

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Availability of Draft Environmental Impact Statement and Announcement of Public Hearing for the East Side Coastal Resiliency (ESCR) Project located within the Borough of Manhattan, New York County, New York

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

**ACTION:** Notice of Availability and request for comments; Notice of public hearing.

**SUMMARY:** The New York City Office of Management and Budget (OMB) announces the availability of a Draft Environmental Impact Statement (DEIS) and a public hearing on July 31, 2019, in the Borough of Manhattan, New York (NY) for the East Side Coastal Resiliency (ESCR) Project (the Proposed Project). The Proposed Project was developed from a concept conceived through Rebuild by Design (RBD), a design competition to promote the development of resiliency in the Sandy-affected region and has been allocated United States (US) Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) grant funds. The Proposed Project is a comprehensive urban water management project designed to reduce the risk of floods from coastal storm surges and/or flooding from high-intensity rainfall events. The Proposed Project would be located in the Borough of Manhattan in New York County, NY. Further description of the Proposed Project and Project Area is provided in the **SUPPLEMENTARY INFORMATION** section. The DEIS includes a detailed project description and a description of environmental impacts, including direct, indirect, and cumulative impacts, associated with a No Action Alternative, Preferred Alternative, and three other With Action Alternatives. We request your comments on the ESCR DEIS.

**AVAILABILITY OF THE DEIS:** Electronic copies of the DEIS are available for public review on the following websites: <http://www.nyc.gov/cdbgdrr> and <https://www.nycgovparks.org/planning-and-building/planning/neighborhood-development/east-side-coastal-resiliency> CDs and paper copies of the DEIS will also be available for review at the following locations during regular business hours:

- OMB, 255 Greenwich Street, 8th Floor, New York, NY 10007
- NYC Department of Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 401, New York, NY 10065

**DATES AND PUBLIC COMMENT:** The DEIS will be available at the locations identified in the **AVAILABILITY OF THE DEIS** section starting on **April 5, 2019**. This date will mark the beginning of the public comment period. Comments and related material must be submitted on or before **August 15, 2019**, using one of the methods in the **ADDRESSES** section of this NOA. A public hearing will be held by the New York City Planning Commission (CPC) along with OMB and the New York City Department of Parks & Recreation (NYC Parks), on **Wednesday, July 31, 2019, at 10:00 AM** to provide an opportunity for oral comments. NYC Parks has assumed the responsibilities of Lead Agency under the New York State Environmental Quality Review Act (SEQRA) and the New York City Environmental Quality Review (CEQR) so comments will be accepted by NYC Parks at the public hearing as well. The public hearing will be held at 120 Broadway, Concourse Level, New York, NY, 10271. Additional details regarding the public

hearing are provided in the **SUPPLEMENTARY INFORMATION** section. Any oral comments provided at the meeting will be transcribed and considered by OMB and NYC Parks. Please note that the hearing may close early if all business is finished. Written comments and related material for consideration in the Final EIS (FEIS) may also be submitted to OMB or NYC Parks at that meeting.

**ADDRESSES:** You may submit comments using any of the following methods:

- (1) Email: [CDBGDR-Enviro@omb.nyc.gov](mailto:CDBGDR-Enviro@omb.nyc.gov)
- (2) Online at <http://www.nyc.gov/cdbgdr>
- (3) Mail: New York City Office of Management and Budget, c/o Calvin Johnson, Assistant Director CDBG-DR, 255 Greenwich Street, 8<sup>th</sup> Floor, New York, NY 10007
- (4) Hand delivery: Same as mail address above, between 9:00 AM and 5:00 PM, Monday through Friday, except Federal and State holidays.

To avoid duplication, please use only one of these methods.

