

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WATERFRONTS

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April 30, 2010  
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HELD AT:                   Hearing Room  
                              250 Broadway, 14th Floor

B E F O R E:                   MICHAEL C. NELSON  
                                  Chairperson

COUNCIL MEMBERS:  
                              Michael C. Nelson  
                              Gale A. Brewer  
                              Peter F. Vallone, Jr.  
                              Eric A. Ulrich

## A P P E A R A N C E S

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Assistant Commissioner for Citywide Operations  
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Deputy Inspector  
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Hope Wright  
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Edward J. Kelly  
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Rob Buchanan  
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New York City Water Trail Association

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Waterpod Project

Ray Fusco  
Steering Committee Member  
Harbor Safety, Navigation and Operations Committee

Zhennya Slootskin  
Founder  
Going Coastal, Inc.

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2 CHAIRPERSON NELSON: Good afternoon  
3 everybody. As other committee members start  
4 coming, we'll have a little bit more of a frontage  
5 in this area.

6 Good afternoon and welcome today's  
7 hearing on the Committee on Waterfronts. My name  
8 is Mike Nelson. I chair this committee. The  
9 subject of today's hearing is rules of the road,  
10 boating safety and cooperation in New York City  
11 waters.

12 Over the past few years, New  
13 Yorkers have returned to the water. People are  
14 enjoying venues and parks situated on the shore,  
15 taking ferries to work and swimming and kayaking  
16 in several places in the city. To quote somebody  
17 at the big waterfront event we had, there have  
18 been "gaggles" of kayakers.

19 The increase in the number of boats  
20 operating in our harbor and along our rivers  
21 creates many safety concerns. Large motorized  
22 vessels, including ferries, privately owned boats  
23 and government boats cause large wakes that can  
24 damage waterfront infrastructure and can threaten  
25 smaller vessels.

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2 Similarly, the increase in the  
3 popularity of smaller pleasure craft such as  
4 canoes and kayaks and personal watercraft leads to  
5 increased opportunities for collisions.

6 The New York waterfront is an  
7 amazing natural resource both for commerce and for  
8 recreation belonging to all the residents of the  
9 city. Just like any other shared resource, we  
10 must seek to fairly accommodate all of its  
11 competing uses while ensuring the highest level of  
12 safety, whether that means increased regulation or  
13 simple education and a mutual understanding.

14 At this hearing, we hope to hear  
15 from several different interested parties on the  
16 state of the traffic in the harbor and what  
17 opportunities the Council has to make the public  
18 enjoyment of the waterfront safer. I'd like to  
19 thank, to my immediate right, Jeffrey Baker,  
20 Counsel to the Committee, and Colleen Pagter,  
21 Policy Analyst.

22 Please mention your name again  
23 prior to speaking. The first panel will be Keith  
24 Kerman, Assistant Commissioner for Operations of  
25 New York City Parks and Recreation, and Deputy

1  
2 Inspector David Driscoll from the NYPD Harbor  
3 Unit. Thank you.

4 KEITH KERMAN: Thank you very much.  
5 Good afternoon to everyone here. Thank you, Chair  
6 Nelson and members of the Waterfronts Committee  
7 for allowing me to speak. My name, again, is  
8 Keith Kerman, Assistant Commissioner for Citywide  
9 Operations at Parks and Recreation. I'm happy to  
10 be here with Harbor Patrol who we work very  
11 closely with to talk a little bit about the  
12 boating and safety program at the Parks  
13 Department.

14 Under Mayor Bloomberg's leadership,  
15 Parks continues to increase public access to our  
16 historic waterfronts through the development of  
17 new waterfront parks and greenways. Each year,  
18 millions of New Yorkers head to the city's 14  
19 miles of beaches and 578 miles of shoreline to  
20 relax and recreate while enjoying the City's  
21 beautiful waterfront vistas.

22 Along with enhancing the  
23 waterfront, Parks is also helping New Yorkers  
24 safely enjoy the water. Kayak season has already  
25 begun. April 1st to December 1st is the kayak

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2 season for the City. And the season for motorized  
3 boating is set to begin, running from May 1st,  
4 this weekend, through October 31st.

5           Thousands of New Yorkers will again  
6 be docking their boats and launching kayaks and  
7 canoes from the City's 13 marinas and boat  
8 launches, which serve more than 3,500 recreational  
9 boaters each year. Our city's parks are the  
10 recreational boating gateway to New York City,  
11 with marinas managed either by concession  
12 agreements or by Parks staff members, our  
13 professional dock master crew. And all of our  
14 marinas are financially self-sufficient locations  
15 serving a diverse boating public.

16           More recently, Parks has worked to  
17 meet the increasing public interest in human-  
18 powered boating, which includes kayaks, canoes,  
19 rowing skulls, and dragon boats by actively  
20 expanding and promoting this health-oriented use  
21 of our blue open spaces.

22           The 2010 version of Parks' New York  
23 City Water Trail Map and Guide, which we discussed  
24 before this committee last November, now links the  
25 five boroughs with 43 available launch sites for

1  
2 human-powered craft with six additional sites in  
3 New Jersey. We have hard copies available, if  
4 anyone would like one of the trail maps and will  
5 soon be updating our Parks website with the newest  
6 locations.

7           As we increase recreational use of  
8 New York's waterways, boater and water safety  
9 takes on renewed importance. In 2005, the City  
10 Council and the Mayor partnered on the Jim  
11 Runsdorf No-wake Law. The bill established a no-  
12 wake zone on the Harlem River from the Spuyten  
13 Duyvil trestle to the High Bridge.

14           Parks has worked with the New York  
15 City Police Department's Harbor Unit to implement  
16 the no-wake law. With NYPD, we developed a No-  
17 wake Advisory to educate boaters on the wake  
18 restrictions and to promote responsible boating.

19           We have distributed thousands of  
20 these notices at all Parks marinas and permit  
21 offices, via our internet site, as well as in  
22 cooperation with NYPD. Every Parks boating  
23 customer receives marina and boating safety  
24 guideline package as well as no-wake information  
25 as part of their annual welcoming package. You

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don't come into our marinas without getting this information in your first ten minutes.

We have posted large eight-foot by four-foot no-wake signage on the Harlem River at the Henry Hudson Parkway Bridge just after the Spuyten Duyvil trestle; in front of the Nature Center in Inwood Hill Park; to the north and south of Swindler Cove and the Peter Jay Sharp Boathouse; and below the High Bridge, at the southern most portion of the no-wake zone.

We also worked with the Department of Transportation's Bridges Department to post additional no-wake signage on the inner two bridges, Broadway Bridge and University Heights Bridge. And these were the locations as specified in the law. So we think we have the posted signage everywhere we need to have it.

Parks also alerts boaters to wake reduction rules for Orchard Beach Lagoon in the Bronx, Great Kills Harbor in Staten Island and speed limits when within city marinas, near beach bathing areas or any waterfront location.

Basically, if you're 100 feet within a marina or dock, you should be going no more than five miles

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an area or at idle speed.

As part of marina operations, Parks actively manages a mooring field at the 79th Street Boat Basin in Manhattan and assists with the mooring field located in Sheepshead Bay in Brooklyn and Great Kills Harbor in Staten Island.

Parks is taking several steps to better secure these areas, especially in light of recent storm activity that we all experienced. At the 79' Street Boat Basin, we are replacing light anchors with sturdier 800 pound or greater anchors, and upgrading the strength and length of mooring shackles and chains to keep boats in place during bad weather and heavy winds.

Last year Parks' marina division completed an exhaustive on-water survey of the Sheepshead Bay's mooring field including a photographic account of all moored vessels, locations, and mooring rigging equipment. Boaters in Sheepshead Bay are responsible for the upkeep of their own mooring equipment and anchors, and Parks is going to be stepping up efforts to ensure that boaters comply with the safety requirements.

Parks has also purchased and will

1  
2 deploy this spring new marker buoys to safely  
3 demarcate the Coast Guard designated navigational  
4 channel in the Bay. As you know, some of these  
5 boats tend to kind of alter locations and there  
6 can be navigational issues.

7           As mentioned earlier, Parks has  
8 taken the lead through the New York City Water  
9 Trail initiative to promote and facilitate  
10 kayaking throughout the New York region. We  
11 provide a kayak and boating safety informational  
12 packet to all boaters who apply for a permit to  
13 launch power or human-powered crafts from our  
14 launch sites.

15           We permit for 38 kayak launch sites  
16 and 3 powerboat launch sites. The cost is only  
17 \$15 a year and you can get the permits at all of  
18 our borough permit offices across the city. The  
19 informational packet includes navigational and  
20 safety guidelines and equipment recommendations.  
21 We also include our published launch site rules,  
22 vessel float plan instructions, and emergency  
23 contact numbers.

24           Parks' kayak and powerboat safety  
25 rules and powerboat rules signs were recently

1  
2 upgraded in 2009, and are posted at each launch  
3 site. So we basically have a whole new set of  
4 public signage for the season.

5 Parks marina division also  
6 distributes a "Rules of the Road" guide which  
7 highlights the U.S. Coast Guard and New York State  
8 Navigation Rules and safety guidelines to which  
9 all recreational boaters must adhere when  
10 operating in New York Harbor and its surrounding  
11 waterways.

12 We also coordinate with the United  
13 States Coast Guard to distribute all New York City  
14 boating advisories issued by the United States  
15 Department of Homeland Security.

16 Parks employs a cadre of skilled  
17 dock masters. Our chief dock master, Seth  
18 Goodwin, is here today. They ensure that boating  
19 best practices, safety and rules of the road are  
20 communicated directly to boaters using Parks and  
21 other boating sites in the city.

22 Our dock masters have diverse  
23 backgrounds including Coast Guard and Navy  
24 experience, academic and teaching work, and years  
25 of practical boating and facility operation. All

1  
2 Parks dock masters attend periodic recertification  
3 for on-water safety and rescue and work daily with  
4 new and experienced boaters alike to encourage  
5 safe boating practices as issued by regulatory  
6 agencies like the U.S. Coast Guard throughout the  
7 City.

8 Our marina division also provides  
9 on-water safety for annual events like the popular  
10 City of Water Day, sponsored by Metropolitan  
11 Waterfront Alliance who is here today, the  
12 Manhattan Island swims and the Mayor's Cup kayak  
13 race around Manhattan.

14 More recently, we have developed a  
15 Learn about Boating initiative, where Parks dock  
16 masters have introduced I think over 2,000 city  
17 youth last year to marine education and water  
18 safety. We invite school and recreation center  
19 groups to get out on the docks, learn to tie  
20 ropes, put on life preservers, board historic  
21 vessels, and discover fish and flora at our  
22 marinas. It's been a very popular initiative,  
23 recommended through some of the hearings we've had  
24 here. If you know of groups who would like to  
25 participate, just let us know that.

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2 Parks also partners on water safety  
3 initiatives with the New York Water Trail  
4 Association, the Downtown Boathouse, Going  
5 Coastal, the American Canoe Association, The  
6 American Small Craft Association, TASCA, which is  
7 located at Worlds Fair Marina in Queens, as well  
8 as local chapters of U.S. Coast Guard Auxiliary to  
9 educate new and experienced boaters on boating  
10 best practices.

