

A. INTRODUCTION

This document summarizes and responds to comments on the Draft Environmental Impact Statement (DEIS) for the East Side Coastal Resiliency (ESCR) Project (the proposed project). The New York City Office of Management and Budget (OMB) and the New York City Department of Parks and Recreation (NYC Parks), acting as joint lead agencies, released the DEIS on April 5, 2019. OMB coordinated with the U.S. Environmental Protection Agency (EPA) to publish a Notice of Availability of the DEIS in the Federal Register on April 5, 2019, which officially opened the public comment period on the document. The public comment period remained open through the close of business on August 30, 2019. During the public comment period, OMB and NYC Parks held four community open houses to accept written comments, and also accepted written comments submitted via mail, email, through the project website, and written and oral comments submitted at the DEIS public hearing held on July 31, 2019, in Manhattan, New York.

B. COMMENT PERIOD**DEIS AVAILABILITY**

OMB and NYC Parks released the DEIS on April 5, 2019. OMB coordinated with EPA to publish a Notice of Availability of the DEIS in the Federal Register on April 5, 2019, which officially opened the public comment period on the document. The comment period remained open through August 30, 2019.

At the start of the public comment period, OMB and NYC Parks sent electronic and/or hard copy notices to elected officials, interested organizations, stakeholders, Involved, Interested, and Cooperating Agencies, other regulatory agencies, and members of the public, informing them that the DEIS was available for review, providing information on the comment period and how to make comments, and inviting them to the public hearing at which comments could be made. In addition, OMB and NYC Parks posted notices with information on the availability of and instructions for how to comment on the DEIS. These notices were posted on the project website and in the project document repositories listed in Table 14-1.

During the public comment period on the DEIS, the DEIS was available for review on the project's website (<https://www1.nyc.gov/site/escr/index.page>) and at the local repositories (lead agencies and libraries) listed in Table 14-1 during normal business hours.

¹ This chapter is new to the FEIS.

**CITY PLANNING COMMISSION (CPC) UNIFORM LAND USE REVIEW
PROCEDURE/DEIS PUBLIC HEARING**

OMB and NYC Parks held a public hearing during the public comment period on July 31, 2019 at the City Planning Commission Hearing Room, Lower Level, 120 Broadway, New York, NY 10271, at 10:00 AM. At the hearing, OMB and NYC Parks accepted oral and written comments on the DEIS. At the public hearing, the New York City Department of Design and Construction (DDC) and NYC Parks provided a brief formal presentation describing the purpose and need for the proposed project and the conclusions of the DEIS.

The format of the public hearings included the opportunity for public comments to be submitted as follows: 1) by speaking publicly at the hearing, with all comments made publicly recorded by a stenographer for the record; 2) by providing written comments/materials to be entered into the meeting record; and/or 3) by providing oral comments privately to the stenographer, who recorded the comments for the meeting record/transcript. A court reporter transcribed the proceedings.

The hearing began at 10:00 AM and concluded at 2:42 PM, with a brief presentation about the proposed project at 11:35 AM. The hearing facilities were accessible to persons with disabilities, and Spanish and American Sign Language translators were present.

PUBLIC COMMENTS

During the public comment period, OMB and NYC Parks accepted public comments made in a number of different ways:

- In writing at the following community open houses:
 - May 14, 2019, 4:00 PM – 8:00 PM
Lower East Side Girls Club
402 East 8th Street 10009
 - May 15, 2019, 2:00 PM – 8:00 PM
Lower East Side Girls Club
402 East 8th Street 10009
 - June 5, 2019, 4:00 PM – 8:00 PM
Peter Cooper Village
360 First Avenue, Lower Level 10010
 - June 6, 2019, 2:00 PM – 8:00 PM
Peter Cooper Village
360 First Avenue, Lower Level 10010
- Written comments submitted via the Project websites: <http://www.nyc.gov/cdbgdr> or <https://www1.nyc.gov/site/escr/index.page>
- Written comments submitted via email: CDBGDR-Enviro@omb.nyc.gov and escr@parks.nyc.gov
- Written comments made by mail/hand delivery to: New York City Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007
- Written comments made by mail/hand delivery to: New York City Parks, The Arsenal, Central Park, 830 Fifth Avenue, Room 401, New York, NY 10065
- Written comments submitted at the public hearing on July 31, 2019, including comments made orally in front of the audience and comments made privately to a stenographer

OMB and NYC Parks accepted written comments through the end of the comment period on August 30, 2019. In addition, Community Board 3, Community Board 6, the Borough President, and the Borough Board Resolutions have been included.

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to substantive comments received during the public comment period for the DEIS.

C. CONTENTS OF THIS CHAPTER

Section D lists the organizations and individuals that provided comments relevant to the EIS. Section E contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the EIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. All written comments are included in Appendix M, “Written Comments Received on the DEIS.”

D. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS

COMMUNITY BOARD

1. Manhattan Community Board 6, resolution submitted on June 19, 2019 (CB3_500)
2. Manhattan Community Board 3, resolution submitted on June 28, 2019 (CB6_501)

ELECTED OFFICIALS

3. Gale Brewer, President, Borough of Manhattan – City of New York, letter dated July 8, 2019 to CPC (Brewer_600); oral testimony at CPC hearing on July 31, 2019 (Brewer_301) letter to DCP dated July 30, 2019 (Brewer_082); Borough Board letter dated July 23, 2019 (Brewer_302)
4. Daniel Reilly, on behalf of Congresswoman, Nidya Velazquez, oral testimony at CPC hearing on July 31, 2019 (Reilly_341), written testimony at CPC hearing on July 31, 2019 (Velazquez_352), Jeremy Unger, representative of Councilwoman Carlina Rivera, oral testimony at CPC hearing on July 31, 2019 (Unger_317), written testimony at CPC hearing on July 31, 2019 (Rivera_349)
5. Carolyn B. Maloney, US Congresswoman – 12th District New York, written testimony at CPC hearing on July 31, 2019 (Maloney_359)
6. Talia Crawford, representative of Assembly member Harvey Epstein and State Senator Brad Hoylman, letter dated July 31, 2019 (Crawford_074); oral testimony at CPC hearing on July 31, 2019 (Crawford_316); written testimony at CPC hearing on July 31, 2019 (Epstein_Hoylman_355)
7. Letitia James, Attorney General of the State of New York, letter dated August 29, 2019 (James_134)

GENERAL PUBLIC/ORGANIZATIONS/AGENCIES

8. Daniel Tuohy, Stuyvesant Town resident, written comments submitted at Community Open House on May 14, 2019 (Tuohy_001)

East Side Coastal Resiliency EIS

9. Melinda Billings, Lower East Side Ecology Center, written comments submitted at Community Open House on May 14, 2019 (Billings_002) (Billings_003); written comments submitted at Community Open House on May 15, 2019 (Billings_008); written comments submitted at Community Open House on June 5, 2019 (Billings_024); oral testimony at CPC hearing on July 31, 2019 (Billings_328)
10. James Rother, resident, written comments submitted at Community Open House on May 14, 2019 (Rother_004)
11. April Merlin, written comments submitted at Community Open House on May 14, 2019 (Merlin_005)
12. Zoe Chan, resident, written comments submitted at Community Open House on May 14, 2019 (Chan_006)
13. Lesa Westerman, resident, written comments submitted at Community Open House on May 14, 2019 (Westerman_007)
14. Michael Halliday, resident, written comments submitted at Community Open House on May 15, 2019 (Halliday_009)
15. Raymond Santiago, resident, written comments submitted at Community Open House on May 15, 2019 (Santiago_010)
16. Diego Segalini, Lower Manhattan Cultural Council and resident, written comments submitted at Community Open House on May 15, 2019 (Segalini_011)
17. Elisabeth Dyssegaard, East River Alliance, written comments submitted at Community Open House on May 15, 2019 (Dyssegaard_012)
18. Marcella Durend, written comments submitted at Community Open House on May 15, 2019 (Durend_013)
19. Laura Frisk, resident, written comments submitted at Community Open House on May 15, 2019 (Frisk_014)
20. Lauren Alvarez, resident, written comments submitted at Community Open House on May 15, 2019 (Alvarez_015)
21. The Lorax, resident, written comments submitted at Community Open House on May 15, 2019 (Lorax_016)
22. Sharon Stergis, Jacob Riis Tenant Association, Second Vice President, written comments submitted at Community Open House on May 15, 2019 (Stergis_017)
23. Lenore Goldstein, written comments submitted at Community Open House on May 15, 2019 (Goldstein_018)
24. Judith Tax, Peter Cooper Village resident, written comments submitted at Community Open House on May 15, 2019 (Tax_019)
25. Louise Velez, National Mobilization against Sweatshops (NMASS), written comments submitted at Community Open House on May 15, 2019 (Velez_020)
26. Jeff McGregor, written comments submitted at Community Open House on May 15, 2019 (McGregor_021)
27. Olympia Kazi, written comments submitted at Community Open House on May 15, 2019 (Kazi_022)
28. Amy Berkov, written comments submitted at Community Open House on June 5, 2019 (Berkov_023); oral testimony submitted at CPC hearing on July 31, 2019 (Berkov_326); written comments submitted at CPC hearing on July 31, 2019 (Berkov_345); letter dated August 25, 2019 (Berkov_096)
29. Deborah Cooke, resident, written comments submitted at Community Open House on June 5, 2019 (Cooke_025)

30. Ingrid Devitz, Community Organizer and Stuyvesant Town resident, written comments submitted at Community Open House on June 5, 2019 (Devitz_026) (Devitz_027)
31. Claire Fontaine, Village East Towers, written comments submitted at Community Open House on June 5, 2019 (Fontaine_028)
32. Aurora Guzman, resident, written comments submitted at Community Open House on June 5, 2019 (Guzman_029)
33. Karen Morse, written comments submitted at Community Open House on June 5, 2019 (Morse_030)
34. Michael R. Murray, written comments submitted at Community Open House on June 5, 2019 (Murray_031)
35. Michael Perles, Community Board 3, written comments submitted at Community Open House on June 5, 2019 (Perles_032)
36. Jason Gerz, Transportation Alternatives, written comments submitted at Community Open House on June 6, 2019 (Gerz_034)
37. Anne Greenberg, Stuyvesant Town/Peter Cooper Village Tenants Association, written comments submitted at Community Open House on June 6, 2019 (Greenberg_035)
38. Karen Loew, Stuyvesant Town resident, written comments submitted at Community Open House on June 6, 2019 (Loew_036)
39. Laura Koestler, Stuyvesant Town/Peter Cooper Village Tenants Association, written comments submitted at Community Open House on June 6, 2019 (Koestler_037)
40. Megan McCormack, Stuyvesant Town resident, written comments submitted at Community Open House on June 6, 2019 (McCormack_038)
41. Karin Weiss, written comments submitted at Community Open House on June 6, 2019 (Weiss_039); oral testimony at CPC hearing on July 31, 2019 (Weiss_305); written testimony at CPC hearing on July 31, 2019 (Weiss_356)
42. Ann Kaufman, email dated April 20, 2019 (Kaufman_040); email dated April 19, 2019 (Kaufman_060); email dated April 24, 2019 (Kaufman_061)
43. Sue Jay Johnson, email dated May 21, 2019 (Johnson_041)
44. John Senter, email dated May 24, 2019 (Senter_042)
45. Rob Hollander, email dated June 2, 2019 (Hollander_043)
46. Irene Alladice, email dated June 7, 2019 (Alladice_044)
47. Elizabeth Upton and Rachel de Aragon, email dated May 26, 2019 (Upton and de Aragon_045); email dated June 2, 2019 (Upton and de Aragon_046); email dated May 27, 2019 (Upton and de Aragon_047); email dated May 14, 2019 (Upton and de Aragon_051); email dated May 15, 2019 (Upton and de Aragon_052); email dated May 27, 2019 (Upton and de Aragon_057)
48. Gary Brandwein, email dated June 25, 2019 (Brandwein_048); email dated June 6, 2019 (Brandwein_053)
49. Sabina Wolfson, email dated April 5, 2019 (Wolfson_049)
50. Peyton Yourch, email dated May 14, 2019 (Yourch_050)
51. Rita Kelly, email dated June 19, 2019 (Kelly_054); oral testimony at CPC hearing on July 31, 2019 (Kelly_344); Rita Kelly, email dated August 30, 2019 (Kelly_172)
52. Claudia Bina, email dated April 15, 2019 (Bina_055)
53. Claus Habermeier, email dated June 12, 2019 (Habermeier_056)
54. Fannie Ip, email dated June 14, 2019 (Ip_058); email dated August 25, 2019 (Ip_091); oral testimony at CPC hearing on July 31, 2019 (Ip_325)
55. Rafael Rosario, email dated May 28, 2019 (Rosario_059)
56. Elaine Huff, letter dated April 30, 2019 (Huff_062)

East Side Coastal Resiliency EIS

57. Frank Avila-Goldman, Resident/Board member of Gouverneur Gardens, email dated June 12, 2019 (Avila-Goldman_063)
58. Anne Boster, resident, email dated July 5, 2019 (Boster_064); email and written comments submitted July 15, 2019 (Boster_067) (Boster_075); Anne Boster, email dated August 28, 2019 (Boster_094)
59. Paula Grande and Middy Streeter, East Village residents, email dated July 1, 2019 (Grande and Streeter_065)
60. Victor J. Weiss, resident, email dated July 3, 2019 (Weiss_066); email dated July 28, 2019 (Weiss_077)
61. Kate Kubert Puls, resident, email dated July 19, 2019 (Puls_068)
62. Thomas Sellin, email dated July 25, 2019 (Sellin_069)
63. Scott Smiler, Gouverneur Gardens Housing Corporation, email dated August 2, 2019 (Smiler_070); letter dated August 30, 2019 (Smiler_132)
64. Andy Friedberg, email dated July 29, 2019 (Friedberg_071)
65. Patricia Perlo, email dated July 26, 2019 (Perlo_072)
66. Brian Boulos, email dated July 31, 2019 (Boulos_073)
67. Carter Strickland, The Trust for Public Land, email and letter dated August 1, 2019 (Stricklan_076)
68. Wendy Goldman, email dated July 31, 2019 (Goldman_078)
69. Diana Carulli, East River Park Coalition, email and letter dated July 29, 2019 (Carulli_079)
70. Ralph Yozzo, email dated July 27, 2019 (Yozzo_080)
71. Mary Buchen, email dated July 30, 2019 (Buchen_081)
72. Howard Brandstein, Sixth Street Community Center, letter dated July 31, 2019 (Brandstein_083); email dated August 30, 2019 (Brandstein_154)
73. Caroline R. Kretz, Con Edison, email dated August 7, 2019 (Kretz_084)
74. Gary Altman, East River Housing Corporation, oral testimony at CPC hearing on July 31, 2019 (Altman_302)
75. Ellen Gentaviso, East River Housing Corporation, oral testimony at CPC hearing on July 31, 2019 (Gentaviso_303)
76. Julie Wolman, East River Housing Corporation, oral testimony at CPC hearing on July 31, 2019 (Wolman_304)
77. Adolfo Morales, United Athletic Association, oral testimony at CPC hearing on July 31, 2019 (Morales_306)
78. James McCarthy, U.S. Veterans Affairs Department, oral testimony at CPC hearing on July 31, 2019 (McCarthy_307)
79. Emily Walker, New Yorkers for Parks, oral testimony at CPC hearing on July 31, 2019 (Walker_308); written testimony at CPC hearing on July 31, 2019 (Walker_357)
80. Valentina Jones, Lower East Side Partnership, oral testimony at CPC hearing on July 31, 2019 (Jones_309)
81. Nancy Ortiz, Atlantic Houses, oral testimony at CPC hearing on July 31, 2019 (Ortiz_310)
82. Camille Napoleon, Baruch Houses, oral testimony at CPC hearing on July 31, 2019 (Napoleon_311)
83. Diane Lake, East River Alliance, oral testimony at CPC hearing on July 31, 2019 (Lake_312)
84. Kenneth Kolosky, resident, oral testimony at CPC hearing on July 31, 2019 (Kolosky_313)
85. Erin Mumford, resident, oral testimony at CPC hearing on July 31, 2019 (Mumford_314)

86. Francisca Benitez, 62 East Broadway Tenants Association, oral testimony at CPC hearing on July 31, 2019 (Benitez_315)
87. Wendy Ruben, resident, oral testimony at CPC hearing on July 31, 2019 (Ruben_318)
88. Harriet Hershorn, resident, oral testimony at CPC hearing on July 31, 2019 (Hershorn_319); electronic form and email dated August 29, 2019 (Hirshorn_126)
89. Diane Platt, resident, oral testimony at CPC hearing on July 31, 2019 (Platt_320)
90. Myrna Kasavis, resident, oral testimony at CPC hearing on July 31, 2019 (Kasavis_321)
91. Charles Kreselle, resident, oral testimony at CPC hearing on July 31, 2019 (Kreselle_322)
92. Yvette Mafesdes, resident, oral testimony at CPC hearing on July 31, 2019 (Mafesdes_323)
93. Daniel Myers, resident, oral testimony at CPC hearing on July 31, 2019 (Myers_324)
94. Christine Datz-Romero, Lower East Side Ecology Center, oral testimony at CPC hearing on July 31, 2019 (Datz-Romero_327); letter dated August 28, 2019 (Datz-Romero_328)
95. Howard Branstein, 6th Street Community Center, oral testimony at CPC hearing on July 31, 2019 (Branstein_329)
96. Theodore Pender, East River Co-op Friends of Corlears Park, oral testimony at CPC hearing on July 31, 2019 (Pender_330)
97. Ada McNally, resident, oral testimony at CPC hearing on July 31, 2019 (McNally_331)
98. Michael Hadid, East River Housing Corporation, oral testimony at CPC hearing on July 31, 2019 (Hadid_332)
99. Elizabeth Broukamato, Lower East Side United Neighbor Gardens; East River Alliance, oral testimony at CPC hearing on July 31, 2019 (Broukamato_333)
100. Sally Lelong, resident, oral testimony at CPC hearing on July 31, 2019 (Lelong_334)
101. Jorge Hernan, oral testimony at CPC hearing on July 31, 2019 (Hernan_335)
102. Laura Shul, East Village Community Coalition, oral testimony at CPC hearing on July 31, 2019 (Shul_336)
103. Emanuel Vasquez, oral testimony at CPC hearing on July 31, 2019 (Vasquez_337)
104. Edwin Rios, resident, oral testimony at CPC hearing on July 31, 2019 (Rios_338)
105. Barbara Paparelli, resident, oral testimony at CPC hearing on July 31, 2019 (Paparelli_339)
106. Jasmine Sanchez, Baruch Houses, oral testimony at CPC hearing on July 31, 2019 (Sanchez_340); written testimony dated July 31, 2019 (Sanchez_347)
107. Joel Kuperman, Environmental Justice Initiative representing tenants at NYCHA Smith Houses, oral testimony at CPC hearing on July 31, 2019 (Kuperman_342)
108. Tonto Rivera, resident, oral testimony at CPC hearing on July 31, 2019 (Rivera_343)
109. Celinda Sanchez, written testimony dated July 31, 2019 (Sanchez_346)
110. Dan Tainow, written testimony at CPC hearing on July 31, 2019 (Tainow_350); email dated August 29, 2019 (Tainow_139)
111. Laura Sewell, East Village Community Coalition, written testimony at CPC hearing on July 31, 2019 (Sewell_351)
112. Dusty Ryan, written testimony at CPC hearing on July 31, 2019 (Ryan_353)
113. East River Park Action Group, written testimony at CPC hearing on July 31, 2019 (ERPAG_358)
114. Lower East Side Power Partnership (LESPP), written testimony at CPC hearing on July 31, 2019 (LESPP_348)
115. Spencer Chako, email dated August 18, 2019 (Chako_085)
116. Scott Baker, email dated August 19, 2019 (Baker_086)
117. Bidya Prasad, email dated August 19, 2019 (Prasad_087)

East Side Coastal Resiliency EIS

118. Kim Sillen, email dated August 20, 2019 (Sillen_088)
119. Elia Glenn, email dated August 20, 2019 (Glenn_089)
120. Steven J. Silva, email dated August 21, 2019 (Silva_090)
121. Britney Franke, email dated August 21, 2019 (Franke_092)
122. Naomi Schiller, email dated August 26, 2019 (Schiller_093)
123. Wendy Brawer, email dated August 26, 2019 (Brawer_095); email dated August 26, 2019 (Brawer_122)
124. AnnaBelle Cuthbert, email dated August 27, 2019 (Cuthbert_097)
125. Aqeel Bukhari, email dated August 28, 2019 (Bukhari_098)
126. Choresh Wald, email dated August 27, 2019 (Wald_099)
127. Clarke Bowling, email dated August 27, 2019 (Bowling_100)
128. Jamie Ballard, email dated August 27, 2019 (Ballard_101)
129. Keith Amirault, email dated August 27, 2019 (Amirault_102)
130. Mara Lyn Leverett, email dated August 27, 2019 (Leverett_103)
131. Marcella Durand, email dated August 28, 2019 (Durand_104)
132. Natalie Kramer, email dated August 28, 2019 (Kramer_105)
133. Rita Bobry, electronic form dated July 30, 2019 (Bobry_106)
134. Zach Mandell, electronic form date August 15, 2019 (Mandell_107)
135. Mary Ting, electronic form dated August 16, 2019 (Ting_108)
136. Michael Palumbo, electronic form dated August 21, 2019 (Palumbo_109)
137. Alhena Katsof, electronic form dated August 25, 2019 (Katsof_110)
138. Benjamin Merris, electronic form dated August 25, 2019 (Merris_111)
139. John Blasco, email dated August 27, 2019 (Blasco_112)
140. Sarah Bedell, email dated August 27, 2019 (Bedell_113)
141. Robert Mante, email dated August 27, 2019 (Mante_114)
142. Bertha Rivera, email dated August 28, 2019 (Rivera_115)
143. Nicole Victor, email dated August 28, 2019 (Victor_116)
144. Katie McDonnell, email dated August 28, 2019 (McDonnell_117)
145. Leah Kramnick, email dated August 28, 2019 (Kran_118)
146. Lauren Burch, email dated August 28, 2019 (Burch_119)
147. Bryan Keller, email dated August 28, 2019 (Keller_120)
148. Robert DeGennaro, email dated August 28, 2019 (DeGennaro_121)
149. Anika Chowdhury, electronic form dated August 28, 2019 (Chowdhury_123)
150. Matt Wolf, electronic form dated August 26, 2019 (Wolf_124)
151. Clint Smeltzer, electronic form dated August 27, 2019 (Smeltzer_125)
152. Eva Rediker, email dated August 28, 2019 (Rediker_127)
153. Harold Goldberg, email dated August 28, 2019 (Goldberg_128)
154. Sarah Richardson, email dated August 28, 2019 (Richardson_129))
155. Thomas Devaney, Municipal Art Society of New York (MAS), electronic form dated August 27, 2019 (MAS_130)
156. Kitty May, electronic form and email dated August 29, 2019 (May_131)
157. Alec Bentley, email dated August 29, 2019 (Bentley_133)
158. Allison Ryan, electronic form dated August 29, 2019 (Ryan_136)
159. Kenneth Colosky, electronic form dated August 28, 2019 (Colosky_137)
160. Keith Reichenbach, electronic form dated August 29, 2019 (Reichenbach_138)
161. Dan LaBarca, electronic form dated August 28, 2019 (LaBarca_140)
162. Carol Porteous, email dated August 30, 2019 (Porteous_141)
163. Cecile Scheib, electronic form dated August 27, 2019 (Scheib_142)

164. Regina Bartkoff, electronic form dated August 28, 2019 (Bartkoff_143)
165. Laura Salmon, email dated August 30, 2019 (Salmon_144)
166. Matylda Czarnecka, email dated August 30, 2019 (Czarnecka_145)
167. Kai Wen Yang, email dated August 30, 2019 (Yang_146)
168. Douglas Higginbotham, email dated August 30, 2019 (Higginbotham_147)
169. Pete, email dated August 30, 2019 (Pete_148)
170. Alison Colby, email dated August 29, 2019 (Colby_194), email dated August 30, 2019 (Colby_149), email dated August 30, 2019 (Colby_189)
171. Eli Ferrari, email dated August 30, 2019 (Ferrari_150)
172. Christopher Pelham, email dated August 30, 2019 (Pelham_151)
173. Emma McGregor-Mento, email dated August 30, 2019 (McGregor-Mento_152)
174. Melissa Elledge, email dated August 30, 2019 (Elledge_153)
175. Jorge Horan, email dated August 30, 2019 (Horan_155)
176. Richard Garland, email dated August 30, 2019 (Garland_156)
177. Peter Feld, email dated August 30, 2019 (Feld_157)
178. East River Alliance, email dated August 30, 2010 (ERA_158)
179. East River Alliance, Steering Committee, email dated August 30, 2010 (ERA_159)
180. Elena Billing, email dated August 30, 2019 (Billing_160)
181. Armando de Sousa, electronic form dated August 30, 2019 (deSousa_163)
182. Kristine Visanen, electronic form dated August 27, 2019 (Visanen_164)
183. Jackie Nadel, electronic form dated August 27, 2019 (Nadel_165)
184. Justin W, electronic form dated August 27, 2019 (W_166)
185. Jean Carbain, electronic form dated August 27, 2019 (Carbain_167))
186. Bruce Duncan, email dated August 29, 2019 (Duncan_168)
187. Jude Shavlik, email dated August 28, 2019 (Shavlik_169)
188. Doreen Szeto, email dated August 29, 2019 (Szeto_170)
189. Perry Leung, email dated August 30, 2019 (Leung_171)
190. Juli Svercl, email dated August 29, 2019 (Svercl_173)
191. Arthur Mayer, email dated August 28, 2019 (Mayer_174)
192. Lower East Side Preservation Initiative, email dated August 30, 2019 (LESPI_175)
193. Michael Hawley, email dated August 30, 2019 (Hawley_177)
194. Chris Yerington, email dated August 30, 2019 (Yerington_178)
195. Kristin Gilson and family, email dated August 30, 2019 (Gilson, 179)
196. Jorge P Horan, email dated August 30, 2019 (Horan_180)
197. Elia Glenn, email dated August 28, 2019 (Glenn_181)
198. Pat Arnow, email dated August 30, 2019 (Arnow_176)
199. Dale Laurin, email dated August 28, 2019 (Laurin_183)
200. Leslie Kramer, email dated August 30, 2019 (Kramer_182)
201. Carmine V. Bassano, email dated August 28, 2019 (Bassano_184)
202. Laura Frisk, email dated August 29, 2019 (Frisk_185)
203. Chuck Ludinsky, email dated August 28, 2019 (Ludinsky_186)
204. Jeff Yunker, US Coast Guard Sector NY, letter and email dated August 29, 2019 (USCG_187)
205. Matthew C. Eshed, email dated August 29, 2019 (Eshed_188)
206. Loyan Beausoleil, email dated August 28, 2019 (Beausoleil_191)
207. Gabrielle Schueler, email dated August 30, 2019 (Schueler_190)
208. Victor Gallo, Con Edison, letter dated August 30, 2019 (ConEd_162)

- 209. Dierdre Carson, East River Housing Corporation, letter dated August 30, 2019 (ERHC_161)
- 210. Dianne Lake, email dated August 29, 2019 (Lake_135)
- 211. The United States Environmental Protection Agency (EPA), letter dated August 19, 2019 (EPA_158)
- 212. Karin Weiss, electronic form dated August 30, 2019 (Weiss_192)
- 213. Curtis White, electronic form dated August 31, 2019 (White_193)

E. COMMENTS AND RESPONSES

1.0 PURPOSE AND NEED

Comment 1: The ESCR Project team should provide supporting data on the cost-benefit analysis done for the proposed Project Area Two construction plan that would, as was presented, provide a more expedient construction completion than one that includes a partial closure of the FDR Drive. (CB6_501)

What is the cost/benefit analysis of a concrete “sea-wall” along the FDR Drive versus burying the park? (Amirault_102)

Response: An updated benefit cost analysis will be part of the Substantial Action Plan Amendment to be released for public comments in the fall of 2019. The shorter construction duration for the flood protection under the Preferred Alternative is primarily due to minimized construction disruption and delay along the Franklin Delano Roosevelt East River Drive (FDR Drive) (which would require temporary nighttime single-lane closures of the FDR Drive to allow construction) and reduced construction complexity related to the existing Con Edison transmission lines that run parallel to the highway along the park as compared with Alternatives 2 and 3. The flood protection alignment under the Preferred Alternative is primarily along the existing esplanade of East River Park which also allows the opportunity to reconstruct the bulkhead and raise the park.

Comment 2: The Preferred Alternative is an over the top conception in its scope and time horizon and exceeds the opportunity cost version of costs vs. benefits. It should be reduced in scale so that its primary goals (flood control and river contamination) can be achieved within a year. Removing the park from use by the surrounding community for a 3.5-year construction period is an unacceptable burden for a concept that may or may not work in totality. A more modest plan should be sought, which would take less time to complete and would not deprive the community of the park for 3.5 years. (Brandwein_048) (Brandwein_053)

In short, for a price tag of over \$2 billion, this project will likely generate serious health issues; reduce the quality of life in the area for a decade or more; curtail safe and efficient transportation options (protected biking and convenient access to the ferry at Corlears Hook, which will be negated for anyone on or above Grand Street) and eradicate the very oasis of open-space “nature” that the project

purports to enhance. People love East River Park and are so upset by its possible destruction because it's the one place on the Lower East Side where we can actually be in a space that feels unconstricted and wild. To shrug off the destruction of hundreds of old, beautiful, shade-providing trees is to not understand human nature and this constituency. The trees are not a nicety; they are the park. The shadeless, manmade spaces of the proposed plan cannot replace what we have now. (Sillen_088)

Much better plans exist, plans that will protect us against flooding AND support and expand our natural resources and access to nature. This is yet another top-down plan that ignores the needs and wants of the surrounding community--and this neighborhood has had more than its share of such uncaring stewardship from the city (we've already had one endless park closure, which was torture, with long-lasting impact on morale and neighborhood livability). (Durand_104)

While we recognize the complexity of ESCR and the challenges in coordinating such a massive effort, we call on the City and its partners to address our comments and work towards garnering true support from the affected communities and arrive at long-term, comprehensive resiliency protection. (MAS_130)

No one is arguing that something shouldn't be done to improve flood protection, but the plan should be thought through enough to have a minimal impact on the community and environment. Only in this way will money and time be saved, so that after the next park is completed they won't need to replace it yet again because of a foreseeable problem that wasn't properly considered. (Mayer_174)

Response:

As discussed in Chapter 1.0, "Purpose and Need," the principal objectives of the proposed project include: provide a reliable coastal flood protection system against the design storm event (the 100-year flood events with sea level rise to 2050s) for the protected area; improve access to and enhance open space resources along the waterfront, including East River Park and Stuyvesant Cove Park; respond quickly to the urgent need for increased 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 achieve implementation milestones and comply with the conditions attached to funding allocations as established by HUD, including scheduling milestones. Five alternatives were selected for analysis in the DEIS and the Preferred Alternative, the Flood Protection System with a Raised East River Park Alternative, best meets the purposed and need objectives. One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The City will continue to identify approaches that will allow for phased construction, including safely keeping parts of East River Park open and will reopen parts of the East River Park as quickly as possible, as well as developing a robust neighborhood park improvements program that

provides active and passive recreational areas for the community throughout the 3.5-year construction period.

Comment 3: Is there any precedent for a project of this nature? (Billings_008)

The ESCR is the first major comprehensive coastal resiliency and flood protection project to be advanced by the City. The overall purpose of protecting the vulnerable East River community from the impacts of climate change and coastal flooding is of utmost importance. We recognize the incredible challenge the City faces in meeting its long-term resiliency goals and minimizing the environmental and quality of life impacts on the East River community. (MAS_130)

Response: In June 2013, the U.S. Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition to respond to Hurricane Sandy's devastation. In June 2014, HUD announced six winning proposals that included projects throughout the Hurricane Sandy-impacted area, including Long Island, New Jersey, the Bronx, Staten Island, and Manhattan. The concept for Manhattan was named "the Big U," which focused on a flood protection system around Manhattan. The proposed project is a large-scale project and the first of the large-scaled resiliency projects to be undertaken in Manhattan that responds to the urgent need for flood protection.

Comment 4: This all has to do with money and power, as usual. (Yozzo_080)

This plan is overkill, and not in the interests of anyone besides big moneyed developers. (Bobry_106)

This plan is simply based on fraud and greed and everyone knows it. I am highly disappointed in NYC elected officials and the Mayor who have all turned a blind eye. (Rivera_115)

It is an absolute insane activity to destroy a beautiful park for no good reason. Your impetus is an once-in-a-lifetime storm and some shoddy unscientific BS. This is not only my park, but my tax money which could be returned to the taxpayer or put to good use. What is wrong with the current park? Bear in mind we may soon go into a national economic recession. Is this the way to spend our dollars? (Reichenbach_138)

This is critical moment in the history of the East Village, NYC. It is not a time when you can afford to get this wrong. This is not an issue where you have the luxury to merely juggle political pressures; this is about doing the right thing for human beings, the neighborhood, and the planet. It's about quality of life, and life itself. (Porteous_141)

The winners in this plan are politically connected contractors and vendors who will receive contracts, hence the rush to ram through this plan in time for a federal deadline; politically connected luxury developers who, after the creation of what

is an admittedly gentrification-driving park redesign, foresee massive glass towers rising from coastal NYCHA properties under the mayor's Next Gen plan to sell off NYCHA resources to his political donors, turning the FDR into another West Street. (Isn't it interesting that no comparable plan is proposed to lift Hudson River Park, which is already heavily gentrified yet is subject to the same sea level threat and adjoins an area that suffered similarly during Hurricane Sandy.) (Feld_157)

If this project goes forward it will ruin life in our neighborhood for most of the 2020s and blight the legacy of all the officials who could have stopped it but let it happen. (Feld_157)

The City has an opportunity to set a standard for how long-term, large-scale resiliency projects are planned, coordinated, and implemented. In the end, the success of ESCR will, at least in part, be assessed by how well the City engages with the community and responds to its concerns and needs. To that end, we urge the City to address our comments and truly create a new model for integrating coastal protection into urban neighborhoods. (MAS_130)

The decisions that are made within the next few months will determine the livability of the Lower East Side for generations. Please do not rush into a plan that mainly benefits traffic on the FDR. Please think ahead, and consider the well-being of both current and future residents of the ESCR region. (Berkov_096)

I am horrified by this proposal, its excessive use of tax payer dollars and blindness towards environmental issues. I urge you to rethink and revise this proposal. I am shocked by this antiquated thinking, it is reminiscent of the problematic levees of New Orleans. We know better, we are much better than the current ESCR. (Ting_108)

I use that park every day because there are no other parks in the area. Please listen to what the community and taxpayers want. (Visanen_164)

Let us find an alternative plan to closing the park for destruction and redevelopment. (White_193)

Response: Comment noted. Please also see response to Comment 2.

2.0 PROJECT ALTERNATIVES

Comment 5: CB6 strongly recommends that a feasibility study of “decking” portions of the FDR to provide added parkland for the area be included in the design review to better inform possible future project. (CB6_501) (Berkov_023)

Put a deck on top of the FDR, as proposed by the East River Alliance, to provide much needed open/green space and reduce noise and air pollution. We would potentially be able to keep the existing trees and continue to use the park. (Boster_064) (Boster_067) (Billings_024) (Chan_006) (ERPAG_358)

The City should bury the FDR and make that the protection against flooding instead of keeping the FDR as-is and burying the park. This is an opportunity to completely redesign an entire park and the coastline of a large part of Manhattan. (Johnson_041)

Join the Corlears Hook, Delancey Street, and 10th Street overpasses as a deck to provide more open space. (Boster_064) (Boster_067) (Boster_075)

We could have a chance to consider alternate plans, such as decking over the FDR to mitigate noise and pollution while adding to parkland. The current plan is not right, it's not fair and it throws away a chance to do things right. Please don't throw our neighborhood away. (Durand_104)

Build the flood wall in or along the FDR Drive, expand our park with decking over the FDR, and have dedicated bus lanes for non-polluting electric buses! And spend less money doing it! Why ever not?! (Porteous_141)

Solutions explored should include green-decking the FDR with potential to raise it to whatever height will be needed as sea level rise projections continue to revise beyond worst-case scenarios. (Feld_157)

Response: The option of decking over the Franklin Delano Roosevelt East River Drive (FDR Drive) will not accomplish the principal objective of the proposed project which is to provide a reliable coastal flood protection system against the design storm event for the protected area as soon as possible (within 3.5 years). Please also see response to Comment 2. Decking over the FDR Drive is a potential long-term vision to reduce the effects of highway corridors while creating additional open space for the community, and the Preferred Alternative does not preclude that longer-term vision from further evaluation.

Comment 6: Many members of the community stated a preference for the previous design iteration because it utilized a method of resiliency well-established in modern environmental thinking of using parkland as a natural buffer for protection of upland regions, and replicated a system of floodplains and floodwalls as a defense to protect the neighborhood. (CB3_500)

The current plan is significantly different from the one the community had participated in creating over the last six years. (Grande and Streeter_065) (Wolfson_049) (Mafesdes_323) (Broukamato_333)

The City should return to the original plan that was developed in coordination with the community. Reconsider the first plan and build by the highway. (Wolfson_049) (Santiago_010) (Hernan_335) (Platt_320) (Kolosky_313) (ERPAG_358)

The entire community has been kept in the dark regarding the Preferred Alternative. We do not want the park to close. Please listen to the community and change this plan. (Merlin_005) (Mafesdes_323)

The Preferred Alternative is not supported. (Billings_024) (Alvarez_015) (Santiago_010) (Ruben_318)

This plan is not well thought out and does not protect the community, especially children. (Durend_013)

While the Preferred Alternative includes much of the programming from the previous design the community participated in creating, it is still in design development. It is unfair to CPC and the agencies to vote on the project and respond to comments while there are still so many unanswered questions. (Shul_336)

I would like to express my strong disagreement with the city's new "Plan to Bury East River Park." I urge you to revert to the original plan which kept the park open, and shielded it from traffic noise and pollution from the FDR, while also providing flood protection. (Friedberg_071) (ERPAG_358)

After participating in community meetings since Sandy, there has been a lot of different information. In a few months, they are going to change the plans. The Parks Commissioner said he is going to be here, but he's not here. I don't trust the City at all. (Rivera_343)

Please don't implement this plan, which now runs contrary to all scientific counsel about the need for green space to absorb flooding. If you need to, raise FDR Drive. But bring back the older plan to keep our park intact, which will also protect the buildings that boarder the river from floods. (Goldman_078)

The previous plan for a wall along the FDR was approved by the community and should be implemented with enhancements. Destruction of the existing park would be an irreplaceable loss for NYC residents not to mention a financial loss. All the millions spent on the existing infrastructure in the past few years buried. The original plan would save the city a billion dollars. (Buchen_081)

Please do not go forward with the plan as currently proposed to shut down the East River Park, demolish the park, to replace it with inferior substitutes. Save the East River Park from this ridiculous plan. You can do better and you know you can. So do it! (Glenn_098)

The community approved plan makes so much more sense. It would give Con Edison the opportunity to reroute its cables so that a substantial wall with a berm can be built along the FDR (as is happening already north of Con Edison in the CB 6 district) that would allow for the decking of the FDR, if not now, in the future. (Boster_094)

We CB3ers urge you to reconsider the senseless destruction of a beautiful, mature, beloved park. (Boster_094)

I've lived in this beautiful historic unique neighborhood for almost 20 years, and the East River Park is a big reason why I made that choice. We don't want another

fake concrete-heavy Hudson River Park. We want nature, grass, animals, and trees everywhere. Please don't wreck our backyard. (Svercl_173)

The new parts of the document appear to be written expressly to support City's new preferred Alternative 4. The DEIS makes our East River Park sound like a wasteland, devoid of anything worth saving. This is so unfair to the community residents and Park staff who have invested decades in creating a better park. The City should recognize that the opponents of the disastrous Alternative 4 are motivated by an upwelling of park love. Please use that to our mutual advantage. Revisit Alternative 2, or the community-approved plan that preceded Alternative 3. (Berkov_096)

Just build a wall between the bike lane and the (seldom used) parking lot under the highway. (Garland_156)

Listen to the people who live there, work with scientists to understand a way it can be better for us and the planet and safe. (Cuthbert_097) (Bukhari_098)

Please consider and vote for other options. This park is too vital to lose completely for such a long period of time. (Ballard_101)

I voice my strong reservations to a plan which will close the park for at least 4 years to a community that needs it, indiscriminately cut down mature trees, to allow development on vulnerable lands which are in flood plains. We should protect what exists now, by using the plan which was carefully conceived by a huge community effort. (Bobry_106)

Alternative 4, the City's preferred alternative plan is unfair and will take an unnecessary toll on the wellbeing of the surrounding community. It should not be adopted. (Mandell_107)

As a CUNY professor, gardener, and resident in zone A who saw first-hand the damages of Sandy (our building had \$90,000 of damages), I am very opposed to the current ESCR project plans. Burying the East River Park and killing all its life forms for a sea wall runs counter to all concepts and understanding of ecosystems and wetland restoration. (Ting_108)

How can you possibly abide by a decision to destroy the East River Park under any circumstances? It is not acceptable to murder all those trees. I implore you to consider something else. There is no amount of money that can justify this plan. We can set example to do something better, with vision. Represent something better. The world needs you to do it. (Bedell_113)

The original plan did not call for such a long closure of the entire park and I'm still unconvinced as to why this new plan is superior. (Mante_114)

Please reconsider the plan to close the East River Park. As a long-time resident of this community, whose grandparents started their lives in NY in the neighborhood, the idea of completely destroying the park to build over it as

abhorrent. But it also doesn't seem to make any sense. Please consider the alternatives of building barriers so that it can preserve our heritage and the heart and soul of our neighborhood. (Victor_116)

The East River Park is our backyard. We rely on the beautiful healthy trees for shade. We play and picnic on the grass. We listen to music in the amphitheater. We watch the many butterflies and bees who make their homes in the gorgeous flowers and play in the sprinklers. There must be a better way to protect my neighborhood from flooding, a plan that does not destroy a beautiful space. We all know when the city says 3 years it will actually be closer to 10. (As witnessed during the rebuild of the pathway along the river). (Kramnick_118)

Please don't move forward with this as is. There has to be a better way to conserve what is already there. (Burch_119)

Destroying East River Park to save it is a waste. The original plan makes more sense, and included residents in the process. I'm guessing there's a phase 2 with luxury buildings stuck in here and there. Killing every living thing in the park is senseless. (DeGennaro_121)

There are better solutions. Please find one that is truly best for our neighborhood, city, and climate change overall. (Rediker_127)

The current plan for the east side resiliency project is a travesty. I urge you to reconsider it and revert back to the original plan. (Bentley_133)

Please don't approve East Side Coastal Resiliency Project. Please don't close East River Park. We, as a family, neighbors, human beings, need East River Park to stay open. (Ryan_136)

I understand the need to protect the neighborhood from the potential for another flood like Super storm Sandy, I lived in the neighborhood that was impacted by the storm and worked as a nurse at NYU during that storm. I know how destructive these storms can be, but it seems that the current plan is not the proper one for the neighborhood for the reasons listed above (e.g., environmental impact, public health). This project could be an example of bold changes, such as reducing vehicles in Manhattan by reducing the lanes of the FDR, Solar powered projects, etc., but its current version is a disservice to the residents of the Lower East Side. (Leverett_103)

I cannot imagine one summer without East River Park, much less four summers. This proposal is obviously primarily meant to protect the FDR from flooding, there is another initiative, Resilient Neighborhoods: East Village, Lower East Side, and Two Bridges, created to protect East Village and the Lower East Side from flooding. (Ryan_136)

I have yet to read any compelling explanation why the 3.5 year plan is superior—or even equal—to any of the other plans or to the previous plan that had been thoughtfully developed by a team of experts. Given the above, one has to question

why the city has been pushing for ESCR Alternative 4 so hard and fast despite community opposition. Who, exactly, will benefit from this plan? Further, why the last-minute-bait-and-switch? The previous consensus plan had been designed and was to break ground in 2017 and completed in 2020. And then the mayor and the DDC decided to dismiss past efforts and start from scratch with a brand new design. Again, why? The Lower East Side needs a plan that is environmentally friendly and that serves the community. We will have to LIVE with this plan for years to come. (May 131)

The park which I hold so dear is being threatened not only with closure for a long period, but total destruction of every living plant and animal within. East River park has offered me a place, near my home, to commune with nature, get clean air and play, and commute to work safely. Now the ill-conceived plan to destroy the park threatens all of that. My health is in jeopardy because the City wants to remove a major source of sanctuary for myself and the community. Expanding the wetland coverage, from the water's edge out into the East River should also be explored. Another alternative is to build a flood gate structure, similar to what England built over the Thames river to block flood waters entirely from penetrating into the East River at all is another worthy consideration. (Colosky_137)

The plan to close and level the East River Park is unacceptable to both nearby residents as well as people who live both near and far. The park is needed as a valuable escape from the hustle and bustle of our lives. The latest plan gives precedence to FDR Drive, an out-of-place highway that plows through a vibrant neighborhood and beautiful park with mature trees and plantings that are set to be torn out. Most importantly the park should not be closed and destroyed. It should be modified in phases where residents can still access it. It could be modified to absorb floodwaters as per the original plan. (LaBarca_140)

What I understand to be the city's preferred plan is also deaf to the climate disaster that we're facing. The park's trees and plants and soil are desperately needed in this time of crisis; more concrete will not address our climate and flooding concerns. (Porteous_141)

Please put a stop to this notion of killing and burying our park. Reject East Side Coastal Resiliency Option 4. I don't see how a moral, responsible citizen or leader can find a reason to support it. (Porteous_141)

I am devastated about the scraping of the original plan that afforded the same flood protection, preserved our trees and kept the park open for periods of time. This is an outright betrayal of the lower income people of the Lower East Side who can't afford vacations. All kinds of people living here need this oasis. Where will our kids go is what haunts me the most. As a runner I use the park every day. Schools using the baseball fields, football, soccer. Skaters, bikers, neighborhood picnics under the trees. Besides running I come down to just look at the water and gather inspiration for my drawings. It's my only chance to be out in some kind of

nature and out of my tiny apartment. I get a kick out of watching people walk their dogs and seeing new young parents take their little ones out for their first walks and seeing the elderly also having a safe place to go. We know it's all about big bucks and real estate. To demolish this park is nothing less than criminal. This will cause a lot of suffering for a lot of people. Please don't do this. Don't destroy our beloved East River Park. (Bartkoff_143)

The proposed new park is inferior to our existing urban oasis. The aesthetics are unpleasantly sterile. The loss of old growth trees and abundant native species flora are replaced by cookie-cutter, environmentally inferior lawns and walkways with a smattering of plantings. (Salmon_144)

I experienced the devastating effects of Sandy first hand both as a Stuyvesant Town resident and as the Assistant Principal of a local school, and of course I fully support flood protection. What I cannot support is the incomprehensible abandonment of the Rebuild by Design plan. I am not convinced by the assertion that the original plan, four years and millions of dollars in the making, is not sufficiently resilient and therefore had to be replaced. (Salmon_144)

The plan to bury the park is irresponsible to the well-being of New York City residents and the environment. Please refrain from following through with this plan. I trust that you are able to find a solution that does not require burying an important part of ecosystem. (Czarnecka_145)

This plan stinks. Do better. (Pete_148)

I am against ripping up the park – I am for the plan originally in place. (Colby_149) (Colby_194)

As a nearby resident of Stuyvesant Town, I am completely against Preferred Alternative 4. Do not destroy East River Park. (Ferrari_150)

There is a better plan for flood control and our parks and our community. Please consider Alternative 2 or 3, rather than spending unnecessary funds on bulldozing all trees, playing fields, grass, and paths. (McGregor-Mento_152)

Please no more costly, lengthy, and unnecessary tearing up of one of the few green spaces in the area. East River Park was dug up and unusable for so many years until fairly recently. Please find another plan to shore up the river wall without depriving concrete-bound residents of this great green space for years to come yet again. (Elledge_153)

The proposed Option 4 must be rejected. (Brandstein_154)

A berm in this park, given the narrowness of the park, is no less destructive than the crazy idea of covering all of the East River Park under 8 feet of earth. (Garland_156)

The devastating and destructive ECSR “preferred alternative” needs to be totally rejected. A previous plan, developed with extensive community input, was set aside. (Feld_157)

I was disturbed to hear about the high-handed way the Mayor set aside the carefully, democratically developed plan by the community, in favor of a different one that has some serious short-comings. (Billing_160)

MAS was not alone in asserting that the late-in-the-game project change undermined hard-fought community partnerships and bred substantial mistrust of City agencies and the planning proposal itself. We share concerns over the new design; the absence of a detailed mitigation plan for addressing the temporary but significant loss of East River Park, Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground, and access to the East River during the three-and-half-year construction period; the lack of clarity regarding interim flood protections during construction; and the level of long-term flood protection provided by ESCR once it is completed. (MAS_130)

The DEIS also includes Alternative 3, which was derived from the community-approved plan. It seems to have been modified from the community approved plan to minimize the difference between it and the City’s preferred Alternative—to help “sell” the disastrous Alternative 4. (Berkov_096)

I do not see how the most recent plan for protecting the Lower East Side from flooding will be achieved by raising the East River Park a couple of meters- the water will enter into the low elevation areas behind the raised ground from the north-above 14th Street, and the area to the south. What is missing is a solid continuous barrier, and I have a plan to not only achieve that, but also a much needed addition to the transportation options in lower Manhattan – an elevated light rail system to be able to move people, emergency vehicles, etc., all above flood danger. This is seriously missing in a city that when Sandy hit, it put out all transport south of 24th Street. This needs to change for the future generations that are having to deal with rising oceans and more powerful storms. New York needs a modern-concept High Line; urban service corridor and barrier that provides access to lower Manhattan in case of storm surges which I suspect will become more common. If you would like more info, I would be happy to share to make NYC a better city for its residents. (deSousa_163)

The amount of construction will be terrible for the residents living along the park. Finally, this plan is ridiculously expensive. It would be better to implement a baseline plan that builds a wall along the FDR, adds to the wetlands and leaves the majority of the park open at all times. (Nadel_165)

The East Coastal Resiliency Project is not fair to the residents of the lower east side of New York. It will completely close the park vital to thousands of residents for a very long period of time. There will be no safe spaces for kids to learn to ride a bike. For residents to have a quiet and cooler space during the hot summer

months. For people who can't afford gym memberships to exercise. There must be a more humane and better plan to protect the lower east side from flooding. At least do this work in sections. Who is going to make lots of money on this current plan I would like to know. (Carbain 167)

The previously proposed plan should be revised if it had flaws that needed to be addressed, not completely scrapped for a new plan that was not developed in conjunction with community stakeholders and that completely shuts the park to the community for years on end. (Duncan_168)

I am dismayed to find that the impending closure of East River Park is eminent due to the rebuilding of the park to help with possible flooding. (Szeto_170)

Thank you for creating this document. I look forward to seeing revised plans that address our community's concerns. (Leung_171)

The city can do better. We must preserve our park as much as is possible, make it resilient, and provide flood control. With imagination, it can be done. (Arnow_176) (Colby_189)

There are so many ways this plan will affect everyone and that is the concern. (Kelly_172)

As a long-time resident of the area, I can assure you that the East River Park is an essential place for members of a very large community of communities to socialize, exercise, play sports, fish for livelihood and recreation, make arts and theater and music, enjoy arts and theater and music, and come together in an almost endlessly diverse way that no other place in the vicinity can offer. The plan you offer is repugnant to me and a direct assault on the many thousands of low and middle income residents live in the neighboring housing projects, for whom access to the East River Park and its offerings are essential to maintain physical health and mental well-being. I vehemently oppose this travesty of a "resiliency" project as it is currently put forth. (Hawley_177)

I am a resident of the Lower East Side and I strongly oppose the current coastal resiliency plan. It seems that city agencies took no lessons from the original plan, which largely had community approval, and have decided to go in the opposite direction. Residents have strongly and consistently communicated that they do not feel listened to, nor represented by the current plan, and the design team, and Parks department has consistently ignored us. (Frisk_185)

For a longtime resident of the East River Park neighborhood, the plans, as set forth and published are disturbing. This neighborhood will, for the most part, be destroyed and altered to the point of no return. Please permit this beautiful East River Park to remain intact. There must be other intelligent, considerate alternatives than to destroy an entire neighborhood. It's blatantly obvious that measures need to be taken to safeguard the neighborhood from another Superstorm Sandy and that's undeniable and understood. However, there must be

some alternative to destroying the quality of life and beautiful this neighborhood had enjoyed. Please consider alternate plans to destroying this Park. The changes, as proposed, to this Park and neighborhood will be irreparable and many of us will be forced to move away. This City has already suffered considerably due to the influence of the current administrative/mayoral influence. They've already made significant changes to the City that are regrettable and irreversible. (Bassano_184)

I ask that you seriously consider and use of the alternative plans. The current ESCR plan will really destroy my quality of life and my reason for moving to this neighborhood. (Kramer_182)

Reject this destructive, disgraceful, callous plan. (Colby_189)

As a person in the sciences, and a community member affected by hurricane Sandy, I understand the need to protect our community from sea level rise and to plan for coastal resiliency. I believe the city can do better to support biodiversity and the community than the current ESCR plan proposes. (Beausoleil_191)

All of this seems like a huge price to pay, beyond the additional \$1.45B, especially when there are so many significant unknowns. While I don't dispute that something needs to be done to protect our community from future flooding, I don't think this is the right plan. I believe that most affected residents agree. While I don't dispute that something needs to be done to protect our community from future flooding, I don't think this is the right plan. I believe that most affected residents agree. (Schueler_190)

I do know that either (the cheapest) Plan II or (the much cheaper) Plan III with their phased construction plans; & less damage of the plant life over the course of the construction, would not impact the area to the same degree, while being much less expensive. Plan II & Plan both provide the same coastal resiliency at much less taxpayer cost and environmental cost. (Horan_180)

What can be said to persuade your members of the committee, members of city council, to replace the current plan of total destruction of the park with a plan that retains the park for continuous use by all NYC residents while at the same protecting our neighborhoods, our city, from another water surge? Reminding you that by proceeding with the plan you are effectively taking away the important health benefits the park provides for those of us without recourse to other venues? That by destroying the park for nearly four years you are thereby destroying the health of those of us who have no other means to maintain, much less improve, our health? Are you really prepared to publicly commit to the proposition that there is no better plan to implement that protects against water surge and protects us against the ills that we will suffer without access to your park? Can it be that an alternative plan was found that has kept the L train open while repairs are being performed, but no plan can be introduced that will simultaneously protect our neighborhoods from water surge without sacrificing our health from loss of the

East River Park? We all know there are better plans. We all know that proceeding with the plan is catering to wealth over disenfranchised communities. But if you proceed with this plan you are displaying the same cravenness, insincerity, lack of imagination, and inhumanity as Trump exhibits daily. Save the East River Park for all of those who need the East River Park and thereby display your courage, exhibit your independence from shadowy money interests, and make plain your commitment to public health of all of us who live around and need the East River Park. (Glenn_181)

It's simply unjust to destroy every part of an ecosystem in order to construct a flood protection plan that isn't considered best practice. Other countries have resiliency plans that maintain biodiversity that are less expensive and shorter in duration. Instead, this plan will provide no temporary flood protection for those who live in the neighborhood, create a truly disgusting environment for tenants in terms of construction and noise pollution, and cost the city nearly double what other better plans cost. (Rediker_127)

I wholeheartedly oppose the project as planned. I am confused and outraged that the old (mush cheaper) plan was quietly scrapped because city officials did not want to infringe on automobile traffic on the FDR. We should revert to the old plan which is much less disruptive to the community. This neighborhood needs this park and cannot afford to wait years and years for it to be restored. (Keller_120)

We own our apartment in Alphabet City and our building was directly affected by Hurricane Sandy; flood waters rose to our building's first floor doorknobs at E 11th St and Ave C. My first floor neighbors lost everything and had to rebuild their homes from studs. Our flood waters were caused because Con Ed's wall were compromised when its transformer blew. Nevertheless we oppose ESCR's current proposal. (Ryan_136)

I would like other alternatives to be considered. The proposed design of the new park does not meet my needs. (Weiss_192)

My family and I live in Peter Cooper Village, and are frequent visitors to the park. I regularly use the bike path as a more scenic alternative to working out in the gym, and have been enjoying the recently renovated track at 10th street. I have two teenagers to often ride their skateboard there with friends, and my younger one uses the river park to travel down to South Street to visit friends, and has played numerous softball games on Fields 6-8 with both school and little league teens. In the past few weeks alone, I've seen my wheelchair-bound neighbor enjoying a concert at solar one, traveled to Rockaway beach from the Stuyvesant Cove ferry stop, and taken several of the dogs who I walk along the path for exercise. I often think how lucky I am to live so close to East River Park and have all these amenities and this natural space at my disposal -- it's a rare treat in the city, and a great escape from the hubub on the streets. I encourage you to find a

way to keep this refuge open for me and my fellow east side residents. (Gilson_179)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” the City’s priority is to ensure that flood protection is delivered as quickly as possible (within 3.5 years), so that the tens of thousands of Lower East Side residents are protected and the risk of damage from coastal storms in the area proposed for protection is reduced. Compared to other alternatives analyzed in the EIS, the Preferred Alternative provides the best opportunity to achieve this priority and enables the City to deliver the project faster, with fewer construction risks to the schedule, less overall disruption to the surrounding community, and dramatic enhancements to East River Park, in line with the community’s stated goals throughout the design process. Construction under the Preferred Alternative would have a 3.5-year construction period with completion of flood protection system in 2023, whereas construction under Alternatives 2, 3, and 5 would have necessitated extended closures for five years. In addition, as described in DEIS Chapter 2.0, “Project Alternatives,” with the implementation of the Preferred Alternative, East River Park would be reconstructed to protect this valuable resource from flooding during coastal storm events as well as inundation from sea level rise and enhance its value as a recreational resource in addition to providing flood protection to the inland communities.

