

## **A. INTRODUCTION AND BACKGROUND**

To satisfy Executive Order 12898 (EO 12898), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), this environmental justice (EJ) analysis has been prepared to identify and address any disproportionate and adverse impacts on minority or low-income populations that could result from the Proposed Action. In addition, this EJ analysis was prepared pursuant to the U.S. Department of Housing and Urban Development (HUD) regulations found at 24 CFR Parts 50 and 58, which mandate compliance with Executive Order 12898 for HUD and/or HUD applicants.

EO 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. For the Proposed Action, this requirement has been satisfied by the review process for this Draft Environmental Impact Statement (DEIS) under the National Environmental Policy Act (NEPA).

This chapter analyzes the Proposed Action's potential effects on minority and low-income populations, to determine if disproportionately high and adverse impacts on those populations would result. This EJ analysis assesses the potential effects of the Proposed Action over the full range of environmental and health effects on minority and low-income populations.

In summary, the principal conclusion of the analysis is that the Proposed Action is not expected to result in any disproportionately high and adverse effects on minority and low-income populations and no environmental justice concerns are expected with the Proposed Action.

## **B. METHODOLOGY**

The environmental justice analysis for the Proposed Action follows the guidance and methodologies recommended in the federal Council on Environmental Quality's *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997), as summarized below.

### **CEQ GUIDANCE**

The federal Council on Environmental Quality (CEQ), which has oversight of the federal government's compliance with Executive Order 12898 and NEPA, developed its guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed.

The CEQ methodology involves collecting demographic information on the area where the project may cause significant adverse effects; identifying low-income and minority populations in that area using census data; and identifying whether the project's adverse effects are disproportionately high on the low-income and minority populations in comparison to those on

other populations. Mitigation measures should be developed and implemented for any disproportionately high and adverse effects. Under NEPA, the potential for disproportionately high and adverse effects on minority and/or low-income populations should then be one of the factors the federal agency considers in making its finding on a project and issuing a Finding of No Significant Impact or a Record of Decision.

### METHODOLOGY USED FOR THIS ASSESSMENT

The assessment of environmental justice for the Proposed Action was based on CEQ guidance, as described above. It involved four basic steps:

1. Identify the area where the project may cause significant and adverse effects (i.e. the study area);
2. Compile population and economic characteristics for the study area and identify potential environmental justice areas (i.e. minority or low-income communities);
3. Identify the Proposed Action's potential adverse effects on minority and low-income communities; and
4. Evaluate the Proposed Action's potential adverse effects on minority and low-income communities relative to its overall effects to determine whether any potential adverse impacts on those communities would be disproportionate.

