



Bronx Council for Environmental Quality
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October 12, 2018

Bryce Wisemiller, NY, District Project Manager; and
Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division
U.S. Army Corps of Engineers
By email: NYNJHarbor.TribStudy@usace.army.mil

Re: "Scoping Input"

Dear Mr. Wisemiller and Chief Brighton:

Sometime in the Fourth Grade, we learned about the interaction of land, water and air. It is a simple lesson that begins with the basics of the water cycle -- the essence of all life on earth. It is worth repeating. Rain falls to the soil; vegetation captures it above ground and leads it to the base flow input of neighboring waterbodies. Excess water is transferred to the air, cooling it as it rises again to the clouds. There is only so much water on earth, so it is a precious resource. As people, we need to learn how to live together in our watershed. Today, we face highly populated urban and suburban places. Many people crowd homes or businesses into historically vacant low-lying places which were and should remain our sponge on the waterfront. These comments reflect the need to return to nature and natural systems, known to many as ecosystem services.

Let's look at the map of New York City Sea Rise or Storm Surge. What is the best alternative to decrease the impact of Sea Rise on New York City and State? How long do we have before this becomes a problem? Do we have short term and long term goals? How will you compare these alternatives in the NEPA Environmental Impact Statement (EIS)? Will there be a complimentary State and City's EIS? Will it be different than, or the same as the State and City's EIS? Can we identify the need for future "categorical exclusions"? Who are your interested and concerned agencies? What was the complete work to handle Sear Rise and Surges in the Netherlands? These are some of the questions that need to be addressed in your DEIS Scope of Work.

A. **Consider a wide range of Alternatives in every NEPA step.** It is critical to look at the problem from all alternatives. The Dutch faced this problem after their 1953 storm. They adopted a complete program – not just dikes and concrete structures. We should follow their example. Some of these "proposed actions" may not be under the work of the Army Corp but instead are the responsibility of local municipal agency, such as the New York City Department of Environmental Protection, or the New York State Department of Environmental Conservation.

1. Your preferred or alternative analysis should include: Nature Based Features, including natural infrastructure as the preferred alternative, such as living shorelines and native plants, green infrastructure solutions; Long and short term impact and comparisons of costs for each alternative and each long and short term impact; Natural Resources' impacts on our Air, Water, Land, Fish and Wildlife; and Other comments you receive from the community stakeholders.

2. Target the properties on the Sea Level Rise Maps (2020s 100-year Floodplain¹) for purchase and development as water catchment sponges. There should be a low/median/high tide Living Shoreline around the perimeter waterfront. In places where the three tiers are not enough, or where infrastructure such as railroads exists, use railroads as a resilient infrastructure and build wetlands on inland properties and/or add a green wall to soak up excess water. If it is not possible to purchase all the land, it should be clearly stated that there will be no public funds used to rebuild housing and/or infrastructure (including streets, electricity, water, etc.) in these areas in flood zones. There should be no building back.



3. As sea levels rise and/or surges, we should build large dune-like structures with sufficient area to capture them as the Netherlands did.
4. Update the current standards for stormwater regulations. The aim for landscape design needs to be zero discharge on every new and/or reconstructed project henceforth, for a large, preferably, a hundred year storm. At the very least, new construction or reconstruction should be required to have the 100-year storm standard guidance for runoff. More importantly, critical areas near the edges of the flood zones should be financially encouraged to retrofit “runoff management on site” with green infrastructures – green roofs, rain barrels, rain gardens. A strict timeline should be adopted for these critical areas, and should include an agency funded “GI Landscaper Team” to help those who don’t know how to do the work.
5. Do a Clean Water Act Analysis. Review those areas where CWA was completely adopted, and those that were not. Compare and contrast a complete build-out of localities that willingly adopted all parts of the Clean Water Act, to the one’s they did not. This may lead to the adoption of new and improved CWA laws.

