

MEMORANDUM OF OPPOSITION

SIERRA CLUB ATLANTIC CHAPTER * NEW YORK PUBLIC INTEREST
RESEARCH GROUP * FRIENDS OF THE EARTH-NY

Bill to Amend the Hudson River Park Act

The Hudson River Park Trust (HRPT, a State public authority) and its allies have been lobbying for harmful changes in the State Hudson River Park Act of 1998 (HRP Act) before the end of the 2013 legislative session. The Sierra Club, NYPIRG, Friends of the Earth-NY and other groups urge you not to allow any changes to be made to this long and complex law in these final days of the session

Our organizations have long opposed building out into the near-shore waters of the lower Hudson River between Battery Park City and W.59th Street off the West Side of Manhattan, because of the devastating impact such development would have on a marine habitat of extraordinary national importance, and adverse impacts on treasured views of open water from the public open space and bikeway at the water's edge.

Superstorm Sandy made it more urgent than ever to stop building sites for non-water-dependent development in this stretch of the Hudson River since anything built there will be battered by powerful winds, tides and currents, and will be especially vulnerable to storm and hurricane damage. FEMA's latest flood zone maps for New York City, released this month, show significant increase in the expected flooding danger, and a panel of climate change scientists convened by the City agrees that the situation is worsening.

Seventeen piers have been built or rebuilt in this priceless stretch of the River already, putting Hudson River, Long Island and Atlantic Coast fisheries at risk. Roughly \$400 million in public funds have been spent on the so-called Hudson River Park project already, which largely consists of financially risky and unsustainable and environmentally destructive in-water construction. Encouraging development at this storm, flooding and hurricane damage-prone location will invite catastrophic harm to people and property, and potentially ruinous damage costs and claims for the entire State.

Among the most troubling proposals under discussion is one to shift the liability for storm and hurricane damage, for traffic and other accidents or deaths, and for other harms in and along hundreds of acres of the Hudson River to taxpayers throughout New York State. There is no legitimate reason for the State to assume these risks, since many sites for development are available throughout New York City at higher, dryer, much safer upland locations.

The so-called Hudson River Park (HRP) project is actually a mixed-use project spanning a stunning 490 acres of near-shore waters, most of which come under the jurisdiction of New York State. These waters are the worst possible location for new non-water-dependent development—

including, but not limited to, office space, hotel, and possibly even residential development that would be allowed in and over the river by proposed HRP Act amendments for the very first time.

Other harmful proposals would extend HRPT's power to issue leases for misplaced projects at many locations in the river from 30 years to more than 80 years; allow the extensive rebuilding and "improvement" of a great many piers to prepare those sites for private development at public expense; provide public subsidies for private businesses at this out-of-the-way, storm- and hurricane-damage-prone location; allow habitat-threatening structures to spread out over the river, and let larger view-blocking buildings be built on piers; and generally expand the inappropriate uses permitted for real estate development in and over the river in the hope of attracting misplaced, publicly subsidized non-water-dependent development.

Other undesirable proposals would increase recurring revenue streams in ways that would open the door to risky, complex borrowing schemes, increasing the risk of demands for taxpayer bailouts by taxpayers throughout the State.

With one week left in the legislative session, there is too little time to negotiate a thoughtful resolution to these problematic changes to the HRP Act and even less time for informed public scrutiny and engagement.

The Sierra Club, NYPIRG, Friends of the Earth-NY and Clean Air Campaign urge you not to advance or support any HRP Act amendments this legislative session. Indeed, we urge you to speak out against them and actively oppose them.

For more information please contact:

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