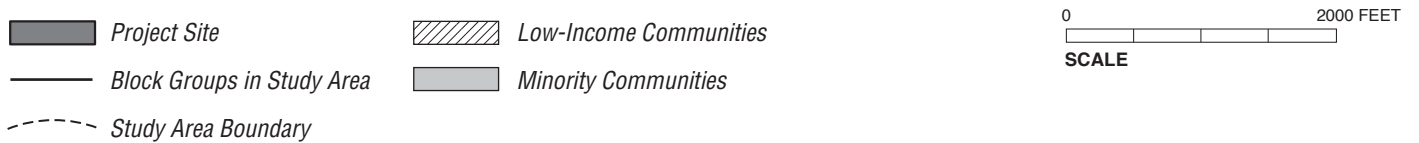
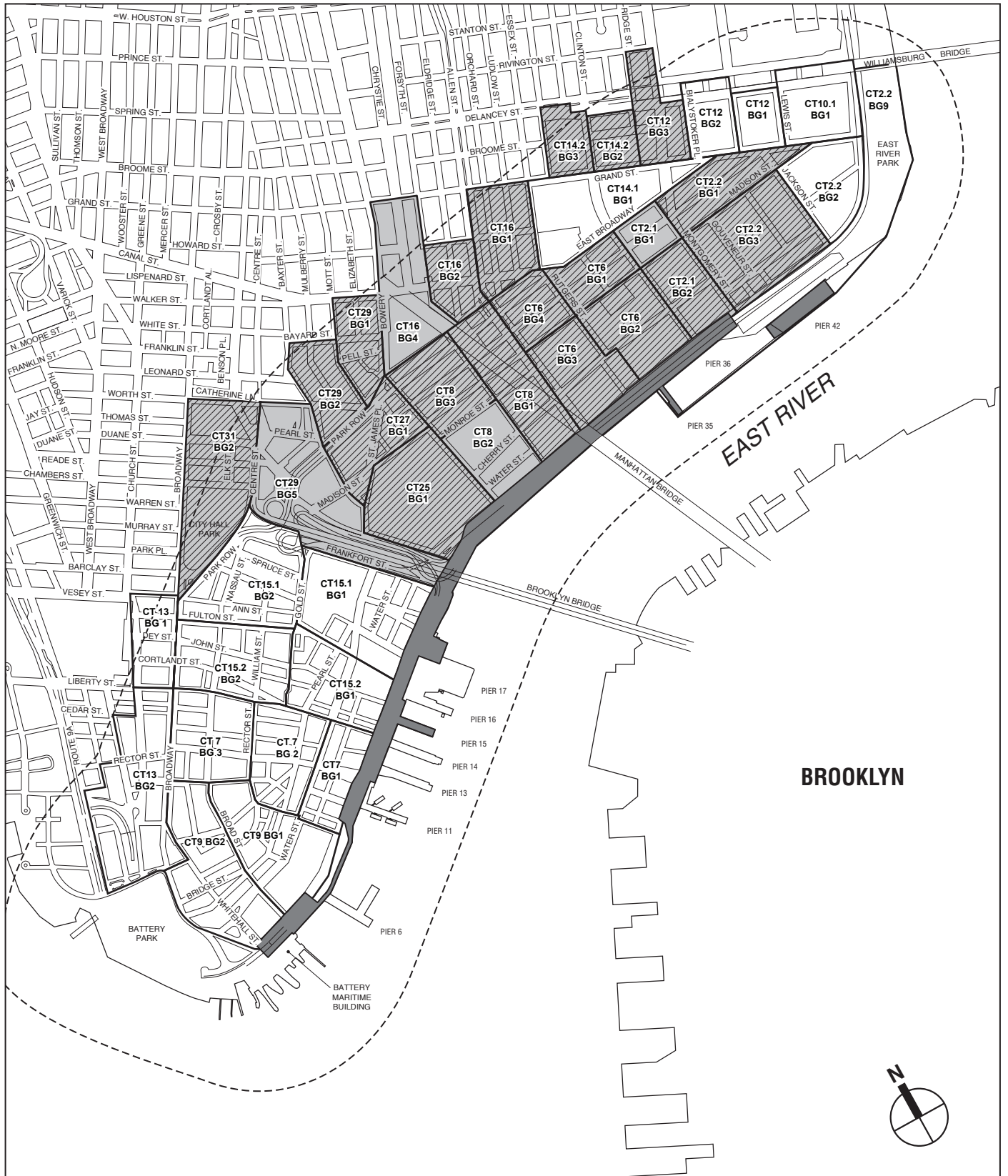
### DELINEATION OF STUDY AREA

The study area for environmental justice encompasses the area most likely to be affected by the Proposed Action and considers the area where potential impacts resulting from construction and operation of the Proposed Action could occur. The study area for environmental justice includes the census block groups that are at least 50 percent within the area of potential effect, which is generally the area within a ½-mile of the Proposed Action site, based on the other impact analyses included in this DEIS. As shown in Figure 17-1, the study area includes 40 census block groups.