¹ `<div><iframe width="500px" title="Sea Level Rise Maps (2020s 100-year Floodplain)" height="425px" src="https://data.cityofnewyork.us/w/ezfn-5dsb/25te-f2tw?cur=OgJSy8P06BF" frameborder="0" scrolling="no">Sea Level Rise Maps (2020s 100-year Floodplain)</iframe><p>Powered by Socrata</p></div>`

B. Public Participation in NEPA, SEQRA, and/or CEQR processes. Public Participation is an essential part of this whole discussion – much more than other concerns. The public needs to know what the future holds for their quality of life and their taxes. Early information for the problems we face can help to minimize damage. Toward that end, there are some initial notification techniques the Lead Agency can adopt to help “spread the word.”

1. Clearly Identify the Proposed Action². Since this could become the preferred alternative, it should be clearly identified at the outset.
2. Environmental Assessment Timing, Contents and Requesting Public Comments.³ Public notification and involvement in the scoping for the Environmental Assessment and the Environmental Impact Statement is allowable and necessary to involve all communities. In addition, it is important for the public to be able to read letters from the interested parties and agencies throughout all parts of the NEPA process. Kindly make those public, as well.
3. Adaptive Management Alternatives should be encouraged.⁴ Natural resources are sometimes uncertain.

In conclusion, the need to strengthen the permits, rules and enforcements of the Clean Water Act is important for an improved quality of life. Municipalities need to understand that what the law provides is a matter of public health, not just an unfunded mandate. The quicker they adopt this, the quicker it will slow a pending disaster.

Sincerely,

Karen Argenti

Karen Argenti, Secretary on behalf of the
Bronx Council for Environmental Quality

Basil Seggos, Commissioner, NYSDEC

² Proposed action. This term refers to the bureau activity under consideration. It includes the bureau's exercise of discretion over a non-Federal entity's planned activity that falls under a Federal agency's authority to issue permits, licenses, grants, rights-of-way, or other common Federal approvals, funding, or regulatory instruments. The proposed action: (1) Is not necessarily, but may become, during the NEPA process, the bureau preferred alternative or (in a record of decision for an environmental impact statement, in accordance with 40 CFR 1505.2) an environmentally preferable alternative; and (2) Must be clearly described in order to proceed with NEPA analysis.

³ § 46.310 Contents of an environmental assessment. (a) At a minimum, an environmental assessment must include brief discussions of: (1) The proposal; (2) The need for the proposal; (3) The environmental impacts of the proposed action; (4) The environmental impacts of the alternatives considered; and (5) A list of agencies and persons consulted. (b) When the Responsible Official determines that there are no unresolved conflicts about the proposed action with respect to alternative uses of available resources, the environmental assessment need only consider the proposed action and does not need to consider additional alternatives, including the no action alternative. (See section 102(2)(E) of NEPA). (c) In addition, an environmental assessment may describe a broader range of alternatives to facilitate planning and decision-making. (d) A proposed action or alternative(s) may include adaptive management strategies allowing for adjustment of the action during implementation. If the adjustments to an action are clearly articulated and pre-specified in the description of the alternative and fully analyzed, then the action may be adjusted during implementation without the need for further analysis. Adaptive management includes a monitoring component, approved adaptive actions that may be taken, and environmental effects analysis for the adaptive actions approved. (e) The level of detail and depth of impact analysis should normally be limited to the minimum needed to determine whether there would be significant environmental effects. (f) Bureaus may choose to provide additional detail and depth of analysis as appropriate in those environmental assessments prepared under paragraph 46.300(b). (g) An environmental assessment must contain objective analyses that support conclusions concerning environmental impacts.

⁴ Adaptive management is a system of management practices based on clearly identified outcomes and monitoring to determine whether management actions are meeting desired outcomes; and, if not, facilitating management changes that will best ensure that outcomes are met or re-evaluated. Adaptive management recognizes that knowledge about natural resource systems is sometimes uncertain.