Comment 7: The City must provide a more comprehensive and robust explanation of the schedule advantages of the Preferred Alternative over Alternative 3 given that the possible seasonal construction restrictions were not factored into the timeline advantages stated in the rationale of choosing the Preferred Alternative, a solution that is more costly than Alternative 3 which was developed in consultation with the community. (CB3_500) (Brewer_302)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” a constructability review was conducted in spring 2018 to assess options to reduce construction risks associated with Alternative 3. Construction of the Preferred Alternative is anticipated to take 3.5 years to complete as compared to five years for Alternative 3. This 3.5-year duration would allow for implementation of conservation methods, such as seasonal restrictions. Further, these conservation recommendations can be reevaluated as project designs are further developed, as described in Chapter 6.5, “Construction—Natural Resources,” and in **Appendix G**. The shorter construction duration for the flood protection under the Preferred Alternative is primarily due to minimized construction disruption and delay along the FDR Drive (which would require temporary nighttime single-lane closures of the FDR Drive to allow construction) and reduced construction complexity related to the existing Con Edison transmission lines that run parallel to the highway along the park. The flood protection alignment under the Preferred Alternative is primarily along the existing esplanade of East River Park which also allows the City’s opportunity to reconstruct this bulkhead and raise the park.

Under Alternative 3, closures of the FDR Drive would need to meet requirements set forth by the New York City Department of Transportation (NYCDOT) and would limit construction to approximately six hours of single-lane closure of the FDR Drive per night.

As a result, in October 2018, a design concept was developed that involves integrating flood protection with the raising and reconstruction of East River Park. This design update includes additional access improvements and the reconstruction of East River Park to protect this valuable park resource from flooding during coastal storm events as well as inundation from sea level rise, thereby enhancing its value as a recreational resource in addition to providing flood protection to the inland communities.

Comment 8: The community has asked the City to preserve the history of and expand services provided by the Lower East Side Ecology Center (LESEC), either by providing necessary environmental protections for the safeguarding of the Fireboat House by lifting its foundations out of the 2050 floodplain, or by providing for the construction of a new facility for the use of LESEC. (Brewer_600) (Datz-Romero_328)

Preservation of the East River Park Fireboat House should be included so that the Lower East Side Ecology Center is able to continue its important initiatives on the very germane topic of environmental awareness. (CB6_501)

Will you fix the docks in front of the Fireboat House? What are you doing to the Fireboat House? (Billings_008)

The firehouse is preserved but the ground is not raised in this area; how will flood protection be provided in this area? The DEIS states that in future storm conditions, it could experience adverse direct effects from storm surge and flooding. (K. Weiss_039) (Datz-Romero_327)

Rebuild the Ecology Center; if left as is it will be compromised by the proposed design. (Boster_064) (Boster_067) (Boster_075)

The City must provide temporary space for the LES Ecology Center to continue all environmental education and composting programming during construction and integrate the Ecology Center's long-delayed Compost Yard upgrades into the ESCR project and plan and create a sustainable, resilient building in East River Park so that the LES Ecology Center can continue to offer education and stewardship programming. (CB3_500) (Brewer_302) (Datz-Romero_328)

The ESCR project will greatly impact public access to East River Park and to programs that the Lower East Side Ecology Center offers in the park. (Grande and Streeter_065)

What are your plans for the ecology center and all of its important coeducational and stewardship programs? (Billings_008) (Puls_068)

There is no clear plan for the Lower East Side Ecology Center. (Lake_312)

Any project that would interrupt the day to day of the park must mitigate disruptions to the daily operations of The Lower East Side Ecology Center, the 20-year-plus steward of the park is a non-profit organization located in the heart of the East River Park. It is critical that we support the Lower East Side Ecology Center by either revising the ESCR plan to mitigate the negative effects it would have on the Ecology Center, or relocate the Center to a new building within the community for the duration of the renovations. (Crawford_074)

The City needs to work closely with organizations like the Lower East Side Ecology Center, which has been a community steward of the Park for over 20 years and needs to be incorporated into the new Park design. (Reilly_341) (Sewell_351)

The Lower East Side Ecology Park has been a vital steward to the park for decades and should retain that status. (Buchen_081)

The LES Ecology Center has played an invaluable social and educational role in East River Park, the surrounding neighborhoods, and the Borough of Manhattan as a whole. Since 1998, when their headquarters moved to the Fireboat House, they have acted as key stewards for the park. Since our letter, there have been no commitments on the part of the City to reconstruct and raise the Fireboat House out of the 2050 floodplain. The City has cited that the age of the building's pilings prevent re-construction above the floodplain. However, there has been no detailed rationale to the public for how the project team came to that conclusion. (Brewer_082)

We need a commitment for a temporary site for the Ecology Center in the surrounding neighborhood, as well as a commitment for a rebuilt and updated center back in the Park when it reopens. (Unger_317) (Rivera_349)

It is critical that we support the Lower East Side Ecology Center by either revising the ESCR Plan to mitigate negative effects on the center or relocate them during the duration of renovations and keep them in the district. (Crawford_316) (Epstein_Hoylman_355) (Maloney_359)

A serious drawback of Alternative 4 to the citizens of the Lower East Side is that it eliminates beloved park features, including the Lower East Side Ecology Center and its compost yard (with new wetlands), Seal Plaza, the Amphitheater, the fitness area, the current embayments with bridges, and the Labyrinth. (May 131)

The Proposed Project also involves the creation of a new LES Ecology Center Composting Facility. However, the DEIS does not include details about interim provisions for addressing administrative offices, programming, and composting services during ESCR construction. These issues need to be clarified in the FEIS. (MAS_130)

Provide a space for the LES Ecology Center to continue as a community resource and educational center (my school has used the LES Ecology Center for field trips and as a resource for student learning for many years). (Beausoleil_191)

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. (ERA_158)

Since 1998, the Fireboat House has housed the LES Ecology Center, which hosts ecological stewardship-related programming and composting services on-site. According to the DEIS, the Fireboat House will be renovated by NYC Parks. The work includes constructing an Americans with Disability Act-compliant entrance ramp. The DEIS also states that Fireboat House elevations would not be raised under the Proposed Project. The DEIS does not provide details on how the Fireboat House would be protected and preserved during construction, whether it would be in use during construction, and how the new facility would be protected from flooding after the Proposed Project is completed. We expect all of these issues to be addressed in the FEIS. (MAS_130)

Propose options to what LESPI considers to be adverse contextual effects of the Preferred Alternative (Alternative 4) on Engine Co. 66 Fireboat House (#4, S/NR-eligible). Option 1: reinforce and renovate the architectural resource in place so that it can serve as a sustainability model able to withstand flooding as well as support additions to accommodate essential rooftop event space. Construct an entrance from the raised park (as described in the Preferred Alternative: Alternative 4) to the second floor of the building’s western side. Option 2: raise the architectural resource to the level of the new park (as described in the Preferred Alternative: Alternative 4) and create an adjacent embayment with direct waterfront access to be used by the Lower East Side Ecology Center for programming and events. (LESPI_175)

Conduct a structural engineering study of the potential impact on the building’s integrity should storm surge hit a nine-foot wall directly behind the Fireboat House (as described in the Preferred Alternative: Alternative 4), and be directed back at the architectural resource. (LESPI_175)

LESPI has concerns that the vertical walls around the Fireboat House’s perimeter will intensify the effect of storm surge, when storm surge hits a nine-foot wall directly behind the Fireboat House, is unable to move past it and is directed back at the architectural resources. The “design measures” which “would serve to avoid or lessen effects” on the architectural resource have not been adequately

described. LESPI recommends a structural engineering study of the potential impact of a storm event of this type on the building's integrity. (LESPI_175)

What is the plan to make LESEC programming available during construction? (Lake_135)

Response: While not part of the Preferred Alternative, the City is continuing to evaluate flood resilience options for the Fireboat House structure, which given its current structural condition, cannot be elevated above the design flood elevation without significantly damaging the structure. In addition, NYC Parks and DDC are currently assessing options for temporarily accommodating the Lower East Side Ecology Center programming currently operating from the Fireboat House during construction of the proposed project.

Comment 9: Many members of the community have requested a study by outside experts of the feasibility of all approaches that have been discussed including the original plan, Alternative 3, the Preferred Plan as well as one that includes the decking over of the FDR to evaluate the feasibility of achieving the following goals: not permanently and negatively impacting the residents of the lower floors of the New York City Housing Authority (NYCHA) residents and other waterfront homes, that meets the federal spending deadline, and considers the impact on the health and well-being of community residents. (CB3_500)

Many residents have expressed their distrust about the process that led to the project and have demanded that it be reviewed by an outside expert. To address this issue, I have asked that an expedited, independent review be undertaken by a non-New York City based environmental consultant. (Brewer_301) (Brewer_302) (Reilly_341) (Crawford_316) (Velazquez_352) (Epstein_Hoylman_355) (Maloney_359)

Construction should not begin until outside experts in coastal science are brought in to explain why this is the best the city can do for area residents. (Billings_008) (Puls_068)

There should be better solutions than burying East River Park, such as more trees or automatic water barriers. Ask the Dutch. (Rosario_059)

An independent review should be made of the plan. (Buchen_081) (Ruben_318) (Benitez_315) (Morales_306) (Jones_309) (Lake_312) (Sewell_351) (Byers_354)

Because the Preferred Alternative would be more expeditiously constructed even though there are drastic design changes, I recommend the hiring of an independent non-New York City based environmental consultant to be chosen by the task force group. The consultant's scope of work will include recommendations of design alternatives for improved coordination, timeline management and expert review of all matters pertaining to the project, including

demolition, environmental protections, and structural standards. The task force and the consultants must work closely with the Applicants to incorporate the findings and recommendations from this study. (Brewer_082)

One of my primary concerns is that the proposed plan has not had an independent review, which is unacceptable for a project of this scale, with the health, environmental and cost implications that come with it. Neither New York City nor the United States has a cutting-edge history with flood mitigation, and that kind of experience is exactly what we need. For instance, why isn't an *independent* expert from say, the Netherlands, brought in to assess the merits of the plan with respect to the original one? (Sillen_088)

Why is there no independent review of the callous preferred plan? (Boster_094)

I request an independent study and recommendation, by objective and unaffiliated, non-local panel of experts, of the actual environmental and community impacts of all alternatives of the projected plan. (Colosky_137)

As the ULURP, Environmental Review and permitting processes continue the City should work with CB3 and concerned community organizations to identify a panel of 3 to 5 mutually agreed upon environmentalists to expeditiously review and evaluate the alternatives in the DEIS and describe reasonable interim measures that could be taken to minimize any adverse impacts that the community might confront until the project is implemented and such review and the DEIS should not be finalized until such recommendations and review is presented. (CB3_500)

Given the \$1.45 billion dollar cost of the project, the importance of its goals, and the profound community impacts that the construction and closure of the park will have, the city should appoint an outside panel of experts to analyze the existing proposal and determine whether that plan is the best approach to provide long term protections against flooding while preserving the public's access to valuable greenspace. As noted in CB3's resolution, community members have sought the creation of an expert panel to study additional protective options including decking over the FDR, the construction of a barrier to protect NYCHA residents on lower floors, and a phasing plan for construction that ensures the timely completion of any project while mitigating the amount of time that public space is taken out of service. A similar panel was appointed by the Mayor to review the Department of Transportation's plan for the rehabilitation of the Brooklyn Queens Expressway. While the ESCR project has the essential goal of making New York City's East Side more resilient to flooding, and includes laudable initiatives such as making the waterfront more accessible, adding more trees, and rebuilding the amphitheater, the proposed plan will have profound negative effects on the availability of greenspace, and ecology in the community. Further, we do not believe the city has taken all the appropriate steps to ensure the project can proceed uninhibited. As a result, we strongly believe an expert panel should be

appointed to offer an outside perspective on the proposed project's feasibility and its goals in light of the concerns raised by the community. (Crawford_074)

Insufficient analysis of the alternative plans – It does not provide sufficient information to conduct a meaningful comparison between the Preferred Alternative and the different alternatives of the plan. Any other plan would be better than destroying the entire park just to rebuild it again. (Ip_091)

An independent 3rd party review would go a long way towards ensuring accountability and transparency. (Amirault_102)

Hire outside environmental experts including hydrologists who are environmentalists to evaluate all of the options. (Hirshorn_126)

I haven't done the research to reach an understanding of whose needs and politics are driving this senseless destructive direction, but please listen to the people of the community, and hire some independent experts to look at the social, environmental, and economic costs of destroying 60 acres of land. Have them look at all of the options that have been on the table during this long process rather than ignore them and push through this crazy last-minute alternative. In particular, have these independent experts revisit the option of a berm along the FDR, which the community approved after four years of meetings. (Porteous_141)

If you are not willing to listen to the community and get independent counsel, please explain to me and the rest of the community why not. (Porteous_141)

As many neighbors pointed out at the June 11 CB3 meeting, this plan should be rejected and a new plan studied by actual coastal protection experts, not designers working for the political interest of an absentee mayor who is so bored with his job he is indulging his vanity with a fantasy campaign for president. (Feld_157)

Please reject this plan and instead allow an intelligent study of the options by an independent group of experts who have no political ties to the mayor or to any of the groups who will benefit from this toxic and nihilistically damaging plan. (Feld_157)

Because of the technical complexity of the Proposed Project and the long-range impact it will have on flood protection and public safety, MAS concurs with the recommendation for an independent third party review of the Proposed Project. MAS wholly disagrees with the assertion made by a DDC representative at the June 13, 2019 Community Board 3 Parks, Recreation, Waterfront, & Resiliency Committee Meeting that independent review of the project had already been performed by a private consultant hired by the City to conduct the project environmental quality review. We agree that an expedited environmental review by a non-NYC based consultant is the most viable solution. In light of scientific consensus regarding climate change, the third party evaluation would be better suited to evaluating protections for higher levels of inundation and flooding. The independent party could also fully evaluate the cumulative impacts and levels of

flood protection provided by ESCR in tandem with the LMCR, and provide an objective estimate of construction timelines and impacts. (MAS_130)

This plan needs an independent Third Party review now. (Kelly_172)

BP Brewer and many residents have called for an outside evaluation of the current ESCR plan. This kind of oversight is absolutely necessary. Please know that we are all waiting and watching to see if city officials are taking our concerns seriously. I invite these agencies to walk the ER Park with residents to come up with some viable alternatives to the current plan. I will meet you there anytime. Please show us that our concerns are being heard, and provide an unbiased outside evaluation of the true effects of this plan. (Frisk_185)

I would like to see an expert, independent panel evaluate the plan. (Weiss_192)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” identification of project alternatives and development of the Preferred Alternative went through a process that integrated input from the community outreach program while further examining site constraints, engineering challenges, cost, constructability, and other factors, including the urgent need to provide flood protection. The City has conducted a number of reviews of the proposed project, including a value engineering (i.e., value management) and constructability process to review the project. A panel of independent experts, with experience in similar projects around the country, was convened in conjunction with project stakeholders to review and provide outside perspective on the design process. Additionally, a constructability review was performed summer of 2018 when design reached the necessary level of detail where construction risks could be assessed. Extensive expert review has also been conducted through preparation of the DEIS, which evaluates the potential environmental impacts of the Preferred Alternative as it relates to other alternatives, including the prior engineering approach to delivering the proposed project Alternative 3). The DEIS public comment period was opened until August 30, 2019, and all public comments received are considered and responded to in this FEIS.

Comment 10: We ask that the City’s proposed acquisition of an easement on the East River Housing parking lot be withdrawn, that a new application be made only after the City has satisfactorily considered in detail the adverse impacts the proposed construction will have on our co-op’s operations and residents and the concerns we have expressed. And the alternative for CPC should only approve it, only on the condition that the City address all the East River’s concerns in a written agreement signed by both sides. (Altman_302)

Construction of parallel conveyance in the East River Housing complex parking lot requires displacement of approximately 50 parking spaces. East River Housing has asked the City if these cars could be parked under the Williamsburg Bridge, but there is a simultaneous work on the Delancey Street Bridge. Work on this

particular easement within the parking lot is not necessary for flood protection. We request that this proposed easement acquisition is withdrawn from the ULURP application. (Hadid_332)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” and this FEIS, the improvements to the sewer system as part of the proposed project are necessary to prevent the combined impacts of a simultaneous tidal and rainstorm event. The locations of the improvements, including the siting of a parallel conveyance sewer under East River Housing Corporation’s parking lot, are based on a detailed drainage modeling and analysis prepared for the proposed project.

The proposed acquisitions related to these sewer improvements, including improvements on East River Housing Corporation property, are described in Chapter 5.1, “Land Use, Zoning, and Public Policy.” If the proposed ULURP actions are approved, the City will then have the authority to begin the acquisition process. The City will continue to coordinate with the East River Housing Corporation on the project design at this location and the overall construction phasing planning.

Comment 11: The Preferred Alternative has not had outside review by scientists, a blue ribbon-type panel nor an assessment process like ENVISION (which has been used on other large-scale NYC projects). The City must commit to seek ENVISION certification, a rating system for infrastructure, to help assess how the ESCR plan will meet or exceed sustainability goals across a range of social, economic, and environmental indicators. In addition, such certification should be provided before the DEIS is finalized. (CB3_500) (Jones_309)

ESCR should be a premier example of sustainable infrastructure for New York City. It should be rated using the Envision Rating System. It must be submitted for third-party verification. It should receive a Platinum Rating from Envision. (Kelly_054) (Kelly_344) (Puls_068)

There should be public presentations of the best available science by global change ecologists and landscape architects. (Berkov_023)

The Applicants must apply and qualify for an Envision Certification from the Institute of Sustainable Infrastructure to ensure sustainable construction standards. (Brewer_082) (Brewer_301)

We appreciate that DDC has agreed to submit the final design to the ENVISION sustainability rating system, but a submission by the end of the year doesn’t leave much time to change course on a plan that is scheduled to break ground next spring. (Sewell_351)

LESPP advocates for use of ENVISION and, as part of community outreach, an explanation of the ENVISION process at a community town hall. (LESPP_348)

If the committee were truly following the approved guidelines and procedures as outlined in the Envision Rating System, there would not be this continued cry of fear. (Kelly_172)

Response: The City will seek project certification under the ENVISION Rating System administered by the Institute for Sustainable Infrastructure (ISI). Documentation demonstrating ENVISION compliance will be compiled and submitted at the completion of design. In the interim, the City’s Program and Construction Management consultant will be conducting an evaluation to assess the project under ENVISION’s criteria. Additional detail relating to the ENVISION process has been added to Chapter 6.11, “Construction—Greenhouse Gas,” of the FEIS.

Comment 12: We welcome an updated park and flood barrier. We would like to see a fast construction period. (Chan_006)

Flood protection is needed. I believe in protecting life and homes. Please consider all the families that are impacted by the longer this project goes, the longer we have to sustain air quality impacts associated with construction. (Ortiz_310)

Flood protection is our number one priority at Baruch houses. This new plan has made flood protection its priority, while giving our community a beautiful, and now protected park, to enjoy for years to come. (Napoleon_311)

I am in agreement, as I believe most Lower East Siders are, that we urgently need a flood mitigation plan. It’s understood that not everyone will love every detail of any plan, but as a community, we want to ensure that we are getting the best, most equitable and quality-of-life-preserving option that money can buy. (Sillen_088)

For those of us who use the East River Park every day for health, exercise and enjoyment the loss of the park is a disaster. We need flood protection but I cannot approve of this wasteful and callous ‘preferred plan’. (Boster_094)

Response: Comment noted.

Comment 13: The City must provide the community a finalized design and timeline for completion of the flyover bridge. (CB3_500)

Additional flyover bridge design at the Con Edison pinch point is needed. The overpass is not a complete solution. (Gers_034) (Kazi_022) (Tax_019)

I am grateful that the pinch point will be fixed, though I am not confident in the flyover walkway plan. It just seems that there is not enough space for what is proposed. (Eshed_188)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” the development plan for the shared-use flyover bridge assumes that the foundations for the proposed bridge would be completed in 2023 and subsequently, the superstructure of the bridge would be installed and completed in 2025. NYCDOT will continue to work

with DDC to advance the foundation design and to determine ways to expedite the design schedule of the superstructure. In addition, the flyover bridge will be subject to community input and the review and approval by the Public Design Commission (PDC).

Comment 14: Temporary measures for immediate storm protection need to be implemented given that the hurricane season is on the horizon and the damages of a potential storm on a community that is still recovering from the aftermath of Hurricane Sandy would be disastrous and further delay the ESCR project. (CB3_500)

The City must explore immediate and temporary mitigation measures for present and future threats of destructive storms to protect local neighborhoods during the time the park is vulnerable. (CB3_500) (Reilly_341) (Velazquez_352)

The community has expressed the immediate need to install temporary flood protection barriers to reduce the impacts of a devastating storm surge. (Brewer_600)

The potential for unforeseen delays and the unpredictability of hurricane season necessitate the implementation of interim protections, perhaps in the form of deployable barriers. This technology is readily available and has already been adopted by the city for use as part of the Lower Manhattan Coastal Resiliency project. Similar measures must also be put into place to protect East Side communities during before and during construction. (Crawford_074) (Unger_317) (Lake_312)

Right now, we need emergency deployable barriers before hurricane season. (Silva_090)

Response: As described in the DEIS Chapter 2.0, “Project Alternatives,” the Preferred Alternative has been selected given that it allows the City to implement permanent flood protection more expediently. Products deployed for Interim Flood Protection Measures (IFPM), such as HESCO barriers and Tiger Dams, are designed for more frequent, but less severe storms, and cannot provide sufficient protection against the design storm event. For much of the project area, IFPM would also not provide neighborhood level protection given the limited height of the measures and elevation of the existing grade. In addition, deploying IFPMs would complicate and delay the construction of the proposed project. Therefore, the deployment of temporary IFPMs could compromise the City’s ability to implement permanent flood protection by 2023 and the Preferred Alternative provides the best opportunity for the City to deliver the project faster and ensuring that flood protection is delivered as quickly as possible.

Comment 15: To ensure neighborhood future protection and storm resilience, the Preferred Alternative plan for the ESCR should also include the ability to add protection for the predicted surge and sea level rise for 2100. (CB3_500)

Why not plan for 2100 instead of 2050? Will the park have to be raised again in 2050 if waters rise? (Billings_024) (McGregor_021)

The failure to plan for 2100 is the worst because it condemns the East River shoreline to be in perpetual construction zone with temporary park use in between. (Berkhov_326)

Although the 100-year flood is used as the current critical benchmark for addressing flood resiliency, “the record surge brought by Hurricane Sandy emphasized the need in follow-up research to look beyond the 100-year flood to assess more upper end future flood possibilities,” according to the New York Panel on Climate Change 2019 Report. In addition, at the July 31st City Planning Commission ESCR ULURP public hearing, a DDC representative stated that under the Preferred Alternative, there is capacity to raise projection measures an additional two feet, thus providing flood protection consistent with 2100 100-year-flood hazard predictions. (MAS_130)

For a project of this scale, importance, and level of investment, protections should extend as far in the future as practicable. Therefore, MAS urges the City to adopt the 2100 100-year-flood estimations as the baseline height and level of flood protection for the ESCR design. Additional potential capacity to protect to higher flood level predictions in the future should also be incorporated. The project scope and DEIS be must be revised to address this important change. (MAS_130)

The City must elevate for 2100 projected sea level, not 2050. (Berkov_096)

When Jamie Torres-Springer at DDC maintains that Alternative 4 would offer flood protection through 2100, he is: 1) assuming another round of park elevation, 2) looking at the middle-range model of sea level rise, and 3) discounting the possibility of Antarctic rapid melt. (Berkov_096)

Raising the park 8 feet is laughably inadequate to ever-worsening sea level projections. This elevation will be swamped by sea level rise within the next 20-30 years. (Feld_157)

Response: The design life of the flood protection system is 100 years. The New York City Panel on Climate Change (NPCC) projects that sea level will rise between 22 and 50 inches by 2100. The ESCR design criteria is based on the middle of this range with a safety factor of 24 inches. There is a 10 percent chance or less that sea level could rise 75 inches over this timeframe and a very small chance (less than 5 percent) that sea level could rise over 100 inches over this timeframe. These higher estimates are based on uncertainty over the rate and magnitude of the sea level rise predictions and is the basis for the proposed project’s design. The City is striking a balance between durable flood protection over the life of the project and the associated community effects and costs of implementing flood protection.

Comment 16: DDC plans to bisect Asser Levy Park with a flood-control wall and sliding gate, protecting the landmarked bathhouse, but leaving the playing fields unprotected and East 25th Street susceptible to tidal surging and flooding. (CB6_501)

It is imperative that the Applicants agree to renovate and rehabilitate the unprotected playing fields at Asser Levy Park in the event of a disaster, since they have been excluded from benefits of the ESCR project. (Brewer_082)

Response: As described in the DEIS Chapter 2.0, “Project Alternatives,” the proposed alignment of the flood protection within Asser Levy Park extends through the park between the Asser Levy Recreation Center and the Asser Levy Playground. This design alignment achieves protection of the Asser Levy Recreation Center while keeping the north portion of the park open to the street as it is today. The Asser Levy Playground will be reconstructed to incorporate resilient landscaping and design measures. Furthermore, the proposed sliding gate design would ensure that the park connection with Asser Levy Recreation Center remains opened during non-storm conditions.

Comment 17: Too many swing gates, rolling gates, and other moving parts in the proposed flood control system; these elements could fail to work as intended during a storm. A passive flood control system without moving parts would be far superior. (Murray_031)

Response: As described in the DEIS Chapter 2.0, “Project Alternatives,” closure structures such as swing floodgates and roller floodgates are essential in providing openings to accommodate day-to-day vehicular or pedestrian circulation along a street or sidewalk in the project areas. An operations and maintenance manual will be developed for the proposed system to identify the procedures for deploying, inspecting, testing, and maintaining each element of the proposed flood protection system to ensure that these systems are in proper working order and are ready to perform in advance of a design storm event. Upon completion of project construction, the City will submit final designs and supporting materials (i.e., design criteria, geotechnical data, hydraulic modeling, etc.), with a final operations and maintenance plan, and relevant construction data to FEMA to demonstrate compliance with requirements listed in Chapter 44 of the Federal Code of Regulations, Section 65.10 for FEMA accreditation.

Comment 18: Design consideration should be made for expanded capacity along Captain Patrick J. Brown Walk to accommodate for increased walkway usage. (CB6_501)

Response: As described in the DEIS Chapter 2.0, “Project Alternatives,” the proposed project includes a shared-use pedestrian/bicyclist flyover bridge linking East River Park and Captain Brown Walk to address the narrowed pathway (pinch point) near the Con Edison’s East River Dock between East 13th Street and East 15th Street, substantially improving the City’s greenway network and north-south

connectivity in the project area. In addition, it is expected that the proposed design would accommodate projected utilization and no additional expansion of the Captain Patrick J. Brown walkway is proposed.

Comment 19: CB6 recommends the installation of a comfort station at Murphy’s Brother’s Playground rather than simply laying the groundwork for installation at a later date by exploring low cost design options implemented in other cities, such as the Portland Loo, which would allow for a faster implementation and provide immediate upgrades for the users of the park. (CB6_501) (Brewer_302)

Response: The City will continue to explore the feasibility of comfort station options as part of the final design process.

Comment 20: The East 20th Street interceptor gatehouse should be designed with contextually appropriate materials to reflect the historical significance of Peter Cooper Village/Stuyvesant Town and the previous Gas House District. (CB6_501) (Brewer_302)

Please incorporate some type of art/design on the gatehouse walls to provide surface interest. (Greenberg_035) (Devitz_026)

Response: Final design of the proposed interceptor gatehouse is underway and the City will continue to examine final design finishes and to incorporate where feasible the public comments on the design of that facility as provided at the four Community Open Houses held in May and June 2019 and those provided on the DEIS. The design of the proposed gatehouse is also subject to the review and approval by PDC.

Comment 21: ESCR plan indicates the flood barrier is west of Stuyvesant Cove Park, sufficient funding should be put aside to rebuild the park after any subsequent destruction from flooding, further diminishing the very limited park space available in CD 6. (CB6_501)

My concern is the proposal to build a berm along the Stuyvesant Cove Park section of the area. (Garland_156)

Response: As described in the DEIS Chapter 2.0, “Project Alternatives,” Stuyvesant Cove Park is to be reconstructed as part of the proposed project with resilient features to minimize damage and expedite recovery following a design storm event.

Comment 22: CB6 recommends that interpretive signage and public art installations be incorporated at various points to provide differentiation, historical context and maintain neighborhood identity along the waterfront. (CB6_501) (Brewer_302)

Response: NYC Parks and DDC will assess interpretive signage and art opportunities within the proposed project’s open spaces and would incorporate them where feasible

and appropriate as part of the final design process, which is also subject to the review and approval by PDC.

Comment 23: The City must include social resiliency and community preparedness in its planning and funding including schools, community programming and local long-term recovery groups such as LES Ready and CERT, which is recognized by the New York City Emergency Management (NYCEM) and provide a weekly update email on construction process, alternative spaces and recreation opportunities. (CB3_500) (Brewer_302)

Response: NYCEM offers many community outreach and planning tools and programs that are available for residents citywide, including the Community Emergency Planning Toolkit² for neighborhoods to catalogue their resources and strengthen local emergency networks. In conjunction with the toolkit, there is a two-day training program on the guidelines in the toolkit. CERT trainings are available for members three times a year with the next training cycle starting in October 2019 and any New York City residents over the age of 18 are welcome to participate in the training.³ In addition, during the construction phase, DDC will have a robust community outreach plan in place, including dedicated onsite Community Liaisons (CCL) for the proposed project. The CCLs will act as representatives on behalf of DDC and an extension of the DDC Office of Community Outreach and Notification, and will be tasked with keeping stakeholders informed by identifying, documenting, and resolving issues, as well as providing regular updates and advisories.

Comment 24: The City, including NYC Parks and DDC and all involved agencies, must agree to regular updates with the Community Board, hold timely community engagement meetings such as town halls, large group presentations, community open houses and other similar events that offer more opportunities for Q&A, information on progress, setbacks and any changes to agreements or Park plans. (CB3_500) (Jones_309)

The City must establish a Community Advisory Group of community and institutional stakeholders of the affected project area that will meet frequently with agencies during both design and construction until project completion with regular reports and meetings made available to community at large. (CB3_500) (Brewer_302)

The Applicants must work on an outreach plan for the surrounding community and communicate with residents prior to construction about the timeline related to the demolition and rebuilding of the park. (Brewer_082)

² <https://www1.nyc.gov/site/em/ready/community-preparedness.page>

³ <https://www1.nyc.gov/site/em/volunteer/nyc-cert.page>

It is imperative that the City actively and comprehensively engage the local community in the project planning and design. To accomplish this, we agree with the recommendations from Manhattan Borough President Brewer and Community Boards 3 and 6 that a project community “Task Force” comprising stakeholders, civic leaders, area residents, and local business owners be formed to help coordinate the effort. To ensure better transparency and effective community input from project construction through operation, the group would coordinate with the City and Community Boards 3 and 6 on design, scheduling, timelines, construction, and post-construction maintenance. (MAS_130)

Response: The City has engaged with community stakeholders at nearly 70 meetings since the fall of 2018 and will continue to have robust community engagement throughout the final design and implementation phases. The City will continue to address questions and provide updates to stakeholders and as stated in DEIS Chapter 6.0, “Construction—Overview,” the City is committed to a robust community outreach plan during construction, including dedicated Community Construction Liaisons, who will update the Community Boards on a regular basis about the progress of the project.

Comment 25: The Parks Department must ensure ADA compliant access to and within the park including braille signage, adequate water fountains and adequate lighting for safety and accessibility. (CB3_500) (Brewer_302)

The berm would put the majority of the park inaccessible to many of the elderly population of the area. Don’t tell me about ADA compliant ramps. My wife, who is wheelchair bound, can attest to that. Many of the 70 – 80 year old visitors on walkers or with a cane would not easily get up a narrow top. And they are major visitors to the park. (Garland_156)

Response: ADA accessibility and universal access design requirements, as well as braille signage, would be included in the final open space design. In addition, park pathways and access points are designed to provide universal access and achieve 1/20 slopes, which are gentler than the 1/12 slope requirement for ADA ramps.

Comment 26: Please ensure the park is well-lit at night, but not with high-glare super lighting or field lighting. Such high-powered lighting creates light pollution and unsafe shadow areas which increase safety concerns on walkways. (Upton and de Aragon_045) (Upton and de Aragon_051).

Provide dark sky lighting powered by solar panels. (Berkov_023)

Incorporate solar energy. (Berkov_023)

Response: Project design is ongoing and opportunities to incorporate solar energy are being assessed. Currently, solar panel fixtures, which are required to meet Illuminating Energy Society (IES) lighting standards, are proposed for the East River Park

maintenance and operation area canopies, and are also being explored along the East River Park waterfront esplanade.

Comment 27: The City must continue to work with the Amphitheater Task Force to create a design that is consistent with local needs. (CB3_500) (Brewer_302)

Please replace the current amphitheater/bandshell with an updated performance area as part of the East River Park redesign. The stage area should be covered and have electrical capacity. This could also provide points from which to hang/mount lights and/or speakers during events. Please do not preserve the current rust prone metal design features. Please do not use white materials, as they get dirty quickly. Consider the bandshell redesigns in Riverside Park, the Delacorte Theatre, and the Seuffert Bandshell in Queens. Keep refining the design. (Upton and de Aragon_045) (Upton and de Aragon_047) (Senter_042) (Segalini_011)

The design for the amphitheater does nothing to mitigate the noise that currently impacts the neighborhood all summer long. (K. Weiss_039)

The design of the amphitheater should include input of residents that live at that cusp (Atlantic Houses). (Ortiz_310)

There is no need to destroy the amphitheater. Why is the city updating this? It's an iconic part of the LES. Can't the city save any part of this park? (Yerington_178)

The project calls for the "reconstruction of the amphitheater," however it should not be rebuilt in the same location, which is, and has always been, too close to the residential buildings, particularly those along Cherry and Jackson Streets. The high amplification of music (especially the continuous, repetitive percussive base pounding) that emanates from the current location--not only during scheduled concerts, but during regular gatherings of musicians using oversized amplifiers--is hard to bear and a health hazard. Complaints made by myself and others to the police have been ineffective. I have personally spent thousands of dollars on inch-thick Citi-proof sound-attenuating windows, and even with them--in addition to our regular windows--closed tight and my white-noise machine turned on, the non-stop thumping can still be heard. This is an urgent matter having everything to do with the "Environmental Impact" of the project and just as vital, it's impact on thousands of people who reside in the buildings near the park (Laurin_183)

People should certainly be free to play and enjoy music in a public park, but not in a location and at sound levels that are inconsiderate and hurtful to nearby residents. To repeat, this amphitheater needs to be moved. If you insist on rebuilding in the current location, there must be careful studies about and effective solutions for this vital quality-of-life issue. This is an urgent matter having everything to do with the "Environmental Impact" of the project and just as vital, it's impact on thousands of people who reside in the buildings near the park (Laurin_183)

The design for the amphitheater does nothing to mitigate the noise that plagues this residential neighborhood relentlessly all summer long. The issue is the loudness not personal taste in music. The Amphitheater is a beautiful venue for plays, and other performances or gatherings that don't require amplification – it is not a concert arena! Nothing in the design is a barrier to sound, which by the way travels in all directions especially up, bounces and intensifies off the water. This is not someone else's problem – the architects need to make a design that will totally contain the noise – sensors that alert the police that decibels have exceeded the limit do very little because the police can't always be there. You must design it, not leave the problem for others to regulate and enforce. Please move the Amphitheater to where Con Ed is, away from residential housing – their machines don't care how loud the music is – build a deck over the FDR at that point where it won't obscure views of residents of NYCHA or East River Housing or move the amphitheater to where the gazebo was, next to the restrooms. Build a structure that will contain the sound – really contain it. Require all concerts to use silent disco technology. (Weiss_192)

Response: NYC Parks and DDC convened a meeting with the Amphitheater Task Force stakeholders during the spring of 2019 and is anticipated to reconvene again with the stakeholders to continue discussions related to the amphitheater design as part of the final design process. Design of the amphitheater is also subject to the review and approval by PDC.

Comment 28: The City must continue discussions in good faith with Gouverneur Gardens and provide timely updates to the Community Board about any resolutions. (CB3_500) (Brewer_302)

Gouverneur Gardens will be directly impacted by a proposed wall to be placed on Block 244 Lot 9. There is currently no signed Easement Agreement with the City and we feel that the City has been poorly responsive to our lawyer's negotiations. If Community Board 3 proceeds with a "yes" recommendation or "yes with changes," Gouverneur Gardens and all its residents will be tasked with a burdensome negotiation process which will greatly increase liability risks, potential costs to shareholders, and potentially negatively affect our standard of living. Once the City proceeds, Gouverneur Gardens will have significantly less strength to hold the city accountable for reasonable requests for indemnification. The potential costs with increases to insurance premiums may drastically affect monthly carrying charges, as all increases are eventually passed onto largely low-middle income shareholders, many of whom are seniors on fixed incomes. While Gouverneur recognizes the need for flood protection, there are concerns about the how this process has been disingenuous to the needs of those impacted with the land acquisition presented. Strongly consider Gouverneur's expressed wishes as a directly affected stakeholder with this ULURP. Until Gouverneur has a satisfactory response and conclusive agreement we cannot in any good faith lend

our approval to the community board, the Borough President, Councilpersons and the Mayor. (Avila-Goldman_063) (Alladice_044)

Response: The City has been working with Gouverneur Gardens Housing Board since the inception of the proposed project and recently held a coordination meeting with the Gouverneur Gardens Co-op Board on August 6th, 2019. As described in Chapter 2.0, “Project Alternatives,” of the DEIS and this FEIS, the floodwall in this segment is sited within the City right-of-way of Montgomery Street and South Street, not on Gouverneur Gardens property. However, the proposed acquisition of a portion of Gouverneur Gardens’ lot would enable the City to access the property to operate, inspect, and maintain the proposed flood protection system. If the proposed ULURP actions are approved, City would then have the authority to begin the acquisition process and would enter into formal negotiations on this proposed acquisition and on a construction access and staging agreement.

Comment 29: Concerns about Con Edison cables by the FDR. When was the last time these were moved? (Billings_024)

Response: Design of the Preferred Alternative is being undertaken in close coordination with Con Edison. As part of this design process, considerations have been made in the design of the flood protection system to: minimize the depth of additional fill to be placed above the conduits to minimize detrimental effects on transmission; revise the alignment of the system to reduce conflicts and crossings of the conduits by the flood protection elements; reduce potential effects of construction vibration; and wrap the lines with carbon fiber to provide enhanced corrosion protection. This design coordination will continue through the final design of the proposed project.

Comment 30: LESPP advocates for a flood protection plan with the least manipulation of Con Edison power lines. (LESPP_348)

Response: Comment noted. Unlike DEIS Alternatives 2 and 3 where the flood protection alignment through East River Park would require significant amount of work in close proximity to the Con Edison power lines along the FDR Drive, the flood protection alignment under the Preferred Alternative is primarily along the existing esplanade and requires the least disturbance of these transmission

Comment 31: The City must undertake the immediate creation of bioswales, tree canopy plantings, and permeable pavers in CB3. (CB3_500)

Response: As discussed in FEIS Chapter 6.2, “Construction—Open Space,” beginning in the fall of 2019, NYC Parks will implement a Lower East Side greening program and plant up to 1,000 trees and install 40 bioswales in CB3 and CB6.

Comment 32: The Parks Department must use mature trees as replacements for lost trees in East River Park in areas where they are appropriate. (CB3_500) (Brewer_301)

Response: The City would plant larger caliper trees to the extent practicable as well as transplant existing trees that are in good condition and suitable for replanting. A total of 1,815 trees would be planted as part of the proposed project. More broadly, the tree planting palette for the proposed project considers size, growth rate, diversity, and resilience, amongst other factors.

Comment 33: Topsoil and salt resistant indigenous plants should be considered for reuse to re-establish natural passive areas in park. (CB3_500) (Brewer_082) (Brewer_302)
Use appropriate, habitat-specific soils. (Berkov_023)

Response: The planting palette for the proposed project incorporates native and salt-resistant plantings with a top soil layer that would support the proposed vegetation. As discussed in DEIS Chapter 2.0, “Project Alternatives,” the proposed landscape restoration plan includes over 50 different species, reflecting research around the benefits of diversifying species to increase resilience and adaptive capacity in a plant ecosystem and also pays special attention to species that can handle salt spray, strong winds, and extreme weather events. These design parameters will be incorporated into the final design of the proposed project.

Comment 34: We have concerns about the design of the 10th Street Bridge related to health, noise, smoking, and loitering. (Velez_020)

Response: The East 10th Street Bridge has been designed with gentler grades to provide more community-oriented and universal access (e.g., providing recreation opportunities for everyone regardless of differences in ability) to East River Park to support and encourage public access to the waterfront. It would be designed for through movement to and from the park and is not proposed with standing areas or viewing platforms.

Comment 35: Can storm protection be accomplished without destroying East River Park? (Goldstein_018)

I implore you to work to overturn to close and destroy East River Park. All of the trees, all of everything? No wall along the FDR? No other options? (Boulos_073)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” with the Preferred Alternative design East River Park is reconstructed and elevated to protect this valuable resource from future flooding impacts thereby protecting this recreational resource in addition to providing flood protection to the inland communities. Protection of the park cannot be achieved without elevating the park and reconstructing it as a more resilient park.

Comment 36: Provide flood modeling to communities. (Upton and de Aragon_051)

While the new parallel conveyance system works to prevent flooding by coastal surge waters within the study area, the construction and design must seek to ensure that there is no increased flooding outside of the protected area (“bath tubs”), in particular at East 25th Street above where the proposed flood barrier ends. (Brewer_082)

The City’s plan is highly likely to create a health nightmare for NYCHA residents even as it offers grossly inadequate flood protection relative to ever-worsening protections. (Feld_157)

Would raising the park not flood other areas? What about the Brooklyn side? (Yozzo_080)

What about the other side of the river, Williamsburg? Will this area flood more often after East River Park is buried? (Rosario_059)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” the flood protection system is designed to provide drainage within the protected area and not increase flooding in the adjacent community during a design storm event. Three projected storm surge events using existing conditions, as well as with the future flood protection system in place (current 100-year storm, current 500-year storm, and future 100-year storm with 2.5 feet of sea level rise). The outputs of the models for the pre- and post-project conditions were then compared to evaluate whether the flood protection system would have an impact on adjacent or nearby areas. The flood modeling analysis, which examined maximum storm surge and maximum waves, concluded that the proposed project would not affect the flooding conditions in neighborhoods to the north and south of the project area as well as east of the East River in Brooklyn which are all related to the effect of similarly abnormally high tides.

Comment 37: Show cohesive planning for flood protection that includes the entire harbor, including areas prone to flooding: East River at 125th Street; Con Edison and Stuyvesant Cove; Rutgers Street; overall harbor plan. (Upton and de Aragon_051)

The west side of Manhattan also flooded, are you planning on destroying Hudson River Park too? (Bentley_133)

Response: The proposed project is an element in a comprehensive plan for flood protection in Manhattan referred to as the Big U extending along the Hudson River from West 57th Street to the Battery, and then north up the East River to East 42nd Street. Construction of the proposed project is anticipated to commence in the spring of 2020, while other aspects of the Big U planned concept (the concept a flood protection system around Manhattan which extends along the Hudson River from West 57th Street to the Battery), including Two Bridges, Battery Coastal Resiliency, and Battery Park Resiliency, are anticipated to be constructed starting

in 2020 to 2021 based on currently available information. The planning, design, and implementation for these projects is being coordinated by the City to ensure they function together as an integrated flood protection system for Lower Manhattan. Moreover, the planning, design, and implementation of other projects the City is envisioning for protection of properties along the East River and the harbor have different schedules but are also being coordinated by the City to ensure they function together as an integrated flood protection system.

Comment 38: Please require that Con Edison show their plans for solving flooding issues related to their plant, as their malfunction contributed to flooding and ultimately, loss of life during Hurricane Sandy. (Upton and de Aragon_051)

Response: Since Hurricane Sandy, Con Edison has installed resiliency measures to protect their critical resources in this area. These resiliency measures include: raising or relocating critical equipment such as the elevated East 13th Street Substation control room; installing submersible equipment to withstand flooding; construction or upgrading perimeter walls, flood walls and barriers around critical equipment in the electric substations and the East River Generating Station; installing pumps with redundant power supply and backup generators; and installing flood protection measures that safeguard utility tunnels. Additionally, the design team has coordinated with Con Edison on their resiliency designs. The proposed project's design team has coordinated with Con Edison on their storm hardening improvements implemented at the Con Edison East River Complex. As the property owner, Con Edison leads the design, funding, and public review of these efforts.

Comment 39: We have concerns relating to access to and maintenance of Corlears Hook and East River Park infrastructure, including irrigation, electrical systems, water fountains, spray showers, comfort stations, fencing, sewer lines, pesticide use, signage, theft and damage, repairs, and garbage collection. (Billings_008) (Billings_024)

What are the plans for funding the maintenance of plantings and other park features? (Greenberg_035)

Who will handle oversight and emergencies in the park? (Billings_008)

We urge the City to dedicate increased maintenance funds and resources specifically to care for new plantings, which are most vulnerable when they are first planted. It is critical that appropriate, permanent commitment to full-time maintenance and operation staff, both during the period of construction to care for parks within the community but also after the project is reopened. (Walker_308) (Walker_357) (LESPP_348)

Response: NYC Parks will be responsible for the maintenance of open space resources in City parkland, NYCDOT will be responsible for the maintenance of the proposed

floodwalls and closures structures, and DEP will be responsible for the maintenance of all of the associated drainage infrastructure. The City is committed to the maintenance and funding of all elements of the proposed flood protection system. In addition, as described in DEIS Chapter 2.0, “Project Alternatives,” an operations and maintenance manual will also be developed for the proposed system to identify the procedures for deploying, inspecting, testing, and maintaining each element of the proposed flood protection system to ensure that it is in proper working order and are ready to perform in advance of a design storm event. That manual will identify the responsibilities of NYC Parks, NYCDOT, and DEP in operating and maintain the proposed flood protection system.

Comment 40: Please keep the present bridges which cross the current embayments. (Boster_064) (Boster_067) (Boster_075)

Response: As described in Chapter 2.0, “Project Alternatives,” the two existing embayments in East River Park would be relocated with the objective of improving access and providing for improved aquatic habitat conditions. In addition, the Corlears Hook Bridge and the East Houston Street overpass would both lead park users directly to proposed embayments, providing maximum opportunities for the community to connect with the water. Since the two existing embayments are to be relocated, the present bridges across the embayments would be removed and the existing embayments would be filled to provide additional park programming.

Comment 41: Build a dyke around the sea wall. (Perlo_072)

Response: This option is redundant of the proposed project, adding extra cost and implementation challenges without any added flood protection benefit.

