

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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November 10, 2010

Start: 01:15 pm

Recess: 02:35 pm

HELD AT: Committee Room
250 Broadway, 14th Floor

B E F O R E:
JAMES F. GENNARO
Chairperson

COUNCIL MEMBERS:
James F. Gennaro
Elizabeth S. Crowley
G. Oliver Koppell
Peter F. Vallone, Jr.
Brad S. Lander
Stephen T. Levin
Albert Vann

A P P E A R A N C E S

Bram Gunther
Chief of Forestry
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Urban Ecologist/Executive Director
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Amy Gavaris
Executive Vice President
New York Restoration Project

CHAIRPERSON GENNARO: We're alive here. Good afternoon and welcome. I'm Councilman Jim Gennaro, and Chair of the Committee on Environmental Protection. Today's hearing focuses, as we know, on four bills that are intended to increase biodiversity and control some nuisance plant species that can invade and cause us all kinds of problems. We had a hearing on this not too long ago. I thought this was something that the committee should do, should go in this direction.

We have four bills. We have Intro 398. The author of the bill, Council Member Vann, is here. We have another bill, also authored by Councilman Vann, Intro 399. These two bills have to do with biodiversity in our plantings, in our sidewalk plantings, in our public spaces, public plazas.

There's a bill by myself with regard to plantings that would be done for stormwater retention. Then there is a Preconsidered bill by me with regard to an advisory board and putting together a long-term plan to control the so-called invasive species.

1
2 So I'll continue with my statement
3 before I make an introduction of the other members
4 that are here.

5 New York City is losing its native
6 plants and invasive species are part of the reason
7 for this decline. Studies show that for many
8 plants, birds and butterflies, the number of non-
9 native species tends to increase towards centers
10 of urbanization, while the number of native
11 species goes down.

12 The Brooklyn Botanical Garden
13 recently identified 50 native species that have
14 disappeared or are near extinction within New York
15 City in the last 100 years and scores more that
16 have become less abundant due to urbanization.

17 Biodiversity refers to the full
18 array of life on earth and the depletion of
19 natural resources by man and the continual
20 increase in global population that has had a
21 severe affect on the earth's biodiversity.
22 Council Member Vann's bills speak to that issue
23 and how the city should be doing more on that.

24 I'm just going to quickly
25 paraphrase my prepared statement. New York City

1
2 has recently put out a green infrastructure plan
3 that composes many, many good best practices,
4 green infrastructure, green roofs and all kinds of
5 other investments. It's hoped that the efforts
6 that we're putting forward today through this
7 hearing will mesh nicely with what the Bloomberg
8 administration is trying to do with green
9 infrastructure.

10 New York City is also committed to
11 planting millions of plants and trees. In PlaNYC
12 and the Sustainable Stormwater Management Plan,
13 which was developed pursuant to Local Law 71,,
14 passed out of this Council, it's all good work,
15 but we don't see within that any kind of direct
16 focus on these alien plant species that can cause
17 a lot of problems, certainly not in a very
18 comprehensive manner.

19 So with that said, we're looking
20 forward to the many good witnesses that we have
21 here today. To my right we have Council Member
22 Brad Lander, a member of the committee. Happy to
23 have him. Council Member Koppell from the Bronx,
24 also a member of the committee, happy to have
25 Oliver.

1
2 Council Member Vann, the author of
3 Intro 398 and Intro 399. Council Member Vann, in
4 my understanding, has worked with the Green Codes
5 Task Force to fashion to fashion these two very
6 good bills. If he wishes to, I'd be happy to call
7 on Council Member Vann to make a statement at this
8 time regarding Intros 398 and 399 and whatever
9 else he wishes to say. Would you like to do that,
10 Al?

11 COUNCIL MEMBER VANN: Yes, thank
12 you. Thank you, Mr. Chairman.

13 CHAIRPERSON GENNARO: You bet. I
14 recognize Council Member Vann.

15 COUNCIL MEMBER VANN: Thank you for
16 the privilege and opportunity to join you and your
17 committee members this afternoon. I'm very
18 pleased to join you on the hearing for the four
19 bills, two of which I've sponsored, which are
20 aimed at protecting and preserving New York City's
21 native natural landscape. Of course, within our
22 urban environment, the natural landscape within
23 our city is, as you know, very precious.

24 The bills that will be discussed
25 today codify a blueprint for ecological practices

1
2 that must be instituted to support the type of
3 biodiversity that will sustain and promote native
4 New York plant species. Species which are so
5 critical to the very survival of creatures that
6 relay on them for sustenance. For example,
7 insects that feed on our native plants are the
8 primary source of food for baby birds and on and
9 on.

10 Today's bills reflect a subset of
11 the recommendations coming forth from the urban
12 ecological section of the Green Codes Task Force
13 of the Urban Green Council. I'm very proud that
14 the City Council and the Mayor have committed to
15 providing for the future ecological health of New
16 York City by codifying these recommendations that
17 will help sustain our natural environment.

18 Yesterday, I had the privilege of
19 meeting with a former New York City Botanist, Mr.
20 Marielle Anzelone, whose research several years
21 ago at the Natural Resources Group of the Parks
22 Department actually laid the groundwork for the
23 two bills that I have sponsored. So I look
24 forward to her testimony and to the testimony of
25 other witnesses here today. Again, I thank you

1
2 for the opportunity to join your committee, if
3 only for a day.

4 CHAIRPERSON GENNARO: Thank you,
5 Council Member Vann. You're certainly welcome
6 here anytime. We're grateful to have you with us
7 here today. Without further ado, I will ask the
8 counsel for the committee to swear in this panel.

9 COUNCIL MEMBER KOPPELL: Mr.
10 Chairman, before you do that, even though we
11 haven't heard the testimony yet, these seem to be
12 worthy measures. I would like my name to be
13 added. I am on one bill, but not on the others.
14 So I'd like to be a co-sponsor of all four of the
15 bills.

16 CHAIRPERSON GENNARO: Thank you,
17 Council Member Koppell.

18 COUNCIL MEMBER KOPPELL: Thank you.

19 CHAIRPERSON GENNARO: We very much
20 appreciate that. It's our practice in this
21 particular committee to swear in the panel,
22 something we've always done. So we will do that,
23 and once that happens and you're sworn, you can
24 state your names for the record and proceed with
25 your good testimony.

1
2 SAMARA SWANSTON: Please raise your
3 right hands. Do you swear or affirm to tell the
4 truth, the whole truth and nothing but the truth
5 today?

6 BRAM GUNTHER: Yes.

7 CHAIRPERSON GENNARO: Thank you
8 very much. It's a pleasure to have you here.
9 When did we have that hearing where we talked
10 about the invasive species? April. We said we
11 wanted to do a bill. That was April and now it's
12 only November. That's lightning speed for the
13 government to turn around a bill, imagine that.
14 We're happy to have you here, both for the two
15 bills that I'm sponsoring and particular for the
16 excellent bills that are coming out of the Green
17 Codes Task Force with Council Member Vann's
18 leadership. I ask you to state your names for the
19 record and proceed with your testimony.

20 BRAM GUNTHER: My name is Bram
21 Gunther. I'm the Chief of Forestry in the
22 Horticulture and Natural Resources Group for Parks
23 and Recreation. Before I start, I'd just be
24 remiss if I didn't recognize some people from my
25 staff. Tim Wenskus, who is the Deputy Director of

2 Natural Resources Group. Adriana Jacykewycz, who
3 is the Director of Greenstreets. Danielle Gift,
4 who is a forestry analyst for our staff.