### IDENTIFICATION OF POTENTIAL ENVIRONMENTAL JUSTICE AREAS

Data on race, ethnicity, and poverty status were gathered from the U.S. Census Bureau's *Census 2000* for the 40 census block groups within the study area, and then aggregated for the study area as a whole. For comparison purposes, data for Manhattan and New York City were also compiled. Based on census data and CEQ guidance (described above), potential environmental justice areas were identified as follows:

- *Minority communities:* CEQ guidance defines minorities to include American Indians or Alaskan Natives, Asian and Pacific Islanders, African Americans or Black persons, and Hispanic persons. This EJ analysis also considers minority populations to include persons who identified themselves as being either "some other race" or "two or more races" in the *Census 2000*. Following CEQ guidance, minority communities were identified where the minority population of the affected area exceeds 50 percent.
- *Low-income communities:* The percent of individuals living below poverty level in each census block group, also available in *Census 2000*, was used to identify low-income populations. Because CEQ guidance does not specify a threshold for identifying low-income communities, all census block groups with a low-income population percentage that is



**Environmental Justice Study Area**  
Figure 17-1

meaningfully greater than in Manhattan—the Proposed Action’s primary statistical reference area—were considered low-income communities. In Manhattan, approximately 20 percent of the total population is living below the federal poverty threshold, so any block group with a low-income population equal to or greater than 25 percent was considered a low-income community.

### **C. ENVIRONMENTAL JUSTICE POPULATIONS IN THE STUDY AREA**

The environmental justice study area includes 40 census block groups, as shown in Figure 17-1. Table 17-1 details the study area’s population and economic characteristics in terms of race, ethnicity, and poverty status. The study area had a total population of 74,087 in 2000, or approximately 5 percent of the total population in Manhattan. About half of the study area’s population identified themselves as Asian, making up the largest racial or ethnic group in the study area. Approximately 77 percent of the residents of this study area are minority—a substantially larger proportion than in Manhattan (54 percent) and the City as a whole (65 percent). Because the study area’s total minority percentage exceeds CEQ’s 50 percent threshold, the study area as a whole is considered a minority community. Moreover, 24 of the individual block groups in the study area have minority populations that exceed the 50 percent threshold, ranging from 77 percent to 99 percent.

In addition, half of the block groups in the study area have low-income population percentages that are meaningfully greater than in Manhattan and the City as a whole, ranging from 27 percent to 100 percent. Overall, the study area has a low income population of 27 percent and is, therefore, considered a low-income community.

In summary, minority representation in the study area exceeds the 50 percent minority threshold and the study area’s low-income population exceeds 25 percent. Therefore, the entire study area is considered a potential environmental justice area. Further, more than half of the study area’s block groups are considered potential environmental justice communities. The minority and low-income communities identified in this analysis are generally located in the central portion of the study area and do not include any portion of the project site. It should also be noted that construction of the Proposed Action will not occur in any block group with a residential population.

### **D. PUBLIC PARTICIPATION**

EO 12898 requires federal agencies to work to ensure greater public participation in the decision-making process. In addition, CEQ guidance suggests that federal agencies should acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation.

The Proposed Action’s public outreach and participation component required by EO 12898 has been satisfied by the review process for this DEIS under NEPA. Under NEPA, federal agencies are required to encourage early and meaningful public participation in the decision making process.

To this end, the Lower Manhattan Development Corporation (LMDC), in cooperation with City agencies including the New York City Economic Development Corporation (EDC) and the

