

Appendix E
Historic and Cultural Resources Consultation

ARCHAEOLOGY

Project number: DEPT OF DESIGN & CONSTRUCTION / SANDRESM1
Project: MANHATTAN ACTIVE INFRASTRUCTURE HIGHWAY PROJECT
Date received: 5/28/2015

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

Comments:

The LPC recommends that an archaeological documentary study be completed to further assess the potential of the proposed project to impact archaeological resources as per the CEQR Technical Manual 2014. We further recommend that the scope for this study be developed in consultation with the LPC.

Cc: NYSHPO



6/10/2015

SIGNATURE
Amanda Sutphin, Director of Archaeology

DATE

File Name: 29792_FSO_ALS_06102015.doc

ARCHAEOLOGY

Project number: DEPT OF DESIGN & CONSTRUCTION / SANDRESM1
Project: MANHATTAN ACTIVE INFRASTRUCTURE HIGHWAY PROJECT
Date received: 7/9/2015

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

Comments:

The LPC is in receipt of the, "Scope of Work for Refining the Archaeological Area of Potential Effect for the East Side Resiliency Project," prepared by Historical Perspectives, Inc and dated July 9, 2015. The LPC largely concurs with the scope although recommends that the following text in point 2 be further defined, "...large-scale buildings over one story that cover their entire lot." As it is unclear that a two story building would be "large scale" and, in any event, this definition should note that such buildings must have basements to be excluded.

cc: NYSHPO



7/13/2015

SIGNATURE
Amanda Sutphin, Director of Archaeology

DATE

File Name: 29792_FSO_ALS_07132015.doc



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

July 20, 2015

Mr. Nathan Riddle
Senior Technical Director
AKRF, Inc.
440 Park Avenue South
7th Floor
New York, NY 10016

Re: HUD
Flood protection system on East Side of Manhattan SANDRESM 1
Borough of Manhattan, New York County
15PR02961
SANDRESM 1

Dear Mr. Riddle:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has reviewed the proposed "East Side Coastal Resiliency, Scope of Work for Refining the Archaeological Area of Potential Effect" (Historical Perspectives, Inc., 9 July 2015). We request clarification of the statement regarding "large-scale buildings over one story that cover their entire lot." SHPO recommends that a review of such properties should include a comparison of the depth of the building's foundation with the depth of potentially culture-bearing deposits. In cases where sufficient data is not available, the building should not be excluded.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

ARCHAEOLOGY

Project number: DEPT OF DESIGN & CONSTRUCTION / 15DPR013M
Project: MANHATTAN ACTIVE INFRASTRUCTURE HIGHWAY PROJECT
Date received: 10/27/2015

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

Comments: The LPC is in receipt of the, "Refinement of Archaeological Area of Potential Effect East Side Coastal Resiliency Project Montgomery Street to East 25th Street, Manhattan, New York," prepared by Historical Perspectives, Inc and dated October 2015. The LPC concurs with the recommendations about which areas should be further archaeologically assessed and which should not.

Cc: NYSHPO



10/30/2015

SIGNATURE
Amanda Sutphin, Director of Archaeology

DATE

File Name: 29792_FSO_ALS_10302015.doc

ARCHAEOLOGY

Project number: DEPT OF DESIGN & CONSTRUCTION / 15DPR013M
Project: MANHATTAN ACTIVE INFRASTRUCTURE HIGHWAY PROJECT
Date received: 2/24/2016

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

Comments: The LPC is in receipt of the, "Phase 1A Archaeological Documentary Study East Side Coastal Resiliency Project East 23rd Street to East 25th Street, Manhattan, New York," prepared by Historic Perspectives, Inc and dated February 2016.

The LPC concurs that a portion of the project area may contain potentially significant archaeological resources and that therefore, a scope for archaeology should be developed once the construction plans are understood.

cc: NYSHPO



2/29/2016

SIGNATURE
Amanda Sutphin, Director of Archaeology

DATE

File Name: 29792_FSO_ALS_02292016.doc



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

March 14, 2016

Mr. Nathan Riddle
Senior Technical Director
AKRF, Inc.
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: HUD
Flood protection system on East Side of Manhattan SANDRESM 1
15PR02961
SANDRESM 1

Dear Mr. Riddle:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has reviewed the following reports –

Phase IA Archaeological Documentary Study, East Side Coastal Resiliency Project, Montgomery Street to Rivington Street, Manhattan, New York County, New York (Historical Perspectives, Inc., February 2016); and,

Phase IA Archaeological Documentary Study, East Side Coastal Resiliency Project, East 23rd Street to East 25th Street, Manhattan, New York County, New York (Historical Perspectives, Inc., February 2016).

We concur with the findings that portions of the project's Area of Potential Effects (APE) are archaeologically sensitive. Please submit for review and comment a plan for a Phase IB archaeological field investigation once the project's design has been developed to the point where specific areas of ground disturbance can be identified.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



Nathan Riddle <nripple@akrf.com>

RE: Section 106 Consultation - East Side Coastal Resiliency Project, New York, NY

1 message

Bonney Hartley <Bonney.Hartley@mohican-nsn.gov>
To: "CDBG-DREnviro@omb.nyc.gov" <CDBG-DREnviro@omb.nyc.gov>
Cc: Nathan Riddle <nripple@akrf.com>

Mon, Apr 18, 2016 at 4:33 PM

Dear Calvin Johnson:

I have completed cultural resource review of the materials sent for East Side Coastal Resiliency Project in New York City, including the draft Scope of Work for the EIS, and the Phase 1A archeological surveys sent by Nathan Riddle of AKRF on March 21, 2016 via email.

On behalf of Stockbridge Munsee Mohican Tribe, I offer the following comments:

-We concur with the finding with the reduced area of potential effect for archeological resources due to the finding that much of the project area was previously underwater.

-After review of the Phase 1A reports for this reduced area, which show low likelihood for intact cultural resources, we conclude that we do not have significant cultural resource concerns with the project.

No further information is needed unless the project area changes. As always, should any cultural materials inadvertently be discovered we request immediate notice.

Respectfully,
Bonney

Bonney Hartley

Tribal Historic Preservation Officer

Stockbridge-Munsee Mohican Tribal Historic Preservation

New York Office

65 1st Street

Troy, NY 12180

(518) 244-3164

Bonney.Hartley@mohican-nsn.gov



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

April 25, 2016

Mr. Nathan Riddle
Senior Technical Director
AKRF, Inc.
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: HUD
Flood protection system on East Side of Manhattan SANDRESM 1
15PR02961
SANDRESM 1

Dear Mr. Riddle:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO) on the Preliminary Draft EIS for the East Side Coastal Resiliency Project dated January 29, 2016. We have reviewed the submission in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to above-ground (architectural) Historic/Cultural resources.

We concur with the majority of your findings of eligibility for the New York State and National Registers of Historic Places for above-ground resources within the primary Area of Potential Effect (APE) (see attached table). Please note that New York City Housing Authority (NYCHA) housing complexes that are currently in our database as "unevaluated" will remain so for now, as NYCHA is actively engaged in a historic resources survey of all their properties. We will make determinations of eligibility for these properties once the NYCHA survey is submitted and reviewed, hopefully by the end of this year.

We look forward to further consultation from you as the project progresses. Please be sure to refer to the Project Review (PR) number noted above for correspondence, and feel free to contact Daria Merwin of the Survey and Evaluation Unit at 518-268-2192 (daria.merwin@parks.ny.gov) if you have any questions or comments.

Sincerely,

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation

Division for Historic Preservation

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Unique Site Number (USN)	Name	S/NR Status
06101.000377	Rivington Street Bath	Eligible
06101.000049	Williamsburg Bridge	Eligible
06101.001698	Gouverneur Hospital	Listed
06101.001806	Public Baths	Listed
06101.003320	Henry Street Settlement House	Listed
06101.003321	Henry Street Settlement House	Listed
06101.003322	Neighborhood Playhouse	Listed
06101.010624	PS 97 (now Bard High School)	Eligible
06101.015023	Stuyvesant Town	Eligible
06101.015826	East River Bulkhead	Eligible
06101.015827	Gouverneur Hospital Dispensary	Eligible
06101.015828	former PS 31/Seward Park HS Annex (Univ. Neighborhood HS)	Not Eligible
06101.016018	Vladeck Houses and Vladeck City Houses	Listed
06101.018547	FDR Dr (1934-36)	Eligible
06101.018556	LaGuardia Houses (NYCHA complex, 1957)	Eligible
06101.018558	Baruch Houses (NYCHA complex: 1959; Emory Roth & Son)	Undetermined
06101.018572	Jacob Riis II Houses (NYCHA housing, 1949)	Undetermined
06101.018754	Peter Cooper Village (housing)	Eligible
06101.018881	Lower East Side Historic District (Boundary Increase)	Listed
06101.019042	Pier 42 - FDR Drive at Montgomery Street	Not Eligible
06101.019049	East River Park Amphitheater	Eligible
06101.019050	Engine Co. 66 Fireboat House	Eligible
06101.019051	East River Park Tennis Court Comfort Station	Eligible
06101.019052	East River Park East 6th Street Maintenance Building/Comfort Station	Eligible
06101.019053	East River Park East 10th Street Comfort Station	Eligible
06101.019054	East River Park	Eligible
06101.019087	Corlears Hook Park	Eligible
06101.019088	East River Housing Cooperative (ILGWU, 1953)	Eligible
06101.019089	Lillian Wald Houses (NYCHA housing, 1949)	Undetermined
06101.019090	Marine and Aviation Building	Not Eligible

Division for Historic Preservation



The Delaware Nation
Cultural Preservation Department

31064 State Highway 281
Anadarko, OK 73005
Phone (405)247-2448 Fax (405) 247-8905

NAGPRA ext. 1182
Museum/106 ext. 1181
Library ext. 1196
Director ext. 1180

11 May 2016

To Whom It May Concern:

The Delaware Nation Cultural Preservation Department received correspondence regarding the following referenced project(s).

