

# Appendix A



City of New York  
Parks & Recreation

The Arsenal  
Central Park  
New York, New York 10021

Henry J. Stern  
Commissioner

Natural Resources Group

Arsenal North  
1234 Fifth Avenue  
New York, New York 10029

Marc A. Matsil  
Chief

(212) 360-1417  
raptor@parklan.ci.nyc.ny.us

[www.nycparks.org](http://www.nycparks.org)

December 14, 2001

Frank Santomauro, P.E.  
Chief, Planning Division  
Department of the Army  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
New York, NY 10278-0090

Re: LETTER OF INTENT to enter into Section 1135 Agreement:  
Spring Creek Park, Jamaica Bay, New York

Dear Mr. Santomauro:

This letter indicates that the City of New York / Parks & Recreation (Parks) and its Natural Resources Group (NRG) will join with the United States Army Corps of Engineers (US ACE) and New York State Department of Environmental Conservation (DEC) into an environmental improvement project under the authority of Section 1135: Project Modifications for Improvement of the Environment. (Water Resources Development Act 1986, as amended). Parks/NRG and DEC will take the role of non-federal sponsors in this collaboration.

The goal of the project is to restore salt marsh, dune grassland and maritime shrubland at Spring Creek Park, Jamaica Bay (Parks property B/Q165). At present, the site is a filled wetland supporting a virtual mono-culture of the invasive plant, common reed (*Phragmites australis*) with some salt marsh fringe. The restoration will improve aquatic and terrestrial biodiversity and the area's habitat value dramatically. The restoration will also help slow eutrophication in Jamaica Bay by removing nitrogen and phosphorus from surface water.

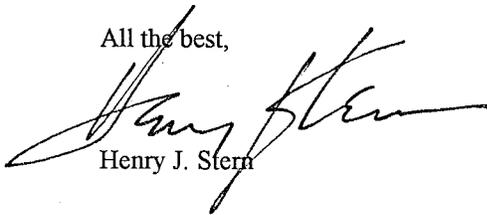
In accordance with the cost sharing provisions of Section 1135 projects, Parks/NRG understands we are responsible for, and are capable of funding at least 25% of the estimated \$7,000,000 total project cost. The total \$2,000,000 of the local share for the non-federal sponsors will be provided as follows: \$1,000,000 from the DEC through the 1996 Clean Water/Clean Air Bond Act and \$1,000,000 from the City of New York. The federal sponsor, that is the US ACE, will provide \$5,000,000 as that is the maximum that can be provided under the Section 1135 projects. All project costs exceeding the maximum federal contribution of \$5,000,000 are understood to be the responsibility of Parks/NRG.

It is understood that responsibility for any designs, lands, easements, rights of way, and relocations will be assumed by Parks/NRG as the non-federal sponsor.

The Natural Resources Group (NRG), created in 1984, is an international leader in innovative management and acquisition programs for the protection and restoration of the City's forests, grasslands and wetlands.

As per the United States Army Corps of Engineers, it should be noted that this is a non-binding agreement.

All the best,

A handwritten signature in black ink, appearing to read "Henry J. Stern". The signature is fluid and cursive, with a large initial "H" and "S".

Henry J. Stern

Cc: Colonel O'Dowd, US ACE  
Len Houston, US ACE  
Robert Will, US ACE  
Tom Pfeifer, US ACE  
Melissa Alvarez, US ACE  
Mary Ellen Kris, NYS DEC  
James Gilmore, NYS DEC  
Steve Zahn, NYS DEC





**DEPARTMENT OF THE ARMY**  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090  
October 7, 2015

REPLY TO  
ATTENTION OF  
Environmental Analysis Branch

Mr. Mark Murray- Brown  
Protected Resources  
NMFS Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Mr. Murray- Brown:

The New York District Corps of Engineers (NYD), in partnership with the New York City Department of Parks and Recreation (NYCDP&R), is currently re-evaluating the 2010 draft recommended plan for the Spring Creek Park Ecosystem Restoration Project. Originally authorized under the Continuing Authorities Program, Section 1135(b) of the Water Resource Development Act (WRDA) of 1986; a draft Ecosystem Restoration Report and Environmental Assessment was prepared in 2010 with a recommended National Ecosystem Restoration plan which restored degraded ecosystem structure, function, and dynamic processes to less degraded and more natural conditions. The costs of the recommended plan exceeded what was then the maximum federal expenditure of \$5 million including both planning and construction costs. In light of the 2014 WRDA amendment, increasing the maximum federal expenditure from the \$5 million to \$10 million, the NYD is optimizing the plan and updating initial designs to current conditions. The project area is a tributary to Jamaica Bay just north of the Belt parkway, on the border of the NYC boroughs of Brooklyn and Queens.