OMB will maintain a paper copy of the DEIS for public review at 255 Greenwich Street, 8<sup>th</sup> Floor, New York, NY, 10007. A paper copy of the DEIS will also be available at NYC Parks offices at the Arsenal, Central Park, 830 Fifth Avenue, Room 401, New York, NY 10065. The document will be available for inspection or copying at this location between 9:00 AM. and 5:00 PM, Monday through Friday, except Federal and State holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions regarding this notice or on the public hearing, please write to or e-mail:

Calvin Johnson, Assistant Director CDBG-DR  
New York City Office of Management and Budget  
255 Greenwich Street, 8th Floor  
New York, NY 10007  
Fax: 212-788-6222  
Telephone: 212-788-6282  
Email: [CDBGDR-Enviro@omb.nyc.gov](mailto:CDBGDR-Enviro@omb.nyc.gov)

## **SUPPLEMENTARY INFORMATION:**

### **Project Description:**

OMB and NYC Parks has prepared a DEIS for the Proposed Project. The Proposed Project was selected by HUD through the RBD competition, and HUD CDBG-DR funds have been allocated for it. CDBG-DR funding requires compliance with NEPA as stated in HUD's regulations outlined in 24 CFR Part 58. The Proposed Project is also subject to the CEQ NEPA regulations at 40 CFR Parts 1500-1508. On behalf of HUD through the City of New York, as the recipient of HUD grant funds, OMB is the "Responsible Entity," as defined by HUD regulations at 24 CFR § 58.2(a)(7)(i), for the Proposed Project. In accordance with criteria in 40 CFR § 1501.5(c), HUD has designated OMB as the Lead Agency to prepare the DEIS for the Proposed Project in accordance with NEPA (42 USC §§ 4321 et seq.).

The Proposed Project would occur on the East Side of the Borough of Manhattan, New York County, NY. The Project Area begins at Montgomery Street to the south and extends north along the waterfront to East 25th Street and is composed of two sub-areas: Project Area One and Project Area Two for environmental review and design purposes. Project Area One extends from Montgomery Street on the south to the north end of John V. Lindsay East River Park (East River Park) at about East 13th Street. Project Area One is

approximately 61 acres and consists primarily of the Franklin Delano Roosevelt East River Drive (the FDR Drive) right-of-way, a portion of Pier 42 and Corlears Hook Park as well as East River Park. The majority of Project Area One is within East River Park and includes four existing pedestrian bridges across the FDR Drive to East River Park (Corlears Hook, Delancey Street, East 6th Street, and East 10th Street Bridges) and the Houston Street overpass. Project Area Two is approximately 21 acres and extends north and east from Project Area One, from East 13th Street to East 25th Street. In addition to the FDR Drive right-of-way, Project Area Two includes the Consolidated Edison Company of New York (Con Edison) East 13th Street Substation and the East River Generating Station, Murphy Brothers Playground, Stuyvesant Cove Park, Asser Levy Recreational Center and Playground, the VA Medical Center, and in-street segments along East 20th Street, East 25th Street, and along and under the FDR Drive.

The Proposed Project was developed as a concept through the RBD competition to respond to Hurricane Sandy's devastation and promote resiliency in the Sandy-affected region. Hurricane Sandy underscored the City's need to bolster its resiliency efforts to protect property, vulnerable populations, and critical infrastructure during design storm events. The need to protect the area is magnified by the potential for more frequent flooding events and would align with resiliency planning goals described in *OneNYC* and *A Stronger, More Resilient New York*. To that end, the purpose of the Proposed Project is to address this coastal flooding vulnerability in a manner that reduces the flooding risk while enhancing waterfront open spaces and access to the waterfront. Specifically, the Proposed Project includes the construction of flood risk reduction measures to address the impacts of inland and coastal flooding on the quality of the natural and human environment due to both storm hazards and sea level rise within the Project Area. The principal objectives of the Proposed Project are as follows: (1) provide a reliable coastal flood protection system against the design storm event for the protected area; (2) improve access to, and enhance open space resources along, the waterfront, including East River Park and Stuyvesant Cove Park; (3) respond quickly to the urgent need for flood protection and resiliency, particularly for communities that have a large concentration of residents in affordable and public housing units along the proposed Project Area; and (4) achieve implementation milestones and comply with the conditions attached to funding allocations as established by HUD, including scheduling milestones. Additionally, design considerations for the proposed project include: (1) reliability of the proposed coastal flood protection system; (2) urban design compatibility and enhancements; (3) improving the ecology and resiliency of East River Park; (4) minimizing environmental effects, including construction-related effects, and disruptions to public right of way; (5) constructability; (6) operational needs; (7) maintenance needs; (8) minimizing use of pre-storm event deployable structures; (9) FEMA accreditation; (10) scheduling that meets HUD milestones; and (11) cost effectiveness.

