

East River Alliance DEIS Comments – Construction Period

6.0 Construction - Overview	
DDC	ERA
No significant adverse effects (NSAE)	<p>During deconstruction and reconstruction of East River Park, there will be no floodplain to absorb a Sandy-style storm surge. The DEIS contains no plans for protecting people and homes, or the construction in progress, during such an event. The DEIS does not take account of the significant adverse impacts of leaving the neighborhood even more vulnerable during construction.</p> <p>The Preliminary Draft Construction Schedule provides minimal detail. How can the community have confidence that the City will complete the work within 3.5 years if there is no detailed work plan? In particular, the Schedule does not address how long fill will take to settle before park reconstruction can begin, or the timelines for building a new amphitheater, ballfields, and track.</p>
6.1 Construction - Socioeconomic Conditions	
DDC	ERA
No significant adverse effects	<p>- The DEIS assessments of the direct economic effect of the ESCR project are misleading as it predicts the positive impacts of employment stemming from the project overall, overlooking whether or not these jobs are going to people who live in the study area. Will the community reap any direct benefit from the jobs produced by this project?</p> <p>The DEIS fails to consider the potential indirect displacement impacts of the residents of the study areas caused by the long-term (3.5+ years) noise and air pollution related to the de-construction and re-construction of the study areas. The DEIS should include mitigation measures to assist residents, especially low-income and elderly residents, in the study areas as a result from the adverse health effects.</p>

6.2 Construction - Open Space

DDC	ERA
<p>Significant adverse effects - Temporary displacement of recreational facilities and open space amenities, including East River Park, over the 3.5-year construction period; significant adverse noise effects at the Asser Levy Recreation Center</p> <p>Mitigation measures - Potential on-site or off-site measures to mitigate the effect to the greatest extent practicable are being explored by the city, including accommodating permit users at existing facilities; identify recreational resources that can be available to the community; providing alternative recreational opportunities; implementing improvements (e.g., lighting) to parks and playgrounds in the study area; rerouting greenway users to the most direct alternative route; supporting bicycle projects in the study area. In addition, the City is assessing opportunities to open parts of East River Park as work is completed. Refer to "Construction - Noise and Vibration" below for potential noise mitigation measures</p>	<p>The City's own Open Space guidelines state: "The first guideline is a City-wide median open space ratio of 1.5 acres per 1,000 residents. The second is the City's optimal planning goal of 2.5 acres per 1,000 residents—2.0 acres of active and 0.5 acres of passive open space per 1,000 residents." (5.3-4) We currently have only .54 acres total open space per 1,000 residents -- significantly under the guideline. A full closure of East River and Stuyvesant Cove parks during construction would remove HALF the available open space, squeezing us down to .28 (6.2-16)</p> <p>Proposed -- not confirmed -- mitigations offered by the City are incomplete and not comparable in quality or quantity to the current open space (6.2-4):</p> <ul style="list-style-type: none"> - Many of the parks offered as mitigation are currently under construction, including: Seward, Gulick, Baruch, and Little Flower - Re-routing cyclists onto crowded and far more dangerous First and Second Avenues (in a year where 20 cyclists have been killed to date) - Only half the number of interim ballfields needed - No interim BBQ/large social gathering spaces - No safe alternative to the track, esplanade, or shared-use path for runners and pedestrians <p>The City claims it is "assessing opportunities to reopen parts of East River Park as work is completed," but phased reopening isn't reflected in the construction timeline. The City must make opportunities to consistently have parts of East River Park open during construction.</p>

6.3 Construction - Historic and Cultural Resources

DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Archaeological testing and Construction Protection; Plans (CPPs) to be stipulated in a Programmatic Agreement (PA)</p>	<p>The DEIS ignores most historical and cultural resources within East River Park, including The Seal Sculptures by G. Augustine Lynas, the track house (with decorative terracotta panels), the amphitheatre, lesser park buildings with mosaics, period iron work in the park fences, and the anchor at the north end of the park.</p> <p>The DEIS establishes that the former Marine Engine Co 66 Fire Boat</p>

