APPENDIX H

Written Comments
on the Draft Scope of Work
and Transcript of Oral Testimony
from the Public Scoping Hearing

APPENDIX H.1

Written Comments
on the Draft Scope of Work

NEW YORK STATE ASSEMBLY

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Hotel Pennsylvania,15 Penn Plaza

Assembly Member Richard N. Gottfried
Testimony before New York City
Department of City Planning
Scoping Public Hearing
Spector Hall, 22 Reade Street
Tuesday, January 27, 2009

I am Assembly Member Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes Chelsea, Hell's Kitchen, Murray Hill, and parts of the Upper West Side and Midtown, including the area of the proposed project site. I regret that the legislative session in Albany prevents me from testifying in person.

A project that proposes to demolish the Hotel Pennsylvania violates New Yorker's appreciation for architecturally significant buildings. The Hotel Pennsylvania is a significant building, designed by the firm of McKim Mead & White as one of three landmark-worthy buildings, together with the old Pennsylvania Station and the Farley Post Office. It is also an element of a significant group of masonry buildings on Seventh Avenue – the Affinia Hotel, (built as the Hotel Governor Clinton) on 32nd Street, across from the Pennsylvania Hotel; Macy's; and the Nelson Tower on 34th Street.

The proposals to demolish the Hotel Pennsylvania and build a 62-story mixed-use building should not be approved at all, but certainly not without the most rigorous environmental impact review. It is also not clear that there is a sufficiently definite proposal to allow appropriate analysis and review.

It is wrong to tear down buildings just because they may be in the way of a development scheme, especially at a time when the City is becoming more "green." Preserving functioning buildings is one of the most important gestures we can make in this area.

Vornado executives in the past have discussed renovating the building and have told community members and officials that they have not made any final decisions to demolish it. Therefore, the environmental review should evaluate an additional build scenario, which is to keep the current façade of Hotel Pennsylvania, and develop a building within and possibly rising above the facade of the Hotel. There are striking examples of development projects that incorporate existing façades, including John Jay College on Tenth Avenue, the Villard House on Madison Avenue, and of course, the proposed redevelopment of the Farley Post Office. The study should address how New York City zoning would accommodate such an option and should provide a thorough analysis of the feasibility of this option including whether the Hotel's shell is structurally sound for this build option.

The environmental review should also include an analysis of the subway station and rail facility improvements, particularly in terms of disability accessibility of these improvements. I encourage a study of the feasibility of more ramps over stairs as part of the improvements. Incorporating ramps into the transit improvements will not only improve the quality of life for people with disabilities, but also make the transit system easier to navigate for people with strollers and wheeled luggage.

Because the Hotel Pennsylvania has 90,000 square feet of meeting and adjacent exhibit space, the environmental impact review should include an analysis of what the impact will be of losing this space.

I appreciate the opportunity to submit these comments and look forward to working with the City Planning Commission, Vornado Realty Trust, the MTA, and the community to improve the project.

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

15 Penn Plaza

Testimony at Scoping Session for 15 Penn Plaza EIS
Before the City Planning Commission
January 27, 2009

In recent years, the City and other public authorities have pursued several initiatives that would reinforce the 34th Street corridor's fundamental importance to the Midtown Manhattan Central Business District – from the Hudson Yards rezoning, to the creation of an additional New Jersey Transit tunnel, to the redevelopment of Penn Station to include the new Moynihan Station. We should embrace plans to further solidify Midtown's place as a global center for commerce, media, and other vital industries. A growing, thriving Midtown is good for the City and the region.

However, as the area around Penn Station continues to develop, and re-develop, with greater building densities and concentrations of use, the City should plan to manage this growth carefully. The proposed redevelopment of the site known as 15 Penn Plaza, currently occupied by the Hotel Pennsylvania, with a two million-sq. ft. commercial office tower will have unquestionable economic benefits. However, any adverse impacts caused by this project should be responsibly mitigated.