5 CHAIRPERSON GENNARO: Welcome.

6 BRAM GUNTHER: Good afternoon,
7 Chair Gennaro, and members of the Environmental
8 Protection Committee. Again, I'm Bram Gunther,
9 the Chief of Forestry, Horticulture and Natural
10 Resources Group at the Department of Parks and
11 Recreation. On behalf of Mayor Bloomberg, Deputy
12 Mayor Harris and Commissioner Benepe, thank you
13 for the opportunity to discussion Introductions
14 75, 398, 399 and Preconsidered Introduction.

15 Parks and Recreation is the steward
16 of about 29,000 acres of land, 14 percent of New
17 York City, including more than 5,000 individual
18 properties ranging from Coney Island Beach and
19 Central Park to community gardens and vest pocket
20 parks. We operate more than 800 athletic fields
21 and nearly 1,000 playgrounds, 66 public pools, 48
22 recreational facilities, 17 nature centers, 13
23 golf courses, and 14 miles of beaches. We care
24 for 1,200 monuments and 23 historic house museums.

25 We also look after 600,000 street

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2 trees, nearly 2,500 Greenstreets, and two million
3 trees on parkland. Parks and Recreation also
4 manages over 10,000 acres of forest, woodland,
5 freshwater wetland, salt marsh, and coastal
6 habitats, all of which support an enormous amount
7 of biodiversity, including numerous rare,
8 threatened, and endangered species.

9 While I am here today to comment on
10 the four bills being considered by this committee,
11 let me share with you some background on what we
12 currently do to manage, conserve, and expand
13 biodiversity throughout the city and to combat
14 invasive species. I would also like to add that
15 we support wholeheartedly the spirit of these
16 bills, but have issues with the details that could
17 actually hamper our ability to expand biodiversity
18 and create sustainable green spaces.

19 The Natural Resources Group, NRG,
20 was formed in 1984. Its mission then and today is
21 to conserve, restore, manage, and acquire natural
22 areas in New York City. Since 1984, NRG has
23 restored hundreds of acres of natural areas,
24 forest, freshwater wetlands, coastal marsh, and
25 meadows. Presently, NRG is planting over 50,000

1
2 native trees and shrubs each year to restore
3 degraded forests citywide through PlaNYC and its
4 Reforestation Initiative.

5 NRG has been an integral part of
6 the restoration of the Bronx River watershed and
7 ecosystem, rejuvenating the City's only remaining
8 freshwater river from near stagnation to health;
9 beavers have returned, so have oysters, and so has
10 alewife, a migratory fish not seen in the river
11 since the 1600s.

12 NRG is restoring native marshland
13 at Soundview Park, at Four Sparrows marsh in
14 Brooklyn, and nearly 120 acres of marsh and meadow
15 at Gerritsen Creek and White Island in the Jamaica
16 Bay watershed. An apotheosis of NRG's work has
17 been the Forever Wild program, in which 51 nature
18 preserves were created citywide for the public's
19 good.

20 NRG has known since its inception
21 that invasive species are the enemy of our natural
22 areas and green spaces. The preservation and
23 protection of our city's biodiversity have always
24 been the primary goals of NRG, and to succeed
25 we've been continuously fighting invasive species.

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2 Invasive species, as the Council
3 knows too well, can devastate habitats, leading to
4 simplified ecosystems in which biodiversity is
5 decreased significantly and our natural history is
6 threatened. The impact of invasive species is
7 particularly acute in urban centers because of
8 habitat fragmentation, which diminishes an
9 ecosystem's natural resilience.

10 To this effect, NRG has spent
11 millions of dollars and untold man hours over the
12 years battling insidious plant and animal species.
13 This fiscal year, as an example, NRG will spend
14 over \$3 million in site preparation contracts and
15 in-house staff time removing invasive species so
16 we can create and restore native habitats.

17 The Greenbelt Native Plant Center
18 is actually is part of NRG, although it was
19 autonomous for a while. But now we consider it
20 part of NRG. It was started in 1984 to preserve
21 the city's plant genetic history by collecting
22 native seed and propagating native plants to be
23 used in local ecological restoration projects.

24 Today, it stocks up to 400,000
25 local ecotypic plants. It is part of both

1
2 international and national efforts to seed bank
3 our region's plants to preserve for the future in
4 case of population failures, but also to be used
5 by restoration ecologists throughout the Mid-
6 Atlantic in restoring their native habitats.

7 The NPC runs a bulk seed program
8 that will help NRG create meadow and under story
9 habitats in their restoration work. The NPC
10 developed, in conjunction with the Museum of
11 Natural History, a program called Bee Watchers,
12 which started to inventory and protect local bees,
13 of which there are over 230 species just in New
14 York City, which are of course the main
15 pollinators in this area and therefore essential
16 in protecting the region's biodiversity.

17 Since the 1995 street tree census,
18 Central Forestry has planted over 200,000 trees.
19 This work, particularly now as part of the
20 MillionTreesNYC effort, has expanded our street
21 tree forest by over 67,000 trees citywide.
22 Central Forestry has expanded the diversity of
23 species we plant from 40 species to over 100
24 species. This diversification of species not only
25 allows for a more interesting right-of-way forest

1
2 but also expands the multiplicity of our canopy
3 cover, which creates a healthy environment for
4 communities throughout the city. Trees clean the
5 air of pollution, capture carbon, and decrease
6 energy costs, among other environmental benefits
7 that they afford us.

8 Since 1996, Parks, with its State
9 and Federal partners, has battled the invasive
10 Asian longhorned beetle, or ALB. The beetle
11 threatens more than half of the City's tree
12 species. We have examined almost 940,000 trees,
13 treated more than 500,000 trees, and removed over
14 8,100 trees. The menace of this one beetle
15 actually brings home the danger of invasive
16 species and how they can flatten our landscapes
17 and destroy our natural history.

18 The Greenstreets program started in
19 1996. There are now nearly 2,500 Greenstreets
20 citywide. These pint-sized parks have transformed
21 the streetscape from grey to green, and have given
22 neighborhoods with minimal plant life much needed
23 gardens. Greenstreets use hundreds of varieties
24 of plants in their designs: trees, shrubs,
25 perennials, groundcovers, bulbs. This plethora of

1
2 plants also increases the city's biodiversity in
3 that these street gardens are now homes to
4 invertebrates in the soil, insects within the
5 plant life, and birds within the canopy.

6 For the last several years, a
7 portion of Greenstreets have been built to
8 actively capture stormwater run-off from the
9 street. Using curb cuts and inlets, grading and
10 bioswales, Greenstreet designers have engineered
11 these sites to use the stormwater to irrigate the
12 soil, which then allows the plants access to
13 stored water, particularly during droughts.

14 In addition, the stormwater runoff
15 diverted into Greenstreets diminishes the runoff
16 into our combined sewer system. An average 1,500
17 square foot Greenstreet can capture 205,700
18 gallons of water annually. The citywide universe
19 of Greenstreets can then capture over 100 million
20 gallons annually.

21 All four of these efforts, NRG's
22 restoration of natural areas, the Native Plant
23 Center's propagation of native plants,
24 diversification and expansion of the street tree
25 forest, and Greenstreets' transformation of the

streetscape and initiation of stormwater capture creates greater ecological complexity and diversity in our city.

Invasive species and non-native species are not synonymous. Although by current definition invasive species are categorized as non-native, this is not entirely accurate. The primary distinction for natural resource managers like me is between invasive and non-invasive; in essence the effect a species has on our ecosystems.

Non-native is not bad by definition. Some native species, like white-tailed deer, are more damaging to local ecosystems and cost taxpayers and private homeowners large sums of money to manage. The deer, of course, are filling vacuums created by the historical loss of predators and the change in our local ecosystems that have increased their food source. By an ecologist's definition, they are invasive.

