



**Hearing before the New York City Council
Joint Hearing with the Committee on Parks & Recreation and the Committee on Waterfronts
The Role of the Parks Department in Regulating Recreational Waterfront Access**

September 18, 2017

Testimony By: Nate Grove, Director of Citywide Marine Operations

Good afternoon; City Council Waterfronts Committee Chair Rose, City Council Parks Committee Chair Levine, and members of the Council Waterfronts and Parks Committees. My name is Nate Grove, and I'm the Director of Citywide Marine Operations for NYC Parks. Thank you for inviting us to testify today regarding recreational waterfront access. I'd like to begin by providing some context on New York Harbor and the Parks Department in relation to boating and the City's waterfronts.

On any given day in NY Harbor, you'll see a variety of users sharing our waterways – from recreational human-powered kayaks and stand-up paddleboards, to small speed boats, sailing schools, ferries, water taxis, cruise ships, and commercial vessels. NY Harbor is the third largest harbor in the nation, and Michael Day, the U.S. Coast Guard's Captain of the Port of NY and NJ, has stated that our harbor sees the most diverse range of maritime uses.

As you are aware, the Coast Guard is the primary entity responsible for protection of the U.S. Maritime Domain and the U.S. Marine Transportation System and those who live, work or recreate near them – including over 500 miles of shoreline here in New York City. Coast Guard personnel inspect commercial vessels, investigate marine casualties, license merchant mariners, and, in cooperation with local authorities, manage our waterways.

As it relates to our waterways, NYC Parks maintains over 40 human-powered boating launches located throughout the 5 boroughs. We also have a dozen marinas, vessel mooring fields, motorboat launches, and mobile boat hoists that support recreational, commercial charter, passenger ferries, and human-powered boating throughout New York City. We work with a variety of non-profit and for-profit on-water groups that operate from parkland, including Manhattan Community Boathouse, Inwood Canoe Club, Row New York, East River Crew, Long Island City Boathouse, North Brooklyn Boat Club, Sebago Canoe Club, Red Hook Boaters, Kayak Staten Island, Wheel Fun Rentals, and others. Generally speaking, human-powered boating storage, excursions, and rentals departing from City parkland are facilitated via these 3rd parties, or our concessioned marina operators, and are not managed directly by NYC Parks.

Parks Marine Division is presently comprised of 20 full time Dockmasters, Marine Mechanics, Maintenance Workers, and City Park Workers. The division's primary responsibility is staffing, maintaining, and securing Parks 3 in-house run marinas, these are the World's Fair Marina in Queens, Sheepshead Bay Piers in Brooklyn, and the 79th Street Boat Basin in Manhattan. People pay to dock their vessels with us year-round, and in the case of the World's Fair Marina and 79th Street Boat Basin, this requires that we have staff coverage at site at all times, 24 hours a day, 7 days a week.

Through its operation of these three marinas, Parks Marine Division also hosts a robust series of marine and water safety educational programs throughout the year. Thousands of NYC students visit our marinas each year to take part in water safety instruction from our expert Dockmasters, and participate in educational sails aboard the historic tallships for which we reserve dockage space throughout the year.

On the topic vessel operator safety, Parks Dockmaster staff works directly with the Coast Guard and NYPD's Harbor Unit to promulgate New York State Navigation Rules as determined by the New York State Marine Services Bureau, as well as best practices for safe boating in New York Harbor and its surrounding waterways. This includes posting "Slow" and "No Wake" signs on relevant Parks properties, as well as installing and maintaining "No Jet Ski" buoys in waters under Parks jurisdiction. Kayak and motorboat safety rules signs are posted at each Parks launch site, and our staff coordinates with the Coast Guard to distribute all New York City advisories issued by the U.S. Department of Homeland Security.



In support of its responsibility to manage our waterways, the Coast Guard also promotes and facilitates the activities of harbor safety committees. These harbor safety committees are local associations comprised of maritime stakeholders who meet regularly to discuss and develop local solutions to waterway safety issues. Members of these committees typically include commercial and recreational vessel operators, kayaking and paddling clubs, terminal representatives, marine pilots, state and local authorities involved in port operations, and other interested parties.

