

March 7, 2023

Via electronic mail

Bryce W. Wisemiller, Project Manager
Programs and Project Management Division, Civil Works Programs Branch
U.S. Army Corps of Engineers, New York District 26
Federal Plaza, Room 2127
New York, NY 10278
nynjharbor.tribstudy@usace.army.mil

Ms. Cheryl R. Alkemeyer, NEPA Lead
U.S. Army Corps of Engineers, New York District,
Programs & Projects Management, Planning Division
Jacob K. Javits Federal Building, Room 17-420
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278
nynjharbor.tribstudy@usace.army.mil

Re: Hudson River Sloop Clearwater Comments on the Draft Integrated Feasibility and Tier 1 Environmental Impact Statement for The U.S. Army Corps of Engineers' New York and New Jersey Harbors and Tributaries Coastal Storm Risk Management Feasibility Study

Dear Mr. Weismiller and Ms. Alkemeyer:

On behalf of the Hudson River Sloop Clearwater, please accept these comments on the Draft Integrated Feasibility and Tier 1 Environmental Impact Statement under the National Environmental Policy Act ("NEPA") for the U.S. Army Corps of Engineers' ("Corps") New York and New Jersey Harbors and Tributaries Coastal Storm Risk Management Feasibility Study ("NY/NJ HAT Feasibility Study"). We value the Corps providing members of the public and Clearwater with the opportunity to submit comments on the Draft Integrated Feasibility and Tier 1 Environmental Impact Statement ("EIS").

Clearwater is a member supported organization which works to preserve and protect the Hudson River, its tributaries, and related bodies of water. For over five decades, Clearwater has worked to advocate for the Hudson River, educate the next generation of environmental stewards, provide river-based education programs to hundreds of thousands of students over 50 years, and foster an informed, and engaged public that celebrates and advocates for the Hudson River.

Prior to providing specific comments on the Draft Integrated Feasibility and Tier 1 Environmental Impact Statement, we wish to address the current scope of the study. While we value the need to study and mitigate risks from storm surge to protect human communities, studying and proposing protections for storm surge without consideration of sea level rise fails to address deeply interconnected threats to the communities within the study area. Any proposed in-water barriers designed to be closed only during storms fail to offer protection

from flooding from sea level rise or significant precipitation events. With this in mind, we respectfully request the study be updated to reflect the changes in the Water Resources Development Act of 2020, which requires consideration of sea level rise and comprehensive study of nature-based alternatives¹.

Below are our comments on the “National Environmental Policy Act (“NEPA”) for the U.S. Army Corps of Engineers’ (“Corps”) New York and New Jersey Harbors and Tributaries Coastal Storm Risk Management Feasibility Study (“NY/NJ HAT Feasibility Study”).

Non-Federal Partners Must be Engaged at the Ground Floor

Non-federal partners and local stakeholders such as municipal and county governments must be included in the development of proposed alternatives, not just brought in to review already developed plans. Earlier and more comprehensive engagement of non-federal partners is critical to planning and designing features which preserve public access such as berms and other shoreline measures.

Funding Must Be Made Available Tidal Hudson River-wide for Locally Driven Projects

At present, the proposed alternatives do not provide protections for Hudson River communities north of the George Washington Bridge though the study area extends on both sides of the Hudson River to Rensselaer and Albany Counties. Within the proposed alternatives should be grant funding for measures to protect against storm surge and sea level rise in all counties in the proposed study area. When considered and planned locally, plans can be made to enhance, complement, and add to existing green stormwater infrastructure, and provide beneficial natural habitats while protecting local communities from storm surge, sea level rise, and major precipitation events. Non-federal partners have knowledge of local community land uses and zoning, as well as existing and planned resilience projects, and local infrastructure. They also have experience engaging local communities, and often are familiar with local planning documents, such as comprehensive plans, and Local Waterfront Revitalization Plans.