On the other hand, there are many non-native species that have naturalized over time to become functioning, non-invasive members of our local communities. Some examples are Osage orange

1
2 and Mulberry, which provide essential food sources
3 for a wide range of animals, Japanese maple,
4 London planetree, which a cousin to the Sycamore,
5 and Daylilies, among many others plant species.
6 Honeybees are a prime example of an animal.

7 Setting the limit for native
8 species to the point prior to European settlement
9 is arbitrary. Plants have moved around the globe
10 throughout evolutionary history. Some assimilate
11 into local communities and become naturalized,
12 thus now native, some don't make the migration,
13 and some plants do become locally invasive. These
14 are the plants that need to be eradicated to
15 conserve our biodiversity, not non-native plants
16 willy-nilly.

17 While my comments will be on each
18 bill individually, all four of them collectively
19 share the Department's goal to promote
20 biodiversity by fighting invasive species while
21 also promoting better practices in stormwater
22 management. Yet, the Department cautions that
23 these bills, as drafted, may have unintended
24 policy implications and ramifications. Three of
25 the bills will negatively affect our ability to

1
2 create the right landscape designs for the right
3 circumstances and geography. This will actually
4 decrease biodiversity by forcing us to use plants
5 that we know will not survive certain conditions.

6 Following our testimony, I look
7 forward to hearing the testimony of other
8 witnesses and to continuing to work with the
9 Council and stakeholders to promote biodiversity
10 in the five boroughs.

11 Introduction 75. I'm just going to
12 get right into my points.

13 CHAIRPERSON GENNARO: Sure.

14 BRAM GUNTHER: We have the
15 following concerns with the legislation as
16 currently drafted. We no longer live in the world
17 of the Lenape, the first Native Americans
18 encountered by European settlers in this area.
19 Soil conditions, our mix of wetlands, plant
20 communities, water flow, topography, and local
21 atmosphere have all been altered dramatically
22 since that time. We need to be free to use plants
23 and plant designs that will actually thrive in
24 today's environment. Many non-native species
25 actually perform best when it comes to being

1
2 tolerant to stormwater, drought, and other impacts
3 from the modern New York City environment.

4 Urban stormwater runoff contains
5 high road salt content and other pollutants.

6 Favoring water-tolerant plants over plants that
7 can handle road salt and other pollutants would
8 lead to flawed and short-lived green spaces.

9 Moreover, native plants that tolerate sea salt may
10 not necessarily tolerate road salt. Native
11 plants, in many cases, are not the right choices
12 for gardens in the streets cape or environments
13 that are highly trafficked.

14 Plants that are flood-tolerant are
15 not necessarily drought-tolerant. In many
16 locations, drought tolerance is more important
17 than having the capacity to handle wet soils.

18 Stormwater capture is not a
19 function exclusively of plant life. In fact, the
20 main components of stormwater capture,
21 particularly in right-of-way plantings, are soil
22 type and soil depth, the grading and configuration
23 of the site, and the use of techniques like
24 bioswales and curb inlets.

25 It is counterproductive to have all

1
2 city plantings consist of stormwater-tolerant
3 plants. Even in natural areas restoration this is
4 a limit that would be unnecessary; many native
5 habitats, particularly upland, are not inundated
6 and thus forcing water tolerant species like
7 willow in an upland oak/hickory forest is
8 inappropriate.

9 Introduction 398; we have the
10 following concerns with the legislation as it is
11 currently drafted. Lawn strips are not the
12 province of the Parks Department. Rather, they
13 fall under the aegis of the Department of
14 Transportation. As it stands now, Parks issues
15 permits for tree plantings, but does not issue
16 permit for gardens on these lawn strips.
17 Furthermore, the property owner is responsible for
18 their care.

19 Planting native gardens on lawn
20 strips does not actually reduce maintenance.
21 Native plant gardens would need to be weeded
22 regularly, either manually or with herbicides. If
23 herbicide use is necessary, a professional would
24 be needed for application, and inevitably, these
25 gardens would become the responsibility of the

1
2 Parks maintenance staff. In addition, the gardens
3 would require mulching, deadheading, pruning, and
4 of course watering during the dry months or
5 drought.

6 The design and installation of
7 these sites would require large capital sums.
8 Plants would need to be salt tolerant, pollution
9 tolerant, as well as drought tolerant. They would
10 also need to be low in height so that they don't
11 block traffic visibility, as per the traffic
12 pruning law, Local Law 12. And soil conditions
13 vary so greatly across the city that being limited
14 to native plants would decrease the variety of
15 species choices for a designer.

16 However, all that said, we do see
17 the merit in transforming, carefully and wisely,
18 lawn strips into gardens in selected areas as part
19 of a designed green infrastructure initiative.

20 Introduction 399; this bill also
21 imposes arbitrary limits on our planting pallet
22 and design variety. The bill as written,
23 seemingly prevents parks from using turf grass
24 when planting athletic fields, lawns or other
25 public parkland and open space.

1
2 There are many city-owned
3 properties with planted areas that are not
4 maintained by Parks and that should not be subject
5 to such planting restrictions. These properties
6 include public gardens, zoos and museums. It
7 would also prohibit, as we read the bill, the
8 planting of sedum, a tropical succulent plant, on
9 green roofs. We have many green roofs that are
10 planted exclusively with native plants, but they
11 are in trial phase. Sedum is recognized as a
12 plant that can handle the harsh and unique
13 conditions of a green roof and is light enough to
14 not threaten the engineering load of a common
15 roof.

16 While the bill exempts existing
17 trees from being removed to comply, the bill says
18 nothing of other vegetation. This would require
19 the removal of an extraordinary amount of grass
20 and groundcover from city-owned property,
21 including sidewalk strips.

22 This bill, like the previous two,
23 would actually limit biodiversity. The nuances of
24 the right plant for the right circumstances need
25 to be left to professional designers and

1
2 gardeners. The salient and relevant point is that
3 we would never use an invasive species, in any of
4 our restoration or garden designs.

5 Preconsidered Introduction; we
6 fully support the intent of the legislation and of
7 the following thoughts as it moves through the
8 drafting process.

9 As mentioned, the Parks Department
10 spends a lot of time fighting invasive species.
11 NRG spends millions of dollars a year to eradicate
12 them in natural areas. Central Horticulture is
13 experimenting with weed-suppressant plants that
14 grow densely enough to not allow for any space for
15 weeds, which is an organic means of controlling
16 invasive species. We've been battling the Asian
17 longhorned beetle since 1996. We are frightfully
18 aware of the dangers of invasive species and that
19 the cost to battle them is high. Although not as
20 high as doing nothing and having our green spaces
21 overrun by these relentless species.

22 Parks would welcome an inter-
23 agency, cross-sector collaborative effort to
24 address invasive species, such as that proposed by
25 the Invasive Species Advisory Board. Similar

1
2 bodies already through New York State Department
3 of Environmental Conservation, called Partnership
4 for Regional Invasive Species Management, or
5 PRISM, of which NRG is a member.

6 The proposed Board's mandate to
7 control and fight invasive species is laudable.
8 We believe the infrastructure to take on this
9 mandate already exists in the form of the
10 Interagency Green Team, established by Local Law 5
11 of 2010, and we recommend that this entity be
12 tasked with the duties of the proposed Board
13 before a new one is mandated.

14 Invariably, there will be tension
15 between existing tree populations, some of which
16 are invasive but still provide the environmental
17 benefits of any tree, examples are Norway maple
18 and Ailanthus tree, and the need to remove them.
19 This is something the Green Team can deliberate.

20 Additionally, Parks believes that
21 the proposed creation of a list of invasive
22 species would be a valuable exercise of the Green
23 Team, and could be updated annually by the
24 Department. Additionally, as the Preconsidered
25 Introduction provides for, the Green Team could

1
2 utilize this list to explore a regulatory
3 framework to protect the City from the
4 introduction of invasive species.