Project ID. SANDRESM1, East Side Coastal Resiliency Project, Borough of Manhattan, New York.

My apologies for getting back to you beyond our 30 day review period. I have been inundated with reports and am considerably behind, but wanted to get a response to you nonetheless.

Our office is committed to protecting tribal heritage, culture and religion with particular concern for archaeological sites potentially containing burials and associated funerary objects.

The Lenape people occupied the area indicated in your letter during prior to European contact until their eventual removal to our present locations. According to our files, the location of the proposed project does not endanger cultural or religious sites of interest to the Delaware Nation. **Please continue with the project as planned** keeping in mind during construction should an archaeological site or artifacts inadvertently be uncovered, all construction and ground disturbing activities should immediately be halted until the appropriate state agencies, as well as this office, are notified (within 24 hours), and a proper archaeological assessment can be made. Our concerns are in particular East 23rd and East 25th Streets due to their potential for historic archaeological features and artifacts.

Please note the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Band of Mohican Indians are the only Federally Recognized Delaware/Lenape entities in the United States and consultation must be made only with designated staff of these three tribes. We appreciate your cooperation in contacting the Delaware Nation Cultural Preservation Office to conduct proper Section 106 consultation. Should you have any questions, feel free to contact our offices at 405/247-8903 or by email: nalligood@delawarenation.com or jross@delawarenation.com.

Nekole Alligood
Director of NAGPRA/106
The Delaware Nation
31064 State Highway 281
Anadarko, OK 73005
Ph. 405-247-2448



Delaware Tribe Historic Preservation Representatives
P.O. Box 64
Pocono Lake, PA18347
temple@delawaretribe.org

May 24, 2016

AKRF, Inc.
Att: Nathan Riddle
440 Park Avenue South
New York, NY 10016

RE: East Side Coastal Resiliency Project

Dear Mr. Riddle,

Thank you for providing the Delaware Tribe the information for the above referenced project. Our review indicates that there are no religious or culturally significant sites within this project area and we have no objection to the proposed project. We defer comment to your office as well as to the State Historic Preservation Office and/or the State Archaeologist.

We ask that in the event that a concentration of artifacts and/or in the unlikely event any human remains are accidentally unearthed during the course of the project that all work is halted until the Delaware Tribe of Indians is informed of the inadvertent discovery and a qualified archaeologist can evaluate the find.

If you have any questions, feel free to contact this office by phone at (610) 761-7452 or by e-mail at temple@delawaretribe.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Bachor", is written on a light-colored, textured background.

Susan Bachor
Delaware Tribe Historic Preservation Representative



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

July 07, 2016

Mr. Nathan Riddle
Senior Technical Director
AKRF, Inc.
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: Determination of Eligibility, East River Park
Flood protection system on East Side of Manhattan SANDRESM 1
15PR02961

Dear Mr. Riddle:

Thank you for submitting the chronology of capital work projects in East River Park, documenting many of the alterations that have been made to the park since its 1939-1941 construction. In order for our office to refine the preliminary determination of New York State and National Registers of Historic Places eligibility for East River Park, we request that you provide as much of the following information as possible:

- As-built plans or site map for the park as constructed, showing structures and key landscape features such as circulation routes, green space/planting designs, recreational facilities, and other features,
- plans or site map showing current conditions,
- any information regarding design and materials of hardscaping elements,
- and historic photographs or other images, if available.

We look forward to further consultation with you on this project. Please be sure to refer to the Project Review (PR) number noted above for correspondence, and feel free to contact Daria Merwin of the Survey and Evaluation Unit at (518) 268-2192 (daria.merwin@parks.ny.gov) if you have any questions.

Sincerely,

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

March 8, 2017

Nathan Riddle
AKRF, Inc.
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: HUD-CDBG-DR/ NYC OMB
SANDRESM 1/ East Side Coastal Resiliency Project, Manhattan/ New York County
15PR02961

Dear Mr. Riddle:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the requested materials submitted in accordance with Title 54, Section 306108 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/ Cultural resources.

Thank you for submitting the requested information. We look forward to further consultation from you, as the project design progresses. You can log on to CRIS to read our eligibility determinations of the four properties you provided information about.

If I can be of further assistance, contact me at (518) 268-2187 or Larry.moss@parks.ny.gov

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist

CC: Amanda Sutphin, LPC
Daniel Pagano, LPC
Gina Santucci, LPC
Cece Saunders, HPI
Owen Wells, NYC Parks
Calvin Johnson, NYC OMB

Division for Historic Preservation

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ENVIRONMENTAL REVIEW

Project number: DEPT OF DESIGN & CONSTRUCTION / 15DPR013M
Project: MANHATTAN ACTIVE INFRASTRUCTURE HIGHWAY PROJECT/ASSER LEVY
COMMUNITY CENTER
Date received: 3/17/2017

The project site is adjacent to the LPC designated and S/NR listed Asser Levy Public Baths.

Regarding archaeology, the LPC notes that a small new area was added to the APE which consists of proposed floodwall that extends into the former East 24th Street. We note that the larger area was included in the February 2016 Phase 1A and from those conclusions which we concurred with, note that there are no archaeological concerns for this newly added area.

Gina Santucci

4/3/2017

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 29792_FSO_GS_04032017.doc

My Projects (3) My Submi

My Projects (3)

View	Date Created
	06/11/2015
	05/14/2012
	01/11/2012

Submission Status Close

View and/or Address a Response

Project 15PR02961: HUD-SANDRESM 1 Flood protection system on East Side of Manhattan (LLI8XFR73WWU)

Please accept the following information below as the consolidated response from NYS SHPO for the above referenced submission.

Review Responses

Reviewer	Review Type	Response
Daria Merwin	Survey and Evaluation	Based on the materials provided, SHPO concurs that the East River Park has witnessed a loss of integrity, and therefore is no longer considered eligible for the State and National Registers. However, we request additional information in order to evaluate the former Engine Co. 66 fireboat house for its eligibility as an individual resource (rather than as a contributing element within the park). Please review the specific information request below and click the Process button to respond. In addition, we note that two NYCHA complexes that were formerly "undetermined" now have eligibility findings (Jacob Riis I and II Houses are NR eligible; Lillian Wald Houses are not) and the previous determination for LaGuardia Houses has been overturned (revised to not eligible).

Information Requests

Status	Reviewer	Review Type	Request Type	Request Entity	Request Item	Request Description
Processed	Daria Merwin	Survey and Evaluation	Request a New Attachment or Photo for an Existing USN	former Engine Co. 66 Fireboat House (06101.019050)	Attachment	Please provide recent, clear photographs of all exterior elevations of the fireboat house, along with recent interior photos and, if possible, information on the architect(s), historic floor plans, and current floor plans.

Attachments

Attachment	Reviewer	Review Type	Type	Name	Description
No Attachment Records					



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

January 7, 2019

Nathan Riddle
AKRF, Inc.
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: HUD-CDBG-DR/ NYC OMB
SANDRESM 1. East Side Coastal Resiliency Project, Manhattan/ New York County
15PR02961

Dear Mr. Riddle:

Thank you for continuing to request the comments of the New York State Historic Preservation Office (SHPO). Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/ Cultural resources.

SHPO requests that a supplemental Phase IA archaeological report be prepared that documents the sensitivity of the newly added portions of the APE and assesses the possible effects of the revised project design on the new and original APE. Upload the report using the enclosed link/ token. If you have any questions, please contact Philip Perazio at 518-268-2175 philip.perazio@parks.ny.gov.

If I can be of further assistance, contact me at (518) 268-2187 Larry.moss@parks.ny.gov

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist

CC: How Sheen Pau, Thu-Loan Dinh, Eric Ilijevich, Kathryn Longobardi (NYCDDC)
Owen Wells, Emily Humes (NYC Parks)
Minelly De Coo (Office of the Deputy Mayor)
Annie Winter, Nicolette Leung, Robert White, Kenny Mui (Hazen-AKRF JV)
Julie Abell Horn, Cece Saunders (Historical Perspectives, Inc.)
Amanda Sutphin, LPC
Daniel Pagano, LPC
Gina Santucci, LPC
Calvin Johnson, NYC OMB

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

ARCHAEOLOGY

Project number: DEPT OF DESIGN & CONSTRUCTION / 15DPR013M
Project: MANHATTAN ACTIVE INFRASTRUCTURE HIGHWAY PROJECT
Date received: 12/31/2018

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

Comments: The LPC is in receipt of the current project plans and a letter from the NYSHPO dated January 7, 2019. LPC concurs with the NYSHPO's recommendations.

Cc: NYSHPO



1/14/2019

SIGNATURE
Amanda Sutphin, Director of Archaeology

DATE

File Name: 29792_FSO_ALS_01142019.doc



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

March 18, 2019

Mr. Nathan Riddle
Senior Technical Director
AKRF, Inc.
440 Park Avenue South
7th Floor
New York, NY 10016

Re: HUD
HUD-SANDRESM 1 Flood protection system on East Side of Manhattan
Borough of Manhattan, New York County, NY
15PR02961 / SANDRESM 1

Dear Mr. Riddle:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

SHPO has reviewed *Supplemental Phase IA Archaeological Documentary Study, East Side Coastal Resiliency Project, Manhattan, New York County, New York* (Historical Perspectives, March 2019). We concur with the proposal that a Phase IB archaeological testing work plan should be prepared. The work plan should include the following.

