

**AIA New York
Bronx River Alliance
Brooklyn Greenway Initiative
Center for New York City Neighborhoods
Coney Island Beautification Project
Environmental Defense Fund
Emergency Shelter Network
Future City, Inc.
Gowanus Canal Conservancy
Gowanus Dredgers Canoe Club
Hackensack Riverkeeper
Hutchinson River Restoration Project
Jupiter Intelligence
Lower Raritan Watershed Partnership
Mathews Nielsen Landscape Architects
National Parks Conservation Association
Natural Areas Conservancy
Neighborhood Housing Services of Brooklyn
New Jersey Future
New Jersey League of Conservation Voters
New York Building Congress
New York City Comptroller Scott Stringer**

**New York Disaster Interfaith Services
New York League of Conservation Voters
New York Voluntary Organizations Active in Disaster
Newtown Creek Alliance
North Shore Waterfront Conservancy of Staten Island
Ocean Bay Community Development Corporation
Raritan Riverkeeper
Rebuild by Design
Red Hook Initiative
Regional Plan Association
Riverkeeper
Rockaway Initiative for Sustainability and Equity
Save the Sound
Scenic Hudson
Staten Island Community Organizations Active in Disaster
Stormwater Infrastructure Matters Coalition
TUFF-LES
Waterfront Alliance
Wildlife Conservation Society's New York Aquarium**

MEMO – REQUEST FOR ACTION ON FLOOD RESILIENCE

Fund and Refine the US Army Corps of Engineers New York New Jersey Harbors and Tributaries Study (NYNJHATS)

Our region and the people who live here face many challenges, and we need solutions that ensure the equitable resilience, accessibility, and ecological integrity of our communities. We appreciate the US Army Corps of Engineers' (USACE) work to study options for increasing our regional resilience to coastal storms, and are concerned about the recent halting or indefinite postponement of the study through the federal work plan. We must get this process back on track and moving in the right direction, ensuring that this critical study both gets done, and we must get it right.

There is no silver bullet to address our increasing vulnerability, and as sea level continues to rise with entire neighborhoods, towns, hundreds of thousands of homes, businesses, and ways of life slated to be underwater in many of our lifetimes, it is important we get this study right. Through this study and the tentatively selected plan, the USACE has the opportunity to show leadership and contribute to that vision in a way that is reflective of those needs, and yet the study and outreach surrounding it falls far short. Organizations signing onto this memo have commented in detail throughout the study process on key shortcomings of NYNJHATS, which could shape our coast and risk exposure in the region for generations to come. Via this memo, we identify and request of the USACE and our elected leaders key actions to address these shortcomings and such that a shared path forward can be forged. Given the size, scope and influence of this project, it is imperative that we ensure holistic solutions are proposed for the future of our coastline. We need to get it done and we need to get it right; and below we identify the discrete opportunities for federal elected leaders as well as state and local elected leaders to take action.

REQUEST OF FEDERAL ELECTED LEADERS

Our federal congressional delegation must ensure that the study addresses sea level rise and environmental and social values in any study of coastal flood risk. Currently, the purpose of NYNJHATS is framed as a study to address coastal storm risk. Sea level rise and tidal flooding are only considered later in the process from the perspective of “how high” to build structures -- or how large to build their foundations -- such as gates or berms, rather than fundamentally integrated into the approach. In assessing and addressing climate vulnerability, the standard approach is to first determine the locations of dense residential populations, vulnerable communities, critical assets, and habitats. Areas of highest risk and need are then identified, and a suite of possible alternatives tailored to each context proposed before analysis is conducted. The approach presented by the Army Corps of Engineers begins with pre-selected alternatives first and with little focus on social or environmental vulnerability. It is fundamentally problematic from both a scientific and fiscal perspective to omit these true costs from the basis of the study. In its current formation, NYNJHATS is artificially biased away from solutions that can address multiple benefits in favor of hard solutions. In fact, Boston’s “Green Ribbon Commission” recently turned down harder strategies in favor of approaches that would also address sea level rise, stating “*Shore-based solutions would provide flood management more quickly at a lower cost, offer several key advantages...and provide more flexibility in adapting and responding to changing conditions, technological innovations, and new information.*”¹ Approaches that address solely storms will leave significant numbers of people and entire neighborhoods - Jersey City, Secaucus, Newark, Elizabeth, Linden, Carteret, Coney Island, Rockaway, Red Hook, Howard Beach, Manhattan, Staten Island, Hunts Point, Port Morris, Throgs Neck, among others, under water by the end of the century. People will lose their homes, businesses, and be affected by the largest migration our region has likely ever experienced due to rising seas. This is not cost-neutral. Further, any study of our risk should be inclusive of the costs and benefits to our critically important ecosystems and natural resources (which, in addition to their innate value, also provide multiple benefits including parks and open space, habitat for fish and wildlife, moderating heat waves, improving water quality, and supporting human health) and communities most vulnerable to climate change - low-income communities and communities of color. These factors are not prioritized based on current approaches.

