and Economic Impact." In *The Balance*. <https://www.thebalance.com/hurricane-sandy-fast-facts-damage-and-economic-impact-3355511>

²⁰ National Oceanic and Atmospheric Administration, Chesapeake Bay Office, "How Did Sandy Affect the Chesapeake?" <https://chesapeakebay.noaa.gov/observations/2013/sandy-how-did-sandy-affect-the-chesapeake>

²¹ Ibid.

²² Insurance Information Institute, "Fast Fact: Maryland hurricane insurance." September 10, 2018.

²³ <https://www.aia.org/article/fact-file-maryland-hurricane-insurance>

²⁴ Ibid.

New Jersey, Delaware, Maryland and Virginia. The proposed maps would add nearly 276,000 acres to the System along these states' coasts.

Audubon Maryland-DC strongly supports the proposed additions along the Chesapeake Bay and Maryland coast. These areas support birds and other wildlife, important fisheries, and other natural resources that contribute to coastal resiliency in the state.

5. Natural Resources in the Chesapeake Bay and Maryland Coast

The bulk of the proposed additions to the CBRS in Maryland are along the Chesapeake Bay, which supports a rich array of fish, shellfish, birds and other wildlife. These natural resources are economically vital to the region. For example, a 2018 survey estimates that roughly 372 million blue crabs are supported by the Chesapeake Bay, which in turn is the underpinning of an economically important crab fishery.²⁴ The dockside value of oysters landed in 2013-14 (the latest year with data from both states) was \$15.7 million in Maryland and \$28 million in Virginia, making oysters among the most valuable fisheries in the Chesapeake Bay, along with blue crab, striped bass, and Atlantic menhaden.²⁵ Menhaden play an important role in the Bay's ecosystem as a forage fish for striped bass, weakfish, and bluefish, as well as for predatory birds such as osprey, cormorants and eagles.²⁶

The Bay's economically important fisheries and shellfisheries, as well as the wildlife they support, depend on clean water and healthy wetlands. As the research arm of insurance giant Lloyd's of London concluded, "Coastal ecosystems such as coral reefs, mangroves, and salt marshes play a fundamental role in reducing the risk of storm surge."²⁷

In fact, a recent study in *Scientific Reports* estimates that temperate coastal wetlands reduced flood heights and thus avoided more than \$525 million in flood damage across the 12 coastal states affected by Hurricane Sandy, from Maine to North Carolina.²⁸ Among the four states with the greatest wetland cover—Maryland, Delaware, New Jersey and Virginia—wetlands are estimated to have reduced flood damages between 20-30 percent.²⁹

According to the *Scientific Reports* study, wetlands have greatest value where they are the most extensive or in front of the greatest assets.³⁰ The damages from Hurricane Sandy that were avoided in New York due to wetlands was 30 times higher in absolute value compared to Maryland because the New York wetlands sheltered enormously valuable real estate.³¹ On the other hand, New York's total damages were reduced by only 0.4 percent whereas in Maryland, wetlands reduced the state's total damages by nearly 30 percent.³² As the study authors concluded, evidence suggests that in Maryland, wetlands have high risk reduction potential in areas where they are abundant.³³

²⁴ Chesapeake Bay Stock Assessment Committee, "2018 Chesapeake Bay Blue Crab Advisory Report," June 7, 2018, Pp. 1-4. https://www.chesapeakebay.net/documents/2018_Crabs_Advisory_Report_Final.pdf

²⁵ National Oceanic and Atmospheric Administration, Chesapeake Bay Office, "Oysters."

<https://chesapeakebay.noaa.gov/fish-facts/oysters>

²⁶ National Oceanic and Atmospheric Administration, Chesapeake Bay Office, "Menhaden."

<https://chesapeakebay.noaa.gov/fish-facts/menhaden>

²⁷ Narayan, Siddharth, et al., "The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern USA," in *Scientific Reports* 7, Article Number 9463, August 31, 2017.

<https://doi.org/10.1038/s41598-017-07112-7>

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

Yet wetlands continue to be lost in Maryland and the Chesapeake Bay, threatening the coastal resiliency and wildlife benefits they provide. Within the Chesapeake Bay, more than 60 percent of the historic wetlands no longer exist.³⁴ Wetlands loss threatens important bird species. For example, a unique assemblage of birds inhabits salt and brackish marshes. Some species evolved in this harsh environment and live nowhere else. Chesapeake Bay's salt marshes host globally significant populations of two such species, Saltmarsh Sparrow and Black Rail.³⁵ Black Rail is a candidate for listing as Threatened under the Endangered Species Act.

The CBRS existing network in Maryland includes a number of sites which support salt marsh birds. These sites are mostly in Somerset County and lie within the Somerset-Wicomico Marshes Important Bird Area, a site identified by Audubon Maryland-DC as providing essential habitat for breeding Saltmarsh Sparrow, Seaside Sparrow, Black Rail, Clapper Rail, and American Black Duck. On the Atlantic coast of Maryland, the CBRS network includes much of Assateague Island, an Important Bird Area identified for beach-nesting birds such as Least Tern, Common Tern, Black Skimmer, American Oystercatcher and the Federally threatened Piping Plover, and for large congregations of migrating shorebirds, including Sandpiper, Ruddy Turnstone, Semipalmated Sandpiper, and the Federally threatened Red Knot.

One of the proposed new CBRS units, MD-03P (Sound Shore) contains an extensive area of tidal marsh and was surveyed for birds by Audubon Maryland-DC in 2011 and 2012. We detected two species of salt marsh obligate bird, Seaside Sparrow and Clapper Rail, in this unit, and Black Rail, was detected close to it, indicating that this unit supports a valuable salt marsh bird assemblage which will benefit greatly from the protections afforded by the CBRS.

It is critical that Maryland's and the Chesapeake Bay's wetlands are better protected so that they may continue to provide multiple benefits for birds and other wildlife, as well as to upland communities that depend on wetlands to absorb storm and flood impacts. The FWS's proposed additions to the Coastal Barrier Resources System in Maryland are mostly "associated aquatic habitat," which the FWS defines as including wetlands, marshes, estuaries, inlets, and open water landward of the coastal barrier.³⁶ The FWS is proposing to add 18,569 acres of associated aquatic habitat to the CBRS in Maryland, which would protect these vitally important areas from federal development subsidies.

Conclusion

Audubon Maryland-DC strongly supports the expansion of the CBRS in Maryland and the Chesapeake Bay. The FWS proposal would result in a net gain of 324 fastland acres and 18,569 acres of associated aquatic habitat to the System in Maryland and the Bay. Expanding the protective System would help save federal tax dollars, promote public safety, and conserve the state's vitally important coastal resources.

Sincerely,



David Carson, PhD
Director of Bird Conservation and Interns Executive Director

³⁴ National Oceanic and Atmospheric Administration, Chesapeake Bay Office, "Wetlands."

<https://chesapeakebay.noaa.gov/wetlands/wetlands>

³⁵ Audubon Maryland-DC, "Maryland's Unique Salt Marshes." <http://nest.audubon.org/conservation/maryland-saltmarshes>

³⁶ U.S. Fish and Wildlife Service, "Coastal Barrier Resources System."

file:///C:/Users/Hurricane%20Sandy/Public%20Review/

PUBLIC SUBMISSION

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0037

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Virginia Liberatore

General Comment

To whom it may concern: I am a property owner at 1 LaVallette Rd Crisfield, Md. I have owned my property for 20 years. In that time I have spent hundreds of thousands of dollars to improve my property and restore my shoreline after years of damaging tides. It is a big job and NOT inexpensive. I currently have a home on the property and carry a \$50,000 flood insurance plan for my home. This is only a partial coverage as full coverage is \$500.00 which is more than I can afford. If being included in this (CBRS) buffer zone would mean I could not be able to purchase flood insurance, increase my coverage, or make capital improvements, than I am totally against being included in this area. It would make selling my home nearly impossible. As it happens, my home is currently on the market for sale and I don't want anything to stop me from being able to sell my home. I feel that being included would jeopardize a large portion of my financial assets and this would not be fair. I only heard about this on Friday 4/12 which didn't allow much time to review the plan. The officials in Somerset County told me that often land owners are not notified when the Federal Government makes these decisions. So, please note I am against being included within the boundaries of the CBRM.

Virginia Liberatore
ginumc711@yahoo.com
Homeowner and landowner of 82 acres.

Estimated Value Of Insured Coastal Properties Vulnerable To Hurricanes By State, 2015
(\$ billions)

Rank	State	Commercial	Residential	Total Coastal	Total exposure (2)	Coastal as a percent of total
1	New York	\$2,093	\$1,272	\$3,365	\$5,571	68%
2	Florida	1,483	1,718	3,201	4,058	79
3	Virginia	92	106	1,993	2,078	10
4	Texas	725	638	1,363	5,358	25
5	Massachusetts	441	511	953	1,765	54
6	New Jersey	373	422	795	2,453	32
7	Connecticut	290	385	675	1,025	64
8	Louisiana	182	147	329	896	38
9	South Carolina	112	126	239	931	26
10	Maine	73	111	184	321	53
11	North Carolina	69	109	178	2,014	8
12	Alabama	63	65	128	1,014	13
13	Georgia	53	56	109	2,171	5
14	Delaware	34	59	93	231	29
15	New Hampshire	32	42	74	328	23
16	Mississippi	30	35	71	527	14
17	Rhode Island	25	46	71	241	22
18	Maryland	8	10	18	1,476	1
	All states above	\$6,184	\$5,858	\$12,042	\$32,468	38%
	Total, United States	\$6,184	\$5,858	\$12,042	NA	10%

Source: Insurance Information Institute, "Estimated Value of Insured Coastal Properties Vulnerable to Hurricanes by State, 2015," <https://www.iii.org/article/estimated-value-of-insured-coastal-properties-vulnerable-to-hurricanes-by-state-2015>.

The Coastal Barrier Resources Act works to reduce the exposure of people and property to deadly storms, sea level rise, and hurricanes by removing the federal program expenditures that support and subsidize coastal development. According to a 2007 study by the Government Accountability Office, an estimated 84 percent of all CBRS units remain undeveloped, while another 13 percent have minimal

development.²² The CBRA works to reduce the loss of human lives by withdrawing the financial safety net that encourages people to develop in hazardous coastal areas.

- **CBRA helps conserve important coastal habitat, promote coastal resiliency, and combat climate change.**

The National Audubon Society has targeted the most important breeding, stopover, and wintering sites for 16 flagship bird species. Protecting these areas stabilizes and enhances the populations of the flagship species while simultaneously benefiting at least 375 other species that rely on similar habitats. Audubon has a joint project with the Cornell Lab of Ornithology called "eBird," which is a free online program that allows birders to track their sightings. From 2015-2018, approximately 65-100 percent of eBird records of some flagship species that use the Atlantic Flyway were in CBRS units and protected areas in Rhode Island, Connecticut, New York's Long Island, Maryland and Virginia, the five states for which FWS is proposing CBRS additions. This includes high percentages of eBird records for breeding Piping Plover (86 percent) and non-breeding Red Knot (82 percent) found in particular on CBRS units.

Species	Regional Total	Protected CBRS Total	Current CBRS Only Total	Proposed CBRS Additions	Protected CBRS Proportion	Current CBRS Only Proportion	Proposed CBRS Additional Proportion
American Oystercatcher	35,813	31,240	21,059	1,340	0.87	0.59	0.04
Clapper Rail	10,859	7,810	3,520	1,023	0.72	0.32	0.09
Least Tern	22,418	17,895	12,203	458	0.80	0.54	0.02
Piping Plover	11,120	10,660	9,576	-	0.96	0.86	0.00
Red Knot	4,499	4,070	3,509	50	0.92	0.82	0.01
Saltmarsh Sparrow	5,164	3,342	2,099	307	0.65	0.41	0.06
Snowy Plover	31	31	1	-	1.00	0.03	0.00

It is clear that the islands, spits, beaches, wetlands and estuarine waters protected through the CBRS provide important habitat for a variety of birds, including non-flagship species that depend on healthy coastal ecosystems in the five focal states:

- **Rhode Island.** According to recent data collected as part of the Rhode Island Bird Migration Atlas, large numbers of migratory birds use wetlands and coastal areas along Rhode Island and then continue down along coastal Connecticut and Long Island on their migrations south.²³
- **Connecticut and New York's Long Island.** There are more than 400 species of birds, including shorebirds and winter waterfowl, which use Long Island.²⁴
- **Maryland's and Virginia's Chesapeake Bay.** During the winter, the Bay supports 87 species of waterbirds, with nearly one million waterfowl wintering on the Bay—approximately one-third of the Atlantic coast's migratory population.²⁵

²² United States Government Accountability Office, "Coastal Barrier Resource System: Status of Development That Has Occurred and Financial Assistance Provided by Federal Agencies," GAO-07-356, March 2007, <https://www.gao.gov/assets/260/257815.pdf>.

²³ McLaughlin, Todd, "Radar Data Proves R.I.'s Importance to Migrating Birds," in *EWB News*, April 5, 2017, <https://www.ewbnews.com/2017/04/05/radar-data-proves-ris-importance-to-migrating-birds/>.

²⁴ Tagliaferro, Linda, "Where to go birdwatching on Long Island," in *Epiphany*, February 18, 2019, <https://www.epiphany.com/bird-watching-on-long-island-2017-2019/>.

²⁵ Chesapeake Bay Program, "Facts and Figures," <https://www.chesapeakebay.net/facts-and-figures/>.

