

Testimony of Rohit T. Aggarwala, 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 Intro 506-A and  
a bill concerning building permits in the coastal zone

January 22, 2009

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Good afternoon, Chairman Gennaro and Committee Members. My name is Rohit T. Aggarwala, and I am the Director of the Mayor's Office of Long-Term Planning and Sustainability. I'm joined today by James Colgate, Acting Assistant Commissioner for Technical Affairs and Code Development of the Department of Buildings, who will present testimony on the Preconsidered Intro. I am also joined by Carter Strickland from my office, and Bill Tai from the Parks Department, who have done much of the Administration's recent work on wetlands. We are grateful for the opportunity to speak to you today about Intro 506-A and on the Preconsidered Intro.

We support the concept of a bill focused on construction permits in coastal zones; the Department of Buildings will raise specific concerns we have with the bill as currently drafted, but which we believe can be address through negotiation.

However, despite our respect for this Committee's leadership on wetlands protection and the intention of this bill to protect wetlands, we oppose the passage of Intro 506-A because we believe there are better approaches to protecting and improving wetlands in New York City.

PlaNYC contains several initiatives to improve water quality, preserve natural areas, and protect the city from projected impacts of climate change. Wetlands are an

important part of several of these initiatives. When highly functioning, wetlands trap and absorb nutrients, silt and other pollutants from stormwater runoff; harbor important and numerous species of wildlife; and provide flood protection, carbon sequestration, and public recreational opportunities.

The City owns and manages thousands of acres of wetlands that are under Parks Department protection or that are part of DEP's Bluebelt system, which uses wetlands as an extremely valuable and cost-effective substitute for conventional storm sewers. Just last year, working closely with Council Members Gennaro and McMahon and members of the Wetlands Transfer Task Force, the Administration identified 76 wetlands parcels under City control that we agreed should be transferred to DEP jurisdiction for use in the Bluebelt system, and 78 wetlands parcels that should be transferred to Parks jurisdiction. Most importantly, we determined that over 70 acres of salt marshes in the Arlington Marsh complex on Staten Island were of such unique and significant ecological value that they should be also be transferred. I would like to recognize Chairman Gennaro's leadership in the conception and deliberations of the Task Force.

The Transfer Task Force is far from the only wetlands-related effort currently underway. DEP's active Bluebelt acquisition and management program reflects a state-of-the-art approach to protecting and restoring wetlands in ways that enhance their natural functions and provide direct returns to taxpayer investments in them through stormwater management. The DEP and Parks Department have restored many wetland areas. The Parks Department recently acquired South Brother Island, which includes significant wetlands and bird habitat. And DEP's land holdings in the upstate watershed

include extensive freshwater wetlands that are protected and managed. The City's policies are summed up in both the Waterfront Revitalization Program and the City Environmental Quality Review Technical Manual, which endorse the goal of no net loss of wetlands in the city.

One of PlaNYC's initiatives was to assess whether and how existing Federal and State laws fall short of protecting New York City's remaining wetlands, an initiative developed in collaboration with Council Member Gennaro's staff in his role as a member of the Mayor's Sustainability Advisory Board. Next week, my office will publish New York City Wetlands: Regulatory Gaps and Other Threats, a report on the adequacy of existing regulations and on policy options for wetlands management that was prepared by an interagency working group and was reviewed by outside experts. I note that we shared the report's major findings in draft form with Council staff several months ago.

The report concludes that, in general, existing Federal and State protections are sufficient to protect New York City's tidal wetlands and its large freshwater wetlands. It notes several gaps that may threaten wetlands. The most important is that small freshwater wetlands less than 12.4 acres, and unmapped wetlands, are not protected by State law, and the scope of Federal jurisdiction has been blurred in recent court rulings. The extent and location of these smaller freshwater wetlands is not accurately known, and therefore we cannot determine the appropriate policy prescriptions to fill the regulatory gap. Acting on the early findings of the report, the City sought and obtained funding to collect satellite and aerial images and to develop detailed electronic maps shortly thereafter; we expect to undertake the imaging this spring and have initial maps

by the end of this year. The scope of resources appropriately dedicated to a local policy or other potential solutions will be better known after the city completes the map.

In short, this is an Administration cares a lot about wetland issues. We agree with Intro 506-A's goal of healthy wetlands; we do, however, believe that it is not the best approach to wetland policy.