The proposed optimized plan (see attached) will create approximately 8.3 acres of low marsh, 9.2 acres of high marsh, 0.9 acres of scrub-shrub, 2.1 acres of upland, and 9.5 acres of maritime forest. The plan is designed to address the erosion presently occurring at this location by creating a less fragmented, more contiguous marsh and reducing channel area. Low marsh restoration is achieved through excavation, the restoration of mudflat areas, and the filling in of select channel portions. Areas designed for maritime forest will tie into existing grade elevations and higher existing elevations will be re-graded to create low and high marsh. The restoration would consist of excavating approximately 71,000 CY of material, with approximately 63,000 CY being reused on site.

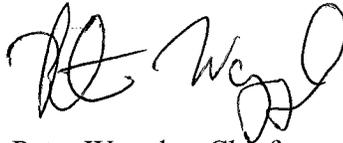
In a letter dated August 23, 2003 (attached) your office advised us of the possible occurrence of several species of endangered sea turtles. While sea turtles are likely to occur in the main body of Jamaica Bay, the NYD feels there will be no project related impacts to sea turtles as it is unlikely that a sea turtle will venture up into the tributary. Additionally, planned in water construction activities will follow best management practices and occur outside the months when sea turtles may be present. Excavations of uplands fall within habitat that does not possess the characteristics of sea turtle nesting habitat (i.e., sandy soil).

In the years since our last coordination on this project, several Distinct Population Segments of Atlantic sturgeon, within the marine range of the project area, have been listed as threatened or endangered species; however, due to salinity ranges and size of the water body, the NYD feels that eggs, larvae or juvenile Atlantic sturgeon are not likely to occur in the project area.

We are contacting you at this time to request that your office review the attached documents and determine if the updated plans are in compliance with the Endangered Species Act or if further coordination is required. The District plans to release the Draft Report to the Public in early December 2015 in order to coordinate grant funding (provided to improve the resiliency and coastal storm risk management benefits at the site) that has been awarded to NYCDP&R from the New York Rising – Howard Beach Community Reconstruction Plan and the National Fish and Wildlife Foundation's (NFWF) Hurricane Sandy Coastal Resiliency Program. Given the requirements of these grant programs, we greatly appreciate your responsiveness to this request.

Should you have any questions regarding this action or the above requests please contact the project biologist, Diana Kohtio, by phone (917) 790-8619, or by Email at [Diana.M.Kohtio@usace.army.mil](mailto:Diana.M.Kohtio@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Wepler". The signature is fluid and cursive, with a large initial "P" and "W".

Peter Wepler, Chief  
Environmental Analysis Branch

**From:** [Daniel Marrone - NOAA Federal](#)  
**To:** [Kohtio, Diana M. NAN](#)  
**Subject:** [EXTERNAL] Re: USACE- Spring Creek North, Ecosystem Restoration Project (UNCLASSIFIED)  
**Date:** Tuesday, October 27, 2015 12:58:22 PM

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Hi Diana,

Atlantic sturgeon are not expected to occur in Spring Creek. As Atlantic sturgeon will not occur in the vicinity of the project are, Atlantic sturgeon will not be exposed to any effects of the proposed project. No further ESA section 7 consultation is necessary. Please let me know if you have any questions.

Thanks,  
Dan

On Thu, Oct 8, 2015 at 8:27 AM, NMFS.GAR ESA.Section7 - NOAA Service Account <[nmfs.gar.esa.section7@noaa.gov](mailto:nmfs.gar.esa.section7@noaa.gov)> <[mailto:nmfs.gar.esa.section7@noaa.gov](mailto:mailto:nmfs.gar.esa.section7@noaa.gov)> > wrote:

Hi Dan:

Here's one for you.

Katherine

----- Forwarded message -----

From: Kohtio, Diana M. NAN <[Diana.M.Kohtio@usace.army.mil](mailto:Diana.M.Kohtio@usace.army.mil)> <[mailto:Diana.M.Kohtio@usace.army.mil](mailto:mailto:Diana.M.Kohtio@usace.army.mil)>  
>  
Date: Wed, Oct 7, 2015 at 6:19 PM  
Subject: USACE- Spring Creek North, Ecosystem Restoration Project (UNCLASSIFIED)  
To: "nmfs.gar.esa.section7@noaa.gov" <[mailto:nmfs.gar.esa.section7@noaa.gov](mailto:mailto:nmfs.gar.esa.section7@noaa.gov)> "  
<[nmfs.gar.esa.section7@noaa.gov](mailto:nmfs.gar.esa.section7@noaa.gov)> <[mailto:nmfs.gar.esa.section7@noaa.gov](mailto:mailto:nmfs.gar.esa.section7@noaa.gov)> >  
Cc: "Weppler, Peter M NAN02" <[Peter.M.Weppler@usace.army.mil](mailto:Peter.M.Weppler@usace.army.mil)>  
<[mailto:Peter.M.Weppler@usace.army.mil](mailto:mailto:Peter.M.Weppler@usace.army.mil)> >

Classification: UNCLASSIFIED  
Caveats: NONE

Dear Mr. Murry-Brown,

The New York District Corps of Engineers, in partnership with the New York City Department of Parks and Recreation, is currently re-evaluating the 2010 draft recommended plan for the Spring Creek Park Ecosystem Restoration Project. As part of the planning and implementation process for Spring Creek, the District is updating prior environmental compliance.

