



## *American Fisheries Society*

Organized 1870 to Promote the Conservation, Development and Wise Utilization of the Fisheries

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### **Filed Electronically**

Mr. David Olson  
U.S. Army Corps of Engineers  
Attn: CECW-CO-R  
441 G Street, NW  
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NWP2017@usace.army.mil

Subject: U.S. Army Corps of Engineers Proposed Rule to Reissue and Modify Nationwide Permits, Docket Number COE-2015-0017

Dear Mr. Olson:

With regards to the proposed rule on the reissuance and modification of the U.S. Army Corps of Engineers (USACE) Nationwide Permits (NWP), the American Fisheries Society (AFS) submits the following comments in support of NWP B – Living Shorelines, along with concerns of parity within the permitting process as NWP B – Living Shorelines relates to NWP 13- Bank Stabilization as described in the June 2016 Proposed Rule, Docket Number COE-2015-0017 (Proposed Rule).

Founded in 1870, AFS is the world's oldest and largest organization dedicated to strengthening the fisheries profession, advancing fisheries science, and conserving fisheries resources. AFS has more than 8,000 members around the world representing fisheries managers, biologists, ecologists, aquaculturists, economists, engineers, geneticists, and social scientists, along with industry, governments, academics, and other non-profit organizations. Our mission is to promote science-based management of sustainable fisheries and aquatic resources a role that overlaps with the geographic scope and environmental implications of the Nationwide Permits program.

### **Summary**

AFS strongly supports the use of living shorelines as a component of shoreline and habitat management. We are encouraged by the Proposed Rule's inclusion of living shorelines as a new NWP, and support the use of living shorelines over the use of hardened structures whenever possible. The armoring of our Nation's shorelines has been shown to have negative effects on submerged aquatic vegetation (SAV), as well as barriers to plant migration altering nutrient and sediment supplies leading to overall marshland loss, thereby reducing nitrogen cycling, and the accumulation of small local losses of marsh land and SAV habitats over large areas can have long-term negative effects on the sustainability of the fishery habitat (Patrick et. al. 2016; O'Meara et. al. 2015; Jordan et. al. 2008). Living shorelines are a viable option that provides habitat improvements along with reductions in shoreline erosion and wave impact (Bilkovic et al. 2016). The use of natural structures such as oyster reefs as breakwaters, or the simple use of native vegetation in a riprap-sill structure have been shown to have biological advantages and increased abundances of different communities of fish (Balouskus and Targett 2016; Scyphers et al. 2011).

With regards to the Proposed Rule, we have specific concerns regarding: (1) the use of beach nourishment as part of the tool kit; and, (2) the parity discrepancy that exists between NWP B –Living Shorelines and NWP 13 – Bank Stabilization due to the requirement of a pre-construction notification (PCN) for any proposed construction of living shoreline projects.

## **Discussion**

### 1. Beach nourishment

Beach nourishment (or beach replenishment) is an essential tool within the living shorelines toolbox. As long as local sediment with appropriate grain size and texture is used for the project, and the borrow site does not have negative environmental consequences for marine resources, beach nourishment can be an effective nonstructural stabilization technique in accompaniment with native vegetation plantings and the placement of other natural materials. We are concerned that the NWP B – Living Shorelines explicitly does not authorize beach nourishment activities. This exclusion of beach nourishment limits the options of a living shoreline project. Beach nourishment should be authorized under the NWP.

### 2. Parity Discrepancy

The effects of sea-level rise and increased storm surges, along with the increasing demand for urban infrastructure to support and sustain coastal activities, are transforming our landscapes with the growing use of hardened structures as a shoreline stabilization and coastal protection measure (Bulleri and Chapman 2010; O’Connell 2010). California alone uses hardened structures on at least 10 percent of its main 1,100 mile coast (Mellus and Caldwell 2015; Griggs 2010).

Living shorelines present an alternative to the use of hardened structures, without many of the associated negative effects (Bilkovic et al. 2016). However, given the current permitting structure, NWP 13- Bank Stabilization has a competitive advantage over living shorelines, with bulkheads and other hardened structures taking considerably less time within the permitting process than living shorelines. The Proposed Rule helps to ease the process for living shorelines with NWP B – Living Shorelines.

However, AFS is concerned with the included requirement for a Preconstruction Notification (PCN) for all NWP B projects, versus the NWP 13 requirement of a PCN only for projects that are greater than 500 linear feet or those that affect special aquatic sites. AFS strongly encourages the USACE to create parity between the two permitting processes, so that living shorelines have an equal footing with hardened structures when being considered for shoreline projects.

## **Conclusion**

Given the reasons stated above regarding the need for improved management of our Nation’s shorelines, and the habitat for our Nation’s fisheries and aquatic resources, AFS is pleased to see that living shorelines are being considered for a Nationwide Permit. AFS supports the inclusion of NWP B – Living Shorelines but also encouraging the USACE to include beach nourishment as a part of the living shorelines tool kit. AFS also recommends that the USACE create parity within the permitting process between NWP 13- Bank Stabilization and NWP B – Living Shorelines.

We appreciate the opportunity to comment on the Proposed Rule, and welcome any follow-up questions. Thank you.

Best Regards,



Douglas J. Austen  
Executive Director, American Fisheries Society

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