

A. INTRODUCTION

This chapter describes the Environmental Impact Statement (EIS) and its role in the approval process for the East River Esplanade and Piers Project (the Proposed Action), the analysis scenarios, and the analysis years. It also identifies the other projects to be completed in Lower Manhattan by the analysis year.

B. ROLE OF THE EIS IN THE APPROVALS PROCESS

As a recipient of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Funds, the Lower Manhattan Development Corporation (LMDC) prepared this Final EIS (FEIS) pursuant to the National Environmental Policy Act (NEPA), 42 USC Section 4321 et seq. The New York State Environmental Quality Review Act (SEQRA), City Environmental Quality Review (CEQR), and their implementing regulations are referenced as appropriate. Because the Proposed Action is entirely within New York City and will involve actions by the City Planning Commission, the *CEQR Technical Manual* generally serves as a guide with respect to methodologies and impact criteria for evaluating the Proposed Action in this EIS.

The City is serving as a cooperating agency through relevant departments including the New York City Departments of Parks and Recreation (DPR), City Planning (DCP), and Transportation (NYCDOT). The New York City Economic Development Corporation (EDC) will continue to work with the City in connection with the Proposed Action.

C. EIS PROCESS/SCHEDULE

To date, the following actions have been taken regarding the environmental review process:

- March 9, 2006—LMDC Board approved the Lead Agency Declaration, made the Determination of Potentially Significant Impact, approved the Draft Scope for the EIS, authorized review under Section 106 of the National Historic Preservation Act, and authorized the public meeting on the Draft Scope and Section 106 review.
- March 22, 2006—LMDC posted on its Web site the Notice of Intent to prepare an EIS, the Draft Scope for the EIS, and Notice of LMDC Public Comment Meeting. LMDC circulated copies of the Draft Scope to Cooperating/Involved Governmental Entities and made copies available to other governmental agencies, community organizations, businesses, and the public.
- March 22, 2006—LMDC published notices inviting public comments on the Draft Scope through April 27, 2006.
- April 11, 2006—LMDC held Public Comment Meeting on Draft Scope for the EIS.
- April 27, 2006—Deadline for receipt by LMDC of public comments on the Draft Scope.

- June 8, 2006—In consideration of the comments received, LMDC Board approved the Final Scope for the EIS.
- June 14, 2006—LMDC posted the Final Scope on its Web site and made copies available to cooperating/involved government agencies and those persons who submitted comments on the Draft Scope.
- October 12, 2006—Draft EIS adopted by the LMDC Board.
- January 18, 2007—Draft EIS published and distributed.
- March 5, 2007—LMDC held public hearing on the Draft EIS.

D. LMDC’S COORDINATION OF THE NEPA AND SECTION 106 REVIEW OF THE ESPLANADE PROJECT

As envisioned by Section 106, LMDC is carrying out a coordinated NEPA and Section 106 review of the Proposed Action. LMDC began this process in March 2006 by publishing and distributing notice of this coordinated review and the start of the NEPA scoping process. The notice¹ invited the “public and interested persons to comment on historic resources and Section 106 review under the National Historic Preservation Act.” LMDC sent the notice to a distribution list that was developed in consultation with the State Historic Preservation Office (SHPO) and that included approximately 120 potentially interested government agencies, nonprofit organizations and persons. LMDC published the notice in newspapers on March 22 and 23, 2006 and in the DEC’s Environmental Notice Bulletin on March 22, 2006. The public scoping meeting took place on April 11, 2006 and served as an opportunity to submit comments regarding historic resources and Section 106 review. LMDC used the comments received at the public scoping meeting and during the scoping comment period to prepare a final scope and, thereafter, the DEIS, which was adopted by LMDC on October 12, 2006. These comments generally related to the selection of appropriate project designs, the role of SHPO and the New York City Landmarks Preservation Commission (LPC), and the identification of historic resources.²

In January 2007, LMDC distributed the DEIS and draft Programmatic Agreement (PA) to approximately 90 potentially interested government agencies, nonprofit organizations and other parties. LMDC also invited a number of Native American groups to consult, including by reviewing the DEIS and the draft PA. These groups included the Delaware Nation, Oneida Nation, Onondaga Indian Nation, St. Regis Band of Mohawk Indians, Shinnecock National Cultural Center and Museum, Stockbridge-Munsee Band of Mohicans, Tonawanda Band of Seneca, Tuscarora Nation, and Cayuga Nation.³ LMDC published the notice of the DEIS and

¹ The scoping notice was entitled “Notice of Intent to Prepare Draft Environmental Impact Statement; Notice of Public Scoping Meeting and Public Comment Period; Notice of National Historic Preservation Act Review; Notice for Early Public Review of a Proposal in the 100-Year Floodplain.”

