



FINDING OF NO SIGNIFICANT IMPACT

Rehabilitation of Sailors Haven Marina and Ferry Dock

Fire Island National Seashore

The National Park Service (NPS) has prepared an environmental assessment (EA) that evaluates the rehabilitation of the existing Sailors Haven Marina and ferry dock by repairing damaged portions of the marina, including bulkheads, decks, breakwaters, docks, piers, moorings, and their substructures; stabilizing the structures against future damage and deterioration; correcting deficiencies in the existing ferry dock to make it stable, operational, and safe for public use; dredging materials; and otherwise making improvements to boaters' navigation in, and the functional use of, the marina. The draft EA was made available for public review and comment, and has been modified in response to comments received as set forth in the attached Errata. The draft EA and Errata together constitute the final EA for this project.

The primary purpose of this project is to allow for continued visitor access, and to improve visitor safety and experience. A secondary purpose is to provide protection to bay beaches by providing for centralized visitor access to the island, thereby avoiding diffuse access impacts to bay beaches and vegetation. Additional protection to bay beaches and vegetation will be provided through shoreline rehabilitation using coir logs to create a "perched beach" on either side of the marina where erosion associated with the marina and access channel has occurred.

The proposed rehabilitation of the existing Sailors Haven Marina and ferry dock and shoreline rehabilitation in the marina vicinity is necessary to:

- Prevent further deterioration of the marina and ferry dock structures and increasingly unsafe conditions;
- Provide continued visitor access, including overnight dockage within the marina, to this section of the park, including the Sunken Forest Preserve; and
- Reduce continued shoreline erosion impacts and protect the Sunken Forest Preserve in the marina vicinity.

This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) to evaluate the impacts of the

project on the human environment and provide an opportunity for the public to review and comment on the project. This EA serves as notification to the public of proposed actions, consistent with Section 800.2(d) of Title 36 Code of Federal Regulations (CFR), and seeks the views of the public and consulting parties on the effects, if any, on historic properties in accordance with Section 800.5 of Title 36 CFR.

Fire Island is a fragile, isolated, dynamic barrier island south of Long Island, New York. Sailors Haven is one of Fire Island National Seashore's prime visitation areas, servicing approximately half of all school and other organizational groups that visit Fire Island each year. Sailors Haven contains a concession contractor-operated marina, snack bar, and store, and serves a lifeguard-supervised beach. The area also includes a natural wonder known as the Sunken Forest. A ferry service, which uses 50 to 80-foot vessels, runs daily from the mainland between mid-May and mid-October. The marina provides docking for the ferry operation and can berth 53 boats. The current annual visitation at the marina is 85,000-120,000 people.

Sailors Haven Marina was in existence prior to the establishment of Fire Island National Seashore in 1964. Based on photographs in park archives, the marina dock was constructed in 1961. At that time, there were extensive sand berms that extended into the bay for protection from wave action. These berms have since eroded. The ferry dock was constructed in 1978 and other marina components were repaired. Dredging of the marina basin and channel was also conducted at that time, and again in 1988. The entire marina complex including boardwalks, utility services, and picnic facilities, were repaired following storm damage in October 1991. Emergency dredging in the channel and marina entrance was conducted in 2002 and 2004. The marina bulkheads were re-faced in the early 1990's; however, inadequately treated materials were used and the bulkhead sheathing has since deteriorated.

Two alternatives were evaluated in this EA — alternative 1, the No Action Alternative, and alternative 2, Rehabilitate Marina and Ferry Dock and Rehabilitate Shoreline. Three other action alternatives that were considered but eliminated are discussed on page 22 of the EA.

SELECTED ALTERNATIVE

The NPS has selected alternative 2 which is the preferred alternative and the environmentally preferred alternative. Under alternative 2, the Sailors Haven marina and ferry dock will be rehabilitated using the existing footprints, and the approach channel and marina basin will be dredged. The proposed action will also include providing for shoreline erosion protection on either side of the marina. American Disabilities Act (ADA) requirements will be incorporated into the marina design. Activities proposed under this alternative will include:

- Replacing the ferry dock, breakwater bulkheads, marina basin timber bulkheading and decking, and timber bulkheading around the perimeter of the marina, with structures composed of a best value sustainable material (BVSM).

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- Replacing existing light poles
 - Dredging the marina basin and the 1,000-foot long access channel to a depth of 6 feet below mean low water (MLW); no maintenance dredging is called for under this alternative. Channel width will be 100-feet where it is dredged to its authorized depth, however the overall channel width will be up to 120-feet wide due to the sloping channel walls.
 - The shoreline on either side of the marina site will be rehabilitated by creating a “perched beach” through placement of coir logs or biologs and subsequent sand fill behind the log, followed by planting of native wetland vegetation

Proposed activities will maintain the current size and shape of the marina, accommodating up to 53 vessels with an approximate maximum length of 50 feet. All bulkhead and breakwater heights will be constructed to the original design height of the existing marina. The ferry dock will continue to accommodate a 50- to 80-foot boat, and will be modified to accommodate accessibility requirements with the use of varying moveable ramps on the deck surface. Other existing marina activities that will also be incorporated into the marina rehabilitation include:

- Temporary docking for boats to allow holding tank off-loading that presently occurs on the east side of the marina
- Temporary docking for a 25-35 foot public water taxi that serves the marina and presently provides disembarking on the bay side of the west breakwater
- Temporary docking for pleasure boat off-loading that presently occurs on the bay side of the west breakwater
- Maintenance of one dedicated boat slip for the concessionaire’s use or NPS administrative use
- Restoration of the picnic grounds presently located on the sand peninsulas between the marina bulkheads and the east and west perimeter bulkheads

Dredging of the access channel and marina basin will be conducted with a clam shell or other closed bucket equipment, or a hydraulic dredge. Dredging activities will be scheduled so as to avoid impacts to aquatic resources. To avoid impacts to marine turtles, no hydraulic dredging will occur between April 1 and November 15. Timing restrictions will not be associated with clam shell or bucket dredging since these are not known to impact marine turtles. An estimated 15,000 cubic yards of material will be dredged from the access channel and marina basin. Dredged material will be placed on a barge for dewatering. Material with suitable physical characteristics will be used as fill material within the breakwater and behind the bulkheads to provide structural integrity. Excess dredged material, or material not suitable for use as fill will be placed on picnic areas on the east and west sides of the marina, and used to

backfill ferry dock and breakwater structures. Dredged material will also be utilized for shoreline rehabilitation on either side of the marina.

