

# PUBLIC NOTICE

US Army Corps of Engineers New York District Jacob K. Javits Federal Building New York, N.Y. 10278-0090 ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: **NAN-2022-00237-EBR** Issue Date: March 15, 2023 Expiration Date: April 14, 2023

The New York District, of the U.S. Army Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344):

- APPLICANT: New York City Department of Design and Construction Attn: Judith M. Coriolan 30-30 Thomson Avenue Long Island City, New York 11101
- ACTIVITY: Discharges off fill material into Waters of the U.S. to facilitate the construction of a new storm sewer
- WATERWAY: Thurston Basin and Springfield Creek, tributaries of Jamaica Bay
- LOCATION: Idlewild Park and Brookville Park, Borough of Queens, Queens County, City of New York, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO William.Bruno@usace.army.mil BEFORE THE EXPIRATION DATE OF THIS NOTICE; otherwise, it will be presumed that there are no objections to the activity.

#### CENAN-OP-RE Public Notice NAN-2022-00237-EBR

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to adversely affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant has not received a water quality certification from the New York State Department of Environmental Conservation.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. In a letter dated August 11, 2022, New York State Department of State issued a Coastal Zone Management Concurrence with Consistency Certification, F-2022-0126, for the proposed work.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

New York State Department of Environmental Conservation

#### \*\*\*PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE\*\*\*

#### CENAN-OP-RE Public Notice NAN-2022-00237-EBR

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8516 and ask for William T. Bruno.

In order for us to better serve you, please complete our Customer Service Survey located at http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil.

Rosita Miranda

**FOR AND IN BEHALF OF** Stephan A. Ryba Chief, Regulatory Branch

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#### DESCRIPTION OF PROPOSED WORK

The applicant, New York City Department of Design and Construction, has requested Department of the Army authorization for the construction of a new triple barrel concrete storm sewer at Thurston Basin and Springfield Creek, tributaries of Jamaica Bay in Idlewild Park, Borough of Queens, Queens County, City of New York, New York.

The installation of approximately 2,340 linear feet of triple barrel concrete storm sewer. The approximately 12.5-foot-wide by 8-foot-high triple barrel sewer will extend from the intersection of 149th Avenue and 224th Street to Thurston Creek within Kennedy Airport, south of Rockaway Boulevard. At the north bank of Thurston Creek, the triple barrel storm sewer would terminate at a concrete headwall and stormwater would discharge into a 48-foot-wide by 36-foot-long outlet dissipation pool consisting of aggregate riprap. On the south side of the creek, a second headwall and a 16-foot-wide by 8-foot-high triple barrel concrete storm sewer would be constructed to receive flow from Thurston Creek and the proposed triple barrel storm sewer. The 16-foot-wide by 8-foot-high triple barrel connect to the existing 16-foot-wide by 6-foot-high four-barrel storm sewer that carries Thurston Creek flows to Thurston Basin.

The proposed project would include the placement of approximately 3,601 cubic yards (CYs) of material below the Spring High Water (SHW) Line within Waters of the United States (WOTUS). The proposed project would include the excavation of approximately 2,960 CYs of material below the SHW Line within WOTUS. The placed material would include approximately 1,524 CYs of stone riprap placed within the downstream reach of Springfield Creek to attenuate flow within the creek and protect the bed and banks of the creek from erosion, 27 CYs of concrete to construct the headwalls at the sewer outlet and inlets, and approximately 2,050 CYs of concrete and soil for the construction of the storm sewer and site grading.

Temporary disturbances to WOTUS include impacts to approximately 3,893 square feet (0.09 acres) and are associated with the installation of the proposed temporary cofferdam and trenching for the proposed storm sewer. The project proposes permanent impacts to approximately 27,154 square feet (0.62 acres) of WOTUS.