Cost-Benefit Analysis

Additionally, the current Draft Integrated Feasibility and Tier 1 Environmental Impact Statement for the NYNJ HAT Feasibility Study uses an outdated cost benefit analysis. The current draft evaluates each alternative and the tentatively selected plan based on real estate damages and impact to national GDP. Section 4.8.4 outlines the approach to the Coast Benefit Analysis, which centers real estate losses and risks to national GDP using guidelines from 1983, which do not consider the benefits of riverine ecosystems or endangered species such as improved water quality, oxygenation, carbon sequestration, and habitat restoration or the protection of human life.² The Army Corps must use a more comprehensive and accurate approach to Cost Benefit Analysis including considerations of the considerable risks the current proposed alternatives pose to the ecosystem and water quality. Particularly the alternatives incorporating gates which risk permanently altering marine habitats, disrupting currents, and more. Given the significant risks to human life and the environment, an updated and comprehensive cost benefit analysis should be applied to the study considering human life and aquatic ecosystems.

Indian Point Nuclear Power Plant

The only reference to Indian Point in the Feasibility Study comes in section 2.4.5 (page 128) referencing the location of the plant in Buchanan and the April 30, 2021 closure date³. However, what this section fails to capture is the on-going vulnerability of the site to storm surge and sea level rise. During the plant’s operation, a 15-foot storm surge threshold was established for emergency shutdowns (SCRAM). In the days leading up to Hurricane Sandy, Clearwater, Riverkeeper, and other partner organizations appealed to the Nuclear Regulatory Commission for a planned shutdown ahead of the storm to mitigate the need for an emergency shutdown.

¹ The Water Resources Development Act of 2020, S.1811, 116th Cong, (2019-2020)
<https://www.congress.gov/bill/116th-congress/senate-bill/1811>

² NYNJ HATS Draft Integrated Feasibility Report and Tier 1 EIS, September 2022

³ The Water Resources Development Act of 2020, S.1811, 116th Cong, (2019-2020)
<https://www.congress.gov/bill/116th-congress/senate-bill/1811>

During the storm, the surge reached 11 feet, getting very close to the threshold. Though the plant is no longer operational, all material from the plant's operation remains on site, and subsequently vulnerable to storms. Sea level rise will also exacerbate the risks of storm surge. The NYNJ HAT Study should investigate what height of water puts the Dry Cask Storage vents and any other infrastructure at risk. As the intensity and frequency of hurricanes increases with climate change, the continued vulnerability of Indian Point must be comprehensively considered within any study of climate resilience and climate safety. Note, there are no references to Indian Point in Sub-Appendix A9: Hazardous, Toxic, and Radioactive Waste Survey Report⁴.

Nature-Based Solutions and Strategic Retreat

The study must more sufficiently evaluate the opportunities for incorporating nature-based solutions. Nature-based solutions often offer more opportunities for preserving public access and can add to existing habitat instead of removing habitat. Additionally, given the severe long-term projections for the combined impacts of sea level rise and storm surge on the region on and beyond a century timescale, beginning to plan, finance, and implement strategic retreat is here.

Furthermore, funding should prioritize projects incorporating nature-based solutions and preservation of access to local waterways. Storm surge resilience does not need to be exclusively gates and walls. Often nature-based solutions are quicker to construct and lower cost than gray infrastructure, and can be designed to both mitigate coastal flooding and erosion, while also creating habitat and without further restricting shoreline access.

Combined Sewer Overflows

Combined Sewer Systems collects and combines sewage and stormwater runoff and transports it to a wastewater treatment plant (WWTP) for treatment prior to discharge.⁵ However, when a WWTP's capacity is exceeded, the excess combined stormwater and wastewater is discharged into a local waterway, creating water pollution⁶. The added combined threat of storm surge and sea level rise puts these critical components of infrastructure at risk. Long-term viability of the current locations for WWTPs must be considered within the study, as well as methods to reduce the volume of precipitation entering Combined Sewer Systems during major storms to further reduce pressures on wastewater infrastructure to protect public and ecological health. Within this, we request study into strategic relocation and construction of green infrastructure be considered.