1. A description of the basis for the proposed sampling design, including a tabulation of the various archaeological contexts within the APE and a quantification of the sample fraction for each context.
2. The resulting report should include an assessment of the sensitivity of untested portions of the APE based on the results of the Phase IB sample.
3. An unanticipated discoveries protocol (e.g. for human remains).

If you have any questions, please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via e-mail only

cc: Calvin Johnson, NYC OMB; Daniel Pagano, Gina Santucci, and Amanda Sutphin, LPC
Lynn Rakos, HUD; Cece Saunders, HPI; Owen Wells, NYC Parks

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

ARCHAEOLOGY

Project number: DEPT OF DESIGN & CONSTRUCTION / 15DPR013M
Project: EAST SIDE COASTAL RESILIENCY
Date received: 3/11/2019

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

Comments: The LPC is in receipt of the, "Supplemental Phase IA Archaeological Documentary Study East Side Coastal Resiliency Project, Manhattan, New York," prepared by Historical Perspectives, Inc and dated March 2019. The LPC concurs with the findings of the report and notes that a Work Plan must be developed which LPC and NYSHPO must review and approve. Furthermore, we concur with the NYSHPO comments of March 18, 2019 about what the work plan must include. Finally, we would like a hard bound copy of the report for LPC records.

cc: NYSHPO



3/18/2019

SIGNATURE
Amanda Sutphin, Director of Archaeology

DATE

File Name: 29792_FSO_ALS_03182019.doc



ANDREW M. CUOMO
Governor

ERIK KULLESEID
Acting Commissioner

April 12, 2019

Mr. Nathan Riddle
Senior Technical Director
AKRF, Inc.
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: HUD
HUD-SANDRESM 1 Flood protection system on East Side of Manhattan/East Side
Coastal Resiliency
Borough of Manhattan, New York County, NY
15PR02961
SANDRESM 1

Dear Mr. Riddle:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed your letter dated March 25th, 2019, and the subsequently submitted Draft Environmental Impact Statement chapters 5.4, on Historic and Cultural Resources, and 6.3, on Construction – Historic and Cultural Resources. Based upon our review, the proposed list of potential Consulting Parties appears to be comprehensive and we do not have any other suggested parties at this time. The DEIS text appears acceptable for historic and cultural resources, and we concur with the proposal for Construction Protection Plans and select floodwall and closure designs to be developed in consultation with our office and LPC, as appropriate.

Our office looks forward to receiving the archaeological work plan and Programmatic Agreement.

We would appreciate if the requested information could be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/ Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

via e-mail only

ENVIRONMENTAL REVIEW

Project number: 15DPR013M (DEPT OF DESIGN & CONSTRUCTION)
Project: EAST SIDE COASTAL RESILIENCY
Date Received: 8/15/2019

Comments: The LPC is in receipt of the FEIS construction- historic and cultural resources chapter and the historic and cultural resources chapter dated 8/14/19.

The language of the chapters appears acceptable for historic and cultural resources with the following change to the architectural resources chapter.

On page 5.4-5, add language indicating that the design of the floodwalls adjacent to the Asser Levy Public Baths will be undertaken according to the Secretary of the Interior's Standards.

Cc: SHPO



8/16/2019

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 29792_FSO_ALS_08162019.docx

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PROGRAMMATIC AGREEMENT
Among
The New York City Office of Management and Budget,
The New York State Historic Preservation Office,
and
The Advisory Council on Historic Preservation
Regarding
The East Side Coastal Resiliency Project
New York City, New York

WHEREAS, in response to Hurricane Sandy, which made landfall on October 29, 2012, and as part of its plan to address vulnerability to such major flooding, the City of New York (the “City”) proposes to construct the East Side Coastal Resiliency Project (the “project”), which involves the construction of a coastal flood protection system along a portion of the east side of Manhattan between Montgomery and East 25th Streets and related improvements to City infrastructure (see **Exhibit A – Project Location**); and

WHEREAS, the project would consist of a flood protection system generally located within City parkland and streets that would include a combination of floodwalls, levees, closure structures (e.g., floodgates), and other infrastructure improvements to reduce the risk of flooding; and

WHEREAS, in addition to providing a reliable coastal flood protection system for this area, another goal of the project is to improve open spaces and enhance access to the waterfront, including East River Park and Stuyvesant Cove Park; and

WHEREAS, the City has entered into a grant agreement with the U.S. Department of Housing and Urban Development (HUD) to disburse \$338 million of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds related to Hurricane Sandy for the design and construction of the project, which would be provided to the City through the New York City Office of Management and Budget (OMB), acting under HUD’s authority; and

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WHEREAS, HUD has granted OMB the authority under 24 CFR Part 58 to serve as the Responsible Entity (“RE”) for the CDBG-DR program activities in New York City and, in accordance with 24 CFR 58.2(a)(7), as the lead agency responsible for environmental review, decision-making, and action under 42 U.S.C. § 5304(g); and

WHEREAS, the United States Congress has authorized HUD to delegate legal responsibility for compliance with Section 106 of the National Historic Preservation Act (NHPA, codified at 54 USC §306108, and herein “Section 106”) to a local government through the Housing and Community Development Act of 1974; and

WHEREAS, OMB has agreed to take into account the effects of its undertakings and satisfy its NEPA and Section 106 responsibilities. OMB, therefore, is the lead agency responsible for compliance with NEPA and Section 106; and

WHEREAS, OMB, in consultation with the New York State Historic Preservation Office (“SHPO”) has determined that the project could adversely affect properties included in or eligible for inclusion in the National Register of Historic Places (“Historic Properties”) and has determined that it is appropriate to enter into this Programmatic Agreement (the “Agreement”) to resolve adverse effects as such effects cannot be fully determined prior to approval of the project, pursuant to 36 CFR 800.14(b)(1)(ii) of Section 106; and

WHEREAS, OMB invited the Advisory Council on Historic Preservation (“ACHP”) to participate in the Section 106 process for the project and ACHP has accepted; and

WHEREAS, the project is located within the identified area of interest of four federally recognized Indian tribes, and OMB has consulted with the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, and the Stockbridge-Munsee Band of Mohicans on a

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government-to-government basis in accordance with 36 CFR Part 800.2(c)(ii), and invited them to sign this Agreement as concurring parties; and

WHEREAS, the New York City Department of Parks & Recreation (NYC Parks) has accepted the invitation to be a concurring party to this Agreement”); and

WHEREAS, the New York City Landmarks Preservation Commission (“LPC”), an agent of the City of New York, has been consulted in the Section 106 review process in accordance with Section 106 Regulations (36 CFR 800.2(c)(3)), and has accepted the invitation to be a concurring party to this Agreement; and

WHEREAS, in keeping with 36 CFR 800.2(c)(3) and (5), OMB identified representatives of local governments, individuals, and organizations with a demonstrated interest in the undertaking, and has invited them to participate in Section 106 consultation for the project as Consulting Parties. (The invited Section 106 Consulting Parties for the project are presented in **Exhibit B – Consulting Parties**); and

WHEREAS, the Municipal Art Society and the New York Landmarks Conservancy accepted the invitation to be Consulting Parties and are accordingly concurring parties to this Agreement; and

WHEREAS, OMB has provided the Consulting Parties opportunities to review and comment on Section 106 documents and findings through review of drafts of this Agreement and the Historic and Cultural Resources analysis of the Draft Environmental Impact Statement (DEIS) and two conference calls held in August 2019; and

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WHEREAS, OMB has provided the public appropriate opportunities to review and comment on Section 106 documents and findings through a public scoping meeting on the Draft Scope of Work for the preparation of a DEIS held on December 3, 2015 with a public input and review period that remained open until December 21, 2015, and through a public review period for the DEIS that commenced with publication of the DEIS on April 5, 2019 and continued through August 30, 2019, with a public hearing held on July 31, 2019; and

WHEREAS, in consultation with SHPO and LPC, an Area of Potential Effect (APE) has been established for the project as defined by 36 CFR 800.16(d), in which construction and operation of the project may directly or indirectly affect Historic Properties, extending 400 feet from the project area to encompass indirect visual or contextual effects from construction of the project (The APE for the project is depicted on the maps presented in **Exhibit C – Areas of Potential Effect**); and

WHEREAS, OMB in consultation with SHPO and LPC carried out steps to evaluate previously unevaluated properties in the APE—a historian who met NPS Professional Qualification Standards for Architectural History, codified under 36 CFR § 61, conducted field surveys of the APE supplemented by research, and an initial list of 13 potential historic resources within the APE was compiled and submitted to SHPO and LPC for their evaluation and determination of eligibility, followed by additional consultation with SHPO—and identified seven properties determined eligible for the National Register of Historic Places (“National Register”), thereby supplementing existing data on Historic Properties in the APE that had been previously listed or determined eligible for National Register listing; and

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WHEREAS, there are a total 17 Historic Properties located within the APE that are either listed on the National Register or determined eligible for such listing (**Exhibit D – Historic Properties in APE**); and

WHEREAS, two Phase 1A Archaeological Documentary Studies and a Supplemental Phase 1A Archaeological Documentary Study were completed for the APE, and these reports identified areas of potential archaeological sensitivity potentially associated with four broad categories of potential historic-period archaeological resources—river bottom remains, landfill retaining structures and landfill deposits, historic streetbed resources (i.e., utilities, transportation elements, artifact deposits), and former city block resources (i.e., foundation remains and historic shaft features)—and determined that additional archaeological testing would be needed to determine the presence or absence of such resources in the APE; and

WHEREAS, OMB determined that the additional archaeological testing would not be done during the EIS process but would occur before and/or during project construction; and

WHEREAS, in written communications dated April and May 2016, representatives of the Delaware Nation, Delaware Tribe of Indians, and the Stockbridge-Munsee Band of Mohicans requested, in case of an unanticipated discovery of an archaeological site or artifacts, that work be halted until the Tribes are notified and the artifact can be evaluated by an archaeologist; and

WHEREAS, In February 2019 OMB undertook additional consultation with the Delaware Nation, Delaware Tribe of Indians, Stockbridge-Munsee Community Band of Mohicans, and Shinnecock Nation regarding project refinements made since 2016, and no additional comments were received; and

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WHEREAS, this Agreement was developed in consultation with NYC Parks, LPC, the Municipal Art Society, and the New York Landmarks Conservancy; and

WHEREAS, this Agreement was developed with appropriate public participation by providing a draft of proposed stipulations to the Agreement in the DEIS, including in and distributing with the Final EIS a copy of the draft Agreement, and duly notifying the public as to the execution and effective dates of this Agreement through the issuance of the FEIS and Record of Decision (“ROD”) for the project; and

NOW, THEREFORE, the signatories agree that the implementation of the project shall take into account effects on Historic Properties and shall be administered in accordance with the following stipulations to avoid, mitigate, and minimize Adverse Effects in order to satisfy OMB’s Section 106 responsibilities.

