

Special Meeting of Western Connecticut Council of Governments

August 16, 2018 – 12:30pm

**Location: Ridgefield Visiting Nurse Association
27 Governor Street, Ridgefield, CT 06877**

Call-in Information: 515-739-1034, Access Code: 500386#

Agenda

1. Meeting call to order: Hon. Jayme Stevenson, Chairman
2. Public participation
3. Action items:
 - a. Approval of July 19, 2018 Minutes Attachment 3a, pp 1-3
 - b. Resolution to Authorize NOGA from OPM for FY18-19 Attachment 3b, p. 4
 - c. Army Corps of Engineers' Coastal Storm Risk Management Feasibility Study — Katherine Fiedler, Save the Sound Attachment 3c, pp. 5-9
4. Information/discussion items:
 - a. New EPA and NHTSA Fuel Economy Standards for 2021-2026 Vehicles Attachment 4a, p. 10
 - b. Division of Emergency Management and Homeland Security Regions 1 and 5 updates
5. Next meeting: Thursday, September 27th
6. Adjournment

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Western Connecticut COUNCIL OF GOVERNMENTS



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INTERIM Council Minutes

for the 07/19/2018 Regular Meeting

Held at the Ridgefield Visiting Nurse Association
27 Governor Street, Ridgefield, Connecticut 06877

*Chairman Jayme Stevenson - Vice Chairman Rudolph Marconi
Treasurer Lynne Vanderslice- Secretary Julia Pemberton*

MEMBERS ATTENDING

- Bethel..... First Selectman Matt Knickerbocker**
- Bridgewater Absent**
- Brookfield First Selectman Steve Dunn**
- Danbury Absent**
- Darien First Selectman Jayme Stevenson**
- Greenwich First Selectman Peter Tesei**

- New Canaan First Selectman Kevin Moynihan**
- New Fairfield First Selectman Pat Del Monaco**
- New Milford Absent**
- Newtown First Selectman Dan Rosenthal**
- Norwalk..... Mayor Harry Rilling**
- Redding First Selectman Julia Pemberton**

- Ridgefield First Selectman Rudy Marconi**
- Sherman First Selectman Don Lowe**
- Stamford..... Mayor David Martin**
- Weston..... First Selectman Chris Spaulding**
- Westport First Selectman Jim Marpe**
- Wilton..... First Selectman Lynne Vanderslice**

OTHERS ATTENDING

WestCOG staff members in attendance were, Patricia Payne, Jamie Bastian, Nicole Sullivan, Kristin Hadjstylianos, William Kenny, Ariana Vera, Kevin Mahoney, and Executive Director Francis Pickering. Also in attendance were; Chief of Staff Michael Pollard of the City of Stamford,

1 Riverside Road, Sandy Hook, CT 06482

Visit us online at westcog.org
Telephone/fax 475-323-2060

WestCOG Planning Aide Michael Wang, Zach Murdock of the News-Times, Max Friedman of CCM, James Root of Danbury, Sara Harris of the Town of Westport, and Samantha Sojka of Eversource.

CALL TO ORDER

The meeting was called to order at 12:34pm by Chairman Jayme Stevenson.

PUBLIC PARTICIPATION

Sustainable Fairfield County updated the COG on their role as a resource group.

ACTION ITEMS

Approval of June 21, 2018 Minutes: After review and on a motion made by First Selectman Julia Pemberton and seconded by First Selectman Rudy Marconi the minutes of the 06/21/2018 meeting were unanimously approved. An abstention was made by First Selectman Lynne Vanderslice.

Approval of Treasurer's Report from 3/31 and 6/30: Treasurer Lynne Vanderslice presented the Treasurer's Report of March 31st and June 30th to the COG members. The Operating Statements for the 3rd and 4th quarters were reviewed. On a motion made by First Selectman Steve Dunn and seconded by First Selectman Matt Knickerbocker the financial reports were unanimously approved.

Approval of LOTCIP adjustment: The proposed LOTCIP program adjustments include, "removing internal sub-allocation of LOTCIP funds, instating project milestone deadlines, instating requirements for program eligibility, and adjusting prioritized projects to close out Fiscal Year 2014" (RE: LOTCIP Adjustments, 7/9/2018). There was discussion. On a motion made by Mayor Harry Rilling and seconded by First Selectman Don Lowe the proposed LOTCIP adjustments were unanimously approved.