#### **DEIS:**

The DEIS has been prepared and is available for public comment. The DEIS is available for review on the project websites at <http://www.nyc.gov/cdbgdr> or <https://www.nycgovparks.org/planning-and-building/planning/neighborhood-development/east-side-coastal-resiliency> as well as at the locations listed above in **ADDRESSES**.

The DEIS includes a detailed project description and describes environmental impacts, including direct, indirect, and cumulative environmental impacts, associated with No Action Alternative, the Preferred Alternative, and three other With Action Alternatives, described below.

#### **Preferred Alternative (Alternative 4): Flood Protection System with a Raised East River Park**

The Preferred Alternative is a flood protection system comprised of a combination of floodwalls, 18 closure structures (i.e., swing and roller floodgates), and supporting infrastructure improvements that together

would reduce risk of damage from coastal storms in the area proposed for protection. The inland limits of the proposed protection area are generally along First Avenue, Avenue B, Avenue C, Avenue D, and Columbia Street and includes private and public properties and streets within the Lower East Side, East Village, Stuyvesant Town, Peter Cooper Village and Kips Bay communities that are currently in the East River coastal flood hazard area. The design flood elevation for the project is 16.5 feet NAVD88, which is generally 8 to 9 feet above the existing land surface along the project alignment but diminishes in height along the inland alignments (e.g., along Montgomery Street). This design elevation was developed based on the 100-year Federal Emergency Management Agency (FEMA) flood level and adding to that wave effects and the 90th percentile projection for sea level rise through to the 2050s (30 inches).

A key element of the Preferred Alternative is elevating and reconstructing John V. Lindsay East River Park (East River Park) to make it more resilient to coastal storms, The Preferred Alternative also includes integrating flood protection with open space improvements at other parks along the flood protection alignment including Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground, with an improved shared use path (bikeway/walkway) along the entire project length (from East 23rd Street to Montgomery Street), and a new shared-use flyover bridge to address the narrow and substandard waterfront public access along the segment at the Con Edison facility (on the east side of the FDR Drive) known as the “pinch point”.

Also proposed are redesigned and enhanced connections to the waterfront and East River Park, with the reconstruction of the Corlears Hook Bridge, the replacement of the Delancey and East 10th Street bridges, and the above-mentioned flyover bridge. These proposed bridge improvements would create more inviting and accessible crossings over the FDR Drive to the reconstructed East River Park and the East River waterfront, including the waterfront shared-use path. With the proposed project, the reconstructed bridges at Delancey and East 10th Street have also been designed to provide more community-oriented access that supports and encourages public access to the waterfront with gentler grades that are consistent with the principle of universal access. Within the park, the bridge landings would provide an elevated gateway with expanded views of the reconstructed park and the river.

The park’s underground water and drainage infrastructure, some of which is reaching the end of its serviceable life, and bulkhead and esplanade would be reconstructed, along with existing park structures and recreational features, including the amphitheater, track facility, and tennis house, as part of the raised park. Two existing embayments along the East River Park esplanade would be relocated further north on the bulkhead to allow for siting of active recreation fields within the park and to facilitate a direct and ADA accessible connection to the water.

The Preferred Alternative includes modifications to the existing sewer infrastructure to reduce the risk of interior flooding as well as reconstruction of the water and sewer infrastructure within East River Park, some of which is reaching the end of its serviceable life.