² LMDC received comments regarding historic resources from a number of organizations include the Civic Alliance to Rebuild Downtown New York, Seaport Speaks and the Metropolitan Waterfront Alliance.

³ The Native American groups have not submitted any comments to LMDC.

draft PA¹ in newspapers and the DEC's Environmental Notice Bulletin on January 24, 2007. HUD published the notice of the DEIS and draft PA in the Federal Register on February 9, 2007.²

LMDC and the City held a public hearing on the DEIS and draft PA on March 5, 2007. LMDC used the comments received at that hearing and during the public comment period to prepare the FEIS and proposed final PA. These comments generally related to historic ships, selection of project designs, and details of the draft PA. The Response to Comments chapter of this EIS fully describes the comments and responses.

In addition to reflecting comments from the public and interested persons, the FEIS and proposed final PA reflect LMDC's consultation with SHPO and the City, conducted through LPC. During consultation the parties identified several project elements that should be subject to further review and consultation, which the proposed final PA addresses. These include project designs within the South Street Seaport Historic District, construction involving the historic bulkhead, archeological concerns, design of the BMB Plaza, and design of the replacement New Market Building. The proposed final PA thus provides a framework for consultation among LMDC, the City and SHPO as designs for the Proposed Action are developed and construction takes place. The proposed final PA also provides for continued public participation through review of designs and submission of public comments. The proposed final PA reflects comments received from the Advisory Council on Historic Preservation (ACHP), which has elected to become a signatory to the PA.

E. FRAMEWORK FOR ANALYSIS

This EIS follows the customary approach to presenting an impact analysis under NEPA, SEQRA, and CEQR starting with a baseline of existing conditions in the relevant study areas and then forecasting those conditions forward to a time in the future that is appropriate for assessing project impacts. Future year conditions with and without the Proposed Action are then compared as a basis for presenting incremental change and identifying impacts. The reference point of conditions without the project is established by adjusting existing conditions to account for other known developments, policy initiatives, and trends that are expected to influence future conditions in the study area. This future condition without the project is then modified by overlaying the development and activity expected from the proposal under review to form a depiction of future conditions with the project in place. This comparison of future conditions with and without the project identifies the project impacts and the need, if any, for mitigation.

As stated above, the *CEQR Technical Manual* generally serves as a guide with respect to methodologies and impact criteria for evaluating the Proposed Action in this EIS. The analysis in each substantive area of impact assessment is consistent with federal, State and City requirements and guidelines, which are identified in each chapter as applicable.

¹ The DEIS and draft PA notice was entitled "Notice of Availability of a Draft Environmental Impact Statement for the East River Waterfront Esplanade and Piers Project in the Borough of Manhattan, City of New York, New York; Notice of Intent to Prepare Draft Environmental Impact Statement; Notice of Public Hearing; and Notice of Availability of National Historic Preservation Act Draft Programmatic Agreement."

² The EPA also published the notice of the DEIS in the Federal Register on January 26, 2007.

The full range of environmental areas identified in the *CEQR Technical Manual* was considered. However, based on the guidelines in that document, it was determined that a shadows analysis would not be necessary because the Proposed Action does not meet the criteria to warrant such analysis. Although the proposed buildings would be immediately adjacent to public open spaces, they are either pavilions under the canopy of the Franklin D. Roosevelt (FDR) Drive, a structure that would replace an older building (the New Market Building), or pier structures that create a variation in the topography of a pier. Further, historic resources in the vicinity of the Proposed Action do not have light-sensitive features or historic landscapes. Therefore, a shadows analysis is not required for either public open space or historic resources. Shade on the water from the proposed expansion of the esplanade between the Battery Maritime Building (BMB) and Pier 11 is addressed in Chapter 9, "Natural Resources." It was also determined that an analysis of community facilities would not be necessary, as the Proposed Action would not directly affect any community facilities, nor would it introduce new residents who would increase demands on the area's community facilities.

