

March 4, 2013
Mr. Gary Kassof
Commander, First Coast Guard District
Battery Park Building
One South Street
New York, NY 10004-1466

RE: Docket ID: USCG-2012-1091

Dear Mr. Kassof:

Please accept the following comments on the *Draft Environmental Assessment for the Proposed Modification of the Bayonne Bridge* on behalf of the Newark Environmental Commission which is the official environmental advisory board of the City of Newark and our primary focus is the protection of the environmental health and wellbeing of all of Newark's residents.

In reviewing the Draft environmental assessment for the Bayonne Bridge raising project, it is evident that the Port of NYNJ did not do enough to fully consider the direct and indirect impacts such a project would cause in Newark and in the South and East wards in particular. As Mayor Booker stated, "the city of Newark presumes that the Port Authority will increase and expand upon current efforts to work with the city of Newark and Newark based community groups on reducing the air quality impacts to our neighborhoods from existing and prospective truck and ocean vessel emissions as well as ensuring that Newark residents have equitable access to jobs related to construction of the bridge and any jobs resulting throughout the project."

The bridge will be raised with a clear purpose: to allow larger ships with increased cargo to enter the port and thus enhance economic activity and global competitiveness. This, in turn, means more goods, more distribution, more trucks and more diesel pollution in and around our communities. Therefore, it is necessary to require a full Environmental Impact Study to be completed for this project which includes a study of the environmental justice and cumulative impacts of the project on Newark and other port adjacent and port impacted communities that will bear the brunt of increased cargo traffic. This is a position that is supported by the US Environmental Protection Agency and that is required pursuant to the principles of Environmental Justice outlined in the federal executive order on environmental justice. Furthermore, the proposed project neglects to include any mitigation measures necessary to counteract the very real environmental impacts that will be felt in our area.

The Newark community and surrounding port adjacent communities, is already disproportionately overburdened by numerous sources of pollution, including the port and highway traffic and the state's largest garbage incinerator. The US EPA and the New Jersey Department of Environmental Protection have both identified Newark as an environmental justice community of concern. These roads bring thousands of diesel trucks daily through our local streets and contribute to an already degraded air quality in the region. Newark is in a non-attainment zone for Particulate matter and ozone pollution and mobile sources are a primary contributor to this problem. The proposed raising of the Bayonne Bridge promises to bring increased truck traffic through our local streets and nearby highways and further exacerbate the public health and environmental problems in our area. These cumulative environmental burdens are the reason why we cannot accept any additional environmental burdens without mitigation efforts.

The Newark Environmental Commission strongly believes, this project should be guided by the principles of environmental justice. As a very large public infrastructure project your agency can not gloss over the analysis of ALL the potential direct and indirect impacts. Your agency must conduct a more comprehensive Environmental Impact Statement (EIS) because the DEA fails to take a hard look at the direct and indirect impacts of raising this bridge.

The following are just a few of the critical oversights that your current EA does not address:

Environmental Justice Impacts

1. A robust analysis of the environmental and Environmental Justice (EJ) impacts is needed. The Coast Guard's EJ analysis is very narrowly limited to the very few census tracts immediately adjacent the bridge and does not include any of the EJ communities impacted within the larger vicinity of the bridge as well as the port adjacent communities that will bear the brunt of the increased cargo from the new bridge
2. The EJ analysis even in its most narrow format does not conform to the standards outlined in the NEPA guidelines for preparing an EJ analysis. There is no analysis of the existing environmental and health conditions in the communities close to the bridge or impacted

by the cargo volume increases. There is no analysis of how the existing vulnerabilities may be exacerbated by congestion, construction and other activities associated with raising the bridge.

3. The direct and indirect impacts of raising this bridge will be born disproportionately by minority, low-income communities and businesses near Port Newark and Elizabeth and the Bayonne Bridge. Yet the Coast Guard has not taken any steps to ensure that EJ communities are adequately notified, included or participating in the review process.

Public Process & transparency

The public participation process has been a dismal failure.

1. Minority, low-income communities and businesses have not been given enough time or resources to review and comment on the Project.

2. The needs of non-English speakers have been ignored. The Draft EA documents have not been translated into any other languages and public notices have not been made available to the public in other languages, particularly Spanish and Portuguese, which are prevalent in all the EJ communities in Bayonne, Staten Island, Elizabeth and Newark.

3. Public documents have not been provided to the public. There are outstanding requests to the Coast Guard for critical documents that will help elucidate the concerns around the bridge construction – but the Coast Guard has refused to release these documents for public review prior to the comment period.

4. Residents in Newark had to request publicly for an extension and a public hearing in Newark, and even then only a 15 day extension was granted rather than the 45 days as requested to allow for a thorough review of the draft EA. Residents and communities do not have the resources and the expertise available to the Port Authority and the Coast Guard – the applicant had months to prepare the draft EA and communities will only have 60 days.

Other localized and quality of life impacts

1. Air Quality, noise and hazardous materials impacts have not been adequately addressed due to construction and increased port traffic from the Project.

2. Small and minority businesses need help to mitigate the impact of the construction and long-term impacts.

3. The DEA ignores the current health conditions of the vulnerable communities that will suffer from the environmental health impacts due to increased diesel truck traffic and the construction.

4. Historically designated sites in Newark will be adversely impacted by increased truck traffic and related air pollution from increased cargo at the ports. In particular, the following sites located on designated truck routes and heavily traffic by port trucking would be impacted: St. Stephan's Church (Ferry St.), Riverbank Park (Market St & Raymond Blvd), Weequahic Park (Frelinghuysen Ave), Lincoln Park Cultural District (Broad St.) and Watts Campbell (McCarter Highway).

We urge your agency to take seriously your mandate to protect the environment and consider the environmental justice implications of your actions. For all the reasons detailed here, we urge you to complete a comprehensive Environmental Impact Assessment rather than this EA you have put forth.

Sincerely,

The Newark Environmental Commission
Kim Gaddy, Chair