



Metropolitan Waterfront Alliance
457 Madison Ave
NY NY 10022
Tel 212-935-9831/ fax 212-935-3193

October 26, 2006

Ms. Meenaskshi Varandani
NYC EDC
110 William Street
New York NY 10038

Re: Brooklyn Piers 7-12, Comments on Draft EIS Scope

Dear Ms. Varandani,

I am submitting these comments on behalf of the Metropolitan Waterfront Alliance, a bi-state coalition which works to protect and advance the public interest in the waterfront. Over the past few years we have participated in a number of hearings and organized a number of programs and events that seek to raise awareness of the importance of the working waterfront, and the need to better plan for and design the waterfront so that water-related opportunities – whether for port commerce or active recreation -- can be maximized. We offer the following comments in hopes that you will incorporate them into the scope of your study and the project.

Project Purpose and Need

The design for this study and for the project area should speak to the fact that this area must be able to function in the future as a major point of access and egress between Long Island, Manhattan, and New Jersey. The street network in the area is home to the Gowanus Expressway and the Brooklyn Battery Tunnel, and that Long Island has perilously few direct connections to the continental United States. Thus the design and function of this area – particularly the Piers and Atlantic Basin – must envision and be prepared to accommodate short, medium, or long term closure of the Brooklyn Battery Tunnel or the Verrazano Bridge, whether because of natural flooding, vehicular or maritime collision, or some other wholly unnatural human or other mechanical intervention. Special consideration should be given to retaining all the working maritime infrastructure, such as the cranes, as well as design and load parameters for new piers and bulkheads to accommodate roll-on/roll-off vessels, as well as container ships in addition to the passenger and recreational vessels anticipated.

Reasonable Worst-Case Development Scenarios

The study should consider and incorporate the scenarios which have been and are being developed for the demand and traffic projections for cruise terminals in Bayonne, on Manhattan's west side, and elsewhere in the Region. If you have not already reached out to them, you may want to speak to Nancy Kist, Executive Director Bayonne Local Redevelopment Authority at 201-823-0333. In

addition to the warehousing facilities serving Governors Island you plan to accommodate, any potential use of any part of the project for passenger ferry, vehicular parking, ro-ro, or gondola service/ operations to and from Governors Island, Manhattan, or Jersey City, Hoboken or Bayonne should be considered as well.

Parcel A

Emphasis and preference in this physical area should be given to the actual loading and unloading of containers and other water-based freight movement such as break bulk. Warehousing, storage, and other non-water dependent functions should be considered secondary and less desirable uses.

Parcel B

Development of a hotel and ancillary conference facilities should take into consideration the existence of or plans for similar such facilities in Downtown Brooklyn and Governors Island.

Parcel D, et al

The Study should identify ways to protect and ensure the continued operations of existing uses and activities particularly the 2 private property owners, Elani Export Inc. and Williamsburgh Pape Stock identified in testimony by SBIDC.

Parcels A-L

The scope should consider locations for new fueling/ refueling stations to serve marine based engines. Currently there are no locations in New York City for refueling marine engines between Sheepshead Bay and Flushing Bay – a distance of approximately 30 miles. As a result, New York City and State lose out on a potential source of revenue in the marine fuel surtax which Marinas in New Jersey – such as Jersey City – collect. Potential land and on-water locations for these facilities should be specified. Applicable state and other environmental regulations should be assessed and referenced so that new facilities for diesel (including Ultra Low Sulfur Diesel), gasoline, bio-diesel, and other potential fueling sources needed for commercial and recreational use can be created in this project area. Specific locations that may warrant consideration would be

- a) Parcel G or L along/ in Atlantic Basic (which offers protection from wakes)
- b) Parcel A or B near the vicinity of Conover and Degraw Streets

Parcel M

The proximity of housing adjacent to functioning maritime presents practical and aesthetic challenges. Our understanding as to how this same scenario proposed for the former MOT site in Bayonne is playing out does not give us hope that this is feasible here. The Study should consider whether the Brewery function proposed for Pier 7 may be better located here. The Study should also consider attaching Parcel M to the Maritime uses of Parcel A. Housing built at this location brings with it the potential to shut down maritime use of Parcel A forever. Whereas we as a City and region lack a coherent vision of the future of the Port of Brooklyn – which is essentially the Port of Long Island, or demonstrated progress towards a regional ferry plan, energy plan, maritime support facilities plan it seems premature to place housing next to a working container port given all

the other water dependent uses that are already competing for very limited waterfront space all over the city, region, and nation..

Scope of Work

Task 1. Project Description

The “key planning considerations” considered in this project should pointedly and explicitly cite “emergency access and egress” to/from Governors Island and Manhattan and elsewhere as described above under “Project Purpose and Need.”

Task 2. Land Use, Zoning and Public Policy

The Project Site should be extended farther than one-quarter of a mile in the direction of the Brooklyn Battery Tunnel due to the relevance, the scale and the uniqueness of this regional transportation asset.