**Table 17-1**  
**Study Area Population and Economic Characteristics**

Census Tract (CT)/ Block Group (BG)	Population (2000)												Economic Profile (1999)
	2000 Total	Race and Ethnicity*										Total Minority (%)	Individuals Below Poverty Level (%)**
		White	%	Black	%	Asian	%	Other	%	Hispanic	%		
CT 2.1 BG 1	1,241	106	9	32	3	981	79	18	1	104	8	91	24
CT 2.1 BG 2	2,088	47	2	251	12	457	22	54	3	1,279	61	98	34
CT 2.2 BG 1	768	156	20	120	16	185	24	16	2	291	38	80	37
CT 2.2 BG 2	1,934	1,141	59	156	8	86	4	69	4	482	25	41	14
CT 2.2 BG 3	4,135	519	13	557	13	938	23	133	3	1,988	48	87	34
CT 2.2 BG 9	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	N/A	N/A
CT 6 BG 1	3,061	149	5	21	1	2,558	84	193	6	140	5	95	36
CT 6 BG 2	4,093	132	3	498	12	1,713	42	40	1	1,710	42	97	36
CT 6 BG 3	2,757	100	4	315	11	1,350	49	54	2	938	34	96	32
CT 6 BG 4	2,365	81	3	8	0	2,206	93	45	2	25	1	97	32
CT 7 BG 1	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	N/A	N/A
CT 7 BG 2	224	124	55	16	7	51	23	9	4	24	11	45	9
CT 7 BG 3	683	452	66	12	2	155	23	21	3	43	6	34	9
CT 8 BG 1	1,498	24	2	9	1	1,406	94	34	2	25	2	98	37
CT 8 BG 2	3,720	858	23	65	2	2,534	68	52	1	211	6	77	19
CT 8 BG 3	5,699	113	2	3	0	5,461	96	80	1	42	1	98	29
CT 9 BG 1	1,035	724	70	59	6	113	11	65	6	74	7	30	12
CT 9 BG 2	76	65	86	2	3	8	11	1	1	0	0	14	0
CT 10.1 BG 1	1,361	1,001	74	72	5	41	3	17	1	230	17	26	12
CT 12 BG 1	865	637	74	22	3	21	2	47	5	138	16	26	9
CT 12 BG 2	857	696	81	7	1	30	4	33	4	91	11	19	14
CT 12 BG 3	1,744	329	19	83	5	298	17	43	2	991	57	81	37
CT 13 BG 1	29	19	66	6	21	2	7	0	0	2	7	34	0
CT 13 BG 2	951	710	75	73	8	78	8	23	2	67	7	25	15
CT 14.1 BG 1	2,962	2,219	75	102	3	106	4	64	2	471	16	25	7
CT 14.2 BG 2	1,083	109	10	64	6	189	17	22	2	699	65	90	27
CT 14.2 BG 3	271	8	3	0	0	231	85	5	2	27	10	97	51
CT 15.1 BG 1	3,552	2,242	63	217	6	733	21	87	2	273	8	37	10
CT 15.1 BG 2	1,010	590	58	100	10	198	20	52	5	70	7	42	4
CT 15.2 BG 1	2,175	1,409	65	94	4	371	17	161	7	140	6	35	18

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**Study Area Population and Economic Characteristics**

Census Tract (CT)/ Block Group (BG)	Population (2000)												Economic Profile (1999)
	2000 Total	Race and Ethnicity*										Total Minority (%)	Individuals Below Poverty Level (%)**
		White	%	Black	%	Asian	%	Other	%	Hispanic	%		
CT 15.2 BG 2	1,762	1,311	74	59	3	217	12	85	5	90	5	26	8
CT 16 BG 1	3,509	308	9	4	0	3,055	87	94	3	48	1	91	31
CT 16 BG 2	1,835	77	4	2	0	1,701	93	9	0	46	3	96	27
CT 16 BG 4	2,872	66	2	5	0	2,711	94	63	2	27	1	98	15
CT 25 BG 1	5,209	147	3	756	15	2,065	40	64	1	2,177	42	97	48
CT 27 BG 1	1,517	290	19	27	2	1,136	75	19	1	45	3	81	27
CT 29 BG 1	2,561	29	1	0	0	2,494	97	34	1	4	0	99	45
CT 29 BG 2	1,570	162	10	6	0	1,374	88	19	1	9	1	90	31
CT 29 BG 5	936	206	22	221	24	50	5	8	1	451	48	78	0
CT 31 BG 2	79	4	5	33	42	0	0	2	3	40	51	95	100
Study Area	74,087	17,360	23	4,077	6	37,303	50	1,835	2	13,512	18	77	27
Manhattan	1,537,195	703,873	46	234,698	15	143,291	9	37,517	2	417,816	27	54	20
New York City	8,008,278	2,801,267	35	1,962,154	25	780,229	10	304,074	4	2,160,554	27	65	21

**Notes:**

\*The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).