11 These practices include preparing a  
12 clear float plan which alerts others to your  
13 expected travel route and schedule, checking  
14 weather forecasts in advance, carrying the proper  
15 emergency gear and communications devices, and  
16 knowing how to recognize the sound signals that  
17 larger vessels use to alert to their presence and  
18 movements.

19 In addition, Parks is working in  
20 partnership with the National Parks Service, the  
21 Coast Guard, the Police and Fire Departments,  
22 Small Business Services and DEC Enforcement to  
23 address boaters who violate the safe and proper  
24 use of New York City waterways. Together these  
25 agencies are addressing issues of vessel

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2 abandonment and misuse citywide.

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Again, we would like to thank the committee for inviting us to discuss Parks' efforts today to ensure a safe and vibrant waterfront. And we want to thank all our partner agencies, especially the Police Department and partner nonprofit groups for their work towards this goal. Thank you.

CHAIRPERSON NELSON: I'd just like to announce the fact that Peter Vallone, Jr. is here, appropriately chair of the City Council Public Safety Committee. Thank you.

DAVID T. DRISCOLL: Good afternoon, Mr. Chairman and members of the Council. I am Deputy Inspector David Driscoll, Commanding Officer of the NYPD Harbor Unit. On behalf of Police Commissioner Raymond Kelly, I am pleased to be here today and to discuss boating safety and enforcement in New York Harbor.

The Harbor Unit's mission is to protect life and property on the water. The Harbor Unit is responsible for patrolling 146 square miles of navigable waters and 576 miles of waterfront. Our fleet has varied in size over the

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2 years, usually numbering approximately 25 to 28  
3 launches of various sizes, ranging from 25 feet to  
4 55 feet. We consistently attempt to upgrade our  
5 fleet, and have recently acquired several fast,  
6 modern 31-foot outboard boats equipped with state  
7 of the art electronics. We also expect to acquire  
8 two 45-foot inboard vessels which are jet  
9 propelled and will provide extraordinary  
10 maneuverability and speed.

11 Harbor Unit personnel are trained  
12 to handle a wide variety of missions, performing  
13 traditional law enforcement functions, search and  
14 rescue, and counterterrorism functions.

15 New York City's waterways present a  
16 challenging and complex environment, including  
17 everything from placid bays, to rivers with  
18 dangerously swift currents, and the ocean itself.  
19 The waterways are transited by both commercial and  
20 recreational vessels of every conceivable size,  
21 and are enjoyed by swimmers, kayakers, canoers,  
22 and jet skiers.

23 As the summer approaches, the  
24 waterways become busier and our enforcement and  
25 education efforts increase accordingly.

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2 In 2009, there were 17 boating  
3 accidents recorded by the Harbor Unit on New York  
4 City's waterways. We routinely conduct safety  
5 inspections of pleasure craft of all sizes and  
6 issue summonses under the Navigation Law when we  
7 find that the operator has failed to carry the  
8 required equipment, or has committed another  
9 violation, such as reckless operation or failure  
10 to have a boating safety certificate, when  
11 required. In 2009, we conducted well over 800  
12 motorboat inspections and issued a total of 260  
13 summonses.

14 A critically important function of  
15 the Harbor Unit is our search and rescue mission.  
16 Our SCUBA Team operates 24 hours a day, seven days  
17 a week, as does our Air Sea Rescue Unit, and this  
18 enables us to respond anywhere in the City within  
19 minutes. The SCUBA Team is deployed on launches,  
20 as well as the Air Sea Rescue helicopter. The  
21 Aviation Unit also assists us in routine patrol,  
22 enabling us to obtain a bird's-eye view of the  
23 waterways to spot vessels which may be in trouble  
24 or which may be operating in an unsafe or unlawful  
25 manner.

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2 Whenever Harbor Unit personnel take  
3 enforcement action, conduct checkpoints, or engage  
4 in any other activity on the water, they provide  
5 the boat operators with educational handouts with  
6 extensive information regarding not only boater  
7 safety tips and requirements, but counterterrorism  
8 awareness material.

9 Every year Harbor Unit personnel  
10 make personal visits to each marina in the City,  
11 as well as to waterfront resident locations, to  
12 provide educational material and reinforce the  
13 marina owners' role in ensuring safety on the  
14 water.

15 Our outreach efforts include  
16 providing a boating safety course. This year  
17 we've trained 50 people so far. It's the eight-  
18 hour course. We participate in the annual Boat  
19 Show, and distribute safety and counterterrorism  
20 literature to the boating community.

21 We coordinate our educational and  
22 operational efforts with the New York City Parks  
23 Department, New York City's Dock masters, the New  
24 York State Department of Environmental  
25 Conservation, the Coast Guard, and this maximizes

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2 our outreach and target enforcement activity where  
3 it can do the most good.

4           Finally, I would like to discuss  
5 the Harbor Unit's role in the Police Department's  
6 counterterrorism efforts. As you know, the  
7 Department has consistently worked towards  
8 strengthening the defenses of New York City  
9 against terrorist attack, by gathering and  
10 analyzing intelligence information, by hardening  
11 our infrastructure, and by training and deploying  
12 our personnel effectively.

13           We work closely with federal and  
14 state partners in this effort, to address issues  
15 particular to New York City as well as those which  
16 are larger than New York City alone. The entity  
17 responsible for port security in our country is  
18 the Department of Homeland Security, through the  
19 U.S. Coast Guard and U.S. Customs and Border  
20 Protection.

21           In New York City, specific  
22 responsibility for port security is placed on the  
23 Coast Guard's Captain of the Port. Our  
24 participation in the Coast Guard's Area Maritime  
25 Security Committee, and various subcommittees

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2 underneath that umbrella, whose membership  
3 includes both public agencies and private  
4 entities, ensures that all stakeholders in New  
5 York Harbor are fully informed and working  
6 together to enhance our mutual security.

7           Our aggressive focus on  
8 counterterrorism activity includes, for example,  
9 daily, proactive security dives by our SCUBA Team,  
10 focused at sensitive locations to look for any  
11 anomalies and familiarize themselves with the  
12 subsurface of those structures, daily Operation  
13 Hercules deployments, and security visits.

14           We also perform security dive  
15 operations in connection with special events, such  
16 as the United Nations General Assembly, the annual  
17 July 4th fireworks display, and Fleet Week which  
18 will be coming up.

19           We partner with the Coast Guard and  
20 regional port partners in conducting regular  
21 radiation detection choke points, where incoming  
22 pleasure vessels are screened for any kind of  
23 radiation signature. In addition, the Harbor Unit  
24 conducts "Hercules" operations, fielding personnel  
25 with heavy weapons on Harbor launches. We do this

1  
2 often in conjunction with our Aviation Units, and  
3 shore side Emergency Service Units landside. This  
4 is a regular NYPD counterterrorism initiative.

5 We participate in operations and  
6 exercises with our port partners and other NYPD  
7 units, as I previously mentioned, including the  
8 Aviation Unit and the Emergency Service Unit, to  
9 ensure effective response to emergencies and to  
10 disrupt potential terrorist threats.

11 In conclusion, we thank the Council  
12 for its interest in boating safety and  
13 enforcement, and are pleased to answer any  
14 questions.

15 CHAIRPERSON NELSON: Thank you,  
16 Inspector Driscoll. Ultimately, more important  
17 than anything else we're doing, I believe, is the  
18 counterterrorism that you and your men and women  
19 are doing. We thank you for that. You can't do  
20 much kayaking or anything else for that matter if  
21 we have another type of a problem.

22 Just before I hand it over to  
23 Council Member Vallone, one question I have here.  
24 January 1st, 2006 the minimum age was raised for a  
25 certain type of craft from 10-years-old to 14-

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2 years-old. It's hard to say that with a straight  
3 face. If I 14-years-old, I don't know if I could  
4 be responsible to do anything like that. Do you  
5 think anything else could be done to increase  
6 safety along those lines? Of course you have to  
7 have the safety course and all of that kind of  
8 stuff as well. The fine is like \$25 the first  
9 time. I'm going to be trying to introduce an  
10 Intro to make that ten times the amount at least,  
11 \$250 to \$1,000. But having showed you my cards on  
12 that one, I was wondering how you felt about that.

13           DAVID T. DRISCOLL: I think that a  
14 boater safety certificate, an eight-hour course at  
15 a bare minimum is really the bare minimum. For  
16 jet skis they have to have it. For boats, if  
17 you're over 18-years-old, you can go operate a  
18 boat with no training, with essentially no  
19 training, which I think is a real vulnerability.  
20 From an enforcement standpoint, from a public  
21 safety standpoint, you would think that all  
22 boaters would be safer with a minimal standard of  
23 training for every boater.

24           CHAIRPERSON NELSON: I guess if  
25 they're speeding you catching. Like highway, does

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2 the 18-year-old say I had a tummy ache and I was  
3 racing back to my house? You and your people must  
4 hear a lot of different stories.

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6 DAVID T. DRISCOLL: Right. We do  
7 quite a few motorboat inspections, 873. In  
8 general, the boating community in New York Harbor  
9 is a very compliant community. So our first step  
10 is education and advice. In certain situations  
11 where there are basic safety equipment missing or  
12 boater safety certificates, we don't have too much  
13 tolerance for that. Issuing the summons kind of  
14 ensures that they're going to address those  
15 deficiencies.

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17 CHAIRPERSON NELSON: What's some of  
18 the criteria that one of your members would use to  
19 stop a boat or any type of a watercraft?

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21 DAVID T. DRISCOLL: In terms of jet  
22 skies, there is certain obvious equipment that's  
23 necessary. You have to have a lanyard attached to  
24 the ignition. You have to be wearing a PFD. For  
25 some of the pleasure craft, anybody under 12 has  
to be wearing a PFD. So if you're within 100 feet  
of a dock and you're going obviously more than  
five miles an hour, you know these would all be

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things that would lead us to stopping a boat.

We can also do checkpoints.

Checkpoints are a little dissimilar to what you do on a road because a road has very defined avenues to go up and down. In the boating community, you can do a checkpoint in areas and direct your officers to stop every white boat they see and then you can conduct your motorboat inspections along those lines.

CHAIRPERSON NELSON: Not too many stop sign violations.

DAVID T. DRISCOLL: No, not at all. But with jet skis sometimes you see them wake jumping and that kind of thing.

CHAIRPERSON NELSON: And coming to close to shore. Is it 100 yards?

DAVID T. DRISCOLL: It's 100 feet, which sounds like a lot because it's 100 but if you boil it down, it's like 33 yards.

CHAIRPERSON NELSON: In some areas it's 100 yards isn't it?

DAVID T. DRISCOLL: It's 100 yards from like the airports and some critical infrastructure, safety and secure zone set by the

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2 Coast Guard, 25 yards from bridge abutments, 100  
3 yards from cruise ship, 500 yards from a Naval  
4 ship. So it depends on what kind of structure  
5 you're talking about.

6 CHAIRPERSON NELSON: I think the  
7 counsel had a question on security zones. The  
8 NYPD does help enforce those security zones?

9 DAVID T. DRISCOLL: Yes. A year or  
10 so ago, Commissioner Kelly signed in an agreement  
11 of understanding with the Coast Guard that gives  
12 us the same federal authority, narrowly contained  
13 to safety and security zones, to enforce federal  
14 law. Because those safety and security zones fall  
15 under the code of federal regulations, which  
16 ordinarily we're not empowered to address. But  
17 with this memorandum agreement, we have those same  
18 powers that the Coast Guard has, so that gives us  
19 some significant bite with respect to that.

