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18 February, 2013

Admiral Robert J. Papp, Jr.
US Coast Guard HQ
2100 2nd Street SW Stop 7000
Washington, DC 20593

RE: NEPA: Bayonne Bridge Roadway Raising, Docket USCG2012-1091
Intent to Violate Title VI
Failure of Adherence to National Environmental Policy Act (NEPA) Standards
Failure to Comply with Executive Order 12898

Dear Admiral Papp,

This letter serves to alert you to clear and consistent violations of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.) in connection with your Agency's Environmental Assessment, and a global failure to adhere to requirements for community engagement under NEPA, as well as Executive Order 12898. We submit these failures indicate willful intention to violate these regulatory requirements, and violate the operant Memorandum of Understanding in connection with these requirements.

Our community surrounds the Staten Island foot of the Bayonne Bridge. We are an EPA-designated Environmental Justice Showcase Community, meeting all the socio-economic markers that designation implies. We are told we should play a "meaningful" role in the NEPA review of the impact this significant project will have on our community. We have consistently, and willfully, been denied opportunities to participate. Your Agency has failed to follow the direction to "identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices."

Failure to Engage the Community

There was no effort to engage the community-at-large in the "scoping" phase. No "Notice of Availability" was publicized in our local paper. Indeed, the only direct communication with the community was a letter dated 18 January (instant), in English (only), advising the availability of the DEA - less than two (2) weeks before the public hearing. Those of us proficient in the English language were given two weeks' notice to evaluate, and draft comments on, a "robust" technical document. Further, notwithstanding extensive written communication, the public comment meeting was held almost three (3) miles from the proposed site of work, at a location not readily accessible by public transportation.

We have pointed out, again and again, that many of our neighbors are not proficient in the English language. During the "scoping" phase we specifically requested Spanish translations of materials. Your Agency is clearly aware of this: the DEA cites 40.3% of our local population is Hispanic. Furthermore, at 3-2-5, the DEA states your Agency "...will continue to provide special services (i.e. translation)..." That is not true: at the time the DEA was written NO translations had been provided.

The *Executive Summary* of the Draft Environmental Assessment is the only Spanish-language communication or material provided to date – and was only made available several weeks after the official DEA release. A translator was present at the public hearing, however the only translation provided was based on a written statement, which had apparently been prepared for the New Jersey public hearing(s) and so did not match the actual spoken presentation. It was quite clear that the perfunctory translation was provided as a pro forma response to complaints – there is no understanding of why this is critical to community engagement – or has our community been arbitrarily deemed unimportant, and incapable of meaningful involvement in the process?

Failure to Engage has Serious Implications for our Community

The DEA presents a recitation of facts, with a de minimus, pro forma consideration of impact. The DEA repeatedly proclaims "No impact" or short term impact during construction. This reflects the total disconnect with our community. Construction activity for more than three years, taking place within 35 feet (or less) of people's homes, schools, community facilities, and businesses, will most certainly have an impact. Mitigation measures are either not considered at all, or are inadequately addressed. We submit that the deliberate attempt to negate community involvement reflects an awareness of these negative impacts, and an intention to issue a permit, notwithstanding those negative impacts, post-haste, without consideration of mitigating measures.

We assert a failure of the US Coast Guard's obligations, and request an investigation. We submit this process has been fatally flawed, and request the required study be properly performed ab initio.

Thank you for your consideration. We anticipate your reply, at your earliest convenience

Respectfully,

ELM PARK CIVIC ASSOCIATION, INC.

Via Certified Mail, R/R/R #7005 1820 0007 5925 8353

Cc: Nancy Sutley, Chair, CEQ
Horst Greczmiel, NEPA Oversight – CEQ