



Easton Riverwalk – Testimony on Environmental Assessment

*Comment of Delaware Riverkeeper Network
Public Hearing on Environmental Assessment
Easton Intermodal Transportation Center
RIVERWALK Project #PA-03-0388
November 15, 2007*

My name is Tracy Carluccio and I am Deputy Director of Delaware Riverkeeper Network. We will be submitting extensive written comment for the record by November 26. Tonight I would like to focus my comments on three main issues: (1) the importance of executing the National Environmental Policy Act (NEPA) process in a thorough and timely fashion; (2) the inadequacy of this Environmental Assessment; (3) the need for an Environmental Impact Statement that contemplates a comprehensive, over-arching vision for the development of Easton's waterfront and emphasizes a long-term flood protection strategy.

Importance of Process

A primary purpose of NEPA is to ensure that federal agency policies and actions that impact the environment are described, analyzed and weighed against reasonable alternatives *before* the Government becomes so committed to a course of action that sound alternatives are effectively foreclosed. Timely Environmental Impact Statement preparation assures that environmental concerns are included in agency decisionmaking in a meaningful way, and provides full disclosure at an early stage so that the public can enter the political process and have a chance to influence the decisions being made. We are concerned that these objectives are not being met.

Particularly, we are troubled that the Easton Parking Authority chose to move the project forward *before* conducting the Environmental Assessment, and continues to proceed with soliciting bids prior to public review of the Environmental Assessment, or the filing of a full Environmental Impact Statement. The concept of NEPA requires that alternatives be considered before the project becomes a *fait accompli*.

The environmental assessment is inadequate

The Environmental Assessment (EA) does not adequately address the NEPA issues involved with this project.

Seemingly viable alternatives, such as the existing parking garage site, are summarily dismissed without detailed review. For example, the EA estimates that the cost of completing the project at the existing parking garage site

would be \$7.9M and disqualifies this alternative as economically infeasible; [1] however, the EA simultaneously states that building the Intermodal Transportation Center at the current site is expected to cost \$14M. [2] Furthermore, the EA proposes the temporary use of the North 3rd Street site in the event that the Governor Wolf Building site is flooded, yet does not consider temporarily using the North 3rd Street site while constructing an intermodal facility at the existing parking garage site.

NEPA does not contemplate that environmentally preferable alternatives will be eliminated simply because they may be more expensive, or less convenient than environmentally detrimental ones-not that this Environmental Assessment proves anything in terms of accountable costs. But even if choosing to safeguard the environment will entail additional costs, NEPA does not allow projects to be eliminated on that basis. Indeed, sometimes safeguarding the environment does cost more but the investment has multiple and societal benefits, recognized in the NEPA process. Nonetheless, by law feasible alternatives must be fully considered. This is particularly so considering the content of Executive Order 11988, which *requires* the selection of practical alternatives *outside* of the floodplain whenever they are available. The Environmental Assessment glosses over this fact, which is a fatal error in terms of its acceptability.

AN ENVIRONMENTAL IMPACT STATEMENT (EIS) IS REQUIRED

An EIS is warranted because this project will have a significant environmental impact, as described in the Council on Environmental Quality's regulations (40 C.F.R. 1508.27). For example, the project will have a negative impact on the unique characteristics of Easton's historic district and waterfront by towering over the Governor Wolf Building, Easton's Historic District and Phillipsburg's riverfront, Riverside Park and the Wild and Scenic Delaware River and blocking viewsheds from many vantage points. Additionally, the project will be located within the floodplain of the Delaware River.