First, the bill would require the Administration to complete a detailed planning process on an aggressive timetable, to include the analysis of detailed considerations, to prepare draft and final reports and policies, and to coordinate these efforts with an outside advisory panel. We believe this process would be an unwise investment of public resources at this time of budget cuts. Its level of specificity would inevitably require the retention of consultants, which we believe would be comparable to the \$2 million the City spent on consultant fees for the Jamaica Bay Watershed Protection Plan. It would also overlap with several other ongoing studies or plans: (1) DEP's Jamaica Bay Watershed Protection Plan (October 2007, updated October 2008), (2) PlaNYC's Sustainable Stormwater Plan (released December 2008, which was a PlaNYC initiative and then also mandated by a Local Law), (3) PlaNYC's ongoing climate change adaptation task force, which is focused on responsive policies to protect wetlands and other critical infrastructure (report forthcoming December 2009), and (4) the Department of City Planning's update of the comprehensive waterfront plan, which will be performed in 2010 at the request of the Council. In addition, as I mentioned, the Administration is about to release *New York City Wetlands: Regulatory Gaps and Other Threats*. We do not believe that layering on another detailed, legally-mandated study on

an aggressive timetable would sufficiently advance our understanding of strategic wetlands management policy to justify the resources required to make it.

Second, we believe that the imposition of an immediate moratorium on any project that would affect certain maps of wetlands is excessively broad, ambiguous, and ill-timed. The moratorium would apply to any project on "wetlands" that are defined pursuant to a 1989 policy that has been withdrawn or are delineated on certain maps, including so called "1995 DEC wetland maps" (these do not exist unless they refer to the State's official regulatory maps) and National Wetlands Inventory maps. Since the proposed moratorium is so broad, we also do not understand how the bill would affect much needed projects -- including the maintenance and expansion of the Bluebelt program itself. Furthermore, as Mayor Bloomberg described in the State of the City address last Thursday, the Administration is working on several initiatives to increase jobs while maintaining our focus on a sustainable city. This includes using any funds from the potential Federal stimulus legislation, which will require the start of construction within a few months. As mentioned earlier in my testimony, our interagency study of regulatory gaps found that we do not know the exact location of all wetlands in the City. Therefore, the risk of misidentification and unnecessary delay to job-producing projects is great. The City should not undermine these efforts and, possibly, deny itself access to external sources of funding that will not be replaced or come around again.

Third, there are several technical concerns we have with the bill as written. Intro 506-A would hamper creative solutions to bridging the funding shortfall for wetlands. At several points the bill demonstrates hostility to the concept of mitigation at all by requiring a plan to assess "no loss of any wetlands" instead of the more common

“no net loss”, and by limiting its goal to the preservation of all wetlands. If the Intro 506-A planning process prevents the meaningful and practical consideration of mitigation, then it would create an inflexible program, a higher probability of successful takings claims, greater resistance from homeowners and developers, and conflict with federal and state wetlands programs, which do allow for mitigation. In a world of limited resources, the City will have to consider whether it makes sense to allow some development of small, isolated, or degraded wetlands with marginal ecological value when the ensuing mitigation contributes to efforts to restore wetlands of significant size, that are highly functioning, and that provide more significant benefits to our urban watershed or local neighborhoods. While mitigation banking has produced mixed results in some applications – especially when it is not monitored and enforced – we do not believe it should be dismissed out of hand.

The bill would also deny opportunities to restore wetlands where degradation has taken place if the direct beneficiaries of restoration activities had a role in filling wetlands or wetlands degradation. It is unclear what this would mean for the City, whose activities have over time indeed filled and degraded wetlands. In the past the City has engaged in significant restoration efforts, including restorations of the Pennsylvania and Fountain Avenue landfills. It would be unwise for the City to deprive itself of restoration projects on City land, run by City personnel.

Finally, it establishes a "wetlands protection policy advisory committee" consisting of Council and mayoral appointees who serve for a term. The committee is authorized to make recommendations to the DEP Commissioner regarding wetlands protection policy. The Commissioner is required either to include the recommendations

in the final policy document or to explain why the recommendations were not included. These provisions insert Council appointees into a mayoral policymaking process and thus constitute a curtailment of the Mayor's powers.