Commercially important fisheries and shellfisheries also depend on coastal wetlands, and many of the proposed CBRS additions in the five focal states are wetlands. For example, saltwater recreational fishing in Rhode Island and Connecticut supports nearly 3,400 jobs per state, while expenditures on saltwater recreational fishing in New York supports 7,800 jobs.²⁶ Seafood landings in Maryland add nearly \$91 million to the state's economy, with commercial seafood landings in Virginia bringing in \$109 million every year.²⁷

Coastal wetlands also help protect upland communities from destructive storm impacts. The National Oceanic and Atmospheric Administration (NOAA) has found that peak floods can be reduced by up to 60 percent in watersheds that contain 15 percent wetlands.²⁸ Nationwide, coastal wetlands are estimated to provide \$25.2 billion in storm protection services every year.²⁹

Wetlands helped buffer storm impacts from Hurricane Sandy. According to an analysis in *Scientific Reports*, coastal wetlands reduced flood heights and thus avoided more than \$625 million in flood damages across the 12 coastal states affected by Hurricane Sandy, from Maine to North Carolina.³⁰ Among the four states with the greatest wetlands cover—Maryland, Delaware, New Jersey and Virginia—wetlands are estimated to have reduced flood damages between 20–30 percent.³¹ Coastal wetlands in Virginia, Maryland and Delaware also helped save the largest number of roadways from Sandy's damaging impacts—about 833 miles. Overall, more than 1,400 miles of roads and highways were protected by wetlands during Hurricane Sandy.³²

Tidal wetlands also play a critical role in carbon sequestration. More than half of the global carbon load is captured by marine ecosystems and coastal vegetation, and the top three "blue carbon" sinks are mangroves, seagrasses and tidal wetlands.³³ These habitats "not only remove more carbon than all other ocean habitat types but they remove it at rates up to 100 times faster than terrestrial forests."³⁴ Although they cover a relatively small area, "carbon burial by salt marshes accounts for an estimated 21 percent of the total carbon sink of all ecosystems in the United States."³⁵

3. The Coastal Barrier Resources Act's future role in conserving important habitat, saving tax dollars and promoting public safety.

- **CBRA should be expanded to identify and protect marsh migration corridors.**

²⁶ National Oceanic and Atmospheric Administration, "Fisheries Economics of the United States, 2015—Mid-Atlantic Region," <https://www.noaa.gov/economics/fisheries/economics-of-the-united-states-2015-mid-atlantic-region/>.

²⁷ National Oceanic and Atmospheric Administration, "Apply It: Understanding—Conserving Coastal Wetlands for Sea Level Rise Adaptation," <https://coast.noaa.gov/slr/adaptation/understand.html>.

²⁸ National Oceanic and Atmospheric Administration, Office for Coastal Management, "Fast Facts: Natural Infrastructure," <https://coast.noaa.gov/economics/fisheries/natural-infrastructure/>.

²⁹ Naughton, S. J., et al., "The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern USA," in *Scientific Reports*, Article Number 9463, August 31, 2017, <https://www.nature.com/articles/19463-017-09269-2>.

³⁰ PBS News Hour, "Wetlands stopped \$625 million in Hurricane Sandy. Can they help Houston?" August 31, 2017, <https://www.pbs.org/newshour/science/wetlands-stopped-625-million-property-damage-hurricane-sandy-can-help-houston/>.

³¹ U.S. Fish and Wildlife Service, "Status and Trends of Wetlands in the Long Island Sound Area: 130 Year Assessment," 2015, <http://www.fws.gov/wetlands/documents/Status-and-Trends-of-Wetlands-in-the-Long-Island-Sound-Area-130-Year-Assessment.pdf>.

³² Ibid.

³³ Ibid.

Sea level rise is already affecting the states that were impacted by Hurricane Sandy. Vastly important habitat, like coastal wetlands, are being lost to saltwater intrusion and other sea level rise stressors. As waters rise, areas that are currently upland could eventually become shoreline. It is critical that these upland areas are identified and protected so that coastal habitat continues to exist for wildlife and commercially vital fisheries and shellfisheries.

The Coastal Barrier Resources System could play a critical role in protecting emergent and upland wetlands that will become increasingly important in the future. It would be economically and environmentally prudent to extend the CBRS's protections to these areas by prohibiting federal development expenditures in them. This would also help discourage development in areas that are likely to become the front line for storms and hurricanes in the future, which would help protect lives and reduce property damages.

NOAA enumerates steps that should be taken to identify and protect areas that could provide important habitat in the future. NOAA has developed wetland migration models that "visualize where inundation might occur when sea level rises and how wetland habitat might shift, taking into account sea level rise inundation, accretion, tide, and other important factors."³⁶ NOAA's Sea Level Affecting Marshes Model (SLAMM) is one such planning tool.

Once wetland migration models have been developed, the next step is to establish buffer areas around current wetlands to lessen stressors on those systems and increase their resilience to an additional disturbance, such as rising seas. For example, "a buffer may decrease impacts from encroaching development and increased pollutant loads," allowing current wetlands to continue to provide habitat while also "protecting nearby developed areas from rising seas."³⁷ In the long term, buffer areas may have potential to become inland migration areas for wetlands as sea levels continue to rise.³⁸

Another important step is to establish connectivity. To facilitate wetland migration in response to sea level rise, NOAA notes that:

Protected areas must be connected from the shoreline inland. Identifying and protecting corridors to connect these areas (such as forests, freshwater wetlands, or agricultural or other undeveloped lands with restoration potential), will enable wetland migration to occur.³⁹

The CBRA could provide both buffers for current wetlands as well as connectivity corridors that would enhance and allow wetland migration if the CBRA's focus were expanded to include these considerations.

In fact, the Hurricane Sandy impacted area that is the focus of proposed changes to the CBRS was explicitly evaluated for climate change adaptation potential by The Nature Conservancy (TNC). The TNC study embraced NOAA's recommendation for a conservation focus on "future migration corridors [to] protect current wetlands and transitional areas, and provide for future wetlands."⁴⁰ The TNC study assessed the coastal region of nine states from Maine to Virginia and estimated the relative resilience or vulnerability of more than 10,000 coastal sites.⁴¹

³⁶ National Oceanic and Atmospheric Administration, Coastal Services Center, "Staffing Shorelines: Shifting Conservation Strategies: Assessing Wetland Conservation Priorities in Maryland," pp. 1-2, <https://coast.noaa.gov/economics/fisheries/shifting-shorelines-conservation-strategies/>.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Anderson, Mark G. and Banerji, Ankita, *Resilient Coastal Sites for Conservation in the Northeast and Middle Atlantic U.S.*, The Nature Conservancy, Eastern Conservation Science, 2013, <https://www.nature.org/usa/eastern-conservation-science/resilient-coastal-sites-for-conservation-northeast-middle-atlantic-usa/>.

⁴¹ Ibid.

The TNC assessment, conducted under the guidance of a steering committee of coastal experts from federal and state agencies and NGOs, divided the coastal region into 10,736 individual sites centered on tidal marsh habitats larger than two acres in size.⁴² The areas most likely to support biological diversity and ecological functions under multiple scenarios of sea level rise were identified.⁴³ For each site, TNC estimated the amount of migration space available under six sea-level rise scenarios and the amount of buffer area surrounding the tidal complex.⁴⁴ This assessment provides a regional map of areas whose protection and conservation would benefit habitat, reduce future property exposure, and conserve tax dollars if federal development subsidies were withdrawn – all goals of the CBRS.

The TNC approach is being translated into on-the-ground action in Maryland, where the state's Department of Natural Resources is using data on marsh migration areas to take steps to protect them. Maryland has already experienced the loss of 13 Chesapeake Bay islands and approximately 580 acres of shoreline to erosion and sea level rise.⁴⁵ With a projected relative sea level rise twice the global average, Maryland's coastal wetlands are particularly vulnerable to episodic storms and inundation.⁴⁶

Maryland's Department of Natural Resources used SLAMM modeling to integrate sea level rise impacts to wetlands as a key component in the state's overall priorities for conservation.⁴⁷ Projected new wetland areas for the years 2050 and 2100 were included in Maryland's GreenPrint mapping system, which displays lands and watersheds of high ecological value designated as conservation priorities by the MDNR.⁴⁸ Maryland's GreenPrint initiative:

- Identifies the most ecologically valuable areas in the State and defines these locations as "Targeted Ecological Areas" (TEAs) for conservation. In 2011, MDNR updated the TEA designations to include coastal ecosystems, habitats for climate change adaptation and marsh migration, and areas supporting fisheries.⁴⁹

CBRA's mission of saving tax dollars, conserving coastal resources and promoting public safety uniquely positions it as a tool for water safety protection not only in the present, but in the future as well. The National Audubon Society urges the Fish and Wildlife Service to consider ways in which the CBRS could be expanded into areas that will provide coastal habitat, and taxpayer and public safety benefits, in the years to come.

- *CBRA should be protected from weakening changes.*

Along with the need to expand the CBRS, it is important to protect the current program from weakening changes. This includes the removal of sand from CBRS units for use outside of the System. The National Audubon Society discussed the impacts from sand removal in comments submitted to the Fish and Wildlife Service regarding the first batch of Hurricane Sandy maps, and we incorporate that

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Maryland Department of Natural Resources, "2015 State Water Agency Practices for Climate Change Adaptation: Conserving Maryland's Wetlands in a Changing Climate using the Sea Level Affecting Marshes Model" http://www.dnr.state.md.us/files/2015/03/dcnsmcmmd_vortlandsl_slamm_final.pdf

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

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⁵⁰ National Audubon Society, Comments to the U.S. Fish and Wildlife Service regarding Docket Number FWS-HQ-ES-2018-004, John H. Chafee Coastal Barrier Resources System, Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey. July 9, 2018.

2

4/30/2019, 9:3

4/30/2019, 9:31

Report to Congress: John H. Chafee Coastal Barrier Resource System

From: Dominic J. Liberatore

Subject: Proposed Changes to Unit MD-04P – Hammock Pointe

Date: 16 April 2019

I am requesting that the following bullet in Unit MD-04P be removed from the CBRS.

- "One privately owned residential structure located on Hammock Point"

This privately held home was built in 1889. My family has owned this property and the surrounding 86 acres since 1999. In this 20 year span – the house has never flooded or taken on any water damage. During Hurricane Sandy – the town of Crisfield was hit hard – many businesses and residences flooded. We had no flood damage to our house – only minor wind damage to our roof. We attribute this success to our bulkhead – which was rebuilt in 2011 – and then mended again in 2015.

Please take into consideration the following bullets:

- The house and surrounding lot have been around since 1889 (and have not flooded since our ownership)
- We have never claimed flood insurance damage or assistance in our 20-year ownership period
- The house is protected by a 10-foot barrier bulkhead
- The house sits raised by a 4-foot crawlspace
- The house has historic value to the area
- We have no intention of developing the surrounding 86 acres

Putting our residence into the CBRS would not allow us to continue having flood insurance. This would severely devalue the residence. We have been stewards of Hammock Pointe since 1999 – keeping the house and driveway completely original. We believe adding this property to the MD-04P would punish the very people who've kept this area conserved for 20 years. Please reconsider your decision.

Sincerely,

Dominic J. Liberatore

(240)997-1258

11/4/2020

FWS-HQ-ES-2018-0034-0040 (HW)

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Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0040

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Anonymous, Anonymous

Address:

North Atlantic Division, USACE, Ft Hamilton Military Community

General Lee Ave, Building 301

Brooklyn, NY, 11252

Email: rena.weichenberg@usace.army.mil

Phone: 347-370-4568

Fax: 718-765-7211

General Comment

See attached file(s)

Attachments

SAD response to Federal Register 2019 remapping CBRS units

File: \\N:\CBRA\Hurricane Sandy\Report to Congress\Draft Report\Appendix LL2 Missing Documents\FWS-HQ-ES-2018-0034-0040 (HW)

1/1



DEPARTMENT OF THE ARMY
NORTH ATLANTIC DIVISION, CORPS OF ENGINEERS
FORT HAMILTON MILITARY COMMUNITY
GENERAL LEE AVENUE, BLDG 301
BROOKLYN, NY 11252

16 April 2019

Public Comments Processing
ATTN: FWS-HQ-ES-2018-0034
FXHC892009CBRS0-13X-FF09E15000
Division of Policy, Performance and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike – MS: BPHC
Falls Church, Virginia 22041-3808

To Whom It May Concern:

The U.S. Army Corps of Engineers (USACE), North Atlantic Division, is pleased to submit the following comments in response to the U.S. Fish and Wildlife (USFWS) solicitation for public input on the proposed boundary changes to the John H. Chafee Coastal Barrier Resource System (CBRS). Our comments are limited to the areas that fall within our Division boundaries to include coastal areas in, Rhode Island, Connecticut, New York, Maryland, and Virginia. General comments on proposed boundary changes across this area are discussed initially, followed by State specific comments on individual CBRS units of concern.

The continuous risk of a coastal storm is a tremendous threat to the life and safety of communities, located along the New England and Mid-Atlantic Coast. Events such as Hurricanes Katrina, Rita, Gustav, Ike and more recently Sandy have emphasized the increasing importance of managing risks from coastal storms through risk assessment, risk communication and risk reduction measures. Federal agencies, such as USACE and USFWS, have specific missions and provide unique resources that complement each other in making our nation more resilient to coastal disasters. Within our mission, the USACE constructs projects authorized by Congress that are cost beneficial, structurally sound and environmentally feasible to reduce the risk of life and property caused by flooding events, including coastal storms.

The North Atlantic Comprehensive Coastal Study (NACCS), which followed Super Storm Sandy, identified nine focus areas, of high risk to coastal storm damage, for study, in lead to recommendations for implementation of coastal storm risk measures by the locals as well as USACE. The following focus areas; Rhode Island Coastline, Nassau County Back Bays, are presently under study, and are within States with proposed boundary changes to the CBRS.

Several of the proposed modifications to CBRS units add more acreage to the system units, thereby preventing areas susceptible to coastal storms and climate change-related erosional losses from receiving USACE funding in implementing the solutions to these problems. Although, there is no legal prohibition on the use of non-Federal funds, we often find that our local sponsors, whether States, or local municipalities, do not have the resources to fund one hundred percent (100%) of the costs associated with construction of soft or hard structures in a CBRS unit. Addition of acreage to the units may preclude consideration, and implementation of the most effective coastal storm risk management (CSRM) measures for a

given project. Therefore, the addition of more acreage to the system units has the potential to increase the threats to life, safety, and property along our coasts, making our communities more vulnerable.

