

Brad Hoylman, Chair
Bo Riccobono, First Vice Chair
Alison Greenberg, Second Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Susan Kent, Secretary
Keen Berger, Assistant Secretary

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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November 2, 2011

Hon. Michael Bloomberg
Mayor of the City of New York
City Hall
New York, New York 10007

Raymond Kelly, Commissioner
NYC Police Department
One Police Plaza
New York, New York 10038

Dear Mayor Bloomberg and Commissioner Kelly

At its Full Board meeting October 20, 2011, Community Board #2, Manhattan, adopted the following resolution:

Resolution Regarding the Occupy Wall Street Protests

Whereas, a group calling themselves “Occupy Wall Street” (“OWS”) have been engaged in peaceful, non-violent protests around different areas of New York City since September 17, 2011; and

Whereas, OWS has been originating their protests from Zuccotti Park in the Financial District, and sometimes spreading out to other areas of the City including, Washington Square Park, 1 Police Plaza, Brooklyn Bridge, Times Square; and

Whereas, the NYPD has worked to accommodate OWS as much as possible within reasonable limits, these include such rules as: no amplified sound; marching is permitted on any street without a permit if the protesters are with an NYPD escort and as long as they stay on the sidewalk; they must leave and may not occupy a public place after closing (e.g. Washington Square Park, that closes at midnight); and

Whereas, as of October 17, 2011, the NYPD 6th Precinct arrested 14 people, all of whom were occupying Washington Square Park after closing time; and

Whereas, many members of OWS and other protesters, residents of the downtown community and the public appeared at the NYPD 1st Precinct Council Meeting on September 29th to discuss issues of the OWS occupation of Zuccotti Park and other protest activities, including possible inappropriate behavior on the part of both some members of the NYPD and some protesters and adverse impacts of the demonstrations on the local businesses and residents; and the officers of the 1st Precinct, including the Commanding Officer, Captain Winski, the leadership of the Precinct Council, appeared to be actively encouraging more open, cooperative and constructive communication between the NYPD, the community, and the OWS protesters;

Therefore Be It Resolved, Manhattan Community Board 2 calls on the NYPD to show restraint and respect for the practice of the 1st Amendment freedoms, and that they continue to work with OWS as they exercise these rights; and

Therefore Be It Further Resolved, we appreciate that the Mayor's office and the NYPD have allowed the protests to proceed in an organic fashion, without requiring OWS to file a permit before every march; and

Therefore Be It Further Resolved, that the NYPD, the Precinct Councils, OWS protesters, and the local communities must keep the lines of communication open and productive, and they must all continue to work with each other to find the appropriate balance that respects the rights of all stakeholders as the peaceful, non-violent protests continue.

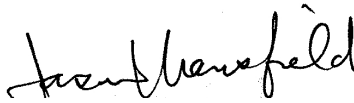
Vote: Unanimous, with 41 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Jason Mansfield, Chair
Environment Public Safety & Public Health Committee
Community Board #2, Manhattan

JH/gh

c: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah J. Glick, Assembly Member
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Sandy Myers, CB2 liaison, Man. Borough President's Office
Pauline Yu, Community Assistance Unit
Edward J. Winski, 1st Precinct, Commanding Officer
Brandon del Pozo, 6th Precinct, Commanding Officer

Brad Hoylman, *Chair*
Bo Riccobono, *First Vice Chair*
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November 1, 2011

Kimberly Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Docket No. CP11-56-000, New York/New Jersey Expansion Project

Dear Ms. Bose:

Following is the resolution adopted by Manhattan Community Board 2 at its full board meeting on October 20, 2011 regarding Docket Number CP11-56-000. Please enter this into the public record and notify this board of any action taken on this application in the future. We find it very important that these issues be addressed in the Final Environmental Impact Statement.

Resolution on the DEIS for the NJ/NY Natural Gas Pipeline Expansion Project.