	<p>House (FBH), the current headquarters of the Lower East Side Ecology Center, is eligible for listing on the State and National Registers of Historic Places (S/NR-eligible architectural resources). Nevertheless, the Fire Boat House is:</p> <ul style="list-style-type: none"> - Not given a Construction Protection Plan (CPP) to protect architectural resources (5.4-4) (5.4-39) - Ignored in conversation about future storm condition, despite the obvious impact of storm surge on a building situated 20 feet of the East River (5.4-3) (5.4-33) - Not given a Memorandum of Agreement for its preservation (5.4-5) - Ignored in analysis of floodwall, and said to be visually unaffected by the 8' levee to surround it (5.4-31) <p>The DEIS does not address proposed changes in the surrounding neighborhoods, particularly issues such as the displacement of skateboarders and hockey teams from Tompkins Square Park to make room for youth league teams during construction of Alternative 4.</p>
6.4 Construction - Urban Design and Visual Resources	
DDC	ERA
No significant adverse effects	<p>The DEIS conclusions are wholly insufficient, for the following reasons:</p> <ul style="list-style-type: none"> - It does not include the possibility that the pollution and the dust in the air from the de-construction and re-construction of the Project Areas would be visible, and would detract from the experience of pedestrians in the immediate vicinity and cause adverse effects on the urban visual context, including views of the East River from waterside residential areas. - It does not include the effects of lighting when nighttime construction work will be necessary in order to meet the timeline in the Project Areas. Construction lighting could detract from the pedestrian experience in the immediate vicinity and cause adverse effects on the urban visual context.

6.5 Construction - Natural Resources	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Trees would be replaced or replanted in accordance with a NYC Parks-approved Tree Restoration Plan; a Stormwater Pollution Prevention Plan (SWPPP) and a Spill Prevention, Control, and Countermeasure Plan (SPCCP) would be implemented; cushion block, turbidity curtains employed; all conservation measures required by National Marine Fisheries Service would be used.</p>	<p>The DEIS makes unjustified assumptions about the temporary nature of negative impacts on terrestrial biodiversity, when they propose that urban wildlife will "relocate to other suitable areas" (6.5-13). This assumes that wildlife will be able to migrate, that suitable neighboring areas will be able to support additional wildlife, and that wildlife will return to East River Park and Stuyvesant Cove Park at some unspecified time in the future.</p>
6.6 Construction - Hazardous Materials	
DDC	ERA
<p>No significant adverse effects</p>	<p>Hazardous materials are expected to be found in the soil and groundwater from previous, industrial land uses. The methods the City plans to use to remediate these and prevent their contamination of the waterway are described as "best management practices". They acknowledge that they will need to obtain permits from NYS Department of Environmental Conservation in the process. These are weak and vague assurances, which also cast doubt on the City's ability to meet its deadlines (6.5-4).</p>
6.7 Construction - Water and Sewer Infrastructure	
DDC	ERA
<p>No significant adverse effects</p>	<p>The DEIS overlooks how the closure, reconstruction, and reconfiguration of the parks underground sewer outflows and tide gates, as described in chapter 5.8-3, would put the protected area at risk for combined sewer backups during a rain event.</p>
6.8 Construction - Energy	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: measures would be taken to minimize vibration, to carefully control excavation around existing infrastructure, and to manage the placement of fill and soil stockpiles.</p>	<p>The DEIS states that excavation of Con Ed lines will be done manually to avoid damage (6.8-3). There is no detail in the DEIS about length/size of these lines, protective measures, wrapping methods or other construction plans that demonstrate that this work can be completed within the 3.5-year timeline.</p>

	There is no backup plan in case power lines are damaged during excavation or wrapping.
6.9 Construction - Transportation	
DDC	ERA
<p>Significant adverse effects: Significant adverse traffic effects at the intersections of East 23rd Street and First Avenue and East 23rd Street and Avenue C during the 6:00 to 7:00 AM construction analysis peak traffic hour; temporary significant adverse effects for users of the East River bikeway/walkway</p> <p>Mitigation measures: Traffic effects could be fully mitigated with standard traffic mitigation measures (e.g., signal timing changes); pedestrian/bicyclist rerouting plan</p>	<p>The Stuyvesant Cove and Corlears Hook ferry docks, and the FDR Drive, are being shielded from construction closure, but:</p> <p>Figures 5.9-2a and 2-b show that thousands of pedestrians and cyclists enter the Greenway each day at one of 12 entry points. The Construction Transportation chapter acknowledges that 200 construction-related pedestrian trips will be generated daily in Project Area 1. Yet the City excuses itself from conducting a Level 2 Generated Trip Assignment Screening Assessment as recommended in the CEQR Technical Manual (16-12). The DEIS therefore oversimplifies Greenway and park users as "pedestrians" and "cyclists," ignoring that:</p> <ul style="list-style-type: none"> - Children, seniors, runners, skateboarders, commuter cyclists, bike-share riders, skateboarders, and walkers all need to be accommodated during construction, and that the First/Second Avenue rerouting is not appropriate for many of them; - The First/Second Avenue re-route is well outside the 1/2-mile study area, making it harder for the eastern most residents to access this route.
6.10 Construction - Air Quality	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Measures would be taken to reduce pollutant emissions, including dust suppression measures, idling restriction, and the use of ultra-low sulfur diesel (ULSD) fuel and best available tailpipe reduction technologies</p>	<p>This section focuses on "construction emissions" and concludes that with some effort they will not adversely affect air quality under Alternative 4 (6.10-2). However, this doesn't account for the 1000+ trees that will be destroyed during construction. The "de minimis" concentrations of pollutants described in the table on 6.10-3 are not realistic, because total loss of 85 acres of tree canopy will greatly increase these levels.</p>