Approval of Donation to WestCOG Foundation, Inc.: The initial \$5,000 donation from WestCOG to the WestCOG Foundation, Inc. was proposed. On a motion made by First Selectman Rudy Marconi and seconded by First Selectman Matt Knickerbocker the initial donation to the Foundation was unanimously approved.

FEATURED PRESENTATIONS

Director of Business Engagement and Program Services Ed Perzanowski and Commuter Program Manager Kristyn Gorton of CTrides presented *Connecticut's Resource for Commuters* to the COG. They updated the COG on issues with emissions, driving costs in the U.S., and commuting options.

WestCOG Planning Aide Michael Wang presented *Trends in Municipal Finances in CT* to the COG.

He noted the changes in per-capita revenues and median household income over time, as well as trends in property tax and state transfers over time.

INFORMATION ITEMS

Sodium and Chloride in Well Water: Lori Mathieu, Public Health Section Chief Drinking Water Section Connecticut Department of Public Health, discussed best practices for the management of public water.

Regional Services: The initial subcommittee meeting will be scheduled.

OTHER BUSINESS

There was no other business discussed.

ADJOURNMENT

The next COG meeting will tentatively be held on August 16th. On a motion made by First Selectman Steve Dunn and seconded by First Selectman Lynne Vanderslice the meeting was unanimously adjourned at 2:11pm.

INTERIM MINUTES SUBJECT TO FINAL APPROVAL BY THE COG MEMBERS



SECRETARY’S CERTIFICATE/RESOLUTION

I, Julia Pemberton, Secretary of the Western Connecticut Council of Governments, an organization (the “Organization”) existing under the laws of the State of Connecticut, certify that the following are true and complete resolutions which were adopted at a duly called and held meeting of the governing body of the Western Connecticut Council of Governments on 8/16/2018, and that such resolutions have not been amended or modified and continue to be in full force and effect:

RESOLVED, that the Organization execute and deliver to the State of Connecticut a Notice of Grant Award (the “Agreement”) in the amount of \$503,776.00 for the 2019 Regional Services Grant.

RESOLVED, that Francis Pickering, as Executive Director of the Organization, is directed to execute and deliver the Agreement on behalf of the Organization and to do all things necessary or appropriate to carry out the terms of the Agreement, including executing and delivering all agreements and documents contemplated by the Agreement.

I further certify that Francis Pickering now holds the office of Executive Director and that he/she has held that office since 2/2/2015.

I am signing this certificate on 8/16/2018.

_____, Secretary

Signature



Western Connecticut

COUNCIL OF GOVERNMENTS



TO: WestCOG Council Representatives
FROM: Francis Pickering
DATE: August 9, 2018
RE: Army Corps Engineers' Coastal Storm Risk Management Feasibility Study

Background

The Army Corps of Engineers' (USACE) Coastal Storm Risk Management Study seeks to reduce the risk of coastal storm damage and flooding in the New York and New Jersey Harbor and tributaries. The study proposes six alternatives that could potentially manage the risks of storm damage. These alternatives include large barriers stretching across the harbor to land-based perimeter management measures. Several alternatives include storm barriers in the Long Island Sound. USACE is currently accepting public comments on the study and the proposed alternatives.

Connecticut Fund for the Environment (CFE) is a non-profit organization with over 4,700 member households statewide. CFE, its bi-state program Save the Sound, and its Soundkeeper protect and improve the land, air, and water of Connecticut and Long Island Sound. CFE uses legal and scientific expertise and brings citizens together to achieve results that benefit our environment for current and future generations.

Katherine Fiedler, Save the Sound's Peter B. Cooper Legal Fellow, will provide an overview of the study and its impacts on Long Island Sound. The presentation will review the proposed alternatives.

Next Steps

COG members can motion to submit a comment regarding the study to USACE. Included in this attachment is a letter from Save the Sound requesting USACE to extend the public comment period.