The proposed modification of CBRS units to add more acreage to those units designated as, "Otherwise Protected Areas" (OPA) and to revise the designation of portions of CBRS units to Otherwise Protected Areas is an appropriate avenue of preventing development along the vulnerable coastline, through the prohibition of Federal flood insurance. This designation does not prevent the use of Federal funds to implement effective coastal storm risk management measures. Further modification of the boundaries of OPA units, to include larger portions of CBRS units, would therefore permit areas susceptible to coastal storms to implement effective CSRM measures, and thereby reduce their vulnerability to coastal storm damage.

USACE and the USFWS also have specific missions that complement each other in the protection and restoration of habitat for fish and wildlife. USACE's mission areas include Aquatic Ecosystem Restoration, which includes restoration of aquatic habitats such as Submerged Aquatic Restoration (SAV), marsh islands, and oyster reefs. Both Baltimore and Norfolk Districts, within our Area of Responsibility, have active native oyster restoration programs within Chesapeake Bay. Norfolk District is in the Preliminary Engineering and Design (PED) phase for its Lynnhaven Ecosystem Restoration project, which includes restoration of SAV and reefs. The Chesapeake Bay Comprehensive Plan (CBCP), which provides a framework for restoration throughout the Chesapeake Bay watershed will be released shortly. The CBCP identifies and prioritizes watersheds and actions for ecosystem restoration. These actions include restoration of aquatic habitats.

The Coastal Barrier Resources Act provides an exception for Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects. However, this exception applies only for those projects that meet the three purposes of CBRA. Those purposes are to minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife and other natural resources associated with coastal barriers. The possibility exists that project sites slated for aquatic ecosystem restoration do not also minimize the loss of human life. Those sites may not meet all the purposes of CBRA and thus may not be eligible for this exception. The addition of subaqueous areas to CBRS units within the states of Maryland and Virginia may potentially limit opportunities for aquatic habitat restoration, should the local sponsor be unable to assume the total cost of project construction within a unit. Designation of such areas as OPAs would permit USACE to continue to expend federal funds on restoration of fish and wildlife habitats in these areas.

The reclassification of units within the State of New York to Otherwise Protected Areas is a welcome development. These reclassifications have reduced the risk that appropriate CSRM measures will be prohibited for the active Fire Island to Montauk Point, Asharoken, and Montauk Point studies.

The following sections contain detailed comments organized by the CBRS Units or

Hurricane Sandy Remapping Project

Otherwise Protected Areas (OPA) and include a statement of concern, the impact of the revision to potential or current studies or projects, and a recommendation to address our concerns.

Rhode Island:

D02B/D02BP (Gaspee Point, Warwick, Warren River, Island Park, Portsmouth) includes areas that are not barrier beach, and that abut developed areas presently under consideration in the Rhode Island Coastline CSRM Study.

Concern: Addition of areas to the D02B unit could prohibit implementation of effective CSRM measures and could increase the risk of life and safety to the near community.
Recommendations: Remap the D02B unit in the defined locations as part of the D02BP unit, to prevent development while removing limitations on federal expenditures on protective measures. Carefully re-examine the Gaspee Point, Warwick, Warren River and Island Park, Portsmouth areas and remove areas that are not barrier beach from the unit.

RI-10: Includes houses and roads behind the barrier beach. The developed areas may be appropriate to be addressed under USACE CSRM authorities.

Concern: Addition of developed areas to the RI-10 unit could prohibit implementation of effective CSRM measures and could increase the risk of life and safety to the near community. Inclusion of the road may impact evacuation during storm events.
Recommendations: Remove the developed area from the unit and remap the RI-10 unit as an Otherwise Protected Area.

Maryland:

MD63 (Potter Creek): The USACE Herring Creek (Tall Timbers) navigation project lies within the proposed new CBRS unit.

Concern: Although continued operations and maintenance of the project would be exempt, the potential exists for mitigation needs associated with unintended downdrift mitigation requirements.

Recommendation: Clarification that mitigation needs would be covered under operations and maintenance of the project, and therefore exempt for prohibitions on federal expenditures.

MD58 (Lower Hooper Island): The USACE Muddy Hook Cove navigation project lies immediately north of the proposed system unit, with a dredged material placement site within MD58 that could derive from it.

Concern: Continued use of the dredged material placement site may be at risk.

Recommendation: use of the following exemption, "The maintenance or construction of improvements of existing federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction. A federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the CBRS," to continue use of the dredged material placement site.

In conclusion, USACE- NAD supports the Service's efforts to reduce development within coastal areas through the use of Otherwise Protected Areas. The use of that designation

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would have the desired effect, through its limitations on Federal flood insurance, without precluding the protection of the New England and Mid Atlantic coastal communities. Additions to CBRS units, other than those designated as OPA have the potential to impacts the protection of vulnerable coastal communities under active study, and future efforts to restore aquatic fish and wildlife habitat.

Sincerely,

Rena Weichenberg
Environmental Team Lead
Planning and Policy Division

4

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PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 17, 2019
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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0041

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Steven Whitten

Address:

3113 Bay View Drive
Church Creek, 21622

Email: stevenwhitten.le@gmail.com

Phone: 4104634561

General Comment

Our Primary residence is 3113 Bayview Drive, Church Creek, MD 21622 as highlighted in bold red in the attached. The areas outlined in red and shaded by magenta on the attached should be excluded from inclusion in area MD-59 as they include improved roads with existing electric and communication utilities, upland areas with approved soil evaluation "perc" tests and existing foundations and an existing dwelling. Thank you for the opportunity to comment and your consideration of this matter.

Steven W. Whitten
Professional Land Surveyor
MD 21326 DE 712

Attachments

3113Bayview - red.tif

4/30/2019 9:12



Report to Congress: John H. Chafee Coastal Barrier Resource System

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0042

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Steven Lin

Submitter's Representative: Laura McMillan

Organization: Connecticut Fund for the Environment/Save the Sound

General Comment

Connecticut Fund for the Environment/Save the Sound (CFE/Save the Sound) supports the proposed amendments to the Coastal Barriers Resources Act (CBRA), and this letter reflects our very strong support for the proposed amendments that expand the coastal barrier system within the coastal regions of Long Island, which includes Connecticut and the entirety of Long Island and its North Shore.

Please see full comment in the attached file; here is a summary:

The two regions (the Connecticut coast and across Long Island) will see a net increase of 27,822 acres added to the coastal barrier system, with an aquatic habitat increase of 24,692 acres. The total economic value of the ecological services provided by this total in the two regions increased aquatic habitat range from \$288 million to \$1.9 billion annually. The total economic value of this increased acreage of aquatic habitat in moderating extreme coastal storm events is approximately \$93.8 million each year, on average. With economic values of this magnitude, it is critically important to protect these areas that the U.S. Fish and Wildlife Service have identified as additions to the acreage contained in the existing John H. Chafee Coastal Barrier Resources System.

The value of aquatic habitat and other coastal resources within Long Island Sound is high, economically, recreationally, and ecologically. These resources help absorb and lessen the effects of increasingly frequent storm surge events. Protecting critical coastal resources requires a multi-layered set of protections. Expanding the coastal barriers designation within Long Island Sound will add an additional layer of protection to these resources beyond the protections provided under current state

file:///C:/CDRA/Hurricane%20Sandy/Public%20Review/Batch%20Public%20Review

and federal wetland regulatory programs.

Sincerely,

Steven Lin

Legal Intern

University of Connecticut School of Law

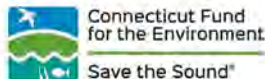
Curtis Johnson

President and CEO

Connecticut Fund for the Environment/Save the Sound

Attachments

2019.04.12_FWS_Public_Comment_final



April 17, 2019

VIA ELECTRONIC MAIL

Public Comments Processing

Attn: Docket No. FWS-HQ-ES-2018-0034

Division of Policy, Performance, and Management Programs

U.S. Fish and Wildlife Service

5275 Leesburg Pike, MS: BPHC

Falls Church, VA 22041-3808

RE: Comments on 2018-2019 Draft Revised Boundaries for Units of the John H. Chafee Coastal Barrier Resources System (CBRS) in Connecticut and New York (Long Island)

To Whom It May Concern:

Connecticut Fund for the Environment/Save the Sound (CFE/Save the Sound) supports the proposed amendments to the Coastal Barriers Resources Act (CBRA), and this letter reflects our very strong support for the proposed amendments that expand the coastal barrier system within the coastal regions of Long Island, which includes Connecticut and the entirety of Long Island and its North Shore.

CFE/Save the Sound is dedicated to protecting and improving the land, air, and waters of Connecticut and Long Island Sound. CFE/Save the Sound uses legal and scientific expertise to bring people together to achieve results that benefit the environment for current and future generations. CFE/Save the Sound works to ensure that the Long Island Sound, rivers, and lakes are safe for drinking, swimming, and fishing and that our waters and coastal habitats support thriving populations of fish and other wildlife. The proposed amendments directly align with CFE/Save the Sound's mission and vision.

The Coastal Barriers Resources Act

The CBRA, enacted in 1982, serves to protect critical habitats as a method to minimize loss to human life, wasteful federal revenue expenditures, and damage to fish, wildlife, and other natural resources. The Act accomplishes this goal through the creation of a Coastal Barrier Resource System, which has since been renamed the John H. Chafee Coastal Barrier Resources System. Within a coastal barrier resources area, residences, businesses, and other developments are not eligible for federal funding, effectively precluding them from building in the system unless the

builder self-funds and self-insures the entire project. Preclusion from federal funding includes a preclusion from the National Flood Insurance Program, which is an additional requirement that federally regulated lenders must consider in mortgage and lending decisions. The last major update for most areas within the system occurred in 1990 and the current update is a direct response to the damage caused by Hurricane Sandy.

This update is the second part of a two-part update for the eastern seaboard and will remove 787 acres from the system while adding approximately 141,072 acres from the affected states (Connecticut, Maryland, New York, Rhode Island, and Virginia). While there are removals from the system, they are warranted because the updated maps show that those acres were originally added because of mapping errors. This update will help to further protect critical areas, such as wetlands, which serve a dual purpose of being the most efficient natural flood sponge. Protecting the wetlands will directly help further the mission of both the CBRA and the CFE/Save the Sound because it will help protect the critical environmental features as well as reduce the potential for loss of human life in future hurricanes and coastal storms. Furthermore, this update will protect vulnerable species in the areas because of the disincentive to develop. The lack of development is a direct benefit to all wildlife in the area because there will be more protected habitat for them to live in. This also helps promote the purpose and vision of both the CBRA and the CFE/Save the Sound in supporting a healthy environment and a thriving population of wildlife.

Regional and Economic Analysis of Additional Coastal Barrier Resources Proposed within Long Island Sound

The Long Island Sound updates are of the highest concern to CFE/Save the Sound. For our own purposes, we have split the Connecticut coast into three sections: Eastern Connecticut, which includes Stonington to Madison; Mid Connecticut, which includes Madison to Stratford; and Western Connecticut, which includes Stratford to Greenwich. We will address each section as well as comment on coastal barrier resource expansion on Long Island as a whole.

Each of the four sections will include a breakdown of acreages added under the proposed amendment, including an estimate of the increase in associated aquatic habitat (which, under the FWS definition is: "wetlands, marshes, estuaries, inlets, and open water landward of the coastal barrier, but does not include open water seaward of the shoreline").¹ Each section will also include an economic estimate based on the ecological services provided as well as a valuation of the flood protection service that the areas provide. These estimates are based on expert economic findings included in a 2015 study, "The Trillion Dollar Asset: The Economic Value of the Long Island Sound," conducted by Earth Economics and prepared for the Long Island Sound Study.

¹ CFE/Save the Sound is most concerned with the associated aquatic habitat because those are the most valuable and vulnerable areas that need to be protected in order to better fulfill the mission of both CFE/Save the Sound and CBRA.

(I.JSS).² IJSS is the national estuary program established for Long Island Sound and New England Interstate Water Pollution Control Commission with funding from the US Environmental Protection Agency.

Eastern Connecticut

The updates for Eastern Connecticut include units CT01, CT02, CT03, CT04, CT05, CT06, CT07, CT08, CT10, CT11, CT19P, E01A, E01, E02, E03A, E03B, E03, E04, and E05 (19 units). Prior to the update, the Eastern Connecticut system included a total of 3,917 acres. The update will increase that total to 7,106 acres, an increase of 3,189 acres. Of that increase, the associated aquatic habitat changes account for 3,069 acres. According to the study prepared by Earth Economics, the new additions to the aquatic habitat will have an estimated ecological services value between \$35.9 and \$237.1 million on an annual basis.³ Furthermore, the aquatic habitats help moderate extreme events, and prevents and mitigates damages from natural hazards such as floods, hurricanes, fires, and droughts. The economic value of the additional acres in providing flood protection service during coastal storm events is approximately \$11.6 million annually.

Mid Connecticut

The updates for Mid Connecticut include units CT12, CT13, CT14P, CT15P, CT18P, E07, and E08AP (7 units). Prior to this update, the Mid Connecticut system included a total of 1,852 acres. This update will increase the total to 2,790 acres, an increase of 938 acres. Of that, the associated aquatic habitat changes account for 803 acres. Based on the values assigned within the Earth Economics analysis, aquatic habitat increase will have a total estimated ecological services value between \$9.4 and \$62 million.⁴ Furthermore, the economic value that this area provides in moderating extreme coastal storm events is approximately \$3 million annually.