The Penn Station area is already overflowing with pedestrians spilling on to the streets. The Environmental Assessment Statement for 15 Penn Plaza shows that this project could exacerbate this situation. Additionally, open spaces in Midtown are at a premium. The proposed office tower, whether realized under the single- or multiple-tenant development scenario, would bring thousands more people to the area than the Hotel Pennsylvania does, increasing the demand for open space and the strain on already crowded sidewalks. The Hotel Pennsylvania has approximately 450 employees and 1,700 rooms, whereas the office tower could include close to 10,000 employees, far exceeding the 500-person threshold that would trigger a detailed open space analysis. The proposed tower would not provide any publicly accessible open space, and perhaps in light of its proposed use it should not. The City should consider, however, the long-term open space impacts of permitting such great building density in Midtown and explore innovative ways to improve and expand open space in the area.

The proposal to open the Gimbels Passage beneath West 33rd Street, as proposed, is a necessary first step toward reducing pedestrian flows in the Penn Station area. However, the City should consider other measures to make the Penn Station area safer for pedestrians. In December 2007, during the Moynihan Station Environmental Impact Statement scoping session, I proposed the transformation of West 33rd Street, from Broadway to the Hudson River, into a great pedestrian

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way. It would involve reclaiming two curbside lanes to allow widened sidewalks, new bike lanes, and public open space, as well as exploring areas and times of day in which vehicular access could be restricted. I remain committed to finding a way to study this proposal, and I am pleased to see that the City Department of Transportation (DOT) has recently proposed a similar plan for West 34th Street. The DOT's "Broadway Boulevard" plan and the redesign of the traffic pattern to the west of Madison Square Park created much-needed passive recreation and pedestrian space. The City should look at using these as models for similar spaces, where appropriate, in the Penn Station area. West 33rd Street could be that space, and the EIS should study the concept as a detailed alternative that could help mitigate environmental impacts of the proposal.

While not a designated City landmark, the Hotel Pennsylvania is a special historic structure that should not be forgotten if this proposal is realized. Therefore, the applicant should study the feasibility of preserving certain historically significant elements of the Hotel Pennsylvania for future display or reuse.

I look forward to working with the City and the applicant on this proposal as it proceeds through the City's environmental and land use review processes. Thank you for considering my testimony on this important project.

PORT AUTHORITY
TRANS-HUDSON CORPORATION

February 11, 2009

Mr. Robert Dobruskin
AICP, Director
Department of City Planning – Environmental
Assessment and Review Division
22 Reade Street, Room 4E
New York, New York 10007

Reference: 15 Penn Plaza – CEQR No. 09DCP019M

Dear Mr. Dobruskin:

PATH is in receipt of the conceptual drawings dated February 4, 2009 for the subject project. These drawings depict a program of mass transit improvements that Vornado would undertake to generate a floor area bonus for a proposed building at the current site of the Pennsylvania Hotel. The improvements affecting PATH are:

Item	Station	Description
40	**6 Av**	**Provide new 6 Av / 32 St PATH entrance**
25	**7 Av**	**Provide new stair from at Manhattan Mall connection PATH to IND near 32 St.**

PATH has ongoing discussions with Vornado on this project and has asked that these alterations comply with NFPA (National Fire Protection Association) 130, 2007 Edition. "Standard for Fixed Guideway Transit and Passengers Rail Systems". A code analysis will be required to verify these findings. We will continue to review the details of these drawings and PATH comments and resulting modifications must be addressed prior to PATH granting final approval for construction.

Sincerely,

William J. Fellini, P.E.
Assistant Director
PATH/Capital Project Management

Cc: NYCDP: Edith Hsu-Chen
MTA: Jack Dean, Stephan Russo
NYCT: Rajen Udeshi
Vornado: Doug Williams
Kramer Levin: Robert Flahive
Stantec: James Ariola

One PATH Plaza
Jersey City, NJ 07306

APPENDIX H.2

Transcript of Oral Testimony from the Public Scoping Hearing

THE CITY OF NEW YORK

CITY PLANNING COMMISSION

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Public Scoping Hearing

on Draft Environmental Impact Statement

Re: 15 Penn Plaza

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City Planning Commission

Spector Hall

22 Reade Street

New York, New York

January 27, 2009

10:05 a.m.

