



New York City Environmental Justice Alliance’s (NYC-EJA) Testimony to the New York City Council Committees on Waterfronts and Economic Development on the oversight hearing regarding “Examining the Use of Mitigation Banking for Waterfront Restoration.” February 27, 2015

Founded in 1991, the New York City Environmental Justice Alliance (NYC-EJA) is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens. Through these efforts, member organizations coalesce around specific common issues that threaten the ability of low-income communities of color to thrive, and coordinate campaigns designed to inform City and State policies. The impact of climate change on waterfront communities and mitigation measures is central to NYC-EJA’s agenda. In our research and advocacy for the Waterfront Justice Project as well as the Sandy Regional Assembly, NYC-EJA has established a track record advocating for wetlands restoration and green infrastructure in NYC’s industrial waterfront communities.

NYC-EJA’s Waterfront Justice Project

In 2010, NYC-EJA launched the Waterfront Justice Project, New York City’s first citywide community resiliency campaign. When the City of New York initiated its overhaul of the Comprehensive Waterfront Plan (Vision 2020) in 2010, NYC-EJA began an advocacy campaign to convince the Bloomberg Administration to reform waterfront zones designated as the Significant Maritime and Industrial Areas (SMIAs.) These are zones created by the 2002 NYC Waterfront Revitalization Program (WRP) to encourage the protection and siting of industrial and maritime uses along the waterfront.

NYC-EJA’s research findings emphasize the vulnerability of the SMIA’s to potential hazardous exposures in the event of severe weather; the importance of wetlands restoration and green infrastructure projects; and the urgent need to address the public health impacts on vulnerable communities -- as referenced in the New York City Panel on Climate Change 2015 Report, Chapter 5: Public Health Impacts and Resiliency¹. NYC-EJA believes that New York City can and must create policies that mitigate climate change impacts, reducing the risk of hazardous exposures and minimizing the negative impacts associated with industrial uses, in order to foster a healthy economic base for all New Yorkers.

¹ See New York City Panel on Climate Change 2015 Report, Chapter 5: Public Health Impacts and Resiliency (pages 70-72), available at: <http://onlinelibrary.wiley.com/doi/10.1111/nyas.12588/epdf>.

Sandy Regional Assembly

Following Superstorm Sandy, NYC-EJA co-convened and facilitated the Sandy Regional Assembly (SRA), a coalition of community, environmental justice, labor, and civic groups from communities impacted by Superstorm Sandy, as well as communities vulnerable to future weather events. Nearly 200 people of all ages from across the NY-NJ region participated in a community-driven conversation to assess the aftermath of Sandy in January 2013. In collaboration with the SRA Planning Committee, NYC-EJA published the Sandy Regional Assembly Recovery Agenda in April 2013. Following its release, the SRA Recovery Agenda was shared with Mayor Bloomberg's Office, the Special Initiative for Rebuilding and Resiliency (SIRR), NYC Council, and the federal Hurricane Sandy Rebuilding Task Force. The Sandy Regional Assembly recommendations emphasized the importance of wetlands restoration and green infrastructure projects in environmental justice communities.

Wetlands Mitigation Banking & NYC's Waterfronts

NYC-EJA commends the City Council for inviting comments on the MARSHES Initiative to create the City's first wetlands mitigation bank on Staten Island. The decisions guiding this project have the potential to shape future mitigation banking along NYC's waterfronts. For this reason, NYC-EJA strongly urges the City Council to ensure that this project addresses the concerns of environmental justice communities living in storm surge vulnerable neighborhoods and industrial waterfronts. We welcome on-going opportunities to discuss these concerns and strategies to address them.

NYC-EJA's key recommendations include:

- **Wetlands Mitigation Banking must not generate environmental inequities in other areas.** Planning for the wetlands mitigation bank to finance ecological restoration in the Saw Mill Creek Marsh in Staten Island must explicitly address the potential for mitigation banking to enable development in other flood-prone areas of the city -- or encourage high-end residential or commercial development that will result in gentrification-driven displacement pressures.
- **Prioritize opportunities for wetlands mitigation banking in low-income communities and communities of color that are vulnerable to storm surge and sea level rise.** The SMIA's in Brooklyn, Queens, and the Bronx may contain a smaller amount of wetlands acreage than in Staten Island -- but there is a need to promote ecologically sensitive development in these areas, nonetheless. City policy should protect ecologically sensitive areas located inside or immediately adjacent to the South Bronx, Sunset Park and Newtown Creek SMIA's, where Special Natural Waterfront Areas (SNWAs) or Recognized Ecological Complexes (RECs) have been identified, and prevent the loss of net tidal and freshwater wetlands in these areas.
- **Require that in order to be eligible to participate in the mitigation bank (i.e., to purchase credits), projects must first mitigate the potential loss of wetlands and/or lost opportunities for local wetlands restoration.** This will ensure that local communities are not adversely affected by projects participating in the wetlands mitigation bank.

- **Provide mitigation alternatives and climate resiliency strategies for *all* communities, including industrial waterfront communities.** Ensure that green infrastructure projects and other mitigation measures are incorporated into development projects in storm surge vulnerable low-income communities and communities of color where mitigation banking may not be feasible. Such measures may include increased permeable surfaces, trees, rain gardens, enhanced tree pits; low-impact development technologies; storm water retention and improved storm drainage; and restored, reclaimed, rebuilt wetlands and salt marshes.
- **Define the criteria used to evaluate which projects will be eligible to participate in the mitigation bank (i.e., to purchase credits) and invite public comment before selling any credits.**
- **Ensure community oversight regarding decisions about which projects are eligible to participate in the mitigation bank by purchasing credits.**