Impact Type	Area of Disturbance or Impact (Sq. Ft.)	Area of Disturbance or Impact (Ac.)	
Temporary Disturbance	3,893	0.09	
Permanent Impact	27,154	0.62	

Impact type within Waters of the U.S.	Cubic Yards	
Excavation	4,460	
Fill	3,601	

#### CENAN-OP-RE Public Notice NAN-2022-00237-EBR

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the project area to the minimum required for the construction of a new triple barrel concrete storm sewer by incorporating the establishment of a total of approximately 3.27 acres of vegetated tidal wetlands within Idlewild Park and Brookville Park. Additionally, within the settling basin approximately 911 SF of *spartina alterniflora* and 65 SF of *Spartina patens* and *Distichlis spicata* will be planted. Construction of the two proposed tidal wetland mitigation sites would include excavation of a total of approximately 1,500 CYs of material within WOTUS and approximately 38,500 CYs of material from adjacent uplands. Material to be removed would be sediment, fill, wrack, and debris. After the excavation, approximately 4,000 CYs of clean sand would be backfilled to a depth of 1 foot throughout the sites to bring the site up to the designed grade and provide a suitable planting medium for tidal wetland plant species.

Aquatic Resource Type	Plant Species	Planting Area (Sq. Ft.)	Planting Area (Ac.)
Intertidal Marsh	Spartina alterniflora	29,498	0.68
High Marsh	Distichlis spicata, Spartina patens	25,564	0.59
Upper High Marsh	Distichlis spicata, Juncus gerardii, Solidago sempirvirens, Spartina patens, Baccharis halimifolia and Iva frutescens	12,991	0.30
Т	OTAL	68,053	1.56

#### Site 1 Wetland Mitigation Site

Site 2 Wetland Mitigation Site

Aquatic Resource Type	Plant Species	Planting Area (Sq. Ft.)	Planting Area (Ac.)
Intertidal Marsh	Spartina alterniflora	55,725	1.23
High Marsh	Distichlis spicata, Spartina patens	13,460	0.31
Upper High Marsh	Distichlis spicata, Juncus gerardii, Schoenplectus pungens, Schoenplectus robustus, Solidago sempirvirens,Solidago cynosuroides and Spartina patens	5,145	0.12
ר	TOTAL	74,330	1.71

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DIVISION OF INFRASTRUCTURE BUREAU OF DESIGN PROJECT ID: SE-842AI

FOR CONSTRUCTION OF STORM SEWER AND APPURTENANCES IN IDLEWILD PARK, ETC.

BOROUGH OF QUEENS

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DRAWING LIST

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#### PLANTING SCHEDULE

#### ZONE 1 - PLANTING SCHEDULE - INTERTIDAL MARSH (PLANTING AREA: 29,498 SF / 0.68 AC)

QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	REMARKS
15,100	SA	Spartina alterniflora	smooth cordgrass	2"	plug	Alternating rows 1.5' O.C.	Plant up to elev. 2.5

#### ZONE 2 - PLANTING SCHEDULE - HIGH MARSH (PLANTING AREA: 25,564 SF / 0.59 AC)

		,	,				
QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	REMARKS
		Herbaceous Plants					
6,550	DS	Distichlis spicata	spikegrass	2"	plug	Alternating rows 1.5' O.C.	Plant between elev. 2.5 and 3.0
6,550	SP	Spartina patens	saltmeadow cordgrass	2"	plug	Alternating rows 1.5' O.C.	Plant between elev. 2.5 and 3.0

#### ZONE 3 - PLANTING SCHEDULE - UPPER HIGH MARSH (PLANTING AREA: 12,991 SF / 0.30 AC)

QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	REMARKS	
	Herbaceous Plants							
1,100	DS	Distichlis spicata	spikegrass	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0	
1,100	JG	Juncus gerardii	saltmarsh rush	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0	
1,100	SS	Solidago sempirvirens	seaside goldenrod	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0	
1,100	SP	Spartina patens	saltmeadow cordgrass	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0	
		Shrubs						
100	BH	Baccharis halimifolia	groundsel-tree	8"	tubeling	Naturalistic clusters of 3 to 5 at 2.5' O.C.	Plant between elev. 4.0 and 5.0	
100	IF	Iva frutescens	marsh elder	8"	tubeling	Naturalistic clusters of 3 to 5 at 2.5' O.C.	Plant between elev. 3.0 and 4.0	

