

City of New York Parks & Recreation



Hearing before the City Council Committee on Environmental Protection

Introduction 75 of 2010 (requiring city plantings to be storm water tolerant so as to facilitate storm water retention and filtration)

Introduction 398 of 2010 (increasing biodiversity in sidewalk plantings)

Introduction 399 of 2010 (increase biodiversity in public landscapes)

Preconsidered Introduction T2010-1920 (convening an advisory board to develop a strategic long-term plan to slow the spread of invasive plant species.)

November 10, 2010

Testimony by

Bram Gunther

Chief of Forestry, Horticulture and Natural Resources Group

INTRODUCTION

Parks & Recreation is the steward of about 29,000 acres of land, 14 percent of New York City, including more than 5,000 individual properties ranging from Coney Island Beach and Central Park to community gardens and vest pocket parks. We operate more than 800 athletic fields and nearly 1,000 playgrounds, 66 public pools, 48 recreational facilities, 17 nature centers, 13 golf courses, and 14 miles of beaches. We care for 1,200 monuments and 23 historic house museums. We look after 600,000 street trees, nearly 2,500 Greenstreets, and two million trees on parkland. Parks & Recreation also manages over 10,000 acres of forest, woodland, freshwater wetland, salt marsh, and coastal habitats, all of which support an enormous amount of biodiversity, including numerous rare, threatened, and endangered species.

While I am here today to comment on the four bills being considered by this committee, let me share with you some background on what we currently do to manage, conserve, and expand biodiversity throughout the city and to combat invasive species. I would also like to add that we support wholeheartedly the spirit of these bills, but have issues with the details that could actually hamper our ability to expand biodiversity and create sustainable green spaces.

NATURAL RESOURCES GROUP

The Natural Resources Group (NRG) was formed in 1984. Its mission then and today is to conserve, restore, manage, and acquire natural areas in New York City. Since 1984, NRG has restored hundreds of acres of natural areas, forest, freshwater wetlands and coastal marsh, and meadows. Presently, NRG is planting over 50,000 native trees and shrubs each year to restore degraded forests citywide through PlaNYC and its Reforestation Initiative. NRG has been an integral part of the restoration of the Bronx River watershed and ecosystem, rejuvenating the City's only remaining freshwater river from near stagnation to health; beavers have returned, so have oysters, and so has alewife, a migratory fish not seen in the river since the 1600s. NRG is restoring native marshland at Soundview Park, at Four Sparrows marsh in Brooklyn, and nearly 120 acres of marsh and meadow at Gerritsen Creek and White Island in the Jamaica Bay watershed. An apotheosis of NRG's work has been the Forever Wild program, in which 51 nature preserves were created citywide for the public's good.

NRG has known since its inception that invasive species are the enemy of our natural areas and green spaces. The preservation and protection of our city's biodiversity have always been the primary goals of NRG, and to succeed we've been continuously fighting invasive species. Invasive species, as the Council knows too well, can devastate habitats, leading to simplified ecosystems in which biodiversity is decreased significantly and our natural history is threatened. The impact of invasive species is particularly acute in urban centers because of habitat fragmentation, which diminishes an ecosystem's natural resilience.

To this effect, NRG has spent millions of dollars and untold hours over the years battling insidious plant and animal species. This fiscal year, as an example, NRG will spend over \$3 million in site preparation contracts and in-house staff time removing invasive species so we can create and restore native habitats.

Native Plant Center

The Greenbelt Native Plant Center (NPC) is part of NRG. It was started in 1984 to preserve the city's plant genetic history by collecting native seed and propagating native plants to be used in local ecological restoration projects. Today, it stocks up to 400,000 local ecotypic plants. It is part of both international and national efforts to "seed bank" our region's plants to preserve for the future in case of population failures, but also to be used by restoration ecologists throughout the Mid-Atlantic in restoring their native habitats. The NPC runs a bulk seed program that will help NRG create meadow and understory habitats in their restoration work. The NPC developed, in conjunction with the Museum of Natural History, "Bee Watchers," a program to inventory and protect local bees (of which there are over 230 native species just in New York City), which are the main pollinators in this area and therefore essential in protecting the region's biodiversity.