Task 4. Community Facilities

The waterfront district can best remain wholly public space if precious street level space is reserved for commercial/ retail uses that serve the public, as opposed to housing. Ground floor housing presents the risk of privatizing the waterfront, including the upland access routes needed to get to the waterfront. In addition, ground floor commercial/ retail space can generate daily and recurring economic activity that can help support other activities in the waterfront district.

Task 5. Open Space

Waterfront public space should be wholly public, open and accessible 24/7/365 because the Public Trust Doctrine requires it. The public is best served by having this space, whether for active or passive recreation or simply pedestrian or bicycle or other transit.

Task 7: Historic Resources

For the purposes of defining the “Site” of this project the investigation of Historic Resources should consider piers, seawalls, bulkhead and other waterfront and in-water structures, as well as submerged lands.

Task 10: Natural Resources

- Consideration and exploration of “fish” habitats should include “shellfish” as well.
- In addition to consulting NYCDEP Harbor Survey Data, the Study should assess relevant information from the NYC Department of Health (who provides water quality data to DEP for SPDES permit obligations) as well as NYSDEC Hudson River Estuary Program (who is working on a defined 2009 “Action Plan). Contact Fran Dunwell, NYSDEC 845-256-3181

- Consideration of “published sources” of avian resources should include data gathered and published on-line by New York City Audubon (Contact Yigal Gelb, NYC Audubon 212-691-7483)
- In addition to New York State Natural Heritage Program and US Fish and Wildlife Service the study should consider GIS data gathered and published by NOAA on threatened, endangered and other sensitive species (contact Ed Levine, NOAA, 212 668-6428)

The study should acknowledge and consider that Harbor Seals and other species of interest are increasingly found in the area and that the community sees this recurrence as something that is desirable and should be facilitated in planning and design of the waterfront.

The Study should be aware that the City’s efforts to adapt Best Management Practices for stormwater and Combined Sewer Overflow (CSO) is recognized by many to be inadequate. Therefore consideration of “Best Management Practices” for this effort should be expansive enough to consider those approaches which haven been successful elsewhere in the US and the world. MWA serves as Co-Chair of a Citizens Advisory Committee to DEP on CSO and we would welcome the opportunity to consider this project area as a proving ground for true BMPs that the City should be working towards. Our next meeting is November 8 (Please feel free to contact myself or Jim Mueller, NYCDEP, jmueller@dep.nyc.gov).

Task 13: Infrastructure, Solid Waste, and Energy

Storm Water: the study should consider and assess the impact of CSO in addition to and aside from stormwater runoff.

Task 14: Traffic and Parking

Given the influence of the Brooklyn Battery Tunnel on the circulation of the project area, the Study should consider monitoring and modeling traffic volumes at additional intersections with Hicks, Henry, Columbia, Clinton, Court and Smith Street at the intersections with the Tunnel / Plaza. In addition, intersections along Seabring and Delavan should be monitored and modeled given their location between the Tunnel and the Cruise Terminal and planned developments around Piers 11 and 12.

Analysis of transit and parking requirements should consider the needs for excursion vessels to pick up passengers within the project area. With a new bid for the Statue of Liberty expected by year’s end, and efforts by the City to increase ferry service in and around the Lower East River, there is major potential of up to 4000-5000 passengers per hour to be passing through this area on their way to Governors Island, Ellis Island, etc.

Task 15. Transit and Pedestrians

The Study should acknowledge and consider the various proposals for light rail/ trolley transit on/ along the project site as variously proposed by the Brooklyn History Railway and the Brooklyn City Streetcar Corporation (though the former is dormant, and dysfunctional, the latter seems to be making progress).

Task 16. Air Quality

Modelling should consider and assess the potential improvements that would be gained by a shift towards Ultra Low Sulfur Diesel as well as Biodiesel. Current proposed legislation in the City Council is looking at the former for use in private ferries, tugs, and Staten Island Ferries, while a private company is gearing up to begin production of Biodiesel nearby in Red Hook.

Task 19. Public Health

The study should acknowledge and assess the risk to human health presented by fish consumption that will unfortunately come with greater public access in this area.

The study should acknowledge and address the impact that land-based sources of ambient light may have on vessels navigating nearby. For instance, the lights of Chelsea Piers and, at times, South Street Seaport are confusing for mariners who cannot make the distinction between navigation lights of other ships and land-based sources of light. Given the more narrow nature of Buttermilk Channel plus the propensity of fuel and other heavy barges to pass through here, failure to address this issue could have dangerous effect.

We would also like to support the request of the New York Industrial Retention Network to study the following alternatives:

NYIRN Alternative 2: Retain cargo operations on Pier 10 (Parcel B)

NYIRN Alternative 3: Construct a park and greenway on Parcel M, retain M-zoning

NYIRN Alternative 4: Use the non-bulkhead shoreline between Piers 9B & 10 as a habitat restoration project

Thank you for the opportunity to submit these comments. We would be happy to speak or meet with the project team to discuss in greater detail.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Carter Craft". The signature is fluid and cursive, with the first name "Carter" and last name "Craft" clearly distinguishable.

Carter Craft
Director
carter@waterwire.net