The preferred alternative will also provide for an additional five slips for NPS administrative use within the existing footprint, and an approximate 30-foot long fendering system for “touch-and-go” boat access on the breakwater, which will allow for boats to deposit and retrieve passengers without docking. Sustainable design concepts will be incorporated into the marina rehabilitation activities to the extent practicable.

All materials and equipment necessary for the marina rehabilitation and shoreline rehabilitation components of the project will be brought to the site via barge or boat. Staging areas will include the existing picnic areas within the marina and perimeter bulkheads. If additional staging areas are required, previously cleared areas, such as the maintenance facility and associated parking area will be used. These locations are located in the mid-section of the island. No equipment or materials will be stored or transported along oceanside beaches or dunes. Existing roads will be used to access these areas. No additional disturbance to vegetation or natural communities, including beaches, will occur to accommodate access or staging. The proposed work may be completed in phases depending on funding.

ADDITIONAL ALTERNATIVES CONSIDERED

As noted above, the EA evaluated a No Action Alternative. Under the No Action Alternative, the park will not rehabilitate the existing Sailors Haven marina and ferry dock, or rehabilitate the shoreline in the marina vicinity. Park staff may continue to implement repair or maintenance activities on an as-needed basis. However, the park will eventually be required to close the marina as it will continue to deteriorate, essentially prohibiting visitor access to the area. Alternatives considered but dismissed included an alternative to remove the Sailors Haven Marina, ferry dock bulkheading, breakwater, and decking structures; an alternative to rehabilitate the marina and install a floating ferry dock. The alternative of removing the marina altogether was dismissed because it does not meet the purpose and need for the project which is to allow for continued safe visitor access to Fire Island. The alternative to rehabilitate the marina and install a removable floating ferry dock did not envision removal of protective bulkheading and breakwaters because this action would effectively eliminate the marina and boat mooring facility which provides visitors an established and safe overnight dockage location and centralized access location rather than dispersing visitors and impacts. The alternative to remove all bulkheads and install a floating dock was discussed as part of the VA but was not evaluated further for this same reason.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969, which is guided by the Council on Environmental Quality (CEQ). The CEQ provides direction that “[t]he environmentally

preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101":

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The environmentally preferred alternative was found to be alternative 2 because it best meets the above criteria. Alternative 2 best meets the majority of the six requirements detailed above. In the long term, this alternative will help visitors enjoy a beneficial use by allowing continued access to national seashore amenities while meeting resource management objectives. This alternative will accommodate recreational opportunities for visitors while protecting sensitive natural resources.

After review of potential impacts to resources and after incorporating mitigation measures into the preferred alternative to avoid or minimize impacts, Alternative 2 is considered the environmentally preferred alternative by best fulfilling park responsibilities as trustee of sensitive habitat; by ensuring safe, healthful, productive, and aesthetically and culturally pleasing surroundings; and by attaining a wider range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.

WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

Consideration of effects described in the EA and a finding that they are not significant is a necessary and critical part of this Finding of No Significant Impact (FONSI) as required by 40 CFR 1508.13. Significance criteria are defined in 40 CFR 1508.27 to consider direct, indirect, and cumulative impacts and the context and intensity of impacts. Mitigation measures described in the EA and incorporated into the preferred alternative, including seasonal restrictions for construction activities, are generally required by laws, regulations, or National Park Service policies and are adopted by this decision.

Context

This measure of significance considers the setting within which an impact was analyzed in the EA, such as the affected region, society as a whole, affected interest, and/or a locality. The preferred alternative affects only the immediate local area, in terms of resources, employees, visitors, and/or businesses. Therefore, any possible impact is limited to this level of least significance.

Intensity

This measure of significance refers to the severity of impacts, which may be both beneficial and adverse, and considers measures that will be applied to minimize or avoid impacts. The intensity of an impact, if any, is discussed below for each stated criteria.

Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS: No major adverse or beneficial impacts were identified that would require analysis in an environmental impact statement. No impacts to cultural resources, Indian Trust Resources, prime and unique farmlands, and geologic resources were identified.

Degree of effect on public health or safety: Implementation of the preferred alternative will result in negligible effects on public health and visitor or employee safety. During active construction, the NPS will restrict access to the project area to reduce potential injury to visitors.

Degree of Effect on unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas: The impacts of the project are analyzed in detail in the Environmental Analysis: Affected Environment and Environmental Consequences section of the EA. The preferred alternative will not impact unique characteristics of the area including park lands, prime farmlands, or wild and scenic rivers because these resources do not exist in the project area; nor will there be impacts on historic or cultural resources, lightscapes or soundscapes, floodplains, or geology and topography.

Construction and dredging activities will result in adverse, short-term and moderate impacts to aquatic communities, essential fish habitat, littoral processes, and water quality. These impacts will be limited to the location and duration of dredging and construction.

Construction activities including shoreline rehabilitation will temporarily fill tidal marine wetlands, resulting in adverse, short-term and moderate impacts to wetlands and open water habitat. However, replanting with native wetlands vegetation and rehabilitation of the shoreline will help offset adverse impacts, and result in beneficial, long-term and moderate impacts.