\*\*Percent of individuals with incomes below established poverty level. The U.S. Census Bureau's established income thresholds for poverty level defines poverty level.

\*\*\*Percentages in **bold** were identified as minority or low-income communities.

Department of City Planning, has conducted extensive public outreach for the project to communities within the potentially affected area, including those communities with predominantly minority and low-income populations. To seek public involvement in the decision-making process, the project's public outreach and participation program began with a series of over 50 stakeholder meetings with local elected officials, community boards, civic organizations, and public agencies in the potentially affected communities, as shown in Table 17-2. In addition, a Technical Advisory Committee (TAC) has been established for overall improvement of the East River waterfront, which is composed of representatives from many of these groups.

Then, a scoping meeting was held on April 11, 2006 from 3 PM until 8 PM at the Woolworth Building at 15 Barclay Street in Lower Manhattan. The scoping meeting was held in close proximity to the project site and from early afternoon to nighttime, providing all affected parties with ample opportunity to discuss the studies to be included and the critical issues to be addressed in this DEIS. A number of community board and civic organization representatives came out to the scoping meeting to speak on the project, including members of Community Boards 1 and 3, Downtown Alliance, Seaport, Regional Plan Association, and the Civic Alliance to Rebuild Downtown New York. Relevant scoping comments were considered and incorporated into this DEIS.

Public meetings with stakeholder groups in the potentially affected communities have continued through completion of this DEIS.

### **E. SUMMARY OF ADVERSE IMPACTS IDENTIFIED IN THE EIS**

As discussed throughout this DEIS, the Proposed Action would produce beneficial effects for the local community, including improved access to the waterfront and enhancement of the visual quality of the project area. At the same time, however, the Proposed Action could result in some localized significant adverse impacts described throughout this DEIS. The potential adverse impacts of the Proposed Action are summarized below.

#### ***TRAFFIC AND TRANSPORTATION***

Based on the traffic analysis included in Chapter 13, "Traffic and Transportation," the Proposed Action would result in significant adverse impacts on traffic operations, which requires an examination of mitigation measures. With respect to the Proposed Action, there is potential for adverse traffic impacts from both new project-generated trips and geometric changes along South Street and at the Battery Maritime Building (BMB) Plaza. The potential for project-generated impacts would be greatest during the weekday AM and PM peak hours when background traffic is highest. It is anticipated that mitigation measures developed for these peak periods would be adequate to address potential impacts during other weekday hours and on weekends.

Furthermore, the Proposed Action would result in the removal of up to 45 commuter and tour bus parking spaces beneath the FDR Drive south of the Brooklyn Bridge. NYCDOT will be conducting a study for Bus Management in Lower Manhattan from Canal Street to the Battery. It will entail conducting a market analysis, possible alternative parking site selection and possible bus management strategies. This study will be part of a larger study for Lower Manhattan Street Management. Absent an off-street location for these buses, management strategies may be