B E F O R E:

Robert Dobruskin,

The Chair

100 Church Street, Suite 817, New York, New York 10007

A P P E A R A N C E S:

Robert Dobruskin, AICP, the Chair

Celeste Evans

ALSO PRESENT:

The Public

The Press

Kari L. Reed,

the Reporter

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I N D E X O F S P E A K E R S:

SPEAKER: PAGE:

Robert Flahive, Kramer Levin 7

Karen Mintzer, Kramer Levin 14

Michael Kent, for Borough President Scott Stringer 19

Medina Napier, for Assembly Member Richard Gottfried

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P R O C E E D I N G S

THE CHAIR: I think we are going to start now, so if you could take your seats, please.

So good morning, welcome. Thank you all for coming today for the scoping meeting for the 15 Penn Plaza proposal. For the record, let me note that the City Environmental Quality Review application number for the proposal is 09DCP019M. Today's date is Tuesday, January 27th, and the time is approximately 10:05.

My name is Robert Dobruskin. I'm the director of the Environmental Assessment and

Review Division of the New York City Department of City Planning, and I'll be chairing the scoping meeting this morning. The Department of City Planning is acting on behalf of the City Planning Commission as the lead agency for the proposal's environmental review. Joining me today is my colleague from the Environmental Assessment and Review Division, Celeste Evans. She's a senior project manager and she's handling the environmental review for the

project.

We're here today to receive your comments on the draft scope of work for the Environmental Impact Statement to be prepared for the 15 Penn Plaza proposal. For those of you who haven't seen it yet, we have copies of the draft scope along with the protocol for today's scoping meeting on the desk outside of Spector Hall, and you can also view the documents on the department's website at nyc.gov/planning.

The draft scope of work outlines all of the subjects that will be analyzed in the upcoming Environmental Impact Statement. And

it also describes the methodologies that will be used in those studies.

The purpose of today's scoping meeting is to allow for public participation in the environmental review process at the earliest stage possible. And toward that end we'll have an opportunity today to receive comments on the draft scope from elected officials, interested and involved government agencies, community board representatives and members of the

public.

Today also marks the beginning of the written comment period on the draft scope. The written comment period will remain open until Wednesday, February 11th.

At the end of the written comment period the department will consider all of the comments that we have received, those that we hear today, as well as all of the written comments, and determine what changes, if any, need to be made to the draft scope of work. We will then issue a final scope of work. And it's the final scope of work that serves as the basis for the preparation of the Environmental

Impact Statement.

Today's scoping meeting is going to be divided into three parts. During the first part the applicant will make a brief presentation describing the project, and also summarizing the contents of the draft scope of work.

During the second part of the scoping meeting we'll receive comments from government agencies, elected officials and community board

representatives.

During the third and last part of the meeting we'll receive comments from members of the general public. And if you wish to speak today, you do need to fill out a speaker's card. Those are available at the desk outside of Spector Hall. Speaking time will be limited to three minutes, and we request that you keep your comments to the draft scope of work itself.

So now I'm going to turn things over to the applicant, who will make a brief presentation describing the project.

MR. FLAHIVE: Good morning,

Mr. Dobruskin. My name is Robert Flahive. I'm with the firm Kramer Levin Naftalis & Frankel. We represent the applicant. And I will give a brief overview of the project.

The 15 Penn site is defined as both a development site which is located at the east side of Seventh Avenue between 33rd and 32nd Street, and it's part of the larger project site which includes the whole block. Both parcels are owned by Vornado Realty. And the

total area of the zoning allowed is just over 158,000. Both the development site and the project site is located within a special midtown district, and more specifically a portion, the first one hundred feet on Seventh Avenue, is located within a Penn Center subdistrict.

Now, the actions that we're seeking today, which I'll describe in detail in a bit, would allow the development of one or two scenarios. We do not have a specific building but we do have programs for a commercial office building for the site.

The first building, which in the EIS

is called the single tenant office scenario, has a zoning floor area of 2.05. I should mention both scenarios have the same zoning floor area. The gross on the single tenant office is 2.8 million, and of that 350,000 is trading floors and amenities, and a ten story base and retail on the ground floor. The total building height will be 1,119 feet. That includes a ten story podium and 62 stories. This particular scenario requires height

setback waivers, which I'll talk about later, on both Seventh Avenue, West 33rd and West 32nd Street.