Street Trees

Since the 1995 street tree census, Central Forestry has planted over 200,000 trees. This work, particularly now as part of the MillionTreesNYC effort, has expanded our street tree forest by over 67,000 trees citywide. Central Forestry has expanded the diversity of species we plant from

40 species to over 100 species. This diversification of species not only allows for a more interesting right-of-way forest but also expands the multiplicity of our canopy cover, which creates a healthy environment for communities throughout the city; trees clean the air of pollution, capture carbon, and decrease energy costs, among other environment benefits they afford us.

Asian Longhorned Beetle

Since 1996, Parks, with its State and Federal partners, has battled the invasive Asian longhorned beetle, or ALB. The beetle threatens more than half of the City's tree species. We have examined almost 940,000 trees, treated more than 500,000 trees, and removed over 8,100 trees. The menace of this one beetle acutely brings home the danger of invasive species and how they can "flatten" our landscapes and destroy our natural history.

Greenstreets

The Greenstreets program started in 1996. There are now nearly 2,500 Greenstreets citywide. These "pint-sized" parks have transformed the streetscape from grey to green, and have given neighborhoods with minimal plant life much needed gardens. Greenstreets use hundreds of varieties of plants in their designs: trees, shrubs, perennials, groundcovers, bulbs. This plethora of plants also increases the city's biodiversity in that these street gardens are now homes to invertebrates in the soil, insects within the plant life, and birds within the canopy.

For the last several years, a portion of Greenstreets have been built to actively capture stormwater run-off from the street. Using curb cuts and inlets, grading and bioswales, Greenstreet designers have engineered these sites to use the stormwater to irrigate the soil, which then allows the plants access to stored water, particularly during droughts. In addition, the stormwater run-off diverted into Greenstreets diminishes the run-off into our combined sewer system. An average 1,500 square foot Greenstreet can capture 205,700 gallons of water annually. The citywide universe of Greenstreets can capture 102 million gallons annually.

All four of these efforts – NRG's restoration of natural areas, NPC's propagation of native plants, diversification and expansion of the street tree forest, and Greenstreets' transformation of the streetscape and initiation of stormwater capture – create greater ecological complexity and diversity in our city.

INVASIVE VS. NON-NATIVE SPECIES

Invasive species and non-native species are not synonymous. Although by current definition invasive species are categorized as non-native, this is not entirely accurate. The primary distinction for natural resource managers like me is between invasive and non-invasive; in essence the effect a species has on our ecosystems.

Non-native is not "bad" by definition. Some native species, like white-tailed deer, are more damaging to local ecosystems and cost taxpayers and private homeowners large sums of money to manage. The deer, of course, are filling vacuums created by the historical loss of predators

and the change in our local ecosystems that have increased their food source. By an ecologist's definition, they are invasive.

On the other hand, there are many non-native species that have naturalized over time to become functioning, non-invasive members of our local communities. Some examples are Osage orange and Mulberry, which provide essential food sources for a wide range of animals, Japanese maple, London planetree, a cousin to the Sycamore, and Daylilies, among many others plant species. Honeybees are a prime example of an animal.

Setting the time limit for native species to the point prior to European settlement is arbitrary. Plants have moved around the globe throughout evolutionary history; some assimilate into local communities and become naturalized, thus now native, some don't make the migration, and some plants do become locally invasive. These are the plants that need to be eradicated to conserve our biodiversity, not non-native plants willy-nilly.

LEGISLATIVE ANALYSIS

While my comments will be on each bill individually, all four of them collectively share the Department's goal to promote biodiversity by fighting invasive species while also promoting better practices in stormwater management. Yet, the Department cautions that these bills, as drafted, may have unintended policy implications and ramifications. Three of the bills will negatively affect our ability to create the right landscape designs for the right circumstances and geography. This will actually decrease biodiversity by forcing us to use plants that we know will not survive certain conditions.

Following our testimony, we look forward to hearing the testimony of other witnesses and to continuing to work with the Council and stakeholders to promote biodiversity in the five boroughs.

Introduction 75 of 2010

Introduction 75 of 2010, sponsored by Council Member Gennaro, seeks to require all city plantings to be storm water tolerant, native plantings, as guided by the New York State storm water management design manual, the Parks' Greenbelt Native Plant Center wetlands species lists, and other sources.

We have the following concerns with the legislation as currently drafted:

1. We no longer live in the world of the Lenape, the first Native Americans encountered by European settlers in this area. Soil conditions, our mix of wetlands, plant communities, water flow, topography, and local atmosphere have all been altered dramatically since that time. We need to be free to use plants and plant designs that will actually thrive in today's environment. Many "non-native species" actually perform best when it comes to be being tolerant to stormwater, drought, and other impacts from the modern New York City environment.

- 2. Urban stormwater run-off contains high road salt content and other pollutants. Favoring water-tolerant plants over plants that can handle road salt and other pollutants would lead to flawed and short-lived green spaces. Moreover, native plants that tolerate sea-salt may not necessarily tolerate road salt. Native plants, in many cases, are not the right choices for gardens in the streetscape or environments that are highly trafficked.
- 3. Plants that are flood-tolerant are not necessarily drought-tolerant. In many locations, drought tolerance is more important than having the capacity to handle wet soils.
- 4. Stormwater capture is not a function exclusively of plant life. In fact, the main components of stormwater capture, particularly in right-of-way plantings, are soil type and soil depth, the grading and configuration of the site, and the use of techniques like bioswales and curb inlets.
- 5. It is counterproductive to have "all city plantings" consist of stormwater-tolerant plants. Even in natural areas restoration this is a limit that would be unnecessary; many native habitats, particularly upland, are not inundated and thus forcing water tolerant species like willow in an upland oak/hickory forest is inappropriate.

Introduction 398 of 2010

Introduction 398 of 2010, sponsored by Council Member Vann, seeks to prevent the continued use of hybridized non-native grasses on sidewalk planting strips. The bill would require Parks to promulgate rules to determine a time period where sidewalk planting strips currently using turfgrass must switch to native species, guided by the Greenbelt Native Plant Center wetlands species lists and other sources.

We have the following concerns with the legislation as currently drafted:

- 1. Lawn strips are not the province of the Parks Department. Rather, they fall under the aegis of the Department of Transportation. As it stands now, Parks issues permits for tree plantings, but does not issue permit for gardens on these lawn strips. Furthermore, the property owner is responsible for their care.
- 2. Planting native gardens on lawn strips does not actually reduce maintenance. Native plant gardens would need to be weeded regularly, either manually or with herbicides. If herbicide use is necessary, a professional would be needed for application, and, inevitably, these gardens would become the responsibility of the Parks maintenance staff. In addition, the gardens would require mulching, deadheading, pruning, and of course watering during the dry months or drought.
- 3. The design and installation of these sites would require large capital sums. Plants would need to be salt tolerant, pollution tolerant, as well as drought tolerant. They would also need to be low in height so they don't block traffic visibility (as per the traffic pruning law, Local Law 12 of 2008). And soil conditions vary so greatly across the city that being limited to native plants would decrease the variety of species choices for a designer.

However, all that said, we do see the merit in transforming, carefully and wisely, lawn strips into gardens in selected areas as part of a designed green infrastructure initiative.

Introduction 399 of 2010

Introduction 399 of 2010, sponsored by Council Member Vann, seeks to require Parks to improve biodiversity and environmental quality through sustainable landscape practices. Wherever Parks is planting or replanting non-tree vegetation on all properties owned or managed by Parks, turf-grass and invasive plant species will not be permitted and vegetation would consist of native meadow plantings, low herbaceous grasses, or native ground covers. Plantings in Greenstreets, plantings in medians, or plantings on sites less than one-half acre in size would be required to use a minimum of fifty percent drought- and salt-tolerant, native species. All street trees planted on sidewalks will require a minimum of seventy-five percent of the plantings to be drought- and salt-tolerant and a minimum of thirty percent of the plantings must be native species. On Parks-owned or managed property that is between one-half acre and five acres in size, a minimum of sixty percent of all plant material must be drought- and salt-tolerant, native species. Finally, on Parks-owned property larger than five acres, a minimum of seventy-five percent of all plant material must be native species and drought- and salt-tolerant. This law would not apply to historic parks that have significant stands of viable, non-invasive, non-native trees. Existing trees would not need to be removed to bring a project into compliance.

Additionally, the bill seeks to require that no plant species can be planted on City-owned property if it is classified as an invasive species by any Federal, New York State, or City agency. Parks may prohibit the use of non-native plant species, and must identify and adopt best practices regarding assessments of invasive planting species and serve as a clearing house of information regarding invasive, non-native species. Lastly, information must be made available to the public on the City's website.

We have the following concerns with the legislation as currently drafted:

- 1. This bill also imposes arbitrary limits on our planting palette and design variety. The bill, as written, seemingly prevents Parks from using turf grass when planting athletic fields, lawns, or other public parkland and open space.
- 2. There are many City-owned properties with planted areas that are not maintained by Parks and that should not be subject to such planting restrictions. These properties include public gardens, zoos and museums. It would also prohibit, as we read the bill, the planting of sedum, a tropical succulent plant, on green roofs. (We have many green roofs that are planted exclusively with native plants, but they are in trial phase.) Sedum is recognized as a plant that can handle the harsh and unique conditions of a green roof and is light enough to not threaten the engineering load of a common roof.
- 3. While the bill exempts existing trees from being removed to comply, the bill says nothing of other vegetation. This would require the removal of an extraordinary amount of grass and groundcover from City-owned property, including sidewalk strips.
- 4. This bill, like the previous two, would actually limit biodiversity. The nuances of the right plant for the right circumstances need to be left to professional designers and

gardeners. The salient and relevant point is that we would never use an invasive species, in any of our restoration or garden designs.

Preconsidered Introduction

The Preconsidered Introduction, sponsored by Council Member Gennaro, establishes an invasive species advisory board consisting of twelve members jointly appointed by the Mayor and Speaker, including the Commissioners of Parks and Transportation; the Directors of City Planning and the Office of Long Term Planning and Sustainability; and six additional members, including representatives from the New York soil and water conservation district, a representative from the Cornell Cooperative Extension, a specialist in terrestrial invasive species, two representatives of environmental advocacy organizations, and two representatives from the nursery industry. Representatives from the Brooklyn Botanic Garden, the New York Botanical Garden, the Nature Conservancy, the New York State Department of Environmental Conservation, the United States Fish and Wildlife Service, and the United States Department of Agriculture would be invited to participate but would not be members of the advisory board.

The duties of the board would include developing recommendations for control policy, including detecting, responding to, controlling, and monitoring invasive species. The board would also create a list of prohibited species that it would recommend be made illegal to possess, import, and sell.

We fully support the intent of the legislation and off the following thoughts as it moves through the drafting process:

- 1. As mentioned, the Parks Department spends a lot of time fighting invasive species. NRG spends millions of dollars a year to eradicate them in natural areas. Central Horticulture is experimenting with weed-suppressant plants that grow densely enough to not allow any space for weeds, which is an organic means of controlling invasive species. We've been battling the Asian longhorned beetle since 1996. We are frightfully aware of the dangers of invasive species, and that the cost to battle them is high; although not as high as doing nothing and having our green spaces overrun by these relentless species.
- 2. Parks would welcome an inter-agency, cross-sector collaborative effort to address invasive species, such as that proposed by the Invasive Species Advisory Board. Similar bodies already through New York State Department of Environmental Conservation (DEC), called Partnership for Regional Invasive Species Management, or PRISM, of which NRG is a member. The proposed Board's mandate to control and fight invasive species is laudable. We believe the infrastructure to take on this mandate already exists in the form of the Interagency Green Team, established by Local Law 5 of 2010, and we recommend that this entity be tasked with the duties of the proposed Board before a new one is mandated.
- 3. Invariably, there will be tension between existing tree populations, some of which are invasive but still provide the environmental benefits of any tree (examples are Norway maple and *Ailanthus*) and the need to remove them. This is something the Green Team can deliberate.

4. Additionally, Parks believes that the proposed creation of a list of invasive species would be a valuable exercise of the Green Team, and could be updated annually by the Department. Additionally, as the Preconsidered Introduction provides for, the Green Team could utilize this list to explore a regulatory framework to protect the City from the introduction of invasive species.

CONCLUSION

Parks is committed to the restoration, creation, and sustainability of our natural areas and green infrastructure. The division of Central Forestry, Horticulture, and NRG is singularly devoted to this goal and mission. However, the bills as currently written would hinder our ability to create the right planting designs for the right situations, and that would ultimately threaten biodiversity.

We thank the Council and the sponsors of these bills for their interest in and concern for our green spaces. We thank them for recognizing the importance of native species and plants that help us capture stormwater. And we look forward to continuing the conversation about biodiversity and invasive plants with the Council.



TESTIMONY SUBMITTED ON BEHALF OF THE STORMWATER INFRASTRCTURE MATTERS (S.W.I.M.) COALITION

HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON ENVIRONMENTAL PROTECTION

RE: T2010-1920, Int. 0075. Int. 0398 and Int. 0399

November 10, 2010

Thank you for the opportunity to testify today on behalf of the Stormwater Infrastructure Matters (S.W.I.M.) Coalition, a group of more than 70 organizations, including community and environmental groups, academics, architects and engineers, that are dedicated to ensuring swimmable waters around New York City through natural, sustainable stormwater management practices – Green Infrastructure - in our neighborhoods.

The S.W.I.M. Coalition supports this group of proposed local laws that call for the control of invasive species, the preference of "stormwater tolerant" city plantings, and increased biodiversity in public landscapes and sidewalk plantings. In short, all of these strategies support healthy soils and vegetation that will reduce water pollution and provide local ecological benefits. We would like to contribute the following specific comments.

Invasive species tend to create shallow, uniform and dense root zones. Controlling invasive species and preferring a diverse array of native species will, in addition to the economic benefits outlined in T2010-1920, create a more dynamic and permeable root zone, allowing better stormwater infiltration.

In Int. 0075, "stormwater tolerant" plantings are defined as tolerance to salt and anoxia. In New York City, one of the main sources of stormwater is runoff from roadways and parking lots, and the pollution associated with these surfaces include hydrocarbons and heavy metals. We recommend that tolerance and even sequestration or metabolism of these toxins associated with roadways be investigated as well.

Regarding Int. 0398 and 0399, which call for increased biodiversity in sidewalk plantings and public landscapes, biologically diverse plantings including herbaceous grasses and other native meadow plants, shrubs, understory and canopy trees can intercept more than half the rainfall before it hits the ground. New York City plays a critical role for migratory birds as it is centrally located along the Atlantic flyway for birds moving from the tropics to the northern forest. Seed dispersal and insect predation by migratory birds are vital part of the functioning of our plant communities in the temperate ecosystem of New York City. Thriving plant communities, such as the northern woodlands, in turn

sequester carbon from the atmosphere - an ecological service that is invaluable to our society at this juncture in human history.

We support the broad composition of the "invasive species advisory board" described in T2010-1920, that spans pertinent agencies as well as experts from relevant professional and community groups. This same body would have the expertise and reach to create and disseminate plant lists reflecting the native species and biodiversity goals of the other intros, as well as explore related issues such as toxin sequestration.

Thank you for the opportunity to provide input on these matters.

Kate Zidar Coordinator Stormwater Infrastructure Matters (S.W.I.M.) Coalition www.swimmablenyc.info swimmablenyc@gmail.com Read into the Record

Statement in support of Int 0075-2010 New York City Council November 10, 2010

Green Shores NYC applauds the proposed Intro 75 as an opportunity to maximize the benefits of Million Trees NYC in contributing to storm water management. We urge the Council to go even further to facilitate storm water retention and filtration.

About 33 percent of the land in NYC is paved as the right-of-way (sidewalks and streets). If tree pits are designed to capture storm water runoff from these areas, it can have a major impact on the 27 billion gallons of CSO discharged in our waterways during the average year. Including storm water tolerant tree species on the list of allowed city plantings is a good first step to facilitating retention and filtration, but there exists a need to improve inter-governmental communication if storm water capturing tree pits are to be implemented city-wide. The design of these tree pits involves, at a minimum, the collaboration of the Parks Department, Department of Transportation, and the Department of Environmental Protection.

