

RESOLUTION 2018-138

RESOLUTION TO REQUEST AN EXTENDED COMMENT PERIOD FOR THE NY/NJ HARBOR & TRIBUTARIES (NYNJHAT) COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY

Mayor Smith offered the following resolution, which was seconded by Trustee Gilliland and adopted:

WHEREAS, we, as representatives of the Village of Irvington in Westchester County urge Basil Seggos, Commissioner, New York State Department of Environmental Conservation (NYSDEC), Bryce Wisemiller, NY District Project Manager, U.S. Army Corps of Engineers (USACE) and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers to request an extension of the scoping comment period with additional public information and scoping meetings, for the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study; and to complete specific studies prior to the winnowing of proposed alternatives.

WHEREAS, The U.S. Army Corps of Engineers (USACE) initiated the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study, affecting more than 2,150 square miles, 25 NY and NJ counties and 16 million people. Communities along the shorelines of NYC, Long Island, NY Harbor, northern NJ, the Hudson River up to Troy, and western Connecticut are affected. The goal is to develop and implement measures to reduce the risk of coastal storm damage to communities, critical infrastructure, and important societal resources.

WHEREAS, USACE has proposed six alternatives:

- **Alternative 1:** “No Action,” meaning no new action by the Corps. Instead the region would move forward with numerous existing flood control projects already in the works.
- **Alternative 2:** Build two in-water barriers, from Sandy Hook to Breezy Point (5 miles) and across Long Island Sound near Throgs Neck Bridge (*see map at right*).
- **Alternative 3A:** Build in-water barriers in the Arthur Kill, Jamaica Bay, Verrazano Narrows, Pelham Bay, and Throgs Neck, and a levee or berm system along Brighton Beach and the Rockaways.
- **Alternative 3B:** Build in-water barriers in the Arthur Kill, Kill Van Kull, the Gowanus Canal, Pelham Bay, Throgs Neck, Newtown Creek, and Jamaica Bay. Build a levee and berm system and shoreline measures in East Harlem, the NJ upper bay and Hudson River, and the West Side of Manhattan.
- **Alternative 4:** Build in-water barriers in Pelham Bay, Jamaica Bay, Newtown Creek, the Gowanus Canal, and the Hackensack River. Build shoreline measures in East Harlem, the NJ Upper Bay and Hudson River, and the West Side of Manhattan.

- **Alternative 5:** Build only shoreline measures along the perimeter of coastal locations (dunes, berms and levees). Note that these shoreline protections are in addition to the wide array of shoreline flood control projects already planned or under way which are shown in Alternative

WHEREAS, USACE intends to narrow the six options down to one or two by this fall (2018). The one or two “tentatively selected plan(s)” will be the subject of a Draft Feasibility Report and Environmental Impact Statement this fall. USACE has opened a public comment period, ending September 20, to consider the “scope” of issues it should study in that preliminary environmental review.

WHEREAS, this short time frame and limited number of meetings is inadequate given the enormous scale of the project.

WHEREAS, several of these plans – specifically, the ones including giant in-water barriers throughout NY Harbor (Alternatives 2, 3A, 3B & 4) – threaten the very existence of the Hudson as a living river.

These in-water barriers would disrupt the migrations of the river’s iconic species (striped bass, Atlantic sturgeon, herring, shad, eel) and restrict tidal exchange, essential in numerous ways: from moving sediment and flushing contaminants from the Harbor, to regulating nutrient distribution and adequate dissolved oxygen.

WHEREAS, in-water barriers would not protect against flooding from sea-level rise – only from storms. With gates that must be open for ships to pass, the in-water barriers would do nothing against sea-level rise. By contrast, shoreline measures (Alternatives 5 and 1 combined) can protect against flooding from both storms and sea level rise, and can be more easily heightened as projections evolve.

WHEREAS, deflection or induced flooding in nearby unprotected shorelines may be a fatal flaw to these alternatives. Areas such as the Jersey shore, the south shore of Long Island, western Long Island Sound, and the Lower Bay of New York Harbor would be at risk. In-water barriers could hold back rainstorm flood waters, as we experienced during storms like Irene and Lee in 2011, from leaving the Hudson. This could cause fresh water flooding inland of the barriers.

WHEREAS, USACE estimates \$30 billion to \$50 billion to build the in-water barriers in Alternative 2, with annual maintenance likely costing billions, without even addressing sea level rise.

WHEREAS, Alternative 5 — shoreline and nature-based measures (dunes, dikes, floodwalls, and levees) — is estimated at \$2 billion to \$4 billion. It is the only alternative that addresses both storm surge and sea level rise, while leaving the river to flow freely.

WHEREAS, the economy and culture of the Hudson River Valley is intimately tied to the health of the Hudson River, including the migrations of its signature fish. Tourism generates more than \$5.3 billion annually.

