

# **COMMUNITY ADVISORY GROUP (CAG)**

Meeting #44

**East Side Coastal  
Resiliency (ESCR) Project**

Virtual  
Thursday, April 18, 2024



## **OVERVIEW**

- **Office of Management and Budget - Section 106 Process**
- **Overview of Contracts**
  - **Project Area 1 Construction Updates**
  - **Project Area 2 Construction Updates**
  - **Environmental AQM**
  - **Parallel Conveyance Construction Updates**



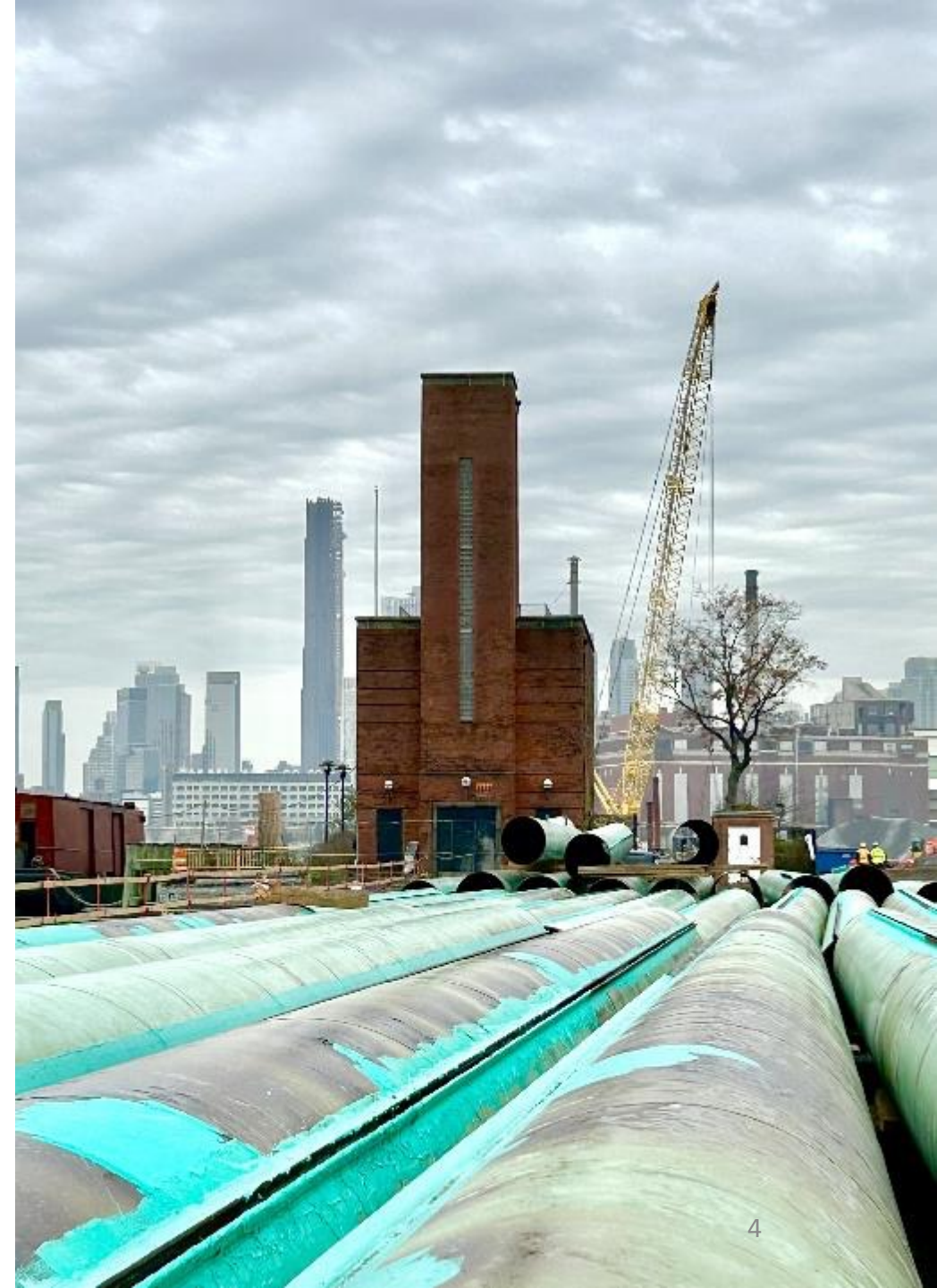
# ENGINE CO. 66 FIREBOAT HOUSE SECTION 106 PROCESS