In short, this Administration remains committed to improving wetlands and other aspects of our natural environment across the city. This year, we plan to continue efforts on Bluebelts and Jamaica Bay; nearly complete the mapping efforts laid out in the report; continue the climate change adaptation planning currently underway, which will lead to a comprehensive adaptation policy that includes wetlands; continue to work towards the transfer of the wetlands identified by the Task Force; and explore a mitigation banking concept that could help fund projects like the Bluebelt and the efforts to help Jamaica Bay. While we endorse the intent to protect wetlands that underlies this Intro, we do not believe that it would be a positive addition to this significant to-do list.

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

Testimony of James Colgate,  
Executive Architect, Department of Buildings  
Before a hearing of the Committee on Environmental Protection  
of the Council of the City of New York on the pre-considered  
Intro dealing with coordination between agencies regulating permit  
issuance in wetlands and coastal erosion areas.

January 22, 2009

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Good afternoon Chairman Gennaro and Committee Members. I am James Colgate, Acting Assistant Commissioner for Technical Affairs and Code Development of the Department of Buildings. I am here today with Stephen Kramer, Senior Counsel to the Commissioner. Thank you for giving us the opportunity to discuss the pre-considered Intro regulating permit issuance in wetlands and coastal erosion areas.

The pre-considered Intro has a laudable purpose: to ensure that applicants for construction permits in New York City demonstrate compliance with New York State laws that regulate construction in wetlands and coastal zones, including coastal erosion hazard areas. As Rohit T. Aggarwala testified earlier, the Administration is strongly committed to protecting wetlands and ensuring that construction complies with other environmental regulations. These sensitive areas constitute an important part of the City's ecology, and improving coordination among the applicable governmental agencies is surely a useful means toward protecting this important resource. Moreover, developing procedures to ensure thorough but efficient coordination among agencies with different regulatory requirements will avoid burdening applicants with unnecessary red tape. A property owner should not learn in the middle of building a house or other construction project that a sign-off from another agency is required before the construction can be legally completed. The property owner should be alerted up front to



all regulatory requirements, before substantial sums are committed to project development and construction, and before wetlands are disturbed or construction takes place in areas prone to coastal erosion.

Notwithstanding the bill's highly worthy goals, on reviewing the text of the bill, we believe that it needs substantial amendment to achieve its purposes, and we would like to make some suggestions as to how it could be amended to be more workable and more comprehensive. First, as proposed, the bill uses proximity to "natural protective features" such as shore areas, beaches, and primary and secondary dunes as the triggers that would require New York State DEC and other applicable agency approvals before building permits are issued. We believe that the trigger for requiring these projects to obtain clearance from other government agencies should be grounded in existing legally enforceable maps, such as the inland wetland maps, tidal wetlands maps and coastal erosion hazard area maps that are published and maintained by State DEC, as well as the flood maps that are published by FEMA, the Federal Emergency Management Agency. The natural feature triggers that are referenced in the bill are neither well enough defined nor sufficiently objective to function as the criteria for the application of an additional legal requirement before permit issuance, and would be very difficult for the Department to administer.

Accordingly, to the extent the bill can be amended to require coordination by reference to objective parameters with clear delineations of applicable law, the more likely the goals of the bill will be achieved.

Second, we would like to see the bill amended to include all activities that are subject to State law requirements in the coastal areas. Ground-disturbing activities

such as excavations and paving for parking lots, sidewalks and the like are not covered in the bill, but they can have significant impacts on wetlands and on coastal erosion areas. Since New York State DEC mandates that these types of activities be approved before construction begins, the bill should be amended to make sure that it parallels applicable State regulations.

Third, the bill as drafted requires not only a letter from the New York State Department of Environmental Conservation for permits in the covered areas, but also a letter from other "appropriate agencies." It is unclear which agencies applicants would be required to get approval letters from before the Department issued its construction permits. We recommend that the triggers requiring permit coordination be tied to permits for properties that are found on specific maps issued by specified agencies. In this way, the appropriate agencies whose approvals are needed would become finite and clear to the applicants for construction permits.

Finally, there are a number of technical and language issues in the bill that need to be clarified. For example, the bill contains a reference to the Waterfront Revitalization Plan, and that Plan applies only to discretionary City actions such as zoning changes, special permits, variances and other actions subject to CEQR, the City's Environmental Quality Review procedures. The Waterfront Revitalization Plan does not apply to ministerial actions such as the issuance of building permits. Finally, we would like to see the bill amended so that the Department could integrate the coordination into our permit application and review process. These types of technical issues could, we believe, be fairly easily resolved, and we would be glad to work with your staff to do so.

