

**COMMENT D-1 (Ecology):**

And finally, with regard to utilities, part of the developer's open space for mitigation includes the removal of invasive species and the planting of wetlands and vegetation.

We applaud these efforts and feel that a better plan is needed to carry out the plantings.

As it states in the DEIS, that once the plantings are planted, there would be annual checks on those plants for two years. That would basically mean checking them twice.

Given the fact that these plants need to be protected so that birds don't eat the plants and destroy them, we believe that it would be necessary to -- at least in the beginning, to check them at least weekly, and during major storms, to make sure the protected devices, you know, are not destroyed and then phase out after that.

*Eric Swenson, Executive Director, Hempstead Harbor Protection Committee, Public Hearing Transcript, City of Glen Cove Planning Board Meeting, June 25, 2009, Section 61, lines 18-25 p.54*

*OVERVIEW: Part of the developer's open space mitigation includes the removal of invasive species and the planting of wetlands vegetation. We applaud these efforts but feel that a better plan is needed for carrying out the plantings.*

HHPC COMMENT # 20: The DEIS (at p. III.D-36) states that wetland plant survivorship will be monitored annually for two years and that monitoring will cease after two years if plant survivorship reaches 85%. If 85% is not attained, monitoring will then continue until it does. It also states that the redeveloper will be responsible for replanting until that level is reached. Annual monitoring for two years seems to indicate that the plantings will be looked at twice. Protective fencing and bird deterrent flags and other devices could be knocked down in a storm leading to plants being eaten by wildlife, etc. To check them once a year is simply not adequate. This should be done at least weekly during the first months and after any major storms. The monitoring can then taper off gradually.

RECOMMENDATIONS: The FEIS should state that wetland plantings will be monitored weekly and after every major wind or rain storm for the first three months, then taper off gradually.

*Eric Swenson, Executive Director, Hempstead Harbor Protection Committee, letter, dated July 13, 2009, p.4*

**RESPONSE D-1 (Ecology):**

Wetland and buffer vegetation plantings will be monitored monthly during the growing season (April through October) and after major storms for a period of five years (as requested by the NYSDEC), to ensure 85% survivability. Monitoring protocols for the proposed wetland and buffer restoration areas will be submitted to the USACOE, NYSDEC, and NYSDOS as part of the application procedures to obtain regulatory approval for the proposed shoreline activities. If 85% survivability is not attained, monitoring during the growing season will continue until 85% survivability is attained. Annual monitoring reports based on protocols approved during the permitting process will be submitted to NYSDEC and regulatory agencies. The City of Glen Cove shall receive copies of all annual monitoring reports.

**COMMENT D-2 (Ecology):**

[Page III.D-36 3<sup>rd</sup> ¶] What role will the City play in monitoring plant mortality during the wetland relocation process?

*Pat Cleary, AICP, Cleary Consulting, letter dated July 20, 2009*

**RESPONSE D-2 (Ecology):**

Wetland and buffer plant monitoring and maintenance will initially be the responsibility of the developer, with eventual responsibility resting with the Property Owners' Association upon project completion.

**COMMENT D-3 (Ecology):**

But I see you did put some bird notes in there; thank you. Bird surveys and plant surveys.

What I did not find in there was an amphibian, reptile, small mammal survey, which maybe you want to have your people look into.

*Mary Normandia, Public Hearing Transcript, City of Glen Cove Planning Board Meeting, June 25, 2009, Section 131, lines 20-25; Section 132, lines 1-2, p.117*

14. Section III.D (*Environmental Impacts and Mitigation Measures: Ecology*) - The DEIS appears to omit an inventory of, and impacts on, the reptile, amphibian, and small mammal communities.

*Steven Perotta, Cashin Spinelli & Ferretti, LLC, letter dated July 20, 2009.*

**RESPONSE D-3 (Ecology):**

Herpetological inventories and small mammal surveys were not conducted for the DEIS, as the subject property is not likely to provide habitat for significant numbers of reptiles, amphibians, or mammals. No reptiles, amphibians, or small mammals were observed during the field investigations to document the plant and bird species present on the subject property.

Amphibians are not likely to be present in the areas of standing water on the property as these shallow depressions have only recently developed after the extensive grading and excavation associated with the environmental remediation of the site. In addition, there are no adjacent freshwater wetlands from which common amphibians [such as spring peeper (*Hyla versicolor*) or green frog (*Rana clamitans*)] are likely to have migrated.

Commonplace snakes, such as eastern garter snake (*Thamnophis sirtalis*), may be present on the property, having migrated from the adjacent woodlands of Garvies Point Preserve. However, significant numbers of snakes are not expected to be present on the subject property and, accordingly, the proposed action is not expected to have a significant adverse impact on populations of this species.

Similarly, commonplace mammal species, such as raccoon (*Procyon lotor*), white-footed mouse (*Peromyscus leucopus*), or house mouse (*Mus musculus*), may have spread from Garvies Point Preserve and may be present on the subject property at low numbers or transiently. The small mammals likely to be present on the subject property are described in Table III.D-3. Raccoons

are likely to forage for invertebrates at the landward edge of the site's tidal wetlands. No small mammals were observed on the subject property during the field investigations to document the plant and bird species present on the subject property. Significant numbers of these commonplace species are not expected to be present on the subject property and, accordingly, the proposed action is not expected to have a significant adverse impact on wildlife populations.

**COMMENT D-4 (Ecology):**

And under Ecology, there was -- an insert exhibit was missing. Under Existing Habitat, there was a blank page under Existing Habitat, and that was in D-Ecology. I believe it was Page 13.