20 CHAIRPERSON NELSON: And you think  
21 it would make sense to at least increase the fines  
22 from \$25? I'm not asking you to put a number on  
23 it. I'm thinking of \$250 to \$1,000.

24 DAVID T. DRISCOLL: I think  
25 anything that can encourage compliance to ensure

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education and training is a good thing.

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CHAIRPERSON NELSON: Thank you, Inspector. Council Member Gale Brewer, the chair of our Committee on Governmental Operations and Council Member Peter Vallone.

COUNCIL MEMBER VALLONE: Thank you. I'd like to thank the Police Department for being at this committee's hearing even though it's not a public safety hearing. I thought it was important, as did Council Member Nelson, that this topic be handled by this committee and you guys agreed. So I appreciate your being here. I want to thank you for that.

How big is the Harbor Unit today?  
How big was it in 2002 when we started here?  
Well, I did, Mike was a little earlier.

DAVID T. DRISCOLL: Today we have 151 total members. That's 145 uniformed personnel.

COUNCIL MEMBER VALLONE: I'm sorry, say that again.

DAVID T. DRISCOLL: As of today, we have 145 uniformed personnel and 6 civilian personnel. We've varied over the years with the

1  
2 strength of the Police Department. I think around  
3 2002 we may have been up to 188 to 190 members.

4 COUNCIL MEMBER VALLONE: So when  
5 you say varied, you mean have been decreasing  
6 since 2002.

7 DAVID T. DRISCOLL: We've had a  
8 couple of bounces where we've rebounded. A couple  
9 of years ago we were up to about 160, but now with  
10 the depletion of our forces, we're heading in the  
11 opposite direction.

12 COUNCIL MEMBER VALLONE: The  
13 preliminary budget decreases the police force even  
14 further and I can't wait to see what the executive  
15 budget does. Do you have any idea how that would  
16 affect your manpower?

17 DAVID T. DRISCOLL: I suspect we're  
18 kind of a microcosm of how it's going to affect  
19 manpower anywhere else in the department. So if  
20 the resources aren't there for new hires, then  
21 that is going to reflect, because we have lots and  
22 lots of people that could retire if they chose to  
23 retire. So that's an element that has to be  
24 considered.

25 COUNCIL MEMBER VALLONE: It sounds

1  
2 like you're down about 20% from where you were  
3 only eight years ago. How has that affected your  
4 ability to perform the functions you have to  
5 perform?

6 DAVID T. DRISCOLL: More is better.  
7 You can have a bigger police presence and more  
8 visible police presence if you can deploy more  
9 boats. However, our enforcement numbers have  
10 remained pretty steady. So in terms of our  
11 operation capacity of educating the public and  
12 doing enforcement, it's been pretty minimal. The  
13 forces that are working now kind of have picked up  
14 their pace.

15 COUNCIL MEMBER VALLONE: [off mic]

16 DAVID T. DRISCOLL: Yes. If you're  
17 between 10 and 18 on a regular normal boat, a  
18 motorized boat, and you have a safety certificate,  
19 you are legal to operate that boat. If you're  
20 over 18, you don't need the safety certificate.  
21 You can operate the boat. However, on a jet ski,  
22 all operators must have a safety certificate.

23 COUNCIL MEMBER VALLONE: So all of  
24 these rules you mentioned, lanyards and things  
25 like that, how would anyone know about those

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without any training?

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DAVID T. DRISCOLL: Typically, when the boats are purchased that information is provided. I think we had earlier hearings with respect to that. Also, we hand out materials on all of our boat stops. General education, you go to any one of the websites and that's pretty common information that's kind of out there in the public realm.

COUNCIL MEMBER VALLONE: Your recommendation for improvements in this area would be what?

DAVID T. DRISCOLL: In the area of education of boaters?

COUNCIL MEMBER VALLONE: Education and licensing.

DAVID T. DRISCOLL: Again, from a commonsense, public safety standpoint, it seems like if you're going to operate some of these motorboats which are big machines, they're high speed machines capable of doing 50 or 60 miles an hour on crowded waterways, there's a certain standard of information that you should be able to demonstrate that you're aware of with respect to

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that. So I think some kind of minimum requirement should be in place for licensing to operate one of these high powered vessels.

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COUNCIL MEMBER VALLONE: Nelson, if you are putting in a resolution to deal with that, I would be more than happy to be on that with you. You mentioned Coast Guard, can you describe how the relationship between your unit and the Coast Guard in certain situations?

DAVID T. DRISCOLL: We interact with the Coast Guard literally on a daily basis. Both on their operational and on the planning end. The permitting entity that permits jurisdictionally any events on the waterways is the Coast Guard. However, they coordinate very, very closely with us. There's a review process for any of the permits coming through that we review. Any big events we plan along with other port partners, a number of agencies in Jersey, as well as other agencies here in New York.

COUNCIL MEMBER VALLONE: Is there any formal board that does that?

DAVID T. DRISCOLL: I'm sorry?

COUNCIL MEMBER VALLONE: Is there a

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2 formal board that gets together or how does that  
3 work?

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5 DAVID T. DRISCOLL: Well, there's a  
6 structure in place called the Area Maritime  
7 Security Committee which has a whole bunch of  
8 committees associated, subcommittees and executive  
9 steering committee. We have representation on any  
10 number of those committees, response and recovery  
11 committee, but that's kind of a part of but aside  
12 from the planning. There's a planning and permit  
13 section of the Coast Guard that we deal with all  
14 the time.

15

16 So we deal with them through the  
17 structure of the Area Maritime Security Committee  
18 and every Friday we also have an intelligence  
19 meeting with them, with all other entities. But  
20 we're also dealing with their planning people as  
21 well. And then their operational people we train  
22 with, recently, on a weekly basis, we're out doing  
23 escort training and tactical handling of vessel  
24 training with them.

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26 COUNCIL MEMBER VALLONE: There's  
27 nothing that you would recommend that we could do  
28 to improve communications or the situation between

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you and the Coast Guard?

DAVID T. DRISCOLL: No, I think it's exceptional in New York Harbor. I think it's ideal in New York Harbor.

COUNCIL MEMBER VALLONE: That's rare when we work with state and federal agencies. I'm glad to hear that.

DAVID T. DRISCOLL: We really have a phenomenal relationship.

COUNCIL MEMBER VALLONE: What about the proposed removal of the Coast Guard from New York and move to Boston?

DAVID T. DRISCOLL: That's maritime safety and security teams. There's a finite number. I think there are ten across the nation. There are ten of those teams across the nation, which hang their hats in different ports. Although they hang their hat in the Port of New York, they're actually controlled by a regional admiral up in Boston. They're mobilized to go to other ports and they could go anywhere in the nation.

However, they do hang their hat there. That provides us with a measure of

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2 security that we wouldn't have if they didn't hang  
3 their hat here. So we're very much in favor of  
4 keeping them here. We think they're a strong  
5 asset for the harbor.

6 COUNCIL MEMBER VALLONE: I'm glad  
7 to hear that. I have not heard about that in a  
8 while. Do you have any update on that situation?

9 DAVID T. DRISCOLL: I know there  
10 were some hearings on it. I don't think there's  
11 been a decision made yet.

12 COUNCIL MEMBER VALLONE: If we can  
13 help with that, let us know. I just want to thank  
14 Parks for all of your outreach. I've been on  
15 Clearwater with my daughters. It's an amazing  
16 program. I'm glad you're working with them and  
17 thank you for the work you do.

18 KEITH KERMAN: Thank you.

19 CHAIRPERSON NELSON: Thanks, Peter.  
20 Council Member Brewer has questions.

21 COUNCIL MEMBER BREWER: Thank you  
22 very much. I'm sorry, I was at another hearing.  
23 I have question from Parks' friends at 79 Street  
24 Boat Basin. They're all laughing. I think you  
25 talked eloquently at Parks about what you're doing

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with them, but there was to be a safety task force. Is there such a task force, or are the agendas being implemented so you feel you don't need it?

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KEITH KERMAN: We're not part of a task force at this time.

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COUNCIL MEMBER BREWER: Was there to be one?

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KEITH KERMAN: I believe that's part of law that was listed but I don't think Parks was asked to form that task force. So that was something kind of out of our bailiwick. But we are certainly working, all the elements of signage and notification and education that were part of the law have all been put in place. That was part of our testimony today that we've been working pretty hard, especially with Harbor Patrol to focus on safety on the waters.

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COUNCIL MEMBER BREWER: We don't know who was supposed to do it. Was it supposed to be the City Council that was supposed to do it? Not clear, nobody knows.

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KEITH KERMAN: We can find out for you.

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2 COUNCIL MEMBER BREWER: Just so I  
3 can let my folks know.

4 KEITH KERMAN: Sure.

5 COUNCIL MEMBER BREWER: Thank you.  
6 The other question, picking up on Council Member  
7 Vallone, is who actually is enforcement of all of  
8 the waterfront rules? I guess what you're saying  
9 is there's such a good relationship between PD and  
10 Coast Guard that it's pretty much covered. You  
11 know my folks at 79 Street Boat Basin?

12 DAVID T. DRISCOLL: Yes.

13 COUNCIL MEMBER BREWER: They're  
14 very active. So they gave me a long list. I only  
15 gave you a few questions. They want to know  
16 generally, even though they're out there all the  
17 time and they're very active. The key to  
18 enforcement, as we know, is enforcement. But they  
19 want to know who enforces these rules. I think  
20 what you're saying is it's PD and the Coast Guard.

21 DAVID T. DRISCOLL: Well it's not  
22 only PD and Coast Guard. The DEC is involved.  
23 There are a lot of different entities that are  
24 involved with enforcement. The primary agencies  
25 would be certainly the Harbor Unit and the Coast

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Guard. But we work with a number of different agencies depending on what the problem is and what the issues are.

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COUNCIL MEMBER BREWER: Most harbors have a harbor master but what you're saying is it's not necessary in this particular instance, maybe because we're took big or it's already covered. The duties of a harbor master are already covered.

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DAVID T. DRISCOLL: We kind of do have dock masters in the city. Under the Small Business Administration, there was Frank Carnesi, and there were three. And then there are the dock masters from the city.

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COUNCIL MEMBER BREWER: Well the dock masters from the city would be like the one at 79th Street.

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DAVID T. DRISCOLL: From the Parks, yes.

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KEITH KERMAN: Yes.

COUNCIL MEMBER BREWER: From the Parks Department.

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DAVID T. DRISCOLL: Yes.

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COUNCIL MEMBER BREWER: So there's

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dock masters that Parks has and then there's the three dock masters that are under who?

DAVID T. DRISCOLL: Under the mayor.

COUNCIL MEMBER BREWER: Under the mayor?

KEITH KERMAN: Small Business Services.

DAVID T. DRISCOLL: And then you have the Hudson River Trust which patrols a large swath of the Hudson River. They may have various people. Then you have the Port Authority and you have lots of different EDC. So you have lots of different interested entities that carve up the responsibility.

COUNCIL MEMBER BREWER: And that all works. I guess New Jersey has allocated \$200,000 for some kind of a boating safety program that my folks have heard about. Is there any kind of allocation of funding other than what is in the normal duties for boat safety per se? Obviously you've outlined succinctly some of the ways in which you think safety can be done better. But is there any funding allocated to this?