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STIPULATIONS

OMB will ensure, in coordination with SHPO, that the following stipulations are implemented.

I. ARCHAEOLOGICAL RESOURCES

OMB will ensure that required archaeological investigations will be performed, as needed, prior to or during construction in the areas of potential archaeological sensitivity as determined through the Phase IA studies to determine the presence or absence of archaeological resources within the APE and to evaluate their eligibility for the National Register.

1. A scope of work for additional archaeological investigation will be prepared prior to the commencement of construction in accordance with Section 106 regulations and for review and approval by SHPO and, in accordance with FEIS requirements, LPC. The Phase 1B archaeological investigation will include additional research, as needed, pre-construction testing and/or monitoring during project construction, artifact processing, and report preparation. The work plan will include the following:
 - a) A sampling strategy that will select specific areas of the APE to be further investigated. The work plan should assess each of the identified sensitive areas with regard to previous disturbances. For those locations identified as sensitive for former city block resources such as foundations and historic shaft features, the specific locations with archaeological potential within the overall lots will be determined to more narrowly focus any archaeological testing.
 - b) Identification of those areas that are believed to be most sensitive for recovering landfill retaining structures across the overall APE.

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- c) A description of the basis for the proposed sampling design, including a tabulation of the various archaeological contexts within the APE and a quantification of the sample fraction for each context.
 - d) Additionally, as part of this project, locations of new sewers will be subjected to geotechnical soil borings in advance of construction. If the data from these soil borings become available prior to creation of the work plan, results of these borings will be analyzed and used to help formulate the archaeological field investigation sampling strategy.
 - e) An Unanticipated Discoveries Protocol. The Phase 1B work plan will include an Unanticipated Discoveries Protocol for human and non-human archaeological resources in the event that any unanticipated archaeological resources are encountered during construction of the project.
 - i. The Unanticipated Discoveries Protocol shall be prepared and submitted to SHPO and LPC for review and approval prior to any project excavation and construction activities. The Unanticipated Discoveries Protocol shall also be submitted for review to the Indian Tribes participating in Section 106 for the project.
2. A report, documenting the findings of the Phase IB archaeological investigations and the project's potential effects on any identified significant resources shall be prepared and submitted to SHPO, LPC, NYC Parks, the Delaware Nation, Delaware Tribe of Indians, Stockbridge-Munsee Community Band of Mohicans, Shinnecock Nation, Municipal Art Society, and New York Landmarks Conservancy for a 30-day review and concurrence

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period. The resulting report should include an assessment of the sensitivity of untested portions of the APE based on the results of the Phase 1B sample and include recommendations for further investigations (including Phase II and Phase III), as needed.

3. Should significant resources be identified, OMB, in consultation with SHPO, LPC, NYC Parks, the Delaware Nation, Delaware Tribe of Indians, Stockbridge-Munsee Community Band of Mohicans, Shinnecock Nation, Municipal Art Society, and New York Landmarks Conservancy will make a Determination of Effect with a 30-day period for the parties to concur or object.
4. Should an Adverse Effect be determined, OMB will notify ACHP and will consider if the resource can be avoided through localized project redesign.
5. If avoidance is not practicable due to engineering or other considerations, OMB, in consultation with SHPO, ACHP, LPC, NYC Parks, the Delaware Nation, Delaware Tribe of Indians, Stockbridge-Munsee Community Band of Mohicans, Shinnecock Nation, Municipal Art Society, and New York Landmarks Conservancy will develop a plan to mitigate adverse impacts through data recovery or alternate mitigation measures. The parties will have a 30-day review and concurrence period. All archaeological investigations will be performed in accordance with the Secretary of the Interior's *Standards and Guidelines for Archaeology* (48 FR 44734-37), ACHP's *Section 106 Archaeological Guidance* (www.achp.gov/archguide), and the New York Archaeological Council's *Standards for Cultural Resource Investigations and Curation of Archaeological Collections* (NYAC 1994).

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6. All cultural resource studies carried out pursuant to this Agreement will be conducted by or under the direct supervision of a person or persons meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 44138-9).
7. All artifacts, notes, and other documentation of archaeological investigations will be curated according to federal (36 CFR 79) and state (NYAC 1994) guidelines.

II. HUMAN REMAINS

Should human remains be encountered, all work in the area must cease and the immediate area secured. Appropriate representatives from OMB must be notified. The New York City Police Department and Office of Chief Medical Examiner must also be contacted. Human remains must be treated with respect and care. The SHPO Human Remains Discovery Protocol (August 2018) will be implemented (see **Exhibit E**). Section D, "Burials and Human Remains: Detailed Discovery Procedures" of LPC's 2018 Guidelines for Archaeological Work in New York City will also be followed.

III. DESIGN REVIEW

1. At the northern end of the APE, floodwalls and closure structures would be constructed along the east and north sides of the Asser Levy Public Baths (National Register-listed, New York City Landmark). Therefore, OMB will coordinate the design of these project elements with SHPO and LPC in an effort to design them—in terms of proportions and finishes—so that they are compatible with the historic property. The design of these walls will be undertaken in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. OMB will submit the preliminary and pre-final design plans for the floodwalls and closure structures that would be constructed along the east and

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north sides of the Asser Levy Public Baths to SHPO and LPC for review. SHPO and LPC will respond within 30 calendar days or earlier to the design plans at each stage of completion. If SHPO or LPC make substantive comments during the preliminary and pre-final design review, SHPO or LPC may request the opportunity to review the final design plans.

2. The preliminary and pre-final design plans will be made available to the Municipal Art Society and New York Landmarks Conservancy at the time such preliminary and pre-final design plans are submitted to SHPO and LPC, along with instructions regarding how they may submit comments on such plans. The Municipal Art Society and New York Landmarks Conservancy shall have 30 days to comment on the plans.
3. In the event that SHPO or LPC find that the design of the floodwalls and closure structures are not compatible with the Asser Levy Public Baths, OMB shall consult with SHPO, LPC, and the other parties to negotiate design measures that are compatible with the historic resource.

IV. CONSTRUCTION PROTECTION PLANS

1. Prior to construction, OMB, in consultation with SHPO and LPC, will develop and implement Construction Protection Plans for 13 Historic Properties (identified below) to avoid inadvertent construction-period damage from ground-borne vibrations, falling debris, collapse, dewatering, subsidence, or construction equipment. (The remaining 4 of the 17 Historic Properties within the APE are not located close enough to project construction—within 90 feet—to potentially experience inadvertent construction-related damage.) The Construction Protection Plans will include provisions that the construction

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manager will follow to evaluate potential adverse effects on the Historic Properties. These provisions will include protective measures such as monitoring during construction to detect vibration or other physical impact. The plans would follow the guidelines of the New York City Department of Building's *Technical Policy and Procedure Notice #10/88*, which "requires a monitoring program to reduce the likelihood of construction damage to adjacent historic structures and to detect at an early stage the beginnings of damage so that construction procedures can be changed." The Construction Protection Plans will also be prepared in accordance with LPC's guidance document *Protection Programs for Landmarked Buildings* and the National Park Service's *Preservation Tech Notes, Temporary Protection #3: Protecting a Historic Structure during Adjacent Construction*.

2. The Historic Properties to be included in the Construction Protection Plans are: the FDR Drive (National Register-eligible); Williamsburg Bridge (National Register-eligible); East River Bulkhead (National Register-eligible); Engine Co. 66 Fireboat House (National Register-eligible); Gouverneur Hospital (National Register-listed); Gouverneur Hospital Dispensary (National Register-eligible); a portion of the Vladeck Houses within the Lower East Side Historic District (National Register-listed); Bernard Baruch Houses (National Register-eligible); Asser Levy Public Baths (National Register-listed, New York City Landmark), East River Housing Cooperative (National Register-eligible), Jacob Riis Houses (National Register-eligible); Stuyvesant Town (National Register-eligible); and Peter Cooper Village (National Register-eligible).

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3. OMB shall ensure that all appropriate Historic Properties are included in the Construction Protection Plans and thereafter ensure that the provisions of the Construction Protection Plans are included in the Construction Documents and implemented by the project contractors.
4. The Construction Protection Plans will be submitted to SHPO, LPC, NYC Parks, Municipal Art Society, and New York Landmarks Conservancy for a 30-day review and comment period.
5. Construction adjacent to the FDR Drive would be coordinated with the New York City Department of Transportation to ensure that it is protected during project construction.