*Mary Normandia, Public Hearing Transcript, City of Glen Cove Planning Board Meeting, June 25, 2009, Section 131, lines 20-25; Section 132, lines 1-2, p.117*

**RESPONSE D-4 (Ecology):**

Exhibit III.D-1, Existing Habitat, is the only exhibit in DEIS Section III.D. It follows page III.D-2 and can also be viewed on the City's website.

**COMMENT D-5 (Ecology):**

The area is naturally a wetland below flood plain.

*Joan Harrison, resident, 39 Northfield, Glen Cove, NY, electronic mail, July 14, 2009, p. 1*

**RESPONSE D-5 (Ecology):**

There are approximately 3.9 acres of standing water on the subject property in Blocks B and C. These shallow pools are the result of the extensive excavation and grading associated with the environmental remediation of the subject property. These areas of standing water are not natural wetlands and are not regulated as freshwater wetlands by the New York State Department of Environmental Conservation. Over the past several years, native and invasive wetland plants have colonized these shallow pools and, as a result, there is now a substantial vegetation community present at the subject property. It is stated in the DEIS that these pools provide habitat for migratory and resident wading birds and waterfowl. Accordingly, the plant species present along the margins of these shallow pools were inventoried and listed in Table III.D-1. In addition, the loss of the habitat provided by these areas of standing water is acknowledged as an adverse environmental impact of the proposed action.

**COMMENT D-6 (Ecology):**

[Page III.D-29 2<sup>nd</sup> ¶] Wouldn't new landscaping proposed along the perimeter of the site create new woodland edges? Would this condition then result in additional edge effects?

*Pat Cleary, AICP, Cleary Consulting, letter dated July 20, 2009*

**RESPONSE D-6 (Ecology):**

Adverse edge effect typically refers to the changes in microclimate (*i.e.* light levels, humidity, etc.) and potential increased susceptibility to colonization by invasive species that occur when intact woodlands are fragmented or segmented. Therefore, the proposed installation of

landscaping within existing cleared and disturbed areas would not be considered the creation of an additional edge habitat.

**COMMENT D-7 (Ecology):**

[Page III.C-29 3<sup>rd</sup> ¶] How will the project regulate pet dogs and cats? If pets are allowed, will this result in an increase in the predator and invasive competitor impacts described?

*Pat Cleary, AICP, Cleary Consulting, letter dated July 20, 2009*

**RESPONSE D-7 (Ecology):**

Any pet dogs on the project site will be subject to the City of Glen Cove's dog control regulations of the City Code (§87-21.c) requiring that any dog on a public street or public property be leashed. There are no City regulations regarding the control of pet cats. However, given the multifamily configuration, it is not anticipated that future occupants of residential units within the proposed buildings will allow pet cats to roam freely on the project site. The DEIS indicates in Section III.D.2.d that the presence of garbage dumpsters may result in an increase in the abundance of feral cats in the project area and that these feral cats may also prey upon residential songbirds.

**COMMENT D-8 (Ecology):**

[Page III.D-35 1<sup>st</sup> ¶] What is the useful lifespan of the vinyl bulkhead described in the DEIS.

*Pat Cleary, AICP, Cleary Consulting, letter dated July 20, 2009*

**RESPONSE D-8 (Ecology):**

According to manufacturer's data, the life expectancy of vinyl sheet pile is approximately 50 years.

**COMMENT D-9 (Ecology):**

[Page III.D-36-37] Will marsh sections salvaged during the "whole sod" operation be transferred via an upland route, or transferred by barge as described in the DEIS? If a water route is used, the potential for impacts to the Creek during this process should be documented.

*Pat Cleary, AICP, Cleary Consulting, letter dated July 20, 2009*

**RESPONSE D-9 (Ecology):**

An upland route will be used to transport marsh section from the proposed large vessel marina to the low-sill bulkhead area. An excavator positioned at the top of the existing bulkhead will be used to remove marsh sods from the existing tidal wetlands and transfer the sods to a flatbed truck. Another excavator will then be used to place the salvaged marsh sods in the proposed wetland creation areas located landward of the low-sill bulkhead.

Selection of the excavator(s) used for whole sod transfer of wetlands shall be based on the reach length required. Long reach excavator(s) may be used for areas extending out from the bulkhead. Several manufacturers have long reach excavators that extend over 100', and one manufacturer documents a long reach that extends to 200' (777 Demolition & Haulage Co. Ltd).

**COMMENT D-10 (Ecology):**

[Page III.D-37] Glen Cove Creek Ferry – Were any specific mitigation measures required as part of the separate Environmental Assessment conducted for the ferry project. If so, they should be identified due to the integration of that project with the action.

*Pat Cleary, AICP, Cleary Consulting, letter dated July 20, 2009*

**RESPONSE D-10 (Ecology):**

According to the Design Report/Environmental Assessment prepared for the Glen Cove Ferry Terminal and Boat Basin (July 2007), mitigation incorporated into the ferry terminal design consists of compliance with New York State Phase II Stormwater regulations, green building standards, and LEED certification. These measures are consistent with those incorporated into the Glen Cove Creek Mixed-Use Development project.

**COMMENT D-11 (Ecology):**

The text states that there will be "efficient external lighting fixtures which will minimize direct upward light and minimize light pollution which may adversely affect resident and migratory birds." However, the selected lighting fixtures found on the plans do not indicate any upward light shading. Provide lighting fixtures with vertical cutoffs.

*Alan J. King, Jr., P.E., LEED AP, Cameron Engineering & Associates, LLP, letter dated July 20, 2009*

**RESPONSE D-11 (Ecology):**

Site lighting will incorporate vertical cutoffs and will be dark-sky compliant. Details will be included in the individual Site Plans for each phase of the project.

