

APPENDIX I
COMMENT LETTERS

Comments of Senator Martin Connor Concerning the Final Generic Environmental Impact Statement

May 24, 2004

I would like to take this opportunity to thank the Lower Manhattan Development Corporation (LMDC) for their work on the challenging task of rebuilding Lower Manhattan and overseeing the reconstruction of the World Trade Center. The LMDC has made every opportunity available to the public and to elected officials to add their voices to the process and for that I thank you. I know it has not been an easy process.

With any undertaking of this nature there are always important concerns that must be addressed in order to come up with a result that is both in the best interests of the City and State, but also reflects the needs and concerns of the community, especially one which has endured so much hardship. With that said there are a few key issues that I believe must be considered.

First, the cumulative impact the World Trade Center Memorial and Redevelopment Plan (the Plan) will have on Lower Manhattan has to be examined. The building of the World Trade Center (the Site) focuses around key aspects of the complex, and encompasses much more than just the memorial and rebuilding of the Site. There are going to be a number of extremely large and complex construction projects that will be going on simultaneously in Lower Manhattan. Examples include the new PATH Station, the redevelopment of the Fulton Street Transit hub, the remodeling of the West Side Highway (Route 9a), construction on Site 5b and 5c, the construction of the new Goldman Sachs headquarters on Site 26, in addition to the demolition of the former Deutsche Bank building just south of the Site, as well as the work being done to the South Ferry Terminal. Further, numerous street construction projects will be going on throughout Lower Manhattan. Each one of these projects will be going on throughout the construction of the Freedom Tower, the building of the World Trade Center Memorial and all below grade and surface retail construction work that will be done on the Site. Yet, none of these are included in the Environmental Impact Statement published by the LMDC. If the LMDC wants to accurately portray what the environmental impacts will be to Lower Manhattan, it is imperative that these numerous projects be included in the

Environmental Impact Statement. Total negative effects need to be mitigated to ensure that this project is done as safely and expediently as possible.

Secondly, a Lower Manhattan Construction Coordination Group that will oversee the rebuilding process in Lower Manhattan must be created. It is very important to the rebuilding process and to the community that there be an office dedicated solely to overseeing these many projects. It is essential that there be a community liaison to which the public can resort with comments and concerns as well as to obtain information about the projects and their progress. Such an entity could add a great deal of transparency to the process and would go far in making the public and the communities of Lower Manhattan feel more comfortable with the process.

The third issue that is of enormous concern to residents is traffic. The Plan for rebuilding Lower Manhattan will bring more tourists, visitors, customers, commuters, and workers to the Site than ever before. It is important that a comprehensive plan be formulated to address the enormous influx of cars, taxi's, tour buses, and "black cars" that will saturate the area everyday. One of the larger problems with the Environmental Impact Statement (EIS) is that it tentatively suggests that streets will be rerouted away from Route 9A but does not adequately address the increased volumes that will thus be shifted to other smaller North/South arteries. In addition to increased traffic volume, plans have been proposed that include the reversal of numerous streets in the Financial District. The effects of these reversals have not been addressed by the EIS at all. A coordinated effort between the LMDC and the New York City Department of Transportation needs to include a system that can rapidly respond and adapt to the traffic congestion problems that will inevitably occur.

The fourth issue is that of open space at the Site and Memorial. In view of the large number of prospective visitors that the Site will have to support, some way must be found by the LMDC to include larger amounts of open space to accommodate the millions of people that will travel to the Site each year. What is particularly troublesome are the reports that the amount of actual space at the Site is significantly less than the 16 acres that the Site is supposed to encompass. It is imperative that the space available be designed to accommodate and maximize the accessibility and use of the space to facilitate pedestrian flows around the entire site. Given that the super block upon which the Site rests is less than 16 acres, creative and innovative ways to allow for the maximum flow and usage by pedestrians and visitors have to be found.

The fifth and final issue is air quality. One of the great failures in the aftermath of September 11th was that the Environmental Protection Agency (EPA) misled the people of New York and told them that it was safe to return to their homes despite the massive amounts of toxins in the air. The residents of Lower Manhattan suffered greatly because of the actions taken by the EPA and as a result are extremely concerned with the quality of the air they breathe. It is imperative that the LMDC take every precaution necessary to guarantee and protect air quality in Lower Manhattan. With the enormous influx of traffic and the great amount of construction that will be taking place for the next decade, it goes against common sense to think that there will be no affect on air quality in Lower

Manhattan. Continuous air monitoring around the Site and the other construction projects is necessary to maintain and protect the air quality in the area. Alternate means of providing power to the construction equipment and vehicles that will saturate the Site must be utilized, examples include ultra-low sulfur fuels, electrification, and advanced reduction technologies such as new engines. In addition to this, there must be a way to check air quality data and such information must be made available to the public at a minimum on a bi-monthly basis. Also, enforcement of existing laws regarding vehicle emissions must be enforced at all times.

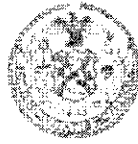
I believe that the LMDC wishes to take every step possible to ensure the safety and protection of Lower Manhattan throughout this process. I would like to thank the Lower Manhattan Development Corporation for all their hard work and for taking the time to listen and consider the feelings of the community.

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May 24, 2004

Mr. Kevin Rampe
President
Lower Manhattan Development Corporation
1 Liberty Plaza
New York, NY 10007

Dear President Rampe:

First, congratulations to you and to the LMDC for your thoroughness and thoughtfulness in completing the Final Environmental Impact Statement. Following are our comments for your consideration as the development process moves to its next stage.

In my response to the DGEIS, I emphasized our "Livability First" doctrine as a framework for the redevelopment. While we are pleased that several of the comments raised in our response have been addressed, I must reiterate the importance of livability as we proceed. To that end, the following issues continue to be of critical importance:

Construction Work:

It is imperative that the hours of noisy construction be in compliance with the New York City regulations which limit construction to the hours between 7:00 am to 6:00 pm, Monday through Friday. Despite the pressure to move the development process forward as quickly as possible, well-defined procedures for work outside of these limits must be established. Criteria must be established as well as community and Community Board review procedures for all non-emergency work outside of the normal hours.

An important role of the Construction "Czar" will be to minimize the disruptions to the community through a careful examination and coordination of all construction activities. Further, there needs to be mechanism to inform those affected of any major disruptions and unusual or excessive noise.

Parking:

The issue of parking, especially bus parking, continues to be of great concern to residents and businesses in lower Manhattan. To date, there seems to be no unified plan to deal with parking. A plan must be developed and implemented prior to the start of the major construction, both for "interim" parking, during the construction that will blanket lower Manhattan for the next 10-plus years, and for assurance of adequate long-term parking. We know there will be thousands of construction workers coming to lower Manhattan on a daily basis. We must consider providing incentives to daily commuters to leave their vehicles behind.

It remains imperative to assure ample underground parking, and layover spaces, away from residential buildings, for the buses and limos we know will invade our community. With regard to bus parking, it seems unlikely that the southern site, under the Deutsche Bank building, will provide anywhere near an adequate number of parking places. There is mention made, in the Proposed Action, for underground parking for 1,200 to 1,400 cars for office tenants under the site. According the FGEIS, the daytime use of this garage would only be 10 percent of the garage's capacity in 2009. This number is projected to increase to only 30-40 percent by 2015. It seems that this space could be better utilized by reconfiguring this it to allow for bus parking.

Environmental Protection:

The cumulative environmental impacts of the proposed actions in and around the World Trade Center site have not been fully assessed. There are multiple agencies and organizations including the Port Authority, MTA, NYSDOT, NYCDOT, and numerous private developers who will be working on projects concurrently. The assurance that state-of-the-art measures and precautions are being employed is of the utmost importance in assuring livability.

In order to assure that the full effects of these projects are assessed from a health and environmental safety perspective, the LMDC in coordination with the city, should appoint an Environmental Czar. The Environmental Czar could report to a panel of independent experts and serve as the environmental command structure for all lower Manhattan during the construction period. Rather than have each agency making environmental judgments and analyses, there would be a centralized evaluator who would be in the best position to truly assess the cumulative impacts of the construction (and deconstruction) work being done in the area. This czar and panel would assure state-of-the-art environmental air and noise protection, and an overarching environmental framework for Lower Manhattan development activity.

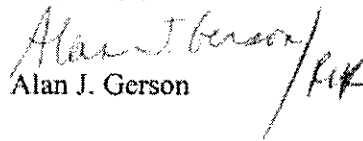
Safety/Disaster Preparedness:

Based on our information, we propose the installation of two additional ambulance companies, East Side and West Side. We note that on the East Side, one EMS "atom" already fails to meet city standards for response times. Construction obstruction and confusion, with an increase in construction-related hazardous activity, can only increase the need, by residents, workers, and visitors, for ambulance protection. The LMDC could, of course, conduct an analysis of the impact of construction activity on the response times for emergency vehicles.

I have also submitted our replies to LMDC responses to comments to the DGEIS submitted by our office, indicating which of your responses are satisfactory, partially satisfactory, or unsatisfactory (requiring further attention) from the community perspective. In addition, I have enclosed a modified version of our DGEIS responses, setting forth those action points we believe remain necessary to protect the Lower Manhattan community, including actions to which the LMDC has assented.

I remain available to meet with you to discuss any of these points. Thank you for your consideration of this input.

Very truly yours,


Alan J. Gerson

Enclosures

May 24, 2004

GERSON TO LMDC: LIVABILITY FIRST!

Following are Council Member Alan J. Gerson's proposed environmental guidelines for downtown construction and post-construction periods, in an expansion of his previously submitted response to the Lower Manhattan Development Corporation's ["LMDC's"] FINAL ENVIRONMENTAL IMPACT STATEMENT ["FGEIS"]

Proposals Set Forth 67 Action Points, including the following:

No regular work on weekends, evenings; independent environmental monitors; state-of-the-art safety and environmental protection; creation of a world-class teaching hospital, now missing from the FGEIS

Livability First

Ten months ago, my office released a report entitled, "Livability First," which proposed principles and policies to guide the construction process within a Livability First framework. To their credit, Chairman Whitehead and the LMDC accepted in principle the proposed framework and implemented many of its recommendations. Livability First remains as needed as ever as a guide for Lower Manhattan, both as the framework for the upcoming construction activity and as criteria for its outcome. Livability First is necessary in order to sustain Lower Manhattan as a viable residential community—and send the message that downtown will remain a hospitable place for living for all people—children, seniors, families and singles. Livability First is important to create and maintain the vibrancy the Mayor and Governor, along with our community, seek from a 24-hour live-and-work community in Lower Manhattan.

But, Livability First is most imperative as a reflection and projection of our city's and society's values. The upcoming time period is when we will be tested. It truly presents the test as to whether we really mean what we have said in 9/11's aftermath about the sanctity of life and our society's humanitarian, life-affirming values. The world will be watching how we rebuild Ground Zero, as well as what we rebuild. Only a commitment to Livability First, in word and deed, will tell the world and, most importantly, ourselves that we are in fact a life-affirming society. A society cannot value life as a supreme value, without adopting livability first for society's activities and major endeavors.

Accordingly, I once again call on the LMDC, the Port Authority, and all agencies and officials involved in the rebuilding process to explicitly adopt Livability First as the framework for reconstruction and the criteria for its outcome. But, more important than

words, I call for the implementation of the policies and practices of Livability First. The LMDC's recent Final Environmental Impact Statement ("FGEIS") is a massive, unprecedented undertaking, and the LMDC is to be congratulated for its thoroughness. The recommendations set forth below are meant as a constructive response, building on the FGEIS statement, but setting forth deficiencies from a livability first perspective, pointing out needed additions and improvements to the FGEIS so that it reflects a Livability First commitment. Most importantly, it lays out 67 action points necessary "on the ground" in order to achieve a Livability First process and result. **I hereby request the LMDC to consider and respond to each of these proposed Action Points.** Adapting this Livability Framework at the outset will ultimately save time, effort, and resources by avoiding needless remediation and entanglement in lawsuits or community disputes. I am confident that by adhering to this framework, we will be able to conduct the rebuilding process effectively, efficiently, expeditiously and—most importantly—in a way which evinces our city's and nation's best values.

A) Hours and Limitations of Construction

Nothing will impact on the livability of residents more than the hours of construction. People need to be able to count on regular and substantial breaks from the noise, dirt and other effects of major construction. It is for this reason that, repeatedly and overwhelmingly, communities and community boards reject extended hours in order to get jobs done quicker. In New York City, normal construction hours have been defined in regulation as Monday-Friday, 7:00 AM-6:00 PM. Exceptions are supposed to be limited to real emergencies or true exigencies. It is therefore unacceptable that the FGEIS speaks in passing presumptions about full-day Saturday and late-hour evening construction—without any analysis as to the impact on the construction timetable or the effect on individuals. Moreover, there appears no analysis or consideration of criteria to limit Saturday or evening activity to quieter work with a lesser impact. I call for the full adoption of city hour restrictions, and well-defined procedures for exceptions to these limits.

While we realize the imperative to rebuild as quickly as possible, this cannot be done at any cost. Saturday work should be the exception to the rule, not the rule itself. Likewise, evening work should be kept at a minimum. Should work be required outside of weekday hours, only "non-noisy" work should be performed in the off-hours.

Action Points:

- Do not allow Saturday or Sunday construction, except well-defined non-noisy work.
- Do not allow post-7:00 PM construction, except well-defined non-noisy work.
- Establish strict criteria for exceptions to the above hours only for emergencies or for work which really cannot be done at other times, with community notification.
- Establish a process for community advance notification for special, unanticipated exceptions to normal hours.

- Establish a process for community board review to regular, anticipated exceptions to normal hours.

B) Environmental Protection and Comprehensiveness

The approach taken in the FGEIS primarily analyzes the impact of the Ground Zero area reconstruction in incremental relation to effects of other work in Lower Manhattan which would go on anyway. The FGEIS seems to take this approach with respect to noise, other environmental concerns, and traffic, as well as other concerns. In other words, if Ground Zero site construction does not materially add to ambient noise or traffic congestion created by other work, such as West Street or Fitterman Hall construction, the Ground Zero site is deemed to have no deleterious impact. While helpful analytically, the approach is unsatisfactory as a true measure of real impact. Virtually all work in the LMDC catchment area for the ensuing months and years is due to 9/11, directly or indirectly. Our community requires a comprehensive approach, which looks at and analyzes the impact of all work and activity cumulatively. This should include both normal activity, construction on the former World Trade Center ["WTC"] site, and all other construction in Lower Manhattan cumulatively for their total effect. Mitigation measures must mitigate those cumulative effects in an all-inclusive, comprehensive fashion. Failure to undertake such an analysis and cumulative remediation is likely to result in harmful outcomes. Several individual projects, on their own, might not generate deleterious effects, but taken together the outcome could be perilous. Yet, the incremental approach fails to assess and address or mitigate this cumulative impact. In fact, the most effective remediation of overall noise, including noise from the WTC site, might very well turn out to involve remediation of off-site activity. We therefore call on LMDC to join with other agencies included in the other projects to put together a cumulative analysis.

In fact, the true, real impact of the proposed action on the WTC site cannot be assessed separately from the cumulative impact of many projects not detailed in the FGEIS--the reconstruction of Route 9A, the Fulton Transit Hub, the new PATH terminal, the deconstruction of Deutsche Bank and Fitterman Hall and the Second Avenue Subway, all of which will take place concurrently. The impacts of these and other projects must be assessed together. All agencies responsible for the redevelopment process must make every cooperative effort to mitigate the negative impacts, in all arenas, to assure that the strains on an already overstrained community, are mitigated and minimized.

Environmental command, control, and coordination will be critical. The LMDC or City must appoint an independent Environmental Czar, reporting to a panel of independent experts, as an environmental command structure for all Lower Manhattan during the construction period. This is especially critical because in addition to the LMDC the following agencies are expected to supervise various aspects of downtown construction: the Port Authority, the Metropolitan Transit Authority, the State DOT, the City DOT, and the Department of Buildings. Rather than each agency making its own environmental decisions and interpretations of environmental regulation, Lower

Manhattan requires one central environmental decision-making point. Moreover, the experience with the environmental response to 9/11 makes clear the need for independent, expert authority with a sole environmental focus. The environmental panel would be charged with assuring state-of-the-art monitoring and mitigation, including authority to order evacuations or prohibit methods too perilous. Appeals from their decisions must require a full review and decision by elected officials. A community liaison must be attached to the panel, charged with receiving community input and keeping the community informed.

Suppression of particulate matter, including fine particulate suppression, must be a priority in the redevelopment effort. State-of-the-art suppression techniques must be employed on all equipment and at all sites. Air monitoring stations with fine particulate monitoring capabilities should be located in the vicinity of all major construction projects and at all residential areas in Lower Manhattan. Information on air quality should be accessible to the public. The use of HEPA filters in public areas and private residences, as the FGEIS proposes, should be implemented where needed, erring on the side of caution. A full analysis of possible remediations at the apartment unit level be done to see what measures might be taken to reduce the environmental impacts within residential units. In addition to HEPA filters, soundproof windows, state-of-the-art air conditioners, and temporary relocations must be available when warranted.

The provisions of Local Law 77, a new city law, must be extended to all construction projects in Lower Manhattan on Port Authority-owned land which might be technically exempt from the new law. This law requires the use of ultra-low sulfur diesel fuel and the retrofitting of construction equipment to the best available pollution control technology in most construction vehicles and equipment. Further, this law should also be extended to include all vehicles and equipment.

Action Points:

- Establish environmental command and control—with an independent Environmental Czar reporting to a panel of environmental experts to assure that evolving state-of-the-art practices are put in place.
- Adopt and extend the new local law requiring ultra-low sulfur diesel for all pieces of equipment and state-of-the-art retrofits on all equipment, throughout Lower Manhattan..
- Address the concern over fine particulates—requiring state-of-the-art particulate suppression.
- Establish air monitoring stations with fine particulate detection capabilities in construction sites and residential neighborhoods.
- Review new technology before implementation, including proposed Freedom Tower “windmill,” for noise and other environmental impacts to assure no adverse impact.
- Assure residential unit remediation (with a full analysis of possible remediations at the apartment unit level)—including the availability of

HEPA and other filters; soundproofed windows; state-of-the-art air conditioners; and criteria for temporary relocation.

- Assure funding for low-income households to have access to all unit-based remediation.
- Undertake a full analysis of the cumulative environmental effects and possible remediations of all concomitant downtown construction work.
- Require use of ULSD fuel and retrofits on buses, limos, coming downtown.
- Illumination analysis: Evaluate possible light trespass during construction period and after completion; assess the use of focused lighting to avoid light spills.
- Include the entire LMDC catchment area in coverage for analysis, remediation, and environmental command and control.
- Include areas north of the LMDC catchment area, at least up to 14th Street, river-to-river, and east over the river, including Brooklyn Heights, in the area slated for the special air monitoring described above.
- Establish and clarify a clear environmental oversight for demolition of the Deutsche Bank and Fitterman Hall buildings.
- Implement the Community Panel, as the Department of Buildings has agreed to do, with community leaders and local residents receiving advance information about and registering input to appropriate aspects of the demolition projects.

C) Noise Suppression

Noise will be the major challenge to the quality of life for the people who live and work in the areas closest to the construction. According to the FGEIS analysis, 19 of 20 evaluated sites are expected to have noise levels above the New York City Environmental guidelines. By how much will they exceed these standards? The New York City Noise Code is in the process of being revised. We must insure that actions be taken to comply with revisions. As we go forward, we must consider the possible health effects of excessive noise, and again use state-of-the-art techniques to mitigate this problem. Construction authorities must take advantage of an unfortunate opportunity to make Lower Manhattan an international model of noise prevention and abatement. Noise levels should be monitored in and around areas of construction and residential neighborhoods and the public should have access to this information.

The proposed use of wind technology in the Freedom Tower is an exciting concept, though there are many questions about its health effects. This must be studied carefully. We must insure that the noise emitted from the windmills does not present an unintended outcome by causing health problems for those who live in its general proximity.

The Proposed Action contemplates a development quite different from the former World Trade Center site. In addition to commercial and retail uses, the creation of a

memorial, along with arts and culture venues, will also add noise impacts during the day, at night and on weekends. This must be fully analyzed and mitigated.

Action Points:

- Authorize and charge the Environmental Czar and panel referred to above to abate and minimize noise, including utilization of techniques listed in action points below.
- Noise suppression: assure state-of-the-art noise suppression mufflers and techniques for all equipment, vehicles and activity.
- Draw up plans to deploy modern technology sound barriers around all construction.
- Offer sound barriers, or soundproof windows, with filtered air conditioning, to residents in whose apartments noise levels would exceed code decibel limits.
- Put in place seismic monitors, especially near other structures, to monitor and assure that vibrations and sound do not undermine structural safety.
- Scheduling: Establish the office of master Scheduler Czar, or authorize the Environmental Czar discussed above, to oversee scheduling of all activity to minimize disruption to residents and businesses, and to avoid repeated excavation of the same streets.
- Metal plates: Impose a sign-off procedure on street construction metal plates, to assure that they don't move and make noise.
- Establish a community notification process to inform residents in advance of anticipated unusual sounds.
- Put in place a school sensitivity plan, to avoid or minimize noise or other disruption to schools during school hours.
- Identify sensitive (testing, other) dates on the calendars of downtown schools, and avoid noise and other disruptions in school vicinities on those dates.

D) Construction Coordination

With the unimaginable amount of construction and associated dislocations of residents and workers that will occur in the vicinity of downtown projects, there needs to be a centralized, coordinated construction management with a community liaison function. I endorse the idea of a Lower Manhattan Construction Coordinator. The responsibility of such an office would be to minimize disruptions to the community through the evaluation and coordination of timing and techniques of construction projects. We must do everything we can to insure cooperation and coordination between the contractors and agencies involved in the construction effort. This person/office must be given the necessary authority to do this job effectively. The coordinator must insure that roads are not dug up twice and that retiming of steps of different projects in the same vicinity are coordinated to the extent possible to minimize disruption. The coordinator must make sure that residents and businesses know, in advance, of possible new disruptions, and that there be a website or hotline people can contact with problems or

inquiries 24 hours a day. The coordinator would maintain access for residents and workers to the extent possible, including steps to mitigate temporary closures. The coordinator would report to the LMDC or other lead agency, within the framework established by the independent Environmental Czar and panel proposed above.

Action Points:

- Establish the office of construction coordinator to minimize disruption and maximize access through coordination of timing and work of the various construction projects.
- Notification—put in place a mechanism for informing community of disruptions, unusual noises and activities in advance.
- Coordination—Put in place the legal authority necessary to assure coordination among all relevant agencies and contractors.

E) Traffic and Parking

The issues of traffic and parking are of great concern to the residents and businesses in Lower Manhattan. The analyses presented in the Proposed Action, which rely heavily on trip counts, must be improved. Different types of traffic are not adequately differentiated. There must be a better accounting of the different sources of traffic, which would include: estimates of both commuter and tour buses, trucks, private automobiles, black cars, and others. It is also critical that the impact of road reconstruction throughout Lower Manhattan be factored into any traffic planning.

In analyzing traffic issues, the streets under review must be expanded to the north, at least to Houston Street. If Canal Street and Broadway are identified as potential traffic snarls, as stated in the FGEIS, the impact will go further north than Canal, and further east than Broadway.

A comprehensive parking plan must be implemented during the construction period. The influx of thousands of construction workers, by car, into Lower Manhattan must be addressed. Public transportation alternatives must be considered and encouraged. Incentives should be developed to encourage the use of such alternatives. We must avoid the situation of on-street and on-sidewalk parking that occurred in the aftermath of 9/11. Suitable parking must be found and park-ride alternatives must be implemented. Plans should be made to enforce minimum, three-minute idling laws on both city streets and at construction sites.

The issue of bus parking has not been adequately addressed. Site 26, in Battery Park City, will not be available for bus parking for the new Goldman Sachs building. We must prevent the invasion of tour buses from turning our community into one big bus parking depot. We must keep commuter and tour buses off our streets and this will only be accomplished if we come up with a satisfactory alternative. We require an environmentally sound, state-of-the-art underground facility. Parking under the World Trade Center, as well as the surrounding areas, must be critically and creatively assessed,

consistent with the needs and proper decorum and respect for the memorial and the footprints.

A post-construction period parking plan for the entire LMDC catchment area must be developed. In many parts of the district, sidewalks and parks become parking spots today. This will only get worse after reconstruction if no plan is put in place. Similarly, a traffic flow plan must be developed to minimize the flow of vehicles, especially trucks, through Lower Manhattan, typically from one of the East River crossings to the Holland Tunnel. Presently, the LMDC or other government agencies have allocated hundreds of thousands of dollars to several traffic studies. I am concerned by the apparent lack of coordination and comprehensiveness among these studies, which, if not corrected, will result in missed opportunities for improvement and wasted taxpayer dollars. The New York Metropolitan Traffic Conference ("NYMTC") should be charged with coordination and with seeing that the studies take account of all needs and include a thorough regional analysis.

Action Points:

- Conduct analysis to minimize use of local streets, including Canal and Broadway, for trucks and construction vehicles, including exploration of the establishment of temporary service roads from the West Street main artery.
- Expand the streets being analyzed for impact at least up through Houston Street. If Canal and Broadway are identified as traffic impact snarl, they will be affected north of Canal and that will have an impact on other streets, which has to be analyzed.
- Expand analyses of traffic remediation efforts to include an expanded number of traffic enforcement agents.
- Underground parking: Analyze all alternatives for underground parking for buses, limos and cars, including state-of-the-art layover and dispatch system. Analyze environmental impacts from various sites.
- Analyze alternative ways of encouraging public transportation means to the site, including tourist directions, and ferries (non-diesel).
- Second Avenue Subway: Consider the advantages of the Second Avenue Subway for downtown; include the Second Avenue Subway in long-term traffic analyses for Lower Manhattan..
- Improve traffic analyses—beyond trip counts, to consider different impacts of large vehicles, buses, and other vehicles.
- Put in place comprehensive parking plan—for the construction period for temporary parking for construction workers, etc., both in downtown and park-and-rides elsewhere.
- Conduct a full, long-term parking plan for all Lower Manhattan, including general public and law enforcement civilian vehicle parking.
- Assure coordination among ongoing traffic studies, through the NYMTC process.
- Make sure traffic studies include a full, comprehensive regional analysis and assessment, including the following: minimizing traffic flow for East River

crossings through the Holland Tunnel; use of new technology traffic management for East River crossings; replacement of the Verrazano one-way toll with new technology two-way tolls which serve the needs of Staten Islanders.

- Impose and improve enforcement of truck size limitations.
- Re-open the garage at the Police Plaza site for use by law enforcement personnel to park their civilian cars as part of a plan to avoid double parking, and sidewalk and park parking, and to minimize street parking for those vehicles.
- Undertake a site survey and feasibility study for the creation of a food produce wholesale terminal market for Chinatown and Lower Manhattan produce distribution, in or in the vicinity of downtown (possibly in Brooklyn), to curtail trucking and disruptive wholesale operations in residential areas, and to allow for the transfer of goods to smaller, non-polluting delivery vehicles.
- Increase fines for parking infractions in the LMDC catchment area.
- Set up park-and-rides in Brooklyn, New Jersey, or elsewhere outside Lower Manhattan, with bus or ferry connections, for construction and other workers during the construction period; these park-and-rides should be mandatory or strongly encouraged.
- During the construction period, the LMDC should contract with one or more of Lower Manhattan BIDs to provide surface, non-polluting bus connections among Lower Manhattan destinations and neighborhoods.
- The City should re-implement cross-town bus service, river-to-river, along the Grand Street, Broome Street, and Canal Street corridors.
- Undertake a long-term analysis of surface (bus) public transportation needs for Lower Manhattan.
- The LMDC should meet with Access-A-Ride to implement a construction period plan to meet needs of persons dependent on Access-A-Ride.

F) Safety

We must build the world's safest structures, in the safest ways the world has ever seen. This is both a moral and practical imperative. Without the greatest possible safety assurances, people will not want to live or work on or near the site. Safety in this day and age includes a myriad of measures. The action points set forth below cover a range of safety measures on the site and in the community.

Despite the position put forth in the FGEIS, it is likely that current NYPD and FDNY staff levels will be inadequate to deal with the problems and situations for which we should make contingency plans. The FGEIS, in a glaring life-or-death omission, presents no analysis of the impact on ambulance and emergency vehicle access or response time. Two additional ambulance units, at least, to serve Lower Manhattan, should be provided. Congestion problems caused by the construction traffic and street closures and detours will, without question, cause delays of critical lifesaving minutes. The failure to compensate with additional Fire Department ["FDNY"] ambulance

companies will increase the response times and risk the loss of lives to residents, businesses, tourists and construction workers. At the very least, the City must restore the 0-2 Charlie company, previously serving parts of SoHo, Chinatown, and Little Italy, within the LMDC catchment area, which also provides backup to a precinct which fails to meet standards for arrival time. The City should station ambulance companies in the ground zero vicinity and within the Chatham secured area (with pre-clearance so the ambulance does not lose time at checkpoints).

The Police Department, with the community, must make an assessment as to whether it should create an additional precinct out of the First, which stretches from SoHo to the Battery, in order to serve and protect current and projected new residents, along with visitors to the site and vicinity. The role of the Port Authority Police Department in Lower Manhattan needs the redefinition. At the least, the PA police should be assigned its pre-Giuliani role in controlling traffic entering the Holland Tunnel.

Action Points:

- Put in place a disaster preparedness plan and office, or assign the Office of Emergency Management ["OEM"], to assure state-of-the-art disaster preparedness during and after the construction period.
- Assess, with community impact, whether a new police precinct should be carved out of the existing First.
- Assign the Port Authority an expanded role in directing and controlling traffic to the Holland Tunnel.
- Assess ways to expand interaction between the PA and NYC police departments.
- Undertake analysis to assure state-of-the-art safety measures for construction and ongoing operations to protect workers in buildings, rescue workers who might have to enter buildings and those in the area.
- The LMDC should conduct an ambulance/emergency vehicle impact analysis, now lacking, to assess response time effects of construction activity and to mitigate those effects.
- Restore the 0-2 Charlie ambulance company.
- Establish two additional ambulance companies, in the Chatham and former WTC site areas.
- Provide first-aid mitigation for delays—including the expansion of the defibrillator pilot program, locating new technology, easy-to-use defibrillators in building lobbies and other strategic locations, with trained volunteers or staff as responders while waiting for emergency service personnel arrival.
- Encourage CERT, civilian emergency response teams in residential buildings, developments and blocks, throughout Lower Manhattan, with adequate funding from LMDC.
- Given the recent tragic street electrocution, and ongoing electrocutions of pets, a process needs to be put in place to assure that wires of streetlights

and other electrical street apparatus remain safe and secure, and undisturbed by movement, vibrations or other interference.

- Analyze construction effects on building structural safety, including impacts on underground water stability.

G) Open Space

With the planned growth in the amount of developed space and the anticipated increase in population, there must be an adequate amount of open space. The calculations of open space, to date, seem to include various elements that should not be part of tabulations, including sidewalks and other streetscape elements.

The need for open space by the “community” is a critical one. The need is compounded by the anticipated flow of visitors into the area. The LMDC must conduct, or commission, a study analyzing the need for and availability of truly usable open space.

- Conduct a thorough analysis of open space.
- Provide adequate open space in light of the density of commercial development and population requirements.

**REPLIES TO LMDC'S RESPONSES TO COMMENTS OF THE
OFFICE OF COUNCILMEMBER ALAN J. GERSON TO THE DGEIS**

Comment 6: Satisfactory - We appreciate the LMDC's commitment to seek the appropriate balance.

Comment 8: Unsatisfactory – See accompanying letter; definitive plans must be drawn to provide adequate underground bus parking that does not impinge on residential buildings.

Comment 82: Partially satisfactory – We appreciate the benefits of UEQ-8; however, the LMDC must recognize the heightened number of on-road vehicles directly due to the planned action. If LMDC cannot mandate use of alternative fuels or hybrid vehicles, at the very least LMDC must use its offices and bearing to call on appropriate levels of government to take the necessary actions.

Comment 118: Partially satisfactory – We appreciate the LMDC's commitment to disaster preparedness. The response does not, however, address the need for defibrillators, CERT teams, and other community involvement in preparedness. Response also does not address the second bullet point concerning the safety of electrical apparatus.

Comment 123: Satisfactory – We appreciate the LMDC's clarification of its position.

Comment 129: Unsatisfactory – Expert opinion we have received indicates that groundbreaking and subsequent heightened work activity could induce significant psychological trauma. At the very least, as part of any impact analysis, this needed thorough and professional consideration, which was lacking. In the event of an expert consensus that the action plan could trigger emotional issues, it would be incumbent on LMDC to provide funding or take steps to ameliorate such issues.

Comment 154: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 158: Unsatisfactory – Referring to the National Ambient Air Quality Standards does not address the universe of children's needs or possible physical or other reactions to the action plan. At the very least, any thorough impact statement should consult with and incorporate input from children's health experts. Accordingly, we stand by our earlier comments.

Comment 159: Partially satisfactory - ADA guidelines are only one aspect of senior needs. Moreover, the commitment to accessibility should not be a minimum commitment to the letter of the law, but rather a commitment to the state-of-the-art model of accessibility.

Comment 168: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 312: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 318: Partially satisfactory – It is incumbent on the LMDC, in coordination with the city, to ensure that adequate emergency services are provided throughout the period of construction. See accompanying letter.

Comment 319: Partially satisfactory – While it may not be the defined role of the LMDC to assure the provision of community facilities as part of the EIS process, it is part of the LMDC's broader role. Examination and evaluation of community facilities must be made.

Comment 320: Unsatisfactory – It is incumbent on the LMDC, in coordination with the city, to ensure that adequate emergency services are provided throughout the period of construction. See accompanying letter.

Comment 347: Unsatisfactory – Again, the response is contradictory. We agree that the “amenities associated with the Proposed Action would make the area livelier.” But this will have the inevitable impact of increasing market pressures, which tend to reduce the stock of available affordable housing, as a result of the action. Accordingly, the LMDC must work with the city and community to put in place an affordable housing preservation program.

Comment 354: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 374: Satisfactory - We appreciate the LMDC's clarification of its position. We urge the LMDC to continue exploring alternatives.

Comment 379: Satisfactory - We appreciate the LMDC's clarification of its position. The provision of underground parking for buses must be expanded. See accompanying letter.

Comment 380: Satisfactory - We appreciate the LMDC's clarification of its position. See Comment 379.