Thank you for the opportunity to testify. I will be glad to answer any questions you may have.



**Testimony of Roland Lewis, President and CEO, MWA**

**THE METROPOLITAN WATERFRONT ALLIANCE**

**On the Creation of a Comprehensive  
Wetlands Protection Policy for New York City**

*Thursday, January 22, 2009*

Good afternoon and thank you for the opportunity to submit this written testimony. I am Roland Lewis, president and CEO the Metropolitan Waterfront Alliance, a coalition of over 370 organizations working together to transform the New York Harbor and its waterways into a world class resource for work, transit, and education.

MWA's interest in a comprehensive wetlands policy for New York City is strong and deep. Wetlands are the buffers, filters, and cleansers of our waterfront. They protect property from storm surge and sea level rise, they help maintain the health and quality of water in the harbor and the harbor estuary, and they provide critical habitat for birds, fish, animals, and other marine and coastal life. The identification, protection, and restoration of wetlands is thus critical to both the urban and natural environments. A world class waterfront, a waterfront

envisioned by the coalition of over 370 organizations that MWA represents - is one that includes healthy wetlands – wetlands that function and support multiple ecological and environmental services as well as urban and infrastructure-related services.

MWA would like to express its strong support for this proposed legislation. We also take this opportunity to suggest important additions to this legislation to better address the importance of community, civic, and non-governmental involvement in the identification, evaluation, monitoring, and restoration of the City’s wetlands.

According to the US EPA, Office of Water, Wetlands, Oceans, and Watersheds, “Government regulations and zoning restrictions are not enough to protect wetlands. Citizens must also become involved. Volunteers that demonstrate concern and devote time to protecting wetlands can make a big difference. Local citizens not only provide the extra workforce necessary to assess the health of and threats to our wetlands but also serve as some of the most powerful advocates for protecting wetland habitat. When volunteers work to protect local wetlands, they greatly improve the chances that those wetlands will be valued by the community. Volunteer monitors often make critical observations and measurements that help assess the health of a wetland. Monitoring wetland characteristics such as plants, soils, hydrology, and wildlife helps us to better understand wetland functions and track changes in

wetland ecosystems. Volunteers increase awareness of the importance of wetlands and create a foundation for active restoration of previously degraded wetlands.”

By actively involving communities, citizens, civic organizations, and non-governmental organizations, New York City can reinforce the importance of wetland restoration and ensure that restoration projects get local support and are successful for many years to come. For example, the 370 alliance partners of the MWA represent thousands of enthusiastic and ready volunteers who are able to provide services that help implement the comprehensive wetlands policy.

Specifically, MWA suggests the following changes. Under Section 2(d), MWA asks that the comprehensive wetlands protection policy include an evaluation of and recommendations for the improvement of the volunteer and third party resources available to the City for the utilization of volunteer programs to identify, evaluate, monitor, and restore the City’s wetlands. MWA asks that the policy require the City to seek input from local and regional non-governmental and civic organizations on ways to fulfill citizen involvement opportunities and how to link these opportunities to the implementation of the comprehensive wetlands protection policy.

MWA asks under Section 2(d)7, (which describes how the commissioner assesses the feasibility of including measures to improve implementation through

reporting, monitoring, and enforcement) that the assessment includes opportunities to employ comprehensive citizen volunteer programs to improve implementation.

Lastly, the MWA asks that this legislation incorporate the need for the City's active involvement in connecting potential volunteers to volunteer wetlands opportunities and projects. New York City has a wealth of willing volunteers ready to do natural resource projects. However there is a lack of hands-on, outdoor, natural resources volunteer opportunities available to and known to large pools of potential volunteers at all levels – nonprofit, corporate, school, and civic organization-based volunteers. This legislation can help bring about a greater interest, awareness, and participation in the critical and effective work that can be accomplished by matching goodwill with opportunities.

Thank you for the opportunity to testify today and I'd be happy to answer any questions you might have.

# Regional Plan Association

**New York City Council  
Committee on Environmental Protection  
Intro 506 - A  
Creation of a comprehensive wetlands protection policy for New York City  
January 21, 2009**

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

Thank you for this opportunity to share our thoughts on Intro 506-A, creation of a comprehensive wetlands policy for New York City.

