



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
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NEW YORK, NY 10007-1866

OCT 20 2016

Mr. Robert Smith
Biologist
U.S. Army Corps of Engineers
Planning Division – Environmental Branch
26 Federal Plaza, Room 2151
New York, NY 10278-0090

RE: Fire Island Inlet to Montauk Point Reformulation (FIMP)

Dear Mr. Smith:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for the Fire Island Inlet to Montauk Point Reformulation Study (CEQ #20160176) located along the Atlantic Coast of Suffolk County, Long Island, New York. This review was performed in accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA).

The purpose of the project is to identify a long-term solution to manage the risk of coastal storm damages along the densely populated and economically valuable south shore of Long Island, New York in a manner which balances the risks to human life and property while maintaining, enhancing and restoring ecosystem integrity and coastal biodiversity. Although this study has had numerous starts and stops over many years, it most recently has taken into account climate change and sea level rise impacts and adaptation. The Tentatively Selected Plan includes a combination of actions: (1) inlet modifications (continuation of authorized navigation projects, dredging, down-drift placement of dredge, placement of dune and berm, and monitoring); (2) non-structural measures (primarily building retrofits, with limited relocations and buy-outs); (3) breach response for barrier islands; (4) beach and dune fill with renourishment up to 30 years, approximately every 4 years (sediment management); (6) groin modifications; (7) coastal process features; (8) adaptive management; and (9) integration of local land use regulations and management.

The EPA recognizes that implementation of the FIMP will reduce the adverse impacts of major storm events on the south shore of Long Island, preventing loss of human life and reducing the substantial costs of recovery from natural disasters. It is important that the USACE make every effort to avoid, minimize, and mitigate any adverse environmental impacts during design, construction, and operation of the FIMP. EPA has the following comments to be addressed in the final EIS.

1. Executive Summary. From the document, and from published sources, there appear to be differences of opinion regarding the closure of the Otis Pike Wilderness Breach. EPA suggests that the Executive Summary include a separate “dialogue box” that goes over the issues, any tidal data and existing modeling, and discusses the Department of Interior’s upcoming environmental impact statement addressing the breach.
2. The U.S. Army Corps of Engineers’ proposed Montauk Point, NY Coastal Storm Risk Management Project should also be included in the cumulative effects section of the DEIS. Discuss whether there will be any effect of the armoring of Montauk Point on the westward movement of sand that is discussed in this DEIS.
3. Appendix B discusses the borrow sources of sand for the project, and the screening methodologies used to identify those sources. It also states that adaptive borrow area management practices will be used, and further studies will investigate the impact of using borrow area sand for sediment management of the coastline. However, this is not, and should be noted as one of the adaptive management elements in Section 2.1 Development of Alternatives.
4. Section 3.13.3. While the DEIS includes an analysis of greenhouse gas emissions, it relies on the draft version of the Council on Environmental Quality’s climate change guidance. On August 1, 2016, CEQ released the “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in the National Environmental Policy Act Reviews.” The final guidance discusses mitigation, and states that federal agencies should include mitigation options within the project NEPA document. Accordingly, we recommend that in addition to including the GHG emissions associated with the project and a qualitative description of relevant climate change impacts, the final EIS analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions.
5. While the DEIS includes estimates of GHG emissions for the preferred alternative, no estimates were given for other alternatives. NEPA requires rigorous and objective evaluation of all alternatives,¹ and this approach is supported for GHG emissions by the CEQ Guidance². We recommend including GHG estimates resulting from each alternative and mitigation measure in the FEIS.
6. The EPA recommends that the FEIS identify and consider measures to avoid or reduce GHG emissions associated with the project, including reasonable alternatives and practicable mitigation opportunities, and disclose the estimated GHG reductions³ for example, construction of the saltwater wetlands. EPA further recommends that the Record of Decision commits to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions.

¹ 40 C.F.R. § 1502.14

² CEQ Guidance, p. 15.

³ CEQ Guidance, p. 18.

7. The estimated GHG emissions have been appropriately calculated and explained in the DEIS analysis to address climate change impacts; however, we recommend including a comparison of emissions across the alternatives.
8. We recommend the U.S. Army Corps of Engineers determine whether the environmental impacts of the alternatives would be exacerbated by climate change. This determination should be informed by the future climate scenarios outlined in the affected environment section. If impacts may be exacerbated, additional mitigation measures may be warranted.
9. The EPA recommends that the FEIS include descriptions of how the proposal's design incorporates measures to improve resiliency to climate change, where appropriate. These changes could be informed by the future climate scenarios addressed in the "Affected Environment" section. The FEIS's alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. Changing climate conditions can affect a proposed project, as well as the project's ability to meet the purpose and need presented in the EIS. For this proposal, the importance of these considerations has been underscored by Hurricane Sandy.
10. EPA concurs with the findings of the General Conformity analysis for this project, and will work with the Corps as part of the Regional Air Team to evaluate emissions offsets for the project.

Based on our review and in accordance with EPA policy, we have rated this DEIS as EC-2, indicating that we have environmental concerns (EC) regarding information on adaptive management of sand resources, the need for further discussion of cumulative impacts in light of other projects in the area, and the inclusion of some additional analysis of the GHG emissions to reflect the recent 2016 CEQ guidance.

Thank you for the opportunity to comment on this project. If you have any questions, please contact Lingard Knutson of my staff at (212) 637-3747 or Knutson.lingard@epa.gov.

Sincerely,



Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch

bcc: L. Knutson, CASD-SMPB

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SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION
Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