Since our 2003 coordination on the Spring Creek Project, the recommended plan has been updated to meet current condition at the project site. Please find attached; a letter detailing our review request, a summary of the updated recommended plan, and our 2003 correspondence.

The NYD respectfully requests that your office review the attached documents to determine if the updated plans are in compliance with the Endangered Species Act or if further coordination is required.

Thank you for your time, your input is very much appreciated!

Regards,

Diana Kohtio

Diana M. Kohtio  
Biologist, Coastal Ecosystem Section  
U.S. Army Corps of Engineers - Planning  
26 Federal Plaza - Room 2151  
New York, NY 10278-0090  
Tel: 917-790-8619 <tel:917-790-8619>

Classification: UNCLASSIFIED

Caveats: NONE





March 28, 2003

New York Natural Heritage Program  
Department of Environmental Conservation  
700 Troy-Schenectady Road  
Latham, NY 12110-2400

**RE: SPRING CREEK  
BROOKLYN, KINGS COUNTY, NEW YORK**

To Whom It May Concern:

MATRIX Environmental & Geotechnical Services, Inc. (MATRIX) is conducting an Environmental Assessment for the above referenced project. Consequently, we are requesting available information regarding endangered and/or threatened species, critical or proposed critical habitats, significant natural communities, wetlands, heritage trust reserves and State parks which may potential be impacted by the proposed project.

The proposed project is located in Brooklyn, Kings County, New York. Please refer to the attached USGS topographic map for the project site's location. The applicant proposes to ecological restore the area.

Should you have any further questions or require additional information, please do not hesitate to contact me. Thank you for your time and assistance in this matter.

Sincerely,

Michelle A. Burke  
Environmental Scientist

Enclosure

**MATRIX  
ENVIRONMENTAL &  
GEOTECHNICAL  
SERVICES**

215 Ridgedale Avenue

Florham Park NJ 07932

973-660-0400

973-660-0606 Fax

WBE, DBE, 8(a)

New York State Department of Environmental Conservation

Division of Fish, Wildlife & Marine Resources

New York Natural Heritage Program

625 Broadway, 5<sup>th</sup> floor, Albany, New York 12233-4757

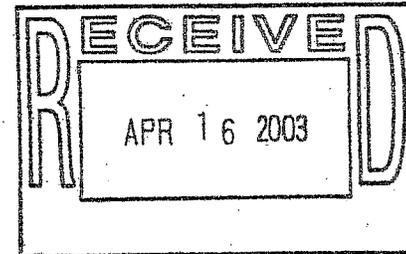
Phone: (518) 402-8935 • FAX: (518) 402-8925

Website: www.dec.state.ny.us



Erin M. Crotty  
Commissioner

April 14, 2003



Michelle A. Burke  
Matrix Environmental & Geotechnical Serv.  
215 Ridgedale Ave  
Florham Park, NJ 07932

Dear Ms. Burke:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to the proposed Environmental Assessment of the Spring Creek area for the purpose of ecologically restoration of the area, site as indicated on the map you provided, located in Brooklyn, Kings County, New York State.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Databases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,

*Betty A. Ketcham*  
Betty A. Ketcham, Information Services  
New York Natural Heritage Program

Encs.

cc: Reg. 2, Wildlife Mgr.



June 9, 2003

Mr. Stanley Gorski, Area Coordinator  
Habitat and Protected Resources Division  
National Marine Fisheries Services  
James J. Howard Marine Sciences Laboratory  
74 Magruder Road  
Highlands, New Jersey 07732

**RE: SPRING CREEK  
BROOKLYN, KINGS COUNTY, NEW YORK**

To Whom It May Concern:

MATRIX Environmental & Geotechnical Services, Inc. (MATRIX) is conducting an Environmental Assessment for the above referenced project. Consequently, we are requesting available information regarding endangered and/or threatened species, critical or proposed critical habitats, anadromous/catadromous fisheries and essential fish habitat may potentially be impacted by the proposed project.

The proposed project is located in Brooklyn, Kings County, New York. Please refer to the attached USGS topographic map for the project site's location. The applicant proposes to restore 15.19-acres of salt marsh and 14.63-acres of coastal sand plain grassland in the Jamaica Bay wetlands complex.

Should you have any further questions or require additional information, please do not hesitate to contact me. Thank you for your time and assistance in this matter.