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DAVID T. DRISCOLL: I don't know the source of whether it's a port security grant or what the source of their funding is.

COUNCIL MEMBER BREWER: I don't know.

DAVID T. DRISCOLL: We work closely with Union County with New Jersey State Police and Jersey City. We have lots of funding streams that fund different things.

COUNCIL MEMBER BREWER: For education?

DAVID T. DRISCOLL: We send our auxiliaries. We have 26 auxiliaries. We have them consistently reach out to different marinas, at the boat show to the public. They are one of the entities that offer training and we have seven trainers that offer the boater safety course to the public through our auxiliaries. So we continually engage in education as part of our normal operating. We produce materials to hand out and that's all part of operational budget.

COUNCIL MEMBER BREWER: Is there a video also or just lots of written material?

DAVID T. DRISCOLL: We have

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produced videos with regard to things like ice safety and ice rescues. Yes, we have videos as well as printed materials.

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COUNCIL MEMBER BREWER: Thank you, Mr. Chairman.

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DAVID T. DRISCOLL: We also send officers out to schools and community council meetings to engage the public as well.

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COUNCIL MEMBER BREWER: The

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wonderful counsel to the committee said the task force was supposed to include four appointments by the Speakers, five appointments by the Mayor and then I guess within 12 to 15 months to report to the public at large recommendations and to cease after one year. This was all December 29th, 2005. So I guess we all need to follow up in some way, shape or form. Thank you.

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CHAIRPERSON NELSON: It's finally coming to fruition. We have so much talent out there that I always felt was just a waste not to have everybody get together and that is coming to be as waterfronts is really coming into its own again. No-wake zones, how effective has it been as far as any enforcement in this particular area?

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2 How many summonses have been issued? Do you think  
3 there are other areas that should be designated  
4 no-wake zones? There's three questions in there I  
5 believe.

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7 DAVID T. DRISCOLL: The no-wake  
8 zones that are recognized by statute would be  
9 Great Kills Harbor in Staten Island, Harlem River  
10 and the Orchard Lagoon. The law also that deals  
11 with not going more than five miles per hour  
12 within 100 feet of a dock or a marina essentially  
13 is a no-wake rule that can also be utilized.

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14 So it's a limited number of  
15 actually no-wake zones. Last year we issued 18  
16 summonses for no-wake zones.

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17 CHAIRPERSON NELSON: It would be  
18 hard to have enforcement at that particular  
19 location, creating a problem I would imagine.

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20 DAVID T. DRISCOLL: As I said, a  
21 lot of our enforcement is self-initiated but some  
22 of it as well is driven by complaints. We get  
23 surprisingly few complaints about wakes. Harlem  
24 River, of course, is always going to be an ongoing  
25 concern. We stopped 60 boats up in the Harlem  
River last year. We issued five summonses for the

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no-wake zones in the Harlem River.

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The Parks Department has come out with a handout that we actually absconded from you and we hand out that really spells out where the no-wake zones are and the requirements and the penalties. So education again, I think in general we have a pretty compliant boating community out there. Word gets around pretty quickly when we start stopping boats with respect to any individual item. Generally we get compliance.

Wakes are going to continue to be a problem in New York Harbor just by the nature of the commerce that's going on in the harbor and the size of the ships that are going through the harbor.

CHAIRPERSON NELSON: Lucky that we have it.

DAVID T. DRISCOLL: Because some of these ships have to create a wake in order to maintain steerage. So it's an issue and it's going to continue to be an issue. Those wakes have the potential to be dangerous, especially for small craft.

CHAIRPERSON NELSON: You don't have

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2 to announce it at today's meeting, but any other  
3 areas that you feel should be a no-wake zone, if  
4 you could just let the committee know about that  
5 I'd appreciate it, along with your card and a cell  
6 phone because I may be an erstwhile harbor master  
7 this summer at various parts of South Brooklyn.  
8 People look to me sometimes, you see that guy,  
9 strafing the shore, or whatever the heck I hear.  
10 Can't you do something? So that would be very  
11 helpful, I'd appreciate it.

12 DAVID T. DRISCOLL: Yeah, you give  
13 us a call. We'll take care of things for you.

14 CHAIRPERSON NELSON: I have also a  
15 question for Mr. Kerman. The permit fee for  
16 launching kayaks or canoes from the launch sites  
17 is \$15. Is the permit for each vessel or for a  
18 permit holder? Where does the money go basically?

19 KEITH KERMAN: It's an  
20 administration fee. It goes into the city's  
21 general fund.

22 CHAIRPERSON NELSON: I thought.

23 KEITH KERMAN: And it's per person.  
24 It's not for each individual kayak you might own.  
25 It's issued to an individual for the year.

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2                   CHAIRPERSON NELSON: That sounds  
3 fair enough. How do you monitor launch sites to  
4 ensure that only boaters with permits are  
5 launching?

6                   KEITH KERMAN: Some of the most  
7 popular launch sites are the ones where we have  
8 marinas. So there it's easy. At the Boat Basin,  
9 which is the one location where we also have kayak  
10 storage for a fee, you have to come through our  
11 staff before you can launch. So that's easy.  
12 It's the same at the Worlds Fair Marina.

13                   Mostly at the other kayak trail  
14 sites, it's basically spot inspections, asking our  
15 park supervisors and park managers to keep an eye  
16 out on what's going on at those sites, and then  
17 driven by any kind of concerns or complaints that  
18 we might hear. \$15 isn't going to fund full time  
19 staffing at 38 kayak sites.

20                   But a lot of the kayak launching  
21 actually takes place at the marinas; those are  
22 some of the most popular of the sites. Those  
23 sites we can monitor full time. Elsewhere it's  
24 something we really ask our park supervisors and  
25 managers to be alert to.

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2           CHAIRPERSON NELSON: Are there some  
3 areas you just believe are simply too dangerous  
4 for recreational boating activities, whether for  
5 the recreational boaters or for other vessels on  
6 the water that should be made off limits to  
7 kayakers and canoes? Again, you could get that  
8 over to us after the committee meeting today. But  
9 if you just want to say one off the top of your  
10 head, that's fine.

11           KEITH KERMAN: I don't want to  
12 restrict any locations without a little bit more  
13 process. But I will say one thing we do at the  
14 marinas and within the Parks is try and restrict  
15 night kayaking to the extent that we can. There  
16 are absolutely people who can safely be out on the  
17 water after dark, but that's a fairly small  
18 minority of hand-powered boaters. So we will keep  
19 people from going out after dusk and certainly  
20 then in the off season.

21           The thing that immediately comes to  
22 mind is not going out when it's dark or in bad  
23 weather. Those are two that we do try and enforce  
24 because I think many of the issues we've seen are  
25 weather or kind of nighttime with other behaviors

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that might not contribute to safe boating.

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CHAIRPERSON NELSON: Thank you.

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This one is from counsel and myself as well.

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There have been complaints about the noise coming

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from party boats on the Hudson at night. Does the

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Harbor Unit enforce against excessive noise on the

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waterfront? I might add this too, Sheepshead Bay.

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This is my own bailiwick.

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DAVID T. DRISCOLL: We have not

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used noise meters. However, we have become aware

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of dinner cruise boats and some of the problems

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that may arise; you know taking a proactive

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stance. So we've actually created a dinner cruise

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compendium of every dinner cruise boat that

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operates within the harbor and we've touched base

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with all the operators. We have blueprints and

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photographs and points of egress on each and every

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boat what their safety plans are.

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What we're doing is we're targeting

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certain days and certain nights we show a presence

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up on the docks with the Coast Guard, with some of

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the other units in the Police Department. We have

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experienced in the past where they overbooked the

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trips. Again, it's a big boating community but

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2 it's a very small boating community at the same  
3 time, especially that business end. So word gets  
4 around real quick.

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6 The other night, actually last  
7 Sunday, there was a boat out of Pier 81 I think it  
8 was and it was an oversold event. We were on the  
9 pier and we counted the number of people onboard  
10 and prevented that from getting overcrowded. We  
11 do the inspection with the Coast Guard. The Coast  
12 Guard is really the jurisdictional entity that  
13 controls commercial vessels. So they were with  
14 us. We're aware of some of the problems that  
15 occur and we speak with the boat owners.

15

16 So our first step with respect to  
17 reducing the level of noise is to try to get  
18 voluntary compliance. Then if that's not working  
19 then we'll take it to the second step. But  
20 generally, especially with the commercial  
21 operators in the port, if we frame it right, we  
22 get voluntary compliance.

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23 CHAIRPERSON NELSON: Metal  
24 detectors may not be the answer. When I was at  
25 Sheepshead Bay last summer as a matter of fact,  
leisurely having dinner at about midnight there

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2 were shots that just rang out. Sheepshead Bay a  
3 little bit further away from my restaurant. But  
4 that was not caused by somebody who had a gun on  
5 the ship. Somebody was arriving to greet the  
6 passengers and one in particular I guess. The  
7 61st has been responding very well to that at this  
8 point.

9 DAVID T. DRISCOLL: That's a  
10 concern. Any time we see an event that we feel  
11 has a potential for that or we develop  
12 information, there is a multifaceted response with  
13 landside units, depending on what the nature of  
14 the intel is, our intel unit could be there, our  
15 gang unit could be there, uniformed landside  
16 component. So that's going to be an ongoing  
17 interest for us throughout the summer.

18 CHAIRPERSON NELSON: That's very  
19 good. I have a lot of complaints in my area about  
20 that. I mean nobody was shot.

21 DAVID T. DRISCOLL: Whatever intel  
22 you can give us, we're more than happy to receive  
23 and explore.

24 CHAIRPERSON NELSON: Nobody was  
25 actually hit by some weird coincidence. Like

1  
2 Jimmy Breslin's gang that couldn't shoot straight,  
3 but that was just a lucky situation overall. I  
4 want to announce that Council Member Eric Ulrich  
5 is here.

6 COUNCIL MEMBER ULRICH: Thank you.

7 CHAIRPERSON NELSON: You're  
8 welcome. Do you have any questions? No. We  
9 thank you so much. You're very knowledgeable and  
10 you gave us a lot of good information. We have a  
11 little bit of following up to do as well.

12 DAVID T. DRISCOLL: Thank you,  
13 Councilman.

14 KEITH KERMAN: Thank you.

15 CHAIRPERSON NELSON: You're very  
16 welcome. There will be two more panels today.  
17 The next panel will be Hope Wright of the U.S.  
18 Coast Guard Auxiliary Division 12 Sector New York  
19 and Roland Lewis and Ed Kelly.

20 [Pause]

21 CHAIRPERSON NELSON: And for the  
22 record, the mentioning of the expression  
23 "manpower" is no reflection on the chair. We will  
24 use the word staffing please. Not just in your  
25 honor but all the working women out there as well.

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2 Who would like to be the lead-off batter? Would  
3 it be you Ms. Wright?

4 HOPE WRIGHT: Yes, thank you very  
5 much. I just wanted to make it clear that I am  
6 United States Coast Guard Auxiliary and not the  
7 United States Coast Guard. We only assist. We do  
8 not do law enforcement. We hold public education  
9 classes. We have crews that go out into New York  
10 Harbor. We act as press boats whenever we have a  
11 special occasion, such as last year with the 400th  
12 anniversary of Henry Hudson, the Australian Navy  
13 came to visit. This year, of course, we're going  
14 to help with Fleet Week.