Comment 42: The Baseline Alternative (Alternative 2) is much less destructive and offers the same flood protection as the Preferred Alternative at one-third the price. It destroys a lot less of the Park, destroys fewer trees, allows the Park to continue to act as a floodplain and allows for expansion of wetlands and is consistent with the City’s goals for decreasing carbon emissions. (Berkhov_326) (Billings_328) (Tainow_350) (Lake_135)

Alternative 2 also leaves plenty of space in the budget to plan future resilient and sustainable projects in the park, such as improved bridge access, decking over the FDR and/or wetland restoration. (Billings_328)

Further stoking concerns about the choice of this plan, the impact statement concedes that the other alternatives would have “substantially less volume and areal extent of soil disturbance and excavation” and therefore much less toxic exposure. So why is the City not opting for the original plan? (Sillen_088)

Extend the park over the FDR Drive, which will provide flood protection. The Flood Protection System with a Raised East River Park Alternative was identified as the Preferred Alternative because it easier to get to the riverside and reduce air pollution from cars, too! (Silva_090)

If a flood protection plan has to be started, choose option 2, the least destructive plan and implement it in phases keeping some of the park open for the duration of the construction. (Hirshorn_126) (Lake_135) (Datz-Romero_328)

The DEIS does include a plan that is much less destructive, and offers the same flood protection at 1/3 the price: baseline Alternative 2. Alternative 2 preserves the floodplain and allows for future wetland expansion—consistent with state goals to offset carbon emissions. Alternative 2 preserves many other beloved park features: the Ecology Center and Seal Plaza, the Compost Yard, the amphitheater, the current embayments with existing bridges, the Labyrinth, and existing fitness areas. (Berkov_096)

A serious drawback of Alternative 4 to the citizens of the Lower East Side is that it destroys (and replaces) 24,000 square feet of wetlands (alternatives 2 and 3 lose only 652 square feet). It obliterates the existing floodplain; alternatives 2 and 3 maintain the floodplain and allow for future wetlands expansion, which is consistent with state goals to offset carbon emissions. (May 131)

I request reverting to Alternative 2, a flood wall along either side of the FDR, thereby saving our beloved, invaluable, and much needed East River Park. A flood wall provides as much protection as Alternative 4 and saves a billion dollars which could be used for park maintenance in future years. (Colosky_137)

Response:

As discussed in DEIS Chapter 1.0, “Purpose and Need,” and Chapter 2.0, “Project Alternatives,” the principal objectives of the proposed project include: providing a reliable coastal flood protection system against the design storm event for the protected area; improving access to and enhancing open space resources along the waterfront, including East River Park and Stuyvesant Cove Park; responding quickly to the urgent need for increased 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 achieving implementation milestones and complying with the conditions attached to funding allocations as established by HUD, including scheduling milestones. The Flood Protection System with a Raised East River Park Alternative best meets the principal objectives for the project and therefore was selected as the Preferred Alternative. Unlike natural area open space with wetlands, East River Park is a constructed landscape with hardscape, synthetic athletic fields, structures, and infrastructure. It is primarily designed to meet the waterfront access and active recreational needs of the community.

Comment 43: The City has also claimed that the current East River Park is unsuitable to act as a bioswale or floodplain in the event of a flood as there is too much artificial turf on ball fields. Let's then remove the artificial turf and restore the soil and grass. This will be a bonus for the insects, birds, and other wildlife that are under threat because of climate change. The additional cost in maintaining natural grass as oppose to artificial turn is more than offset by the savings in the community plan. (Brandstein_083)

Changes that will support biodiversity and the community include: Relying on soft structures, over hard structures where possible. (Beausoleil_191)

Response: Based on the current design, recreational fields in East River Park will include both natural turf and artificial turf. Under the Preferred Alternative, East River Park would be reconstructed to protect this valuable open space resource from flooding during design storm events as well as inundation from sea level rise and enhance its value as a recreational resource for the community. However, East River Park will continue to be affected by rainfall events and a Stormwater Pollution Prevention Plan (SWPPP) and management of runoff is being developed as part of the final design. These designs will include measures to reduce and better manage runoff from the various surface elements proposed as part of the final design (e.g., ballfields and other recreational surfaces, bikeway/walkway, park building, esplanade).

Comment 44: A Plan that fuses together resiliency, sustainability and transportation equity is the essence of a Green New Deal for Community Board #3. The community's earlier plan together with the transportation and other elements described above can also be a model for many shoreline communities in New York City. Time is short. The Intergovernmental Panel on Climate Change tells us we have about 10 years to make dramatic reductions in greenhouse gas emissions or face dire consequences. We have the opportunity now to do something that will have a real impact on both climate change and flood protection. It will not happen without us and without a new vision for New York in the 21st century. Now is the time to seize this opportunity to implement a real plan for survival. If we fail to act a degraded nature will implement its plan, and we are sure not to like it. (Brandstein_083)

Time to act on the fundamental problem: the coastal resiliency program we are facing is precipitated by decades of decisions that did not address the core cause and problem. We should take this opportunity to act in a new direction that can address them. Over the past 10 years New York City has spent over \$150 million to renovate the East River Park. The City now proposes to spend \$1.5 billion to bulldoze the entire East River Park and raise the level of the coastline from Montgomery to 23rd Streets 8-10 feet to prevent flooding in Lower East Side and East Village neighborhoods. A new park would be built on top of this dirt pile. The City's plan, however, is wholly inadequate to deal with the environmental

crisis confronting us as it utterly fails to address the root of the problem: why are sea levels rising? One need only observe the FDR Drive adjacent to the Park to witness the scope of the problem: thousands and thousands of cars polluting our environment 24/7 and wrecking our climate system with their relentless emission of carbon dioxide and other greenhouse gases. According to the EPA the transportation sector is the single largest contributor to greenhouse gas emissions at 29 percent of the total. If nothing is done quickly to forestall and reverse this reality no amount of dirt can be piled high enough to protect our communities from flooding. The time to act is now least we end up with a massive billion-dollar shrine to the automobile and fossil fuel industry. (Brandstein_083)

The project needs to address the underlying philosophy behind the City's choices, which places cars above people. We can't be constantly taking for granted that we can give away the things that make our life bearable, such as East River Park, for the sake of a car. We need to be looking at the causes of our climate change. (Lelong_334)

The public has been made aware that part of the reason the original ESCR proposal was scrapped was because this plan is less disruptive to traffic on the FDR. I can't state strongly enough the irony of prioritizing the very factor that has in large part created the need for climate mitigation-fossil-fuel burning vehicles. While the City's 80x50 plan states a commitment to reducing emissions by 80 percent by the year 2050, the ESCR plan does absolutely nothing to address, or even acknowledge, the underlying problem, and instead creates a slew of other issues for neighborhood stakeholders. (Sillen_088)

Response: Comments noted. In April 2019, the City released the OneNYC 2050 long-term strategy planning document to pursue a sustainable, resilient, and equitable city. The plan presents a holistic approach to address the interconnected goals for equality, economic growth, protection of neighborhood communities, public health, education, sustainability, resilience, safe and efficient transportation systems, and public infrastructure. 30 key initiatives were identified in that plan by the City in order to achieve these goals. The proposed project was identified as a key capital investment that would strengthen communities building, infrastructure, and the waterfront to be more resilient (Initiative 21) as well as a forward-thinking investment in core physical infrastructure and hazard mitigation (Initiative 30). Furthermore, the project alternatives presented in the DEIS examined the short-term and long-term effects on flood protection for the residential, commercial, and open space features of the affected neighborhood.

Comment 45: I wish to submit an alternate plan to protect the LES East River Park that is cheaper, far less invasive, and much faster to implement. It may be done stand-alone, or in conjunction with a more staggered LES coastal resiliency plan. The Flood Barrier around East River Park Plan (FBERPP), which envisions a bulkhead line of flood barriers that can be temporarily raised at the bulkhead

whenever a storm surge or hurricane is predicted, could protect the park in the nearer-term and at a fraction of the cost of the city's resiliency plan. A mixture of temporary and permanent flood barriers may be used, depending on access and engineering requirements. Curved sections of park may be surrounded by short, custom length barricades. Floodgates may be folded flat onto the esplanade when not in use, providing full access and views at the water's edge. Park lagoons and bridges may be protected by extra deep flood walls which are raised vertically out of the river as needed. The full park may be preserved, and upgraded in stages over years or decades, while the flood walls provide immediate and long-term protection. This will save time, money, and be far less invasive than the city's resiliency proposal. (Baker_086)

Response: This option will not accomplish the principal objective of the proposed project which includes: provide a reliable coastal flood protection system against the design storm event (the 100-year flood events with sea level rise to 2050s) for the protected area; improve access to and enhance open space resources along the waterfront, including East River Park and Stuyvesant Cove Park; respond quickly to the urgent need for increased 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 achieve implementation milestones and comply with the conditions attached to funding allocations as established by HUD, including scheduling milestones.

Comment 46: The plan is flawed / flooding will continue as I bike my daughters to East River Park for track & field and tennis lessons four days a week specifically entering East River Park at East 18th St entrance, this proposal does not address the bend from 18th St to the Con Ed bottleneck part of the pedestrian/bike path. The Fly Bridge does not address this bend. The FDR will flood due to this flaw in the design. (Ryan_136)

Response: The proposed ESCR flood protection system will provide a continuous and reliable line of coastal flood protection from Montgomery Street to East 25th Street. In portions of the project the flood protection alignment must be on the inland side of the FDR Drive due to site constraints, and in these locations, there will be flooding on the FDR Drive but the neighborhoods west of the FDR Drive will be protected.

Comment 47: I found nothing in your report about how the open-air composting facility--located adjacent to the amphitheater (and right across from the new Corlears Hook ferry station) will be addressed. This too, needs to be moved to a location farther away from densely populated areas. Whenever work is going on there involving the lifting, moving, and dropping of decomposing materials by tractors (which is almost daily), the stench in this heavily used area of the park is awful, and though less strong, it inevitably finds its way through open windows and into nearby

apartments. Again, this is an environmental and quality-of-life issue that needs to be addressed and solved. This is an urgent matter having everything to do with the “Environmental Impact” of the project and just as vital, it’s impact on thousands of people who reside in the buildings near the park (Laurin_183)

Response: Since the issuance of the DEIS, the project area boundary has been extended to include the East River Park Compost Yard.

Comment 48: Alternative 4 calls for the complete removal of all trees, ground cover, and buildings in East River Park. It also includes the partial demolition of the esplanade (Figure 6.0-3). Until the floodwall is completed, the lower esplanade and absence of ground cover could easily allow a Sandy-like storm surge to overtop the East River Park area. This would re-flood not only Evacuation Zone 1, but potentially areas within Zone 2 (see Chapter 0, Executive Summary, Figure S-1 for what higher storm surge flooding than Sandy might look like. My home is in that flooded area.) Nearly three miles of coastline would be exposed in this way. (Lake_135)

Response: Implementation of the proposed project would not affect the flood elevations in adjacent areas.

Comment 49: With respect to the actions to be taken on East River Housing’s property, the DEIS does not explain (1) why the acquisition is necessary; (2) who the relevant governmental actors will be with respect to the actions to be taken on East River Housing’s property; (3) what the scope of the required actions and resulting construction will be; (4) where and how it will be performed; and (5) what the resulting environmental impacts of that performance will be both temporarily and permanently on East River Housing’s population, buildings, operations, and the more than 7,500 people who reside in East River Housing and neighboring buildings to which East River Housing provides essential services, such as heat and hot water. (ERHC_161)

The ULURP Application with which the DEIS has been promulgated describes the proposed action as it affects East River Housing as the “acquisition” of a portion of Block 321, Lot 1 “to enable the City to have access to the property to operate, inspect, and maintain the regulator M29 [sic]⁴ parallel conveyance system proposed to be sited on this lot.” Elsewhere in the materials (specifically, the DEIS), the interest to be acquired is described as an “easement.” Several hundred pages into the DEIS, what is actually intended to be done is described, not with reference to the specific conditions on East River Housing’s property,

⁴ ‘The reference appears to be incorrect, as, elsewhere, the location is described as the M-27 parallel conveyance. The diagrams in the DEIS show that the lateral sewer line that crosses the Easement area is the M-27. The M-29, for which no parallel conveyance will be provided, is several blocks north of East River Housing’s property

but generically as contemplated for the construction of all locations in the City's sewer infrastructure on the East Side at which the City proposes to install what it terms a parallel conveyance to divert water flows from the sewer line to the north-south interceptor that leads to the 13th Street pumping station. There is also reference to the provision of new manholes to be located at distances of 200' to 250' apart; however, the proposed locations of these manholes are not illustrated in the DEIS. (ERHC_161)

The DEIS provides no details about the City's intended use of the proposed easement if it is acquired. Further, the proposed easement is not merely one for access to "operate, inspect, and maintain drainage improvements." It implicitly contemplates, but does not mention, the granting by East River Housing of a license to enter upon the parking lot to construct and install improvements over what is estimated to be a period of at least eighteen months, with all of the associated requirements for access and equipment and vehicle storage that such a project would dictate. (ERHC_161)

Somewhere in the Executive Summary a clear, complete and specific description of the full extent of the proposed acquisition and the associated construction work to be performed on the East River Housing Property should be explained. All of the work proposed as "drainage management" is, for the most part, grouped and described together. Since the circumstances of each site where the work is to occur are different, the analyses must be unique to each site. The description of the action must also explain in detail the scope of the City's activities during construction and once the new infrastructure becomes operational. No such description was provided. (ERHC_161)

The DEIS must explain why the areas in which the drainage management work will be performed are not included in the Project Area, since the construction on those sites is part of the Project. The DEIS does not identify the areas on East River Housing's property where the excavation and construction vehicles and equipment will be located, staged, parked or stored.

The Easement Area must be specifically described by metes and bounds. (ERHC_161)

Response: As described in Chapter 2.0, "Project Alternatives," in the DEIS and this FEIS, the drainage management improvements to the sewer system proposed as part of the project are necessary to prevent the combined impacts of flooding during a simultaneous design storm and rainstorm event. The locations of the proposed improvements, including the siting of a parallel conveyance sewer under East River Housing Corporation's parking lot, and the land area necessary to site and construct these improvements, are based on a drainage modeling analysis that was prepared for the proposed project. The analysis studied the effects of simultaneous tidal and rainstorm storm events on the City's sewer system and identified the improvements in the sewer system that are necessary to avoid those combined

impacts. A summary of the analysis is provided in Chapter 5.8, “Water and Sewer Infrastructure” of the DEIS and this FEIS.

The proposed acquisitions related to these sewer improvements, including on East River Housing Corporation property, are described in Chapter 5.1, “Land Use, Zoning, and Public Policy” of this FEIS and also in the ULURP application. If the proposed ULURP actions are approved, the City will then have the authority to begin the acquisition process.

Comment 50: The absence of attention to the details of the proposed action affecting East River Housing appears to flow from the fact that the regulators have combined this action with a NEPA study of the alternatives proposed to provide flood protection by modifying the conditions along Manhattan’s east coast line. All of the “alternatives” discussed in the DEIS refer solely to alternatives for such flood protection and not to alternatives to the site acquisitions proposed in the ULURP application, including the site at East River Housing. (ERHC_161)

Response: As stated above, the ULURP documents included specific information on the alternatives evaluated and actions and activities related to siting the subsurface infrastructure improvements at ERHC as is proposed under the Preferred Alternative (see ULURP application LR Item#3 and accompanying description and figures). Additional information has also been provided in this FEIS on the construction period impacts. The temporary access for the construction period to install the proposed subsurface infrastructure improvements and the Delancey Street Bridge reconstruction are expected to be addressed with the ERHC property owners through a license agreement.

Comment 51: Discussion of No-Action Projects: In regards to the No-Action Projects, City officials have told the Board of East River Housing that areas under the Williamsburg Bridge could not be made available to park the cars of East River Housing residents who will be displaced from the parking lot during the excavation and construction therein, because a rehabilitation project of that bridge would be carried out simultaneously with the ESCR. There is no mention of any Williamsburg Bridge rehabilitation project in Appendix A1 to the DEIS, which lists all “no action projects” known to the preparers of the DEIS. Thus, the DEIS does not consider that the anticipated bridge rehabilitation project will occur simultaneously with the work proposed under the ESCR, and categories of analysis such as hazardous materials, noise, air quality and construction are incomplete for failing to consider the impacts of such simultaneous performance. (ERHC_161)

There is no itemization of a Williamsburg Bridge rehabilitation project in the list of No-Action Projects in Appendix A1 of the DEIS, then possible hazardous materials, noise, air quality and construction impacts of the bridge project (and the overpass project) should have been analyzed in the DEIS. (ERHC_161)

The proposed rehabilitation of the Williamsburg Bridge simultaneously with the construction in the Easement Area (and, potentially, with the replacement of the pedestrian bridge on Delancey Street) only magnifies the likelihood that hazardous materials will be dispersed throughout the parking lot and tracked into residents' homes. The possible synergistic impacts of multiple on-going projects in and around the Easement Area are neither noted nor studied. (ERHC_161)

Air quality is another area of analysis for which the effects of simultaneous construction of the crossover bridge, the Williamsburg Bridge work and the construction of the parallel conveyance should have been considered. (ERHC_161)

Response: The Williamsburg Bridge rehabilitation project is a NYCDOT project. It is typical bridge maintenance work for which a Type II CEQR determination has been made.

Comment 52: The final EIS should examine whether the design of the project would impact or damage Con Edison's existing storm-hardening improvements and whether the City will need to make further modifications to these improvements to meet the City's and Federal Emergency Management Agency ("FEMA") floodwall specifications. (ConEd_162)

An evaluation must be made to determine how the City's deployment of floodgates would best be coordinated with Con Edison to not interfere with Con Edison's deployment its own storm-hardening facilities that are necessary to seal the station's water intake/discharge structures. (ConEd_162)

Response: It is not expected that implementing the proposed project would result in adverse effects to Con Edison's existing flood protection/storm hardening systems. Rather, it is an objective of the proposed project for the two systems to function together. To that end, the City will take necessary final design and construction monitoring measures during project implementation to ensure that the two systems function comprehensively. With respect to the deployment and operation of floodgates, as described in the DEIS Chapter 2.0, "Project Alternatives," an Operations and Maintenance Manual will be developed for the proposed flood protection system to identify the procedures for deploying, inspecting, testing, and maintaining each element of the proposed flood protection system, including those at the Con Edison East River Complex, to ensure that the floodwalls and closure structures remain in proper working order and are ready to perform in advance of a design storm event. As the proposed ESCR and Con Edison projects are integrated systems, it is expected that Con Edison would be an important participant in the preparation of that manual and through this active coordination any conflicts would be avoided. The City continues to coordinate with Con Edison including recent O&M manual and Emergency Response Plan (ERP) meetings and workshops.

Comment 53: The final EIS needs to specify the floodwall access, maintenance and inspection activities that the City would conduct on Con Edison's property, post-construction. This information will be required for the easements that the City contemplates receiving from Con Edison and for applications to the New York State Public Service Commission ("PSC") requesting approval of such easements. (ConEd_162)

To maintain security of the East River Complex, vehicle and pedestrian access is currently required through security checkpoints on East 14th, 15th, and 16th Streets. Negative impacts on site security and congestion could be significantly reduced if the City demapped a small portion of East 16th Street (to the east of the existing gates leading to the refueling stations) and transferred that interest to Con Edison. This would eliminate the need for a second entry gate and provide additional room for circulation within the complex during construction. (ConEd_162)

Response: The general area of acquisition and the purpose and need for the acquisition (to operate, maintain and inspect the system) is provided in the ULURP application and is described in the DEIS in Chapter 2.0, "Project Alternatives," under the description of the Preferred Alternative. As stated above, an Operations and Maintenance manual and Emergency Response Plan is being developed for the proposed flood protection system that will identify the procedures for deploying, inspecting, testing, and maintaining gate systems, including those proposed at the Con Edison East River Complex. The City has been in coordination with Con Edison and will continue to coordinate with Con Edison on the proposed project and it is expected that Con Edison will be a participant in the preparation of the manual and Emergency Response Plan.

Comment 54: The proposed flyover bridge presents a number of potential risks to Con Edison's infrastructure and facilities. Excessive loads placed above Transmission Lines attributable to the flyover bridge could severely damage the Transmission Lines and force them out of service. To address this risk, the final EIS should specify flyover bridge foundation design measures that would reduce hydrostatic pressure on the Transmission Lines, and limit the movement of heavy construction equipment and material over this area. (ConEd_162)

The flyover bridge is proposed to be located over Con Edison's existing underground transmission lines that run along the east side of the FDR Drive and serve midtown and lower Manhattan. Construction of bridge foundations and excessive loads on top of the lines could severely damage the Transmission Lines and impact electric service to thousands of residents and businesses. The flyover bridge could also potentially interfere with a range of operations at the East River Complex, including the removal and installation of transformers at the substations. (ConEd_162)

The City should ensure that the flyover bridge will not interfere with Con Edison's continued ability to offload equipment and materials, including critical equipment such as transformers, by barge from the East River for transport to the East River Complex. The flyover bridge also must not impede Con Edison's access to facilities within the East River Complex. (ConEd_162)

The design of the flyover bridge must account for Con Edison's need to deploy the East River Generating Station's sluice gate, a critical storm-protection measure. (ConEd_162)

Response: The analysis presented in the DEIS and this FEIS assumes that the foundations for the proposed shared-use flyover bridge would be completed in 2023 and subsequently, the superstructure of the bridge would be installed and completed in 2025. NYCDOT will continue to work with DDC and coordinate with Con Edison to advance the designs of the flyover bridge. Updated conceptual designs for the flyover bridge are provided in Volume II, Appendix C.11. As with the preliminary design, the City will continue to coordinate design of the ESCR project inclusive of the flood protection system and the proposed flyover bridge.

3.0 PROCESS, AGENCY COORDINATION, AND PUBLIC PARTICIPATION

Comment 55: The emails escr@parks.nyc.gov and CDBGDR-Enviro@omb.nyc.gov are not working (Huff_062) (Billings_024)

Response: As stated in the public noticing for the proposed project, email comments submitted through escr@parks.nyc.gov and CDBGDR-Enviro@omb.nyc.gov are considered in this FEIS. These two email addresses were active through the public review period and numerous comments were submitted at these locations during the comment period.

Comment 56: Project-related materials are not always easily accessible on the project website. (Senter_042) (K. Weiss_039) (Billings_024)

Response: The DEIS, FEIS, and Final Scope of Work (FSOW) as well as community presentations are available for review at the City of New York's East Side Coastal Resiliency website (<https://www1.nyc.gov/site/escr>).

Comment 57: Provide a project hotline; neighborhood residents should not have to rely on 311. (Kaufman)

Response: In addition to a 24-hour telephone hotline (311) maintained by the City, DDC maintains an Office of Community Outreach and Notification to conduct community outreach for projects managed by DDC. A team of Community Construction Liaisons (CCLs) are available during construction to serve as contacts for the community and local leaders and would be available to address concerns or problems that may arise during construction. Questions and/or

comments about the proposed project can be submitted through the City of New York's East Side Coastal Resiliency website (<https://www1.nyc.gov/site/escr>).

Comment 58: The public comment period is too short for a project of this magnitude. People in the community need an extension of time to give their input due to the volume of project-related information. (Bina_055)

Slow down the breakneck speed of a project that most of us don't understand and find a solution where the entirety of the East River Park is not closed for years on end. (Ruben_318)

The review and approval process should slow down. There is not adequate information on the Preferred Alternative at this time for the City agencies to develop thoughtful plans and responses, provide time for public feedback, and expect a fair review and approval from Community Boards and CPC. (Shul_336) (Paparelli_339)

The CPC should take the 60-day review period to review the project. We need as much time as possible to figure out what is the best plan. We don't believe this is the best plan for our neighborhood. (Kreselle_322)

The role of this Commission, and anybody that is trying to make a determination about this project cannot do so now. I don't understand how you can approve with reservations when those reservations are stated as issues that affect health, well-being, safety, and communication. (Myers_324)

Response: The DEIS presents an assessment of the proposed project's reasonable worst-case potential environmental effects. As per NEPA requirements and noted in DEIS Chapter 3.0, "Process Coordination and Public Participation," the DEIS was published for public review and comment substantially more than the minimum required 45 days. A Notice of Availability (pursuant to NEPA) and a Notice of Completion (pursuant to CEQR) for the DEIS was issued on April 5, 2019. The comment period, originally set to close on August 15, 2019, was extended 15 days until August 30, 2019. Thus, the public comment period on the EIS was open for a total of 147 days. During this period, the public had the opportunity to comment on the DEIS in writing or at a public hearing, which was held on July 31, 2019. Furthermore, Community Open Houses were held in May and June 2019 where the public was provided with the opportunity to interact with the City Agencies, project designers, and environmental experts to discuss the project's design and potential environmental effects.

Comment 59: Additional flyers should be posted in more visited areas (post office, local restaurants) for any future upcoming meetings or open houses. (Collins_033)

Response: As discussed in DEIS Chapter 3.0, "Process Coordination and Public Participation," these communication vehicles include flyers, newspaper notices, E-communications, website, and meetings. With regards to project flyers, they

were developed in English, Spanish, and Chinese for the announcement of large public meetings (such as the Public Scoping Meeting and DEIS public hearing), and served as an informational tool about key meetings. Newsletters were generally single-sided color printed pieces and were bilingual (English/Spanish and English/Chinese) for distribution at local community-based organization meetings, at Community Board meetings, and for posting in the affected neighborhoods, to advertise upcoming events. These materials were also available in electronic format as part of email blasts, and on the project website. The City encourages comments on the project's outreach plan and will implement them, where feasible.

Comment 60: The project could have been conveyed to the public better. (Senter_042)

Explain how this new plan came about. There's been no transparency in this process. (DeGennaro_121)

Response: As detailed in DEIS Chapter 3.0, "Process Coordination and Public Participation," a comprehensive public participation program was developed and implemented for the proposed project. This program consisted of several discrete public participation components, all working in tandem to elicit feedback from interested stakeholders, public officials, and the broader community that lives, works, and recreates using the facilities along the proposed project areas. Three primary avenues to engage the public were used in this process: regularly scheduled Joint Waterfront Task Force Meetings (convened by Manhattan Community Boards [CB] 3 and 6); Community Engagement Meetings/Workshops; open houses; and a series of targeted thematic stakeholder meetings. Coordination will continue through final design and the construction phase of the proposed project.

Comment 61: This seems to have been without input from the people that make up the surrounding areas. Please vote NO to this proposition and work with the community. (Boulos_073)

We hope through this process that concerns raised by the community about the closure of the park will be addressed. As Community Board 3 (CB3) has noted in their resolution on ESCR, the process to date has created distrust in our government and agencies. Moving forward, we strongly urge the city to rebuild that trust by providing regular updates to the Community Boards that cover the project area and other discussion-based meetings on the project's progress that have been requested in CB3's resolution. (Crawford_074)

After the Design Alternative 3 was rejected by CB3 and CB6 in 2018, the Applicants and the City went ahead to make major design changes without community input, resulting in the Preferred Alternative or Design Alternative 4. I quote CB3's recommendation where, "for many in the community, the ESCR

process since Fall 2018 has frayed trust in government and public agencies because of the drastic change in plan design done without community consultation, despite the needs of the community who look to their government to supply desperately needed protection of their lives and homes, (and often both).” Residents and community members must be fully informed and active participants in oversight of the project. It is imperative that as this project moves forward, the ESCR team regularly consults with CB3 and CB6 in more collaborative processes that incorporate public feedback and recommendations on the project’s construction and design. The Applicants must be transparent in their decision-making processes and communicate about design and timeline changes through social media, community meetings, open houses and information sessions in several languages including Spanish, Mandarin, and Cantonese. The public has entrusted the ESCR partners to create a project that will improve the safety and quality of life. There must be a strong emphasis on outreach to residents of the involved NYCHA campuses. There are approximately 28,000 residents living in NYCHA developments in the ½ mile area adjacent to the proposed project. (Brewer_082) (Brewer_301) (Crawford_316) (Epstein_Hoylman_355) (LESPP_348)

The current plan does not consider input from over 60 community engagement meetings. The one thing I can think of is that they have actually agreed to is solar powered lighting. They have taken nothing from us. They are not listening to us. They keep saying this is community engagement. The community has not been involved in this project at all. (Pender_330)

Other community organizations may have additional ideas for ESCR Project mitigation opportunities, and we encourage the City to take these into consideration. (Strickland_076)

We have seen so many times over and over again that community concerns are ignored and we see it once again with this appearance of this Alternative 4. We’re still waiting to see the enactment of the tenant working group. (Benitez_315)

As a city agency, inclusion should be the top priority. To have the city meet with NYCHA TA presidents without the residents is not inclusion. Knock on doors. With a project of this size inclusion is key. You gave us minimal time to fight this plan. But expect the community to jump on board without a true plan that doesn’t disturb the lives of close to 200,000 residents not to mention the schools in CEC1 and 2 and doesn’t provide protection against another Sandy during construction. (Sanchez_347)

Throughout the planning stages of this proposal, the community complained of inadequate outreach from city agencies. There had been a process that everyone participated in, yet a new plan was put in place that the community had not approved. (Maloney_359)

We need flood protection, and we also need a healthy community! There is a better way forward for flood protection, for our parks, and for our neighborhoods. Our community can work together to make it happen. (Silva_090)

This new alternative was presented without public input: “Beginning in October 2018, a new alternative was developed that involves integrating flood protection with the raising and reconstruction of East River Park. To get design input and comments on this alternative, the City has initiated additional outreach beginning in October 2018.” (p. 3.0-7) This is false. The community had no idea of this completely new and different alternative and it was presented to us as the ONLY plan. It was rushed and it was more of a showing as opposed to an engagement. Every comment fell on deaf ears, questions regarding mitigations and construction issues and such were not answered in subsequent outreach meetings. (Ip_091)

Finally, it’s obvious this was a rush job to push the ESCR Project through at the final hour with another plan that had no community input; with a DEIS that was ill assessed and lacks reasonable long- and short- term adverse effects. The DEIS fails to give the community the opportunity to properly review the plan. Given all these factors, the DEIS should not be approved. (Ip_091)

Study the option the whole community preferred in 2014. (Silva_090)

I am highly disappointed with this new plan especially since changes were formulated without the input of the residents and community highly affected by the changes. There was an initial plan that was agreed upon by all and now you decided to change the plan which now carries a higher cost and involves the closing of the East River Park. (Rivera_115)

I am fundamentally opposed to this project. Community engagement has been minimal and the objections raised by the community have not been heeded strongly enough. (McDonnell_117)

The public had no direct input in the planning or final design of the proposal currently under review. Considering the magnitude of the project, the importance of East River Park and other open space resources, and the expected environmental impacts, we find this unacceptable. (MAS_130)

Either return to the original community-approved plan (which would be environmentally just) or immediately begin large-scale consultation and involvement with community to co-design a new plan. Community participation is not the same thing as revealing a plan last minute and giving speeches about the plan, presenting it as a necessity and a fait accompli and barring community influence. Community participation does not simply mean communication. It means “meaningful participation.” (Hirshorn_126)

There was no meaningful involvement of people affected by this proposed plan in the design or implementation of it and no effort to seek to overcome linguistic

culture institution geographic barriers to meaningful participation. An environmentally just plan would be one that “meaningfully involved” the people living along the floodable area as co-designers of a flood protection plan and a new park that they would have the option of stewarding. In this case these people were never consulted and report feeling “blindsided and angry” when they heard about the plan. Many of them report feeling uninformed and deliberately excluded from the conversation about the future of their precious park. Adding insult to injury, many of them remember the earlier project where they participated in designing the new park and felt validated by that process. (Hirshorn_126)

It is my understanding that a community process to look at options for dealing with flooding and rising sea levels came up with a number of possibilities that were swept aside by the city, which is instead favoring a plan that is tone deaf to the needs of residents and is also more expensive. (Porteous_141)

If there is convincing evidence that the original plan needs alteration, please share that evidence and then work with the community to make modifications instead of scrapping it. I urge you to honor the exemplary community feedback and thoughtful design that informed the original construction phase-in and plan. (Salmon_144)

Please let me know how else residents can influence this decision to save the park from your proposed plans. (Czarnecka_145)

How dare you shove this plan down the throats of the community without any real community planning. You know we have no alternative park available to us. (Pelham_151)

I have attended several meetings in the past few months where city agencies have taken 22 to 45 minutes to explain their plan. They basically give the same presentation each time. They have not substantially engaged with resident concerns, nor shown any inclination to take our concerns and ideas seriously. (Frisk_185)

There has been a failure to explain the mechanics of the “new” plan at open houses that were held earlier this year. Architects were on-hand to explain the diorama but we really needed the engineers. (Schueler_190)

The lack of transparency is an unfortunate recent trend in city politics above the community level. This project feels rushed and poorly planned, with a significantly higher price tag than the previous plan. The community will be without a park for the entirety of the scheduled project time. Many people I’ve spoken to have noted that the city only recently finished renovations to the park. This reinforces the impression among citizens that the city government is careless with managing money, and increases the skepticism about the new plan. All of this seems like a huge price to pay, beyond the additional \$1.45B, especially when there are so many significant unknowns. (Schueler_190)

Response: As described in Chapter 3, “Process, Coordination, and Public Participation,” there has been extensive design and planning outreach on the proposed project. The City is committed to continuing a robust public engagement effort through the final design phase of the project and will continue to listen to suggestions and comments from the community and organizations. Furthermore, as noted in Chapter 3.0, “Process, Coordination, and Public Participation,” design of the proposed project is subject to the review and approval by PDC.

Comment 62: The application does not mention specific negotiations with any property owners who would be affected by the proposed acquisitions of easements. It is imperative that the Applicants conduct outreach to all property owners with detailed information concerning the proposed easements and respond to the questions, concerns, and rights of these owners. (Brewer_082)

Property owners are seeking timelines for all construction on private property, a better understanding of construction and staging parameters, and whether easements may affect their development’s operating costs, including insurance changes. (Unger_317) (Rivera_349)

Response: The ULURP application identifies all of the properties where acquisitions are proposed for easements to implement the Preferred Alternative and the effects of that proposed acquisition. If the proposed ULURP actions are approved, the City would then have the authority to begin the acquisition process and enter into formal negotiations with the property owners on the easement and construction access necessary at the affected properties. The City will continue to coordinate with the East River Housing Corporation and all property owners where acquisition is proposed to coordinate the project design at the respective locations, as well as the construction phasing and planning.

Comment 63: I am seeing two different deadlines for offering comments on the ESCR DEIS: 1. The nyc.gov website says: Draft Environmental Impact Statement (April 5, 2019) Comment on the DEIS. Comment Period Ends August 30, 2019. <https://www1.nyc.gov/site/escr/progress/environmental-review.page> 2. But the DEIS cover page says: The New York City Planning Commission (CPC) will hold a public hearing together with OMB and NYC Parks at 10:00 AM on July 31, 2019, at 120 Broadway, Concourse Level, New York, NY, 10271. Comments must be submitted on or before August 15, 2019, using one of the following ways: (1) orally or in writing at the Public Hearing; (2) via email to CDBGDR-Enviro@omb.nyc.gov; (3) online at <http://www.nyc.gov/cdbgdr>; or (4) mail or hand delivery to: New York City Office of Management and Budget, c/o Calvin Johnson, Assistant Director CDBGDR, 255 Greenwich Street, 8th Floor, New York, NY 10007 New York City Department of Parks and Recreation, c/o Colleen Alderson, Chief, Parklands and Real Estate, The Arsenal, Central Park, 830 Fifth Avenue, Room 401, New York, NY 10065 For further information, please contact

Eram Qadri, Unit Head – Environmental Review, CDBG Disaster Recovery, OMB, (212)-788-6282 or CDBGDR-Enviro@omb.nyc.gov. (Kretz_084)

Response: The DEIS comment period was originally set to close on August 15, 2019, for a 132-day review period. However, based on public input, the comment period was extended an additional 15 days to August 30, 2019, for a total duration of 147 days.

Comment 64: There have been previous instances, such as the removal of a community garden at Baruch Houses, where NYCHA residents were not adequately involved in decisions that would directly affect them. This continual affirmation that we don't matter is why there's little representation from NYCHA at these meetings. (Sanchez_340) (Sanchez_347)

Response: Activities related to the gardens at Baruch Houses were not part of the proposed project and as stated above and as detailed in DEIS Chapter 3.0, "Process Coordination and Public Participation," a comprehensive public participation program was developed and implemented for the proposed project. The City has been working with NYCHA since the inception of the proposed project and recently held project design update meetings in 2019 with the NYCHA Tenant Associations Leadership and NYCHA residents. This coordination will continue through final design and the implementation phase of the proposed project.

Comment 65: The Department of Veterans Affairs, New York Harbor Health Care System requests that it be kept apprised of the status of construction, including schedule that directly ties into the existing flood protection system at the hospital property. (McCarthy_307)

Response: Comment noted. The City has been coordinating with the U.S. Department of Veterans Affairs on the project designs and acquisition process and will continue to do so as part of final design and implementation.

Comment 66: No construction details have been provided, including the exact area the City wants to actually acquire and do the construction on. So a promised return for another meeting was made to us and it was abruptly canceled on 7/24/19 and subsequent meetings were promised to be held with the East River Cooperative community, as well as shareholders, has not taken place. Therefore, we request that the proposal be withdrawn until the City and East River Housing Corporation reach an agreement that addresses our concerns. And, as he stated in the alternative, you can conditionally approve subject to and at such time as which we reach a written agreement with the City that addresses these concerns that we've expressed. (Gentaviso_303)

Response: The ULURP application provides the property acquisitions that are needed to implement the Preferred Alternative, which includes the property at East River

Housing Corporation. If the proposed ULURP actions are approved, the City will then have the authority to begin the acquisition process. the City will continue to coordinate with the East River Housing Corporation to coordinate the project design at this location and the overall construction phasing planning, with the objective of minimizing to the extent feasible the construction duration and operational impacts on this property.

Comment 67: The public cannot fully participate and review the DEIS. As stated in the Environmental Justice section: “Overall, 51.2 percent of the study area is minority.” (p.5.11-7). I think it is safe to assume a decent amount of that percentage of people are not proficient in the English language to read the DEIS. Therefore, by not having the DEIS available translated into different languages, it is excluding a large group of the community and depriving them an opportunity for review. This is a limited public review due to language barriers of differently minority groups in the study area. (Ip_091)

Response: As described in Chapter 3.0, “Process, Coordination, and Public Participation,” in consideration of the non-English speaking populations, meeting flyers, newspaper ads, and engagement activity materials were developed in English, Chinese, and Spanish, and foreign language interpreters (Spanish, Mandarin, and Cantonese) were provided at all of the large area-wide Community Engagement Meetings/Workshops (in addition, Fujianese interpreters were provided for meetings covering topics in Project Area One South). Comments or requests for information including explanation of the content of the DEIS were accepted in all languages.

Comment 68: I am reaching out in regards to the ESCR project and if there are any meetings or presentation dates that may still be available for this project? (Franke_092)

Response: The City is committed to continuing its robust public engagement efforts throughout the final design phase of the project. Any upcoming community engagement meetings will be advertised via meeting/workshop flyers, newspaper notices, on-line notices, project website postings, and email notifications.

Comment 69: I insist that the city work with East River Alliance (<https://eastriveralliance.org/0>) to change the East Side Coastal Resiliency plan so that we gain: true collaboration with the city to build a resilient coastline have wonderful parks, and long-term flood protection that is environmentally sound and will preserve parts of our parks. (Silva_090)

Response: The City held a meeting with East River Alliance Board on March 13, 2019 and will continue to keep the East River Alliance apprised of design updates and project construction status.

Comment 70: The DEIS does not effectively describe the diversion chamber that is shown in a set of conceptual engineering drawings prepared by Hazen Engineering in an appendix to the DEIS and that is proposed to be constructed to a depth of nearly 30' below grade within the parking lot. Further this drawing would seem to be inconsistent with information provided by City officials to the East River Housing Board of Directors on August 21, 2019, in which they stated that the interceptor sewer line is 40' feet below grade, which will require excavating to depths below that level. The officials also stated in that meeting that no diversion chamber would be constructed. Reference is made in the DEIS to the support, replacement or relocation of utilities, but no information is provided as to what utilities, if any, are sited in the Easement Area, nor is there any analysis on how such utilities might be affected. (ERHC_161)

Response: This FEIS has been updated to reflect the current designs at this location as of July 2019. These updated designs are provided in Volume II, Appendix C.1j of this FEIS. These designs will continue to be advanced. The City will also continue to coordinate with the East River Housing Corporation on the project design at this location and the overall construction phasing planning.

Comment 71: The work plan for analysis of hazardous materials provides for sampling solely to the east of the East River Drive (see Figures 5.7-1 and 5.7-2), even though excavation to significant depths is contemplated on East River Housing's property to the west of the FDR Drive. Since East River Housing was developed in the era prior to environmental quality review, and since, according to the management of the complex, it is built on land fill, and because there is no evidence in the DEIS that the development history of the parking lot area was studied or analyzed to determine whether any prior uses — such as coal yards, which did exist in the area — may have caused any contamination of the site, the hazardous materials analysis is deficient. Since the excavation will also likely result in the release of airborne materials immediately adjacent to a children's playground, to open space dedicated to passive recreation, and alongside East River Housing residential apartment units, the possibility of the presence of hazardous materials must be ruled out by appropriate investigation now. Yet, the DEIS punts the hazardous materials investigation of sites like East River Housing's to the actual construction phase in a process to be managed by DEP. The DEIS does not mandate or even contemplate any disclosure to East River Housing or the surrounding community of the results of testing or the formulation of the program for mitigation. (ERHC_161)

Response: All testing undertaken for the DEIS and this FEIS was performed at City-owned property that is accessible to the City. Although no testing was undertaken at the location of the proposed parallel conveyance it is expected that the subsurface conditions beneath the East River Houses parking lot will reflect contamination consistent with historic fill (i.e., variable, and sometimes elevated levels of a range of contaminants especially certain metals and semi-volatile organic

compounds [SVOCs]). Thus, the mitigation measures presented in this FEIS are expected to also be applicable to the subsurface conditions and construction activities proposed at the ERHC property.

Comment 72: The project’s proposed floodwall would physically attach to and incorporate the East River Generating Station’s storm-hardened eastern exterior wall. This would necessitate invasive heavy construction under the station’s foundation; cross an area already occupied by the station’s water intake and discharge tunnels; and require City access through the station for periodic maintenance and inspection. As a result, there is a risk that the ESCR Project, if not properly designed and constructed, could undermine the structural stability of the station, severely impair its ability to operate, and even defeat the purpose of the flood-resiliency measures already installed by Con Edison to protect these critical facilities. (ConEd_162)

A block south, the ESCR Project’s deep floodwall foundations are proposed to be located in close proximity to the East 13th Street Substation’s outer wall-close enough to pose substantial risks to facility’s structural stability and operational safety. (ConEd_162)

The ESCR Project’s work in the streets and public ways would be located in close proximity to Con Edison electric, gas and steam transmission facilities, and could therefore have serious negative impacts on these facilities. (ConEd_162)

The final EIS needs to evaluate specific floodwall design elements that will be implemented by the City to eliminate structural impacts to: (1) the East River Generating Station’s eastern wall, in part by including sufficient consideration of the proposed attachment points to the wall; (2) the station’s water intake/discharge structures; and (3) other storm-hardening improvements at the complex. (ConEd_162)

The final EIS should discuss how the City would accommodate possible future changes in Con Edison’s use of the East River Generating Station that could eliminate Con Edison’s need for its storm-hardening improvements that the City has integrated into the City’s floodwall, including without limitation the removal of the eastern wall of the generating station. Given the interconnectedness of this the ESCR project with the Con Edison facilities a joint bid process should be considered. (ConEd_162)

The City’s proposed ESCR Project design will include considerable changes in elevation in East River Park. These elevation changes will require Con Edison manholes to be either redesigned and rebuilt or relocated. The final EIS should address this issue. (ConEd_162)

Response: As described in the DEIS and also this FEIS, in Chapter 3.0 “Process, Coordination, and Public Participation” the City has been in coordination with Con Edison and will continue to coordinate with Con Edison and the New York

Power Authority as part of the environmental review and design processes. To that effect, design coordination meetings were most recently held with Con Edison on August 8 and September 3, 2019. This coordination will include seeking to continue to minimize conflicts between the proposed project and the Con Edison facilities at East River Complex and along the transmission facilities as design advances.

Comment 73: The draft EIS contemplates construction vehicle access at new and potentially unsecured locations that could compromise existing security measures, cause congestion within secured areas, and make it easier for unauthorized personnel to penetrate the complex. To avoid compromising site security, the final EIS should require construction vehicles to access the complex only through security-controlled access points at the following locations, as may be approved by the New York Police Department (“NYPD”) and Maritime Security (“MARSEC”): the intersection of East 14th Street and Avenue D; the intersection of East 15th Street and Avenue C; and the FDR Drive access ramp for East 20th Street. If the FDR Drive access ramp cannot be used, the East 16th Street access point would need to be relocated and parking would need to be restricted on this street so that there is sufficient room for construction vehicle access to the work site and for Con Edison personnel to access the complex. (ConEd_162)

The draft EIS lacks sufficient information on how ESCR Project construction activities would be managed within the perimeter of the East River Complex to prevent breaches of security or adverse operational impacts on the East River Generating Station, the East 13th Street Substation and the Workout Facility. The final EIS should state that all project construction within or adjacent to Con Edison’s property be restricted to temporary work zones protected by security barriers. (ConEd_162)

The locations of staging areas identified in Figure 6.0-4 and Table 6.0-5 of the draft EIS are immediately adjacent to or within Con Edison’s facilities. Staging in these areas would impede Con Edison access to utility assets needed to maintain safe facility operation and to respond to emergencies. Frequent use of these laydown areas by various contractors or for oversized deliveries, together with the risk of misuse by third parties in the midst of all of the construction activity, could impede or interrupt critical Con Edison operations. (ConEd_162)

To help prevent these negative operational impacts, the final EIS should prohibit construction vehicle parking and materials storage on Con Edison property. It should also prohibit staging and materials storage on the following streets within and around the East River Complex: East 14th Street between Avenues C and D; Avenue D between East 13th and East 14th Streets; East 14th Street west of the temporary work zone; East 15th Street outside of the temporary work zone; and East 16th Street. (ConEd_162)

The final EIS should address the impact construction activities could have on the parking of necessary utility vehicles. To the extent that construction could impact ready accessibility to utility vehicles, the City’s contractor must provide replacement parking close to the East River Complex at no charge to Con Edison. Any alternative parking must be at a secure location determined in consultation with Con Edison. The alternative parking arrangement must not impede operations, cause undue operational delays, or interfere with Con Edison’s ability to address emergency situations. (ConEd_162)

Response: As stated above, the City has been coordinating with Con Edison as part of the design process and will continue to coordinate with Con Edison through the project’s final design and implementation on matters of security, construction activities, and protection of facilities.

Comment 74: The final EIS should state that all project designs will: (1) maintain sufficient safety clearance from the East 13th Street Substation and all other electrical equipment at the East River Complex, including vertical clearance; maintain the structural integrity of Con Edison’s foundations, walls and Transmission Lines; and (2) provide sufficient setbacks to allow future public utility maintenance and construction in public rights-of-way. (ConEd_162)

Response: Comment noted. FEIS Chapter 6.8, “Construction—Energy,” has been revised to note that design coordination and protections are needed as it relates to Con Edison’s energy systems.

4.0 ANALYSIS FRAMEWORK

Comment 75: In the DEIS, a number of proposals for additional mitigations are currently described as being “explored,” “investigated,” or “assessed,” by the City, it is clear that concrete plans for many of these impacts have not been fully identified and committed to at this time. (CB3_500)

The proposed “potential mitigation measures” (page 6.2-21) are suggestions that seem exploratory in nature (e.g., language includes “working with,” “assessing opportunities,” “investigating”). Given the definite impact for the preferred alternative, solid plans should be presented to the community to discuss and review prior to the approval of this project. (Leung_171)

Response: The City has reviewed and investigated potential mitigation measures, which includes open space, bicyclists/pedestrian rerouting plan, and noise, and has identified a number of measures that the City is committed to implementing during the final design and construction of the proposed project. This FEIS has updated the details of these mitigation measures, as necessary.

Comment 76: The DEIS is fundamentally flawed and should be re-assessed. (Ip_091)

At best, I think that the Final Environmental Impact Statement (FEIS) downplays the negative effects of the plan. At worst, I think it does not address some of the most dangerous among them. For example, Figure 6.0-3 in Chapter 6.0: Construction Overview, starts with over 100 days of mobilization and site prep; starting on March 31, 2020, and proposes esplanade work lasting until June 2022. Given the rate at which such projects are realized across New York City, and in my former borough of Brooklyn, I think this estimate is unrealistic and dishonest. In Chapter 6.6: Construction Hazardous Materials, Chapter 6.10: Construction Air Quality, and Chapter 6.13: Construction Public Health, health effects are described as minimal. I think this is negligent and incorrect. It does not take into sufficient consideration the potentially hazardous materials that will be used as part of the land raising process, in particular dust particles from concrete and landfill, the noise pollution, the industrial waste, exhaust, and the impact that the extended temporary loss of all outdoor park space will mean on the community. I urge you to reconsider this plan and to take these concerns with utmost seriousness. (Katsof_110) (Merris_111) (Wolf_124)

What is most striking about this DEIS is all that it leaves out. (Hirshorn_126)

I believe that the City's Preferred Alternative 4 represents a potential disaster for our community. I also feel that the DEIS is incomplete, inaccurate and possibly insincere. (Hirshorn_126)

As a longtime resident of the Lower East Side and a regular user of East River Park, I strongly urge the Community Board to vote no on the ESCR plan under Alternative 4. While it is clear that we need a plan to protect us from future flooding, we need a phased plan with a truly resilient design that imposes the least amount of destructive and detrimental to the residents of the Lower East Side, especially the family and children that rely on the park. (May 131).

The DEIS is wholly inadequate in addressing the environmental problems related to the proposed East Side Coastal Resiliency Project (ESCR). (Brandstein_154)

Overall, we find the DEIS to be incomplete and, in some areas, woefully inaccurate. (ERA_159)

I'm a 40-year resident of the East Village, and an ecologist in the Department of Biology at the City College of New York. Over the past nine months, I've faced a steep learning curve as I've learned about the City's new plan for ESCR. I believe that the City's preferred plan has fatal flaws and that the DEIS is a careless piece of work. In my area, terrestrial biodiversity, the DEIS is incomplete, inaccurate, and makes unjustified assumptions. (Berkov_096)

Response: The DEIS was prepared in full compliance with NEPA/SEQRA/CEQR standards and in consultation with and review by expert agencies.

5.1: LAND USE, ZONING, AND PUBLIC POLICY

Comment 77: We dispute the conclusions stated in section G of the land use application that, “The proposed acquisition would not significantly affect the use of or access to any properties or any primary or accessory structures.” (Gentaviso_303) (Wolman_304)

Response: The ULURP actions, including the proposed acquisitions, are discussed in Chapter 5.1, “Land Use, Zoning, and Public Policy,” along with the ULURP application. These documents list the properties where easement acquisition is proposed to implement the Preferred Alternative and the effects of that proposed acquisition. If the proposed ULURP actions are approved, the City will then have the authority to begin the acquisition process. The City will continue to coordinate with the East River Housing Corporation and all property owners where acquisition is proposed to coordinate on the project design at this location and the overall construction phasing planning. Temporary adverse effects associated with construction are discussed in Chapter 6.7, “Construction—Water and Sewer Infrastructure,” Chapter 6.9, “Construction—Transportation,” and Chapter 6.12, “Construction—Noise.”

5.2: SOCIOECONOMIC CONDITIONS

Comment 78: Concern that the next step is to build more expensive condos on top of the buried park. Will improving the parks lead to gentrification and if not, what data/research shows otherwise? (Rosario_059) (Yourch_050) (Benitez_315) (Lake_312)

I’ve watched the East Village change drastically in my lifetime and my family had to move out of the neighborhood as a result of increasing rent caused by gentrification and “beautification” of the East Village. (Ryan_353)

LESPP advocates for stabilization of affordable housing and no displacement of present residents in affordable housing. (LESPP_348)

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. (ERA_158)

As described in Chapter 5.2, “Socioeconomic Conditions,” while the flood protection and open space enhancements provided by the Preferred Alternative could result in increases in market-rate residential and commercial rents within the study area, potential increases in property value attributable to this alternative

are not expected to cause significant residential or commercial displacement pressures within the study area. A significant portion of housing units in the study area and within the flood zone are forms of rent-protected housing and would be protected from local market forces. This rent-protected housing includes NYCHA housing developments, and some units within Peter Cooper Village and Stuyvesant Town, as well as affordable Residential units in privately owned subsidized developments. Note: NYCHA has already started converting their housing towards privatization (i.e., Ocean Bay Houses in Rockaway and Twin Parks West in Fordham Heights) and they're looking to expand the privatization model across all of NYCHA. There is no guarantee that rent-protected housing will always be "protected." Landlords and developers are constantly looking to dismantle rent protection laws and the reconstruction of the Park and its surrounding areas will give them even more of a reason for doing so. Tenant harassment by their landlords and slumlord stories are prevalent all over the study area. They're constant and regular news items. For housing in the study area and within the flood zone that is not rent-protected, recent market trends show this housing to already be well above rents affordable to low- and moderate-income households. Rents for this housing are increasing at a higher rate compared to all of Manhattan, and this trend is expected to continue at an even faster pace with or without the Preferred Alternative due to the short amount of time of three and a half years estimated for the project's completion. (IP_091)

Response: East River Park is dedicated parkland and residential development is not permitted on the park. The socioeconomic analysis presented in DEIS Chapter 5.2, "Socioeconomics Conditions," examines the potential for indirect residential and business displacement due to increased rents, and the analysis concludes that the proposed project would not result in any significant adverse impacts to socioeconomic conditions.

Comment 79: Who will benefit financially from this project? This project is not the only or best option but an expensive land grab. This will become a developers dream but lost to the regular folk. (Habermeier_056) (Velez_020) (Westerman_007)

The cost of this project ballooned with the close and destroy plan. Is this to make developers happy? Is that why there is discussion about the area being flood proof? Is this for developers' flood protection insurance rates? (Leverett_103)

Response: Residents and property owners as well as local businesses would benefit from the avoided cost associated with storm damage and recovery with the protection afforded by the proposed project. Those benefits are described in greater detail in DEIS Chapter 5.2, "Socioeconomic Conditions."