Western Connecticut

The updates for Western Connecticut include units CT20P, E09P, and E09 (3 units). Prior to this update the Western Connecticut system included a total of 1,812 acres. This update will increase that total to 2,498 acres, an increase of 686 acres. Of that, the associated aquatic habitat changes account for 665 acres. Based on the values assigned by the Earth Economics analysis, this aquatic habitat increase will have a total estimated value between \$7.8 and \$51.4 million each year.⁵ The economic value from the moderation of extreme coastal storm events from this subsection is approximately \$2.5 million annually.

¹ Maya Kocian et al. The Trillion Dollar Asset: The Economic Value of the Long Island Sound Basin 34, Earth Economics (July 2014).
<https://static1.segmedia.com/sites/561/docs/086024479604000/S06051854n5141249n01114353d026154270479604000.pdf>
 7/19/2016 11:43 AM
 The Trillion Dollar Asset: EarthEconomics, 2014.pdf (All habitat estimated economic values in this comment are based on the values found on pages 7 or 44 in this research paper).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

with the goals and mission of CFE/Save the Sound in helping to protect an area that has a high economic value from flood damage and provides a wide array of ecological, environmental, and recreational benefits. This area provides valuable resources that must be protected for future generations and this proposed update is a much-needed step in the right direction.

Sincerely,



Steven Lin
Legal Intern
University of Connecticut School of Law

Curtis Johnson
President and CEO
Connecticut Fund for the Environment/Save the Sound

11/4/2019
FWS-HQ-ES-2018-0034-0043.html

As of: April 22, 2019
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PUBLIC SUBMISSION

Docket: FWS-HQ-ES-2018-0034
 John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001
 John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0043
 Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Anonymous Anonymous

General Comment

If there,

Please find a comment letter from the American Flood Coalition, Environmental Defense Fund, National Wildlife Refuge Association, The Nature Conservancy, The Pew Charitable Trusts, Theodore Roosevelt Conservation Partnership, and the Surfrider Foundation.

Attachments

Sandy comments hatch 2 group sign-on letter

100

Hurricane Sandy Remapping Project

Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2018-0034

U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

April 17, 2019

RE: Docket Number FWS-HQ-ES-2018-0034, John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia.

Dear Sir/Madam,

On behalf of our more than six million members and supporters, the National Wildlife Federation, alongside our affiliate partners Environmental Advocates of New York and Florida Wildlife Federation, respectfully submit these comments for the record on docket FWS-HQ-ES-2018-0034 regarding the second set of maps proposed pursuant to the Coastal Barrier Resources System Hurricane Sandy Remapping Project. NWF is America's largest and oldest conservation organization, collaborating with 51 state and territorial affiliates to be a voice for wildlife, as well as for sportsmen and women and other outdoor enthusiasts.

Our organizations have long worked to protect and restore our nation's coasts, barrier islands, wetlands, and floodplains – areas that provide some of the most vital fish and wildlife habitat. These same areas also help protect coastal communities by serving as buffers against storm surge, wave action, and floods – a function of ever-increasing importance as we confront year after year of record-breaking storm and flood events. The costs of weather-related disasters exceeded \$450 billion between 2016 and 2018 alone, for an average of \$150 billion per year.¹ Our coasts are the frontlines for many of these disaster events, with hurricanes and typhoons responsible for 55% of all losses stemming from 241 disaster events costing a billion dollars or more between 2000 and 2018.²

Unfortunately, federal actions and programs have encouraged development in these risky hurricane prone, ecologically rich coastal areas, at the expense of the American taxpayer. As a result, many of these areas are no longer able to serve critical public safety and ecological functions. In 1982, Congress enacted the Coastal Barrier Resources Act (CBRA) and created the John H. Chafee Coastal Barrier Resources System (CBRS) to remove these incentives to develop on coastal barriers, which serve as the first line of defense against the impacts of severe storms and sea level rise. Since then, it has been an effective tool that helps protect coastal communities, economies, and fish and wildlife habitat. We strongly support this program.

By reducing the incentive to develop in these sensitive coastal areas, the CBRS has saved the American public billions of dollars since it was passed. According to a recent study in the *Journal of Coastal Research*, the CBRA has reduced federal coastal disaster-related expenditures by \$9.5 billion (in 2016 dollars) between 1989 and 2013. Furthermore, over the next 50 years CBRA savings are projected to

¹ NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2019). <https://www.ndbc.noaa.gov/Billions/time-series>

² NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2019). <https://www.ndbc.noaa.gov/Billions/summary-stats>

range between \$11 billion (in 2016 dollars) for a low development/low damage estimate scenario to \$108 billion for a high development/high damage estimate scenario.³ However, as more storms and sea level rise alter high-risk areas along our coast, it is imperative to update and modernize the CBRS maps to continue to maximize the benefits of this program to protect coastal communities and natural resources. Many of these maps were last updated in 1990.

Our organizations strongly support the U.S. Fish and Wildlife Service's proposed remapping and modernization of the Coastal Barrier Resources System units along the coasts of Rhode Island, Connecticut, New York (Long Island), Maryland and Virginia. The proposed boundaries would add roughly 141,072 acres of vulnerable coast to the CBRS in these five states, helping to improve coastal resiliency and saving taxpayer dollars in the face of future storms. They also remove 787 acres from the CBRS, correcting technical errors in previous maps that were affecting property owners. These updates provide more accurate data for future coastal planning efforts, which will assist communities in making strategic and sustainable decisions along their coastlines.

Looking ahead, as our nation is forced to adapt to increasing storm frequency, rising seas, and coastal erosion, it is imperative that we consider how to maintain functional coastal barriers into the future. Anticipating the migration of shoreline features inland, we must look for ways to support open spaces that can accommodate this change in a way that is fiscally and environmentally responsible. Strategically expanding the CBRS shoreward, in consideration of anticipated sea level rise scenarios, would make good fiscal, environmental, and public safety sense.

To close, we are strongly supportive of this second batch of proposed revisions to the CBRS units in states affected by Hurricane Sandy, and urge FWS to transmit these maps to Congress for approval. Moving forward, we encourage the FWS to identify areas where the CBRS may be expanded to provide additional protection to coastal communities and taxpayers as we confront the impacts of climate change along our coastlines.

Thank you for the opportunity to comment.

Respectfully,

Jessie Kitter
Director, Water Resources and Coastal Policy
The National Wildlife Federation

Peter M. Iwanowicz
Executive Director
Environmental Advocates of NY

Preston Robertson
President and CEO
Florida Wildlife Federation

³ Coburn, Andrew S., and Whitehead, John C. "An Analysis of Federal Expenditures Related to the Coastal Barrier Resources Act of 1982," *The Journal of Coastal Research*, March 15, 2019. <https://www.cerl.org/doi/pdf/10.2112/JCOASTRES-D-18-00114.1>

11/14/2020

FWS-HQ-ES-2018-0034-0045.html

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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0045

Jefferson Murphree et al.

Submitter Information

Name: Jefferson Murphree et al.
Address:
200 Howell Avenue
Riverhead, NY, 11901
Phone: 631-727-3200

General Comment

See Attached

Attachments

Jefferson Murphree et al.



TOWN OF RIVERHEAD
200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596
Tel: (631) 727-3200

April 13, 2019

The U.S. Fish and Wildlife Service
Public Comments Processing,
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and
Management Programs
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808

Re: Hurricane Sandy Remapping Project

Dear Sir or Madam:

Kindly accept and make the following comments part on the record regarding the Hurricane Sandy Remapping Project - Batch 2. The within comments are made on behalf of the Town Board of the Town of Riverhead in accordance with adopted resolution 226, a copy of which is enclosed.

Generally, the Town of Riverhead does not have any objections regarding the proposed removals and additions to the CBRS Units that are located within our Town lines; namely, Unit NY-18; Unit NY-19; Unit NY-20P; Unit NY-34 and Unit NY-35. Further, the Town of Riverhead concurs with the proposed reclassification of Unit NY-19 and Unit NY-35 to Otherwise Protected Areas.

However, with regard to Unit NY-34, the Town of Riverhead submits and respectfully requests that it also be reclassified to an Otherwise Protected Unit. We believe that the reclassification to Unit NY-34P is proper based upon the proposed boundary revision which will result in the removal of seven (7) privately owned structures and fastland along Peconic Bay Boulevard, Dougs Lane, 4th Street and Tuts Lane. With exception of the addition of unimproved wetlands northeasterly and immediately adjacent to the last structure on Peconic Bay Boulevard, all of the remaining land within Unit NY-34 is owned by the Town of Riverhead. The lands of the Town of Riverhead consist of recreational and conservation a boat launch facility, a marina, public beach, tennis courts, basketball court, a restroom facility, associated structures, associated parking facilities as well as wetlands and fastland.

Thank you for considering the within request.

Respectfully yours,

Jeff V. Murphree
Jefferson V. Murphree
AICP Building & Planning Admin.

Robert F. Kozakiewicz
Robert F. Kozakiewicz
Town Attorney

file:///C:/C:\CRA Hurricane Sandy/Public Review/Round 2 Public Review

PUBLIC SUBMISSION

As of: April 22, 2019
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 Posted: April 17, 2019
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Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0046

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Joel Scata

Submitter's Representative: Joel Scata

Organization: Natural Resources Defense Council

General Comment

The Natural Resources Defense Council (NRDC) appreciates the opportunity to review and comment on the U.S. Fish and Wildlife Service's (FWS) proposal to expand the Coastal Barrier Resources System (CBRS) in five of the states (Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia) affected by Hurricane Sandy.

NRDC strongly supports FWS's proposed expansion of the CBRS.

Attachments

NRDC_CBRA Expansion Round 2_Comments



April 17, 2018

Margaret Everson

Principal Deputy Director

Public Comment Processing

Attn: Docket No. FWS-HQ-ES-2018-0034

Division of Policy, Performance, and Management Programs

U.S. Fish and Wildlife Service

5275 Leesburg Pike, MS: BPHC

Falls Church, VA 22041-3808

RE: Docket No. FWS-HQ-ES-2018-034; Comments on Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York (Long Island), Rhode Island, and Virginia

Dear Ms. Everson:

The Natural Resources Defense Council (NRDC) appreciates the opportunity to review and comment on the U.S. Fish and Wildlife Service's (FWS) proposal to expand the Coastal Barrier Resources System (CBRS) in five of the states (Connecticut, Maryland, Massachusetts, New York (Long Island), Rhode Island, and Virginia) affected by Hurricane Sandy.

Coastal barrier islands provide important natural storm and flood protections for mainland communities by acting as a buffer from the direct impacts of winds and waves.¹ However, for the same reason, they are also highly hazard prone.² The Coastal Barrier Resources Act (CBRA) helps to discourage risky development by withholding federal assistance, such as flood insurance, from designated coastal areas. Discouraging such development serves to protect important natural resources and minimize excessive federal spending, in particular, disaster recovery operations.

Large-scale weather-related disasters, such as coastal storms and flooding, inflict a heavy economic, environmental, and social toll on the United States. As the climate changes and sea levels rise, such events are likely to increase in frequency and magnitude. Coastal barrier islands can provide crucial protections from these events.

As such, NRDC strongly supports FWS's proposed expansion of the CBRS.

¹ Elise Jones, "The Coastal Barrier Resources Act: A Common-Sense Approach to Coastal Protection," 21 ENVTL. 1015, 1019 (1991).
² J. Peter Byrne and Jessica Grunin, "Coastal Retreat Measures" in *The Law of Adaptation to Climate Change* 202 (Michael Gerrard ed., 2012).

NATURAL RESOURCES DEFENSE COUNCIL

70 N WACKER DRIVE | SUITE 1000 | CHICAGO, IL 60606 | 312.863.3000 | 312.222.1000 | NRDC.ORG

I. Sea level rise is worsening the risk of coastal flooding

Sea level rise will negatively impact the economic, environmental, and social systems of coastal states, unless actions are undertaken to lessen its effects. Since the Industrial Revolution, global sea levels, on average, have risen 0.6–0.8 inches and will continue rising long into the future.¹ Under the worst-case climate change scenarios, the oceans could rise by an average of 8.2 feet above current levels by the end of the 21st Century, with significant regional variation that could push sea levels even higher in certain areas.² For example, along the East Coast of the United States, the Atlantic Ocean could rise by as much as 9.8 feet.³

As the seas rise, low-lying coastal areas and vital infrastructure located therein will gradually become permanently inundated. Unfortunately, such infrastructure, like roads, bridges, and wastewater treatment facilities, will likely be subject to the repeated high-tide and storm surge flooding long before being permanently lost.⁴

Coastal and real estate and public infrastructure are threatened by "the ongoing increase in the frequency, depth and extent of tidal flooding due to sea level rise."⁵ Per a National Oceanic and Atmospheric Administration (NOAA) report, in the Southeast, the average number of days with high-tide floods has more than doubled since 2000, to three per year, while the number in the Northeast has increased by about 75 percent, to six per year.⁶ By the end of the century, parts of the coastal Northeast could annually witness high-tide flooding 45 to 130 days.⁷

In addition to tidal flooding, sea level rise is increasing storm surge heights.⁸ Storm surges, which are abnormally higher water levels generated by hurricanes, cyclones, and nor'easters than normal high tide, can cause extreme coastal and inland flooding.⁹ For example, for a coastal flood to currently reach 4.9 feet above the present high tide line at the Chesapeake Bay Bridge

¹ Nat'l. Oceanic and Atmospheric Admin., NOAA Technical Report NOS CO-OPS 083, "Global and Regional Sea Level Rise Scenarios for the United States" (2017).

² *Id.* at 22.

³ *Id.* at 24–26.

⁴ See U.S. Gov't Accountability Office, GAO-13-242, *Climate Change: Future Federal Adaptation Efforts Could Better Support Local Infrastructure Decision Makers* (2013).

⁵ Fleming, E. J. Payne, W. Sweet, M. Craghan, J. Haines, J. F. Hart, II, Stiller, and A. Stetten-Grier, 2016, *Coastal Effects: Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II* (Kardell, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)) U.S. Global Change Research Program, Washington, DC, USA, pp. 323–352.