April 18, 2024



# AGENDA

- Introduction
- Section 106 Overview
- Programmatic Agreements
- Alternatives Analysis
- Next Steps





# Introduction

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- ESCR is partially funded with federal Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from HUD.
- NYC OMB acts as both grant administrator and Responsible Entity for CDBG-DR funds.
  - Meaning: we are the entity responsible for ensuring the environmental review is conducted according to federal requirements.
- Federal environmental reviews require compliance with **Section 106 of the National Historic Preservation Act of 1966** (aka “Section 106”).



# Section 106...

- Encourages, but does not mandate, preservation.
- Requires consideration of the effects of federally-funded projects on historic resources.
- Obligates grantees to avoid, minimize, and/or mitigate **adverse impacts** to historic properties to the extent possible, reasonable, and cost feasible.
- Involves consultation with interested individuals and organizations.
  - Note: *“Consultation does not mandate a specific outcome. Rather, it is the process of seeking, discussing, and considering the views of consulting parties about how project effects on historic properties should be handled.”* (from Advisory Council on Historic Preservation’s “A Citizens Guide to Section 106 Review”)

# SECTION 106 REVIEW PROCESS



Identify all properties to be impacted by proposed project (“area of potential effect”).



Determine whether any impacted properties are historic and how they may be affected.



Explore options to avoid or mitigate adverse impacts.



Reach agreement with the State Historic Preservation Office, Tribal Historic Preservation Office(s), Advisory Council on Historic Preservation (if necessary), and any consulting parties to resolve adverse impacts.



# Programmatic Agreements

- Step 4 is often accomplished through a **Programmatic Agreement (PA)**.
- A PA is a legally-binding document that governs the implementation of a program/project, typically ones that are particularly complex, and how adverse effects will be addressed.
- These are often used when the Responsible Entity cannot fully determine how a particular undertaking may affect historic properties prior to approving a project.
- Parties who may sign a PA fall into one of three categories.



# PA Parties: Signatories

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- A signatory has the authority to execute, amend, or terminate the agreement.
- At a minimum, the Responsible Entity and the State Historic Preservation Office (SHPO) are signatories.
- Other signatories may be the Advisory Council and, when a project may affect historic properties on tribal lands, Tribal Historic Preservation Offices (THPO).
- Signatories **must sign** the agreement for it to be executed.

# PA Parties: Invited Signatories

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- Invited signatories are entities that are invited to sign due to the responsibilities assigned to them under the agreement.
- An invited signatory, upon signing, has the authority to amend and terminate the agreement.
- The refusal of an invited signatory to sign does not prevent the agreement from being executed; however, an agreement cannot impose a duty or responsibility on a party that has not signed it.



# PA Parties: Concurring Parties

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- A concurring party (also referred to as a consulting party) is invited to concur in the agreement but does not have authority to amend or terminate it.
- Certain individuals and organizations with a demonstrated interest in the project may participate due to the nature of their legal or economic relation to the project or affected properties, or their concern with the undertaking's effects on historic properties.
- Concurring signature is essentially an endorsement of the agreement.
- Refusal to sign by a concurring party does not prevent the agreement from being executed.

# ESCR Programmatic Agreement

- **Signatories:** NYC OMB, NY SHPO, Advisory Council
- **Invited Signatories:** NYC PARKS
- **Concurring Parties\*:** NYC LPC, Landmarks Conservancy, Lower East Side Preservation Initiative, Municipal Art Society, Friends of Corlears Hook Park, Historic Districts Council, Lower East Side Ecology Center

\*East River Park Action has also expressed interest in joining as a concurring party.