**COMMENT D-12 (Ecology):**

Provide analysis regarding the Long Island Sound Coastal Management Program, including discussion of Glen Cove as a "Historic Maritime Center" and an "Area for concentrated Development."

*Alan J. King, Jr., P.E., LEED AP, Cameron Engineering & Associates, LLP, letter dated July 20, 2009*

**RESPONSE D-12 (Ecology):**

DEIS Section III.E, Land Use, Zoning and Public Policy, provides a detailed analysis of the consistency of the proposed project with the Long Island Sound Coastal Management Program (LISCMP). The LISCMP designates the City of Glen Cove as one of 17 waterfront "Historic Maritime Centers." The LISCMP lists these waterfront harbor, industrial, commercial, and cultural communities as the focal points of developed land patterns, and being centers of economic and cultural activity that should be maintained to enhance the region's quality of life, coastal character, and remaining open lands and natural resources. The LISCMP declares that "development, particularly large-scale development in the coastal area, should be encouraged to locate within, contiguous to, or in close proximity to existing areas of development."

Of these 17 designated communities, six (including Glen Cove) have “brownfields and/or sufficient underused, previously built sites available for redevelopment which, if revitalized, would have a regional economic benefit... and the state will work with interested local governments to reclaim brownfields and other underused land for a range of appropriate uses including water-enhanced retail, hotels, and restaurants; water-dependent industry; freight or passenger ferry service; marinas; and parkland.”

The proposed project is consistent with these recommendations, as it concentrates development in an established and identified center, strengthening an area of the waterfront that has been identified as blighted with a mix of residential, hotel, commercial, recreational and water dependent uses.

**COMMENT D-13 (Ecology):**

Provide the requested map of restoration and revitalization projects in the waterfront area and a discussion of the relationship of these projects to the upland. While various maps are provided (II-9, III.C-6 and III.C7) it is difficult for the reader to understand the relationship of the mitigation measures. For example, the scale of III.C-7, makes it difficult to understand where in the project that is located, and on II-9 the reference to restored wetland ecology and habitat points to a grass area in Renaissance Park. A comprehensive map should be provided that shows the location of wetlands removal, wetlands plantings, etc. and is easily correlated with the mitigation measures detailed in Section III.D.3.

*Alan J. King, Jr., P.E., LEED AP, Cameron Engineering & Associates, LLP, letter dated July 20, 2009*

**RESPONSE D-13 (Ecology):**

See FEIS Exhibit II.D-1 which depicts the location of the proposed wetland restoration and revitalization areas relative to the upland development.

**COMMENT D-14 (Ecology):**

Also the impact on Garvies Point and the wildlife will be devastating. Why are we so eager to destroy one of the most beautiful places on the north shore.

*Patricia Parmelee, Glen Cove resident, attachment to letter from Carol E. Kenary, President, Landing Pride Civic Association, Glen Cove, NY, dated July 13, 2009*

There is no question that there will be a negative impact on Garvies Point Preserve as well as on wildlife and birds. The trees will certainly be affected by the loss of light and will slowly die. The Hawks in this area are an important asset in keeping the rodent population under control and many of the smaller birds help control insects. I have seen many residents pause to watch the Hawks and Osprey. They are a beautiful site to see soaring high in the air. How many will be killed crashing into windows? And more importantly, where will they find food and places to raise their young when their habitat is gone forever?

*Ms. Barbara Hall, resident, Public Hearing Transcript, City of Glen Cove Planning Board Meeting, June 25, 2009, Section 84, lines 23-2; Section 85, lines 1-18, pp.75-76*

If those giant condo complexes are built, their very height will cast such a shadow on the adjacent side of Garvies Point Preserve that many plant species will be diminished. Furthermore creatures dependent on these plants will also be diminished, if not lost altogether. We all recognize that life on earth is dependent on our sun's vital gift of light. Garvies Point Preserve will have suffered a deadly blow.

*Ralph Cioffi, letter dated July 16, 2009*

The site is adjacent to Garvies Point and the Impact on the wildlife there due to increased traffic and population could be significant and irreversible.

*Debra Dumas, 4 Preston Ave., Sea Cliff NY, electronic mail dated July 10, 2009*

**RESPONSE D-14 (Ecology):**

The potential adverse impacts of the proposed action on the Garvies Point Preserve and resident and migratory birds have been addressed in the DEIS. The potential impacts to Garvies Point Preserve are discussed in Section III.D.2.d and include an intensification of the existing edge effect locating along Garvies Point Road and degradation of habitat quality in the woodlands adjacent to Garvies Point Road. The potential increased edge effect is likely to result from the presence of lights in parking areas and buildings, increased levels of noise and disturbance resulting from human activities, and increased abundance of predators and invasive competitors. The potential adverse impacts to residential and migratory birds associated with the proposed action are discussed in Section III.D.2.a and III.D.2.b and include the loss of existing habitats consisting of early successional vegetation on Blocks B and C and collision-related mortality to resident and migratory birds. Specifically, the DEIS indicates that 12.6 acres of open fields and 3.9 acres of standing water will be lost and, accordingly, the habitat provided by these 16.5 acres for songbirds and waterfowl will be lost. This habitat will also be lost for the various raptors (i.e. hawks, falcons, and owls) listed in Table III.D.2. Foraging and nesting habitat will not be lost for osprey as this species feeds in open water habitats (which will not be adversely impacted by the proposed action) and naturally nests in dead standing trees (which are not present on the subject property). It should be noted that the open field and standing water habitat currently providing habitat for songbirds, waterfowl, and raptors have only developed in the past few years following the extensive remedial activity. Mitigation measures to minimize collision-related mortality are also discussed in Section III.D.2.b and will be finalized during the Site Plan Approval phase of the project.