15 Primarily what we need help with is  
16 our public education classes. I know that the  
17 Police Department holds several classes throughout  
18 the five boroughs. We are primarily in Queens.  
19 We do a little bit in Manhattan. We participate  
20 in City of Water Day, which is just a fabulous  
21 festival on Governors Island. We're going to try  
22 to do something with the new Harbor School that's  
23 going to be coming to Governors Island.

24 We need some help with funding for  
25 equipment because we pay for all of our own

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uniforms. We need some safety equipment,

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especially this summer, which is going to be very

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busy out in the harbor.

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That's primarily all I wanted to

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say because Parks Department covered a lot of

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issues that we're involved with and the Harbor

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Patrol, of course, did as well with the Police

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Department. So I thank you for your interest and

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please let me know if there's anything that we can

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do. We're Division 12 Sector New York. We go

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from Glen Cove in Long Island Sound to Governors

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Island up the Hudson River a bit to around the

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George Washington Bridge, wherever we are put on

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patrol.

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CHAIRPERSON NELSON: What are the

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main functions? Would you have any involvement at

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all with counterterrorism?

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HOPE WRIGHT: We have training for

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that, yes. We take specialized classes, but we're

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not law enforcement, we just participate with

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patrols.

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CHAIRPERSON NELSON: You can

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report, right, anything suspicious.

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HOPE WRIGHT: Yes. That's our

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2 Harbor Watch program.

3 CHAIRPERSON NELSON: Good.

4 HOPE WRIGHT: So we need handheld  
5 VHF radios which we're in the process of trying to  
6 obtain from Standard Horizon so that we'll have a  
7 means of communication if we should have to launch  
8 into smaller boats other than our patrol boats.  
9 We're active with the kayak community. I myself  
10 am an avid sea kayaker. I'm also a U.S. Coast  
11 Guard licensed captain. I used to do offshore  
12 sailboat delivery. So I've been involved with  
13 marine safety for many years.

14 CHAIRPERSON NELSON: Do you have  
15 any boating safety classes at all? Do you offer  
16 that?

17 HOPE WRIGHT: Yes, we do, at Fort  
18 Totten in Bayside Queens. We have classroom space  
19 right there. But we would like to be able to  
20 expand to the five boroughs and bring our programs  
21 to schoolchildren especially. We have a Sea  
22 Partners program which is educating children on  
23 marine pollution and the environment, very  
24 interested in coastal ecology matters.

25 CHAIRPERSON NELSON: How many

1  
2 people do you serve with the training? How many  
3 members are there of the auxiliary?

4 HOPE WRIGHT: We've got about 200  
5 members in my division. The average class size is  
6 15-20 members of the general public. We have the  
7 eight-hour one day classes as well as just one or  
8 two hour individual classes. But we're very  
9 concerned about boating safety.

10 I live in Queens. I'm in  
11 Douglaston. It's a big boating community. I see  
12 a lot of dangerous things that are happening out  
13 in Long Island Sound and Little Neck Bay. I would  
14 like to see people become more educated.

15 CHAIRPERSON NELSON: Any concerns  
16 that perhaps that we could help you and your  
17 organization with? I know the money part.

18 HOPE WRIGHT: Well the money part,  
19 of course, that's always an issue. But I think  
20 finding some public space where we could hold our  
21 classes. Because we do have one in Fort Totten,  
22 but it's a very old building and it needs a lot of  
23 work. And if we could spread out a little bit, I  
24 think that would be very beneficial to both us and  
25 the general public.

1  
2 We have to pay for the books that  
3 we distribute to the public. So unfortunately, we  
4 do have to charge a fee. I've been doing research  
5 at the Foundation Library on Fifth Avenue to look  
6 for avenues of funding that we might pursue  
7 because we are a nonprofit organization. We're  
8 not a 501(c)3, but we are a nonprofit.

9 CHAIRPERSON NELSON: Money from the  
10 Council and you'd have to submit that in April.

11 HOPE WRIGHT: We have to put a  
12 proposal. Okay.

13 CHAIRPERSON NELSON: Early April,  
14 it turned out to be this year. That's one thing.  
15 Kingsborough Community College, they may offer  
16 some space at times unless it's too far to the  
17 south for most of the members of your group.

18 HOPE WRIGHT: Yeah, that's a little  
19 far for us to travel. SUNY Maritime, we've done  
20 programs there, and Kings Point as well.

21 CHAIRPERSON NELSON: It's more  
22 conveniently located I would think.

23 HOPE WRIGHT: I'm also thinking of  
24 high school children as well, we'd like to educate  
25 them. I was lucky enough to grow up with boats,

1

2

and I got my first boat when I was five-years-old.

3

So for me it's natural, but I think of all the

4

schoolchildren that we have in Queens and

5

wonderful coastal areas for them to explore and

6

I'd like to open their eyes a little bit.

7

CHAIRPERSON NELSON: How old were

8

you when you soloed in the boat?

9

HOPE WRIGHT: The first time out.

10

CHAIRPERSON NELSON: Five-years-

11

old?

12

HOPE WRIGHT: Five-years-old. My

13

father built me a sailboat. My father used to be

14

the assistant commissioner.

15

CHAIRPERSON NELSON: Is a good

16

swimmer I suppose?

17

HOPE WRIGHT: Oh yes, definitely.

18

Well I was too. But he was the assistant

19

commissioner of the Department of Ports and

20

Terminals.

21

CHAIRPERSON NELSON: Water in his

22

veins.

23

HOPE WRIGHT: Exactly.

24

CHAIRPERSON NELSON: Well today

25

he'd be arrested probably.

1  
2 HOPE WRIGHT: Yeah. I did wear a  
3 PFD.

4 CHAIRPERSON NELSON: I figured  
5 that, sure. He was no fool, I'm sure of that.  
6 Well thank you so much, Ms. Wright.

7 HOPE WRIGHT: Thank you.

8 CHAIRPERSON NELSON: Sure.

9 ROLAND LEWIS: Chairman Nelson, I'm  
10 Roland Lewis, president of the Metropolitan  
11 Waterfront Alliance.

12 I'll summarize our testimony.  
13 Obviously as you heard from Commissioner Kerman  
14 before, recreational use of the harbor is booming.  
15 I think there's well over 20 rowing and paddling  
16 clubs. The Water Trail Association has been  
17 created and I think they're represented here.  
18 We're helping, we hope, by the establishment of  
19 the eco docks. The first one will be in Bay  
20 Ridge. People are already discovering the  
21 waterfront and use of the water in record numbers.

22 At the same time we also should  
23 recognize and I'm sure Ed will note in a minute  
24 that the working harbor is still working and the  
25 port is functioning. Those good blue collar jobs,

1  
2 I think over a quarter million of them are out  
3 there. The maritime industry still functions.  
4 Finding ways for these two wonderful assets of our  
5 region to coexist is a doable challenge.

6 Our Harbor Recreation task force  
7 met a couple of years ago and they concluded that  
8 increased life on the waterways will necessitate  
9 the enforcement of wake rules already in place. A  
10 busy harbor with recreational sailboats, kayaks  
11 and other pleasure craft that share waterways with  
12 commercial water vehicles such as tankers, tugs,  
13 cruise ships, ferries and barges must respect the  
14 rules of the road about where and when each of  
15 these craft can go. Safety is a priority. More  
16 boater education is needed. Regulations must be  
17 well publicized and enforced. You've heard plenty  
18 of testimony about that today.

19 I think efforts like the Water  
20 Trail and the education committee of Harbor Ops  
21 and our friends from Going Coastal who have done a  
22 marvelous job publicizing safety and where you can  
23 go and what you can do. Also, the Captain  
24 Paddlers annual seminar, I know Ray is here and  
25 probably will talk about that soon. There are

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great efforts going on. We need more of them.  
They need to be better funded and increased.

I got out there when I was 35, not  
5, and I could have used a little more education  
before I got into that kayak and paddled around.  
I'm getting there.

The final major point I'd like to  
make is we have a remarkable opportunity this  
year, as you well know, we announced a week and a  
half ago with Mayor Bloomberg and Speak Quinn, the  
effort to create a comprehensive waterfront plan.  
There is the Water Trail. There is the Citywide  
Ferry Study. There is the Maritime Support  
Service Location Study. EDC, DOT and Parks are  
doing three concurrent things about use of the  
waterfront. This is the opportunity to knit that  
work together with safety in mind and coordination  
in mind so these great uses can be done in  
harmony.

As I've come into the role three  
years ago to lead the Waterfront Alliance, I've  
been absolutely impressed by the dedication,  
seriousness and sense of safety that everyone I've  
met who deals with the waterfront from all the

1  
2 different kayak and paddling clubs and rowing  
3 clubs to people like my trustee Andrew McGovern  
4 and others, they care about safety on the water  
5 and they're doing their best to transmit that.

6 It is incumbent upon all of us as  
7 we try and tell the rest of our city that there's  
8 a great opportunity to use the water and have fun  
9 in the water and have the water be useful to us  
10 that we must keep safety in mind and all  
11 understand that.

12 CHAIRPERSON NELSON: Thanks,  
13 Roland. Mr. Kelly.

14 EDWARD J. KELLY: Mr. Chairman,  
15 Council, staff, ladies and gentleman, good  
16 afternoon. My name is Edward Kelly. I'm the  
17 executive director of the Maritime Association of  
18 the Port of New York and New Jersey.

19 We've been around since 1873 with a  
20 mission to promote the safety, the security, the  
21 sustainability of the environment and the cost  
22 competitiveness of the maritime industry in this  
23 port.

24 We currently have a little over 550  
25 some odd paid members comprising both corporations

1  
2 and individuals. The overwhelming majority of our  
3 membership is commercially oriented. We represent  
4 international shipping lines, tugs, barges,  
5 pilots, docking pilots, admiral, attorneys, marine  
6 underwriters, underwater divers, as well as we  
7 have an open agenda for all of our state, federal  
8 and local regulatory bodies, including Coast Guard  
9 that sits with us.

10 About one year ago the Coast Guard  
11 came to this port and performed what is called a  
12 PAWSA, a port and waterway safety assessment.  
13 This is a specialized team with eth Coast Guard  
14 that travels to ports around the nation. It is  
15 very important that they did choose to do the port  
16 of New York and New Jersey last year.

17 This is in recognition of the fact  
18 that there is, in fact, increased usage and  
19 congestion on our waterways within this harbor.  
20 The key of this with the Coast Guard is to make  
21 sure that everyone plays safely. There is  
22 certainly room on our great waterway and port for  
23 everybody. The key note, the paramount piece is  
24 safety.

25 What the PAWSA found was that we

1  
2 have many conflicted waterways in this area where  
3 recreational, commercial, industrial, and various  
4 usages are all trying to use some of the same  
5 waterways. That poses problems. Where there is a  
6 conflicted waterway, there's a potential for  
7 conflict and certainly safety is of paramount  
8 importance.

