



American Shore & Beach Preservation Association

Advocating for healthy coastlines

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Comments on FR Doc No. 2016-12083 (Citation 81 FR 35185)

The American Shore and Beach Preservation Association (ASBPA) is submitting this letter in response to the request for comments on the proposed Nationwide Permit (NWP) B for Living Shorelines (FR Doc No. 2016-12083). Specifically, ASBPA is submitting comments that support:

- the nature and intent of NWP B;
- the importance of identifying qualified coastal expert professionals during the pre-construction notice (PCN);

ASBPA is also providing comments that directly address the following aspects of the draft NWP B:

- a) the stated 30-foot limit (from mean high water) for the placement of fill and structures;
- b) the 500-foot limit along the bank;
- c) the stated requirement of fringe wetlands or reef structures (see Draft Decision Document Nationwide Permit B, COE-2015-0017-0055.pdf); and
- d) the blanket statement that this NWP “does not authorize beach nourishment”.

Since 1926, ASBPA has represented the coastal geologists, engineers, planners and managers who maintain and restore our nation’s coasts; as the voice our nation’s coastal practitioners, our mission is to protect, restore, and enhance our coasts by merging science and public policy.

This mission is achieved, either directly or indirectly, through actions that

improve the protective, ecological, and recreational values provided by natural and engineered shorelines. ASBPA additionally seeks to manage, protect, and enhance environmental resources of the coastal region; encourage responsible and sustainable economic development; preserve aesthetic values of our coasts and shorelines; reduce damage from natural hazards and human activities; and mitigate human impacts to natural coastal processes.

For the past ninety years ASBPA, its leadership, and its members, have dedicated their time, talents, and funds to preserving, protecting, and enhancing the beaches, shores, and other coastal resources of America. Accordingly, ASBPA supports the intent of NWP B in providing property owners with a natural means of bank stabilization that reduces or eliminates the traditional armoring characteristic of continuous bulkheads and revetments. ASBPA recognizes that traditional shoreline armoring practices have, in many cases, eliminated emergent shorelines and marshes and the productive intertidal habitat and ecosystem services they provide. In doing so, associated ecological health, protective capacity and recreational opportunities have diminished. ASBPA also believes that naturally stabilized shorelines are best equipped to respond to the dynamic coastal environment, including storms and future sea level rise.

Fundamental to the mission of ASBPA are education, professional training, and dissemination of knowledge. These have been, and continue to be, achieved through annual, professional conferences; regular publication of

the peer-reviewed *Shore and Beach* scientific journal; creation and distribution of white papers on relevant topics; management of a coastal news service; and legislative advocacy.

Recognizing the importance of sound coastal science and engineering in achieving its mission, ASBPA is bolstering its support of continuing education through the creation of a coastal professionals certification program. Coastal professionals will achieve this certification by completing a number of continuing education modules offered by experienced coastal engineers and scientists. Living shorelines will be addressed in one or more of these modules. It is likely that ASBPA will maintain an open database of certified coastal professionals and their contact information. As such, NWP B applicants will be able to identify a certified coastal professional at the time of the mandatory PCN to aid in the engineering design and permitting process. ASBPA believes that including a certified coastal professional, or a similarly-qualified coastal professional, with demonstrated expertise should be a fundamental requirement for the design and permitting of any living shoreline. As such, ASBPA fully supports the identification of a living shorelines professional as one of two stated requirements of the PCN.

While the ASBPA fully supports the general nature and intent of NWP B, there are some technical deficiencies in the draft language that must be addressed. These include the stated 30-foot limit (from mean high water) for the placement of fill and structures; the 500-foot limit on project length (in the along bank direction); the stated requirement of fringe wetlands or reef structures; and the blanket statement that this NWP “does not authorize beach nourishment”.

First, the stated 30-foot limit (from mean high water) for the placement of fill and structures is too prescriptive for a Nationwide Permit. The shorelines of the United States vary greatly from region to region based on tidal processes (i.e., range and period), local geomorphology, storm magnitude and frequency, and rates of relative sea level rise. For example, tide ranges vary from less than two feet in the Gulf of Mexico to nearly eight feet along parts of the Atlantic coast. Furthermore, eroded banks that may serve as candidate shorelines for NWP B could be near-vertical scarps or mildly sloping intertidal flats. The notion that a 30-foot limit will be appropriate in all of these coastal settings is inappropriate. Although waivers to this limit will be granted when appropriate, the USACE may find itself having to issue too many waivers for legitimate projects. We recommend considering a variable limit to match geography and project type or, alternatively, simply increasing the limit.

