

## **Testimony to NYC Council Waterfronts Committee**

February 13, 2006

Thank you for this opportunity to address the City Council Committee on Waterfronts.

I speak in my capacity as the founder and director of a waterfront-oriented not for profit organization PortSide New York which is based in Red Hook, Brooklyn. The New York City waterfront has been my specialty the past 7 seven years as journalist, activist on behalf of recreational boating, on behalf of the working waterfront, and as a recreational boater myself.

We all know that there is a massive replanning of NYC's waterfront underway by government authorities (city, state and federal), authorities (the Port Authority, the EDC) and private developers. We are concerned with some patterns in our rapidly changing waterfront.

### **Water-dependant uses squeezed out, not built into the “new” waterfront**

- **the recreational boating sector short-changed:**

Even when communities request boathouses, or boat launches, or simply cleats so vessels can come visit, the plans do not include them. Piers are built without cleats, or without the strength to sustain vessels tied up to them.

- **Cultural programming compromised:**

A cleat in a park also enables programming such a tall ship during OpSail. OpSail itself is becoming hard to stage in New York City due to the lack of pier space. We may lose this spectacular event for the death of piers with cleats.

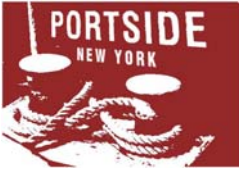
There is a growing fleet of historic vessels operated by non-profits in New York City. PortSide New York expects to add to this fleet soon by locating our base of operations aboard a vintage tanker. The historic vessel fleet would like to create mobile programming and visit different neighborhoods in New York City but is constrained by a lack of piers. What few tie-ups have been added in the new parks are usually service bow-loading ferries only meaning no other sort of vessel can come visit.

- **Potential solution to the cleat-squatter problem:**

The Hudson River Park Trust has in the past defended its lack of cleat policy as a way to avoid squatter vessels. John Quadrozzi, of NYCEMCO, a major cement importer has proposed a solution, cleats could be covered a sloping-side box locked over the

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cleat so that unwanted vessels cannot tie up. When the cleat is needed the box can be removed.

- **Flexibility lost on the waterfront:**

A cleat in a waterfront park is a wonderfully flexible piece of infrastructure: it can accommodate a freight ferry, a barge working on park maintenance, or vessels moving people during crises like 9/11 or the blackout.

- **Emergency response constrained:**

From my own powerboat, I witnessed the maritime evacuation on 9/11. From ground zero and my subsequent reporting, I saw how the marine industry supplied ground zero with water, fuel, emergency personnel in the days following 9/11 when road mobility was limited. The marine response was hampered by a lack of cleats along the seawall near the Trade Center and a lack of staging areas on nearby waterfronts.

We are concerned that, so far, the so-called “new waterfronts” tend to exclude working waterfront uses, that plans have generally posited an either-or sort of waterfront, either it is park, or it is solely industrial maritime. We believe that the “new” waterfront can and should include more working waterfront activity.

- **Local working waterfront industries suffer limited space:**

Despite commonly held notions that the working waterfront is dead, local marine businesses are growing, or trying to grow while being hampered by rezoning of the waterfront.

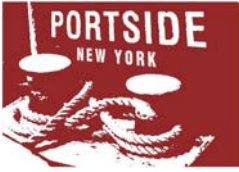
May 2005, PortSide New York completed a survey of the local workboat sector, primarily tugs and barges, though we also surveyed support services such as crewboats, commercial diveboats, and oil spill response vessels. We also included outreach to excursion boats. We shared the results of this survey with the EDC.

All companies were expanding their fleets, refurbishing older boats and adding new equipment. We found 252 tugs and towboats, and 718 barges based in this port. This sector had an estimated 3,120 employees on the water.

The tug and barge fleet also has support jobs ashore that we did not count, but can estimate. Consider that one major tug and barge company has some 375 people on the water and 60 ashore. If all firms have a similar ratio, 3,120 on the water employees would yield a total of 3,550 jobs in the towing industry. Additional equipment from outside the area is under contract for local work (especially in dredging and marine construction).

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Companies owning tugs are involved in docking ships, as many know, but less known is that this is the largest petroleum through port in the nation; and the companies that move fuel via tugs and barges seek expansion space. The construction boom in the city implies a greater need for sand, stone, cement, and asphalt products which are brought to the city by water and often moved within city limits by water; and the construction of the much celebrated new waterfront parks and esplanades requires marine construction firms. The companies involved in all these forms of construction are desperate for waterfront space to dock and repair their vessels.