5 Parks is committed to the
6 restoration, creation, and sustainability of our
7 natural areas and green infrastructure. The
8 division of Central Forestry, Horticulture, and
9 NRG is singularly devoted to this goal and
10 mission. However, the bills as currently written
11 would hinder our ability to create the right
12 planting designs for the right situations, and
13 that would ultimately threaten biodiversity.

14 We thank the Council and the
15 sponsors of these bills for their interest in and
16 concern for our green spaces. We thank them for
17 recognizing the importance of native species and
18 plants that help us capture stormwater. We look
19 forward to continuing the conversation about
20 biodiversity and invasive plants with the Council.
21 I'd be happy to answer any questions.

22 CHAIRPERSON GENNARO: Thank you,
23 Mr. Gunther for your comprehensive testimony. We
24 always like when people focus their remarks about
25 how we can make the bills better or what problems

1
2 there may be in them. Sometimes people come
3 before the committee and they have a philosophical
4 perspective. But you've been very detailed in
5 your comments and I feel that's helpful.

6 I'd like to ask you a little bit,
7 starting from the last bill you spoke on, which is
8 the Preconsidered Intro. This was born out of the
9 hearing we had back in April. It was somebody
10 else from NRG.

11 BRAM GUNTHER: It was Mike Feller
12 from NRG, who is our chief naturalist.

13 CHAIRPERSON GENNARO: Mr. Feller
14 was here and the Nature Conservancy and Brooklyn
15 Botanical Gardens. The Nature Conservancy and the
16 Botanical Gardens and the New York Botanical
17 Gardens all commented on the roles that they had
18 played in putting together a list of species for
19 local nurseries. I know this was done in Nassau
20 County and Suffolk County. I seem to recall it
21 was in Westchester also, but certainly Nassau and
22 Suffolk.

23 There's a list of the people who
24 either sell plants or they're in the nursery or
25 they're gardeners or whatever of plants that

1
2 couldn't be cultivated, couldn't be sold, couldn't
3 be planted. They indicated this was something
4 they had in Nassau and Suffolk and perhaps some
5 other places nearby. Then I recalled Mr. Feller
6 to the witness table to find out if we had any
7 such list in New York City and we didn't. I
8 believe it was he who commented that you could
9 just go right down the street to Garden World and
10 Fresh Meadows based out on Francis Lewis Boulevard
11 and buy the worst kind of invasive species.

12 So that got me to thinking that why
13 don't we do something like they had in other
14 areas. We're pulling our hair out trying to keep
15 these invasive species out and spending millions
16 of dollars but meanwhile, you can go down the
17 street and purchase them. That was the intent.

18 And the paradigm that was used was
19 this kind of cooperative venture whereby the local
20 governing entity, in combination with other
21 stakeholders, could put together a comprehensive
22 list that could be put out there and could be
23 updated on some regular basis.

24 But it seems that in your comments,
25 you're saying that this ought to be done by the

1
2 Green Team. As I recall, Local Law 5 of 2010,
3 that was more for green technology. That was my
4 recollection. There was one panel that was set
5 up. I think both the bills were mine, right? One
6 of them was mine.

7 It was for green technology that
8 the city as an entity should try to be open to for
9 the city, whether it's looking at different kinds
10 of sewage processing technology or sludge
11 composting or whatever, kind of green technology
12 that we as a city should be employing. There
13 should be a team that is in place that could not
14 only evaluate people that try to sell technology
15 to the city but we shouldn't even wait for it to
16 show up at our front door, we should be going out
17 there and looking for it. That was one green
18 team.

19 The other green team was for people
20 who have different times of green widgets or
21 gizmos or whatever that could be sold in New York
22 City that might be of some benefit but we didn't
23 have the local regulatory structure to permit
24 them. Like how to do a small wind turbine on a
25 house, the Buildings Department doesn't how to do

1
2 that, they don't know how to permit it. That was
3 the other green team.

4 So it seems that the two panels of
5 which you speak are really geared towards more
6 green technology and not plants. Before I'd have
7 the Green Team do this interagency thing, I'd
8 almost rather have you guys do it. I'm just
9 wondering why we couldn't and shouldn't use the
10 paradigm that has happened in other areas to good
11 effect.

12 Before I let you answer the very
13 long question, I just want to know that the bill
14 as it's currently written now, indicates there
15 will be 12 members of the board. There will be
16 six from the administration, from various agencies
17 and there will be some kind of expert in certain
18 kinds of plant species.

19 Then we'll have representatives
20 from local environmental groups. It specifically
21 excludes Botanical Gardens and Nature Conservancy,
22 which, upon looking at the bill, is not the way
23 that I would like to go. I think those entities
24 played a good role where this has been done in
25 other places. I would probably tweak that myself

1
2 to make them able to serve on the board. I'm
3 wondering why it wouldn't work here when it's
4 worked in other areas and why this other entity,
5 this Green Team that seems to be more for like
6 green hardware so to speak, would work in this
7 regard. So all I'm saying is I like my way
8 better.

9 BRAM GUNTHER: I think the
10 suggestion of the Green Team was an existing
11 entity that we could use to help spearhead this.

12 CHAIRPERSON GENNARO: Who's on the
13 Green Team? What agency is a part of that? I
14 should know, but I don't.

15 BRAM GUNTHER: I don't know the
16 full spectrum.

17 CHAIRPERSON GENNARO: It's a couple
18 of different agencies. We would have the
19 rudiments for these purposes in the entities. Of
20 the 12 members of this task force, 6 would be
21 representatives of the administration. It would
22 be Parks, it'd Transportation, it'd be whatever it
23 says. That I think would make more sense than
24 just going to the Green Team which has already
25 been charged with doing a green hardware kind of

1
2 assignment rather than green plant life. Please
3 continue.

4 BRAM GUNTHER: There is an entity.
5 There's the Office of Long Term Planning and
6 Sustainability that could potentially spearhead
7 this and bring in all the agencies and the other
8 bodies that you've suggested in the law. I do
9 think that we do need a strategic and integrated
10 approach to invasive species across the city. I
11 think each agency is probably battling the
12 invasive species on their own and have their own
13 strategies.

14 So putting that together would be
15 helpful enormously, and then it would also
16 interlink us with, as you said, Long Island and
17 Westchester Counties where there are traveling
18 plants all the time, whether it's by birds, feet
19 or truck. We do need something like this, so
20 perhaps it could be that entity.

21 CHAIRPERSON GENNARO: Also, the
22 mayor, when he put together his board for PlaNYC,
23 The Sustainability Advisory Board, which I'm proud
24 to serve on, he reached out to lots of different
25 folks to get ideas on how PlaNYC should work.

1
2 We've done that with the mayor with regards to the
3 Green Codes task force, which is sort of like a
4 Mike Bloomberg, Chris Quinn and City Council
5 creation. We've done this with good success
6 before when it comes to the Jamaica Bay plan. We
7 used a board when it came to the wetlands
8 transfer. With regard to Jamaica Bay, the
9 Bloomberg administration took the big step of
10 rather than appointing its own people, they
11 appointed people that were outside of the
12 administration. They were showing that there was
13 an embrace of this concept. I think it could work
14 because it's worked in other areas.

15 I think I'm pretty inclined to have
16 this kind of arrangement unless some real good
17 reasons were put forward not to do it that way. I
18 think we also have to have people from the
19 industry. Don't we call for that? We do call for
20 that. The people that are going to be regulated
21 by this list to be able to sit at the table and
22 say we two are different than you other ten in
23 that we are actually in this business and kind of
24 know what people might be inclined to do. So this
25 list gets put out, so you can't sell these 50

1
2 species and they go and find 50 other species that
3 would cause some kind of havoc and start selling
4 those instead.