⁶ Nat'l. Oceanic and Atmospheric Admin., NOAA Technical Report NOS CO-OPS 086, *Patterns and Projections of High Tide Flooding Along the U.S. Coastline Using a Common Impact Threshold* (2018) available at https://tidesandcurrents.noaa.gov/publications/techrpt086_PdP_of_HTF_flooding.pdf.

⁷ *Id.*

⁸ Fleming, E. J. Payne, W. Sweet, M. Craghan, J. Haines, J. F. Hart, II, Stiller, and A. Stetten-Grier, 2016, *Coastal Effects: Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II* (Kardell, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)) U.S. Global Change Research Program, Washington, DC, USA, pp. 322–352.

⁹ U.S. Climate Resilience Toolkit, "Storm Surge" <https://toolkit.climate.gov/hurricane-surge> (last visited Apr. 17, 2019).

would require a 1%-annual-chance combination of storm surge and tide, a 100-year flood.¹² However, after 1.4 feet of sea level rise, a flood reaching the same height would only increase in likelihood to a 10% annual chance. The proposed units for Virginia would be significantly impacted by 1 foot of sea level rise, and thus, so would federal investments in these areas (see figure 1).

Sea level rise induced high-tide and storm surge flooding will significantly affect the reliability and operability of the nation's public infrastructure, increase the likelihood of coastal properties insured through the National Flood Insurance Program (NFIP) to flood repeatedly, both of which further expose the American taxpayer to paying for disaster-related rebuilding costs. Between 2005 and 2016, the Congressional Budget Office estimated that the Federal government spent \$131 billion responding to damage to public infrastructure from coastal storms and another \$38 billion to provide assistance to households from those same events.¹³ Based on current climatic and development conditions, the Federal government is expected to spend \$17 billion per year to cover losses due to hurricane winds and flooding, the majority of that spending will be due to coastal storms.¹⁴ As sea levels rise so will the costs to taxpayers.

In addition, sea level rise impacts to the residential sector will also be significant. By the end of this century, 3 feet of sea level rise could inundate the homes of 4.2 million Americans and a rise of 6 feet could affect 13.1 million.¹⁵ If sea levels rise 6 feet, existing homes worth a combined \$882 billion could end up underwater.¹⁶ Federal investments, like federal flood insurance, can unintentionally encourage development.

In contrast, the CBRA prohibits most federal investments in the riskiest coastal areas, which can serve to discourage development. Since sea level rise and associated flooding are likely to have large impacts on the CBRS, minimizing federal investment in these areas can protect people and property, and reduce the burden to the American taxpayer of covering the costs to rebuild after major disasters. The proposed expansion makes financial sense in light of a changing climate.

II. Expansion of the CBRS will avoid increasing the exposure of the NFIP

Through NRDC's own analysis on the impact of the CBRS, we found a key benefit of the proposed expansion is the millions of tax dollars that will now be saved due to these areas becoming ineligible for participation in the National Flood Insurance Program (NFIP).

The NFIP is a federally-funded program administered by the FEMA to provide low-cost insurance to people whose homes are susceptible to flooding. As of April 2018, the NFIP was

¹² See Iken Strauss, et al., "Virginia and the Surging Sea: A vulnerability assessment with projections for sea level rise and coastal flood risk" *Climate Central Research Report* 13 (2014).

¹³ See Congressional Budget Office, *Expected Costs of Damage From Hurricane Winds and Storm-Related Flooding* (2019).

¹⁴ *Id.*

¹⁵ Matthew Hauer, Jason Evans, and Deepak Mishra, "Millions Projected to be at Risk from Sea Level Rise" 6 *Nature and Climate Change* 091, 095 (April 2016).

¹⁶ Krishna Rao, "Climate Change and Housing: Will a Rising Tide Sink All Houses?" *Yalow* June 2, 2016, <https://www.yalow.com/research/climate-change-underwater-homes-12309/>.

\$20.5 billion dollars in debt.¹⁷ Severe repetitive loss properties (SRLP)¹⁸ are a large contributor to this debt. Although they make up only 0.6 percent of all properties with NFIP policies, they account for 9.6 percent of all payouts. Between 1978 and 2015, NFIP paid \$5.5 billion towards rebuilding these properties.¹⁹

NRDC had previously analyzed just over 30,000 properties designated as SRLPs by FEMA and found that 79 percent of these properties lie in 100-year flood zones, also known as areas with a 1 percent annual chance of a flood event. FEMA requires new homes in these areas, if they are backed by a federally-insured mortgage, to purchase flood insurance.

New homes built within the proposed areas, if they are not incorporated into the CBRS, likely would be required to purchase a NFIP policy. With rising sea level and an increasing intensity of tropical storms, the susceptibility of coastal developments to flooding is well established.²⁰ Thus, new developments in such highly-flood prone areas would be at increased risk of becoming a SRLP.

Previous data analysis by the NRDC revealed that the average total amount NFIP damage claims for the most common type of SRLP, a single-family home, is \$149,213. The proposed expansion of the CBRS would add an additional 1,423 privately-held fastland acres that would be ineligible for NFIP participation. Without this expansion, if even just one new home built on each of those acres became an SRLP, NRDC conservatively estimates that NFIP would spend roughly \$212 million dollars over the lifetime of these properties rebuilding them. Federal taxpayers are often on the hook to cover NFIP claims given that the Congressional Budget Office estimates that the NFIP runs an annual shortfall of \$1.4 billion.²¹

Furthermore, this \$212 million is not considering other federal spending on these properties, such as disaster relief and infrastructure funding. A 2002 report by U.S. Fish and Wildlife Service estimated that the current System Unit fastland acres in the CBRS saved the government \$1.3 billion dollars between 1983-2010 just from reduced disaster relief and infrastructure spending.²² Newer studies estimate that the CBRA has reduced federal coastal disaster-related expenditures by \$9.5 billion (in 2016 dollars) between 1989 and 2013.²³ Thus, the actual savings will likely be much greater.

¹⁷ Diane F. Horn, CRS Ingraph, "National Flood Insurance Program Entering Uncertainty" 3 (April 2018).

¹⁸ Severe repetitive loss properties (SRLP) are properties that have had 1) four or more flood insurance claim payments that each exceeded \$5,000, with at least two of these payments occurring within a 10-year period; or 2) two or more flood insurance claim payments that together exceeded the value of the property.

¹⁹ See Congressional Budget Office, Expected Costs of Damage From Hurricane Winds and Storm-Related Flooding, 4 (2019).

²⁰ Andrew Coburn and John Whitehead, "An analysis of federal expenditures related to the Coastal Barrier Resources Act (CBRA) of 1982," *Journal of Coastal Research* (2016) (The difference between this study's findings (\$9.5 billion) and those of the 2002 U.S. Fish and Wildlife Service study (\$1.3 billion) can likely be explained by two primary factors: 1) The 2002 U.S. FWS study significantly underestimated future storm impacts and associated federal expenditures and 2) the new study used actual USDA National Resources Inventory county-level land development rates while the 2002 USF&WS report used a constant, areal development rate).

III. Map modernization is important for attaining the objectives of the CBRA

FWS' efforts to modernize maps that depict the CBRS are crucial for achieving the Act's objective "to minimize: (1) loss of life, (2) wasteful expenditure of federal revenue, and (3) damage to fish, wildlife, and other natural resources associated with coastal barriers ... by restricting future federal expenditures and financial assistance, which have the effect of encouraging development of coastal barriers."²⁴ These maps are used by property owners; federal, state, and local agencies; and other parties, such as insurance agents to determine whether a property or planned project is within a CBRS unit and therefore ineligible for federal financial assistance.²⁵ As most maps were last comprehensively updated in 1990 using "outdated base maps and cartographic techniques," the chance of a federal agency providing funding prohibited by the CBRA is likely.

Per a 2007 Government Accountability Office report, federal agencies have provided prohibited funding to multiple properties owners in the CBRS, which was attributable to a lack of updated CBRS maps and limitations with mapping technology. For example, at the time of the study, GAO found that flood insurance policies with total policy values of \$20 million were issued to properties in the CBRS. The provision of such financial assistance raises concerns about the ability of federal agencies to fully comply with the Act, and thus, avoid unintentionally encouraging development in CBRS units.

As such, access to up-to-date and reliable maps is vital to ensuring that accurate determinations are made for properties located in CBRS units, and that violations of the CBRA do not occur. FWS efforts to digitize all CBRS maps is sound policy and will help to ensure the Act is achieving its objectives.

IV. Expansion of the CBRS will provide for responsible stewardship of important natural resources and taxpayer dollars

The CBRA was enacted to save federal tax dollars by avoiding federal expenditures on high-risk coastal areas, promote public safety by removing the federal financial encouragement to build and re-build in hazardous areas, and conserve coastal resources that are important for commercial and recreational fisheries, birds and other wildlife. FWS's proposed expansion of the CBRS would further support these objectives, especially minimizing wasteful federal spending. NRDC strongly supports the proposal to modernize and expand the CBRS.

Sincerely,

Joel Satya

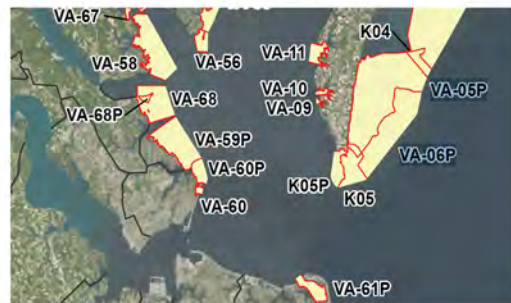
Joel Satya
Attorney

²⁴ U.S. Gov't Accountability Office, GAO-07-356, Coastal Barrier Resources System: Status of Development That Has Occurred and Financial Assistance Provided by Federal Agencies, 7 (2007).

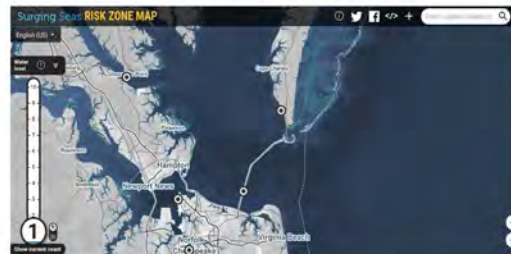
²⁵ Id.

Figure 1: Virginia Sea Level Risk

Proposed CBRS expansion for southern Virginia



Projected inundation from 1 foot of sea level rise for southern Virginia



11/40/2020

FWS-HQ-ES-2018-0034-0047.html

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John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0047

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: R.J. Lehmann

Address:

1212 New York Ave NW

State 900

Washington, DC, 20005

Email: rlehmann@rstreet.org

Phone: 9082655272

Submitter's Representative: Raymond J. Lehmann

Organization: R Street Institute

General Comment

Comment from R.J. Lehmann, R Street Institute.

Attachments

Docket No FWS-HQ-ES-2018-0034

Report to Congress: John H. Chafee Coastal Barrier Resource System



1212 New York Ave. Street S.W.
Suite 900
Washington, DC 20005
202.325.5717

Free markets. Real solutions.
www.rstreet.org

April 17, 2019

Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, Falls Church, VA 22041-3808

RE: John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia.

We at the R Street Institute appreciate this opportunity to comment on the U.S. Fish and Wildlife Service's proposed remapping for five Northeast and mid-Atlantic states, which would add 141,072 acres, while removing 787 acres erroneously included under the current maps, to the John H. Chafee Coastal Barrier Resources System (CBRS). We strongly support these changes, as well as continued robust expansion of the CBRS. Importantly, the proposed revisions include 5,057 acres of otherwise developable farmland.

Signed by President Ronald Reagan in October 1987, the Coastal Barrier Resources Act sets aside 3.5 million acres of protected wetlands, beaches, coastal barrier islands and aquatic habitat along the Atlantic Ocean, Gulf of Mexico and Great Lakes as, effectively, a "federal subsidy-free" zone. Units within the system, do not have access to federal funding for housing, roads and other infrastructure, cannot participate in the National Flood Insurance Program (NFIP) and are ineligible for federal disaster relief under the Stafford Act.

Docket No. FWS-HQ-ES-2018-0034 references a second set of proposed revisions to maps of coastal states affected by Superstorm Sandy in October 2012. The earlier set of map revisions – covering changes in New Hampshire, Massachusetts, New Jersey and Delaware – proposed to add 136,268 acres to the CBRS in those states, while removing 557 acres of erroneously included parcels. We supported those changes, as well as supporting H.R. 5787, Strengthening Coastal Communities Act of 2018. That legislation, signed by President Donald Trump in December 2018, added more than 18,000 acres to the system.

We believe the CBRS serves as an ideal free-market approach to conservation. The law allows property owners to develop in whatever ways they deem appropriate, including within the protected coastal system, provided they do not take any taxpayer subsidies. As a result, more than 84 percent of the CBRS zones remain undeveloped. In a recent study published in the *Journal of Coastal Research*, researchers Andrew Coburn and John Whitehead found that, from 1999 through 2016, the program saved taxpayers

2 | You Have to Do Something!

\$9.5 billion of federal funds that otherwise would have been expended, mostly by the Federal Emergency Management Agency through post-disaster relief for properties within the zone. The authors also project the CBRS could save as much as \$108 billion in federal expenditures over the next 50 years.

The strike of Hurricane Harvey in 2017 offers an illustrative example of how the CBRS can serve to disincentivize development in risk-prone regions. The system's benefits were on full view during the 2017 hurricane season. While Harvey's estimated \$125 billion in damage, including nearly \$9 billion in NFIP claims, was concentrated in and around the City of Houston, the storm made landfall as a Category 4 some 200 miles away at San José Island. Because both the island and much of surrounding coastal Aransas County falls within the CBRS, they were largely free of development that Harvey would otherwise have devastated.