Comment 392: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 399: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 400: Partially satisfactory – Recent experience demonstrates clearly that drivers heading downtown will take local arteries, including Broadway, the Bowery, Lafayette/Centre Streets, as well as the East and West Side main arteries. Accordingly, the impact analysis must assess potential congestion on these and other streets throughout its catchment area (up to Houston Street).

Comment 401: Satisfactory - We appreciate the LMDC's clarification of its position. The black car industry must continue to work with business and civic leaders to improve on the current layover and dispatch system.

Comment 433: Partially satisfactory – It is precisely the advantages of a Second Avenue Subway connection which the impact study should assess.

Comment 470: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 471: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 472: Partially satisfactory – Analysis for noise levels, with or without consideration of pending noise legislation, must be a cumulative impact analysis.

Comment 475: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 476: Satisfactory – We cover this issue in our replies to the sections pointed out in the LMDC's response.

Comment 539: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 543: Unsatisfactory - The hours and days of construction must be limited as much as possible, despite the desire to move the redevelopment forward quickly. There must be a defined process whereby the community and the community board are consulted prior to the implementation of construction work outside of normal hours. See accompanying letter.

Comment 546: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 551: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 552: Partially satisfactory – While we support the critical role of the Lower Manhattan Construction Coordination Group, allowances must be made for day-to-day issues that may arise that fall outside of this group's purview. Systems must be in place to assure that individuals and small businesses in Lower Manhattan receive the attention and responsiveness they deserve as the construction proceeds.

Comment 565: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 582: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 583: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 584: Unsatisfactory – See comments on the Second Avenue Subway above. Furthermore, assessments of the demolition of Fitterman Hall should take place for years other than the peak construction year.

Comment 587: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 597: Unsatisfactory – Given the vast numbers of on-road vehicles that will be traveling in and out of Lower Manhattan during the long period of redevelopment, the use of ULSD fuel must be required.

Comment 600: Partially satisfactory – The LMDC must make a commitment to the use of ultra-low sulfur diesel fuel, as proposed in the comment. At the very least, this responsibility should be charged to the environmental monitors discussed in our comments above.

Comment 605: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 607: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 608: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 609: Partially satisfactory – It is critical that there be ongoing monitoring of the flow of personal vehicles into Lower Manhattan during the redevelopment period. Public transportation, park-and-ride, and other alternatives must be vigorously pursued.

Comment 618: Partially satisfactory – We appreciate the LMDC's clarification of its position. It would, however, be helpful if the LMDC would add its support and resources to the proposed marketing campaign necessitated by the action.

Comment 620: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 624: Unsatisfactory – A more thorough assessment than has been presented is required before the LMDC can reach the conclusion as to lack of need for HEPA filters and other equipment in residences. At the very least, a backup plan should be put in place in case necessary.

Comment 625: Partially satisfactory – The LMDC should make a commitment at this stage to the proposed air monitoring. At the very least, this responsibility should be charged to the environmental oversight monitors discussed above.

Comment 628: Inadequate response – Aggressive noise mitigation measures must be adopted to shield people who live and work in Lower Manhattan from the major disruptions that are likely to be caused from the cumulative noise effects. Ongoing monitoring of noise levels must be made to assure the health and environmental safety of the Lower Manhattan community.

Comment 633: Satisfactory - We appreciate the LMDC's clarification of its position.

Comment 638: Unsatisfactory – Traffic mitigation measures must be implemented as conditions warrant. While traffic enforcement agents may be a costlier solution to

mitigating traffic problems, if other measures are insufficient, monies must be allocated to assure the livability for Lower Manhattan residents and workers.

Comment 668: Satisfactory - We appreciate the LMDC's clarification of its position.



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

5/27/04 3:21:18

SHELDON SILVER
Speaker

**TESTIMONY OF THE NEW YORK STATE ASSEMBLY SPEAKER SHELDON SILVER
REGARDING THE LOWER MANHATTAN DEVELOPMENT CORPORATION
WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
MAY 24, 2004**

Thank you for providing me with the opportunity to comment on the Final Generic Environmental Impact Statement (FGEIS) regarding the World Trade Center Memorial and Redevelopment Plan (Proposed Action).

As the elected official for the 64th Assembly District, I represent the neighborhoods that will be most affected by the rebuilding process: specifically, Battery Park City, the Financial District, Chinatown, the East Village, Little Italy, Nolita, and the Lower East Side. I strongly support the creation of a World Trade Center Memorial and the redevelopment of the World Trade Center Site and believe that the future of New York City's economy and of New York State's economy depends greatly upon the economic development in Lower Manhattan.

I am pleased that the LMDC made an effort to address the public's comments but I am disappointed that the FGEIS does not adequately address a few very important issues such as the use of ultra-low sulfur diesel fuel during the construction phase of the project. I disagree with the assertion that "it is not practicable" to require ultra-low sulfur diesel fuel and diesel particulate filters be used by vehicles other than non-road construction vehicles. The LMDC should set the standard for the construction of the World Trade Center site by refusing to consider construction bids from contractors and their subcontractors who can not refrain from using anything other than ultra-low sulfur diesel fuel and diesel particulate filters.

The FGEIS does not consider the cumulative impacts of all of the construction that will be taking place in Lower Manhattan over the course of the construction phase. Each condition assessed in the FGEIS, such as air quality or noise, could be exaggerated by the presence of other major construction projects that will be in *very* close proximity the World Trade Center site.

Perhaps the most important feature of the FGEIS is the formation of the "Lower Manhattan Construction Coordination Group". Many of my concerns about the unprecedented amount of construction that will be taking place in Lower Manhattan could be allayed by the LMCCG. Unfortunately, the FGEIS is very unclear about who will be appointed to this group and what its powers will be once formed. It is my strong hope that the LMDC considers representatives from the community to be members of the group in addition to representatives from each of the major projects that will be taking place in Lower Manhattan.

I look forward to timely updates from the LMDC over the course of the construction period and expect that the LMDC will work closely with the community in order to minimize any adverse effects that might be caused by the construction phase of the Proposed Action.

Thank you.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

MAY 21 2004

Regulatory Branch

SUBJECT: Comments on the April 2004 Final Generic Environmental Impact Statement for the World Trade Center Memorial and Redevelopment Plan

Lower Manhattan Development Corporation
Attn: Comments WTC Memorial and Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006

To Whom It May Concern:

Thank you for requesting comments from the Corps of Engineers on the April 2004 Final Generic Environmental Impact Statement (FGEIS) for the World Trade Center Memorial and Redevelopment Plan.

The project appears to be located landward of the mean high water line for structures and landward of the spring high tideline for the discharge of fill material, thereby placing it out of Department of the Army jurisdiction. However, one area that was not clear in the FGEIS is whether new construction work would be performed at the existing intake and outfall structures. If new outfall or intake pipes or other structures would be constructed seaward of the mean high water line or fills placed seaward of the spring high tide line, a Department of the Army permit would be required.

If you have any questions, please contact Steven Schumach, Regulatory Project Manager, at (212) 264-0183.

Sincerely,

Richard L. Tomer
Chief, Regulatory Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 2
 290 BROADWAY
 NEW YORK, NY 10007-1866

MAY 24 2004

Kevin M. Rampe
 President
 Lower Manhattan Development Corporation
 One Liberty Plaza, 20th Floor
 New York, New York 10006

OPTIONAL FORM 99 (7-93)

FAX TRANSMITTAL

of pages = 2

To	Irene Chang	From	DAVE CARLSON
Dept./Agency	General Counsel LMDC	Phone #	212-637-3502
Fax #	212-962-2431	Fax #	212-637-3771

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

Dear Mr. Rampe:

The Environmental Protection Agency (EPA) has reviewed the Final Generic Environmental Impact Statement (final EIS) for the World Trade Center Memorial and Redevelopment Plan (CEQ # 040185). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

The purpose for the project is to provide both a physical and financial recovery from the terrorist attacks of September 11, 2001. In order to begin this process, the Lower Manhattan Development Corporation (LMDC) developed the *Principles and Preliminary Blueprint for the future of Lower Manhattan* in April 2002. This document presented to the public the concepts for a memorial, transportation improvements, and commercial and residential development, which were to be considered when formulating the plan for redevelopment of the World Trade Center (WTC) site and surrounding area. After significant public and agency involvement to refine the "Blueprint," *A Vision for Lower Manhattan: Context and Program for the Innovative Design Study* was developed. The principles of the "Innovative Design Study" are incorporated into the proposed action.

In January 2004, LMDC released the draft generic EIS for the World Trade Center Memorial and Redevelopment Plan. EPA provided comments on the draft EIS for the World Trade Center Redevelopment in a letter of March 11, 2004. In that letter, we raised concerns with the project's construction impacts to air and water quality, as well as the project's overall impacts to water quality.

While the final EIS addresses most of our concerns about the project, we remain concerned with the air quality impacts from construction, both individually and cumulatively. In our March 11 comments, we had asked that the analysis of the cumulative construction impacts focus on nitrogen oxides (NOx) and ozone. To address our comment, the final EIS includes an analysis of nitrogen dioxide (NO₂). Given that the threshold for the National Ambient Air Quality Standard (NAAQS) is 100 micrograms per cubic meter (ug/m³), we are very concerned that the cumulative NO₂ levels are predicted to reach 99.7 ug/m³ during project construction. Although this does not indicate a violation of the NAAQS, we believe that construction activities cannot be predicted that precisely to ensure the 99.7 ug/m³ value and thereby a protection of the NAAQS. In

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addition, the application of the Environmental Performance Commitments (EPCs) reduces the value only slightly. Therefore, we believe the emissions of this individual project will require additional mitigation commitments.

Moreover, we have indications that the Lower Manhattan Redevelopment transportation projects will introduce NO₂ emissions beyond what the final EIS predicted, resulting in an unacceptable cumulative impact. Since this unacceptable impact would not occur until the next project adds its increment, it could be argued that the impact does not need to be mitigated until that time. However, based on the early premise signed on to by the lead and cooperating agencies, it was agreed that measures would be implemented, to the extent practicable, to minimize the emissions of each project such that mitigation would not be the total burden of those projects whose analysis and implementation occurred later. Therefore, the commitment to additional mitigation measures for this project is appropriate.

We appreciate that the final EIS generally states that electric construction equipment may be utilized at the site in order to further reduce overall NO₂ and NOx emissions, however, we believe that the Record of Decision (ROD) will need to be more definitive on that point and make commitments as to how much of the fleet of construction equipment will need to be electric. Also, additional mitigation measures may be needed, and EPA is available to discuss options with LMDC. The ROD should also include a commitment to implement all of the EPCs.

Lastly, we are concerned with the cumulative NOx impact. While the project specific NOx emissions were calculated, the final EIS did not include a quantification of the cumulative NOx emission impact. As New York City is a serious Ozone nonattainment area, the evaluation of NOx emissions is critical. With regard to the project's direct emissions, LMDC is expecting that they may be accounted for in New York's State Implementation Plan construction emission budget. However, that approach has not been officially accepted by EPA because the State must demonstrate that not only can the World Trade Center Redevelopment be accommodated in the emissions budget, but all other lower Manhattan projects must be as well. Since this issue is not yet resolved, we recommend that the Record of Decision contain an evaluation of the cumulative NOx emissions and the result of the final statement of Conformity. If LMDC not be able to demonstrate conformity with the New York State SIP, then the emission offset measures that would be necessary should be offered as commitments in the Record of Decision as well.

As always we are available to discuss these comments and other potential NO₂ and NOx mitigation measures and opportunities. Toward this end, should you want to discuss this letter, please contact David Carlson of my staff at (212) 637-3502.

Sincerely yours,



Robert W. Hargrove, Chief
Strategic Planning and Multi-Media Programs Branch

cc: T.Frerwell, HUD
J. Seymour, PANYNJ

B. Cohen, FTA, LMRO
E. Crotty, NYSDEC

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MAY 18, 2004

COMMITTEE OF ORIGIN: WTC REDEVELOPMENT

COMMITTEE VOTE: 12 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 33 In Favor 0 Opposed 0 Abstained 0 Recused

RE: WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN FINAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT

WHEREAS: CB#1 strongly supports the redevelopment of the World Trade Center site and the creation of a World Trade Center Memorial, and

WHEREAS: The WTC site (Project Site) redevelopment project (Proposed Action) and other concurrent construction projects in Lower Manhattan will have a significant impact on residents, workers, visitors and businesses in the area, and

WHEREAS: Because the Proposed Action is the driving force for the economic revitalization of Lower Manhattan and the catalyst for development in areas beyond the boundaries of the WTC redevelopment site, a thorough assessment of the aggregate impact of all planned or anticipated construction in Lower Manhattan, including the construction of the new PATH station, the new Fulton Transit Center, the Second Avenue Subway line, the reconstruction of Route 9A, the proposed Goldman Sachs headquarters building on Site 26, the demolition of the Deutsche Bank building located at 130 Liberty Street and the reconstruction or replacement of Fiterman Hall, should be included as part of the Final Generic Environmental Impact Statement (FGEIS), and

WHEREAS: The FGEIS does not adequately address or does not address at all many of the comments submitted by CB#1 in response to the DGEIS, which reflect significant issues facing the Lower Manhattan community, now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 reiterates its concerns and its belief that these issues must be addressed by the LMDC, including:

- *Cumulative Impact.* The FGEIS does not adequately address or does not address at all the cumulative effects of the various redevelopment and reconstruction projects planned for Lower Manhattan, which are triggered by and will have a significant effect on the Proposed Action as well as surrounding neighborhoods. These include, the construction of the new PATH station, the new Fulton Transit Center, the Second Avenue Subway line, the reconstruction of Route 9A, the demolition of the Deutsche Bank building located at 130 Liberty Street, the Battery

Park City Goldman Sachs building the development of Sites 5B and 5C, the NYU Hospital Parking Lot Development, and the reconstruction or replacement of Fiterman Hall. For example, the FGEIS states that with respect to the proposed reconstruction of Route 9A, the LMDC will simply forward all comments on that project to NYSDOT. This is an inadequate response. At a minimum, we would expect the LMDC to address these issues, including the effects of the Proposed Action and other planned or anticipated construction projects in the area, in a coordinated Environmental Impact Study. A coordinated approach is essential to ensure adequate mitigation of construction and other short-term effects as well as the long-term effects of the Proposed Action and other planned or anticipated redevelopment projects in Lower Manhattan.

- *Lower Manhattan Construction Coordination Group.* The precise legal structure and enforcement powers of the Lower Manhattan Construction Coordination Group are unclear at this time and require clarification. Just as importantly, this group must include a full-time paid position as well as volunteer representatives of the community that will be directly affected, including participants from CB#1, downtown residents, community groups, and neighborhood businesses.
- *Community Facilities.* The increase of office space that will result from the Proposed Action will attract workers who will use community facilities in Lower Manhattan. For example, many workers will enroll their children in already overcrowded Lower Manhattan schools, many of which accept applicants who reside outside of the local community on the same basis as local residents while other schools in our area have historically admitted many commuter students through the standard variance process. The expected influx of additional students in schools from the Proposed Action will have a cascading effect on the other facilities that serve children, such as playgrounds, libraries, after school programs, as these facilities serve not only local resident children, but also the children who attend school in the area.
- *NYPD and FDNY.* The FGEIS indicates that the responsibility to ensure that the Project Site is adequately protected is the responsibility of the Port Authority police and the NYPD. Given the estimated 9 million annual visitors expected to the site as well as the unique significance of the site as a possible terrorist target, the potential threats and need for additional fire and police services will extend beyond the borders of the Project Site. NYPD and FDNY need to ensure that the area surrounding the Project Site will be adequately serviced.
- *Traffic.* The Proposed Action will result in unprecedented traffic volume and will present complex traffic flow issues, calling for careful planning and a dynamic mitigation strategy. Adverse effects of poor planning or inadequate mitigation measures will be

felt far outside the boundaries of the Project Site and well into the neighboring residential communities surrounding the Site. Of particular concern, the FGEIS contemplates the rerouting of traffic away from Route 9A but does not adequately address the impact of increased traffic on North/South arteries including Greenwich and West Broadway. It also contemplates reversing traffic flows on certain streets without adequately addressing the impact of such reversals on the flow of traffic on adjacent streets. In the absence of a coordinated environmental impact study of the entire area that will be affected by the Proposed Action and other planned or contemplated projects in Lower Manhattan, including the reconstruction of Route 9A, the FGEIS does not adequately address the effects of the traffic volume and traffic flow that will be induced by the Proposed Action.

- *Bus Depot.* The number of tour buses in Lower Manhattan will increase significantly once the Project Site and the Memorial are built. Planning must be done now to ensure that the impact these buses will have on the downtown community is minimal. The FGEIS does not adequately address the impact of bus traffic to, from, and through the Project Site. The FGEIS underestimates the number of tour buses that will be coming to the site and does not identify an enforceable plan for drop-offs, pick-ups and storage. Specifically, we would like to see further analysis of how the LMDC will implement its plan to have buses drop off and pick up passengers on Greenwich Street and route them into and out of the bus depot entrance on Liberty Street. We are further concerned that at peak times, the queue for the underground facilities could be backed up so severely that it would impact traffic patterns in the streets in and around the Project Site. The FGEIS should include a thorough analysis of these peak times that could create extreme conditions. Construction and improvements scheduled for Route 9A will also displace dozens of commuter buses which have for years laid over along this stretch. These and other buses need new and permanent places to go. The LMDC should work with CB#1 and other stakeholders to address issues relating to the location, construction and operation of a bus depot.
- *Open Space.* We remain troubled by the fact that open space calculations include sidewalks and other streetscape elements and believe that there is an inadequate amount of open space, given the huge number of visitors expected. In view of the extremely high density of commercial and retail building contemplated by the Proposed Action (particularly in view of recent reports that the actual size of the WTC is less than 16 acres), it is imperative that the limited open space available (including the 2.87 acres of Memorial “open space”) be designed and programmed to maximize the accessibility and usability and to facilitate pedestrian flows through and around the entire site. Additionally, CB#1 believes an alternative must be found to the wall along West Street that is part of the current design, which ideally should include a landscaped area.

- *Retail.* The FGEIS contemplates that half of the retail at the Project Site (approximately 200,000-300,000 square feet) will be located below grade. CB#1 urges the LMDC to relocate the maximum amount of retail space at or above grade to create active, vibrant street level retail and that street level retail development be phased in as early as possible in the redevelopment process.
- *Air Quality.* The FGEIS concludes that the Proposed Action “would have significant traffic impacts in both 2009 and 2015 ” but “is not predicted to cause any significant adverse air quality impacts in either 2009 or 2015. ” These statements are inconsistent and the FGEIS should address this inconsistency. The FGEIS also indicates that the highest impact assessment for Peak Total PM10 Emissions by Month “were usually from locations immediately adjacent to the construction on site boundary of the Proposed Action” and that “some of those results were predicted at residential locations immediately adjacent to the site.” On-going air monitoring around the Proposed Site (including not only on Church Street but also along the North and South sides of the Proposed Site) and the Fulton Street Transportation Station are essential to insure that proper steps can be taken to minimize mobile and stationary sources during the decade of ongoing construction, including the use of available mitigation measures such as electrification, advanced reduction technologies and newer engines. Air quality data should be posted on a website and frequently updated. The Lower Manhattan Construction Coordination Group should also take effective steps to ensure enforcement of laws to reduce air pollution such as the existing idling law, and

BE IT
FURTHER
RESOLVED
THAT:

Community Board #1 reaffirms and restates in its entirety its unanimous resolution dated February 17, 2004, and

BE IT
FURTHER
RESOLVED
THAT:

Community Board #1 requests that the LMDC and the Port Authority provide regular updates and submit for review and comment specific designs and proposals for mitigating potential adverse effects of the Proposed Action, including pollution controls, street closures and traffic management plans, quality of life issues, security barrier installations and all other design and construction elements that will affect the residents, workers, businesses and visitors to Lower Manhattan.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

May 21, 2004

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

Dear Mr. Rampe:

Thank you for the opportunity to review the Lower Manhattan Development Corporation's final environmental impact statement (FGEIS) for the World Trade Center Memorial and Redevelopment Plan.

We stated in our March 15, 2004 letter that it would be appropriate to include "Department of State (NYS DOS) - Coastal Zone Consistency Review" in item 1.10.3, indicating the Department's review and decision-making is required as part of the decision-making of all of the involved federal agencies. In those instances involving activities undertaken directly by or on behalf of federal agencies, or involving federal agency authorizations or financial assistance, the Department of State must review those activities for their consistency with the enforceable policies of the New York State Coastal Management Program (CMP). The City of New York's Waterfront Revitalization Program (WRP) is an amendment to and element of the CMP.

This review and the Department's decision-making, which affects the decision-making of federal agencies such as the U.S. Army Corps of Engineers, Federal Emergency Management Agency, Department of Transportation and Federal Highway Administration, and Department of Housing and Urban Development, is a delegated authority in accordance with the federal Coastal Zone Management Act. Therefore, the Department of State's review and consistency decision-making is for and is part of the decision-making processes of federal agencies listed in item 1.10.2. Please note that this role of the Department and its decision-making is separate from the consistency obligations of State agencies.

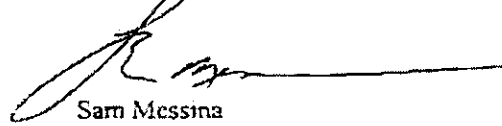
The NYS DEC March 15, 2004 comment letter discusses the cooling water intake structure and the required use of the best technology available to minimize adverse environmental impacts. The FGEIS states in part in Item 16.4.2 regarding NYC WRP Policy 4 that other agencies may not follow the same premise as the NYS DEC "...and there appears to be no federal standard yet promulgated that is directly on point. In any event, these issues will be addressed by the Port Authority in its SPDES permit renewal process that is now underway. With this in mind, the Proposed Action would be consistent with this policy."

The process pursued by the applicant with the NYS DEC in identifying the best technology available to minimize adverse environmental impacts would need to be completed before the Department of State could complete its decision-making. Failure to use the best technology available, as identified by the NYS DEC, to minimize adverse environmental impacts would be inconsistent with the enforceable policies of the New York State Coastal Management Program and this conclusion would be part of the decision-making processes of federal agencies listed in item 1.10.2 as discussed above.

If you need any additional information or have additional questions, please don't hesitate to contact William Feldhusen at (518) 473-2470.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Messina', with a long horizontal flourish extending to the right.

Sam Messina
Deputy Director
NYS Department of State
Division of Coastal Resources

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Robert D. Yaro

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Tri-State Transportation Campaign
University Settlement
Waterfront Park Coalition
Women's City Club of New York

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

Dear Kevin:

Thank you on behalf of the Civic Alliance to Rebuild Downtown New York for the opportunity to provide comments on the Final Generic Environmental Impact Statement (FGEIS) of the World Trade Center Memorial and Redevelopment Plan. Upon review of Chapter 27 of the FGEIS containing detailed responses to our previous comments on the Draft GEIS, we have several points we would like to state for the record. In summary, we were disappointed that many of the responses in Chapter 27 were dismissive of our comments or did not address them directly. These points are detailed below.

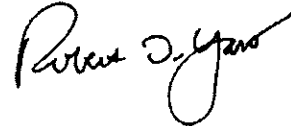
- **Re: Comment 644:** The Civic Alliance reiterates its point that the current FGEIS does not sufficiently evaluate all reasonable alternatives, and that the evaluation of alternatives in general is summary and dismissive, violating the spirit and letter of NEPA and SEQRA laws, and putting the project at risk of delay. This point is underscored by the recent defeats suffered in court by the leaseholder Silverstein Properties, and the likelihood that Silverstein Properties will not receive an insurance settlement greater than \$3.55 billion dollars, forcing an adjustment to the program for the World Trade Center site to reflect funding constraints. In particular, an alternative for a reduced office space program should be evaluated because of the high office vacancy rates in Lower Manhattan projected for some time, and the unlikely prospect for receiving traditional financing without securing anchor tenants for the proposed buildings. On the flipside, the LMDC and the Port Authority should evaluate the option of removing the current restriction on residential development on site, and explore expanding the hospitality, civic or cultural programs. These options should be tested for in a Supplemental EIS (SEIS), as they were not evaluated under the FGEIS.

- Re: Comment 651: In a similar vein, we again assert that the “reduction” of the program by shifting 15% of the office program to the site of the Deutsche Bank building does not constitute a reduction to the overall project site, because the Deutsche Bank site is being added to the project site. Therefore this should not be considered a reduction for the purpose of the socioeconomic analysis, though it benefits the original project site in terms of reducing density.
- Re: Comment 22: The analysis of Fulton Street both open and closed to traffic does not account for the “de-inducement” phenomenon, or “don’t build it and they won’t come,” at least not by automobile. The argument that traffic relief can only be provided by more roadways, not less, is not persuasive for areas as dense and transit rich as Lower Manhattan. We therefore reject the conclusion that Fulton Street should necessarily be open to vehicle traffic
- Re: Comment 123: The point we made is that there is much good analysis done about West Street options in the DGEIS that might help inform the decision-making process, but the information is presented in a format that does not enlighten the reader on the subject. The opportunity to do so should have been taken. We did not ask LMDC to take a position.
- Re: Comment 374: We are pleased that LMDC understands the need to limit the number of tourist buses. We acknowledge that they cannot be banned totally. We look forward to working with LMDC and partner agencies to make alternatives to tourist buses attractive and practical.
- Re: Comment 392: By hiding behind the fact that reducing traffic impacts is not the responsibility of LMDC, the FGEIS has missed the opportunity to highlight not only the problem, but solutions to it.
- Re: Comment 639: By admitting that the subway elements were at a poor level of service prior to 9/11 and are therefore not subject to mitigation as defined by CEQR, the FGEIS misses the point. The FGEIS should present alternatives for mitigation and challenge the agencies responsible to address them. After all, this is exactly what is taking place by overhauling the Fulton Street subway complex.

- Re: Comment 640: We are pleased that in response to ours and others' concerns about adequate sidewalk width for pedestrian movement, sidewalk requirements have been widened.

Thank you for taking these comments under consideration and congratulations on moving forward with the implementation of the World Trade Center Memorial and Redevelopment Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Yaro". The signature is written in a cursive style with a large, sweeping initial "R".

Robert D. Yaro
Chair

Clean Air Campaign, Inc., 250 W. 57th Street, New York NY 10107

May 24, 2004

By e-mail to LMDC

Re: Objections to release of funds
 Objections to certification that NEPA responsibilities have been satisfied
 Objections to environmental reviews by U.S. Army Corps of Engineers

Mr. Kevin M. Rampe, President
Lower Manhattan Development Corporation
Att: Comments on NOI/RROF
One Liberty Plaza, 20th Floor
New York NY 10006

Dear Mr. Rampe,

Clean Air Campaign Inc. (CAC) objects to HUD's release of funds* to LMDC, and to LMDC's expenditure of funds, especially for planning, design or construction of structures, works and/or activities in and over the critical marine habitat in the waters of the Hudson River off lower Manhattan, and tunneling related to Route 9-A.

CAC also objects to LMDC's proposed certification that LMDC's and HUD's NEPA responsibilities have been satisfied. The Final Generic Environmental Impact Statement (FGEIS) which LMDC issued in April 2004 not only violates the National Environmental Policy Act (NEPA), but through its failure to disclose material facts and properly inform government decisions may jeopardize the recovery of lower Manhattan.

LMDC's FGEIS also improperly relies on NEPA reviews by the U.S. Army Corps of Engineers which themselves violated NEPA (and other federal laws). CAC's objections to the Corps' reviews and LMDC's reliance on them are discussed briefly in Sections I and ___ below.

I. Failure to disclose material facts.

Just a few of many instances of LMDC's failure to disclose material facts follow.

A. The misnamed Hudson River "Park" Project.

LMDC's FGEIS and Partial Action Plans fail to disclose a fact of critical environmental (and economic) significance: most of the 550-acre project area of the Hudson River "Park" (HRP) project lies in the critical habitat in the nearshore waters of the Hudson River off lower Manhattan. Most of Segment 3 of the HRP project also lies in this critical habitat--not on the dry land at the river's edge which people think of as the park. More than 490 acres of this critical national habitat stand to be lost (along with the East Coast fisheries it sustains).

*Several billions of dollar of federal Community Development Block Grant (CDBG) funds administered by the U.S. Department of Housing and Urban Development (HUD) are the main source of HUD grants to LMDC and LMDC's grants to other entities, according to LMDC.

Most of "Segment 3" lies in and over the waters of the Hudson River between the northern edge of Battery Park City and the northern edge of Pier 40 (near West Houston Street), out to the U.S. Pierhead Line. Disclosure of these basic facts would drastically alter the assessment of adverse aquatic impacts in Chapter 18 of the FGEIS.

LMDC's draft scope said "On April 24, 2003 Governor Pataki identified a series of short-term capital projects that are independent of the Proposed Action [as defined]...the Governor called for LMDC to provide funding for the following projects...Hudson River Park--LMDC will work with the State and City to move forward completion of the park in Tribeca." (DS 5.)

This sentence was misleading (as CAC noted in our comments), because most New Yorkers associate the term "Tribeca" with a neighborhood on dry land in lower Manhattan.

The FGEIS disclosed even less than the draft scope did about where most or all of the HUD- and LMDC-funded structures and/or works for the HRP project would go: in and over the critical habitat in the lower Hudson River off Manhattan. (See also "Comment 121" in Chapter 27, discussed below.)

B. Expenditures of 9/11/01 recovery funds (including CDBG funds).

According to unofficial sources, LMDC has been asked to forward more than \$70 million in federal grants to the misnamed Hudson River "Park" "Trust," a State river development authority, so the HRPT authority can spend the money on structures, works or activities in and/or over the waters of the Hudson River. Vague language in Partial Action Plans No. 4 (in two different places), No. S-2, No. 7, or upcoming Partial Action Plans is especially likely to cover this misuse of 9/11 recovery funds. The language fails to disclose how much money will be spent advancing or building non-essential, non-water-dependent, habitat-threatening projects in and/or over the water.

In CAC's scoping comments, we made a broader point. CAC said the EIS needed to disclose reliable breakdowns of the entire \$21 billion in federal taxpayer dollars promised for recovery and rebuilding, spent in each funding category, and the funds remaining in each pot; the total cost of each project proposed for upcoming 9/11 funding and the amount of 9/11 funding requested; and all the authorities, agencies and private entities which are spending, administering, applying for, and/or receiving these funds. Since LMDC is receiving and spending HUD's federal CDBG funds, at minimum all the uses of CDBG funds should be disclosed and addressed.

The proposed action that really matters is approving the funding to build real projects throughout lower Manhattan, as CAC said in our statement at LMDC's hearing for its Draft GIES. The projects that are real are the ones that are funded. It isn't possible to assess environmental impacts and alternatives properly without knowing what the projects are.

II. Wrong definition of the Project/Plan/Program/Proposed Action. LMDC defines its proposed project/plan/program/action as a plan to redevelop a very limited "project site" in the FGEIS. A better definition (which LMDC sometimes uses) involves aiding in the recovery

CAC to LMDC

-3-

5/24/04

of all of lower Manhattan from the events of 9/11/01. The CDBG funds which LMDC will receive are extremely limited in relation to what is needed (beyond federal transportation and other special grants) for recovery. The way this money is spent (and the choices among alternatives) will lead to either beneficial or significant adverse environmental effects. CAC discussed this issue extensively in CAC's previous comments.

III. FGEIS's Invalid Responses to "Comment 121" and U.S. Army Corps of Engineers' Illegal Environmental Review.

LMDC's Chapter 27 answers a similar "Comment" under "Comment 121" with two invalid claims. One is that "All other projects [other than the HRP project] for which LMDC seeks funding through HUD are subject to environmental review pursuant to the HUD requirements at 24 CFR Part 58." LMDC's failure to carry out a proper NEPA process that adequately considers adverse environmental effects violates NEPA. HUD's implementing regulations do not condone that.

The second invalid response to "Comment 121" is that "Development of the Hudson River Park project was ongoing before the attacks of [9/11/01]. Any additional funding that LMDC provides to the Hudson River Park Trust to provide additional amenities to that park is unrelated to and entirely independent of the proposed action and is the subject of its own environmental review."

The Army Corps of Engineers issued an invalid Environmental Assessment (EA) of the HRP project in May 2000. This EA did not comply with NEPA, perhaps in part because of the misleading use of the term Hudson River "Park" discussed above. HRP project supporters often make the misleading claim that "nothing new" would be built or placed in or over the waters of the Hudson River. This false and misleading claim is belied by the permits issued by the Corps for the HRP project, and the Corps' segmented authorizations of even more structures, works and activities than that permit authorized in the critical habitat between Battery Park City and W. 59th Street extended out to the U.S. Pierhead Line.

The world changed on 9/11/01. The Corps' illegal May 2000 EA and permits should be reconsidered. They violated NEPA, the federal Clean Water Act, the Rivers & Harbors Act of 1899 and other laws even in May 2000, when they were issued. These violations would be compounded by federal funding of in-water and over-water elements of the HRPT authority's habitat-destroying plans--especially under the pretext of aiding in New York's recovery from the terrible events of 9/11/01.

IV. Illegal Segmentation. Segmenting the geographic project area, proposed expenditures of CDBG funds, and the consideration of adverse impacts is illegal and violates the letter and spirit of NEPA.

V. Significant adverse impacts on aquatic resources. The FGEIS assumes that the critical habitat in the lower Hudson River off Manhattan will retain its current mix of open water (most of it), pilings, and unshaded areas. This assumption will be a false one unless the Corps'

CAC to LMDC

-4-

5/24/04

5/00 permit for massive construction and placement of structures in and over the waters of the lower Hudson River is rescinded.

The lower Hudson River off Manhattan has been shown to be a unique fisheries habitat of extraordinary national and international importance. Because of various State actions shortly after 9/11, LMDC's jurisdiction extends out to the U.S. Pierhead Line offshore, although LMDC's FGEIS fails to disclose this. LMDC is proposing to funnel CDBG funds (and perhaps other federal funds as well) into the HRPT authority, which will in turn spend the funds on non-essential, non-water-dependent projects in and/or over the waters of the Hudson River.

Longstanding requirements under the federal Clean Water Act and Rivers and Harbors Act of 1899 were designed to protect and preserve the integrity of nearshore habitats and the living marine resources they

sustain. These requirements effectively prohibit in-water construction and development in and over the water for projects which are neither truly water-dependent nor absolutely essential. Preserving the physical integrity of nearshore habitats is essential for sustaining coastal and global fisheries, and the way to do that is to confine non-water-dependent development to dry land.