Whereas, on October 4, 2011, Community Board 2 held its public hearing to discuss the NJ/NY Expansion Project (“Project”) that, if approved, would permit Spectra Energy, Inc. (“Spectra”) to install a new 30-inch natural gas high pressure transmission pipeline in Manhattan, adding an additional 800,000 dekatherms of natural gas to the Manhattan system; and

Whereas, on September 9, 2011 the Federal Energy Regulatory Commission (“FERC”) filed its Draft Environmental Impact Statement (“DEIS”) on this project; and

Whereas, at our public hearing, the Community Board heard presentations by Spectra, the NYC Department of Environmental Protection (“DEP”), and Con Edison; and

Whereas, in 2004, the Transportation Research Board of the National Academy of Sciences published a study that correlated the relationship of land-use practices to catastrophic incidents involving large-

diameter, high-pressure transmission pipelines. “Just as transmission pipelines pose a risk to their surroundings, so does human activity in the vicinity of pipelines pose a risk to pipelines. These risks increase with growth in population, urban areas, and pipeline capacity and network... For the most part, state and local governments have not systematically considered risk to the public from transmission pipeline incidents in regulating land use.”¹; and

Whereas, the disaster that occurred on September 9, 2010 where a 30-inch natural gas pipeline exploded in San Bruno, CA killing 8 people and leveling 38 houses needs to remain in mind when considering the potential for catastrophe; and

Whereas, since 2007, there have been 2 gas pipeline failures in Manhattan and 3 pipeline failures in Queens. In total, there have been 20 injuries and 1 death within the last 5 years due to gas pipeline explosions in New York City; and

Whereas, the proposed route of the pipeline in Manhattan will emerge from the riverbed at the southwest corner of Gansevoort Peninsula, then at a depth of either 4 feet or 12 inches below any other existing utilities, whichever is deeper, it will continue along the southernmost edge of the Peninsula eventually crossing under State Route 9A (“West Street”), where it will terminate in an underground vault located at the southwest corner of Gansevoort Street and 10th Avenue; and

Whereas, Spectra intends to drill horizontally under the Hudson River, stating this should cause minimal or no disruption to the riverbed, except for a small area of river in the southwest corner of the Gansevoort Peninsula where a temporary drilling rig and its supporting apparatuses and structures will be erected; and

Whereas, approval of Hudson River Park Trust and NYS/DEC must be sought by Spectra regarding the impacts of the drilling and related activity on the *Hudson River Park Estuarine Sanctuary* (Chapter 592, S. 7845, Section 8 of Hudson River Park Act). Spectra is holding consultations with U.S. Fish and Wildlife with regard to the Estuarine Sanctuary, and will ultimately have to obtain approval by the U.S. Army Corps of Engineers for this aspect of the project; and

¹ Transportation Research Board: Committee for Pipelines and Public Safety. (2004). *Transmission Pipelines and Land Use: A Risk-Informed Approach*. Washington, DC: National Academies Press. Retrieved from <http://onlinepubs.trb.org/onlinepubs/sr/sr281.pdf>

Whereas, Con Edison would be responsible to extend and install pipeline from the aforementioned underground vault located the corner of Gansevoort Street and 10th Avenue along 10th Avenue for 1,500 feet up to their distribution facility on West 15th Street; and

Whereas, the 1,500 feet of pipeline that Con Edison is laying under 10th Ave. from Gansevoort Street to W 15th St. is not included in this application; and,

Whereas, it is necessary that Con Ed present the particulars of their extension plan to Manhattan Community Board 2 and make the case for future demand requirements; and

Whereas, Con Edison and DEP claim that the pipeline is necessary due to future demand requirements, yet the DEIS does not address this matter, nor did the parties present at our hearing make this case, despite being specifically asked to do so; and

Whereas, another, entirely separate application is before FERC presently that, if approved, would add an additional 647,000 dekatherms of natural gas per day via a 26-inch pipeline into Brooklyn; and

Whereas, Spectra has stated that safety is their top priority and it is their stated intention to pursue pipeline construction in the least intrusive fashion; and

Whereas, the Gansevoort Peninsula was created from landfill in 1837 and is in a Federal Flood Plain Zone; the immediate area is a fragile estuarine sanctuary and the Hudson River and its waterfront in its entirety are fragile and critical ecosystems; and

Whereas, the comment period for this Project's DEIS ends on October 31, 2011, until that point FERC requests comments from all individuals, stakeholders, and any other interested parties that relate to issues/topics they feel should be addressed in the Final EIS.