V. DISPUTE RESOLUTION

Should any party to this Agreement object in writing to OMB regarding any action carried out or proposed with respect to the project or to the implementation of this Agreement, OMB shall consult with the objecting party to resolve this objection.

If after initiating consultation OMB determines within 30 days that the objection cannot be resolved through consultation, OMB shall forward all documentation relevant to the objection to ACHP, including OMB's proposed response to the objection.

Within 30 days after receipt of all pertinent documentation, ACHP shall exercise one of the following options:

- A. Advise OMB that ACHP concurs with its proposed response to the objection, whereupon OMB will be respond to the objection accordingly;

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- B. Provide OMB with recommendations, which OMB shall take into account in reaching a final decision regarding its response to the objection; or
- C. Notify OMB that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4) and proceed to refer the objection and comment. OMB shall take the resulting comment into account in accordance with 36 CFR 800.7(c)(4).

VI. REVIEW OF PUBLIC OBJECTIONS

At any time during implementation of the measures stipulated in this Agreement, should any objection to any such measure or its manner of implementation be raised by a member of the public, OMB shall take the objection into account, notify SHPO of the objection, and consult as needed with the objecting party, SHPO, or ACHP to seek resolution of the objection.

VII. REPORTING AND OVERSIGHT

1. OMB will provide to SHPO, LPC, NYC Parks, Municipal Art Society, and New York Landmarks Conservancy all final reports, studies, and construction protection plans resulting from this Agreement.
2. SHPO and LPC shall provide written concurrence or comments within 30 calendar days of receipt of draft and final reports, studies, and construction protection plans. If no comments are received, OMB shall consider SHPO and/or LPC in concurrence.
3. Concurring parties to this Agreement shall provide written comments within 30 days of receipt of any final reports, studies, and construction protection plans provided for their review. OMB shall take all written comments into consideration.
4. OMB shall maintain records of all activities undertaken pursuant to this Agreement.

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5. On or before [date] of each year, until this Agreement expires or is terminated, OMB shall provide all parties to the Agreement and LPC a summary report detailing all work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received while carrying the terms of this Agreement.

VIII. DURATION, AMENDMENT, AND TERMINATION

- A. This Agreement shall take effect on the date it is signed by the last signatory, and will remain in effect until December 31, 2025.
- B. This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII.B, above. If within 30 days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories. Once the Agreement is terminated, and prior to work continuing on the undertaking, OMB must either (a) execute a new agreement pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. OMB shall notify the signatories as to the course of action it will pursue.

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EXECUTION OF THIS PROGRAMMATIC AGREEMENT and implementation of its Stipulations evidences that OMB, SHPO, and ACHP have taken into account the effects of the project on Historic Properties and afforded the ACHP an opportunity to comment on those effects.

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APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New York City Office of Management and Budget,

The New York State Historic Preservation Office, and

The Advisory Council on Historic Preservation

Regarding

The East Side Coastal Resiliency Project

New York City, New York

NYC OFFICE OF MANAGEMENT AND BUDGET

By: _____

Name:

Title:

Date: _____

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APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New York City Office of Management and Budget,

The New York State Historic Preservation Office, and

The Advisory Council on Historic Preservation

Regarding

The East Side Coastal Resiliency Project

New York City, New York

NEW YORK STATE HISTORIC PRESERVATION OFFICE

By: _____

Name:

Title:

Date: _____

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APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New York City Office of Management and Budget,

The New York State Historic Preservation Office, and

The Advisory Council on Historic Preservation

Regarding

The East Side Coastal Resiliency Project

New York City, New York

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____

Name:

Title:

Date: _____

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INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New York City Office of Management and Budget,

The New York State Historic Preservation Office, and

The Advisory Council on Historic Preservation

Regarding

The East Side Coastal Resiliency Project

New York City, New York

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

By: _____

Name:

Title:

Date: _____

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INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New York City Office of Management and Budget,

The New York State Historic Preservation Office, and

The Advisory Council on Historic Preservation

Regarding

The East Side Coastal Resiliency Project

New York City, New York

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

By: _____

Name:

Title:

Date: _____

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INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New York City Office of Management and Budget,

The New York State Historic Preservation Office, and

The Advisory Council on Historic Preservation

Regarding

The East Side Coastal Resiliency Project

New York City, New York

MUNICIPAL ART SOCIETY

By: _____

Name:

Title:

Date: _____

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INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New York City Office of Management and Budget,

The New York State Historic Preservation Office, and

The Advisory Council on Historic Preservation

Regarding

The East Side Coastal Resiliency Project

New York City, New York

THE NEW YORK LANDMARKS CONSERVANCY

By: _____

Name:

Title:

Date: _____

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EXHIBIT A – PROJECT LOCATION

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 *Proposed Project Area*

0 1 MILES


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EXHIBIT B – INVITED CONSULTING PARTIES

- 1. New York City Landmarks Conservancy**
- 2. Historic Districts Council**
- 3. Lower East Side Preservation Initiative**
- 4. Greenwich Village Society for Historic Preservation**
- 5. Preservation League of New York State**
- 6. Municipal Art Society**
- 7. Professional Archaeologists of New York City**

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EXHIBIT C – AREAS OF POTENTIAL EFFECT

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Source: NYC Landmarks Preservation Commission, NYS OPRHP

