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Shawn LaTourette, Commissioner
New Jersey Department of
Environmental Protection
410 E State Street
Trenton, NJ 08625

Basil Seggos, Commissioner
New York State Department of
Environmental Conservation
625 Broadway
Albany, NY 12233

Jainey Bavishi, Director
Mayor's Office of Climate Resilience
250 Broadway
New York, NY 10007

October 15, 2021

Re: recommendations for non-federal sponsor requests of the US Army Corps of Engineers in continuation of the NY-NJ Harbor and Tributaries Study

Dear Mr. LaTourette, Mr. Seggos, and Ms. Bavishi,

We are writing on behalf of the Rise to Resilience coalition to urge you to request additional analyses and partner in the continuation of the U.S. Army Corps of Engineers (USACE) New York-New Jersey Harbor and Tributaries Study (NYNJHATS) toward an evidence-based and community-supported approach to study completion.

The Rise to Resilience coalition and members of Congress advocated for expanded language to be included in the Water Resources Development Act of 2020 (WRDA 2020), recognizing that it is critical that the full range of flood hazards facing our region are evaluated and effectively communicated to provide an evidence-based and community-informed analysis of the range of potential impacts, costs, and benefits.

As we understand the study is likely to commence again in the coming weeks and given the recent issuance of implementation guidance (and associated 30-day window for requests), we are sharing the following priorities for your consideration.

Requesting additional analyses of multiple hazards to inform wise investments

Considering the directive of section 203 to "evaluate and address the impacts of low-frequency precipitation and sea-level rise on the study area" and the recently-released implementation guidance for WRDA section 113 that specifies that additional analyses related to multiple flood hazards can be produced upon a



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request basis by non-federal study sponsors (appended), we urge you as non-federal sponsors to request that the USACE New York District work with the USACE Research and Development Center (ERDC) to conduct additional analyses. **Specifically, we request that the USACE analyze the performance of proposed and potential flood risk measures in the following scenarios:**

- **Sea-level rise alone** using moderate and high projections from the New York City Panel on Climate Change or the New Jersey Science and Technical Assistance Panel. through 2100. These projections have undergone extensive development and review in the region and are the locally preferred projections used for planning. Acknowledging that decision-making will center on a time frame for which there is more certainty (e.g., the 2080s), analysis through 2100 is also important to better compare the long-term performance of different measures, consistent with other larger infrastructure projects being designed and developed in the region (e.g., the East Side Coastal Resiliency project). Understanding the performance of proposed flood risk measures for sea-level rise alone will help to inform decision-making around the benefits of proposed measures in addressing tidal flooding as well as surge.
- **Low-frequency, high precipitation events with and without storm surge at current and projected future sea levels,** evaluating potential induced or exacerbated fluvial and pluvial flooding. We encourage the use of compounded flooding models where feasible such as the ERDC next generation coastal storm risk management assessment model as well as the incorporation or consideration of local stormwater models (e.g., New York City's stormwater model) and projected increases in precipitation to the extent feasible. Understanding the performance of proposed flood risk measures for combined flooding scenarios will help decision-makers understand the benefits of proposed measures in addressing tidal flooding as well as surge.

It is our understanding that this request must come from the non-federal sponsors within 30 days of receiving the implementation guidance for section 113, which was recently shared with the non-federal sponsors.

Pursuing a locally-preferred alternative

More broadly, as NYNJHATS begins a restart, we also strongly encourage you to pursue the following measures that reflect priorities not only of this coalition but many who weighed in during study development via the public comment process. As an example, Miami-Dade County in Florida plans to move forward with the development of a locally preferred option for the latter part of the USACE Coastal Storm Risk Management Study in the region that incorporates more community input, equity, and nature-based features.



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- **Pursue a phased approach:** The interim NYNJHATS report referenced that the tentatively selected plan may include provisions for adaptation, such as near-, mid-, and long-term options. Given the uncertainty in the planning horizon, we encourage you to pursue a phased approach that enables understanding the relationship between local and more regional approaches, thoughtful decision making that accounts for the many local structural and non-structural projects now underway and implementation of different options over different time scales and scenarios. This approach should also enable rapid implementation of near-term measures for which there is high confidence and support, as is being pursued with the New Jersey Back Bays Study.
- **Request an alternative that incorporates more nonstructural and natural and nature-based features (NNBF),** especially in areas with high risk of tidal flooding, and to expedite the associated analyses so that the beneficial impacts of NNBF are sufficiently considered throughout the study. We particularly encourage a closer look at buyouts, restored natural areas, elevation or relocation of infrastructure, and non-physical nonstructural measures. We encourage the USACE to analyze these not only as residual risk measures but as potential strategies to address multiple flood hazards and provide additional benefits, informed by the January 5, 2021 [Policy Directive on Comprehensive Documentation of Benefits in Decision Document](#) and the recently-released [International Guidelines on Natural and Nature-Based Features \(NNBF\) for Flood Risk Management](#). Through the Policy Directive, total project benefits (beyond National Economic Benefits) including economics, environmental, and social categories must be considered.¹
- **Review costs and benefits through a lens of racial and economic equity:** in reviewing risk reduction measures and alternatives, we encourage the non-federal sponsors and the USACE to give greater consideration to social vulnerability. As resources are limited, it is critical to understand the full range of potential options that address multiple hazards and provide multiple benefits to the region before alternatives are advanced that will commit the states and federal government to billions in taxpayer dollars.
- **Request analyses of potential gate closure frequency:** with the enormous potential costs and environmental impacts of storm surge gates, we urge you to request that the USACE evaluate this at the outset of the restart, incorporating not only regional sea-level rise projections