Therefore Be It Resolved, since it is not clear that such a vast increase in supply is warranted without current, detailed statistical data, independent analysis needs to take place first to confirm the claims that the Project is necessary. Until that point, we are not in a position to support this Project; and

Therefore Be It Further Resolved, if this Project proceeds, it is imperative that the Final Environmental Impact Statement (“FEIS”) address these matters:

- The size of the pipeline should be reduced in size considerably to minimize potential damages in such an overly crowded urban environment.
- While we are encouraged that Spectra and Con Edison will be installing remote shut-off valves, this is not adequate. It is vital that Spectra install an automatic shutoff valve at the point where the pipeline emerges from the riverbed on Gansevoort Peninsula, and Con Edison install an automatic shutoff valve at their converter box on 10th Avenue at Gansevoort Street.
- The pipeline should be buried at a depth much deeper than is currently being considered.
- Many issues relating to Traffic and Transportation are absent from the DEIS and must be included in the FEIS. Among them are:
 - What streets detours are planned for, and what will be done to manage the influx of traffic on these always busy, often vulnerable streets. What plans are being set up for coordination not only with NY State DOT (which oversees West Street), but also with NYC DOT concerning traffic management on local thoroughfares/streets, as well as with NYPD?
 - What sort of oversight/supervision is being planned to ensure safety concerning the open trenches (e.g. 24 hours?; Who will be doing?; What’s the methodology?)?
 - Mentioned in the DEIS is a “Work Zone Traffic Control Plan for Manhattan that details how construction would proceed across the road, including lane closures and the locations of traffic control devices, barricades and flagmen.” Yet, the only point in the DEIS we found that is even vaguely related to this were engineering drawings in Appendix L that were difficult to read and didn’t appear to cover mitigation clearly. A written narrative description would make this much clearer, and it should also explain how the various components planned would operate in managing traffic congestion, ensuring safety, creating clear pathways, etc.
 - The DEIS states that an analysis of the costs of increased public services will be needed. This analysis must be made and documented in the FEIS, and it should include issues such as: emergency response estimates, medical and traffic control, and the true increase in revenue that is claimed will offset these costs. These must be calculated and documented with applicable comparisons between anticipated costs and assumed revenues. In this vein, an estimate is also needed of the portion of these costs that Texas Eastern would be prepared

- to absorb, e.g., the DEIS states that Texas Eastern already has indicated they would pay for the expenses associated with the law enforcement or other personnel that are used to assist with traffic control. The City of New York must be consulted to in order to determine the expected costs of these increased public services without delay and an evaluation also must be made of what other City areas (locales and activities) would suffer from diversion of these services.
- It is stated that local municipalities have not yet reviewed or approved treatment of excavated materials; pedestrian, bicycle and worker considerations; or construction working hours—it is essential that the NYC DOT, NYPD and other applicable NYC municipal departments be consulted immediately for continuous feedback and monitoring, and this consultation must be continuous and continuously documented.
- Pedestrian safety and access to the Greenway must be addressed thoroughly, where pedestrians are an intrinsic user, and on all the streets and routes where vehicular detours and diversions are expected to occur, in view of the potential for the increased traffic on these streets to endanger pedestrians.
- The DEIS indicates that measures to minimize impacts on the bikeway associated with the Hudson River Greenway are not addressed—these must be addressed—the bikeway is an essential part of the Greenway and will be severely impacted by the activities planned for that locale.
- The DEIS states that each plan contains locations and types of temporary traffic control measures, including signage, channelization devices, barricades, and flagmen - these should be spelled out in detailed narrative form for the 9A portion, i.e. what types of measures and where they will be located on the street/thoroughfare, and why they will be applied at their specific locations (for what purpose). Speed restrictions need to be spelled out as well.
- The DEIS does not say how Spectra plans to deal with the simultaneous use of the roadways into and on the Gansevoort Peninsula with the NYC Department of Sanitation. This needs to be extensively planned and then discussed with all related departments and the community. The results of these plans and discussions needs to be included in the FEIS.