Ferry facilities. The FGEIS admits that funds may be used for ferry facilities, but doesn't analyze better alternatives or their adverse impacts. Ferry facilities in and/or over the water can have significant adverse effects. CAC's comments on this issue in August 2003 were ignored.

The FGEIS assesses only the impacts of certain water intake and outflow facilities at one or a few inadequate locations. It assesses even the impacts of these facilities in improper ways. Time doesn't permit more details today, but CAC will be glad to provide them on request.

The bottom line is this: the real project (the expenditure of 9/11 recovery funds) may have devastating impacts on fisheries of extraordinary national and international importance. These impacts are completely ignored and/or swept under the rug in LMDC's FGEIS.

VI. Traffic and parking/transit and pedestrians and air quality. One of the things that made lower Manhattan so vibrant before 9/11 was the convergence of many subway and commuter rail lines in one compact location. This made traveling to and from the area by subways and rail not only fast, but generally reliable and convenient. Once there, there weren't too many cars or buses, and it was a pleasure--a healthy pleasure--to walk around.

The most important factors which govern how people travel are travel time, cost, comfort, convenience, safety and reliability. Keeping lower Manhattan a superb place to get to by subway and rail, and a wonderful place to walk around and bike in, is environmentally beneficial. Encouraging automobile and bus traffic to and in lower Manhattan will have significant adverse environmental effects.

LMDC's and NYSDOT's segmentation of the Route 9A EIS from this one doesn't help with the proper assessment of traffic and air quality throughout lower Manhattan. These issues CAC to LMDC

-5-

5/24/04

are discussed extensively in CAC's previous comments.

A proper EIS would focus on realistic alternatives for reducing auto and bus traffic in lower Manhattan, and encouraging the use of subways, rail, walking and safe bicycling. All of the origins and destinations of the people who will be coming to and leaving lower Manhattan need to be discussed. The number of people coming and going from and to specified origins and destinations at different times of the day and week should be specified, with real numbers. Transportation alternatives should be included which insure that most of the people arriving or departing travel by subway or rail. This will minimize vehicle miles traveled, costly traffic congestion, unhealthy pollution, and space wasted on parking facilities. It will reduce the travel times of emergency vehicles trying to reach workers, residents and visitors who have just been caught in a blazing building or who have just had a heart attack or a stroke. All this will speed the recovery of lower Manhattan.

VII. Alternatives. Presenting and assessing alternatives which "eliminate or reduce to the bare minimum any significant adverse impacts" of proposed actions before official decisions are made is the heart of NEPA. The alternatives presented in the FGEIS don't do that.

VIII. Irreversible and Irrecoverable Commitments of Resources.

By improperly defining the proposed action as certain construction projects on a limited site, LMDC's FGEIS ignores the two most important resources that stand to be diminished if federal CDBG funds are misspent. One is the money itself--federal grants that will not come to New York City again. The other is the unique habitat in the lower Hudson River off Manhattan, and the coastal and global fisheries it sustains.

IX. Conclusion. The comments above do not cover all of CAC's objections to New York State's or Federal agencies' violations of NEPA or release of funds. For example, CAC's August 4, 2003 comment letter on LMDC's Draft Scope for its Draft Generic Environmental Impact Statement raised a number of issues; rather addressing those issues honestly, openly and directly, LMDC's FGEIS attempts to sweep them under the rug.

Clean Air Campaign and many other environmental and taxpayer organizations have long oppose non-essential, non-water-dependent development in or over the waters of the Hudson River, where the Westway highway and river development project was once planned. We would prefer it if New York's Governor and Mayor and their public authorities and corporations, and federal agencies, reconsidered misguided approvals, and simply canceled all plans to spend federal and other funds on projects in and/or over the water. But if federal grants may in fact be spent on these projects, then the relevant projects and their proposed sites in and/or over U.S. waters, their full costs, and all anticipated federal expenditures for them need to be disclosed and analyzed in a federal EIS under NEPA before the funds are released. Less environmentally damaging alternatives must also be presented and assessed throughout the NEPA process.

CAC has worked for decades for transportation and land use patterns and public spending priorities which are environmentally sound, fiscally prudent, lawful, and fair. We also advocate

CAC to LMDC

-6-

5/24/04

more open, honest, accountable, democratic government, and a government of laws, not of men.

The laws which govern EIS's require the honest disclosure of information relevant to public officials' decisions. They also require that reasonable alternatives be considered to avoid or minimize environmental harm. LMDC's FGEIS doesn't demonstrate a good-faith commitment to these goals. Instead it provides unfounded justifications for arbitrary and ill-advised spending priorities decisions.

Sincerely,

NYC Clean Air Campaign Inc.
By: Marcy Benstock, Executive Director

cc: HUD
U.S. Army Corps of Engineers
U.S. EP



VIA FACSIMILE AND ELECTRONIC MAIL

May 21, 2004

Lower Manhattan Development Corporation
Attention: Comments WTC Memorial and Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006

**RE: WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)
COMMENTS OF THE COALITION OF 9/11 FAMILIES**

Gentlemen:

This letter constitutes the comments of the Coalition of 9/11 Families (the Coalition) on the referenced document. As you know, the Coalition is composed of six separate organizations representing approximately 4,000 family members of victims of the September 11th attacks on the World Trade Center. Since the issuance of the DGEIS, a number of import actions and decisions have been taken that relate directly to the effects of the Proposed Action on historic properties. These include issuance of a Coordinated Determination of Eligibility for the WTC Site, a Finding of No Adverse Effect [on historic properties] for the Proposed Action, and the signing of a Programmatic Agreement with the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officer (SHPO). While the FEIS purports to incorporate changes resulting from these actions and decisions, it does so in a cursory, perfunctory, and at times incorrect manner. It likewise claims to have taken into account the comments of the Coalition and other consulting parties to the National Historic Preservation Act Section 106 compliance process. While LMDC may have, in fact, taken these comments into account, that fact is not evidenced in the revised text of the GEIS.

Unfortunately, because of time limitations, the Coalition is unable to provide detailed comments on the FGEIS within the required time period, and the LMDC has made it clear that it will not consider late comments. As you know the LMDC has also asked the Coalition to provide comments on the proposed removal of physical remains (including the remains of 6 WTC) on the northwest corner of the WTC site, and those comments are due the same day as comments on the FGEIS. As you also know the comment period also overlaps with the on-going 9/11 Commission hearings that are being attended by many Coalition members.

The Coalition would, however, like to offer the following general comments and comments on specific issues of paramount concern to us:

Page 2

- The FGEIS acknowledges LMDC's commitment "to provide *appropriate* access to *portions* of the west slurry wall and on the WTC Site and the box-beam columns outlining *portions* of the former Twin Towers" that comprise the WTC footprints (emphasis added). LMDC continues to refuse to define what it means by "appropriate." The FGEIS is unclear or silent on how LMDC intends to provide access. It is unclear what LMDC means when it refers to "portions" of the footprints. These issues are of paramount concern to the families in the Coalition.
- The FGEIS uses as baseline for its evaluation of impacts to the WTC site the March 31, 2004 Coordinated Determination of National Register Eligibility. Yet no mention is made of the fact that a number of the consulting parties in the NHPA Section 106 process (including two Members of Congress) have questioned the adequacy of the Determination and have requested that it be referred to the National Park Service for final review. Changes to the Determination could result in significant changes in the evaluation of impacts on historic properties at the WTC site.
- The DGEIS concluded that LMDC's proposed action would have no adverse effect on historic properties. LMDC subsequently reversed itself on this matter, as evidenced by its entering into the Programmatic Agreement with the ACHP and SHPO (but in several places in the FGEIS—e.g. response to comment 253 in Chapter 27—LMDC claims that its Finding of No Adverse Effect is "appropriate"). Rather than simply acknowledging that the proposed action will have an adverse effect on historic properties, the FGEIS repeatedly states that the action "is not expected to have *significant* adverse impacts on historic resources" (emphasis added). This is a qualitative and unfounded conclusion on the part of LMDC. Neither Section 106 of the National Historic Preservation Act, nor its implementing regulations at 36 CFR 800, provide for a qualification of adverse effects in this manner. The net effect is a transparent attempt on the part of LMDC to minimize the impacts of the proposed action on historic resources that its own Coordinated Determination of National Register Eligibility considers "significant."
- It is hard to imagine any scenario that would "enhance" the significance of the WTC site to the American public. LMDC's statements in the FGEIS that the proposed action would do just that is self-serving and unsupportable.
- The FGEIS states that the Section 106 Programmatic Agreement "would include additional consultation with the consulting parties." However, when that document was finalized it included only very narrowly defined provisions for input from the consulting parties concerning implementation of the requirements of the PA.
- The FGEIS refers several times to LMDC's "Proposed Finding of No Adverse Effect" as part of the Section 106 process, but it never says that that finding was rendered obsolete and incorrect when LMDC agreed, before the FGEIS was issued, to enter into a Programmatic Agreement under NHPA Section 106.
- The Coalition's comment on the DGEIS noted that evaluation of impacts to historic resources should include consideration of the 1993 bombings and objected to LMDC's

Page 3

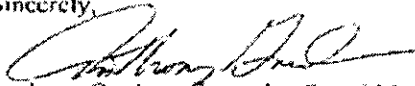
determination that the 1993 bombings do not contribute to the significance of the WTC Site. LMDC's response to these comments in Chapter 27 is "See response to comment above." We are unable to find any response that addresses this issue.

- The FGEIS indicates that the Port Authority "has completed" its inventory of WTC artifacts in storage in Hanger 17 at Kennedy Airport. This is incorrect—the inventory is still on-going and no final inventory has been provided to any of the consulting parties in the NHPA Section 106 process.

Finally, we note that the FGEIS also includes or references new information that was available to LMDC prior to the issuance of the DGEIS but was not disclosed to the public until the FGEIS was issued. This is particularly disturbing since some of these documents should have been included in LMDC's response to Freedom of Information Law (FOIL) requests made by the Coalition. These previously undisclosed and unreferenced documents include appendices K.3 and K.4 of the FGEIS. These appendices are archeological studies of the WTC Site dated July 30, 2003, yet are being made public now for the first time. Even more disturbing is the fact that LMDC has revised the text of the GEIS to note that the SHPO "had determined that the WTC was not eligible for listing on the National Register." No further explanation or documentation is provided for this statement in the main text of the FGEIS. However, in responding in Comment 194 in Chapter 27, LMDC states that "In December 1989, the SHPO had determined the [Twin Towers] not eligible for listing on the National Register." The FGEIS is the first time that LMDC has made public the fact that such a determination was ever made. These actions sharply contrast with the LMDC's often repeated public position on their desire to incorporate public involvement into the environmental review process.

The Coalition, in commenting on the DGEIS, noted that preparation of a Supplemental EIS that specifically addresses issues related to historic resources might be appropriate. Given all that has occurred, and is occurring, in regard to historic resources at the WTC Site, we still feel that a supplemental EIS should be prepared. As noted by the Coalition and many other commenters on the DGEIS, the level of project information in the DGEIS was incompatible with the full assessment of effects on historic properties on the WTC Site or on archeological properties anywhere within the Area of Potential Effect (APE) associated with the Proposed Action. This continues to be the case with the FGEIS.

Sincerely,



Anthony Gardner, Executive Board Member, Coalition of 9/11 Families

cc: J. Fowler, Advisory Council on Historic Preservation
 J. Nau, Advisory Council on Historic Preservation
 D. Klima, Advisory Council on Historic Preservation
 C. Vaughn, Advisory Council on Historic Preservation
 Alphonso Jackson, Acting Secretary-HUD
 Richard A. Hauser, General Counsel, HUD
 R. Broun, HUD Preservation Officer
 B. Castro, New York State Historic Preservation Officer

-----Original Message-----

From: Blackman, Laura [mailto:lblackman@hrpt.state.ny.us]

Sent: Mon 5/24/2004 5:47 PM

To: Irene Chang

Cc:

Subject: Comment FGEIS

Having reviewed the Final Generic Environmental Impact Statement for the World Trade Center Memorial and Redevelopment, Hudson River Park Trust has no objections to the document.

As a point of clarification, however, we would like to comment on the descriptions of the ball fields and PS/IS 89 playground that are found on page 7-8. A portion of the ball field and the playground actually fall within Hudson River Park. Subject to an agreement with the Battery Park City Authority, the Trust allows the Authority to care for and maintain the properties; however, jurisdictionally the two properties are part of Hudson River Park.

Additionally, we would like to remind you that Hudson River Park Trust requests to be included in any discussions involving the exact placement/location of pedestrian bridges, escalators and/or staircases adjacent to the Hudson River Park (which, of course, includes the bikeway west of Rte. 9A). Similarly, the Trust would like to be included in future discussions related to any impacts to the bulkhead and consistency with the existing Programmatic Agreement.

Thank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions.

Sincerely,

Laura Blackman
Deputy Counsel
Hudson River Park Trust
Pier 40, 2nd Fl.
West St. & Houston
New York, NY 10014
(917) 661-8740



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005 MAY 25 PM 12

May 24, 2004

TO: Lower Manhattan Development Corporation
FR: Tricia Mire, Acting Executive Director, Lower Manhattan Cultural Council
RE: Comments on NOI/RROF for World Trade Center Memorial and Cultural Program

I. Background

Lower Manhattan Cultural Council (LMCC) has been one of Downtown's leading arts presenters for over 30 years, and was the primary public art programmer at the original World Trade Center. In partnership with the Port Authority of New York and New Jersey, LMCC created a diverse array of world-class, free-to-the-public programs and events on the World Trade Center Plaza, and a lively artists workspace program that used vacant real estate to provide over 140 artists with temporary studios in the Twin Towers from 1997-2001. LMCC has also been a lead presenter of public art off-site. LMCC's primary strength is working with diverse stakeholders in Lower Manhattan and throughout the City to bring quality programming into the area that represents diverse cultural and artistic traditions.

II. Recommendations

• **Performing Arts Building**

LMCC recommends the release of funds for a performing arts building on the World Trade Center site with a 1,000-seat theater and series of smaller theaters to accommodate the programming of the Joyce and Signature Theaters. Based on LMCC's experience as a Downtown presenter, and as one of the City's leading arts service organizations, we believe that what would most benefit the local community and the City as a whole is a medium-scale theater in the World Trade Center performing arts building for high quality dance and theater productions.

• **Open Spaces and Liberty Park**

LMCC recommends the release of funds to create the necessary infrastructure to present visual, performing, and new media public art projects in the open spaces of the World Trade Center site and Liberty Park. This includes:

- flexible, temporary staging systems for a variety of staged performance events;
- ample storage space for stages, production equipment, signage, installation materials, etc.;
- ample "backstage" production area, with office, catering, and dressing room facilities, accessible to load-in area;
- access to water and electricity; and
- equipment and wiring to facilitate the presentation of new media public art projects.

LMCC also recommends planning for large-scale gatherings in Liberty Park, and creating an open area to accommodate many thousands of people with excellent site lines to a temporary stage.



LMCC recommends the allocation of funds for a group to administer public arts programming in the open areas – LMCC had begun to play this role at the original World Trade Center- and proposed reprising this role in our 2003 ICI to the LMDC.

Please also see these recommendations from Kevin Cunningham of 3-Legged Dog (a member of the public art consortium):

First I believe that it will be in everyone's interest to identify adjacent indoor storage space for a basic equipment compliment for each assembly area with standard rolling and folding staging systems that should take up a relatively small storage area. I also highly recommend that a full time core staff comprising a technical director and stage manager be hired to oversee the site and equipment. In the alternative, thought union rules vary, some outdoor venues (including Lincoln Center Outdoors) fall outside IATSE Local 1 jurisdiction and it is possible that these spaces could be staffed by a stable freelance management and crew that work under an independent contract.

Each distinct assembly area should have adjacent electrical service including

Lighting and Power

*1 3 phase 400 amp service with cam-lok outputs for lighting
1 2 phase 100 amp service with cam-lok outputs for sound and vide. Each main service box should have a breakout box for non-dimmable electrical distribution. The package should include a compliment of stage lights, dimmer packs, cabling and a high end computer light board like an ETC Expression.*

Staging and Rigging

A designer should be hired to specify collapsible staging and seating riser systems suitable for outdoor use that can be configured in a variety of arrangements and that will accommodate a large scale full production. The staging system should include choral risers and a coordinated trussing system for lighting. All of these components can be folded and/or disassembled and rolled away for storage.

Sound and Video

The sound system should include a 48 channel sound desk and should be specified for outdoor use. The designer should take phasing into account for the outdoors spaces that look, at this early stage, to be both large and very "live" because of the large open areas of hard reflective materials such as stone and concrete. The sound package should include microphones for speaking, amplification of musical instruments and recording as well as a core set of amplifiers, speakers and monitors. It is difficult to even bull park a minimum system at this point however. Finally the sound system should include a "press box" to feed sound to news cameras und radio

recording devices. I also think that outdoor film screenings and/or use of video will likely be a factor given the Tribeca Film Institute's growth and activism.

Contractors

3-Legged Dog's Special Art Projects Unit has people on our list capable of fully specifying these sites but there are also many other capable contractors. We can either recommend consultants or we may be able to act as a systems integration consultant ourselves since this fits into our current mission focus and area of interest (Lower Manhattan). Many commercial/corporate contractors are also equipment rental houses and are likely to specify systems with opportunities for future rentals in mind so I recommend that you look for independent designer/technicians for the system design contract should you decide to follow these recommendations. I know I share the recommendation to equip and staff these assembly areas with the other producers in our group and that the recommendation comes from hard experience.

- **Public Art During Construction Period**

LMCC has been working with a consortium of the City's public art presenters and related agencies over the past months to develop a comprehensive public art program for the immediate World Trade Center vicinity and throughout the areas below Canal Street during the construction period.

The group, which was brought together at the recommendation of the LMDC, to date, includes representatives from the following groups and agencies:

- Alliance for Downtown NY
- Lower Manhattan Cultural Council
- New York Foundation for the Arts
- 3-Legged Dog
- Dancing in the Streets
- Creative Time
- World Financial Center Arts and Events Program
- Port Authority of New York and New Jersey
- NYC Department of Parks & Recreation

The group recommends a two-pronged approach to public art, beginning with specific demonstration projects in feasible sites adjacent to the World Trade Center during construction; paralleled by public art projects throughout the surrounding neighborhoods, in particular along the new cultural corridors of Greenwich, Fulton, and Water Street; all to be marketed through a public information campaign.

The group identified five sites with direct connection to the World Trade Center that we recommend the LMDC provide funds for public art installations over the next 1-5 years:

- Liberty Street Bridge (controlled by Brookfield Properties)
- Church Street (controlled by PANYNJ and DOT)

LMDC Request for Public Comment
LMCC

P/3
May 2004

**Low
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- PATH Mezzanine (controlled by PANYNJ)
- Vesey Street Bridge (controlled by NYS DOT)
- 30 W. Broadway [building exterior would be appropriate for scrim] (controlled by BMCC)

LMCC is working with the Port Authority of New York and New Jersey to coordinating a site tour with NYS DOT, and with Brookfield Properties, in order to draft a request for interest to artists in summer 2004, followed by a panel review process, to select projects to be implemented in 2004-2005. We anticipate that projects incorporating sound and light will be of particular interest given the nature of the sites. An open call will be implemented after evaluation of these initial pilot projects, for projects from 2005-2009.

The group recommends that LMDC establish a fund to be administered by LMCC with the participation of the advisory group for year-round public art projects, related marketing, production and insurance, from 2004 to 2009, or the duration of the construction period, in the immediate World Trade Center vicinity and to attract visitors off-site into the neighborhoods of Lower Manhattan. The public art program would include community involvement and participation. Projects would address need for rebirth, return to normalcy, aesthetic improvement, information, and to provide a platform for participation of artists in area's renewal. The program would include a marketing/public information element that informs locals and visitors about the projects as well as the cultural institutions and points of interest beyond the site; a campaign of annual posters designed by artists that commemorate the program and draw attention to it; and integration of Lower Manhattan Wi-Fi spots.

LMCC is launching a pilot, site-specific public art project this summer called SiteLines, bringing some of the City's leading choreographers and dancers Downtown for nontraditional performances on staircases, plazas, and streetscapes, to improve the quality of life during the rebuilding for area workers, residents and visitors. We would look forward to expanding this work in the immediate vicinity of the World Trade Center in partnership with the LMDC.

The group recommended that in order for the project to succeed, LMDC needs to:

- simplify the insurance and contract process for cultural organizations to assume less of the cost and liability;
- provide funds – percentage of construction budget allocated to mitigation was recommended – both for this initial phase and throughout the duration of the public art program that could be matched with private funds raised by the consortium.

D. Cultural Uses for Transitional Spaces throughout the WTC Complex

LMCC recommends that transitional spaces throughout the WTC Complex be considered for cultural uses such as public art and artists' workspace facilities. From 1997-2001, LMCC provided over 140 artists with temporary studios in the World Trade Center in vacant spaces throughout the complex. Since then, LMCC has partnered with diverse Downtown real estate interests such as World Wide Holdings, Brookfield Properties, the Witkoff Group, and Silverstein Properties to develop workspace and public art programs for transitional spaces at 50 Murray Street, the World Financial Center the Woolworth Building and at 120 Broadway.

LOWER MANHATTAN EMERGENCY PRESERVATION FUND

Municipal Art Society

National Trust for
Historic PreservationNew York Landmarks
ConservancyPreservation League
of New York StateWorld Monuments
Fund

c/o Landmarks Conservancy
141 Fifth Avenue
New York, NY 10010

May 24, 2004

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

Re: Final Generic Environmental Impact Statement for the WTC Memorial and
Redevelopment Plan

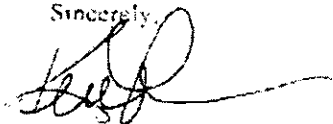
Dear Mr. Rampe:

On behalf of the LMEPF, I am writing to submit our comments on the FGEIS for the WTC Memorial and Redevelopment Plan. We appreciate that many of our prior comments have been included in the FGEIS, but continue to stress the importance of proper monitoring of historic resources during the full construction period.

We remain concerned that vibrations from the cumulative construction projects will affect the area's historic resources. As previously stated, the LMEPF recommends that state-of-the-art technology be employed for all monitoring activities during all phases of construction. Additionally, the LMEPF strongly urges that a single entity be charged with monitoring the impact on historic properties during all stages of construction activities over the 11-year period.

We look forward to our continued involvement during the construction phase of this unprecedented project.

Sincerely,



Ken Lustbader
Preservation Consultant

9/11 ENVIRONMENTAL ACTION

545 West 111th Street, Suite 9J, New York City 10025

May 24, 2004

Kevin M. Rampe, President
Lower Manhattan Development Corporation
Attention Comments on NOI/RROF
One Liberty Plaza, 20th Floor
New York, NY 10006

Dear Mr. Rampe,

We urge you not to certify to HUD that LMDC's and HUD's NEPA responsibilities have been satisfied with the Final Generic Environmental Impact Statement (FGEIS) which LMDC issued in April, and not to request the release of any Community Development Block Grant (CDBG) funds until a lawful new EIS is prepared.

Please inform HUD of these formal objections to LMDC's proposed certification and to HUD's release of the funds.

No federal funds may be released until HUD's and LMDC's Environmental Impact Statement (EIS) complies with the National Environmental Policy Act (NEPA). The FGEIS issued in April is grossly deficient and violates both the letter and spirit of NEPA.

We particularly object to the release of any more funds for the planning, design or construction of projects in or over the Hudson River (misleadingly referred to as the Hudson River "park", for which more than \$70 million has been requested), or for the billion-dollar West Street tunnel-cum-"promenade."

LMDC's grossly defective FGEIS ignores the many requests since August 2003 that a comprehensive federal EIS be prepared on all proposed expenditures of federal 9/11 recovery funds before the money is misspent.

That new, legally sufficient EIS would of course also need to discuss reasonable, less wasteful, less environmentally destructive alternatives for the use of some of these funds--alternative expenditures which would actually help with the recovery of lower Manhattan instead of hurt it. low-income housing; better transit service, bicycle and pedestrian-friendly streets, and parks ON DRY LAND; a truly effective cleanup of toxic contaminants from 9/11 in schools, offices and homes, and healthcare for those suffering from illnesses related to exposures to WTC contaminants.

Besides not addressing the right "project" (that is, the proposed expenditures of all the federal 9/11 recovery funds, or at minimum, all the CDBG funds), LMDC's appalling FGEIS also engages in shameless segmentation.

The FGEIS segments the overall "project." It segments the project area to be addressed (pretending to discuss only two relatively small parcels instead of all of Manhattan below Canal or W. Houston Street). And LMDC's FGEIS segments the NEPA EIS process itself (with one EIS process for "the WTC Memorial and Redevelopment Plan," another EIS process for the billion-dollar "Route 9A" plan, and still other multi-million-dollar EIS processes for projects which are all to be built in and around a single limited geographic area, lower Manhattan).

Many other deficiencies have been pointed out since LMDC and HUD began their deeply flawed NEPA process last year. Among these is the failure to assess cumulative impacts properly. The bottom line is this lower Manhattan and the victims of 9/11 are hurting. The \$21 billion promised by President Bush and Congress to begin to restore New York City WILL NOT COME AGAIN. If the Pataki and Bush

info@911ea.org

Administrations squander billions on economically and environmental destructive projects (like the West Street tunnels and boondoggles in the Hudson River) without even discussing them in a proper NEPA EIS, the money will be gone, and lower Manhattan may never recover.

Whatever the merits of the link to JFK, all funding should come out of the capital budget. None should come from precious CDBG funds, which should be spent on the community priorities, such as low-income housing, listed above.

So, again, please register our formal objection to the release of 9/11 recovery funds for LMDC planning for West Street tunnels, for the tunnel to JFK, for building in or over the critical habitat in the lower Hudson River, and for any other proposed uses of CDBG funds which may have significant adverse impacts until a new EIS has been issued which complies with NEPA. We would appreciate a response to this letter.

Sincerely,

Kimberly Flynn
for 9/11 Environmental Action

cc HUD
26 Federal Plaza--Room 3541
New York NY 10278-0068



May 21, 2004

VIA FACSIMILE (212-962-2431) AND FEDERAL EXPRESS

Lower Manhattan Development Corporation
Attention: Comments WTC Memorial and Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006

Re: **Final Generic Environmental Impact Statement (FGEIS) for the
World Trade Center Memorial and Redevelopment Plan**

To Whom It May Concern:

Below please find comments submitted by Riverkeeper, NY/NJ Baykeeper, Soundkeeper, and the Natural Resources Defense Council on the Final Generic Environmental Impact Statement (FGEIS) for the World Trade Center Memorial and Redevelopment Plan ("WTC Project"). These comments focus on the same two issues we discussed in our March 15, 2003 DGEIS letter: impacts on surface water quality resulting from combined sewer overflows (CSOs) and impacts on aquatic biota resulting from cooling water withdrawals from the Hudson River.

While the FGEIS includes some additional information, LMDC has still not provided sufficient detail to afford a complete and proper assessment of the significance of adverse environmental impacts. More important, as proposed the project will significantly damage water quality and aquatic organisms, and thereby squanders a prime opportunity to protect these resources while providing a model of environmental excellence.

As we explained previously, there are existing technological solutions to both sets of problems that LMDC can and should put into place to mitigate the WTC Project's water quality and aquatic ecology impacts. Specifically, we advocate the use of on-site treatment for all sewage and stormwater, and closed-cycle cooling for the HVAC system. Both technologies are readily available and are in use or under construction at other commercial and residential buildings in New York City.

We look forward to working with LMDC and all stakeholders to ensure that the vitally important WTC project meets the standard of environmental excellence in all areas.

THE WTC'S COOLING WATER INTAKE STRUCTURE DOES NOT REFLECT THE "BEST TECHNOLOGY AVAILABLE" TO MINIMIZE IMPINGEMENT AND ENTRAINMENT OF AQUATIC ORGANISMS, AS REQUIRED BY CLEAN WATER ACT § 316(b) AND 6 NYCRR § 704.5.

In our March 15, 2004 letter commenting on the DGEIS, we explained that reuse of the WTC's cooling water intake structure (CWIS) for heating, ventilation, and air conditioning (HVAC) system without significant technological upgrades will cause substantial ecological harm. In particular, if operated with a once-through cooling system – which is the “worst technology available” – millions of fish and invertebrates would be needlessly entrained and impinged, in violation of applicable state and federal law, despite the ready availability of mechanisms to prevent those losses. In summary, our main points were as follows:

- o At its design capacity of 179 million gallons per day (mgd), or even at the lower operating volumes predicted by the LMDC, water withdrawals at the WTC's CWIS will be substantially higher than necessary and will cause significant aquatic mortality.
- o Aquatic mortality on the level contemplated by the WTC Project would damage the Hudson River ecosystem by: (1) reducing adult populations of fish and invertebrate species; (2) depleting the species' resilience to survive unfavorable environmental conditions; and (3) diminishing the forage base, which disrupts the food chain, transferring energy from high to lower trophic¹ levels and compromising the health of the entire aquatic community.
- o Standard cooling technology that does not use surface water is readily available and in operation at the vast majority of office buildings in New York City.² Although surface waters are often used for cooling at steam-electric power plants, recently-approved facilities in New York State operate in a closed-cycle recirculating mode (adding only makeup water at a 3-5% rate) and are therefore able to generate power for nearly a million homes using far less water than the WTC proposal.

¹ The term “trophic” refers to the feeding habits or food relationship of different organisms in a food chain.

² In writing our DGEIS comments, we were unaware of any commercial building in New York that used navigable waters for cooling. The LMDC responds that the World Financial Center, the United Nations, and 1 & 2 New York Plaza do so. Nevertheless, the overwhelming majority of buildings do not. In fact, the U.S. EPA's indoor air quality program conducted a 5-year study of 100 commercial buildings nationwide and found that none of the 100 representative buildings used navigable waters for cooling. (May 6, 2004 phone call with Mary T. Smith of EPA, former director of indoor air quality program.)

- o The WTC's CWIS fails to reflect the "best technology available" for minimizing adverse environmental impact, as required by Clean Water Act section 316(b) and 6 NYCRR § 704.5.³
- o The DGEIS incorrectly assumes that if the CWIS is operated at withdrawal volumes similar to pre-9/11 conditions, impacts will not be significant, and consequently failed to set forth and analyze the feasibility or effectiveness of specific measures or alternatives to mitigate this significant aquatic impact.
- o LMDC should consider using standard electric drive chillers for its HVAC refrigeration system, or, if proposing to use Hudson River water, should fully evaluate closed-cycle cooling and other technologies such as wedgewire screens in a draft environmental impact statement. At a minimum, the LMDC must factor into its analysis the technology that would be required to mitigate entrainment and impingement before reaching a conclusion regarding the most efficient and economical cooling method.

In the FGEIS, LMDC has responded to many of our comments and those made by the New York State Department of Environmental Conservation (DEC)⁴, and has made minor changes to the GEIS. But, unfortunately, even with this additional information the document remains seriously inadequate.

As initial matter, the LMDC has clarified the projected volume of cooling water withdrawals for a once-through cooling system during the two project phases. But even using these new withdrawal rates (11 to 32 mgd in 2009 and 22 to 63 mgd in 2015), aquatic mortality would be significant. Sampling done in 1991-1993 indicated that the WTC's intakes entrained and impinged at least 56 fish and invertebrate species, at all life

³ In our DGEIS comments we referred to EPA's Phase II cooling water intake rule. LMDC properly notes that applicability of the Phase II rule is limited to existing power plants and the WTC's HVAC system would instead be potentially covered by the forthcoming Phase III rule. Nevertheless, as explained below, the Phase III rule is likely to track the requirements of the Phase II rule, at least for facilities with a design intake flow greater than 50 mgd. Moreover, unless and until a final Phase III rule covering this project is issued, New York State DEC will permit the facility on a "best professional judgment" basis. DEC has enforced stricter BTA standards than the minimum federal requirements pursuant to its authority under Clean Water Act section 510. The proposed cogeneration facility, discussed below, would be a new power plant and would therefore be covered by EPA's Phase I rule, as recently interpreted and partially remanded by the U.S. Court of Appeals in *Riverkeeper v. U.S. EPA*, 358 F.3d 174 (2d Cir. 2004).

⁴ In its comments on the DGEIS, DEC concurred that significant adverse impacts are likely to result from reuse of the intake in the both 2009 and 2015 phases; that the DGEIS inadequately assessed applicable regulatory requirements and impacts; and that the WTC redevelopment ignores the opportunity to improve the cooling system with modern technology. (March 15, 2004 letter from DEC's Division of Environmental Permits to LMDC.)

stages, including annual mortality of more than 48 million bay anchovy, more than 8 million winter flounder, nearly 2 million silver hake, nearly 2 million goby, as well as impingement of more than 15,000 adult blue crab. (See FGEIS, p. 18-51 to 18-54, providing impingement and entrainment tables for WTC 1991-1993.) LMDC states that "cooling water needs [in 2015] are projected to be similar to those present during the 1991-1993 study period" (FGEIS at 18-62), and therefore LMDC expects aquatic mortality to be similar to that which occurred in 1991-93, i.e., 48 million bay anchovy, 8 million winter flounder, 2 million silver hake, 2 million goby, 15,000 adult blue crab, etc. But because of generally improving water quality, many species are more abundant now than in the early 1990s, and as a result those annual mortality estimates most likely underestimate future conditions.

But even assuming fish mortality will be no worse than before 9/11, biological losses of this size can in no way be dismissed as insignificant. As DEC explained in its DGEIS letter, "any mortality of fish from the use of water for cooling purposes is an adverse environmental impact." The Department has long recognized that fish and wildlife in the Hudson River do not belong to any private company or agency, but are rather public trust resources that the State protects for the benefit of all citizens.

LMDC makes several critical errors in assessing the significance of these fish kills. First, it values the fish species only according to a "forgone production" approach -- in other words, losses of fish eggs and larvae (ichthyoplankton) are only considered to the extent that they cause a reduction in the adult populations of those species. However, in the most comprehensive environmental review to date of the impacts of cooling water intake withdrawals on the Hudson River, New York State DEC rejected the notion that population measures are the only relevant impact.⁵ As explained by DEC in the FEIS for the Hudson River power plants, demonstrable reductions in adult fish populations are just one of several adverse consequences of entrainment and impingement, along with other species-level and ecosystem-level effects. Besides reducing populations and depleting species' resilience to survive unfavorable environmental conditions (potentially depleting adult populations in the future), fish kills diminish the forage base, thereby disrupting the food chain and transferring energy from high to lower trophic levels. This compromises the health of the entire aquatic community, not just the species studied.⁶

⁵ See New York State Department of Environmental Conservation (NYSDEC), 2003. Final Environmental Impact Statement: Concerning the Applications to Renew NYSPDES Permits for the Roseton 1 & 2, Bowline 1 & 2 and Indian Point 2 & 3 Steam Electric Generating Stations, Orange, Rockland and Westchester Counties ("HRSR FEIS").

