



Rebuild By Design Hudson River Project Comments on Citizen Outreach Plan

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Thank you for the opportunity to comment on the [Citizen Outreach Plan](#) (COP) for the [Hudson River Rebuild By Design \(RBD\) Project: Resist, Delay, Store, Discharge](#). New Jersey Future is a nonprofit, nonpartisan organization that promotes responsible land-use policies to help revitalize cities and towns and create livable, resilient communities for all New Jersey residents. New Jersey Future commends the New Jersey Department of Environmental Protection's (NJDEP) commitment to creating a robust and thorough citizen participation process for the Hudson River RBD project and offers the following recommendations with the objective of ensuring that vulnerable populations are treated fairly, the final project creates long-term resiliency to storms and flooding and the public is actively engaged and able to shape the projects.

Summary

The Citizen Outreach Plan addresses a critical need – to engage the public in the design and construction of a massive \$230-million flood mitigation project in Hoboken, Weehawken and Jersey City. The project has the potential to create a forum for addressing critical questions – will this federal investment protect people and property from future floods, even in light of projected sea-level rise? Will it be equitable and treat equally those residents who have the most difficulty responding to disasters due to their lack of access to critical resources, limited English proficiency, age, and mental or physical disabilities? And will it complement and advance other community goals for economic development, quality of life and a healthy environment?

New Jersey Future commends the state for recognizing the need for a comprehensive public engagement process for the Hudson River RBD project, and particularly applauds the creation of Citizen Advisory Groups (CAGs) and the attention placed on vulnerable communities. There are, however, four main areas in the COP that still need to be addressed in order to make the plan as effective as it needs to be:

- The definition of vulnerable populations, and the appropriate outreach to and engagement of these residents, need to be strengthened. We recommend a consistent definition of these populations as well as specific ways to ensure they are engaged, have access to information and participate fully.

- Citizen Advisory Groups must be truly inclusive and allow for genuine dialogue, through clarification of composition, authority and meeting structure. For example, not only must those residents recommended by local officials be included, they should have direct access to the Executive Steering Committee, and meetings should be structured to allow for a robust dialogue and input into decision-making.
- Access for all New Jersey citizens and organizations not on the CAG to participate in the dialogue should be encouraged. For example, the COP should specify that CAG meetings be open to the public and the list of project stakeholders should include state and regional nonprofit organizations, including New Jersey Future, which have been participating as stakeholders.

Detailed Recommendations

1) Outreach Subcommittee

The COP states, “The [Outreach] Subcommittee will be expected to significantly leverage the knowledge of local government officials or representatives who are best positioned to know the stakeholders, neighborhood leaders and vulnerable populations in their areas, and the most effective way to engage them in the RBD process.... This subcommittee’s sole responsibility will be outreach. This will include identifying stakeholders and incorporating input from vulnerable populations.”

However, vulnerable populations are defined differently in separate sections of the document. In addition, there are no details on how input from vulnerable communities will be solicited and incorporated. Defining what constitutes vulnerability is the first step to assuring vulnerable individuals and communities have a direct voice in decisions being made.

Recommendation: The COP should use a consistent definition of vulnerable populations for the Hudson River project that includes the following:

Individuals or groups whose circumstances present barriers to obtaining or understanding information, and/or to preparing for, responding to and recovering from disasters, including those who have limited access to critical resources, those with limited English proficiency, seniors, and the disabled and medically or mentally compromised.

The COP states that the Outreach Subcommittee should rely upon local government officials and representatives when forming a plan for identifying stakeholders and incorporating input from vulnerable populations. Government officials or representatives do not always fully engage all residents including vulnerable populations as well as other local, regional or statewide stakeholders. Leaving the development of the outreach plan and its implementation with leaders who may be reluctant to have open dialogue with residents, particularly those who may express different viewpoints or challenge the projects, is not sufficient. Moreover, the exclusion of critical voices could slow down projects by increasing tension, or it could prevent meaningful input, resulting in inferior results. In addition, undocumented individuals are often distrustful of government representatives, yet are an important vulnerable segment that needs to be reached.