Construction and dredging activities will result in adverse, short-term and negligible impacts to soils. These impacts will be limited to the location and duration of dredging and

construction. Impacts to soils resulting from shoreline rehabilitation will be moderate and beneficial.

Degree to which effects on the quality of the human environment are likely to be highly controversial: There were no highly controversial effects identified during either preparation of the EA or the public review period.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks: No highly uncertain, unique or unknown risks were identified during either preparation of the EA or the public comment period. There is some uncertainty as to the effectiveness over time of the use of coir logs to create a “perched beach” in this context, as no similar use has previously been made in this area; however, the NPS is committed to monitoring the effectiveness of this pilot project, and will respond as appropriate.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: The preferred alternative neither establishes a National Park Service precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: As described in the environmental assessment, cumulative effects were determined by combining the impacts of the selected action (preferred alternative) with other past, present, and reasonably foreseeable future actions. Both short term and long term impacts of the selected action (preferred alternative) were identified. Implementing the selected action will have short term negligible to moderate adverse construction-related impacts to aquatic communities and fish habitat, wildlife, threatened and endangered and species of concern, vegetation, littoral processes, wetlands and open water, and water quality. The selected action will ultimately have long term minor to moderate beneficial impacts on wildlife, threatened and endangered and species of concern, vegetation, wetlands and open water, and visitor experience as a result of improving the condition of the existing marina and rehabilitating the shoreline.

Past, present, and reasonably foreseeable future actions have and will continue to contribute negligible to moderate adverse cumulative impacts to aquatic communities and fish habitat, wildlife, threatened and endangered and species of concern, vegetation, littoral processes, wetlands and open water, water quality, and visitor use and experience. In conjunction with moderate adverse past, present and future actions the short term adverse construction-related impacts of selected action will contribute a minor to moderate increment to cumulative adverse impacts on aquatic communities and fish habitat, wildlife, threatened and endangered and species of concern, vegetation, littoral processes, wetlands and open water, water quality, and visitor use and experience. The long term minor to moderate beneficial impacts of the selected action in conjunction with the minor to moderate adverse impacts of past, present, and reasonably foreseeable future actions will contribute a minor beneficial increment to the overall cumulative effect. No significant cumulative impacts were identified.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: As described in the EA, there will be no historic properties affected. The New York State Historic Preservation Office concurred with the NPS determination on March 25, 2005.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: As described in the EA, pages 34-39, the preferred alternative is not likely to adversely affect any endangered, threatened, or species of concern, or its critical habitat.

Informal consultation under Section 7 of the Endangered Species Act was conducted to determine if any threatened or endangered species exist within the project area. According to a letter from the U.S. Fish and Wildlife Service dated September 25, 2003, one federally listed threatened species, the piping plover (*Charadrius melodus*), occurs in the vicinity of the project area. In addition, there is no designated or proposed critical habitat in the project vicinity. While piping plovers have been known to nest approximately 0.25 mile from the project area, piping plovers have not been observed in the project area nor is there any nesting habitat located in the project vicinity. Therefore, construction activities are not likely to adversely affect the piping plover.

Consultation with the New York Natural Heritage Program identified eight state listed species potentially in the project area: piping plover, common tern (*Sterna hirundo*), least tern (*Sterna antillarum*), loggerhead sea turtle (*Caretta caretta*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermochelys coriacea*), and seabeach amaranth. Surveys conducted by the National Park Service indicate these species are not present in the project area. The New York Natural Heritage Program also indicated that the project area is located within or adjacent to an area designated as Significant Coastal Fish and Wildlife Habitat by the New York Department of State. An evaluation was conducted as part of the Coastal Consistency Assessment to demonstrate that the project will not adversely impact the designated habitat in order to comply with state coastal policies under the coastal management program. Informal consultation with the Protected Resources Division of the National Marine Fisheries Service relative to federally listed threatened and endangered marine species was also conducted.

The increase in turbidity or possible physical entrainment caused by short-term dredging activities using hopper dredges or certain hydraulic dredges could potentially adversely affect sea turtles. Sea turtles that have been occasionally observed in the Great South Bay, but not in the project vicinity, include: loggerhead, Kemp' Ridley, green sea turtle, and leatherback. The types of dredges listed above will either not be used or only used with adequate seasonal restrictions (no use between April 1 and November 15, or when water temperatures exceed 18 degrees Celsius). Since sea turtles are only occasionally observed in Great South Bay, and have not been observed in the project vicinity, potential impacts will be short-term and negligible.

The preferred alternative is not likely to affect the common tern or least tern. To minimize potential short-term impacts to foraging areas, no dredging will occur between June 1 and

September 30. In addition, to minimize potential impacts to nesting habitat, no filling will occur in the shoreline rehabilitation areas between April 1 and September 1. Beneficial long-term impacts to common and least tern foraging areas are anticipated due to the creation of tidal wetland vegetation that enhances fish habitat. No seabeach amaranth is present in the project area so there will be no effect on this listed plant species.

Whether the action threatens a violation of federal, state, or local environmental protection law: The preferred alternative violates no federal, state, or local environmental protection laws. NPS will complete compliance with the Coastal Zone Management Act and obtain all applicable permits prior to construction.

IMPAIRMENT OF PARK RESOURCES OR VALUES

In addition to reviewing the list of significance criteria, NPS staff determined that implementation of the preferred alternative will not constitute an impairment of the park's resources and values. This conclusion is based on a thorough analysis of the impacts described in the EA, agency and public comments received, and professional judgment in accordance with the National Park Service's *Management Policies, 2001* (December 27, 2000). As described in the EA, implementation of the preferred alternative will not result in major, adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Fire Island National Seashore; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents.