**Table 17-2**  
**Public Meetings**

<b>Date</b>	<b>Meeting/Group</b>
3/12/2004	East River Network Meeting
4/20/2004	Community Board (CB) #1 Meeting
4/21/2004	Lower East Side Business Improvement District (BID)
4/28/2004	CB#3 Waterfront Task Force Meeting (Waterfront Design Workshop)
4/29/2004	CB#3 Waterfront Task Force Meeting (Waterfront Design Workshop)
5/11/2004	CB #3 Small Group Meeting Prep for Public Meeting
5/25/2004	CB #3 Small Group Meeting Prep for Public Meeting
6/11/2004	Meeting with Assembly Speaker Sheldon Silver
6/21/2004	CB #1 Waterfront Task Force Meeting
6/29/2004	CB #3 Public Meeting
7/16/2004	Meeting with the Governor's Island Preservation and Education Corporation (GIPEC) to discuss the relationship of the Battery Maritime Building, Governor's Island, and the East River Waterfront
7/20/2004	Municipal Art Society's Metropolitan Waterfront Alliance (MWA) membership briefing and presentation
7/27/2004	Meeting with CB #3 to discuss short-term improvements to the Esplanade & South St.
7/28/2004	Municipal Art Society Summer Boat Tour (open to the general public)
7/30/2004	Outreach meeting to NYC Department of Environmental Protection (NYCDEP)
8/3/2004	Briefing to Baruch College – Steven Newman Real Estate Institute staff
8/10/2004	East River Waterfront TAC Meeting
8/11/2004	East River Waterfront TAC Meeting
8/11/2004	LMDC's Chinatown working group meeting (elected officials representing Chinatown, Lower Manhattan and the Lower East Side)
8/20/2004	Briefing to CB #1 and The Downtown Alliance on Study progress
8/20/2004	Traffic consultant meeting with GIPEC
9/8/2004	Outreach meeting with NYC Department of Transportation
9/15/2004	Project Update meeting with CB #3
9/24/2004	Coordination meeting with NYC Housing Authority and Department of Housing Preservation and Development
9/27/2004	East River Waterfront TAC of local civic groups, Community Board representatives, and local stakeholders
9/27/2004	East River Waterfront TAC of local civic groups, Community Board representatives, and local stakeholders
9/29/2004	Community Outreach with CB #3
10/1/2004	Open House for Asian Americans for Equality (AAFE) and Two Bridges Association
10/6/2004	CB #1 Public Meeting and Presentation
10/13/2004	CB #3 Public Meeting and Presentation
10/20/2004	Outreach Meeting to CB #3 Tenant Groups
10/21/2004	Outreach Meeting with Two Bridges Association
10/27/2004	Outreach Meeting with CB #1 Waterfront Committee



**Table 17-2 (cont'd)  
Public Meetings**

<b>Date</b>	<b>Meeting/Group</b>
11/16/2004	Presentation to American Planning Association (APA) New York Metro Chapter Waterfront Committee
11/17/2004	Outreach meeting with GIPEC
11/18/2004	Outreach meeting with Two Bridges Association
11/23/2004	Project Update presentation to CB #3
12/2/2004	CB #3 Community Groups
12/7/2004	Water Street property owners
1/20/2005	East River Presentation to New York State
1/21/2005	East River Presentation to Seaport Museum
1/21/2005	Meeting with Downtown Alliance (BID)
1/24/2005	Meeting with Two Bridges Association, Re: June Riverfront Festival
1/27/2005	TAC Meeting
2/3/2005	Chinatown Community Meeting
2/8/2005	Meeting with NYC Council Member Gerson
3/7/2004	CB #1 Public Meeting
3/10/2005	CB #3 Public Meeting
3/15/2005	Public Presentation to New York New Visions (NYNV)
3/15/2005	Meeting with New York State Department of Environmental Conservation (NYSDEC)
5/31/2005	Mayor's Public Announcement about East River Waterfront
6/22/2005	Presentation to the New York Interagency Engineering Council
6/28/2005	Presentation to the Municipal Art Society Planning Committee
9/15/2005	CB #3 Meeting
9/26/2005	CB #1 Meeting
7/13/2006	CB #1 and CB #3 Community Groups
7/31/2006	CB #1 Meeting
<b>Sources:</b> NYC Department of City Planning, April 2006.	

adopted to require that operators park buses outside of Lower Manhattan. Absent a location for this bus parking, operators would need to seek alternative parking, which could increase bus circulation as well as legal and illegal bus parking elsewhere in Lower Manhattan. This could potentially have an adverse effect on the neighborhood. While the removal of commuter and tour bus parking would affect their operations, passengers would not be impacted since they do not board or alight buses at this location.

While the proposed action would decrease the supply of public, off-street parking in the study area, any resultant shortfalls are not considered a significant adverse impact in this part of Manhattan.