July 30, 2018

Via electronic and certified mail

Bryce W. Wisemiller, Project Manager
Programs & Project Management Division, Civil Works Programs Branch
U.S. Army Corps of Engineers, New York District
26 Federal Plaza, Room 2127
New York, NY 10279-0090
(917) 790 – 8307
Bryce.W.Wisemiller@usace.army.mil

Nancy J. Brighton, Watershed Section Chief
Planning Division, Environmental Analysis Branch
U.S. Army Corps of Engineers, New York District
26 Federal Plaza, Room 2151
New York, NY 10279-0090
(917) 790 – 8703
Nancy.J.Brighton@usace.army.mil

Re: Request to Extend Scoping Comment Period on the New York – New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study

Dear Mr. Wisemiller and Ms. Brighton:

On behalf of our respective organizations and institutions,¹ and communities in the Long Island Sound, we are writing to request that the U.S. Army Corps of Engineers (“Army Corps”) enable meaningful participation in the scoping process for the New York – New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study (“NYNJHAT Study”) by: 1) extending the scoping public comment period; 2) providing additional public meetings throughout the area affected by the project; and 3) making additional informational publicly available.

The scale of the NYNJHAT Study and alternatives proposed is significant. The study area spans 2,150 square miles, with potential impacts reaching even farther.² The proposed alternatives include massive, permanent in-water barriers and on-shore measures. Such in-water barriers would likely have significant impacts to tidal flow, and consequently the ecology and water quality of the New York/New Jersey Harbor, the Long Island Sound, and their tributaries. Further, these barriers might also impact coastal communities located outside of the protection provided by the barriers. The truncated National Environmental Policy Act (NEPA) scoping process for a project of this scale is unacceptable. Scoping is the “early and open process for determining the scope of issues to be addressed and for identifying the significant issues related

¹ Our organizations and institutions are dedicated to defending the integrity of our waterways, ecosystems, and environment, as well as to increasing the resilience and sustainability of coastal communities.

² See *Notice of Intent To Prepare a Tiered Environmental Impact Statement for the New York New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study*, 83 Fed. Reg. 6169 (Feb. 13, 2018).

to a proposed action.”³ “[P]ublic scrutiny [is] essential” to this process, and thus the public must be provided with sufficient information and opportunity to participate.⁴

I. The Scoping Comment Period is Insufficient.

The Army Corps only provided a 42-day scoping comment period. This period does not provide enough time for the public to understand and meaningfully comment on this project. The Army Corps should extend this comment period, in conjunction with additional scoping meetings and information provided.

The study area is substantial, and the likely impacts of any of the proposed alternatives reach even farther beyond the limits of the study area. Spanning 2,150 square miles, the study area extends northward, up the Hudson River from New York Harbor, throughout the river’s tidal and estuarine environments, to Troy, New York. The study area also extends up the Passaic River to the Dundee Dam and up the Hackensack River to the Oradell Reservoir. The study area reaches into the Long Island Sound, with the eastern border located at the Connecticut border and the town of Glen Cove on Long Island. Additionally, the impacts of the project will likely extend beyond the study area’s already broad reach – eastward in the Long Island Sound and along the Connecticut and Long Island coastlines.

The proposed alternatives also involve complex, permanent structures that require technical expertise and analyses in order to understand their potential impacts to the coastal and riverine ecosystems and communities in which they will be built. Given the enormous geographic scale and complexity of alternatives, the 42-day scoping comment period was not enough time to allow for the public to understand, investigate, and comment on the potential environmental impacts that must be considered by the Army Corps. An extension to the scoping comment period will ensure a complete and robust NEPA process with full public participation.⁵

II. Scoping Meetings Must Be Held Throughout the Project’s Entire Geographic Range.

We also request that the Army Corps hold additional public scoping meetings, such that members of the affected public throughout the potentially impacted area can attend. Scoping meetings were only held in New York City (two meetings on July 9), Newark (two meetings on July 10), and Poughkeepsie (one meeting on July 11). The insufficient locations and dates of these meetings limited the members of the public who were able to attend.

No scoping meetings were held in Westchester County or in communities along the Long Island Sound in either New York or Connecticut. Communities in Westchester County are located mere miles away from two potential in-water barriers (Pelham Bay and Throgs Neck). While located outside of the study area, the project’s impacts will also likely be felt by communities in coastal

³ 40 C.F.R. § 1501.7.

⁴ 40 C.F.R. § 1500.1(b).

⁵ See, e.g., Exec. Order No. 12866, *Regulatory Planning and Review*, 58 Fed. Reg. 51735 (Sept. 30, 1993) (requiring that “each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of *not less than 60 days*”) (emphasis added).

