

Comments to the USACE regarding the Invasive Species project planned at Times Beach.

The **Friends of Times Beach Nature Preserve** have been asked to partner with the Army Corps of Engineers, Erie County, and the City of Buffalo on the major invasive species control demonstration project scheduled to begin at Times Beach in October of 2012. Here are our initial comments regarding the proposal:

May 30, 2012

Regards: Comments from Friends of Times Beach Nature Preserve

USACE Draft Times Beach Environmental Assessment for the Invasive Species Control and Management Demonstration Project at Times Beach, Buffalo NY, April 2012 prepared by Ecology and Environment, Inc.

Introduction

The Friends of Times Beach is an association of individuals and organizations formed in 2009 to take the place of the Times Beach Oversight Committee, which was established in 2006 by resolution of the Erie County Legislature. The Oversight Committee morphed into this group in order to sustain interest and advocacy for the Times Beach Nature Preserve, Great Lakes biodiversity, and migrating birds and insects.

At this time the Friends of Times Beach has over 300 facebook “friends” and has an active core of about 15-20 individuals and organizations. This core administers the facebook page: <https://www.facebook.com/pages/Friends-of-Times-Beach-Nature-Preserve/283210257029>

The most recent statistical analysis of the facebook page indicates that it has been directly viewed by 118,039 individuals.

The Friends of Times Beach website: <http://www.friendsoftimesbeachnp.org/>

The Friends of Times Beach Nature Preserve has for the past several years engaged in tours of the site, advocacy of the site by meeting with regional and local governmental organizations and planners including the ECHDC, the NYS Empire Development Corporation, the City of Buffalo, Erie County, Senator Gillibrand, Congressman Higgins, and a wide variety of local elected officials and decision and policymakers. We have conducted tours, and have exhibited in several local festivals. We are a member of the Western New York Environmental Alliance (WNYEA). We have created marketing materials including brochures and have published Times Beach oriented articles in local newspapers and other publications including GROWWNY, the online publication of the WNYEA. In addition the FOTBNP has engaged in developing a draft restoration plan for the western end of the nature preserve including the entryway and the border areas between the former NYPA iceboom property and the Nature Preserve.

Comments and Concerns

Since the announcement of the USACE Invasive Species Control and Management Demonstration Project, the release of the Draft Environmental Assessment, and the announcement for public comment, I have actively engaged in many members of the Friends of Times Beach Nature Preserve and I am offering these comments on behalf of the FOTBNP.

Significantly everyone that I have spoken with is very pleased with this project. Our inclusion as an announced partner in this project has been greeted with positive responses. The opportunity to use Times Beach as a demonstration project and the potential impact of a full restoration will benefit both Times Beach, the Buffalo Waterfront, and the Great Lakes. The diminished ecological capacity of the Nature Preserve, which is anecdotal, rather than researched, is obvious to many observers. We believe that a restoration and the elimination of the targeted invasive species will enhance the productivity of this site and will provide a more sustainable platform for the future of the nature preserve and the future of many species endemic to the Great Lakes.

We are very pleased to have been invited to an initial session with the project team. Our meeting at the site was engaging and important. We hope that we will be able to continue with this dialogue throughout the duration of the project.

We have some concerns, which we addressed at our May 11 meeting at Times Beach with the project team. We appreciate the meeting, the interaction, and the oral responses that we received that time. I have been urged to put these concerns in writing and this document accomplishes that.

The following comments are in relation to **2.1.1 Alternative 1-Preferred Alternative**

1. We are concerned about the use of chemical treatments.

We appreciate that the team that met with us at the site pledged adequate monitoring, and appropriate application techniques. Our concerns include both the probability that the chemicals being used for this project will effect other organisms and that the potential for such things as drift, migration, and mobility are or could be consequential. We believe that these are substantive issues, particularly as this relates to a wetland and a nature preserve. We also recognize that we are not offering alternatives, because we are not equipped to do that.

We recognize that the USACE and Ecology and Environment are adhering to best practices regarding the application and uses of these products and we fully appreciate that. These procedures are critical.

We recognize that in the greater scheme of chemical herbicides, the chemicals that are being used on this project are considered by the EPA to be less toxic, and less persistent than other chemicals.

We are also not fully available to conduct comprehensive analysis of the effect of the pesticides and herbicides proposed to be used, nor are we able to suggest alternatives. However we offer the following observations:

Glyphosate

While Glyphosate is considered by the USEPA as a Class III, less toxic pesticide, there is plenty of independent research to suggest that the material causes human health and environmental damage beyond the what has been “officially” researched and documented, and beyond targeted species. In addition, there is evidence that beyond the effects of the individual component, a mixture of glyphosate with other chemicals in a trade proprietary formula which includes inerts and other ingredients (i.e. polyethoxylated tallowamines and isopropylamine). We believe that these effects have not has not been adequately vetted by the EPA.