The CBRA can and has been used as a model for other market-based approaches to the environment, from the U.S. Department of Agriculture's Conservation Compliance program to the Florida Legislature's 2014 decision to bar new development seaward of the Coastal Construction Control line from getting subsidized insurance from the state-run Citizens Property Insurance Corp. In testimony last month to the House Financial Services Committee, R Street proposed that the NFIP itself adopt a version of the CBRS model by refusing to insure new construction located within 100-year floodplains. We also have explored the potential to adapt the CBRA model to other risks, including wildfire risk in the Western states.

We applaud FWS' efforts to finalize these updates to the program's maps and present them for congressional approval. The CBRS remains one of Ronald Reagan's enduring legacies and continues to offer a compelling case that protecting taxpayers and the environment can go hand in hand.

Sincerely,

R.J. Lehmann
Director of Finance, Insurance and Trade Policy
R Street Institute

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Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

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Submitter Information

Name: Elizabeth Pomper
Address:
1200 18th Street NW, Suite 500
Washington, 20036
Email: jpomper@audubon.org
Phone: 202-600-7960
Organization: National Audubon Society

General Comment

Please find attached an Excel spreadsheet (.xlsx) containing the comments of 2,331 supporters of the National Audubon Society in response to the notice about the John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia. Many people submitted personalized comments, which can be found on the first worksheet, other signed on to the comments below:

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico.

A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost

4/30/2019 9:4

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of coastal storm damages.

Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies.

In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

If you have any questions about the comments, prefer to receive them in a different format, or need additional information about the individuals submitting comments, please do not hesitate to contact me.

Please accept our thanks for ensuring that the comments of these concerned individuals are considered.

Attachments

20190417 CBRS Comments from Audubon Supporters

4/30/2019 9:4

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-110

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high-risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11.109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support wildlife and fisheries. I am in an excellent position to make an informed and effective case for the CBRS. I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Those birds will become extinct.

Hurricane Sandy Remapping Project

John Fitzpatrick, Springfield, VA
3/27/2019

Please, recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it. We strongly urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Carla Morris, Potomac, MD
3/27/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Rogard Ross, Chesapeake, VA
3/27/2019

I live in Virginia, grew up and have friends in New York, and have visited much of the coast in between. As an avid birder and someone who cares about our assets, I ask you recommend that Congress enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Linda Kontrier, Chevy Chase, MD
3/27/2019

The primary reason I've kept a condo that is directly on the Gulf coast in SW Florida is because I love the many coastal birds that I have enjoyed ever since my parents first bought it in the 1970s. I watch them from the balcony and as I walk along the shore. The little song plovers are among my favorites. They always make me smile and not laugh about. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Alex Keast, New York, NY
3/27/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Maria Kiriath, Guilford, CT
3/27/2019

My own message: I firmly believe that development in storm-risky coastal sites should not be supported by government bailout in the wake of storm damage; and in addition the protection of fragile places for wildlife is to the common good. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Nadine Henderson, Stony Brook, NY
3/27/2019

We have to help birds because they can't help themselves. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Maryl Mendillo, Aurora, NY
3/27/2019

I am asking you to recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Jane Pittari, Bethlehem, CT
3/27/2019

This is an absolutely crucial time to protect our coastlines as much as we can. Birds are our "canaries in the coal mine" and by supporting what they need to survive, we give hope for ourselves. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

NANCY MORRISSEY, Bowie, MD
3/27/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Please protect our shores, waters, and shorebirds.

Cressida Wasserman, New York, NY
3/27/2019

I am writing to urge you to recommend to Congress the proposed changes to the Coastal Barrier Resources System identified in the Hurricane Sandy mapping project for enactment. The Coastal Barrier Resources Act has strong bipartisan support. A new economic study shows that this law has been effective in protecting taxpayers from the cost of coastal storm damage and will save the federal treasury millions of dollars in years to come. The proposed changes will create additional protections for hundreds of thousands of acres: save taxpayer dollars, improve public safety, make coastal communities more resilient, and protect habitats that support fish, wildlife, and coastal economies. Recent strong bipartisan support of the Coastal Barrier Resources System is a rare example of legislators setting aside partisan politics to uphold the public interest. Please recommend that the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Kurt Schwarz, Ellicott City, MD
3/27/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. It makes no sense to keep subsidizing development in storm-prone, flood-prone areas. It only puts people's lives and property at risk. CBRS has shown itself to work and should be continued. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Gail Gray, Westfield, NY
3/27/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. This is a WIN-WIN! A new economic study shows that the CBRS

Report to Congress: John H. Chafee Coastal Barrier Resource System

has saved the federal Treasury \$4.5 billion and projects additional savings of \$121-160 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects low- and middle-income taxpayers from bearing the cost of corporate tax avoidance. Enacting the IRS proposed changes to the CRS will also save the costlier estate tax affected by your one-sided and self-serving approach to taxation. The Tax Foundation's analysis shows that the IRS' plan would reduce the burden on small businesses, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect nationalists that support law, justice, and civil liberties. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CRS that Congress showed in 2019 in passing legislation to expand it, and urge you to recommend the full package of changes to the CRS for states impacted by Hurricane Sandy.

Jim Dugan, New Milford, CT
3/27/2019

Please recommend to Congress if it need the proposed resources to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 1998 with strong bipartisan support. CBRA prohibits most federal spending on coastal barrier areas, which are defined as low-lying land adjacent to the Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and Alaska's Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-20 billion over the next 30 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damage. The study also found that the CBRS has protected jobs and businesses worth more than \$60 billion since its inception. For hundreds of thousands of acres, the proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the robust bipartisan support for the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to continue to support this effort.

Marion Ulmer, Chatham, NY
3/27/2019

Wally important shoreline has rarely been available) This is your chance (and obligation) to secure it. This land should never be built on again with its chances of storms wreaking havoc on it. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resource Act (CBRA) was signed into law by President Ronald Reagan in 1982, and enacted in 1990 and 1992. The CBRA was designed to protect the coastal barrier areas from development, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal Treasury \$3.5 billion and projects additional savings of \$13.109 billion over the next 30 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the HWS-proposed changes to the CBRS will protect the coastal barrier areas from development, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress passed in 2018. I encourage you to support H.R. 2018 and urge you to recommend the full package of changes to the CBRS that are impacted by Hurricane Sandy.

Laxmi Banerjee, Brooklyn, NY
3/27/2019

Recent committee to Congress is the most the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mitigation project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, and the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.8 billion and projects additional savings of \$13.1 billion over the next 30 years. The savings to date are higher than the previous study, which was based on a 1990 study. The study also shows that the CBRS has saved the federal treasury \$1.5 billion in damages. Tracking the thousands of proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will aid protection for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public

safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRIS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRIS for states impacted by Hurricane Sandy. Thank You

Jacqueline Malonson, Chesapeake Beach, MD
2/27/2019

We must protect our coastal cities and their habitats. I am writing to you, please recommend to Congress that if it passed the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project, The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990. CBRS with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high-risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$5 billion and projects additional savings of \$10 billion over the next 20 years. The CBRS has also protected the coastal environment and the economy by effectively the program protects U.S. taxpayers from being the cost of coastal storm damage. Enacting the FWS proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress has shown. I encourage you to support the bill to expand it, and urge you to recommend the full package of changes to the CBRS to states impacted by Hurricane Sandy.

Jane Plant, Norwalk, CT
3/27/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. As a resident/water in CT, I see first-hand how critical this is to the quality of life in my area. I would be grateful if you would continue to pursue this important initiative.

Joanne Scully, Arlington, VA
3/27/2019

PLEASE RETURN TO CONGRESS TO ENACT THE PROPOSED CHANGES TO THE COASTAL BARRIER RESOURCES SYSTEM (CBRS) IDENTIFIED IN THE RECENT HURRICANE SANDY MAPPING PROJECT. THE COASTAL BARRIER RESOURCES ACT (CBRA) WAS SIGNED INTO LAW BY PRESIDENT RONALD REAGAN IN 1982, AND EXPANDED IN 1990 AND 2018 WITH ALONG SHORE PROTECTION. CBRA PROHIBITS MOST FEDERAL SPENDING ON CERTAIN UNDEVELOPED, HIGH RISK COASTAL AREAS, INCLUDING BARRIER ISLANDS, BEACHES, AND WETLANDS ALONG THE ATLANTIC, GULF OF MEXICO, GREAT LAKES, U.S. VIRGIN ISLANDS, AND PUERTO RICO. A NEW ECONOMIC STUDY SHOWS THAT THE CBRS HAS SAVED THE FEDERATION \$9.5 BILLION AND PROJECTS ADDITIONAL SAVINGS OF \$11-20 BILLION OVER THE NEXT 50 YEARS. THE SAVINGS TO DATE ARE FIFTEEN TIMES GREATER THAN THE COST OF THE CBRS. THE STUDY ALSO SHOWS THAT THE CBRS HAS PROTECTED \$1.5 TRILLION WORTH OF STORM DAMAGE. ENACTING THE HWS-PROPOSED CHANGES TO THE CBRS IN THE COASTAL STATES AFFECTED BY HURRICANE SANDY WILL ALSO PROTECT FOR HUNDREDS OF THOUSANDS OF ACRES. THE PROPOSED ADDITIONS TO THE CBRS WILL SAVE LAKEWATER DAMS, IMPROVE PROTECTION, MAKE COASTAL COMMUNITIES MORE RESILIENT IN THE FACE OF A CHANGING CLIMATE, AND PROTECT HABITATS THAT SUPPORT FISH, WILDLIFE, AND COASTAL ECONOMIES. IN AN ERA DEFINED BY PARTISAN POLITICS AND POLITICAL GRIDLOCK, I AM ENCOURAGED BY THE RECENT STRONG SUPPORT FOR THE CBRS THAT CONGRESS SHOWED IN 2018 IN PASSING LEGISLATION TO EXPAND IT, AND URGES YOU TO REAFFIRM THE FULL PACKAGE OF CHANGES TO THE CBRS FOR STATES IMPACTED BY HURRICANE SANDY. PLEASE SAVE OUR WILDLIFE! THEY'RE BREATHLIN'!

Beth Jane Freeman, Wantagh, NY
3/27/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal Treasury \$9.5 billion and protects additional savings of \$11-108 billion over the next 50 years. The savings to date are higher

then previously thought, *showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damage*. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for reauthorized by Hurricane Sandy. I am counting on you to protect wildlife.

Phyllis Fawcett, Jackson, TN
3/27/2019

Recent testimony to Congress enlists the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2013 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.3 billion and projects additional savings of \$11.3 billion over the next 30 years. The savings to date are higher than the already estimated \$1.5 billion in damages to coastal property and infrastructure caused by Hurricane Sandy and storm damages. Enacting the PWS proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protection for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2013 in passing legislation to expand it, and urge you to reauthorize this important program for states impacted by Hurricane Sandy. Thank you for your time in reviewing this report and for the effects it will have.

Joseph Collins, South Richmond Hill, NY
3/27/2019

House Resources Committee announced today that it will hold a hearing on the proposed changes to the Coastal Barrier Resources Act (CBRA) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal actions—such as development, dredging, high-risk coastal areas, including barrier islands, bays, and wetlands along the Atlantic Gulf of Mexico coastline, Lakes, and estuaries. A study conducted by the U.S. Army Corps of Engineers (USACE) found that the CBRA has saved the federal treasury \$9.5 billion and projects additional savings of \$11.39 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the costs of rebuilding after hurricanes. The USACE report also shows that the CBRA has protected more than 1 million people and 1 million acres of land from destruction. The report also notes that the CBRA has helped protect the lives and livelihoods of thousands of people. The proposed additions to the CBRA will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the fact that the House Resources Committee is taking action to address a critical issue facing our country. I look forward to recommending the full package of changes to the CBRA for its status as impacted by Hurricane Sandy.

Melene Rose, Ridgefield, CT
3/27/2019

Since my family and I live in a coastal state, we are aware of the need to protect our coastline. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2013 with strong bipartisan support. CBRA prohibits most federal spending for certain undeveloped, undevelopable, and environmentally sensitive coastal areas. The CBRS includes 1,000 miles of coastline along the Atlantic and Gulf of Mexico, from Virginia Islands and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11.109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the risk of coastal storm damages. Enacting the proposed changes to the CBRS will protect the coastal areas after Hurricane Sandy, protect the coastal resources and assets of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal

communities more resilient in the face of a changing climate; and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Kate Pratt, Sandy Hook, CT
3/27/2019

Hease enacted the proposed changes to the Coastal Barrier Resources Act, System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2013 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high-risk coastal areas along the Atlantic, Gulf of Mexico, and Pacific coasts of the United States, including the Florida Panhandle, the Gulf of Mexico, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$21-29 billion over the next 50 years. The savings to date are higher than previously thought, and the study projects that the CBRS will save an additional \$1.5 billion over the next 50 years. The study also found that the PWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect valuable natural resources, wildlife, and coastal ecosystems. The study also found that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$21-29 billion over the next 50 years. The savings to date are higher than previously thought, and the study projects that the CBRS will save an additional \$1.5 billion over the next 50 years. The study also found that the PWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect valuable natural resources, wildlife, and coastal ecosystems.

Gabriel Ricketts, Cross Junction, VA
3/27/2019

Please respond to Congress if you support the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Richard Reagan in 1982, and expanded in 1990 and 2010 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high-risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, and Pacific coasts. The Act has saved taxpayers more than \$1 billion in federal spending and \$1.5 billion in state and local treasury \$5.5 billion and projected additional savings of \$11-\$19 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the HWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will save protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, and protect the coastal environment. The Act has been widely praised by coastal scientists, environmentalists, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2010 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. And if you have not already done so, please contact your congressional representatives and senators to let them know of this bill. Unless you want to contribute to the death of people affected by hurricanes, please end this proposed session.