In addition to the Coast Guard-organized NY Harbor Safety, Navigation and Operations Committee, or "Harbor Ops", Parks Dockmasters participate in a range of boating safety and security committees throughout the year including, the Port of NY/NJ Maritime Security Committee; the NYPD Operation Nexus Counterterrorism Program; the Passenger Vessel Association Council; as well as no-wake zone and educational tallship watertrail task forces.

In addition to ensuring the myriad users and stakeholders in our harbor are receiving relevant and current maritime regulations and advisories, these committees also provide a forum for cooperation and open discussion among the harbor's diverse parties to address the challenges of our shared waterways, and develop non-regulatory solutions to better ensuring the safety of all users. These committees have been established to both develop harbor best practices and also create mechanisms for relaying these best practices and recommendations to its users.

For example, as part of the Harbor Ops Education Subcommittee, Parks helped organize last year's Shared Harbor Tour that assembled recreational boaters, paddlers, ferry and other commercial operators aboard a NY Waterways Ferry to identify potential conflict areas and to get an on-water view of the harbor from each other's perspectives. We are working on making this tour an annual collaborative event among the Harbor's various users.

Parks Dockmasters conduct safety inspections of customer vessels, as well as dock and mooring field equipment and facilities, annually at a minimum. On an important issue related to boating safety, we would also like to note that NYC Parks has been leading the effort to address the issue of derelict vessels and other marine debris abandoned in our City's waterways and shorelines. Parks Marine Division worked with the Department of Citywide Administrative Services to establish the city's first-ever standing requirements contract which enables us to remove derelict vessels that pose public and environmental safety hazards throughout the City. In addition to grant funding we have secured for this work, we continue to work to identify reoccurring operating funds to address these issues on an as-needed basis as they arise.

NYC Parks also hosts Vessel Safety days at our Parks-run marinas in coordination with the U.S. Coast Guard Auxiliary, where customer vessels are boarded and inspected for all required safety gear. Parks Marine Division distributes "no wake" and "safe boating" advisories annually to our permitted boating customers, as well as to our concessioned marina operators located in each of the five boroughs for distribution to their customers. In addition to a "Rules of the Road" document highlighting best practices, Parks Marine Division also provides a Kayak and Boating Safety informational packet received by all boaters who apply for an annual launch permit. This informational packet includes navigation and safety guidelines and equipment recommendations, as well as our published launch site rules, vessel float plan instructions, and emergency contact information. This packet also includes links to boating safety courses for both motor and human-powered vessel operators. All of this important information is available for download via the Parks website.

Our website also links directly to the New York City Watertrail Association website, where human-powered vessel operators have access to additional resources regarding safety and best practices. At this website, boaters can also view a comprehensive safety video describing the challenges of our multi-user port environment, as well as videos specific to Paddlers, Motor Boaters, Sailors, and Pilots, Sharing the Blue Highway and Operation Clear Channel respectively. This is a very well-documented instructional video series, with interviews, live on-water footage of vessel interactions, and practical



demonstrations of best practices and safety measures recommended for the full range of vessels operating within our port, from paddlers to massive cargo ships, and everyone in between.

As we hope today's discussion will make clear, New York City's waterfront offers a wide range and tremendous variety of recreational opportunities for all New Yorkers; and NYC Parks works closely with other City, State and Federal entities to ensure that every New Yorker can enjoy our city's waterways safely. Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

Public Testimony
New York City Council, Committee on Parks and
Recreation and Committee on Waterfronts
Re: The Role of the Parks Department in Regulating Recreational Waterfront
Access

September 18, 2017

Roland Lewis
President and CEO
Waterfront Alliance

The Waterfront Alliance is a non-profit civic organization and coalition of more than 900 community and recreational groups, educational institutions, businesses, and other stakeholders committed to restoring and revitalizing New York Harbor and the surrounding waterways. New York City is a city of water, with our waterways serving as a vital resource for commerce, transportation, education, and recreation.

More and more New Yorkers are interested in getting not only to the water's edge, but onto and into the water: from paddling and sailing, to fishing and oyster monitoring. NYC Parks is a recognized leader in providing public access for boating on our waterways. In addition to overseeing the City's public marinas and power boat launches, its marine division provides free and low-cost access for non-motorized uses, at dozens of locations connecting the New York City Water Trail. This extends to educational opportunities as well, with marine science lessons and oyster restoration stations situated across waterfront parks.