PUBLIC INVOLVEMENT

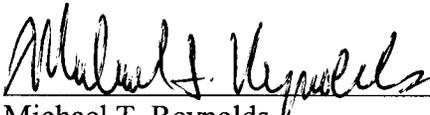
A press release was distributed on March 11, 2005 notifying the public of the availability of the EA. The public was invited to comment on the EA for an approximate 30-day comment period that lasted from March 11 to April 11, 2005. The National Park Service received two comment letters from individuals and a comment letter from the U.S. Army Corps of Engineers. Comments were also received from the NYS Department of State, Division of Coastal Resources via telephone conversations with park service staff. Substantive comments requiring changes to the EA are included in the attached Errata Sheets, along with changes to the EA text. Appendix B is revised and replaced, as indicated in the attached errata, in response to comments by the NYS Department of State, Division of Coastal Resources.

BASIS FOR DECISION

The selected alternative does not constitute an action that normally requires preparation of an environmental impact statement (EIS). The preferred alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are

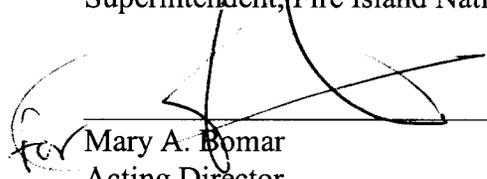
negligible to moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended: 

Michael T. Reynolds
Superintendent, Fire Island National Seashore

5/25/05
Date

Approved: 

Mary A. Bomar
Acting Director
Northeast Region

6/24/05
Date

ERRATA SHEETS

Rehabilitation of Sailors Haven Marina and Ferry Dock Fire Island National Seashore

Letters were received from the Corps of Engineers and two individuals in response to the public review Environmental Assessment (EA). Comments were also received from the NY Department of State, Division of Coastal Resources via telephone conversations with park service staff. Substantive comments requiring a specific response and explanation are summarized below with the NPS response. These NPS replies amend the environmental assessment. Additional comments requiring factual and editorial changes to the document follow the comment and response section. Together, the errata sheets and the environmental assessment form the completed environmental assessment. The environmental assessment will not be reprinted.

Comments from Individuals:

Comment: The EA failed to analyze a reasonable range of alternatives. It is open to question whether future access could be feasibly provided without the need for the current protruding marina that alters natural processes. The EA rejected the "Rehabilitate Marina and Install a Removable Floating Ferry Dock Alternative" with no data or detailed rationale provided to support this vague conclusion, thus dismissing a potentially feasible alternative that could serve the project purpose.

The primary purpose of this project as stated in EA is to allow for continued visitor access and to improve visitor safety and experience by rehabilitating and maintaining the existing facility in a safe condition. A secondary goal of the project is to provide protection to bay beaches by continuing to provide centralized visitor access at Sailors Haven. The EA is revised to clarify that continued visitor access includes overnight dockage within the marina that is currently provided by the concession operator. This is an important existing use that helped determine the range of alternatives as explained in the following paragraphs.

The NPS analyzed a range of alternatives through a value analysis (VA) process, conducted on August 28, 2003. The VA reviewed the full scope of the project and concentrated on the most significant factors involved in achieving the project objectives. Subsequent alternatives dismissed in the EA include an alternative to remove the Sailors Haven marina, ferry dock bulkheading, breakwater, and decking structures altogether; and an alternative to rehabilitate the marina and install a floating ferry dock. The alternative of removing the marina altogether was dismissed because it does not meet the purpose and need for the project which is to allow for continued safe visitor access to Fire Island. The alternative to rehabilitate the marina and install a removable floating ferry dock did not envision removal of protective bulkheading and breakwaters because this action would effectively eliminate the marina and boat mooring facility which provides visitors an established and safe overnight dockage location and centralized access location rather than dispersing visitors and impacts. The alternative to remove all bulkheads and install a floating dock was discussed as part of the VA but was not evaluated further for this same reason. The environmental assessment is revised to clarify that this alternative was dismissed as well.

Implementation of either the retained or dismissed alternatives would leave protective bulkheading and breakwaters in place regardless of whether a floating dock or a stationary dock was installed. These larger structures have a correspondingly greater potential to impact resources than either a stationary or floating dock. The intent of this project is to rehabilitate and maintain the existing facility in a safe condition, while minimizing resource impacts and continuing the current visitor management strategy. A decision to revise this approach would be more appropriately addressed in the future general management plan that would comprehensively evaluate and determine the types and levels of development needed to support and accommodate visitor use and protect resources.

The NPS recognizes that the marina does have an effect on natural shoreline processes, although the extent of this effect is not well documented. The “perched beach” component of the project does address localized erosion losses adjacent to the marina as an interim solution.

Comment: If the NPS approves the preferred alternative it will make a substantial investment in the status quo that could foreclose or preempt options that should better be addressed comprehensively during the process for revising the park’s general management plan.

A future general management plan for the park would address issues and concerns identified during that planning process. Continuing to maintain existing facilities in the interim would not foreclose the opportunity to revisit the appropriateness of maintaining the Sailors Haven Marina, as well as all other access facilities in the park. A new general management plan for the park is currently on schedule to be initiated sometime in the next few years.

Comment: The EA fails to include analysis of other foreseeable and connected actions at and near Sailors Haven. All projects at Sailors Haven are connected because they all serve to provide public access and meet visitors’ and NPS’ needs at this facility.

According to NPS Director’s Order 12 *Conservation Planning, Environmental Impact Analysis, and Decision Making*, “connected actions are those that are ‘closely related’ to the proposal and alternatives. Connected actions automatically trigger other actions, they cannot or will not proceed unless other actions have been taken previously or simultaneously, or they are interdependent parts of a larger action and depend on the larger action for their justification.”

Based on this definition there were no connected actions identified for inclusion in the EA. Foreseeable future actions were identified and listed under “Relationship of the Proposed Action to Current and Previous Planning Efforts” section in the EA. These undertakings were appropriately analyzed as part of the cumulative impacts analysis in the “Environmental Consequences” section of the EA.