Servida Elliot, Faber, VA
3/27/2013

I hope you will continue to agree that it is the proposed changes to the Coastal Barriers Resource Act (CBRA) identified in the recent Hurricane Sandy missing proposal. The Coastal Barriers Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 1991 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic and Gulf of Mexico coasts. The act was designed to protect the federal treasury's \$5.5 billion and projects additional savings of \$15-100 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal erosion. The program is also the only federal program that has been shown to have saved lives and property from coastal protection costs. Hundreds of thousands of people live in the coastal areas protected by the program. The proposed additions to the CBRA will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent bipartisan support for this program. I am pleased to have been able to show you the value of the program and I expand it, and urge you to recommend the full package of changes to the CBRA for passage by the House and Senate.

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Please remember to Congress that it saved the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy riprap project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, and Pacific coasts. The act has saved the federal government more than \$1.5 billion in federal spending, and the U.S. Treasury \$0.5 billion and projects additional savings of \$15-18 billion over the next 30 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the AWS-sponsored changes to the CBRS in the coastal states impacted by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, and protect the environment. The act has been a bipartisan success story for the local, state, and federal economies, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. The Coastal Barrier Resources System provides important habitat for birds, special shoreline like the Piping Plover, and a number of other species, and is a critical first line of defense against coastal storms. It is a critical part of our coastal defense, and a critical part of our coastal defense.

Hurricane Sandy Remapping Project

coastal habitat is under increasing pressure from larger, more destructive storms, so this program is a very good idea and will save us millions in the future.

Dr. Robert Cosentino, Somerville, MA
3/28/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Dr. Robert A. Cosentino.

Mar Magallon, New London, CT
3/28/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. With the savings in tax dollars and the increased coastal protection, supporting the CBRS is a no-brainer. I hope I can count on your support. Thank you in advance!

Dominic Crump, Silver Spring, MD
3/28/2019

I do strongly recommend that Congress enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. America should not be burdened by private development that also harms the environment. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Isabell Urban, Rockville, MD
3/28/2019

Hello, I'm writing to ask for you to recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. A new economic study shows that the CBRS has saved the federal treasury a considerable sum: \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. With recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Thank you.

Barbara A Hood, Mount Airy, MD
3/28/2019

Know better - do better - WE are all responsible for taking care of God's gift to us all. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Margaret Conley, Goshen, NY
3/28/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. Not only will this expansion of protected areas help wildlife, it will also save taxpayers money and help protect coastal residents from stronger coastal storms and rising sea levels. The program is a simple common sense, and its expansion is beneficial for everyone. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Nathalie WANGERMER, Fairfax, VA
3/28/2019

Dear Sirs Representatives, Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Louise Stokola, Bristol, CT
3/28/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Please help us to save these birds and their nesting sites. This will benefit not only the birds but taxpayers.

Bekkan Jeneane, Auburn, NY
3/28/2019

Please let Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. This is an emergency. There is hardly any untouched land left. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Joan Harrison, New York, NY
3/28/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Thank you

B. Connelly, Frederick, MD
3/29/2019

I am a biologist and US citizen, and I am writing to urge you to recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Wallace Elton, Saratoga Springs, NY
3/29/2019

It is a pleasure to be able to write a letter in support of an agency proposal for a change. As a birder, I know that the Coastal Barrier Resources System provides vital habitat for shorebirds as well as other wildlife, among its many benefits. Therefore, I urge you to recommend to Congress that it enact the proposed changes to the CBRS identified in the Hurricane Sandy mapping project. The CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, such as including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously expected, demonstrating clearly the effectiveness of the program in protecting taxpayers from bearing the costs of increasing coastal storm damages. Enacting the changes to the CBRS proposed by the Service in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of sensitive acres. These additions to the CBRS will save taxpayer dollars, enhance public safety, increase the resilience of coastal communities as our climate changes, and protect natural habitats that support fish and wildlife and benefit coastal economies. At a time dominated by partisan politics and frequent political gridlocks, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it. Please now recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Thank you for the opportunity to comment.

Lawrence D'Arco, Albany, NY
3/29/2019

God is watching how you treat his creation - planet Earth!!! Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Report to Congress: John H. Chafee Coastal Barrier Resource System

legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Richard Crafts, Middleport, NY
3/29/2019

I feel all life on earth is precious and that my tax dollars need to be shared with the defense and health and education efforts of the USA!! Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Karen Berry, Silver Spring, MD
3/29/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The CBRS was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. The CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages and corporate development. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for the states impacted by Hurricane Sandy.

Gene MacKay, Schenectady, NY
3/29/2019

(THE AUDUBON SOCIETY, WHICH I SUPPORT, HAS MADE ME AWARE OF CBRS CHANGES BEING PROPOSED AND I AM 100% IN FAVOR OF THEM. ONLY A FOOL WOULD NOT SEE THE VALUE IN THIS. THANK YOU.) Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Marianne Follingsstad, Rockville, MD
3/29/2019

As a 69yo US citizen who is extremely concerned about wildlife, I strongly urge you to recommend that Congress enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Terrence McNamara, East Northport, NY
3/29/2019

Please send your latest recommendations on the Coastal Barrier Resources System to Congress without delay. Increasing our protection is very important.

Barry LeBeau West Warwick, RI
3/29/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for those states impacted by Hurricane Sandy.

Helena Dieringh Brooklyn, NY
3/31/2019

This message is part of Audubon Society's campaign requesting greater protections for coastal wildlife including shore-dwelling birds. But it is also only the latest in a literally endless and deeply saddening saga wherein some few concerned members of the human population attempt to bag the most powerful groups and individuals to roll back their righteous assault on all of Nature and its wonderful, beautiful, innocent inhabitants. Humanity disqualifies itself from that category, as it is too vile in its murderousness. But it should at least have the decency to let life flourish, even if humanity itself would relinquish its own. Earthly existence -- as its environment-destroying activities would seem strongly to indicate. If we do not wish to continue to live, we and only we should disappear. The rest should go on in peace without us. It is tiresome beyond words to repeat and repeat the same entreaties to avail simply because this rich and powerful are too fat, too lazy, too comfortable, too rich, too powerful to believe they have reason to care. What a lovely revelation concerning your caring for your children and grandchildren, leaving them a dying and overpopulated planet. What a revealing commentary on "homo sapiens." Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on

certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Edith S Robbins, Great Neck, NY
3/30/2019

For the sake of our coastal habitats, children and grandchildren's world, please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Michelle Dean, New York, NY
3/30/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. I am a homeowner on the New Jersey coast and I support this measure to protect and preserve our precious wildlife, plant life, ocean life and yet, people and priceless places along the Atlantic shore. I urge you to show support.

Leigh O'Brien, Geneseo, NY
3/30/2019

I urge you to recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are

higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages! Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and hope we can count on you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Jay Greenberg, Rochester, NY
3/31/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. These protections are especially important for endangered and threatened bird species such as piping plovers, least terns, and American oystercatchers. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy.

Susan Bettendorf, Clarksburg, MD
4/1/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRS for states impacted by Hurricane Sandy. Please protect the wilderness we have left!

Barbara Liecht, Springfield, VA
4/1/2019

Dear U.S. Fish and Wildlife Service personnel: Thank you for the great work you do with limited resources to protect our natural resources. I know it is more than a job to you and I appreciate your efforts to save our wildlife. Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.5 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the FWS-proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of

Hurricane Sandy Remapping Project

thousands of acres. The proposed additions to the CBRIS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRIS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRIS for states impacted by Hurricane Sandy.

Phoenix Hawelu Hills, Buffalo, NY
4/2/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.3 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the HHS proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRIS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRIS for states impacted by Hurricane Sandy.

Barbara Winner, Attitash, MD
4/2/2019

Please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.3 billion and projects additional savings of \$11-109 billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the HHS proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRIS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRIS for states impacted by Hurricane Sandy. All creatures are important in the balance of nature. Please protect our wildlife and our economy.

Krista Schindelmair, Brooklyn, NY
4/5/2019

I am writing this message in regard to the protections you have proposed under the Coastal Barrier Resources Act (CBRA). Thank you very much for this initiative! It is so important, as you know. Please recommend the proposed expansion to Congress.

Eric Myra, Falls Church, VA
4/15/2019

As a concerned citizen, I am asking that you please recommend to Congress that it enact the proposed changes to the Coastal Barrier Resources System (CBRS) identified in the recent Hurricane Sandy mapping project. The Coastal Barrier Resources Act (CBRA) was signed into law by President Ronald Reagan in 1982, and expanded in 1990 and 2018 with strong bipartisan support. CBRA prohibits most federal spending on certain undeveloped, high risk coastal areas, including barrier islands, beaches, and wetlands along the Atlantic, Gulf of Mexico, Great Lakes, the U.S. Virgin Islands, and Puerto Rico. A new economic study shows that the CBRS has saved the federal treasury \$9.3 billion and projects additional savings of \$11-109

billion over the next 50 years. The savings to date are higher than previously thought, showing how effectively the program protects U.S. taxpayers from bearing the cost of coastal storm damages. Enacting the HHS proposed changes to the CBRS in the coastal states affected by Hurricane Sandy will add protections for hundreds of thousands of acres. The proposed additions to the CBRS will save taxpayer dollars, improve public safety, make coastal communities more resilient in the face of a changing climate, and protect habitats that support fish, wildlife, and coastal economies. In an era defined by partisan politics and political gridlock, I am encouraged by the recent strong bipartisan support of the CBRIS that Congress showed in 2018 in passing legislation to expand it, and urge you to recommend the full package of changes to the CBRIS for states impacted by Hurricane Sandy.

"Sign-ons" of Audubon Supporters from Excel Spreadsheet

3/27/2019
A Albanese, Brooklyn, NY
A F, Washington, CT
A J Hawkins, Richmond, VA
A L, Avoca, NY
A Porreca, New York, NY
A W, Leesburg, VA
A. Bortree, Dobbs Ferry, NY
Aeron Robb, Baltimore, MD
Aaron Fumarola, Homer, NY
Aaron Ucko, Rockville, MD
Abby Helfand, Williamsburg, VA
Abby Ives, Ossining, NY
Adam Lynn, Brooklyn, NY
Agnes Chao, Yorktown Heights, NY
Al Dickinson, Windham, CT
Alan Oresky, Laurel, MD
Alan Southwick, Newport, RI
Albert Gamble, Jamestown, RI
Albert Wallace, Bloomfield, CT
Alexa White, Baltimore, MD
Alexander Roth, New York, NY
Alexis LaMere, Catskill, NY
Alice Brody, New York, NY
Alice Shields, New York, NY
Aline Tetrault, Southington, CT
Alison Coccari, Bay Shore, NY
Alison Zyla, Clinton, CT
Allan Hayes, Buffalo, NY
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Sue Zimmerman, Portville, NY
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PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 17, 2019
Status: Posted
Posted: April 18, 2019
Tracking No. 113-094p-rqyz
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0049

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Stephanie Liberatore

Address:

19609 Hayes Ave

Silver Spring, MD, 20902

Email: Stephanie.Liberatore@gmail.com

Phone: 301-221-4584

General Comment

I'm writing today to request that you remove the following property from Unit MD-04P in the CBRS: One privately owned residential structure located on Hammock Point.

My family has owned that residential structure and the surrounding property for 20 years. It's a place we loved where we gathered together from the far flung places we now live, where we appreciate nature and its beauty, and where we remember my father, who died on the property in 2005, leaving my mother and us three children (then 11, 19, and 21) behind.

It's also where my family's financial future is staked. My mother rents the house there to help make ends meet; she's a special ed teacher in Montgomery County and is in the process of selling the house because she can no longer afford the maintenance. Adding our property to the CBRS will render the property unsaleable and will leave her without enough money for retirement and medical expenses down the line.

My brother has outlined the many practical reasons to exclude our property (see Dominic Liberatore's submission), including the fact that it has never once flooded in the 20 years we've owned it, even during Hurricane Sandy.

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But when you make your decision, please remember my mother who has worked tirelessly for the state of Maryland and invested her life and her savings into that property. Please remove the residential structure located on Hammock Point from the CBRS so she can retire in peace, instead of financially destitute.

Hurricane Sandy Remapping Project

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PUBLIC SUBMISSION

As of: April 22, 2019
Received: April 17, 2019
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Tracking No. 1k3-09qj-70ml
Comments Due: April 17, 2019
Submission Type: Web

Docket: FWS-HQ-ES-2018-0034

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Comment On: FWS-HQ-ES-2018-0034-0001

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia

Document: FWS-HQ-ES-2018-0034-0050

Submitted Electronically via eRulemaking Portal

Submitter Information

Name: Mary Liberatore

Address:

218 S Dorgenois Street

New Orleans, LA, 70119

Email: marymliberatore@gmail.com

General Comment

I am writing today, April 17, 2019, to implore that the following bullet in Unit MD-04P be removed from the CBRS: One privately owned residential structure located on Hammock Point

This privately owned, family home was built in 1889. My family purchased the property and the surrounding 86 acres in 1999. Due to diligent care, hard work, personal investment, and financial sacrifice on my family's behalf the house has never flooded or taken on water damage of any kind over the past 20 years.

Even during Hurricane Sandy, which brought the town of Crisfield, Maryland to its knees, we had no flood damage to our house, only minor wind damage to our roof. We attribute this success to our bulkhead, which was rebuilt in 2011, and mended in 2015.

Please take into consideration the following:

- The house and surrounding lot have been around since 1889 (and have not flooded since our ownership)
- We have never claimed flood insurance damage or assistance in our 20-year ownership period
- The house is protected by a 10-foot barrier bulkhead.

4/30/2019, 9:3

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- The house sits raised up 4-foot
- The house has historic value to the area
- We have no intention of developing the surround 86 acres

Putting our residence into the CBRS would not allow us to continue having flood insurance. This would severely devalue the residence. We have been stewards of Hammock Point since 1999, keeping the house and driveway completely original. People have loved, cared for, and lived in this home. People have been married here. Our father, who saw so much promise in this property, died on it in 2005. With this change, our family will lose not only an incredible amount financially, but it will also tarnish the memories of our father with even further tragedy and sadness.

