



December, 2, 2016

Robert Smith, Project Biologist
U.S. Army Corps of Engineers, New York District
Planning Division-Environmental Branch
26 Federal Plaza
New York, New York 10278-0090

Dear Mr. Smith,

Thank you for the opportunity to submit these comments on the U.S. Army Corps of Engineers (Corps) Atlantic Coast of New York, East Rockaway Inlet to Rockaway Inlet and Jamaica Bay: Draft Integrated Hurricane Sandy General Reevaluation Report And Environmental Impact Statement (Draft EIS) dated August 2016.

The S.W.I.M. Coalition represents over 70 organizations dedicated to ensuring swimmable and fishable waters around New York City through natural, sustainable stormwater management practices. Our members are a diverse group of community-based, citywide, regional and national organizations, water recreation user groups, institutions of higher education, and businesses. On behalf of the S.W.I.M. Coalition Steering Committee, please accept these comments on the Draft EIS.

The SWIM Coalition would like to share the following concerns.

The potential impacts of the sea gate and walls on water quality, hydrology, habitat and sediment flux are not clearly stated, described, or considered in this Draft EIS. Specifically we are concerned about a host of the potentially significant impacts - many, if not most, of which were only mentioned (not discussed) in the Draft EIS. We ask that the Corps more fully explore these questions, and other issues raised below, in a new Draft EIS before advancing the review of this proposal to a Final EIS stage:

1. Please include a full analysis of the impact of combined sewer overflows and separate storm sewer discharges on the water quality of Jamaica Bay during the time the gate is closed. Please also include an analysis of these overflows and discharges given the anticipated reduced tidal exchange caused by the gates immovable infrastructure (even when open).
2. Please include an operations plan, or anticipated use plan, describing how, when, and whether the gate will be closed. Will it be engaged only for large storms, leading to some areas continuing to be flooded during smaller storms, or will it be closed under some other circumstances? For each of the circumstances the gate will be closed, the Corps should include modeled impact assessments - across all Draft EIS issue areas (including but not limited to water quality, fisheries, oyster reef productivity, human health, access, and navigation).
3. Please describe where, if anywhere, flooding in the action area will continue to occur, whether during small or large storms, and under a variety of sea level rise and storm surge



scenarios. Please also include the Corps' modeled costs associated with recovery from such flooding events.

4. Please include an assessment of where water outside the barrier - in the immediate vicinity of the barrier - will travel if the barrier is closed (please provide maps).
5. Please describe in more detail the impacts of the permanent fixtures installed as part of the gate on the water exchange between the Bay and the ocean, on the ability of fisheries, marine mammals, and sea turtles to transit through the gate's permanent structure.
6. Please describe the impact of the gate on endangered sturgeon.
7. Please describe what will happen to migrating (or simply swimming) fish trapped on the inside of the gate when the barrier is shut.
8. Please describe the impact of altered hydrology on water quality, habitat, and sediment flux within the Bay. Please specifically examine impacts to restoration projects completed, planned, funded, and approved (including by the Corps) within Jamaica Bay over the past ten years - from oyster restoration pilot programs to seagrass restoration and borrow pit remediation projects.

Given that the Corps itself highlights in this Draft EIS that there are a host of unknown parameters, impacts, and specifics associated with this project, more review is clearly warranted before the agency can progress any further in its review. Among the many deficiencies, these are some of the most egregious:

- No proposed size, shape, form, or use specifics for the storm barrier.
- No identified engineering analysis of the barrier.
- No water quality impact assessment of Jamaica Bay under closed-gate conditions.
- No assessment (and only minimal identification) of endangered species, fisheries, and marine mammal impacts and issues.
- No review (or even cataloguing of) past, present, and pending future remediation and restoration activities within the Bay, let alone any analysis of the impacts the barrier may have (open or closed) on the hundreds of millions of dollars of work that has been leveraged by the Corps, other federal agencies, state and local government, and community organizations for the benefit of the Bay and its resilience.
- No assessment of any natural or enhanced-ecosystem resilience planning alternatives.

These uncertainties and unknowns make evaluating the proposed plan extremely difficult. While we understand and accept there will always be uncertainties even in the best developed plan, we are left wondering if the Army Corps of Engineers conducted due diligence to minimize such uncertainties - or even fully describe potentially significant impacts - and more explicitly address these many unknowns. We also urge the Army Corps of Engineers to expand the Natural/Nature Based Features (NNBFs) particularly as part of the residual risk projects and the perimeter plan for Jamaica Bay. Civil engineering solutions only accomplish one goal for which the structure is designed. On the other hand NNBFs accomplish multiple goals, including but not limited to water quality improvements, habitat enhancement, and public amenities. Furthermore NNBFs should be developed and implemented at the neighborhood scale (rather than larger regional scale) to ensure needs of the local communities and the local habitats are taken into consideration and in full partnership with the other public agencies such as the NYC Department of Environmental Protection, NYC Parks, and National Park Service and others. In



addition there is a great deal of expertise and local knowledge within the private sector that should be tapped as a resource in developing a more robust NNBF plans.

It has come to our attention that many community based organizations have not been adequately informed of this plan or the public meetings. We urge the Army Corps of Engineers to provide more opportunities for the public to review and comment on every phase of this project. In fact there are models for effective public outreach and engagement, such as the New York Rising Citizens Advisory Committee and the EPA's Superfund Community Advisory Groups.

Finally given the projections on sea level rise and frequency of severe weather events, we must give coastal retreat and buy-out as serious and viable alternatives. New York State has already implemented a buy-out program in Staten Island. Such non-capital (i.e., programmatic) solutions may not exactly align with the Army Corps of Engineers' expertise but with appropriate partnerships this type of programmatic solutions can be further developed and might be the most prudent action in some areas.

We hope the Army Corps of Engineers will take into serious consideration our comments and feedback from other stakeholders and not move forward hastily. There is too much at stake for us not to develop a thoughtful plan that is protective of our communities as well as the ecosystem in the long term.

Sincerely,

A handwritten signature in cursive script that reads 'Julie A. Welch'.

Julie A. Welch
SWIM Coalition Program Manager
On behalf of the SWIM Coalition Steering Committee

Sean Dixon, Riverkeeper
Andrea Leshak, NY/NJ Baykeeper
Larry Levine, Natural Resources Defense Council
Michelle Luebke, Bronx River Alliance
Paul Mankiewicz, The Gaia Institute
Tatiana Morin, New York City Soil & Water Institute
Jaime Stein, Pratt Institute
Shino Tanikawa, New York City Soil & Water Conservation District