F. ANALYSIS YEAR

For analysis purposes it has been assumed that the Proposed Action would be completed by 2009. The reconstruction of South Street between Whitehall and Dover Streets would be timed to correspond with the esplanade improvements. While funding for the BMB Plaza, the New Market Building replacement, and the beach on Pier 42 has not yet been identified, the City is seeking funding for those elements and would pursue them concurrently with the Proposed Action, if possible. They are therefore analyzed in this EIS with the other elements of the Proposed Action. It has been conservatively assumed that construction of the Proposed Action, the South Street improvements, and the independent nearby projects would take place concurrently.

G. CONSTRUCTION PERIOD CUMULATIVE EFFECTS ANALYSIS

A number of major recovery projects are under way in Lower Manhattan and will continue to be in construction through the analysis year for the Proposed Action. They include the new South Ferry Subway Terminal near the location of the proposed BMB Plaza and the Fulton Street Transit Center several blocks east of the East River waterfront between Maiden Lane and Fulton Street, and along Fulton Street to William Street. In addition, the World Trade Center site, the permanent PATH Terminal, and Route 9A will be in construction all to the west of Church Street.

As Lower Manhattan will be subject to these major rebuilding efforts over the next decade, a method for considering the cumulative impacts of these projects has been developed, focusing on five areas of potential concern during the construction period that have been identified by and agreed to by LMDC and the various cooperating/involved agencies:

- Air quality;
- Access and circulation;
- Cultural resources;
- Noise and vibration; and
- Economic effects.

Other areas of potential cumulative effects during construction will also be reviewed as appropriate, including waste disposal, water quality, neighborhood character, and traffic.

Although the construction of the Proposed Action would be of a far smaller scale than the major recovery projects, its potential impacts are considered in relation to the potential cumulative impacts of those larger projects, in particular, the closest ones: South Ferry Subway Terminal and the Fulton Street Transit Center.

The analysis presents both the individual construction-period environmental impacts of the Proposed Action and the environmental conditions resulting from the combined impacts of the Proposed Action and the major Lower Manhattan projects.

H. BACKGROUND PROJECTS

The analyses presented in this FEIS take into consideration current conditions and development that is currently projected outside the Proposed Action. As described in more detail in Chapter 3, “Land Use, Zoning, and Public Policy,” there are a large number of residential projects, both new buildings and conversions, large and small, in construction or being planned (see Table 2-1 and Figure 2-1).

INDEPENDENT NEARBY PROJECTS

Although South Street is its western edge, the Proposed Action has been designed to be compatible with other independently proposed open space improvements linking adjacent communities to the waterfront. These include improvements to Peck, Catherine, Rutgers and Montgomery Slips. At Pier 42, in the area where the FDR Drive returns to grade, a bikeway/walkway is proposed to connect the esplanade to be constructed under the Proposed Action to the existing East River Park. In addition, under this separate project a berm would be created along the roadway to block traffic noise to the bikeway/walkway.

On Pier 36 the City is creating an East River location for Basketball City, which will use a portion of the pier for six indoor basketball courts, a workout room, locker rooms, and administrative offices. The proposed facility will also include a parking area and an outdoor basketball court, and will provide access and improvements to the waterfront on the portion of Pier 36 that it occupies. The City is also considering adaptive reuse proposals for the BMB. Piers 13 and 14 could be rebuilt as part of other planning initiatives in the future beyond the Proposed Action’s 2009 Build year, and Pier 17 may also be reconfigured. The City’s proposed Fulton Corridor Revitalization Program will include an array of improvements along Fulton Street between Broadway and South Street. This project, which will likely be completed after the Proposed Action’s 2009 Build year, will include streetscape improvements, incentives for façade rehabilitation, the renovation of Titanic Memorial Park at the corner of Fulton and Water Streets, and the renovation of the 5,200-square-foot Pearl Street Tot Lot at Fulton and Pearl Streets. The existing DeLury Square at Fulton and Gold Streets would be expanded to become a 10,000-square-foot park, and a new 22,000-square-foot children’s playground would be created at Burling Slip. However, these are all separate projects with independent utility from the Proposed Action, have separate funding and approval processes, and would be subject to their own environmental review processes.