Recommendation: The COP should charge the Outreach Subcommittee with including in its comprehensive outreach plan the identification of representatives from agencies, organizations and churches that work with disenfranchised populations in the area who should be engaged in project development. These representatives can help identify the vulnerable communities and bring useful insights to the planning process.

2. Citizen Advisory Group/Outreach Committee

According to the COP, Citizen Advisory Group members will be selected by the mayors and/or their delegates. Keeping the CAG membership at the discretion of the mayors could prevent involvement of those who have different political or project views from the mayors. The result could be a committee of yes-men/women instead of a group of diverse stakeholders with various opinions/expertise and perspectives. The goal of the committee should be open, robust dialogue among individuals with different viewpoints to build consensus.

Recommendation: The COP should allow members of the general public to be given the opportunity to *volunteer* for the CAG.

Recommendation: NJDEP should include resources to assist the CAG in carrying out its activities and outreach efforts in the project budget.

The Hudson River project is multi-jurisdictional, affecting the surrounding region, with potential impacts on land use, transportation, recreation, the environment, and economic development. Yet no organizations outside of the three affected municipalities are included in the CAG.

Recommendation: The COP should provide regional and statewide organizations that have expertise in areas such as transportation, environmental protection, land-use planning, and housing with the opportunity to serve on the CAG.

The COP states, “the CAG will communicate with the Outreach Subcommittee representatives of their towns, who will bring issues and information to the larger Executive Steering Committee” and [The CAG will] “bring the priorities, issues and concerns of the larger community to the attention of the Outreach Subcommittee through their Mayors.” Having a system of intermediaries that carry information versus a direct line of communication to the Executive Steering Committee adds an unnecessary step and increases the potential for miscommunication.

Recommendation: The CAG or its representatives should meet directly with the Executive Steering Committee, not just the Outreach Subcommittee.

The COP states that, “The role of the NJDEP will be to ... solicit input from stakeholders *and the public* (emphasis added), and answer questions during CAG meetings.” But many important questions are not addressed: Can the public attend these meetings and provide input? Will meetings occur monthly, quarterly, yearly? Are meetings at the discretion of the mayor or the CAG? The CAG is rather ill-defined and appears to be subordinate to the Outreach Subcommittee, with

membership seemingly appointed by mayors and representatives in conjunction with the NJDEP. This is a recipe for getting cheerleaders on board, not for full participation of residents.

Recommendation: The COP should provide for a minimum of quarterly CAG meetings, with the option of additional meetings if determined by its members. Residents and stakeholders who are not on the CAG should be allowed to attend quarterly meetings to ask questions and offer comments.

3. Environmental Impact Statement (EIS) Outreach

New Jersey Future concurs with the concept of creating a regional CAG to coordinate the outreach associated with the feasibility analysis and environmental impact statement and commends the substantial number of CAG meetings that are part of this effort. However, questions remain as to the structure of these meetings. Will they consist of presentations with Q&A, interactive workshops with breakout sessions, charrettes? How will open dialogue between the engineering consultant and the public be established? Is there an opportunity for the public to attend these meetings or are they only invited to the three public meetings?

Recommendation: The COP should provide greater detail regarding the authority, composition and meeting structure of the regional CAG and the opportunity for non-members to participate.

4. Concepts Screening Workshops

According to the COP, “A screening matrix will be presented at each meeting, with our [subject matter experts] in attendance, to explain to stakeholders how we ranked each concept based on its impacts to the areas of study. Based on input from the stakeholder groups, the rankings will be confirmed or changed.” Granting stakeholders the opportunity to provide comment on the rankings is commendable but not adequate.

Recommendation: The COP should ensure stakeholders have the opportunity to provide input on the matrix itself, not just the final rankings from the matrix.