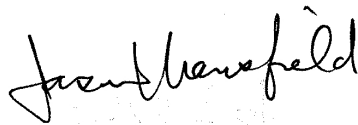
Vote: Unanimous, with 41 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Jason Mansfield, Chair
Environment, Public Safety & Health Committee
Community Board #2, Manhattan

BH/gh

cc:

- Hon. Kirsten Gillibrand, U.S. Senator
- Hon. Jerrold L. Nadler, U.S. Congressman
- Hon. Daniel L. Squadron, NY State Senator
- Hon. Deborah J. Glick, NY Assembly Member
- Hon. Christine C. Quinn, Council Speaker
- Hon. Rosie Mendez, Council Member
- Robert Craig, Assistant Counsel, DEP
- Ed Gonzales, Project Director, Spectra Energy
- Cheryl Payne, Chief Engineer, Con Edison
- Hon. Chuck Schumer, U.S. Senator
- Hon. Thomas K. Duane, NY State Senator
- Hon. Sheldon Silver, Assembly Speaker
- Hon. Scott M. Stringer, Manhattan Borough President
- Hon. Margaret Chin, Council Member
- Pauline Yu, Manhattan Director, Mayor's CAU
- Mike Delaney, Energy Regulatory Affairs Director, NYC DEP
- John Leo, Manhattan Public Affairs, Con Edison

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October 26, 2011

Speaker John Boehner
H-232 The Capitol
Washington, DC 20515

Dear Speaker Boehner:

At its Full Board meeting October 20, 2011, Community Board #2, Manhattan, adopted the following resolution:

Resolution Calling on the United States Congress to Pass H.R. 2937, the “Pipeline Infrastructure and Community Protection Act of 2011”

Whereas, Representative Fred Upton (R-MI) and Representative John Dingell (D-MI) introduced legislation in the House of Representatives that has strong bi-partisan support; and

Whereas, the House Energy and Commerce Committee voted unanimously, 51-0, in favor of reporting the legislation to the full House for a vote; and

Whereas, the United States has over 2.5 million miles of natural gas pipelines, and this legislation seeks to enhance current safety laws in order to prevent future incidents such as the disaster that occurred in San Bruno, CA due to a 30” natural gas pipeline failure, or the tragedy in Calhoun County, MI that resulted in a spill of 20,000 barrels of oil into Talmadge Creek, a tributary of the Kalamazoo River, due to an Enbridge Energy pipeline rupture in 2010; and

Whereas, it also sets new requirements to ensure a faster, more effective response should spills occur, and it increases penalties on pipeline operators to make certain taxpayers are not unfairly left holding the tab for cleanup and other costs; and

Whereas, this bill takes into consideration many of our concerns with the proposed Spectra pipeline and puts sensible safety requirements on pipeline operators to ensure public and environmental safety; and

Whereas, on October 17, 2011, the Senate passed their version of this legislation unanimously.

Therefore Be It Resolved, Manhattan Community Board 2 requests that the Speaker of the House of Representatives bring H.R. 2937 to the floor for debate and we encourage all members of the House to VOTE IN FAVOR of this important legislation.

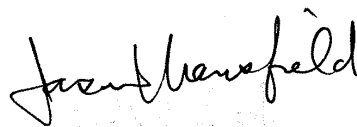
Vote: Unanimous, with 41 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Jason Mansfield, Chair
Environment Public Safety & Public Health Committee
Community Board #2, Manhattan

JH/gh

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn B. Maloney, Congresswoman
Hon. Fred Upton, Congressman
Hon. John Dingell, Congressman
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah J. Glick, Assembly Member
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Hon. Nancy Pelosi, Democratic Leader
Hon. Kevin McCarthy, Majority Whip
Hon. Steny Hoyer, Democratic Whip
Sandy Myers, CB2 liaison, Man. Borough President's Office
Pauline Yu, CAU