The second scenario is a multi-tenant office building. It has less of the specialized character of the first building, again, the same amount of zoning floor area, but the gross is slightly less at 2.6 million square feet. Of that, up to 380,000 will be retail on both the ground floor, the second and third floors, and perhaps a portion of the fourth and fifth and sixth floors. Those six floors are the podium of the building. I contrast that with the single tenant, which has

a ten story podium. The total height of the building would be approximately 1,198 feet, maybe 66 stories.

The height setback modifications are only being requested for West 33rd and West 32nd Street, in that the second scenario complies with the Seventh Avenue setback requirements.

This board actually shows an overlay of the two building scenarios. This is a view

of the east-west section. If you concentrate on the yellow portion, it shows a ten story podium and then a tower starting fifteen feet off Seventh Avenue and going straight up. And it will lead into this general outline.

The multi-tenant scenario, scenario two, has a six story tower and is pushed further back from Seventh Avenue. Within this larger envelope will be -- the larger envelope will be the basis for both the height setback request as well as all of the analysis in the EIS. The maximum height that we are analyzing is 1,225 feet, which is slightly higher than each of the two scenarios, in order to provide

some design flexibility going forward.

Now, there are three sets of actions requested. The first is a zoning -- a map amendment. The project site is currently a mix of zones. It's a C6-6 zone on Sixth Avenue, which is a 15 FAR; a C6-6 zone on Seventh Avenue, which is a 15 FAR, and then a C6-4.5, which is a 12 FAR in mid block.

Our proposal is to rezone the entire block to C6-6, and for two purposes. One is we

are seeking an increase in floor area of about 266,000. But equally important is that it eliminates the two split lots and allows us to develop a unified bulk for the block.

The eastern portion, which is currently occupied by Manhattan Wall, will not be developed, redeveloped as part of the scenario. All of the unused development and floor area will be transferred to the western half of the block, which is the development site.

In addition to the zoning map amendment there are zoning text components. The first text amendment would modify the

special Midtown district to allow for height setback modifications as well as modifications in the district plan elements.

The second zoning text amendment is an amendment to the Penn Center district. Whereas transit improvements are being proposed as part of the floor area bonus, where we will be proposing a more efficient process to dealing with the multiple transit agencies as well as part of both the application and the approval

process. The purpose of this is to reflect the fact that we have at least three transit entities to work with, including the MTA, New York City Transit, Port Authority, and Amtrak. And, as I'll explain later, the bonus that we're seeking entails both on-site and off-site improvements. So we expect that this added flexibility will be particularly helpful in reaching agreements in executing the off-site improvements.

The two special -- the third group of land use actions is that we will be seeking special permits. The first special permit will be a height setback special permit. As I

mentioned, both the 33rd and 32nd Street, both scenarios. And then for scenario one, a height setback modification on Seventh as well. And also a waiver of certain district plan elements, particularly in terms of retail continuity and the location of the street walk.

The second special permit is that we have developed a list of a dozen mass transit improvement items for which we are seeking a bonus of up to 20 percent, three FAR, total

floor area 474,000, in exchange for undertaking these improvements.

Actually, the full agenda of improvements are listed here. There are twelve of them. But I won't go through each of them. I just instead highlight the major one, which is the reopening and reconstruction, including widening and increasing the height of the 33rd Street passageway that connects the Seventh Avenue IRT with the BMT PATH complex at Sixth Avenue. The passageway has been shuttered for about 25 years or so for a variety of reasons. What we are proposing is for easements on our property on the development side to widen it,

reconstruct it, and to make it an attractive connection. It's part of the larger plan for transit improvements that would serve the entire Penn Center district.

We are also proposing significant improvements both at PATH and at the IND Sixth Avenue entrances at grade, one level down, and as well as the second level concourse for the F train. In addition, we'll be providing for a widened platform on our property on the Seventh

Avenue northbound, and new stairs from the IRT express at Seventh Avenue, which will require coordination with Amtrak as well as New York City Transit.

Now, that's a brief overview. We're also prepared to go through the impact assessment areas, and I think standing in is Karen Mintzer from our firm will take us through that. Thank you.

MS. MINTZER: AKRF is joining us a little bit late, so I'm going to go through the EIS.

Development of the proposed project may potentially result in significant adverse

impacts requiring preparation of the EIS.

Scoping is the first step in the process. It's intended to determine the range of issues and considerations to be evaluated in the EIS.