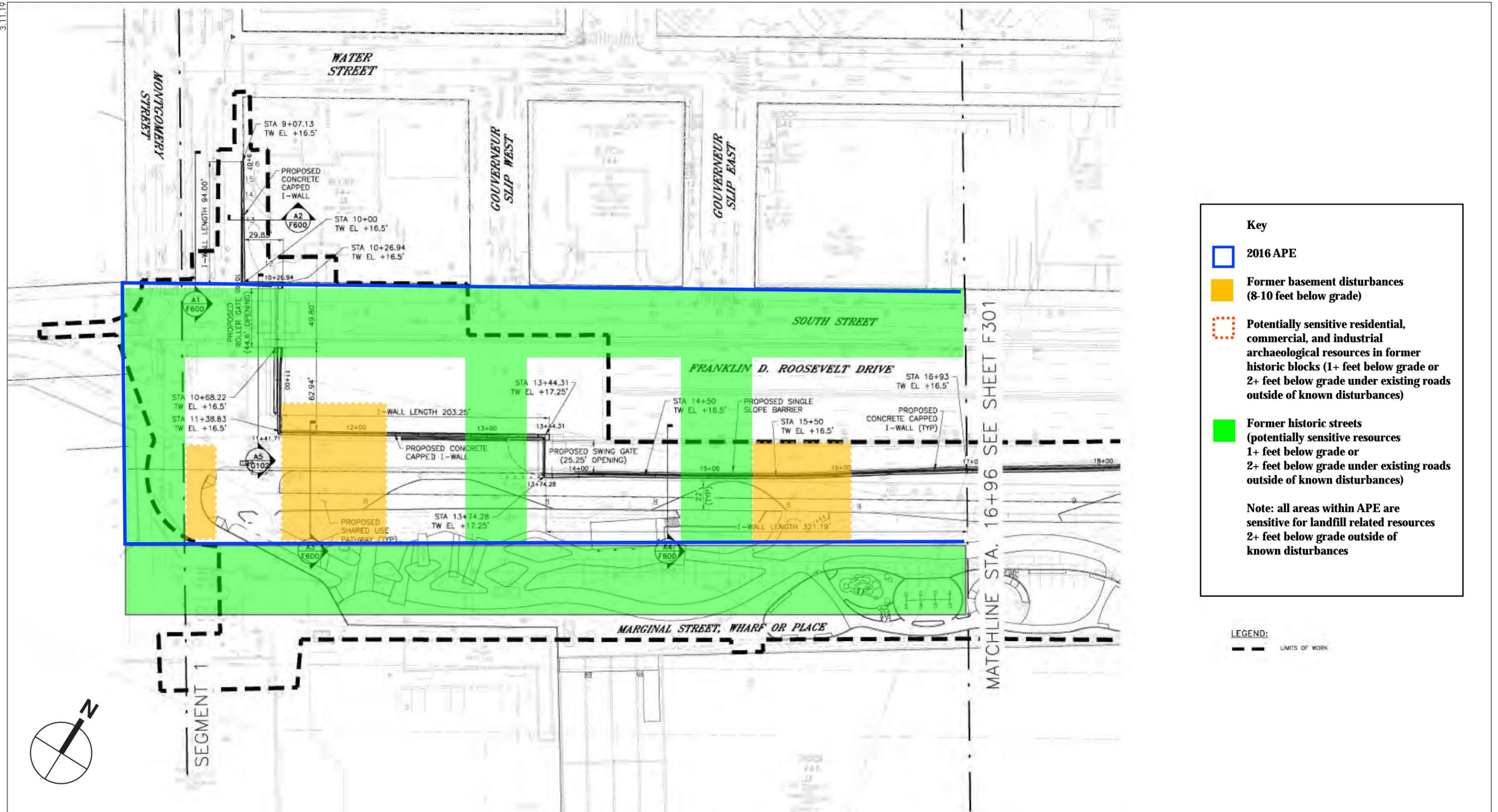


- Project Area One
- Project Area Two
- Primary (400-foot) APE
- Secondary APE

Known Historic and Cultural Resources

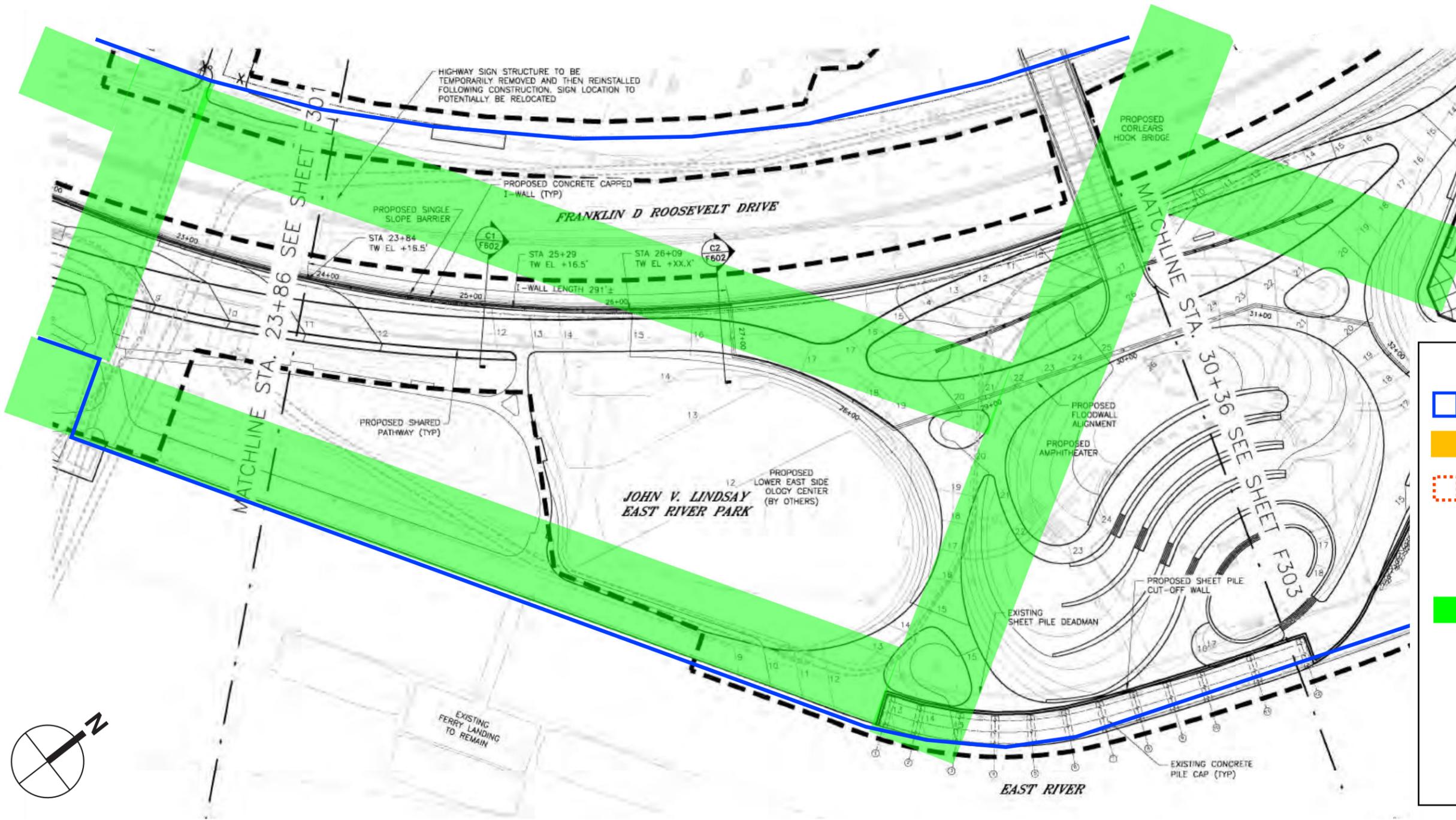
- East 10th Street Historic District (NYCL, S/NR-eligible)
- Lower East Side Historic District and Extension (S/NR)
- Stuyvesant Square Historic District (NYCL, S/NR)
- FDR Drive (S/NR)
- Individual Architectural Resources

0 1,000 FEET



Montgomery Street to Gouverneur Slip East
 Area of Potential Effect – Montgomery to Rivington Streets
 Areas of Archaeological Sensitivity
Figure 5.4-2a



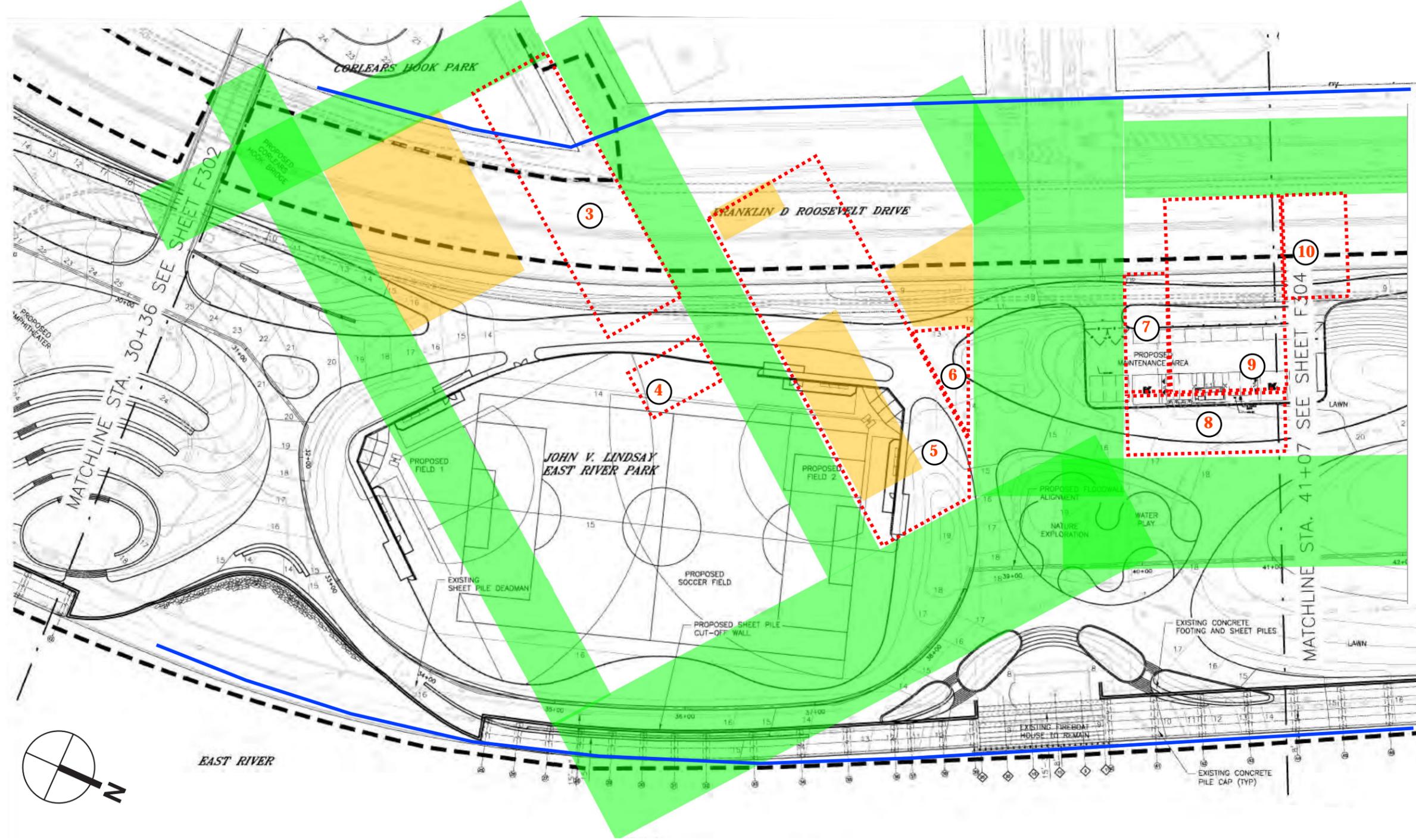


Key

- 2016 APE
- Former basement disturbances (8-10 feet below grade)
- Potentially sensitive residential, commercial, and industrial archaeological resources in former historic blocks (1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)
- Former historic streets (potentially sensitive resources 1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)

Note: all areas within APE are sensitive for landfill related resources 2+ feet below grade outside of known disturbances