⁶ The simplified example we gave in our DGEIS comments was as follows: if an individual bay anchovy is killed via entrainment and disintegrated upon passage through a CWIS, it is no longer available as food to a striped bass and other top predators, but rather it is only useful as food to lower trophic level organisms, such as detritivores (organisms that feed on dead organic material). Further, the bay anchovy would no longer be available to consume phytoplankton, which upsets the distribution of nutrients in the ecosystem. The U.S. EPA recently cited with approval this example of the environmental impacts of cooling water intake structures, which was first set forth in the HRSR DEIS prepared by NYS DEC.

Second, with respect to foregone production, the LMDC mistakenly relies on the high natural fecundity of certain species and their "compensatory mechanisms" in concluding that impacts to adult populations will be minimal. However, DEC has also rejected the over-reliance on fish population models (often referred to as density-dependent models) used by industry to show that large losses of early life stages will translate into small losses of adults.⁷

Third, with respect to whether the redeveloped WTC's CWIS would comply with the requirements of EPA's Phase II rule, the LMDC makes a critical error in setting the baseline for entrainment and impingement reductions. In order to take credit for lower flows resulting from reduced cooling needs, the LMDC assumes that the proper baseline is the 179 mgd design capacity of the intake. This is plainly wrong. With respect to operation, the Phase II rule defines the "calculation baseline" as

those [practices and procedures] that your facility would maintain in the absence of any ... operational controls, including flow or velocity reductions, implemented in whole or in part for the purposes of reducing impingement mortality and entrainment.

40 CFR § 125.93. Thus, if the WTC would be operated at 11-32 mgd in order to meet the cooling needs of the 2009 buildout and at 22-63 mgd to meet the cooling needs of the 2015 buildout, then these figures must be used as the baseline flows. Entrainment and impingement reductions would have to be at least 60-90 percent and 80-95 percent, respectively, *as calculated from these projected-use baselines*, not from the design capacity. It is highly likely that closed-cycle cooling is the only technology that would satisfy these mandated reductions. The Phase III rule is likely to track these Phase II requirements, and in any event, DEC can and does implement 6 NYCRR § 704.5 to require a dry cooling level of protection for new facilities and a closed-cycle cooling level of protection for existing facilities. The WTC, which is being built from the ground up on an empty 16-acre site, is a new facility and has the design flexibility of a new facility, despite the existence of older intakes on the shoreline. Thus, it should use the latest, most protective technology.

LMDC further errs by assuming, without any supporting explanation, that cooling towers would have to use potable water. While most buildings with cooling towers use potable water, many power plants with cooling towers use surface water (e.g., the Bethlehem Energy Center) or treated effluent (e.g., PSEG's Bergen Station in New Jersey). Thus, the 290 mgd (less than 1 mgd) estimated in the FGEIS as the water needs for the cooling tower in 2015 could be satisfied from the Hudson River with minimal fish kills or could be satisfied from treated sewage effluent if an on-site blackwater treatment

National Pollutant Discharge Elimination System — Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities, pre-publication version at p. 54.

⁷ See HRSA FEIS.

system is installed, as is being done in innovative residential buildings such as The Solaire in nearby Battery Park City or The Helena at 57th Street and 11th Avenue. (See discussion of decentralized water treatment systems below.)

Furthermore, other than the terse and incomplete cooling tower alternative added to the FGEIS, the LMDC postpones to a later date and a subsequent process any evaluation of the costs and feasibility of the various technologies it lists as potentially available to minimize entrainment and impingement. That other process, namely the SPDES permit renewal for the CWIS, has begun. Specifically, DEC has published a notice of receipt of the Port Authority's renewal application and is receiving public comments. (Our comments to DEC on SPDES No. NY0006033 are submitted herewith and hereby incorporated by reference.) But the proper venue for evaluating the benefits and impacts of various cooling technologies is within the SEQRA/NEPA process and specifically in this GEIS.

Finally, we understand the cogeneration alternative set forth in the DGEIS at 23-34 has recently been discussed and further investigated by various project stakeholders. If combined power and steam is an efficient means for satisfying the electricity and heating/cooling needs of the project, then it should be considered. However, in no way should such a new facility be permitted to use Hudson River water for cooling in a once-through mode. A 70 MW or smaller cogeneration facility added to the proposed HVAC cooling system would drastically expand the cooling requirements at the site, making closed-cycle cooling even more critically important.

The LMDC should reconsider its proposal to reuse the WTC's CWIS, or in the alternative, should analyze in a revised or subsequent DEIS the mitigation measures necessary to minimize impacts on aquatic biota. As proposed, this aspect of the WTC project has not been fully or properly analyzed, and will cause ecological harm in violation of federal and state law.

THE WTC PROJECT SHOULD NOT CONTRIBUTE TO CSO DISCHARGES

In our March 15, 2004 letter commenting on the DGEIS, we explained that the project will contribute more than one million gallons per day of raw sewage, plus stormwater runoff from the 16-acre project site, into a combined sewage system that already overflows on average once per week, discharging approximately 8 billion gallons of raw sewage and 32 billion gallons of polluted stormwater runoff to local waterways annually. In the FGEIS, the LMDC has provided additional information – most significantly, the expectation that 85% of the stormwater will be captured, treated in a greywater system, and reused on site. If actually implemented, this system would be an important step towards eliminating contributions from the WTC Project site to the combined sewage system. But, unfortunately, it appears that the 85% stormwater capture rate is simply a goal or expectation, rather than an actual project requirement or

mitigation measure.⁸ Before taking credit for this accomplishment, the LMDC should commit to its implementation by making the Sustainable Design Guidelines mandatory.

The additional 15% of the stormwater which is not being captured, as well as the sanitary sewage generated at WTC site will combine with other sewage flows and discharge in CSOs to the Hudson River, East River and Newtown Creek during rain events, causing a significant environmental impact. Our previous comments provided some detail of the environmental and human health costs of CSO events and identified several studies that elaborate on the LMDC's own acknowledgement that "CSOs are the largest single source of pollutants and pathogens to the New York Harbor." (FGEIS p. 18-40, citing a 2003 NYC DEP report.) Since then, the NY/NJ Harbor Estuary Program released "Health of the Harbor: The First Comprehensive Look at the State of the NY/NJ Harbor Estuary," which identifies CSOs as a significant impediment to the improving health of the estuary, contributing to toxic contamination, increased pathogen levels, floatable debris and nutrient loadings.⁹

In contrast to the wealth of evidence linking CSOs to environmental impacts, LMDC's environmental review fails to adequately substantiate their claim that the WTC site will not result in significant adverse impacts to water quality or aquatic resources. The FGEIS fails to provide detailed and accurate figures quantifying the volumes of stormwater and sewage generated at the site, fails to identify and analyze the magnitude of the severe storm that would exceed the project's retention capacity (i.e., 50 year storm, 100 year storm) and fails to address sewage system constraints and bottlenecks in the Project's drainage basin.

The FGEIS appears to be correct in its calculation that annual rainfall of 44.6 inches would yield approximately 20 million gallons per year of stormwater falling on the site (one acre-inch of water equals 27,154 gallons). Thus, if 85% of that volume is taken out of the sewage system, the gross reduction is about 17 million gallons per year. But the WTC's Project's sanitary sewage increase over current conditions is approximately 1 million gallons per day, or 365 million gallons per year. (See FGEIS, Table 12-1.) Thus, far more combined sewage will be added to the system on an average annual basis than will be removed by the greywater treatment system. In fact, the net increase will be approximately 348 million gallons per year.¹⁰ The FGEIS also omits the

⁸ The FGEIS says that the Sustainable Design Guidelines require only 30% stormwater capture, and the status of these Guidelines is uncertain.

⁹ Steinberg, N., D.J. Suszkowski, L. Clark and J. Way. 2004. Health of the Harbor: The First Comprehensive Look at the State of the NY/NJ Harbor Estuary. A report to the NY/NJ Harbor Estuary Program. Hudson River Foundation, New York, NY. 82 pp.

¹⁰ In its responses to comments, the FGEIS states that sewage generation at the WTC prior to 9/11 was 200 million gallons per year, and that the Project's sewage generation will be 72 million gallons per year (Comment 513, pp. 101-02.) Unfortunately, these numbers conflict with those provided in the main text of the FGEIS, which indicate that sewage generation was approximately 1.3 million gallons per day

most critical details, which are the timing of those discharges, and in particular what the net contribution to CSOs during storm events will be.

The redevelopment of the WTC Project is a prime opportunity to embrace progressive efforts to reduce water pollution while pioneering to achieve new levels of environmental stewardship. The WTC Project should adopt the goal of eliminating net increases in combined sewage overflows from the Project Site. Several large developments in New York City offer excellent examples of how the LMDC can apply existing technologies that address stormwater runoff and CSOs.¹¹ Additionally, guidelines offered by neighboring and national authorities should provide a baseline upon which the LMDC can improve current standards for wastewater treatment.

The greywater system set forth in the Sustainable Design Guidelines and the stated goal of capturing 85% of stormwater are laudable goals, but too modest. LMDC should consider a decentralized wastewater system to treat stormwater and sewage from the project area. Decentralized wastewater and stormwater plants have the capacity to remove large volumes of wastewater from city sewage systems. Adoption by WTC of a decentralized system would dramatically reduce CSO events in the wastewater service area of the Project Site, significantly reduce CSOs to the Hudson triggered by stormwater flows from neighboring properties, and reduce system-wide CSO events in the East River and Newtown Creek, triggered by downstream bottlenecks.

We are pleased to see that the FGEIS includes in the Sustainable Design Guidelines a call for the WTC Project developers to achieve eligibility for LEED (Leadership in Energy and Environmental Design) certification and longingly note that the LEED ratings promulgated by the U.S. Green Building Council award credit for wastewater technologies that treat 100% of wastewater onsite to tertiary standards.¹² The LMDC should look to LEED and other guidelines and specifically **prescribe** stormwater treatment and water use restrictions to avoid environmental impacts. Only a few blocks away, Battery Park City provides an excellent example and precedent for such mandatory guidelines. Battery Park City's *Residential Environmental Guidelines* require collection and treatment of 100% of all roof and setback rain water and mandate treatment of all

(475 million gallons per year) prior to 9/11, and is projected to be approximately 1 million gallons per day (365 million gallons per day) in 2015. (Table 12-1.)

¹¹ For example, the Solaire development in nearby Battery Park City, the Durst Organization's Four Times Square, Durst's nearly completed 38 floor residential development, Durst's planned 1 Bryant Park, and the planned Hearst Tower project all incorporate innovative design features that exemplify the viability and success of these green development features in large New York City development projects. These projects incorporate a host of methods that collectively accomplish decentralized wastewater treatment, reducing new wastewater flows into the city's combined system. They range from green roofs to a black water purification plant serving Durst's 38-floor, 600-unit rental residential property and a system of collecting 100% of stormwater at 1 Bryant Park.

¹² http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf

wastewater with an on-site Reclaimed Water Treatment System.¹³ The WTC Project can and should emulate these models, treating not only 100% of the site's greywater, but all of its wastewater onsite.

As an alternative to a decentralized system that captures and treats both stormwater and sewage, the WTC Project should consider detention of excess stormwater flows from the Project Area with treatment and release to the Hudson. While this alternative would not have the benefit of reducing the Project's use of potable water, it would reduce or eliminate the Project's contribution to CSOs.

THE FGEIS DOES NOT COMPLY WITH NEPA OR SEQRA.

Although there have been some minor additions and clarifications, the FGEIS fails to comply with the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. § 4321 et seq., and the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law, and its implementing regulations, 6 NYCRR part 617, as explained below.

- o **Improper Baseline.** There is no authority, and the LMDC has not identified any, for using anything other than current conditions in making formal determinations of impact significance. The "unique historical circumstances" do make the pre-9/11 conditions an interesting measure of comparison. But any project impacts that will be significant as compared to existing conditions on the site (as extrapolated forward) must be treated as significant under NEPA and SEQRA (e.g., with respect to mitigation measures and findings), even if those impacts are not significant when compared to the pre-9/11 conditions.

- o **Insufficient Detail.** Despite the addition of an average annual stormwater flow, the FGEIS fails to fully and accurately quantify the net volume and flow rate of sewage and stormwater that will run off the Project site into City's combined sewage system during rain events if the Project is built (a) as proposed, (b) according to either of the baseline scenarios, or (c) according to any of the project alternatives. In addition, the FGEIS provides no information on the constraints of the combined sewer system infrastructure in the immediate vicinity of Project Site or anywhere else in the Project's Newtown Creek drainage basin.

- o **Analysis of Impacts.** The project will, by 2015, contribute more than a million gallons per day of raw sewage to the City's combined sewage system, which already lacks adequate capacity in wet weather. In order to assess the effects of this increased sewage load on CSOs, the FGEIS should have, but did not, quantify and

¹³ <http://www.batteryparkcity.org/BPCA%20Res.%20Env.%20Guidelines%20v4%20040219.pdf>.

compare the reductions in stormwater runoff which might counteract the effect of increased sanitary sewage generations. In particular, there is still no assessment as to whether the net result will be an increase or decrease in combined sewer flows and CSOs from the project site under foreseeable wet weather conditions.

- o **Determination of Significance.** In the absence of evidence or analysis to the to determine whether there will be a net increase or decrease of combined sewage during rain events, the FGEIS should have, but did not conclude, that combined sewage from the Project Site will cause significant impacts.

In addition, the FGEIS concludes, despite overwhelming evidence to the contrary, that fish impingement and entrainment impacts will not be significant unless the CWIS is operated at levels approaching its design intake capacity of 179 MGD. In fact, the evidence shows that even if the intakes are operated at pre-9/11 levels, there will be significant losses to dozens of fish species, including entrainment of millions of individual fish at early life stages. These losses are significant because not only would some of the young fish and invertebrates be added to the population of older fish despite the natural mortality of early life stages, but also because (as the NYS DEC has determined in a related context) any natural compensatory responses to CWIS mortality could seriously deplete the species' resilience to survive unfavorable environmental conditions. Moreover, disruption of the food chain compromises the health of the entire aquatic community because a diminished forage base means that there is less food available for the survivors.

- o **Cumulative Impacts Analysis.** The FGEIS is inadequate because it provides a cumulative impacts analysis only for the construction period and not for operation of the WTC project.

- o **Mitigation Measures.** The FGEIS fails to set forth and analyze measures sufficient to mitigate the Project's significant impacts to surface water quality and fish. With respect to CSOs, while there are some proposed project features that might reduce impacts, such as the Sustainable Design Guidelines and reductions in impervious surfaces, it is unclear to what extent the former will be mandated as project requirements (rather than suggestions or goals) and there has been no quantification or analysis of the effect of the latter. The FGEIS should set forth green building practices including decentralized greywater and blackwater treatment and detention systems sufficient to meet a goal of "no net CSO increases," meaning no sanitary sewage or stormwater contributions to City sewers, unless the project creates offsets elsewhere in the drainage basin.

With respect to CWIS impacts, while the FGEIS sets forth a laundry list of possible mitigation measures (e.g., flow and velocity reductions, closed-cycle cooling, fine mesh barriers and screens, and fish avoidance and return systems), the analysis of

their effectiveness is entirely deferred to DEC's SPDES permitting process for the WTC intake.

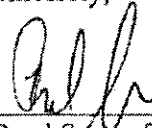
o **Project Alternatives.** The FGEIS fails to consider reasonable project alternatives that would drastically reduce or eliminate the significant impacts discussed above.

Conclusion

As explained above, the WTC Project should be modified to incorporate measures such as those described herein to minimize water pollution, fish kills, and other negative impacts on New York's City's marine environment to the greatest extent feasible. The capture, treatment, and reuse of 85% of the stormwater is a good start. However, the LMDC and the other decision makers can do much more to accomplish the stated goal of environmental excellence. We hope to have the opportunity to work with all involved to in furtherance of our shared goals.

We thank you for the opportunity to comment on the FGEIS.

Sincerely,



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May 21, 2004

Lynn Kaplan
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NYSDEC
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Albany, NY 12233-1750

Re: Comments on SPDES permit renewal for
World Trade Center and Request for Public Hearing
DEC No. 2-6205-00041-00001
Application ID 2-6205-00041/0001
SPDES No. NY0006033

Dear Ms. Kaplan:

Riverkeeper, Inc. and the Natural Resources Defense Council (NRDC) submit the following comments on the above referenced application for the World Trade Center (WTC), and hereby request that the Department conduct a full technical review and hold a public adjudicatory hearing before renewing or reissuing the subject permit.

Executive Summary

Among its other distinctions, the WTC was the largest non-power plant user of cooling water in the state. The intake system for its heating, ventilation, and air conditioning (HVAC) – which was designed and built prior to the 1972 Clean Water Act – caused enormous mortality of fish and invertebrates in the Hudson River. Reuse of the existing cooling water intake structure (CWIS) without significant technological upgrades would cause substantial ecological harm and saddle the state's most important redevelopment project with damaging, antiquated technology.¹ Because readily available technology – closed-cycle cooling, in particular – would minimize environmental impacts, it must be installed to comply with legal requirements and to be consistent with prior DEC permitting practice.

Once-through cooling, particularly with an unprotected intake, is the worst technology available and cannot be lawfully permitted. There are, however, a variety of approaches, both standard and innovative, to meeting the best technology available mandate, and providing other environmental benefits in an efficient and cost-effective

¹ If a cogeneration facility is included at the site, cooling needs will dramatically increase, making improved cooling technology even more important.



manner. For example, closed-cycle cooling would reduce aquatic mortality by 95-97% or eliminate it entirely, depending on the source of makeup water. State-of-the-art intake screens would further reduce impingement and entrainment in any remaining surface water withdrawals. Reclaimed stormwater and blackwater would provide a substantial source of makeup water, thereby reducing the need for river water or domestic water.

DEC should not administratively renew the WTC SPDES permit. Rather, the Department should seek information from the applicant and proceed to a full technical review which would result in a new SPDES permit that meets all federal and state requirements. This project has nothing in common with the permit extensions typically processed under the EBPS system. The WTC SPDES permit has already expired on May 1, 2004, and is not administratively extended or continued because the Port Authority failed to file its renewal application within 180 days of expiration. There is no active intake or discharge on site, and there will not be any until at least 2009 when the Freedom Tower is completed. The applicant intends to seek modification of the permit, and DEC has indicated that it plans to seek a Department-initiated modification. Thus, the timing of full technical review for the SPDES will not be dictated by the EBPS priority ranking score, but rather by the WTC construction schedule, which includes a groundbreaking in on July 4, 2004. There is no plausible rationale for reissuing the expired permit for the old WTC's CWIS permit under these circumstances. It would also be illegal. In the event that DEC proceeds with this administrative renewal absent a full technical review, we request an adjudicatory hearing.

DEC should instead treat the Port Authority's permit renewal application as a request for a new permit, request an information submittal from the applicant, conduct a full technical review, and issue a new draft permit for comment. If the Department consults informally with all interested parties at various stages of the process, any areas of disagreement might be narrowed or eliminated, in furtherance of our shared objectives.

Substantive Comments on Permit

The SPDES permit for the WTC (No. NY0006033) that expired on May 1, 2004 contained no limitation on the volume of cooling water withdrawn from the Hudson. The design intake capacity was 179 million gallons per day. The permit allowed an intake velocity of 1.8 feet per second (although there was no velocity monitoring requirement); thermal discharges of up to 91° F (with a Δ T of 17° F); and the discharge of chlorine and/or other anti-fouling agents. As explained below, reissuance of this permit without substantial changes would damage the Hudson River ecosystem in violation of federal and state law.²

² Riverkeeper and NRDC, along with other groups, commented on the LMDC's draft and final Generic Environmental Impact Statements (GEIS). A copy of those comments will be submitted to you under separate cover, and are incorporated herein by reference.

ISSUE NO. 1: SPDES PERMIT NO. NY0006033 DOES NOT REQUIRE THE "BEST TECHNOLOGY AVAILABLE" TO MINIMIZE IMPINGEMENT AND ENTRAINMENT OF AQUATIC ORGANISMS, AND THEREFORE DOES NOT COMPLY WITH CLEAN WATER ACT § 316(b) AND 6 NYCRR § 704.5.

The WTC's withdrawal of large volumes of water from the biologically-rich Hudson River will cause the needless loss of millions of fish and invertebrates each year. As a federal appeals court recently recognized, "the pressure from the flow of large volumes of water into these cooling systems traps ("impinges") larger organisms, like fish, against intake points, or draws ("entrains") smaller ones, like plankton, eggs, and larvae, into the cooling mechanism, killing or injuring them. The environmental impact of these systems is staggering."³

The design capacity of the WTC's CWIS is 179 million gallons per day (MGD). Although the Lower Manhattan Development Corporation (LMDC) claims in its final generic environmental impact statement (FGEIS) that the redeveloped WTC will withdraw somewhat lower volumes, without a capacity limit in the permit, the critical determinant is actual capacity. Thus, any analysis of these conditions must assess impacts assuming operation at the design volume. Indeed, the LMDC acknowledges in the FGEIS that withdrawal volumes could approach design capacity.

Sampling done in 1991-1993 indicated that the WTC's intakes entrained and impinged at least 56 fish and invertebrate species, at all life stages, including annual mortality of more than 48 million bay anchovy, more than 8 million winter flounder, nearly 2 million silver hake, nearly 2 million goby, as well as impingement of more than 15,000 adult blue crab. (See FGEIS, p. 18-51 to 18-54, providing impingement and entrainment tables for WTC 1991-1993.) According to the LMDC, the CWIS operated at approximately one-third of capacity during 1991-93, when the sampling was conducted. Therefore, assuming similar water quality and biological productivity conditions, fish kills would be tripled if the CWIS operated at the design intake flows, as SPDES permit No. NY0006033 would allow. Moreover, because of generally improving water quality, many species are more abundant now than in the early 1990s, and as a result those annual mortality estimates most likely underestimate future conditions. Thus, annual mortality of bay anchovy, for example, would likely well exceed 150 million individuals.

The loss of these fish and invertebrates damages the Hudson River ecosystem in several ways. First, it reduces adult populations of these species. DEC has rejected, in the context of power plants on the mid-Hudson, claims like those made by LMDC that fish kills are insignificant because certain species are prolific spawners and have high natural mortality rates. Second, the mortality depletes the species' resilience to survive

³ *Riverkeeper, Inc. v. U.S. EPA*, No. 02-4005(L), slip op. at 3 (2d Cir. Feb. 23, 2004).

unfavorable environmental conditions. Third, the mortality diminishes the forage base, which disrupts the food chain, transferring energy from high to lower trophic levels and compromising the health of the entire aquatic community.⁴ A simplified example, given by DEC in the HRSA FEIS, is as follows: if an individual bay anchovy is killed via entrainment and disintegrated upon passage through a CWIS, it is no longer available as food to a striped bass and other top predators, but rather it is only useful as food to lower trophic level organisms, such as detritivores (organisms that feed on dead organic material). Further, the bay anchovy would no longer be available to consume phytoplankton, which upsets the distribution of nutrients in the ecosystem.⁵

Most important, the WTC's CWIS fails to reflect the "best technology available" for minimizing adverse environmental impact, as required by Clean Water Act section 316(b) and 6 NYCRR § 704.5. The US EPA is promulgating federal CWIS regulations in three phases, pursuant to a federal district court consent decree. The Phase I rule, which applies to all new facilities, requires closed-cycle cooling in all but the most extraordinary situations.⁶ EPA's Phase II rule, which applies to all existing power plant cooling water intake structures with a design intake flow greater than 50 MGD, was signed by the Administrator in February 2004, and will be published in the Federal Register later this year. While the regulation will be challenged in court and likely strengthened at a result of judicial review, even the minimum standards set forth in the rule will require substantial technology upgrades to the WTC's CWIS. The Phase II rule requires, at a minimum, entrainment reductions of 60-90 percent compared to a baseline of normal business operations. Thus, the WTC cannot take credit for reduced water withdrawals resulting from lowered cooling requirements, but would have to reduce flow by a further 60-90 percent or otherwise exclude an equivalent proportion of entrainable organisms. The Phase III rule, which would potentially apply to the non-power plant facilities like the WTC, will likely track the requirements of the Phase II rule, at least for facilities with a design intake capacity greater than 50 mgd.

In the absence of an applicable federal BTA standard, DEC will permit the WTC CWIS on a "best professional judgment" (BPJ) basis, applying both Clean Water Act § 316(b) and 6 NYCRR § 704.5. New York State can and consistently has imposed standards more stringent than the federal minimum intake requirements. DEC's practice

⁴ See New York State Department of Environmental Conservation (NYSDEC). 2003. Final Environmental Impact Statement: Concerning the Applications to Renew NYSPDES Permits for the Roseton 1 & 2, Bowline 1 & 2 and Indian Point 2 & 3 Steam Electric Generating Stations, Orange, Rockland and Westchester Counties ("HRSA FEIS"). The HRSA FEIS examined entrainment and impingement effects at power plant CWISs on the Hudson River.

⁵ The US EPA recently cited with approval this example of the environmental impacts of cooling water intake structures, which was first set forth in the HRSA DEIS prepared by NYS DEC. *National Pollutant Discharge Elimination System — Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities*, pre-publication version at p. 54.

⁶ 40 CFR § 125.84.

has been to require a closed-cycle cooling or equivalent level of protection at existing facilities and a dry cooling or equivalent level of protection at new facilities. For example, consider the volumes of water withdrawn by recently-approved steam electric power plants. The Athens power plant on the Hudson River, which was permitted by DEC in 2000, will generate 1080 megawatts (MW) of electricity (enough to power more than a million homes) using only 180,000 gallons of cooling water per day – which is *one-tenth of one percent* of the design capacity for the WTC's CWIS and *less than one percent* of the projected WTC CWIS withdrawal. As a new greenfield facility, the Athens plant relies on a dry cooling system, which reduces fish impacts to negligible levels. The Bethlehem Energy Center near Albany, permitted in the state in 2002, will replace an existing plant and, like the WTC, reuse the existing CWIS. But its permit requires the plant to install closed-cycle cooling technology that reduces intake capacity from 500 to 7 MGD, as well as wedgewire screens. The plant will generate energy for 750,000 homes, using 90% less water than the WTC's CWIS.

Very few commercial buildings in New York use cooling water drawn from navigable waters for its climate control system. Thus, a standard air conditioning system should be considered for the WTC unless and until the applicant can demonstrate that aquatic biota will be protected. As DEC explained to the Port Authority in its March 15, 2004 letter commenting on the DGEIS, “any mortality of fish from the use of water for cooling purposes is an adverse environmental impact.” The Department has long recognized that fish and wildlife in the Hudson River do not belong to any private company or agency, but are rather public trust resources that the State protects for the benefit of all its citizens. Shortly before the towers were destroyed, DEC expressed concern with the design of the WTC's intakes and the volume of cooling water withdrawn. After inspecting the facility in June 2001, DEC's division of fish, wildlife and marine resources began investigating the feasibility of additional impingement and entrainment controls at the WTC. In its comments on the WTC DGEIS, DEC informed the LMDC that significant adverse impacts are likely to result from reuse of the intake in the both 2009 and 2015 phases; that the DGEIS inadequately assessed applicable regulatory requirements and impacts; and that the WTC redevelopment ignores the opportunity to improve the cooling system with modern technology. (March 15, 2004 letter from DEC's Division of Environmental Permits to LMDC.)

Federal and state law require the WTC's HVAC system to use the best technology available (BTA) to minimize adverse environmental impact. BTA in this case would likely constitute closed-cycle cooling with two millimeter wedgewire screens (or some other technology providing an equivalent level of protection for aquatic biota). This standard is consistent with applicable law and with DEC's past practice, for example at the Bethlehem Energy Center, which was also a replacement facility utilizing existing intake structures.

The expired SPDES permit does not comply with federal technology-based requirements or state water quality standards. Unless and until DEC conducts a full

technical review of the WTC's SPDES permit and makes a formal BTA determination based on current and accurate information, the permit cannot legally be renewed or reissued.

ISSUE NO. 2: SPDES PERMIT NO. NY0006033 DOES NOT REQUIRE VELOCITY MONITORING, AND ITS VELOCITY, THERMAL DISCHARGE AND ANTI-FOULING AGENT DISCHARGE REQUIREMENTS ARE NOT ADEQUATE OR BASED ON CURRENT INFORMATION.

During the last inspection in 2001, a significant number of invertebrates were impinged on the traveling screens. Based on this fact, and in light of the US EPA's determination in the Phase I rule that an intake velocity of 0.5 fps is necessary to protect the vast majority of species from impingement, the permit should reduce the former 1.8 fps velocity limit and require velocity monitoring. In addition, no thermal study has been conducted for this facility for approximately a decade. Before reissuing a permit, DEC should require additional thermal study as well as a study of chlorine and other anti-fouling agents that may be discharged.

**Comments on Permitting Procedure and
Request for Adjudicatory Hearing**

DEC Should Not Process This Application under the EBPS

The SPDES permit for the WTC expired on May 1, 2004. Because the Port Authority failed to file a timely application for renewal 180 days before the expiration date, the permit has not been, and can not be, administratively extended pursuant to State Administrative Procedure Act (SAPA) § 401(2). *See also* 40 CFR § 122.21(d) ("Duty to reapply") (requiring NPDES renewal applications to be submitted at least 180 days before expiration). Further, because it has no operating point source – and will not have one until at least 2009 – the WTC does not currently need a valid SPDES permit.

However, the Port Authority has submitted, albeit late, the "short form" permit renewal application. In its application, which was received by DEC on February 2, 2004, the Port indicated that it intends to seek a modification of its SPDES permit after the internal design of the redeveloped WTC's cooling system is available, and at least six months prior to resuming discharge. In response, DEC has stated that it will process the renewal application in accordance with the provisions of the Environmental Benefit Permit Strategy (EPBS) contained in 6 NYCRR Part 750-1.16(b) and the Department's Technical & Operational Guidance Series (TOGS) 1.2.2. (March 23, 2004 letter from William R. Adriance to Bernice Malione.) Such approach is misguided and inconsistent with the sound permit administration and the realities of this project, and should be reconsidered.

The redevelopment of the WTC is likely the most important project being undertaken in New York State today. The groundbreaking ceremony is scheduled for July 4, 2004. But the public notice for this application stated that the EBPS ranking for this permit is 102, placing it approximately 76th in line for a full technical review by DEC's central office in Albany.⁷ If the EPBS ranking system is followed, the WTC's permit would likely not be reviewed until it is too late to make changes in the design of the redeveloped facility.

In fact, the WTC's permit renewal will not be processed like any other permit in the EBPS program. Both the Department and the applicant have indicated they will be pursuing a modification; there is no operating facility; and DEC has expressed concern about reuse of the intake without technological upgrades.⁸ Thus, administrative renewal would serve no purpose other than to mislead the applicant into the false perception that operating the existing CWIS at its design capacity would be appropriate and legally permitted.

Instead, DEC should proceed with its formal RFI (request for information) and, when adequate information is available, complete a full technical review of the permit. The application should be treated as a new application -- which it in fact is, considering that there is no operating facility and no existing valid permit.

In addition, as explained below, such procedure is legally required. Section 70-0015[2](c) of the Environmental Conservation Law provides:

In the case of a request for the renewal, reissuance, recertification or modification of an existing state pollutant discharge elimination system permit issued in lieu of a national pollutant discharge elimination system permit the request *shall be treated as an application for a new permit*. Any other request may be treated as an application for a new permit. (Emphasis added.)

Because the WTC's SPDES permit is issued in lieu of a federal NPDES permit, DEC is statutorily obligated to treat the Port's request for renewal as an application for a new permit. Even assuming *arguendo* that DEC was not

⁷ Based on EBPS ranking, the 75 permits ahead of this one include the Bayside Fuel Oil Depot Co. and Chemung County's sewage plant in Elmira. (See EBPS SPDES priority rankings, published in the Environmental Notice Bulletin on April 4, 2004.)

⁸ DEC's March 23rd letter to the Port indicated that the Department would be requesting additional information, presumably in order to process a Department-initiated modification to the SPDES permit. DEC has expressed its concerns, similar to those set forth above, that the WTC's CWIS does not reflect the best technology available. (See March 15, 2003 letter to LMDC.)

required to do so, the last sentence of Section 70-0015[2](c) allows DEC to treat the application as a new one, and for the reasons stated above, it should.

Request for Public Hearing

Pursuant to Environmental Conservation Law § 70-0119[1], when reviewing an application for a permit, DEC shall determine whether to hold a public hearing based, *inter alia*, on whether comments raise significant and substantive issues. The issues raised above meet the criteria for substantive and significant issues requiring an adjudicatory hearing under the Uniform Procedures Act regulations, 6 NYCRR §624.4(c)(2), (3). These issues are significant because they challenge the permit's compliance with the fundamental Clean Water Act requirement for the best technology available to minimize adverse environmental impact. Since we demonstrate the need for closed-cycle recirculating cooling system as a component of "best technology available" for the WTC, our evidence could clearly result in a major modification or the imposition of significant additional permit conditions as contemplated in 6 NYCRR § 624.4(c)(3). Moreover, the massive impingement and entrainment mortality caused by the existing intake raises "sufficient doubt" about compliance "such that a reasonable person would require further inquiry." 6 NYCRR § 624.4(c)(2).

Interests of Riverkeeper and NRDC

DEC's regulations grant full party status to proposed intervenors who demonstrate an "adequate environmental interest in the proceeding," 6 NYCRR §624.5(d)(1)(ii), and identify substantive and significant issues and submit pertinent offers of proof. 6 NYCRR §624.5(d)(2). Riverkeeper has more than the "adequate environmental interest" required under 6 NYCRR §624.5(d)(1)(iii) for full party status in a hearing on the renewal of the subject SPDES permit. Riverkeeper is a New York State not-for-profit public interest organization dedicated to protecting the ecological, recreational, commercial and aesthetic qualities of the Hudson River and its watershed and tributaries. Riverkeeper is the surviving corporation that resulted from a 1992 merger with the Hudson River Fishermen's Association, Inc., a private conservation organization founded by fishermen in 1966 to protect and conserve the Hudson River and its watershed.

