

ESCR Commitments (#1 to #6 and #14)
for which CAG members have questions that are relevant to DDC
 January 2023
 DDC Responses provided March 2023

Addressing Community Concerns During Construction and Achieving Equity in Workforce Development

1. Phase construction to keep portions of East River Park open at all times

The City commits to a phasing plan that will keep nearly half of East River Park open at all times for the duration of project construction, while still ensuring flood protection in time for the 2023 hurricane season. The plan also ensures that open space near the northern end of the project will be phased to maximize public access to open space and playgrounds in Asser Levy Playground, Murphy Brothers Playground and Stuyvesant Cove Park.

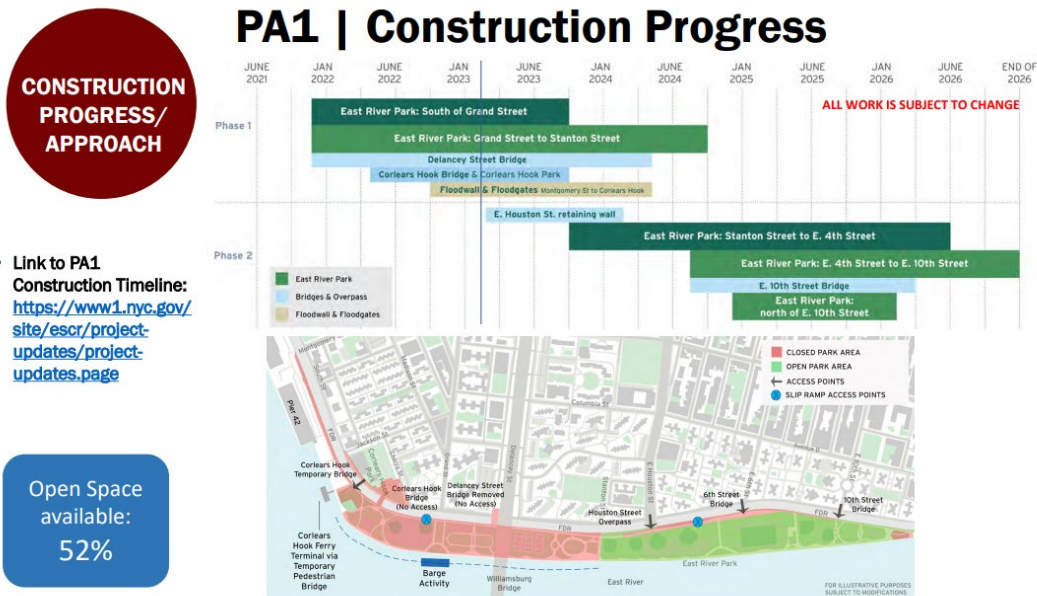
Up until February, the CAG and CB3 presentations included the percentage of the park open by year:

Summer 2022 - 53%

Summer 2023 - 42% etc.

Can these percentages be included in the new design of the PA1 Construction Progress chart, please.

DDC Response: The ESCR Team can provide the percentage of open space in the CAG presentations alongside the construction schedule. See slide below from February 23, 2023 CAG presentation:



COMMUNITY ADVISORY GROUP— East Side Coastal Resiliency Project

3. Commit to air monitoring, soil testing, noise reduction measures

The City commits to a robust, transparent environmental monitoring plan during construction. DDC will work with elected officials and the proposed CAG to establish protocols for clear and routine communication (at least quarterly) with the community throughout construction, as frequently as the CAG requests a convening on such updates.

I looked up Air Quality on the ESCR DEIS and there's a chapter on Air Quality during Construction. Please see the chart on Page 7. This commitment is not specific. Are Lead, Ozone, Co2, SOx & NOx being tracked alongside PM 2.5 ? If so, where are the reports?

<https://www.nyc.gov/assets/escr/downloads/pdf/FEIS/ESCR-EIS-Chapter-6.10-Construction-Air-Quality.pdf>

Also, PA2 monitors vibration and noise. Does PA1?

DDC Response: The response to the first part of this question was addressed in the [August 4, 2021 ESCR CAG Environmental Monitoring Inquires](#) letter, question #2, which resides on the ESCR CAG webpage. Consistent with PA2, the PA1 contractor also monitors vibration and noise.

4. Include strong incentives and penalties in the contract to incentivize on time construction

Contractor incentives and liquidated damages provisions will be included in the construction contracts to incentivize early and/or timely completion of the project. DDC will include detailed construction phasing as part of the contract documents, and tie incentives and liquidated damages to completion of individual phases, in addition to completion of the entire contract.

