

*Friends of the Earth, 1717 Massachusetts Ave. NW, Ste. 600, Washington DC 20036, 202-783-7400
Clean Air Campaign Inc., 250 W. 57th Street, New York NY 10107, 212/582-2578*

April 29, 2005

Mr. Kevin Rampe, President
Lower Manhattan Development Corporation
1 Liberty Plaza, 20th Floor
New York NY 10006

Via: Email to www.renewnyc.com and U.S. Postal Service

Dear Mr. Rampe,

Friends of the Earth and Clean Air Campaign strongly oppose the use of dwindling 9/11 recovery funds for work in or over the Hudson River, including the \$70-\$95 million the Hudson River Park Trust (HRPT) authority requested for Hudson River "Park" (HRP) construction and demolition in and over the River.

The Hudson River off lower Manhattan is a resource of extraordinary national, international and local importance. Views across the open waters in the river are treasured by lower Manhattan residents, workers and visitors, and the nearshore water itself (and the food chains within it) provide a critical habitat for coastal fisheries. The open waters of the river provide a magnificent public open space for free.

Yet a State public authority called the Hudson River Park Trust (HRPT) has applied to the Lower Manhattan Development Corporation (LMDC) for \$70 million to \$95 million in Federal Community Development Block Grant (CDBG) funds for work in and over the water--ostensibly for "Segment 3" of the Hudson River "Park" (HRP) project. (This is on top of \$200 million in City and State funds which the HRPT authority has partly misspent already.)

LMDC has repeatedly failed to disclose the critical fact on its website (www.RenewNYC.com) that most of the work that the HRPT authority is proposing for \$70 million-plus in 9/11 spending for the HRP project would take place in and over a critical marine habitat in the Hudson River. This has led to widespread misconceptions.

For example, LMDC uses the phrase "completion of the lower Manhattan section of the Hudson River Park" in Section II, p. 17, of its April 2005 Public Dialogue and Funding Allocation Framework report. As it happens, the \$70 million in 9/11 recovery funds requested would not in fact "complete" the HRP project, whose total cost and funding are unlimited. More important, LMDC's use of this phrase without disclosing that most of this "Park" is in the river obscures the fact that neither LMDC nor the "public comments" LMDC chooses to mention is talking about a normal park (that is, a park on dry land in a neighborhood that has been attacked). LMDC and the HRPT authority are talking about spending \$70 million for environmentally damaging construction and demolition in and over a critical habitat in the water between Battery Park City and Pier 40 in the Hudson River off lower Manhattan.

Since most of the work would occur in and over the waters of the United States, this work cannot legally proceed without lawful permits from the U.S. Army Corps of Engineers. But the full

federal Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) which is the lawful predicate to Corps permits has never been completed. (The costly State EISs which supporters keep preparing are woefully defective.) Without (at minimum) the honest, unbiased, federal EIS required by NEPA, any Army Corps permit issued for this work is on its face illegal.

It goes without saying that project supporters claim that no NEPA EIS is needed because work in and over the HRP stretch of the River won't have any significant adverse environmental impacts. There is no properly reviewed evidence to support that claim, and of course our groups strongly disagree with that judgment. The point is that without the full federal EIS process mandated by NEPA (including scoping, hearings and written documents which meet the rigorous public disclosure and objectivity standards of NEPA), the reasoned record required by federal law to support federal permitting or funding decisions is missing.

Spending \$70 million or more in federal funds for the wasteful, unnecessary, environmentally damaging work which the HRPT authority is proposing in and over the waters of the Hudson River would be inadvisable at any time; these waters are a habitat of extraordinary national importance. But it would be especially outrageous to spend limited 9/11 recovery funds for this purpose, when so much truly essential recovery work remains unfunded, and much higher priority projects are competing for only \$735 million in unallocated funds.

The \$70 million (more or less) grant under consideration is an enormous amount of federal money. If LMDC and the U.S. Department of Housing and Urban Development (HUD) approve this misuse of public funds, there will be that much less for mass transit, for appropriate cleanup of toxic 9/11 contaminants and healthcare for its victims, and for other essentials for the true recovery of lower Manhattan.

For spending priorities reasons, our groups object to the use of limited federal grants to rip pilings out of the contaminated river bottom; to put a fresh cement blanket above the water; to cover the river with new "floating structures"; to build "wildlife piers" which attract rats, increase siltation, and leach contaminants into the water and food chain; and to construct view-blocking buildings for non-water-dependent uses on structures in and over the water.

But these poor spending priorities choices aren't just a misuse of taxpayers' money. They are also likely to cause immense environmental damage if LMDC and/or HUD approve them. Taken together, the many incursions into the lower Hudson River which are part of the HRP project are potentially as harmful as a single massive project. Once eliminated, this critical habitat can never be replaced. But preserving this prime habitat isn't the only reason to disapprove the funding. Non-water-dependent development in and over the river will increase traffic and pollution problems as east-west traffic to and from the river crosses West Street. Buildings sticking up out of the water will block views of open water from valuable real estate inland--and views of open water from the newly completed bikeway, walkways, and green open space at the edge of the Hudson will also be blocked.

We request that LMDC both make note of our objections (and those of other groups and individuals as well) to this potential spending, and also disclose more honestly how any grants to the HRPT authority would be spent, in any relevant upcoming LMDC documents and/or communications, whether oral, in writing, and/or on LMDC's website.

Sincerely,

Dr. Brent Blackwelder, President
Friends of the Earth

Marcy Benstock
Executive Director
Clean Air Campaign Inc.

cc: U.S. Department of Housing and Urban Development