5 I just think it's always good to
6 keep very much in the loop the entity that's going
7 to be regulated, in some capacity. Whether full
8 board members or provide some kind of advice or
9 whatever. That's what I would think. Is there
10 any other aspect? It seems like your main issue
11 with that bill is the entity that we would create
12 to do this. That was your main point.

13 BRAM GUNTHER: That's correct.

14 CHAIRPERSON GENNARO: It seems like
15 you're pretty flexible on that, although you're
16 not saying that outwardly. I'm getting a vibe.

17 BRAM GUNTHER: Well, essentially I
18 agree that we need to do something. We just need
19 to search for the right body to lead this. The
20 bill does make sense.

21 CHAIRPERSON GENNARO: Also, I guess
22 I'm going to ask a legal question. I'm not sure
23 if I'm asking it to you or to my own counsel here.
24 Would this be something that if the administration
25 had a hankering to do this, could it just

1
2 promulgate this and do it? Or is this something
3 that has to be done legislatively? Because we
4 actually would be going to businesses and saying
5 that you can't sell xyz type of plant or whatever.
6 You can speak on the record if you want.

7 FEMALE VOICE: There would be a
8 whole negotiation process to deal with and get buy
9 in from all of the involved stakeholders,
10 including industry. That's what they did on Long
11 Island and it apparently worked.

12 CHAIRPERSON GENNARO: They did this
13 by local law.

14 FEMALE VOICE: They did it by local
15 law.

16 CHAIRPERSON GENNARO: Nassau
17 County, Suffolk County.

18 FEMALE VOICE: That's correct.

19 CHAIRPERSON GENNARO: If it's not
20 broken, don't fix it. I'm happy to have this back
21 and forth on the Preconsidered Intro because it
22 seems like it's very critical that we get this
23 done. We're joined by Council Member Vallone.
24 Always a pleasure to have Peter with us.

25 With regard to the other bills, it

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2 looks like it's fair to say we have some work to
3 do in making sure that we come up with something
4 that could work. I guess with regard to the other
5 three bills, and again this is just from your
6 perspective. Which of those bills, from your
7 perspective, would you believe are sort of
8 "salvageable" so to speak? Would there be an
9 openness to trying to salvage, again from your
10 perspective? I'm coming here as an advocate for
11 all of this. From your perspective, would it make
12 sense to try to salvage one or more of these other
13 bills?

14 Let me put that in a little
15 context. With a view towards we are sort of
16 blessed, you're fortunate to work under a very,
17 very green mayor and I'm fortunate that I have a
18 lot of green colleague and a green Speaker who are
19 all deeply committed to the best kind of
20 environmental sustainability. We don't know if
21 that's going to exist forever. While we trust
22 ourselves, I'm always in favor of, while we can,
23 crystallizing as much as we can of all the good
24 things within PlaNYC, within the Green Codes Task
25 Force and any kind of other ideas that come

1
2 through the Council and come from wherever. So we
3 write those into law so that future
4 administrations and future councils have to abide
5 by that. So it's kind of like a legacy thing. So
6 what is your view on how salvageable the other
7 three intros are.

8 BRAM GUNTHER: Let me say again
9 that the spirit of these bills we're in agreement
10 with and they have a lot of merit. The problem,
11 from our perspective, is that they're restrictive.
12 Ultimately, we need to be able to plant the right
13 plants in the right circumstances. So from that
14 perspective, I think we would need to talk them
15 through more.

16 CHAIRPERSON GENNARO: Right, we
17 just have to get it right.

18 BRAM GUNTHER: We need to readapt
19 them and we'd have to see how the language works
20 over time.

21 CHAIRPERSON GENNARO: So you're
22 certainly sending a signal that there's a
23 willingness to engage us, particularly on the two
24 that are coming out of the Green Codes Task Force,
25 which is like a brainchild of the mayor's, and a

1
2 good brainchild, as most of his brainchildren are
3 good children. That will give us a lot to talk
4 about in forthcoming discussions on that.

5 Maybe I'm dating myself a little
6 bit, I go back to the days when Marc Matsil used
7 to head NRG. I think he's gone quite a while now.

8 BRAM GUNTHER: I think maybe about
9 10 or 11 years he's been gone.

10 CHAIRPERSON GENNARO: Was he the
11 founding director of NRG?

12 BRAM GUNTHER: He wasn't the
13 founding director. I forgot who that person was,
14 but Commissioner Benepe was the director of NRG at
15 one point.

16 CHAIRPERSON GENNARO: I see.

17 BRAM GUNTHER: And Matsil was the
18 chief and now he's the Commissioner of Parks in
19 Juno, Alaska.

20 CHAIRPERSON GENNARO: I see. There
21 you have it. He said nothing about standing on
22 his front porch and looking over at the Soviets or
23 anything like that. He never said anything like
24 that, did he?

25 BRAM GUNTHER: I think he's a bit

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south for that.

CHAIRPERSON GENNARO: I don't think he said that. We're joined by Council Member Levin. I thank Council Member Levin.

Before I call the next panel, if no one else has any questions, to make note of words that are used in the committee for the first time ever. I've been with the committee 20 years, so I can't speak to what happened before that. But in your testimony we have two words that in my 20 year history of the committee have never been used, so they deserve special recognition. It would be the word--

BRAM GUNTHER: [interposing]
Apotheosis.

CHAIRPERSON GENNARO: Yes, correct.
Apotheosis.

BRAM GUNTHER: My staff told me I shouldn't use it.

CHAIRPERSON GENNARO: The word apotheosis has never been uttered in this committee before. I have no idea what it even means.

BRAM GUNTHER: Does that put me in

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the record book?

CHAIRPERSON GENNARO: Yes, it does. It does. Ecotypic, which I know what that means, but it's never been used in the colloquy of this committee ever before. It is rare when we get one word that's never been used before, but two in one statement, that's pretty good. That's really pretty good.

BRAM GUNTHER: I'm happy to have that honor.

CHAIRPERSON GENNARO: It's nice to be recognized for special things. We're very grateful. There are no more questions for the panel. We look forward to making the tweaks in the Preconsidered Intro which we both believe is very important to do. The other three bills we have more work on to get them right. I think it's important that we do something because we want to make sure that when we move on and we have the next administration and the next council come in that we have them dancing to our tune.

So thank you very much. I'm grateful for your presence here today.

BRAM GUNTHER: Thank you very much

1
2 for having me. I appreciate it.

3 CHAIRPERSON GENNARO: Sure. We
4 have four more witnesses. We figured we would try
5 to panel them all at once. Here's someone who was
6 made reference to before, by Council Member Vann,
7 Marielle Anzelone from New York City Wildflower
8 Week. Please come forward. Christie Van Kehrberg
9 from Green Shores NYC. She had to leave? We have
10 comments from her. Amy Gavaris and Kate Zidar,
11 representing Storm Water Infrastructure Matters
12 Coalition from Swimmable New York City. Is Kate
13 here?

14 MALE VOICE: [off mic] I saw her
15 leave.

16 CHAIRPERSON GENNARO: Okay. We
17 have Ms. Anzelone and Ms Gavaris. Does the
18 sergeant have statements? We have statements from
19 both. I'll ask the counsel to swear in the panel.

20 SAMARA SWANSTON: Please raise your
21 right hands. Do you swear or affirm to tell the
22 truth, the whole truth and nothing but the truth
23 today?