¹ The [policy directive](#) indicates that “total benefits involve a summation of monetized and/or quantified benefits, along with a complete accounting of qualitative benefits, for project alternatives across national and regional economic, environmental, and social benefit categories.” (p2)



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but examples of how these projections have held up over time with similar gates nationally and internationally.

- **Partner with communities most affected in a robust public engagement process:** finally, we urge you as non-federal sponsors to lead in partnership with the USACE and community members to ensure that the study direction is responsive to the residents of the region, especially those most affected. To date, the onus has been on USACE internal staff to conduct engagement through public meetings, despite the agency's limited resources and capacity to conduct this work. In a region of 16 million residents, the study's engagement methods relied on nine public workshops at which there were only 705 attendees. The need for the USACE and non-federal sponsors to engage with the public, especially those most affected by climate change in this study development is also reflected in WRDA 2020 section 203. The States of New Jersey and New York and City of New York are much better positioned to conduct outreach and drive input into the study and plan development. Working in partnership with communities can lead to a better-informed, better-designed project with greater buy-in. Giving communities a more meaningful seat at the table is not only the right thing to do, it will lead toward a successful project. With increasing federal resources coming to the state (Covid relief and Ida supplemental appropriations), we encourage you to direct resources toward a robust community engagement process to accompany project development and refinement, including grants to non-governmental community partner organizations throughout the study and design process.

We look forward to following up with you to further discuss priorities for the scope of a NYNJHATS restart in more detail with you in your capacity as non-federal sponsor, and to continuing to support your work to address flood risk.

Sincerely,

Cortney Worrall

President and CEO
Waterfront Alliance

Kate Boicourt

Director, NY-NJ Coastal Resilience
Environmental Defense Fund

Jeremy Cherson

Senior Manager of Government Affairs
Riverkeeper



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Cc:

The Honorable Kathy Hochul, Governor of New York
The Honorable Philip Murphy, Governor of New Jersey
The Honorable Bill de Blasio, Mayor of New York City
Mr. David Rosenblatt, Chief Resilience Officer
Mr. James Tierney, Assistant Commissioner for Water Resources, New York
Department of Environmental Conservation
Ms. Eileen Murphy, Director of Federal Affairs, New York Department of
Environmental Conservation

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Rise to Resilience is a campaign and coalition spearheaded by the Waterfront Alliance. We represent residents, leaders in business, labor community and justice, volunteer organizations, scientists, environmental advocates, and design professionals collectively calling on our federal, state, and local governments to make building climate resilience an urgent priority





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Appendices

WRDA Section 113. Review of Resiliency Assessments

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1 **SEC. 113. REVIEW OF RESILIENCY ASSESSMENTS.**

2 (a) **RESILIENCY ASSESSMENT.—**

3 (1) **IN GENERAL.—**Not later than 180 days

4 after the date of enactment of this section, and in

5 conjunction with the development of procedures

6 under section 110 of this Act, the Secretary is di-

7 rected to review, and where appropriate, revise the

8 existing planning guidance documents and regula-

9 tions of the Corps of Engineers on the assessment

10 of the effects of sea level rise or inland flooding on

11 future water resources development projects to en-

12 sure that such guidance documents and regulations

13 are based on the best available, peer-reviewed

14 science and data on the current and future effects

15 of sea level rise or inland flooding on relevant com-

16 munities.

17 (2) **COORDINATION.—**In carrying out this sub-

18 section, the Secretary shall—

19 (A) coordinate the review with the Engi-

20 neer Research and Development Center, other

21 Federal and State agencies, and other relevant

22 entities; and

23 (B) to the maximum extent practicable and

24 where appropriate, utilize data provided to the

25 Secretary by such agencies.



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WRDA Section 203. Expedited Modifications of Existing Feasibility Studies

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1 (4) NEW YORK AND NEW JERSEY HARBOR AND
2 TRIBUTARIES, NEW YORK AND NEW JERSEY.—The
3 study for flood and storm damage reduction for the
4 New York and New Jersey Harbor and Tributaries
5 project, authorized by the Act of June 15, 1955
6 (chapter 140, 69 Stat. 132), and being carried out
7 pursuant to the Disaster Relief Appropriations Act,
8 2013 (Public Law 113–2), is modified to require the
9 Secretary to—
10 (A) evaluate and address the impacts of
11 low-frequency precipitation and sea-level rise on
12 the study area;
13 (B) consult with affected communities; and
14 (C) ensure the study is carried out in ac-
15 cordance with section 1001 of the Water Re-
16 sources Reform and Development Act of 2014
17 (33 U.S.C. 2282e).