The potential adverse impacts of the proposed action on the vegetation of Garvies Point Preserve resulting from prolonged shading by the proposed 11- to 12-story buildings is discussed in Section III.D.2.d of the DEIS. Analysis of simulated building shadow dimensions and intensity on March 21, June 21, and December 21 at 10AM and 4PM indicated that only minor shadows are expected to encroach upon Garvies Point Preserve during the very beginning and end of the growing season. However, these shadows are not expected to have any significant effects on plant growth or community composition, as the large majority of plant photosynthesis and growth occurs during the months of June through August. On December 21, significant shadows are expected to extend approximately 250' to the north of Garvies Point Preserve during the morning hours. These more extensive shadows will not adversely impact plant growth as they will only be present during the winter dormant season.

The potential for increased abundance of exotic or invasive species in the Garvies Point Preserve will be minimized by the use of native, naturalized, and non-invasive trees and shrubs for the landscaped areas of the Proposed Action. The Proposed Action has been revised to include the planting of 54 native trees, consisting of red oak (*Quercus rubra*), red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*), and river birch (*Betula nigra*) along the southern edge of the Garvies Point Preserve along Garvies Point Road. Currently, approximately 66% of planted trees shall consist of species native to the northeastern United States and all remaining trees are naturalized and non-invasive. Approximately 57% of the species (12 of 21 species) of shrubs and ornamental grasses utilized on the project site shall consist of species native to the northeastern United States. All remaining planted shrubs are naturalized and non-invasive. Non-native ornamental grasses such as *Pennisetum* and *Miscanthus* shall be mixed with native grasses such as little bluestem (*Schizachyrium scoparium*), big bluestem (*Andropogon gerardii*), switch grass (*Panicum virgatum*), and *Muhlenbergia capillaris*. Two herbaceous species with the invasive potential shall be used on the site: day-lily (*Hemerocallis*) and lilyturf (*Liriope*). Both these species spread vigorously via rhizomes. To avoid spread of these species, only non-invasive, hybrid cultivars of *Hemerocallis* shall be used on the project site. In addition, these species shall only be used in planting beds located south of Garvies Point Road and shall be bordered by turfgrass or other plantings, sidewalks, buildings to prevent rhizomatous growth beyond the planting area. No *Hemerocallis* or *Liriope* shall be used in planting areas located adjacent to Garvies Point Preserve.

This southern edge of the Garvies Point Preserve, like many habitat edges in suburban areas, currently features exotic and invasive plant species. Accordingly, monitoring and removal of invasive plant species resulting from any intensification of the edge effect along Garvies Point Road is not feasible. However, the planting of 54 native trees and the maintenance of these tree plantings may serve to reduce the proliferation of invasive plants in the roadside portion of the Preserve. Furthermore, it should be noted that if the project site remains unmanaged it is likely that invasive species with potential to colonize woodland habitats, such as garlic mustard (*Alliaria petiolata*), mugwort (*Artemisia vulgaris*), and Japanese knotweed (*Polygonum cuspidatum*), will proliferate on the project site and serve as a seed source to the Preserve. Therefore, the establishment and maintenance of native and naturalized landscape plantings associated with the proposed action has less potential to adversely impact the Preserve through the proliferation and spread of invasive plants than the no action alternative in which the project site remains unmanaged.

**COMMENT D-15 (Ecology):**

We are on the coastal fly way for the Avian population and if the next generation is to know what a bird is, the birds need a re-charge habitat. Tall buildings and a paved landscape will destroy an area that has increasingly been populated by wildlife pushed out of other areas by development.

*Joan Harrison, resident, 39 Northfield, Glen Cove, NY, electronic mail, July 14, 2009, p. 1*

**RESPONSE D-15 (Ecology):**

The project site, along with the entire New York City metropolitan area, is located within the Atlantic flyway for migratory birds. Accordingly, the potential adverse impacts to migratory

birds associated with the proposed action are no more significant than for any other site in the vicinity and are discussed in Section III.D.2.a and III.D.2.b and include collision-related mortality and the loss of existing habitats on Blocks B and C consisting of early successional vegetation (12.5 acres) and areas of standing water (3.9 acres). Mitigation measures to minimize collision-related mortality are also discussed in Section III.D.2.b and will be finalized during the individual Site Plans for each phase of the project. Due to the industrial history of the project site and the small size of the existing habitats (16.4 acres) present on the project site, the potential impacts discussed above shall not have a significant impact on the migration of bird populations along the Atlantic flyway

**COMMENT D-16 (Ecology):**

Page D 24

The DEIS points out the high risk of bird mortality due to collision that the project poses for resident and migratory songbirds and shorebirds, but it associates most of this risk with windowed surfaces, and the mitigation measures include a reduction windowed surfaces. The sheer mass and height of planned buildings will also pose a risk, and the only mitigation is to reduce both of these.

*Karen Papasergious and Carol DiPaolo, President and Programs Director and Water-Monitoring Coordinator, Coalition to Save Hempstead Harbor, letter dated July 20, 2009.*

**RESPONSE D-16 (Ecology):**

The New York City Audubon Society Bird-safe Building Guidelines indicate that the major causes of collision-related mortality of birds are reflective and transparent glass surfaces and nighttime illumination of buildings. These design aspects of the proposed buildings can be modified to reduce the potential for bird collisions. The mitigation measures to minimize collision-related mortality are also discussed in Section III.D.2.b and will be finalized during the individual Site Plans for each phase of the project.