LEGEND:
 LIMITS OF WORK



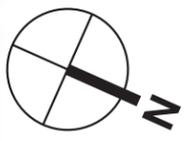
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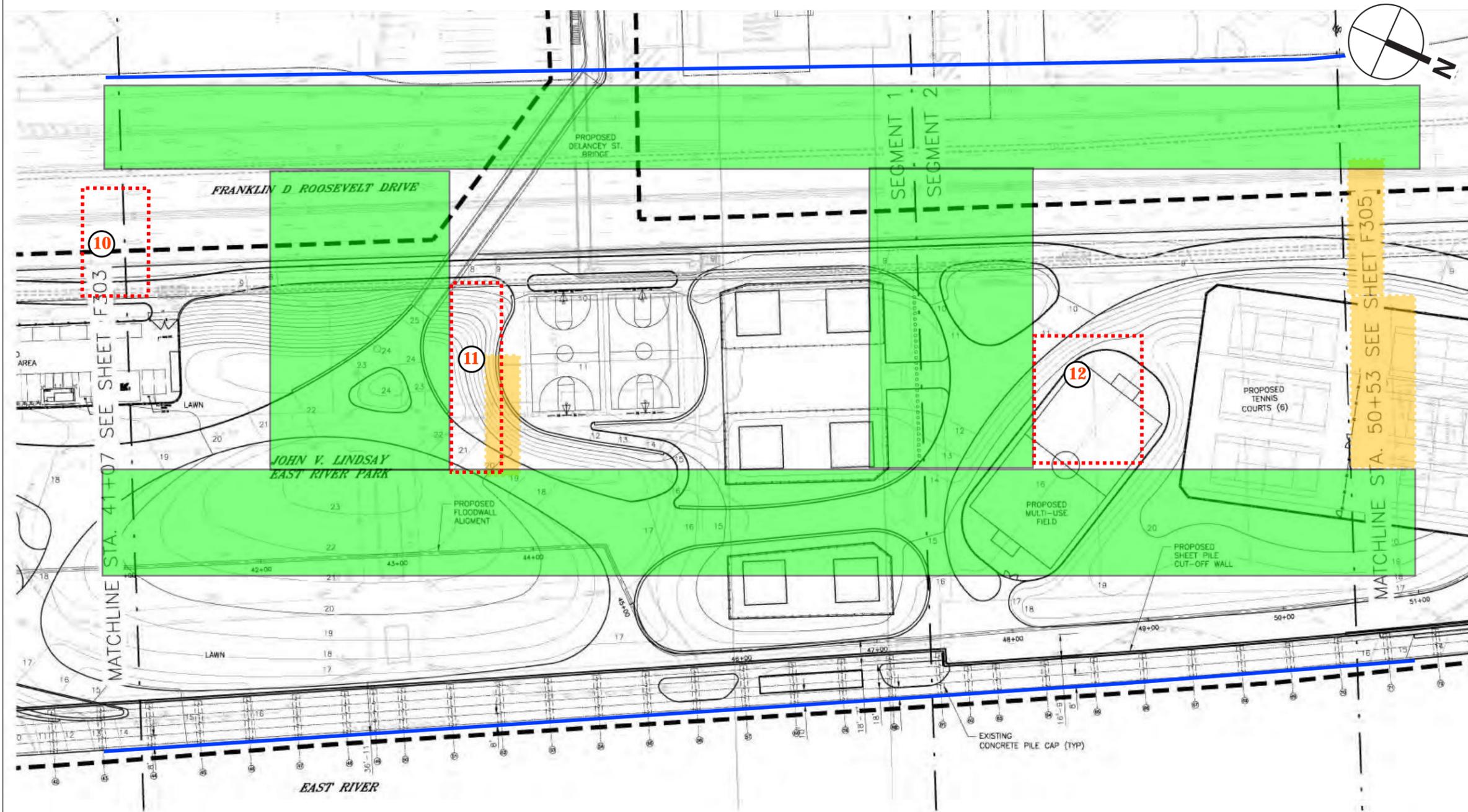
- 2016 APE
- Former basement disturbances (8-10 feet below grade)
- Potentially sensitive residential, commercial, and industrial archaeological resources in former historic blocks (1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)
- Former historic streets (potentially sensitive resources 1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)

Note: all areas within APE are sensitive for landfill related resources 2+ feet below grade outside of known disturbances

LEGEND:

- LIMITS OF WORK



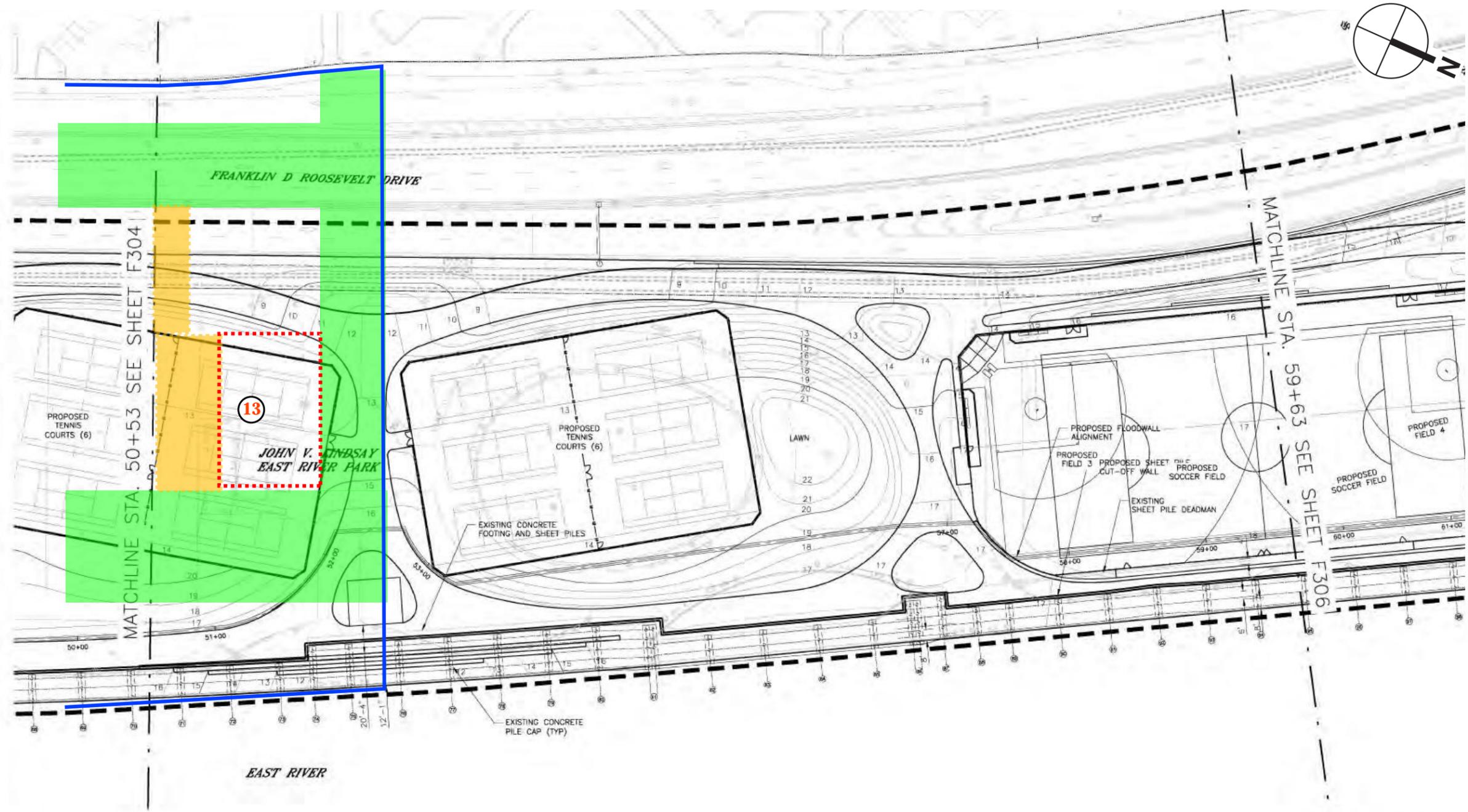


Key

- 2016 APE
- Former basement disturbances (8-10 feet below grade)
- Potentially sensitive residential, commercial, and industrial archaeological resources in former historic blocks (1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)
- Former historic streets (potentially sensitive resources 1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)

Note: all areas within APE are sensitive for landfill related resources 2+ feet below grade outside of known disturbances

LEGEND:
 LIMITS OF WORK



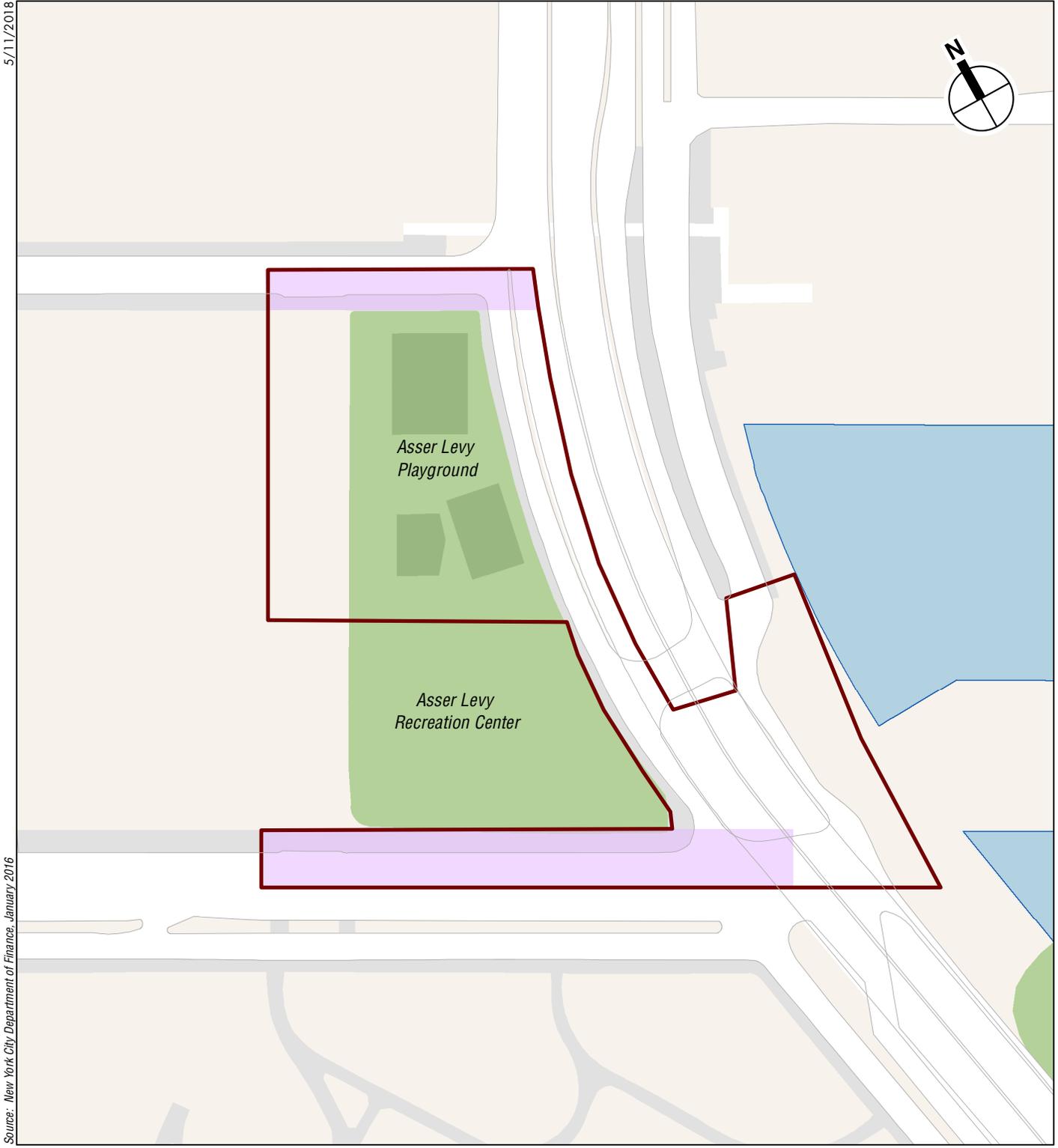
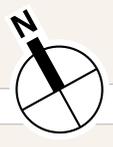
Key