The EA misstates the littoral process. On the north shore of Fire Island, the littoral current runs west to east. The EA erroneously asserts that there is no littoral current at Sailors Haven.

The EA is revised to state that the prevailing currents along the north shore of Fire Island run from west to east. The NPS believes that the remainder of the paragraph on page 42 of the EA correctly characterizes the littoral current in the vicinity of Sailors Haven marina.

The public notice of the EA was published mid March and no more than two weeks were provided for reviewers to read and comment on the EA.

The public was invited to comment on the EA during a 30-day public review. The public review period began on March 11, 2005 with public notice via a press release posted on the park's web site. The review period ended on April 9, 2005.

Comments from the Corps of Engineers:

The NPS should be aware that the designed bayside placement of material with coir logs, was developed as a "beneficial use" opportunity, and not specifically designed as a "shoreline stabilization". The Corps recommends that the shoreline fill be described as a "rehabilitation" as opposed to "stabilization against further erosion". The fill is more like a "short term fix" The Corps recommends more studies to define the cause of the original erosion and also post construction monitoring to determine the effectiveness in stabilizing the slope.

The EA is revised to refer to the "perched beach" component of the project as shoreline rehabilitation. However, the intent of the "perched beach" approach remains unchanged. The creation of the "perched beach", which includes the placement of coir logs, placement of fill behind the logs, and subsequent plantings, was developed to reduce marina impacts on the adjacent shoreline. How successful this approach will be over time is uncertain. The NPS will perform additional studies and monitor the effectiveness of these measures in mitigating the localized erosion. This information can then help inform decisions regarding the long-term future of the Sailors Haven marina that will be addressed in the upcoming general management plan for the park.

The Corps did not recommend wetland planting since the area historically was never intertidal marsh and it is likely that it will not survive. The Corps recommends the NPS identify a plant species compatible with the adjacent upland Sunken Forest.

Specific plant species that will be used in the shoreline rehabilitation will be determined as part of the site design for this project. The selection of plants that will be used will be appropriate for the tidal range in the affected area. The "wetland vegetation" terminology used to describe the shoreline plantings in the EA is related to the NPS and state classification of wetlands, which include unvegetated tidally influenced beaches.

The EA lists different channel widths and is unclear if there is a difference in the terms "access channel" and "entrance channel".

The terms "access channel" and "entrance channel" were used interchangeably in the EA. The EA is revised to consistently refer to the dredged channel as the marina access channel. The EA has also been clarified to note that the marina access channel width is 100-feet

where it is dredged to its authorized depth, but the overall channel width is 120-feet due to the slope of the channel.

The Corps recommends that the coir log not be referred to as a breakwater.

The EA does not refer to the coir log as a breakwater. The breakwater described in the EA is the marina breakwater.

The EA states that the existing bulkhead/breakwater is no longer functional, and the preferred alternative may be considered not a replacement, but construction of a new breakwater.

The NPS considers the bulkhead/breakwater still functional, but in poor repair. The EA is revised to clarify this point.

The NPS should be aware that the coir log is a temporary structure meant to hold the initial fill in place during construction and that it was anticipated that the coir logs would be unstable during the first winter.

The NPS is aware of the potential limitations associated with the use of the coir logs. As noted in a previous response, the intent of the “perched beach” development, which includes the placement of the coir logs, is to reduce marina impacts on the adjacent shoreline. How successful this approach will be over time is uncertain and the NPS will monitor its effectiveness and respond as appropriate.

The EA proposes mitigative measures such as construction windows. Impacts associated with dredging/stabilization portions of the construction should also be mitigated by requiring siltation control measures during construction.

The EA has been revised to include additional seasonal restrictions and to include the use of a silt curtain to minimize impacts should dredging occur outside of the August 15 to November 15 time frame. Please see revised Table 1.

The EA does not evaluate the long-term impacts to water flow, fish and invertebrates, from the breakwater. The cumulative analysis is deficient, as it does not take into account the impact of repeated dredging as well as other associated dredging activities and their cumulative impact on turbidity, sedimentation, and effects to subaquatic vegetation and salt marsh health.

The NPS notes the Corps concerns regarding impacts; however the NPS believes that the impact analysis is sufficient and includes all the relevant resource impact topics that would be affected by the project.

What is the status of Section 106 consultation with the New York SHPO? Typically EAs include the agency’s correspondence along with the agency’s determination of effect.

An Assessment of Effects Form (AEF) for the rehabilitation of Sailors Haven Marina was prepared by NPS. Cultural Resource professionals at the NPS Northeast Regional Office

reviewed the proposal and found that no historic properties would be affected. The AEF with findings and comment from NPS cultural resource experts including archeologists, ethnographers, historians, historical architects, and historical landscape architects was conveyed to the NYSHPO on March 8, 2005. The AEF describes the area of potential effect (APE) at the existing marina and access channel footprint. Based on a thirty-year history of dredging/maintenance activities at Sailors Haven Marina, the area of potential effect for the project described here is previously disturbed and greatly manipulated. The NPS finds that *no historic properties would be affected*. The New York State Historic Preservation Office concurred with the NPS determination by letter dated March 25, 2005.

Cultural Resource Section has insufficient reasons for finding that the Sailors Haven Marina does not meet the criteria for eligibility for inclusion on the National Register of Historic Places.

Sailors Haven Marina construction dates to 1964. It is less than 50 years old and does not appear to meet the requirements of Criteria Consideration G for exceptional importance. The NPS finding is documented in the AEF. The NYSHPO concurred with this finding by letter dated March 25, 2005. See response to comment above regarding NYSHPO consultation.

The Area of Potential Effect (APE) includes the view sheds and landscapes associated with the marina. The EA does not evaluate the eligibility of these elements or if their contribution to the marina's overall eligibility.

The APE for the project is the existing Sailors Haven Marina footprint. The Northeast Region NPS Historical Landscape Architect reviewed the APE and the proposed project and found that Sailors Haven is not included in either of the two identified cultural landscapes within the Fire Island National Seashore.