Sincerely,

Celine Santiago Bass, P.W.S.  
Ecologist/Wetland Scientist

Enclosure

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**MATRIX  
ENVIRONMENTAL &  
GEOTECHNICAL  
SERVICES**

215 Ridgedale Avenue

Florham Park NJ 07932

973-660-0400

973-660-0606 Fax

WBE, DBE, 8(a)



March 28, 2003

National Marine Fisheries Services  
Northeast Regional Office  
1 Blackburn Drive  
Gloucester, Massachusetts 01930-2298

RE: **SPRING CREEK  
BROOKLYN, KINGS COUNTY, NEW YORK**

To Whom It May Concern:

MATRIX Environmental & Geotechnical Services, Inc. (MATRIX) is conducting an Environmental Assessment for the above referenced project. Consequently, we are requesting available information regarding endangered and/or threatened species, critical or proposed critical habitats, anadromous/catadromous fisheries and essential fish habitat may potentially be impacted by the proposed project.

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Should you have any further questions or require additional information, please do not hesitate to contact me. Thank you for your time and assistance in this matter.

Sincerely,

Michelle A. Burke  
Environmental Scientist

Enclosure

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215 Ridgedale Avenue  
Florham Park NJ 07932

973-660-0400

973-660-0606 Fax

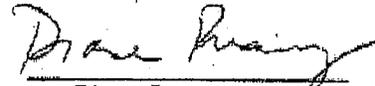
WBE, DBE, 8(a)

National Marine Fisheries Service  
Habitat Conservation Division  
Milford Field Office, 212 Rogers Avenue  
Milford, Connecticut 06460

TO: Ms. Celine Santiago Bass, PWS  
Ecologist/Wetland Scientist  
MATRIX Environmental & Geological Services, Inc.  
215 Ridgedale Avenue  
Florham Park, NJ 07932

DATE: 26 August 2003

SUBJECT: Spring Creek Salt Marsh and Coastal Sand Plain Grassland Restoration in  
Jamaica Bay Wetlands Complex at Brooklyn, Kings County, NY



Diane Rusanowsky  
(Reviewing Biologist)

We have reviewed the information provided to us regarding the above subject project. We offer the following preliminary comments pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act:

Endangered and Threatened Species

No endangered or threatened species under the jurisdiction of this agency occur in the project area.

The following endangered or threatened species may be present in the project area:

shortnose sturgeon

sea turtles:  loggerhead (*Caretta caretta*)       Kemp's ridley (*Lepidochelys kempi*)  
 green (*Chelonia mydas*)       leatherback (*Dermochelys coriacea*)

Other:

Fish and Wildlife Coordination Act Species

The following are present in the general project area: Anadromous and resident fish, forage and benthic species

Please contact the appropriate Regional Office of the New York State DEC to confirm the presence of anadromous or resident aquatic populations. Habitat use by some species or life stages may be seasonal

Essential Fish Habitat

The project area has been designated as Essential Fish Habitat (EFH) for one or more species. When details of the project are made available and permit applications have been made, conservation recommendations may be given. For a listing of EFH and further information, please go to our website at: <http://www.nero.nmfs.gov/ro/doc/webintro.html>. The nature and scope of EFH assessment required of the federal action agency will be determined after more detailed project information becomes available.

No EFH presently designated in the immediate project area; however, impacts to anadromous fish may have an indirect effect on EFH and may require assessment pursuant to the implementing regulations of the Magnuson Stevens Fishery Conservation and Management Act.



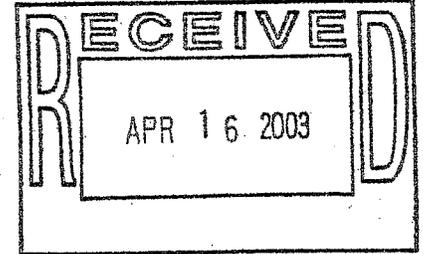
# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045

April 11, 2003



Ms. Michelle A. Burke  
Environmental Scientist  
Matrix Environmental & Geotechnical Services  
215 Ridgedale Avenue  
Florham Park, NJ 07932

Dear Ms. Burke:

This responds to your letter of March 28, 2003, requesting information on the presence of endangered or threatened species in the vicinity of the portion of Spring Creek in the Boroughs of Brooklyn and Queens, Kings and Queens Counties, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no further Endangered Species Act coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally listed and proposed endangered and threatened species in New York\* is available for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

Federally listed endangered and threatened marine species may be found near the project area. These species are under the jurisdiction of the National Marine Fisheries Service. You should contact Mr. Stanley Gorski, Habitat and Protected Resources Division, Area Coordinator, National Marine Fisheries Service, James J. Howard Marine Sciences Laboratory, 74 Magruder Road, Highlands, NJ 07732, for additional information (telephone: [732] 872-3037).

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s),\* and: