



WETLANDS TRANSFER TASK FORCE

**Hearing before the City Council
Committee on Environmental Protection**

Wetlands Transfer Task Force Recommendations

October 19, 2007

**Testimony by
Bill Tai**

As you well know, under Local Law 83, the Wetlands Transfer Task Force was charged with the task of inventorying City-owned wetlands, and reviewing the feasibility of transferring those wetlands to the jurisdiction of the Parks Department for long-term protection. This was a challenging task and a very involved process. However, I can report to you that it was well worth the effort. The work of the Task Force was outstanding and what we came up with is a consensus document that we believe is a big first step toward a more sustainable New York City.

The recommendations of the Task force are the result of a great deal of cooperation between many City agencies, several Council Members, such as yourself Chairman Gennaro, along with committed members of the public at-large. I would like to give my thanks to all who were involved in the process. I'll let Mr. Rob Pirani take things from there.

WETLANDS TRANSFER TASK FORCE OVERVIEW

During its initial term, the Task Force kept to an aggressive meeting schedule in order to assess more than 2,100 city-owned wetland properties. We were in contact with every community district in the city and convened two public hearings or listening sessions, one of which you, Mr. Chair, took time out of your schedule to attend.

In addition to those sessions, the Task Force organized two other separate gatherings of city agencies and other governmental and non-governmental harbor stakeholders. Parks also hosted a Task Force website, where information was readily available and comments on wetlands transfer were submitted.

After an extension was granted for the Task Force to complete its work we submitted our report to Mayor Bloomberg and Speaker Quinn at the end of last month. For Council Members and those in the general public who haven't had a chance to read the "Recommendations for the Transfer of City-Owned Properties Containing Wetlands", it is currently online at the Parks Department website – www.nyc.gov/parks.

OVERVIEW OF TRANSFER RECOMMENDATIONS

The following is a brief summary our recommendations: Using the Integrated Property Information System (IPIS) managed by the NYC Department of Citywide Administrative Services (DCAS), the Task Force identified more than 2,000 City-owned properties known to contain tidal or freshwater wetlands. About half of these properties were already in the Parks inventory. These sites, which were already under the jurisdiction of the Parks Department, were taken off our transfer list while other sites were added following public hearings and comment. In the end, a total of 1,020 properties were reviewed.

Of those properties known to contain wetlands and remaining under the jurisdiction of City agencies other than Parks, 339 were assigned to one of 17 high priority geographic assessment areas, which included all of the areas previously identified by the Environmental Protection Committee. Properties were placed in these assessment areas through a set of criteria based on existing legislation and public testimony; attributes, such as size, contiguousness, adjacency or proximity to existing parks, as well as other environmental, economic and technical criteria.

The remaining 681 properties known to contain wetlands were divided into 18 additional assessment areas. These properties were generally smaller and more isolated, and were mainly given more general review. Because of the large number of smaller properties, general lack of documentation on their condition, and limited Task Force duration and resource, details on many of these properties are limited. However, a recommendation regarding transfer was given for each block and lot.

The property list also included 412 properties already in, or recommended for transfer to, the Staten Island Bluebelt Program, a DEP program where wetlands are owned and managed for natural storm water benefits. Transfer to Parks was not recommended for these properties, since wetland protection and/or enhancement will be ensured by DEP instead.

Acreage considered for transfer to Parks or other agencies for protection and for "Special Review" totaled more than 700 acres. Of these, over 250 acres were specifically recommended for transfer to Parks, and while the Task Force recommended that this acreage be transferred to Parks, it was very cognizant of two important factors: first, the extra timing involved in follow-up actions to implement some of the property transfers, and secondly, the uncertainty of accomplishing Local Law 83's protection goals in some instances without follow-up funding support.

"Special Review" was recommended if a site had technical, legal or other outstanding issues. As mentioned, contiguousness or conversely, the lack of proximity to other City-owned parklands was one such practical consideration. The Special Review properties were distributed over 4 of the 5 boroughs with 36 sites in the Bronx, 35 in Queens, 24 in Staten Island, and 16 in Brooklyn.

Of the 82 properties recommended for transfer to DPR, Queens has the most with 68, followed by Staten Island with 13 properties. The Bronx has 1 property while Brooklyn and Manhattan have no properties recommended for transfer to Parks.

76 properties were recommended for transfer to DEP and, as mentioned earlier, all are in Staten Island and are related to the Bluebelt program. All are small properties totaling only 12 acres. DEP requested 62 lots for transfer to establish the new South Beach Bluebelt. The remaining 14 lots are mainly near or adjacent to existing DEP Bluebelt sites and, while small in size, would aid in expansion of sites.

Finally, to summarize the specific Task Force recommendations:

- 1) The Cove property at Arlington Marsh on Staten Island was recommended for transfer, in its entirety, to Parks. Portions of the 2 remaining City-owned properties that make up the Arlington Complex were recommended for transfer to Parks also.
- 2) The addition or expansion of parkland at Edgemere, Flushing Airport, Broad Channel, and Thurston Basin in Queens, and Fresh Kills, and Saw Mill Creek on Staten Island were recommended. These wetlands present some of the best opportunities for enhancement and restoration that Parks can pursue.
- 3) While the Task Force recommended that the 111 Special Review properties eventually be transferred to Parks, the timing of transfers will differ in individual cases, and depend on the resolution of other legal and technical issues. Parks strongly supported the work of the Task Force and is eager to preserve and protect as much wetland in New York City as it can. However, because it does not currently have the resources to ensure adequate, on-going maintenance Parks is unable to accept all additional lands at this point and would be strained by additional properties transferred to them under Local Law 83, particularly, small, degraded and isolated properties. The allocation of funding that would make it possible for Parks to assume such responsibility was not within the Task Force's purview. So, it was prudent to acknowledge a limitation on additional wetland properties that Parks could accept at present, while also noting Parks' strong support for this initiative.

In closing, I would like to thank you Mr. Chairman and the Committee, as well as Mayor Bloomberg and Commissioner Benepe, for the opportunity to serve on the Task Force and to work with the other dedicated and extremely capable members of the Task Force.



NEW YORK CITY AUDUBON

Testimony of New York City Audubon
City Council of the City of New York
October 19, 2007

President

Peter Rhoades Mott

Vice Presidents

Noel D. Humphreys

Geoffrey Cobb Ryan

Recording Secretary

Peter Joost

Corresponding Secretary

Don Riepe

Treasurer

Diane Keating

Board Members

Oakes Ames

Richard T. Andrias

Brenda Torres-Barreto

Marsilia A. Boyle

Suzanne M. Crosby

Sandra Fiebelkorn

Marcia T. Fowle

Cullen Howe

Mary Jane Kaplan

Robert J. Kintis

Janice Laneve

Pamela Manice

Jayne Nozik

Lynn Rollins

James R. Sheffield

H. Scott Walter

Christopher O. Ward

Advisory Council

Peter A. A. Berle

Dr. Claude Bloch

Albert K. Butzel

Andrew Darrell

Joseph H. Ellis

Melanie Lyons

Harrison D. Maas

E.J. McAdams

Mary Tyler Moore

George J. Mullen, Jr.

Alexander Papachristou

Hector P. Prud'homme

Lewis Rosenberg

Executive Director

Glenn Phillips

RE: Local Law 83 - To create a temporary task force to study the feasibility of transferring city-owned wetlands to the jurisdiction of the department of parks and recreation and Intro 506 - Creation of a comprehensive wetlands protection policy for NYC.

My name is Glenn Phillips, and I am Executive Director of New York City Audubon. Founded nearly thirty years ago, NYC Audubon is a grassroots conservation organization dedicated to protecting wild birds and their habitat within the city, improving the quality of life for all New Yorkers.

I had the privilege of visiting Arlington Cove Marsh earlier this week, and I would like to thank the City Council and Mayor Bloomberg for creating the Wetlands Transfer Task Force, which has lead to the protection of this unique salt-marsh. While we were there we watched a kingfisher dive for fish and a Lesser Yellowlegs chase after fish in the shallows. I felt proud to know that my daughter and perhaps her own children some day will be able to visit this amazing natural place.