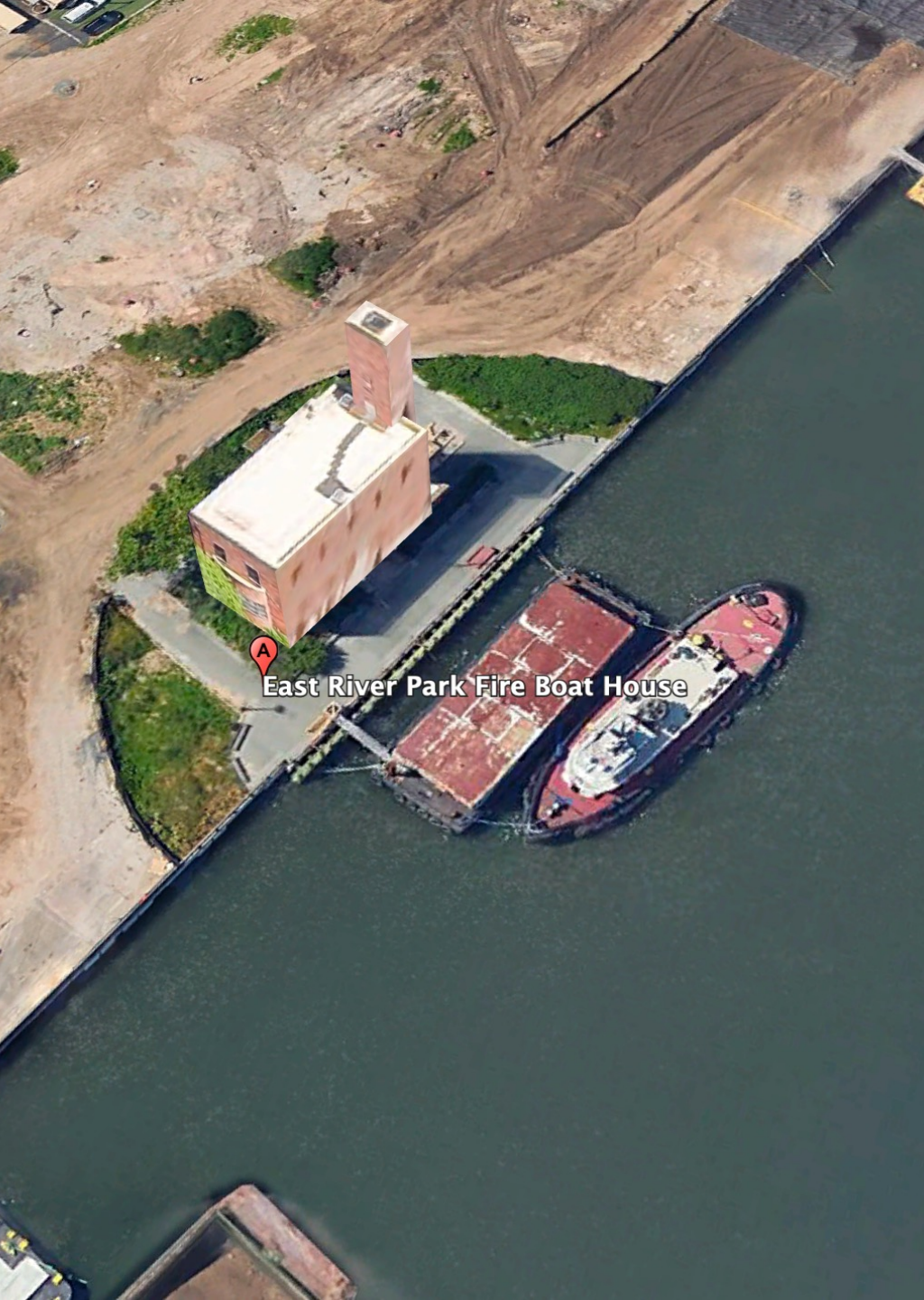
# Original ESCR Programmatic Agreement

- Executed 12/4/2019
- Identified 17 historic properties in ESCR Area of Potential Effect, one of which was the Fireboat House (eligible for the State/National Registers of Historic Places)
- City commitments regarding Fireboat House:
  - ✓ Evaluate flood resilience options (Stipulation V);
    - Coordinate proposed measures with SHPO/LPC for review/approval;
    - Share prelim/final designs with consulting parties for comment
  - ✓ Develop Construction Protection Plan (Stipulation VI)
    - Submit to SHPO, LPC, and consulting parties for comment



# Amended Programmatic Agreement\*

- Executed 10/12/2021
- Recognized 2 additional Historic Properties in the APE – East River Park Track House and Tennis Center Comfort Station
- Reiterated/revised commitments regarding Fireboat House:
  - ✓ Submit pre-final design plans for resilience measures to SHPO and consulting parties for 30-day comment period;
  - ✓ City shall consider and revise plans to address comments to extent feasible;
  - ✓ If City doesn't agree with comments or if Party(ies) don't agree with plans, City will follow Dispute Resolution process in original PA Stipulation VII.



East River Park Fire Boat House

## RECENT DEVELOPMENTS

- In 2023, City learns piles supporting the Fireboat House are substantially deteriorated.
- Building shows signs of stress (e.g., cracks in foundation walls and slabs).
- On 12/8/2023, several City agencies met with NY SHPO and LPC to inform them of conditions.
- SHPO requested the City complete an Alternatives Analysis to evaluate options for the site.


# Alternatives Analysis

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- An alternatives analysis is a process through which alternatives for addressing impacts to an historic site are explored.
- Advantages and disadvantages of each alternative assessed.
- Explains reasoning behind preferred/proposed action.
- Note: an alternatives analysis is not a feasibility study.

