

Regional Plan Association

**New York City Council
Committee on Environmental Protection
Oversight - Challenges Facing Wetlands in New York City, and a Review of New
York City's Efforts to Protect Wetlands, Including Local Laws 71 of 2005, 83 of
2005, 21 of 2009, 31 of 2009 and the Wetlands Protection Goals Contained in
PlaNYC. January 31, 2012**

**Statement by
Robert Pirani
Vice President for Environmental Programs**

Thank you for this opportunity to share our thoughts on the City's efforts to create a comprehensive wetlands policy for New York City.

My name is Robert Pirani. I am the Vice President for 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.

Several years ago, Regional Plan Association 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.

We are encouraged by the slow but steady progress made by the City since the passage of the 2005 and 2009 laws. For the first time in its history, the City has moved toward adopting a comprehensive approach toward the wetlands within its boundaries. The set of Initiatives covered under the draft Strategy's Protection, Mitigation, Restoration and Assessment contain a number of important steps, including creation of Natural Areas Conservancy and progress on the assessment and valuation of wetlands. While we are still reviewing the document, there appears to be two ways in which this policy and more critically its implementation could be moved forward.

Protection

The City survey notes there that loss of privately held wetlands seems to be greater than on City-owned lots and that “wetlands on private property are more vulnerable than those on public land”. While the total number of these wetlands is small (about 106 acres exist on 1,027 City tax lots) and the cost of new regulation may outweigh the benefit, there are other means of encouraging protection. I would note that the City estimates the cost of restoring wetlands as being between \$ 290,000 to \$ 2 million an acre; based on the midpoint of this “replacement cost”, the value of these wetlands is \$ 121 million.

The City should specifically assess the ecological and hydrological value of the properties, starting with understanding their location relative to other wetlands and their risk of development. The City notes that it will work to identify opportunities for acquisition. For areas adjoining public property or existing DEC wetlands, there are other means available to protect them, including petitioning DEC to include them in larger wetlands of the City’s assessment reveals ecological connections. The City and the proposed Conservancy should consider obtaining tax deductible donations of conservation easements on the property.

We are pleased that all of the “special review” properties have been assessed by DPR. The City should move forward expeditiously on DPR requests to transfer eleven parcels totaling 98 acres as well as the logistic work required for the remaining 72 “special review parcels.” In particular the properties in Bayswater and those adjoining Edgemere Landfill are ready to go to Parks. A priority for the proposed Conservancy should be identifying the means of preparing the remaining parcels for transfer.

The Strategy calls out the City’s promise to transfer three parcels that form Arlington Marsh on Staten Island. While we understand the connection to the proposal to expand New York Container Terminal, the uncertain future of that expansion makes us question why the transfer of the parcels should be held hostage to progress on that development.

Mitigation

We appreciate that the City will seek to advance the State’s mitigation policy to ensure greater predictability in the permitting process and improved protection and restoration of sensitive wetland habitats, including creation of a mitigation banking mechanism for public projects. We would suggest that certain private projects in Special Maritime Industrial Areas also be eligible. While we appreciate the unique urban condition of the City’s wetlands, inclusion of hazardous material remediation as mitigation per se may not be appropriate if there are existing obligations under other federal and state law. Given the identification of this project by numerous work groups and task forces, additional progress on this effort should happen as soon as possible. Developing a comprehensive list of mitigation opportunities in coordination with appropriate federal, state and city governmental entities might be an easy thing to start with.

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