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 was also the Co-Chair of the Wetlands Transfer Task Force. The Task Force was created by Local Law 83, legislation authored by Chairman Gennaro. I would like to thank him and the Committee staff for their continued leadership in protecting the City's wetlands and natural areas.

Regional Plan Association recently compiled the attached map of the historic wetlands of 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.

There are several issues at play here.

In its inventory of City-owned wetlands, the Wetlands Task Force identified over 1000 city owned "surplus" properties totaling about 700 acres. Many of these are suitable for management by the Parks Department, and our report recommended 82 properties for transfer. Parks is in the process of reviewing these recommendations and/or awaiting



further action such as clean up or boundary surveys before accepting them. Another 111 were marked for special review – of interest to the Park’s Department but requiring resolution of substantial technical, legal, or other issues. There were 168 small properties that are too small, isolated, or present other technical and legal challenges to Parks management. Other properties are largely or wholly underwater.

Moreover, the number of City-owned wetlands is just part of the total number of wetlands in the City. Our estimate is that there are about 1000 acres of privately owned wetlands in the City, the vast majority of which is in Staten Island. These 1000 acres are fragmented among more than 4000 individual tax parcels.

The City’s current waterfront policies are limited in scope. 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.

But 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.

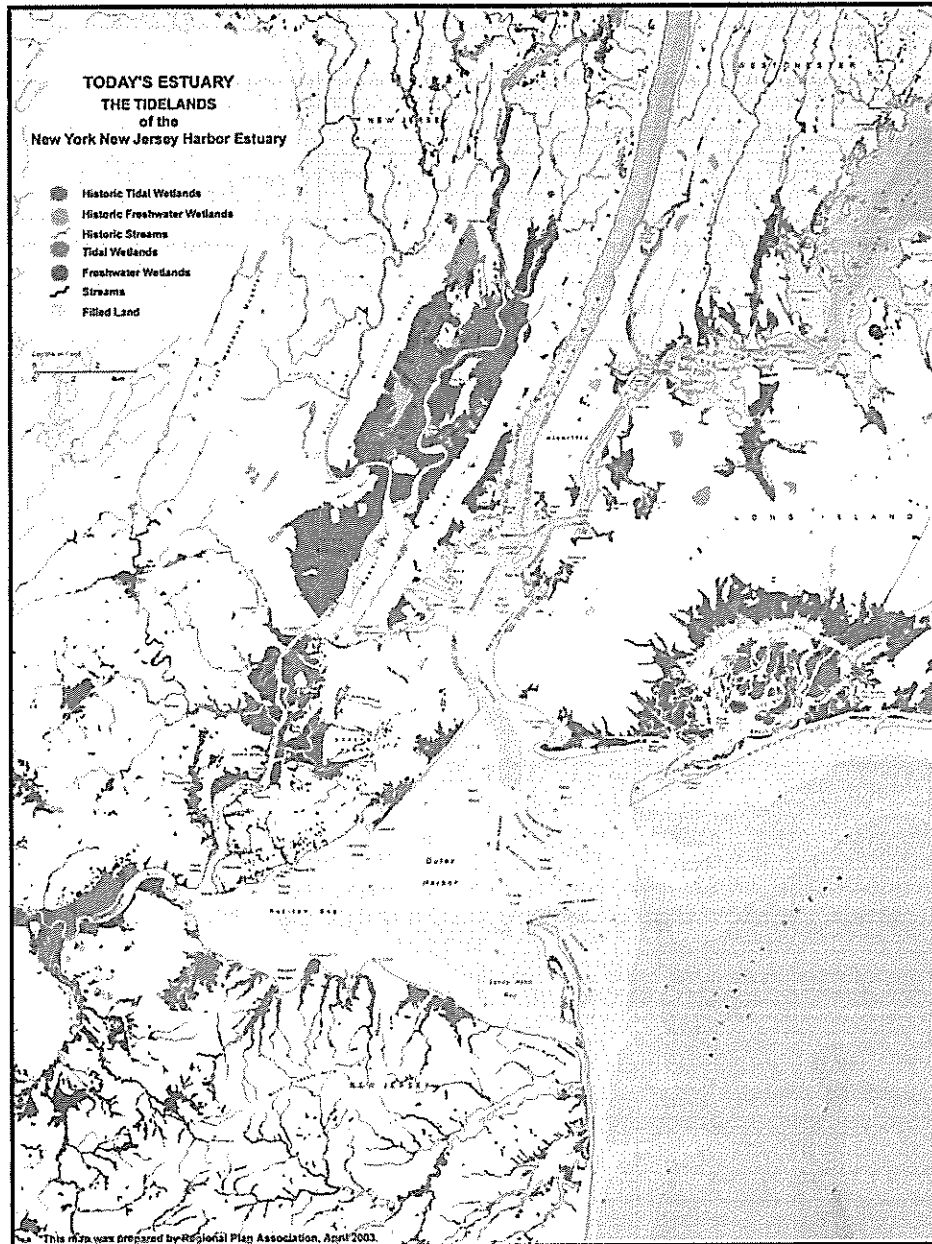
For these reasons Regional Plan Association strongly supports the broad goals and purpose of Intro 506.