#### ZONE 4 - PLANTING SCHEDULE - (PLANTING AREA: 46,990 SF / 1.08 AC)

QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	REMARKS
		Herbaceous Plants					
725	AG	Andropogon gerardii	big bluestem	2"	plug	Naturalistic clusters of 3 to 5 at 2.5' O.C.	
725	AT	Asclepias tuberosa	butterfly weed	2"	plug	Naturalistic clusters of 3 to 5 at 2.5' O.C.	
725	DF	Deschampsia flexuosa	wavy hairgrass	2"	plug	Naturalistic clusters of 3 to 5 at 2.5' O.C.	
725	MF	Monarda fistulosa	wild bergamot	2"	plug	Naturalistic clusters of 3 to 5 at 2.5' O.C.	
725	SZ	Schizachyrium scoparium	little bluestem	2"	plug	Naturalistic clusters of 3 to 5 at 2.5' O.C.	
725	SE	Symphyotrichum ericoides	heath aster	2"	plug	Naturalistic clusters of 3 to 5 at 2.5' O.C.	

#### ZONE 4 - SEEDING SCHEDULE - PK-465 A SEED MIX (SEEDING AREA = 46,990 SF / 1.08 AC)

BOTANICAL NAME	COMMON NAME	POUNDS PLS/ACRE
Andropogon virginicus	broomsedge	4.8
Asclepias incarnata	swamp milkweed	0.9
Eupatorium fistulosum	hollow Joe-Pye-Weed	0.9
Euthamia graminifolia	grass-leaved goldenrod	2.7
Panicum virgatum	switchgrass	4.8
Solidago juncea	early goldenrod	0.8
Solidago nemoralis	gray goldenrod	0.8
Solidago rugosa	wrinkled-leaf goldenrod	2.0
Sorghastrum nutans	Indian grass	4.8
Symphyotrichum novae-angliae	New England aster	1.1
Symphyotrichum laeve	smooth blue American-aster	0.8
Symphyotrichum pilosus	frost aster	0.8
Tridens flavus	purpletop	4.8

a joint venture

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	PROJECT ID: SE-842A1 FOR CONSTRUCTION OF STORM SEWER AND APPURTENANCES IN IDLEWILD PARK, ETC. NEW YORK CITY DEPARTMENT OF DESIGN AND CONSTRUCTION BROOKVILLE CREEK, BOROUGH & COUNTY OF QUEENS, NEW YORK
Freedrig, P.C.	PLANTING PLAN (4 OF 4)
	DATE: 3/7/2023 SHEET 18 OF 18

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DIVISION OF INFRASTRUCTURE BUREAU OF DESIGN PROJECT ID: SE-842AI

FOR CONSTRUCTION OF STORM SEWER AND APPURTENANCES IN IDLEWILD PARK, ETC.