The flood protection system, raised East River Park, and support structures for the shared-use flyover bridge proposed under the Preferred Alternative would be constructed in 3.5-years and completed in 2023. The superstructure for the shared-use flyover bridge would be completed in 2025.

**Other Alternative (Alternative 2): Flood Protection System on the West Side of East River Park – Baseline.**

Alternative 2 would provide flood protection in Project Areas One and Two using a combination of floodwalls, levees, and closure structures (i.e., deployable gates) from Montgomery Street to East 25th Street. In Project Area One, the line of flood protection would generally be located on the west side of East

River Park. Protection would be provided by a concrete floodwall starting at Montgomery Street within the sidewalk adjacent to the Gouverneur Gardens Cooperative Village. The floodwall would then cross under the FDR Drive with closure structures across the FDR Drive's South Street off- and on-ramps. A combination of floodwalls and levees would then run along the west side of East River Park for the length of the entire park. The park-side landings for the Delancey Street and East 10th Street bridges would be rebuilt within East River Park to accommodate the flood protection system. As with the Proposed Alternative, a shared-use flyover bridge linking East River Park and Captain Brown Walk would be constructed. In Project Area Two, the flood protection alignment would be similar to that proposed under the Preferred Alternative. However, the portions of Murphy Brothers Playground and Asser Levy Playground that are affected by construction of the floodwall would be replaced in kind rather than redesigned and reconstructed. Similar to the Preferred Alternative as described above, this alternative also includes modifications of the existing sewer system.

The flood protection alignment proposed in Alternative 2 would require that the majority of flood protection construction be performed during night-time single-lane closures of the FDR Drive and in close proximity to sensitive Con Edison transmission lines. Given the related construction complexities and logistical considerations, the flood protection system and associated components under this alternative are assumed to be constructed in 5-years and completed in 2025.

### **Other Alternative (Alternative 3): Flood Protection System on the West Side of East River Park - Enhanced Park and Access Alternative**

Alternative 3 provides flood protection using a combination of floodwalls, levees, and closures structures in Project Areas One and Two. As with Alternative 2, the line of protection in Project Area One would be generally located on the western side of East River Park. However, compared to Alternative 2, there would be more extensive use of berms and other earthwork in association with the flood protection along the FDR Drive to provide for more integrated access, soften the visual effect of the floodwall on park users, and introduce new types of park experience. Due to the extent of the construction of the flood protection system, compared to Alternative 2, this alternative would include a more extensive reconfiguration and reconstruction of the bulk of East River Park and its programming, including landscapes, recreational fields, playgrounds, and amenities. In addition, the existing pedestrian bridges and bridge landings at Delancey and East 10th Streets would be completely reconstructed to provide universal access, and a new raised and landscaped park-side plaza landing would be created at the entrance to the park from the East Houston Street overpass. As with the Proposed Alternative, a shared-use flyover bridge linking East River Park and Captain Brown Walk would be constructed. In Project Area Two, the flood protection alignment would be similar to that proposed in the Preferred Alternative and would include reconstruction of Murphy Brothers Playground and Asser Levy Playground. Similar to the Preferred Alternative as described above, this alternative also includes modifications of the existing sewer system.

As with Alternative 2, Alternative 3 would involve construction of the flood protection system alignment along the FDR Drive and in close proximity to sensitive Con Edison transmission lines. Given the associated complexities and logistical considerations involved when working in and around these facilities, a 5-year construction duration is assumed, with the proposed project estimated to be completed in 2025.