**COMMENT D-17 (Ecology):**

Page D 37-38

With regard to fish habitat and the potential impacts on specific species, we feel the species described as present in Glen Cove Creek are underrepresented. The NYS DEC Marine Fisheries annual reports on its striped bass survey should be consulted for species that are caught in seining activities in Hempstead Harbor, including at a site at the mouth of Glen Cove Creek.

*Karen Papasergious and Carol DiPaolo, President and Programs Director and Water-Monitoring Coordinator, Coalition to Save Hempstead Harbor, letter dated July 20, 2009.*

**RESPONSE D-17 (Ecology):**

A list of finfish species expected in the vicinity of Glen Cove Creek is found in Table III.D-4 (*Note: Correction to Table III.D-4 is required. Striped bass scientific name is Morone saxatilis.*)

Striped bass (*Morone saxatilis*) are a migratory species found in the project area seasonally. Spawning takes place in May and early June in the Hudson River estuary. Eggs and larvae travel

with currents until early summer, wherein they move to shallow nursery areas as juveniles. In early fall, striped bass migrate out of estuaries to nearshore coastal areas.

Potential impacts associated with dredging and construction activities within Glen Cove Creek to the finfish listed in Table III.D-4, including striped bass, are similar to those described for the essential fish habitat in the DEIS. They include permanent degradation of the benthic habitats due to dredging and boat activity, potential disturbance of contaminated sediments during dredging and marina construction, temporary increases in turbidity during dredging and marina construction, potential discharge of pollutants and resulting decreases in water quality both during construction and marina operation. These impacts have the potential to result in loss of finfish, prey base, and/or habitat within the project area. However, as stated in the DEIS, abundance and diversity of finfish within Glen Cove Creek is expected to be much lower than in Hempstead Harbor due to the habitat characteristics and intense use of the creek. In addition, the proposed time of year restrictions on dredging and construction activities will minimize impacts to those finfish, including striped bass, that inhabit Glen Cove Creek seasonally. Therefore, the potential for impacts to these finfish species is expected to be low.

**COMMENT D-18 (Ecology):**

15. Section III.D.2.e (*Environmental Impacts and Mitigation Measures: Ecology: Potential Impacts: Potential Impacts to Shoreline, Tidal Wetlands, and Essential Fish Habitats and Proposed Mitigation Measures*), page III.D-34, 4th ¶. The DEIS states "although the mussels are expected to survive relocation, there is no alternative for replacement if they do not. However, mussels are expected to recolonize the created and restored wetlands overtime."

- a. The wording in the DEIS suggests that the survival of the mussels is somewhat in doubt. The FEIS should better define the probability of this outcome and should identify the potential that they may not survive as a possible unavoidable adverse impact.
- b. The second sentence, "mussels are expected to recolonize the created and restored wetlands," should be technically substantiated.

*Steven Perotta, Cashin Spinelli & Ferretti, LLC, letter dated July 20, 2009.*

**RESPONSE D-18 (Ecology):**

The survival of the ribbed mussels during transplantation is not in doubt, although it cannot be guaranteed. Ribbed mussels survive daily moderate desiccation during low tides. Therefore, they are anticipated to survive the excavation and transplant protocol. In addition, ribbed mussels have been utilized in studies on the effects of water quality on the growth of marine organisms in which ribbed mussels were transplanted in metal cages over 4 km between water bodies (Culbertson et al. 2007).

As stated in the DEIS, the proposed action involves the displacement of approximately 8,500 sq. ft. of native intertidal marsh at the site of the large vessel marina; and the creation of a 20,500 sq. ft. intertidal wetland landward of the proposed low-sill bulkhead and 30,751 sq. ft. of intertidal wetland in the upper reach of Glen Cove Creek as mitigation for this adverse impact. The purpose of the proposed wetland soil salvage is to take advantage of the vegetation, soils, and invertebrates located within existing marsh and to use this established biological material to increase the habitat quality of the mitigation wetland. While native plant material is

commercially available as nursery stock, native marsh invertebrates, soil microbes, and soil organic matter are not. It is acknowledged that invertebrate assemblages and natural soil conditions take many years to develop in mitigation wetlands, although there are few technical studies indicating how long it will take these natural wetland characteristics to develop at Glen Cove Creek. However, the salvage and transplantation of vegetation, soils, and invertebrates from the existing marsh is certainly likely to reduce the time necessary for the proposed mitigation wetland to develop ecological conditions similar to those in a natural wetland.

Culbertson JB, I Valiela, YS Olsen, and CM Reddy. 2007. Effect of field exposure to 38-year old residual petroleum hydrocarbons on growth, conditions index, and filtration rate of the ribbed mussel, *Geukensia demissa*. *Environmental Pollution*. 154(2): 312-319.

**COMMENT D-19 (Ecology):**

Construction and the density of the development have the potential to adversely affect fish and bird habitats for areas adjacent to the development.

*Alan Mitzner, President, American Pie, LLC, Sea Cliff resident, electronic mail, dated June 19, 2009. Similar comment from Raymond & Nansi Borom, 2 Laurel Way, Sea Cliff, NY, letter dated June 19, 2009, Laura Andrysiak, 6 Greely Square, Glen Head, NY, letter dated June 20, 2009, Michael & Stephanie Lipsey, 95 8<sup>th</sup> Avenue, Sea Cliff, NY, three letters dated June 22 and 23, 2009.*

Such a development would adversely affect the habitat of fish and bird habitats.