Comment 80: Will this design really protect us and help with reducing our flood insurance? (Weiss_039)

LESPP advocates for FEMA accreditation which can impact flood insurance which can impact rent/carrying charges. (LESPP_348)

Response: Once the proposed flood protection system is installed, the City would submit final designs and supporting materials (i.e., design criteria, geotechnical data, hydraulic modeling, etc.), a final operations and maintenance plan, and relevant construction data to FEMA to demonstrate compliance with requirements listed in Chapter 44 of the Federal Code of Regulations, Section 65.10 for FEMA accreditation. The FEMA accreditation process considers all components of the flood protection system, including elements for resisting storm induced surge (storm tide) and the existing and proposed alterations to the interior drainage system for removing all interior waters (rainfall and dry weather flow) from the protected area. As described in DEIS Chapter 2.0, “Project Alternatives,” part of achieving FEMA accreditation and recognition of the proposed project on Flood Insurance Rate Maps (FIRMs), the City would submit documentation that the entire length of the flood protection system has been adequately designed, and that operation and maintenance systems are in place to provide reasonable assurance the system would be able to perform as designed throughout the accreditation period and identification of any known risks.

Comment 81: How will jobs and rents in the area be affected? (Billings_008)

LESPP advocates for stabilization of rent/carrying charges for developments on the Lower East Side. (LESPP_348)

Response: DEIS Chapter 5.2, “Socioeconomic Conditions,” examined the potential effects of the proposed project on residential and commercial market conditions, including rents, and found that the project would not result in any significant adverse effects. DEIS Chapter 6.1, “Construction—Socioeconomic Conditions,” identifies the anticipated economic benefits during construction of the proposed project, including job creation.

Comment 82: The conclusions of the DEIS regarding the socioeconomic impacts of the City’s preferred alternative for ESCR are inaccurate and incomplete. It is alarming that the City of New York is relying on outdated research and analysis to make decisions of such importance. (Schiller_093)

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 that overlooks the potentiality of what leading scholars have identified as “resiliency gentrification.” New peer-reviewed scholarship 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. The investment in infrastructure to protect the

neighborhood from flooding will increase surrounding land values. (Schiller_093)

The DEIS correctly acknowledges that property values could go up due to a number of factors, including “the substantial reduction of risk of property damage from flooding and the reduction of costs associated with investing in resiliency measures for individual properties. These influences could result in increases in market-rate residential and commercial rents within the existing flood hazard area portions of the study area” (5.2-22). Despite this realistic appraisal, the DEIS inexplicably concludes that “the Preferred Alternative is not expected to substantively alter existing trends. In the future with or without this alternative, the study area will continue to be an attractive area to live and work, and will experience substantial new development as well as increases in property value and rents” (5.2-23). In other words, the DEIS conclusions directly contradict its findings. There is simply no basis to conclude that the addition of \$1.5 billion of coastal flood protection and parkland infrastructure will have no substantive impact on the adjacent neighborhood’s housing market. A growing body of research and scholarship on resiliency infrastructure projects reveals that housing market will be substantively affected. The neighborhood deserves forward-thinking mitigation to defend existing residents against displacement. (Schiller_093)

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;” (ERA_158)

This project will decrease property values in the surrounding area. (Ballard_101)

Response:

The DEIS Chapter 5.2, “Socioeconomic Conditions,” examined the potential effects of the proposed project on residential and commercial market conditions, including rents, and found that the project would not result in any significant adverse effects. That analysis concluded that within the flood hazard area portions of the study area, while flood protections measures could lead to increases in privately held residential and commercial property values and rents over time to due to several influences, one of which may be the reduction of risk of property damage from flooding and the reduction of costs associated with investing in resiliency measures for individual properties, the provision of flood protection would not substantively alter existing residential market trends. As evidenced by the amount of commercial and residential development already planned within the study area, with or without the proposed project, the study area will continue to be an attractive area to live and work, and will experience substantial new development and increases in private property value and rents. In addition, as detailed in Chapter 5.2, recent trends already show study area market housing costs to be well above rents affordable to low- and moderate-income households. These trends are expected to continue with or without the proposed project.

Finally, as documented in the DEIS, the majority of housing in the flood protection area is comprised of NYCHA housing developments. Rents in these developments are regulated by NYCHA not market trends, and therefore would not be affected by changes in value. Similarly, area households who live in other forms of rent-regulated housing—including the approximately 5,000 units within Peter Cooper Village and Stuyvesant Town abutting the project area—would not see rent increases as a result of potential market changes. Finally, irrespective of rent protections, with the proposed project’s flood protection measures residents within the flood protection area would directly benefit from potential avoided social and economic costs associated with relocation in the event of a major storm event.

Comment 83: Additionally, 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 alongside a brand new resilient green space? The DEIS is inaccurate and incomplete on the socioeconomic impacts of the City’s proposed alternative. (Schiller_093) (ERA_158)

Response: Consistent with standard practices for environmental review under NEPA, SEQRA, and CEQR, the DEIS analysis of potential environmental effects considers—in addition to the proposed project—known developments within the study area; currently there are no plans to develop housing on publicly owned NYCHA properties within the study area, and as such it would be speculative and beyond the scope of this environmental review to evaluate the potential effects of unknown structures on existing views, light, and air. To the extent developments plans on publicly owned NYCHA property within the study area are advanced in the future, those plans would require separate environmental review, which would consider the environmental concerns cited by the commenter.

5.3: OPEN SPACE

Comment 84: The DEIS states that “NYC Parks is exploring a Lower East Side Greening program with the opportunity to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales,” (8.0-5), Parks should also work with local community organizations to spearhead such a program, as was suggested in a February 2019 Community Board 3 resolution supporting a proposed LES Community Tree Canopy Initiative. We understand the tree planting will start in fall 2019 but the Parks Department must update the Community Board as soon as possible

regarding the proposed schedule and locations. In addition, tree guards and concrete plans for the care of the trees (such as watering) should be included as part of the tree planting operation. (CB3_500) (Brewer_302)

NYC Parks “is exploring a LES Greening program with the opportunity to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales” (8.0-5). Through this program, NYC Parks must work with local community organizations, CB3 and CB6 to conduct tree planting and tree guard installation operations, including the creation of concrete plans for the care of the trees. In February 2019, CB3 passed a resolution to support the proposal of a LES Community Tree Canopy Initiative that would communicate with NYC Parks when and where the proposed trees will be installed and how they will be maintained. The Applicants must immediately create these additional bioswales, tree canopy plantings, and permeable pavers as temporary mitigations against dust and adverse weather conditions during construction. (Brewer_082)

Response: As described in Chapter 6.2, “Construction—Open Space,” NYC Parks has committed to a number of neighborhood park improvements and continues to take suggestions on further meaningful measures that can be implemented quickly to offset the effects of construction associated with the proposed project. This includes planting up to 1,000 neighborhood trees and installing 40 bioswales beginning in the fall of 2019. The City will work with the community to ensure that the Lower East Side greening program is implemented. Details pertaining to the tree replacement and long-term maintenance will be developed as part of the project landscape restoration plan. In addition, DDC will have dedicated onsite Community Construction Liaisons (CCL) to coordinate and communicate with stakeholders regularly during construction, including relevant information on the replanting plan.

Comment 85: The green space and public space on NYCHA properties was not identified as open space. These areas are desperately in need of attention and have the capacity to provide at least some open space opportunities. (Johnson_041)

Response: Open space is defined in the *CEQR Technical Manual* as publicly or privately owned land that is publicly accessible and available for leisure, play, or sport, or is set aside for the protection and/or enhancement of the natural environment. Open spaces on NYCHA properties that met those criteria were included in DEIS Chapter 5.3, “Open Space.”

Comment 86: The repositioning of the courts looks good since the conditions would call for two bubbles given the occasional high winds on the East River. There really need to be showers in the tennis house. Putting on work clothes after a sweaty tennis match and walking several blocks in the cold is no fun. There should also be a spacious lounge, food service and a fireplace. This facility will be much more crowded than Randall’s Island given the growing population density of the Lower

East Side. The showers could be combined with the track house but the track house building is much farther north than the tennis courts. (Sellin_069)

Response: As part of the preliminary design for the park a concession is planned for the proposed tennis building. The City and the design team will continue to seek input from the community as part of the final design process for this facility.

Comment 87: The current plan separates youth from families by placing basketball courts out of sight of the family picnic area. This is especially harmful for children ages 10–12 who still need a watchful eye. Youth play areas are often neglected in planning for family use. It promotes family harmony to provide appropriate spaces for all ages to be close to each other. (Upton and de Aragon_046)

Playground space for use by preteens, early teens, and children is needed. A “Hammock Grove Play Area” for children ages 5-14 on Governor’s Island is a good example of a play area for children of varied ages. (Upton and de Aragon_046)

Please consider current healthy patterns of family use and how the park is currently used by local residents when designing the new park, including the 10th Street area. Providing a continuum of appropriate spaces from babyhood to grandparenthood supports healthy and harmonious families and communities. The current plan for the 10th Street area does not respect the multigenerational family use that currently exists. Please do not isolate generational uses and thereby destroy the current healthy pattern of use that supports families. We must consciously and carefully design and create space that supports opportunities for families to gather and build strong ties. (Upton and de Aragon_046) (Upton and de Aragon_057)

Please don’t turn the multi-used playground area into a field. This would impact the ability for families to get together for cookouts, picnics, etc. This location is near bathrooms and is therefore convenient for the many users of this playground area. (Huff_062)

East River Park is vital to our communities that reside around the river park. Families use the East River Park for gatherings, for healthy activities, for respite from urban living. Destroying the park destroys family health. Destroying the park destroys the natural setting that benefits us all. (Glenn_089)

Response: The City and the design team will continue to assess opportunities to respond to the variety of park uses and needs identified by the community during the ongoing outreach and final design process. The objective of the proposed design for East River Park is to increase areas dedicated to play and multipurpose areas for park users of varying ages to enjoy.

Comment 88: Please do not install additional tennis courts. Playing fields or tree/grassy areas are preferred. (Boster_064) (Boster_067)

Response: No additional tennis courts are proposed under the Preferred Alternative. The existing tennis courts to be replaced are regulation sized.

Comment 89: Reduce the amount of concrete and paved surfaces currently being shown on the present designs. The design seems to show an increase in the amount of these surfaces in relation to soil, grass, and plantings and is especially noticeable in the area between the tennis courts. This will increase the overall amount of heat radiated in the park. Many of the proposed paths/walkways are too wide. Paths can be covered with woodchips/soil/permeable pavement. (Boster_064) (Boster_067) (Boster_075) (Habermeier_056) (Senter_042) (Fontaine_028)

The proposed park seems to be completely designed with no wild/unpaved places to walk, such as the dirt path currently located along the side of the fields currently used by walkers and runners. (Johnson_041)

Maintain the dirt trails and trees between 17th and 22nd Streets. They absorb water and are a refuge for wildlife, humans, and dogs to walk along. A paved path is not needed here. (Morse_030)

Incorporate porous surfaces with openings for plantings. (Berkov_023)

Wider, thicker concrete and asphalt paths and roadways are reducing the permeable areas of East River Park, indeed, there is nearly 3 fewer acres of passive recreation (green space) in Alt 4. (Brawer_095)

If the City is absolutely determined to execute Alternative 4, it is my recommendation to not convert passive recreation space into active recreation space, as this will decrease permeable surface, and increase runoff. (Berkov_096)

Response: The proposed configuration of paths and surfaces provide universal accessibility throughout the project area. As cited in Chapter 5.3, "Open Space," under the Preferred Alternative, the active and passive open space ratio would remain the same as compared to the No Action Alternative. The runoff of the proposed park will be addressed as part of the Stormwater Pollution Prevention Plan and stormwater management design to be developed for proposed project, reviewed by City and State agencies including DEP and NYSDEC. The City and the design team will continue to seek input from the community as part of the final design process for the park including design details for managing stormwater runoff.

Comment 90: Can playground designs include fake but natural looking trees for children to climb, as climbing trees in City parks is not allowed. (Upton and de Aragon_052).

Consider including a slide element in the park redesign, such as the Stone Slide in Central Park's Billy Johnson Playground. (Upton and de Aragon_052)

Response: The City and the design team will continue to assess opportunities to respond to the variety of park uses identified by the community as part of the final design process.

Comment 91: Please provide sun protection by planting as many trees as possible and building wooden structures that provide sun protection. Please ensure that children’s play area have shade. If umbrellas are chosen to provide sun protection, please avoid using metal ones, which would get very hot in the summer. Please avoid crayon colors. (Upton and de Aragon_051)

I am an 82-year-old senior. I use the park every day to stay active and healthy. This summer with its unusually frequent heat/humidity advisories indicative of global warming has been hard on everybody, particularly us Loisaida seniors. The park with its shade giving trees is a life saver. (Boster_094)

The DEIS does not address the issue of shade. When stripped of all tree cover under Alternative 4, East River Park will be exposed to unrelieved direct sunlight for four summers. (Lake_135)

Response: As detailed in Chapter 5.6, “Natural Resources,” a total of 1,815 trees will be planted as part of this project and will provide shaded areas within the parks. The tree planting palette for the project considers size, growth rate, diversity, and resiliency, amongst other factors. Materials selected for the proposed park features, including umbrellas and colors, will similarly be identified based on a variety of factors, including long-term maintenance requirements and durability, as part of the final design process.

Comment 92: Reconsider the plan to use high barstool-style seating with skinny tables facing the water. This style of seating cannot be used by the elderly, disabled, pregnant, or by young children. This kind of seating does not support multi-generational community use or people relating to each other. (Upton and de Aragon_051)

Clarification should be provided regarding park seating. It is unclear if some of the proposed seating are benches or bleachers, as well as what the composition of the seating (i.e., wood, metal, concrete, etc.). (K. Weiss_039)

The new design does not have the same atmosphere of the old park that has many smaller islands of grass, semi secluded paths, areas where people can have some privacy. The new park is designed only for sports with some very boring passive space, just a few little fields of grass, and mostly large concrete paths with no place for moms with strollers to wander or sit quietly, for elders to sit and read or contemplate, for everybody to repose in nature. Seating is provided by uncomfortable concrete (cold in winter, hot in summer, ergonomic disaster) bleachers and not enough old fashioned benches made of wood that are comfortable in all weather. (Weiss_192)

Response: The proposed project is in final design and the proposed park seating elements are being assessed as part of the design process. Currently, proposed park seating includes a mix of circular table and chair fixtures, picnic tables with umbrellas, steel bleachers, and 1964 World’s Fair-style chairs, bar stools, chaise lounges, porch swings, and benches. These seating and table features are currently

designed to include an array of compositions, including stainless steel and recycled plastic lumber. All park seating will include accessible options.

Comment 93: Use high fencing around the baseball fields to protect people outside the fence from being hit by flying balls. (Upton and de Aragon_051)

Response: A combination of 8-foot-high and 16-foot-high fencing will be used around the baseball fields to protect park users outside the fence. The proposed project is in final design and the proposed park seating elements will be assessed as part of the final design process.

Comment 94: Where will people do Tai Chi in the new park? Tai Chi is an important community use of the East River Park. (Upton and de Aragon_051)

Response: The Preferred Alternative would allow for continued multi-purpose recreational usage of the park, including Tai Chi.

Comment 95: Fountains for both children's water play and ornamental purposes are important. As there are not currently any ornamental fountains, this is an opportunity to add them. A classical fountain or series of fountains would enhance the beauty of the park. Please consider a beaux art style with the charm of fountains in Central Park. (Upton and de Aragon_051)

Response: Final design is ongoing and the potential for additional water features will be assessed. Children's water play features are currently proposed to be located at Delancey Street, Houston Street, and East 10th Street.

Comment 96: Consider adding a gazebo with seating which provides both charm and protection from the weather in every season. (Upton and de Aragon_051)

Consider a wooden roofed structure with rows of benches facing the water as often seen on boardwalks by beaches. (Upton and de Aragon_051)

Response: Final design is ongoing and park elements for inclusion in the redesigned park are being assessed.

Comment 97: Please include fully functional (and durable) exercise equipment; accommodation should be given to disabled, infirm and able-bodied. Include an exercise area such as the one at 6th Street/Tompkins Square Park, which is currently used by a diverse group of people. (Hollander_043) (Johnson_041)

Please temporarily relocate the exercise area, currently located next to the track to el Jardin del Paraiso on East 5th Street, to the grassy area behind the Educational Alliance at 34 Ave D Wald Houses, or some other spot close to the East 6th Street overpass. (Boster_064) (Boster_067)

Response: Project design is ongoing and various park elements for inclusion in the redesigned park, including exercise equipment, are being assessed. Currently, the proposed park redesign includes an adult and senior fitness equipment area and a fitness challenge course.

Comment 98: No one picnics or BBQs in the thoroughfares, as the design suggests they might. Nobody uses the metal tables that become too hot in the sun, cannot be moved, and become dirty after one use. Install real picnic tables set back under as much shade as possible. (Johnson_041)

While I love the new design, I have concerns that I and neighbors have raised about the BBQ area near east 12th street. In the new design the BBQ area returns near the edge of the water. Currently the BBQ area sits by the playground and basketball court and that is where we want them to return to. We do not want BBQ grills near the water, we want them back to the playground area so that guardians can watch their children and make sure they are safe. (Blasco_112)

Response: Project design is ongoing and proposed park table and seating elements for the redesigned park are being assessed.

Comment 99: Provide an opportunity for residents to be closer to the water at several points in the park instead of looking at it from a distance. (Johnson_041) (Billings_024) (ERPAG_358)

Will people have access to the water and in what areas? (Billings_024)

Response: Park users will have opportunities for enhanced user interaction with the East River shoreline and views via the two embayments that will be relocated and redesigned. Filling of the existing embayments and creation of the new embayments is necessary to increase community access to the water's edge, a principal objective of the Proposed Project, and provide adequate space to site heavily utilized active recreation facilities. Additional filling would be required at the edges of the new embayments to allow for an Americans with Disabilities Act (ADA) accessible path to improve accessibility to the waterfront.

Comment 100: Design should include enough space for the Stuyvesant Cove annual summer music series that is currently set up on the south side of Solar One. Musicians perform on stage and utilize Solar One outlets for electrical service, and the audience sits on folding chairs facing north in front of the stage. (Koestler_037)

Response: Stuyvesant Cove Park will be reconstructed as part of the proposed project with resilient features to minimize damage and expedite recovery following a flood event. Project design is ongoing and opportunities to preserve space for events are being considered as part of the final design process.

Comment 101: The following open space design elements are admired: gathering lawns with terracing for level variety; passive/multi-use space; varied seating, including chaise lounges and love seats; green spaces with many trees to run near the FDR Drive; plans to use vintage World’s Fair benches and lighting with a feel similar to Tompkins Square Park; plans to use waterfront style rocks that give an oceanfront feeling in some coves; plans to include plants that attract Monarch butterflies (milkweed); plans for play areas that strive to give a nature-based feeling to children; plans for three water play areas; and no specified commercial space for shops or restaurants. (Upton and de Aragon_051)

Response: Comment noted.

Comment 102: Dedicate additional staff to East River Park so less routine maintenance falls on the shoulders of volunteers. (Berkov_023)

The city should not treat the volunteer labor force in the East Village and Lower East Side as invisible or expendable. These volunteers have helped to meet open space and sustainability objectives. (Berkov_023)

Response: The City and NYC Parks are committed to the maintenance of the reconstructed open spaces with the necessary resources.

Comment 103: Existing organizations (LES Ecology Center and Solar One) should be included in the planning for natural areas in the park. (Berkov_023)

Response: There has been extensive design and planning outreach to date on the proposed project and the City will continue to provide the opportunity for community input and feedback on the proposed final design. In addition, the City is committed to continuing its extensive public engagement efforts through the final design process.

Comment 104: Destroying the largest public space south of 59th street deprives the LES community of outdoor recreation. East River Park is NOT a ‘destination; park. It isn’t a place to pass through to get somewhere else. I started running there in the 1980s. The ball fields were ALWAYS packed even back when ERP was on a resuscitator. The ¼ mile track is one of the best in the city and always drew people. The Linden trees were destroyed by creating that ‘cut out’ along the Promenade. The sunrises are breathtaking. Destroying a public space is not the way to save it. (Perlo_072)

Following the current plan to close the park in its entirety and uproot every tree will unnecessarily rob the thousands of residents of the East Side of their place of relaxation, recreation, meditation, and celebration. (Chako_085)

Response: As described in detail DEIS Chapter 2.0, “Project Alternatives,” with the implementation of the Preferred Alternative, East River Park would be fully

reconstructed to protect this valuable resource from flooding during design storm events and impacts of sea level rise thereby protecting its value as a recreational resource while providing flood protection to the inland communities.

The City understands the importance of East River Park to the community and is continuing to examine opportunities to allow for phased construction, including safely keeping parts of East River Park open and reopening parts of the East River Park as quickly as possible. Additionally, the City is developing a program of neighborhood park improvements and recreational programming to provide replacement active and passive recreational opportunities for the community throughout the 3.5-year construction period.

Comment 105: Destroying our waterfront community must have protection from the threats of climate change and the disastrous effects of another Superstorm Sandy; equally important is ensuring the preservation and expansion of public open greenspace, which our community lacks. For the community, which includes over 17,000 NYCHA residents, East River Park is a place for recreation, relaxation, and family gatherings. A multi-year closure caused by the project will eliminate this vital greenspace, waterfront views, walkways, and bike paths, all integral to our community. (Crawford_074)

These parks are vital to the health and well-being of the entire community. (Weiss_077)

Response: One of the City’s priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. As described in DEIS Chapter 2.0, “Project Alternatives,” with the implementation of the Preferred Alternative, East River Park would be reconstructed to protect this valuable resource from flooding during coastal storm events as well as inundation from sea level rise and enhance its value as a recreational resource in addition to providing flood protection to the inland communities. Moreover, the Preferred Alternative would improve open space amenities within the park as well as connectivity to the waterfront, leading to enhanced user experience.

The City understands the importance of East River Park to the community and is assessing opportunities to allow for phased construction, including safely keeping parts of East River Park open, and reopening parts of the East River Park as quickly as possible, and providing additional active and passive recreational opportunities for the community throughout the 3.5-year construction period.

Comment 106: The DEIS has omitted relevant and historical aspects of East River Park and its surrounding areas. East River Park is the largest open space resource affected by the project, but the DEIS downplays the role the Park plays in the neighborhood and draws an inaccurate picture of how the park is used, as well as an incomplete

conclusion. Missing information includes the \$2.8 million synthetic turf soccer field and running track that was just completed and Seal Park. (Ip_325)

Response: As described in DEIS Chapter 5.3, “Open Space,” East River Park is a large and heavily utilized waterfront park with substantial recreational space including but not limited to multipurpose fields for soccer, ballfields, and the track oval. Through this project, the City has the opportunity to fully reconstruct these open space resources and make them resilient to a design storm event. The Preferred Alternative would provide protection to East River Park, thereby avoiding the need to incrementally replace amenities and loss of park resources to subsequent storms.

Comment 107: I cannot begin to tell you how important the park is for everyone. It is an oasis for us, and always has been. After the terrible crime and disinvestment in the city in the 1970s, when the park became increasingly run down and dangerous, it is now one of the most beautiful places in the city (from Corlears Hook Park to 14th Street). Every day, I see a wonderful diversity of people from many places using the park in friendly and harmonious ways. Young people jog, older Chinese women do Tai Chi together. Older Hispanic and Chinese men fish. Our Jewish neighbors run, exercise, visit with friends and stroll together. Children play baseball and football in the fields. Young men play soccer. People use the tennis courts. The amphitheater provides concerts, and everywhere, we see people using benches, walls, and railings to exercise. People use the dog parks and walk their pets. A beautiful clean and green space of diversity, joyful gatherings, and daily routines. It is the essence of positive public space. (Goldman_078)

Of late we are being told how beneficial nature is for physical and emotional wellbeing by health professionals prescribing its calming effects. This East River Park is as close to nature as most of us local people ever get. It is also the home to many species of birds, insects and small creatures which far from finding new habitat, will perish. The young men in the exercise area at 6th Street know the habits of the Red-tailed Hawks intimately and watch out for them. This park is not a tourist attraction, it is a community park! The ‘preferred’ design with all the concrete and small planted ovals, 15 feet of ugly concrete steps down to the water apes the downtown East side park which is frequented by tourists and office workers on lunch break and suits their needs, not ours. (Boster_094)

Having such a vital and valuable asset such as the park, means that hundreds and thousands of people will lose a valuable piece of their lives, which was designed for everyone. This offers not only them, but me and my family a place for exercise, socializing and access to uptown/downtown via the ferry, as well as beautiful views across the river. (Bukhari_098)

As a resident of the East Village for 13 years, the park has been an integral part of my life. It provides an invaluable venue to run, bike, skate, and relax without

fear of motor vehicle traffic. I, my friends and neighbors all use the park year-round and it provides a significant impact in quality of life. (Amirault_102)

Our family, including my young son, regularly uses the park to relax, picnic, enjoy fresh air, study nature including birdwatching and migratory species, walk, bicycle (my son learned to ride his bike in the park), play frisbee and ball, run and commute to work via bicycle. (Durand_104)

I recently got a puppy and we spend our days walking through the park, exploring different parts of the drive, and enjoying socialization with other dogs and people. The park is currently the only green space in the vicinity. It is used consistently by thousands of people for running, jogging, cycling, and general enjoyment. As a 9th grade biology teacher, I have taken my students on field trips to East River Park to build community and learn about our own beautiful and intricate ecosystem in NYC. (Rediker_127)

I live a block from East River Park, and I use it almost every day. In the park I walk my dog, ride a bike to work and to errands, use the Corlear's Hook ferry station, and earlier this month attended three performances at the amphitheater. The park is a central part of my life. Importantly, it's the only truly open green space closer than Tompkins Square Park—which at a mile and a half away does not serve as a neighborhood park for me or the thousands of people who live in this area. (Richardson_129)

Response: The City understands the importance of East River Park and is seeking to protect it through this proposed project. With the Preferred Alternative the active and passive recreational amenities will be replaced and protected and the resiliency of the park will be improved such that the park will remain an accessible open space resource. The City has held many outreach meetings to understand the community's vision and preferences for the park and will continue to do so through the final design process.

Comment 108: It is imperative that the new plan for the park integrate artistic and cultural features that have been assets of East River Park since its creation in 1939. One such asset, can be found in the historic Dance Oval where, in the years after World War Two, people gathered to dance to live music. It still functions as a recreational, artistic, and social gathering place. Located north of the tennis courts and south of the sports fields, the Dance Oval, has a colorful labyrinth pattern painted on the concrete and asphalt ground, in a circle delineated by trees that survived Sandy. The East River Reflections Labyrinth has been there since 2004 and has seen Choreographers set dances upon it, as children continue to play around it. Visual artists are inspired by it as are soccer players who choose to practice their kicks upon it. Early morning exercisers are there and throughout the day; visitors use it for reasons that range from walking their dogs, to tracing its labyrinthine paths known to help us focus. (Carulli_079)

I am available to create labyrinths with community participation, a creative process that I urge you to support for the benefit of all park users. (Carulli_079)

Incorporate existing art within East River Park into the new Park design. (Brewer_301)

Response: The City will continue to identify opportunities for interpretive signage and art opportunities in East River Park during the final design process.

Comment 109: 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). This does not seem logical and provides more evidence ESCR requires NYS parkland alienation: “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.” (ERA_158)

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. This does not seem logical and provides more evidence the ESCR needs Alienation: “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.” (Brewer_122)

Response: As stated in Section F, “Environmental Effects,” of Chapter 5.3, “Open Space,” and included as **Appendix N**, OPRHP reviewed applicable chapters of the DEIS pertaining to implementation of the proposed project within the 2.88-acre area of East River Park improved with LWCFA funds. In a letter from OPRHP dated August 22, 2019, OPRHP determined and NPS concurred that the proposed project is for park operations and maintenance and is necessary for the preservation of LWCFA-funded outdoor recreational activities and is therefore in compliance with LWCFA.

Comment 110: Page 5.3-2 of the Open Space chapter stated that other alternatives “alter the ratio of active to passive recreation space, with Alternative 3 converting the most acreage from active to passive (2.9 acres compared to the No Action Alternative)” but neglects to account for this, although there is the same loss, if not more, for Alternative 4. (Brawer_122)

Response: A detailed discussion of the effects on open space acreage by alternative can be found in Section E, “Affected Environment” of Chapter 5.3, “Open Space.” Under Alternative 3, the active open space ratio would decrease and the passive open space ratio would increase in comparison to the No Action Alternative. The decrease in active open space is due to the loss of one ballfield and reconfiguration of active space amenities, like tennis courts, basketball courts, and athletic fields, to allow for some regulation-sized sports facilities while incorporating new passive spaces into previously underutilized spaces surrounding fields where possible. Under the Preferred Alternative, modifications of the existing park landscape in East River Park would result in minor redistributions of active and passive open spaces. Of the 23.05 acres of active space in East River Park under the No Action Alternative, 0.06 acres would be converted to passive open space under the Preferred Alternative, resulting in 22.99 acres of active space and 22.89 acres of passive space. East River Park’s overall amount of open space would remain 45.88 acres and would not alter the open space ratios in comparison to the No Action Alternative. The flood protection features would not impede park patrons’ usage of the open space and the addition of aforementioned resiliency features within East River Park would allow for user interaction to resume more quickly following a storm event.

Comment 111: Page 5.3-5 of the Open Space chapter stated that “Field surveys were conducted during optimal weather at various time periods in June, July, and August 2015.” New construction shadows, such as Extell’s tower, Essex Crossing, and other high rises indicate this be studied again, as your data is outdated. (Brawer_122)

Response: Per the guidance outlined in the 2014 *CEQR Technical Manual*, field surveys are recommended to be completed to evaluate baseline use of an open space resource, with at least one visit at the peak hour of use and in good weather. It is not expected that the projects referenced in the comment, or any other projects identified in Appendix A1, have significantly altered open space utilization under the No Action Alternative.

Comment 112: Page 5.3-10 of the Open Space chapter stated that does not mention that several parks within the study area are currently under construction, and closed or limit public access including Seward, Gulick, Baruch, Little Flower. Omission: Straus Park, at Attorney and Rivington, is not mentioned. Every effort should be made with Department of Education to open playfields and playgrounds throughout the construction period. (Brawer_122)

Response: Straus Park has been added to the FEIS analysis. Temporary closures of existing open spaces do not affect the projected open space inventory in 2025. Where applicable, an analysis of temporary closures due to planned projects identified in Appendix A1 that would be underway simultaneous to construction of the proposed project is included in Chapter 6.2, “Construction—Open Space,” which also identifies the list of mitigation measures that includes working with DOE and NYCHA to identify recreational resources that may be opened to the community during construction.

Comment 113: Page 5.3-14 of the Open Space chapter has no mention of Pier 36, which is the public riverside open space walkway behind Basketball City – better access and a few benches and planters will improve these several blocks of pier for the public. “There are four sites within the study area that would increase accessible open space to the community: Pier 42 Park, Pier 35, the East River Waterfront Esplanade – Phase IV, and the Two Bridges Large Scale Residential Development (LSRD) – Site 5 (Rutgers Slip Open Space).” (Brawer_122)

Response: As described in Chapter 5.3, “Open Space,” the open space study area was determined using guidance provided in the *CEQR Technical Manual*. Pier 36 is at the southern end of the study area; however, improvements to this open space resource are related to ongoing rehabilitation and would not change the area of accessible open space in the build year for the proposed project (see Appendix A1 – List of No Action Projects). The other projects mentioned – specifically, the Pier 42 Park, and the East River Waterfront Esplanade – Phase IV are also included in Appendix A1, but would increase the accessible open space to the community in the build year for the proposed project. Pier 35 is now in operation. Since Pier 36 is outside the boundaries of Project Areas One and Two, improvements to this open space are not included as part of the proposed project.

Comment 114: Page 5.3-16 of the Open Space chapter stated that “By elevating the park, the Preferred Alternative provides the opportunity for a holistic reconstruction, reimagining, and expansion of the types of user experiences in East River Park, while also enhancing neighborhood connectivity and resiliency.” Notable Omission – from the City’s comparison: Increase active open space by 2.87 acres; decrease passive open space by 2.87 acres. Are we destroying the community’s chance for a better future through the very measures we take to safeguard it? This section of chart was provided by the ESCR team to CB3, yet the nearly 3 acres of lost passive space is a vital habitat, essentially evicting nature. “Active and passive open space ratio would remain the same as compared to the No Action Alternative at 0.33 acres per 1,000 residents for active space and 0.22 per 1,000 residents for passive space. As with other alternatives, the study area’s total open space ratio would remain 0.55 (see Table 5.3-5), substantially less than the City’s planning goal of 2.5 acres per 1,000 residents. These ratios fall short of the City’s

planning goals of 2.0 acres per 1,000 residents for active space and 0.5 acres per 1,000 residents for passive space.” (Brawer_122)

Response: As discussed in Section F, “Environmental Effects’ of Chapter 5.3, “Open Space,” there is a minor redistribution of active open space to passive open space – 0.06 acres under the Preferred Alternative. The total acreage stays the same. Redesign of the park would provide tree planting and other landscaped passive spaces in accordance with a NYC Parks approved landscape restoration plan.

Comment 115: The importance of East River Park, the surrounding playgrounds, and access to the East River to the 157,263 residents in the Study Area cannot be overstated. With a paltry 85 acres of open space, the ESCR community is already woefully underserved. The area has a mere third (0.54 acres per 1,000 residents) of the citywide median of 1.5 acres per 1,000 residents, and falls far short of City’s goal of 2.5 acres of open space per 1000 residents. For active open space, the ratio per 1,000 residents is even worse—a paltry 0.34 acres, slightly more than a fifth of the citywide average. Manhattan Community District 6 itself has the lowest amount of open space per capita of any community district in New York City (0.18 acres per 1,000 residents) (MAS_130)

Response: Chapter 5.3, “Open Space,” recognizes the significance of East River Park as a major open space for the community. However, the proposed project does not alter the study area’s total open space ratio and would remain the same as compared to the No Action Alternative.

Comment 116: Regarding the funding allocated for the demolition of LaGuardia Bathhouse and interim recreation improvements planned, what is the plan for this new open space? Will it provide meaningful use to the community? (Lake_135)

Response: After the completion of the demolition of LaGuardia Bathhouse, which is currently underway, artificial turf will be installed in its footprint by late fall 2019/early spring 2020. This space will not be used for permitted sports, but rather as a passive neighborhood use.

5.4 HISTORIC AND CULTURAL RESOURCES

Comment 117: Proper consideration and care must be taken in evaluating the L. Lenape (Stockbridge-Munsee Band of Mohicans) Delaware site on the Lower East Side. (Bina_055)

Response: As disclosed in Chapter 5.4, “Historic and Cultural Resources,” a Phase 1A report was submitted on October 27, 2015, to the Landmarks Preservation Commission (LPC) and the State Historic Preservation Office (SHPO). That report examined the potential for Native American resources and concluded that the project area had no sensitivity for precontact-period (i.e., Native American) archaeological

resources due to significant prior disturbance related to the historic period construction of substantial waterfront structures and filling of the East River to create East River Park. LPC and SHPO both concurred with the conclusions of the report. Consultation under Section 106 of the National Historic Preservation Act is being undertaken with the Delaware Nation, Delaware Tribe of Indians, and Stockbridge-Munsee Community Band of Mohicans. These groups were invited to be part of the Section 106 Programmatic Agreement (PA) development process, where the PA outlines agreed-upon measures to avoid, minimize, or mitigate the project's effects on historic resources. In written communications from April and May 2016, representatives of those Native American tribes determined that no religious or culturally significant sites of interest to their tribes are located within the project area.

In addition, representatives of the Delaware Nation, Delaware Tribe of Indians, and Stockbridge-Munsee Community Band of Mohicans requested, in the case of an unanticipated discovery of an archaeological site or artifacts, that work be halted until the tribe representatives are notified and the artifact can be evaluated by an archaeologist. Therefore, the draft Section 106 PA, included in Appendix E of the FEIS, stipulates that the proposed Phase 1B archaeological work plan will include an Unanticipated Discoveries Protocol for human and non-human archaeological resources in the event that any unanticipated archaeological resources are encountered during construction of the project and that the Unanticipated Discoveries Protocol be submitted for review to the Native American tribes participating in Section 106 for the project.

Comment 118: Preserve East River Park as a National Historic Site since it was conceived almost 100 years ago as a WPA project. The public parks buildings and wrought iron pillars are exquisite classic examples of Art Deco architecture. (Ryan_136)

The bandshell is a historic gathering place for concerts which has been immortalized in movies and should be landmarked. (Higginbotham_147)

With regard to the Art Deco Comfort Stations located at the Brian Watkins Tennis Center (Broome Street) and the East River Park Track (near 6th Street): 1) in LESPI's considered opinion, these buildings should be identified as architectural resources in the EIS, although they are not included in the DEIS. 2) include the Art Deco Comfort Stations located at the Brian Watkins Tennis Center (Broome Street) and the East River Park Track (near 6th Street) on the list of architectural resources for which the City, in consultation with LPC and SHPO, would develop and implement CPPs (p. 5.4-40). 3) because of the rarity of Art Deco buildings on the Lower East Side, LESPI recommends preservation and the reuse of repurposing of the Art Deco Comfort Stations located at the Brian Watkins Tennis Center (Broome Street) and the East River Park Track (near 6th Street). The comfort stations are simple buildings that might easily be taken for granted, but a closer look reveals charming river motif deco details in the tilework decorating

their facades, and in the metal ornamentation in the friezes beneath each building's slate roof (photos provided). These details remain in remarkable condition, evoking the early phases of East River Park's history and demonstrating the craftsmanship used in creating even the most utilitarian structures. LESPI believes it is well worth the effort to preserve and keep these pieces of Lower East Side history from slipping away. (LESPI_175)

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. (ERA_158)

Response: Chapter 5.4, "Historic Resource and Cultural Resources," was reviewed by LPC and SHPO who concur with the listing of resources and the potential effects on those resources. as identified in the chapter

Comment 119: There are 17 properties within the Study Area that are either listed on or eligible for the National Register of Historic Places. Eleven of these properties are within 90 feet of the Project Site and require protection during project construction. These include: The FDR Drive (National Register-eligible); Williamsburg Bridge (National Register-eligible); Engine Co. 66 Fireboat House (National Register-eligible); Gouverneur Hospital (National Register-listed); Gouverneur Hospital Dispensary (National Register-eligible); A portion of the Vladeck Houses within the Lower East Side Historic District (National Register); Bernard Baruch Houses (National Register-eligible); Asser Levy Public Baths (National Register-listed, New York City Landmark); Jacob Riis Houses (National Register-eligible); Stuyvesant Town (National Register-eligible); Peter Cooper Village (National Register-eligible). According to the DEIS, each property will be subject to a Construction Protection Plan (CPP) in consultation with Landmarks Preservation Commission (LPC) and State Historic Preservation Officer (SHPO) and following Department of Buildings guidelines (TPPN #10/88). The CPPs will be designed to address inadvertent Construction—related damage from ground-borne vibrations, falling debris, collapse, dewatering, subsidence, or construction equipment. They are also expected to include provisions for protective measures (i.e., monitoring) to be implemented during project construction to detect vibration or other physical impacts. For full disclosure and clarity, we request that the FEIS include the CPPs, details on the CPP public review process (i.e., timelines, plan requirements, standards for review and approval), and related correspondence with LPC and SHPO. (MAS_130) (Datz-Romero_328)

Response: As stated in Chapter 5.4, "Historic Resource and Cultural Resources," Construction Protection Plans will be developed in conjunction with final design of the project, they will be included in the project's construction documents and implemented as part of the project. Further, these plans will be developed in

consultation with LPC and SHPO and with the Municipal Art Society and New York Landmarks Conservancy, who are Consulting Parties under the Section 106 process. All project correspondence from LPC and SHPO is included in Appendix E, “Historic and Cultural Resources,” of the FEIS.

Comment 120: Include Engine Co. 66 Fireboat House (#4, S/NR-eligible) on the list of architectural resources for which the City, in consultation with LPC and SHPO, would develop and implement CPPs (p. 5.4-40). The architectural resource is not listed in the section of the DEIS titled “Mitigation.” (LESPI_175) (ERA_158)

LESPI was surprised to find the Engine Co. 66 Fireboat House (#4, S/NR-eligible) does not appear on the list of architectural resources for which the City, in consultation with LPC and SHPO, would develop and implement CPPs (p. 5.4-40). We request that omission be corrected. (LESPI_175)

Response: Chapter 5.4, “Historic Resources,” of the DEIS has been updated to include the Fireboat House in the mitigation section.

Comment 121: Position the NYC Parks planned exterior (ADA) ramp on the western side of the Fireboat House to maintain the building’s historic connection with the riverfront, and that every effort be made to preserve historical details while planning interior renovations. (LESPI_175)

With regard to the exterior ramp (on Marine Engine Co. 66 Fireboat House): LESPI concurs with the DEIS’ assessment that this project could adversely affect the integrity of the architectural resource’s materials, design and/or setting. Without any information beyond a rudimentary rendering on NYC Parks website, we unable to address this important question. LESPI would appreciate the opportunity to comment when any further details are available. (LESPI_175)

Response: The planned exterior ramp was described in the DEIS as a project that would occur under the No Action Alternative. This ramp is no longer contemplated and is not described in the FEIS.

Comment 122: LESPI and many in the Lower East Side community consider the simple but beloved Fireboat House a visual resource, value it as a community center and as a reminder of the City’s waterfront history. The City’s Fireboats, in service since 1877, served to protect the waterfront and fight fires in warehouses and on the wooden boats docked at the City’s piers. The Marine Co. 66 Fireboat House site on the site which housed Marine Engine Co. 66 from 1898 until the Company was disbanded in 1955, at the site of the pier from which City Fireboat the William L. Strong operated (photos provided). The site continued to be used until 1992 by Marine Co. 66 (which remains in operation) and City Fireboat the Alfred E. Smith. The Fireboat House, uniquely situation in a public park on the Lower East Side, serves as a living connection to the historic of fire-fighting, and a

reminder of the importance of this part of the East River to the early development of the City's commercial shipping and ship-building industries. (LESPI_175)

In LESPI's opinion, the planted raised area around the perimeter of the Marine Co. 66 Fireboat House (proposed in the Preferred Alternative) obliterates the connection to East River Park that is currently enjoys along its western side, effectively setting the first floor of the architectural resource in a hole. Additionally, the Marine Co. 66 Fireboat House in its present setting has a direct connection to the waterfront along its eastern side. In the Preferred Alternative, a pedestrian and bicycle path occupies the patio area between the building and the water. This scenario effectively cuts the buildings off from the water and offers no alternate space for the Lower East Side Ecology Center to conduct education programs and host special events. (LESPI_175)

Response: The immediate setting of the fireboat house on its western side is a paved water play area with modern sculptures of seals, crabs, and turtles. On its south, north, and east sides, there are planted areas and picnic tables. Redesigning the park features around the fireboat house will not adversely affect its setting in a waterfront park. Opening the patio area in front of the fireboat house to pedestrians and cyclists will not cut the building off from the water as the area between the fireboat house and the water will remain an open park feature. Under the Preferred Alternative, the bike path is located on the western edge of the park, adjacent to the FDR Drive in the vicinity of the fireboat house. To the east of the fireboat house, a plaza area is proposed and park users can walk along the promenade to the east of the fireboat house.

Comment 123: In LESPI's considered opinion, the Preferred Alternative would result in contextual effects on Marine Engine Co. 66 Fireboat House. The construction of raised areas around the Fireboat House's perimeter in such close proximity would most certainly result in shadow effects on the ground floor of the architectural resource. Plantings on these raised areas would impact the second floor and green roof long before such plantings reach maturity. (LESPI_175)

Response: The brick-clad fireboat house is a not a sunlight-sensitive architectural resource as defined by the *CEQR Technical Manual* (e.g., resources that depend on direct sunlight for their enjoyment by the public, such as stained glass windows). In addition, the green roof is not a historic feature of the fireboat house.

Comment 124: With regard to any interior renovation: despite some previous alteration, Marine Engine Co. 66 Fireboat House still maintains many original elements which recall its operational history, such as the bay window, tilework, interior arches, fire pole, roof ladder and historic lockers which evoke their heroic inhabitants. LESPI recommends that every effort be made to retain these elements. (LESPI_175)

Response: No interior renovations to the fireboat house are proposed as part of the Preferred Alternative.

5.5 URBAN DESIGN AND VISUAL RESOURCES

Comment 125: Please make this a charming park which reflects the history and culture of the East Village neighborhood. (Upton and de Aragon_051)

The proposed park redesign is utilitarian. Bring in some urban designers and artists to develop an area of the park to create something beautiful and memorable. (Johnson_041)

Response: The Preferred Alternative's proposed landscaping and planting plan incorporates park resiliency through a design that can withstand a changing climate. The Preferred Alternative would enhance open spaces, resiliency, and improve access to East River Park with reconstruction of three bridges spanning the FDR Drive (Corlears Hook Bridge, Delancey Street Bridge, East 10th Street Bridge), and an improved East Houston Street Bridge landing. By elevating the majority of the park and its landscape, and diversifying plant species, the landscape in the park will be more resistant to salt spray exposure with enhanced post-storm functionality East River Park would also maintain the character of a landscaped, recreational waterfront park with paths, lawns, and athletic fields as described in detail in Chapter 2.0, "Project Alternatives," and assessed in the DEIS Chapter 5.5, "Urban Design and Visual Resources." New tennis courts, comfort stations, fields, a track, and lawns would be located near existing facilities, and the Preferred Alternative would also have new embayments.

The current landscaping of East River Park is reflective of the popular styles of the late 1930s, when the Park was first designed and completed. The planting design focuses on tree geometry and placement that maximizes open spaces for active recreation. Species diversity and ecology were not priorities of the original landscape design: over half of the current tree canopy is comprised of just two species. In the original design, plant selection relied heavily on canopy trees, such as London plane, a non-native species, and oaks. London plane trees in particular were significantly affected by salt inundation post Hurricane Sandy and have comprised most of the storm-impacted tree removals in East River Park.

Comment 126: Please save park elements such as the Seals Water Play Area, the large slabs of granite at the 6th Street entrance, the rows of tables with four attached seats in grassy areas facing the river with shade, drinking water fountains, and the small enclosed lawn area for very young children near Delancey Street. The current plan appears to be replacing the Seal Park fountain and play area with the Nature play area. We hope that the Seal Park can be preserved; can both designs be included in the plan? It seems like there is some wiggle room with the design of that area,

as there are adjacent green areas and walkways. (Upton and de Aragon_045)
(Upton and de Aragon_051)

Why hasn't the City made any comment on the public art they are destroying? With a \$1.4 billion plan, is there no room in the budget to save the Seal Sculptures by G. Augustine Lynas? These are loved by the community and the city plans to bulldoze and destroy them. Why? (Yerington_178)

Response: Project design of the proposed project is ongoing and existing park elements that could be retained for inclusion in the redesigned park are being assessed as part of the final design process. Furthermore, NYC Parks has been in contact with the artist of the seal, crab, and turtle pieces in East River Park regarding opportunities for reuse and installation of these pieces

Comment 127: According to the Applicants, the raised East River Park and Stuyvesant Cove Park will potentially block existing views of the East River from multiple locations, including at Grand Street, Bernard Baruch, Lillian Ward and Jacob Riis Houses. There are no mitigations for these blocked views to the water due to the raising of the East River Park by 8 feet and the installation of floodwalls. It is imperative that the Applicants complete a study of all affected property owners who would lose their views or access to the water, and conduct outreach to those affected. (Brewer_082) (Brewer_302)

Response: The Preferred Alternative would not decrease access to East River Park or Stuyvesant Cove Park. As described in the DEIS, the Preferred Alternative would improve access to East River Park and the waterfront by reconstructing the Corlears Hook, Delancey Street, and East 10th Street Bridges and improving the park entrance at East Houston Street. DEIS Chapter 5.5, "Urban Design and Visual Resources," provided an assessment on the potential effects of the Preferred Alternative on waterfront views for viewer groups that included residents, and it concluded that "residents above the first floor of buildings facing the waterfront would mostly have unaffected views of the waterfront and East River, and residents on higher floors would have more expansive views of the East River vista that would be unaffected by the Preferred Alternative. Residents on the ground floors of buildings facing the waterfront in the Bernard Baruch, Lillian Wald, and Jacob Riis Houses would continue to have waterfront views of East River Park. As detailed in DEIS Chapter 3.0, "Process Coordination and Public Participation," a comprehensive public participation program has been and implemented for the proposed project. This program consisted of several discrete public participation components, all working in tandem to elicit feedback from interested stakeholders, public officials, and the broader community that lives, works, and recreates using the facilities along the proposed project areas. Three primary avenues to engage the public were used in this process: regularly scheduled Joint Waterfront Task Force Meetings (convened by CB3 and CB6);

Community Engagement Meetings/Workshops; and a series of targeted thematic stakeholder meetings.

Comment 128: A wall is a wall. The DEIS claims that the below-grade wall causes less of a visual obstruction of the East River from the streets and highway front residents than a wall along the FDR is bogus. (Billings_328) (Tainow_350)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” within East River Park the floodwall would be a below-grade flood protection structure running parallel to the existing East River Park bulkhead, generally beginning at the existing amphitheater and continuing northward to the northern end of the park near East 13th Street. As the floodwall within the park would be below-grade (i.e., located beneath the ground surface of the elevated East River Park), it would not be visible. DEIS Chapter 5.5, “Urban Design and Visual Resources,” disclosed that the elevated East River Park with the floodwall below grade would block some views of the East River from the adjacent neighborhoods.

Comment 129: NYC Parks manages an “Art in the Parks” program that collaborates with a diverse group of arts organizations and artists to bring temporary installations to many park locations, including the East River Park. While I am confident that NYC Parks will maintain the same if not a similar program after final construction, I am concerned that art works not included in the “Art in the Parks” program will be demolished and excluded in the final plans for ESCR. I urge that NYC Parks, the NYC DDC, and the Applicants conduct a study of all existing art pieces in the project area that would be affected by ESCR’s construction and immediately contact all artists about the future of their works. NYC Parks, NYC DDC, and the Applicants must strive to include these permanent installations as part of ESCR’s new landscaping and design. Should an artists’ work be excluded from the ESCR design, each artist should either be commissioned for new work and/or generously compensated for the removal of their invaluable pieces. No pre-existing artworks are to be demolished during construction and instead must be moved off-site through consultation with the artist. (Brewer_082) (Brewer_302)

Response: NYC Parks and DDC will continue to assess art opportunities within the proposed project’s open spaces as part of the final design process and will incorporate them where feasible and appropriate. Furthermore, NYC Parks has been in contact with the artist of the seal, crab, and turtle pieces in East River Park regarding opportunities for reuse and installation of these pieces.

Comment 130: Mitigation for the Captain J. Brown Walk and views are not addressed in the DEIS. (Lake_135)

Response: As described in DEIS Chapter 5.5, “Urban Design and Cultural Resources,” users of Captain Patrick J. Brown Walk have expansive views of the East River and

their views would be unaffected by the Preferred Alternative. In addition, the proposed flyover bridge would provide new, elevated vantage points for viewing the East River and East River vista.