We would make a few suggestions as you move forward in the process of creating a

wetlands policy.

- The proposed legislation would provide an important process by which the City could evaluate how best to address these and other important wetland issues. As you know, the Mayor's 2030 Plan also identified creating a wetlands policy as one of its actions. We understand that the Office of Long Term Planning and Sustainability has started this process, including mapping existing wetlands. This mapping should be completed by the end of the year. The City is also undertaking a separate assessment of how it might adapt to a changing climate and sea level rise. It would be important to coordinate any legislation with these new sources of information. Moreover, the City would benefit from a shared approach and agreement on how best to create a comprehensive policy in a transparent, comprehensive, and timely process. Given the will, this could be done through legislation or administrative actions.
- Creation of a wetlands policy should be completed in a timely way. The proposed moratorium would undoubtedly ensure attention to this issue. However, given appropriate will and follow up action by the administration, we are not sure that it is necessarily needed. Having noted the need for swift action, I would note that completing the proposed wetlands inventory by July 31 of 2009 may not be realistic. Perhaps discussions of broader policy issues could precede the mapping work already commissioned by the City.
- In addition to the Department of Environmental Protection, creation of the City-wide policy should specifically include the Department of City Planning, including but not limited to its Coastal Program; the Mayor's Office of Environmental Coordination; and the Parks Department. As the agencies responsible for the drafting and oversight of the LWRP and the CEQR manual, City Planning and OEC have an important stake in this process. The Parks Department and its Natural Resources Group have extensive expertise in the management of wetlands in the City.
- The process of creating a comprehensive policy should include identification of an appropriate definition of wetlands in New York City. Because of the number of sites with fill or other disturbed soils, definitions that rely solely on vegetation or hydrology may not cover the range of conditions of City wetlands, especially areas suitable for restoration.
- The policy should specifically address the ways and means of managing smaller wetlands properties in the City. Many of these smaller, isolated properties are difficult and costly to manage. Circuit rider programs and community stewardship options could provide the means of ensuring appropriate management of these parcels. Given adequate funding, the Parks Department Natural Resources Group and DEP's Bluebelt Program could provide important expertise and experience.

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





## NEW YORK CITY AUDUBON

Testimony of New York City Audubon  
City Council of the City of New York  
January 22, 2009

RE: Int. 506-A and Pre-considered Int. regarding development in the City's Coastal Zones

I am Glenn Phillips, 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.

As members of this committee well know, wetlands and coastal buffers provide a myriad of critical ecosystem services without which the lives, property and livelihoods of New Yorkers would be sorely impacted.

Wetlands and coastal zones here in New York City are also important habitat for nearly three hundred species of birds, including over fifty species of conservation concern: Regardless of size, wetlands contain a diverse range of plant and animal species, including some species that are exceptionally rare. These important communities provide essential habitats for many species of migratory waterfowl, for numerous threatened, endangered, or species of special concern, such as the Bald Eagle and Osprey, and for countless other amphibian, avian, fish, and wildlife species to nest, breed, and feed.

NYC Audubon believes that this legislation and the resulting wetlands protection plan will fill critical loopholes, which allow wetlands across the five boroughs to be destroyed or degraded. New York is the only state in the northeast that fails to protect small, isolated wetlands, and current state law allows for smaller wetland buffers and setbacks here in New York City, even in places where a larger buffer is both possible and desirable.