Second, the proposed 500-foot limit, along the bank, for NWP B projects disregards one of the long-held principles of coastal engineering regarding shoreline stabilization: longer projects work better! In many cases the stated 500-foot limit will make it more difficult for multiple, adjacent property owners to pursue natural alternatives to bank stabilization. Encouraging these projects on a property-by-property basis may very well lead to discontinuous coastal processes along our banks and shorelines. As such, the permit language and its limits should encourage, wherever possible, longer projects regardless of whether these are large individual parcels or groups of contiguous smaller parcels. Again, although the language states that waivers to this limit may be granted when appropriate justification is provided, the USACE may find itself issuing too many of these waivers for legitimate purposes.

Third, the stated requirement (in the Draft Decision Document Nationwide Permit B, COE-2015-0017-0055) regarding “... a substantial biological component...” including “... either tidal or lacustrine fringe wetlands or reef structures” is overly prescriptive of living shorelines in general. The impetus for living shorelines, originally outlined in general language in NRC (2007), was fundamentally natural alternatives to traditional shoreline armoring. As such, the alternative bank stabilization method should address the natural shoreline composition dictated by the local tidal processes, wave climate, and geomorphology. The shorelines and banks found in sheltered areas of the United States may include emergent sandy beaches, low and high sandy banks, low and high vegetated banks, shingle beaches, beaches backed by large bluffs, fringe wetlands, and large

coastal marsh. Therefore, the notion that every living shoreline is characterized by tidal or lacustrine fringe wetlands is too narrowly focused.

Furthermore, the stated requirement for including a “substantial biological component” could be inappropriately interpreted to mean that the biological component be included during construction. Some living shorelines are designed to recruit vegetation. An example is an offshore stone sill designed to encourage deposition and marsh development. The stone itself does not have a biological component and may not qualify under strict interpretation of the existing language. Once the project matures it will have that biological component, but not necessarily as constructed.

Similarly, the requirement that every living shoreline covered by NWP B that doesn't include wetlands, must include a reef structure is inappropriate. Some projects may not require any kind of structure at all, some may require traditional structures like low-crested breakwaters or sills, and others may very well accommodate reef-type structures. But reef structures should not be specifically stated as a requirement of living shorelines. That specific terminology “reef structure” implies a non-traditional structure used to promote some type of submerged habitat. With respect to living shorelines, these reefs have traditionally focused on shellfish habitat and not on pelagic species due to the shallow depths in which they are located. Structures that directly, or indirectly, promote shellfish growth should be considered and used with an abundance of caution to avoid human consumption of contaminated shellfish. In many states, shellfish aquaculture is limited to conditionally approved waters. This would include the placement of shellfish reefs and/or the harvesting of shellfish from reefs.

Finally, the statement that NWP B does not authorize beach nourishment should be modified. Beach nourishment, as “soft” infrastructure, can simultaneously provide storm and flood risk reduction and provide habitat, and can therefore be an important component of living shoreline designs in high energy coasts. In New Jersey, there are currently several living shorelines projects being considered where beaches are the primary habitat (for horseshoe crabs and red knots) component of the project. We recommend that this statement simply be removed; if a project adheres to all the other criteria for NWP B, beach nourishment as an aspect of the project should also be covered by NWP B.

In summary, ASBPA supports the nature and intent of NWP B and the requirement of experienced living shorelines professionals in the permitting process. ASBPA fully supports natural shoreline stabilization and alternatives to the continuous armoring of bulkheads and revetments commonly employed by property owners. Accordingly, ASBPA believes that NWP B will provide a much needed and long overdue option for natural bank stabilization through a streamlined process that reduces the administrative and cost burden on applicants. However, ASBPA believes that some of the limits and language contained in this draft language should be revisited and revised. Specifically, the 30-foot limit (from mean high water) for placement of structures and fill and the 500-foot along bank limit on project length are too prescriptive in size and could lead to less than optimal design to fit within these restrictions. And the stated requirement of fringe wetlands or reef structures and not authorizing beach nourishment are too prescriptive for a Nationwide Permit. All of these requirements overlook important regional and geographical differences, leading NWP B to address too narrow a subset of shorelines in the United States.