### **Other Alternative (Alternative 5): Flood Protection System East of FDR Drive**

Alternative 5 proposes a flood protection alignment similar to the Preferred Alignment except for the approach in Project Area Two between East 13th Street and Avenue C. This alternative would raise the northbound lanes of the FDR Drive in this area by approximately six feet to meet the design flood elevation then connect to closure structures at the south end of Stuyvesant Cove Park. Maintaining the flood protection alignment along the east side of the FDR Drive would eliminate the need for gates crossing the FDR Drive near East 13th Street as well as the need to install floodwalls adjacent to NYCHA Jacob Riis

Houses, Con Edison property and Murphy Brothers Playground. As with the Preferred Alternative, this alternative would also include the construction of the shared-use flyover bridge to address the Con Edison pinch point. Similar to the Preferred Alternative as described above, this alternative also includes modifications of the existing sewer system, reconstruction of the water and sewer infrastructure within East River Park.

Alternative 5 is anticipated to be constructed in 5-years and completed in 2025 and this duration is driven by construction of the raised northbound lanes of the FDR Drive and the adjacent shared-use flyover bridge in this same footprint.

### **PUBLIC NOTICE REGARDING SECTION 106 REVIEW**

OMB has assumed HUD's environmental responsibilities as the Responsible Entity for New York City for the purposes of administering the CDBG-DR Program in New York City, and OMB is also issuing this Notice of Public Hearing as a part of its assumed responsibilities under 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended.

The regulations at 36 CFR Part 800 require OMB, as the Responsible Entity for the HUD grant funds, to identify if any buildings proposed for demolition are listed or eligible for listing on the National Register of Historic Places (NR); to assess any direct or indirect effects the new construction would have on other historic properties, including archaeological resources; and to seek ways to avoid, minimize, or mitigate any adverse effects.

In consultation with the New York State Office of Parks, Recreation, and Historic Preservation, acting as the State Historic Preservation Office (SHPO), two Phase 1A Archaeological Documentary Studies and a Supplemental Archaeological Documentary Study were prepared. The studies concluded that portions of the Area of Potential Effect were sensitive for historic-period archaeological resources and recommended additional archaeological investigation that would include additional pre-construction testing and/or monitoring during project construction. OMB in consultation with SHPO also determined that the proposed project develop and implement Construction Protection Plans for eleven architectural resources located within 90 feet of project construction activities to avoid inadvertent construction-period damage from ground-borne vibrations, falling debris, collapse, dewatering, subsidence, or construction equipment. The additional archaeological investigation and the preparation of the Construction Protection Plans will be stipulated in a Programmatic Agreement (PA) that is being prepared and will be included in the Final Environmental Impact Statement (FEIS). It is expected that the PA will be executed among the U.S. Department of Housing and Urban Development (HUD), the New York City Office of Management and Budget (OMB), NYC Parks, SHPO, Indian Tribes, the Advisory Council on Historic Preservation (ACHP), and other Consulting Parties as appropriate.

OMB has initiated public consultation to seek ways to avoid, minimize, or mitigate adverse effects to historic properties that may result from the proposed project. Members of the public are encouraged to provide views at this public hearing on how the project may affect historic properties and ways that these effects may be avoided, minimized, or mitigated.

### **Public Hearing:**

The CPC will hold a public hearing together with OMB and NYC Parks at 10:00 AM on July 31, 2019. The hearing location is 120 Broadway, Concourse Level, New York, NY, 10271. One purpose of the public hearing is for OMB as NEPA Lead Agency and NYC Parks as SEQRA/CEQR Lead Agency to receive comments on the information provided in the DEIS, as well as for CPC, OMB, and NYC Parks to accept comments on the Proposed Project's New York City's Uniform Land Use Review Procedure (ULURP)

application. OMB and NYC Parks will not respond to any of the comments or take action on the project at the hearing. Comments and/or statements at the public hearing will become part of the public record during the comment period and will also be considered during the preparation of the FEIS. The meeting facility is accessible to those with disabilities. Any individual who requires special accommodations, such as a sign language interpreter, accessible seating, or documentation in alternative formats, is requested to contact Eram Qadri, Unit Head – Environmental Review, CDBG Disaster Recovery, OMB, (212)-788-6282 or [CDBGDR-Enviro@omb.nyc.gov](mailto:CDBGDR-Enviro@omb.nyc.gov).