Waterfront parks are a great investment, though the dedicated and skilled staff of the marine division work with a fraction of the budget that other agencies enjoy. As long-needed capital improvements to the 79th Street Boat Basin or World's Fair Marina demonstrate, our city's marinas present an untapped economic opportunity.

With the launch of NYC Ferry bringing heavier vessel traffic to our blue highways, it will be important for NYC Parks to have sufficient resources continue its important work in existing forums for regulators and commercial and recreational users to discuss safety protocol and "rules of the road." Furthermore, NYC Parks has a set of procedures in place for permitting waterfront access and informing permittees about safety practices. This includes distributing and linking to US Coast Guard standards, which already apply to recreational boating. For example, these standards include guidance that all kayakers must wear a personal flotation device (PFD), and carry a whistle or device to produce a warning sound.

It would be unnecessarily burdensome to add new legislation to the thorough set of safety rules in place with the New York State and the U.S. Coast Guard. Many waterfront partners are already addressing safety concerns through existing educational meetings and programs, including the NY-NJ Harbor Operations and Safety Committee, or Harbor Ops, which comprises maritime experts of all stripes and is overseen by the Coast Guard. A better way forward would be to identify additional funding for improved signage or expanded boater education and training programs that would help the City and its partners channel growing interest in our waterways into improving a culture of safe practice and good communication.

While we enthusiastically support the work of NYC Parks marine division in facilitating access to our waterways, Waterfront Alliance recognizes there are still too few neighborhoods with access to the full scope of educational, cultural, and environmental resources our 520 miles of coastline can offer. This year we launched a new initiative, the Harbor Scorecard, a district-by-district dashboard for strong, healthy, and open waterways, measuring coastal flood risk, water quality, and public access to the water. Using data from research institutions, City agencies, and citizen scientists, the Harbor Scorecard demonstrates how access to swim in the water for recreation and or touch the water for education is unevenly distributed, with more than half of all of New York's waterfront districts significantly restricted from using the waterways.

Counting recreational boat launches, historic boat programming, ferry landings, tour and charter locations, and marinas, there is just one place to board or launch a boat for every four miles of our city's coastline. We can do better to ensure that all New Yorkers have equitable access to the waters that surround us. Many new waterfront spaces have been built or retrofitted with upland uses in mind, restricting access into and onto the water. The many historic, educational, and cultural vessels that call the harbor home have very few places to berth, particularly outside of Manhattan, and piers are too often designed without maritime access in mind. Many prospective vessels opt to pass over New York altogether when visiting historic port cities on the east coast.

The City Council should work with the administration to develop a plan to expand on-water opportunities citywide, through a network of environmentally-friendly community docks and water access infrastructure, which will strengthen connections across our city of water and improve safety in times of emergency. As NYC Ferry has employed a network approach to building new landings serving several commuter routes, recreational water uses could benefit from a similar approach. A multi-year citywide capital program for new floating docks, get downs, or soft shorelines in public waterfront spaces, especially in districts with limited access, will reconnect residents with our waterfront and our maritime tradition.

Working with Brooklyn Bridge Park and dozens of water users and community stakeholders, Waterfront Alliance has developed a Maritime Activation Plan to highlight additional opportunities for expanding use and enjoyment of the park's shared waterways. That plan includes addressing the necessary upland supports to facilitate water-based programming. Waterfront parks across the city, including waterfront open space not managed by NYC Parks, could benefit from a similar exercise.

Safety is and should always remain the highest priority when considering when and where water access is available. At the same time, access to the waterways for temporary use could be more widely available, as a complex network of permissions pose obstacles to all but the most seasoned maritime users. Beyond the scope of NYC Parks-managed land, there is no single point of contact for prospective water users seeking permission. In many ways restriction, rather than permission, has in many ways become a default position. The public trust doctrine, that our natural waterways are to be preserved for public use, must continue be our bedrock guiding principle.

The Waterfront Management Advisory Board should be well-positioned to convene a working group of mariners, educators, park managers, City agency staff with waterfront oversight responsibilities, and other stakeholders to develop permission standards that increase safe access to the waterways for temporary recreational, cultural, and educational uses. We look forward to working with the Council and other partners to ensure that New York City can be a world leader in building equitable access for use and enjoyment of our waterways across all communities.