This scope has been prepared to describe the two proposed scenarios, the percent of the most favorable EIS analysis, and discuss the procedures for preparing the DEIS.

As Bob discussed, we have developed two reasonable worst case scenarios, a single

tenant office scenario and a multi-tenant office scenario. Both scenarios consist of commercial office above, putting a base and below grade mass transit improvements.

Both scenarios will be constructed within the maximum building envelope.

In disclosing impacts, the EIS is going to consider the impacts on the environmental setting, which would be the proposed project as operational in 2014. The technical analyses will assess current conditions and forecast those conditions to 2014 for purposes of determining impacts.

The EIS is going to provide a

description of existing conditions for 2008 analysis year, and assessments of those conditions with the proposed project in 2014. The future baseline for all the technical chapters will assume that none of the discretionary approvals proposed as part of the project will be adopted. Instead, the no-build would consist of an approximately 1.6 million gross square foot building, of which 1.3 million gross square foot would be office use,

40,000 plus gross square feet would be retail use, and approximately 202 gross -- 202,000 gross square feet would be mechanical space with lobby area and amenity space. There would be accessory parking for one hundred vehicles.

We have identified the single tenant office scenario and the multi-office scenario as the reasonable worst case development scenario. Both scenarios maximize potential developments that could occur on the development site, and both will contain a combination of the uses most likely to be developed on the site.

The EIS will contain a description of

the proposed project in its setting, a statement of the environmental impacts of the proposed project, including short-term and long-term effects and typical associated environmental effects; identification of any adverse environmental effects that can't be avoided if the project is implemented; discussion of reasonable alternatives; identification of irreversible and irretrievable commitments of resources that

would be involved if the proposed project is built; and a description of mitigation to minimize any identified significant adverse environmental effects.

The specific areas to be included in the EIS will be land use, zoning and public policies, socioeconomics, community facilities, open space, shadows, historic resources, urban design, neighborhood character, natural resources, hazardous materials, infrastructure, waterfront revitalization, solid waste and sanitation, energy, traffic and parking, transit and pedestrians, air quality, noise, construction impacts, public health,

mitigation, alternatives, and then a conceptual analysis of the proposed text amendments.

Any questions?

THE CHAIR: Thank you very much, Karen.

So that concludes the first part of the meeting. We're now going to move on to the second part, where we'll receive comments from elected officials, interested and involved agencies, and community board representatives.

We have two speakers. And the first will be Michael Kent representing Manhattan Borough President Scott Stringer.

MR. KENT: Good morning. My name is Mike Kent, and I'm an urban planner for Manhattan Borough President Scott Stringer. I will be reading his testimony into the record this morning.

In recent years, the City and other public authorities have pursued several initiatives that would reinforce the 34th Street corridor's fundamental importance to the Midtown Manhattan Central Business District, from the Hudson Yards rezoning, to the creation

of an additional New Jersey Transit tunnel, the redevelopment of Penn Station to include the new Moynihan Station. We should embrace plans to further solidify Midtown's place as a global center for commerce, media, and other vital industries. A growing, thriving Midtown is good for the City and the region.

However, as the area around Penn Plaza continues to develop and redevelop with greater building densities and concentration of use,

the City should plan to manage this growth carefully. The proposed redevelopment of the site known as 15 Penn Plaza, currently occupied by the Hotel Pennsylvania, with a two million square foot commercial office tower, will have unquestionable economic benefits. However, any adverse impacts caused by this project should be responsibly mitigated.

The Penn Station area is already overflowing with pedestrians spilling out onto the streets. The Environmental Assessment Statement for 15 Penn Plaza shows that this project could exacerbate the situation.

Additionally, open spaces in Midtown

are at a premium. The proposed office tower, whether realized under the single or multi-tenant development scenario, would bring thousands more people to the area than Hotel Pennsylvania does, increasing the demand for open space and the strain on already crowded sidewalks. The Hotel Pennsylvania has approximately 450 employees and 1,700 rooms, whereas the office tower could include close to 10,000 employees, far exceeding the 500 person

threshold that would trigger a detailed open space analysis. The proposed tower would not provide any publicly accessible open space, and perhaps in light of its proposed use it should not. The City should consider, however, the long-term open space impacts of permitting such great building density in Midtown and explore innovative ways to improve and expand open space in the area.