- **New developments will need working waterfront space:**

We are on the brink of a back-to-the-future scenario where cargo will be increasingly moved by water within cities or on short hops from major urban ports to smaller ports in regional centers. Greater New York city, the tri-state area, and I-95 from Washington to Boston are clogged with traffic. The national Maritime Administration (MARAD) is developing a short sea shipping program to move freight by water from port hubs to outlying areas. The Port Authority launched a Port Inland Distribution Network (PIDN) a few years ago. Connecticut's DOT completed a study into moving freight by water from the Port of New York-New Jersey as a way to decongest I-95. The New York State DOT is studying how to move produce out from Hunts Point by water.

At least one private ferry operator is looking to have cargo put on ferries that would by-pass greater NYC congestion (a sort of ring road on the water) and to move freight within the city. However, decommissioning all the working piers will prevent our attaining congestion relief (and air pollution relief by reducing truck exhaust) if all the piers become purely recreational.

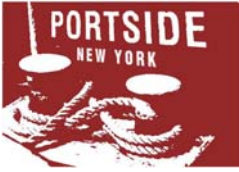
For example, during the planning process for the East River waterfront from Battery Park to the Williamsburg bridge, an EDC-sponsored plan was at one point considering putting an ice-skating rink on the old banana piers and installing a new pier near the South Street Seaport with grassy hills and a "clam shack for whimsy" as the New York Times reviewer put it. I'm not sure whether the plan still includes the ice-skating ring, but the notion of grassy piers and utter lack of cargo-related options is indicative of prevailing thinking. A cleaner, publicly-accessible waterfront is an obvious improvement; can we find a way to make it practical at the same time?

- **Green parks with greenmarkets?**

Our new waterfront parks could include small intermodal terminals where a Hunts Point freight ferries could dock, allowing produce and fish delivery trucks to bypass the BQE and Manhattan avenues. Greenmarkets could be installed around these terminals thereby servicing the local community, beautifying the terminal and providing revenue needed to sustain the parks--all of which are designed with public-private financing models. In a recent interview, Kate Ascher of the EDC spoke about

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possibly installing a gourmet food emporium in the Battery Maritime Building where the Governor's Island ferries depart. Could such a food emporium receive produce from Hunts Point by boat?

- **Waterfront solutions for waterfront Big Boxes:**

Many former Brooklyn maritime facilities have been converted to big box stores. These stores could and should receive freight by water. We will soon have the world's largest Ikea in Red Hook, Home Depot and Jethro are on the Sunset Park waterfront (next to Federal Express), and there is a Costco a block from the water in Sunset Park. Just to the south is a Toys R us in Gravesend Bay, a Home Depot in the Coney Island Creek, and the Gateway Mall off of Jamaica Bay. All of these places are serviced by the heavily congested BQE and Belt Parkway. Using ferries that move freight and passengers would increase shopping while reducing car and truck traffic in these areas. They could also become commuter amenities. Could a Jamaica Bay freight boat double as a JFK airport link? Thinking in an integrated way and including freight, shoppers, commuters, travelers and sightseers and maybe we can get the harbor link ferry services that the MWA and National Parks Service have sought for years...

- **Move express freight by water:**

Federal Express is on the Sunset Park waterfront, and in Manhattan, Federal Express and UPS are on Houston Street a block inland from Pier 40. A study into bringing Federal Express shipments to Pier 40 by water was in fact done; but I understand that the Hudson River Park which controls the pier took no action on this proposal. The study found that Federal Express would not lose any money by moving packages from the airport to the pier by water, they would gain more dependable travel times and the area truck traffic would be lowered.

## **DEC policy**

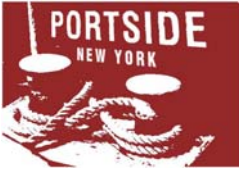
I will append a large excerpt from my testimony presented to this committee on June 15<sup>th</sup>, 2005 during a hearing on "Obstacles to Waterfront Development"

"I'd like to focus on one issue, the DEC principle on pier permits that says "once it's 50% gone, you can't get it back." Note that I'll use "pier" as shorthand for the various types of waterfront infrastructure that exist in New York City.

