

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Availability of Final Environmental Impact Statement (FEIS) for the East Side Coastal Resiliency (ESCR) Project in the City of New York, New York

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Availability.

SUMMARY: The New York City Office of Management and Budget (OMB) and the New York City Department of Parks and Recreation (NYC Parks), announce the release of the Final Environmental Impact Statement (FEIS) for the East Side Coastal Resiliency (ESCR) Project (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. CDBG-DR funding requires compliance with the National Environmental Policy Act (NEPA) as stated in HUD's regulations outlined in 24 CFR Part 58. The Proposed Project is also subject to the Council of Environmental Quality (CEQ) 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) and NEPA (42 USC §§ 4321 et seq.), HUD has designated OMB as the Lead Agency to prepare the EIS for the Proposed Project. NYC Parks has been designated as the Lead Agency in accordance with the New York State Environmental Quality Act (SEQR) and New York City Environmental Quality Act (CEQR).

The Proposed Project is located along the east side of Manhattan and includes portions of the Lower East Side and East Village neighborhoods, Stuyvesant Town, Peter Cooper Village, as well as East River Park and Stuyvesant Cove Park, New York City.

FEIS: OMB and NYC Parks have prepared a FEIS for the Proposed Project.

The FEIS 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 in the **SUPPLEMENTARY INFORMATION** section below.

AVAILABILITY OF THE FEIS: The FEIS is available for public comment for a period of 30 days ending on October 15, 2019 by 5:00 PM. Electronic copies of the FEIS are available for public review on the following websites: <http://www.nyc.gov/cdbgdrr> or <http://www.nyc.gov/parks/escr>. Paper copies of the FEIS 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
- New York Public Library – Seward Park Branch, 192 East Broadway, New York, NY 10002
- New York Public Library – Epiphany Branch, 228 East 23rd Street, New York, NY 10010

DATES AND PUBLIC COMMENT: The FEIS will be available at the locations identified in the **AVAILABILITY OF THE FEIS** section starting on September 13, 2019. This date is the beginning of the public comment period. Any person wishing to comment on the FEIS may do so. The public comment period will be 30 days. All comments and related material must be submitted on or before October 15, 2019 by 5:00 PM, using one of the methods in the **ADDRESSES** section of this NOA. Additional comments received on the FEIS will be addressed in the Record of Decision (ROD).

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

- (1) Email: 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, 8th 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.

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this notice, write or e-mail Calvin Johnson, Assistant Director CDBG-DR, New York Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, New York 10007, email CDBGDR-Enviro@omb.nyc.gov.

SUPPLEMENTARY INFORMATION:

Project Description:

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.

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 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 sewer infrastructure, some of which is reaching the end of its serviceable life, 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 within the East River Park shoreline to maximize park user access to the water’s edge and to allow for siting of active recreation fields within the park.

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.

CHANGES SINCE RELEASE OF DEIS: The FEIS addresses all substantive comments made on the DEIS since its publication, during the public hearing, and in the subsequent comment period. Those comments are summarized and responded to in the FEIS. Changes to the text and graphics from the DEIS have been made in the FEIS, as necessary, in response to those comments. In addition to the response to comments chapter, the principal changes between the DEIS and FEIS include the following:

- Since the issuance of the DEIS, the City has been evaluating and refining the design for the proposed project. Where appropriate, the FEIS has been updated to reflect the design and programmatic changes to the proposed project, including advanced design of relocated embayments and the bulkhead;
- Project Area One boundary has been extended to include the East River Park Compost Yard. All relevant figures included in the FEIS have been updated to reflect this change;
- Chapter 3.0, “Process, Coordination, and Public Participation” has been revised to include community engagement meetings held since the publication of the DEIS;
- Chapter 5.5, “Urban Design and Visual Resources,” has been revised to include updated renderings of the proposed project;
- Chapter 5.6, “Natural Resources,” has been revised to include a description of the additional ecological benefits related to embayment relocation and updates to terrestrial resources based on advanced design;
- Chapter 5.7, “Hazardous Materials,” has been revised to summarize the additional supplemental investigations performed for the Preferred Alternative;
- Chapter 6.0, “Construction Overview,” has been revised to include language on soil sources and the potential for the FDR Drive near Houston Street as a second access/egress point to East River Park during construction;
- Chapter 6.2, “Construction—Open Space,” has been revised to account for further commitments made by NYC Parks regarding mitigation measures;
- Chapter 6.9, “Construction—Transportation,” has been revised to include additional details on the potential bicyclist/pedestrian rerouting plan during construction;
- Chapter 6.11, “Construction – Greenhouse Gas,” has been revised to include details about the ENVISION process and an expanded discussion on construction waste;
- Chapter 6.12, “Construction—Noise and Vibration,” has been revised to incorporate mitigation measures developed after publication of the DEIS;
- Chapter 6.13, “Construction – Public Health,” has been revised to include an expanded discussion on Executive Order 13045 (Protection of Children from Environmental Health and Safety Risks)
- Appendix C has been updated to replace the conceptual design drawings with preliminary design drawings;
- Appendix E has been updated to include a draft Programmatic Agreement under the Section 106 process;
- Appendix G has been updated to include additional National Oceanic and Atmospheric Administration (NOAA) consultation;
- Appendix I has been updated to include additional tree inventory gathered due to minor changes in the project boundaries;
- Appendix M has been created to include the comments received during the public comment period for the DEIS.

- Appendix N has been created to include the consultation letter from New York State Office of Parks, Recreation and Historic Preservation on Land and Water Conservation Fund (LWCF).

The FEIS identifies several potential environmental impacts associated with the Preferred Alternative including but not limited to, the following: urban design and visual resources, natural resources, temporary construction effects on the availability of open space resources, and noise and vibration effects related to construction of the proposed project.

In compliance with Section 106 of the National Historic Preservation Act, OMB and NYC Parks has consulted with the NY State Historic Preservation Office and The Advisory Council on Historic Preservation to develop a Programmatic Agreement (PA), which outlines measures to document the presence or absence of Historic Properties within the project's area of potential effect (APE). The PA defines avoidance, minimization, and mitigation measures and the development of a cultural resources management protection plan to manage and protect affected cultural resources. In addition, monitoring of construction activities may be conducted to document the project's potential impact to archaeological resources.

A consultation with National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA NMFS) was reinitiated to reflect the Preferred Alternative as required by the Fish and Wildlife Coordination Act (FWCA), Magnuson Stevens Fishery Conservation and Management Act, the Endangered Species Act, and the Clean Water Act. A response letter dated August 15, 2019 indicated NOAA NMFS's concurrence that the project would not result in substantial impacts to essential fish habitat (EFH) and FWCA species with the implementation of conservation measures. Due to these conservation measures, in addition to the limited extent of adverse effects within the East River and the proposed mitigation strategy, the Preferred Alternative is unlikely to result in significant adverse effects to wetland resources, threatened, endangered or special concern species, EFH, FWCA trust resources managed by NOAA NMFS, or surface water resources. No significant adverse effects to other existing natural resources are anticipated.