FREE KAYAKING – NEW YORK CITY

Downtown Boathouse

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New York City Council – Waterfronts Committee Hearing, Sep/18 2017

The Role of the Parks Department in Regulating Recreational Waterfront Access

Graeme Birchall

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Downtown Boathouse

The Downtown Boathouse is an all-volunteer organization that has provided free public kayaking in New York City for more than twenty years. More than 400,000 people have gone kayaking with us – all for free. We run the largest free public kayaking program in the world. We have an excellent safety record.

Privatizing Public Safety

New York City allows private developers of waterfront property to determine whether adjacent public property is safe to use. Not surprisingly, the “safety studies” that these developers pay for often result in significantly reduced public access to the adjacent waterfront – often for no good reason.

This process does not prioritize public safety. It should stop. The city should review all privately-sponsored safety studies (e.g. for the Brooklyn Bridge Beach in Manhattan) and redo them if they are biased.

Privileging Public Safety

New York City treats people who pay money to use the public waterfront to a different (and often lower) safety standard than those who do not pay. For example, on Aug/8 2017 a private group of (paying) paddle-boarders were allowed to launch from the Brooklyn Bridge Beach in Manhattan, which is at all other times closed to the public – supposedly for safety reasons.

There is no relationship between wealth and safety. The city should stop discriminating based on whether people can afford to pay to go boating or not.

Inequitable Public Access

New York City builds harbor access points that don’t work well for beginner boaters, or children, and/or that have a very limited “safe capacity” (i.e. the number of people who can go boating concurrently without creating a safety hazard if everybody needs to get off the water in a hurry). The end result is that many neighborhoods get nothing more than token access to the harbor. This should stop. The city should instead build access points that are designed to meet the needs of local residents.

Summary

New York City continues to use the legitimate issue of boater safety to create a harbor that is only accessible and/or safe for a tiny minority of people. It should instead create a harbor that is safe for all residents.

I'm Jacquelyn Krogh and a board member of Kayak Staten Island. We are a non-profit group under the umbrella of the Gowanus Dredgers. I'm a medium ability kayaker with 9 years experience managing public programs. In my professional life I am a genetic counselor who has worked at both hospitals on Staten Island. I would like to that the committee for inviting myself and Kayak Staten Island to testify.

In regards to safety and regulation of kayaking in New York waterways, I and Kayak Staten Island feel education should be emphasized and supported before and eventually coordinated with any future regulation.

Currently the permit provided by the Parks Department pertains solely to launching from designated Parks Department launch sites. I quote from the website " ". From my understanding these permits are no recognized by any other entity.

I feel we should discuss whether and education component should be tied to obtaining a permit. The educational requirement should be accessible and as low cost as possible. Regulation itself costs money and there are not enough kayakers at present to fine and fee in any meaningful amount.

One idea is a video that requires one to watch and possibly answer questions before printing a permit.

There should be discussion of whether the permit could be connected to other entities such as the Port Authority, Coast Guard and NYPD. My opinion is that those groups would not manage the system but should be aware of a Parks permit and have access to it in certain circumstances.

The video should include safety standards, equipment (including boat type) and specific information about the water conditions of NYC. This information can be obtained from the current boat houses.

In addition, the parks water trail website page has designated launch site information which is surprisingly specific and useful. This should be expanded to the water ways near each launch site. Once again, this information can be obtained from the individual boat houses.

An improved permit system should be implemented after an educational component is in place.

Boat house input and collaboration with the Parks Department must be improved. I can only speak for Kayak Staten Island, but the communication has been spotty. Admittedly this in the context of massive (even by New York standards) changes to the Staten Island Parks. We have recently moved to the Conference House Park whose director is very motivated to have us and wants to include kayaking in the future changes to that park.

Agreements between boat houses as tenants and the Parks as hosts are different between boat houses. However, most are affiliated with the Parks Department. Boat houses could be required to provide 1-2 safety classes to the public. Obviously, I don't want to speak for all boat houses, but ours would be interested in providing those presentations and some small financial support for certified instructors and Parks department lecture space would be cost effective. Winter classes at Parks department indoor pools were very helpful for me and my son for rescue practice and paddling/rolling instruction. There are currently a few available by these opportunities should be expanded.

There has been discussion of whether certain areas in our waterways should be off-limits. It is the view of Kayak Staten Island that some areas of our waterways are not intended for personal use. Education should be attempted before regulation and support of the existing appropriate areas should be encouraged and a safe culture created before regulation.