24 CHAIRPERSON GENNARO: We'll start
25 on my left with Ms. Anzelone.

2 MARIELLE ANZELONE: Thank you. Mr.
3 Chairman, distinguished members of the committee,
4 and guests, my name is Marielle Anzelone, and I am
5 an Urban Ecologist and the Executive Director of
6 New York City Wildflower Week, which is a
7 nonprofit advocacy organization that connects New
8 Yorkers to the nature in their backyards through
9 free cultural programming throughout the five
10 boroughs. I thank the members of the Committee
11 for this opportunity to testify.

12 From April 2001 to November 2007, I
13 was the Botanist for the City of New York
14 Department of Parks and Recreation, Natural
15 Resources Group. I should clarify here that my
16 tenure did not overlap with Mr. Gunther. My job
17 was to conserve, manage and restore the native
18 flora of the five boroughs. Most people are
19 surprised that New York City has nature at all.
20 Yet towering forests, expansive marshes and grassy
21 meadows cover nearly one-eighth of the city,
22 making it the greenest in North America.

23 Much of this greenery is native
24 plants. A New York City native plant is any plant
25 that occurs naturally in our region without having

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2 been introduced from elsewhere by humans. Over
3 thousands of years, these native plants have
4 adapted to the climate, soils, and environmental
5 conditions of our area and developed symbiotic
6 relationships with native insects, birds, and
7 other animals. New York City native plants
8 include grasses, ferns, perennial herbs, trees,
9 shrubs, and vines, and these are the building
10 blocks of our biological diversity and the
11 cornerstone of our natural ecosystems, the
12 aforementioned forests, grasslands and meadows.

13 Native plants are critical to human
14 health and wellbeing. They provide us with fresh
15 air to breathe, purify the water we drink, and
16 enhance the quality of our lives with their
17 physical beauty. They are also responsible for
18 stabilizing the soil, controlling floodwaters, and
19 providing food and habitat for countless bees,
20 butterflies, birds, and other creatures, which in
21 turn, provide us with vital services, such as the
22 pollination of our food crops.

23 During my tenure at Parks, my work
24 and that of my colleagues charted a disturbing,
25 but unsurprising trend: the local extinction of

1
2 our wild flora. Of 1,357 native plants ever
3 recorded in the New York City, only 778 species
4 remain. In recent decades, Staten Island, which
5 is considered the most bucolic borough, has lost
6 more than 30 percent of its indigenous vegetation,
7 including such botanical treasures as nodding
8 trillium and yellow ladyslipper orchid.

9 Most people tend to think that
10 dramatic, isolated incidents are responsible for
11 loss of biodiversity. Flashy events like oil
12 spills or forest fires garner headlines. While
13 these are certainly detrimental, the loss of
14 biodiversity in the New York City area is largely
15 due to the ongoing destruction and degradation of
16 habitat. Our natural areas are shrinking and
17 deteriorating. This pattern of habitat loss is
18 alarming since it undermines the efforts to
19 conserve what remains.

20 The biggest threat to our native
21 plants is habitat destruction due to development.
22 Given that so little land remains un-built in New
23 York City, no open space is safe, not uplands, and
24 not wetlands. Our forests of oak and hickory are
25 traded for box stores and parking lots. Public

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2 works projects are placed in parklands. Our
3 forests and fields are only valued when improved
4 through human activity and the original greenery
5 is gone.

6 After destruction of habitat, the
7 biggest threat to our local flora is invasive
8 species. The source of these problematic plants
9 is usually conventional gardens. Over 80 percent
10 of invasive woody plants have originated in the
11 horticulture industry. Every plant species is
12 native to somewhere. Introduced or non-native
13 plant hail from other states, regions, or
14 countries. This exotic flora was moved to new
15 areas by people for food or ornamentation or by
16 accident, as stowaways on commercial ships or
17 packing materials.

18 Over the past nearly 400 years,
19 thousands of plant species have been introduced to
20 the New York area. Most live peacefully with the
21 indigenous flora that's already here.
22 Unfortunately, a small but significant number of
23 these introduced species are out of control. They
24 travel from where they were planted and run
25 rampant through our parks, damaging local forests,

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2 meadows and wetlands. These invasives smother our
3 native plants, shading them from the sun and
4 effectively starving them to death.

5 Some invasives are so closely
6 related to our indigenous flora that their pollens
7 mix, producing hybrids that overwhelm the local
8 gene pool. This in turn, alters the plant's
9 biology, affecting floral shape, color, or
10 blooming time. Such dramatic change is
11 potentially devastating for the wildlife that
12 depends on native species. Thus invasive plants
13 disrupt biological relationships and degrade
14 natural areas.

15 For example, over a 50-year period,
16 Pelham Bay Park, the largest natural area in the
17 New York City Park system, lost 2.8 native plant
18 species every year, while it gained 4.9 new
19 exotics annually. In this context, plantings on
20 private and public properties have ecological
21 consequences for the greater landscape.

22 The main focus of conventional
23 landscapes is their ornamental value. Filled with
24 sterile cultivars and often maintained with heavy
25 inputs of chemical pesticide and fertilizer, these

1
2 gardens can be barren wastelands for native
3 insects, birds, and other animals. In addition,
4 many native insects are plant specialists, meaning
5 they evolved over many generations to feed on
6 specific native plants. So they simply can't
7 derive any sustenance from non-native garden
8 plants. These insects in turn, are food for our
9 birds and birding in New York City is burgeoning
10 business.

11 A perfectly manicured non-native
12 turf grass lawn is the dominant aesthetic in the
13 U.S. But it's also the perfect example of what's
14 wrong with the conventional garden. Turf grass
15 has no habitat value for wildlife, it's high
16 maintenance, it pollutes the air and water. In
17 addition, water is also lost. There is minimal
18 groundwater recharge with lawns. They create
19 almost as much runoff as pavement. Lawns are
20 thirsty. Clean drinking water is used to slake
21 this thirst. We pay for the infrastructure to
22 receive the water, clean the water, then pay again
23 when it goes down the drain.

24 In contrast, a wildflower planting
25 can provide greater habitat value. Native plants

1
2 support more abundant and diverse wildlife; lower
3 maintenance, mowing is required only 1 to 2 times
4 a year. Reduced pollution: fertilizer,
5 herbicides, and pesticides are not needed. Water
6 conservation: once established, native meadow
7 plants are drought tolerant. Increased
8 groundwater recharge: wildflower meadows absorb
9 much more storm water runoff than lawn and allow
10 it infiltrate into the soil. It's because these
11 dense, diversified plantings with varied root
12 depths slow the water and allow it to soak in.
13 One of the best ways to address these problems is
14 to encourage the use of native plants in public
15 landscapes.

16 In 2006, while at the Parks
17 Department, I designed and planted the Native
18 Plant Display Garden in Union Square Park in
19 Manhattan. Inspired by regional plant
20 communities, it features over 200 species of
21 ferns, wildflowers, shrubs, and grasses that are
22 native to the New York City area. At East 15th
23 Street and Union Square West, hundreds of people
24 walk by the garden every day. It is a model
25 public garden, inspiring New Yorkers to grow

1
2 wildflowers at home, even a in a window box. It
3 demonstrates sustainable design in a public park.
4 The garden provides a unique opportunity for New
5 Yorkers to meet their foliar neighbors, a reminder
6 of their connection to the natural heritage of the
7 Big Apple.

8 These kinds of wild, sustainable
9 landscapes are important to have, especially in
10 parts of the city where forests are in short
11 supply. Nature enhances the quality of New
12 Yorkers' lives and makes cities livable. A simple
13 walk in the woods lowers stress, boosts immunity,
14 and heightens creativity. It appears to even help
15 fight some cancers. The benefit of being in
16 nature is so great that land conservation should
17 now be viewed as a public health strategy.