We acknowledge that this legislation is not perfect, and would welcome a dialog with City Agencies and the Mayor's Office on ways to ensure that this legislation builds on the work already completed or in process including the Wetland Transfer Task Force, the Sustainable Stormwater Management Plan, the Climate Change Adaptation Task Force and many other relevant planning processes. We would like to see a commitment that four of the advisory committee members represent credentialed scientific expertise in wetlands or with wetland organisms. We are concerned that this legislation seems to contain contradictory language with regards to mitigation; while one part seems to prohibit mitigation other parts support it. NYC Audubon is concerned that these wetlands may be lost to development while the plan is being created, and while a moratorium initially sounds appealing, we acknowledge that there may be other ways to ensure timely completion of the project.

NYC Audubon is also concerned about the institutional sustainability of the wetlands management plan that would be developed as a result of this legislation. Even before the current economic crisis, funds to properly manage city-owned wetlands and enforce existing regulations have proven inadequate. We encourage the City Council to address the long-term funding of wetland and stormwater management, perhaps through the creation of Stormwater Utility Fee tied to the amount of impermeable surface on a property. Over 2,000 municipalities across the United States use these fees to support these critical infrastructure projects and their ongoing maintenance. An added benefit is that such a fee would also encourage a variety of stormwater best management practices on private property, which will improve the quality of the city's wetlands, and reduce damage from polluted runoff.

NYC Audubon believes that the preconsidered introduction "In relation to Coordination between the Department of Buildings and other governmental agencies when development is proposed in the city's coastal zone" is also a good start at addressing a critical issue. The Buildings Dept is notoriously weak in enforcing the building code. There are good checks and balances in this legislation but we believe it should go even further. Both applicant and filing architect and engineer should be liable for misrepresenting the presence of wetlands or need for permit. Building applicants are usually single purpose entities and have traditionally had no qualms about omitting such things. This has been the problem with respect to abuses of zoning which have been notorious and widespread in recent years. This requirement to coordinate needs to have teeth.

On behalf of New York City Audubon's nearly 10,000 members, I strongly urge that both of these proposal move quickly towards approval of the full council. Today New York City's remaining wetlands are a tiny percentage of what they were, and we cannot afford to lose even the smallest remaining parcels.

## FOR THE RECORD

**Swanston, Samara**

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**From:** Donriepe@aol.com  
**Sent:** Thursday, January 22, 2009 12:13 PM  
**To:** Swanston, Samara  
**Subject:** Re: Proposed Int. No. 506-A

Samara ...The American Littoral Society strongly supports passage of Proposed Int. No. 506-A and the creation of a comprehensive wetlands protection policy for New York City. Wetlands are valuable habitats for wildlife, absorb pollutants and protect the mainland from storm surges.

Don Riepe  
Jamaica Bay Guardian  
American Littoral Society

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**THE COUNCIL  
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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. SUB A

in favor  in opposition considered

Date: \_\_\_\_\_

Name: Eugenia M. FIATON (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Chair NYC SWOP

Address: 181 South 10th St. NYC 10013

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: ROBERT PIRAWI (PLEASE PRINT)

Address: 245 W. 107th St 146

I represent: REGIONAL PLAW ASSOCIATION

Address: 4 IRVING PLAZA

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Appearance Card

I intend to appear and speak on Int. No. SUB A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/22/09

Name: Glenn Phillips (PLEASE PRINT)

Address: 535 DEAN ST BELLEVILLE NY

I represent: NYC AUDUBON

Address: 71 W. 23rd Street

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/22/09

Name: Joel R Kupferman (PLEASE PRINT)

Address: 351 B Romaine

I represent: New York Environmental Law

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 506 Res. No. 1

in favor  in opposition

Date: 9/22/09

Name: Matthew Kliman (PLEASE PRINT)

Address: ~~457 Madison Ave 5th floor~~

I represent: Metropolitan Waterfront Alliance

Address: 457 Madison Ave 5th floor

**THE COUNCIL  
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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/2 Jan 2009

Name: Paul Mankiewicz (PLEASE PRINT)

Address: 99 Bay St

I represent: The Latin Institute

Address: 470 City Island Ave

BRONX NY 10464

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**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Stephen KRANER  
Address: Senior Counsel  
I represent: Dept of Buildings  
Address: 280 Broadway

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: JAMES COLGATE  
Address: Assistant Commissioner  
I represent: Dept of Buildings  
Address: 280 Broadway

◆ Please complete this card and return to the Sergeant-at-Arms ◆