Riverkeeper's approximately 6,500 members, many of whom reside in New York City at or near the Hudson River, share a deep commitment towards the protection of the its water quality and rich ecosystem, particularly their fisheries. Riverkeeper's members use the river, its tributaries, and its banks for a variety of purposes, including recreational and commercial fishing, swimming, boating, hiking, and additional aesthetic enjoyment from its natural beauty and biodiversity.

In order to protect the Hudson River from degradation and misuse, Riverkeeper on behalf of its members enforces and facilitates others' enforcement of the federal

environmental laws, including the Clean Water Act, Resource Conservation and Recovery Act, and Endangered Species Act, and New York's Environmental Conservation Law including the New York State Environmental Quality Review Act and SPDES law. Since its inception, Riverkeeper and its members have participated in and continue to participate in numerous legal proceedings against various polluters and others damaging the Hudson River and its tributaries.

Excessive fish kills at the WTC's intakes would injure Riverkeeper's members by impairing their commercial and recreational interest in the Hudson River's recovery and productivity. Riverkeeper and its members fully merit the opportunity to contest reuse of the WTC's antiquated once-through cooling water system, the worst technology available.

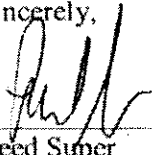
Like Riverkeeper, NRDC more than adequately meets the interest requirements of 6 NYCRR §624.5 for full party status. As a national not-for-profit environmental advocacy organization organized under the laws of New York State and headquartered in New York City, NRDC includes among its principal purpose the safeguarding the earth's people, its plants and animals and the natural systems on which all life depends. The protection of the environment including the land, air, energy and water, as well as advocacy to protect aquatic life from adverse impacts from power plants such as harm from cooling water intake structures remain core functions of its organizational mission. Founded in 1970, NRDC is composed of more than 550,000 members, including more than 35,000 who live in New York State. NRDC strives to protect nature in ways that advance the long-term welfare of present and future generations by working to foster the fundamental right of all people to have a voice in decisions that affect their environment. Many of NRDC's members engage in fishing, swimming, boating, and other recreational, conservation, education, and aesthetic activities in the Hudson River and the New York Harbor, into which the Hudson River flows.

Conclusion

The SPDES permit for the WTC fails to comply with the technology-based limitations and water quality standards of federal and state law because its once-through cooling system and unprotected intake do not reflect "best technology available" as required by 33 U.S.C. § 1326(b) and 6 N.Y.C.R.R. § 704.5. Administrative renewal of the WTC's SPDES permit without full technical review or the opportunity for a public adjudicatory hearing to resolve significant and substantive issues would be illegal under the federal Clean Water Act, the state Environmental Conservation Law, and their implementing regulations. Consequently, we request that DEC process the Port Authority's renewal application as an application for a new permit, proceed to a full technical review, and, if the WTC's Hudson River CWIS is to be reactivated, require best technology available to minimize adverse environmental impacts.

Comments on WTC SPDES Renewal
May 21, 2004
Page 10

Sincerely,



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May 24, 2004

Lower Manhattan Development Corporation
Attention: Comments WTC Memorial and Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006

Re: Comments on the Final Generic Environmental Impact Statement (FGEIS)

To the Lower Manhattan Development Corporation:

I am submitting these comments as the attorney for the Rebuild with a Spotlight on the Poor Coalition to the Final Generic Environmental Impact Statement (FGEIS). These comments are specifically directed to "Chapter 9: Socioeconomic Conditions," although some of the comments are relevant to the entire FGEIS.

The Rebuild Coalition, comprising approximately 20 non-profit advocacy and service organizations, was formed in December, 2001, to ensure that low-income communities, particularly Chinatown and the Lower East Side, had a voice in the rebuilding process. Since that time, the Coalition has been actively working to ensure that the voices of people from low-income communities are taken into account in the decision-making processes of organizations such as the Lower Manhattan Development Corporation (LMDC). Over 140 people attended the most recent community forum sponsored by Rebuild which was held on January 27, 2004. The need for housing affordable to low-income residents, including people living in Chinatown and the Lower East Side, and the need for jobs remain crucial community concerns.

On March 15, 2004, we submitted comments to the Draft Generic Environmental Impact Statement (DGEIS). Since it appears that changes were not made as suggested in our earlier comments to the DGEIS, these comments are substantially similar except that they address, in part, the LMDC response to the early comments where appropriate.

1. The FGEIS Fails to Consider Alternatives As Required by Federal Law

Pursuant to the National Environmental Policy Act (NEPA), environmental statements must consider alternatives to the proposed action. See 42 USC § 4332 (C) (iii). The Second Circuit has described this requirement—the inclusion of detailed statements of alternatives and an evaluation of the alternatives—as “absolutely essential to the NEPA process . . . that we have characterized as the ‘linchpin of the entire impact statement’”. Natural Resources Defense

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Council, Inc., et. al. v. Callaway, 534 F. 2d 79 at 13-14 (2nd Cir. 1975), quoting Monroe County Conservation Society, Inc. v. Volpe, 472 F.2d at 697-98.

The FGEIS prepared here seems only to propose one alternative to the proposed action—the alternative of taking no action and leaving the project site vacant. In analyzing future conditions, the alternative of building nothing is compared with the alternative of one “proposed action” which includes 10 million square feet of office space, no housing, and new retail. No consideration at all appears to have been given to any other alternatives and certainly not the careful consideration that is required clearly by NEPA and the State Environmental Quality Review Act (SEQRA). As one example, the LMDC could have considered an alternative of a reduced amount of office and retail space on the project site with the addition of other activities such as housing, open space and cultural amenities. A need for new affordable housing has been repeatedly identified by the community; yet the LMDC considered no alternative that included any housing.¹ The failure of the FGEIS to look at reasonable alternatives violates the law and renders the whole FGEIS meaningless.

2. The Socioeconomic Condition Report Violates Federal Law by Failing to Analyze the Impact of the Project on Racial Minorities or Low-Income People

Both federal and state law requires governmental agencies to scrutinize with care the impact their actions will have on minority groups. See, for example, Executive Order No. 12898, which mandates that “[t]o the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations. . . .” SEQRA requires a review of changes that would affect populations at risk such as minorities. Beyond reviewing the data, the FGEIS fails to address in any meaningful fashion issues of concern to racial minorities or poor people. As a result, the FGEIS fails to utilize this unique chance to expand opportunities for racial minorities and poor people or look at alternatives that might enhance racial and economic justice.

Housing

In the primary study area, according to the FGEIS, the current population is 75% White, in contrast to the ratio in Manhattan as a whole of 54% White. The Black population in the primary study area is only 3.6% whereas Manhattan has a Black population of 17.4%. The Hispanic population is only 5.3% compared with 27.2% in the borough as a whole. Only the Asian population is greater than the Borough percentage, reflecting the proximity to Chinatown.

¹ In response to our comments that housing has been identified over and over as a community priority, the LMDC repeatedly refers to their partial action plan to allocate \$50 million dollars for “affordable housing.” For a variety of reasons set forth in detail in the comments to that Partial Action Plan, that plan is simply not sufficient to address a desperate shortage of low-income housing.

The median contract rent in the primary study area is \$1,796, over twice the median rent for Manhattan. Most new units in this area are "upscale", according to the FGEIS. The median household income in the primary study area was \$106,360, substantially above the median income for Manhattan as a whole.

In the secondary study area, both the Hispanic and Black populations are significantly below the borough average and these percentages have dropped since 1990. With the exception of Chinatown, the median household income is well above the Manhattan average. In contrast, the Chinatown median income of \$23,867 is well below the city average.

The trend of an increasing wealthy White population in these study areas (except for Chinatown) may already have been exacerbated by the LMDC residential attraction grants which brought, in large part, wealthy Caucasians into the downtown area.

Despite these numbers, the FGEIS utterly fails to address much less analyze the effect of the "proposed action" on racial minorities or poor people. What effect will the proposed action have on the decrease in the Black and Hispanic population? Will the proposed action address the income inequities between the primary study area and the Chinatown community? Even more shamefully, the FGEIS does not consider any alternative that might address these racial disparities and income inequities. The increasing lack of diversity in race, nationality and income of these areas is harmful not only to affected minorities but also the social fabric of the entire City of New York and to the borough of Manhattan. The \$50 million allocated for "affordable" housing (80-135% of AMI) does not directly address issues of racial segregation nor does it provide housing for many Chinatown residents where the median income is well below the AMI.

Employment

Absolutely no attempt was made to analyze the types of jobs that will be created. The FGEIS estimates by the year 2009, there will 28,486 new employees in the area with the proposed action. Yet no attempt is made to break these jobs down by income levels. Moreover, no attempt is made to analyze how this projected new employment could be used to assist low-income people to obtain employment or help people still without jobs after September 11th to regain employment. The FGEIS states that Section 3 of the Housing and Urban Development Act of 1968 will apply to HUD-funded activities, yet sets forth no plan to accomplish this goal.

3. The Methodology Used in the Socioeconomic Conditions Analysis Is Flawed

Several aspects of the methodology used in the entire socioeconomic condition study are flawed. The study uses 1990 and 2000 census data for population, race and economic characteristics of the households residing in the primary and secondary areas. Although we understand that the latest federal census data is for the year 2000, the major tragedy occurred in this locale makes that data extremely unreliable. No serious attempt was made to update the

data or take into account the major economic and other effects caused by the devastation of September 11th.

Indeed, the LMDC did not even look at its own, more recent data from its residential attraction and retention program. For example, what were the racial and economic characteristics of people who received the attraction grants and retention grants?

Additionally, the Socioeconomic Condition report assumes throughout that total housing units in the future are equal to the total housing units now existing plus buildings that are being built or converted. No analysis is done of units lost to the housing market. This occurs, for example, when an owner decreases the number of units in a building in order to increase the size of the units or to get the building below the six-unit minimum for rent regulation. Units can also be lost by fire or demolition.

Finally, the area chosen for the secondary study makes no sense. Although the LMDC claims to employ “commonly used neighborhood definitions,” it actually splits the Chinatown community in half. The Chinatown area—the “residential and business area that is defined by the presence of Asian American residents, workers, and Chinese-owned and -operated businesses in Lower Manhattan”—is generally considered to go north to Houston Street. See Asian American Federation of New York, Neighborhood Profile, Asian American Federation of New York Census Information Center, released in 2004. Community members have repeatedly noted in comments to the LMDC that Chinatown does not end at Canal Street. Yet once again, the LMDC has ignored this fact and has chosen to stop analysis at Canal Street.

Moreover, in choosing the secondary study area, the FGEIS fails to justify the boundaries chosen and gives no rationale for excluding the Lower East Side. The Lower East Side is currently undergoing enormous gentrification pressures which are likely to be exacerbated by the addition of millions of square feet of office space, as well as upscale retail and upscale housing nearby. The FGEIS does not address this situation. It also ignores the impact on the Lower East Side of September 11th—for example, the small retail stores in that neighborhood were also closed for many days.

In response to our concern about the choice of the secondary study area boundaries in the DGEIS, the LMDC simply states that the boundaries used in the socioeconomic portion are the same boundaries used in the land use portion. That response does not address the illogic of those boundaries.

4. The Conclusion of No Secondary Displacement Lacks a Foundation

The FGEIS baldly asserts that “the potential for indirect, or secondary, residential displacement is limited in scope.” It essentially justifies this conclusion by saying that the trends of higher-cost housing, less racial diversity and richer people will continue regardless of what is done in this neighborhood. Its allegation that a project of this size will not affect neighborhood residential trends is simply unbelievable. If one creates thousands of jobs at high salaries and

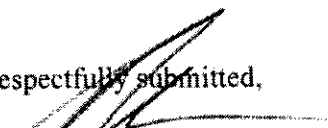
encourages upscale retail businesses, the secondary displacement pressures on low-cost residential housing will clearly increase.

Additionally, the FGEIS conclusion that Chinatown has remained insulated from displacement pressures is contrary to the understanding of everyone who works in the community and may well be the result of its faulty analysis and flawed definition of Chinatown. Given the potential for the accelerating displacement of huge numbers of minorities from both Chinatown and the Lower East Side, this conclusion needs to be much more carefully examined.

5. The FGEIS Report Is Flawed Because It Fails to Discuss the Distribution of CDBG Funds

In violation of NEPA and SEQRA, the FGEIS is faulty in that it does not discuss how all the Community Development Block Grant (CDBG) money that has been or will be approved by the Department of Housing and Urban Development (HUD) will be disbursed. In fact, as noted above, the LMDC even fails to look at its own data to see what impact that money may already have had on socioeconomic trends. This omission continues the LMDC policy of disbursing this money without regard to community priorities.

Respectfully submitted,


Peggy Earisman, on behalf
Of the Rebuild Coalition

-----Original Message-----

From: JamesMLane@aol.com [mailto:JamesMLane@aol.com]
Sent: Monday, May 24, 2004 4:44 PM
To: WTCENVIRONMENTAL
Subject: Comments on FGEIS and on NOI/RROF

Kevin M. Rampe, President
Lower Manhattan Development Corporation
Attention: Comments on FGEIS; Comments on NOI/RROF
One Liberty Plaza, 20th Floor
New York NY 10006.

Dear Mr. Rampe,

The Sierra Club submits these comments concerning the proposed Final Generic Environmental Impact Statement (FGEIS) that LMDC issued in April, and also concerning the Notice of Intent to Request Release of Funds that LMDC issued on May 17.

The Sierra Club is the nation's oldest and largest environmental organization, with some 750,000 members nationwide, including 15,000 in New York City. For more than thirty years, the Sierra Club has been working to protect the critical aquatic habitat in the Hudson River, to bring about the creation of genuine parks on existing land and piers along the Hudson River waterfront, and to prevent inappropriate development in this important area.

In light of our history, and our strong environmental concerns, we believe that:

- (1) LMDC should not certify to HUD that LMDC's and HUD's responsibilities under the National Environmental Policy Act have been satisfied with the FGEIS; and
- (2) LMDC should not request the release of any Community Development Block Grant (CDBG) funds until a proper new EIS is prepared.

We request that LMDC inform HUD of these formal objections to LMDC's proposed certification and to HUD's release of the funds.

It has long been Sierra Club policy that no action should be undertaken in or along the lower Hudson River unless it is preceded by a thorough and comprehensive EIS. Unfortunately, numerous plans have been proposed over the years that did not meet this simple standard. Multiple judicial decisions in the landmark case of Sierra Club v. U.S. Army Corps of Engineers established that the temporary convenience of planners and developers is no basis for short-circuiting the NEPA process.

Among the important environmental needs for this area are the creation of genuine parks (not areas that are simply called "parks" for public relations purposes), for a community underserved by existing open space; improved transportation options, both for travel in the immediate neighborhood (accommodation of bicycles and pedestrians on city streets, as well as separate bike paths and walkways) and easy connections among mass transit carriers; and limitations on the height of skyscrapers.

5/24/2004

Current planning has given insufficient attention to these goals. That omission has not been remedied by the FGEIS, which does not adequately address such specific issues and also fails to provide the required comprehensive examination of use of limited resources (land, federal funding, etc.) in lower Manhattan, including thorough examination of alternatives to such proposed expenditures as the West Street tunnel.

The absence of a proper EIS means that to go forward would violate NEPA. It also means that, with the salutary purpose of NEPA (consideration of environmental impacts of an action and of the alternatives to it) not having been achieved, the proposed release of funds would be unjustifiable at this time.

Yours truly,

James M. Lane
Secretary, Sierra Club, New York City Group
132 East 45th St., Penthouse D
New York, NY 10017
(212) 697-8942

STUYVESANT HIGH SCHOOL PARENTS' ASSOCIATION

Via Email to wtcenvironmental@renewny.com

May 21, 2004

Lower Manhattan Development Corporation
Attn: Comments WTC Memorial and Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, New York 10006

To Whom It May Concern:

The Stuyvesant High School Parents' Association appreciates this opportunity to review and comment on this important document. Our children, students in one of the best public high schools in the country, witnessed the 9/11/2001 attack and have suffered the impact of the attack long after the event. Like most New Yorkers, we support the memorial and the redevelopment construction to indicate that the City of New York has overcome the attack. We also want to be certain that reconstruction will be accomplished in a way that has minimal impact on the health of our children who will be attending a Ground Zero school through the long reconstruction period. For these reasons, we provide our comments as follows:

General

1. This FGEIS document covers a broad range of highly specialized areas, thus requiring reviewers to have expertise in these fields. It is impossible and unreasonable to expect the general public to understand this document and provide comments within 30 days. We hereby request that the commentary period to be extended to July 1, 2005.
2. Although this FGEIS concludes and we also believe that the proposed construction is expected to have clear benefits in most areas, the document notes numerous "significant adverse impacts that would require mitigation measures to avoid or reduce such impacts." As these adverse impacts will affect the general public as well as our children for more than a decade to come and this FGEIS document states "no further SEQR compliance is required" for subsequent reconstructions, we hereby request that a public hearing be held on these adverse impacts and the proposed mitigation measures, and that supplemental EIS for subsequent constructions should be required.
3. As mentioned in Chapter 27's Comment 445, the highest PM_{2.5} levels after the attack were found at Stuyvesant High School. Furthermore, anecdotal evidence and surveys indicate an increase in the incidence of asthma among Stuyvesant

student post-9/11. We believe Stuyvesant High School is potentially an impacted location with many sensitive receptors. Unfortunately, although this FGEIS has concluded that significant adverse impact from PM is predicted in the vicinity of the site, site-specific impact on sensitive receptors at Stuyvesant High School is not addressed or analyzed in this generic EIS. According to NYCRR Part 617.10(c), we hereby request that a supplemental EIS be conducted for site-specific impact at Stuyvesant High School.

Chapter 14 < Air Quality

1. This Chapter's Section 14.3.1 Pollutants For Analysis lists only criteria pollutants, and does not mention hazardous air pollutants. Because the proposed construction will require that a large fleet of truck and heavy equipments be in service at the site, and because hazardous air pollutants from mobile sources have been proven to have significant impact on urban air quality, we believe that impacts of hazardous air pollutants need to be studied in this GEIS. Also, Section 14.3.2 Air Quality Regulations, Standards, And Benchmarks should address USEPA's Urban Air Toxics Program as required by the Section 112(c)(3) and 112(k) of the Clean Air Act as amended in 1990.
2. This Chapter includes air quality impacts analyses for mobile sources and stationary sources. However, based on the report as written, it seems that different receptors were selected for study of impacts from these source categories. Such a receptor selection approach is inappropriate and will result in underestimating impacts. Uniform receptors must be used for analyses of comprehensive accumulated impacts from all sources. Also, this GEIS should identify and list all sensitive receptors within the affected areas and impacts on these sensitive receptors should be evaluated.

Furthermore, there is no indication that impacts on elevated receptors were studied. Impacts on elevated receptors are very important because stationary emissions were simulated as point sources at 40 feet above grade and most of the buildings around the construction site, including Stuyvesant High School, rely on HVAC systems with elevated air intakes.

3. We have the following comments on the Section 14.3.6 Analysis Of Stationary Sources:
Page 14-23, paragraph 2
Generators' maintenance tests should be scheduled at times avoiding concentrated general public activities. Also, because of the limited operational hours of these generators, we agree that emissions from these tests are not likely to have significant long-term impact. However, the short-term impact should be evaluated.
Page 14-24, Dispersion Model
The USEPA ISC3 plume dispersion model was used in the dispersion modeling study. USEPA is currently working on introduction of a new AERMOD model for

dispersion modeling. We would like to know if there would be significant difference between modeling results of these two models.

Furthermore, as mentioned previously, most of the buildings around the construction site are relying on HVAC ventilation. Due to retention time of ventilation systems, impacts on indoor individuals are likely be underestimated if outdoor impacts are used. We suggest that puff dispersion modeling should be considered. For example, the USEPA's CALPUFF model can be used "on a case-by-case basis for certain near-field applications involving complex meteorological conditions."

The document states "Emissions were simulated as a point source at 40 feet above grade. Since all emissions were modeled as being discharged from a point source, the air exchange rate in the below grade facility has no impact on the result." This is incorrect. Air exchange rate affects discharge plume and thus has impact on dispersion dilution.

This document "assumes that the elevated vents would be located away from sensitive receptors, such as residences and open spaces." We believe that the details of the "assumption" on these locations should be presented. If such details are not available at this time, a supplemental report on these locations (and the impacts if necessary) should be provided once available.

Page 14-24 Meteorological Conditions

Because the construction site is located equidistant from LaGuardia Airport and Newark Airport, considering the terrain condition between LaGuardia Airport and the construction site, we would like to know if there would be significant difference on modeling results if the Newark Airport's meteorological data set is to be used.

Page 14-27 paragraph 1

The sentence of "Total project generated PM₁₀ emissions decrease from roughly 8 tons in 2009 to 14 tons in 2020" seems be a typo.

Chapter 22 < Mitigation Measures

<CWNumSet:32:1:0:01301301:001:1>1. This GEIS has concluded that there will be significant adverse impacts that would require mitigation measures site and presented a series of mitigation measures to minimize these adverse impacts. However, the good will of these mitigation measures depend on how well these measures are implemented. Therefore, there should be a method for enforcing these mitigation measures. We recommend that all contracts to be awarded for subsequent reconstructions should include a penalty clause for violation of these mitigation measures.

2. LMDC should establish an air quality-monitoring program to monitor air quality in

vicinity areas throughout the reconstruction period.

3. We appreciate LMDC's investigation of other specific mitigation measures. We believe the installation of HEPA filters should not be limited to hotels and office buildings, but should also be implemented to all locations with significant impacts or sensitive receptors.

Thank you for this opportunity to make our views known.

Sincerely,

Linda Lam, Co-President
Stuyvesant High School Parents' Association

Lori Pandolfo, Co-President
Stuyvesant High School Parents' Association

David Newman, Chair
Stuyvesant PA Health and Safety Committee

contact;
David Newman
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FINAL Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

The Final Generic Environmental Impact Statement represents another milestone in the wilfully misguided process of foisting an inadequate and unwanted plan on the city and nation.

That the official public poll authorized in the planning process was easily won by "neither" of the two designated finalists, and the site plan chosen was the one that finished last clearly demonstrates that the priorities insisted upon by those in charge are not the priorities of New Yorkers or Americans.

That the Final GEIS brazenly insists that this plan "achieved broad public support" demonstrates its absolute failure to fairly address the comments submitted on the Draft GEIS and the inexcusability of proceeding further on the wrong paths chosen by the planners.

It is the "Restoration Alternative", new WTC Towers representing no retreat whatsoever from the scale of the old, that truly represents the aspirations of the largest part of the public and most effectively honors those who were slaughtered.

To combine the office space into fewer, taller towers on the WTC Site leads to greater efficiency in the use of resources and land, and greater safety and efficiency in the resulting structures. And this is the only way to send an essential symbolic statement that posterity will not forgive us for failing to make, and future terrorists will be encouraged by even our hesitation to make.

With respect to the concerns of others, that the new World Trade Center be centered on towers every bit as tall and large as those destroyed is more important than the extension of any streets into or through the site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Downtown. All these issues must be given lower priority than the creation of a new center that unambiguously reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character.

To take into account any short-term fears of occupying the highest floors of gigantic new towers is a particularly reprehensible empowerment of the terrorists and should have no place in a development that must be very publicly and unmistakably fearless. Make these buildings marvels of safety and have faith in the future of freedom.

The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

NAME JAMES ALBERTS
ADDRESS 383 PENNYFELLS AVE
Box NY 10465

===== FAX TO 212-962-2431 =====

LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

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NAME Thomas J. Brennan
ADDRESS 10 Hallock Dr
Plainville, NY 11803

2004 MAY 25 PM 5:34

24 May 2004

Lower Manhattan Development Corporation
Attention: Comments WTC Memorial and Redevelopment Plan/PGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006

Re: Final Generic Environmental Impact Statement for the
World Trade Center Memorial and Redevelopment Plan

When "The huge shadow cast by the 42-story Equitable Building [120 Broadway], built in 1915 on lower Broadway, deprived neighboring properties of light and air," New York City created its remarkable Zoning Resolution. "The ordinance became a model for urban communities throughout the United States," and in 1926, the U.S. Supreme Court, in an historic opinion, "recognized that zoning is an appropriate extension of the community's authority to pass laws related to protecting the public health, safety, morals and general welfare. The historic opinion also contained a far-seeing passage suggesting that zoning must evolve to meet the changing needs of changing times." And, indeed, the Resolution has been constantly amended in response to the changing needs of the changing city.

The destroyed World Trade Center — like other buildings built in NYC since 1916 — complied with the Bulk and the Height-and-Setback controls of the NYC Zoning Resolution [the Resolution]. The proposed plan by the LMDC does not.

In fact, all five towers of this plan violate the Bulk and the Height-and-Setback controls mandated by the Resolution, creating the worst density and the worst light and air conditions in the City's (possibly the world's) history.

*The city controls urban density by controlling the size of buildings. It assigns Floor Area Ratio [FAR] for each buildable lot in the city. The FAR expresses the relationship between the amount of floor area permitted in a building and the area of the lot **on which it stands**. The highest basic FAR, in the highest density office districts, is 15. In certain districts the FAR can be increased, if certain public amenities are provided, often to FAR 18, and on extremely rare occasions (e.g. Theatre District) to FAR 21.6 .*

The proposed five towers range from FAR 26 to over FAR 50!²

Density, and its measuring stick, the FAR – the most crucial zoning component in protecting “the public health, safety, morals and general welfare” – is buried, with no title, or meaningful explanation, in par. 4.2.5 of this 10-inch-thick study. In it, the PGEIS alleges the FAR of the WTC site to be “approximately 11.5.”

This number is based on the distressing, irresponsible, and *unacknowledged* fact that the Port Authority is exempt from obeying the law and, therefore, sees the four parcels of the WTC site as one.

The fact that the Port Authority, for some incomprehensible reasons, is exempt from obeying the law, should not be extended into violating the essence of the Zoning Resolution – its bulk and light and air provisions – thereby, adversely affecting the WTC site. With minimal concern for the public health, safety, and general welfare, these agencies should refrain from utilizing this “privilege.”

But even if the LMDC chooses to exercise this right, the fact is that on the newly formed city blocks along Vessey Street and Church Street, this plan impacts parts of the city that are *outside* the Port Authority’s jurisdiction – an area that *must* comply with the Resolution’s controls – with density that is ranging from over FAR 30 to over FAR 50² and, in addition, grossly violating the height and setback regulations, depriving “neighboring properties of light and air.”

It is ironic that both the Lower Manhattan Development Corporation and the Port Authority – the agencies charged with the custody of this very special public property – while pursuing an inferior plan, they are cynically and brutally (to a degree that is enormously greater than that of the Equitable Building, which caused the creation of the Resolution in the first place), defying these laws and thus, inflicting harm on the public interest within the WTC site, its neighboring properties, and the public realm that surrounds it.

Sincerely,



Eli Attia

1 NYC Department of City Planning’s website – Zoning History

2 In absence of specific lot areas in the GEIS, blocks were traced from the Proposed Site Plan, then measured, and building areas taken from tables S-1 and S-2 in the Executive Summary.

fgeisbasic

-----FAX TO 212-962-2431-----

LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

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The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

NAME Mr. C. Barrella
ADDRESS P.O. BOX 112
Massapequa Park NY 11762-0112

Tal Barzilai
15 Seneca Lane
Pleasantville, NY 10570

Lower Manhattan Development Corporation
1 Liberty Plaza, 20th Floor
New York, NY 10006

Dear Lower Manhattan Development Corporation,

Hello, you might have already heard from me before from the previous hearings that were held in and around downtown Manhattan. I feel that the plans for the World Trade Center does not meet the public input nor does it agree with certain environments. In reality there are many things that are wrong with the site. In the past two years, people had talked about what they wanted on that site and it was barely acknowledged. Instead, we got duped and got nothing but designs that are barely as symbolic as the Twin Towers were and nowhere as big as the North Tower in height. Areas such as the Freedom Tower, the street planning, and the memorial. Sometimes looks aren't always everything.

The Freedom Tower, designed by Daniel Libeskind, as mentioned in the Proposed Action was hardly liked by the public. It ranked almost last according to numerous polls both online and on the web, and Libeskind's plan was picked by Governor George E. Pataki himself after erasing the official poll from Imagine New York. Its structure not only is unoriginal by mimicking the Statue of Liberty when from New York Bay, it resembles the former 1 World Trade Center just before it fell. This is nothing but death as opposed to people wanting something that should be life. Saying that the Freedom Tower is the world's tallest building will barely come close to skyscraper experts. As a matter of fact this so-called 1,500 foot building with a 276-foot spire is really a skyscraper that is 1,150 feet with 350 feet of unoccupied latticework. How can you call that the world's tallest building when it has an actual roof that does not even surpass that Empire State Building? About a year ago there were mentioning that the gardens were removed due to environmental reasons and the same thing could happen with the windmills. The other buildings do nothing but form an urban cluster around Church Street in which nobody had wanted since the original Listening to the City at the Jacob Javits Center, July 2002. The cultural sites will not help restore the lost office space and will end up becoming forgotten as well. The idea is to bring back the office space rather than to think of it as being expendable. They look like they were bombed. Nobody showed any support for having pits on the site. According to the plan, the pits will be below the footprints of where the Twin Towers once stood. Many as claiming that nobody should be left in the dark rejected him or her. The pits also place about two-thirds of the WTC site into to depressed land forcing people to walk in one direction as opposed to going in any direction on the old site. Overall, the cost would be more than it could be expected, and Larry Silverstein, the leaseholder of the site, would not have the money to build the Freedom Tower even if he did win the civil suit.

Reflecting Absence from Michael Arad was hardly liked by the public either. The cost of having these waterfalls would cost twice as much as the electricity that is being used to power up the Empire State Building. Integrated into the pits, it would act as an illusion when people are looking up into the sky. The only other person besides Governor George E. Pataki, Mayor Michael R. Bloomberg, and the LMDC was Maya Lin, who designed the Vietnam Veterans Memorial in Washington, which was based on a war that this country did not support. Also, the memorial tends to leave the lost ones in the dark as mentioned in the pits. The plan does not look realistic and seems as if it can only exist by computer.

The idea of the new street grid could hurt the WTC site in a big way. The Proposed Action calls for running Fulton and Greenwich Streets through the WTC site. In the past three years, nobody wanted to eliminate the super block, and visual artists believed that it would bring people together. Not only could this bring air pollution, but it could also for car and truck bombs and any part of the site very easily. Also, West Street should not be buried either. The tunnel will cause a lot of pollution underground, and is opposed by the people of Battery Park City as well as borough president Virginia Fields, who represents Manhattan in the city government. The residents and workers have claimed that burying West Street will not necessarily connect them with the rest of Manhattan. Battery Park City already has bridges that connect them, so a promenade would be meaningless. Battery Park City does not even want to have something like the Big Dig yet it continues to be pushed on.

I feel that it is better to go with the Restoration Process, which is rebuilding the Twin Towers. This is what the public wanted all along yet it was not even allowed to be an option. The report from FEMA (Federal Emergency Management Agency) states what could make them safer from future attacks. If it can go with the Freedom Tower, it can also go along with the Twin Towers. The Gardner and Belton Plan should go on the site rather than Studio Libeskind. I would rather see the Twin Towers rebuilt with a sign on the 107th floor of both towers reading the words "We're Back" to indicate that they are back in the skyline again. I feel that this is what represents life on the site. There is no need to build the other buildings even though I originally wanted that. I can go with just having back the Twin Towers with a memorial that is appropriate. These two are not mutually exclusive and shouldn't be. Rebuilding them will show how that we cannot be kept down. It is just depressing to replace a worldwide symbol like the Twin Towers with something lacking like the Freedom Tower. It is cheaper to rebuild the these towers rather than build something completely new, and its foundation already exists. Just remember that the world will be watching on this.

Sincerely,
Tal Barzilai

LMDC Final GEIS Comments.
One Liberty Plaza, 20th Floor
New York, New York 10006

The Final Generic Environmental Impact Statement represents another milestone in the wilfully misguided process of foisting an inadequate and unwanted plan on the city and nation.

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That the Final GEIS brazenly insists that this plan "achieved broad public support" demonstrates its absolute failure to fairly address the comments submitted on the Draft GEIS and the inexcusability of proceeding further on the wrong paths chosen by the planners.

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With respect to the concerns of others, that the new World Trade Center be centered on towers every bit as tall and large as those destroyed is more important than the extension of any streets into or through the site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Downtown. All these issues must be given lower priority than the creation of a new center that unambiguously reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character.

To take into account any short-term fears of occupying the highest floors of gigantic new towers is a particularly reprehensible empowerment of the terrorists and should have no place in a development that must be very publicly and unmistakably fearless. Make these buildings marvels of safety and have faith in the future of freedom.

The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative'



Jonathan Bornstein
75 Thayer Street, 6F
New York, NY 10040

Neither is good: 34%
Total votes: 103,664

If the Libeskind scheme is so great, why do you refuse to let New York and New Jersey residents vote on the Proposed Action versus the Restoration Alternative? The only poll you cite is the comment cards you rigged. You

know what I am talking about. You threw out all cards that called for rebuilding the Twin Towers or for anything but your plans. Of the remainder, just 11.5% supported the Libeskind scheme. You then looked at those 11.5% and went like "wow, ninety-something percent like the Libeskind spire" and "sixty-odd percent like his memorial." You just forgot to mention that it was not the majority of New Yorkers or the majority of commenters you were talking about - just the majority of those 11.5% who happened to like Libeskind in the first place! That translates into single digit support for his Fraud'em Tower and death pit memorial in the general public!

The WTC rebuilding will not be complete before two 110 story office Towers are topped out. Anything else is not rebuilding, but perpetuating the terrorists' handiwork. Approval of the Proposed Action would be a triumph for the terrorists and a disgrace to New York, to America, and to the Free World.

Facts that you do not like do not go away if you ignore them or try to blank them out. The problems with the Proposed Action pointed out in earlier comments remain unsolved. Refusing to address most issues and spin doctoring or paying lip service to others changes nothing.

You may believe that your misguided clinging to the abominable Libeskind scheme will permit you to save your face - in the short run. But in the long run, the public will learn what you have done. You will be blamed for imposing this monstrosity on New York.