5. Public Meetings and Public Hearing

According to the COP, three meetings and one hearing will be open to the public. Per HUD regulations, a public notice will be posted in the local media at least 15 days prior to the date of these meetings. One of the goals of RBD was to break the mold of traditional citizen outreach to create more robust models. Following the traditional approach of limiting outreach to posting noticed of meetings in local media conflicts with RBD goals.

Recommendation: The COP should employ much broader and more comprehensive means of informing the public about meetings. Flyers should be posted in supermarkets, public and private housing and businesses. A primary contact list of stakeholders should be assembled that includes residents and neighborhood groups who are near or adjacent to the proposed

project; residents or organizations who represent vulnerable populations, community boards, community leaders, local community civic and recreational organizations, environmental and business groups; neighborhood religious establishments; and people who have expressed an interest in the proposed project, among others. These individuals and groups should be utilized to distribute information via their mailing lists and community contacts. Notification of official public meetings with a project information sheet should be mailed to all stakeholders. Materials should be translated for non-English speaking populations.

While public hearings assure, at a minimum, the rights of interested citizens to attend and/or testify, formal meetings can be intimidating, and hearings can be dominated by those who are more comfortable with public speaking. Such hearings may not be the best format to encourage comment from a wide cross-section of community residents, may not fit into citizens' busy schedules, and often leave little, if any, room for discussions.

Recommendation: If the public is not invited to the CAG meeting, for each public hearing NJDEP, the engineering consultant, or the municipalities should hold a supplemental, less formal meeting in the evening within the same week. To encourage participation from all citizens, these should be open meetings with facilitators, translators, break-out areas and comment tables.

6. Vulnerable Populations

New Jersey Future is encouraged to see specific attention being paid to vulnerable populations and the inclusion of these residents in the CAG. However, as stated above, who is included in the **definition of “vulnerable populations”** is not clear or consistent.

Recommendation: As stated above, New Jersey Future recommends the definition of vulnerable populations include individuals with low to moderate incomes, those with limited English proficiency, seniors, and the disabled and medically or mentally compromised. A rigorous outreach effort should be made to include representatives from all communities and ensure that the concerns of vulnerable communities are addressed. New Jersey Future also strongly recommends using the EIS review processes to promote environmental justice by analyzing the environmental, human health, economic, and social effects of the proposed actions on vulnerable residents.

7. Public Meetings/Listening Sessions – all residents

Recommendation: Informal public meetings should be scheduled bi-annually as well as at key project milestones.

8. Ongoing Outreach

New Jersey Future applauds the extensive outreach effort proposed by the NJDEP. However, it is critical to note that there are residents who do not have computer access.

Recommendation: The NJDEP should designate a physical public education and information repository. The repository should contain a copy of all information relevant to the proposed project, in all relevant languages. The location should be close to the proposed project and easily accessible by stakeholders (for example, public libraries or community centers), with evening or weekend hours. Individuals and groups outlined in the Communications plan should be utilized to distribute information via their mailing lists and community contacts.

9. Appendix A: Stakeholders

The COP includes a mailing list of project stakeholders. With the exception of Together North Jersey, the list fails to mention any of the nonprofit organizations, such as NY/NJ Baykeeper and New Jersey Future, which are also active stakeholders in the region.

Recommendation: All active stakeholders, including local, regional and statewide non-profit organizations, should be included in the list of stakeholders.

Conclusion

Thank you again for the opportunity to provide comments on the proposed Hudson River Project Citizen Outreach Plan. The Plan provides for significant public meetings and for participation of the Citizen Advisory Group, and it addresses vulnerable communities, but we believe it must be revised prior to approval in order to ensure that vulnerable populations are treated fairly and have the opportunity to participate fully, and that the final project creates true long-term resiliency to storms and flooding. New Jersey Future supports the overall concept of the Outreach Plan and looks forward to working with NJDEP to meet the goals of creating transparent and inclusive community outreach that allows all citizens the opportunity to participate in the unfolding Hudson RBD project.