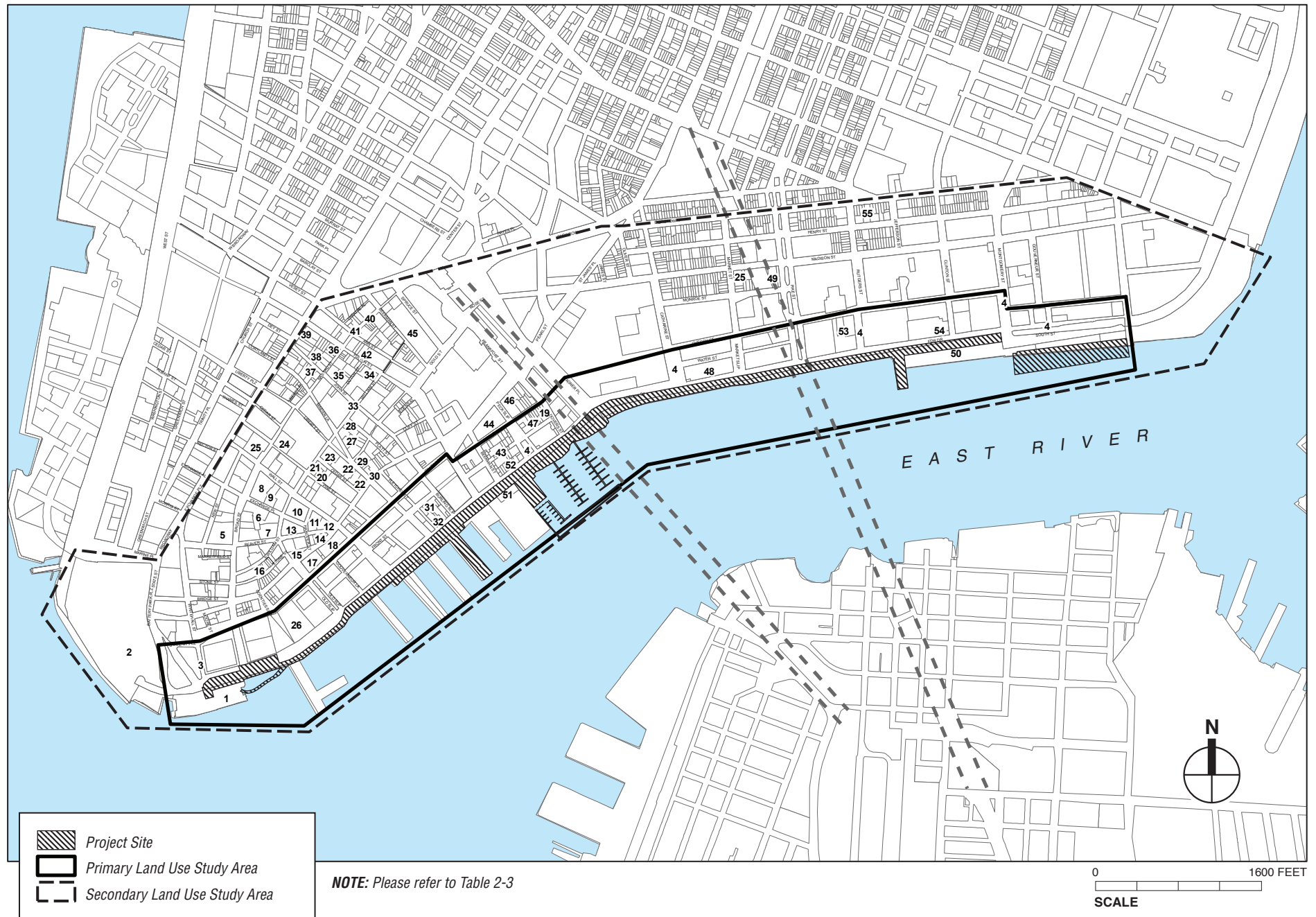


Table 2-1

Background Projects in the Future Without the Proposed Action

Map No.	Name/Location	Type of Development
1	Battery Maritime Building	Renovation of building to house retail use
2	Battery Park	Renovations to playground and Town Green; creation of aquatic-themed amusement ride
3	Reconstruction of South Ferry Terminal in Peter Minuit Plaza	Transportation
4	East River Waterfront Access: Peck, Catherine, Rutgers, and Montgomery Slips; south of FDR Dr. from Montgomery to Jackson Streets	Improve pedestrian connections between the East River waterfront and adjacent neighborhoods in Lower Manhattan
5	60 Broad Street	200 DU, 800,000 SF Office
6	The Exchange, 25 Broad Street	346 DU
7	15 William Street	348 DU, 68,000 SF Office, 5,500 SF Retail
8	Downtown by Starck, 23 Wall Street / 15 Broad Street	382 DU, 850,000 SF Community Facility
9	37 Wall Street	392 DU (Conversion)
10	Cipriani Residences/Wall Street Regent Hotel, 55 Wall Street	200 DU (Conversion)
11	63 Wall Street	476 DU
12	67 Wall Street	357 DU (Conversion)
13	20 Exchange Place	369 DU (Conversion); 133,000 sf retail; 335,000 sf office (office already exists)
14	Cocoa Exchange, 1 Wall St Court (82 Beaver St)	124 DU (conversion)
15	British Memorial Garden at Hanover Square	Open space
16	Block Hall, 21-23 South William	31 DU (condos)
17	10 Hanover Square	493 DU (Conversion)
18	75 Wall Street	347 DU, 300 hotel rooms
19	55 Water Street	518,050 SF Office
20	56 Pine Street	90 DU
21	50 Pine Street	20 DU
22	100 Maiden Lane	336 DU; 15,000 SF Retail
23	10 Liberty Street	284 DU, 3,000 SF retail
24	Two Chase Manhattan Plaza (20 Pine Street)	409 DU (Conversion); 15,000 SF Retail
25	44 Market Street*	16 DU
26	55 Water Street	518,050 SF Office
27	79 Maiden Lane	400 DU
28	90 William Street	128 DU
29	2 Gold Street*	605 DU, 24,500 SF retail
30	201 Pearl Street	315 DU, 30,000 SF retail
31	85 South Street	50 DU

Table 2-1 (cont'd)

Background Projects in the Future Without the Proposed Action

Map No.	Name/Location	Type of Development
32	80 South Street	24 DU
33	Five Nine John Lofts, 59 John Street	74 DU (Conversion)
34	102 Fulton Street	14 DU
35	39 John Street	10 DU
36	130 Fulton Street	20 DU (Conversion)
37	29 John Street	52 DU
38	17 John Street	111 DU
39	Fulton Street Transit Center, Fulton Street and Broadway	Transportation