Furthermore, these systems rely on the flow of the waterway to dilute and flush out the discharged pollution, however, in parts of New York City and the Hudson River, water quality remains impaired days after a rain event as seen in Riverkeeper's Water Quality Monitoring Data⁷. In-water barriers, particularly those on small tributaries such as in the Selected Alternative 3B, could substantially reduce the ability of water to circulate within and in and out of already impaired waterways worsening water quality and subsequently harming the local ecosystem. Modeling must be conducted for each Alternative with in-water storm gates that would impact the ability of water to move in and out of each waterway, and any in-water barriers causing significant reduction in water movement should be replaced with shoreline measures.

Infrastructure

Storm surge threatens the short and long-term viability of the Metropolitan Transportation Authority - both the subway and regional rail systems. As climate change continues to worsen, 100-year storms are becoming increasingly frequent and more intense. Ensuring the long-term viability of public transportation in the greater New York City area must be considered within the scope of this plan.

⁴ Appendix A9: Tier 1 Hazardous, Toxic, and Radioactive Waste Survey Report, NYNJ HATS Draft Integrated Feasibility Report and Tier 1 EIS, 09 August 2022.

https://www.nan.usace.army.mil/Portals/37/Appendix%20A9_Tier%201%20HTRW_HATS.pdf

⁵ Combined Sewer Overflows (CSOs), National Pollutant Discharge Elimination System (NPDES), United States Environmental Protection Agency, <https://www.epa.gov/npdes/combined-sewer-overflows-csos>

⁶ Combined Sewer Overflows (CSOs), National Pollutant Discharge Elimination System (NPDES), United States Environmental Protection Agency, <https://www.epa.gov/npdes/combined-sewer-overflows-csos>

⁷ Water Quality Program, Riverkeeper, <https://www.riverkeeper.org/water-quality/testing/>

Remediation: Superfund and Brownfield Sites

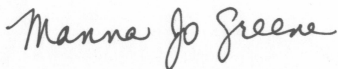
The study area, which extends from NYNJ Harbor to the Federal Dam at Troy includes superfund and brownfield sites along the Hudson River in New York and New Jersey and within the 100-year storm flood area. Storm surge creates risks for contaminants to be released from contaminated sites, potentially posing a risk to public health and the environment. Comprehensive study of brownfield and superfund sites must be conducted, with particular emphasis on sites on the Superfund National Priorities List (NPL) including effects on remediation timelines and needs for expedited remediation.

While we value the need to study and mitigate risks from storm surge to protect human communities, studying and proposing protections for storm surge without consideration of sea level rise fails to address deeply interconnected threats to the communities within the study area. Any proposed in-water barriers designed to be closed only during storms fail to offer protection from flooding from sea level rise or significant precipitation events.

Conclusion

Though we value the intention behind the study as a means to mitigate risks from storm surge on New York City and Hudson Valley communities, storm surge mitigations cannot be developed without equal and joint consideration of sea level rise. We request prior to further progression of the HATs process; the study authorization be amended to consider both sea level rise and storm surge to ensure the most appropriate protective measures can be developed. Furthermore, we strongly believe resilience measures should be locally driven, and center nature-based solutions and the preservation of public access.

Sincerely,



Manna Jo Greene, Environmental Action Director
Hudson River Sloop Clearwater
724 Wolcott Avenue
Beacon, NY 12508



David Toman, Executive Director
Hudson River Sloop Clearwater
724 Wolcott Avenue
Beacon, NY 12508



Stephen Stanne, Board President
Hudson River Sloop Clearwater
724 Wolcott Avenue
Beacon, NY 12508

CC:

Basil Seggos, Commissioner, New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-1010
Shawn M. LaTourette, Commissioner
New Jersey Department of Environmental Protection
401 E. State Street, 7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

Rohit T. Aggarwala, Commissioner
New York City Department of Environmental Protection

59-17 Junction Boulevard
Flushing, NY 11373