*A. Gutierrez, letter dated July 15, 2009.*

**RESPONSE D-19 (Ecology):**

Section III.D.2 of the DEIS addresses the potential beneficial and adverse impacts of these proposed action to the terrestrial and marine ecological resources of the subject property, Glen Cove Creek and Hempstead Harbor, and the adjacent Garvies Point Preserve and the mitigation measures and best management practices that have been incorporated into the site design to minimize potential adverse impacts.

**COMMENT D-20 (Ecology):**

Our animals and natural habitat is something that needs to be addressed.

*Mr. Jadwiga Brown, resident of Sea Cliff, business owner, 40 Garvies Point Road, Glen Cove, Public Hearing Transcript, City of Glen Cove Planning Board Meeting, June 25, 2009; Section 109, lines 16-25; Section 113, lines 16-25, p.101*

**RESPONSE D-20 (Ecology):**

The potential impacts related to wildlife habitat are detailed in DEIS Section III.D.

**COMMENT D-21 (Ecology):**

Growing numbers of people in Glen Cove reject this ill-conceived disaster waiting to happen, particularly at this crucial time. Instead, restore and preserve this remaining wetland that harbors so much wildlife before it, too, is wiped out, and we truly are left with a mosquito cove of

proliferating insects and no natural predators left. The birds, after all, besides affording us so much pleasure and education, also perform vital tasks that we are unaware of until they are gone.

*Susan Kotta, email dated July 17, 2009.*

**RESPONSE D-21 (Ecology):**

Section III.D.1.b.1 of the DEIS describes the bird species which are known to use the subject property and surrounding habitats and indicates that 140 bird species were confirmed by field inspections of the project site performed by Land Use Ecological Services and records provided by the North Shore Audubon Society for Garvies Point Preserve. The potential adverse impacts to migratory and resident birds associated with the proposed action are discussed in Section III.D.2.a and III.D.2.b and include collision-related mortality and the loss of existing habitats on Blocks B and C. Mitigation measures to minimize collision-related mortality are also discussed in Section III.D.2.b and will be finalized during the individual Site Plan approvals for each phase of the project.

**COMMENT D-22 (Ecology):**

I believe the 23 acres at the end of Garvies Point Road should be preserved in perpetuity.

The area was once an extensive and rich wetlands. It was destroyed by the all too common Glen Cove practice in the past of filling in low lying land and wetlands (waste lands to the uneducated mind) with trash, garbage and spoil from ill-considered poison spewing industries. If such lands are truly to be cleaned up, then the common sense solution would be to restore them as much as possible to their original state.

To clean them up and then make the claim that the expense of the clean-up requires that those same acres, in the name of profit, must be debased and polluted a "thousand" times more than before by piling on huge clumps of buildings and every fanciful facility that the human mind can create, is to deny the very meaning of restoration and conservation. They might better and more cheaply have been left alone because these very same acres have been astounding over the years in their ability to rebound back from the most egregious abuse to become valuable wildlife habitat.

As a young boy I stood at the very edge of those watered lands. As I watched schools of killy fish swim, I saw my face reflected in the clear water. Although still completely unschooled in the names of the living creatures of nature, I had only to open my eyes and my mind to see that they abounded in what was a natural preserve of birds, fish, insects, amphibians, mammals and plants. And they served mankind as well.

The wetlands were a natural complement to Garvies Point Preserve. Wildlife moved back and forth between the two regions and they were both enriched by the association. This is still true today. In the past a great opportunity was missed by not incorporating the wetlands along with their woodlands counterpart into a more complete and fully protected Garvies Point Preserve.

Then came the unfortunate era of the landfill. In later years, after the land filling was over and had done its worst, the land actually recovered. As a young adult I remember walking through an

area of small ponds surrounded by cattails with patches of grasslands in between and with trees along its borders that was full of wildlife. The bird life was amazing.

Next came the great cleanup, with digging, bulldozing and piles of dredged spoil and the hauling away of truckload after truckload of what we were told was contaminated soil. After all of this disturbance, the land again shows its resilience. Now as a senior citizen I see ponds have appeared again over the buried wetlands and many forms of plant and animal life are returning. What more can a piece of land keep telling us? Will "we" never learn?

*Ralph Cioffi, letter dated July 16, 2009*

In the last few years I have been a frequent visitor to the waterfront site of the former ferry landing. This place is truly spectacular. It is a birdwatcher's paradise, supporting families of osprey, heron, egrets, plovers and many other waterfowl and songbirds. It is obvious that this area has become a special nesting place as well as a migration stopover. Growing almost completely over the ugliness of former "development projects" is a profusion of wildflowers and other indigenous plants. The many freshwater ponds are alive with frogs, turtles and all kinds of creatures. 12 months a year, it is full of life.

It would be wrong to develop this land, for so many reasons. Life is returning to a place we humans had almost destroyed! Let's celebrate that fact and leave it to nature. I believe that these wild areas will be more and more valuable to us in the coming decades. Glen Cove will be a more desirable place to live because of them.

*Gail Lafferty, letter dated July 16, 2009.*

Representing 800 members who admire and revere natural areas, I feel compelled to write to ask you to not allow development of the RXR Glen Isle site. Nassau County is so overdeveloped that those of us who live here and regular visit natural areas feel under siege. Open spaces attract wildlife. This past Wednesday when I visited the site I saw more butterflies than I have seen anywhere in Nassau County this summer. Beautiful birds such as the Cedar Waxwing breed in the area as well as many other birds. Last spring a rare bird for this area, the Western Kingbird, attracted attention and visitors to the site.