Where is the dredge material deposited both during the previous periodic dredging and proposed dredging?

Dredged material from maintenance dredging was placed behind the marina bulkhead as noted on page 14 of the EA. Suitable dredged material from the Sailors Haven marina project will be used as fill within the breakwater and behind the bulkheads with material not suitable for fill placed on picnic areas on the sides of the marina and also used to backfill ferry dock and breakwater structures, and used for shoreline rehabilitation as noted on page 16 of the EA.

Why wasn't the general public involved in the scoping procedure?

The NPS identified and involved those parties with specific interest, expertise, and permitting authority related to this project early in the scoping process (i.e., federal and state agencies, local government, and concessioner). Input from these parties was used to develop the EA to a sufficient level to provide the general public a clear and accurate document to comment on.

The NPS should quantify the emissions estimated to show this project is below the threshold.

It is the conclusion of the EA that impacts to air quality by construction activities and equipment would be negligible and short-term due to the limited time frame and extent of construction and localized area affected.

Installation of a pump out station – is this proposed or already in place- unclear from text. If proposed a Phase archaeological survey will be required.

The pump-out station is already in place any new construction here is not a part of this project.

Demolition of motel complex scheduled for 2005 – has there been a determination on this structure?

Proposed demolition of the motel complex is not a part of this project. When the NPS decides to undertake this proposed project, the property will be evaluated for its eligibility for listing on the National Register of Historic Places.

New York Department of State, Division of Coastal Resources

The policy analysis should be in the Appendix without the consistency form, discussing how the resource impacts relate to the state's coastal policies, and how the proposed action will be consistent with those policies.

Based on discussions with the state, the following revisions to the document have been made. Appendix B: Coastal Zone Management Policies is revised to more clearly show the project's consistency with each policy and to focus on only the applicable policies. The EA is also revised to acknowledgement that the project is specifically in the Great South Bay-West Significant Coastal Fish and Wildlife Habitat, and to discuss its values, and the restrictions on in-water work and to include references to the state's coastal policies and significant habitat designation. It has also been noted in the FONSI that the NPS will complete compliance with the Coastal Zone Management Act prior to construction.

Other changes to the environmental assessment based on additional factual and editorial comments are outlined below.

Throughout the EA, references to the shoreline fill as “stabilization against further erosion” or “shoreline stabilization” are changed to “shoreline rehabilitation”.

Page 5, Purpose of the Project, second sentence, is changed to read: “The primary purpose of this project is to allow for continued visitor access and overnight dockage, and to improve visitor safety and experience.”

Page 5, Need for the Project, second sentence under the Marina section, is changed to read: The boat basin is protected by breakwaters that extend east from the northwest corner and west from the northeast corner of the basin, leaving a marina access channel that is 100-foot wide where it is dredged to its authorized depth, although the overall channel width is 120-foot due to the slope of the channel.

Page 13, last paragraph, change “entrance channel” to “marina access channel”.

Page 14, first line, “120-foot width in the channel” is replaced with “100-foot wide channel where it is dredged to its authorized depth, with an overall channel width of 120-feet”.

Page 15, bullets 2, 3, and 4, “failing” is deleted and after the word “bulkheading” is added “that is in poor repair”.

Page 15, bullet 6, is replaced with “120-foot wide” with “100-foot wide channel where it is dredged to its authorized depth, with an overall channel width of 120-feet”.

Page 18, Table 1, is replaced with the following:

TABLE 1: SUMMARY OF SEASONAL RESTRICTIONS FOR ALTERNATIVE 2

Project Activity	Seasonal Restriction	Rationale
Dredging - General	No Dredging from June 1 to September 30; this is consistent with the seasonal restrictions established by permit requirements for maintenance dredging.	Protection of finfish and shellfish during spawning periods and early life stages.
Dredging – Hopper or hydraulic ¹ dredge	No use of these dredges between April 1 and November 15, or when water temperature exceeds 18°C.	Protection of sea turtles.

Project Activity	Seasonal Restriction	Rationale
Dredging – Marina Basin	Dredging restricted to time period between August 15 – November 15, unless silt curtain used across marina opening	Protection of Great South Bay-West Significant Fish and Wildlife Habitat
Dredging – Access Channel	Dredging restricted to time period between August 15 – November 15, unless silt curtain is used around dredging site.	Protection of Great South Bay-West Significant Fish and Wildlife Habitat
Marina Rehabilitation	No restrictions.	
Shoreline Stabilization Fill Placement Plantings	No fill placement between April 1 and September 1. No restrictions.	Minimize impacts to foraging areas for common and least terns.

¹ This seasonal restriction only applies to the types of hydraulic dredges which are known to impinge or entrap sea turtles.

Page 22, an additional Alternative Considered but Dismissed is added: “Removal of All Bulkheads and Installation of a Floating Dock. This alternative was dismissed for the same reason as the stated for the Removal of the Marina alternative.”

Page 27, after the 1st paragraph under Affected Environment, the following paragraphs are added:

“The project is located in the Great South Bay-West Significant Coastal Fish and Wildlife Habitat (SCFWH), which encompasses approximately 32,000 acre in an area generally defined by the mean high water elevation the north and south sides, by the Gilgo Cut boat channel on the west, and by the Islip-Brookhaven town line to the east. The fish and wildlife habitat is the entire western half of Great South Bay, which includes extensive areas of undeveloped salt marsh, tidal flats, dredge spoil islands, and a variety of open water areas. Great South Bay-West comprises approximately one-half of the largest protected, shallow, coastal bay area in New York State. A tremendous diversity of fish wildlife species occur in this vast wetland area. Many species of migratory birds nest among the salt marshes and spoil islands in Great South Bay-West. The vast salt marshes, intertidal flats, and shallows in this area provide valuable feeding areas for birds throughout the year, including species nesting in the area and large concentrations of shorebirds during migration. In addition, Great South Bay-West is one of the most important waterfowl wintering areas (November -

March) on Long Island, especially for brant and scaup. In addition to having significant bird concentrations, Great South Bay-West is an extremely productive area for marine finfish, shellfish, and other wildlife. Much of this productivity is directly attributable to the extensive salt marshes and tidal flats within the area.”