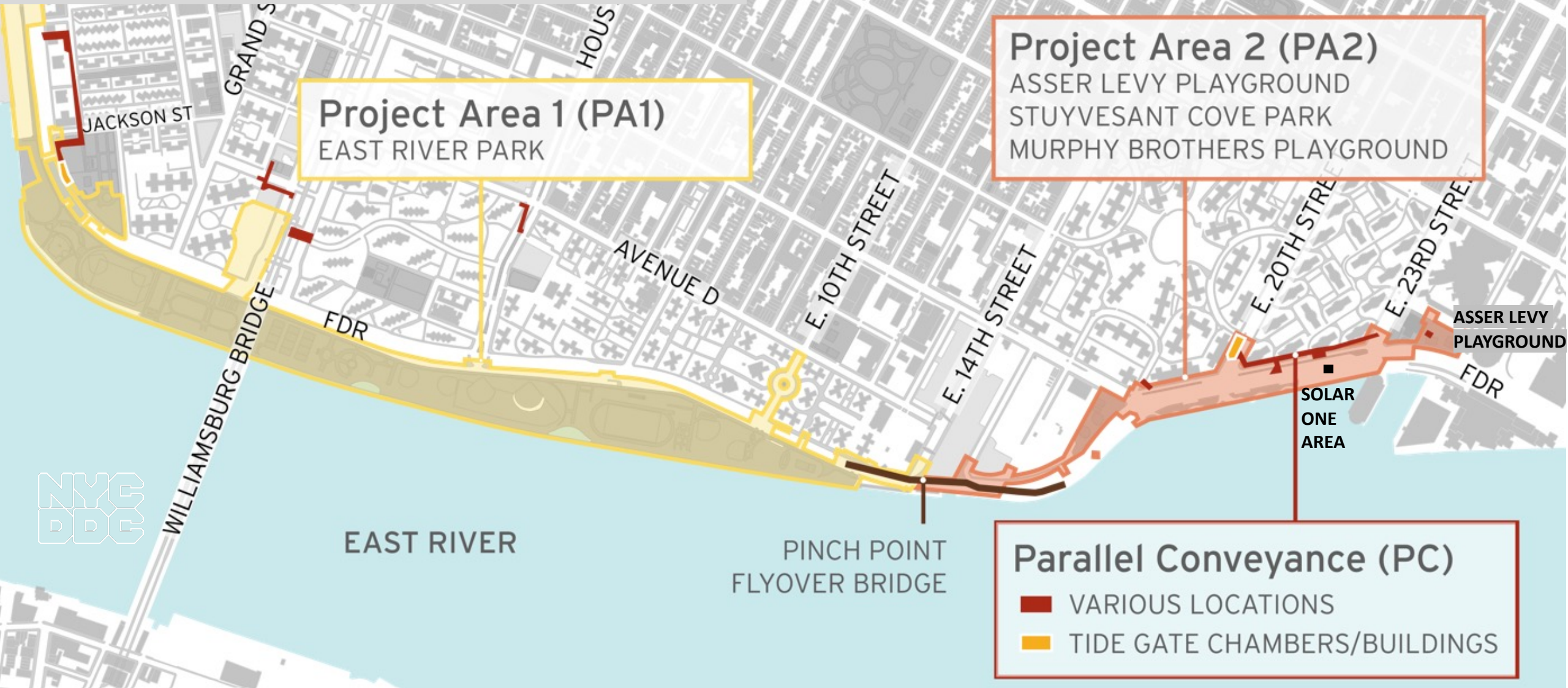


# NEXT STEPS

Step	Estimated Duration
Preparation of Alternatives Analysis  <b>We are here!</b>	6 weeks
Present AA findings and preferred option to PA signatories and consulting parties	2-3 weeks
30-day comment period	4.5 weeks
Review comments	2 weeks
Respond to comments, schedule follow-up meeting with PA signatories and consulting parties, discuss possible mitigation options (if demolition is the preferred action)	2-3 weeks
Prepare draft Amendment to the PA*	1-2 weeks
Circulate PA Amendment for 30-day comment period*	4.5 weeks
Review/respond to comments, execute amendment*	2 weeks

\*If rehabilitation & floodproofing remain preferred option, these steps will not be necessary

# Project Area Overview



# ESCR FOCUS AREA TOPICS

**CONSTRUCTION  
PROGRESS/  
APPROACH**

**ENVIRONMENT**

**ACCESS/  
SIGNAGE/  
SAFETY**

**PARK  
AMENITIES**

**HIRING  
COMPLIANCE**

**PROJECT  
INFORMATION  
DELIVERY**

**COMMUNITY  
PROGRAMMING &  
COORDINATION**

**QUESTIONS?**

# Overview of Contracts

## Project Area 1 (PA1)

*NTP issued August 2021*

- **Partial Closures:**
  - East River Park south of E. Houston St.
  - Greenway closure to E. 10<sup>th</sup> St.
  - Corlears Hook Park
- **Bridges:** Delancey St. & Corlears Hook pedestrian bridges under construction. Use Corlears Hook temp. ped bridge
- **Ongoing work:**
  - ongoing utility work
  - floodwall activities ongoing as well as fill operation via barge
  - E. Houston St. retaining wall work
- **Amenities in progress:**
  - fields 1 & 2
  - phase 1 esplanade
  - nature exploration area

## Project Area 2 (PA2)

*NTP issued November 2020*

- Asser Levy Playground **Open**
- Stuyvesant Cove Park **Open**
  - park closed around Solar One
- **Murphy Brothers** under construction
- over **3,000** ft of floodwall installed
- **All Gates 7-18 installed**

## Parallel Conveyance (PC)

*NTP issued September 2022*

- **Corlears Hook Park and Water St.**
  - prep work for interceptor gate chamber and building construction
  - utility relocations in progress
  - to begin sewer work
- **Houston and Delancey Streets**
  - subsurface investigations in progress
  - utility relocations in progress
- **Avenue C (E. 18 - E. 23) locations**
  - ConEd abatement in progress