6.11 Construction - Greenhouse Gas Emission

DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Potential measures for further reductions of emissions under consideration may include the use of biodiesel, expanded use of recycled steel and aluminum, and construction waste reduction.</p>	<p>The estimated 48,889 metric tons of CO2 emissions necessary to produce the Preferred Alternative amounts to 5.5 million gallons of gasoline, or 647 tankers (6.11-2) (epa.gov/energy). These numbers don't include the emissions produced by current proposals to leave the FDR exempt from congestion pricing.</p> <p>The City has not yet made plans for the 981 trees it plans to remove ("reuse or disposal"), and opts to simply not calculate the carbon footprint of such an action (6.11-9).</p>

6.12 Construction - Noise and Vibration

DDC	ERA
<p>Significant adverse noise effects: Predicted at sensitive receptor locations near the flood protection alignment and the reconstructed pedestrian bridges. Maximum construction noise levels at receptors nearest floodwall construction within East River Park for the Preferred Alternative would be slightly lower than Alternatives 2 and 3, because pile driving would occur further from the receptors.</p> <p>Mitigation measures: Potential to partially mitigate the effects to the greatest extent practicable are being explored by the City; measures being considered include the use of the quieter hydraulic press-in pile installation method, noise barriers around the pile driving head, enclosures on concrete operations, increases usage of barges of materials deliveries, and selection of quieter equipment models.</p> <p>No significant adverse vibration effects</p>	<p>Noise is anticipated to reach daytime levels in the mid-80s. (Sustained exposure in this range can potentially cause hearing loss, per Yale Decibel Level Chart). DEIS lists 8 buildings, totaling 1,759 units, which would experience at least 150% of the recommended indoor dba level. It is highly unlikely that these are the only buildings with monolithic (uninsulated) glass in the area (5.11-13).</p>

6.13 Construction - Public Health

DDC	ERA
<p>No significant adverse effects</p>	<p>The DEIS unjustifiably minimizes the effects of the following on public health:</p> <ul style="list-style-type: none"> - Safety of life and property, as well as this very expensive project, should a significant coastal storm event occur during construction

- Reduction of open space resources for the community to less than 20% of the City's own open-space guideline of 1.5 acres per 1,000 residents, for a period of well over three years
- Continuous exposure to construction emissions, hazardous materials, and dust along the nearly 3-mile stretch of Project Areas One and Two, without trees/plant life to sequester carbon and pollutants, and while FDR Drive traffic increases in 2021 with the introduction of congestion pricing
- The "urban heat island" effect on waterside residential areas when East River Park is stripped of trees and ground cover

East River Alliance Comments on DEIS – Operational Period

5.1 Land Use, Zoning and Public Policy	
DDC	ERA
No significant adverse effects	<p>The City argues, "Flood protection features that would be located within a public park owned by the City and under the jurisdiction (either partly or wholly) of NYC Parks are not governed by the New York City Zoning Resolution or subject to Waterfront Zoning regulations" (5.3-3).</p> <p>This does not seem logical, and provides more evidence ESCR requires NYS parkland alienation:</p> <p>"LWCFA funds were used for the improvement of an approximately 2.88-acre area on the northern edge of East River Park stretching from East 6th Street to East 10th Street as seen in Figure 5.3-1. The area received \$178,402 in LWCFA funds in 1973 for rehabilitation and improvement of existing facilities, including sport fields, site improvements, landscaping, sewer, water and electrical systems, and design and engineering. Under the LWCFA, this area cannot be converted to any non-recreational purpose for more than six months unless it undergoes a conversion."</p>
5.2 Socioeconomic Conditions	
DDC	ERA
No significant adverse effects	<p>The DEIS incorrectly concludes that there is no potential to "fundamentally alter real estate values" (5.2-2). This incorrect finding is based on outdated research and uniformed analysis of the potentiality for what leading scholars have identified as "resiliency gentrification;"</p> <p>New peer-reviewed research by sociologists Tammy Lewis and Kenneth Gould documents a direct correlation between heightened housing market pressures and the construction of resiliency infrastructure in New York City (Gould and Lewis 2016). The investment in structural mitigation to protect the neighborhood from flooding will increase surrounding land values. The DEIS wholly ignores this reality. The DEIS fails to include necessary mitigation to protect communities from displacement and defend against the encroaching privatization of NYCHA;</p> <p>The DEIS inaccurately concludes that there is "little existing and limited opportunity to develop additional market housing abutting the project area" (5.2-2). This finding overlooks Mayor de Blasio's NextGen initiative, which is actively considering creating new privately built market-rate apartments on publicly owned NYCHA property. Where are the mitigations to protect current NYCHA tenants from the impacts of making NYCHA land along the East River even more attractive to developers? Will NYCHA tenants eventually lose their views, light, and air to massive new luxury developments who are eager to build</p>