BOROUGH OF QUEENS

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#### PLANTING SCHEDULE

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OTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	REMARKS
	STIVIDOL	Herbaceous Plants	COMMON NAME	3121	TONIN	SFACING	REMARKS
27 500	۶۸	Sparting alterniflora	smooth cordarass	2"	plug	Alternating rows 1.5' O.C	Plant between elev. 1.0 and 2.5
27,500	54	Spartina atternijiora	sineetircerugrass	2	plug	Alternating rows 1.5 O.C.	Flant between elev. 1.0 and 2.5
ONE 2 - P	ANTING SC	HEDULE - HIGH MARSH (PLANT	ING AREA: 13,460 SF / 0.31 AC)				
QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	REMARKS
		Herbaceous Plants					
3,450	DS	Distichlis spicata	spikegrass	2"	plug	Alternating rows 1.5' O.C.	Plant between elev. 2.5 and 3.0
3,450	SP	Spartina patens	satmeadow cordgrass	2"	plug	Alternating rows 1.5' O.C.	Plant between elev. 2.5 and 3.0
ONE 3 - P	ANTING SC	HEDULE - UPPER HIGH MARSH	(PLANTING AREA: 5,145 SF / 0.12 AC)				
QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	REMARKS
		Herbaceous Plants					
400	DS	Distichlis spicata	spikegrass	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0
400	JG	Juncus gerardii	saltmarsh rush	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0
400	SCP	Schoenoplectus pungens	common threesquare	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0
400	SR	Schoenoplectus robustus	salt-marsh bulrush	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0
400	SS	Solidago sempirvirens	seaside goldenrod	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0
400	SC	Spartina cynosuroides	big cordgrass	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0
400	SP	Spartina patens	saltmeadow cordgrass	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 1.5' O.C.	Plant between elev. 3.0 and 5.0
JNE 4 - P	ANTING SC	HEDOLE - OPLAND (PLANTING)	AREA: 17,440 SF / 0.40 AC)	C175	50014	SPACING	DEMAD//C
QIY	STIVIBUL	BOTANICAL NAME	COMINION NAME	SIZE	FORIN	SPACING	REIVIARRS
		Herbaceous Plants					
100	AS	Asclepias syriaca	common milkweed	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
300	CP	Carex pensylvanica	Pennsylvania sedge	2	plug	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
300	DM	Dryopteris marginalis	wood fern	#sp4	cont.	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
100	EP	Eutrochium purpureum	purple Joe-Pye-weed	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
100	ED	Eurybia divaricata	white wood aster	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
300	SCZ	Schizachyrium scoparium	little bluestem	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
200	SS	Solidago sempirvirens	seaside goldenrod	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
200	SN	Sorghastrum nutans	Indian grass	2"	plug	Naturalistic clusters of 3 to 5 alternating rows 2.5 O.C.	
		Shrubs					
43	PM	Prunus maritima	beach plum	#5	cont.	As shown	Multistem (minimum 4 canes)
39	RS	Rosa carolina	pasture rose	#5	cont.	As shown	Multistem (minimum 4 canes)
		Understory Trees					
23	AC	Amelanchier canadensis	serviceberry	1.0" CAL.	cont.	As shown	
13	10	llex opaca	American holly	1.0" CAL.	cont.	As shown	
		Canopy Trees					
15	JV	Juniperus virginiana	eastern red cedar	2.5-3.0" CAL.	B&B	As shown	
13	LS	Liquidambar styraciflua	sweetgum	2.5-3.0" CAL.	B&B	As shown	

#### ZONE 4 - SEEDING SCHEDULE - UPLAND (SEEDING AREA = 17,440 SF / 0.40 AC)

BOTAN CAL NAME	COMMON NAME	PERCENTAGE
Asciepios roberoso	butterfly weed	10
Sorghostrum nutares	Ind an grass	10
Sporoborus cryptandrus	sand dropseed	10
Agenatica altasima	white snakeroot	5
Andropogon geranda	big Buestern	5
Andropogen virginicus	tracmsedge	5
Baptisia Unicleira	wildundigo	- 5
Eurybie diverseete	white wood aster	- 5
Eragrostis spectabilis	purple lowegrass	5
Euchamia graminyfalia	grassleaved goldenroo	5
Eutrochaum purplare am	putple . de-Pye-weed	5
Monarda fistolasa	wild bergamet	5
Schoochyrum scoporium	Intle bluestern	5
Symphyotrichum laeve	smooth ester	5
Trandescantia Arginiana	Virginia spiderwort	- 5
Rudbeckia hirto	black-eyed susan	3
Solidago juncea	early go 'denrod	3
Ponstum virgotum	switchgrass	2
Solidago rugosa	wrinkled-leaf goldenrod	2

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