5.6 NATURAL RESOURCES

Comment 131: Please create a naturalistic lawn (with regional native grasses) and not golf course lawns. Do not use herbicides; planned use of open space does not require high maintenance costs of manicured lawns. (Upton and de Aragon_052)

Plant flowering bushes instead of high maintenance gardens. Please consider rhododendron, mountain laurel, and natural hedge. Please consider cherry trees, Virginia rose plants, honeysuckle, Canadian explorer roses. (Upton and de Aragon_052)

Please provide a full copy of the plant list for East River Park. (Billings_024)

Ideas for new specialty gardens, or enhanced existing gardens, include: 1) foraging area; 2) pollinator gardens (hypoallergenic); 3) native plant gardens with bird-friendly fruits; 4) doctrine of signatures garden (medicinal plants); 5) textile and dye plants; 6) rare plants garden; 7) ant-seed-dispersal garden (spring ephemerals); and 8) rain garden. Programming and support materials should be developed to correspond with specialty gardens (for instance, ethnobotany workshop). (Berkov_023)

Please save some of the numerous native plants. Maybe put on floating barges? (Berkov_023)

Please consider every way possible to increase the number of trees under which people can sit. At this time, the models of the gathering lawns look like giant open spaces with no shade trees in the middle. Could all of the gathering areas have some shade relief in the middle (as seen in Prospect Park)? Could at least one of the large lawns be shaded plentifully—perhaps with picnic tables? We are very concerned about losing the cozy feeling of shaded gathering spaces in the park. (Upton and de Aragon_051)

People and animals need trees for shade, air, seating, etc. There is no mention of shade in the EIS. (Weiss_066) (Ip_325)

LESPP advocates for low allergen and asthma friendly plants and trees throughout East River Park. (LESPP_348)

Changes that will support biodiversity and the community include: Preserving as many mature trees around the amphitheater as possible. (Beausoleil_191) The loss of trees will have profound long-term negative consequences for ESCR communities, because trees provide many important ecosystem services. Trees sequester carbon, keeping it out of the atmosphere and mitigating climate change. Trees reduce storm-water runoff (which can result in sewage being released into

our waterways). They improve air quality, keep us comfortable with shade, and also lessen energy costs. (Berkov_096)

The East Side Coastal Resiliency Project is an environmental paradox. The city is dealing with climate change by destroying an environment that helps to slow climate change. The city plans to destroy nearly 1,000 mature trees – and all the greenery that cleanses the air in our East River Park. This is a short-term environmental catastrophe for our neighborhood and contributes to the long-term catastrophe of climate change. The flood control plan that will close, demolish, and raise our park came about to deal with rising sea levels caused by climate change. (Arnow_176)

Response: As described in DEIS Chapter 5.6, “Natural Resources,” NYC Parks is currently developing a comprehensive planting/landscape restoration plan. A total of 1,815 trees will be planted as part of this project with a NYC Parks-approved landscape restoration plan. Trees and other landscaped areas that are planted as a result of a NYC Parks-approved landscape restoration plan for the construction of the flood protection system would include salt tolerant native species, among a diverse selection of 52 tree species. Tree replacement and restitution would be provided in accordance with Chapter 5 of Title 56 of the Rules of New York (NYC Parks Rules) and Local Law 3 of 2010. There would be a one-year guarantee period following the completion of work specified in the construction contract. If plant material dies within the one-year guarantee period, the plant material would need to be replaced up to two times prior to the end of the guarantee period. The planting plan would also aim to improve ecological habitat and be resistant to the effects of salt spray and wind using the concept of different types of groves. The planting plan would incorporate these groves of trees with a diverse mix of tree species for ecology, shade, and resiliency and would depart from the existing formal landscape to allow the park user to experience an escape from the hard surfaces of the urban landscape. To the extent possible, existing trees that can be transplanted will be. More broadly, the tree planting palette for the project considers size, growth rate, diversity, and resilience, amongst other factors.

Comment 132: What are the value of trees in East River Park? (Billings_008)

Response: The total valuation of trees affected by the project are currently estimated at approximately \$36.8 million, which includes the value of the proposed landscape restoration plan. This number is based on the NYC Tree Valuation Method, which is outlined in NYC Parks’ Rules and Regulations.

Comment 133: This project will be subject to a rigorous permitting process that will involve consultation with many federal and state agencies and the project must secure permits from USACE and NYS DEC, and the City has not fully discussed this process with the community or adequately advised them of steps and timeline involved in obtaining those permits and being able to commence construction

because of them or the possible seasonal restrictions that the permits will place on the construction because of concerns about aquatic life. (CB3_500)

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. (ERA_158)

Response: The DEIS disclosed the necessary federal, state, and local permits and approvals that would be needed for implementation of the proposed project (see Chapter 3.0, “Process Coordination and Public Participation”). Supplemental information relating to approvals that would be needed from USACE and NYSDEC was presented in DEIS Chapter 5.6, “Natural Resources,” and Chapter 6.5, “Construction—Natural Resources.” All permits and approvals must be issued prior to the start of construction. Furthermore, the community can access the Permitting Dashboard (<https://www.permits.performance.gov/>) which tracks the Federal government’s environmental review and permitting progress for large infrastructure projects, including the proposed project.

The City has coordinated with USACE, NYSDEC, and NOAA to determine if seasonal work restrictions would apply to the proposed project. As detailed in the correspondence found in **Appendix G**, the City is continuing this coordination.

Comment 134: Many years of stewardship and composting have ensured that native plants and habitat for birds, insects and fish were thriving in the park they may now require moving the habitats that are able to be ‘moved’ in certain seasons. (CB3_500)

The DEIS mentions that the compost yard lacks terrestrial resources. Compost would be the ultimate terrestrial resource because it’s the foundation for a health soil. The lack of recognition of the value of community composting center in the overall sustainability of this Park is striking. (Datz-Romero_327)

The proposed project would also destroy much of the existing ecology in the area, including trees, insect habitats, and tidal wetlands. It also poses a risk to the wellbeing of certain species of fish in the area, including herring and striped bass. (Crawford_074)

These parks are vital are an integral part of the natural environment that affects all of the flora and fauna involved. (Weiss_077)

The impact of burying the park has significant negative consequences, not just on the neighborhood, but the city as a whole. As parks and city professionals, you

know the significance of trees – especially older trees – in supporting the local ecosystem and environment. (Czarnecka_145)

Some of the concerns that have been voiced throughout these meetings, and have not been adequately addressed include: How will the clear cutting and removal of trees and plants effect birds and wildlife in the park. What would the effect be on migrating birds, and beneficial insects? (Frisk_158)

Response: As described in Chapter 5.6, “Natural Resources,” migratory birds may experience a temporary loss of habitat along the East River during construction; however, this is a limited temporary impact on the migratory habitats of these species. The overall habitat being disturbed represents a small fraction of the available habitat for the migratory birds listed as potentially occurring within the study area.

Terrestrial habitat would be temporarily disturbed. Urban wildlife would be anticipated to relocate to other suitable areas, including other parks and open spaces. Upon completion of the Preferred Alternative, affected habitat would be restored in accordance with a pre-approved NYC Parks landscape restoration plan, which would include plantings that support typical urban wildlife and urban wildlife would be anticipated to return. The City will look to plant larger caliper trees to the extent possible, as well as transplanting trees that are in good condition and suitable for replanting. More broadly, the tree planting palette for the project considers size, growth rate, diversity and resilience, amongst other factors. While there would be a growing period for the vegetation, the value of East River Park as a habitat is expected to be improved with the proposed project.

Comment 135: How long will it take for the tree canopy to grow back? (Billings_008) (Billings_024)

The anticipated ‘years to decades’ for the new tree canopy to mature and fill in is not acceptable. (Weiss_066)

And as we continually get shown drawings and diagrams of happy families frolicking in the grass and under the trees of the “new” park, can they tell us what year this is supposed to be, when the baby trees that were supposedly planted are fully grown? (Weiss_077)

I’m not sure if there has been an environmental impact study of destroying all of the trees, grass and flowers which absorb carbon dioxide that is produced from the overcrowded, over used FDR. Won’t it take until 2100 for the newly planted trees to reach the same height/growth as the existing ones? In fact, what are the environmental mitigation steps that will be taken during this project so that those of us who live in the impacted area have clean air to breathe? Every tree produces enough oxygen for four people. (Leverett_103)

The cutting down of 981 mature trees that provide shade and oxygen and clean the air of toxins. The saplings to replace them would require 20-30 years to grow to a full canopy. (Ryan_136)

As you know, it will take decades for newly planted trees to reach the maturity of current trees in the park, and the plans for the rebuild also don't include several beloved landmarks. (Czarnecka_145)

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. (ERA_158)

We cannot assume that the negative impact will be temporary because, assuming that new trees survive transplant, many would be reaching maturity just as the flood barrier— designed to last only through the 2050s —reaches the end of its usable lifespan. Of the many flaws in the City's preferred Alternative 4, the failure to plan for 2100 is the worst, because it condemns the East River shoreline to be a perpetual construction zone. (Berkov_096)

Given the narrowness of the park, the proposed berm would virtually destroy the park as we know it including many mature trees (which incidentally survived the previous flooding from the hurricane Sandy) and which would mitigate incoming tidal surge at least as well as a berm. (Garland_156)

Response: Upon completion of the Preferred Alternative, affected habitat would be restored in accordance with a pre-approved NYC Parks landscape restoration plan, which would include plantings that support typical urban wildlife and urban wildlife would be anticipated to return. As described in DEIS Chapter 5.6, "Natural Resources," a total of 1,815 trees will be planted as part of this project. Trees and other landscaped areas that are planted as a result of a NYC Parks-approved landscape restoration plan for the construction of the flood protection system would include salt tolerant native species, among a diverse selection of 52 tree species.

To facilitate the grow-in of replacement tree canopy, the City will examine opportunities to plant larger caliper trees to the extent possible, as well as transplanting trees that are in good condition and suitable for replanting. More broadly, the tree planting palette for the project considers size, growth rate, diversity and resilience, amongst other factors. While there would be a growing period for the vegetation, the value of East River Park as a habitat is expected to be improved with the proposed project.

Comment 136: Planting native species of salt tolerant species in groves is an admirable aspect of the environmental impact statement and is conscientious about potential

environmental damages and impact to the communities on the Lower East Side. (Bina_055)

I greatly appreciate the element of climate-resilient seawater-friendly plant species that will be added to the park. (Eshed_188)

If the City is absolutely determined to execute Alternative 4, it is my recommendation to initiate plantings with sun-loving, fast-growing, salt-tolerant herbaceous plants that will rapidly develop root systems that inhibit erosion. (Berkov_096)

Response: Comment noted.

Comment 137: Stuyvesant Cove is a major environmental preserve and should be given more attention. It should not be shut down during construction. (Tax_019)

Response: The City is continuing to look at approaches that will would safely keep parts of Stuyvesant Cove Park open and reopen parts of the park sequentially as construction is completed. Park closures in Project Area Two are proposed to be staggered to maximize available open space. Stuyvesant Cove Park will be reconstructed as part of the proposed project with resilient features to minimize damage and expedite recovery following a flood event.

Comment 138: Please continue to protect the ‘rocky outcrop’ in the water, just north of East 20th Street. (Loew)

Response: This feature is not anticipated to be disturbed or altered as part of the proposed project.

Comment 139: The inaccurate assessment of terrestrial biodiversity is based on two, four-hour walkthroughs, mid-summer that noted about 18 birds and insect species. Citizen scientists documented a species list including over 180 birds and insect species. (Berkhov_326) (Berkov_345)

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. (ERA_158)

Loss of biodiversity and natural habitat. City kids won’t be able to experience nature in close proximity. They will have to travel away from the neighborhood to see nature. (Ryan_136)

If the City is absolutely determined to execute Alternative 4, it is my recommendation to conduct real field surveys, at biologically meaningful times. (Berkov_096)

The incomplete and inaccurate assessment is based on a previous (detailed) tree survey, the USFWS IPaC tool for migratory birds (potentially in the area), and

the NYS Natural Heritage Program's database of state-listed rare species, supplemented by two 4-hour site walkthroughs. The City Environmental Quality Review Technical Manual provides guidelines for field surveys: "...at least 2 seasonal (late spring/early summer and early fall) surveys should be conducted" (CEQR, 2014: 11-10, 11-12). It notes that these should be conducted at "biologically relevant periods (e.g., within the growing season for a particular plant, during a period of activity for a wildlife species, or during nocturnal or diurnal periods)." Neither of the walkthroughs were conducted during the seasons specified in the CEQR or at different times of the day. One was at high tide (June 19, 2015, 10:00 AM – 2:00 PM) and the other at low tide (July 10, 2015, 9:00 AM – 1:00 PM) (DEIS Appendix F1). (Berkov_096)

A principal objective should be to protect existing biodiversity and recognize the years of effort to achieve said biodiversity. There is something ironic to me about the fact the park is going to be razed, but I don't see that term used at all, only the term 'raised'. This must have come across your mind. I bring this up because the park should not be razed all in one go, as there is significant biodiversity that has been brought into being by immense effort by volunteers through the Lower East Side Ecology Center and the volunteers who work on Stuyvesant Cove. I remember when Stuyvesant Cover was just getting started. I remember when it was flooded. And I see how beautiful it is today. The same can be said for Area One below 13th street. There has been immense effort put in by volunteers to care for the plant communities along the river's edge. I agree with the elements of the plan that include bringing in new plant species that are more salt-tolerant, and believe that these should be layered through succession planting on top of what already exists, not to add 8' of foreign landfill on top. The environmental impact statement does not recognize the value of subterranean plant and microorganism communities, including fungi. These are incredibly valuable sustainable nutrient resources for the plant communities and all of the animals who feed on the plants, and by burying the park under 8' of foreign landfill, that entire nutritious subterranean environment will be lost. Future historians will look kindly upon your decision to value the effort of so many planners and gardeners over the past decades to achieve the thriving biocommunity that we have today. Therefore, a principal objective should be added that is to protect the biodiversity, above and below-ground. Conveniently, the majority of the biodiversity is along the river's edge, and thus supports a graded approach to the berm and flood-wall. (Eshed_188)

Changes that will support biodiversity and the community include: Not obstructing the area around the coastal shoals, bars, and mudflats at the South end of East River Park, as they are an important feeding area for multiple species. (Beausoleil_191)

Response: The assessment of impacts as provided in the DEIS was based on not only field data gathered for the DEIS, but published literature and other data sources on the

wildlife that may be present in an East River Park. There is an abundance of existing data about the distribution of birds in New York City, including the species that are likely to be present in a heavily disturbed, human-made recreational park in Manhattan, such as East River Park and the adjacent East River. Extensive field surveys are not necessary to determine the bird species that are likely or have a more limited potential to be present. A survey in support of an EIS for a site where there is an abundance of existing information with which to characterize the bird community is not intended to exhaustively inventory all bird species potentially at that site over an extended timeframe, but to characterize the species that are most prevalent. It is widely known that during migration, any species of eastern North American bird has the potential to appear in parks or even less-natural, less-suitable areas. Several species of migratory birds observed within a given park, however, does not indicate that the park is a habitat of unique high quality or critical importance to those species. In response to the above comment additional information on the range of potential wildlife use has been provided in this FEIS; this information, however, does not affect the conclusions of the EIS with respect to impacts on wildlife.

Comment 140: In DEIS Appendix H1, the NYS Natural Heritage Program lists the peregrine falcon as an endangered species known to nest on the Williamsburg Bridge. The letter from NYSNHP points out: *“For most sites, comprehensive field surveys have not been conducted... further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.”* (Berkov_345) (Berkov_096)

Response: Peregrine falcons, which in recent decades have adapted to exploit urban environments, are known to nest on the Williamsburg Bridge and many other bridges and tall human-made structures throughout the City. Management of peregrine falcons in New York City (and many other cities) focuses on the protection of nest sites from disturbance, and the rescue and rehabilitation of fledglings that fall onto bridge road decks or into the water below.^{5,6} Urban peregrine falcons primarily prey upon rock pigeons,⁷ which are superabundant in cities and therefore non-limiting to peregrine falcon reproductive productivity or population sizes. Nest site availability is the greatest factor regulating the

⁵ Loucks, B.A. and C. Nadareski. 2005. Back from the brink. *New York State Conservationist* 59:19-23.

⁶ Gahbauer, M.A., Bird, D.M., Clark, K.E., French, T., Brauning, D.W. and McMorris, F.A., 2015. Productivity, mortality, and management of urban peregrine falcons in northeastern North America. *Journal of Wildlife Management*, 79:10-19.

⁷ Rejt, L. 2001. Feeding activity and seasonal changes in prey composition of urban peregrine falcons. *Acta Ornithologica* 36:165-169.

population sizes of peregrine falcons in cities and elsewhere throughout their geographic range.^{8,9,10}

The falcons that nest on the Williamsburg Bridge are likely to range over large areas of Manhattan, Queens, and Brooklyn on a daily basis, as peregrine falcons have home-ranges that typically span more than 50 square kilometers and will commonly hunt for prey dozens of kilometers away from their nest.^{11,12} They have the potential to briefly perch in a tree, or on a lamppost or other such structure in East River Park on occasion, as they may just about anywhere in their large home-range. This does not mean that East River Park is unique or prime peregrine falcon habitat and essential to the survival and continued existence of the species. East River Park does not provide a unique or critical habitat available to peregrine falcon, nor is it a significant source of prey given the abundance and ubiquity of pigeons throughout the entire City. Because peregrines are aerial predators that typically strike their prey at high heights and in open air space, at speeds of more than 150 mph,¹³ the park also does not function as hunting grounds for peregrine falcon.

For all of these reasons, the temporary proposed changes to East River Park would not remove any important or limited resources for peregrine falcons, and would not adversely affect peregrine falcons at either the individual or population level. There would be no change in the likelihood that peregrine falcons would continue to nest on the Williamsburg Bridge, and no change in their condition, survival, or reproductive productivity.

Comment 141: Citizen Scientists have documented nine birds and one bumble bee that are on the NYSNHP list of rare animal species; several are Endangered or Critically Imperiled in NYS (see attached documentation from Loyan Beausoleil's 5-month

⁸ Gahbauer, M.A., Bird, D.M., Clark, K.E., French, T., Brauning, D.W. and McMorris, F.A., 2015. Productivity, mortality, and management of urban peregrine falcons in northeastern North America. *Journal of Wildlife Management*, 79:10-19.

⁹ Hunt, W.G. 1988. The natural regulation of peregrine falcon populations. In: T.J. Cade, J.H. Enderson, C.G. Thelander, and C.M. White (eds.), *Peregrine falcon populations: Their management and recovery*. The Peregrine Fund, Boise, ID.

¹⁰ Kauffman, M.J., J. Pollock, and B. Walton. 2004. Spatial structure, dispersal, and management of a recovering raptor population. *American Naturalist* 164:582-597.

¹¹ Enderson, J.H. and G.R. Craig. 1997. Wide ranging by nesting Peregrine Falcons (*Falco peregrinus*) determined by radiotelemetry. *Journal of Raptor Research* 31: 333-338.

¹² Jenkins, A.R. and Benn, G.A., 1998. Home range size and habitat requirements of Peregrine falcons on the Cape peninsula. *Journal of Raptor Research* 32:90-97.

¹³ White, C. M., N. J. Clum, T. J. Cade, and W. G. Hunt. 2002. Peregrine Falcon (*Falco peregrinus*), version 2.0. In *The Birds of North America* (A. F. Poole and F. B. Gill, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. <https://doi.org/10.2173/bna.660>

bird survey, eBird, and iNaturalist). All ten require thoughtful, individual mitigation plans. (Berkov_345) (Berkov_096)

I did a five-month survey of avian populations in East River Park and documented a great deal of species richness, including multiple raptors, which help decrease rat populations, and multiple aerial insectivores which help decrease disease vectors such as mosquitoes. Additionally, both adult and immature Peregrine Falcons (endangered) were seen using East River Park as a hunting ground. (Beausoleil_191)

The DEIS (6.5-13) makes unjustified assumptions about the temporary nature of negative impacts when it proposes that urban wildlife will “relocate to other suitable areas.” This assumes that organisms can disperse, that available habitats can support an influx of new wildlife, and that organisms will spontaneously return at some unspecified point in the future. This would certainly not be the case for *Bombus fervidus*. *Bombus fervidus* is a Critically Imperiled, “High Priority Species of Greatest Conservation Need” in NYS. I have seen as many as five individuals foraging together, in the Ecology Center’s pollinator garden. At the time that the City proposes to commence destruction, *B. fervidus* would be represented by newly mated, over-wintering queens. Bumble bees avoid roads, and newly mated queens would not be expected to “relocate.” (Appendix II, *Bombus fervidus* NYNHP; Photo by Melinda Billings, Stewardship Coordinator at the Ecology Center) (Berkov_096)

Citizen scientists have documented 10 species listed in the NYS Natural Heritage Program list of rare animal species including 8 additional protected bird species, and the NYS critically imperiled Golden Northern Bumble Bee, *Bombus fervidus* (Appendix I, East River Park Conservation Status). All ten require thoughtful, individual mitigation plans. (Berkov_096)

If the City is absolutely determined to execute Alternative 4, it is my recommendation to Create thoughtful mitigation plans for all NYS rare species; in particular the Critically Imperiled *Bombus fervidus*. (Berkov_096)

Please use other sites such as iNaturalist and eBird for more accurate information on biodiversity in the park and River. (Billings_002) (Billings_008)

Changes to the park should happen in stages and be less drastic to maintain and provide habitat during construction especially considering the documented presence of Cooper’s Hawk a NYS species of special concern and Peregrine Falcon a NYS endangered species. (Berkov_345) (Berkov_096) (Beausoleil_191)

Response: Based on a review of the submitted materials, peregrine falcon is the only referenced species that is state-listed as endangered, this bird does not rely upon East River Park for breeding, hunting, or other important behaviors. As explained above, peregrine falcons nest near East River Park, on the Williamsburg Bridge, and nest on many other bridges and tall structures throughout the City. Peregrine

falcons have home-ranges of more than 50 square kilometers and East River Park does not represent a unique, limited, or important habitat type within this large area. The occasional perching of a peregrine falcon within East River Park does not indicate that the park is of significance to the two individuals that nest on the Williamsburg Bridge or perpetuation of the species at their current nesting location.

Similarly, the occurrence of a single individual Cooper's hawk does not indicate that East River Park is of special value to the species overall or important to supporting the New York State population. The Cooper's hawk observation cited in the submitted materials was during the winter, when Cooper's hawk are more tolerant of human disturbance and require fewer specific resources than during breeding. Cooper's hawks have become increasingly common in urban areas as they have gradually adapted to human activity and learned to exploit the abundance of non-native birds in cities as prey. They are now the most common diurnal raptor in many cities.¹⁴ East River Park is a human-made, almost entirely recreational park that is approximately 85 percent recreational surface or structures that support active recreation with only small clusters and rows of trees that lack any natural understory or ground cover below (i.e., asphalt, buildings, artificial turf, manicured lawn, etc.) and the park is very heavily used by the public. The park represents extremely marginal wintering habitat for Cooper's hawk and is entirely unsuitable habitat for breeding. It is not an important, unique, or limited type of habitat within the City and is not capable of supporting Cooper's hawk beyond the occasional brief occurrence of one or a few individuals during winter. Further, wintering habitat availability is not known to be a factor regulating the population sizes of Cooper's hawk.¹⁵ The proposed temporary changes to East River Park would not be capable of affecting Cooper's hawk populations or their populations or status as a species of special concern in New York State.

The other seven species referenced are not listed as endangered or threatened in New York State. The New York Natural Heritage Program is a non-governmental organization and its categorizations of species as "vulnerable" or other statuses has no legal bearing. Regardless, none of the seven species mentioned occupy East River Park in abundance or for long periods, rely upon it for carrying out important life functions, or obtain limited resources from it. Four of them are waterbirds (e.g., black duck, red-breasted merganser, laughing gull, double-crested cormorant) that would only be found in the East River, or perhaps on

¹⁴ Rosenfield, R. N., K. K. Madden, J. Bielefeldt, and O. E. Curtis. 2019. Cooper's Hawk (*Accipiter cooperii*), version 3.0. In *The Birds of North America* (P. G. Rodewald, Editor). Cornell Lab of Ornithology, Ithaca, NY, USA. <https://doi.org/10.2173/bna.coohaw.03>

¹⁵ Rosenfield, R. N., K. K. Madden, J. Bielefeldt, and O. E. Curtis. 2019. Cooper's Hawk (*Accipiter cooperii*), version 3.0. In *The Birds of North America* (P. G. Rodewald, Editor). Cornell Lab of Ornithology, Ithaca, NY, USA. <https://doi.org/10.2173/bna.coohaw.03>

occasion, briefly perched on the esplanade railing, rip-rapped areas of shoreline, or other such places along the river edge. These species would not breed, roost, or forage in East River Park, and the park's presence in no way influences their usage of the open waters of the East River. Given that they are waterbirds, these species would not be affected by the proposed changes to East River Park aside from potential temporary avoidance of the river along the park shoreline during construction. Extensive and comparable shoreline and open water habitats would remain available along the East River and beyond to these waterbirds throughout the construction period. The temporary avoidance of this habitat is also non-limiting to the population of these species. There would be no potential impact to the energetic condition, health, fitness, or survival of any waterbirds as a result of a small portion of the East River being temporarily occupied by barges or other construction equipment.

The remaining three species referenced in the comment (blackpoll warbler, northern parula, palm warbler) are migratory songbirds that do not breed or overwinter in the City and would only be present in East River Park in low abundance and for brief periods (one to a few days) during spring and fall migration (primarily May and September). East River Park is a low quality stopover habitat given that the park is mostly an active recreation parks and lacks the cohesive tree canopy and shrubland habitat with which these species are associated (forest in the case of blackpoll warbler and northern parula, and shrubland in the case of palm warbler). Approximately half of the trees in the park are non-native and therefore unlikely to support the abundance of arthropods on which migrating songbirds depend for adequate rates of stopover refueling during spring stopovers.^{16,17} There is also no substantive or cohesive understory shrub layer in any area of the park to provide quality fruits on which these and many other migrating songbirds largely depend for stopover refueling in the fall.¹⁸ As discussed below, it is possible that the park actually represents a detrimental "energy sink" in which migrating birds are lured into poor conditions for refueling and either lose body mass or do not gain body mass at the desired rate during their brief stay, before moving on to find alternative habitat that can meet their resource requirements.¹⁹ While some New York City parks that contain substantive woodland habitat and other natural habitat types (e.g., Inwood Park, Prospect

¹⁶ Tallamy, D.W., 2009. Bringing nature home: how you can sustain wildlife with native plants. Timber Press, Portland, OR.

¹⁷ Narango, D.L., Tallamy, D.W. and Marra, P.P., 2018. Nonnative plants reduce population growth of an insectivorous bird. *Proceedings of the National Academy of Sciences* 115:11549-11554.

¹⁸ Smith, S.B., Miller, A.C., Merchant, C.R. and Sankoh, A.F., 2015. Local site variation in stopover physiology of migrating songbirds near the south shore of Lake Ontario is linked to fruit availability and quality. *Conservation Physiology* 3(1).

¹⁹ Seewagen, C.L., C.D. Sheppard, E.J. Slayton, C.G. Guglielmo. 2011. Plasma metabolites and mass changes of migratory landbirds indicate adequate stopover refueling in a heavily urbanized landscape. *Condor* 113:284-297.

Park) are capable of providing migrating songbirds with the resources they need for successful stopovers,²⁰ recreational parks that have scattered or small clusters of street trees and no natural habitat features are unlikely to be quality stopover sites.^{21,22} Unlike some of the City’s forested parks, East River Park is not a significant stopover site that supports large concentrations of migrating birds, nor is it a habitat of unique, important, or limited presence in the City. The proposed changes to East River Park therefore would not be affect the migration success of these three species or any other migratory landbirds.

Comment 142: With respect to habitat for birds or other wildlife, East River Park and Corlears Hook Park combined is 61.86 acres and the largest existing green space south of Central Park. (Berkov_345)

Response: If limited to Manhattan and excluding the large open space in Brooklyn, Queens and Staten Island that are also south of Central Park, the above comment also does not include the 550-acre Hudson River Park on the west shoreline of Manhattan and also south of Central Park. With the exception of improving the bridge connection, the proposed project would not affect Corlears Hook Park.

In East River Park, a field survey of ground cover and landscaped areas was performed to assess habitat types in the Proposed Project Area on August 16, 2019. That information is provided in **Table 10.0-1**.

**Table 10.01-1
East River Park – Land Cover**

Category	Area (acres)	Percentage of East River Park
Recreational Surfaces ¹	25.78	56.19%
Landscaped Areas	13.45	29.32%
Other Land Cover ²	6.40	13.95%
Water	0.25	0.54%
East River Park Total within Proposed Project Area ³	45.88	
¹ Recreational fields, tracks, courts, and other features		
² Structures and paths; excluding recreational surfaces		
³ Portion of East River Park within the Proposed Project Area		

The acreage of the landscaped areas and other land cover at ground level within the park were determined from the field survey in conjunction with the topographic survey. The total acreage of ERP in the Proposed Project Area is

²⁰ Seewagen, C.L. and E.J. Slayton. 2008. Mass changes of migratory landbirds during stopovers in a New York City park. *Wilson Journal of Ornithology* 120:296-303.

²¹ Mehlman, D.W., Mabey, S.E., Ewert, D.N., Duncan, C., Abel, B., Cimprich, D., Sutter, R.D. and Woodrey, M., 2005. Conserving stopover sites for forest-dwelling migratory landbirds. *Auk*, 122:1281-1290.

²² Seewagen, C.L. and E.J. Slayton. 2008. Mass changes of migratory landbirds during stopovers in a New York City park. *Wilson Journal of Ornithology* 120:296-303.

45.88 acres. As shown in the table, the majority of the park is comprised of surfaces designed for active recreational park uses that have non-vegetated land cover recreational surfaces (56.19 percent) with landscaped park surfaces (29.32 percent) or structures and paved paths or other land cover (13.95 percent) and water (0.54 percent). The 13.45 acres (30.09 percent) of landscaping that is primarily park ornamental or buffer landscaping with non-native vegetation provides low quality habitat for wildlife and primarily non-native vegetation (see additional analyses below).

Based on the vegetation types landscaped areas were categorized as either “Low Quality Habitat” or “Potential Habitat.” A landscaped space was categorized as “Non-Native,” “Mixed,” or “Native” based on whether the observed dominant species are native to the northeast region or not. As shown in **Table 10.0-2**, of total landscaped area, the majority (9.58 acres) were categorized as “Low Quality Habitat” dominated by mowed grass, trees with mowed grass, and trees set within Belgian block/wood chips and 3.87 acres (8.44 percent) were categorized as “Potential Habitat,” given the presence of vegetation types with shrubs, tall grasses, planted flower gardens, green roofs, and soil that may attract a greater diversity of wildlife. This information is provided in **Tables 10.0-2 and 10.0-3**, below.

Table 10.0-2b
East River Park – Habitat Quality of Landscaped Areas

Category	Area (acres)	Percentage of East River Park
Potential Habitat ¹	3.87	8.44%
Low Quality Habitat ²	9.58	20.88%
Total	13.45	29.32%

¹ Shrubs, tall grasses, planted flower garden, green roof, bare soil
² Mowed grass, trees with mowed grass, trees with Belgian block/wood chips; excluding recreational surfaces (e.g., recreational fields, tracks, courts, and other features)

Table 10.0-3
East River Park – Native/Non-native Status of Landscaped Areas

Category	Area (acres)	Percentage of East River Park
Native ¹	1.78	3.88%
Mixed ²	7.8	17.00%
Non-native ³	3.87	8.44%
Total	13.45	29.32%

¹ Dominant species of the landscaped area are native to the northeast region
² Dominant species of the landscaped area include both native and non-native to the northeast region
³ Dominant species of the landscaped area are not native to the northeast region

Separately, based on 2017 LiDAR Land Cover data (aerial imagery) provided by the New York City Department of Information Technology and Telecommunication (DoITT), only 13.21 acres (28.79 percent) of the park was

identified as having a tree canopy that could provide additional overlapping habitat attractors for animal species including birds.

The remaining acreage contains isolated rows or small clusters of street trees with managed and mowed park lawn (or impervious surface). There is no habitat in these areas to support any substantive population of bird species or that are of critical importance to any individual species. Moreover, nearly half of the trees are non-native species and therefore unlikely to provide an abundance of arthropods or quality fruits needed by arboreal bird species for stopover refueling.^{23,24}

The presence of many of the bird species that were observed in the park noted by the commenter cannot be taken to indicate that the park represents quality or even marginally suitable habitat for those species. Presence is often a misleading indicator of habitat quality for birds,^{25,26} particularly in urban settings, where migrating birds are attracted by light pollution²⁷ and maladaptive habitat selection and ecological traps are common.²⁸ The presence of migrating birds in an urban park therefore does not substantiate its value as a stopover habitat or the fate of the birds that select it.^{29,30}

Comment 143: In addition, a desktop analysis using high-resolution land cover data revealed that, within a half-mile of the project area, a total of 183 acres of tree canopy cover would be available for birds and other wildlife to seek temporary replacement habitat. Within the 183 acres, 5.6 acres is made up of community gardens, which provide diverse plant life and suitable habitat for insects, including monarch butterflies and bumblebees. Most bird species that occur in East River Park are not year-round residents and as such, naturally move long distances away from

²³ Smith, S.B., K.H. McPherson, J.M. Backer, B.J. Pierce, D.W. Podlesak, and S.R. McWilliams. 2007. Fruit quality and consumption by songbirds during autumn migration. *Wilson Journal of Ornithology* 119:419–428.

²⁴ Tallamy, D.W., 2009. *Bringing nature home: how you can sustain wildlife with native plants*. Timber Press, Portland, OR.

²⁵ Van Horne, B. 1983. Density as a misleading indicator of habitat quality. *Journal of Wildlife Management* 47:893-901.

²⁶ Johnson M.D. 2007. Measuring habitat quality: a review. *Condor* 109:489-504.

²⁷ La Sorte, F.A., Fink, D., Buler, J.J., Farnsworth, A. and Cabrera-Cruz, S.A., 2017. Seasonal associations with urban light pollution for nocturnally migrating bird populations. *Global Change Biology* 23: 4609-4619.

²⁸ Battin, J., 2004. When good animals love bad habitats: ecological traps and the conservation of animal populations. *Conservation Biology* 18:1482-1491.

²⁹ Seewagen, C.L. 2010. Stopover biology of migratory landbirds in a heavily urbanized landscape: the New York metropolitan area. Ph.D. dissertation, University of Western Ontario, London, Canada.

³⁰ Seewagen, C.L., C.D. Sheppard, E.J. Slayton, C.G. Guglielmo. 2011. Plasma metabolites and mass changes of migratory landbirds indicate adequate stopover refueling in a heavily urbanized landscape. *Condor* 113:284-297.

the park over the course of the annual cycle. The breeding bird community in East River Park is overwhelmingly dominated by non-native species and the only native birds that breed in East River Park are extremely common, urban-adapted species that are ubiquitous in the City and other urban areas of the eastern U.S. There is no reason to expect that any birds that breed in East River Park or have the potential to briefly occur there during other seasons would have be unable to, or experience deleterious effects from, relocating to comparable disturbed habitat that is ubiquitous throughout the City. A full Environmental Impact Statement must be prepared, and, this EIS must include plans to mitigate negative impacts on >50 bird species that have been documented at East River Park and are currently protected under the Migratory Bird Treaty Act, and management plans to prevent impacts on resident species that are included within the New York Natural Heritage Program’s 2017 Rare Animal and Rare Plant Status/Active Inventory Lists. (Berkov_023)

Response: This FEIS has been prepared in accordance with the requirements of the NEPA, SEQRA, and CEQR.

As stated in Chapter 5.6, “Natural Resources,” and Chapter 6.5, “Construction—Natural Resources,” of this FEIS, migratory birds may experience a temporary loss of habitat during construction; however, given the current limited habitat attractors at the park, the avian utilization, and its primary function as an active recreational resource for the community, it is anticipated that these birds would utilize other spaces along the flyway during their migration. The overall habitat being disturbed represents a small fraction of habitat of limited value for the migratory birds listed as potentially present. No significant adverse effects to endangered, threatened, or special concern species are expected from construction of the Preferred Alternative.

As part of the DEIS preparation, the NYNHP’s database of state listed rare species and natural communities was consulted to identify the potential for any such species or natural communities to be present within the project area (see Appendix H1 of the DEIS). The NYNHP provided a record of peregrine falcons nesting on the Williamsburg Bridge. The area surrounding the Williamsburg Bridge is a heavily utilized urban environment. Due to existing noise levels on the Williamsburg Bridge from different modes of transportation (e.g., traffic, helicopter, subway, boats), it is not anticipated that construction of the Preferred Alternative near the bridge footings would significantly alter existing noise conditions that would affect the use of the Williamsburg Bridge for peregrine falcon roosting or nesting.

Comment 144: The park provides multiple microhabitats including areas of mature trees, native plantings, a compost yard, riverfront, Pier 42 intertidal area, grassy areas, shrubby areas and ball fields. It is worth noting that varied seabirds, waterfowl and Belted

Kingfisher were observed feeding at the intertidal area at Pier 42 on all except two of the official line transect surveys (Berkov_345).

It is worth noting that varied seabirds, waterfowl and Belted Kingfisher were observed feeding at the intertidal area at Pier 42 on all except two of the official line transect surveys (Appendix 2). (Beausoleil_191)

Response: As stated above, the majority of East River Park is dedicated to recreational uses and ornamental landscaping that provides very limited habitat acreage or diversity for waterbirds. The rows and small clusters of trees lack any understory or forest floor habitat to support birds associated with these habitat strata. Nearly half of the trees are non-native and therefore unlikely to provide robust or quality food sources for arboreal species of migrating birds that are attempting to rapidly gain body mass during stopover. “Grassy areas” are designed for active recreational use, frequently occupied for that purpose, and are of little value to native birds aside from extremely common and urban-adapted species such as American robin and Canada goose. The compost area and small landscaping beds containing the “native plantings” referenced in the comment are also incapable of providing significant resources to native birds, despite any observations of birds in these areas. The intertidal area at Pier 42 is not a natural intertidal area that would normally occur along the edges of a tidal straight like the East River, but is instead a heavily engineered shoreline. While some waterbirds are urban-adapted and can be found foraging on or otherwise using rip-rapped shoreline like that along Pier 42 and some sections of the park, this does not indicate that these areas are unique, limited, or otherwise significant habitats. There are large areas of comparable engineered shoreline along the East River and throughout the City’s waterways. Any temporary displacement of birds from this negligible portion of engineered shoreline during project construction would not be negatively affecting the New York City inventory of waterbirds at the individual or population level.

Comment 145: NYC is strongly urged to make changes to the East Side Coastal Resiliency Plan, in order to support avian populations. (Berkov_345)

Response: As stated above, there are no species of birds to which the redesign of East River Park or the East Side Coastal Resiliency plan can or should be redesigned to support local or regional populations. All bird species that use the park for breeding are either non-native or are extremely common, urban-adapted native birds that are ubiquitous throughout the City and New York State. Temporary loss of habitat within East River Park is not capable of causing significant adverse impacts to the local or regional populations of any such species. Similarly, there would be no potential for population-level effects to any species of birds that briefly occupy East River Park during the overwintering or migration periods. It is also recognized that, as stated in the DEIS and this FEIS, it is an objective of the proposed design to improve the ecology of East River Park, which is susceptible to the effects of sea level rise and storm surge. Storm surge from

severe events like Hurricane Sandy can overwhelm the park. Moreover, the threat from gradually increasing sea level rise adds to the risk of more frequent flooding from everyday storms or high tides. This flooding not only interrupts the ability for parks visitors to enjoy and utilize the amenities within East River Park, but also affects its ecology. In 2014, NYC Parks removed 258 trees from East River Park due to saltwater damage from Hurricane Sandy.

The current East River Park's landscaping and planting plan is reflective of the popular styles of the late 1930s, when the park was first designed and completed. Species diversity and ecology were not priorities of the original landscape design: over half of the current tree canopy is comprised of just two species. In the original design, plant selection relied heavily on canopy trees, such as London plane, a non-native species, and oaks. London plane trees in particular were significantly affected by salt inundation post Hurricane Sandy and have comprised most of the tree removals in East River Park since then.

In contrast, the proposed landscaping plan incorporates park resiliency through a design that can withstand a changing climate and consideration of species diversity, habitat, salt spray, wind, maintenance, and care. The landscape plan includes over 50 different species, reflecting research around the benefits of diversifying species to increase resiliency and adaptive capacity in a plant ecosystem. The design also focuses on creating a more layered planting approach, allowing for informal planting areas that have flexibility and plant communities that together improve ecological richness. By elevating the majority of the park and its landscape, and diversifying plant species, the landscape in the park will be more resistant to salt spray exposure and improve resiliency and post-storm functionality over the long term.

Comment 146: The Pier 42 intertidal area at the South end of East River Park should not be disturbed at any time during the reconstruction of the park and should not be blocked by barges or machinery at any stage of the construction. This is an important feeding area for multiple native species, including Red-breasted Merganser, Ring-billed Gull, Great Black-backed Gull, Canada Goose, Double-crested Cormorant, Herring Gull, and Brant. (Berkov_345) (Berkov_096) (Beausoleil_191)

Response: The intertidal area at Pier 42 is an isolated space that would normally occur along the edges of a tidal straight like the East River, but instead reflects the heavily engineered shoreline. While some waterbirds are urban-adapted and can be found foraging on or otherwise using rip-rapped shoreline like that along Pier 42 and some sections of the park, this does not mean that these areas are unique, limited, or otherwise of significance. There are vast areas of comparable engineered shoreline along the East River and throughout the City's other waterways. As such, any one, small section of engineered shoreline cannot be considered an important feeding area. Any temporary displacement of birds from this small area

of engineered shoreline during project construction would not negatively affect the population or diversity of waterbirds at either the individual or population level.

Comment 147: Methods for protecting as many of the microhabitats as possible should be developed in areas utilized by multiple species, including the mature trees, lawns, and shrubs around the amphitheater, lawns and areas of native plantings from the Fireboat House to the Williamsburg Bridge, and the stands of mature trees North and South of the running track. (Berkov_345) (Berkov_096) (Beausoleil_191)

Response: As discussed above, none of these areas stated in the comments represent quality habitat that are of value to any bird species other than non-native species and extremely abundant, urban-adapted native birds, such as American robin, blue jay, white-throated sparrow, and dark-eyed junco. The presence of other bird species in these areas for brief periods, particularly during migration, does not indicate that the habitat is suitable or even marginally appropriate for such species. Several examples in the list of birds noted by the commenter include brown thrasher, swamp sparrow, eastern towhee, ovenbird, and hooded warbler. These are all species that either require early successional forest, shrubland, wetland, or forest floor habitat. Landscaping beds like that those in East River Park do not constitute suitable habitat for shrubland birds like the brown thrasher, eastern towhee, and hooded warbler, and manicured lawn is not suitable for most woodland ground-foraging birds, like the ovenbird, which forages in the leaf-litter layer of the forest floor. Beyond being inappropriate types of habitat for ovenbirds, none of the park's "microhabitats" referenced above would be large enough to meet the area requirements of migrating ovenbirds during stopovers in New York City³¹ or likely those of other Neotropical migrants as well (e.g., Swainson's thrushes).³² Overall, none of these species' populations are dependent upon East River Park, at either the individual or area-wide population level.

Comment 148: If the City is absolutely determined to execute Alternative 4, do not patronize us by offering bogus ecological rationales to justify aesthetic choices (such as moving the embayments). (Berkov_096)

Response: As described in Chapter 5.6, "Natural Resources," filling of the existing embayments and creation of the new embayments is necessary to increase community access to the water's edge, a principal objective of the Proposed Project, and provide adequate space to site heavily utilized active recreation

³¹ Seewagen, C.L., E.J. Slayton, and C.G. Guglielmo. 2010. Passerine migrant stopover duration and spatial behaviour at an urban stopover site. *Acta Oecologica* 36:484-492.

³² Matthews S, Rodewald P. 2010. Movement behavior of a forest songbird in an urbanized landscape: the relative importance of patch-level effects and body condition during migratory stopover. *Landscape Ecology* 25:955-965.

facilities. Additional filling would be required at the location of the new embayments to allow for an Americans with Disabilities Act (ADA) accessible path to improve accessibility to the waterfront for all Park users. The proposed embayments would be of comparable size with improved habitat conditions, including the elimination of bridges that shade aquatic habitat, which can reduce benthic organism productivity and biomass. In addition, the provision of habitat enhancements designed for the recruitment of shellfish and other aquatic life along East River Park is also being explored as design advances.

Comment 149: Overall, the Proposed Project would disturb an area of 82 acres. On-land construction activities include excavation and grading of soils, soil transportation and storage, tree and vegetation removal, reconstruction of shared-use bike and pedestrian path and various drainage components. With respect to full disclosure and effective public review, we request that the FEIS include a landscape restoration plan, including details (i.e., type, size, location etc.) of all trees and vegetation that will be restored. In addition, we request that the FEIS include the Stormwater Pollution Prevention Plan (SWPPP) permit application, agency correspondence regarding erosion and sediment control, and a Soil Management Plan that shows where soils will be excavated, stockpiled, and stored during construction. (MAS_130)

Response: The planting palette for the proposed park trees will consider size, growth rate, diversity, and resiliency, among other factors, in determining the tree selection. This tree planting plan including the species, distribution, and location will be included in the project's final design documents. **Figures 5.6-8** and **5.6-9** show the themes and concepts for planting in East River Park and include four different planting spatial concepts: Woodland Edges, Pastoral Openings, Layered Groves, and Maritime Edges. Discussion of procedures, protocols, and BMPs that pertain to soils management that would be utilized during construction are provided in Chapter 6.6, "Construction—Hazardous Materials."

Comment 150: The City's preferred plan destroys 981 mature trees, replacing them with 1442 saplings. While the new trees will be carefully selected, the plan is not consistent with NYC Rules Governing Tree Replacement, which state: "In no case shall the number of replacement trees equal less than one caliper inch of replacement tree for each caliper inch of tree removed." The new saplings will, collectively, have diameters approximately 1/3 the collective diameters of the mature trees (4,326 inches vs. > 12,685 inches, DEIS Appendix I). If the City is absolutely determined to execute Alternative 4, follow the NYC Rules for Tree Replacement. (Berkov_096)

Response: To the extent practicable, the City would transplant existing park trees that are in excellent condition and, based on prior NYC Parks arborist experiences and approvals, are suitable for a successful transplanting. Approximately 1,815 trees

are proposed to be planted as part of the landscape design within the project areas, which would result in a net increase of 745 trees over the existing conditions. The value of this restoration plan, in combination with approximately \$32.9 million of restitution, would be in compliance with Chapter 5 of Title 56 of the Rules of New York (NYC Department of Parks and Recreation Rules) and Local Law 3 of 2010. The restitution funds would be used towards targeted tree planting and urban forest enhancements throughout the adjacent communities, including the Lower East Side greening program, which proposes to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales starting in fall of 2019. The planting palette for the proposed park trees will consider size, growth rate, diversity, and resiliency, among other factors, in determining the tree selection.

Comment 151: How would the East River itself be affected? (Frisk_158)

Response: As described in Chapter 5.6, “Natural Resources,” surface water resources and water quality in the East River are not anticipated to experience adverse effects with implementation of the proposed project. The placement of fill for the shared-use flyover bridge support structures and the filling of the existing embayments would not change the characteristics of the East River. Coordination with regulatory agencies, such as NOAA NMFS, USACE, and NYSDEC would ensure that the ecology of the river is not adversely affected by the implementation and construction of the proposed project.

Comment 152: The destruction that will be caused the environment, trees, plants, animals and the ecosystem will be completely destroyed (Cuthbert_097) (Bukhari_098)

Why would you want to save the ecology by destroying the ecology? (Victor_116)

Response: One of the City’s priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The City will continue to identify approaches that will allow for phased construction, including safely keeping parts of East River Park open and will reopen parts of the East River Park as quickly as possible, as well as developing a robust neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. Where applicable, mitigation measures are identified in the Chapter 5.6, “Natural Resources,” of the FEIS.

Comment 153: Appendix H2 includes a list of the Endangered and Threatened species that may occur within the proposed project area. The list should be verified after 90 days. The date of the list is 30 January 2019. They used the US Fish and Wildlife Service (USFWS) – Information for Planning and Consultation site to determine which Endangered Species Act listed species may be within the project area. (Horan_155)

Appendix H2 includes a list of the Endangered and Threatened species that may occur within the proposed project area. This list does not identify any listed species that are regulated by the USFWS. I accessed the IpaC site tonight and it shows 4 listed species that may be affected by the proposed action: Piping Plover (Threatened); Red Knot (T); Rosette Tern (Endangered); Seabeach amaranth (T). Interestingly enough, Appendix H2 lists the Roseate Tern as a migratory bird within the study area but does not list it as Endangered. The EIS needs to address these species. How will the park being bulldozed and out of commission for 3 ½ years (or more) during the construction impact these species? If the action may affect any of these species, then they must consult with the USFWS per Section 7(a) (2) of the ESA. Unless, the federal agency action proponent determines the project will have no effect on the species. Even so, the EIS needs to identify them as possibly occurring within the proposed project area. (Horan_155)

Response: An official consultation was completed with USFWS to identify any threatened or endangered species that had the potential to be found within the project area and surrounding natural resource study area. The official report confirmed that no USFWS-listed threatened and endangered species have the potential to occur within the study area for the proposed project. This report is included as a part of Appendix H2. The Information for Planning and Consultation informal report was included in Appendix H2 to display the source of the list of migratory birds with the potential to occur within the study area.

Comment 154: The EIS does not address Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds. (2001). Basically, federal agencies were to develop and implement a MOU with the USFWS to promote the conservation of migratory birds. Federal Agencies are to use the National Environmental Policy Act (NEPA) to evaluate the effects of actions on migratory birds with emphasis on species of concern, which there are a number of them that may occur within the proposed project area according to IpaC accessed 29 Aug 2019. Very different from their January list. The list from January 30 2019 wouldn't reflect Migratory birds from other seasons – passerines, waterfowl or even raptors. Per the EO and associated MOU, each Federal agency is basically to avoid or minimize adverse impacts of their actions on migratory birds: since this ESCR Plan is using federal monies from a Federal agency, then I believe these concerns need to be addressed because nothing I see discusses that in the EIS. In my brief review of the document, I didn't see anything that discussed how the action proponent would do that. (Horan_155)

Response: Table 5.6-6 in Chapter 5.6, "Natural Resources," lists the 58 species of migratory birds that could potentially occur within the project area per consultation with USFWS tools. As noted in that chapter, while the initial loss of tree canopy may represent a temporary loss of habitat for migratory birds and other wildlife found in the parks, the project area does not contain a unique habitat for migratory birds, and migratory birds would be expected to seek out similar resources in the area.

Additionally, there is no habitat in the project area to support any bird species that are associated with the forest understory or forest floor, or other habitat types such as shrubland, wetland, or grassland/old field. Further, nearly half of the trees are non-native species and therefore unlikely to provide an abundance of arthropods or quality fruits needed by arboreal bird species for stopover refueling.

Over time, the tree canopy in the project area would mature and fill in and provide an improved habitat over existing conditions, with a planting plan that includes more diverse plant species and habitats for wildlife.

Comment 155: If the City is absolutely determined to execute Alternative 4, it is my recommendation to consult with restoration ecologists to develop appropriate soil profiles to support new plantings. (Berkov_096)

Response: The proposed design includes an extensive planting plan to implement the long-term vision for the study area’s urban ecology that incorporates input from stakeholders.

Comment 156: The American with Disabilities Act (ADA) does not require the filling of the littoral tidal wetlands to provide access for peoples with disabilities. This purpose is not consistent with the concept of the environmental minimization of impacts or of 404(b) Guidelines. An acceptable purpose for the fill is necessary for a proper 404(b) (1) Guidelines analysis to be completed. Additionally, the document does not demonstrate a need for the fill, which is also necessary to complete an analysis. The compensatory mitigation proposal lacks ecological, scientifically based restoration methodology, details, and valuation and is therefore insufficient for evaluation. No assessed wetland values using qualitative methods and best professional judgement has been provided for either the existing or compensatory mitigation wetlands. Furthermore, the stated compensatory mitigation of the existing wetlands compared to the replacement embayments is also insufficient and does not establish grounds for a fair compensatory replacement assessment. (EPA_192)

Response: As described in Chapters 5.6, “Natural Resources,” and 6.5, “Construction—Natural Resources,” the relocation of the existing embayments advances one of the principal objectives of the proposed project, which is to enhance access to the waterfront, as described in Chapter 1.0, “Purpose and Need.” Compensatory mitigation associated with impacts to Waters of the United States and NYSDEC Regulated Tidal Wetlands, described in Chapter 5.6, “Natural Resources,” would be finalized as part of ongoing coordination with NYSDEC and USACE as design advances in accordance with all NYSDEC and USACE permit conditions, which would conform with applicable regulations, including the Clean Water Act (CWA), Section 10 of the Rivers and Harbors Act, ECL Article 25, NYCRR Part 661, and ECL Article 15, NYCRR Part 608.

Comment 157: The outcome of all Essential Fish Habitat (EFH) and Endangered Species Act (ESA) consultations should be stated in the document and should reference the date of the concurrence letter, as well as the determination in the FEIS. This will clarify the state of completed verses on-going consultations. (EPA_192)

Response: The outcome of these processes and the related correspondence is provided is provided in this FEIS in Chapter 5.6, “Natural Resources,” Chapter 6.5, “Construction—Natural Resources,” and in Appendix G.

Comment 158: The DEIS states that trees that measure 7 inches in diameter at breast height (dB) or less were evaluated as potential transplant candidates; however, the intended fate of the trees to be removed is not stated in the document. The FEIS should discuss if the removed trees can be used for mulch or if they will be composted. (EPA_192)

Response: Consistent with NYC Parks specifications, all remains from tree clearing will be removed from the site or otherwise disposed of to the satisfaction of the project engineer.

Comment 159: What is the status of the tree plantings along Montgomery Street as outlined in the DEIS? (Smiler_132)

Response: The City is continuing to develop the tree planting plan for Montgomery Street as part of the final design process.