What was once a toxic dump has become over time a natural area again. The Port Washington Sand Pits is another natural space that was a wasteland several years ago. The Town of North Hempstead is committed to keeping these 180 acres as close as possible to a passive recreation area. Glen Cove could use the money the Nassau County Bond Act would provide to purchase this property and keep it forever wild. Please read the proposal attached that argues for this use of the property. [March 15, 2007 Proposal for Nassau County Environmental Program Bond Act Nomination for Glen Cove Waterfront attached to comment.]

*Peggy Maslow, President of North Shore Audubon Society, email dated July 19, 2009.*

I am a long-time resident of Sea Cliff and I am writing to express my concern about recent discussions and the pending decision to develop the waterfront area on Glen Cove creek. I understand that a decision is being considered to totally alter the current environment of the approximately sixty acres at the ferry site.

However, I do not believe that the benefits of development compare favorably to the benefits of keeping the relatively natural environment that is evolving.

Consider: Benignly neglecting that parcel makes for a more natural, less artificial, and therefore less stressful, environment. Development of the site will dramatically increase the traffic and infrastructure density for the entire region.

It would seem that development would bring increased growth, and thus a better economy, to Glen Cove. However, consider the impending natural beauty that is transforming the site as I write this letter. The "naturalization" that is currently underway is both beautiful and is almost cost-free, as natural processes are being allowed to resume and continue. The social and environmental value-added may not be easily calculated, but one stroll through the site will make its charms all too obvious.

Finally, economic conditions are not appropriate for such a build-out. Current events are allowing us to have a fulfilling local environment, free of the seemingly inevitable ending of Glen Cove's suburban phase and the dreaded start of urbanization.

*Robert Lafferty, letter dated July 20, 2009.*

Spending time in Glen Cove's Captain Cove is an opportunity to appreciate its natural treasures and to enhance our own mental, physical and spiritual well-being.

Therein lies hopping toads, fluttering butterflies, nesting killdeer, sandpipers, cattails (indicative of wetlands), sunning snakes, blue-eyed grasses and a multiple assortment of colorful flowers. One also finds the awakening of new life in the form of cocoons and galls. Herons eye us from their tree perch while the melodies of song birds reach our ears. Dragon flies and swallows hover and wing their way over the ponds. The open vistas and fresh air are in themselves invigorating. While our "ALL" takes in the meadows and the many assorted habitats with their myriad of interconnected life-- We think: "How can anyone in all good conscious wish our last undeveloped area be sent to Oblivion and be replaced by: buildings, pollution, traffic, waste products, and human noises. Once lost - it's lost forever.

*Elisa Proly, letter dated July 20, 2009.*

Before addressing our concerns about the proposed project, we want to commend the City for its commitment to rehabilitating and reusing former industrial sites. The restoration and/or redevelopment of such brownfields is an important step in preventing urban decay and preserving existing wildlife habitat. In the case of the Waterfront Project, however, while we support the careful redevelopment of many of the creek-side properties included in the proposal, we think the plans go too far. They fail to preserve enough open space on the site and miss a rare opportunity to foster the establishment of much needed grassland and freshwater wetland habitats at the Captain's Cove site.

Nassau County was once home to one of the great grasslands on the east coast. The Hempstead Plains dominated the county, covering as much as 60,000 acres and forming the basis of an abundant grassland ecosystem. They were the largest grasslands east of the Great Plains. Unfortunately, most of the Hempstead Plains are now gone. The vast, flat acreage was an easy

target for farmers and, in later generations, developers. Today, less than one acre of the Hempstead Plains remains intact.

This legacy of overdevelopment has left grassland-dependant wildlife struggling on Long Island. With only remnants of this unique habitat left, many species are disappearing from large portions of their former ranges. This is true not just on Long Island, but across North America. Many grassland birds were included in a recent National Audubon Society report detailing the decline of many once common bird species across the continent. The report indicated that the population of the field sparrow, for example, is down 68% over the past 40 years.

But, according to the Town's DEIS, the field sparrow is a bird that has been sighted at Captain's Cove. Two other bird species that have been documented on the site - the Eastern meadowlark and the bobolink - are officially listed as threatened by New York State; primarily because of declining grassland habitat. Other birds seen around the property, such as the Northern Harrier, Homed Lark, Coopers Hawk and Sharp-shinned Hawk, are listed as New York State Species of Special Concern. As these sightings demonstrate, the Captain's Cove site presents a rare opportunity to encourage new grasslands and provide much needed habitat for these and other struggling species. In just a few short years since the environmental remediation was completed, the Captain's Cove site has shown remarkable recovery and has attracted an impressive array of wildlife. The reported sighting of a flock of 50 bobolinks on the property this past spring is remarkable for Long Island and demonstrates the vast potential of the property's habitat – just imagine what could happen if it were given more time to recover.

Birds aren't the only wildlife species that would benefit from habitat restoration at Captains' Cove. Many frogs and snakes could inhabit the property; including some “State Species of Special Concern” such as the Eastern Box Turtle, Eastern Spadefoot Toad and Eastern Hognose Snake. Countless species of butterflies, dragonflies and other insects would also continue to benefit from the property's unique grassland and freshwater wetland habitats. Seatuck staff that visited the site this summer were especially impressed by the abundance and diversity of dragonflies on the site, particularly since we have noticed anecdotal dragonfly declines in many other natural areas on Long Island.

While we recognize the City's economic stake in the Waterfront Project, we urge the Board not to underestimate the value of open space. It not only supports increased home values and quality of living, but also attracts bird watchers and other users of open space. Given the limited grasslands that exist in Nassau County, the Captain's Cove site has the potential to be a considerable attraction for wildlife lovers~ especially given its accessibility.

