

# Committee on Natural Resources

Rob Bishop Chairman  
Markup Memorandum

September 24, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff— Terry Camp and Holly Baker  
Subcommittee on Federal Lands (x67736)

Markup: **H.R. 6666 (Rep. Daniel M. Donovan, Jr.)**, to authorize the Secretary of the Interior to grant to States and local governments easements and rights-of-way over Federal land within Gateway National Recreation Area for construction, operation, and maintenance of projects for control and prevention of flooding and shoreline erosion.  
**September 26, 2018, 10:15 am; 1324 Longworth House Office Building**

---

## Summary of the Bill

H.R. 6666, introduced by Rep. Daniel M. Donovan, Jr. (R-NY-11), would authorize the Secretary of the Interior to grant States and local governments easements and rights-of-way to construct, operate, and maintain seawalls and levees within the Gateway National Recreation Area for flood control and prevention of shoreline erosion.

## Background

Hurricane Sandy was the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season.<sup>1</sup> Sandy caused \$70 billion dollars in damage in the U.S. and affected 24 States, including the entire eastern seaboard.<sup>2</sup> The damage was particularly severe in New York and New Jersey where the storm made landfall. The storm surge hit New York City on October 29, flooding streets, tunnels and subway lines, and cutting power around the City.<sup>3</sup> Tragically, 162 individuals lost their lives as a result of the storm, including 53 in the State of New York.<sup>4</sup>

The devastation was widespread in Staten Island, especially along its southern shore where residences, businesses, cars, and other property were heavily damaged. Whole blocks of houses were swept away by the storm surge in the communities of Midland, New Dorp, and

---

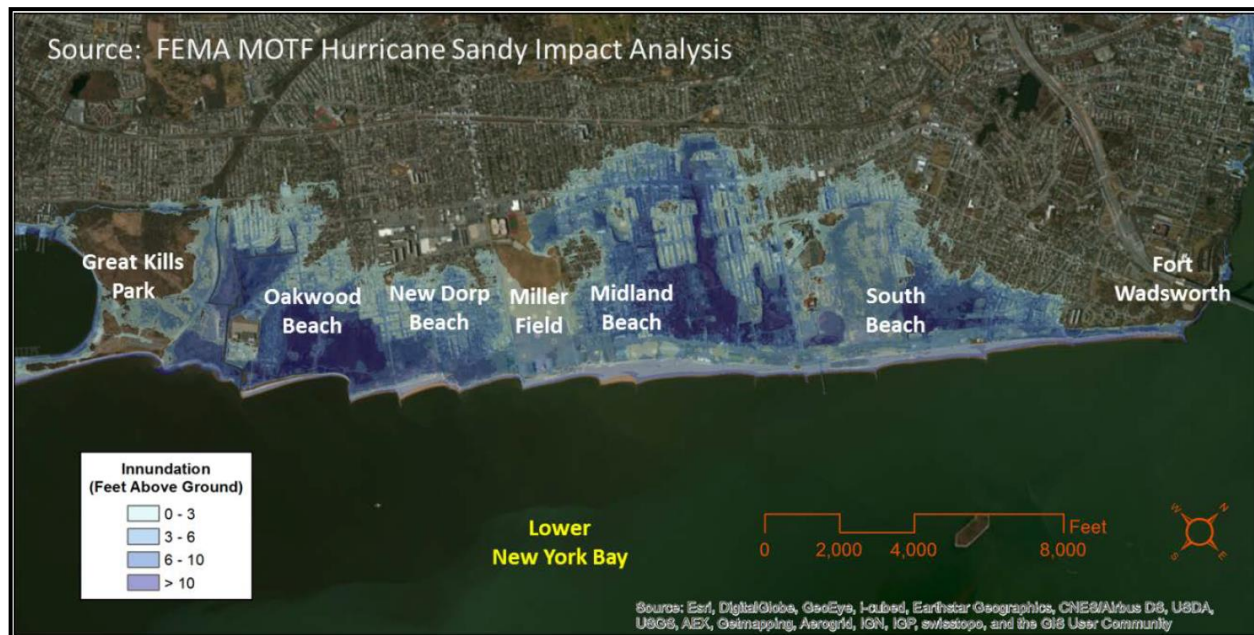
<sup>1</sup> “2012 Atlantic Hurricane Season.” National Hurricane Center Annual Summary. National Weather Service. NOAA. January 23, 2014. [https://www.nhc.noaa.gov/data/tcr/summary\\_atlc\\_2012.pdf](https://www.nhc.noaa.gov/data/tcr/summary_atlc_2012.pdf)