	alongside a brand new resilient green space? The DEIS is inaccurate and incomplete on the socioeconomic impacts of the City's proposed alternative.
5.3 Open Space	
DDC	ERA
No significant adverse effects Impact avoidance measures: NYC Parks Tree Restoration Plan	With a total of approximately 85.15 acres of open space, (53.66 for active use, 31.49 acres passive use), the finished parks will have an overall open space ratio of approximately 0.54 acres per 1,000 residents. This is lower than the City's planning goal (2.5 acres of combined active and passive open space ratio per 1,000 residents) and is lower than the citywide median (1.5 acres per 1,000 residents) (5.3-12). Nearly 3 acres of passive recreation space will be lost in the proposed new park.
5.4 Historic and Cultural Resource	
DDC	ERA
No significant adverse effects	The DEIS never discusses what the Fire Boat House is used for. The LES Ecology Center anchors its public environmental education and stewardship programs in the FBH. The DEIS never discusses how this project will affect the continuation of these programs. The DEIS says the "Ecology Center is currently used for composting and lacks terrestrial resources" (7.0-17). While this is one function of the work they do, the authors of the project are apparently unaware of the 20 years of environmental education and volunteer stewardship the Ecology Center has performed in the park, responsible for many of its plantings and wildlife habitats.
5.5 Urban Design and Visual Resources	
DDC	ERA
Significant adverse effects - Views of the East River would be blocked on Grand St Mitigation measures - Unmitigable and unavoidable visual context effects from blocked waterfront views	(No comment)

5.6 Natural Resources

DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: NYC Parks Tree Restoration Plan; wetland restoration design that meets all NYSDEC and USACE permit conditions</p>	<p>The NYS Natural Heritage Program points out that the assessment of terrestrial biodiversity is incomplete and inaccurate. It is based on two 4-hour walkthroughs and supplemented by existing, generalized data sources.</p> <p>The DEIS lists one endangered species, the peregrine falcon, that nests on the Williamsburg bridge. Citizen scientists have documented the presence of 10 species listed in the NYS Natural Heritage Program list of rare animal species.</p> <p>The DEIS makes unjustified assumptions about the temporary nature of the negative impact of losing 981 mature trees, because 1442 saplings, "once ... established, ... would represent an improvement" (5.6-2). Given ESCR only prepares the park through 2050, many of these trees will never mature. No mention is made of the urban heat island effect, which is already present in the LES, as it was not a recipient of the Million Trees NYC initiative. Saplings will not mitigate this the way the mature trees in the park currently do.</p> <p>Because the City has not adequately studied the impact on essential fish habitat (EFH), NOAA is doing an additional consultation, which is not yet complete. One possible outcome is NOAA mandating seasonal construction to protect fish breeding areas (https://www.permits.performance.gov/magnuson-stevens-fishery-conservation-and-management-act-section-305-essential-fish-habitat-efh-16). Seasonal construction, along with the need for many federal and state permits, would surely impact the proposed construction timeframe -- one of the main selling points of the preferred alternative.</p> <p>The DEIS provides an irrational rationale for wetlands destruction (and replacement). The preferred alternative 4 destroys two existing embayments with bridges (approximately "24,085 square feet of littoral zone tidal wetland habitat"), and replaces them with two embayments of similar size that include water access, but eliminate the bridges. Other mitigations for wetlands loss would be off-site. Water access is a good idea; it would make it easier to remove river-deposited trash from the embayments. However, the repositioning of the embayments and the loss of the bridges, which are beloved park features, are gratuitous and unnecessary. The bases of the bridges are grids, that cast dappled shade, making it unlikely that their loss would result in "improved habitat type". In general, increasing habitat heterogeneity is beneficial to diversity, and would not be expected to reduce biomass.</p>