18 I hope that these bills might be
19 the first step towards New York City taking a more
20 active role in recognizing and encouraging the
21 retention of its native biodiversity. In other
22 places around the world, across the country and in
23 the region there are already initiatives that
24 recognize and protect local biodiversity.

25 The United Nations has designated

1
2 2010 as the International Year of Biodiversity and
3 held a global summit in Japan in October, the
4 first ever. The Obama administration launched
5 America's Great Outdoors to reconnect Americans to
6 nature. The Congressional No Child Left Inside
7 Act would make environmental education a bigger
8 priority.

9 Meanwhile neighboring Suffolk
10 County requires property owners to keep part of
11 their land wild. New Jersey has calculated the
12 worth of its nature at \$18 billion per year, equal
13 to the state's construction industry. Even a
14 recent McKinsey global survey notes that
15 biodiversity is the next environmental issue on
16 the corporate agenda. In a time of global
17 biodiversity awareness, New York City has to do
18 more. These bills are a very important first
19 step.

20 If I might also address some of the
21 comments that were already stated by Mr. Gunther.
22 This is a little extemporaneous, so I apologize.
23 I think that we all agree that it's important to
24 address what we're doing in these public
25 landscapes, be they more marginal as Greenstreets,

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2 or the larger areas, the half acre to five acre
3 properties. But to leave it to professional
4 designers and gardeners, it's not enough because
5 they often don't know enough. I've worked with
6 landscape architects that can't tell the
7 difference between one plant species and another.
8 Many of them aren't required to take basic botany
9 as part of their course work to receive a master's
10 in landscape architecture.

11 So to leave it to those
12 professional designers to make these choices, I
13 don't think that that would be the best way to
14 proceed. For example, in my time at Parks, I
15 noticed that there were often planting areas in
16 the middle of natural areas that held species that
17 were problematic. Perhaps not one of the top ten
18 most invasive things, but for example, English
19 Ivy. English Ivy has been planted in planters in
20 the middle of the northwest woods of Van Cortland
21 Park in the Bronx. English Ivy distributes around
22 the landscape. It's dispersed by birds and it's
23 very good ground cover. It grows very quickly.
24 So it's one of the plants that we definitely don't
25 want to see traveling. Yet, it was planted in the

1
2 middle of a natural area in the city.

3 Another concern, I think, is the
4 reference to alewife and how it's not been seen in
5 the Bronx River since the 1600s. It's a project
6 where the alewife has been reintroduced into the
7 Bronx River and it's doing very well. But then in
8 the same document it references that we no longer
9 live in the world of the Lenape, meaning the
10 1600s. So there's this idea that we can't go
11 back, but we do go back because we're
12 reintroducing some species that used to be here
13 and haven't been here for hundreds of years.

14 So I think the idea that there
15 needs to be freedom around using certain plants
16 and plant species, I think there needs to be
17 freedom with limits. As contradictory as that is,
18 I think there need to be some guidelines. As it
19 stands right now, there are none. So in my mind,
20 these bills do great service in that area.

21 Just the idea that all gardens need
22 maintenance. There's a reference that native
23 plant gardens need maintenance and in fact, they
24 do. But they certainly don't require the
25 maintenance that turf lawns require. So every

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2 landscape that would be created requires some
3 maintenance, especially when being first
4 established. Native plant gardens absolutely
5 require water when the plants are being
6 established. But if you choose the right plants
7 for the right site, you can have great success
8 with them.

9 Another comment I wanted to make is
10 that I noticed that DOT, in creating bike lanes
11 throughout the city, actually use a lot of native
12 plants in those kind of marginal curbed areas.
13 They used, for example, little bluestem. I've
14 seen it growing on Ninth Avenue in Lower Manhattan
15 and it seems to be doing really well. It's been
16 there for a number of years.

17 So that was the end of my comments.
18 Thank you so much for the opportunity to testify.

19 CHAIRPERSON GENNARO: Thank you.
20 I'm grateful to have you here. You met with
21 Council Member Vann.

22 MARIELLE ANZELONE: Yes, yesterday.

23 CHAIRPERSON GENNARO: He mentioned
24 that you had done that. What we'll do is we'll
25 take the testimony from the next witness and any

2 questions or comments, I'll direct to both of you
3 at that time. Thank you, Marielle. Is it
4 Marielle? How do you say it?

5 MARIELLE ANZELONE: Marielle.

6 CHAIRPERSON GENNARO: Okay.

7 AMY GAVARIS: Thank you. Good
8 afternoon, Chairman and members of the
9 Environmental Protection Committee. I'm very
10 happy to be here today. My name is Amy Gavaris.
11 I'm the Executive Vice President of the New York
12 Restoration Project and on behalf of NYRP's board
13 of trustees and our founder Bette Midler, I'm here
14 today to express our strong support for amending
15 the city's administrative code to convene an
16 advisory board.

17 I will share upfront that we do
18 hold similar position to the Parks Department in
19 terms of the first three bills that have been
20 introduced and feel that establishing an advisory
21 board could actually go a long way to addressing
22 all the other issues about biodiversity and
23 preservation of our natural history, which at the
24 New York Restoration Project is a high priority.

25 CHAIRPERSON GENNARO: Great. I

1
2 would certainly appreciate it if you would tell
3 Bette Midler that the board was my idea.

4 AMY GAVARIS: Make a note.

5 CHAIRPERSON GENNARO: If you could
6 tell her that.

7 AMY GAVARIS: As the steward of
8 Swindler Cove Park in Northern Manhattan, the non-
9 profit organization partnering with the city on
10 MillionTreesNYC with the goal of planting one
11 million new trees by 2017, working alongside New
12 York City Parks Department in restoring historic
13 Highbridge Park to its original splendor, and the
14 owner and manager of 55 community gardens in all
15 five boroughs, we understand firsthand the
16 critical need to stem the spread of invasive plant
17 species in our open, green spaces.

18 NYRP has been cleaning and greening
19 New York City parks since 1995 and in that time
20 we've picked up more than 2,000 tons of garbage,
21 much of it invasive plant material. Every year,
22 NYRP spends valuable resources and staff time
23 clearing aggressive invasive vines like Porcelain
24 Berry, Oriental Bittersweet, Japanese Honeysuckle,
25 Mile-a-Minute Weed and now the dreaded Kudzu from

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2 our public parks and gardens. Time and resources
3 that would be better spent assisting community
4 gardeners, planting trees in our city's
5 neighborhoods and educating about climate change.

6 In fact, the enormous investment
7 and effort to make our city greener and more
8 sustainable, including the MillionTreesNYC
9 initiative, will be a pointless and expensive
10 endeavor if we do nothing to halt invasive plants
11 from smothering our woodlands, parks, wetlands and
12 other fragile ecosystems.

13 As the Parks Department faces
14 budget reductions, the time spent by Parks
15 employees and their nonprofit partners like NYRP
16 in eradicating invasives could be redirected to
17 other critical needs including repairs, planting,
18 maintenance, and public programming of our vital
19 public lands.

20 Many invasive species threaten the
21 environment, human health and habitat
22 biodiversity. With an increasing number of new
23 invasives identified every year, timely tracking
24 and management are ever more urgent. Climate
25 change further exacerbates this escalating

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2 challenge: spring arrives, on average, a week
3 earlier; our winters are milder with snow cover
4 decreasing; summertime brings more super-hot days;
5 altered precipitation patterns have spawned more
6 frequent droughts and intense storms; and rising
7 sea levels increase the risk of flooding. These
8 are significant factors contributing to the
9 degradation of our native ecosystems while also
10 creating favorable conditions for many invasive
11 species, diseases and pests.