Most people, if they think of wetlands at all, think of them as mosquito-infested wastelands. Few recognize the vital ecosystem services our wetlands provide in purifying our waters, protecting our shorelines from storm damage, controlling floods and providing nurseries for important fisheries. In the last two hundred years, nearly 90% of our wetlands have been destroyed, and what remains is threatened with degradation and development.

Despite state and federal laws that protect wetlands, these wetland remnants continue to decline. Within our children's lifetime, if not our own, our wetlands will be squeezed out between existing development and rising oceans as a result of global warming. New York City's unique urban environment demands thoughtful and tailored solutions. Developing a comprehensive wetland protection policy and ensuring that it is consistently enforced in the City is essential to preserve our wetlands and the vital ecosystem functions they provide.

New York City may not have majestic mountains or verdant rainforests but our wetlands, among the most biologically productive of all ecosystems, are starting points for voyages of discovery as startling as any provided in the farthest reaches of the Amazon. The precious fragments that remain afford a connection to the raw power of nature, the struggle for existence and the beauty of the wild things who share our planet.

On behalf of New York City Audubon's nearly 10,000 members, I strongly urge the city council and the mayor to implement the recommendations of the Wetland Transfer Task Force, and create a comprehensive wetland protection policy as called for in Intro 506.

Testimony of Ariella Maron, Deputy Director,
Mayor's Office of Long-Term Planning and Sustainability

Before a hearing of the Committee on Environmental Protection
of the Council of the City of New York
concerning Local Law 83, creating the Wetlands Transfer Task Force, and
PlaNYC 2030's proposal to create a comprehensive wetlands policy

October 19, 2007

Good morning, Chairman Gennaro and Committee Members. On behalf of Mayor Michael Bloomberg, I will address the City's plan to consider the recommendations of the Wetlands Transfer Task Force. I will also address the wetlands policy commitments of PlaNYC, the Mayor Bloomberg's long-term planning and sustainability plan, and will be available to answer questions on that point.

The Mayor's Office thanks the members of the Wetlands Transfer Task Force for their significant contributions to this timely study. The City has lost 86% of its wetlands in the last century. Some of this loss was due to environmental change, such as rising sea level, but the majority of the loss was due to fill for development. Despite these changes, the City still owns numerous parcels that contain wetlands. These wetlands represent a spectrum of ecological value; some are pristine, while others are degraded. Wetlands can play an important role in maintaining and even improving our water quality by reducing the quantity of stormwater runoff, as the City knows from the Department of Environmental Protection's Bluebelt initiative, which uses wetlands as an extremely valuable and cost-effective substitute for conventional storm sewers. Wetlands can also filter and absorb nutrients, silt and other pollutants from stormwater runoff, provide flood protection, erosion buffers, carbon sequestration, important wildlife habitat, and public enjoyment opportunities.

The Task Force has made an initial judgment about the value and appropriate use of many of the larger City-owned wetlands. The Report indicates those parcels that the Task Force believes are appropriate for protection as wetlands in the Park system, appropriate as stormwater filters in the Bluebelt program, and those that should be used for other purposes.

As a first step, the City will now begin the process of studying each of the parcels, verifying the extent and value of the wetlands, identifying legal, ecological, management and/or funding issues, and then making a final judgment about the usefulness of each parcel. That work will be done by the receiving agency in coordination with the Mayor's Office of Operations, and in consultation with the Department of City Administrative Services. One exception to this process is the transfer to the Parks Department of over 70 acres of salt marshes in the Arlington Marsh complex on Staten Island, including the entirety of Arlington Marsh Cove, portions of Arlington Marsh Bridge Creek, and related small properties. The City, working closely with Council Members Gennaro and McMahon, has already determined that this transfer should occur due to the wetland's unique and significant ecological value.

As a second, simultaneous step, PlaNYC committed to assessing whether existing Federal and State laws fall short of protecting New York City's remaining wetlands. This initiative too was developed in collaboration with Council Member Gennaro. PlaNYC committed to beginning this "gap" analysis immediately after the Wetlands Transfer Task Force completed its work. We will meet that commitment now that the Wetlands Transfer Task Force has completed its initial study and has reported

to this Committee. In fact, we are kicking off a planning meeting with interested City agencies the next available business day, on Monday, October 22, 2007.