Connecticut and along the north shore of Long Island, beyond Glen Cove which lies at the border of the study area. Scoping meetings must be held in locations where members of these communities can learn about the NYNJHAT Study and proposed alternatives and participate in the scoping process. By not including these communities in the scoping process, it is likely that specific issues and impacts in these regions will not be properly included in the environmental impact statement.⁶

III. The Information Provided is Insufficient for the Public to Meaningfully Comment on the Project.

The Army Corps did not provide sufficient information on the project to enable meaningful comment, or even a sufficient understanding of the project. The Council on Environmental Quality's implementing regulations for NEPA require that agencies "insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken."⁷ The Army Corps has only provided an online Fact Sheet, a PowerPoint presentation given at the scoping meetings and available online, and a PowerPoint presentation of posters from the scoping meetings available online. The PowerPoint slides include only low-quality, "zoomed out" maps of the entire project area, such that specific details cannot be discerned. The maps are also missing critical information, such as ongoing planned projects that were only included on the map for Alternative 1. These omissions render them misleading, as the cumulative impacts cannot be considered, specifically with regard to project need. This information does not inform the public of the project's potential impacts on waterways and their ecology, community members, and organizational stakeholders across the project's range of impacts.

Additionally, the information provided at the public scoping meetings did not address potential localized impacts in specific geographical areas. Rather, the meetings covered only a broad project overview. In order to elicit meaningful participation and comment on a project of this scale, it is important that detailed information is tailored to include impacts to specific regions.

Without sufficient information, the public cannot meaningfully comment on these alternatives and raise issues that must be considered in the environmental impact statement. Further, the Army Corps may narrow down the project alternatives to two or three alternatives in the coming Fall, without ever presenting sufficient information for even a preliminary scoping analysis, potentially foreclosing upon alternatives that best serve the purpose of the NYNJHAT Study and minimize environmental impacts.

IV. The Army Corps Must Ameliorate This Insufficient Scoping Process.

⁶ See U.S. Env'tl. Protection Agency, *Public Participation Guide* (last visited Mar. 22, 2018) <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation> (Meaningful public participation requires that the agency "gather input from a wide spectrum of stakeholder interests, resulting in a wide range of views and concerns and providing fair treatment, meaningful involvement and social inclusion for all people regardless of race, color, national origin, sexual orientation or income, with respect to the development, implementation, and decisions made through the public participation process.").

⁷ 40 C.F.R. § 1500.1(b).

We request that the Army Corps extend the window for public comment on the scoping for the NYNJHAT Study. In conjunction, we also request additional public scoping meetings, specifically in Westchester County and Long Island Sound communities. We request additional information on the project, such that the public can properly understand and assess the issues that must be evaluated. A truncated and ineffective NEPA process for a project of this scale is unacceptable.

Sincerely,

Tracy Brown, Director, Save the Sound

CC: Basil Seggos, Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-1010

Catherine R. McCabe, Acting Commissioner
New Jersey Department of Environmental Protection
401 E. State Street, 7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

Western Connecticut

COUNCIL OF GOVERNMENTS



TO: WestCOG Council Representatives
FROM: Francis Pickering
DATE: August 9, 2018
RE: New Fuel Economy Standards for Model Year 2021-2026 Vehicles

Background

On August 2nd, 2018, the US Environmental Protection Agency (EPA) and the US DOT's National Highway Traffic Safety Administration (NHTSA) released a notice of proposed rulemaking for the *Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks* (SAFE Vehicles Rule).

The SAFE Vehicles Rule would set the 2021-2026 Model Year standards that must be achieved by each automaker for its car and light-duty truck fleet. The rule would freeze the average fuel economy standards after 2020 at 37.0 miles per gallon. The current standards, set in 2012, require an average fuel economy of 46.7 miles per gallon by 2025.

In addition, the SAFE Vehicles Rule would revoke a legal waiver that allows states to set their own emissions standards. Currently, Connecticut requires all new vehicles sold in the state meet stricter standards, set by California. These California emissions standards meet more stringent standards for pollutants and require more extensive testing and quality control than vehicles certified to the federal standards.

Next steps

EPA and NHTSA are accepting public comment on this proposal for 60 days following its publication in the Federal Register. Comments can be submitted through [regulations.gov](https://www.regulations.gov) to Docket EPA-HQ-OAR-2018-0283. More information on the proposed rule can be found here: bit.ly/2ARIZ85.