Comment 160: The preferred alternative to the Project includes removing approximately 1,043 trees, some of which are decades old and mature, and replacing those trees with approximately 1,442 trees, all younger. The existing trees provide a wide variety of services to the community and beyond, including shade, summer cooling, improved air quality and carbon sequestration that can help reduce climate change. Given those services, the City should evaluate and use additional metrics, such as tree canopy volume, to develop an appropriate tree replacement plan, rather than simply looking at the number and trunk diameter of the existing and replacement trees. Additionally, while the City is planning to preserve and transplant certain smaller trees currently at the Project site, it should evaluate whether there are reasonable opportunities to preserve and transplant larger trees currently at the site, and should provide for planting new trees in nearby areas at the time construction starts to compensate for the loss of trees during construction. Lastly with respect to trees, the City should provide for the use of the wood in any large trees removed as part of the Project, if possible, in order to sequester for a significant period of time the carbon stored within them. (James_134)

The landscape restoration plan should address several issues. First, while the City intends, consistent with its regulations, to replace trees using a no-net-loss-of-trunk-diameter standard, the City should also evaluate and incorporate a similar

standard protecting against loss of overall canopy extent at all times, from the short term while the project is under construction to the long-term after newly planted trees have matured. The benefits that trees provide to community residents in terms of shade, cooling, absorption of carbon dioxide and other factors turn in large part not on the size of trunks but on the size of the leaf canopy. As noted above, the City's free replacement regulations provide for replacement using smaller trees of 3-inch trunk diameter, unless otherwise approved by the Parks Department. The City acknowledges that these less-mature trees would reduce tree canopy in the affected parks in the short and medium term, but states that over time the canopy would fill in. Draft EIS at 5.6-2. The Draft EIS indicates that the City will also preserve and transplant trees taken from the site that are in "excellent" condition and have a diameter of 7 inches or less. Id. at 5.6-13. (James_134)

In the Draft EIS, the City states that it would replant trees removed as a result of the Project consistent with the requirements of the City tree removal regulations. See, e.g., Draft EIS at 5.3-16 (citing 56 R.C.N.Y. § 5-01 & 5-02 and Local Law 3 of 2010). The regulations require that each removed tree be evaluated for size, condition, species, location and other factors before the City determines how many trees must be planted to replace it. 56 R.C.N.Y. §§ 5-02(a) (1) (4). For each removed tree, the total diameter at breast height of replacement trees must be at least as great as the diameter of the removed tree. 56 R.C.N.Y. § 5-02(a) (5) (b). In addition, the replacement trees must have a diameter of 3 inches, unless otherwise authorized by the City Parks Department. 56 R.C.N.Y. § 5-02(a) (8). (James_134)

Response: The landscape restoration plan is comprised of a several elements. As described in this FEIS Chapter 5.6, "Natural Resources," the current plan is comprised of a several elements. First, to the extent practicable, the City would transplant existing park trees that are in excellent condition and, based on prior NYC Parks arborist experiences and approvals, are suitable for a successful transplanting. Second, approximately 1,815 trees are proposed to be planted as part of the landscape design within the project areas, which would result in a net increase of 745 trees over the existing conditions. The value of this restoration plan, in combination with approximately \$32.9 million of restitution, would be in compliance with Chapter 5 of Title 56 of the Rules of New York (NYC Department of Parks and Recreation Rules) and Local Law 3 of 2010. The restitution funds would be used towards targeted tree planting and urban forest enhancements throughout the adjacent communities, including the Lower East Side greening program, which proposes to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales starting in fall of 2019. The planting palette for the proposed park trees will consider size, growth rate, diversity, and resiliency, among other factors, in determining the tree selection. This tree planting plan including the species, distribution, and location will be included in the project's final design documents.

Comment 161: For all alternatives, the Draft EIS’s treatment of issues relating to tree cover are not consistent with the requirements of NEPA, SEQRA and CEQR and are arbitrary and capricious. The preferred alternative for the Project would remove 1,043 trees and replace them with 1,442 trees. See, e.g., Draft EIS at 5.6-50. While this replacement constitutes a good start on long-term mitigation of the loss of tree cover, the City should do more to mitigate the short- and medium- term losses of tree cover for the nearby communities. (James_134)

Response: The tree removals within the project area and the corresponding determination of restoration and restitution as discussed in Chapter 5.6, “Natural Resources,” were not arbitrary and capricious; on the contrary, NYC Parks, the Lead Agency, manages and maintains trees within the Park and is responsible for determining adverse effects related to the removal of affected trees under its jurisdiction in accordance with Local Law 3 of 2010 and Chapter 5 of Title 56 of the Rules of New York (NYC Department of Parks and Recreation Rules), which were appropriately applied. There are no specified tree cover or replacement methodology calculations for NYC Parks managed trees specified by NEPA, SEQRA, or CEQR. NYC Parks applied a methodology for tree appraisal established by the International Society of Arboriculture (ISA) to assess trees and establish required replacement value for any trees damages or removed. This method is internationally recognized by the professional arboricultural community and takes into account many factors of each tree inspected, including a full condition assessment, species rating, and location rating.

Comment 162: The Draft EIS indicates that the City intends to prepare a landscape restoration plan that would govern the tree replacement, Draft EIS at 5.3-21, but does not indicate that the City has done so yet. While Appendix Cl o to the Draft EIS depicts “conceptual” plans for replacing trees under the preferred alternative, it is not clear how closely the final tree plantings would correspond to such conceptual drawings, and the plans lack detail about, for example, the types of trees that would be planted in various locations and whether, in fact, trees larger than 3 inches in diameter would be planted. The City needs to do more before finalizing the EIS and making a final decision regarding the Project. As a preliminary matter, the City should develop a specific landscape restoration plan describing the tree replacement for the Project in detail, make that plan available for public comment, and then incorporate the final plan as may be revised after consideration of the comments in the final EIS. The City may have voiced good intentions regarding tree replacement, but it is not possible to evaluate the merits of the replacement without seeing an actual, detailed plan. (James_134)

Response: The EIS analyzed and disclosed the temporary adverse effects associated with tree removal. Chapter 5.6, “Natural Resources,” discusses the landscape restoration plans that includes the replanting of 1,815 trees within the project area in addition to \$32.9 million of restitution. Both the valuation of the adverse effects to trees and the restitution have been performed in accordance with NYC Parks

methodologies. **Figure 5.6-8** and **Figure 5.6-9** provide the themes and concepts for planting in East River Park and include details such as four different planting spatial concepts: Woodland Edges, Pastoral Openings, Layered Groves, and Maritime Edges. For example, the Woodland Edges would be situated mainly on the western edge of East River Park, and would be made up of ornamental understory trees, conifers, shrubs, and perennials to provide visual interest along paths and slopes while buffering views of nearby vehicle thoroughfares. The Pastoral Openings, sited in lawns and spectator areas, would include a tall spreading canopy with a clear understory and open lawn to maintain open site lines and circulation while the Layered Groves would include ornamental understory trees and a low perennial and grass ground layer and be located at clearing edges and special areas. Lastly, the Maritime Edges would include mid-and understory trees, maritime evergreens, shrubs, and grasses to provide shade and interest along the river edge.

Comment 163: To address this short-to-medium-term loss in canopy, the City should evaluate and include, as appropriate, in the landscape restoration plan the following measures: transplantation of trees with trunk diameters larger than 7 inches; planting new trees with trunk diameters greater than 3 inches; and restoring the existing extent of canopy in the affected parks starting as of the time the parks first reopen after completion of the Project, using an appropriate metric such as horizontal extent of canopy or overall canopy volume. This office knows of no reason why the City could not implement these measures; the regulations give the Parks Department authority to use of trees with diameters other than 3 inches, and nothing appears to preclude application of both a no-net-loss-in-diameter standard and a no-net-loss-of canopy standard. (James_134)

Response: The EIS analyzed and disclosed the temporary adverse effects associated with tree removal. Chapter 5.6, “Natural Resources,” discusses the landscape restoration plans that includes the replanting of 1,815 trees within the project area in addition to \$32.9 million of restitution. Both the valuation of the adverse effects to trees and the restitution have been performed in accordance with NYC Parks methodologies. As part of the replacement plan, the City is looking into opportunities to introduce trees larger than 3 inches in diameter to the planting program. However, it is important to consider the overall success of the proposed tree planting in the short, medium, and long-term perspective. Larger diameter tree transplants have a higher mortality rate than smaller trees, and generally take longer to establish.³³ These factors have been taken into consideration when looking to provide the community with a sustainable tree planting plan. As part of the proposed restitution, the City has committed to begin tree planting in

³³ Watson, W.T. 2005. Influence of Tree Size on Transplant Establishment and Growth. HortTechnology 15(1).

Community Board 3 and Community Board 6 in the fall of 2019 to begin providing additional ecosystem services before the construction period begins.

Comment 164: To address this significant short-term impact, the Draft EIS, through the landscape restoration plan or otherwise, should provide for compensatory new tree canopy by planting additional trees in the affected communities. Options for doing so include adding trees to existing parks, adding new street trees, and replacing pavement or other hard-surfaced areas with landscaped areas including trees. While the Draft EIS suggests relief along these lines by indicating that the City would make “off-site plantings [of trees] as necessary,” see, e.g., id. at 5.3-21, the City should revised the Draft EIS to incorporate specific plans for such off-site plantings that would preserve the amount of tree canopy in the affected communities even while construction is ongoing. As with the other suggested changes set out in this letter, the City should provide an opportunity for comment on the off-site tree planting plan before incorporating it in the final EIS. (James_134)

Response: The proposed tree removals and landscape restoration plan for the Preferred Alternative has been updated and is described in this FEIS (see Chapter 5.6, “Natural Resources”). NYC Parks and DDC will continue to coordinate with the community with respect to the planting plans in the project area, the proposed tree planting in Community Boards 3 and 6 in 2019, and the use of the funds dedicated to tree replacement.

5.7 HAZARDOUS MATERIALS

Comment 165: Seek a more minimalist alternative, which would take less time to complete and would not pose the hazards of toxic complications of buried coal tars in the park from gas and coal plants, as well as the hazards of the materials that were dumped as land fill when the Peter Cooper Village-Stuyvesant Town complex was created. (Brandwein_048)

Worse, the project could potentially stir up hazardous material left over from the manufactured gas plants in the area, creating health impacts for the community. (Crawford_074)

All VOCs, petroleum storage tanks, and other hazardous materials must be removed from affected sites in accordance with federal, state and local regulations prior to project construction. Further investigations in the form of an asbestos survey, Site Management Plans, a Mitigation Work Plan, a Remedial Action Plan and a Construction Health and Safety Plan shall be included in the FEIS. The subsurface investigation shall be conducted in conjunction with the DEP and any construction and occupancy permits would only be issued once DEP receives and approves a Remedial Closure Report that is certified by a New York licensed professional engineer and approved through DEP reviews. (Brewer_082)

The Draft Environmental Impact Statement (DEIS) acknowledges that there are hazardous materials in the soil, and that the project would increase exposure to them without “proper controls.” It’s naive to believe that on a 75+ acre stretch of land, all toxic materials below the surface will be isolated and removed, and this could happen within a 3-and-a-half year time frame, with the project completion happening within that same schedule. (Sillen_088)

A more modest plan should be sought that would not pose potential hazardous materials issues. (Brandwein_048) (Brandwein_053)

Response: The Preferred Alternative and all other project alternatives necessitate some amount of subsurface disturbance extending below the water table, and at locations where MGP wastes from the former coal gas facilities will likely be encountered. A Memorandum of Agreement with NYSDEC requires a Mitigation Work Plan (MWP) be implemented for this work, to both minimize the potential for further subsurface migration and releases of MGP materials into the environment.

Comment 166: Please use non-toxic surfaces, with the least off-gassing, particularly in sport and playground areas. (Upton and de Aragon_045)

Response: DDC and NYC Parks are both committed to sustainable design of the new park elements in accordance with the goals of NYC Parks’ *A Plan for Sustainable Practices*³⁴.

Comment 167: What is the source of the soil/fill material to be used; what process will be used to ensure it is clean/safe/free of weeds. Where is the soil coming from that you plan to use? Who will vouch for its safety? (Billings_008) (Billings_024)

LESPP would like a clear explanation of where the fill is coming from and what it consists of and the timeframe for this process. (LESPP_348)

The landfill that will be used to raise the floodplain will be comprised of unknown materials, generating huge quantities of dust of possibly hazardous components, which will affect NYCHA residents—an already vulnerable demographic— first and foremost. Additionally, the decline in air quality will also likely affect residents of the Grand Street area, such as in the East River and Hillman co-ops. (Sillen_088)

The source and full content of the landfill to be loaded onto the park is unidentified. (Brandstein_154)

Another very significant issue is that of where the dirt for the land fill comes from. In alternative 4, millions of tons of landfill will bury the existing park. But where does all of that dirt come from? Who will certify that there are no contaminants

³⁴ https://www.nycgovparks.org/sub_about/sustainable_parks/Sustainable_Parks_Plan.pdf

in every ton of that landfill dirt that gets dumped in our community? Will the soil be tested? If so, who will test it and what exactly will they test for? Will it contain lead, other heavy metals, PCBs, Glyphosate, Petroleum products, insecticides, fungicides, medical waste, other hazardous compounds? What will evaporate out of that soil and into our air? What will leach out of that soil and into our neighborhoods? More importantly, will the community be told the truth? Based on how the DDC, Parks Commission, and the Mayor's office have handled the project so far, we have many doubts we are being told the truth about numerous aspects of the project. Similarly, what will be unearthed when the destruction of the existing park begins? All of that 911 dust is still down in the soil of the park. When you dig it up, you are going to dig all of those contaminants up too. Has there been a study of what is in the existing soil that will get newly exposed to the atmosphere and to the community? (Colosky_137)

I am not satisfied that good high quality clean, safe, enduring landfill will be used- I don't see any commitment for that. How long will it take to settle? No one seems to know. Why not compact it somewhere else and then bring it in by barge. (Weiss_192)

Response: As discussed in DEIS Chapter 6.6, "Construction—Hazardous Materials," construction will be performed in accordance with a project Remedial Action Plan (RAP). The RAP will include appropriate clean fill importation criteria (both for surface soils in landscaped areas and for other material that would be beneath landscaping or paving) and criteria for allowable reuse of excavated soils (whether in the uppermost layer of landscaped areas or elsewhere). The sources of clean soils or fill materials that meet these requirements and are to be used with the proposed project will be determined by the construction contractors with review and approval by DEC and will need to address a number of factors, including composition, certification of suitability of intended use, quality, availability, cost, and the proximity of the soil/clean fill provider's loading site to the project area.

Comment 168: Based on sampling performed to date, Section 5.7 of the draft EIS indicates the presence of contamination within the project work areas from numerous current and past industrial sources that had historically operated between East 11th and East 22nd Streets. The final EIS should make clear that sampling is ongoing. Sampling results indicating contamination (regardless of source) must be reviewed in consultation with the New York State Department of Environmental Conservation ("DEC") and Con Edison before any determinations are made on how any such contaminated media should be addressed in developing the design or how such contaminated materials should be managed during construction. (ConEd_162)

Response: As stated in the DEIS and further elaborated in the FEIS Chapter 5.7, "Hazardous Materials," mitigation measures for MGP contamination would be developed in

consultation with NYSDEC. The City concluded the 2019 supplemental subsurface investigation, which completes the proposed project's sampling program, and relevant findings have been shared with NYSDEC and are included with this FEIS.

5.8 WATER AND SEWER INFRASTRUCTURE

Comment 169: The proposed gatehouse(s) are a crime concern. Security features are needed, such as lighting and mirrors. Features should be preventative. (Greenberg_035)

Response: The proposed gatehouses will be DEP operated and protected facilities and will include the necessary security measures.

Comment 170: What is the engineering solution/underground pump at 610 East 20th Street and the Avenue C loop? (Devitz_026) (Devitz_027)

Response: Drainage management under the Preferred Alternative relies on the installation of parallel conveyance and gates placed on the existing interceptor, as well as relocation and hardening of sewer infrastructure within East River Park. It does not include a pump station.

Comment 171: Is overflow of sewage into the river being addressed and who is handling it? (Billings_008)

The DEIS does not address the community demand that, if Alternative 4 is approved, that a \$1.45B project that elevates an almost 60 acre park 8-10 feet should be able to be resilient every day and eliminate all combined sewage outfalls from the protected area during any storm event. (Tainow_139)

Response: As described in DEIS Chapter 5.8, "Water and Sewer Infrastructure," the study area will continue to be serviced by combined sewer infrastructure that is managed by DEP in accordance with all applicable Federal, State, and local laws. During storm events that result in combined sewer overflows (CSOs), the proposed project includes the redistribution of combined flows in the study area sewer system. The proposed project cannot eliminate the discharge of combined sewer overflows to the East River during storm events; however, the overall volume of CSO from outfalls in the study area would not substantially increase from existing conditions and is not anticipated to impact the water quality in the East River.

Following a design storm event, once the surge waters recede and sewer levels equilibrate, the interceptor gates and other isolation measures would return to their non-storm condition positions. As the surge recedes, and the sewer system gradually equilibrates, the outfall tide gates would permit the release of excess combined flow and flooding in the areas north and south of the drainage protected

area would gradually recede via the sewer system or overland flow back to the East River.

Comment 172: More information is needed regarding Con Edison and their facilities adjacent to the park. The community needs to hear what facilities Con Edison needs to keep at this location; whether they are polluting; and could they be moved further in the river with a pier, leaving more space for the park. (Kazi_022)

Response: The City has done extensive coordination with Con Edison as part of the project design, environmental, and ULURP processes. For example, based on this coordination and understanding of the criticalness of a major power transmission line located in the park and parallel to the FDR Drive, relocation of this transmission line is not an option. Therefore, the Preferred Alternative, where the flood protection is installed along the existing bulkhead in East River Park, is the preferred design for avoiding impacts to this critical energy transmission line.

Comment 173: While the DEIS states that, “if a storm is forecast, the sewer system would be inspected and cleaned as needed,” it is imperative that there be routine checks on the operating systems, not only when the risk of flooding is imminent. (Brewer_082)

Response: The maintenance of the proposed drainage infrastructure will be performed regularly as needed to ensure proper functioning and in accordance with an Operations and Maintenance manual.

Comment 174: The DEIS mentions almost nothing at all about our environmental and health issues. It references the East River Housing can plate its issues with those of other sites where construction will not occur in the middle of private property but only along roadways and street blinds. Other documents absurdly and falsely assert that this proposed acquisition and construction will have no adverse effect on our co-op as no structures sit on that exact location. The sewer parallel conveyance may not be a necessary part of the Coastal Flood Protection and Surge Protection Plan designed to keep water from overflowing from the river into our community. It’s to alleviate sewage overflow in heavy rainfalls from going towards the river. Thus, there’s no immediate need for it to be included in the ULURP application. (Altman_302)

The DEIS provides no rationale for the City’s selecting the particular locations it chose for installation of the parallel conveyances. Although reference is made to a modeling analysis that identified the flooding risk throughout the drainage protected area and the hydraulic grade line in the sewers in that area, thereby identifying locations of surcharge, and, ultimately, the drainage management requirements that form the basis for the actions, no specifics are provided with respect to each individual site that would enable East River Housing to understand the alleged need for the installation of the parallel conveyance in the parking lot.

No copy of the modeling analysis is provided as an appendix to the DEIS; thus, no independent engineering review of the conclusions reached in the analysis can be made. Since there are lateral sewer lines south of the Property, particularly in the bed of Grand Street (M26), and north of the Property (M29 and M30) some explanation should have been provided as to why these nearby alternatives could not be used to achieve the desired result while avoiding the disruption and construction impacts that will certainly result from implementation of construction in the middle of developed private property. (ERHC_161)

Response: As described in DEIS Chapter 5.8, “Water and Sewer Infrastructure,” the proposed parallel conveyance improvements including those at the East River Houses property are necessary to provide the appropriate capacity in the sewer system during the storm events to minimize the risk of surcharging sewers within the protected area. Abating the impact of storm-related surcharges on the sewer system during a combined tidal flood and rainfall event is essential to providing a flood protection system that is comprehensive and properly functions under the range of storm scenarios that have the potential to impact the City. During the design storm event, the CSO outfalls would be closed as water levels rise in the East River. The sewer system would need to continue to handle sanitary flow volumes in addition to rainfall, and the current size of the branch interceptors is inadequate to manage this flow when the outfalls are closed. The parallel conveyance sewers proposed as part of the flood protection system are necessary to providing the appropriate capacity within the sewer system to minimize the risk of surcharging sewers in the protected area. To address comments on the DEIS, additional information is provided in this FEIS (Chapter 6.7, “Construction—Water and Sewer Infrastructure”) on the potential temporary impacts of installing these systems during construction, with a focus on those properties that are included in the ULURP application.

Comment 175: The plans for drainage/ sewage are inadequate. When the gates are closed at both ends of the park during a storm or high water, the unseparated sewage (another disgrace) and excess rainwater in the East Village will have nowhere to go and become yet another unsanitary health hazard for the community. (Boster_094)

Response: The drainage system modifications proposed as part of the ESCR project are specifically designed to provide adequate drainage for the protected area, which includes the East Village neighborhood, during a design storm event. Interceptor gates are proposed at the northern and southern ends of the drainage protected area to isolate the area from the larger sewershed during design storm events to prevent coastal floodwaters from inundating the drainage protected area. The existing sewer system would also be modified with parallel conveyance and upsized sewers to increase its capacity to convey wet-weather flows during design storm events with coincident rainfall events, thereby managing flooding within the drainage protected area. During a design storm event, the combined sewer flows would be conveyed via the interceptor to the Manhattan Pump Station for

conveyance to the Newtown Creek Wastewater Treatment Plant, as under existing non-storm conditions.

Comment 176: The first claim in Chapter 5.8 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 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. (ERA_158)

Response: The proposed alignment of the flood protection system and proposed park design is anticipated to slightly increase the area of impermeable surfaces compared to the existing conditions. However, the Preferred Alternative includes improved stormwater drainage within the Project Area that drains to the East River. Therefore, it is not anticipated to increase sewer demand. Water mains and sewers serving the project area are sized based on existing land use and zoning. Drainage planning assumes full build out for the current area zoning so any long-term increase in population that could be linked to the project would not put undue stress on the existing sewer system.

Comment 177: As relates to water and sewer infrastructure, chapter 5.8 does not give any clarity as to why the City chose Alternative 4 as the preferred plan, as promised in every community board meeting. Pages 5.8-3 and 5.8-17 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 “would be no adverse effects to sewer infrastructure as a result of implementation” of any of the Alternatives. (Tainow_139)

Response: Chapter 2.0 “Projective Alternatives,” of the FEIS provides rationale for selection of Alternative 4 as the Preferred Alternative. As described within Chapter 5.8 “Water and Sewer Infrastructure,” the drainage management and drainage isolation measures are largely the same across all of the alternatives.

Comment 178: The DEIS claims that “modeling of the sewer system under the design conditions, including operation of the interceptor gates and other isolation measures, showed negligible increases in the HGL in the main interceptor to the north and south of the drainage protected area compared to the No Action Alternative.” But during design storm conditions, the areas to the north and south of the protected area, as well as the rest of the Newtown Creek Sewershed in Brooklyn and Queens, will also be experiencing overland storm surge and increased storm sewage from rain, and therefore will experience increased sewer backup flooding and combined sewer overflows when the interceptor gates are closed to isolate the protected area. During a CB3 meeting when asked about this conditions, a NYC DEP

engineer stated that the areas to the north and south of the protected area in the study area would be “screwed” when the interceptor gates were closed! (Tainow_139)

Response: The overland storm surge experienced in unprotected areas would determine the extents of flooding and hydraulic grade line (HGL) in the sewer system during a design storm event. Outside the protected area, overland surge has the potential to inundate the combined sewer system through catch basins, manholes, and regulator hatches and result in an HGL within the sewer system that is dictated by the HGL of the storm surge. If HGL in the sewer system is equal to HGL in the East River, there will be no outlet through the combined sewer outfalls. If HGL in the sewer system exceeds the HGL in the East River, flow will be able to be released to the East River. This hydraulic equilibrium outside of the protected area would occur regardless of an interceptor gate closure.

Furthermore, the interceptor gates are specifically designed to be able to maintain continued sewer service through the bypass opening for the upstream areas (outside of the protected area) after closure of the main interceptor gates. The interceptor is designed to be filled to capacity without causing elevated HGL in the lateral sewers that serve the community, and it is common practice for interceptor flows to be throttled with gates during wet weather events to control flows to the Manhattan Pump Station. Should the interceptor surcharge extend up through the branch interceptors under design storm conditions, hydraulic equilibrium would be achieved via combined sewer overflow through the outfalls, as described above.

Comment 179: The DEIS states 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 stormwater or surge water that enters the park from entering the protected area of the sewage system. The intent of a wall or enhanced berm along the western edge of East River Park way and should continue to be protect the community from storm surge and allow the park to absorb more of the stormwater 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. (Tainow_139) (ERA_158)

Response: As described in detail in Chapter 5.8, “Water and Sewer Infrastructure” of this FEIS, water and sewer improvements proposed in all action alternatives would not result in impacts to the existing combined sewer system, while providing reliable coastal flood protection system against the design storm event for the protected area.

Comment 180: I greatly appreciate the improvements to the sewer and water infrastructure as described in the DEIS. (Shad)

Response: Comment noted.

Comment 181: How does the interceptor gate prevent floodwaters from penetrating the protected area? GGHC has concerns that the corralled floodwaters will be re-directed to other unprotected areas of GGHC's property (i.e. above ground (playgrounds, parking lots, yards, sidewalks and entryways) and below grade (basement)). (Smiler_132)

Response: An interceptor sewer conveys flows to the Manhattan Pump Station from the protected area and its capacity to carry dry weather flows as well as rainfall must be maximized to minimize the potential for street and property flooding within the ESCR protected area due the potential for sewer surcharging as the outfall tide gates are closed in the tidal storm condition. To do so, the interceptor must be protected against inundation from the drainage outside the protected area during a design storm event and be isolated from the unprotected areas to the north and south of the protected area. With the Preferred Alternative, this is proposed to be achieved through the installation and operation of the proposed interceptor gates. The gates will be open under non-storm conditions and in the event of a forecasted design storm event would be deployed in accordance with pre-approved operational procedures. In addition to these drainage isolation measures proposed, interior drainage management (e.g., parallel conveyance) is proposed to enhance existing capacity in the protected area's sewer system to reduce the probability of inland flooding, including any potential effects at the GGHC's property.

Comment 182: Has this interceptor gate system been implemented at other locations? If so, what was the level of success? Were there any incidents of property damage? Was there any incidents of injuries or death? (Smiler_132)

Response: This interceptor gate system is specific to this proposed flood protection system. The gates are underground and do not pose any threat to any person or property. All environmental health and safety requirements will be complied with during construction and operation to reduce risk to the community and construction staff and operation of the system will be subject to the City's Operations & Maintenance Manual.

Comment 183: The DEIS provides no rationale for the City's selecting the particular locations it chose for installation of the parallel conveyances. Although reference is made to a modeling analysis that identified the flooding risk throughout the drainage protected area and the hydraulic grade line in the sewers in that area, thereby identifying locations of surcharge, and, ultimately, the drainage management requirements that form the basis for the actions, no specifics are provided with respect to each individual site that would enable East River Housing to understand

the alleged need for the installation of the parallel conveyance in the parking lot. No copy of the modeling analysis is provided as an appendix to the DEIS; thus, no independent engineering review of the conclusions reached in the analysis can be made. Since there are lateral sewer lines south of the Property, particularly in the bed of Grand Street (M26), and north of the Property (M29 and M30) some explanation should have been provided as to why these nearby alternatives could not be used to achieve the desired result while avoiding the disruption and construction impacts that will certainly result from implementation of construction in the middle of developed private property. (ERHC_161)

Response: The proposed parallel conveyance would connect the lateral sewers to the interceptor in locations that provide the greatest ability to provide sewer surcharge relief under the drainage design storm conditions and that minimize the length of piping between the upstream lateral sewer connection and the downstream connection to the interceptor. When evaluating potential sites for parallel conveyance, several factors were considered including geotechnical conditions, constructability, accessibility, and conflicts with existing utilities. Where feasible, parallel conveyance was sited in public right-of-way. However, in instances where site constraints and long-term operations and maintenance considerations precluded the siting of parallel conveyance in right-of-way locations (i.e., M-27), acquisition of an access easement is proposed in order to implement the drainage management component of the Preferred Alternative.

Comment 184: How does the interceptor gate prevent floodwaters from penetrating the protected area? GGHC has concerns that the corralled floodwaters will be re-directed to other unprotected areas of GGHC's property (i.e. above ground (playgrounds, parking lots, yards, sidewalks and entryways) and below grade (basement)). (Smiler_132)

Response: An interceptor sewer conveys flows to the Manhattan Pump Station from the protected area and its capacity to carry dry weather flows as well as rainfall must be maximized to minimize the potential for street and property flooding within the ESCR protected area due the potential for sewer surcharging as the outfall tide gates are closed in the tidal storm condition. To do so, the interceptor must be protected against inundation from the drainage outside the protected area during a design storm event and be isolated from the unprotected areas to the north and south of the protected area. With the Preferred Alternative, this is proposed to be achieved through the installation and operation of the proposed interceptor gates. The gates will be open under non-storm conditions and in the event of a forecasted design storm event would be deployed in accordance with pre-approved operational procedures. In addition to these drainage isolation measures proposed, interior drainage management (e.g., parallel conveyance) is proposed to enhance existing capacity in the protected area's sewer system to reduce the probability of inland flooding, including any potential effects at the GGHC's property.

Comment 185: Has this interceptor gate system been implemented at other locations? If so, what was the level of success? Was there any incidents of property damage? Was there any incidents of injuries or death? (Smiler_132)

Response: This interceptor gate system is specific to this proposed flood protection system. The gates are underground and do not pose any threat to any person or property. All environmental health and safety requirements will be complied with during construction and operation to reduce risk to the community and construction staff and operation of the system will be subject to the City's Operations & Maintenance Manual.

5.9 TRANSPORTATION

Comment 186: The planned permanent and rolling flood barriers are aligned to cross the FDR Drive Exit 7 ramp connecting to the fixed flood barriers. This is a perilous, multi-leg pedestrian pathway with inadequate signage to get from Avenue C to Stuyvesant Cove Park and the ferry landing. (CB6_501)

CB6 supports the provision of a new crosswalk at the intersection of Avenue C and the north side of FDR Drive Exit 7 creating a more direct pedestrian access pathway across Avenue C to the waterfront and Stuyvesant Cove Ferry Landing, and that the exit ramp be modified to provide a legal left turn onto Avenue C at the East 18th Street traffic signal; with appropriate signage and signaling to improve alignment with the flood barrier, improve pedestrian safety, and allow for a less circuitous route for westbound and southbound exiting traffic. (CB6_501)

A new crosswalk must be added at the intersection of Avenue C and the north side of the FDR Drive's Exit 7 to create a more direct, pedestrian access pathway across Avenue C to the waterfront and Stuyvesant Cove Ferry. (Brewer_082)

Response: NYCDOT has reviewed the proposed designs at this intersection and also completed pedestrian enhancement measures at the intersection of Avenue C and 18th Street in 2018 that included the widening of three pedestrian ramps to accommodate shared bicycle and pedestrian uses. Remaining work to be completed includes refurbishing crosswalk markings and installing new street markings to realign bicycle traffic with the newly widened ramps. NYCDOT has also evaluated the feasibility of a left-turn lane for the FDR Drive Exit 7 off-ramp. Initial analysis showed that the left-turn movement at this location would require adding a fourth signal phase which would introduce new conflicts between pedestrians and left-turning vehicles and would require a more in-depth analysis to assess its potential effects on existing traffic.

Comment 187: CB6 recommends a comprehensive redesign of the East 20th Street bike lane, which was originally designed around a now-obsolete L train mitigation plan, to

facilitate faster construction of the interceptor gatehouse there, unless an alternative gatehouse site is found. (CB6_501) (Brewer_302)

Response: As part of the final design for the proposed project including the location of the proposed interceptor gate house, the City is developing a plan that minimizes the effects to parking, facilitates traffic circulation, and accommodates pedestrian and bicyclist's safety and accessibility. As described in DEIS Chapter 6.0, "Construction Overview," detailed Maintenance and Protection of Traffic (MPT) plans will be developed as part of the final design process. These plans will be review and approved by NYCDOT's OCMC.

Comment 188: An operational plan needs to be presented for ambulance access to the First Avenue "hospital row" corridor when barriers are deployed and water runs around the protected Asser Levy Bathhouse and west along East 25th Street and floods along First Avenue as it did in 2012. (CB6_501)

A comprehensive plan on emergency and non-emergency access to Waterside Plaza and adjacent schools when ESCR barriers are fully deployed needs to be developed. (CB6_501) (Brewer_302)

LESPP advocates that New York City Emergency Management remain the agency that coordinates management of the flood gate at Montgomery Street and any other gates that require human intervention. (LESPP_348)

Response: As stated in DEIS Chapter 5.9, "Transportation," during storm event conditions, transportation systems would be managed in coordination with a plan to be developed with input from City's Emergency Management Department (NYCEM), NYCDOT, New York Police Department (NYPD), New York City Fire Department (FDNY), NYC Parks, and other City and state agencies including the Metropolitan Transportation Authority (MTA). Once a design storm impact on the City is determined to be increasingly likely, NYCEM would begin its emergency preparedness actions to ensure that transportation routes critical to evacuation are managed in accordance with that plan. Should evacuations be required as a result of an impending design storm event, closure of the proposed closure structures would require management of traffic circulation patterns in coordination with NYCDOT, NYPD, and FDNY. Under these conditions, once activated, the closure structures at East 23rd Street and the west service road would affect access/egress to Waterside Plaza. Traffic management to allow for circulation of emergency vehicles and local Waterside Plaza traffic would therefore need to be implemented and maintained by NYPD, FDNY, and NYCDOT. These and other measures, as needed, would be addressed in City's operation and maintenance plans for the proposed flood protection system.

Comment 189: The priority is protection of residents and their homes. The maintenance and operation of the flood gates is a concern; they should be closed well in advance

of a threatening storm. How often will they be tested? A back-up plan in the form of sandbags is suggested. (Tuohy_001)

Response: As described in Chapter 2.0, “Project Alternatives,” an Operations and Maintenance (O&M) Manual will be developed for the proposed system to identify the procedures for deploying, inspecting, testing, and maintaining each element of the proposed flood protection system to ensure that the floodwalls and closure structures remain in proper working order and are ready to perform in advance of a design storm event. In addition, upon completion of construction of the proposed project, the City would submit engineering plans, design modifications during construction, supporting materials (i.e., design criteria, geotechnical data, hydraulic modeling, etc.), a final operations and maintenance plan, and relevant construction data to FEMA to demonstrate compliance with requirements listed in Chapter 44 of the Federal Code of Regulations, Section 65.10 for FEMA accreditation.

Comment 190: What impact will this project have on ferry service? (McGregor_021)

Response: Access and egress to the East River ferry landings in the project area would be maintained with the proposed project.

Comment 191: My primary concern with a deployable berm and/or tie-back wall at FDR and Montgomery Street is how quickly emergency responders from the Department of Transportation and to what proximity to the Vladeck Park neighborhood in the event of an increasingly frequent 100-year flood like Hurricane Sandy in the event that there would likely be a borough-wide transportation shut down. (Halliday_009)

Response: An O&M Manual is being developed for the proposed system to identify the procedures for deploying, inspecting, testing, and maintaining each element of the proposed flood protection system to ensure that the floodwalls and closure structures remain in proper working order and are ready to perform in advance of a design storm event. It is expected that as a storm approaches, street closures near the deployable floodgates would be implemented for public safety, and flood protection system closure structures would be activated. Pre-storm measures would also involve close monitoring of weather patterns by the City Team including NYCEM in advance of predicted heavy winds and storm surge, to ensure pre-storm activities lead to successful flood protection operation during a storm event.

Comment 192: Consideration should be given to expansion of ferry service along this coastline. (Stergis_017)

Response: As part of the Citywide Ferry Service, five additional new routes were added in the summers of 2017 and 2018, and it is expected that routes will continue to be

added in the future. However, these actions are separate from the proposed project.

Comment 193: At the Houston Street crossover, please include a warning light or signage so that traffic is prepared to stop. (Upton and de Aragon_051)

Response: New traffic signals and pedestrian safety elements were installed at the East Houston Street overpass as part of the East Houston Street Overpass project that was completed in 2017.

Comment 194: Is there a way to create a ‘slow family bike lane’ by the river on the west side of the promenade for older and younger bikers? Children cannot learn to ride bikes in a higher-speed ‘commuter’ lane such as the one proposed by the FDR. The lane by the highway could be reserved for higher speed bike traffic for commuters who are not there for the purpose of enjoying the river view. The new park design disregards requests made at community meetings for at least part of the bicycle path to be near the water. Instead of fresh air from the river, cyclists will be breathing fumes from cars, and the experience will be no different than biking on city streets. The designers have no concern for older riders and younger riders. Cyclers will be competing with intense bicyclers only concerned with their workout stats, electric scooters that can go 35 mph, electric bicycles, joggers who prefer to run on bicycle paths instead of by the water, etc. (Upton and de Aragon_045) (K. Weiss_039) (Rios_338) (Weiss_305)

The Preferred Alternative should provide for a strict and enforced separation of pedestrians from cyclists and other motorized conveyances. (Boster_064) (Boster_067) (Boster_075)

Please try to address the issue of bike and pedestrian conflicts in the current plan. There are several locations where bikes and pedestrians are routed into the same areas and this is not only inconvenient but dangerous. The current bike trail along the FDR in East River Park is a major connection on the east side for bicyclists and if all bike traffic is intermixed with the pedestrians this will be a problem. (Smeltzer_125)

The new design puts bicycle path next to FDR not by river and favors commuters on electric bicycles and scooters going up to 39 mph over average cyclists going 8 mph and parents with children etc. There is a well-documented gender gap in bicycling. Cities tend to build bike lanes along direct commuting routes, privileging the needs of workers, often young men, disregarding the needs of pleasure riders, often tourists and women who want a network of safe, connected routes, rather than a few isolated, point-A-to-point-B lines. The new design should foster equity. (Weiss_192)

Response: The City is examining design options for the bikeway/walkway based on community feedback, including at the Community Open Houses held in May and

June 2019 and comments provided on the DEIS. The proposed arrangement with a formal bike path along the western edge of the park and an esplanade along the waterfront allows for many of the same usage patterns as East River Park today. Final design and management is subject to the review and approval by PDC with input and coordination by NYCDOT and NYC Parks.

Comment 195: Support the Community Plan and take it a step further – the community’s earlier plan calls for decking over the FDR Drive and expanding the East River Park. By shrinking the FDR Drive and introducing non-polluting electric buses this becomes even more feasible at the issue of ventilating noxious gases in eliminated. The construction of the flood wall also becomes feasible in or along the FDR Drive by shrinking the number of lanes from six to three. (Brandstein_083) (Branstein_329)

If we were to eliminate the FDR Drive, or at least take away two lanes, we could build a contiguous berm to protect our neighborhoods through the whole project area or the whole east side if you want to be proactive. Shrinking or eliminating the FDR Drive would contribute to eliminating air pollution and emissions that lead to climate change. Light rail could also be considered. (Billings_328) (Tainow_350)

FDR Drive must be part of any resiliency plan for our communities. Robert Moses designed the FDR Drive as an integral element in a new vision for New York. But this extravagant vision of a car city is a dead-end for our 21st century climate crisis. The FDR Drive provides six-lanes of highway for an endless stream of noisy gas guzzling cars which carry an average of only two occupants per car. This means that more than half of each vehicle is unoccupied. In the midst of a climate emergency why should we continue to enable this extravagance with six lanes of under-occupied polluting vehicles? At the same time the residents of New York City Housing Authority and other developments along the FDR Drive live in a transit desert with limited bus service and subways too distant for easy access. It is time to replace car lanes with dedicated bus lanes on the FDR Drive and put the residents of our communities first by providing clean, non-polluting electric buses to speed riders downtown and uptown on the Drive. By substituting electric buses for cars we will be able to shrink the FDR Drive from six lanes to three lanes and provide the needed room to build a flood wall without interfering with Con Edison’s utility lines; one of the City’s primary objections to the earlier community resiliency plan. (Brandstein_083)

Response: As stated in DEIS Chapter 1.0, “Purpose and Need,” Hurricane Sandy underscored the City’s need “to increase its efforts to protect vulnerable populations and critical infrastructure during extreme coastal storm events.” As described above in sections addressing comments on Purpose and Need and the Alternative Considered, permanently reducing the number of travel lanes on the FDR Drive to install dedicated bus or bike lanes is beyond the scope of this project.

Comment 196: A study of traffic scenarios during a storm event must be approved by the CBs before the completion of the ESCR project. This study must include information on road closures, public transit, parking, and evacuation scenarios for residents and businesses in the vicinity. (Brewer_082)

Directly and promptly announce road closures to the community. (Brewer_301)

Response: As stated above, an O&M manual is being developed for the proposed flood protection system to identify the procedures for deploying the proposed flood protection system during a storm event and the periodic testing of the proposed system. As stated in DEIS Chapter 5.9, "Transportation," the extent of effects on transportation systems during storm deployment conditions would be managed in coordination with a plan to be developed with input from NYCEM, NYCDOT, NYPD, FDNY, NYC Parks, and other City and state agencies including MTA for coordination with respect to transit operations. Once a design storm impact on the City is determined to be increasingly likely, NYCEM would begin its emergency preparedness actions to ensure that transportation systems critical to evacuation are managed in a coordinated manner. Should evacuations be required as a result of an impending design storm event, closure of the proposed closure structures will require management of traffic circulation patterns in coordination with NYCDOT, NYPD, and FDNY.

Comment 197: An exit ramp shall be modified to provide a legal left turn onto Avenue C at the East 18th street traffic signal, with appropriate signage for improved pedestrian safety. (Brewer_082) (Brewer_302)

Response: Vehicular access at this location was assessed as part of the design process. The northbound FDR Drive off-ramp at East 18th Street currently has two westbound right-turn lanes just north of East 18th Street forcing all exiting traffic onto northbound Avenue C. Placing a break in the median on the north leg of the intersection on Avenue C was considered to allow a westbound left-turn from the northbound FDR Drive off-ramp onto southbound Avenue C. However, given constraints in the pedestrian crossing time needed, location of pedestrian crossing desire lines, presence of bike lanes, and vehicular signal timings and lane configurations, it was determined that the proposed modification to allow a westbound left-turn from the northbound FDR Drive off-ramp onto southbound Avenue C could not be implemented without causing significant adverse traffic or pedestrian effects or affecting pedestrian circulation and safety.

Comment 198: The design at Corlears Hook Park Bridge and the amphitheater should consider how pedestrian, bicycle, and vehicular traffic moves through Atlantic Houses. (Ortiz_310)

Response: The redesign of the Corlears Hook Park Bridge will not divert or affect the movement of any existing travel patterns by pedestrians or bicycles through Atlantic Houses.

Comment 199: Post construction will not only displace over 50 cars from our private property for an unknown period, an impact which the City has yet to make any offer of relocation or mitigation, but would also totally cut off access to our maintenance garage and prevent access to all our garbage, recycling, heavy digging and snow removal trucks and equipment, and obstruct the power plant's second means of egress. How do we pick up over 80 tons of garbage a week from thousands of apartments? Clear dozens of blocks of snow or have our heavy equipment to fix underground steam leaks in order to provide heat and hot water to over 7,500 people? Where do we park over 50 cars and all our co-op service vehicles that are now parked on private property? For over a year, we've asked the City for a practical solution to these significant and negative adverse impacts but we've yet to engage on a substantive basis. (Altman_302) (Gentaviso_303) (Wolman_304)

In addition, it was asked that cars abutting our buildings 3 and 4 be moved three to four feet closer to the building line, which would impact quality of life for residents certainly. (Gentaviso_303)

Response: While there would temporary displacement of parking during construction, this displacement is not expected to materially impact circulation and parking at the East River Houses property once the improvements to the system are installed. The City will continue to coordinate with East River Houses Corporation on the project designs and the construction period phasing and design activities within the Corporations' property to ensure that impacts on the property and disruptions during construction are minimized to the extent feasible and that access to essential services as cited in the comments, including access to equipment, utilities, maintenance vehicles, and operational systems that are essential to the functioning of East River Houses is maintained.

Comment 200: The traffic counts aren't fresh. CB6 ESCR Resolution – June 2019 states: “Since the current waterfront is a major pathway for both pedestrians, runners and cyclists alike, and CB6's independent usage counts showed higher usage counts than what was listed in the Draft Environmental Impact Statement...” Indeed, there is no mention of the two Ferry docks which opened in 2018, which will remain open throughout the construction period. Why is ferry access being prioritized, and at what cost? (Brawer_095)

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). (ERA_158)

Response: The traffic, bicycle and pedestrian data presented in Chapters 5.9, “Transportation,” and 6.9, “Construction—Transportation,” were reviewed and approved by NYCDOT and are representative of the conditions within and around the project area. As stated above, alternative routes will be identified for cyclists and joggers to access the ferry landings during project construction.

Comment 201: Incorrect Subways: Figure 5.9-1 shows the Delancey-Essex Station F, J, Z, M service is clearly within ½-mile radius, as is the new L Train Station at Ave A and 14th St, yet page 5.9-8 misstates it thusly: “Subway Service Subway service in the area to East River Park is limited as only the F train stops within ½-mile of an East River Park access point, at the East Broadway Station. However, the J, M, Z, L, and No. 6 subway lines make stops approximately 0.60 to 0.75 miles away from the nearest East River Park access points and have been excluded from the discussion below.” (Brawer_095)

Response: The closest entrance/exit to the Delancey-Essex Street Station from the East River Park is at the corner of Delancey Street and Norfolk Street, which is outside of the ½-mile boundary. Similarly, access/egress to the station from Montgomery Street is also beyond ½-mile based on the available walking routes. With the addition of the two new stairways at Avenue A, the First Avenue Station is also within ½-mile of the East River Park and Chapter 5.9, “Transportation,” in this FEIS has been updated accordingly.

Comment 202: Table 5.9-3 reports crash data from 2015 and 2017. Crashmapper.org provides data through the most recently completed month. Update data in the EIS. (Brawer_095)

Response: The latest three years of verified crash data available from NYSDOT at the time the DEIS analysis was prepared were used in the Vehicular and Pedestrian Safety assessment and no updates are needed.

Comment 203: Page 5.9-8 describes the Bike Lane Network, without indication of type of Bike Lane. Table 5.9-4 shows crash data. Protected bike lanes and reduced traffic speeds around park entrances, such as Houston Street, especially east of Avenue D, near schools and where crashes are common, and safety measures that prioritize Vision Zero goals, must be studied. (Brawer_095)

Response: In the roadway descriptions, the bicycle lanes were not distinguished between protected versus standard for the sake of simplicity, and because only the width and not the type of bike lane affects roadway capacity. DEIS Chapter 5.9, “Transportation,” includes a subsection on Vision Zero within the Vehicular and Pedestrian Safety Evaluation section, and identifies Vision Zero corridors. There was one high crash location identified, First Avenue and East 23rd Street, which was also on the 23rd Street Vision Zero priority corridor. Several safety improvements for that intersection are recommended in the chapter.

Comment 204: With the speed limit now reduced to 25, speed limit signs on the entry points will help reduce motor vehicle crashes and confusion. South Street has new bike and pedestrian lanes; however, multilingual signage is needed as pedestrians don't use the raised sidewalk next to the roadway. (Brawer_095)

Response: Chapter 5.9, "Transportation," addresses safety concerns by conducting a Vehicular and Pedestrian Safety Evaluation following *CEQR Technical Manual* guidance. A description of the Vision Zero Initiative is included, as well as a high-crash screening evaluation and recommended safety improvements. Signage that is needed to provide adequate and safe transportation movements during the operation of the proposed project will be addressed as part of the project's final design.

Comment 205: Numerous elementary schools whose streets intersect Ave C, this redesign poses safety risks for school children who cross Ave C & 12th St, Ave C & 6th St, Ave C & 4th St, Ave C & Houston, Pitt St & Stanton, Pitt St & Delancey intersections for the speedy bicycle commuters. Crossing Guards do not monitor all of these intersections. (Ryan_136)

Response: As described in the DEIS, the proposed Preferred Alternative would not significantly affect operational traffic patterns in the area.

Comment 206: Can speed bumps be installed along South Street between the exit ramp of the FDR and Montgomery Street? Once the wall is constructed, those vehicles making a right turn from South Street onto Montgomery Street will now have an obstructed view of the pedestrian traffic along the Montgomery Street sidewalk. The speed bumps will force those vehicles speeding to make the right turn before the light turns red, to slow down. (Smiler_132)

Response: Since the proposed flood protection system would be on the interior side of the sidewalk and the intersection is signal controlled, it is not expected that installation of the proposed floodwall would result in an unsafe turning movement at Montgomery Street that requires speedbumps. Speed bumps and the newer speed cushions (specially designed speed-bump like treatment that DOT is installing on select bus and truck routes), have helped to reduce speeding vehicles and have been a critical part of Mayor de Blasio's Vision Zero effort to decrease traffic fatalities and injuries across the five boroughs. DOT may evaluate the feasibility of installing speed reducers along this segment of South Street after construction is complete. There are a number of criteria that will be taken into account including the physical inventory of the street, travel speed, and vehicular volume.

5.10 NEIGHBORHOOD CHARACTER

Comment 207: There will likely be an increase in crime during the construction period due to a lack of outdoor space that provides an ‘outlet’ for many people. This could lead to an increased police presence, particularly around NYCHA housing. More arrests will lead to more hardship on families who are already caught up in the criminal justice system. A record should be kept of arrests and police activity to ensure the ESCR project does not adversely impact the neighborhood. (Johnson_041)

Four years without a park is enough time that people will create new habits, which won’t have to do with green space. There are many after school organizations in our neighborhood that will be stressed as a result. Funds should be provided to neighborhood organizations that give people healthy places to go and things to do after school, on weekends, and during summer. (Johnson_041)

Separating the park from the bike lane would remove an important deterrent from crime, since the continued parades of bikes and runners (with their eyes and ears) along the park now is a barrier to crime which would not exist if that were separated from the park.(Garland_156)

Response: As detailed in Chapter 5.3, “Open Space,” there are 30 publicly accessible open spaces in the study area (a ½-mile distance from the boundaries of Project Areas One and Two), which collectively total 86.65 acres. In addition, there are non-profit youth programs available to neighborhood residents. NYC Parks has committed to implementing a number of neighborhood park and recreational programming improvements and measures to minimize the effects on open space during the construction period. These measures include: accommodating youth permit users within existing facilities under the NYC Parks jurisdiction; working with other entities with open space resources, such as the New York City Department of Education (DOE) and NYCHA to identify recreational resources that may be opened to the community during construction; implementing a Lower East Side greening program and planting up to 1,000 trees in parks and streets and up to 40 bioswales; purchasing solar lighting to be used at six Lower East Side parks to extend playing time at fields for permitted use during construction; improving the synthetic turf at seven park locations; installing new sports coating at seven sites; painting playgrounds and park equipment at up to 16 parks; enhancing existing Parks barbeque areas; identifying alternative tennis locations; increasing staffing for recreation, maintenance and operations; and exploring open space improvements at Waterside Pier. In addition, NYCDOT would re-route bicyclists to the on-street bike network, primarily the protected bike lanes along First Avenue and Second Avenue, as well as those on Allen Street/Pike Street and Clinton Street and is committed to expanding the City’s bicycle network, including adding more protected bike lanes. Furthermore, the City is assessing opportunities to open parts of East River Park as work is completed.

These measures are described in greater detail in FEIS Chapter 6.2, “Construction—Open Space.”

Comment 208: The DEIS does not take into consideration that the neighborhood character will be negatively affected during construction for however long and many years the project may take. Overall, the DEIS conclusion of no anticipated substantial changes in neighborhood character incorrect and incomplete. (Ip_325)

Following the current plan to close the park in its entirety and uproot every tree will seriously dent the character and morale of the neighborhood. (Chako_085)

I will be affected by the loss of culture in the neighborhood while this new sanitized park is being built. People of all incomes and backgrounds currently use the park and get along wonderfully. It’s what makes the Lower East Side special and that is slowly but surely being dissolved block by block. Taking away our park takes away my ability to mix with people of all different cultures, incomes, and backgrounds. If you close it down for years on end, this sense of community will forever be lost. The new, gentrified, sanitized Park your current plan envisions will be just that. The culture will be gone. (Kramer_182)

Response: Temporary adverse effects relating to increased traffic, noise, and views of construction activity would occur in the immediate vicinity of the project areas. During construction, the area immediately surrounding the project area would be subject to added traffic from construction trucks and worker vehicles and partial sidewalk and lane closures. In addition, staging activities, construction fencing, and construction equipment would be visible to pedestrians in the immediate vicinity of the project areas. However, these adverse effects would be localized, and confined largely to streets surrounding the project areas. MPT plans would also be developed for any temporary sidewalk, lane, and/or street closures. In addition, measures to control noise, vibration, and air emissions would be implemented during the construction of the proposed project. Therefore, since these effects would be temporary and localized, with management plans and controls to be implemented by DDC during construction, it was concluded that construction of the proposed project would not result in significant effects to neighborhood character. An assessment of the neighborhood character effects during the construction of the proposed project has been added to Chapter 5.10, “Neighborhood Character,” of the FEIS.

As described in DEIS Chapter 5.10, “Neighborhood Character,” upon completion of installation, the Preferred Alternative would provide flood protection, increased park access and circulation, and enhanced and fully reconstructed open spaces in addition to resiliency measures necessary to protect the majority of East River Park from coastal surge events and periodic inundation as a result of sea level rise. These resiliency measures would enhance park public access, operations, functionality, and usability during pre- and post-storm periods. These additional resiliency measures would not negatively alter or affect current uses or

other features that define the character of neighborhoods in the study area, but would enhance the long-term resiliency of a critical neighborhood asset. Therefore, it was and remains the conclusion of the analysis that the Preferred Alternative would not result in significant adverse effects on neighborhood character.