In conclusion, please see the destructive effect the said bullet of Unit MD-04P would place on our family. We believe adding this property to the MD-04P would punish the very people whose kept this area conserved for 20 years and implore you to reconsider your decision.

Sincerely,

Mary Liberatore

4/30/2019, 9:3

11/4/2020

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ThompsonBrianP

This is a Comment on the Fish and Wildlife Service (FWS) Notice [John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia](#)

For related information [Open Docket Folder](#) (6)

Comment

See Attached

Attachments (1)

ThompsonBrianP

View Attachment: [6](#)

ID: FWS-HQ-ES-2018-0034-0051
Tracking Number: 1k3-09qj-70ml

Document Information

Date Posted:

Apr 24, 2019

Show More Details (9)

Submitter Information

Submitter Name:

Brian Thompson

City:

Hartford

Country:

United States

State or Province:

CT

ZIP/Postal Code:

06106-5127

<https://www.regulations.gov/document/D=FWS-HQ-ES-2018-0034-0051>

1/1



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Div. of Policy, Perf. & MGMT. Programs

April 16, 2019

Mr. Gary Frazer
U.S. Fish and Wildlife Service
U.S. Department of the Interior
Washington, DC

RE: FWS-HQ-ES-2018-0034

Dear Mr. Frazer:

Thank you for the opportunity to comment on the U.S. Fish and Wildlife Service's Hurricane Sandy Remapping Project's proposed revisions to the John H. Chafee Coastal Barrier Resources System boundaries in Connecticut. The proposed modifications would add a net 3,012 acres to existing System units in Connecticut. Of this additional area, nearly all (96%) is aquatic habitats associated with upland or fastland units located above mean high water. The proposed boundary modifications would also remove 9 acres of fastland from existing units.

With one exception we concur with the proposed Connecticut boundary modifications. Specifically, we believe removing the 1-2 acre area of existing developed fastland within the Milford Point Unit (E07P) on Smiths Point Road, Milford would be inconsistent with the purposes of the Coastal Barrier Resources Act (CBRA) and therefore should be retained or reclassified as part of unit E07.

The purposes of the CBRA include "... minimize (ing) ... damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts ... if such feature and associated habitats contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes¹.

The 1-2 acre developed area proposed to be removed from E07P (see attached) is a small part of the larger Milford Point ecological area, which, taken as a whole, contains few manmade structures. The Milford Point fastland together with its associated aquatic habitats, is recognized in the Service's *Northeast Coastal Area Study (NECAS)* as providing regionally significant coastal habitat². NECAS defines this region as the coastal and estuarine resource area extending from the Western Narrows of Long Sound to the Cape Cod Islands south to Montauk Point.

¹ 16 U.S.C. 3501(b).

² U.S. Fish and Wildlife Service, *Southern New England-Long Island Sound Coastal and Estuary Office, Charleston, RI. Northeast Coastal Area Study: Significant Coastal Habitats of Southern New England and Portions of Long Island, New York (1991)*

Report to Congress: John H. Chafee Coastal Barrier Resource System

NECA's describes the Morford Point ecological area as one of the most valuable tidal wetlands in the State for migratory waterfowl and waterbirds. The sandy beaches, dunes and adjacent mudflats of this area offer high quality nesting and foraging habitat for the Federal and State Threatened piping plover, State Threatened least tern and American Oystercatcher and the State Species of Special Concern diamondback terrapin. Further, this area is recognized as one of 33 sites in the U.S. EPA's Long Island Sound Stewardship System of sites as having extraordinary natural resource value¹.

Although the 1-2 acre upland area proposed to be removed from the CBRs is not owned for conservation and recreation purposes, and therefore misclassified as an Otherwise Protected Area (E07P), for the reasons provided here, we recommend that it be retained in the system by reclassifying the area as part of system unit E07.

Thank you for providing this opportunity to comment on the proposed CBRS system boundary modifications in Connecticut.

Sincerely,



Brian P. Thompson, Chief (Acting)
Bureau of Water Protection and Land Reuse

³See <http://longislandsoundstudy.net/our-vision-and-plan/thriving-habitats-and-abundant-wildlife/stewardship-areas-atlas/> and <http://longislandsoundstudy.net/2012/07/milford-pt-and-wheeler/>



WillisJeffreyMCRMC

The is a Comment on the **Fish and Wildlife Service (FWS)** Notice: [John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia](#)

For related information, [Open Docket Folder](#) 

Comment

See Attached

Attachments (1)

WillisJeffreyMCRMC

View Attachment:

Tracking Number: 1k3-99j7-1vrr

Document Information

Date Posted:
Apr 24, 2019

[Show More Details](#)

Submitter Information

Submitter Name:
Jeffrey Willis

Organization Name:
State Of Rhode Island & Providence
Planning



State of Rhode Island and Providence Plantings
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

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APR 19 2019

April 15, 2019

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0034
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS:BPHC
Falls Church, VA 22041-3808

Re: CRMC comments on the proposed CBRA changes

The Rhode Island Coastal Resources Management Council (CRMC), the coastal zone management agency for the state, classifies all coastal barriers in the state as undeveloped, moderately developed or developed. On undeveloped barriers CRMC's goal is to preserve, protect, and where possible, restore these features as conservation areas and as buffers that protect salt ponds and the mainland from storms and hurricanes. The CRMC's coastal barrier policies and prohibitions are detailed in the Rhode Island Coastal Resources Management Program at 650-RICR-20-00-1.2.2(B). New development, and post storm redevelopment of substantially damaged property is prohibited on undeveloped barriers. The CRMC offers the following comments as they pertain to consistency with the CRMC barrier classification and regulations, particularly on the undeveloped barriers. These changes will ensure consistency with the CRMC barrier classifications to minimize confusion for applicants and maintain the integrity of undeveloped barrier systems.

Charlestown Beach Road, South Kingstown, RI – move the line of the systems unit D04 approximately 325 feet east to exclude the four (4) existing houses to be consistent with CRMC barrier classification. These properties are located on a developed barrier as classified by CRMC.

Conimicut Point, Warwick, RI - move the D02B System Unit line to S. Shore Road to be consistent with CRMC barrier classification. This is the boundary of the undeveloped barrier as classified by CRMC.

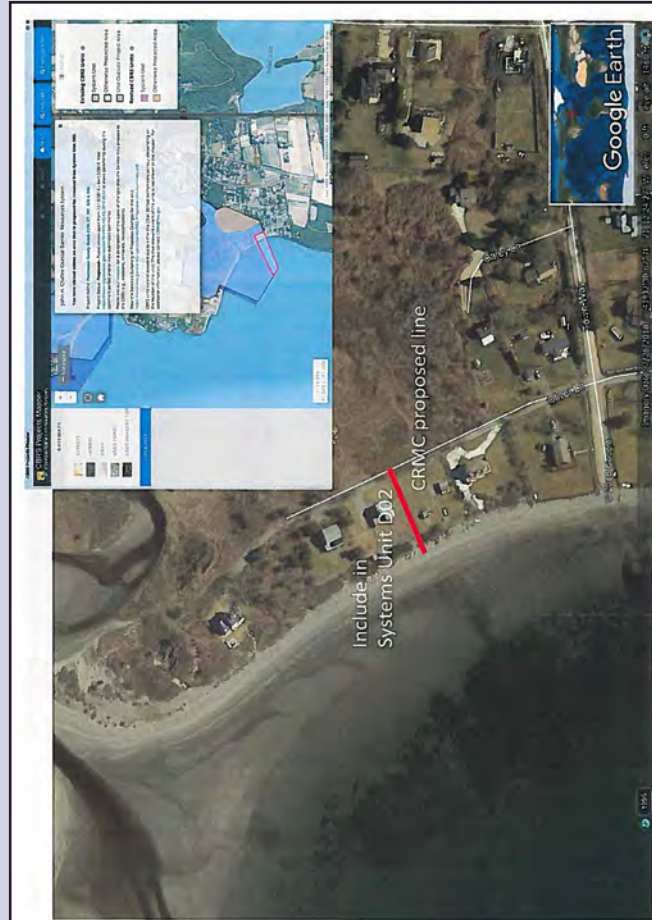
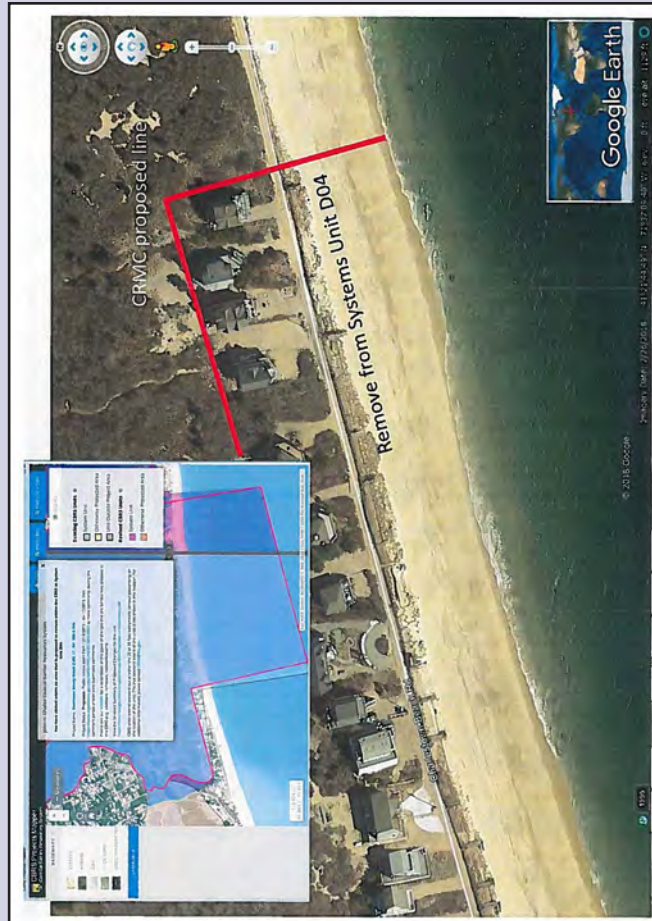
Oliver Lane, Little Compton, RI – move the proposed line for System Unit D02 on the south side of Oliver Lane approximately 200 feet south easterly to the ROW to be consistent with CRMC barrier classification.

Charlestown Beach Road, Charlestown, RI – also we request that you move the line for the OPA (D05 to D05P) eastward to the property line of the most westward house (approximately 160 feet east).

Sincerely,

Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

Hurricane Sandy Remapping Project



Report to Congress: John H. Chafee Coastal Barrier Resource System

11/4/2020 Regulations.gov - Comment

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Commonwealth of VA CBRS Comment Letter 04122019

This is a Comment on the **Fish and Wildlife Service (FWS) Notice: John H. Chafee Coastal Barrier Resources System: Hurricane Sandy Remapping Project for Connecticut, Maryland, Massachusetts, New York, Rhode Island, and Virginia**

For related information: [Open Docket Folder](#)

Comment

See Attached

Attachments (1)

Commonwealth of VA CBRS Comment Letter 04122019

View Attachment:

ID: FWS-HQ-ES-2018-0034-0053
Tracking Number: 1K3-99m3-rvt0

Document Information

Date Posted:
Apr 30, 2019

[Show More Details](#)

Submitter Information

Submitter Name:
Commonwealth VA

<https://www.regulations.gov/document?D=FWS-HQ-ES-2018-0034-0053>

→ CBRA team

COMMONWEALTH of VIRGINIA
Office of the Governor
April 12, 2019

Matthew J. Strickler
Secretary of Natural Resources

Gary Frazer
Assistant Director - Ecological Services
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Mr. Frazer:

Thank you for your letter dated February 4, 2019, and for the opportunity to comment on the U.S. Fish and Wildlife Service's (FWS) proposed boundary revisions for the John H. Chafee Coastal Barrier Resources System (CBRS). The Commonwealth of Virginia supports the proposed revisions.

The CBRS, originally established by congress in 1982 and updated by subsequent legislation and administrative actions, is a powerful tool to prevent taxpayer subsidy of unwise development in risky coastal areas. Especially given the increased hazards associated with climate change, including sea level rise, more frequent flooding, higher storm surges, and more extreme weather, expansion of the CBRS is appropriate and necessary.

A recent report published by the *Journal of Coastal Research* found that the CBRS saved taxpayers an estimated \$9.5 billion in avoided coastal disaster expenditure between 1989 and 2016.¹ Further, the report estimated that taxpayer savings between 2018 and 2068 could be as much as \$108 billion. These numbers are significant and would likely be higher after including the CBRS boundary revisions in the FWS proposal. I have attached that report for your reference.

As Virginia grapples with increasing risk from coastal hazards, it is imperative to do all we can to protect natural areas that can absorb floodwaters and bear the brunt of storms. As we work to draft Virginia's first ever Coastal Resilience Master Plan, CBRS areas will play a key role in helping us protect our coastlines. We look forward to working with you to leverage the CBRS and other natural defenses to help create a more resilient Virginia.

Sincerely,

Matthew J. Strickler

¹ Coburn, A.S. and Whitehead, I.C. An analysis of federal expenditures related to the Coastal Barrier Resources Act (CBRA) of 1982. *Journal of Coastal Research*. Coconut Creek, FL, March, 2019. Available online: https://shoreline.wcu.edu/Andy/Coburn&Whitehead_2019_JCR.pdf

Parrick Henry Building • 1111 East Broad Street • Richmond, Virginia 23219 • (804) 780-0044 • TTY (800) 828-1126



**U.S Department of the Interior
U.S. Fish and Wildlife Service**

<https://www.fws.gov/>

April 2022