As a third step, PlaNYC will build on the work of the Wetlands Transfer Task Force and the gap analysis study and determine the need for and feasibility of developing an overall, holistic City policy on wetlands.

The wetlands assessment is but one element of PlaNYC's efforts to improve water quality, preserve natural areas, and protect the city from projected impacts of climate change. Related water quality element of the plan include the expansion of green, permeable open spaces across the city to reduce storm water runoff, such as the One Million Tree initiative launched October 9, the expansion of the Bluebelt program, and the expansion, tracking, and analysis of new stormwater Best Management Practices (BMPs) on a broad scale through the formation of an Interagency BMP Task Force, piloting promising BMPs, requiring the greening of parking lots, and providing incentives for the installation of green roofs. Together, these elements will improve the quality of New York City's waters.

Other wetlands-related elements of PlaNYC include the preservation and expansion of open space, including eight large regional parks, and citywide strategic planning for climate change adaptation.

Thank you for the opportunity to share the Administration's planned next steps to protect New York City's wetlands. I would be happy to answer any questions.



**New York City Council
Committee on Environmental Protection
Wetlands Transfer Task Force Report**

**New Yorkers for Parks Testimony
October 19, 2007**

My name is Cheryl Huber and I am the Director of Research at New Yorkers for Parks, the only independent watchdog for all the City's parks, beaches and playgrounds. For nearly 100 years, New Yorkers for Parks has worked to ensure greener, safer, cleaner parks for all New Yorkers.

New Yorkers for Parks would like to thank the Wetlands Transfer Task Force for their excellent work to protect New York City's remaining wetlands. We would also like to thank the Mayor for the quick transfer of 60 acres of Arlington Marsh to the Parks Department. New Yorkers for Parks has long advocated for the preservation of this important property, and we hope that the remaining acreage will also be transferred to ensure its long-term protection.

Provide Adequate Funding and Staffing for Maintenance

The Task Force recommends that more than 250 acres of city-owned wetlands eventually be transferred to the Parks Department's inventory. We agree that transferring these properties is the best way to ensure their long term protection. However, the Parks Department must be assured funding to support and maintain the additional wetlands.

The agency's Natural Resources Group (NRG) is charged with the restoration, preservation and management of natural areas across the city. While private grants are frequently obtained to pay for restoration work, they rarely cover the necessary ongoing maintenance. In order for the Parks Department to properly care for the proposed additional wetland acreage, we must ensure adequate funding for this historically understaffed division. The Mayor and City Council must consistently fund the specially trained workers needed to perform the technical enhancement, restoration and maintenance tasks that are needed to maximize the potential of our wetlands to manage stormwater, and provide habitat and recreation.

In addition, the City must continue to provide funding for Park Enforcement Patrol officers to maintain the security and safety of natural areas. Without these essential staff members, our wetlands will be vulnerable to dumping and other illegal uses.

"Natural areas" are consistently one of the poorest scoring features on our annual *Report Card on Parks*, which evaluates the maintenance conditions of more than 100 neighborhood parks citywide. Excessive litter and broken glass are frequently found, and only through additional staff and care can these issues be addressed.

Expand the Parks Inspections Program to Measure Natural Areas

Today, the Parks Department does not inspect the conditions of wetlands or any natural areas that do not contain public access trails. New Yorkers for Parks recommends that the Parks Department expand and adapt their nationally recognized Parks Inspection Program (PIP) to measure the maintenance conditions of all natural areas across the City. By setting real performance measures and goals for the maintenance of natural areas, we will make certain that all properties that are within the Parks Department's jurisdiction remain healthy, thus improving our air and water quality. Performance measurement will increase accountability and ensure that appropriate resources are allocated for the care of these vital properties.

