



From: Sven Hoeger, Environmental Consultant to the Village Landuse Boards

To: Members of the Harbor and Coastal Zone Commission

Date: March 9, 2016

**RE: Additional remarks concerning the US Army Corps of Engineers (ACE)
LWRP commentary of January 29, 2016.**

In preparation of the March 16 meeting of the Harbor and Coastal Zone Commission following are a few additional thoughts on the consistency review recommendations the commission will provide to the Department of State. You may also keep in mind that the Army Corps' public comment period separately ends on March 14, 2 days prior to the HCZMC meeting. If I understand the process correctly, the public comments are going to be reviewed by the Army Corps and a final project design will be issued early next year. The consistency findings on the other hand will be made by this commission in early April to New York Department of State (DOS), which will make its findings after review of the Village's input.

I think it important that the commission emphasize it's inability to comment on various policies at this time due to incomplete information. A finding of "not consistent" should perhaps be presented as "potentially not consistent", pending receipt of additional, more detailed concept design information. This flood protection project of the Mamaroneck and Sheldrake Rivers is important to the Village. I hope that you view my comments as constructive criticism meant to aid you in formulating a supportive and detailed review for submittal to DOS. As is the commission's frequent practice, applicants can overcome findings of "potentially not consistent" with the LWRP by way of providing additional information.

This is an important and very much needed project for the Village of Mamaroneck, with the potential to substantially preventing future damage on a large portion of the Village footprint.

Understandably, the designers and reviewers of the project focused laser-like on engineering solutions. As a result only minimal attention was given to local recreational, environmental, historical, archeological considerations, and to opportunities for an increase of "non-structural" best management practices. The proposed plan represents a "skeleton" or "engineering core" that lacks the "meat and skin" or "exterior design" which makes any development habitable and will make this project attractive to the citizens of the Village of Mamaroneck. Additional design features can improve the ecology of the rivers, replace wetlands, protect cultural resources, provide passive recreation, and increase the enjoyment of park visitors.

Local policies 9 and 22 clearly can be addressed with design of observation and/or fishing platforms, fish and invertebrate habitat, and special attention to improving habitat for juvenile American Eels.

Local policies 17 and 33 mean to increase the use of “non-structural” measures – which are only proposed in token form for a few residences and one commercial property (raising of houses is not exactly non-structural either, but can be acceptable under the circumstances). Our Village ordinance puts strict requirements on developers to retain storm water on site in accordance with State regulations – but for much smaller projects than required under State law. A large flood control project at the bottom of a regional watershed – funded largely by federal money – might also consider non-structural storm water retention incentives in the entire watershed outside of local jurisdiction. It is clearly understood that the proposed project was chosen in an elaborate process of review and elimination as being the most cost-efficient. That should not preclude State and Federal agencies however from proposing additional measures to be taken by surrounding communities to aid with the reduction of flooding in the Village of Mamaroneck. Perhaps a commitment to financial incentives promoting infiltration and retention of storm water in the upper watershed would suffice of meeting the consistency criteria of the LWRP. A semi non-structural action for a connected, but perhaps separately funded, project is the dredging of the Larchmont and Waterworks reservoirs with modifications to their respective outlet structures to increase storage volumes.

Policy 19 practically demands improvements in public access! There are plenty of opportunities to design foot paths along the re-graded river banks. There are also options for restoring pedestrian crossings over or through the Sheldrake River once the park is being restored. The removal of bridge abutments does not foreclose the opportunity to come up with alternative solutions, such as relatively (in the context of the entire project) inexpensive longer span bridges or various alternatives for on-grade crossings (the Sheldrake normally carries low flow volumes).

Policy 23 specifically addresses locally important history, architecture, archeology or culture. The discussion signals a “memorandum of agreement” to be signed with the State and tribal interests, but does not mention the Village. To be consistent with the LWRP the memorandum must include the Village of Mamaroneck.

Policy 38 can be satisfied with a discussion of the effects the project will have on the water budget of the aquifer underlying the Village.

Policy 44, to be consistent, must be evaluated on proposed mitigation projects approved by the Village Landuse Boards, rather than on assurances that State and Federal mitigation requirements will be fulfilled.

Policies 12, 13 and 35 are likely consistent with the Village LWRP. However, at a minimum landscaping design concepts must be available for review and commentary. Similarly, the Army Corp’s assertion that the project will reduce sediment loads should be accompanied by an explanation how stream bed erosion will be prevented. And plans assuming that the excavated soils and dredged river muck will be non-toxic should also show provisions for dewatering and long-term disposal or beneficial use of those materials.

The Army Corps commented on State Coastal policies that are explicitly stated “not applicable” in the LWRP. Those comments should be considered as such: not applicable – and should be disregarded.

End of commentary