Since 2004, Easton has experienced terrible flooding, much of it affecting the proposed project site. Historically, on a nationwide basis, floods have caused more economic loss than any other natural hazard. [3] Locally, Northampton County has received three flood related Presidential Disaster Declarations since Tropical Depression Ivan in September 2004. As of February 2007, there have been a total of 243 National Flood Insurance Program claims originating from the City of Easton, representing a total payout of over \$10M. [4] The June 2006 flood event alone resulted in 56 National Flood Insurance Program damage claims paid in Easton, totaling nearly \$3.5M - among the highest in the Commonwealth. [5] Given these statistics, it does not make sense to build *more* structures in the floodplain, especially a public transportation facility. Regardless of contingency plans, in the event of a severe flood, many people would be placed in harm's way, emergency evacuations would have to be accomplished, lives would be at risk, parked automobiles may not be retrievable, and transportation service is highly likely to be disrupted.

When federal dollars are invested in a public project, it is especially important that environmental impacts are fully evaluated and avoided wherever possible and that the investment of the taxpayers' money is done responsibly and with prudence. Indeed, NEPA is aimed at decisionmaking that protects, restores and enhances the environment (40 C.F.R. 1500.1), as is stated in the EA [6]. Further, US Department of Transportation orders require that encroachments within the 100 year floodplain be avoided and that this includes avoiding "interruption of service on or loss of a vital transportation facility" (DOT Order 5650.2), as stated in the EA. [7] Considering the avoidable risks associated with building this transportation facility in the 100 year floodplain along the Delaware River, it is clearly reckless to place this public facility where the river repeatedly floods and certainly selecting the proposed Riverwalk site does not meet federal agency requirements.

Because of the nation's wrenching experience of Katrina and other flood events in recent years, the federal government is emphasizing the prevention of flood damages by avoiding the exposure of structures to floodwaters and potential catastrophe. The trend of FEMA and other government agencies is to move new construction out of harm's way, out of the floodplain. FEMA and the Army Corps of Engineers are even buying up repeatedly substantially damaged homes at fair market value and returning the riparian area to natural vegetation to reduce flood damages and allow the floodplain to absorb storm and flood flows.

Building a new transportation project at the proposed Riverwalk site is contrary to these modern planning policies. To risk millions of dollars in flood damage, to risk the life and limb of emergency personnel, police and first responders, to expose commuters and residents to the crisis of flood disaster is senseless. Certainly, the law requires that all reasonable alternatives to such a poor location be fully analyzed and explored. This Environmental Assessment does not scratch the surface in terms of weighing the true impact of building at the proposed Riverwalk site against alternative locations.

We also point out that it can be readily argued that the existing garage site and perhaps other central locations better serve the needs of the public in a just and fair way, aside from all other issues. Convenient and efficient service to all public that would use the facility, including disabled, economically deprived, or socially disadvantaged sectors of the population has not been satisfactorily examined in the Environmental Assessment.

The prospect of locating this public facility and residential/retail development where it will be exposed to flood damage and will inflict irreparable damage itself is especially disturbing considering that proceeding with Riverwalk forecloses opportunities to offer safe, secure and more accessible intermodal service to the region. Further, the inappropriate siting of this overwhelming structure forever removes the opportunity to improve Easton's waterfront in a safe, ecologically sensitive manner that allows Riverside Park and the Delaware River riparian area to flourish. As a result, we believe that a full EIS is required to examine these issues in depth, and provide detailed assessments of alternatives beyond "no build" and the current Riverwalk proposal *before* the project progresses any further.

[1] Easton Intermodal Transportation Center/Riverwalk Project Environmental Assessment at 8.

[2] *Id.* at 4.

[3] Congressional Research Service, Report to Congress, Federal Flood Insurance: The Repetitive Loss Problem (June 30, 2005) (<http://www.fas.org/sgp/crs/misc/RL32972.pdf>).

[4] http://bsa.nfipstat.com/reports/1040_200702.htm.

[5] http://www.state.nj.us/drbc/Flood_Website/NFIPanalysis/June06-ClosedClaimsRanking.pdf.

[6] Easton Intermodal Transportation Center/Riverwalk Project Environmental Assessment at 6.

[7] *Id.* at 15.