Create a Comprehensive Wetlands Policy

Federal and state regulations guide the protection of wetlands in the city, but many of New York City's remaining wetlands, such as small freshwater properties, are not covered by these policies. The Mayor's sustainability initiative, PlaNYC, commits to study existing regulations as a first step towards crafting a comprehensive citywide policy. New Yorkers for Parks supports the City's effort to examine ways to preserve the parcels of wetlands that are not currently protected. As described in PlaNYC, the importance of wetlands in managing stormwater and providing habitat is unparalleled. We believe that a citywide wetlands policy is essential to maximize these important functions.

Wetlands formerly comprised more than 100 square miles in the city but have dwindled to a mere 14 square miles. It is imperative that these remaining wetlands be preserved, and that measures are put in place to ensure their health and maximize their utility. We must provide adequate funding and staffing to the Parks Department; measure and set real performance goals for the maintenance of natural areas; and create a citywide wetlands policy to ensure the protection of all remaining properties.

Thank you.

Regional ^{CT NJ NY}Plan Association

**New York City Council
Committee on Environmental Protection
Wetlands Transfer Task Force Study
Recommendations for the Transfer of City-Owned Properties Containing Wetlands
October 19, 2007**

**Statement by
Robert Pirani
Director Environmental Programs
Regional Plan Association**

Thank you for this opportunity to present the findings from the Wetlands Transfer Task Force initiated by Local Law 83.

My name is Robert Pirani. I am the Director of Environmental Programs for Regional Plan Association, a not-for-profit planning, research and advocacy organization. I am also the Co-Chair of the Wetlands Transfer Task Force. I would like to thank Chairman Gennaro and his staff for their continued leadership in protecting the City's wetlands and natural areas. I would also like to recognize and thank my fellow members on the Task Force, in particular Bill Tai and his staff at the Department of Parks & Recreation Natural Resources Group, who did the bulk of the work being presented here today. Other Task Force members include Eugenia Flatow, Coalition for the Bight; Randal Fong, NYC Department of Citywide Administrative Services; Dana Gumb, NYC Department of Environmental Protection; E.J. McAdams and Peter Mott, NYC Audubon; and Doug Rice and KD McGuckin from NYC Economic Development Corporation.

Regional Plan Association recently compiled a map of past and current wetlands in New York Harbor. Of the 100 square miles of coastal wetlands that once fringed the edges of the harbor, only 14 miles remain. Similarly, hundreds of acres of freshwater wetlands also have been filled or replaced by culverts and pipes. Of course we cannot replace lost wetlands. But we can work to ensure that those wetlands that remain are protected, that opportunities for restoration are pursued, and that our ongoing stewardship ensure that wetlands continue to prevent flooding, reduce storm surges, improve downstream water quality, nurture fish and wildlife, and provide places to recreate and experience nature.

The Wetlands Transfer Task Force (Task Force) was established in late 2005 by the City Council and Mayor Bloomberg to evaluate the technical, legal, environmental, and

economical feasibility of transferring available City-owned properties that contain wetlands to the jurisdiction of NYC Department of Parks & Recreation (DPR).

There are more than 3,750 acres of City-owned wetland properties in the portfolios of other City agencies, leaving them largely inaccessible to the public or to natural resource managers, and vulnerable to fragmentation and development. Through Local Law 83, the Task Force was charged with reviewing these latter wetland properties for transfer.

The Task Force is comprised of seven members, three appointed by the City Council and four by the Mayor. Starting in February 2006, the seven assigned members of the Task Force met biweekly to determine methodology, apply screening criteria, and make recommendations regarding the transfer of numerous properties containing wetlands throughout the five boroughs of New York City.

It is important to note that the Task Force process built on the success of prior transfers of wetland properties to DPR or the Department of Environmental Protection (DEP) for management and in some cases, public access. More than 1,525 properties had been transferred including Blue Heron Park in Staten Island; Powell's Cove in Queens; Paerdegat Basin in Brooklyn; Sherman Creek in Manhattan, and Soundview Lagoons in the Bronx.