Marine radio use should be discussed with input from the ship captains. Currently we use marine radios when we are near shipping channels, mainly to listen. Appropriate use should be established and included as part of any education program.

SEPTEMBER 18 HEARING
CITY COUNCIL COMMITTEE ON WATERFRONTS AND PARKS AND
RECREATION

To The City Council,

Four NYC Public Parks are located on Coney Island Creek, an estuary that the NYSDEC claims is “too polluted” to allow community interaction with the waters along the park’s shoreline. Instead of finding a way to clean the creek’s waters and provide a safe environment for park visitors, the NYSDEC recently issued a new permit allowing millions of gallons of “treated” wastewater to be pumped daily into the creek during the next two years. The City Council, NYC Parks, DEC, DEP and the EPA need to address the pollution issues affecting the parks along the creek and create a comprehensive plan to clean the waterway and prevent pollution in the future.

People from the local community and from all over the city use the park's shorelines for swimming, fishing, boating, and other recreational activities, even if these activities are banned. This will not change in the future and park visitors need to be assured that the pollution issue is being addressed by the city. **The neglect of Coney Island Creek has gone on for much too long and needs to end now!**

Another issue is the use of jet skis and speed boats in the creek. A 5mph speed limit needs to be placed on warning bouys located at the mouth of the Creek and at Calvert Vaux Park, Kaiser Park, and Six Diamonds Park. Jet skis endanger park visitors along the shoreline and stir up pollutants in the shallow waters. These watercraft also disturb wildlife including waterfowl, breeding horseshoe crabs, and turtles. It’s an ongoing problem that can be solved through park regulations.

Sincerely,

Charles Denson

Executive Director,
Coney Island History Project



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New York City Council
Committees on Waterfronts and Parks & Recreation
Joint Oversight Hearing on "The Role of the Parks Department in Regulating Recreational Waterfront Access"
Sep. 18, 2017

Members of the Committees,

The Long Island City Community Boathouse is an all-volunteer non-profit organization that has provided free boating programs to the public in Long Island City and Astoria for more than 10 years. We have served 4000+ participants per year at our various on-water events, hosting a range of adults, children, and even pets. We require no prior experience to participate in most of our programming.

Beyond providing a purely recreational outlet, we aim to foster a sense of stewardship of the waterfront and the waters themselves among residents and other members the local community who would otherwise have no direct access to such on-water activities in their own neighborhood.

Irrespective of their age, a good proportion of our participants are first-time boaters. Many may have never even made direct contact with the waters in their own neighborhoods before at all. Indeed, most City waterfront neighborhoods have no easy means to access their local waters directly, despite it often being less than a stone's throw away, just on the other side of a railing or other blockade. They are blocked by private property or other obstacles that make it inaccessible or otherwise less than safe to do so. Certainly, very few people own their own boats. For those that do not own powered vessels, their primary means of access will usually be through Parks lands.

Risk to a Public Program at Parks

For 10 years our flagship "walk-up" paddling program catering to beginners has operated from DPR-managed property at Hallets Cove in Astoria. The cove itself is a protected embayment situated between Socrates Sculpture Park to the south and the Astoria Houses NYCHA complex to the north. Even though the upland access operated by Parks is but a small corner of the Cove, it is the only means of access to (or egress from) the water for some distance in either direction.

The other surrounding frontage may be under the management of other City agencies or privately owned, but apart from fishing from the NYCHA promenade, the water itself has had basically no other use over that period beyond that offered through Parks. Whomever "owns" the space or other frontage, the water body itself has effectively been "Parks space" over that time, and our program certainly accounts for the lion's share of use by the local residents.

Despite that history, the existence of that walkup paddling program is now in jeopardy due to the introduction of the new NYC Ferry "Astoria" line into the Cove. The specific placement and orientation of the landing within the cove chosen by EDC has called into question the ability to operate the program safely (i.e. to operate at all) in such close proximity to a ferry. We are in the process of evaluating whether it can be done, but it is far from a foregone conclusion that it can be, despite claims by outside parties to the contrary. The parties making

such claims do not speak for LICCB nor other knowledgeable paddling groups and are unqualified to make such baseless claims.