### **VISIT PA1 GALLERY:**

<https://www.nyc.gov/site/escr/project-updates/pa1-gallery.page>

### **VISIT PA2 GALLERY:**

<https://www.nyc.gov/site/escr/project-updates/pa2-gallery.page>

### **VISIT PC GALLERY:**

<https://www.nyc.gov/site/escr/project-updates/pc-gallery.page>



# PA1 | Construction Progress



# PA1 | 2024 Construction Activities

## ALL WORK IS SUBJECT TO CHANGE

1. Esplanade removal and **reconstruction** activities along the waterfront.  
Deep sewer activities/pile install and park drainage work.  
Floodwall (Combi-wall) pre-drilling and installation.  
Fill material delivery by barge and placement onsite.  
**Ballfields 1 and 2 construction**  
**Start of nature exploration construction**
2. Delancey Street – bridge pier, foundation, and wall construction.
3. Construction for new Corlears Hook bridge.
4. **Passive lawn full closure for esplanade work and upcoming bridge staging.**
5. Utility work around Montgomery Street & South Street.  
Begin floodwall construction in 2024.

6. Montgomery St. – Cherry St. Greenway floodwall activities.
7. E. Houston Street pile install. Pedestrian Detour Shift.  
Construction operations at ballfields 3, 4 & 5
8. Slip Ramps in use.  
**Preparation for microtunneling operations at E. 10<sup>th</sup> Street.**
9. E 10<sup>th</sup> Street utility work and deep sewer work.
10. Ongoing partial FDR lane closures continue at various locations.

Weekly Bulletins & Advisories are issued with construction activities.  
Saturday work is anticipated for some work operations as indicated.





# PA1 | CAG Walkthrough



*PA1 Walkthrough with members of the CAG, NYC DDC, NYC Parks, and the PMCM – April 2024*



# PA1 | CAG Walkthrough Summary of Points

## Amenity Opening Schedule:

- The ballfields are scheduled to open September 1<sup>st</sup>, in time for the fall permitting season.
- The schedule for opening of any additional amenities is still being determined and will be shared with the CAG when finalized.

## Ballfield Access:

- The ongoing construction activities that must occur around the ballfields—involving large cranes and heavy construction equipment to install the hardscaping and other items—interferes with any safe public access path
- We expect the Delancey Street Bridge, and connecting paths, to be in place and open in time for the September 1<sup>st</sup> opening.
- In the event the Delancey Street Bridge is not open by September 1<sup>st</sup>, access will be provided via the Corlears Hook Temporary Bridge, esplanade and connecting paths from the south.
- Installing a new temporary bridge is both infeasible and would interfere with necessary construction activities.

## Community Advisory Group, April 2024 PA1 Walkthrough Upcoming Construction Activities and Elements for Discussion

ESCR Final Plan, Completion 2026



Major construction activities limiting ballfield access - Summer 2024

**Construction Road:** restricted access and access to elements under construction required

**Precast Esplanade:** to be placed by crane

**Bridge Assembly & Staging:** requires space, access from water-side and FDR-side

**Precast seating modules and seatwalls:** to be placed by crane

**Stadium Lights:** to be placed by crane

**Boulders:** to be placed by telescopic handler

**Pathways:** pavers, curbs, asphalt rollers, etc.

Walkthrough handout – April 2024



**CONSTRUCTION  
PROGRESS/  
APPROACH**

# PA1 | Construction Photos



*Old esplanade piers with new footings – April 2024*



*Stadium light foundation – April 2024*



*Nature exploration area – April 2024*



**CONSTRUCTION  
PROGRESS/  
APPROACH**

# PA1 | Construction Photos



*Delancey Street Bridge Staging Area – April 2024*



*Sea Rail Mockup on Esplanade – April 2024*



## **PA2 | Construction Progress**



# PA2 | Construction Progress

All PA2 Floodgates (7-18) have been installed!



Gate 7 – March 2024



Gate 8 – March 2024



An orange circle logo with the word "ENVIRONMENT" in white capital letters.