- 2016 APE
- Former basement disturbances (8-10 feet below grade)
- Potentially sensitive residential, commercial, and industrial archaeological resources in former historic blocks (1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)
- Former historic streets (potentially sensitive resources 1+ feet below grade or 2+ feet below grade under existing roads outside of known disturbances)

Note: all areas within APE are sensitive for landfill related resources 2+ feet below grade outside of known disturbances

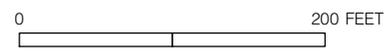
LEGEND:
 LIMITS OF WORK

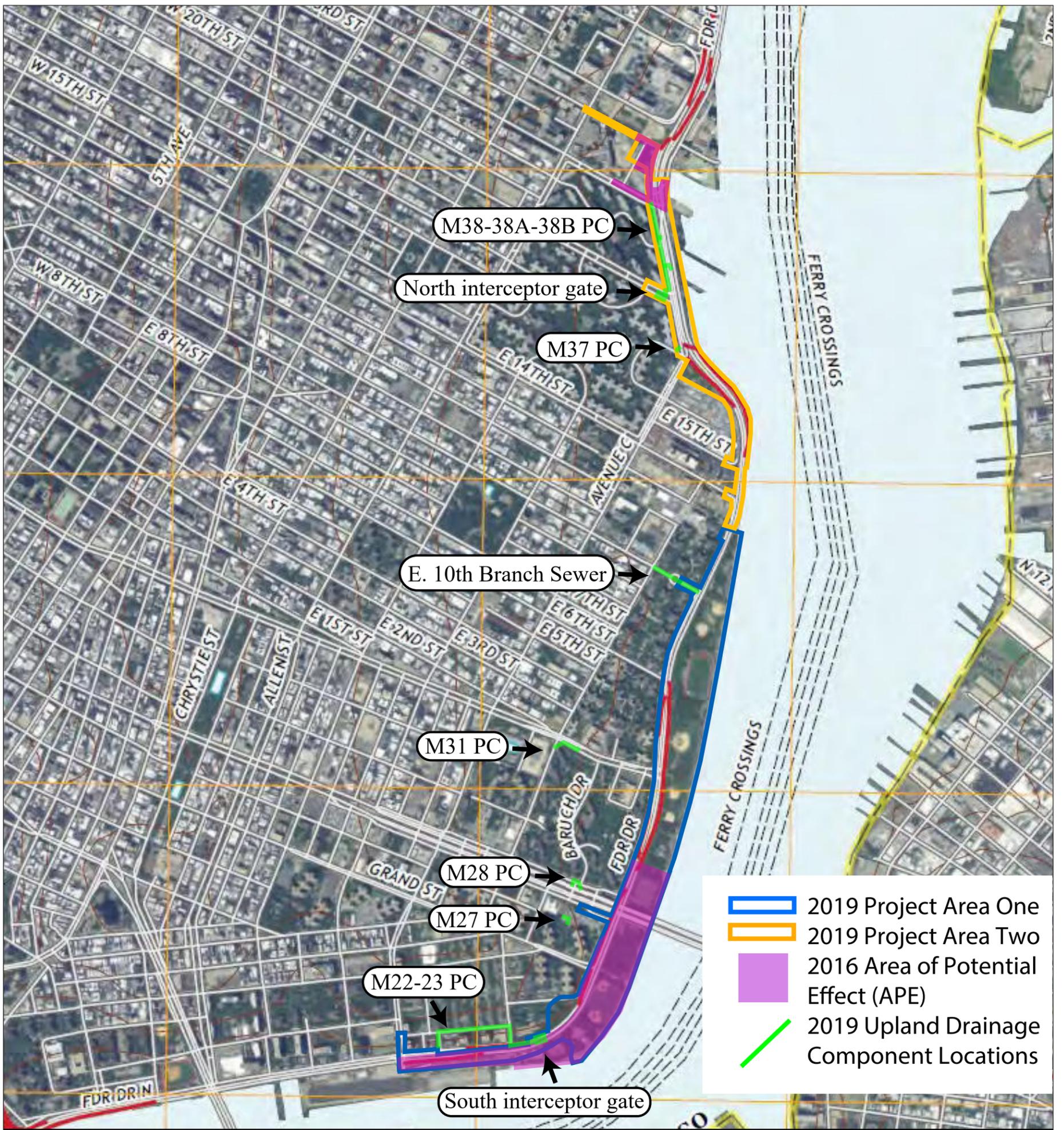
5/11/2018



Source: New York City Department of Finance, January 2016

-  APE
-  Archaeologically Sensitive Area (1+ Feet Below Grade)





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Rivington Street
 Area of Potential Effect – Montgomery to Rivington Streets
 Upland Drainage Components
Figure 5.4-3

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EXHIBIT D – HISTORIC PROPERTIES IN THE APE

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APE—Historic Properties

Map Ref. Letter #	Name/Type	Address/Location	NHL	S/NR	S/NR-eligible	NYCL-eligible	NYCL
Project Area One							
1	FDR Drive	Battery Park underpass to East 125th Street			X		
2	Williamsburg Bridge	Across East River Park at Delancey Street			X		
3	East River Bulkhead	Whitehall to Jackson Streets			X		
4	Engine Co. 66 Fireboat House	East River Park near Grand Street			X		
Project Area Two							
1	FDR Drive	Battery Park underpass to East 125th Street			X		
400-Foot Study Area							
5	Former Gouverneur Hospital	621 Water Street		X			
6	Gouverneur Hospital Dispensary	2 Gouverneur Slip East			X		
7	Lower East Side Historic District	Bounded by East Houston, Essex, Allen, and Division Streets, with blocks on East Broadway and Henry and Madison Streets		X		X	
8	Henry Street Settlement Buildings	263-267 Henry Street and 281 East Broadway		X			X
9	Baruch Houses	Bounded by FDR Drive, East Houston, Delancey, and Columbia Streets			X		
10	Public School 97 (Bard High School)	525 East Houston Street			X		
11	Lavanburg Homes	126 Baruch Place			X		
12	Asser Levy Public Baths	384 Asser Levy Place		X			X
13	East River Housing Cooperative	Bounded by FDR Drive, and Delancey, Lewis, Jackson and Cherry Streets			X		
14	Rivington Street Baths	Located within Baruch Houses			X	X	
15	Jacob Riis Houses	Bounded by FDR Drive, Avenue D, and East 6th and East 14th Streets			X		
16	Stuyvesant Town	Bounded by First Avenue, East 14th and East 20th Streets, Avenue C, and FDR Drive			X		
17	Peter Cooper Village	Bounded by First Avenue, East 20th and East 23rd Streets, and FDR Drive			X		
Notes:							
NHL: National Historic Landmark							
S/NR: Listed on the State and National Registers of Historic Places.							
S/NR-eligible: Officially determined eligible for listing on the State and National Registers of Historic Places.							
NYCL: New York City Landmark							
Heard: Application has been heard at the NYC Landmarks Preservation Commission.							
NYCL-eligible: Determined to appear eligible for designation as a NYCL.							
Sources: New York State Office of Parks, Recreation, and Historic Preservation Cultural Resource Information System (CRIS), https://cris.parks.ny.gov/Login.aspx?ReturnUrl=%2f ; NYCityMap, http://gis.nyc.gov/doit/nycitymap/ ; Lower Manhattan Development Corporation, <i>East River Waterfront Esplanade and Piers Final Environmental Impact Statement (FEIS)</i> , May 18, 2007; NYCEDC, <i>Seward Park Mixed-Use Development Project FEIS</i> , August 10, 2012; Field surveys, July 2015; SHPO letter dated April 25, 2016.							

DRAFT

EXHIBIT E – SHPO HUMAN REMAINS DISCOVERY PROTOCOL

DRAFT

**State Historic Preservation Office/
New York State Office of Parks, Recreation and Historic Preservation
Human Remains Discovery Protocol
(August 2018)**

If human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented:

- Human remains must be treated with dignity and respect at all times. Should human remains or suspected human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if they are human.
- No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if the remains are Native American or non-Native American.
- If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.
- To protect human remains from possible damage, the SHPO recommends that burial information not be released to the public.