<sup>2</sup> “FEMA Fact Sheet: Mitigation Assessment Team Results – Hurricane Sandy.” Federal Emergency Management Agency. DHS. <https://www.fema.gov/mat-results-hurricane-sandy>

<sup>3</sup> Id.

<sup>4</sup> “Hurricane Sandy FEMA After-Action Report” Federal Emergency Management Agency. DHS. July 1, 2013. [https://www.fema.gov/media-library-data/20130726-1923-25045-7442/sandy\\_fema\\_aar.pdf](https://www.fema.gov/media-library-data/20130726-1923-25045-7442/sandy_fema_aar.pdf), “Deaths Associated with Hurricane Sandy.” Morbidity and Mortality Weekly Report. Center for Disease Control and Prevention. May 24, 2013. <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6220a1.htm>

Oakland Beach. Considerable damage also occurred to the borough's electrical grid, rail, and ferry operations.<sup>5</sup> The damage was so severe that media reports referred to it as Ground Zero for damage in New York City, and at least 21 people died in Staten Island from the storm surge.<sup>6</sup>



Hurricane Sandy Storm Water Inundation Map for Staten Island. Source: FEMA

In the aftermath of the hurricane, and in response to Public Law 113-2, the Army Corps of Engineers completed a Coastal Storm Risk Management Plan for the south shore of Staten Island.<sup>7</sup> The planned project calls for the construction of a 5.3-mile line of protection consisting of levees, floodwalls, and a buried seawall supplemented by drainage improvements including excavated ponds, road raisings, new tide gates, and culvert structures.<sup>8</sup> The infrastructure will serve as the first line of defense against severe coastal surge flooding and wave forces, providing protection for 30,000 people and over 7,300 structures.<sup>9</sup> The seawall will not only save lives but will allow for flood insurance relief for area residents.<sup>10</sup>

The seawall and levees will traverse both private and public land. The project will intersect 1,742 feet of shoreline within the boundary of Gateway National Recreation Area,

<sup>5</sup> “Tropical Cyclone Report: Hurricane Sandy.” National Hurricane Center. February 12, 2013. [https://www.nhc.noaa.gov/data/tcr/AL182012\\_Sandy.pdf](https://www.nhc.noaa.gov/data/tcr/AL182012_Sandy.pdf)

<sup>6</sup> Id.