9           The Coast Guard has initiated a  
10 program of water mapping that we're working on  
11 now. We're assisting through our committees to  
12 work on identifying where the basic patterns of  
13 ferries, deep sea industrial vessels, moorings,  
14 recreational vessels, dredging operations,  
15 industrial usages, et cetera, are all involved as  
16 well as restricted navigational areas, which we  
17 were referring to before. These are the moving  
18 security zones, either established, such as the  
19 base of Manhattan at the Battery where there is  
20 100-yard security zone around the Statue of  
21 Liberty. Moving security zones, i.e. around the  
22 Staten Island ferries, certain cruise ships, et  
23 cetera.

24           So we're working where all of these  
25 are and performing with electronic charts

1  
2 basically transparent overlays of what all these  
3 common usages and patterns are so we can find out  
4 where the most heavily conflicted areas are. Then  
5 we can address mitigating factors to try to work  
6 with that.

7           How can we mitigate and promote  
8 safety? We need to educate. We need to regulate.  
9 We need to enforce. One of the most common themes  
10 is to educate. Regrettably, there is a severe  
11 lack of education of the most recreational boaters  
12 that are out here.

13           Commercial operations are licensed  
14 by the U.S. Coast Guard and it is mandatory.  
15 They've got to go and get licensed before they can  
16 operate these crafts. Those licenses are  
17 dependent specifically to the types of vessels  
18 that they operate, whether they're pilot licenses,  
19 deep sea, limited tonnage, limited motor,  
20 unlimited oceans, whatever these are, if you plan  
21 to operate a commercial vessel, you must be  
22 licensed by the Coast Guard.

23           This includes deckhands as far as  
24 our ferry operators, et cetera. All of these  
25 people are subject to extensive testing, renewable

1  
2 testing as far as their ability to continue to  
3 properly do radar observing, rules of the road  
4 testing, et cetera.

5           Having mentioned the rules of the  
6 road, the rules of the road actually that we refer  
7 to are a very detailed set of rules. They're  
8 promulgated by the international maritime  
9 organization known as the International  
10 Regulations for Preventing Collisions at Sea.  
11 These are basically aimed at deep sea  
12 international shipping and coastal shipping.

13           There are very specific what I'll  
14 call COLREGS demarcations in every harbor where  
15 there is a physical line drawn across certain  
16 waters that will indicate where you transition  
17 from the international and coastal rules of the  
18 road into inland rules of the road, which we've  
19 mentioned, the New York Navigation Laws and inland  
20 versions of these.

21           These are essential. They're a  
22 very complex set of instructions, indications, et  
23 cetera, that are used in the maritime community,  
24 including lights, whistles, sounds, buoys,  
25 markings, light ranges, et cetera, that without

1  
2 proper training and education you're unclear of  
3 what's going on. It's similar to the fact that  
4 everybody knows what two yellow lines in the  
5 middle of a road mean. But very few people have  
6 any concept of what a buoy looks like that  
7 indicates the junction of two channels.

8 Lights at night, everybody knows  
9 you see a red light on the road, you stop. Very  
10 few people know that white over red at night  
11 indicates that there is a fishing boat activated  
12 at night. So there's a series of lights that give  
13 indications as to what potential hazards, warning  
14 areas, submerged objects, et cetera. And without  
15 proper education, people are going to end up in  
16 trouble.

17 Do people voluntarily get educated?  
18 The smart ones do. I'm sure there's a quote  
19 somewhere that most people are not too smart. If  
20 not, I would go on record and state that. What we  
21 need to have is a regulation.

22 It is embarrassing that the State  
23 of New York allows people 18 years old with a  
24 pocketful of money to go out and buy a boat up to  
25 65.5 feet long with virtually unlimited amounts of

1

2 horsepower, load that with hundreds of gallons of  
3 high explosive fuel and say go out there and have  
4 a nice time.

5

6 These people don't know how to  
7 operate these vessels. They're unfamiliar with  
8 basics seamanship. They don't understand the  
9 rules of the road and they create situations which  
10 our friends in the Coast Guard routinely pull  
11 bodies out of burning wrecks every year. It was  
12 mentioned in this report, hundreds of fatalities,  
13 mostly due to negligence, a lack of understanding  
14 and operator error.

15

16 It's criminal that that is allowed  
17 to continue in the great State of New York. In  
18 New Jersey and Connecticut there are mandatory  
19 requirements for licensing before you can go out  
20 and do these things. Out in California, Oregon,  
21 Washington, virtually all coastal states have  
22 requirements to have a licensing and a  
23 certification before you can operate mechanically  
24 operated boats in any public waterway.

25

26 I would certainly say that this is  
27 necessary in this state and would certainly hope  
28 that the City Council can go forward to support

1  
2 legislation that is currently pending in the New  
3 York Legislature, In the Assembly, sponsored by  
4 Assemblywoman Sandy Galef. We have these rules.  
5 If anybody would need them, I can certainly  
6 reference you.

7                   Sandy Galef, with other sponsors,  
8 is sponsoring A05889 and there's a matching Senate  
9 bill, S5752 that would create a realistic non-  
10 obtrusive method of requiring licensing for people  
11 that operate mechanical powered vessels in our  
12 waterways with a phase-in period such as not to  
13 make everybody that's got a boat suddenly have to  
14 stay home. This is necessary for the public  
15 safety. As we continue to make our waterways more  
16 available and accessible so that people can  
17 recreate, it needs to be done responsibly and  
18 safely. The more people that make use of the  
19 water, the higher the incidence of conflicted  
20 waterways.

21                   We might say, also, as far as  
22 education, my organization sponsors and runs the  
23 Harbor Operations Safety and Navigation Committee,  
24 which is open to any interested parties. We meet  
25 on a monthly basis. We coordinate with Coast

1  
2 Guard, NOAA, Army Corps of Engineers, and the NYPD  
3 Harbor Division. The Coast Guard Auxiliary is  
4 there on a regular basis. We have ferry  
5 operators, tug operators, deep sea operators,  
6 barge operators, dredging operators. Everybody  
7 involved in safety and the day-to-day operation in  
8 our waterways. That's something we take very  
9 seriously.

10 Also, our organization is deeply  
11 involved in the Area Maritime Security Committee  
12 where we actively assess vulnerability of marine  
13 assets in waterways and take looks at how they can  
14 be hardened, protected, monitored. And out  
15 membership, particularly the water born, tug  
16 operators, vessel operators, pilots who are out on  
17 the water every day, are all active observers.  
18 These people know what is normal and what is not  
19 normal. We coordinate with Coast Guard and local  
20 first responders to ensure that we can remain  
21 safe.

22 It was mentioned before that New  
23 Jersey has money. New Jersey does a lot of things  
24 right that we ought to take a look at and emulate  
25 here in this state. There is a \$200,000 grant.

1  
2 It comes through the New Jersey Department of  
3 Transportation, Department of Marine Resources.  
4 That money is actively being used to create some  
5 videos in conjunction with Operation Clear  
6 Channel.

7           Operation Clear Channel is designed  
8 to keep the main deep water navigational channels,  
9 which enable this harbor to stay an economic  
10 force, clear and safe. These are the 54 channels  
11 you're heard that we've been speaking about.

12           If you've ever been out on a  
13 weekend on a nice summer day and you are on the  
14 bridge of one of these ships that can run up to  
15 1,000 feet in length and be 10 to 12 stories high  
16 out of the water, you would be terrified as you  
17 come under the Verrazano Bridge and see literally  
18 just a complete coverage of existing channel  
19 locations by recreational boaters. We endorse  
20 people need to be out there. They cannot be in  
21 those deep channels.

22           One of the videos that we're  
23 working in conjunction with the Coast Guard to use  
24 that New Jersey money is to demonstrate the blind  
25 spot on these major big vessels. When you're on a

1

2 large container ship coming in, you effectively  
3 have almost a one half mile blind spot of what is  
4 ahead and below your bow.

5 As we come down the channels, all  
6 these people that say, wow, look at that boat,  
7 isn't that cool, let's get a good look. We don't  
8 know if their engines start again. Sometimes they  
9 may not and they can't get out of our way. We  
10 don't know if they get too close and miscalculate  
11 the bow wave, the large wave that's created by  
12 these major vessels that can overturn smaller  
13 craft.

14 If you've ever looked at  
15 hydraulics, it is a thing called the venturi wave,  
16 the bow wave, which will almost virtually  
17 guarantee that if you're within 25 yards of that  
18 big ship and you overturn, you will be put under  
19 the vessel and you will come out through our  
20 screws in the back.

21 These ships are large enough, and I  
22 hate to say it, but we wouldn't even know if we  
23 hit you, sank you and killed you. It is incumbent  
24 upon people to stay out of the way. It seems  
25 commonsense: big ship, small ship, get out of the

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2 way. Unfortunately, not everybody is that bright.

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We have also had situations where we've had to intervene with local newspapers where fishing editors have said that the best place to catch fish is right on the edge of this channel. Needless to say, that attracts party boats and fishing boats. It's irresponsible and it puts people in danger by being there. So these are some examples of some of the educational things that need to be done.

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If we mandate licensing and certification it will mandate that people will have to be properly educated. Fees can be put against these. It can generate sufficient fees to provide proper education, as they do in other states. It could even generate some funding that would come to the state or city such that they could reinvest in additional assets.

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As we have heard, the key point is enforcement. If you listen to what the Coast Guard said, if you listen to what the Police Department said and you consider there are 578 miles of waterfront in this city, over 140 square miles of territory, the number of people involved

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2 is pitiful.

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How many people here in good conscience could answer me honestly that every time they came to a stop sign on a dark street and nobody was looking and they knew there were no policemen anywhere nearby, they would always stop? The tendency of people is to do what they are forced to do, not what they're expected to do. Increased enforcement provides enforcement of existing regulations as well as the ability to respond to serious life-threatening safety situations.

As we heard, the Coast Guard Auxiliary does a wonderful volunteer job of trying to help out and they're horribly under funded and under equipped. These are people that experienced that are knowledgeable and capable of providing services to our city and state and for a very small amount of funding they could become a much more effective force than they already are.

In closing, I might also say, the physical conditions of the waters are extremely important to safety. One needs to know the direction and force of the wind, the amount of

1  
2 current, the direction of current, and the heights  
3 of waters. We need to know the salinity content  
4 of waters to understand how deep a ship will rise  
5 or fall in those waters.

6           The National Oceanographic and  
7 Atmospheric Administration, NOAA does have series  
8 of buoys, observations, sensors, et cetera, in  
9 this port known as the physical ocean real time  
10 system. The acronym is PORTS. I would have to  
11 say that regrettably, due to shortened funding,  
12 NOAA has not requested funding for the maintenance  
13 of these sensors for the next budget year.

14           These exist by definition in a  
15 harsh marine environment. They're out in the  
16 water. They're exposed to wind, salt, corrosion,  
17 et cetera. In very short order, without proper  
18 maintenance money, these sensors will stop  
19 functioning properly. And as soon as there's a  
20 bad reading, they have to be turned off. That's  
21 also a shame. That directly reflects to the  
22 safety of operations on our waterway within this  
23 port. To allow the port system to go down because  
24 of about a \$200,000 per year funding issue is also  
25 criminal.

1  
2 Basically, to kind of wrap up, we  
3 encourage people to come out on the water. It's a  
4 wonderful port. It's a wonderful place. We do  
5 require and hope that there will be very strict  
6 requirements. That the people who do come out  
7 onto these waterways will behave both responsibly  
8 and safely because they not only endanger  
9 themselves, they endanger other people. As is  
10 often the case, the bad driver hurts other people  
11 who are out there operating responsibly.