**ENVIRONMENT**

# **Environmental Reporting Update Air Quality Monitoring (AQM)**

# PA1 AQM | Monitoring Locations



ALL WORK IS SUBJECT TO CHANGE

# PA1 AQM | March 2024 Update

The PM daily value (24-hour TWA) **did not surpass the PEL for this month.** El valor diario de PM (promedio ponderado de tiempo de 24 horas) no superó el límite de exposición permisible (PEL) para este mes. 这个月的颗粒物日值（24小时加权平均值）没有超过允许的暴露标准。 PM = Particulate Matter / Materia Particular / 颗粒物

Location <i>Lubicacion</i> <i>位置</i>	PM Size <i>PM Tamano</i> <i>颗粒物尺寸</i>	Date / <i>Fecha</i> / <i>日期</i> <i>BOLD = net exceedances 加粗 = 净超标</i> <i>ATREVIDO = superaciones netas</i>	Alert Duration ( <i>minutes</i> ) <i>Duracion de Aviso (minutos)</i> <i>预警持续时间 (分钟)</i>	Cause <i>Causa</i> <i>原因</i>	Mitigation <i>Mitigacion</i> <i>减缓措施</i>
Montgomery Street to Jackson Street (AQM-GS, AQM-1, AQM-6, AQM-CHR, AQM-CH)	PM 2.5	3/14, 3/15, 3/18, 3/25	14 to 24	• Construction activities	• Dust suppression techniques applied
		3/1	17	• Off-site construction activities	• Dust suppression techniques applied
	PM 10	3/15	17	• Construction activities	• Dust suppression techniques applied
		3/1	15	• Off-site construction activities	• Dust suppression techniques applied
Jackson Street to Williamsburg Bridge (AQM-2, AQM-3, AQM-5, AQM-AT, AQM-FB, AQM-WB)	PM 2.5	3/14	41	• Construction vehicle traffic	• Dust suppression techniques applied
		3/26	34	• Construction activities	• Dust suppression techniques applied
	PM 10	3/14	41	• Construction vehicle traffic	• Dust suppression techniques applied
Williamsburg Bridge to Northern Project Limit (AQM-4*, AQM-WBN)	PM 2.5	3/13, 3/19, 3/21	15 to 18	• Construction activities	• Dust suppression techniques applied
	PM 10	3/13, 3/19, 3/21	15	• Construction activities	• Dust suppression techniques applied
ConEd Utility Work/East River Park (AQM-HS, AQM-TH)	PM 2.5	3/7	16	• Off-site activities	• None
		3/19	15	• Construction activities	• Dust suppression techniques applied
	PM 10	None	None	• None	• None
E 10 <sup>th</sup> Street (AQM-10S)	PM 2.5	None	None	• None	• None
	PM 10	None	None	• None	• None

\*: Net exceedances for these area could not be calculated as AQM-4 did not have power for the month of March



# PC | Construction Progress

# PC | Construction Progress

ALL WORK IS SUBJECT TO CHANGE

- **Location 1 – Jackson St. & Water St. & Corlears Hook Park**
  - Utility relocation
  - Prep for excavation for south interceptor gate chamber
  - To begin sewer work
- **Location 2 – Lewis St. & Delancey St.**
  - Utility relocation
- **Location 3 – Baruch Dr. & Delancey St.**
  - Utility relocation
  - Water main relocation work
- **Location 4 – Houston St. & Columbia St.**
  - Test pits
  - Utility relocation
  - To close bus stop



- **Location 5 – Avenue C & E18th**
  - ConEd steam main abatement work
- **Location 6 – Avenue C, E20th to E23rd**
  - ConEd steam main abatement work
  - Test pits
  - Water main relocation



# PC | Construction Photos

ALL WORK IS SUBJECT TO CHANGE



*Installation of Con Ed manhole casting Lewis - April 2024*



*Streetlight conduit installation Delancey and Baruch Dr - April 2024*



*Steam main abatement Columbia St. - April 2024*





**QUESTIONS?**