I'd like to compare this policy with the issue of environmental justice. By now we are all aware of the argument which says that concentrating noxious developments in low-income neighborhoods constitutes an injustice; the "DEC's 50% gone rule" can create injustice by blocking good development in disadvantaged neighborhoods. Areas that have hit the skids and had their waterfront infrastructure collapse are penalized by a 50%

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rule that prevents pier rebuilding. Under the 50% scheme, future development is determined by an area's economic low point. Can this be the best, fairest, most sustainable policy?

This 50% rule can work quite capriciously, making an area's history evolve in ways far from the planner's ideal. I provide some examples from Red Hook which has many universals – its future will be shaped by what development is allowed on its waterfront.

For decades, much of Red Hook's waterfront was controlled by the Port Authority. After containerization, the PA let the piers go dark. By the late 70s, Red Hook's shore was rimmed with abandoned parcels. This was a major factor in driving the neighborhood down until it became a poster child for urban woes with rampant gang violence, drug dealing, illegal dumping, arson and abandonment. The US Army Corps then removed many piers as part of the drift prevention program. According to the EDC's Andrew Genn, New York received no credits for those piers, meaning a newly resurgent Red Hook has no credit to rebuild what it lost during the dark days.

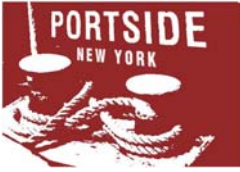
Then consider how private owners ruined some other major Red Hook waterfront properties including the largest privately owned piece of waterfront property in Brooklyn. New York Shipyard purchased this 22 acre parcel, the Todd Shipyard, but went bankrupt. The company limped on in bankruptcy for a dozen years and dropped all maintenance. During that time, two steel dry docks sank on site and two of the five piers collapsed. Their future maritime use by Hughes Brothers as a tenant of a planned Ikea is seriously constrained by this decay.

The adjoining parcel, also quite large, presents another vivid example. This is the former Revere/Sucrest Sugar Refinery. After the collapse of the Marcos dictatorship in the Phillipines, this property remained in the hands of one of their cronies, a resident of New Jersey. Marcos-scale greed seems to have extended to the crony, as evidenced by an untouchably high for-sale price. This price kept the property from being purchased for many years. During this time, many of the piers collapsed beyond 50%. Is it reasonable to have a policy where our waterfront's future could be determined by an out-of-state owner, the crony of a corrupt, foreign dictator?

The new Red Hook landowner who is lucky enough to have piers more than 50% intact faces another DEC principle that can present some hardships – “like must be replaced with like,” meaning one has to rebuild exactly what's there. Much of Red Hook's waterfront infrastructure is Victorian technology: cribbing (interlocking logs filled with dirt and gravel) or relieving platform (cement shelf overhanging the water on top of wooden pilings). New landowners often prefer steel bulkheads as rebuilding the old way can be cost prohibitive, and the wooden piles are prone to immediate worm damage due to our now-clean waters. Many have cited an inconsistency here, how is it that the DEC

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prefers a relieving platform that casts shade, while rejecting a pier permit on the grounds that it casts shade?

The net effect of the regulatory situation is that Red Hook's waterfront users are very constrained by permit issues. Red Hook is now home to industrial maritime, non-profit waterfront groups including a historic attraction vessel, and private recreation. All of these sectors would like to grow.

In closing, I'd like to acknowledge the historically positive role of the DEC and celebrate the hard work of many environmentalists, elected officials and agencies that brought us our cleaner waters. These groups faced resistance to change and cleanup at the outset. Environmentalists had to fight much conventional thinking at the dawn of the clean water movement thirty years ago. Now, however, the balance has swung. The water is clean, and we are moving from waterfront neglect to development. We have found new uses for the waterfront, old ones like maritime are resurgent, we know more about our environment and have learned how to be better stewards of it. Shouldn't we rethink how we think about the water as we approach it anew? Could now be the time for us to re-assess some of the regulatory practices that have existed for some time? "

Again, thank you for the time to present to this committee, and thanks for holding this hearing to assess the issues pertaining to our waterfront.

Sincerely,

A handwritten signature in black ink that reads "Carolina Salguero". The signature is written in a cursive, flowing style.

Carolina Salguero  
Director