Comment 209: It is stated in the DEIS that under the Preferred Alternative, is not expected to result in substantial changes in neighborhood character.” (5.10-2 Paragraph above Other Alternatives). I find this to be inaccurate and unfounded. Since the potential impacts on neighborhood character are dependent on other impact areas, there are areas that were not considered in this section that can change the neighborhood character when the project is complete. Impact areas that should have been part of the neighborhood character analysis are: a) Historic and Cultural Resources – The destruction of period buildings in East River Park (the Park), including the original track house and the amphitheater, 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 that were donated by the artist G. Lynas 17 years ago, is an adverse effect on a historic and cultural resources regardless of what will be replacing them. b) Natural Resources – It’s ridiculous to not include this in the NC analysis when the entire Park, a gigantic natural resource will be destroyed for however long the project will take, since everything will be leveled during the construction, all the habitat for the different species will be destroyed. And when the Park is complete, these species might not return since mature trees are not what’s being planted and it will take tens of years for the species to fully return as the trees will take tens of years to mature, to the same way as it is in the Park now. Smaller, shorter trees in place of tall and full trees would be a huge negative impact on the NC. c) Transportation- Congestion pricing 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 NC, but also in the other impact areas such as air quality and public health. (Ip_091)

Areas that were considered for the analysis of the NC were inaccurate and flawed: Open Space – The Park is the largest open space natural resource affected by the ESCR. By excluding from the DEIS important aspects of the Park, such as the water park, and how local residents utilizes the Park, such as river fishing, it diminishes the role the Park plays into the NC and downplays the significance of the loss of the Park during the construction period. b) Urban Design and Visual Resources – Adverse effects due to tree removal will NOT be lessened by the “new” tree plantings. The new tree plantings are exactly what they are, planting of new trees, not the mature, fully grown trees that were removed. Views of the river will be blocked significantly when walking along the side of the Park or on the west side of the FDR since it will be raised 8 to 10 feet. It will be walking next

to a hill. This will be a major change of the pedestrian experience and it was not mentioned at all anywhere else in the DEIS. Another adverse effect that was not included into the Urban Design and Visual Resources assessment, and possibly elsewhere in the DEIS, is the lighting that will be necessary to perform nighttime work in order to meet the timeline. How bright will that whole work area be lit up during the night? What are the mitigations? Additionally, it is ironic that the FDR is stressed to be protected throughout the DEIS when it is only a “S/NR-eligible historic resource” (as opposed to a listed historic resource) and is a major conduit to the climate change problem that brought us to where we are here today. c) Noise – Was not properly addressed during the construction period. It will have an adverse effect on NC if the construction period will be prolonged due to unforeseeable problems and delays. d) Socioeconomics – It fails to accurately assess the adverse socioeconomic impacts of the project due to missing areas of commercial concentrations in the Lower East Side and its inaccurate boundaries; it does not properly address the indirect future displacements both its residents and businesses. (Ip_091)

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: Historic and Cultural Resources – The destruction of period buildings in East River Park, including the original track house, the Fire Boat House, the amphitheater, 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. (ERA_158)

Response: The neighborhood character assessment provided in the DEIS Chapter 5.10, “Neighborhood Character,” examined the full range of impact areas required by the CEQR Technical Manual. As stated above, that analysis has also been expanded in this FEIS in Chapter 5.10, “Neighborhood Character,” to include the construction period effects. This analysis provides a description of the potential project construction effects on open space and recreational facilities, transportation, urban design and visual resources, historic and architectural

resources, socioeconomic conditions, and noise, and how these potential construction effects could affect neighborhood character.

Comment 210: Page 5.10-6, under section East Village and Alphabet City, second paragraph: “Waterfront views are varied in the East Village and Alphabet City. There are limited view corridors from within the Lillian Wald Houses in the southeast portion of the East Village, but more expansive views of East River Park and Brooklyn available at East 6th Street and East 10th Street...” Note: this section does not take into consideration the sidewalk along the FDR, located on the west side of the FDR that starts below Grand Street all the way to 10th Street. An expansive view of the Park and the river can be seen from this walkway across the FDR. Once the Park is elevated to the height of 8 to 10 feet, the view of the Park waterfront will be non-existent for the people walking along this path as well as for all the residents on the low numbered floors in all the housing complexes along the FDR on that side. (Ip_091)

Response: As described in Chapter 5.5 of the DEIS, “Urban Design and Visual Character,” the raised park would block waterfront views in the East 6th Street and East 10th view corridors and from within the Bernard Baruch, Lillian Walk, and Jacob Riis Houses compared to existing views, but these views would be of a landscaped waterfront park and there would be no potential significant effects to these views. At East 6th and East 10th Streets, views to the waterfront would continue to be of East River Park. From the portions of the FDR Drive and FDR Drive service road that run through Project Area One, views would be of East River Park, similar to existing views, although occasional views of the East River would no longer be available.

Comment 211: The DEIS states “...park resiliency measures proposed under the Preferred Alternative would not be expected to create any substantial change in neighborhood character” (page 5.10-11, second paragraph). This is absolutely incorrect. There will be substantial changes to the neighborhood character when the Park is reconstructed and completed. (Ip_091)

Response: As discussed in Chapter 5.10 of the DEIS, “Neighborhood Character,” the Preferred Alternative would not be expected to alter or disrupt elements within the adjacent neighborhoods. With the addition of resiliency features included in the Preferred Alternative, open space within Project Area One would be improved, and the proposed resiliency features would allow for use of East River Park to resume more quickly following a storm event, which would benefit residents of neighborhoods within the study area that frequent the park.

Comment 212: Page 5.10-9, last paragraph: “Similarly, it is not expected that the flood protection features associated with the Preferred Alternative would have adverse urban design effects in the study area. Under this alternative, the majority of East River

Park would be raised and all existing features in East River Park would be reconfigured and replaced, such as the amphitheater, a picnic area, soccer field, basketball courts at Delancey Street, the water play area at Grand Street, tennis courts north of the Williamsburg Bridge, and the existing grill and picnic area at the northern end of the park.” The entirety of the Park to be “reconfigured and replaced” should be emphasized. It should also be emphasized that during the deconstruction and reconstruction, for however long the project may take to complete, will negatively affect neighborhood character, as well as upon the completion of the Park. The elevation of 8 to 10 feet of the park in itself will also negatively affect the neighborhood character. (Ip_091)

Response: As discussed in Chapter 5.10 of the DEIS, “Neighborhood Character,” open space within Project Area One would be improved, and the proposed resiliency features would allow for use of East River Park to resume more quickly following a storm event, which would benefit residents of neighborhoods within the study area that frequent the park. Additional analysis conducted since the publication of the DEIS can be found within Chapter 5.10 of the FEIS, “Neighborhood Character.” This analysis provides an assessment of the potential project construction effects on open space and recreational facilities, and how these potential project effects could affect neighborhood character.

Comment 213: Page 5.10-10, first paragraph: “...Additionally, adverse effects due to tree removal throughout the East River Park and Stuyvesant Cove Park would be lessened by new tree plantings included in the landscape plan for this alternative. Although the proposed floodwalls and closure structures would constitute new urban design features, they would largely be strategically located in areas where there are existing fences and walls, and where the FDR Drive is elevated on a viaduct.” Note: this does not take into consideration once the trees are removed, the neighborhood character will be negatively affected not only during the construction for however long years the project will take to complete, but also the new tree plantings will not be mature, not as the trees that were removed, thereby negatively changing the landscape with insufficient shade throughout the Park and its immediate adjacent areas. It has been studied that urban areas where there are an abundance of trees present, the temperatures are cooler than the areas without trees. Buildings and paved surfaces—such as major roadways, uncovered parking lots and industrial zones—amplified heat, while larger parks and other green spaces cooled down the surrounding areas. (Ip_091)

Response: Additional analysis conducted since the publication of the DEIS can be found within Chapter 5.10 of the FEIS, “Neighborhood Character.” This analysis provides an assessment of the potential project construction effects on open space and recreational facilities, and how these potential project effects could affect neighborhood character. Additionally, NYC Parks has committed to a number of neighborhood park improvements and continues to take suggestions on further meaningful measures that can be implemented quickly to offset the effects of

construction associated with the proposed project. Details pertaining to the tree replacement and long-term maintenance will be developed as part of the project landscape restoration plan. In addition, DDC will have a dedicated liaison team to coordinate and communicate with stakeholders regularly during construction, including relevant information on the replanting plan.

Comment 214: Additionally, under the Neighborhood Character of Table 7.0-2 Summary of Cumulative Effects (40 CFR Section 1508.7), on page 7.0-8 should be as follows:
– Proposed Project Effects: Short-term (Construction): Major adverse; Long-term (Operation): Major adverse due to the elevation of 8 to 10 feet of the Park and its loss of mature trees as well as the socioeconomics of increase of property values
– Effects of No Action Projects: Minor – Cumulative Effects: Major adverse due to the rise in affordability and the displacement of its longtime residents. (Ip_091)

Response: FEIS Chapter 5.10, “Neighborhood Character,” concludes that there is the potential for temporary effects to neighborhood character under the Preferred Alternative due to the extent of displacement of recreational facilities and open space amenities in Project Areas One and Two over the 3.5-year construction period. However, once completed the Preferred Alternative would directly affect East River Park, Stuyvesant Cover Park, Murphy Brothers Playground and Asser Levy Playground in a positive manner by enhancing their design and increasing their accessibility to the public. The Preferred Alternative would also enhance the resilience of open spaces and protect park resources from future design storms. DEIS Chapter 5.2, “Socioeconomic Conditions,” considered the potential effects of the proposed project on residential and commercial market conditions, including rents, and found that the project would not result in significant adverse effects.

5.11 ENVIRONMENTAL JUSTICE

Comment 215: East River Park is the largest park in the Community District and at the peak of construction, over 45 acres of open space would be temporarily lost. This park is used extensively by elders, disabled persons, including sight and hearing impaired and this loss will be disproportionately felt by lower-income communities of color living in the 1/2-mile area adjacent to the proposed project, including: approximately 28,000 residents living in NYCHA developments; approximately 101,000 minority residents (51% of all residents in the study area); and approximately 20% of all residents in the study area are living in poverty. These impacts will also be felt by all nearby residents, nearby CB3 members (including children, parents, elders), youth sports groups, all other sports groups, and the youth of the Lower East Side and their parents rely on East River Park for activities to keep children safe and active. (CB3_500)

The plan of total demolition and closing the entire park for 3+ years is not acceptable. The park is essential to the physical and mental health of many people in the area. (Weiss_066) (Grande and Streeter_065) (Boster_064) (Boster_075) (Habermeier_056) (Brandwein_048) (Cooke_025) (Puls_068) (Rivera_343) (Kasavis_321)

The proposed timeline will leave thousands with a poor quality of life, increase poor air quality and how community input is not valued. Adjacent to the East River Park are about 172,000 residents, 62% of which are people of color, low income, elderly or disabled, and the East River Park literally is the backyard for over 50,000 residents of NYCHA who use this park to escape from the daily stresses of living in deplorable NYCHA conditions and low income communities. (Sanchez_347)

There is a lot of talk about environmental justice, socioeconomic conditions and neighborhood character. Most of the people directly affected by Sandy were Loisaida old timers, many in a low to medium income range, many living in the NYCHA buildings. Where is the environmental justice in depriving us of our heart and lungs, family park and open space for many years when there is a better alternative? The park is the neighborhood living room, without it there goes the character of the neighborhood. (Boster_094)

NYCHA residents are closed off from surrounding communities due to resiliency work currently happening. Communities of color and the NYCHA community lack public parks, as current parks are under construction for five plus years. These communities cannot continue to be in the middle of a construction zone for most of their lives. (Sanchez_340) (Sanchez_347)

There is an estimated total population of 198,549 persons in the study area of which 20.26% are designated low-income and 51.2% identify as people of color. The goal of the ESCR resiliency project is to benefit all members of the community. The project scope declares that no communities of color or low-income communities would be disproportionately affected. However, with huge active construction sites in view of the community, parents are worried that children will access them. I urge the Applicants to ensure that the construction areas are secure and that neighbors are given adequate notice about road and area closures. (Brewer_082)

The LES has very few green spaces, unlike other, wealthier areas of the city, like Brooklyn and Prospect Park, UWS and UES with Central Park, Riverside Park, Carl Schurz Park, and the Greenway near the West Side Highway. I'm not sure if the LES is viewed as expendable in terms of providing green areas because of the lower socioeconomic status of many of our residents, including our neighbors that reside in NYCHA housing that is next to East River Park and our neighbors that live in Chinatown. In addition to closing and destroying East River Park, there is discussion of closing the Elizabeth Street Garden, one of our few green spaces. (Leverett_103)

Generations of NYCHA residents who have celebrated anniversaries, birthday parties, important moments of their lives in this park, who have indelible memories that are called up when they visit a certain grove or the ball fields—it is clear that the destruction of this park reaffirms the message that some New Yorkers are more important than others. (Some NYCHA residents see the planned destruction of the park as discrimination.) (Hirshorn_126)

The first tenet of environmental justice is the participation of the people who will be most affected by the proposed project. In the United States, people of color and poor people are disproportionately affected by environmental disasters, pollution and lack of access to nature. (Hirshorn_126)

The ESCR Project Area also has a substantial low-income and older population. According to the DEIS, 21.4 percent of area households are categorized as low-income. In comparison, 20.3 percent of the citywide population is living at or below the poverty level. There are over 28,000 residents—17.5 percent of the area’s population—living in 26 New York City Housing Authority (NYCHA) developments in the Project Area. Demographically, 55 percent of the area’s population identify as people of color. Based on these conditions, we find the DEIS claim that “no minority or low-income communities or children would be disproportionately or adversely impacted” by the project highly questionable. The area is also home to a number of retirement communities in co-ops and affordable housing apartment complexes. Nearly 26,000 residents, or 16.7 percent of the area population, are 65 years and over. (MAS_130)

According to a New York Times article, temperatures on a scorching summer day can vary as much as 20 degrees across different parts of the same city, with poor or minority neighborhoods often bearing the brunt of that heat. Some of the hottest temperatures were recorded in dense residential neighborhoods with little tree cover and plenty of asphalt to absorb and radiate solar energy. (Berkov_096)

This will disadvantage so many who rely on the green space the park provides, including the many thousands of NYHA residents who live in poorly maintained buildings adjacent to FDR Drive. (Duncan_168)

Some 110,000 mostly low-and-middle income residents living nearby are bearing the brunt of this solution. The plan takes away the one glorious, large, and free place we have. It disregards and disrespects our neighborhood in a way that is unimaginable in a well-to-do neighborhood. That is an environmental injustice. (Arnow_176) (Colby_189)

Response:

As described in DEIS Chapter 5.11, “Environmental Justice,” based on the environmental analyses performed for the proposed project, no minority or low-income communities or children would be disproportionately or adversely impacted under any of the analyzed alternatives including the Preferred Alternative. Rather, residents in the project area, including minority and low-income populations would benefit substantially from the proposed project’s flood

protection and park reconstruction. Therefore, as stated in the DEIS, it is concluded that the proposed project would not result in disproportionate adverse effects with respect to environmental justice.

One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. Additionally, as stated above, the City will continue to assess opportunities to accelerate the construction schedule while meeting the project completion date obligations and examine the potential for safely keeping parts of East River Park open and reopening open spaces as work is completed. Additionally, as described above and in this FEIS, a neighborhood park improvements program will be implemented to provide active and passive recreational areas for the community during construction.

Comment 216: 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. (ERA_158)

Response: No significant adverse air quality or public health effects were identified as a result of the proposed project. Therefore, the proposed project would not result in disproportionately adverse health effects on environmental justice populations.

Comment 217: 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. (ERA_158)

Response: Project Area One would also not be disproportionately affected by the proposed construction for the same reasons as the other EJ populations in the Open Space Study Area. Project Area One is closest to the East River Park but the Open Space Study Area was chosen per CEQR methodology based on the area where the users of the affected open space are located.

Comment 218: 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). (ERA_158)

Response: DEIS Chapter 5.11, "Environmental Justice," discloses that there would be temporary significant adverse direct and indirect open space effects during the construction period that would be partially mitigated. These effects would be felt by environmental justice communities and non-environmental justice communities in the open space study area.

Comment 219: The Draft EIS’s environmental justice analysis and its treatment of impacts to open-space uses, tree canopy and air quality do not meet the requirements of the federal, state and New York City law governing environmental review. Those treatments are also arbitrary and capricious in violation of federal and state administrative law requirements. The City acknowledges that the EIS must meet the requirements of the federal National Environmental Policy Act (“NEPA”), the New York State Environmental Quality Review Act (“SEQRA”) and the New York City Environmental Quality Review process (“CEQR”), which implements the SEQRA statute within the City. Draft EIS at ES-2. NEPA, SEQRA and CEQR all require, among other things, that an EIS provide a detailed statement of both the environmental impacts of a proposed action and alternatives to that action. 42 U.S.C. § 4332(2) (C) (i) & (iii); Environmental Conservation Law §§ 8-0109(2) (b) & (d). SEQRA and CEQR specifically identify short-term impacts as needing evaluation. Environmental Conservation Law § 8-0109(2) (b). SEQRA and CEQR also require that an EIS provide a detailed statement regarding mitigation measures proposed to minimize the environmental impacts of the action. Environmental Conservation Law § 8-0109(2) (f). (James_134)

The decision to undertake one of the alternatives for the Project must not be arbitrary or capricious as a matter of federal or state law. 5 U.S.C. § 706(2) (A); Civil Practice Law & Rules § 7803(3). An action is arbitrary and capricious if, for example, it entirely fails to consider an important aspect of the problem it is addressing. *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). (James_134)

Response: The DEIS and this FEIS were prepared in accordance with NEPA, SEQRA, and the guidance of the *CEQR Technical Manual*. As described in greater detail in the DEIS and this FEIS in Chapter 2.0, “Project Alternatives,” the development of flood protection alternatives began with federal funding allocated for Compartment 1 of the BIG U. Several alternatives were identified, which were advanced to engineering design studies in 2015 and were the subject of multiple alternatives analyses with extensive public input. They have been analyzed in the DEIS and this FEIS, and are entirely directed at the stated purpose and need for the project, to resolve the current and projected coastal flooding threats and adverse effects for the multiple neighborhoods that the proposed project has been designed to protect along the 2.4 mile project corridor.

As described in DEIS Chapter 5.11, “Environmental Justice,” based on the environmental analyses performed for the proposed project, no minority or low-income communities or children are disproportionately or adversely impacted under any of the analyzed alternatives or the Preferred Alternative. Rather, residents in the project area, including minority and low-income populations, would benefit substantially from the proposed flood protection and reconstruction of four parks including East River Park, Murphy Brothers Park, Stuyvesant Cove

Park, and Asser Levy Park. Therefore, as stated in the EIS, it is concluded that the proposed project would not result in disproportionate adverse effects.

One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The residents in the protected areas of both Project Area One and Two would equally benefit from project implementation with commensurate temporary losses of open spaces due to the adverse effects related to construction that are necessary to install the proposed flood protection system and reconstruct the parks, which is the project objective. Neither the design considerations, nor the associated temporary adverse effects associated with construction, are disproportionately skewed towards census tracts with concentrations of low income or minority populations along the proposed project alignment.

As described above and in this FEIS, a neighborhood park improvements mitigation program will be implemented as part of the project to provide active and passive recreational facilities for the community during construction and these improvements will benefit residents in both project areas and the study area.

Comment 220: The Draft EIS's conclusion that the project does not disproportionately impact environmental justice communities appears to be erroneous. The area that the Draft EIS studied for environmental justice purposes is larger than the area that the Draft EIS considers to be affected by the Project and larger than the area near the Project that the State Department of Environmental Conservation designated as potential environmental justice areas. The City's use of this enlarged environmental justice study area appears to reduce the proportion of minority and low-income people who would experience the Project's impacts. For all alternatives, the Draft EIS's environmental justice analysis are not consistent with the requirements of NEPA, SEQRA and CEQR and are arbitrary and capricious. The Draft EIS's Environmental Justice analysis should be revised. The communities that the Project affects are in large part environmental justice communities. The Draft EIS states that 51.2 percent of the people living in the environmental justice study area the City evaluated are minority and 20.26 percent of those people have incomes beneath the poverty level. Draft EIS at 5.11-7. Moreover, the minority and low-income populations in that area are concentrated in the southernmost part of the area nearest East River Park, id, where the vast majority of the Project work and Project impacts will occur. These figures appear to understate the extent to which the Project would affect environmental justice communities. The Draft EIS does not explain why the environmental justice study area used in the Draft EIS extends well beyond both (a) the potential environmental justice areas designated by DEC and (b) the EIS's own open-space impact area. Compare Draft EIS, Figure 5.11-1 (depicting environmental justice study area) with New York State Department of Environmental Conservation, Potential Environmental Justice Areas in New York

County (Manhattan) at 5, available at https://www.dec.ny.gov/docs/permits_ej_operations_pdf/nycountyej.pdf with Draft EIS, Figure 5.3-1 (depicting open space impact area). (James_134)

This inclusion of additional areas in the environmental justice study area appears to reduce the percentages of minority and low-income individuals affected by the Project. In the final EIS, the City should evaluate and rectify this distortion by, for example, at a minimum, calculating the percentages of minority and low-income people in (a) the open-space impact area and (b) the area that is both in the open-space impact area and in the Department of Environmental Conservation's potential environmental justice areas. (James_134)

Response: As noted above, the environmental justice analyses presented in the DEIS and this FEIS were prepared in accordance with all the applicable laws and guidance. As discussed in Chapter 5.11, "Environmental Justice," the study area is the area where the proposed project may cause significant and adverse effects on minority and low-income populations. The identification of minority and low-income block groups in this chapter is based on data from the 2012–2016 American Community Survey (ACS), and covers 135 census block groups, the majority of which are located within a ½-mile from the project area. While the chapter presents the percentage of the study area as a whole that is minority or low-income, the assessment of potential for adverse effects to minority and low-income communities was performed at the census block group level. Additionally, potential adverse effects to the identified environmental justice populations are considered in the technical chapters throughout the EIS (e.g., Chapter 6.2, "Construction—Open Space.")

Comment 221: The Project will disproportionately impact minority and low-income people, and the City's repeated conclusion to the contrary, see, e.g., Draft EIS at 5.11-10 to -13, is incorrect. Accordingly, consistent with the New York State Department of Environmental Conservation's Policy 29 on environmental justice and due concern for the communities that will bear the brunt of the Project's impacts, the City should mitigate any unavoidable impacts so that there is no net worsening of conditions due to the Project at any time, whether during construction or afterward. (James_134)

Per the DEIS Environmental Justice text, "Based on the environmental analyses. No minority or low income communities or children would be disproportionately or adversely impacted for any of the analyzed alternatives [and] that the proposed project would not result in adverse effects with respect to environmental justice." GGHC, a limited equity, low-to-middle income housing development with a large minority population has concerns for its residents who often may not have the ability to travel far for open recreational green spaces. Additionally, since the Preferred Alternative #4 design is to close the entire park for construction, there is an incredible burden upon pre-existing open spaces, none of which will be

satisfactory in scale or amenities. GGHC dwells within Community Board 3 which reportedly has 86.3 acres of open space. The ESCR project will remove approximately 67% of open space for the duration of construction and there exists no solid plan for how to make up for the tremendous loss of open space especially if the park isn't completed in the approximate 3.5 year projected timeline. Of particular concern is where GGHC's large elderly and youth populations will go for their outdoor exercise, sports team affiliations or general open space interactions. In addition to the free open space afforded to GGHC's residents who do not have the economic means to go elsewhere, the East River Park provides a safe haven from vehicular traffic accidents (an important factor when considering the recent increase in pedestrian fatalities in NYC), as well as the fostering of an environment which brings more people out into the public realm. That in turn, can make for safer neighborhoods as the East River Park is a connecting thread for GGHC's community to engage and interact. Therefore, to characterize the proposed project as not resulting "in adverse effects with respect to environmental justice" is glib, insensitive and incorrect. GGHC requests a better mitigation plan. (Smiler_132) (Datz-Romero_328)

Response: The proposed project would not result in disproportionate adverse effects to minority or low-income communities and in accordance with NEPA, SEQRA, and guidance from the *CEQR Technical Manual*. Chapter 5.11, "Environmental Justice," of this FEIS also summarizes the mitigation measures of the project.

6.0 CONSTRUCTION OVERVIEW

Comment 222: If issues of constructability conflict with best scientific practices, deviations must be justified with data that address why construction can't be completed in stages. (Berkov_023)

How come it is not possible to complete construction in stages? (Alvarez_015)

The City must make a definitive commitment to ensure the phased construction and park reopening for the ESCR project, in a manner that does not impact the overall timetable for park closure and project completion, and the City must provide a complete timetable for the phased construction and park reopening plan, and outline any changes this would create for construction impacts. (CB3_500) (Brewer_302)

The ESCR Project must institute a phased construction timeline for the good of all waterfront users, to prevent unexpected access delays such as those that occurred during the West Street Overpass. (CB6_501)

Plan/phase the construction so that some sections of East River Park can remain open or can be opened as they are completed. (Boster_064) (Boster_067) (Boster_075) (Senter_042) (Guzman_029) (Cooke_025) (Billings_024) (Durend_013) (Puls_068) (LESPP_348)

The community requests for further detail on the project's staged construction periods to provide for the continual use of East River Park, including active recreation fields and running paths. (Brewer_301) (Brewer_600) (LESPP_348)

A phased timeline must be established that would allow for residents to continuously use sections of the park during its construction. This timeline must accurately account for permit approvals, settlement of fill, and the staging plan for the flyover bridge to occur simultaneously. (Brewer_301)

Construction phasing options should be identified to avoid making all 2.4 miles of park inaccessible at once. (Reilly_341) (Benitez_315) (Weiss_305) (Lake_312) (Velazquez_352) (Weiss_356)

The City should carefully review the details of this project to try to work out a compromise so that residents of the Lower East Side can continue to use East River Park without such a long interruption. (Grande and Streeter_065) (Hernan_335) (Unger_317) (Walker_308) (Mumford_314) (Rivera_349) (Walker_357) (Maloney_359) (LESPP_348)

A generation of children will lose access to the largest park south of Central Park. There will be no place for picnics, sports, or school events. Please reconsider this plan. (Westerman_007) (Maloney_359)

The Trust for Public Land urges the City to more fully develop and explain the phasing of construction in East River Park, which would allow for greater open space access throughout the construction period. If construction in Segments 1, 2, and 3 is staggered, baseball fields, a scarce resource in this area, could remain open throughout construction, as there are at least two baseball fields in each segment. Phased construction would also give Study Area residents increased access to other park amenities such as sports fields and courts, pathways, and lawns. However, even with phased construction (or phased reopening), the Preferred Alternative will deprive Study Area residents of significant open space resources for a period of several years. The City needs to consider the creation of new open space as an additional mitigation measure. (Strickland_076)

Serious consideration should be made as to how construction might be phased in stages without adversely impacting the schedule. (Sewell_351)

Please pursue one of the many alternatives that either avoids park closure entirely or closes the one section of the park one at a time. (Chako_085)

I insist that the city work with East River Alliance (<https://eastriveralliance.org/0>) to change the East Side Coastal Resiliency plan so that we gain parts of the parks kept open during the years of construction (as the mayor promised recently!) (Silva_090)

Please don't take this away. Think of a better solution. Provide phasing and allow this park to remain. This current solution it's not a viable one. (Bukhari_098)

I understand the need for protection from hurricanes and other events. But I implore you to consider other options – closing the park in stages rather than all at once, or returning to the initial proposal which calls for an eight-foot landscaped berm. (Ballard_101)

Please come up with a way to avoid shutting down the park all together and save the trees. Closure will be devastating to the community. (Kramer_105)

A 3-year shut down of one of the East Village's most valuable assets seems extreme when perhaps there can be a better solve. Please don't take it away from us for such a long time, it's not viable and not a good idea. (Cuthbert_097)

I urge the Parks Department to reconsider the plan to close the park completely. There must be better ways to protect our east side coastline while also preserving the recreation and the "lungs" of our neighborhood. I urge you to pursue better solutions. (Richardson_129)

I am alarmed by the city's plan to close more than 60 acres of parkland along the East River for at least 3 years. I am very concerned about the serious health and environmental risks, and the lack of transparency and independent oversight feels like something is being foisted upon us residents. I cannot understand or abide the decision to do this at once instead of in phases. There must be a safer way to implement flood protection, one that will foster health and safety for the community. (Katsof_110) (Merris_111) (Wolf_124)

Please find an alternative to closing down the track and the entirety of the East River running path that runners in this city look to use and community utilizes. 3-1/2 years to do this resiliency project after a waste of taxpayer money on the track makes no sense. If sacrifices must be made, find an alternative that doesn't destroy the pedestrian or cyclist community in favor of cars. I live in the community and what is being proposed will ruin the quality of life for many in the community and outside of it. (W_166)

Why not simply work on the East River Park in sections leaving construction areas closed and other parts open to the public. At my age there are no other places where I can ride my bike safely, and I am sure you will be taking the one enjoyment low income people have in this area the city. Why is it so difficult for people to address both sides of the equation? Why does it have to be one or the other? (Palumbo_109)

This project is needed, but must be phased in. Too many members of the community depend on having outdoor space provided by East River Park. Closing the park for 3 1/2 years will be detrimental to our community. I personally utilize the park to maintain my fitness as a runner. It is not safe to run on the street/sidewalk currently, and it will be even worse with the influx of runners due to this closure. (Mante_114)

The current plan that the City is looking to implement will prevent any access to the park for “three years.” I am placing this comment in quotation marks due to the fact that these projects are notorious for dragging on and the actual expected end date will certainly exceed the projection. (Rediker_127)

I can’t understand why the plan isn’t being done in stages, portion by portion. The only way I could support the project is if the project were done in stages, keeping some part of the park open for residents at all times. (Goldberg_128)

We concur with those who have repeatedly called for the reconstruction of East River Park and other playgrounds to be phased or staggered, enabling partial public access during all stages of construction. We recognize that this effort will require substantial coordination and planning. To better facilitate construction phasing, we expect the City to be fully engaged with the Task Force and Community Boards 3 and 6. We also request that the DEIS be revised to include an evaluation of a “Phased Construction Alternative” that would potentially replace the “Preferred Alternative.” (MAS_130)

If the City is absolutely determined to execute Alternative 4, it is my recommendation to phase construction, so that there will be refuges available (for people and other organisms). (Berkov_096)

My preference would be to close and rebuild the park in phases. (Shavlik_169)

If this project really must be done to use up the funding, do it in sections or phases which will keep parts of the park open at all times. (Svercl_173)

A phased construction would allow residents to use parts of the park as other sections are being bulldozed, filled with dirt & then finished. (Horan_180)

The previous plan as of last fall made more sense for the community, with a berm close to the highway and closure of an FDR lane at nights. If continuing with the current plan, it needs to be amended so that only half of East River Park is closed at a time. Project Area One should be further subdivided, with half of the park being completed before moving to the second half. There’s zero reason the community should be deprived of any park for over three years. (Ludinsky_186)

A principal objective of the project should be to make the East River Park, Areas One and Two, a model of coastal resilience that we can all be proud of years in the future – those who visit the park daily and those who are only interacting with the park through this project. Add and emphasize mitigation measures so that a path from North-to-South can be kept open through the entire park during construction, from Montgomery St all the way to Solar One. By closing the park, you leave no safe alternative for bicyclist who commute from downtown to uptown along the East River. This must be maintained, especially as bicycle deaths are on the rise in NYC. And for pedestrians, the park is used for commuting, exercise, and for respite for the harsh conditions in the streets. I propose that the project plan be split up so that a north-south line can stay open

through the entire duration of construction. I believe this is possible because throughout the entire park in Areas One and Two, there are two parallel paths: the river's edge, and the bike path (Area Two)/service road (Area One). I propose that construction be completed in phases, according to these parallel paths, with details to be determined by the General Contractor. In addition, I propose that the design be considered in the following way: Stuyvesant Cove – a combination of flood walls and minor elevation; Area One – split into river's edge, middle of park, and FDR side. In conclusion, the current either/or of flood walls or elevate the entire park needs more finesse in order to be a global model for climate innovation and equity. You know that this park provides immense value to the Citizens of New York, and by closing the entire park, you are using a blunt tool when a finer one is needed. By accommodating these principal objectives and mitigation measures you will see that the best design is one that features a mixture of elevated berms and floodwalls. And the floodwalls can be beautiful, too. (Eshed_188)

Changes that will support biodiversity and the community include: phasing park reconstruction so that some areas of the park are open at all time; and opening park areas immediately upon completion of construction. (Beausoleil_191)

Can it be considered that the renovations be done in phases so as not to eliminate this from residents for such a long time. It is a valuable place for everyone, for exercise, peace, socializing and the beautiful view to name just a few things. A sanctuary of sorts. (Cuthbert_097)

I and urge elected officials and those in decision making positions to find a solution that phases closure of the park and achieves the long term goal of flood security. (Amirault_102)

While I agree that we need flood protection along the East River, especially as a NYCHA resident myself – I believe that this project needs to be conducted in phases. Closing the park in full would be devastating to the many families that use it. Many families along the waterfront cannot afford to head out and travel so they use the park as their vacation spot. (Blasco_112)

The park can be done in stages. There is no reason to do it all at one go. The community's needs need to be taken into account. This is a democracy, start listening to the voters and the people who live here, take our needs into account. (Chowdhury_122)

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. (ERA_158)

In all I have seen and read about this project, I've come across nothing about phasing of the work, except that it has been broken into two huge Phase 1 and Phase 2 projects. I'm talking about sub-dividing these projects into 2 or 3

individual phases that would enable at least some of the park to be partially used while reconstruction work is going on elsewhere. I feel quite certain that community opposition to the plan would be much less if this far more considerate approach were taken. This is an urgent matter having everything to do with the “Environmental Impact” of the project and just as vital, it’s impact on thousands of people who reside in the buildings near the park (Laurin_183)

While of course this is a valid concern, I urge you to think about closing some parts of the park off at a time for construction in a piecemeal manner with different phases. This project should be planned wisely -to allow families to continue to use at least part of, at all times, to save on community negative impact. (Szeto_170)

I am in favor of resiliency work being done in phases. (Weiss_192)

If Alternative 4 is chosen, the construction should be phased to allow tree and ground cover to continue cleaning the air, to moderate the deprivation of open space, and to reduce the amount of coastline vulnerable to storm surges at any one time. Alternative 2, or phased construction of some form of Alternative 4, would preserve much of the tree canopy and mitigate many of the above problems. I’m aware that trees in East River Park were damaged by Sandy and will need to be replaced, but gradual/phased approaches allow this to be done on a rolling basis, continuously maintaining more of the beneficial tree canopy. (Lake_135)

The Preliminary Draft Construction Schedule does not describe any early opening. Segment 3 completes landscape construction in September 2022. Would it open then? It’s only 7.83 acres of space. The esplanade work is scheduled to complete in June 2022. Will it reopen throughout Project Area One at that time? Will the remaining Segments of Project Area One remain closed until fall 2023? (Lake_135)

Response: The analysis of construction impacts as presented in the DEIS and this FEIS is a reasonable worst-case construction scenario for the purposes of fully disclosing construction period effects. One of the City’s priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. In order to meet the 3.5-year construction duration, there must be several simultaneous construction staging locations where expanded work zones, barging, and material storage areas are required. In addition, reconstruction of the sewer lines under East River Park must start immediately to be completed in a timely way. Furthermore, fill must be placed throughout the park early to allow a period for settling and compaction. As the final design and construction advanced, the City will continue to identify approaches that will allow for phased construction, including safely reopening parts of the park as they are completed, as well as developing a robust neighborhood park improvements program that provides active and passive recreational areas for the community throughout. In Project Area Two, the closure of Murphy Brothers Playground, Stuyvesant Cove

Park, and Asser Levy Playground are anticipated to be staggered to the extent practicable to minimize the combined temporary loss of these open spaces. During construction, any fill that is stockpiled on site would be managed using applicable Best Management Practices, including impervious surface covers or temporary seeding for any fill that would be stockpiled on site for extended periods. These measures would reduce erosion or runoff potential in the event of a storm and would provide dust control in dry weather.

Comment 223: The City should commit to a 3.5 construction period with no overruns as has happened before. (Boster_064) (Boster_067)

If the project is not completed in 3.5 years, how much longer will it take for the project to be complete? (Guzman_029)

What guarantee is there than the park will only be closed 3 years? (Alvarez_015)

Concerns that the project will be completed in the time indicated. For decades, East River Park was not available because of construction. (McCormack_038) (Guzman_029) (Westerman_007)

There is no way this process would take only 3 ½ years, as everybody knows (contrary to the lies we are being told). (Weiss_077)

Stop this plan to completely close the park for years and years. (Yozzo_080)

The three-year plan is unrealistic. (Broukamato_333)

Five years have passed yet no construction plan and timeline is available to judge whether the 3.5-year construction period is realistic. (ERPAG_358)

Does not sufficiently take into account that the construction period will most likely be delayed, especially given the humongous magnitude of this project, it is an industrial norm that construction will be prolonged due to unforeseeable conditions and problems, such as weather, conflicts with other infrastructures. (Ip_091)

Con Edison and other possible utility companies that have infrastructure (e.g., pipes, electrical lines, located beneath the Park, known or not yet known. Where are their timelines? Where are their construction schedules? “The exact depth of excavation required for the Preferred Alternative would depend on construction details (e.g., conflicts with other infrastructure), which will be determined during final design.” (Construction—Hazardous Materials p. 6.6-4) How are we supposed to accept the 3.5 years’ time period for project completion when a final design hasn’t been presented? (Ip_091)

We can’t be without a park for several years. Everyone in the neighborhood knows, based on past experience that it could run as long as ten years to complete this project. Even after completion the park will not offer fresh air or any relief from heat and sun for over a generation. That is unacceptable with global

warming, as evidenced this summer right here in the city, already making our lives difficult. (Boster_094)

As a resident of the Lower East Side and almost daily visitor to East River Park for over 20 years, I'm distressed about the revised plans, without community input, to the East Side Coastal Resiliency Project, which includes closing and destroying our world class East River Park for 3.5 years (which will probably be much longer than that if the East Houston Street Reconstruction project is any indicator of timely completion of reconstruction projects). (Leverett_103)

I do not think that this 3.5-year plan for the East River Park has been made in good faith by city officials to affected residents. Everyone knows that the city made a surprise move in replacing the agreed-upon plan, one that had been developed with affected communities over the course of five years, with this new one that was not made with any community input. (Schueler_190)

The DEIS acknowledges that the "build year for the project is 2025." The City already knows that they will not be done by 2023 as they have promoted. (Tainow_139)

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. (ERA_158) (Lake_135)

I have absolutely zero confidence that the new plan can be executed in the time suggested and within the budget proposed, let alone performed in a manner that will be safe for the surrounding community. The idea of losing access to the park for years is completely unthinkable. (Duncan_168)

As a current resident of the Lower East Side that also experienced the effects of Superstorm Sandy first-hand, I am appreciative of the plans to adapt our neighborhood against our changing climate. However, I am extremely concerned about the impacts of how this project will be completed over the next 3.5-5 years. (Leung_171)

Response: One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The Preferred Alternative enables the proposed project to be delivered faster, with fewer construction risks to the schedule, less disruption to the surrounding community, and the protection of East River Park with substantial enhancements to open space, which is in keeping with the community's stated goals throughout the design process. The Preferred Alternative will also allow the City to use the federal grant funds faster and reduce risk of losing these crucial funds.

As described in Chapter 2.0, “Project Alternatives,” the build year for the proposed project is 2025 in consideration of the 5-year construction period for Alternatives 2, 3, and 5. As noted above, the Preferred Alternative would have a 3.5-year construction period. To meet the 3.5-year construction duration, as stated above, construction must be underway at several locations simultaneously with expanded staging, barging, and material storage areas. In addition, reconstruction of the water and sewer infrastructure within East River Park must start immediately to be completed in a timely way. Furthermore, fill must be placed throughout the park early on to allow time for settlement and compaction. To achieve these construction objectives, including delivering the proposed project on time, as presented in the DEIS and this FEIS, it is essential for the park to be closed so that the selected contractor can complete all the work required to provide a flood protection system by the 2023 hurricane season.

Comment 224: As the securing of funding for a flyover bridge at the pinch point and preparations for its construction are now guaranteed, the protraction of its schedule which isn’t to begin until the other parts of the ESCR are in place is an unnecessary disruption to the use of the waterfront and we expect the ESCR revisit the staging plan and look at ways to begin the flyover bridge construction contemporaneously with its north and south improvements (CB6_501) (Brewer_302)

Response: The foundations for the proposed shared-use flyover bridge are expected to be completed in 2023 with the superstructure of the bridge to be completed in 2025. NYCDOT will continue to work with DDC to advance the foundation design and to determine ways to expedite the design and construction schedule of the flyover bridge. In addition, the flyover bridge will be subject to community input and the review and approval by PDC.

Comment 225: The DEIS states that “the City is assessing opportunities to open parts of East River Park as work is completed,” (8.0-4) The exact construction phasing and re-opening proposal should be disclosed and the final plan decided on through engagement with the community and consultation with the Community Board. (CB3_500)

Response: The construction phasing as presented in the DEIS and this FEIS is based on the best available information on project implementation and design that is known at this time to attain the projected 2023 completion year. Construction activities at the East River Park will be intensive and the safety of the public will be paramount. The City will continue post FEIS to assess opportunities to accelerate the construction schedule while meeting the project completion date obligations, examine the potential for safely keeping parts of the East River Park opened during construction, and reopening open spaces areas as work is completed.

Comment 226: The community needs clarity from the City on the potential use of Pier 42 as a staging area during the ESCR construction period. (Brewer_600)

Use the empty, concrete Pier 42 for staging instead of East River Park. (Boster_064) (Boster_067) (Boster_075)

Response: The City does not currently plan to use Pier 42 as a staging area due to the upcoming Parks and NYCEDC improvements. The Pier 42 Phase 1b Upland Park project will bring new public open space to the Lower East Side. The City, through NYC Parks and the NYC Economic Development Corporation (NYCEDC), is currently completing design on the project and construction is slated to be complete in 2021.

Comment 227: Members of CB6 have frequently and explicitly expressed concerns around preliminary construction staging plans for total closure to Stuyvesant Cove Park during construction of the surge barriers and the flyover bridge because of a reluctance of DDC to close any portion of the FDR Drive for any significant length of time. (CB6_501)

Response: Construction activities at Stuyvesant Cove Park will be intensive and the safety of the public is paramount to the City when assessing the need for park closure and opportunities to open parts of the park as work is completed. Chapter 6.0, “Construction—Overview,” presents the schedule for FDR Drive lane closures currently permitted by NYCDOT’s Office of Construction Mitigation and Coordination (OCMC), which shows that overnight closures will be allowed for 6.5 hours during the weekdays and 6 hours and 10 hours on Saturdays and Sundays, respectively.

Comment 228: Concern that this alternative is being pursued to avoid disruption of traffic on the FDR. FDR Drive service is being prioritized over the needs of the community to access the waterfront. (Rosario_059) (Wolfson_049) (Gers_034) (ERPAG_358)

Why is saving the FDR more important than saving the park? (Alvarez_015)

The full shutdown of the park benefits car commuters by preserving all lanes of the FDR rather than shutting down part of the highway for overnight work. But the needs of people who live here and the children who come to school in the neighborhood are shunted aside. (Salmon_144)

This project exists due to climate change. Encouraging people to use motor vehicles is climate change denialism. (Wald_099)

The plan to rebuild East River Park in a way that favors motorists is straight out of the 1950s. Let’s do something modern. (Bowling_100)

Isn’t one of the reasons for this new ‘total destruction’ plan is not to have traffic disruptions? Is anyone addressing the high volume of carbon dioxide producing traffic that is on the FDR, especially when the plan currently being discussed

leaves no protection for residents in regards to the over production of carbon dioxide? (Leverett_103)

Of course, the needs of automobile traffic should be given zero regard, since carbon emissions from automobiles are a large part of the reason for the need for flood protection. The winners in this plan are FDR drivers who are the very cause of the coastal crisis. (Feld_157)

Close the FDR, redesign / rebuild the FDR or dismantle the FDR. Use the FDR as a flood wall for Stuyvesant Town, Peter Cooper Village, East Village, Lower East Side and Two Bridges neighborhoods. If you are radical to review a plan to raze an actively daily used 57.5 acre public park with 981 mature trees and close it for at least 3.5 years, Then you can radically dismantle Robert Moses' FDR and redesign it for 21st Century. (Ryan_136)

I for one would rather preserve the park than the highway. Make your changes there instead. Why does the community have to lose a park instead of drivers taking a difference route or better yet, public transportation? Why does this have to be at expense of century old trees and the environment? No one who actually lives here wants this. Please do not rush ahead with this project. It can be done just as effectively without negatively impacting the natural environment. (McDonnell_117)

Why give precedence to those who take a highway through our home neighborhood rather than the actual people who live there? The FDR Drive should in fact be permanently closed and given over to park land. The flood protection should take place there. Perhaps a light rail could be installed along what is currently the FDR Drive. (LaBarca_147)I would rather have the FDR removed and replaced with a berm, rather than destroy the park. This plan prefers car traffic over park space. (Ferrari_150)

I highly recommend not closing the park and instead closing a lane of the FDR. (Shavlik_169)

The vast majority of people living in Manhattan do not own a car. City planning and priorities need to reflect that. (Wald_099)

Destroying more than 900 fully grown trees while privileging traffic on the FDR will only exacerbate the causes of climate change and remove the natural carbon sink that the park provides. (Richardson_129)

There is absolutely no reason to destroy a park so many people rely on in order to facilitate traffic on the FDR. (Bentley_133)

In a previous version of the plan, the park was not to be buried, but instead the number of highway lanes would be temporarily reduced. I am disappointed in your decision to prioritize the convenience of cars over the wellbeing of the humans and nature that relies on East River Park. (Czarnecka_145)

It seems clear that that earlier plan was rejected because of the desire to avoid the long-term nightly closure of a single lane on the FDR highway. This new plan, which the City is forcing down the throats of our community despite nearly monolithic community opposition, clearly places the needs of night motorists on the FDR ahead of the community residents, including NYCHA residents whose homes will become unlivable for extended periods due to nightly pile driving (again, done at night to favor passing motorists over the community), and who will be subjected to the risk of asthma due to the insufficiently assessed presence of toxins in the soil. (Feld_157)

The traffic needs of FDR highway drivers must be entirely disregarded and carry absolutely no weight at all in any of the plans. (Feld_157)

This plan completely disregards the will of the people in the neighborhood and surrounding areas in favor of cars. It is short-sighted thinking about transportation and the long term issues in the neighborhood. (Colby_189)

It is a real shame that this plan is guided by the main goal of maintaining the level of service on the FDR drive. The FDR drive creates air pollution and the percentage of people sick of asthma living nearby is the highest in the city. Noise pollution, blight. Tear down the FDR drive just like it was done on the west side highway. (Wald_099)

Keep the current park open while shrinking the FDR to two lanes in each direction. Deck over this road at the planned height of the new East River Park. An interim park can then be built here— allowing for park space to be maintained while the existing park is renovated. (Bowling_100)

Why is there no discussion of reducing the lanes of the FDR to reduce the carbon dioxide produced by the vehicles that use the FDR, maybe make it 4 lanes, instead of 6. Trees and flowers do not increase global warming, which can lead to Super Storms, like Sandy in 2012, but cars and trucks do. (Leverett_103)

The needs of non-local drivers are being placed over the needs of the neighborhood. The original plan called for closing portions of the FDR, the new plan does not. (Colby_149)

You could do what Mayor Anne Hidalgo recently did in Paris—ban cars from the river-side highway and turn it into park. This would be too forward thinking and climate-conscious, though. (Bowling_100)

Response: There are a number of benefits to the proposed project including protection of East River Park and a more expedited construction time frame. Given the exceptionally high vehicular volumes on the FDR Drive particularly during weekday daytime hours, and its purpose in providing important and critical access to and along Manhattan’s east side, closing lanes on the FDR Drive for extended periods would significantly increase congestion on interior streets to the point of causing potentially paralytic impacts on the regional transportation network and

negatively affecting residents and businesses in the neighborhoods of Lower Manhattan and Downtown Brooklyn. Moreover, the predicted gridlock could also impede emergency response times and pose a threat to public safety. Therefore, longstanding NYCDOT policy precludes issuing such lane closures on the FDR Drive, except when limited to essential need and in emergency situations.

Comment 229: There must be a protocol established before work begins to allow City agency oversight over decision making for contractors during the construction period, with clear avenues for community input established, in order to mitigate against contractor decision making that disregards the quality of life of area residents, and this must be a condition of any bid or RFP for ESCR construction. (CB3_500) (Brewer_302)

Response: During the proposed project's construction phase, DDC will have a robust community outreach plan in place, including dedicated onsite Community Construction Liaisons (CCL). The CCLs will act as representatives on behalf of DDC and an extension of the DDC Office of Community Outreach and Notification (OCON), tasked with keeping stakeholders informed by identifying, documenting, and resolving issues. CCLs will serve as the liaisons between the community, intergovernmental agencies, utilities, and the project's Resident Engineer, to provide updates and advisories to the community on a regular basis. The CCLs will be working with local elected officials, Business Improvement Districts, and local businesses, and attend Community Board, Tenant Association, and other local meetings to proactively address questions and complaints.

Comment 230: The Preferred Alternative design accelerates construction, but phased access to park and recreational space is essential. To this end, the Applicants should work closely with Community Board 3 (CB3), CB6 and a community task force to plan and manage access for almost 30,000 residents. The task force should include residents, non-profits and business operators in addition to the CBs, and serve as a forum for community input through all phases of the project. The timing of the permit approvals, the time needed for the fill to settle, and the coordination with CB6 for construction of the flyover bridge to be simultaneous with work at adjacent areas must be closely monitored. At the end of the project's completion, all waterfront pier areas must be publicly accessible. (Brewer_082)

Response: One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. In order to meet the 3.5-year construction duration, there must be several simultaneous construction staging locations where expanded work zones, barging, and material storage areas are required. In addition, reconstruction of the water and sewer infrastructure within East River Park must start immediately to be completed in a timely way. Furthermore, fill must be placed throughout the park early to allow a period for

settling and compaction. As the final design and construction advanced, the City will continue to identify approaches that will allow for phased construction, including safely reopening parts of the park sequentially, as well as developing a robust neighborhood park improvements program that provide active and passive recreational areas for the community throughout. As detailed in DEIS Chapter 3.0, “Process Coordination and Public Participation,” a comprehensive public participation program was developed and implemented for the proposed project. This program consisted of several public participation components, all working together to obtain input from interested stakeholders, public officials, and the broader community that lives, works, and recreates at the facilities in the proposed project areas. Three primary avenues to engage the public were used in this process: regularly scheduled Joint Waterfront Task Force Meetings (convened by CB3 and CB6); Community Engagement Meetings/Workshops; and a series of targeted thematic stakeholder meetings. This coordination will continue through final design and implementation of the proposed project.

Comment 231: In the Preferred Alternative, barge delivery and waterside construction will be necessary, and drainage and sewer construction is now proposed to happen largely within East River Park, limiting construction traffic on the residential side of the Park and minimizing the drainage repair work that would have to be done on active roadways that the previous design iteration would have required. Such water-based construction greatly increases the degree of scrutiny the project will be subject to from permitting agencies such as the US Army Corp of Engineers (USACE), the National Oceanic and Atmospheric Administration (NOAA) and the NYS Department of Environmental Conservation (NYS DEC), given the impact that such construction will have on the marine ecology. (CB3_500) (Brewer_302)

Response: The DEIS identified all of the necessary federal, state, and local permits and approvals needed to implement the proposed project (see Chapter 3.0, Process Coordination and Public Participation). Further permitting information related to approvals needed from USACE and NYSDEC was presented in DEIS Chapter 5.6, “Natural Resources,” and Chapter 6.5, “Construction—Natural Resources.” All permits and approvals must be issued prior to the start of construction.

A consultation with NOAA NMFS was reinitiated to reflect the Preferred Alternative as required by the 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 EFH and FWCA species with the implementation of conservation measures. Recommended conservation measures specific to the construction of the Preferred Alternative are discussed in FEIS Chapter 6.5, “Construction—Natural Resources.”