Christie Van Kehrberg Chair Street Tree Committee Green Shores NYC

Green Shores NYC is an alliance of parks in Astoria/Long Island City along the East River in Queens: Ralph DeMarco Park, Astoria Park, Whitey Ford Field, Two Coves Garden, Socrates Sculpture Park, Hallet's Cove Playground, Rainey Park, Queensbridge Park, Gantry Plaza Park, and Arrow Community Garden. An all-volunteer group, we work to enliven the Astoria-Long Island City waterfront by caring and advocating for safe public parks, green spaces, waterways, and a waterfront greenway.

www.greenshoresnyc.org

TESTIMONY OF

AMY GAVARIS, EXECUTIVE VICE PRESIDENT NEW YORK RESTORATION PROJECT

Before

New York City Council, Committee on Environmental Protection
Proposal to Amend the Administrative Code of the City of New York
To Convene an Advisory Board to Develop a Long-term Strategic Plan to Slow
The Spread of Invasive Plant Species
Wednesday, November 10, 2010

Good afternoon. My name is Amy Gavaris, New York Restoration Project's Executive Vice President. On behalf of NYRP's Board of Trustees and our founder Bette Midler, I am here today to express our strong support for amending the City's administrative code to convene an advisory board charged with developing a strategic long-term plan to slow the spread of invasive plant species.

As the steward of Swindler Cove Park in Northern Manhattan; the non-profit organization partnering with the city on MilionTreesNYC with the goal of planting one million new trees by 2017; working alongside New York City Parks Department in restoring historic Highbridge Park to its original splendor; and the owner and manager of 55 community gardens in all five boroughs, we understand first-hand the critical need to stem the spread of invasive plant species in our open, green spaces.

NYRP has been cleaning and greening New York City parks since 1995 and in that time we've picked up more than 2,000 tons of garbage — much of it invasive plant material. Every year, NYRP spends valuable resources and staff time clearing aggressive invasive vines like Porcelain Berry, Oriental Bittersweet, Japanese Honeysuckle, Mile-aminute Weed and now the dreaded Kudzu from our public parks and gardens — time and resources that would be better spent assisting community gardeners, planting trees in our city's neighborhoods and educating about climate change. In fact, the enormous investment and effort to make our city greener and more sustainable, including the MillionTreesNYC initiative, will be a pointless and expensive endeavor if we do nothing

to halt invasive plants from smothering our woodlands, parks, wetlands and other fragile ecosystems. As the Parks Department faces budget reductions, the time spent by Parks employees and their non-profit partners – like NYRP - in eradicating invasives could be redirected to other critical needs including repairs, planting, maintenance, and public programming of our vital public lands.

Many invasive species threaten the environment, human health and habitat biodiversity. With an increasing number of new invasives identified every year, timely tracking and management are ever more urgent. Climate change further exacerbates this escalating challenge: spring arrives, on average, a week earlier; our winters are milder with snow cover decreasing; summertime brings more super-hot days; altered precipitation patterns have spawned more frequent droughts and intense storms; and rising sea levels increase the risk of flooding. These are significant factors contributing to the degradation of our native ecosystems while also creating favorable conditions for many invasive species, diseases and pests.

Without a coordinated long term strategic plan, any management and prevention efforts, let alone slowing the spread of invasive plant species, will have little chance of succeeding. Invasive plants pose a threat to our ecosystems and economies, our natural and built environments, habitats and managed forests, agriculture and food supplies, and have negative impacts on recreation and human health. NYRP supports the creation of an Advisory Board to identify effective strategies including the creation of an invasive species list, methods for monitoring, control and restoration, as well as public outreach and education, to mitigate against the potentially irreversible damage invasive plant species inflict.

New York Restoration Project restores neglected and forgotten spaces so that children and families can reconnect to nature and the great outdoors here in New York City. These spaces are under constant threat from invasive plant species — if NYRP, other non-profit partners and the Parks Department were to cease their vigilance, very quickly our shared open spaces, our common ground, would be overwhelmed by creeping vines and weeds. We urge the creation of an Invasive Species Advisory Board before our city, and our future, are strangled.

THE COUNCIL THE CITY OF NEW YORK

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