We also benefited by involving communities and stakeholders in the process. Notifications were sent to every Community Board in the City, to the Borough Presidents, and notices were placed in the *City Record* for 5 consecutive issues. A website was established from which information was disseminated and feedback collected to/from anyone who visited the site. Public listening sessions were held June 1, 2006 and June 7, 2006 in the two most-affected areas of the City: around Jamaica Bay and on Staten Island. Additional meetings were held with City agencies with wetland properties under their management; non-governmental organizations, state and federal agencies; and with the Jamaica Bay Watershed Protection Plan advisory council.

The Task Force identified more than 2,000 City owned properties known to contain tidal or freshwater wetlands using the Integrated Property Information System (IPIS) managed by the NYC Department of Citywide Administrative Services (DCAS). This database generally lists currently available city-owned property. About half of these properties are already in the DPR inventory. These were screened out of the sites to be reviewed. Additional sites were added to our list through public hearings and comments by NGOs, community groups, and other public agencies. A total of 1,020 properties were reviewed.

Following the direction of the legislation, the Task Force developed objective evaluation criteria that guided its decisions regarding the feasibility of transferring wetland properties to DPR. Environmental criteria included assessments of the size, location, and quality of the wetland. Technical criteria primarily focused on management of the site including the feasibility of having DPR manage the property. Economic criteria considered the termination of existing uses and the existing public commitment for economic development on the site. Legal criteria covered issues associated with the title

or encumbrances on the property, such as deed restrictions, easements, existing leases, and consent orders.

We also considered the stewardship options available to the City. It is clear to the Task Force that a transfer of wetland properties to DPR and their management as traditional parkland is not the only viable option for improving stewardship of City-owned wetlands. This is especially true for the smaller sites that would be logistically isolated and costly for DPR to manage. Many wetlands are already managed by City agencies other than DPR under innovative and appropriate arrangements that ensure long-term care. Examples include the DEP Staten Island Bluebelt Program and various stewardship partnerships with local and area NGO's. In making its recommendations for specific wetland properties, the Task Force therefore considered, and as appropriate suggested, several management mechanisms as viable alternatives to transfer to DPR.

Bill Tai from the Department of Parks and Recreation will now describe the results of our analysis.

In undertaking our work, the Task Force understood that the number of City-owned wetlands suitable for transfer to Parks is just part of the total number of wetlands in the City, and that the City's overall policy towards these remaining wetlands is quite limited.

The City's Local Waterfront Revitalization Program identifies several important coastal wetland complexes. The policy suggests avoiding activities that would contribute to "permanent adverse changes" of these areas. The City's Environmental Quality Review procedures seek to ensure that an action's potential to affect that freshwater and tidal wetland and associated buffer areas must be identified and evaluated. If impacts are unavoidable, economically feasible mitigation measures must be identified and proposed. In practice this evaluation is generally limited to federal and state regulated wetlands and buffer areas and is associated with review by the federal and state agencies operating under their own specific guidelines and mandates.

The Task Force found that the City's focus on large tidal wetlands and reliance on state and federal wetland regulations leaves several important issues unaddressed, including:

- Protection of certain types of public and private wetlands, especially small freshwater wetlands;
- Comprehensive policy guidance and funding for managing smaller City-owned wetlands and their upland buffers, wetlands in mapped city streets, or underwater properties;
- Coordination with appropriate federal, state and city governmental entities including regional or off site mitigation strategies, including developing a comprehensive list of mitigation opportunities;

- Assessment of the function of large and small wetlands in absorbing storm water runoff and providing opportunities for erosion prevention;
- Understanding the impacts of climate change and sea-level rise on coastal wetlands and upland buffers.

The protection and survival of New York City's remaining wetlands, whether publicly or privately owned, calls for the development of a comprehensive wetlands policy. I would note that both the City Council and the Mayor have also recently called for creation of a comprehensive wetlands policy. In February 2007, the City Council's Committee on Environmental Protection drafted Intro 506: Creation of a comprehensive wetlands protection policy for New York City. The Mayor's recent PLANYC 2030 Report, released in April 2007, also called for a study to identify where existing regulations are not protecting New York City's remaining wetlands as a first step in the development of a comprehensive policy. We would urge the Council to pursue these initiatives.

Thank you again for your interest and opportunity to testify on this issue.