I emphatically repeat my advice: scrap the Libeskind scheme while it is still time. Implement the Restoration Alternative. FYI, a link to a beautiful new WTC design restoring the Twin Towers:

<http://www.makenynyagain.com/>

Re the "Request for Release of Funds" from the HUD: the acquisition of the Southern Site constitutes a waste of taxpayer money. The annexation of this additional lot would not be necessary if the office and other space were

restored in 110+ story WTC Towers. Rebuilding such WTC Towers by no measurement shorter than the old ones would be a truly appropriate use of taxpayer money.

Very truly yours,

Alexander M. Butziger

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Germany
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or: Alexander_Butziger@public.uni-hamburg.de

Stop worrying about overloading your inbox - get MSN Hotmail Extra Storage!
<http://join.msn.click-url.com/go/onm00200362ave/direct/01/>

-----Original Message-----

From: Alexander Butziger [mailto:ambutziger@hotmail.com]
Sent: Friday, May 21, 2004 3:17 PM
To: WTCENVIRONMENTAL
Subject: Comment on the WTC FGEIS

Comment on the Final Generic Environmental Impact Statement (FGEIS) for the World Trade Center Memorial and Redevelopment Plan

Quote:

World Trade Center Memorial and Redevelopment Plan GEIS
27-13 - 27-14

Comment 4: The Libeskind plan should not be used. The Amended GPP should be discarded and replaced by a plan to rebuild the Twin Towers . (Oliff, Russo, Barzilai, Fernandez, WTC Restoration Movement, Lumea, Makrias, Cuvin, Hough, Epstein, Snyder, Butziger, Ramos, Team Twin Towers)

Response: As detailed in section 1.4 of Chapter 1, "Project Description," Studio Daniel Libeskind's "Memory Foundations" concept achieved broad public support and fulfilled many of the goals articulated by the public. The concept best balances the need to preserve the setting and remember those whose lives were lost with the need to rebuild what was lost and bring vitality back to the area. As refined, the plan is the most appropriate plan to serve as the catalyst for the revitalization of Lower Manhattan.

Unquote.

Studio Daniel Libeskind's "Memory Foundations" concept achieved so little public support that it managed to finish third in three-way polls behind

NEITHER and a pair of unoccupied, useless skeleton Twin Towers.

Polls:

Results on Imagine NY (the LMDC's official poll):
Gardens of the World / Daniel Libeskind: 26%
World Cultural Center / THINK: 33%
None of the above: 41%
Total votes: 788

On NY1:
Gardens of the World / Daniel Libeskind: 21%
World Cultural Center / THINK: 14%
I don't like either of these plans: 64%
Total votes: 32,360

On CNN:
Which of the two finalists' designs do you prefer for the World Trade Center site?
Gardens of the World / Daniel Libeskind: 32%
World Cultural Center / THINK: 34%

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The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative'

NAME Robert B. Cox
ADDRESS 125 Frisbie Street
Middletown, CT 06457

*****FAX TO 212-962-2431*****

LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

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The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

NAME Gian DeLuca
ADDRESS 77 Stephen Dr
Tarrytown, NY 10591

Comments on Final Generic Environmental Impact Statement

24MAY04 New York, NY The Final Generic Environmental Impact Statement mocked ^{7/10/04 59} conventions while it denied the community access to information; severely limited public participation in decision-making and skillfully avoids taking remedial action on environmental matters in its scope.

The Agency's responsibility to map and analyze the environmental impact on schools as part of the Community Facilities can hardly be dismissed by a simple disclaimer that "The proposed action does not impact schools." The evaluation is required -not just because it was in the fundamental Scoping Document- but because there is good reason to complete it. Chinatown has extremely high asthma rates and an emerging young population sick since 9/11. There are many low birth rate babies and a cluster of autism in children under three years old. Even if LMDC can discount current public health conditions, the proposed action will impact play streets by increasing traffic. How can 4,500 new residential units not stream additional students into schools? There is muck and mire around the Deutsche Bank's suite of toxins and expected deconstruction by products. This nasty cargo will be highly insured before it rumbles through our streets but since it is not covered by the Emergency Planning Community Right to Know Act (EPCRA) the public may never know what was in there.

The rash of inaccuracies and omissions that characterized the Draft Generic Environmental Impact Statement combined with LMDC's refusal to provide scaled plans and other documents formally requested under Freedom of Information Act denies the community the ability to measure and verify the contentious Open Space calculations. For example what has been called "16 acres" is closer to 14 but we can not prove it. In their most transparent act- dampening the unfavorable loss ratios based on historic figures-- LMDC simply changed the figures for pre September 11th Open Space acreage from the familiar 8.13 acres to 7.14 acres. That quick and dirty 12% deflation of the old assumption, magically fixed a galaxy of problems - on paper. Alas, we can not audit the final drawings; so, to our loss, we will have to take the LMDC's word for the Open Space.

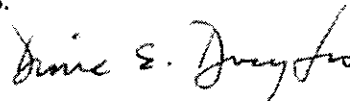
These, our final comments, will get neither a public hearing nor is further publication required. So, people will have no way to know of the valid or cogent objections made on their behalf by their naïve fellows, who invested time in the process.

Mitigation measures or exactions in lieu of remedy are a staple of environmental justice. But, LMDC is not bound to provide even the minimum protections of Performance Standards Zoning to the workers or residents who will be enduring the decade of build-out nor is the Authority obliged to inform that population should the common standards be exceeded. That is also why there is no provision for air monitoring or real time reporting. Without agreement on ways and means to assess them, exactions can't be based on excess perturbations. Likewise, Ultra Low Sulfur Diesel will be expensive and rare due to lack of refining capacity. Although the Agency is on notice about this projection, the FGEIS has no provision of what will happen should the builders be unable to obtain the cleaner fuel.

In the end, the new World Trade Center complex should reflect the legal manipulation and deliberate chicanery that went into the FGEIS.

Diane Dreyfus,
M.S. Arch. Urban and Regional Planning

253 Elizabeth St
NYC 10012



Commentary on the Final Generic Environmental Impact Statement for the World Trade Center Site

By Louis Epstein
R.D. 2, Carmel, New York 10512
Founder & Director, World Trade Center Restoration Movement

This latest document presented for comment in the process of rebuilding the destroyed World Trade Center is yet another milestone in shameless official disregard for public opinion while brazenly pretending to be following it.

From Draft Scope to Final Scope to Draft GEIS to Final GEIS, plan definitions have squirmed back and forth while determination to push ahead with a plan tailored to pre-existing misconception is rammed ahead full speed no matter what concerns are raised.

Governor Pataki remains determined to prevent anyone from having a chance to undo his mistakes, lately moving up groundbreaking despite the official review process still being underway. The accelerated timetable has drawn protest from many quarters.

The GEIS does not bear the imprimatur of the Port Authority, though it concerns the construction of Port Authority-owned buildings on Port Authority-owned land. It is admitted that there is no agreement with the development corporation to allow its plans to proceed. This is a good thing, as the development corporation is not likely to have to deal with the lasting consequences of its actions the way the property owners are. However, political pressure to pave the way for the horribly misconceived Proposed Action to proceed appears inevitable.

The "Pre-September 11 Scenario" and "Restoration Alternative" are explicitly recognized as benchmarks for the GEIS, after a prolonged process in which such strategies for redevelopment have been implacably opposed despite broad public support. However, official prejudice against redevelopment based on restoration of what was destroyed ensures that the GEIS seeks to portray these scenarios unfairly, in a bid to justify the unreasonable programmatic requirements that have led to designs such as the Proposed Action.

Numerous public comments urging the abandonment of the Proposed Action in favor of the Restoration Alternative were received. Reasoned arguments were reduced to one-liners in the Response section and flippantly dismissed with regurgitated falsehoods and invocations of unreasonable objectives.

It bears noting that no alternative drew close to the amount of public interest and comment as the Restoration Alternative. One entity each commented on the Memorial Only and Enhanced Green alternatives, eight on the Reduced Impact, and none at all on the others...but the Restoration Alternative was urged by nineteen. In the initial comments, more people urged the Twin Towers be rebuilt than expressed general approval of the Proposed Action.

What are claimed to be preferable attributes of the Proposed Action are NOT preferable to the Restoration Alternative in the eyes of the public regardless of the brazen claim that the Libeskind plan "achieved broad public support and fulfilled many of the goals articulated by the public".

The Libeskind plan finished LAST in the OFFICIAL public poll of the design process, which was won comfortably by "Neither" (of the last two plans considered)...there is no question that the priorities decided upon by the planners led to plans that do NOT have public support, least of all this one.

To far more people than the development corporation will admit, that the new World Trade Center be centered on towers every bit as tall as the old by *every* measurement and representing an updated reaffirmation of the design principles that produced the original World Trade Center is

More important than the extension of any streets into or through the site.

More important than "active enlivened street life".

More important than turning the distinctive quiet and low population density of the Financial District into yet another of the city's countless "24/7 communities".

More important than encouraging the disturbingly rapid growth of the population of Downtown.

And to many, **more** important than leaving the "footprints" of the former towers empty. (Before Governor Pataki aggressively intervened to pre-empt public debate, polls showed New Yorkers evenly divided on building on the old footprints).

All these issues must be given lower priority, and their merit subjected to question rather than imposed as a design requirement. Honest evaluation of adverse environmental impacts of encouraging population or traffic growth either at the location in question or as a result of the decisions made regarding what is to be built there are a must for a responsible environmental impact statement. *This one fails!*

An environmentally conscious and appropriate redevelopment of the World Trade Center would see that the way forward for Lower Manhattan lies in further de-vehicularization, not the creation of more space for future traffic jams and auto accidents. This is an area uniquely suited to being dominated by pedestrian traffic arriving by mass transit.

An environmentally conscious and appropriate redevelopment of the World Trade Center would call for the concentration of the office space into a *smaller* number of *taller* buildings than in the Proposed Action. Such construction would use less materials, less land, require less construction equipment and activity with resultant disturbance and proceed faster. Once constructed the scaled-up buildings would be more efficient in operation and safer for their occupants because they would be structurally stronger. Economies of scale would be possible in new Twin Towers that would not be possible in the much smaller Libeskind-plan buildings.

And such construction would leave more open space than before, rather than less, as is the functional consequence of the Proposed Action, which runs a street through what was one of the largest open spaces in the area.

The GEIS constantly soft-pedals the hazards posed by proceeding on the mistaken paths mandated by the development corporation.

Despite the substantial public pressure demanding a fair comparison the Restoration Alternative remains a "straw man" in the Final GEIS, barely touched from the unfair rendering in the Draft GEIS. The same three slanted paragraphs of the Executive Summary attempt to dismiss the Restoration Alternative as before. The characterization of the Alternative, and the subjective design criticism, misplaced priorities, and conveniently incomplete comparisons it is judged negatively for not meeting, are barely touched in Chapter 23. The shameful use of short-term market conditions created by the murderers as a reason future development should implement their desires remains.

No flexibility is shown as to how the Restoration Alternative could best meet objections, such as combining other uses into the two main towers to increase open space. The placement of new Twin Towers is said to be constrained by "the public's expressed desire for some meaningful recognition of" the footprints of the old Towers, and "meaningful recognition" creatively construed to mean total emptiness. To many, reclamation of that space, even a symbolic portion of it, for the purposes to which and for which the victims gave their lives is the best recognition possible. And only with the placement contrived through this constraint is the shadow effect any worse off the site than that of the Proposed Action. Every effort is made to paint restoring the Twin Towers as more inconvenient than it is.

This document in countless ways fails to fairly address the issues, in the furtherance of its objective to ensure the implementation of a disastrously wrong planning decision rather than permit wiser action. Approval of the Proposed Action would be a disgrace to the city, to the nation, and to the free world.

The bottom line for the Final GEIS remains what it was for the draft:

the GEIS unconditionally fails to justify the Proposed Action.


May 20, 2004

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NAME A. FISEKIS
ADDRESS 70-25, 110 STR
FOREST HILLS, N.Y. 11375-4432

===== FAX TO 212-962-2431 =====

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One Liberty Plaza, 20th Floor
New York, New York 10006

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NAME J. John Freeman
ADDRESS 65 Broadway
Arlington MA 02974

5/23/2004

Kevin M Rampe, President
Lower Manhattan Development Corporation
Attention: Comments on FGEIS

May 22, 2004

Dear Mr. Rampe:

The Final Generic Environmental Impact Statement which Lower Manhattan Development Corporation issued in April does not comply with the National Environmental Policy Act. A comprehensive federal EIS for expenditure of the 9/11 recovery funds must include the entire lower Manhattan area, Memorial, Route 9A, West Street, and park in the Hudson River. Please do not release any funds until a proper EIS is completed. It is only with the comprehensive EIS that a sound judgment can be made as to whether the project is suitable for the area and meets the needs of the neighborhood.

Sincerely yours,
Olive Freud

305 West 72 Street, New York, NY 10023, (212)877-4394

5/24/2004

-----Original Message-----

From: JGCITYGIN@aol.com [mailto:JGCITYGIN@aol.com]

Sent: Sunday, May 23, 2004 2:18 PM

To: WTCENVIRONMENTAL

Cc: JGCITYGIN@aol.com

Subject: Attention: Comments WTC Memorial and Redevelopment Plan/FGEIS

114 Crescent Street, Apt. N1
Brooklyn, N.Y. 11208
May 23, 2004

To All Whom this concerns:

I already wrote to you, by The Spirit of THE MOST HIGH GOD JEHOVAH through HIS Son Christ Jesus. Now, I will write to you as a human being, in order that both heaven and earth will be witness against you:

You have made great haste to cover your tracks, even as you make great and swift haste to rush through this "final" GEIS.

Isn't it remarkable how, on one side of your face, you "welcome" the people to comment (that is, whoever knows about this in the first place), you state that the "Proposed Action" is not the only option open to LMDC, and all of this you have put in writing, in ink.

But on the other side of your face, you already have set the date to rupture the earth of this city with your entrenchments of wickedness, as (you so voraciously hope) July 4th.

So, in reality, you very much do not welcome the people's comments, because to welcome means "to receive or accept gladly." If you were glad about this, then you would make sure that every man, woman and child knew about this, and you would not be setting dates ahead of time to do things your way.

Truth is: you have already made your decision.

The people know what you are.

You are worshippers of darkness who sugar coat your bitterness and would leave this city and her people sad and bereaved forever.

Your works and your fists of "legalistic" steel have caused simple and gentle folk to sigh and to feel a lack of hope that anything good will come in this world.

People like you have, for centuries, fought to ensure this planet remains a dark and dismal place to be born into. It's bad enough that we are subject to death, but your kind have made other people's time on this planet a living hell.

You envelop yourselves with your armor of protection while you rape the hell out of everything, because "you can."

There is, however, a hole in your "legalistic" armor, which you tried to erase from the ink writing of the draft GEIS and change the wording of the final GEIS. You made sure you combed through each and every word, just in case there were any openings for the light to shine through.

But the light still shines through.

You also know full well the environmental impact on every level of your design:

A barren "memorial" "reflecting" tribute to the death you worship, where the Twin Towers once stood. What kind of neighborhood impact would that cause?

5/25/2004

A lot less noisy. Much like the relief you would feel if the people never caught onto what you've done and are doing and would do, never made a sound. Nice and shh, shh quiet for the goats, a great relief from the bleating of the sheep: slaughter them and force our way through. Or is it the other way around: force our way through and slaughter them?

Your plans would cast a shadow over the entire earth; would fill the air with the heavy pollution of soulless depression; would hold back the peoples from coast to coast from desiring to eternally flock (like the sheep you despise), as metal to the magnet, to the greatest city of all time; would flood this planet with the venom of your enmity. What bird would even want to abide in a place glorifying the birdcatcher and defiling every historic greatness of what rightfully belongs on and in this land?

All this you already know and all this you seek.

Truth is, you hate New York and you hate her people. Anyone who would deliberately think that forcing picture postcards of the Brooklyn Bridge with a huge erection in place of the Twin Towers, to be rammed down the people's throats, and calling this "attractive, lively and inviting" (like a man says when he rapes a woman: which, when a man rapes a woman it isn't because he loves her, but because he DESPISES her), is a hostile, demented, hateful warring person who despises New York and would go to any end to look on her demise and on the demise of the people who are her own: she whose own you definitely are not.

Joy E. Goldberg

Joy E. Goldberg

-----Original Message-----

From: Jonathan Hakala [mailto:manhattan2003@yahoo.com]
Sent: Monday, May 24, 2004 4:27 PM
To: WTCENVIRONMENTAL
Cc: hakala@bloomberg.net
Subject: Final Generic Environmental Impact Statement

To Whom It May Concern:

The Final Generic Environmental Impact Statement ("FGEIS") was obviously designed to reach predetermined conclusions, and is full of false statements that seek to impose the grossly inadequate, deeply unpopular, and illegal Studio Daniel Libeskind Memory Foundations/World Trade Center Memorial and Redevelopment Plan ("Plan") to the detriment of people everywhere.

Former President Clinton said it best when he wrote in the February 3, 2003 New York Post:

"We cannot abide a situation where large numbers of people conclude that the game was rigged, or that powerful interests were paying mere lip service to the voice of average citizens, or grieving family members."

PLAN HAS ALWAYS BEEN DEEPLY UNPOPULAR

The Plan finished dead last in the official public poll authorized in the planning process. And only after Nicole Gelinas filed a Freedom of Information Act request to gain access to Lower Manhattan Development Corporaton ("LMDC") public comment cards did it become evident that only a small percentage favored the Plan and that a much larger percentage favored something closer to the Restoration Alternative, even though the Restoration Alternative had not been listed as an option on the comment cards. The LMDC has deliberately misled the public by repeatedly stating that the Plan is a product of public consensus.

Libeskind's scheme never enjoyed broad public support. The January 17, 2003 New York Times reported the results of a New York Times poll of 1,003 people: "Asked an open-ended question about which proposal they thought would be best", respondents gave Libeskind's scheme the microscopic total of just 17 votes.

So how did Libeskind react to the absence of broad public support? The February 26, 2003 New York Times revealed "Shortly before the finalists were selected,

an e-mail message emanated from Studio Daniel Libeskind in Berlin urging friends, 'in a shameless attempt to inflate public opinion', to vote for the Libeskind plan on the CNN and New York One Web site polls". Attempts to manipulate or manufacture public opinion by "stuffing the ballot box" do not change the central fact that Libeskind's scheme has never earned wide public support.

It is also worth noting that the day before the final announcement, the LMDC's own site selection committee voted overwhelmingly for someone other than Libeskind.

THE PLAN REMAINS UNFUNDED

Silverstein's lead lawyer Herbert Wachtell told United States District Court Chief Judge Michael Mukasey that "insurance was the sole source of money for building the 1,776-foot Freedom Tower and the commercial space underground at the 16-acre lower manhattan trade center site." Wachtell also made a remarkable confession in court. According to the Associated Press's account of the February 4, 2004 hearing, he said "the truth here is that with the single occurrence limit, you cannot rebuild what the Governor [Pataki] wants rebuilt..."

Despite Pataki's enormous power to twist arms, in more than 17 months Pataki and Silverstein have failed to find even one private sector tenant for the so-called "Freedom" Tower. Just what part of the market's reaction to the "Freedom" Tower doesn't the LMDC understand?

It was highly irresponsible for the LMDC to rely on an improbable Silverstein insurance victory to generate the funds necessary to implement the Plan. And with Governor Pataki, Governor McGreevey, and Mayor Bloomberg all facing multi-billion-dollar budget deficits in the years ahead, they cannot be expected to make up the difference.

The "Freedom" Tower has utterly failed to capture the public's imagination. There are pictures of our beloved Twin Towers on t-shirts, in store windows, and on postcards, even 32 months later. I don't know of anyone who has ever seen a picture of the "Freedom" Tower on a t-shirt, a coffee mug, a postcard or a keychain. It simply has not resonated with the broader public.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

E.1 LAND USE AND PUBLIC POLICY

Contrary to the LMDC's conclusory statement, the Proposed Action would result in significant adverse impacts to land use, land use trends, and public policy in the 2009 and 2015 analysis years.

E.2 URBAN DESIGN AND VISUAL RESOURCES

Contrary to the LMDC's conclusory statement, the Proposed Action would result in significant adverse impacts to urban design and visual resources in the 2009 and 2015 analysis years.

For example, the "Freedom" Tower's deep unpopularity extends well beyond the general public. In September 2003, world renowned real estate developer Donald Trump referred to the Libeskind plan as "a monstrosity of garbled nonsense."

On CNN's Larry King Live, February 27, 2004, Trump said, "...I hate the design, and I don't think Larry [Silverstein] likes the design. It

was foisted upon him. It's a 50-story building that looks like it's 120 stories. It's a skeleton. And that's the last thing we need in New York is a skeleton of -- representing the World Trade Center. I think that it is not an appropriate design. I don't like it..." The "Freedom" Tower would be a deliberately twisted office building inflicting unnecessary additional pain and suffering on millions of people.

E.3 HISTORIC RESOURCES

The LMDC's review was obviously designed to reach predetermined conclusions, and is legally insufficient to comply with Section 106 of the National Historic Preservation Act.

E.4 OPEN SPACE

The Proposed Action would result in much less open space on the WTC Site than in the Pre-September 11 Scenario and would also result in some of the worst densities and light and air conditons in all of Manhattan. The LMDC's definitions of open space and density are deliberately misleading and illegal.

E.5 SHADOWS

Even the LMDC admits that the Proposed Action would result in significant adverse impacts. In fact, the Proposed Action would result in some of the worst densities and light and air conditons in all of Manhattan.

E.7 SOCIOECONOMIC CONDITIONS

The LMDC falsely claims that the Proposed Action would not result in significant adverse socioeconomic impacts. Because the Proposed Action is nowhere near funded, it could easily take 20 or more years to complete. The Restoration Alternative would attract both private and public sector funding far more easily, and could be built in far less time. This would result in tens of thousands of desperately needed additional jobs in lower Manhattan years earlier than in the Proposed Action.

E.8 NEIGHBORHOOD CHARACTER

The LMDC falsely claims that the Proposed Action would result in overall benefits to neighborhood character in both 2009 and 2015. In fact, the unfunded Proposed Action would almost certainly condemn the neighborhood to being a construction site for far longer than would be necessary under the Restoration Alternative.

E.11 TRAFFIC AND PARKING

While even the LMDC admits that the Proposed Action would have significant traffic impacts in both 2009 and 2015, these adverse impacts would likely be far worse than advertised.

E.12 TRANSIT AND PEDESTRIANS

While even the LMDC admits that the Proposed Action would have significant pedestrain impacts in both 2009 and 2015, these adverse impacts would likely be far worse than advertised.

E.20 CONSTRUCTION

The unfunded Proposed Action would almost certainly condemn the neighborhood to being a construction site for far longer than would be necessary under the Restoration Alternative.

E.22 ALTERNATIVES

RESTORATION ALTERNATIVE

Page S-1 of the LMDC's own Draft Generic Environmental Impact Statement described our beloved Twin Towers as having been "the best known skyscrapers in the world." In fact, the first sentence of the July 24, 2001 press release from the Port Authority announcing the Silverstein Properties lease called the World Trade Center "a world-renowned icon that for three decades has been New York City's most famous landmark." In this same press release, Port Authority Vice Chairman Charles Gargano said "the World Trade Center and its Twin Towers are among the handful of instantly recognizable structures on the entire planet, like the Pyramids at Giza or the Great Wall of China." Imagine allowing the Pyramids to crumble or the Great Wall to come tumbling down without restoration!

We need something much, much better than the "Freedom" Tower to give the private sector and the American taxpaying public the motivation to help finance the rebuilding of our World Trade Center. We need, in short, something that honors the "instantly recognizable" form of our beloved Twin Towers, while also incorporating better safety features, better security measures, and the substantial progress in architecture, engineering, environmental safety, material design, and technology that we have made in these last 40 years.

It was grossly misleading for the LMDC to compare the Restoration Alternative without any possible benefits from the Southern Site to the Proposed Action assuming maximum benefits from the Southern Site.

It was also grossly misleading for the LMDC to assume that the WTC PATH Terminal and interim improvements would be completed independently of any Restoration Alternative, thus arbitrarily denying the Restoration Alternative the benefit of potential synergies.

It was also grossly misleading for the LMDC to assume that the Restoration Alternative would not integrate design elements into the surrounding neighborhood.

It was also grossly misleading for the LMDC to assume that the Southern Site would be redeveloped under the Restoration Alternative without the mitigation measures incorporated into the Proposed Action.

The LMDC never made any serious effort to recruit tenants to occupy the top floors of the redeveloped towers in a Restoration Alternative. Less than a year after the atrocities of September 11, 2001, CBS News and the New York Times conducted a poll of more than 1,000 people and asked them "would you be willing to work on one of the higher floors of a new building at the World Trade Center site?". Almost two of every five people said yes, we are indeed willing to work on the higher floors. This magnificent result is far better than anything one could reasonably have hoped for. Given the large size of the New York metropolitan area's labor force, more than 3 million people would be willing to work on the higher floors.

And that's enough people to fill the top half of more than 200 new towers!

With such overpowering potential demand, I long ago suggested to LMDC Chairman John Whitehead and the then LMDC President Lou Tomson that a transparent process should determine who would have the honor of occupying the higher floors, specifically that the LMDC should hold a worldwide auction for space above the 85th floors. Such an auction would almost certainly be heavily oversubscribed. There would be overwhelming demand from people and businesses, and this would send a powerful message supporting the Restoration Alternative. The New York Post once reported that one executive alone indicated a willingness to take the top five floors of one of the new towers.

The LMDC never made an effort to mobilize the overwhelming number of people who support the Restoration Alternative to ask them to develop an officially-sanctioned comprehensive plan for the best possible Restoration Alternative. This failure alone would demand that the FGEIS be rejected. Taken together with all of the Proposed Action's severe adverse impacts, the FGEIS would not withstand litigation.

All previous statements made by me in any context that may be relevant to the FGEIS are hereby incorporated by reference. In any future litigation, I also reserve the right to refer to any communication by any other person or entity that might possibly be relevant to any such litigation.

Sincerely,
Jonathan Hakala

Do you Yahoo!?
Friends. Fun. Try the all-new Yahoo! Messenger. <http://messenger.yahoo.com/>

16 Stuyvesant Oval, Apt. 9E
New York, New York 10009
212.533.3162
barbaranewyork@hotmail.com

May 24, 2004

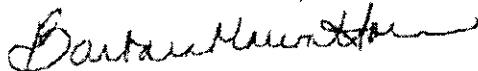
Kevin M Rampe, President
Lower Manhattan Development Corporation
1 Liberty Plaza, 20th Floor
New York, New York 10007

Dear Mr. Rampe,

Enclosed are my brief comments which I would like to be considered in the Notice of Intent to Request Release of Funds for the World Trade Center Memorial and Cultural Program.

Thank you for your consideration.

Sincerely,



Barbara Marion Horn,
New Yorker

Commentary Re:
Notice of Intent to Request Release of Funds for the World
Trade Center Memorial and Cultural Program.

Submitted by Barbara Marion Horn
barbaranewyork@hotmail.com

May 24, 2004

GOOD NEWS and BAD NEWS

I am delighted to be informed of the LMDC's request to the U.S. Department of Housing and Urban Development for the release of the Community Development Block Grant funds for the building of the World Trade Center Memorial and Cultural Program. Bravo!

Unfortunately, this good news is being tempered by a glaring reality: the construction of the WTC Memorial (or any buildings going up on these 16 acres) is not being overseen by the New York City Fire Department. As the whole world knows, the FDNY bears the responsibility of coming to the rescue of persons and property at this location. How in good conscience can anything be erected here without the FDNY being the lead, decision making body regarding fire and safety? This, indeed, is bad news.

Following are comments on the Final Generic Environmental Impact Statement for the WTC Memorial and Redevelopment plan, which I received in April 2004. This document needs to be scrapped because the entire process is flawed. The so-called "Proposed Action" does not reflect the desires of a majority of New Yorkers. At numerous LMDC public comment sessions, more speakers called for rebuilding the Twin Towers than supported the Libeskind plan. Despite this, no "restoration alternative" was presented to the public during any of these comment sessions. During 2002, six "Preliminary Design Concepts" were unveiled to universal disdain, and nine subsequent designs were announced later in the year. During this process, the "Restoration Alternative" was ignored by the policy makers despite repeated requests from the public that it be considered. The exercise of rebuilding the WTC site should not be viewed as some abstract exercise in urban planning. Rather, it is a necessary response to an act of mass murder and urban vandalism on an unprecedented scale. As such, the analysis using the "Current Conditions Scenario" is inappropriate. Because the destruction of the WTC was an unprovoked attack and not a planned redevelopment, the only appropriate method of analysis is the "Pre-9/11 Scenario". Furthermore, not replacing what the murderers destroyed is validating this horrible atrocity for generations to come. The appearance and function of Manhattan must not be dictated by criminals. Furthermore, the Libeskind plan is significantly flawed in ways too numerous to list here. Two examples: restoring Fulton and Greenwich Streets through the WTC site will have adverse environmental impacts because it will encourage more vehicles to enter lower Manhattan. The area is already too

congested; adding more roads will simply encourage more people to drive downtown. Also, the so-called "Wedge of Light" is a farce because it has been demonstrated that the area in question will actually be covered in shadow during the morning of 9/11. All references to the Wedge of Light should be deleted from the analysis. Another flaw is that the "Restoration Alternative" does not allow for rebuilding the Twin Towers closer to Church Street, leaving the "footprints" of the former towers vacant for the memorial. Since the political decision was made not to build on the footprints, the "Restoration Alternative", as written, is infeasible despite its popularity. A modified "Restoration Alternative", with the towers built away from the "footprints", more accurately reflects the desires of many New Yorkers who expressed a desire to see the Twin Towers rebuilt while acknowledging the necessity of providing a memorial to the victims of terrorism. Towers proposed under the "Restoration Alternative" must incorporate all modern safety and environmental systems, rather than the mid-1960s standards of the old buildings. The Libeskind plan's buildings are unattractive, and too short to accommodate the 10 million square feet of office space that must be built at the site. Not restoring all of the lost office space will result in adverse environmental impacts throughout the region, as jobs are forced to move to the suburbs due to insufficient space in the city. This will increase suburban sprawl. Therefore, it is imperative that the Libeskind plan be discarded without further consideration, and a modified "Restoration Alternative" be adopted in its place.

Bill Hough
238 East 30th Street #2F

New York, NY 10016

-----Original Message-----

From: CITYSLOB@aol.com [mailto:CITYSLOB@aol.com]

Sent: Monday, May 24, 2004 12:58 AM

To: WTCENVIRONMENTAL

Subject: LMDC Final GEIS Comments

LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

The Final Generic Environmental Impact Statement

I reject the notion that the GEIS report properly answers all of the relevant questions raised.

I also disagree with the LMDC's approval of "Reflecting Absence" as the winner of the World Trade Center Site Memorial.

The design "Reflecting Absence" clearly violates the revised master site plan, as well as the memorial competition guidelines.

I am formerly requesting that the LMDC void the winning design "Reflecting Absence," and empower a new jury that will reevaluate the 5,201 submitted designs for the purpose of choosing a new design that strictly adheres to the rules of the competition, as set forth by the LMDC, with broad input from the public.

Jeffrey M Johns
167 Skidmore rd.
North Babylon NY 11703

5/24/2004

LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

The Final Generic Environmental Impact Statement represents another milestone in the wilfully misguided process of foisting an inadequate and unwanted plan on the city and nation.

That the official public poll authorized in the planning process was easily won by "neither" of the two designated finalists, and the site plan chosen was the one that finished last clearly demonstrates that the priorities insisted upon by those in charge are not the priorities of New Yorkers or Americans.

That the Final GEIS brazenly insists that this plan "achieved broad public support" demonstrates its absolute failure to fairly address the comments submitted on the Draft GEIS and the inexcusability of proceeding further on the wrong paths chosen by the planners.

It is the "Restoration Alternative", new WTC Towers representing no retreat whatsoever from the scale of the old, that truly represents the aspirations of the largest part of the public and most effectively honors those who were slaughtered.

To combine the office space into fewer, taller towers on the WTC Site leads to greater efficiency in the use of resources and land, and greater safety and efficiency in the resulting structures. And this is the only way to send an essential symbolic statement that posterity will not forgive us for failing to make, and future terrorists will be encouraged by even our hesitation to make.

With respect to the concerns of others, that the new World Trade Center be centered on towers every bit as tall and large as those destroyed is more important than the extension of any streets into or through the site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Downtown. All these issues must be given lower priority than the creation of a new center that unambiguously reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character.

To take into account any short-term fears of occupying the highest floors of gigantic new towers is a particularly reprehensible empowerment of the terrorists and should have no place in a development that must be very publicly and unmistakably fearless. Make these buildings marvels of safety and have faith in the future of freedom.

The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative:

NAME John de Lucto
ADDRESS 1566 - 83 ST.
Brooklyn, NY 11228

EMCO Final GEIS Comments,
One Liberty Plaza, 40th Floor
New York, New York 10006

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With respect to the concerns of others, that the new World Trade Center be centered on lower, heavy duty but as tall and large as those destroyed is more important than the extension of any streets into or through the site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Lower Manhattan. All these issues must be given lower priority than the creation of a new center that unequivocally reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character.

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NAME: William Roberto Rubio
ADDRESS: 157th St 83rd St
1570th Ave NY 11228



05/12/04 8:33

May 12, 2004

**Lower Manhattan Development Corporation
Attn: Comments WTC Memorial and
Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006**

Gentlepersons:

I am writing in reference to Figure 22-1 of the FGEIS, entitled: Traffic Mitigation Overview, 2009 AM Peak Hour with Route 9A At-Grade. I note that there are two distinct impact symbols placed at the intersection of Route 9A and Albany Street: (1) a circle with a dot at the center signifying Mitigated Impact; (2) a plain circle signifying No Significant Impact regarding Route 9A BY PASS.

From the traffic point of view alone, you will agree that the BY PASS Plan and the AT GRADE Plan (with appropriate signage and traffic light control) should have the same impact, be it No Significant Impact or Mitigated Impact.

Inasmuch as this is an Environmental Impact study, I would like to recall my letter of February 9, 2004 to the LMDC regarding the DGEIS: Quite aside from the cost in terms of money and duration of construction, the BY PASS plan would have much more adverse environmental impact than the AT GRADE plan.

Thanking you for your attention, I remain

Sincerely,

A handwritten signature in cursive script that reads "Frederick F. Ling, PE".