5.7 Hazardous Materials	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Implementation of Site Management Plans (SMPs), that address long-term management of residual hazardous materials</p>	<p>(No comment)</p>
5.8 Water and Sewer Infrastructure	
DDC	ERA
<p>No significant adverse effects</p>	<p>As relates to water and sewer infrastructure, Chapter 5.8 of the DEIS does not give any clarity as to why the City chose Alternative 4 as their preferred plan, as they promised the DEIS would in every community board meeting. On pages 5.8-3 and 5.8-17 the DEIS states that Alternatives 2 through 5 would all receive “the same modifications to the sewer system to isolate the drainage protected area and increase hydraulic capacity” and therefore “there would be no adverse effects to sewer infrastructure as a result of implementation” of any of the Alternatives.</p> <p>On page 5.8-3 the DEIS claims that Alternatives 2 and 3 “would not include reconstruction of the drainage infrastructure within East River Park and would require more flood proofing of existing sewer infrastructure within the Park compared to the Preferred Alternative.” This statement denies the community approved potential of Alternatives 2 and 3 to recreate the floodplain and eliminate any storm water or surge water that enters the park from entering the protected area or the sewage system. The intent of a wall or enhanced berm along the western edge of East River Park was and should continue to be to protect the community from storm surge and allow the park to absorb more of the storm water and surge water into its permeable surface and send whatever water it can’t absorb back into the river without connections to our overburdened combined sewer system.</p> <p>The first claim in Chapter 5.8-1 that “Implementation of the proposed project would not generate new water or sewer demand” is false. For direct impact, the alignment of the wall further east and the greater amount of impermeable surface in the Park in the City’s preferred Alternative 4 would put more stormwater into the combined sewer system during any rain event than under existing conditions. And for indirect impact, the preferred plan may lead to increased development in the protected area that would lead to greater water, storm sewer, and sanitary sewage demand (see Socioeconomic Impact comments).</p>

5.9 Transportation	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Traffic Management Plans during the deployment, testing, and maintenance of the closure structures</p>	<p>We find it disingenuous to leave congestion pricing out of the public discussion, especially without trees in the park that can abate some of the added emissions. The NYC Health Department data shows the Lower East Side has more asthma cases than are the average in Manhattan.</p> <p>Pedestrian and bicycle counts were done in May 2015, and repeated at some point in 2017. They do not account for cyclists or family barbecues/gatherings, which raise unique needs and safety concerns (5.9-4).</p>
5.10 Neighborhood Character	
DDC	ERA
<p>No significant adverse effects</p>	<p>The City says that, "The Preferred Alternative is not expected to result in substantial changes in neighborhood character" (5.10-2). They arrive at this conclusion by excluding the following study areas from this chapter, which demonstrate clear impacts to neighborhood character:</p> <ul style="list-style-type: none"> - Historic and Cultural Resources - The destruction of period buildings in East River Park, including the original track house, the Fire Boat House, the amphitheatre, and lesser Park buildings with mosaics, period iron work in the Park's fences (beavers, crabs, etc) as well as the water park's 27 seal, turtle and crab sculptures, is an adverse effect on a historic and cultural resources regardless of what will be replacing them. -Natural Resources - This absolutely should be included in the neighborhood character analysis. The entire Park, a gigantic natural resource, will be lost for a period of years. Existing habitats cannot simply be replaced - species might not return to the completed park because the new saplings will not offer them the same shelter. Smaller, shorter trees in place of tall and full trees would be a huge negative impact on the neighborhood character. -Transportation - Congestion pricing is set to start some time before the end of 2020 and will have a huge environmental impact in both project areas, especially during the construction period since one can bypass the toll by taking the FDR Drive. This should have been included not only in the analysis of the neighborhood character, but also in the other impact areas such as air quality and public health.

5.11 Environmental Justice

DDC	ERA
NSAE	<p>This study area covered in this section of the DEIS combines Project Areas One and Two plus additional census tracts. This obscures the fact that Environmental Justice communities in Project Area One are likely to be disproportionately affected by the closure of and construction in East River Park.</p> <p>By CEQR guidelines, the reduction in open space with Alternative 4 exceeds the standard for "significant" losses of open space to EJ communities during construction (5.11-11 - 5.11-12).</p> <p>No mention of the EPA's current research on Environmental Justice is included. Per EJSCREEN, of the waterfront census tracts affected by the project, all are in at least the 75th percentile nationally for airborne particulate matter, the 80th for the air toxics respiratory hazard index, the 95th for traffic proximity, and the 80th for cancer risk from inhalation of air toxins. The construction phase of this project will severely aggravate all of these factors.</p> <p>The EPA defines EJ as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies". DDC's takeover of the community's plan erased our meaningful involvement. This is environmental injustice!</p>