Recent statements from the Ferry operator, Hornblower¹, represent good intentions, but do not amount to a solution or a likely favorable outcome. They draw a false equivalence between the experienced kayakers encountered on the open waterways and the novices who participate in walkup programs. EDC reassurances that the service is taking lessons from examples where such boating programs and ferry services currently coexist in the same space are specious, if not outright disingenuous, as there ARE no such locations. When pressed for an example of such a location, they misidentified one as Brooklyn Bridge Park Boathouse, which does not operate anywhere near a ferry. It is hard to conceive of what lessons could supposedly have been drawn from an example that no one could actually point to.

Lack of Consultation with Community

This situation is especially frustrating because it was avoidable with a simple compromise. Were the ferry landing placed a mere 300 feet further west, to the edge of the cove, there would essentially be no conflict. EDC was told about this issue by us and other similar organizations during multiple forums and advised about the above compromise, but the “explanation” we received (after construction began) was that the current placement and orientation was chosen “for the good of the ferry program” – seemingly dismissing the concern over existing use of the space. The difference in distance amounts to all of one minute of walking - less if running for a rush hour ferry that has landed as one would for a bus.

This decision was taken without soliciting feedback from local residents about their feelings over our concerns of its impact on the kayaking program or informing them about the aforementioned proposed compromise. In fact, we have learned that residents groups were told in response to their own independent questions that there would be *no* problem with the kayaking due to the ferry, in direct contradiction to what we told EDC many times.

EDC claims that they solicited and incorporated “community input” and “kept the community informed” about the ferry. That may be true in a purely general sense, but they certainly did not solicit the local community’s input regarding this particular tradeoff that they chose for the placement of this landing.

EDC ironically did explicitly solicit the input of the human-powered boating community regarding various aspects of the ferry program over the course of two years. We from LICCB attended such meetings, and the feedback we consistently gave was that situating it as originally described would pose a major problem for the Hallets kayaking program and that the landing should be located further away as mentioned above to mitigate this issue. However, none of this feedback was incorporated into the final designs as constructed. Quite the opposite – in fact, the situation was made worse at Hallets Cove with respect to these concerns between the initial proposals and the final construction.

LICCB made both in-person and written submissions to have these specific concerns included in the Environmental Impact Statement (EIS) for the Ferry program, but the issues we raised were conveniently left out of the final EIS, and thus never available for discussion by policy makers, regulators or the community. According to one EDC rep, they were left out because “on-water uses are never part” of the scope of EIS under the category in which we raised it (‘Open Space’).

None of the above concerns or tradeoffs were relayed to the community or its representatives as part of any decision process. To whatever degree EDC may claim that they *did* keep the community informed, we feel justified

¹ New York Times, Aug 28, 2017, “NYC Ferry is Expanding Again, but Not Without Growing Pains”,
<<https://www.nytimes.com/2017/08/28/nyregion/nyc-ferry-astoria-kayakers.html>>

stating that they did not do so regarding this particular issue, because once construction began, none of the residents groups to whom we spoke - the Astoria Houses Residents Association (AHRA), the Old Astoria Neighborhood Association (OANA), and others – were aware of this tradeoff made by EDC. The residents' groups were taken completely by surprise when we told them that we raised this as a major problem for the program multiple times over two years because they had received reassurances that it would NOT pose a problem for the kayaking. To quote NYCHA resident Claudia Coger, President of the AHRA, "they told us it [the kayaking] was going to be fine." Whomever "they" were in this case, they did not speak for the organization that runs the program, and had no business to make such assurances.

The local Councilman's office was likewise kept uninformed about our specific concern, despite their own funded initiative through EDC to place a recreational dock within the Cove from which to run such a boating program. The Office was only made aware of this problem (by us) after the landing was already under construction. Documentation from the local Community Board makes only a single mention of the Ferry service, in November 2015, and no such concerns were brought forth to them, either. The only documentation available in the CB records is a copy of virtually the same Ferry service brochure as was distributed within two months of the start of local service, and a few notes about some service features in the minutes.

No Alternative Locations for the Public Recreation on the Water

Protected areas on the water like Hallets Cove where such a recreational program can be run are especially rare along the NYC waterfront. Despite its overall length, such places that are out of the navigation channels and protected from the faster currents and much of the wind are few and far between. Much of the waterfront is fortified with tall, steep, straight bulkheads or rock embankments, subject to the currents which would often be faster than a novice paddler could compete against, even near the shore. Sadly, and not coincidentally, such places are also where EDC has decided it is "ideal" to place ferry landings. (One other example is Stuyvesant Cove, a place where locals have long sought to have a permanent walk-up paddling program – sadly, a ferry landing is also being installed there).