We've never been told what these penalties are or when they kick in - can we learn more about this?

DDC Response: Contractor incentives and liquidated damage provisions have been included in the construction contracts. They are tied to different milestones in the contract as mentioned in the commitment above. As the contractors are on schedule to meet milestones and full contract completion, incentives and liquidated damages have not been enacted to date.

5. Reduce the overnight construction and commit to the most stringent noise reduction efforts

DDC will make every effort to reduce the overnight construction required, including examining additional traffic rerouting. When overnight construction is necessary, DDC will ensure use of quiet equipment and other noise reduction efforts are implemented. Schedules of overnight work will be available at least two weeks before it begins. A public phone number will be posted

on the construction site that nearby residents will be able to call overnight. This commitment will be reflected in agreements with contractors.

Are contractors using low-noise pile driving and/or noise mitigation systems? If not, why not?

DDC Response: Yes, the ESCR project is implementing quiet technologies as required per the contract. For example:

- Along Gouverneur's Gardens a combination of mini-piles and sound attenuated pile driving equipment will be utilized.
- At E 10th Street, the contract documents called for 430 piles and the contractor has requested the use of helical piles. This will reduce noise and shorten the installation to further reduce the impacts to E10th St. this request has been recently approved.
- The Project Team is also mitigating noise by changing nighttime operations to daytime operations. For the Montgomery Greenway floodwall pile install, this work was set to occur in overnight shifts, however with the approval of the slip ramps, the contractor has completed this work during the day.

6. Seek to achieve Envision Platinum standard

A preliminary assessment performed by DDC's Program and Construction Manager for ESCR has determined that the design is anticipated to meet the requirements for Envision Platinum certification, a leading measure of sustainable infrastructure administered by the Institute for Sustainable Infrastructure (ISI). The project design will be submitted for third-party review to confirm this preliminary assessment at the conclusion of design, with final compliance verification issued at the end of project construction.

Outcome: The project achieved a Gold, not Platinum, rating. More information about that can be found in line 162 of the [CAG Question Log](#).

I see Desiree's answer in the CAG Question Log, but are they able to explain with specifics why the project is not Platinum?

DDC Response: ESCR was shy only 6% of applicable points to reach the Platinum award level, and it has already provided Lesson's Learned that will enhance the application of the Envision Framework in the design and construction of future coastal resiliency projects. As mentioned in the previous response, the Envision framework addresses the planning, design, and delivery stages of a project. For verification purposes, submission of documentation is required to be submitted to achieve maximum credits and receive the final award level. When the sustainability commitment letter was signed in late 2019, four years of planning and design had already been ongoing, hence, required processes and relevant documentation were missed out.

14. Preserve or reuse trees from East River Park

DDC will, to the greatest extent practicable, preserve and transplant suitable trees in East River Park to other locations upon construction start. Additionally, agencies will allow for local organizations and individuals to collaborate in reuse of cleared trees (i.e., mulch) as timing and access allows.

How many transplants were made? How many survived? How much mulch was made? what other reuse - bigger trees were marked for this, where are these large logs today?

DDC Response: Parks transplanted several trees for Friends of Corlears Hook Park prior to the construction in that area. This was around (15) small trees and few ornamental trees, and several shrubs. Survival rates would be best determined this Spring in coordination with Parks. Approximately 540 CY of woodchips was transferred to Governors Island to their compost and soil generation program, approximately 400 CY was provided to LES Ecology Center to mulch a portion of the northern part of East River Park, and in PA2 wood chips were provided to EDC's Solar One for paths. NYC Parks was consulted about taking wood chips, however there was not a need at the time. For future tree removals, Parks will be consulted and the ESCR program will work with community groups as well.

The ESCR Program includes a partnership with NYC Parks pilot tree salvaging program. Below is an update from Parks on this effort:

A total of **319 trees** were identified for salvage. From this total, **192 trees (marked for salvage)** have been removed to date:

- **17 trees** for the Nature Play Area in East River Park (17 honey locust logs).
- **175 trees** ---> 188 logs for other reuse
 - 84 x 8' logs
 - 54 x 10' logs
 - 50 x 12' logs
- **Note:** 16 trees non-salvageable due to extensive decay – 16 out of 175 trees, or 9.1%
 - *9.1% is out of the trees selected for salvage only. This is not representative of ALL trees in the park*