August 6, 2018

The Honorable Basil Seggos
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Jared Snyder
Deputy Commissioner
Air Resources, Climate Change, and Energy
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1030

Re: CRRA Comments

Dear Commissioner Seggos,

On behalf of the Waterfront Alliance, I am writing to register our comments on the draft guidance supporting the implementation of the Community Risk and Resilience Act (CRRA) released on June 20, 2018. The CRRA is a positive step toward making our communities safer and more prepared for the future. Many already vulnerable communities in New York City face a future of sea level rise and increasing frequency of coastal storms, for which we are grossly unprepared. Formalizing the incorporation of climate change into relevant state programs is critically important to shift the way we conduct planning, design projects, and support communities.

Our comments are organized by publication below. Through our collaboration with New York State Department of Environmental Conservation, among other agencies and experts to develop the Waterfront Edge Design Guidelines, we have seen positive evidence already of how CRRA is being supported at the staff level in various offices of these agencies. There remains a need even with these draft guidance documents, however, to provide more specific implementation guidance for relevant state jurisdictions.

Draft NY State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act: through development of a final draft of this document, we recommend that DEC:

- Require and oversee incorporation: DEC should ensure that the permit programs listed as affected by CRRA on page 3, table 1, incorporate this guidance into their practices and establish a means to review and track this incorporation. Additional guidance documents recommended to be developed on pages 2-3 of this document should be pursued and required of relevant divisions.
• **Consider a higher standard for critical transportation infrastructure:** On page viii, the recommended flood risk adjustment for category “critical linear transportation infrastructure” may be insufficient, particularly for infrastructure near to the limit of moderate wave action. Insurers of higher value assets recommend 500-year/.2 percent annual chance flood plus two feet of freeboard. The 500-year flood is likely to exceed sea level rise in most cases in coastal areas, and therefore if “the higher of the two” of sea level rise or 500-year flood is recommended, the recommendation is below that of industry standard for critical infrastructure.

• **Examine more closely options for flood-proofing in lieu of elevation for non-residential floors of residential buildings:** It is recommended that the State work with New York City Department of City Planning’s Waterfront Division, the Office of Recovery and Resiliency, and others, to consider more nuance to this guidance for urban areas, for which there are a wide variety of cases and potentially more options for protecting residential buildings and providing egress. These agencies are currently in conversation with FEMA and the flood insurance industry about these issues.

**Draft Guidance for Smart Growth Public Infrastructure Assessment:** through development of a final draft of this document, we recommend that DEC:

• **Add Waterfront Edge Design Guidelines (WEDG) as an additional resource:** the Waterfront Edge Design Guidelines (WEDG), developed in collaboration with New York State, Federal, and City agencies as well as practitioners, scientists, and insurers, incorporates regulatory considerations and improves the quality of waterfront project designs before they enter the regulatory process. It is also one of the few resources that incorporates strategies for designing for or retreating from the floodplain in light of sea level rise and coastal risk at the site scale.

Thank you for your review and attention to this matter. If you have any questions about this letter, please feel free to call me at (212) 935-9831.

Sincerely,

Roland Lewis
President and CEO