The sentiment by some that the paddling program should just be run "somewhere else" belies this reality. Related newspaper reader commentary² that "the kayakers" should just "find someplace else to paddle", because the ferry is more important also misses the point; it misunderstands who "the kayakers" are in this case, and the flexibility available to the Ferry but not the public paddlers. It suggests that this is somehow an attempt by LICCB to "defend its turf". To be clear, it's not the LICCB volunteers who will be deprived of their recreational space. Hallets Cove itself is not typically a destination for non-public recreation by our volunteers – it is too close to our home base to be worth an excursion for its own sake. Our recreational trips for volunteers go a good deal further away. Our reason for going there is to run the public walkup program, and it is the public at large who will be deprived.

We make no claim that the needs of the paddling program should somehow supersede the need for ferry service in the neighborhood, or that any encroachment is unacceptable. It was never viewed as an all-or-nothing arrangement. Coexistence would certainly have been possible, however, the ferry's presence in that general location (the Cove) didn't require the exact placement chosen or the degree of problems that will pose. The specifics of the installation of the ferry there ignored the existing use of the water itself, altogether, and local community itself was never consulted on the tradeoff.

Being powered vessels, ferries have a good deal more flexibility with respect to these placement issues. In fact, the other landings installed along the Astoria route itself have no difficulty being outside of protected areas,

² New York Times, Aug 28, 2017, "NYC Ferry is Expanding Again, but Not Without Growing Pains",
<<https://www.nytimes.com/2017/08/28/nyregion/nyc-ferry-astoria-kayakers.html>>

along with many other landings throughout the city. For the local residents of Astoria, on the other hand, there is no “other place” near their homes where such a paddling program could take place. It is in the Cove, or nowhere.

“Sharing”

EDC has made statements to us about their desire to “share” the water body for multiple uses. We are not opposed to that, but as is often the case, it is an ill-defined term in this case. Their seeming understanding about what is necessary for a viable boating program is most charitably described as ‘deficient’. Their particular choices, and subsequent expression of confusion at our concern (despite the two years of repeating ourselves), and subsequently expressed ideas for solutions demonstrate a basic lack of understanding of the nature of our program and our participants. There is apparently some belief there that an “equal partition” of the water in the cove is somehow a suitable compromise that would be workable for both uses, or even easily achievable. Neither is the case.

Novice boaters of the sort that participate in our program safely within the protected cove cannot be precisely penned in by markers or instructions, or even reminders on the water. Boundaries will be breached by such boaters due to a number of factors including currents, mild breezes or simple inattention while taking photos. They are not robots, nor pets on electric collars, and they do not move swiftly to get out of the way. A suitable, significant buffer space is required between any demarcated boundary and nearby (sometimes invisible) hazards, be they rocks, pilings, landings, navigation channels or fast-moving water, or now a ferry approach and propeller wash outside of said navigation channels. Placing the Ferry landing as they have in the middle of what has effectively been Parks “play” space for so many years is equivalent to placing a ground-level subway stop in the middle of a park field, and telling people that it’s OK to play on the [invisible] tracks as long as they don’t see the train coming.

A suitable ‘sharing’ arrangement would have been one that understood and accommodated both the existing recreational uses and the lack of alternative locations for the said use - one where the Ferry service minimized its footprint in the waters of the cove itself, rather than effectively take away 50% or more of the space, and expecting the recreational program to be able to safely adjust. It can hardly be qualified as ‘sharing’ if the way it is done renders us unable to realistically run the program.

Conclusion – A Request for Regulation

In response to this failure to keep the community informed and involved in the decisions and compromises that affect it in this case, and the potential long-term effects of rendering a long-standing program non-viable, we at the Boathouse seek to have Parks be involved in the regulation of waterfront development to protect the limited number of areas that are suitable for recreation in the water, even if that development may not occur on Parks property itself. This should most certainly be the case where the proposed waterfront changes touch on existing Parks property, but also what we’ll call “Parks adjacent” – where the development would affect ongoing, or even future Parks activities by virtue of its proximity, even if from non-Parks land.