### *NOISE*

As discussed in Chapter 15, “Noise,” noise levels within the new open space areas created as part of the Proposed Action would be above the 55 dBA  $L_{10}$  noise level for outdoor areas requiring serenity and quiet contained in the *CEQR Technical Manual* noise exposure guidelines. In terms of U.S. Department of Housing and Urban Development (HUD) criteria, noise levels in these areas would be in the “normally unacceptable” and “unacceptable” categories. Based on the HUD criteria, the noise levels at these new open space areas would result in potentially significant adverse noise impacts on their users. Because of safety and aesthetic considerations, there are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the 55 dBA  $L_{10(1)}$  guideline within the open space areas. Although noise levels in these new areas would be above the 55 dBA  $L_{10(1)}$  CEQR guideline noise level as well as HUD standards, they would be comparable to noise levels in a number of open space areas that are also located adjacent to heavily trafficked roadways, including the Hudson River Park, the East River Drive Park, Central Park, Riverside Park, and other urban open space areas.

### *CONSTRUCTION*

As discussed in Chapter 16, “Construction,” potential impacts resulting from construction of the Proposed Action would generally be insignificant and temporary. To the extent that there would be any disruption in traffic flow from construction activities associated with the Proposed Action, the changes would generally be minor, except in the case of the BMB Plaza. The possible closure of the Battery Park Underpass could result in temporary significant adverse impacts with respect to traffic circulation during the construction period. However, in order to avoid or mitigate such impacts to the extent practical, the City would coordinate construction with the Lower Manhattan Construction Command Center (LMCCC).

## **F. IDENTIFICATION OF DISPROPORTIONATE IMPACTS ON MINORITY AND LOW-INCOME COMMUNITIES**

Following CEQ’s guidance, a project’s adverse effects fall disproportionately on a community of concern for environmental justice if they are adverse and are predominantly borne by a minority and/or low-income community, or they are appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the non-minority or non-low-income population. The determination of disproportionate impacts on minority and/or low-income communities involved consideration of cumulative effects, mitigation measures, and offsetting benefits to the affected minority and low-income communities.

None of the East River Waterfront Esplanade and Piers project’s potential adverse impacts would fall disproportionately on minority or low-income communities in the study area. With respect to traffic impacts, the majority of the intersections that may experience significant adverse impacts as a result of the Proposed Action are located in non-minority and non-low-income communities in the southern portion of the study area. While the Proposed Action would result in potential significant adverse traffic impacts at several intersection approaches located in minority or low-income communities within the study area, these impacts could be mitigated using a combination of measures including signal timing or signal phasing changes to the study area, re-striping of intersection approaches, and parking regulation changes. If the displacement of bus parking spaces on the project site south of the Brooklyn Bridge were to result in bus operators seeking parking elsewhere in Lower Manhattan, they would not be more likely to park in minority or low-income neighborhoods. In fact, because the spaces that would be displaced

## **East River Esplanade and Piers Project**

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are adjacent to the non-minority and non-low-income neighborhood of the Financial District, it could be expected that displaced buses might seek parking in this neighborhood.

Significant adverse impacts due to high noise levels at new open space areas created by the Proposed Action would affect the entire study area, including non-minority and non-low-income populations. Moreover, these impacts would be offset by the open space benefits that the Proposed Action would bring to all communities in the study area. Lastly, potential traffic and associated air quality impacts during construction of the BMB Plaza would generally occur in the vicinity of non-minority and non-low-income communities in the southern portion of the study area. Further, the potential traffic impacts during the construction period would be temporary and would be avoided or mitigated to the extent practical by coordinating construction with the Lower Manhattan Construction Command Center (LMCCC). Therefore, the Proposed Action would not result in any disproportionately high and adverse effects on environmental justice populations.

### **G. CONCLUSION ON DISPROPORTIONATE ADVERSE IMPACTS**

The proposed East River Waterfront Esplanade and Piers project is not expected to result in any disproportionately high and adverse effects on minority and low-income populations. In addition, the Proposed Action would be in compliance with all applicable NEPA and HUD regulations related to environmental justice protections. Therefore, there are no environmental justice concerns anticipated with the Proposed Action. \*