12 Without a coordinated long-term
13 strategic plan, any management and prevention
14 efforts, let alone slowing the spread of invasive
15 plant species, will have little chance of
16 succeeding. Invasive plants pose a threat to our
17 ecosystems and economies, our natural and built
18 environments, habitats and managed forests,
19 agriculture and food supplies, and have negative
20 impacts on recreation and human health.

21 NYRP supports the creation of an
22 advisory board to identify effective strategies
23 including the creation of an invasive species
24 list, methods for monitoring, control and
25 restoration, as well as public outreach and

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2 education, to mitigate against the potentially
3 irreversible damage invasive plant species
4 inflict.

5 New York Restoration Project
6 restores neglected and forgotten spaces so that
7 children and families can reconnect to nature and
8 the great outdoors here in New York City. These
9 spaces are under constant threat from invasive
10 plant species. If NYRP, other non-profit partners
11 and the Parks Department were to cease their
12 vigilance, very quickly our shared open spaces,
13 our common ground, would be overwhelmed by
14 creeping vines and weeds. We urge the creation of
15 an Invasive Species Advisory Board before our
16 city, and our future, are strangled. Not to be
17 too dramatic about it, but it can happen.

18 CHAIRPERSON GENNARO: That was a
19 nice flair. Thank you, Amy. I'll call you Amy,
20 okay?

21 AMY GAVARIS: You may, of course.

22 CHAIRPERSON GENNARO: Call me Jim.

23 AMY GAVARIS: Okay, Jim.

24 CHAIRPERSON GENNARO: Why not.
25 This is like a friendly hearing, you know. Thank

1
2 you for advocating that we get this board
3 together. We've heard from the administration
4 that they prefer it just to be like the
5 administration. If I were the administration, I'd
6 probably say that too. I know you have high
7 regard for the administration, as do I. But my
8 paradigm that I put forward was that we do it part
9 government, and part folks that would be
10 appointed. What do you think about that?

11 AMY GAVARIS: I think it's a good
12 idea. I think the time is clearly upon us to
13 ensure that beyond this administration too that
14 there is a mechanism.

15 CHAIRPERSON GENNARO: I work very
16 well with the administration. I'm sure we'd
17 figure out a way to get this done.

18 Amy, you said that you had a fair
19 amount of sympathy for the position of the
20 administration with regard to their comments on
21 the first three bills. Marielle, like not so
22 much, right, in all candor? I guess the question
23 I'm asking is that Amy you indicated that you had
24 some sympathy that not all non-native is bad. Why
25 don't you, Amy, talk a little bit about why you're

1
2 sympathetic to the position of the Bloomberg
3 administration and Marielle, why don't you give us
4 a little more on how you differ with the
5 administration on their testimony regarding the
6 first three bills. It looks like Amy is just
7 about to talk, so I'm going to let Amy go first.
8 I'm not trying to create conflict here, I'm just
9 trying to educate myself.

10 AMY GAVARIS: I admire your work.
11 I know we spoke a few years ago about your garden
12 in Union Square. So we're very much supportive of
13 these efforts to recreate. In fact, we did a
14 Lenape garden in Chelsea, partnered with the
15 Hudson Guild to create a Lenape garden, worked
16 with Eric Sanderson on a small triangular garden
17 in the front of the their facility on 26th Street,
18 as a way to demonstrate what this landscape used
19 to look like and the value and the importance and
20 how well integrated it was with the culture of the
21 people who lived here.

22 So I think from our perspective and
23 bringing up the whole issue of climate change,
24 that our ecosystem is already compromised. I
25 think we do have to educate our landscape

1 architect. I'm a landscape architect. I think
2 there is a woeful lack of education for design
3 professionals around appropriate plant material.
4 I think that could certainly be the outcome of an
5 advisory board and a way to advise education
6 programs about the proper use of plant material,
7 what should really be avoided and how we can best
8 restore natives. But I think we can't exclude
9 other plant material that we know will work in
10 certain very degraded environments. I think
11 freedom with limits is a way to think about it.

12
13 CHAIRPERSON GENNARO: Thank you.

14 Marielle?

15 MARIELLE ANZELONE: I fully concur.

16 CHAIRPERSON GENNARO: Sometimes you
17 try to create controversy and you can't make it
18 happen.

19 MARIELLE ANZELONE: Sorry.

20 CHAIRPERSON GENNARO: I wasn't
21 really trying, but it's all good.

22 MARIELLE ANZELONE: I mean, I think
23 she's exactly right. I think it may be too much
24 to ask. We certainly hope that people who make
25 these decisions have the education and knowledge

1
2 of what's native and how to use the native in the
3 landscape. In fact, that's often difficult to get
4 people to understand. So just even going beyond
5 that and thinking about, yes, we have so many
6 different issue now such as climate change. New
7 York City kind of is the future in terms of
8 climate change. Everything that everyone else is
9 experiencing, we're already experiencing due to
10 urban heat island effect. So it's already hotter
11 here. So we have a little bit of a taste of
12 what's going to be happening elsewhere.

13 There are so many different
14 concerns, that we simply can't go back to the time
15 of the Lenape, that's absolutely true. But I
16 think there is a way to see it as slightly more
17 nuanced. It doesn't necessarily have to be all
18 natives. In fact, we had a nice discussion
19 yesterday about some exotics that we really liked.
20 Lilacs are one of my favorite shrubs, but that's
21 exotic. It's from Asia. But it sits nicely in
22 the landscape; it doesn't go anywhere. So it's
23 not a problem.

24 Ornamental value is important to
25 consider when creating landscapes. But it seems

1
2 to me that there's very much more of a trend in
3 sort of wild and naturalistic plantings. That was
4 certainly the goal with the garden that I started
5 at Union Square. I think some people are confused
6 and want to take a weed wacker to it because it's
7 very different than what the rest of the park
8 looks like.

9 But it's definitely not just me. I
10 mean even on the Highline, you're meant to have a
11 feeling of wildness about it. The plants hang
12 over the edge. That's not all natives, but it's
13 certainly some. I think that the goal behind
14 these designs is that it doesn't have to be 100
15 percent native and in some cases it probably can't
16 be. But to have a more nuanced and thoughtful
17 approach I think is important.

18 CHAIRPERSON GENNARO: That sounds
19 fair. I'm very grateful that we got to the point
20 where we are now. When it was first proposed back
21 in the early spring that we even have a hearing in
22 this committee with regard to invasives that I
23 looked at my staff like, are you guys kidding me?
24 Aren't there more interesting things to do? It
25 just shows how surprised you can be. I loved that

1
2 hearing. I should know, I'm chairman of the
3 committee, I'm trained as a scientist, not a
4 botanist. I'm an earth scientist, geologist, more
5 like geophysics. I'm way down into the earth
6 where they don't grow any of this stuff. It was a
7 great experience having that hearing and knowing
8 the depth of this issue.

9 I'm grateful to you guys for being
10 willing to work with us as we try to make these
11 bills better, because we certainly want to make
12 something happen here. I was grateful to have the
13 Parks Department signal a willingness to work with
14 us to get all of these bills right. That's what
15 the Bloomberg administration and the City Council
16 do; we work very well when it comes to
17 environmental stuff. I'll put us up against any
18 mayor and any local legislature anywhere when it
19 comes to getting good green stuff done and this
20 should be no exception.

21 So with that said, I thank everyone
22 for being here today. I thank this panel of
23 witnesses. I thank the Bloomberg administration.
24 We'll continue to work together to get these bills
25 done right. Thank you all very much for coming,

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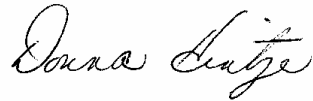
we appreciate it. With that, this hearing is

3

adjourned.

C E R T I F I C A T E

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



Signature_____

Date November 30, 2010