The proposal to open the Gimbel's passage beneath West 33rd Street, as proposed, is a necessary first step to reduce the pedestrian flows in the Penn Station area. However, the City should consider other

measures to make the Penn Station area safer for pedestrians.

In December 2007, during the Moynihan Station EIS scoping session, I proposed the transformation of West 33rd Street, from Broadway to the Hudson River, into a great pedestrian way. It would involve reclaiming two curbside lanes to allow widened sidewalks, new bike lanes, and public open space, as well as exploring areas and times of day in which

vehicular access could be restricted. I remain committed to finding a way to study this proposal, and I am pleased to see that the City Department of Transportation has recently proposed a similar plan for West 34th Street. The DOT's Broadway Boulevard plan and the redesign of the traffic pattern to the west of Madison Square Park created much needed passive recreation and pedestrian space. The City should look at using these as models for similar spaces, where appropriate, in the Penn Station area. West 33rd Street could be that space, and the EIS should study the concept as a detailed alternative that could help mitigate

the environmental impacts of the proposal.

While not a designated City Landmark, the Hotel Pennsylvania is a special historic structure that should not be forgotten if this proposal is realized. Therefore, the applicant should study the feasibility of preserving certain historically significant elements of the Hotel Pennsylvania for future display or reuse.

I look forward to working with the

City and the applicant on its proposal as it proceeds through the City's environmental and land use review processes. Thank you for considering my testimony on this important project.

THE CHAIR: Thank you very much.

The next speaker is Medina Napier, representing Assembly Member Gottfried.

MS. NAPIER: Good morning. My name is Medina Napier, and I am the district day for Assembly Member Gottfried. I'm going to be reading his testimony. He's in Albany today.

I am Assembly Member Richard N. Gottfried. I represent the 75th Assembly

District in Manhattan, which includes Chelsea, Hell's Kitchen, Murray Hill, and parts of the Upper West Side and Midtown, including the area of the proposed project site. I regret that the legislative session in Albany prevents me from testifying in person.

A project that proposes to demolish the Hotel Pennsylvania violates New Yorkers' appreciation for architecturally significant buildings. The proposal to demolish the Hotel

Pennsylvania and build a 62 or 66 story mixed used building should not be approved at all, but certainly not without the most rigorous environmental impact review. It is also not clear that there is a sufficiently definite proposal to allow appropriate analysis and review.

It is wrong to tear down buildings just because they may be in the way of a development scheme, especially at a time when the city is becoming more green. Preserving functioning buildings is one of the most important gestures we can make in this area. Vornado executives in the past have discussed

renovating the building, and have told community members and officials that they have not made any final decisions to demolish it. Therefore, the EIS should evaluate an additional building scenario which is to keep the current facade of the Hotel Pennsylvania and develop a building within and possibly rising above the facade. The study should address how New York City zoning would accommodate such an option, and should provide

a thorough analysis of the feasibility of this option, including whether the hotel shell is structurally sound for this build option.

The environmental review should also include an analysis of the subway station and rail facility improvements, particularly in terms of disability accessibility of these improvements. Because Hotel Pennsylvania has 90,000 square feet of meeting and adjacent exhibit space, the EIS should include an analysis of what the impact will be of losing this space.

I appreciate the opportunity to submit these comments and look forward to working with

the City Planning Commission and the community to improve this project.

And I have copies of his testimony if you'd like copies of it as well.

THE CHAIR: Yes, please. Thank you very much for your comments.

Is there anyone else who wishes to speak today? I don't have any more speaker cards.

(No response)

THE CHAIR: In that case we are going to close the scoping meeting. Before we do, I just want to remind people that the written comment period will remain open until Wednesday, February 11th, and I encourage you to submit written testimony. You can send it in to the address that's listed on the scoping protocol. Thank you all for coming today, and we look forward to receiving all of your comments. Thank you.

(Time noted: 10:30 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

SS.

COUNTY OF NEW YORK)

I, Kari L. Reed, a Shorthand (Stenotype) Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing proceedings taken at the time and place aforesaid is a true and correct transcription of my shorthand notes.

IN WITNESS WHEREOF, I have hereunto set my name this _____ day of February, 2009.

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