**Frederick F. Ling, PE
Earnest F. Gloyna Regents Chair Emeritus in Engineering &
Distinguished William Howard Hart Professor Emeritus, Rensselaer Polytechnic Institute**

=====FAX TO 212-962-2431=====
LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

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With respect to the concerns of others, that the new World Trade Center be centered on towers every bit as tall and large as those destroyed is more important than the extension of any streets into or through the site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Downtown. All these issues must be given lower priority than the creation of a new center that unambiguously reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character.

To take into account any short-term fears of occupying the highest floors of gigantic new towers is a particularly reprehensible empowerment of the terrorists and should have no place in a development that must be very publicly and unmistakably fearless. Make these buildings marvels of safety and have faith in the future of freedom.

The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

NAME JOSEPH PELL LOMBARDI, ARCHITECT
ADDRESS 401 WASHINGTON ST.
NEW YORK, NY 10013

24 May 2004

Lower Manhattan Development Corporation
One Liberty Plaza, 20th floor
New York, NY 10006

Re **Comments on Amended General Project Plan (GPP)
World Trade Center Memorial and Redevelopment Plan**

The proposed plan and the process that led to it is a national failure and a national embarrassment.

The only way to create both the public mandate and the specific market demand for a vigorously built-out World Trade Center site — which would be much closer to 12 million square feet than to 10 — is to design the site so that everything built there works together to make the site a *destination* that responds truthfully to 9/11

Larry Silverstein's prospective tenants understand very well that Silverstein's plan for five towers and a memorial park — which he initially proposed (as four towers) during an interview with Newsday on 20 September 2001, just nine days after 9/11 — will never be that destination.

The reason why — and how to do better — was first explained to me in December 2002 by New York architect Eli Attia.

To make the World Trade Center site a destination, we must leverage the full emotional and physical dimensions of the space. "Sixteen acres" is a convenient shorthand for the real estate, but real estate is not what any of us experiences when we approach the site on foot from the north, south, east, or west. What we experience is a public and historic *place*. That place is where destination making — and design — must begin.

Indeed, before we address the World Trade Center site as a development opportunity, we must first recognize it as a civic urban presence. That full presence — what we actually see and feel on the ground today — is the monumental three-dimensional volume framed by the facades of the buildings surrounding the site on the WEST side of West Street, the NORTH side of Vesey Street, the EAST side of Church Street, and the SOUTH side of Liberty Street.

Based on this true north, south, east, and west, Eli Attia calculates the true dimension of the World Trade Center site to be closer to 32 acres. Designing to the full 32 acres is the only way to preserve the wholeness, the historic resonance, and the monumentality of the site, while making the site a fully connective hub for everything around it and, thus, the best engine for revitalizing Lower Manhattan. In short, designing to 32 acres is the only way to make the World Trade Center site a destination worth the trip.

The current 16-acre plan falls far short of this urban synchronicity.

The only way to achieve that — and the only hope for the future of the World Trade Center site — is to design and build the eighth wonder of the world there.

But how does the public go about finding the eighth wonder of the world?

Only by laying aside the current agenda of restored streets and planning quadrants.

Only by creating the conditions for architects to respond freely to the site

Only by looking everywhere.

Only by conducting an open architectural design competition
for the World Trade Center site in its entirety.

The Tom Waits song "What's He Building" — about a secretive loner holed up in his house where he's building something, we know not what (but he keeps "enough formaldehyde to choke a horse," so there must be something suspicious going on) — ends with a line that answers its own question: "We have a right to know."

The public has a right to know what the LMDC is building, and the public has the same right to know what they could be building instead.

JOHN LUMEA
1287 Atlantic Avenue, #7
Brooklyn, NY 11216

24 May 2004

Lower Manhattan Development Corporation
One Liberty Plaza, 20th floor
New York, NY 10006

Re **Comments on Final Generic Environmental Impact Statement (FGEIS)
World Trade Center Memorial and Redevelopment Plan**

For 2½ years, the Lower Manhattan Development Corporation (LMDC) and the Port Authority of New York and New Jersey have pursued with blind devotion their planning agenda, codified in the LMDC's "blueprint" of April 2002, to wit: Restore Greenwich and Fulton Streets across the World Trade Center site to create four planning quadrants — three commercial, one memorial — that will (1) limit the size of any memorial and (2) completely segregate the memorial from the 10 million square feet of commercial space. This, they continue to argue, is the framework most likely to produce a "human scale" development.

No.

The events of September 11 demand that the World Trade Center site be the occasion for us to create a great civic urban gesture rooted in a state-of-the-art urban environment. The public has every right to expect and demand that, too.

What the current plan proposes instead is the highest density in Manhattan's history, coupled with a fragmented and cramped public realm. The FGEIS glosses this and many other awful truths, diverting the public's attention away from (1) the LMDC's and Port Authority's utter failure to lead the public toward a design that clears 9/11's high bar and from (2) design possibilities that would lead to a superior urban environment.

Time and again, passages like the following —

"In 2015, completion of the four other offers towers [in addition to "Freedom Tower"] would increase the bulk along Church Street... These towers would be in keeping with building uses, heights, and designs on the WTC Site... prior to September 11... These towers would block views across the WTC Site; however, these views were blocked... prior to September 11." (FGEIS 4.1.2., p. 4-3)

— reinforce the conclusion that the rebuilding authorities never tried to do better than before and that the FGEIS is nothing more than an official rationalization of the status quo.

Digging deeper into the FGEIS' many reams of pages reveals a possibly deliberate effort to conceal the worst offenses.

DENSITY

The LMDC's plan for the World Trade Center site would create the bulkiest buildings, the busiest sidewalks, and some of the worst light-and-air conditions in the history of New York. Based on the New York City Zoning Resolution, which sets the city's minimum standards for healthy urban environments, the LMDC's plan is actually against the law — and there is literally no way to bring the plan within the law apart from redrawing the plan beyond all recognition. Which is to say, starting over.

Perhaps this is why *not a single heading* in the 10-inch-thick FGEIS makes reference to standard zoning terminology that has been in use for decades — density, bulk, light and air, floor area ratio (FAR). Rather, this information is deeply buried in chapter 4, disarmingly titled "Urban Design and Visual Resources."

But the information itself is false. According to the FGEIS:

"Development would be less dense on the Project Site than it was prior to September 11 — with only 10 million square feet of office space, as compared to approximately 11.7 million square feet of office space on the WTC Site and Southern Site combined in 2015." (FGEIS 4.3.5, p. 4-34.)

To begin with, square footage of office space is only one part of the density equation. As the LMDC knows and acknowledges in the following paragraph, density is expressed as floor area ratio (FAR) — the ratio of the total above-grade floor area to the area of the parcel. In the case of the former World Trade Center, that parcel was the entire site.

But here is the worst of it. The FGEIS treats the proposed plan as one site, then attempts an apples-to-apples comparison with the former World Trade Center without providing the FAR of the former WTC, which was about TKTK. The FGEIS then argues that under the current plan the FAR of the built-out WTC site would be "approximately 11.5" (FGEIS 4.3.5, p. 4-34) by 2015.

The outrageousness of this deception is clarified by the actual numbers, which are beyond outrageous. Unlike the former WTC, each of the proposed towers would be developed separately on its own parcel. Likewise, the memorial, permanent PATH station, and performing arts center would be on their own parcels. Based on the proposed site plans — Figures S-5 and S-6 in the FGEIS Executive Summary (which do not provide parcel areas) — New York architect Eli Attia approximates that the **office tower densities would range from about 26 FAR to about 50 FAR**. Less dense than the former World Trade Center? On the contrary, the proposed plan would be about 2 – 3 times as dense. And, based on a New York City Zoning Resolution maximum of 18 FAR for prevailing commercial districts, it would be in flagrant violation of city laws.

At street level — where the battle for “human scale” is waged — the public experiences higher FARs in terms of bulkier buildings, less light and air, and more constricted pedestrian flow. And the higher the FAR, the worse these conditions get. Eli Attia raised the issue in an October 2003 *Newsday* article, which also quoted New York architect Bruce Fowle as saying: “The thing that is really scary and what nobody has visualized is what it's going to be like to walk down these streets with these massive towers. The ratio of height to width may exceed the situation in the Wall Street area, which made us establish the rules in the first place.”

Fowle reinforces Attia's point in this excerpt from his January 2004 interview with *Metropolis Magazine* (complete interview on the *Metropolis Web* site at <http://www.metropolismag.com/html/wtc/BruceFowle.html>):

[BEGIN EXCERPT]

Do you feel that because sustainability wasn't discussed from the onset of the WTC rebuilding efforts, opportunities were lost?

I think it is fair to say that there wasn't serious consideration for the environment in the selected master plan. The plan is mostly about poetry — sculpture — it doesn't address, for example, the impact of putting five towers to the north and to the east of an open space. It's great for the open space, but you're casting shadows on all of the buildings to the north and east. Big, big shadows. That certainly wasn't considered.

Then there is the issue of density...[which] affects everything, from crowding in the street to light and air, interior environmental quality and mass transit.

Compared to the rest of Manhattan, the WTC site was ultra-dense. [Actually not true, as Fowle explains.] Was it this way because of plaza bonuses?

No. Because the land is owned by the Port Authority and is independent of N.Y.C. zoning rules — which is a matter of contention — the developers could build anything they wanted.

If you take the original site [the WTC towers and its surrounding 16 acres] and look at the FAR — floor-to-area ratio — the average was about 14. But if you use conventional N.Y. zoning analysis, you have a proposed FAR [as of September 2003] of 28-35 on the built blocks. In the densest areas of N.Y., the average FAR in a block is less than 15. So you are talking about large building bulks. Will the streets be places people will want to be? What about wind turbulence? I'm not sure the public understands this.

The LMDC's argument is that you can't look at it that way, you have to look at it in the overall 16 acres; and because there's an open park there, it compensates for the density. That doesn't compensate when you're walking down the street. That's like saying all of the buildings next to Central Park can take all the FAR off Central Park, so you could build huge buildings up and down Fifth Ave. and Central Park West.

[END EXCERPT]

Fowle is right that placing 11 million sf in the LMDC's three commercial quadrants would almost invariably result in "large building bulks." And he is right that the public does not yet know what kind of pedestrian environment it's in for with the LMDC's plan.

But ground zero's environmental problems do not begin and end with the Port Authority's (reduced) 10 million square foot commercial space requirement. To assume so is to undersell the power of good design to organize the former amount of space in a more satisfying and vitalizing way. It is to prematurely write off the full architectural and environmental potential of the site. The FGEIS process will be a dead end and a lost opportunity unless we lay to rest the shibboleth of received wisdom that has hamstrung this project from the beginning, namely: We simply can't restore all the floor space AND create the urban environment some resented the twins for not providing — and the only way to get the one (the environment) is to cut the other (floor space).

By laying aside the official mandate (restored streets and planning quadrants), Eli Attia's World Trade Center design — which he did not, on principle, submit to the LMDC's "innovative design study" — provides one example of how it is possible to accomplish both goals at same time. Using only the World Trade Center site and the space between the site and the World Financial Center, Attia's design provides 10.5 million square feet of floor area across three towers that yield a combined FAR of about 9.7. And there is room left for a memorial that honors the former footprints, as well as 20 acres of public open space.

PUBLIC OPEN SPACE

The proposed plan and the FGEIS blur the lines between active public open space, passive public open space, and memorial space. But neither memorial space nor streets and sidewalks — which the FGEIS gratuitously includes in its open space calculations — are functionally "open," for different but obvious reasons.

The public expects 9/11 to have occasioned a great civic open space *on the World Trade Center site* — a space to compare with the great piazzas of Europe, a space worthy of New York and thus large enough to accommodate great public gatherings of memory, celebration, and political free speech.

The largest of the proposed spaces — Liberty Park, on the Southern Site — does not satisfy this expectation: It is too small, and it is in the wrong place.

That leaves only the spaces in the so-called Wedge of Light Plaza, the PATH plaza, and September 11th Place. These spaces would be immediately adjacent to the memorial entrance, a major transportation center, and two office towers holding enough workers to fill two Empire State Buildings. In other words, these passive open spaces would barely accommodate the pedestrian flow these facilities would generate. They would not rise to the level of public open space amenity that the public expects on the World Trade Center site.

Even if one were to allow these last spaces to be regarded as public open spaces, the FGEIS calculations are inflated. The New York City Zoning Resolution defines "Public Open Space" as having a width-to-length ratio of no less than 1:3. Applying this standard, these spaces are much smaller than they appear

WIND EFFECTS

Buildings' wind effects owe at least as much to their shape as to their siting.

If the rebuilding establishment were serious about creating a more sympathetic — less "windswept" — pedestrian realm at the World Trade Center site, it would have set the site's wind standards first (April 2002) and only then asked architects to respond to those standards with site and building designs.

The FGEIS assumes that the remaining four buildings (after the "Freedom Tower") will pretty much conform to what they already "know" office buildings are: Conventional building typologies with sheer street walls, a few boxes here, and a few setbacks there. Based on this thinking — which is reinforced by FGEIS Figure 6-2 — better wind conditions are a simple function of tweaking the setback minimums.

But this is not design leadership worthy of 9/11. A state-of-the-art urban environment will never emerge from a retrofit of the status quo. We have to design that environment from the outset.

The buildings in Eli Attia's design, for example, are conically tapering pylons that radicalize the whole notion of the setback. The towers are, in effect, three monumental and infinitely attenuated setbacks, and they are designed this way, in part, precisely to minimize the adverse wind effects that tall buildings typically have. I am not an architect, but I am confident that a group of towers shaped like these would considerably outperform anything now contemplated for the World Trade Center site and would well exceed the status quo on wind effects that the FGEIS promotes and endorses.

Indeed, the FGEIS wind "analysis" excludes such advanced building typologies altogether. By considering only conventional building typologies, the FGEIS reinforces the conventional wisdom about the limits of building performance and caps expectations for a substantially improved wind environment on the World Trade Center site.

REBUILDING ALTERNATIVES

The cursory treatment of rebuilding alternatives in this FGEIS is an insult to the public. By withholding from the public vigorous analyses of the alternatives, the FGEIS further disables the public from evaluating the proposed plan. This reinforces a dysfunctional rebuilding process in which planning officials have never regarded it as their solemn duty — which it is — to educate the public about *all* the design possibilities for the site, not just the one possibility that has been previously approved by those in financial and political power.

This is particularly egregious in the case of FGEIS 23.6, the "WTC Site Only Alternative." By presenting only the previously rejected four-tower scheme, the LMDC shows that it was never committed to finding or comparing any such solution that was "outside the box" of a restored street grid and planning quadrants — even if that solution might have been superior to their proposed plan and a superior response to 9/11.

Rather, the LMDC appears to have taken the path of least resistance by setting up a "straw man" that it was only too happy to knock down.

GREENWICH STREET

Adding insult to injury, the rationale rebuilding authorities have used for 2½ years as to why Greenwich Street must be restored — that doing so would renew a north-south view corridor and that it would reconnect the neighborhoods north and south of the World Trade Center site by recreating a vehicular artery — is now revealed as false.

The new 7 World Trade Center is being built over the western edge of the Greenwich street bed, literally narrowing Greenwich Street in the block between Vesey and Barclay Streets and obstructing views in both directions.

The current plan is that southbound vehicles approaching the World Trade Center site from the north on Greenwich cannot continue through the site at all — they must turn right onto Vesey, the site's northern perimeter.

JOHN LUMEA
1287 Atlantic Avenue, #7
Brooklyn, NY 11216

24 May 2004

Lower Manhattan Development Corporation
One Liberty Plaza, 20th floor
New York, NY 10006

Re **Comments on Amended General Project Plan (GPP)
World Trade Center Memorial and Redevelopment Plan**

The proposed plan and the process that led to it is a national failure and a national embarrassment.

The only way to create both the public mandate and the specific market demand for a vigorously built-out World Trade Center site — which would be much closer to 12 million square feet than to 10 — is to design the site so that everything built there works together to make the site a *destination* that responds truthfully to 9/11

Larry Silverstein's prospective tenants understand very well that Silverstein's plan for five towers and a memorial park — which he initially proposed (as four towers) during an interview with *Newsday* on 20 September 2001, just nine days after 9/11 — will never be that destination.

The reason why — and how to do better — was first explained to me in December 2002 by New York architect Eli Attia.

To make the World Trade Center site a destination, we must leverage the full emotional and physical dimensions of the space. "Sixteen acres" is a convenient shorthand for the real estate, but real estate is not what any of us experiences when we approach the site on foot from the north, south, east, or west. What we experience is a public and historic *place*. That place is where destination making — and design — must begin.

Indeed, before we address the World Trade Center site as a development opportunity, we must first recognize it as a civic urban presence. That full presence — what we actually see and feel on the ground today — is the monumental three-dimensional volume framed by the facades of the buildings surrounding the site on the WEST side of West Street, the NORTH side of Vesey Street, the EAST side of Church Street, and the SOUTH side of Liberty Street.

Based on this true north, south, east, and west, Eli Attia calculates the true dimension of the World Trade Center site to be closer to 32 acres. Designing to the full 32 acres is the only way to preserve the wholeness, the historic resonance, and the monumentality of the site, while making the site a fully connective hub for everything around it and, thus, the best engine for revitalizing Lower Manhattan. In short, designing to 32 acres is the only way to make the World Trade Center site a destination worth the trip.

The current 16-acre plan falls far short of this urban synchronicity.

The only way to achieve that — and the only hope for the future of the World Trade Center site — is to design and build the eighth wonder of the world there.

But how does the public go about finding the eighth wonder of the world?

Only by laying aside the current agenda of restored streets and planning quadrants.

Only by creating the conditions for architects to respond freely to the site

Only by looking everywhere.

Only by conducting an open architectural design competition
for the World Trade Center site in its entirety.

The Tom Waits song "What's He Building" — about a secretive loner holed up in his house where he's building something, we know not what (but he keeps "enough formaldehyde to choke a horse," so there must be something suspicious going on) — ends with a line that answers its own question: "We have a right to know."

The public has a right to know what the LMDC is building, and the public has the same right to know what they could be building instead.

JOHN LUMEA
1287 Atlantic Avenue, #7
Brooklyn, NY 11216

Caroline Martin,
366 Broadway,
New York, NY 10013

Comments on Final Generic Impact Statement for the World Trade Center
Redevelopment Plan.

TRAFFIC:

In spite of the requests I made during the scoping and the comment period for the draft GEIS, the final document continues to ignore and bypass traffic studies for weekend traffic. A few studies have been included of Saturday mid-day traffic, but these are not peak hours as I explained to you in my previous comments. Your own ATR volumes (raw data) that I received as the result of a FOIA request show that weekend traffic is currently very close to and in some cases exceeds weekday levels.

Further proof of the need for proper peak weekend traffic studies can be obtained from the Port Authority of New York and New Jersey who will tell you that volumes in and out of the Holland Tunnel are effectively the same 7 days a week. Since all Holland Tunnel traffic exists the tunnel south of Canal Street within your study area, this would seem to be relevant data for you to have considered. Also available are p.m.2.5 readings on an hourly basis from the Canal Street Post Office. These are particularly useful to determine the amount of traffic in the area at any given time of the day or night.

PARKING:

You continue to show parking lots that are scheduled for housing development. Since you include these proposed developments in your projects to be completed while the WTC is under construction, one can only assume that you are willfully misrepresenting the parking situation.

WIND TURBINES:

As a result of a FOIA request for "Any and all materials related to Turbine and Windmill operations as planned for the Freedom Tower; with particular attention on Documented Use in URBAN areas", I have received a "Request for Qualifications to develop and operate wind energy facilities – WTC

Freedom Tower” document. This document in no way deals with the documented use of this amount of wind power in an urban area. I know you will not find any documented use of this amount of wind power in an urban area, as this will be a completely experimental installation (you prefer the word groundbreaking).

Since the National Institute of Standards and Technology is looking into the collapse of the twin towers, they have discovered that there were many experimental/ground breaking features and techniques used in the towers’ construction. The result of all this experimental/ground breaking work was that there were no standard testing protocols to follow, and in fact no fire testing was done of the floor structures at all.

LMDC and HUD should be very mindful that they do not endanger the residents and workers of Lower Manhattan by again encouraging experimental construction. They should, along with the building methodologies, be tried and true and guided by experience.

6107 217th Street
Bayside, NY 11364
May 16, 2004

Lower Manhattan Development Corporation
Attention: Comments WTC Memorial and Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006

To Whom It May Concern:

What follows is my comment on the Final Generic Environmental Impact Statement (FGEIS). I am a member of the World Trade Center Restoration Movement, and a concerned citizen of New York City, as well as a patriotic American who has seen this rebuilding process devolve into a corrupt orgy of political cronyism and special interest parochial concerns. What is most astounding is how you have used the 9/11 attacks on the World Trade Center as an excuse for urban renewal agendas that should play no role in a site of such significance to the American people. The bottom line, which you fail to remember, is that right after 9/11, Giuliani, Pataki, Silverstein and Bush all promised that our World Trade Center would be rebuilt!

Indeed, the people of this city, this country and the world want the twin towers of the WTC restored to their former glory! In section 1.4.3 of chapter 1 of the FGEIS, you acknowledge that restoring the skyline was a consideration of "nearly 60% of Listening to the City attendees, and 84% of Federal Hall exhibit comments," and that "numerous individuals and grassroots organizations additionally supported rebuilding the Twin Towers as they originally stood." Restoration and rebuilding to most people denote the reconstruction of what was destroyed, in other words, the Twin Towers! However, you never even attempted to place a restoration-type site plan before public scrutiny. The only site plan that came close to what the public longed for was the one by Foster and associates. For that reason, Foster's plan was the most popular, as reflected by your own poll, which showed it to be the winner by a clear plurality (20% of those polled). It gave us Twin Towers we could be proud of, but you instead decided to ignore popular will and rigged this process to shove Libeskind's mess down our throats. You put the Libeskind plan up against World Culture Center by THINK, and of over 32,000 respondents, 64% did not like either plan! Did you ever even stop to consider what those two-thirds of New Yorkers wanted? No, you found it more expedient to blatantly ignore the will of the people and impose Pataki's agenda on this sacred site. Rebuilding the World Trade Center was supposed to be about what the PEOPLE wanted, NOT about advancing Pataki's political career or giving Bloomberg and his cronies a means to realize their urban renewal agendas for Lower Manhattan.

The FGEIS provides deceptive arguments in order to dismiss the restoration alternative. In chapter 23, section 4, you state that rebuilding the Twin Towers, while maintaining their spatial relationship without encroaching on the footprints, can be done.

Yet you are beholden to restoring every street from Radio Row days through the World Trade Center site, without truly considering the environmental impact and giving deceptive arguments that this will increase open space. EVERY traffic study done has concluded that adding streets only ADDS to traffic congestion. If the WTC site is such an important site resonating with historical significance, for what reason do you want to turn it into an ordinary street grid? We already have much of Canal Street, Broadway, and Fulton Street choked up with cars and heavy trucks, resulting in awful conditions of air and noise pollution, not to mention the safety hazard for pedestrians. It appears that you consider the asphalt of the gutter to be "open space," since you falsely state that the "...amount and quality of open space" in the Libeskind plan is greater than in the restoration alternative (section 23.4.4). For all intents and purposes, a street taken over by cars does not add to the open space, nor does an automobile-choked street make for more quality in an open space either! A plaza is preferable to the street grid...the loss of the street grid was never an issue before 9/11, why should it be now? Admittedly, the open plaza before 9/11 had some problems, but it can be made much more inviting as a plaza and not scrapped altogether! Even if the retail would have to be placed below grade, why is that a problem? The original concourse-level shopping center was one of Westfield America's most successful malls and a favorite of workers, residents and tourists to the area.

In section 23.4.2, you state that two 110-story towers would be shorter than the proposed Freedom Tower, which would reach 1776 feet. However, what you neglect to mention is that the "Freedom Tower" is a 63 or 70-story building (depending on whose report one reads), with useless contraptions such as cables, windmills, whirligigs, cages and a spire are used to reach 1,776 feet! In other words, human presence above 70 feet is verboten, never mind that there are people ready and willing to work in those heights and visit an observation deck and restaurant located higher up than its proposed sites on the 63rd floor! This "Freedom Tower" fails to boldly restore the skyline in any way imaginable, and rather than symbolizing freedom, it signifies defeat in the face of terror and exudes fear and lack of belief in our future.

The rebuilding effort thus far has produced a site plan few New Yorkers are proud of, a skyscraper that exudes fear and cowardice with its upper third uninhabitable, and a bland, abstract memorial that is little more than a new-age theme park disconnected from the reality of 9/11. And the control of Ground Zero has been given to two self-aggrandizing architects with no experience to speak of for such a project, who could not have attained their position without the influence of Pataki. This is in clear violation of city and state ethics codes.

You can, and MUST revisit the restoration alternative. According to the final GEIS, the restoration alternative does not have significant negative environmental impact with respect to shadows (23.4.5), community facilities (23.4.6), socioeconomic impact (23.4.7), "neighborhood character" (23.4.8), hazardous materials (23.4.9), infrastructure (23.4.10), air quality (23.4.13), noise (23.4.14), the coastal zone (23.4.15), the floodplain (23.4.16), natural resources (23.4.17), electromagnetic fields (23.4.18), and construction impact (23.4.19)! You have turned the rebuilding process into a monument for

politicians, and have allowed it to be corrupted so thoroughly, that I doubt you care about the majority of people whom you have disenfranchised in this process. People who have made it clear to you that truly monumental twin skyscrapers as tall or taller than before and safer and stronger than ever should be returned to their rightful place in the Lower Manhattan skyline. An imaginative restoration plan can do just that and meet the needs of a fitting memorial without encroaching on the footprints. It would maximize the open space, historic resources urban design, and visual resources, while having significantly less environmental impact on the surrounding area than the Libeskind plan. Furthermore, the ornamental contraption that is the "Freedom Tower" does not compare to the monumental skyscrapers we had prior to 9/11.

Sincerely,



Andrew Oliff, M.D.-Ph.D.

-----Original Message-----

From: Louise Lo Presti [mailto:louiselopresti@msn.com]
Sent: Sunday, May 23, 2004 10:57 PM
To: WTCENVIRONMENTAL
Cc: Kate Millea
Subject: Comments on GEIS & Programmatic Agreement

Following herewith are my comments on both the GEIS and Programmatic Agreement, which apply to both documents, hereinafter referred to collectively as "the Plan".

1. With respect to aquatic biota, the lower Hudson has seen significant increase in aquatic biota over the past 25 years. The Plan briefly acknowledges impact on aquatic biota, referring solely to fishes. Further, the plan fails to address impact on aquatic invertebrates and micro-organisms. To disregard the Hudson River food chain is environmental folly.
2. With respect to avian biota, the redevelopment site is situated on the Hudson River corridor, which is a major avian flyway, of critical importance during the migratory seasons. The Plan has failed to address impact on avian biota, even though the issue was raised in the public session. Impact of the old WTC site on the avian population was a known issue prior to 9.11.
3. With respect to archaeological artifacts, the Plan generally acknowledges the possible existence of archaeological remains in the overall construction zone. The Plan fails, however, to make any provision other than indicating general monitoring for treatment of archaeological remains.
4. With respect to historic artifacts at the WTC site, the Vorsanger/Port Authority team has identified 3 segments to be preserved as artifacts from the site for incorporation into the Memorial Center. The Plan fails to identify these segments, as well as any other site relics, their condition notwithstanding. Moreover, the Plan fails to state whether or not any remaining segments from the site will be given to other institutions or entities. Further, the Plan generally fails to vouchsafe the identification and preservation of site artifacts.

5/24/2004

Comments WTC Memorial and Redevelopment Plan/FGEIS

FGEIS comments

LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

I am Pedro Ramos, I am Tri-state area resident. One of the biggest flaws in the FGEIS document is the simple fact that a typical GEIS takes 3 years, while this was done in 10 months!! Simple logic shows that the GEIS wasn't done correctly.

The Final Generic Environmental Impact Statement represents another milestone in the willfully misguided process of foisting an inadequate and unwanted plan on the city and nation.

That the official public poll authorized in the planning process was easily won by "neither" of the two designated finalists, and the site plan chosen was the one that finished last clearly demonstrates that the priorities insisted upon by those in charge are not the priorities of New Yorkers or Americans. The results for the Imagine NY (LMDC official poll) were

Neither- 38%

Vinoly's plan (THINK)- 33%

Libeskind's plan - 28%

During the LMDC comment card period in December 2002, Libeskind received 11.5% positive comments, the vast majority opposed Libeskind's plan. So where is this "broad public support"?

That the Final GEIS brazenly insists that this plan "achieved broad public support" demonstrates its absolute failure to fairly address the comments submitted on the Draft GEIS and the inexcusability of proceeding further on the wrong paths chosen by the planners.

It is the "Restoration Alternative", new WTC Towers representing no retreat whatsoever from the scale of the old, that truly represents the aspirations of the largest part of the public and most effectively honors those who were slaughtered.

To combine the office space into fewer, taller towers on the WTC Site leads to greater efficiency in the use of resources and land, and greater safety and efficiency in the resulting structures. And this is the only way to send an essential symbolic statement that posterity will not forgive us for failing to make, and future terrorists will be encouraged by even our hesitation to make.

With respect to the concerns of others, that the new World Trade Center be centered on towers every bit as tall and large as those destroyed is more important than the extension of any streets into or through the Site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Downtown. All these issues must be given lower priority than the creation of a new center that unambiguously reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character.

To take into account any short-term fears of occupying the highest floors of gigantic new towers is a particularly reprehensible empowerment of the terrorists and should have no place in a development that must be very publicly and unmistakably fearless. Make these buildings marvels of safety and have faith in the future of freedom.

The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

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05/21/04

Pg.1

Pedro Ramos

Commentary on the Final Generic Environmental Impact Statement for the World Trade Center Site

This is in regard of the GEIS document. The Final GEIS is simply another document that white-washes and promotes a plan clearly rejected by all. Also, a typical GEIS takes about 3 years to fully complete. In the 3 years, every possible environmental flaw is looked and corrected. The environmental process for the WTC site, which started in July and ended in April, took 10 months! The environmental process is being rushed because it has to meet Pataki's timetable, which is utterly ridiculous! The residents and workers of Lower Manhattan are being put in danger, all because the Governor wants to look good for the Republican Convention. The main flaw of the final GEIS is that it still claims that the Proposed Action (Libeskind plan) was chosen by a "broad public support". Nothing is further from the truth, the Libeskind finished last on the LMDC Imagine NY official poll, and Libeskind wasn't the clear winner in December 2002 comments cards. Also, Libeskind has finished last on polls conducted by the NY Times and NY 1. Never has it been shown to the public that Libeskind enjoys a "broad public support".

One of the best alternatives, and what should have been the first choice since 9/11/01, is the "Restoration Alternative"(rebuilt Twin Towers). The LMDC still hasn't made it clear why the Twin Towers were never given as an option for the WTC site. The "Restoration Alternative" was quickly and unfairly discarded as a plan that is both reasonable and feasible for the WTC site. Many comments were pro-Restoration Alternative, yet all of them were quickly discarded by untruth answers. For example, claiming that the Libeskind plan "*achieved broad public support and fulfilled many of the goals articulated by the public*". Like I said before, Libeskind has finished last on the official LMDC poll, NY Times poll, NY 1 poll, and wasn't the favorite on the LMDC comment cards. The true favorite were Foster's kissing towers. The LMDC never proved how the Libeskind plan "*best fulfilled goals set by the public*". The public never demanded for the opening of Greenwich Street, never demanded for the pit that glorifies 9/11 more than it memorializes it, never demanded for a 70 story building that is 46.7% cage and wind turbines. Its pure cowardice to put height in a pathetic 70 story building by building "cages" and "wind turbines", which is nearly 50% of the building! Imagine ripping the top 30 stories of the Empire State Building and then putting a cage and wine turbines for a replacement, is that something New Yorkers would do? I don't think New Yorkers chose the "Freedom Tower" to replace the 110 story Twin Towers. The LMDC also answered with repeated and fictitious answers to other anti-Libeskind comments like "*Many have expressed admiration for the design of Freedom Tower*". The LMDC never states who are these "many" fictitious Freedom

Pedro Ramos
Pg.2

Tower admirers.

The "Restoration Alternative" is still the most popular choice between people who bothered to comment. Other options like "Memorial Only" and "Enhanced Green" alternatives received only one vote each, eight preferred the "Reduced Impact" alternative. By far, the most preferred is the "Restoration Alternative", which was advocated by nineteen, far more than people who praised the "Proposed Action!" This follows a pattern where people want the Twin Towers and simply dislike the Libeskind plan.

In the GEIS, the LMDC admits that there will be more vehicular traffic! Yet they claim the Libeskind plan is environmentally friendly, when the worst enemy of the environment today is the motor vehicle. With more car traffic, many dangers are created like, car accidents with potential fatal consequences, especially during inclement weather, more car fumes and noise pollution on the streets, and the potential of cars hitting pedestrians. Opening streets opens dangers such as, car bombs, and car bombs can come in small convertible cars, not only in Ryder trucks. The safest thing to do is to simply avoid opening Greenwich Street. For a truly environmentally friendly WTC site, car traffic should be avoided as much as possible! Besides, the grand majority of people who came to the WTC came by public transportation and not by driving. Another reason why the Freedom Tower is a failure is because most buildings will be facing each other, making office less desirable and valuable. The Twin Towers solved that problem by being off-set from each other.

If the LMDC was truly worried about the environment and Downtown residents, they would have selected a plan with fewer, taller buildings. With building taller, fewer buildings, less material is needed, less time is needed for construction, less noise is created, and more importantly more open space is created. With taller buildings, the footprint is smaller and instead of needing five buildings that take more space, three taller buildings with more height can be built thus saving space. The Twin Towers and maybe two other buildings can be built having the same office space, instead of having to build five or six buildings as presented by the Libeskind plan. By running Greenwich Street, the plaza is cut through. The WTC plaza was one of the largest open spaces in the Financial District, a place to rest and admire the height of the Tower, with no problems of space. With the Libeskind plan, there are many "open spaces", but they are small and scattered all over the WTC site. One huge open central plaza is better than scattered smaller parks. There is a better sense of community, more efficient space use, more space for outdoor concerts and events, and more space for admiring the skyscrapers. Its still not explained how connecting streets is actually connecting "communities"?? By turning the WTC site or the "Center of the World" into a monotonous "24/7 community", even though countless "24/7 communitites" already exist, is not helping in connecting the other communities.