To address these issues and enable the USACE to execute a more effective study, we ask Congress to:

- **Expand authorization for the NYNJHATS to address sea level rise** as well as coastal storms as the purpose of the study and better prioritize socially vulnerable communities as well as natural resources. Sea level rise projections used should be consistent with regional projections as identified by the New York City Panel on Climate Change and Rutgers University.
- **Prioritize environmental justice communities and nature through mandating the implementation of 2013 Principles & Requirements.** The USACE has reflected that its current authorization inhibits its ability to address sea level rise as a key premise of the study, and that it is limited to decision-making based on economic factors included in its 1983 version of Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (1983 Principles & Guidelines), which are themselves rigid and limited in scope. These were updated in 2013 to better incorporate climate change, environmental justice, and environmental impacts and costs, but the USACE was specifically prohibited from

¹ **Feasibility of Harbor-Wide Barrier Systems: Preliminary Analysis for Boston Harbor.** 2018. Sustainable Solutions Lab, University of Massachusetts Boston. <https://www.greenribboncommission.org/wp-content/uploads/2018/05/Feasibility-of-Harbor-wide-Barriers-Report.pdf>

implementing them -- or spending money to do so -- via the [2016 H. Rept. 114-91 - Energy and Water Development Appropriations Bill](#). In the Further Consolidated Appropriations Act, 2020 (HR 1865), the intent was to remove the long-standing prohibition and direct USACE to quickly implement these important requirements. Congress should provide clear directive to USACE to lift this prohibition and ensure swift implementation of the 2013 principles and expand the flexibility of decision-making to better take into account the costs and benefits to socially vulnerable communities and ecosystems. A thorough incorporation of the potential risks to frontline communities and of ecological damage to the Hudson River, NY/NJ Harbor and the nearby coastal ecosystems as well as impacts to resident and migratory species including fish, horseshoe crabs, seabirds and marine mammals among others is needed. Congress should direct the USACE to draft an implementation plan to address and consider the 2013 updated principles in the plan formulation. Congress should also provide the USACE with necessary funding to implement the principles.

- **Increase the resources available for public engagement:** Through 2020 and future WRDA bills, Congress should ensure that the outreach and engagement budget is commensurate with the scale of the study and number of constituents affected. The USACE must also follow the requirements for outreach to communities of color, Tribes, and low-income communities as outlined in the 2013 updated Principles & Guidelines.

REQUEST OF ELECTED LEADERS AT THE STATE LEVEL IN NEW YORK AND NEW JERSEY, AND AT THE CITY LEVEL IN NEW YORK

As partners in the study process, the States of New York and New Jersey -- each responsible for 25% of the cost -- and the City of New York bear great responsibility for this project specifically, and in engaging and empowering the public to make decisions around the approach that we take going forward to address storms and sea level rise. Yet all of these partners have been quiet throughout the USACE study process. As significant shortfalls in public engagement and study approach have been identified, the NYNJHATS partners have a duty to step up and improve the public engagement process to inform decision-making; they have a responsibility to their constituents.

Specifically, we ask our elected leaders to ensure the best possible approach through:

- **Thoroughly evaluating natural and nature-based, and non-structural strategies:** as many years are likely to pass before any large-scale structural solutions are initiated or completed, a thorough analysis of the costs and benefits of non-structural policy, programmatic, and regulatory changes are needed. Changes to zoning, buyouts, incentives to retrofit, and other solutions are already being implemented and should be evaluated for their effectiveness in meeting cost, environmental, and social/public value ends. The states of New York and New Jersey and the City of New York should ensure that these measures are thoroughly included through either requesting their improved integration into the USACE process or by addressing these issues more thoroughly themselves by dedicating resources to supplement the study.
- **Dedicating resources to public engagement** approximately ten public meetings with a total of a few hundred participants (fewer than 30 in New Jersey) have been held in a few locations for a region of more than 16 million. As there are likely limitations on the ability to quickly mobilize federal resources, state and city partners must play an important role to better inform the public, increase awareness, gauge public values and inform the decision-making process. For comparison, the design competition Rebuild by Design included the creation of Citizen Advisory Committees who host public meetings, identify community values, collect feedback, and bring local knowledge to the decision-making table. And, in New York City, the New York City

Department of City Planning's outreach process to share and solicit feedback into how the City's zoning could be updated to accommodate increasing flood risk included more than 110 public meetings and events. Local knowledge is critical to determining equitable and sound resilience solutions that may not be captured without robust community engagement.

We thank you for your support in ensuring that this important study is steered in the right direction, for the future of New York and New Jersey, and will work together in a coalition to support reasoned solutions to sea level rise and coastal flooding.