*Enrico Nardone, Esq., Executive Director, Setuck Environmental Association, letter, dated July 20, 2009*

As we locals enjoy the present recharged habitat that was once a toxic wasteland, now a haven for marine life, even the rare blue heron. Wetlands preserved and green space respected and remaining open. Look to our neighbors in Oyster Bay that saved and revered their waterfront to have it remain today as a pristine, recreational, marine environment. We honor and respect our neighborhood as we know it today. Please share your voice.

*Unknown commenter, letter signed as A combined voice of Glen Cove residents, dated July 20, 2009.*

We need to preserve open space.

*Joan Harrison, resident, 39 Northfield, Glen Cove, NY, electronic mail, July 14, 2009, p. 1*

**RESPONSE D-22 (Ecology):**

The Glen Cove waterfront has been identified in both regional and local planning documents as a target area for redevelopment. As described in Response D-12, Glen Cove is one of 17 identified waterfront “Historic Maritime Centers” by the Long Island Sound Coastal Management Program (LISCMP). The LISCMP declares that “redevelopment of these waterfront areas is an important step in achieving the overall vision for the Sound, and the state will work with interested local governments to reclaim brownfields and other underused land for a range of appropriate uses including water-enhanced retail, hotels, and restaurants; water-dependent industry; freight or passenger ferry service; marinas; and parkland.” It further notes that State agencies “will work with local governments and the private sector to revitalize urban waterfronts for new economic uses. When needed, redevelopment strategies to guide reinvestment and redevelopment will be prepared in cooperation with local governments. The redevelopment strategies will address appropriate and economically feasible land use, environmental remediation, public amenities, job creation, and infrastructure.”

The City’s vision for this area is also clearly described in its Master Plan and the Urban Renewal Plan for the Garvies Point Urban Renewal Area, which are both detailed exhaustively in DEIS Section III.E. Both of these documents recognize the need for complementary redevelopment in order to supply additional public amenities, help support the downtown, and remedy brownfield conditions.

Lastly, there are economic realities that must be confronted. The City, State and federal government have invested well over \$120 million in order to ready this property for productive use. In order to justify the public and private expenditures, a certain level of redevelopment is necessary to make a productive and viable project.

**COMMENT D-23 (Ecology):**

The development once built will bring an untold amount of air and water pollution to some of our last public waterfront ecosystems. We as stewards of our environment have a duty to protect the land, water, air and habitat that we share with all nature. Nature has already re-established itself on the parcel of land called Captain’s Cove. How come on all maps this area is labeled a park and now it is private land?

*Mary Normandia, letter dated July 20, 2009.*

**RESPONSE D-23 (Ecology):**

Captains Cove is not a public park. It is a Superfund site that is currently owned by the Glen Cove IDA. The City has partnered with a private developer to facilitate the redevelopment of Captains Cove as part of a unified vision, as outlined in the Master Plan, to create a mixed-use waterfront community with significant public amenities and waterfront access.

**COMMENT D-24 (Ecology):**

The project remains too large despite years of efforts by citizens to communicate the fact and feeling of said project. At a time when several examples of the renewed wild life at the creek area, such a project will set back any strides returning bird life such as Great White Herons (1 pair), Great Blue Herons (1 pair), Osprey (4 pair), ibis, night heron, egrets, numerous snapping turtles and fast diminishing North Eastern box turtle, and a present abundance of fish of all varieties. Think of the migrating birds and butterflies that will be affected and carry harmful molecules along migratory routes. Let alone those birds which will smash into the proposed ferry structure (3 stories of glass) because of the reflecting landscape across the harbor.

*Eileen Aherne, email dated July 20, 2009.*

**RESPONSE D-24 (Ecology):**

Section III.D.1.b.1 of the DEIS describes bird species which are known to use the subject property and surrounding habitats and indicates that 140 bird species were confirmed by field inspections of the project site performed by Land Use Ecological Services and records provided by the North Shore Audubon Society for Garvies Point Preserve. The potential adverse impacts to migratory and resident birds associated with the proposed action are discussed in Section III.D.2.a and III.D.2.b and include collision-related mortality and the loss of existing habitats on Blocks B and C. Mitigation measures to minimize collision-related mortality are also discussed in Section III.D.2.b and will be finalized during the Site Plan Approval phase of the project. Eastern box turtle (*Terrapene carolina*) and snapping turtle (*Chelydra serpentina*) were not observed on the project site during field investigations. The finfish and shellfish resources present in Glen Cove Creek and its wetlands are described in Sections III.D.1.b.3 and III.D.1.b.4 of the DEIS. The potential impacts to these resources from the proposed action and the mitigation measures that will be implemented to minimize the magnitude of these impacts are described in Sections III.D.2.e and III.D.2.f of the DEIS.

**COMMENT D-25 (Ecology):**

Finally, as an organization that conducts a wide variety of public programs and operates a nature center, we urge you not to overlook the educational potential of a restored Captain's Cove site. In an era when computers, television and limited open space have combined to limit children's access to nature such an area could provide much needed outdoor opportunities for the children of Glen Cove.

*Enrico Nardone, Esq., Executive Director, Setuck Environmental Association, letter, dated July 20, 2009*

**RESPONSE D-25 (Ecology):**

The Applicant is mindful of the educational value of the Glen Cove Creek and its associated habitats. The project includes restoration of the Captains Cove wetlands and the opportunity to engage and educate is the primary purpose for the ecology pier. The pier is designed to extend into the restored wetlands to provide for viewing and includes a small area that would be suitable for classes.