“Any activity that would substantially degrade the water quality in Great South Bay-West would adversely affect the biological productivity of this area. Restrictions on construction activity identified for this SCFWH that would be applicable to this project include dredging to maintain existing boat channels (including the inlet) should be scheduled in late summer and fall to minimize potential impacts on aquatic organisms, and to allow for spoil disposal when wildlife populations are least sensitive to disturbance. Also, nesting birds inhabiting the marshes and islands of Great South Bay-West are highly vulnerable to disturbance by humans from mid-April through July. Recreational activities (e.g., boat landing, picnicking) in the vicinity of bird nesting areas should be minimized during this period, through the use of annual posting or fencing. “

Page 27, third paragraph under Affected Environment section, third sentence, is changed from “60-ft” to “120-ft”.

Page 54, second paragraph, is revised from “Table 1010” to “Table 10”.

Page 60, the following references are added.

New York Department of State, Division of Coastal Resources. Coastal Zone Policies. Retrieved 4/20/05 from http://nywaterfronts.com/consistency_coastalpolices.asp.

New York Department of State, Division of Coastal Resources. Great South Bay West Significant Coastal Fish and Wildlife Habitats. Retrieved 4/20/05 from http://nywaterfronts.com/downloads/pdfs/sig_hab/LongIsland/Great_South_Bay_West.pdf

Page 79, Appendix B: Coastal Zone Management Policies is revised to clarify the project’s consistency with the enforceable policies of the New York state coastal management program. The revised appendix is attached as part of the errata.

Page 79, Appendix B is replaced with:

APPENDIX B: COASTAL ZONE MANAGEMENT POLICIES

NEW YORK STATE DEPARTMENT OF STATE COASTAL MANAGEMENT PROGRAM

DEVELOPMENT POLICIES

Policy 2 Facilitate The Siting Of Water-Dependent Uses And Facilities On Or Adjacent To Coastal Waters.

The Sailors Haven marina and ferry dock are considered water dependent facilities based on the state's coastal policy. These are existing facilities that currently serve as a major public access to Fire Island National Seashore and support recreational boating and other activities which also depend on access to coastal waters. Repair of the marina is needed to allow continued safe public access to and use of this area of the park and its coastal resources. Because the project involves the rehabilitation of an existing facility and continued use of an already developed site, there would be no change in land use, the facility would continue to support existing coastal access and recreational use, and adverse impacts to other intact coastal areas and associated fish and wildlife resources would be avoided.

Based on the above considerations, the project is consistent with this policy.

FISH AND WILDLIFE POLICIES

Policy 7 Significant Coastal Fish And Wildlife Habitats Will Be Protected, Preserved, And Where Practical, Restored So As To Maintain Their Viability As Habitats.

The project is located in the Great South Bay-West Significant Coastal Fish and Wildlife Habitat (SCFWH), which encompasses approximately 32,000 acre in an area generally defined by the mean high water elevation the north and south sides, by the Gilgo Cut boat channel on the west, and by the Islip-Brookhaven town line to the east. The fish and wildlife habitat is the entire western half of Great South Bay, which includes extensive areas of undeveloped salt marsh, tidal flats, dredge spoil islands, and a variety of open water areas. Great South Bay-West comprises approximately one-half of the largest protected, shallow, coastal bay area in New York State. A tremendous diversity of fish wildlife species occur in this vast wetland area. Many species of migratory birds nest among the salt marshes and spoil islands in Great South Bay-West. The vast salt marshes, intertidal flats, and shallows in this area provide valuable feeding areas for birds throughout the year, including species nesting in the area and large concentrations of shorebirds during migration. In addition, Great South Bay-West is one of the most important waterfowl wintering areas (November - March) on Long Island, especially for brant and scaup. In addition to having significant bird concentrations, Great South Bay-West is an extremely productive area

for marine finfish, shellfish, and other wildlife. Much of this productivity is directly attributable to the extensive salt marshes and tidal flats within the area.

The existing Sailors Haven marina and ferry dock would be rehabilitated using the existing footprint and the project would maintain the current size and shape of the marina. Thus, marina construction would impact areas previously disturbed by development. The project also includes dredging of the existing marina basin and 1,000-foot long and 100-foot wide marina access channel to a depth of 6 feet below mean low water. Maintenance dredging has been conducted previously in these same areas; channel dredging was conducted in 2001 and as recently as 2004. There would be no new channel excavation. Seasonal dredging restrictions to minimize potential resource impacts as identified for the Great South Bay West SCFWH indicate that dredging should be scheduled in late summer and fall (i.e., August 15 – November 15). Dredging would be undertaken during this time frame. Or a silt curtain would be placed across the marina opening and around the marina access channel dredging area to avoid resource impacts outside of the basin and access channel corridor and allow marina basin dredging to occur outside of the above seasonal restriction time frame. Additional seasonal restriction on dredging based on other agency requirements (i.e., no dredging June 1 to September 30; no use of hopper or hydraulic type dredge equipment between April 1 and November 15) would further restrict dredging activity. Dredged material would be used as fill within the breakwater and behind the bulkheads, on existing picnic areas on the sides of the marina and used for the shoreline rehabilitation component of this project. No fill would be placed along the shoreline between April 1 and September 1 to minimize impacts to foraging areas for shorebirds, including common and least terns.