The LMDC is persistently continuing with the idea of building on how the

Pedro Ramos

Pg.3

market demands. That will make the murderers attack a full success, they disrupted the economy for years to come, and by building as the market demands will prolong this economic suffering. By building two heroic scale skyscrapers, for example two 110 story Twin Towers, the economic suffering will be shorten and it will be "spit in the eyes" for terrorists. By letting them know that only a 70 story building will be constructed in replacement of the 110 story towers they brought down, will only make them happy! By letting them know that we are making up for lost height with "cages" and "wind turbines" will make them feel victorious! If we rebuild exactly or taller skyscrapers, the terrorists attacks would be futile, and will make them feel desperate.

Even though time after time, the public keeps insisting that the Twin Towers be rebuilt, the LMDC has completely ignored those demands. To this day, the LMDC hasn't given any real reasons why the Twin Towers is not a feasible plan for the WTC site. In Executive Summary, the LMDC quickly discards the Restoration Alternative quickly and unfairly, for ridiculous reasons such as, office space glut, and that no one will work on the higher floors. The greatest and most majestic Towers ever, are quickly discarded in three simple paragraphs. The LMDC never gives any real environmental reasons for not rebuilding the Twin Towers. The Twin Towers stood bravely for 28 years, never did they present environmental problems. The LMDC twists the public's comments, for example "*the public's expressed desire for some meaningful recognition of the footprints of the old Towers*", is twisted and interpreted as if the public wanted a huge empty pit. "Meaningful recognition" could simply mean a wall, statues, or plaques, but for most "meaningful recognition" means that work of the dead should not be forgotten. The reason they died was simply because they went to work, that means future generations should finish the job they gave their lives for. "Meaningful recognition" does not mean total and complete emptiness!

How can the LMDC say that the public rejected the "Restoration Alternative" even if the Towers are built with up-dated technology and built of the original foot-prints, if the Towers were never given as an official option!! The LMDC is trying its best to make the "Restoration Plan" look as inconvenient as possible. The GEIS created by the LMDC is simple propaganda for a plan rejected in every poll its ever been in, and it unfairly discarded all feasible plans.

The final GEIS simply softens the flaws of the Libeskind plan raises, it never solves problems like:

- #1.- Why the Twin Towers were never ever given as an option
- #2.- If Libeskind failed on the LMDC official poll, and didn't win in the comment cards, then where is this "broad public support"??
- #3.- Why was the GEIS rushed from the typical 3 years to complete a GEIS, to 10 months
- #4.- Ice falling of the slanted roof of the Libeskind buildings, is potential for endangering peoples lives
- #5.- The wind turbines stopping in the winter, when the ice will freeze the

Pedro Ramos

Pg.4

turbines

#6.-How opening streets will be an advantage and how it will connect communities

#7.- How will the LMDC stop the memorial waterfalls from freezing in the winter

#8.- How will the LMDC inspect every possible vehicle that enters the WTC site, car bombs doesn't necessarily mean that it will come in the form of a truck or bus

#9.- What kind of fence will be needed to prevent children, accidents, or suicides from falling into the waterfalls, electric or heavily barbed-wire fence?

#10.- How will the mist from the memorial waterfalls be controlled, so as not to wet everyone in the area??

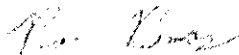
#11.- Who are the "many" who admire the Freedom Tower?

#12.- How will the LMDC solve the problem in the event of a fire/terrorist attack the latticework, wind turbines, and spire could easily collapse and fall to the streets, endangering people's lives.

#13. Extreme weather, either wind, ice, or freezing temperature, might cause collapse of the cage and wind-turbines

The rushed GEIS, from 3 years to 10 months, simply ignored many real environmental flaws presented by the Libeskind plan, all to meet Pataki's insane timetable! Approving the "Proposed Action" will be a humiliation to NYC, America, and democracy, and will mean true victory for the terrorists. The Final GEIS is simple propaganda for a plan that glorifies terrorism, endangers the environment, and was rejected by all. For that reason, the "Proposed Action" should be discarded and a new plan, a plan shaped by the people should be chosen. The Final GEIS is a failure in what it is supposed to do.

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05/21/04

**Commentary on the Notice of Intent to Request Release of
Funds From the Department of Housing and Urban
Development for the World Trade Center Memorial and
Cultural Program**

This is in regard of the Notice of Intent to Request Release of Funds comments. It's amazing that this was announced only one week before the people could give in their final comments. This proves that the LMDC is trying it's best to legally stop any comments coming in from the majority who opposes the Libeskind plan. It's wrong and appalling the way this is being rushed. The only reason for hurrying up the plans is to prevent prudent comments from coming in and stopping the horrendous plans!

Before Gov. Pataki declared that "nothing will be built on the footprints", in a dictator fashion, the public was evenly split. Pataki quickly dismissed what should have been the first and most logical option, rebuilding the Twin Towers! Its still mystery why the Twin Towers were never given as an option. The Governor and the LMDC are pressing for plan that glorifies terrorism, adds no value to the skyline, and was completely rejected by the public.

The LMDC is stubbornly trying to continue with plan that will only further hurt NYC. By rebuilding the Twin Towers, there would be no need to build on the Southern Site. Let the Southern Site be built by its current owners, that plan has worked for 28 years! Also, to run Greenwich Street through the WTC site will damage more than it would help. By running Greenwich Street, valuable space is lost, space that can be used to erect buildings. Also, by building on how the market demands is the exact opposite why the Twin Towers were so successful. By building fewer massive buildings, like new Twin Towers, less building footprint space is needed, and more open space is created. How can it be called "rebuilding", if only 10 of 11.5 million sq. ft. is rebuilt? Every inch should be rebuilt!

The biggest outrage of all this mess, is that the LMDC is trying to use taxpayer dollars to build on the Southern Site!! The same taxpayers who were ignored when they loudly rejected the Libeskind plan! The Libeskind finished last on the LMDC's official poll, and wasn't the clear winner in the comment cards of Decemeber 2002. The LMDC is still stubbornly continuing on with a plan that has failed every poll its ever been in, a plan loudly rejected by everyone who bothered to comment or to vote, YET the LMDC wants the public's dollars. What an outrage! For that simple reason there should be no request for, and certainly no granting of, release of funds. Not unless a plan truly chosen by the people is chosen.

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Owen Staley, Ph.D.
1595 East Davidson St.
San Bernardino, CA 92408
ostaley@earthlink.net
(909) 796-4212

Lower Manhattan Development Corporation
Attention: Comments WTC Memorial and Redevelopment Plan/FGEIS
One Liberty Plaza, 20th Floor
New York, NY 10006

May 20, 2004

To the LMDC:

I am a former resident of Lower Manhattan who lost friends and associates in the terrorist attacks of September 11, 2001. After carefully reviewing the FGEIS released on April 15, 2004, and observing the progress of the WTC site before that, I have reached the conclusion that the Proposed Action is an architectural and environmental failure which should be abandoned in favor of the Restoration Alternative outlined in chapter 23.4 of the FGEIS.

The Proposed Action fails to meet the essential criteria named below, and since a considerable amount of public treasure has already been expended on developing it, I strongly urge the LMDC to immediately redirect the redevelopment process so that the Restoration Alternative can be given the full consideration it has not heretofore received.

My reasons are as follows:

1. The WTC site was designed specifically for the Twin Towers, which before had 9/11/01 had become national landmarks, and after became monuments, like the Pentagon, White House, Capitol, and Statue of Liberty. To disregard the international popularity of these symbols in favor of an unpopular and architecturally incoherent site plan is unconscionable.
2. The Restoration Alternative would reclaim over 10,000,000 s.f. of column-free office space without requiring the additional purchase and development of the Southern Site.
3. The below-grade retail shopping mall included in the Restoration Alternative is more likely to be to attract quality tenants such as Westfield America, which rejected the retail arrangements included in the Proposed Alternative, and therefore more likely to be profitable.
4. In its final configuration, the Restoration Alternative would produce a floor area ratio of 15 or less, far less than that of the Proposed Alternative.

5. Many selling features of the Proposed Alternative, particularly the "Wedge of Light" and the exposed slurry wall, have either been shown to be fraudulent (as in the case of the Wedge of Light) or structurally dangerous (as in the case of the exposed slurry wall).

6. The Proposed Alternative remains highly unpopular among citizens of New York and the rest of the country, and has consistently polled near-last in surveys conducted by newspapers, television stations, and the LMDC itself, as has been amply documented. The Restoration Alternative, on the other hand, has always been supported by at least 50% of those surveyed.

7. As government agencies managing public properties built with public funds, the Port Authority, LMDC, and ESDC have a collective fiduciary obligation to secure public approval for any proposed redevelopment of the WTC, and this has not been done. On the contrary, the LMDC has willfully misled the public in the reporting of its own polling.

8. The Twin Towers were government-funded public investments which, after nearly thirty years, had earned popularity with tenants, captured the public imagination, and become world-renowned symbols of New York. Since New Yorkers, like other Americans, have shown time and again that they prefer the Twin Towers rebuilt, it is incumbent upon the LMDC, Port Authority, and governors of New York and New Jersey to ensure that that happens.

As chapter 23.4 of the FGEIS demonstrates, the Restoration Alternative has no significant adverse effects not also caused by the Proposed Action, and has several important advantages, including lower density and elimination of the need to purchase the Southern Site.

I have shared these views with President Bush, and yesterday I received word from Heidi Marquez, Special Assistant to the President and Director of Presidential Correspondence, to the effect that the President has been informed of my views and appreciates my suggestions. I would finally like to quote Minoru Yamasaki, architect of the Twin Towers, who expressed the optimistic idealism that he hoped his famous creations would generate:

The World Trade Center should, because of its importance, become a living representation of man's belief in humanity, his need for individual dignity, his belief in the cooperation of men, and through this cooperation his ability to find greatness.

Mr. Yamasaki's towers fulfilled his expectations and more, becoming representations not only of our belief in humanity, but after 9/11, of United States courage, cooperation, and resolve.

In view of the enormous popularity of the Twin Towers since 9/11, and the international good will generated by them, I strongly advise the PA, LMDC, Empire State Development Corporation, and Governors Pataki and McGreevey to take this opportunity to "reimagine" the development of the WTC and rechannel it into the construction of the Restoration Alternative.

Thank you. Sincerely,
Owen Staley

Comments on WTC Final EIS

Site Plan

Streets flowing through the WTC: Adding Greenwich Street and Fulton Street to the WTC site is a great improvement. It fully accomplishes the objective of opening up the super block to pedestrian access. The plan to close or restrict streets from time to time is also appropriate. **Ignore those who want to add further streets (especially the city) or demand full vehicular access all the time.** Specifically: do NOT run Cortland and Dey Street from Church to Greenwich.

The tour bus access plan is poorly designed. Moving buses down Greenwich and across on Cedar is unnecessarily disruptive of residential neighborhoods. It would be better for the busses to drop off on West Street (either side of the street), and precede underground across West Street to the memorial area. The memorial area is huge and a protected drop off area could easily be integrated off West Street that wouldn't bring the busses into the narrow downtown streets.

It would also be preferable to place the bus ramp along West Street, inside the bathtub wall. Memorial access to the bathtub wall could be designed around the bus ramp, and the bus terminal could be placed in the excess space in the bathtub. This would relieve traffic levels on the rest of the WTC site, enhancing parks, memorials, and retail. Vehicular access to the WTC site should be focused on Vesey and West Streets, which are more commercial and less residential streets.

Please note: The current position of the underground ramp on Liberty Street will inconvenience thousands of people every day, while placing the ramp along West Street just inside the bathtub could be designed to have minimal impact on pedestrian access to the area.

Utilization of WTC Bathtub and Memorial Plan: The Memorial and Memorial Center will consume a large portion of the original bathtub area. Design the specifics of the Memorial Center to maximize the usefulness of the remaining bathtub area. This area would be particularly useful for tour bus parking as well as for auto and support vehicles for other buildings.

West Street: I have not seen any strong arguments for burying West Street. Until we do, we don't believe it is an effective use of redevelopment money. What should be placed underground along West Street are ramps for vehicular access to the WTC site and walkways taking people from North and South Battery Park City to the transportation hub.

Temporary Bridges: Bridges block views and detract from the openness of the area. Underground passages would be an improvement, especially since so many people will be going to transportation stations that are a story to two underground. The current temporary bridges reminded me of the condition pre 9/11. The bridge over West Street was a significant visual barrier between the WTC and areas North of the Trade Center. Make every effort to eliminate bridges in the final plans for the area.

Cooling towers: The centralized option has to be considered the preferred alternative considering the energy situation world wide. It would also provide more flexibility in building design for the additional commercial towers planned.

Below Grade Retail on the South of the Site: Your plans for below grade retail on the East side of the site are right on. If these underground retail areas are designed to maximize space and quality of retail they will add to the street life above by making the whole area more attractive. Almost no one in the neighborhood has ever complained that the old underground retail was too small. Instead it was incredibly popular and highly commercially successful. The space should be designed to maximize attractiveness to the commercial landlord and retail outlets. If surrounding businesses do not like to compete with underground retail, they should put in bids to rent the space themselves. The reality is that most of the surviving business did fine with the previous WTC concourse in action. There is no reason to doubt that surrounding areas will become more desirable once a new concourse is up and running.

Completion Dates: Sooner is better. The same for starting dates. Some have commented that the project will take so long that early start up is not important. Ignore them. Get construction going in July and don't look back.

Historical Artifacts and Section 106 Hearings:

The Port Authority has done an excellent job of finding and preserving artifacts at the Hanger of JFK. While there are some items I would have liked to see more of, from the time of the recovery, they have put together a broad range of large artifacts. The on site resources being discussed pale in comparison to what has already been preserved. The efforts of the LMDC and Port Authority to identify further artifacts has gone beyond principles of responsible preservation.

Recently, we looked at plans to preserve two columns and a parking lot level sign. It was apparent at this presentation that the experts were stretching reason to identify something worth saving from this area. The columns are not distinctive of the WTC architecture and they were not part of the publicly identifiable components of the Trade Center. Instead they look like columns that could be in any Parking lot in the country, i.e. they are non-distinct. Smoke stains and blistered paint are not powerful reminders of 9/11. They are curiosities. If they could be preserved easily, they would be fine for use in a memorial center, but they are expensive to preserve and sizable artifacts. They will consume more room in a Center than they are worth. It is a show of remarkable good faith to have identified these as artifacts, but they are not high impact pieces. Many small personal artifacts will have far greater power. At least, I would make an effort to remove the column without taking the floor with it.

Where sections of original walls can be removed with authentic markings, such as the parking level sign, I would highly recommend doing so. In fact, recover more of them if possible, even if they are not intact. This type of item is easier to remove than the columns, and could easily be used in a memorial center to add to the feeling of authenticity and location.

Architecture of remaining buildings:

I would highly recommend using new architects for each additional office tower. This would create a more diverse skyline rather than a monolithic and redundant expanse proposed in the Libeskind Plan

130 Liberty Street Building:

Please heavily monitor the area during deconstruction for release of environmental contamination. Also have regular meetings with locals to address their concerns and to keep us up to date on progress.

Lower Manhattan Construction Coordination Group:

Subsidize a paid consultant to support residents, commuters, and workers of downtown. The Group is an excellent idea and very important to the success of the project. But one thing is needed. Every other participant in the group will have paid people attending. Residents, workers and commuters will not. Government organizations and businesses will send paid staff to monitor progress. Right now residents and workers do not have someone who can devote the necessary time and energy to this process. It is therefore important there be funds to support a paid consultant to participate in this process. This would help residents, and in the long run, help everyone. Improved communication could help avoid significant problems, public protests, and delays.

Overall:

As a close neighbor of the WTC, I believe the proposed course of action will significantly add to the character and livability of the neighborhood. I very much look forward to work getting underway. Though many people will miss the towers, this action begins to put in place the pieces that were lost in a way that doesn't provoke another attack.

I would highly consider close monitoring of air quality, noise levels and traffic as construction proceeds. I'm sure your projections will prove wrong and that adjustments will be needed. This isn't a criticism of your GEIS statement, but a simple statement of fact.

Thank you for taking public comment on your planned course of action. I hope these comments are useful.

Regards,

**Dave Stanke
Helene Seeman
Co-Presidents BPCUnited**

-----Original Message-----

From: Jennifer Thorpe [mailto:queendido42@yahoo.com]
Sent: Thursday, May 20, 2004 8:31 PM
To: WTCENVIRONMENTAL
Subject: Final GEIS comments

Dear LMDC,

The Final Generic Environmental Impact Statement represents another milestone in the wilfully misguided process of foisting an inadequate and unwanted plan on the city and nation.

That the official public poll authorized in the planning process was easily won by "neither" of the two designated finalists, and the site plan chosen was the one that finished last clearly demonstrates that the priorities insisted upon by those in charge are not the priorities of New Yorkers or Americans.

That the Final GEIS brazenly insists that this plan "achieved broad public support" demonstrates its absolute failure to fairly address the comments submitted on the Draft GEIS and the inexcusability of proceeding further on the wrong paths chosen by the planners.

It is the "Restoration Alternative", new WTC Towers representing no retreat whatsoever from the scale of the old, that truly represents the aspirations of the largest part of the public and most effectively honors those who were slaughtered.

To combine the office space into fewer, taller towers on the WTC Site leads to greater efficiency in the use of resources and land, and greater safety and efficiency in the resulting structures. And this is the only way to send an essential symbolic statement that posterity will not forgive us for failing to make, and future terrorists will be encouraged by even our hesitation to make.

With respect to the concerns of others, that the new World Trade Center be centered on towers every bit as tall and large as those destroyed is more important than the extension of any streets into or through the site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Downtown. All these issues must be given lower priority than the creation of a new center that unambiguously reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character.

To take into account any short-term fears of occupying the highest floors of gigantic new towers is a particularly reprehensible empowerment of the terrorists and should have no place in a development that must be very publicly and unmistakably fearless. Make these buildings marvels of safety and have faith in the future of freedom.

The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

Jennifer Thorpe
4715 Avenue L
Brooklyn, NY 11234

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=====FAX TO 212-962-2431=====

LMDC Final GEIS Comments,
One Liberty Plaza, 20th Floor
New York, New York 10006

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NAME PAUL VOLCARO
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LMDC Final GEIS Comments,
One Liberty Plaza,20th Floor
New York,New York 10006

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The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

NAME JOSEF ZUELCH
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How much will all the park land (e.g., the Memorial Plaza, the park opposite St. Paul's, the park south of Liberty St.) that is proposed for the area affect URBAN street life, especially in bad weather? Who will walk down these streets and populate them when the weather is bitterly cold and windy, when the streets are filled with snow and ice, when there is a driving rain - or even late at night when the weather is nice? Won't these plans have a negative impact, compared to a Memorial Plaza placed on a plaza similar to the original W.T.C. plaza? 3) How much retail continuity will there really be on the re-introduced streets - especially those interrupted with parks or open space? How will this affect the street life of the area - especially in bad weather or during winter's early darkness? 4) Much of the ground level seems given over to parks, cultural institutions and store-less office lobbies. What negative affects will this have on the street life of Lower Manhattan? Where will there be space for the little stores that add so much to NYC street life? 5) The Calatrava rail terminal appears to have no exterior street-level retail (in contrast to the streets surrounding the very urbane Grand Central Terminal, for example). Will this have a negative affect on the street life of surrounding streets, especially at night or when weather is less than ideal?

Having submitted my previous comments and questions by e-mail, I noticed that much of my submission was cut off due to limitations that were in place for e-mail submissions, but not for regular mail submissions. Thus, for the record, I would like to re-submit the following questions and comments on the E.I.S. HERITAGE of LOWER MANHATTAN: 1) Lower Manhattan is world famous for its canyons of steel and glass and its crystalline pyramid when seen from the harbor. THESE are the symbols of Manhattan's power, prestige and glamour. This is the heritage of Lower Manhattan. Will the Libeskind skyline throw the existing world famous skyline out of balance and destroy its effect? What negative affects will the pinwheel and asymmetrical Libeskind skyscrapers have on Lower Manhattan's existing romantic - and uniquely Manhattan - skyline? 2) The image of New York streets and the flavorfulness of its parks depend on street walls to successfully "shape" these spaces into outdoor rooms. What negative effects will all the amorphous open space of the Libeskind plan have on the maintenance of the classic Manhattan street wall and the resulting charm of open

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Lower
Manhattan
south of
Houston
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Benjamin Hemric

spaces like St. Paul's Graveyard, and even the less successful, Liberty Park? 3) Overall, the development appears to present a very suburbanized version of urbanism – albeit with tall buildings. How will such a suburbanization of Lower Manhattan affect the classic New York atmosphere of Lower Manhattan and destroy its uniqueness? PEDESTRIAN CIRCULATION & CONNECTIVITY It appears from your study that to make a weather-protected east-west passage from Church to the World Financial Center Concourse, pedestrians will have to go down three levels (to get beneath Church, West St., and the West St. tunnel, and then travel three flights up again to get to the W.F.C. concourse. What negative affects on connectivity will this have – especially for the mobility impaired and large crowds of commuters who will have to wait to use escalators and/or elevators?

Comments on Final Generic Environmental Impact Statement 24MAY04 New York, NY The Final Generic Environmental Impact Statement mocked conventions while it denied the community access to information; severely limited public participation in decision-making and skillfully avoids taking remedial action on environmental matters in its scope. The Agency's responsibility to map and analyze the environmental impact on schools as part of the Community Facilities can hardly be dismissed by a simple disclaimer that "The proposed action does not impact schools." The evaluation is required -not just because it was in the fundamental Scoping Document- but because there is good reason to complete it. Chinatown has extremely high asthma rates and an emerging young population sick since 9/11. There are many low birth rate babies and a cluster of autism in children under three years old. Even if LMDC can discount current public health conditions, the proposed action will impact play streets by increasing traffic. How can 4,500 new residential units not stream additional students into schools? There is muck and mire around the Deutsche Bank's suite of toxins and expected deconstruction by products. This nasty cargo will be highly insured before it rumbles through our streets but since it is not covered by the Emergency Planning Community Right to Know Act (EPCRA) the public may never know what was in there. The rash of inaccuracies and omissions that characterized the Draft Generic Environmental Impact Statement combined with LMDC's refusal to provide scaled plans and other documents formally requested under Freedom of

8 Little Italy
Neighbors Assoc

Other

Other

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diane

dreyfus

Information Act denies the community the ability to measure and verify the contentious Open Space calculations. For example what has been called "16 acres" is closer to 14 but we can not prove it. In their most transparent act-dampening the unfavorable loss ratios based on historic figures-- LMDC simply changed the figures for pre September 11th Open Space acreage from the familiar 8.13 acres to 7.14 acres. That quick and dirty 12% deflation of the old assumption, magically fixed a galaxy of problems - on paper. Alas, we can not audit the final drawings; so, to our loss, we will have to take the LMDC's word for the Open Space. These, our final comments, will get neither a public hearing nor is further publication required. So, people will have no way to know of the valid or cogent objections made on their behalf by their naive fellows, who invested time in the process. Mitigation measures or exactions in lieu of remedy are a staple of environmental justice. But, LMDC is not bound to provide even the minimum protections of Performance Standards Zoning to the workers or residents who will be enduring the decade of build-out nor is the Authority obliged to inform that population should the common standards be exceeded. That is also why there is no provision for air monitoring or real time reporting. Without agreement o

Hello! I am a painter. I would be willing to donate a painting I did after 9/11, representing the still standing wreckage that was supposed to be kept for the memorial. My idea is that this painting could be displayed with other artifacts. Could you please tell me if such temporary or permanent exhibition is planned on the site, and who I should contact. Thank you.

Resident of
Tri-State area
outside of NYC

9 NULL

WTC Site Planning cbirckel@hotmail.com

5/24/2004
9:38:58 AM

Claire

BIRCKEL

#	organization	profile	category	telephone	email	comments	dt_rec	fname	lname
1	world trade center environmental organization	Other	Other	718-246-1577	jennakilt@aol.com	LMDC's Final Generic Environmental Impact Statement is not encouraging. The way the comments are rearranged and grouped together allows many comments to fall through the cracks. For instance the question of HOW LMDC proposes to enforce idling rules has not been addressed. As noted in comments on the DGEIS, if LMDC proposes simply to fine bus and truck companies for idling, those companies will pay the fines as a cost of doing business and continue to idle. The health of Lower Manhattan residents, workers and students will not be served; it will suffer, especially as it is doubtful that four buses which may include elderly passengers will be able to discharge them in three minutes. Also the oft-repeated response "Comment	5/23/2004 8:24:25 PM	jenna	orkin

noted" does not tell us anything. In fact it implies that upon noting the response LMDC has decided not to do anything else. The same holds for variations on that theme such as "LMDC is considering....." Some specific concerns: 1. P 22-29: "LMDC will investigate implementation of... installation of HEPA filters at and purchase of air conditioners with HEPA filters" for offices, residences and hotels." LMDC must do more than investigate. They must install the filters. A recent article in the New York Times (May 18, 2004) revealed the effectiveness of HEPA filtration: "Breathing soot from factories or highways may cause genetic damage that can be passed to offspring, scientists have found in an experiment on mice. One group breathed outside air; the other was housed in a chamber equipped with high-efficiency air filters to catch microscopic particles.... Then, the mice were bred and scientists checked their offspring for specific DNA mutations that are passed through the father's sperm. The mice breathing filtered air had mutation rates 52 percent lower than those exposed to full-strength pollution, the scientists found... Dr. Quinn said the study's practical value might lie in what it showed about the effectiveness of air filtration." The article discusses exposure to PAH's and other chemicals. "But HEPA filtering of the urban air blocked most of those chemicals, the study concluded." Apart from the noncommittal word 'investigate' it is especially troubling that schools are omitted from the list. 2. "Absent mitigation" the predicted maximum increases in...P.M. 2.5 due to the Proposed Action alone... were substantially higher than interim guidance threshold values...a significant adverse impact on NO2 concentrations is predicted. (22-25) "Substantial additional reductions beyond those contemplated by the EPC would be needed to assure compliance with air quality standards." What will LMDC do to effect these reductions? 3. (22-26) "effectiveness of measures to reduce PM... depends on compliance... Verification procedures would be necessary." What verification procedures is LMDC prepared to use? This leads to the heart of the troubling issues: LMDC should not be p

LMDC's Final Generic Environmental Impact Statement is not encouraging. The way the comments are rearranged and grouped together allows many comments to fall through the cracks. For instance the question of HOW LMDC proposes to enforce idling rules has not been addressed. As noted in comments on the DGEIS, if LMDC proposes simply to fine bus and truck companies for idling, those companies will pay the fines as a cost of doing business and continue to idle. The health of Lower Manhattan residents, workers and students will not be served; it will suffer. Also the oft-repeated response "Comment noted" does not tell us anything. In fact it implies that upon noting the response LMDC has decided not to do anything else. The same holds for variations on that theme such as "LMDC is considering....." Some specific concerns: 1. P 22-29: "LMDC will investigate implementation of... installation of HEPA filters at and purchase of air conditioners with HEPA filters" for offices, residences and hotels." LMDC must do more than investigate implementation of installation of HEPA filters. A recent article in the New York Times (May 18, 2004) revealed the effectiveness of HEPA filtration: "Breathing soot from factories or highways may cause genetic damage that can be passed to offspring, scientists have found in an experiment on mice. One group breathed outside air; the other was housed in a chamber equipped with high-efficiency air filters to catch microscopic particles.... Then, the mice were bred and scientists checked their offspring for specific DNA mutations that are passed through the father's sperm. The mice breathing filtered air had mutation rates 52 percent lower than those exposed to full-strength pollution, the scientists found... Dr. Quinn said the study's practical value might lie in what it showed about the effectiveness of air filtration." The article discusses exposure to PAH's and other chemicals. "But HEPA filtering of the urban air blocked most of those chemicals, the study concluded." Apart from the noncommittal word 'investigate' it is especially troubling that schools are omitted from the list. 2. "Absent mitigation" the predicted maximum increases in...P.M. 2.5 due to the Proposed Action alone... were substantially higher than interim guidance threshold values...a significant adverse impact on NO2 concentrations is predicted. (22-25) "Substantial additional reductions beyond those contemplated by the EPC would be needed to assure compliance with air quality standards." What will LMDC do to effect these reductions? 3. (22-26) "effectiveness of measures to reduce PM... depends on compliance... Verification procedures would be necessary." What verification procedures is LMDC prepared to use? This leads to the heart of the troubling issues: LMDC should not be policing its own construction project to ensure compliance. Such an arrangement is a paradigm of conflict of interest

2 world trade center environmental organization

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Other

Other

5/23/2004 4:39:21 PM jenna orkin

I am writing on behalf of the Coalition to Save West Street, the largest residents organization in Lower Manhattan, concerning the FGEIS. In your Responses to Comments in Chapter 27, you deflect all community concerns about the proposed billion-dollar West Street tunnel as irrelevant to the FGEIS. We strongly disagree. By segmenting the West St./Route 9A issue into a separate EIS, the FGEIS violates both the letter and spirit of the National Environmental Policy Act. West St. is an integral part of the WTC site, and the environmental impact of a West St. tunnel needs to be considered in the context of the overall redevelopment. Accordingly, unless the tunnel plan is abandoned, we believe the FGEIS must be rejected. If you do not do so, we believe that a court of law ultimately will. Better for all that the process is correct from the start. Thank you.

Prior to 9/11, I was a parishioner at the now-destroyed St. Nicholas Greek Orthodox Church. Thus, I was distressed to read, in Chapter 27 of the FGEIS, the LMDC's rationalizations for designating the site of the former WTC towers (built in the early 1970s) as a historical site, while rejecting the same status for the site of St. Nicholas Church (built in the early 19th Century). This turns the law on its head. Shame on you for caving in to political considerations in this manner. The FGEIS should be rejected unless this abject illegality is cured. Thank you.

The Final Generic Environmental Impact statement represents another milestone in the willfully misguided process of foisting an inadequate and unwanted plan on the city and nation. The official public poll authorized in the planning process was easily won by "neither" of the two designated finalists, and the site plan chosen was the one that finished last clearly demonstrates that the priorities insisted upon by those in charge are neither the priorities of New Yorkers or Americans. The Final GEIS brazenly insists that this plan "achieved broad public support" demonstrates its absolute failure to fairly address the comments submitted on the Draft GEIS and the inexcusability of proceeding further on the wrong paths chosen by the planners. It is the "Restoration Alternative", new WTC Towers representing no retreat whatsoever from the scale of the old, that truly represents the aspirations of the largest part of the public and most effectively honors those who were slaughtered. To combine the office space into fewer, taller towers on the WTC Site leads to greater efficiency in the use of resources and land, and greater safety and efficiency in the resulting structures. This is the only way to send an essential symbolic statement that posterity will not forgive us for failing to make, and future terrorists will be encouraged by even our hesitation to make. With respect to the concerns of others, the new World Trade Center must be centered on towers every

5/23/2004
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John Dellapc

3 Coalition to Save West Street
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8:32:14 PM
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bit as tall and large as those destroyed is more important than the extension of any streets into through the site, more important than "active enlivened street life", and certainly more important than encouraging the disturbingly rapid growth of the population of Downtown. All of these issues must be given lower priority than the creation of a new center that unambiguously reaffirms what was destroyed rather than capitalizing on an act of mass murder to continue the killers' work of changing the area's character. To take into account any short-term fears of occupying the highest floors of gigantic new towers is a particularly reprehensible empowerment of the terrorists and should have no place in a development that must be very publicly and unmistakably fearless. Make these buildings marvels of safety and have faith in the future of freedom. The Proposed Action must be abandoned and replaced by a fairly realized Restoration Alternative!

We would like to arrange an appointment to introduce a new technology that is environment safe and low energy cost. The application can be used in train stations and billboards for internal/external. It is a transparent film/wrap with uv protection. Please let me know your availability so that we can give you a presentation of this material. Thank you look forward to hearing from you.
Annette Caudiano

10 Mitsui & Co.
(USA), Inc.

Other

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5/18/2004
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Annette Caudiano
Caudiano

Construction of the new World Trade Center must be stopped. It is strongly believed not enough time has been given to the environmental review process. Many issues have been brought to the table but very little time has been spent addressing them. The concerns of the people about the redevelopment of the world trade center site are of the utmost importance. Three or four months is hardly enough time to address the full environmental impact of a plan that could leave a legacy of regret for generations. One of the least discussed issues in the environmental review was that of the restoration alternative. In order to get the full comprehension of the new plan's environmental impact one must make a fair and complete comparison to what existed before. The comparison of the new plan to the restoration alternative must include the full spectrum of the environmental impact in regard to the daily operation of the site. Most importantly this includes the flow of both pedestrian and vehicular traffic, safety, and both noise and air pollution. These issues are all connected for the shortcomings in one area would be either a symptom or the cause of the shortcomings in the other areas. The site plan must strike a perfect balance between pedestrian and vehicular traffic with the comings and goings of tens of thousands of commuters, residents, and tourists who pass through the site every day. The new plan calls for mixing pedestrian and vehicular traffic through the site with new

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Steven Speizer
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roads, sidewalks, and crosswalks. The old site plan from the restoration alternative largely keeps the pedestrian and vehicular traffic separate with all vehicles kept out of the superblock. The superblock solution is superior to the street grid solution because the vehicular traffic would be directed away from the pedestrians. The sidewalks along the Greenwich street extension won't be able to handle the volume of pedestrian traffic coming from the office towers and street side shops combined with tourists visiting the memorial during peak hours. This will endanger the lives of pedestrians particularly at the Fulton street crossing. The intersection of Fulton and Greenwich street may become one of the most dangerous intersections in the City. Additionally the combination of both heavy pedestrian and vehicular traffic at this intersection will cause long delays and daily gridlock. Along with the issue of an unacceptably dangerous intersection and associated traffic the new site plan will cause more pollution and degrade the quality of life of the entire area. The major source of this pollution will come from gridlocked vehicular traffic on the proposed street extensions. The idling busses, cars, and taxis will pollute the air with noise and make the air unhealthy to breathe. The street grid extensions need to be reconsidered in favor of the superblock from the restoration alternative. Another issue from the restoration alternative is the arrangement of office towers. The new site plan

Hi, Although you released your Final Generic Environmental Impact Statement (FGEIS) for the World Trade Center Memorial and Redevelopment Plan you failed to address the concerns of residents who fear the West Street Tunnel. Why spend all that money and fail to address the most heated issue down here. It seems to be a waste of taxpayer money. Thanks, Erika

Resident of
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WTC Site
Planning

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4/30/2004
11:15:21
PM

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