40	5 Beekman Street	122 DU
41	113 Nassau St	35 DU (new construction)
42	Fultonhaus, 119 Fulton Street	19 DU (Conversion)
43	Front St between Beekman and Peck Slip	100 DU
44	250 Water Street	300 DU, 175,000 SF institutional
45	NYU Downtown Hospital site between Spruce and Beekman Streets	720 DU, 24,000 ambulatory care facility, 2,400 sf retail, 630-Seat K-8 School
46	Hampton Inn, 320 Pearl Street*	80 hotel rooms
47	246 Front Street	9 DU, 3,000 SF Retail
48	New York Post Building, Catherine Slip at Water Street	650 DU
49	150 Madison Street	73,000 SF manufacturing
50	Basketball City, Pier 36	6 indoor basketball courts, workout room, locker room, administrative offices
51	Tin Building, Pier 17	additional 25,000 sf retail space
52	Former Fulton Market fish stalls, north side of South Street between Fulton and Beekman Streets	40,000 sf retail
53	80 Rutgers Slip	85 DU
54	South and Clinton Streets	200-250 DU
55	The Forward Building, 175 East Broadway*	39 DU (conversion)
56	254 Front Street	Approx. 20 DU and 4,200 sf retail
Notes: DU = Dwelling Units * Project has recently been completed and occupied. Sources: New York City Economic Development Corporation (EDC); New York City Department of City Planning (DCP); New York City Department of Housing Preservation and Development (HPD).		

OTHER PROJECTS EAST OF BROADWAY IN LOWER MANHATTAN

The conversion of large office buildings in the Wall Street area to residential use is under way or planned at a number of locations, including 45 and 63 Wall Street, and 20 Exchange Place. A new residential building is under construction at 15 William Street, and a new 74-story building with an elementary school is planned on the site of the NYU Downtown Hospital parking lot on Beekman Street. A residential tower designed by Santiago Calatrava is proposed at 80 South Street. Between the Brooklyn and Manhattan Bridges, the development of approximately 650 housing units is proposed on the site of the six-story New York Post building, which occupies an

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entire block bounded by Water, Catherine, South, and Market Streets. East of the Manhattan Bridge, at South and Clinton Streets, up to approximately 250 units of infill housing are proposed opposite the project site within the Two Bridges Urban Renewal Area. *