

CITIZENS ADVISORY COMMITTEE

of the New York – New Jersey Harbor & Estuary Program

To: U.S. Coast Guard

Cc: Management Committee and Policy Committee of the New York-New Jersey Harbor & Estuary Program.

From: Co-Chairs of the Citizens Advisory Committee of the New York-New Jersey Harbor & Estuary Program (HEP CAC).

Re: Environmental Assessment for the Bayonne Bridge Navigational Clearance Program

Date: March 5, 2013

The Citizens Advisory Committee (CAC) of the New York-New Jersey Harbor & Estuary Program would like to register its concern over the draft Environmental Assessment (EA) that the Coast Guard and the Port Authority have prepared for the Bayonne Bridge Navigational Clearance Program.

First and foremost, we are confused by what seems to be a fundamental disconnect at the core of the EA. On page 1 of Chapter 1, “Purpose and Need,” the document states that the aim of the bridge-raising is “to sustain the Port of New York as modern, efficient and competitive.” Yet just two pages later, in a discussion of projected growth in container traffic between now and 2035, the document asserts that “[t]his growth is predicted to occur with or without increasing the vertical navigational clearance of the Bayonne Bridge.”

If an unchanged rate of growth is in fact the projection, then why spend more than \$1 billion to raise the bridge? The EA’s answer is that larger ships will mean fewer transits of the harbor and thus less air pollution from ship emissions, and that efficiencies of scale will reduce costs for shippers, and likely reduce consumer prices as well—“although,” the report cautions, “that percentage cannot be determined because it is subject to shippers’ discretion.”

While those are laudable goals, we feel that it is disingenuous for the document not to acknowledge that the real driver behind this project is an obvious and oft-stated desire not to lose our “lead” as the number one port on the East Coast. Put another way, it seems inconsistent for the EA to say that cargo traffic will remain the same but that it will be carried on bigger ships in a more efficient manner. Instead, the clear (but unstated in the EA) argument is that if the Port does not allow bigger ships, the potential for growth in shipping traffic would be diminished. Yet by completely discounting the possibility that the bridge-raising could result in a dramatic expansion in cargo passing through the port, the EA essentially makes a determination of no significant impact.

For example, the Induced Demand Analysis (Appendix I) concludes that additional growth at terminals west of the Bayonne Bridge would be less than 0.7 percent of the 10.65 million TEUs expected in 2035 (p. 19—“a negligible increase in truck and rail traffic that would not be noticeable on an annual, daily or hourly basis.” For residents of nearby neighborhoods, who currently deal with as many as 7,000 diesel trucks a day, this is simply not credible. A more realistic assessment ought to

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acknowledge the possibility of induced demand leading to more traffic, and thus to substantial environmental health impacts, as diesel exhaust is known to cause lung cancer, exacerbation of asthma and other lung diseases, cardiovascular disease and mortality.

That leads to a second and no less important concern—namely, that the EA process did not adequately engage the communities most likely to be affected by an expansion in freight movement. We understand that the Coast Guard followed the letter of the law in establishing a 45-day comment period, and we appreciate the two-week extension of that period, in response to numerous requests from community groups. But the fact remains that many of our constituents either felt excluded from the process or weren't aware of it at all.

A third issue that goes unaddressed in the EA is public access to the waterways and, more specifically, the right of the public to navigate the Kill van Kull without restriction. The new superships that the bridge-raising is designed to accommodate are much wider than their predecessors. It seems likely they will require the assistance of more tugs, and also trigger more security concerns. At the same time, recreational boating is expanding all over the harbor. Shouldn't the document raise the possibility of conflict over public access to that waterway, and suggest planning strategies for dealing with that now?

Finally, and perhaps most alarmingly, the EA completely fails to address what may be the most obvious environmental question of all: couldn't the raising of the Bayonne Bridge inevitably lead to another round of channel deepening, and if so, what would the consequences be?

In fact, a February 14, 2011 letter from the Port Authority to the Federal Energy Regulatory Commission concerning the Spectra Energy NY/NJ Pipeline Expansion specifically mentions plans for port development that “take into consideration the next generation of container ships, which require a channel depth of 60 feet” and asks Spectra Energy to coordinate drilling plans with the Army Corps of Engineers, “which will enable future deepening of the Kill Van Kull navigable channel to 60'.”

To judge from the language of the EA, the Port Authority has since backtracked from that position and currently has no plans to deepen the Kill van Kull beyond the authorized 50 feet. We are curious to know exactly when and how that reversal took place. Furthermore, even if there are no current plans, why would the Coast Guard refuse to consider the possibility that future commercial pressures might force a change in those plans?

From our perspective, it is not unreasonable to think that the reconfiguration of the Bayonne Bridge could serve as a gateway to further dredging and port development. Before that happens, it seems to us irresponsible not to assess the cumulative impact of dredging and harbor infrastructure on the harbor's hydrology, its ecological function and its waterfront and environmental justice communities. Among other things, that should include a study of the connection between deeper shipping channels and increased storm surge risk.

The last two winters have seen unprecedented natural disasters in our region and along our shorelines. They have dramatically changed the public's understanding of the harbor and the estuary, and the result has been a host of new ideas and new discussions, new political initiatives, and new planning processes. Now is not the time to race ahead with a multi-billion-dollar infrastructure project whose true environmental and economic costs have yet to be analyzed.

We urge the Coast Guard to rethink the fast-tracking of the Bayonne Bridge project, and to relaunch, with partners other than just the Port Authority, a more independent, wide-ranging and critical assessment of this project's potential impacts.

Sincerely,

The Citizens Advisory Committee, New York-New Jersey Harbor & Estuary Program.

This letter has been adopted by the HEP CAC following procedures established in its bylaws (<http://www.harborestuary.org/pdf/CAC%20Bylaws-Revision-Jun-03-11-F.pdf>). CAC members who have voted in support of this letter include:

Meredith Comi, NY/NJ Baykeeper, NJ co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Rob Buchanan, Village Community Boathouse, NY co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Shino Tanikawa, New York City Soil and Water Conservation District, NY alternate co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Capt Bill Sheehan, Hackensack Riverkeeper

Nancy Brous, New York City Water Trail Association

Michelle Doran McBean, Future City, Inc. / Elizabeth River/Arthur Kill Watershed Association

Dr. Merryl Kafka, New York State Marine Education Association

The Gowanus Dredgers Canoe Club

The River Project

In addition, this letter has been endorsed by the following non-voting CAC members and non members:

Andrew Willner, Sustainability Solutions

David Burg, President, WildMetro

Protectors of Pine Oak Woods

Raritan Riverkeeper

Robert J. Laumbach M.D., M.P.H.

NOTE: The New York-New Jersey Harbor & Estuary Program is a partner program and its members occasionally have conflicting positions on regulatory and management issues. One of the Program's roles is to facilitate the exchange of ideas and to work towards resolution of these issues. The opinions of individual agencies or committees do not necessarily reflect the opinion of the Program as a whole.

The Citizens Advisory Committee provides guidance and advice to the New York-New Jersey Harbor & Estuary Program Management Committee on Program decision making on behalf of the diverse stakeholders in the region. Its membership and meetings are open to all interested parties in the region that use, or have concerns about, the New York-New Jersey Harbor Estuary and New York Bight. The Citizens Advisory Committee is the only body in the New York-New Jersey Harbor & Estuary Program that can adopt official positions on issues and topics. These official Citizens Advisory Committee positions are adopted by a majority vote of Citizens Advisory Committee members. Citizens Advisory Committee positions do not necessarily reflect the opinion of the New York-New Jersey Harbor & Estuary Program or its members and partners.