12 So we close with that we do hope  
13 there can be improvements in education, regulation  
14 and enforcement to make this a safe harbor where  
15 everybody can get out there. There is room for  
16 everybody and everybody needs to be out there and  
17 behaving safely. Thank you.

18 CHAIRPERSON NELSON: [off mic]  
19 Thank you. The University of Nautical Science, I  
20 appreciate that. That's very helpful. Thank you  
21 so very much.

22 HOPE WRIGHT: Thank you.

23 ROLAND LEWIS: Thank you.

24 EDWARD J. KELLY: Thank you.

25 CHAIRPERSON NELSON: The next panel

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2 is Rob Buchanan from VCB, Nancy Brous from New  
3 York City Water Trail Association and John  
4 McGarvey of the Water Pod and LIC Community  
5 Boathouse. There will be one more panel after  
6 this. Nice to see you all again. Whoever would  
7 like to start first may start.

8 NANCY BROUS: I've been elected to  
9 start first.

10 CHAIRPERSON NELSON: Fine.

11 NANCY BROUS: I'm going to read so  
12 I can get through this quickly. Thank you for the  
13 opportunity to testimony today. My name is Nancy  
14 Brous and I represent the New York City Water  
15 Trail Association.

16 The New York City Water Trail  
17 Association is citizens group launched to support  
18 and promote the safe use of the New York City  
19 Water Trail, which was established by the New York  
20 City Parks Department in 2008.

21 We are an umbrella group  
22 representing the interests of more than 20  
23 community-based non-motorized boating programs,  
24 and thus a contact point for agencies looking to  
25 communicate with the city's rapidly growing

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community of kayakers, paddlers, and rowers.

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Our mission is to advocate for the safe use of human-powered boats in the harbor, an expansion of the number and quality of launches, landings and storage facilities available to human-powered boaters, and wider awareness of the public ownership of our urban waterways. In short we see the harbor as our city's largest public open space.

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In our first year of operation, our main goal was to coalesce the human-powered boating groups into a more organized community. By connecting the leaders of our affiliate groups to one another through our network and having them pass information to their volunteers, members, and users, we can now easily collect and disseminate information to a vast number of boaters.

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We share information with our users on educational and safety presentations, funding, and volunteer opportunities, and harbor wide advisories such as security zone changes and special event notices and we collect feedback.

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We've opened the channels of communication between community members,

1  
2 facilitating the pooling of resources and the  
3 sharing of information as never before,  
4 strengthening the sense of the community as a  
5 whole, and paving the way for a better and safer  
6 harbor for all of us.

7           Our biggest initiative so far,  
8 undertaken this past winter, was to survey our  
9 member groups to discover their size, scope, and  
10 needs. The numbers and information collected are  
11 encouraging, and in some cases rather surprising.  
12 We'll be publishing a report with the full data  
13 analysis soon, but here are some highlights.

14           In 2009 the New York City Water  
15 Trail Association's affiliate community boating  
16 groups put over 44,000 people out on the water in  
17 paddling, rowing, and sailing programs. That's  
18 people and not just trips. So that's individuals.

19           Of our groups, 91% are not-for-  
20 profit organizations, 95% of their programs are  
21 free to the public, 90% of member groups operate  
22 launch sites. Pretty much all of those are on  
23 public land. All member organizations carry  
24 insurance. I'm going to skip some of this.

25           Since today's hearing is about

1  
2 safety, here are a few statistics that speak to  
3 that. All of our member organizations have safety  
4 protocols, established protocols in place. Over  
5 60% of our groups require special training and  
6 certifications for all of their staff, not just  
7 those who supervise on-water programming.

8 Approximately 66% have expressed interest in  
9 further safety training and certification for  
10 their staff and more staff development in that  
11 direction. The highest ranked item suggested for  
12 group purchases is life vests. That's before  
13 boats, paddles or other kind of equipment. That's  
14 what the groups are looking to get some money to  
15 buy.

16 The clear message is that this is  
17 an organized community focused on safety, and  
18 interested in learning and employing additional  
19 methods that ensure it.

20 To address this, the New York City  
21 Water Tail Association promotes and spreads the  
22 word about opportunities for training that  
23 supplement the instruction our groups provide as  
24 part of their regular programming. Our members  
25 groups' users have been taking advantage of

1  
2 training and certification in First Aid and CPR,  
3 National Outdoor Leadership School Wilderness  
4 first aid, and certification in vessel-specific  
5 rescue from the American Canoe Association and the  
6 British Canoe Union, which are the two sort of  
7 recognized authorities on paddle sports.

8 We're especially thrilled to  
9 announce that on May 13th the New York City Water  
10 Trail Association is sponsoring a free, open to  
11 the public seminar conducted by the Power  
12 Squadron, entitled Paddle Smart in New York  
13 Harbor. This will address Rules of the Road, aids  
14 to navigation, and other boating safety topics  
15 that affect how our users interact with other  
16 users in the harbor.

17 Because New York attracts the best  
18 in every field, we have some of the best and most  
19 qualified teachers of vessel-specific skills and  
20 safety anywhere, but we recognize that we are not  
21 experts in all things maritime, and we're happy to  
22 have found organizations like the Coast Guard, the  
23 Power Squadron, BoatUS, and others, who are  
24 partnering with us to provide our community with  
25 the most comprehensive safety-focused education

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possible.

Another safety-related educational effort the New York City Water Trail Association is currently undertaking is the production of tide wheel cards. Supported by a grant we received from Partnership for Parks, these cards offer a quick, intuitive way to calculate the complex currents in the harbor. They will help boaters to plan safe trips that take advantage of the strong currents in the area. We believe that it's ignorance or misunderstanding of this currents, which can lead to potentially dangerous situations, and this tool is designed to combat both. The cards will be free and available at boathouses and non-motorized boating access points throughout the harbor this summer.

In short, I'm here to tell you that the human-powered boating community in New York City is organized and that safety is our top priority. We are in constant communication with one another and with the agencies that protect our waterways and govern their use.

We do not subscribe to the idea that there are spots on the harbor that small

1  
2 vessels should avoid due to high traffic volume or  
3 security concerns. But we absolutely agree that  
4 there are high traffic spots in the harbor, such  
5 as the ferry terminals around the landmarks like  
6 the Statue of Liberty and Ellis Island, and in the  
7 waters surrounding some of the more industrial  
8 areas. But these areas we believe require extra  
9 vigilance from all boaters.

10 While it might generate a nominal  
11 amount of revenue, we do not think that licensing  
12 or permitting for human-powered boats will make  
13 the harbor safer. We believe that organization,  
14 education, and above all open lines of  
15 communication, and mutual respect amongst all  
16 harbor users, industrial, commercial and  
17 recreational, will ensure the safety and equitable  
18 use of New York Harbor, and we look forward to  
19 sharing it safely for generations to come.

20 CHAIRPERSON NELSON: Thank you.

21 JOHN MCGARVEY: I'll go next. I'm  
22 John McGarvey. Thank you, Chairman Nelson for  
23 having the hearing. I'm representing two groups,  
24 the Waterpod Project and LIC Community Boathouse,  
25 which is the only current community boathouse on

1  
2 the East River. Which, as Nancy described, all  
3 volunteer and highly interested in safety and  
4 training.

5 The Waterpod Project, for those who  
6 don't know, is sustainable technologies and art  
7 barge that visited each of the five boroughs of  
8 New York City last summer and was a member of  
9 Operation Clean Bay. Although the vessel has been  
10 decommissioned, the project continues it's  
11 educational and other mission objectives,  
12 including support of the working Maritime industry  
13 and human-powered boating.

14 I would like to give a brief  
15 example of the utility of human-powered boating in  
16 a working Maritime framework. In order to become  
17 a U.S. Coast Guard certified and inspected  
18 Attraction Vessel, which the Waterpod was, one of  
19 the tests required is the man overboard. It's a  
20 required test for all passenger vessels such as  
21 ferries.

22 Basically a U.S. Coast Guard  
23 inspector tosses a 150-pound dummy overboard and  
24 the crew has to perform a water rescue, before the  
25 current or wind sweeps the body away. We

1  
2 accomplished this by using a concrete float with  
3 kayaks and we were able to pull the body quickly  
4 out of the water.

5 The NY Harbor and waterways would  
6 be a much safer place with more kayak boathouses  
7 and ladders on the entire working waterfront and  
8 thankfully our New York City Parks Department and  
9 NY Water Trail is working hard at that goal.

10 ROB BUCHANAN: My name is Rob  
11 Buchanan. I am with Nancy, a member of the New  
12 York City Water Trail Association. I'm also one  
13 of the board members of the Village Community  
14 Boathouse, which is a rowing operation on Pier 40.  
15 So we row, we don't paddle. That's an important  
16 distinction.

17 I'm also involved in the new  
18 Brooklyn Bridge Park Boathouse which will be up  
19 and running this summer. We'll be running free  
20 walk-up boating programs there starting in July.  
21 That will be a whole new operation. Eventually I  
22 hope we become the second boathouse on the East  
23 River formally.

24 I just wanted to make four quick  
25 points from the perspective of human-powered

1  
2 boating. The first is that the harbor is public  
3 space. I think that that really has to be the  
4 default position of any public agency that  
5 considers what to do about the harbor. It  
6 ultimately, I believe legally, traditionally, is  
7 public.

8           So when you asked the police  
9 inspector if there were areas that he felt should  
10 be put off-limits, I thought there was a  
11 suggestion there to kayakers and rowers. I just  
12 want to say that that sounds like a simple thing,  
13 a simple question and maybe there's a simple  
14 answer, but the actual process of making that  
15 happen I believe would be very, very difficult on  
16 a number of levels. But the main one is you're  
17 talking about public water, no different from  
18 public land really. So to restrict the public  
19 from that, I'm not sure that you could do that.

20           A related point has to do with this  
21 mapping project that Ed mentioned, which I think  
22 is a good idea. We have started our own mapping  
23 project, which you see the results of here. But  
24 as we create these layers of usages and patterns  
25 of behavior in the harbor, we have to be careful

1  
2 that doesn't become a zoning document. A mapping  
3 project is great. If it turns into a zoning  
4 project, I think that's a big problem.

5           The way the harbor is used, if you  
6 don't have a motor, it's going to be different  
7 every time because the tide is doing one thing,  
8 the wind is doing one thing. So a piece of water  
9 that you might very rarely use on a certain day  
10 and a certain tide, you're going to need to use  
11 it. So I just think to try to set aside areas as  
12 a no-go zone is going to be practically and  
13 politically very, very difficult.

14           Point number two, do we need more  
15 rules? I don't know. I think there's a pretty  
16 effective set of rules that's out there. I think  
17 it's a matter of people knowing them and observing  
18 them. They talked a lot about wakes. I don't  
19 think that the no-wake rules or even the sort of  
20 safe speed rules are observed at all. So it may  
21 just be a question of reminding people on both  
22 sides, the human-powered side and the commercial  
23 shipping side that these rules exist and we need  
24 to think harder about them.