The rehabilitation of the shoreline would occur immediately east and west of the marina. Shoreline rehabilitation entails the creation of the “perched beach”, which includes the placement of temporary coir logs, placement of fill behind the logs, and subsequent native plantings. This rehabilitation action was developed in consultation with federal and state permitting agencies to reduce marina impacts on the adjacent shoreline that are eroding the shoreline and threatening a unique vegetation community, the Sunken Forest. The NPS will monitor the effectiveness of these measures in mitigating the localized erosion.

Significant fish and wildlife habitat would be preserved. Habitat impacts would be avoided or minimized because construction would primarily disturb currently impacted areas, seasonal restrictions on dredge and fill activities would be adhered to, and/or a silt curtain would be used during dredging operations. In addition, shoreline rehabilitation would preserve and restore wildlife habitat by addressing ongoing erosion associated with the marina that is resulting in the unnatural loss of beach habitat and threatening the loss of sunken forest wildlife habitat.

Based on the above considerations, the project is consistent with this policy.

FLOODING AND EROSION HAZARDS POLICIES

Policy 17 Non-Structural Measures To Minimize Damage To Natural Resources And Property From Flooding And Erosion Shall Be Used Whenever Possible.

Non-structural and structural measures will be utilized for shoreline rehabilitation. Shoreline rehabilitation would consist of placement of biologs (also referred to as coir logs), which are made of biodegradable materials, below mean low water. The biologs would temporarily serve as support for sand fill which would be placed landward of the logs, creating what is referred to as a "perched beach". Although the biologs would be a structural measure, they would be a temporary measure needed as support in the establishment of native high and low marsh vegetation that would be planted at appropriate elevations to provide for stability of the restored area. This shoreline rehabilitation including the structural component is intended to mitigate the effects of the existing marina and access channel that interfere with natural littoral processes and contribute to increased coastal erosion along the adjacent shoreline.

Based on the above considerations, the project is consistent with this policy.

PUBLIC ACCESS

Policy 19 Protect, Maintain, And Increase The Level And Types Of Access To Public Water-Related Recreation Resources And Facilities.

The Sailors Haven marina and ferry dock currently serve as a major public access to Fire Island National Seashore and support recreational boating and other activities which also depend on access to coastal waters. Repair of the marina is needed to maintain continued safe public access to and use of this area of the park and its coastal lands. Existing public access provided by this facility would not be reduced.

Based on the above considerations, the project is consistent with this policy.

RECREATION POLICIES

Policy 20 Access To The Publicly-Owned Foreshore And To Lands Immediately Adjacent To The Foreshore Or The Water's Edge That Are Publicly-Owned Shall Be Provided And It Shall Be Provided In A Manner Compatible With Adjoining Uses.

The project would allow for the continuation of safe public access to publicly-owned foreshore and water's edge areas. Because the project involves the rehabilitation of an existing facility and continued use of an already developed site, there would be no change in land use, and the facility would continue to support existing coastal access and recreational use. Rehabilitation of this public facility is compatible with and supports public recreational use of this area of the park.

Based on the above considerations, the project is consistent with this policy.

WATER AND AIR RESOURCES POLICIES

Policy 35 Dredging And Filling In Coastal Waters And Disposal Of Dredged Material Will Be Undertaken In A Manner That Meets Existing State Permit Requirements, And Protects Significant Fish And Wildlife Habitats, Scenic Resources, Natural Protective Features, Important Agricultural Lands, And Wetlands.

Dredging and disposal of dredged material will occur in previously developed or disturbed areas associated with the existing Sailors Haven marina. Dredging would occur only in areas that have been previously dredged for the operation of the marina. Dredging would also adhere to seasonal restrictions identified for the Great South Bay West SCFWH or dredging would employ a silt curtain around the dredging areas to avoid impacts outside of the basin and access channel corridor. Dredged material would be used as fill within the breakwater and behind the bulkheads, on existing picnic areas on the sides of the marina, which are all areas that have been previously disturbed by the marina and associated public use. Dredged material would also be used for the shoreline rehabilitation to mitigate shoreline erosion occurring adjacent to the marina.

Fish and wildlife habitats associated with the Great South Bay West would be protected by limiting dredging to previously dredged areas associated with the marina and by the use of the seasonal dredging restriction and use of a silt screen and placing fill in previously disturbed areas (picnic areas between the marina and perimeter bulkheads) or in areas adjacent to the marina as part of the shoreline rehabilitation to address ongoing beach erosion associated with the marina and access channel , which affect natural coastal processes.

Shoreline rehabilitation would entail placement of fill on approximately 1.9 acres of beach (i.e., unvegetated tidally influenced wetland). No vegetated wetlands would be impacted. Shoreline rehabilitation would consist of placement of biologs (also referred to as coir logs), which are made of biodegradable materials, below mean low water. The biologs would serve as temporary support for sand fill which would be placed landward of the logs, creating what is referred to as a "perched beach". Native high and low marsh vegetation would be planted at appropriate elevations to provide for stability of the restored area.

State and federal permits will be obtained prior to project initiation. Project activities would take place in accordance with all permit conditions.

Based on the above considerations, the project is consistent with this policy.

Policy 44 Preserve And Protect Tidal And Freshwater Wetlands And Preserve The Benefits Derived From These Areas.

To preserve and protect wetlands the marina will be re-constructed using the footprint of the existing marina, and dredging would occur in areas that have been previously dredged. Therefore the disturbance to approximately 4.5 acres of permanently inundated littoral zone wetlands would be limited to previously disturbed wetlands in the area of the existing marina.

Shoreline rehabilitation would entail placement of fill on approximately 1.9 acres of beach (i.e., unvegetated tidally influenced wetland). The shoreline rehabilitation would be conducted using

biologs and native wetland vegetation would be planted at appropriate elevations. No existing vegetated wetlands would be affected, and rehabilitation would enhance wetland habitat by mitigating existing beach erosion and establishing native vegetation.

Based on the above considerations, the project is consistent with this policy.