Parks is the agency best placed to represent the local community’s recreational interests to balance against the other development interests that dominate choices made by other arms of the government (or quasi-governmental organizations like EDC). They should be a voice in the room for relevant decisions and should bring together the relevant community groups to make sure they have a voice in the room when such final decisions are made, rather than just have the public be “informed” about them after they are fait accompli.

Sincerely,
David Matten, LICCB Senior Administrator
senior_admin@licboathouse.org

TESTIMONY OF
PAUL GERTNER, CHAIR HARBOR RING COMMITTEE
LAURA BARLEMENT, HARBOR RING STATEN ISLAND REPRESENTATIVE
IN BEHALF OF HARBOR RING AND TRANSPORTATION ALTERNATIVES
NEW YORK CITY COUNCIL HEARING SEPTEMBER 18, 2017
THE ROLE OF THE PARKS DEPARTMENT IN REGULATING RECREATIONAL WATERFRONT ACCESS

Thank you very much for the opportunity to testify about this issue which is important to us and many other New Yorkers. We would like to bring the perspective of Harbor Ring and Transportation Alternatives.

The Harbor Ring Committee began its campaign in 2012, envisioning a largely waterfront regional pathway for bicyclists and pedestrian, utilizing existing dedicated paths and on-street routes that can eventually become part of a dedicated protected pathway. The importance of pathways like this to the city can be seen in the multiple benefits they provide, such as:

- Routes for alternative (cyclist and pedestrian) transportation.
- Recreational and related health value.
- Impetus to desired economic development in the form of tourism and real estate.

Probably no place in New York achieve these results better than the West Side pathway. It offers a direct route for many commuters and other travelers, attractive recreational space, and a tourist destination. Pedestrians are by and large safely separated. The pathways themselves are wide enough to provide safe comingling of serious bikers on their way to work and children just learning under the watchful eyes of their parents.

The Harbor Ring advocates for the creation of such pathways along all parts of the extensive NYC waterfront. We would like to see the Department of Parks work with the Department of Transportation and other agencies (including the MTA Bridges and Tunnels Division, which controls the Verrazano-Narrows Bridge) to create the envisioned Harbor Ring pathway in places where it does not yet exist. One example would be the waterfront of Staten Island's North Shore, along the Kill Van Kull and New York Harbor. West of the St. George Ferry, cyclists use a lane on heavily trafficked Richmond Terrace. This lane is not protected and squeezes cyclists between two lanes of moving traffic and a line of parked cars. New development in the area is drawing ever more traffic. The 2017 NYC Bicycle Map shows this area as the "North Shore Greenway." This pathway does not exist; currently, the new parking garage and NY Wheel construction has made it impassible). It should be restored (it was severely degraded by Hurricane Sandy) and new development (i.e., the NY Wheel in progress and new parking garage that has already been opened) should integrate this pathway for pedestrians and cyclists. It would provide great value as a recreational and transportation option, when integrated with the on-street lane system.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

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(PLEASE PRINT)

Name: NOAH H. SALEM DIARY, ESQ.

Address: 1414 35 ST

I represent: MYSELF / front all council

Address: _____

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Name: Nate Grove

Address: 830 Fifth Avenue

I represent: NYC Parks

Address: _____

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Name: JENNIFER RATNER

Address: _____

I represent: Friends of The East River Esplanade

Address: (60th - 120th Street)

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Name: Pamela Pettyjohn

Address: Coney Island Beautification Project

I represent: sa

Address: _____

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Name: Graeme Birchall

Address: Pier 26 Tribeca

I represent: Downtown Boathouse

Address: Pier 26 Tribeca

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Name: EDWARD J. KELLY

Address: 17 BATTERY PL. NY, NY 10004

I represent: Maritime Association of the Port of NY/NJ

Address: "

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Date: 9/18/17

(PLEASE PRINT)

Name: David Matten

Address: 22-14 Astor Blvd #3C, 1102

I represent: Long Island City Community Boathouse

Address: 46-01 5th St, LIC 11101

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Name: Roland Lewis

Address: 217 Water St

I represent: Waterfront Alliance

Address: same

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Name: James Wong

Address: _____

I represent: NYC EDC

Address: _____

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Date: _____

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Name: Rob Buchanan

Address: 251 CLERMONT BK

I represent: NYC Water Trail Assoc

Address: _____

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