25           Number three, I hope we've

1  
2 demonstrated that we really are--we've taken a big  
3 step towards organization. I'm talking about the  
4 human-powered boating community. We now have an  
5 umbrella organization which we really haven't had  
6 in the past. That means, among other things, that  
7 when you guys want to talk to the human-powered  
8 boating community, it shouldn't be a matter of  
9 running madly through a rolodex and asking who  
10 runs that boathouse. You can start with us. We  
11 have attempted to gather all the groups under one  
12 umbrella. So I think we're at least a good place  
13 to start. So that resource does exist.

14 Another related point on this  
15 educational front is this idea that certifying  
16 boaters in the harbor. Isn't it shocking that  
17 people can get into a boat and go out without any  
18 kind of formal certification at all. I was glad  
19 that Ed stopped short of calling for that kind of  
20 mandatory certification of human-powered boaters.  
21 I could be mistaken, but I did hear you talk about  
22 mechanically powered boats. We're obviously not  
23 mechanically powered. So I think that there is an  
24 important distinction there.

25 We are seeking to educate our

1  
2 volunteers. But the best way to do that, we feel,  
3 is through our own programs and experientially.  
4 There are certain things that you can't learn in a  
5 Power Point presentation, even if it lasts eight  
6 hours. I have the boater safety certificate.

7           There are some valuable things, but  
8 would I want somebody with that certificate to get  
9 into one of our boats and go into the harbor?  
10 Absolutely not. It's a much longer and really  
11 more involved education process. I think that  
12 we've got a pretty good grip on that in my  
13 organization and I think in a lot of other ones as  
14 well.

15           The fourth and final point is what  
16 can the City Council do for us? Quickly, you  
17 could resist the impulse to impose new levels of  
18 regulation here. You could resist the impulse to  
19 declare certain parts of the harbor off-limits to  
20 us. Above all, you yourselves and other public  
21 agencies and I am specifically thinking of the EDC  
22 because they control so much of the waterfront,  
23 you could lean on them to include us in planning  
24 discussions. We feel that we really haven't been  
25 and maybe that's our own fault because we haven't

1  
2 been organized. But I think we are now. So we're  
3 here. Use us as you plan policy, as you plan  
4 meetings, as you develop agendas for meetings.  
5 Call on us because we could be partners on that.  
6 That's it.

7 CHAIRPERSON NELSON: [off mic].

8 ROB BUCHANAN: Well I'll give you  
9 one example. The City Planning Commission now has  
10 a visioning session. They call it Plan 2020, the  
11 way the waterfront is going to be re-planned.  
12 They have two working groups, pretty large ones.  
13 There isn't a human-powered boating representative  
14 on either one of those groups. That seems like a  
15 real oversight to me.

16 CHAIRPERSON NELSON: I think it's  
17 an excellent idea. Somebody's there even if  
18 they're going to get beaten up, so to speak. But  
19 no, to present that side of it because you will  
20 get nothing basically unless there is somebody  
21 there to bring out where they air, so to speak. I  
22 appreciate that. I'm glad you brought that up  
23 John, if I may call you John.

24 ROB BUCHANAN: Rob.

25 CHAIRPERSON NELSON: Rob, sorry.

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2

You're John.

3

ROB BUCHANAN: That's John.

4

5

CHAIRPERSON NELSON: Rob, if I may call you Rob. Nancy I've known for a while here. Thank you so much. I appreciate it. Have a great weekend. The last panel is going to be made up of Ray Fusco and Zhennya Slootskin from Going Coastal.

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RAY FUSCO: Thank you. Thank you for having us. I am here today to testimony. I am a member of the steering committee for the Harbor Safety, Navigation and Operations Committee. I serve with Ed. We're peers on that committee. I also serve on the Harbor Education Subcommittee, which I'm here more importantly to speak to a lot of the efforts we've done there.

As I testified, I am the event producer for the Mayor's Cup for New York City Kayak Championships, an international kayak race that navigates Manhattan. I also do some safety logistics work for the Metropolitan Waterfront Alliance for their City of Water Day. I help permitting and provide all the safety logistics for that event.

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2           The first thing I'd like to speak  
3 to is some of the work that the Harbor Education  
4 Subcommittee has done. Back in 2007, a group of  
5 boaters from the local boathouses came together  
6 and put forth a project called Captain and  
7 Paddlers Day. It was a day to increase  
8 communication and bring captains from the  
9 passenger vessel community to speak with members  
10 of the boathouses and the human-powered boating  
11 community.

12           I think it's important here to  
13 mention the distinction within recreational  
14 boating. Recreational boating includes canoes,  
15 kayaks, sailboats, rowers, as well as power boats  
16 that can be purchased for larges amounts of money  
17 and come out to our harbor and rip around, as well  
18 as personal watercraft.

19           So we brought together many members  
20 from the local agencies, Coast Guard, Coast Guard  
21 Auxiliary, operators as New York Water Taxi, New  
22 York Waterways, the NYPD Harbor was there, the  
23 Fire Department Marine Unit was there. Many  
24 significant folks throughout saw a relevance in  
25 this project and ultimately we had several

1  
2 presentations and some conversations which really  
3 increased the communication and started to really  
4 bridge the gap and have members of the multiuse  
5 harbor come together, learn from each other, air  
6 some gripes and some concerns, but more important  
7 come together in this multiuse harbor to speak to  
8 some ways to be safer, promote communication and  
9 to do things powerfully.

10           It's been going on for several  
11 years now. It's an important part of the Harbor  
12 Education Subcommittee's plan for communicating  
13 within these regions. So it's a powerful tool  
14 that was initiated from the human-powered boating  
15 side of the recreational harbor.

16           It's been mentioned several times  
17 the harbor mapping project is also a project  
18 spearheaded by the Education Subcommittee, myself  
19 and Carter Craft, the co-chair of that committee.  
20 We're reaching out with this harbor mapping  
21 project to each of the boating community members  
22 to receive GIS and GPS data to actually create  
23 overlaid GIS mapping. We're speaking to several  
24 folks to find the right vehicle for that. We're  
25 compiling data based on the transits within the

1  
2 harbor to use it as an education tool to really  
3 take a look at what our harbor looks like. Then  
4 the findings we'll decide from there what happens  
5 with it. We're all excited about it. This work  
6 was started way before 9/11, and the actual  
7 physical documents were lost so we're trying  
8 recreating everything now electronically and doing  
9 this with some of the modern day technology. So  
10 we're excited about the project and we think it's  
11 going to be a powerful education tool.

12           The last thing I'd like to speak  
13 to, which has also been mentioned here, I am  
14 actually the grantee who New Jersey Department of  
15 Transportation gave over \$200,000 to produce a  
16 safe harbor video. I think it's important to  
17 mention because it's going to be a tool that's  
18 going to be comprehensively looking at all of the  
19 multiple users in the harbor and give them a  
20 voice, as Ed had mentioned the blind spots on some  
21 of these larger vessels, speed, slowing times, as  
22 a really cross platform educational piece.

23           The second piece which ties in  
24 really importantly for the recreational boating  
25 community is to reach this community with some

1  
2 breadth and some depth. We're going to go out to  
3 retail establishments such as outdoor stores and  
4 boating stores and places of purchase to  
5 distribute this video. It's going to be a  
6 complete comprehensive online distribution  
7 process. It's going to be at state parks and  
8 launching locations, marinas and boathouses.

9           So the distribution of this is  
10 actually far greater and has a larger scope than  
11 the actual safety video piece itself, because any  
12 great video is practically worthless if it's not  
13 distributed properly. So this was spearheaded  
14 through, again, the Harbor Education Subcommittee  
15 and the New Jersey Department of Transportation is  
16 on that committee and there's dollars for that.

17           We're very happy to say that we  
18 recently got the signatures on the MOA for that  
19 and we are starting right now to put together a  
20 timeline to actually start shooting within the  
21 harbor this spring and summer. Thank you for your  
22 time.

23           CHAIRPERSON NELSON: Thank you.  
24 Educate, regulate, enforce. The video should be  
25 very, very, very helpful too.

1  
2 RAY FUSCO: We're expecting good  
3 things from it. It really is important to reach  
4 out. I think the mariners who recreate in the  
5 harbor are well educated on the nuances of the  
6 harbor. We feel that the people who come to New  
7 York harbor and/or transit through New York Harbor  
8 are folks who aren't as well educated. They're  
9 the folks throughout the three and four state  
10 district which really need to be reached. That  
11 will be within our scope of reach for the  
12 distribution of this project. So I think the  
13 folks who are regular operators in the harbor have  
14 a much greater knowledge of what goes on. It's  
15 the folks who transit through who aren't quite as  
16 knowledgeable.

17 CHAIRPERSON NELSON: Thank you,  
18 again.

19 RAY FUSCO: Thank you.

20 ZHENNYA SLOOTSKIN: Good afternoon  
21 and thank you for the opportunity to speak to the  
22 committee. I am Zhennya Slootskin of Going  
23 Coastal, Inc. We are a Brooklyn-based all-  
24 volunteer nonprofit started by two waterfront  
25 enthusiasts, one from Throggs Neck in the Bronx

1  
2 and one from the nearby Lake Lugano in  
3 Switzerland. Our mission is to connect people  
4 with coastal resources, raise awareness of water  
5 access and safety and motivate people to active  
6 stewardship.

7 In 2006, we created a no-wake zone  
8 map distributed by the New York City Parks for  
9 boaters on the Harlem River. That same year we  
10 produced the first of its kind map addressing  
11 specifically safety issues of human-powered  
12 boating in the area. For the past three years we  
13 have created and published the New York City Water  
14 Trail Map showing legal, safe launches for  
15 kayakers and rowers. We also promote boating  
16 safety through a "Boat Safe New York" campaign  
17 through all marinas and boating clubs in the five  
18 boroughs.

19 It is a fantastic experience to be  
20 engaged with a group that is as passionate about  
21 the environment and water access as the human-  
22 powered boating community. In the process, I have  
23 come to realize, however, that the community is  
24 actually waiting for the coastal resources to be  
25 connected to them rather than educating them about

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the coastal resources.

Human-powered boaters navigating New York Harbor know as much about tides, currents, fog and shoals as tug boat operators or ferry captains. Yet all of the nautical resources, such as charts, on the water signals, and the growing maritime convention/laws known as rules of the road, which we use to communicate maritime knowledge to each other do not take into account the needs or purpose of human-powered vessels. By default, this excludes the human-powered vessels and small vessels from communication of maritime know-how in general and maritime safety in particular.

New York City is experiencing a renaissance and the epicenter of this renaissance is the opening of the New York City waters to the community at large. As a New Yorker and a volunteer I would like to ask the City Council to join Going Coastal and the community of human-powered boaters to do everything possible in creating new modes of communication that would allow for all voices on our waters to be heard and all vessels on our waters to be safe. Thank you.

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If you have any questions about mapping, please feel free.


Again, I just want to say that there are a lot of conflicting efforts, maybe conflicting going on to collect data to map. However, I think I would call on everybody present to have a better focus as to why we're collecting the data. Rob mentioned something about if the maps should not just become zoning tools. The same maps could also be created in order to communicate safety and to communicate pleasure of our waters.

CHAIRPERSON NELSON: [off mic] Thank you so much. I think we have a committee on Wednesday. It's been very illuminating and on behalf of my committee, we appreciate it so much. I wish you all a very happy and a good weekend. Thank you so much for attending.

RAY FUSCO: Thank you.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature \_\_\_\_\_

Date May 14, 2010 \_\_\_\_\_