In addition to potential human health concerns we are concerned relative to Glyphosate and the proprietary formulas are the impacts on amphibians, soil organisms, and insects, including the beneficial insects that depend on the nature preserve.

Comment/Conclusion: We are concerned with the use of glyphosate, a broad-spectrum herbicide and its use under proprietary chemical formulas in a wetland and the probable effects on non-targeted plant species.

Triclopyr

A broad-spectrum pesticide often used for aquatic species is known to effect untargeted species. According to a “Journal of Pesticide Reform” Factsheet, the effects are caused by drift, inhibition of mycorrhizal fungi, reduction of nitrogen cycling, damage to mosses and lichens, and a stimulation of algae blooms.

Comment/Conclusion: We are concerned about its persistence and mobility in soil, which is highly variable, and its mobility in water. We are also concerned about its effect on non-target species including flora and fauna such as mosses, lichens, and small mammals, birds, fish, amphibians, and insects.

2. We are concerned about the biological control potential of the ISCMP

It clearly states in the EA that although biocontrols, particularly regarding Purple Loosestrife, may be used in the future of this site, they are not included as elements of the proposed action.

Comment Conclusion

Pls be advised that we would like to be notified in advance if any such biological control steps are taken, including detailed proposed actions to include specific species that may be targeted and biological control agents and or species released, so that we can make comments regards same.

3. We are concerned by the timing of the project due to the potential effects of breeding and migratory birds and beneficial insects including pollinators.

We discussed this briefly with the team that we met with on the Times Beach site, and in particular Mike Morgante of Ecology and Environment. And we very much appreciate the interaction. Mr. Morgante stated emphatically that the effect on breeding birds and migrating birds would be minimized.

The Friends of Times Beach Nature Preserve would like to see a more detailed

analysis and plan articulating the minimization of impacts on breeding and migratory species of birds and insects, because this is a nature preserve, and this nature preserve is located at the western gateway to the Niagara River Corridor, Globally Significant Important Bird Area. This is a critical location. Many of the areas on the property targeted for remediation and action are potential nesting, resting, and feeding areas for both breeding and migratory species of birds and pollinators.

We also fully recognize that the ecological productivity of the nature preserve is greatly diminished due in a large part to the invasive species that are going to be addressed. We recognize that restoration will return this nature preserve and the ecosystem and biodiversity that could exist here will be transformational, positive, and very important to the continued and future viability of the nature preserve.

Comment Conclusion

We would like to see:

- a. A more detailed analysis of the timing and scheduling of the project.
- b. An evaluation of impacts on breeding, and migrating birds and insects. This should include a survey of breeding birds and nesting locations prior to mechanical and chemical actions. We would also like to see an analysis of seasonal migrating birds and resident and migrating insects, and detailed monitoring of these impacts.

4. We would like to see a more detailed plan regarding the restoration and modification of the habitats/ecosystems affected by this project.

-We understand and support the adaptive management strategies outlined in **2.1.1 Alternative 1.**

-As mentioned previously and as discussed at our team meeting at the site on May 11, 2011, we are concerned and engaged in discussions and planning regards habitat restoration issues at Times Beach. We have been a part of this nature preserve for a long while and have a good fundamental understanding of what is there, what was there, and what could and should be there. There are innumerable studies and surveys of the site ranging from amphibian and bird surveys to lichen, microorganism, and other flora oriented knowledge.

In 2010 the Friends of Times Beach undertook an evaluation and planning context that primarily focuses on restoration of the western end of the nature preserve. Our ideas have been to promote pollinator conservation and bird habitat on this

essentially upland part of the property. Part of our engagement with the ECHDC, the owners of the adjacent property, has been to work together to create a buffer between the properties.

We have engaged in some detailed planning that includes an enhanced main entryway, education and interpretation opportunities and pollinator and ecosystem gardening involving both native and productive habitat and flora for native fauna for this section of the property.

Beyond that we have also thought through some of the other issues including maintaining a forest canopy and providing a better pond and wetlands ecosystem for native species.

We would like to continue to engage the team in our FOTBNP thoughts and plans. We have some expertise. You also have one of the most consequential and profound ecosystem, invasive species experts on your team, Paul Fuhrmann, and we are pleased and excited to note his high level involvement in this project.

Comment/Conclusion

The Friends of Times Beach nature Preserve would like to engage with the USACE and Ecology and Environment in discussions and plans about restoration initiatives. This includes design and documentation issues.

5. Finally, **we would be pleased to help the USACE engage and inform the public, and decision makers regards this project.** The Friends of Times Beach are very knowledgeable, interested and have a stake in this process. The community depends on us for information. Lets find ways to make sure that we can work together on all aspects of this very important, significant, and consequential demonstration project!

For Friends of Times Beach Nature Preserve

Jay Burney, founder, chair