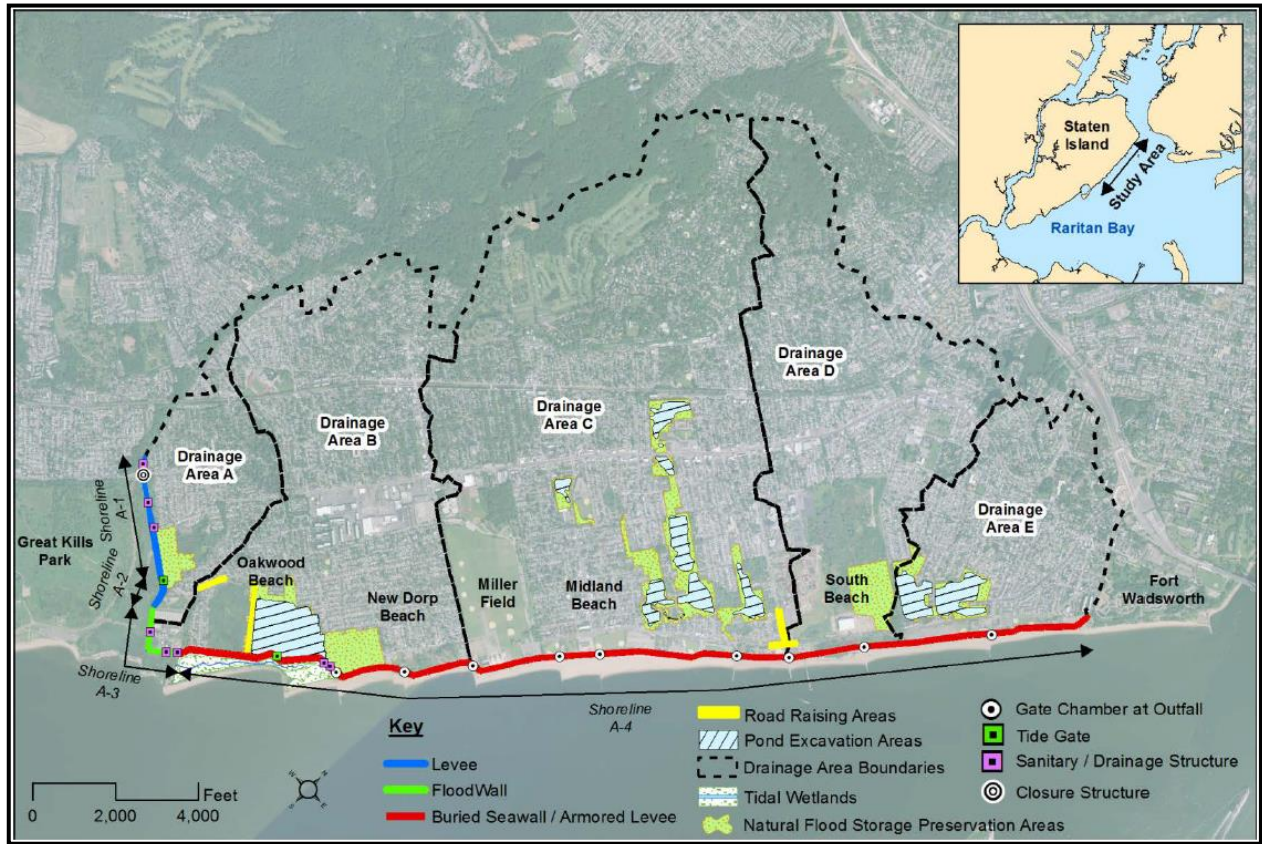
<sup>7</sup> P.L. 113-2. Disaster Relief Appropriations Act, 2013. 113<sup>th</sup> Congress. January 29, 2013. <https://www.congress.gov/113/plaws/publ2/PLAW-113publ2.pdf>

<sup>8</sup> “South Shore of Staten Island, New York Coastal Storm Risk Management Final Feasibility Study for Fort Wadsworth to Oakwood Beach.” US Army Corps of Engineers New York District and New York State Department of Environmental Conservation. December 2016. <http://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/South-Shore-of-Staten-Island/>

<sup>9</sup> Id.

<sup>10</sup> Letter from Congressman Daniel M. Donovan, Jr. to the Honorable Ryan K. Zinke, Secretary of the Interior. Dated August 31, 2018.

federal land managed by the National Park Service.<sup>11</sup> According to the project report, both the Army Corps of Engineers and the National Park Service understand that this project is necessary for the protection of the adjacent communities and have worked cooperatively to develop an alternative that is mutually acceptable to meet the project objectives and minimize adverse impacts on Park resources.<sup>12</sup>



Planned Infrastructure for Coastal Storm Risk Mitigation. Source: US Army Corps of Engineers

H.R. 6666 authorizes the Secretary of the Interior to issue an easement across the Park unit for construction and placement of the seawall. Construction costs of the seawall and related infrastructure will be shared by both non-federal and federal partners. Once completed, the State of New York will be responsible for the operation maintenance, and repair of the seawall.

### Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

<sup>11</sup> “South Shore of Staten Island, New York Coastal Storm Risk Management Final Feasibility Study for Fort Wadsworth to Oakwood Beach.” US Army Corps of Engineers New York District and New York State Department of Environmental Conservation. December 2016. <http://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/South-Shore-of-Staten-Island/>

<sup>12</sup> Id.

**Administration Position**

Unknown.

**Anticipated Amendments**

None.

**Effect on Current Law (Ramseyer)**

None.