WHEREAS, Non-federal sponsors of the study include New York State, represented by the NYSDEC and New Jersey, represented by the NJ Department of Environmental Protection. **NY and NJ thereby have the authority to withdraw from the study or to reject any construction alternative.**

NOW THEREFORE BE IT RESOLVED, that we, the elected representatives of the Village of Irvington in Westchester County in the Hudson Valley, cannot comment effectively, as is our legal right, without detailed information and data on the social, economic and environmental impacts of each alternative. The PowerPoint slides and the fact sheet provided to the public to date are completely inadequate. The Army Corps needs to publish comprehensive information about all the alternatives being considered, including the environmental impacts on the Hudson and the Harbor and to share with the public the complete list of existing studies it will consult in the preliminary assessments of the projects; and

BE IT FURTHER RESOLVED, the meetings recently posted were too few, announced too late, and were not advertised so that the public would actually be aware. The Army Corps and the other involved agencies need to provide numerous, comprehensive and well advertised public meetings throughout the affected area, which includes Long Island Sound, New York Harbor, New Jersey coastal waters and the Hudson to Troy.

BE IT FURTHER RESOLVED, the short comment period, for a proposal with consequences that could last centuries, or millennia, is unacceptable. By contrast, the U.S. Coast Guard, in seeking public feedback on designating new anchorage grounds on the Hudson, initially offered a three-month comment period on an “advance notice of public rulemaking,” then extended that by an additional three months, which allowed members of the public time to become informed and voice their opinions. Therefore, we request an extension of the scoping comment period to at least 90 days.

BE IT FURTHER RESOLVED, only one of the alternatives is even acceptable so far. Alternative 5, described as “Perimeter Only,” is the only acceptable alternative the U.S. Army Corps has presented to date. Only “shoreline-based measures” should be employed. Our protection would rely on shoreline-based floodwalls and levees, including beaches, dunes and waterfront parks, combined with reimagined land use from some low lying areas. It would protect our low-lying communities from both storm surge and flooding from rain storms, while leaving our rivers free to flow and thrive.

BE IT FURTHER RESOLVED, in its cost-benefit analysis of the current array of alternatives, the USACE should include an evaluation of the value of ecosystem services; and the cost of shoreline measures that are essential to protect against flooding from sea level rise, even for alternatives that include harbor wide barriers.

BE IT FURTHER RESOLVED, the full range of impacts must be considered before the six alternatives are narrowed. Before any alternative is eliminated from consideration, the potential impacts of each alternative should be studied in relation to the following:

- Tidal range / regime and flow velocity.
- Migration of all native fish species.

- Abundance of all native and currently existing fish species.
- Abundance and distribution of all mollusk species throughout the study area.
- Current and potential commercial and recreational fisheries.
- Endangered, threatened and special-concern fish and wildlife species (both federally and state designated) in the New York Bight and in the Hackensack River, Passaic River, Raritan River, Meadowlands, Jamaica Bay and Long Island Sound.
- Vegetation (subaquatic and intertidal).
- Birds.
- Habitat for fish, birds and other wildlife.
- Sedimentation rates, scour and elevation in the rivers, bays and harbor.
- Changes in contamination levels both in the water and in river and harbor sediments.
- Rate at which PCBs and other contaminants will be transported from the rivers and harbor to the sea.
- Water quality in the harbor, rivers and bays.
- Dissolved oxygen levels throughout the study area.
- Salinity throughout the study area.
- Water temperature throughout the study area.
- Nutrient concentrations throughout the study area.
- Frequency of algae blooms throughout the study area.
- The degree and cost of wastewater treatment required to comply with the Clean Water Act, in light of reduced tidal exchange /flushing.
- Induced coastal flooding or deflection of storm surge to areas adjacent to any barrier alternatives.
- Back-flooding inland of any barriers due to heavy rain events.
- Commercial shipping.
- Recreational boating.
- Cost to state taxpayers for future operation and maintenance of ship and tide gates in any barriers.

STATE OF NEW YORK

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COUNTY OF WESTCHESTER

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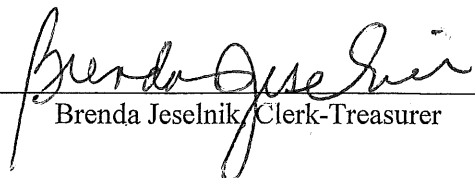
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I, Brenda Jeselnik, Clerk-Treasurer of the Village of Irvington, County of Westchester, State of New York do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Village Board of Trustees at a meeting duly called and held at the Village of Irvington on September 17, 2018 by the required and necessary vote of the members to approve Resolution.

WITNESS my hand and the official seal of the Village of Irvington, NY, this 18th day of September 2018.



 Brenda Jeselnik, Clerk-Treasurer