Comment 232: The inclusion of a robust social media strategy should also be implemented to communicate ongoing park closures and project status updates. (CB6_501) (Jones_309) (Brewer_302)

How will construction progress be provided to the community? (Guzman_029)

One DDC staff member should provide oversight, and assure communication, during construction. (Berkov_023)

Regular updates must be provided to the community and include information about the phasing. You must have a community taskforce for the project. (Brewer_301)

The Community Construction Liaisons managed and staffed by a Borough Outreach Coordinator from pre-construction through the project's completion are intended to serve as direct community contacts. They must be available 24/7 through a dedicated hotline and email to report unsafe conditions and log complaints and concerns. The information for this hotline and email must be posted prominently on the construction sites, on social media, the CBs, local elected officials, and on the websites of all involved agencies. (Brewer_082) (Brewer_302)

The overall mitigation plan should include, but not be limited to, information on scheduling, timelines, permitting requirements, transportation for specific youth groups and leagues, and a public wayfinding/signage plan. It is critical that this information be disclosed in the FEIS. (MAS_130)

Response: As stated above and described in DEIS Chapter 6.0, "Construction Overview," DDC maintains an Office of Community Outreach and Notification to conduct community outreach for projects managed by DDC. A team of CCLs would also be available beginning from pre-construction through the completion of the proposed project to serve as contacts for the community and local leaders, and would be available to address concerns or problems that may arise during construction. The CCLs would maintain direct communication with the construction project managers and would be able to quickly troubleshoot and respond to Construction—related inquiries. The CCLs would keep the communities informed during the entire construction period and send out email advisories and notifications, weekly construction bulletins, newsletters, and other forms of information through the Neighborhood Network Notification (NNN) list. The CCLs would also attend meetings held by District Service Cabinet, Community Boards, Elected Officials and other types of community meetings as necessary. The CCLs are managed and staffed by a Borough Outreach Coordinator. In addition, New York City maintains a 24-hour telephone hotline (311) so that concerns that are raised during construction can be registered with the City.

Comment 233: The community needs clarity from the City on the emergency management strategy and mitigation for a storm surge or heavy rainfall event during construction of ESCR (Brewer_600)

What are the potential impacts/damage from a storm that hits the area during construction, when there are no trees remaining? (Weiss_066) (Guzman_029) (Berkov_023)

Temporary flood protection measures must be installed during construction to mitigate storm impacts that would damage the project. (Brewer_082)

This project will make our communities less safe. (Ballard_101)

The city should provide interim flood protection while resiliency planning and work are in progress. (Weiss_192)

The complete demolition of both parks at the same time puts the 3-mile stretch of waterfront at significantly increased risk of storm surge flooding during construction. No protections for lives, property, or the project area itself are included in the construction plan. Chapter 6.0, Construction Overview, describes the constructed elements of Alternative 4, construction methods, and materials transport, and gives a high-level construction timeline. What it does not do is address the risk of, and mitigation for, the very disaster this project is meant to address: an extreme coastal storm event. What if that happens during demolition and construction? The Public Safety section (6.0-27) is only one paragraph long and describes only fences, signs, and flaggers around the sites. There is no mention of precautions for a hurricane or other coastal storm. (Lake_135)

Response: DDC is committed to safe construction sites. For the proposed project, as on all projects, the contractor will be required to develop a Construction Health and Safety Plan prior to initiating construction. This plan will guide all contractor activities to ensure emergency plans are in place in the event of a number of emergency conditions, including a storm event. In the event of a storm, the contractor will be required to safely secure all construction equipment and contain any fill that is stockpiled on site using applicable Best Management Practices, including impervious surface covers or temporary seeding for any fill that would be held on site for extended periods of time. These measures would reduce erosion or runoff potential to the community or East River in the event of a storm and would provide dust control in dry weather. Installing temporary flood protection measures as part of the proposed project could add delays in project design and implementation that could compromise completion of the Preferred Alternative by 2023. Chapter 6.0, "Construction Overview," of the FEIS has been updated to expand discussion of a safe construction site.

Comment 234: How do you plan to protect buildings from flooding in the area during construction? (Billings_008)

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. (ERA_158)

Response: In the absence of the flood protection system, the existing buildings near the project area would remain at risk to coastal flooding during design storm events. One of the City’s priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. As stated above, installing temporary flood protection measures as part of the proposed project could potential add delays that could compromise completion of the Preferred Alternative by 2023.

Comment 235: Will construction work start after 7 AM on weekdays and not leave at 3 PM for their convenience? Make them work longer days or have multiple shifts. (Kaufman_040)

Response: Permissible construction hours are 7 AM to 6 PM on weekdays. FEIS Chapter 6.0, “Construction—Overview,” has been updated to factor in potential weather delays and/or other possible construction delays while meeting the project construction completion schedule, and therefore assumes additional evening and overnight construction and Saturday construction as part of the project implementation. To perform work overnight and on weekends, all the necessary work permits must be filed and approved prior to construction starting.

Comment 236: Concern about noise, air, and dust from construction, and habitat loss of vulnerable and endangered species. (Billings_002)

A detailed plan for noise and dust mitigation needs to be developed all along the construction area, which abuts Stuyvesant Town, Peter Cooper Village, and Waterside Plaza, home to tens of thousands of CD 6 residents. (CB6_501) (LESPP_348) (Brewer_302)

The end of ESCR stops at Montgomery St, which is where PS184 Shaung Wen is located. This summer Shaung Wen’s school yard has been renovated. So the impending construction across the street is sure to affect the Shaung Wen’s school yard as well as how children commute to Shaung Wen. (Ryan_136)

Response: Potential effects to noise, air quality, and natural resources were evaluated and presented in DEIS Chapters 6.12, “Construction—Noise and Vibration,” 6.10, “Construction—Air Quality,” and 6.5, “Construction—Natural Resources,” respectively. The analyses concluded that construction of the proposed project would result in significant adverse effects in noise but not in the areas air quality and natural resources with the implementation of the appropriate mitigation

measures. For example, measures would be taken to mitigate noise effects during construction in accordance with all applicable laws, regulations, and building codes. The Contractor must also comply with Section 24-219 of the Administrative Code and implementing rules codified at 15 Rules of the City of New York (RCNY) Section 28-100 *et seq.* In accordance with such provisions, the Contractor shall prepare and post a Construction Noise Mitigation Plan, in which the Contractor will certify that all construction tools and equipment have been maintained so that they operate at normal manufacturers operating specifications. In addition, the Contractor must implement a noise mitigation training program. The Contractor's certified Construction Noise Mitigation Plan is subject to review and inspection by the DEP in accordance with Section 28-101 of Title 15 of the Rules of the City of New York (RCNY). No construction can take place unless there is a Construction Noise Mitigation Plan or approved Alternative Noise Mitigation Plan in place. Failure to comply with these requirements may result in fines and other penalties pursuant to the applicable provisions of the Administrative Code and RCNY.

Furthermore, as presented in the FEIS, the City has identified additional measures to minimize the effects of construction noise, including:

- For construction activity that would occur during night-time (i.e., 6 PM to 7 AM) and weekend hours within 50 feet of a residence, the $L_{eq(1)}$ noise level resulting from construction must not exceed 80 dBA as measured at the exterior façade of any residential dwelling unit;
- Pile installation activities associated with the floodwall and closures structures that are within 50 feet of residences and the Asser Levy Recreation Center, would produce no more than an 80 dBA L_{max} noise level (i.e., sound pressure level) at a distance of 50 feet. For example, a hydraulic press-in pile installation method would be used instead of the standard impact pile driving method;
- Pile installation activities, where feasible and practicable, would be limited to between the hours of 7 AM and 6 PM. This excludes any activities that need to occur adjacent to the FDR Drive where work would need to be conducted during night time as per NYCDOT's OCMC requirements;
- Using barging for deliveries of construction materials (including concrete) and importing of fill to the project sites, rather than trucks on roadways to from the construction work areas;
- Construction equipment that would operate on barges or within the river would be required to comply with all of the same regulations and commitments as on-land equipment that are subject to the New York City Noise Control Code; and
- Selecting quieter equipment models for equipment (i.e., cranes, generators, compressors, and lifts).

With respect to air quality, measures would be taken to reduce pollutant emissions during construction in accordance with all applicable laws, regulations, and

building codes, including dust suppression measures, idling restrictions, use of ultra-low sulfur diesel fuel and best available technologies.

Comment 237: More details on construction, including means and methods of construction, construction safety, and noise and dust mitigation, needs to be developed and shared for work near East River Housing. (Hadid_332)

Response: Additional details on the anticipated construction activities near East River Housing have been added to Chapters 6.0, “Construction Overview,” and 6.7, “Construction—Water and Sewer Infrastructure,” of the FEIS Potential measures to minimize the effects of air noise and air quality are presented in Chapters 6.12, “Construction—Noise and Vibration,” and 6.10, “Construction—Air Quality,” respectively.

Comment 238: The Statement purports that, “Since the flood protection under this [the proposed plan] is primarily along the existing esplanade of East River Park, there would be less construction disruption and delay along the FDR Drive...” While this illustrates prioritizing car culture over people, it’s not a convincing explanation. If the work can be facilitated largely through the use of barges when excavation would need to be done to the *entire surface* of the park for the proposed plan—both east and west—why couldn’t those same barges be utilized when only the *west* side would require work? It doesn’t make sense that one plan could take advantage of barges for work within the park, while the other cannot. (Sillen_088)

Response: The proposed use of barges to provide materials for construction is separate from the closure of the FDR Drive during construction. As described in DEIS Chapter 6.0, “Construction Overview,” Alternatives 2 and 3 would involve construction of the flood protection system alignment along the FDR Drive, which would require overnight lane closures of the FDR Drive to facilitate construction. Due to exceptionally high vehicular volumes on the FDR Drive during the weekdays daytime hours, closing any lanes on the FDR Drive would increase congestion to the point of causing paralytic impacts on the regional transportation network and negatively affecting residents and businesses in the neighborhoods of Lower Manhattan and Downtown Brooklyn (see also the response above). The option of using barges to transport materials during construction is also applicable to alternatives presented in the FEIS.

Comment 239: Additionally, has there has been any analysis of how the dredging of New York harbor, making it deeper to allow for the safe passage of larger cargo ships under the Verrazano Bridge, impacts the rush of water upstream along the East River during storms? The original plan included salt marshes that provide a natural barricade against flooding; these also hold greater aesthetic appeal than a solid wall of unclear effectiveness. (Schueler_190)

Response: Dredging is not proposed with the project.

Comment 240: Rats are very common denizens of the city. Has this “new” project accounted for the displacement of the rats? They are smart and will find a place to go when the construction starts. The raising of the ground levels by eight feet is going to push many of them inland. This plan is devastating from an ecological perspective (do we even know what chemicals lie on the floor of the East River, and what this project will dredge up?) This is more than a quality of life issue; this is a potential public health issue. (Schueler_190)

Response: As described in Chapter 6.0, “Construction Overview,” as part of the site preparation phase of construction, the contractor would survey and bait the appropriate areas and provide for proper site sanitation. During construction, the contractor would be required to continue this maintenance program, as necessary. Signage would be posted, and coordination would be conducted with appropriate public agencies. The contractor would be required to implement the rodent control program in a manner that is not hazardous to the general public, domestic animals, and non-target wildlife.

Comment 241: The DEIS does not address at all what would prevent heavy construction equipment, especially barges and a “concrete batch plant,” from being lifted by the storm surge and moved around by the floodwaters. Obviously, vehicles can be moved if necessary, but that would require advance warning, which we unfortunately did not have during Sandy. Again, communities along three miles of coastline would be exposed to this risk, as would the project area itself. (Lake_135)

Response: DDC is committed to safe construction sites. For the proposed project, as on all projects, the contractor will be required to submit to DDC for approval a Construction Health and Safety Plan prior and then implement that plan during construction under the supervision of DDC. This plan will guide all contractor activities to ensure emergency plans are in place in the event of a number of emergency conditions, including a storm event.

Comment 242: If the project area is damaged during construction, what is the cost and timeline impact to get the project back on track? (Lake_135)

Response: DDC will be monitoring the project construction to avoid such damages.

Comment 243: East River Housing requests that in addition to performing a proper air quality study, in the event the ULURP is approved and the project ultimately proceeds on East River Housing’s property, that the City engage an independent Environmental Monitor at its sole cost and expense, to oversee construction practices and ensure compliance with best available technology and construction practice requirements with respect to any portion of the construction that is on private property or within 100 feet of private property. The monitor should have the power to stop the job if best practices are not being followed and to keep it

shut down until adequate corrective measures, in the sole opinion of the monitor, have been implemented. The City Planning Commission has required the use of such monitors in large or multi-building, multi-phase projects, such as Columbia's expansion in Harlem or Fordham's at Lincoln Center. These examples provide a useful precedent for a job like the ESCRP that will take many years and affect large areas of the borough's waterfront and associated upland areas. (ERHC_161)

Response: An examination of the potential adverse effects to air quality associated with construction was provided in the DEIS and is also provided in this FEIS in Chapter 6.10, "Construction—Air Quality." The analysis is consistent with the guidance of the *CEQR Technical Manual*. That analysis determined that the proposed project would not result in any significant adverse effects to air quality during construction. Additionally, the proposed project includes number of environmental commitments to minimize and reduce adverse effects during construction that will be incorporated to the project construction documents and monitored during construction by DDC. The construction monitoring and oversight is subject to further discussion as part of the final design process.

Comment 244: On pages 6.0-20 and 6.0-22 of the draft EIS is inaccurate as it refers to a portion of the complex as "the Con. Ed parking lot." This portion of Con Edison's property, located at Block 990, Lot 1, should be consistently identified as the "Workout Facility." The Workout Facility is used to park, access, equipment and dispatch Con Edison service vehicles for service calls and emergency response. The northeastern portion of the complex also contains a storage yard on property owned by Con Edison and on a small City-owned parcel (Lot 90). (ConEd_162)

Response: Comment noted. The FEIS has been revised to use the appropriate terms when referring to the East 13th Street Substation and Workout Facility.

Comment 245: The final EIS should also identify the following existing storm-hardening improvements implemented by Con Edison at the East River Complex: (1) Critical equipment, such as the elevated East 13th Street Substation control room, that was raised or relocated; (2) Submersible equipment that was installed to withstand flooding; (3) Perimeter walls, flood walls and barriers that were constructed or upgraded around critical equipment in the electric substations and the East River Generating Station; (4) Pumps that were installed with redundant power supply and backup generators; and (5) Flood protection measures that safeguard utility tunnels. (ConEd_162)

Response: Comment noted. The FEIS has been revised to identify the storm-hardening improvements implemented at the East River Complex.

Comment 246: We also have concerns related to the delivery of heavy materials via barge from the East River over the lines which presents a serious risk that the Transmission

Lines could be severely damaged and forced out of service. To minimize this risk, the final EIS should provide, in the subsection of Section 6.0 entitled, “Con Edison Utility Fiber Wrapping,” and in Section 6.8, “Construction—Energy,” that the City would obtain Con Edison approval, or would facilitate Con Edison’s direct implementation, of protective measures where changes in grade are proposed during the design and construction of the project. One such example of a protective measure could be carbon fiber wrapping. (ConEd_162)

Response: As described in the DEIS Chapter 6.0, “Construction Overview,” and also in this FEIS, Con Edison would undertake the wrapping of their existing transmission lines located belowground in a protective carbon fiber material. The City would coordinate with Con Edison on all matters related to protection of existing transmission systems.

Comment 247: The draft EIS (page 6.0-22) describes intensive construction activities that would occur on, under and through the East River Complex and the intervening City streets, potentially resulting in serious negative impacts to the safety and operation of public utilities. These potential negative impacts were not identified or evaluated in any detail in the draft EIS, and must be minimized through implementation of measures relating to site security, construction and staging, and sequencing of the work. (ConEd_162)

Response: As described in the DEIS Chapter 6.8, “Construction—Energy,” and also in this FEIS, to avoid conflicts related to site security, construction staging and sequencing, or damage to or disruption of service during project construction, measures would be taken to minimize vibration, to carefully control excavation around existing infrastructure, and to manage the placement of fill and soil stockpiles. Because the transmission lines are highly sensitive to vibration, installation of sheet piles in proximity to the lines could be achieved with a press-in sheet piling machine, rather than vibratory hammer. Vibration monitoring would also be employed to confirm that specified vibration limits are not exceeded. To avoid unexpected utility line strikes or other hazardous conditions, the location of transmission lines would be confirmed via test pits inspections performed by Con Edison. While much of the excavation associated with the proposed project would be performed with heavy equipment, excavation in proximity to the transmission lines would be performed manually to avoid disturbance of or damage to the infrastructure. To maintain the required heat dissipation capacity and ensure functionality of the transmission lines, soil stockpiles and additional fill storage during construction would be located away from the transmission lines.

Additional Con Edison electrical and steam transmission and generation infrastructure in the vicinity of the proposed project—including a head house at the southern limit of East River Park, the East 13th Street Substation, the East River Generating Station, and the fuel transfer pier—would not be disturbed as

part of construction of the proposed project. Con Edison subsurface infrastructure, including transmission and distribution lines located within the ROW may be impacted or need to be relocated. However, the flood protection system for the proposed project would tie into the Con Edison East River Generating Station building north of East 14th Street. Close coordination with Con Edison would ensure that construction activities under the Preferred Alternative do not interfere with operations of these facilities.

Comment 248: Two proposed refinements to the sequencing of project construction would help reduce impacts on utility operations in and around the East River Complex. First, the final EIS should state that construction of the project would start in the southern reaches of Project Area Two and would progress north toward the East River Complex and the East 25th Street endpoint. This would reduce utility impacts by providing the City and Con Edison with additional time necessary to prepare the easement documents and applications requesting PSC approval of the easements; develop sufficient design and construction specifications; and adjust to any unavoidable displacement of utility operations before construction begins. Second, floodwall construction adjoining the Workout Facility should be sequenced so as to reduce the construction footprint and minimize the dislocation of utility vehicles required for utility service repair and emergency response. (ConEd_162)

Response: The phasing and sequencing of project construction as presented in the DEIS and FEIS has been developed with the intent of minimizing disturbance to utilities, recreational amenities, and adjacent projects while addressing the many site constraints and construction schedule. Primary considerations dictating the proposed construction sequencing approach include site access, staging, and adjacent construction projects, while the extent of construction activities that must be completed within a 3.5-year timeline dictate that phasing of construction to keep certain amenities open is infeasible. In particular, the required construction activities, sequencing, and duration of site-wide subsurface sewer construction and placement and consolidation of fill necessitate that substantial portions of East River Park be closed and under construction concurrently. As also stated above, the City has been coordinating with Con Edison since the inception of the proposed ESCR project and will continue to coordinate with Con Edison through the project's final design and implementation to eliminate conflicts with respect to existing Con Edison utilities or operations.

6.1 CONSTRUCTION—SOCIOECONOMICS

Comment 249: Revitalizing the East River Park should create local job opportunities. (Reilly_341) Velazquez_352)

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? (ERA_158)

Response: DDC recognizes the importance of creating sustainable economic opportunities for the local community including NYCHA and residents impacted by Hurricane Sandy. The City's goal is to invest in the community by complying with Section 3 Regulations and require that 30 percent of new hires must be to low and very-low income persons, or residents in HUD-assisted housing, which includes NYCHA residents. To ensure that requirements are met, DDC will mandate the Construction Management and Project Managers to dedicate personnel and assist with strategy, implementation and monitoring of all Section 3 employment, training. The City is also deeply committed to working with local partners to expand opportunities for employment with construction trades in particular.

Comment 250: Any and all businesses within the East River Park that are directly impacted or displaced by the construction of the ESCR project must be offered relocation assistance by the Applicants. (Brewer_082)

Response: NYC Parks will work with the operators of two pushcarts and a tennis pro concessionaire, regarding accommodation options during project construction.

Comment 251: 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. (ERA_158)

Response: An examination of the potential construction period air quality impacts was provided in the DEIS and is also provided in this FEIS in Chapter 6.10-Construction—Air Quality. The analysis is consistent with the guidance of the *CEQR Technical Manual* and the impact assessments performed in other Environmental Impact Statements completed under CEQR. That analysis determined that the proposed project would not result in any significant air quality impacts during construction. Additionally, the proposed project will include a number of environmental commitments to minimize and reduce impacts during construction that will be incorporated to the project construction documents and monitored during construction by DDC. The construction monitoring and oversight, is subject to further discussion as part of the final design process.

Measures would be taken to mitigate noise effects during construction in accordance with all applicable laws, regulations, and building codes. The City has

also identified additional measures since the release of the DEIS that are described in this FEIS Chapter 6.12 “Construction Noise and Vibration,” to minimize the effects of construction noise.

Comment 252: The long construction period will make the value of my apartment go down and will make the LES a much more difficult place to life in. (Kramer_182)

Response: Under CEQR, SEQRA, and NEPA, potential impacts relating to lowered real estate values are considered economic, not environmental, and therefore are beyond the scope of this environmental review. The environmental concern is whether a project would introduce conditions that create a climate of disinvestment at a neighborhood level. The EIS considers potential effects of the proposed project on the residential and commercial real estate markets in the study area, and did not find the potential for significant adverse effects. In addition, construction conditions are temporary, whereas property values are based on the longer-term value of a property. In this respect, the proposed project is expected to maintain property values in the project area by protecting property from potential damage due to future major storm events, and would reduce individual property owners’ costs with respect to flood insurance and the need to invest in flood protection measures at individual properties.

6.2 CONSTRUCTION—OPEN SPACE

Comment 253: In addition to a phased construction schedule, the ESCR Project team should develop additional mitigation strategies that focus on providing access to amenities at existing locations in the district that should include both active uses like exercise or game areas, free for activity spaces for children, and passive elements like landscaping and places to sit and relax. (CB6_501)

Where will area residents go to: play team sports – from area schools and otherwise; ride bikes; jog; play tennis; fish; picnic; meditate; do yoga; relax; etc.? There are 10s of thousands of people who use East River Park on a daily or weekly basis. The Park allows people to spread out. Where are we do to these activities in our neighborhood for 3.5 (or more) years, with its extremely limited number of exponentially smaller parks? Overcrowding will become an even bigger concern once large developments such as 1 Manhattan Square are occupied. (Puls_068) (Rivera_343) (Kasavis_321)

Shutting the park for 3.5 years would drastically impact children, seniors, and residents who rely on these amenities for their physical and mental wellbeing. In addition, this project would close surrounding green spaces, like Murphy Brothers Playground, Stuyvesant Cove Park, Asser Levy Playground, and others. CB6 already has the lowest amount of open space per capita of any community district in New York City. (Brewer_301) (Rios_338)

The mitigation measures identified in 6.2(g) do not effectively address the proposed loss of open space as a result of the closure of the park. If a phasing plan is not workable, please consider closing designated low-traffic streets temporarily (i.e., East 12th Street between Avenues B and C) and installing resources during the construction period. (Rother_004)

To meet appropriate standards, mitigation efforts for the Proposed Project should do more to give residents additional open space access during and after the Project construction period. The Trust for Public Land recommends considering the creation of new public space (as recommended in the *CEQR Technical Manual*) at existing asphalt school lots and on blocks with low street traffic as a potential mitigation measure in addition to improving existing spaces to enhance utility, safety, and capacity. (Strickland_076)

The DEIS considers on-site improvements at existing open spaces such as East River Park a mitigation measure for the effects of construction. But these improvements will mean little to Study Area residents during the years-long closure of East River Park and other city parks and playgrounds. Additionally, on-site improvements will not address the shockingly low open space ratios within the Study Area. (Strickland_076)

The Trust for Public Land also encourages the City of New York to explore additional sites for additional new public parks and playgrounds. The City should use this “Pavement to Playgrounds” model (New York City Comptroller Scott M. Stringer’s recently released report, *State of Play: A New Model for NYC Playgrounds*) to identify and develop potential playground sites in the Study Area, especially as there are many streets with little traffic volume in the Study Area. (Strickland_076)

The DEIS states that “the City is assessing opportunities for improvements to parks and playgrounds in the vicinity,” (8.0-5). While the City has identified Columbus Park, Coleman, Al Smith Playground, Al Smith Rec Center, Little Flower Playground, Tanahey Playground, Cherry Clinton, Hamilton Fish, Corlears Hook, Baruch Playground, Tompkins Square, Dry Dock, First Park, St. Vartan, Robert Moses Playground, and John Jay as locations for improvements, it must explicitly identify all parks and playgrounds are under consideration, which projects are new and not necessarily already in the capital projects pipeline, what the improvements would be, guarantee that the improvements would be funded and disclose the timeline for said improvements. (CB3_500) (Brewer_302)

The Trust for Public Land recommends mitigation in the form of phased construction of East River Park, funding for new parks and playgrounds in the Study Area, and funding for extended hours and increased programming at existing parks and playgrounds. (Strickland_076)

The construction schedule for the different sections of the East River Park, which will be closed for 3.5 years, including the nearby parks of Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground, which will be closed for 6 months to 2 years, should be phased to allow continuous access during the ESCR project. The loss of park access is among my foremost concerns. (Brewer_082)

My office met with a number of local youth leagues that utilize East River Park sports facilities. Removing these facilities would create a financial and physical hardship for sports teams that will have to commute to sports fields outside of their neighborhood during the 3.5 years. The Applicants must work with all local youth sports leagues to identify alternative facilities and provide transportation to these sites. At the completion of the project, the Applicants are to guarantee field priority for local youth leagues. (Brewer_082) (LESPP_348)

Construction should be phased to allow for continuation of youth and adult recreational sports leagues. (Morales_306)

For what is now planned to be three and a half years (2020–2023), and almost certainly will be longer, the open space ratio for residents in the Study Area will range from only 0.27 to 0.30 acres of open space per 1,000 residents. (Strickland_076)

Although we are encouraged by the City’s pledge to assess opportunities for improvements to parks and playgrounds as a potential mitigation measure, we urge the City to make specific commitments to Study Area residents, and to phase construction of East River Park. (Strickland_076)

We need a generous community-driven plan for alternative green space to help offset the enormous loss of closing East River Park. (Sewell_351)

Please reconsider closing the East River Park. It is the only place most people can go for recreation. It’s a place for families to get together (Sanchez_346)

Mitigations are insufficient and/or lacking – Examples include: – “Other than other sections of East River Park, which may also be temporarily unavailable due to construction, there are no comparable shared-use pathways in the ½-mile study area.” (p. 6.2-8) – “Because the proposed project may require a rerouting of the bikeway/walkway along the proposed project area to inland routes, it is concluded to have the potential to result in temporary significant adverse effects for users of the East River bikeway/walkway. Thus, the proposed project would require the development and implementation of a rerouting plan” (p.6.9-5). There is no plan as required. It was advised that all cyclists should use the next nearest major avenues (approximately 1 mile away) where the bike lanes are already overcrowded and unsafe. (Ip_091)

“According to the *CEQR Technical Manual*, on-site improvements are considered a mitigation measure” (p. 6.2-5). This statement is inherently flawed in regards to

Open Space. It does not take into consideration the construction period. This would excuse all mitigations during construction because the end result is the mitigation itself. So the community will have to go without real mitigations until the project is completed, whenever that may be. (Ip_091)

I insist that the city work with East River Alliance to change the East Side Coastal Resiliency plan so that we gain upgrading other parks in the East Side Coastal Resiliency area, along with street tree planting and improvement of underutilized and unused spaces for the good of the communities they belong to. We can't wait years to have places for kids to play and for bikers, runners, dog walkers, seniors, and picnickers to enjoy. Kids' teams in our neighborhood need priority for use of fields—during and after construction. (Silva_090)

The Preferred plan does not really address the impact of closing the park while it's being bulldozed and raised for the duration of the construction time. By impact I mean – for the residents in the area that use the park – the older Asian ladies that do Tai Chi; the families that use the playgrounds & other public areas; the fisherman; & the vast majority of residents that don't have a comparable site to mitigate the loss of the park. (Horan_180)

As one of the city's most highly used parks and key link in the greenway system, the loss of ball fields, running track, pathways, picnic areas, playgrounds, amphitheater, and other components will have a drastic impact on recreational activities and overall quality of life of residents and park users. Therefore, it is paramount that the City minimize the disruption and mitigate the substantial construction impacts. To this point, the level of detail and commitment to specific mitigation for construction impacts, particularly regarding open space, is demonstrably insufficient. For the first step, with public safety and increased transparency in mind, the Applicants must coordinate with the project Task Force, property owners, residents, community stakeholders, and Community Boards 3 and 6 regarding specific construction activities, affected areas, and schedules. (MAS_130)

This park is so important to the community. I go there almost every day and can tell you that it is an important and vital place for families and individuals who live in the East Village, Lower East Side and surrounding areas. For many residents, this park provides critical access to green space and a safe place to spend time. Closing the park for three years (or longer) will have a deeply negative impact on the quality of life for residents in this community. (Ballard_101)

Where will people go for green space and recreation? Sara Delano Roosevelt Park is built between two roadways and would not be safe space for children. (Leverett_103)

Until NYCHA steps in to upgrades its own playgrounds, whatever Parks does will not be sufficient. (Blasco_112)

We live in the neighborhood and the East River Park is the one outdoor space we have access to that enables us to stay healthy and sane. 3 years is a very long time to deprive us of the park. In that time children will grow up, and may fall into violence and addiction without the benefit of outdoor space to play and gather. Older people who use it for exercise will get sick being cooped up indoors all the time. Younger residents will be likely to become alcoholics with no outdoor space to engage in healthy outdoor activity, so they'd be at bars and drink indoors. People need to be able to use the park – if we are cooped up indoors for 3 years this neighborhood will surely see a rise in stress level, violence, and ill-health. (Chowdhury_122)

A serious drawback of Alternative 4 to the citizens of the Lower East Side is that it closes the entire park for at least 3.5 years, leaving very little open space or the community. Where will the kids go for 3.5 years? 3.5 years is a long time in a child's life. (Assuming the work will be completed on time; questionable given past history). (May 131)

I biked my daughters to East River Park four days a week this summer for free Track & Field and Tennis lessons. And as a family, we enjoy East River Park as well as frequently safely bike along its bike path to the Governors Island Ferry and Battery Park. I cannot imagine a summer without East River Park; my family enjoys going to East River Park for picnics and cheer friends on at baseball games, but now our daily commute for sports lessons taken our love of East River Park to a new level. If East River Park closes for 3.5 years that will adversely affect my daughters' prime time childhood. (Ryan_136)

If a D1 high school or middle school has a baseball team, a soccer team, a tennis team, a track & field team or a cross country team, their sports program will be directly affected by the East River Park closure. I am aware that my children's school, PS15 Roberto Clemente, visits East River Park for fun field trips. PS110 Florence Nightingale hosts their end of the Year School-wide festivities in East River Park. So I imagine other schools visit East River Park for fun field trips, too. (Ryan_136)

Negative consequences of closing the park include loss of space for family gatherings; loss of ball fields, tennis courts, track, basketball courts, sprinkler parks for local youth and possible criminalization of kids who might spend more time hanging out on the streets. (Exercise with purpose than be bored / mischievous on street corners); undermining the sports programs of neighborhood schools. (Ryan_136)

The notion of shutting down the park disregards the important social role the East River Park plays in the neighborhoods it touches and connects. (Porteous_141)

There are no adequate plans for alternative green space to be provided to residents and school children during construction. (Salmon_144)

The park is a significant recreational facility for many New Yorkers, and especially for those in adjacent neighborhoods. (Czarnecka_145)

I do not want the park to be closed. My friend's families from the Lower East Side and Chinatown areas have enjoyed the park for years. It is one of the free and accessible green spaces for the immigrant communities and the working class communities in the area and from across the city. (Yang_146)

Please reconsider closing East River Park for 3 years. There must be a better way than to close and destroy the whole park. At least do it incrementally to avoid leaving the whole East side community with no outdoor space or outlet to nature and the river. (Higginbotham_147)

I use the park almost daily. To remove the park for upwards of 3 years is going to impact my quality of life. It's going to impact the entire neighborhood. (Colby_149)

This plan robs our community, including a generation of our children, of use of East River Park for a large percentage of the remaining time that this area will be above water. You will trash millions in recent renovations that already deprived us of use of areas like the soccer field/track, to which we lost over a year of access already to no benefit. The full price is paid by community residents who will lose access to the park for an extended duration, during which time trees will be ripped out, and newly paid-for amenities like the track and field (renovated only last year at a cost of millions plus loss of access for one year) will be destroyed. (Feld_157)

During the project ULURP process, many community members expressed the need for increased parks and open space in the Project Area. Based on the lack of open space resources, and the disproportionate number of low-income, minority, and older residents, we believe the City must work with the community to find opportunities for additional open space after the ESCR is completed. To address this, we urge the Applicant team to coordinate closely with NYC Department of Parks and Recreation, Department of Education, NYCHA, community groups, and non-profits such as the Trust for Public Land and New Yorkers for Parks to work on plans for the creation and activation of new parks and open spaces. (MAS_130)

With the closure of East River Park and the surrounding playgrounds the amount of publicly available open space in the Project Area would be reduced by as much as 50 percent during the three-and-one-half-year construction period. Without use of East River Park alone, area open space would be reduced to less than one-fifth of the citywide average. There are also no guarantees that the highly optimistic construction period would not be delayed. It is clear that project construction will have a tremendous negative impact on a community that is grossly underserved by open space and disproportionately lower-income and older. (MAS_130)

This project will tear up a beloved park for several years and take away a neighborhood resource that myself and thousands of others enjoy. People go

running there, walk their dogs, play with their kids, play sports, and picnic. Without this park, the neighborhood will be starved of open green space. (Nadel_165)

Closing a large park for a long period has a severe impact on the environment of those of us living in the Lower East Side. (Shavlik_169)

Specifically, there are large impacts on open space that don't seem to be addressed adequately or concretely by the DEIS. Up to 5 years is a long time for the few open and green spaces to be inaccessible for our community (Table 6.2-4 Construction Open Space Indirect Effects Analysis – The Preferred Alternative: Summary Table). (Leung_171)

This is a vital piece of our neighborhood as a place for community and family to connect, local youth to keep busy and out of trouble, a commuting pathway, and also a green unbuilt outdoor oasis in this already built up concrete jungle. (Svercl_173)

I will be impacted by having no access to public spaces to walk and exercise my dog, other than the local city streets. I will also be impacted by the lack of play space for children. My nephew plays on many local sports leagues that use the field. What will all the children in neighborhood do in their after-school time and summer time, with no access to basketball and soccer and baseball fields? Will these kids just stand around the street corners now with nothing to do but get in trouble? It could also affect the teenager's ability to get sports scholarships to college, when they have nowhere to play and practice. These leagues also provide stress release and teach kids about responsibility and showing up, all that will be taken away. Telling them to commute to Randall's Island to play is completely unfeasible and unrealistic. The commute is far too long, no one will go and parents can't get there to encourage their kids. Also, I am a jogger for exercise and I will be impacted by this plan by having nowhere in the area to jog on weekends or in the evenings after work for several years to come, which is bad for my health and weight. It will impact my stress levels and there is nothing being offered instead. I cannot run on the streets, stopping at every light and getting in the way of cars and people. I also attend BBQs and parties in the East River areas all summer, all of that will end and we will have nowhere to socialize with people. This is a big part of summer for people who cannot afford to travel in the summer. Where will all these families and friends go? Also, living next to the river, being able to walk over the overpass and look at the river, has been a huge stress releaser in my life. It lets me, and others, breath some fresh air, meditate by watching the water ripple, chat, and socialize with others and be able to deal with the constant traffic on the FDR (in front of my building) and on Grand Street, much better. It's a much needed escape. If you take it away for so many years, I will have no alternative spaces that even comes close to use. (Kramer_182)

Mitigations offered by the City are incomplete and not comparable in quality or quantity to the current open space (6.2-4). 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; and no safe alternative to the track, esplanade, or shared-use path for runners and pedestrians (ERA_158) (Lake_135)

There must be more alternatives for recreation until construction is finished. (Weiss_192)

There are simply no adequate mitigations for the loss of nearly 50% of our open space for at least 3.5 years, especially for youth ball leagues, pedestrians, runners, and families who use the parks as a gathering and celebration space. Preferred Alternative 4 treats the community as if its physical and mental well-being during the years of construction is not important. (Lake_135)

Chapter 6.2, “Construction—Open Space,” says that our community loses nearly half of its open space for 3.5 years. 6.2-4 claims that the city is “exploring” mitigations “to the greatest extent practicable.” However, the few suggested mitigations for specific, heavily used features of our parks are weak or non-existent, and “exploring” does not suggest that finding mitigations is especially urgent. This community thinks it is. In regards to proposed open space mitigation, exercise classes, walking, and gardening are not comparable replacements for the following activities. What are the locations of the 1,000 trees that may be planted in the streets and parks and the plan for keeping them healthy/maintained? Is there funding? What fields may get lighting to allow for extended play durations during construction and how late will these fields be open? How long can the solar lights function in a single day? The park resources that are identified in the DEIS as having the same use type are not accurate. In addition, there are no comparable mitigation options for certain park resources in East River Park (i.e., East River Promenade, East River Reflections Labyrinth, Track and Field Complex, barbeque area etc.). Similarly, there no comparable mitigation options for uses/resources within Stuyvesant Cove Park, Murphy Brothers Playground, and Asser Levy Playground. (Lake_135)

Response: One of the City’s priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The City will continue to identify construction phasing approaches, including those that will allow for phased construction, including safely keeping parts of East River Park open and will reopen parts of the East River Park, as well as developing a robust neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. In order to meet the 3.5-year construction duration, there must be several simultaneous construction staging locations where expanded work zones, barging, and material storage areas are required. In addition, reconstruction of the sewer lines under

East River Park must start immediately to be completed in a timely way. Furthermore, fill must be placed throughout the park early to allow a period for settling and compaction.

The effects of the proposed project on open space during construction were described in DEIS Chapter 6.2, “Open Space,” and have been updated for this FEIS. Since the release of the DEIS, NYC Parks has committed to implementing a number of neighborhood park improvement measures to minimize the effects on open space during the construction period. These measures include: accommodating youth permit users within existing facilities under the NYC Parks jurisdiction; working with other entities with open space resources, such as DOE and NYCHA to identify recreational resources that may be opened to the community during construction; implementing a Lower East Side greening program and planting up to 1,000 trees in parks and streets and up to 40 bioswales; purchasing movable solar lighting to be used at six Lower East Side parks to extend playing time at fields for permitted use during construction; improving the synthetic turf at seven park locations; installing new sports coating at seven sites; painting playgrounds and park equipment at up to 16 parks; enhancing existing Parks barbeque areas; identifying alternative tennis locations; increasing staffing for recreation, maintenance and operations; and exploring open space improvements at Waterside Pier. In addition, NYCDOT is proposing to re-route bicyclists to the on-street bike network, primarily the protected bike lanes along First Avenue and Second Avenue, as well as those on Allen Street/Pike Street and Clinton Street and is committed to expanding the City’s bicycle network, including adding more protected bike lanes. These measures are discussed in detail in Chapter 6.2, “Construction—Open Space.”

Additionally, as design and construction implementation progress, DDC will continue to assess the opportunity to safely open portions of East River Park as work is completed and will provide the community an update if such options become available. Park closures in Project Area II are anticipated to be staggered over the course of the construction minimize the effects on open space to the extent feasible.

Comment 254: Title 1 schools do not have buses to move children to other parts of the city to access open space resources. (CB3_500)

Children in Title 1 schools do not have buses to move them to other parts of the city to access open space resources, and many community members in the city use the amphitheater, picnic areas, soccer fields, basketball courts, tennis courts and water play areas. Community Board 6 (CB6) has the lowest amount of open space per capita of any community district in the city. Removing these vital open spaces to thousands of families and children will significantly reduce their quality of life; and the many schools that depend on the park’s infrastructure for afterschool activities and recreation will also be impacted. (Brewer_082)

Response: NYC Parks has committed to implementing neighborhood park improvements measures to minimize the effects on open space users during the construction period and will continue to take suggestions on further measures that can be implemented quickly to offset the impact of the proposed project's construction. These measures are discussed in detail in Chapter 6.2, "Construction—Open Space" of the FEIS. This includes working with City agencies to explore expanding recreational opportunities within NYCHA, schoolyards, and streets, and providing new open spaces and recreational opportunities. The City is committed to continuing to identify potential options to mitigate the effects of the project and welcomes input from the community.

Comment 255: Millions of dollars in new park amenities, such as a soccer field and resurface running track, which were opened at the end of 2018, will be removed and no longer available for several years. The City should try to avoid wasting taxpayer money already spent on these amenities. (Grande and Streeter_065)

The East River Park Promenade was only completed a few years ago and residents like me who live in the neighborhood with our families are able to benefit from this green space that allows for sports, family gatherings, children's play etc., Closure of this space so soon after spending such a large sum of money is not only a waste, but it also leaves the entire Lower East Side with no space for waterside leisure, play or mental health. (Szeto_170)

Response: Through the Rebuild by Design (RBD) process and the Community Development Block Grant-Disaster Recovery (CDBG-DR) grant award, the City has an opportunity to fully reconstruct open space resources to be resilient to a design storm event. The Preferred Alternative would provide flood protection to East River Park, therefore avoiding the need to incrementally replace deteriorating amenities and the loss of resources to another storm.

Comment 256: The DEIS cites the introduction of new publicly accessible ADA open space at Pier 42, Pier 35, and Phase IV of the East River Waterfront Esplanade project, and recreation improvements at the site of the to-be demolished LaGuardia Bathhouse as mitigating factors to offset the temporary loss of open space. While the LaGuardia Bathhouse site was targeted for active recreation as a direct response to the loss of open space incurred by the East River Park closure, the other projects were set to be completed regardless of the final design and construction plan for ESCR. Parks has also promised a number of improvements to local parks for district wide mitigations and all of which taken together still do not provide full compensation for the tremendous loss of open space that the community will suffer, many of which are already in the pipeline. (CB3_500)

Response: According to the *CEQR Technical Manual*, a way in which open space impacts may be mitigated includes the creation of new public open space elsewhere in the study area. The Pier 42 Park and the Phase IV of the East River Waterfront

Esplanade projects are new public open spaces within the study area. However, these projects, and the acreage they contribute to the study area has already been accounted for in the No Action Alternative and therefore, the Chapter 6.2, “Construction—Open Space,” of the FEIS has been updated to clarify that these projects are not considered as mitigation measures for the proposed project.

As stated above, NYC Parks is committed to implementing neighborhood park and recreational improvements measures to minimize to the maximum extent practicable the effects on open space users during the construction period and will continue to take suggestions on further measures that can be implemented quickly to offset the impact of the proposed project’s construction.

Comment 257: CB6 recommends the following improvements, including improved activation of Waterside Pier with active and passive recreational spaces; activating the parking area under the FDR from East 18th Street to East 23rd Street in ways similar to the current setup at Two Bridges; exploration of the creation of a temporary space on the top level of the Waterside Pier parking garage; the possible use of temporary barges, anchored off existing park areas like Slivka Park and Pier 36, to provide additional active or passive use space. (CB6_501)

Response: NYC Parks is working to assess the feasibility of options to activate Waterside Pier with active and passive recreational spaces. DDC is also working with EDC, who manages the parking area under the FDR Drive from East 18th Street to East 23rd Street, to use this area for construction staging while minimizing the loss of parking spaces during construction. Temporary barges with additional open space areas are not considered an option since barges would be employed along the project area where feasible to support project construction. The City will continue to explore these options. As stated above, as described in updated Chapter 6.2, “Construction—Open Space” in the FEIS, NYC Parks has identified a number of neighborhood park improvements that can be implemented more expeditiously to offset the effects of project construction on open spaces.

Comment 258: The DEIS states that “the City is working with other entities with open space resources to identify recreational resources that may be opened to the community during construction” (8.0-4). These other entities have since been identified as NYCHA, the Department of Education, and the Department of Transportation, and these agencies must come together in consultation with the Community Board to identify and disclose all locations and capacity of these other resources, particularly because many existing local area parks and open space resources are primarily turf and hard surfaces. (CB3_500) (Unger_317) (Walker_308) (Rivera_349) (Walker_357) (Brewer_302)

We write to suggest some specific examples of how the City can partner now with groups such as The Trust for Public Land and local community groups to fund the creation of new parkland and the activation of existing parkland in the Study Area,

in order to get a head start on the mitigation that will be necessary before the start of any construction. We would encourage the funding of other, local grassroots efforts to create parkland as well. (Strickland_076)

Parks must be clear and intentional partners with partners (i.e., NYCHA, DOE, and DOT) and plans to improve spaces on school and public housing grounds must be shared widely and include committed funding for physical improvements and ongoing maintenance for these spaces during construction. (Walker_308) (Walker_357)

With phased construction in mind, it is incumbent upon the City to effectively mitigate to the extent practicable the loss of recreational facilities (i.e., ballfields, running track, playgrounds, tennis courts etc.) and the East River greenway/shared-path during construction. The Applicants must conduct substantial outreach with affected sports leagues, organizations, and other park users to create a plan for the use of alternative facilities, sites, and pedestrian/bicycle path routes. As part of the outreach, we urge the City to coordinate with the Trust for Public Land to identify potential new open space as part of the mitigation measures. This effort should include identifying nearby public school grounds and mid-block spaces on area streets with relatively low traffic. (MAS_130)

Response: The City will continue to coordinate with other entities with open space resources, including DOE and NYCHA, to explore the potential for expanding recreational opportunities within NYCHA, schoolyards, and streets.

Comment 259: The DEIS states that “NYC Parks is exploring providing alternative recreational opportunities throughout the Lower East Side neighborhoods through programs like Shape-Up classes, walking clubs, Arts, greening programs, etc.” (8.0-4) The locations and funding for such programs should be disclosed and discussed with the nearby residents of those proposals prior to enacting them to ensure their feasibility and value to the community. (CB3_500) (Rios_338) (Brewer_082) (Brewer_302)

Please consider more creative ideas for park/open space for the neighborhood while the park is closed, such as closed streets for playing. Much more openness and creativity is needed to meet the needs of young children, teens, adults, and senior citizens during the construction period. (Dyssegaard_012) (Rios_338) (Mafesdes_323)

Nearby parks that have been identified as outlets for displaced activities will not be ready by the 2020 start date of the proposed project. (Johnson_041)

Suggestions for alternative public open space includes Basketball City; expanding the NYC Summer Streets program; activating the underutilized spaces of Waterside Pier; a temporary space on the top level of the Skyport Marina parking garage; the use of temporary barges anchored off of the existing park; and

potentially “green decking” underused spaces such as the Allen Street Malls, the vacant Allen Street building, and beneath Williamsburg Bridge. (Brewer_082) (LESPP_348) (Brewer_302)

The City could consider supporting The Trust for Public Land’s Fitness Zone® program to increase useful open space by placing outdoor gyms in NYCHA developments. The installation of Fitness Zones® within these NYCHA developments would provide residents with additional opportunities for exercise and outdoor activity, partially mitigating the effects of construction in East River Park and other open spaces. (Strickland_076)

The use of NYCHA property should also be considered to create new playgrounds and recreational facilities to off-set impacts. (MAS_130)

Response: As stated above, NYC Parks has committed to a number of neighborhood park improvements to minimize construction period impacts and will continue to take suggestions on additional measures that can be implemented quickly to offset the impact of the proposed project’s construction effects as the project moves into final design and implementation. These measures are discussed in detail in Chapter 6.2, “Construction—Open Space” of the FEIS. As part of this effort, the City is committed to continuing its public engagement efforts throughout each phase of the project construction to minimize potential adverse effects. The City will also continue to coordinate with other entities with open space resources, such as DOE and NYCHA, to explore expanding recreational opportunities within NYCHA, schoolyards, and streets.

Comment 260: Asphalt in Tompkins Square Park is a hub for skateboarding and the arts. Redeveloping this area into an artificial turf field would have a lasting negative effect on the community. (Vasquez_337) (McNally_331) (Ryan_353)

It is imperative that the installation of turf and other renovations be brought to their respective CBs for community input and approval. Recently, the replacement of an asphalt lot with synthetic turf in Tompkins Square Park’s northwest corner ignited a dispute between NYC Parks and the skateboarders that regularly use that patch of asphalt. I ask that 1) the Applicants conduct robust community outreach to mitigate such disputes before finalizing design decisions for temporary, alternative spaces, and 2) that a finalized proposal, map, and timeline for the closure and opening of all proposed, alternative spaces be published for public comment. (Brewer_082)

I am distressed to hear about the city’s plan to destroy the park and its natural ecosystems and to not have anything available in its place for several years. Turning the skateboarders’ spot in Tompkins Square into astroturf does not begin to qualify as a reasonable attempt to mitigate the damage of this plan, and disrupts a vibrant part of the East Village community for no good reason. (Porteous_141)

This plan is poorly thought through. The resulting question of “where to put the fields now” has led to other poor plans such as the Tompkins Square Park ongoing effort to replace the corner of the park used by skaters with turf field – which will just displace the skaters who already lack space in the city. (Mayer_174)

Why is the asphalt on the northwest corner of Tompkins Square Park being replaced with artificial turf as part of this plan? There’s a petition with over 10,000 signatures asking the city not to do this. Why is the city going forward with this plan and how is it in any way relevant to flood protection? (Yerington_178)

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. (ERA_158) (Lake_135)

Response: NYC Parks is taking these comments into consideration as it continues to evaluate opportunities for alternative locations for active recreation that currently takes place in East River Park during the construction period. As stated above, the current mitigation plan for interim recreation during construction is provided in Chapter 6.2 “Construction—Open Space,” of this FEIS. During the construction phase, DDC will have a robust community outreach plan in place, including dedicated onsite CCL for the proposed project. The CCLs will act as representatives on behalf of DDC and an extension of the DDC Office of Community Outreach and Notification, and will be tasked with keeping stakeholders informed by identifying, documenting, and resolving issues, as well as providing regular updates and advisories.

Comment 261: The DEIS states that “the City is exploring purchasing lighting to be used at several Lower East Side parks to extend playing time at fields for permitted use during construction of the proposed project” (8.0-5). While the City has confirmed they will bring the solar lights to Columbus Park, Coleman Field, Sara D., Baruch Playground, Corlears Hook and Chelsea Park, adding an additional four to five hours of field time at some parks during the Fall, it must disclose all parks and fields these improvements would be located at, guarantee that the lighting would be funded, identify whether the improvements would remain at the end of the ESCR construction period, and evaluate the impact of new lighting and playing on any surrounding residential buildings and consult with those local communities and guarantee field priority for local youth leagues. (CB3_500) (Brewer_302)

Response: NYC Parks plans to retain lighting in the parks following construction and will do so in consultation with the community. Project design is ongoing and temporary park elements that could be retained are being assessed as part of the final design process.

Comment 262: The Parks Department must consider the following: commit to prioritizing permits for local neighborhood youth groups both during construction (except where that would conflict with other local park youth groups) and into the future of the East River Park; consider sport facilities such as Basketball City, as sites for open space for children and sports leagues; look at other open space sites in CD3 that have yet to be identified including the Allen Street Malls (CB3's #2 Parks priority), the vacant Allen Street building and the underused lots underneath the Williamsburg Bridge. (CB3_500) (LESPP_348) (Brewer_301) (Brewer_302)

Is there a list of all youth league teams that need accommodation? What is the status of the accommodations? Have all teams been relocated? If not, when will that happen? Will there be any teams that cannot be relocated? (Lake_135)

The Allen Street Mall should be considered for improvement. It is in worse shape than the currently considered Sara D. Roosevelt Park. The Allen Street Mall needs more rehabilitation than most of the current proposed locations cited for improvement while the East River Park is under construction. (Perles_032)

Response: NYC Parks is committed to accommodating permit time for all local youth leagues and is prioritizing local youth groups during construction of the proposed project. Every year, Basketball City donates hundreds of hours of court time to various schools and youth organizations. The apron facing the East River along Pier 36 is an existing public access area that is open daily from 9 AM to dusk 7 days a week. Additionally the esplanade along Pier 35 (eco-park) recently opened in spring 2019. The City will also continue to coordinate with other entities to explore expanding recreational opportunities within NYCHA, schoolyards, and streets.

Although not part of the proposed project, improvements to Allen Street Malls are a continued priority for both NYC Parks and NYCDOT. Although currently not funded, the City will work toward allocating funding to make the necessary capital improvements to complete the rehabilitation of the Allen Street malls that the community has long sought.

Comment 263: What will happen to the area under the Williamsburg Bridge and how will that be maintained? (Billings_008)

Response: The space under the Williamsburg Bridge is protected and is also needed for the anticipated rehabilitation work required for the bridge. That space is secured and maintained by NYCDOT.

Comment 264: Salvage as much of the original biodiversity as possible (easier if construction is phased). (Berkov_023)

Response: The Preferred Alternative would diversify the species distribution of different kinds of native trees for ecological resilience. Diversity of species is the way plant communities work together to be resilient and adaptive. A more diverse native

plant palette has the ability to better adapt to climate change stressors. The planting palette of the park has been selected to carefully respond to key Park resiliency criteria, including providing species diversity, habitat, and the ability to withstand wind and salt spray.

Comment 265: The City must make available temporary water parks or water play features that are available before the first summer season of the Park's closure. (CB3_500) (Brewer_302)

Before the first summer season of the East River Park's closure, temporary water parks or water play features must be made available. Cooling centers and comfort stations in the project area- specifically, at Murphy Brother's Playground- must be included in the final design and not deferred to a later time. (Brewer_082)

To our point of providing necessary recreational space during the resiliency construction, seriously consider placing labyrinths in other parks as they amplify the use of the areas they're set upon. One such location could be Tompkins Square Park which has an excellent area for a labyrinth around a sprinkler used by children for 2 months of the summer. (Carulli_079)

Response: As part of neighborhood parks improvements to be in place by spring 2020 (start of construction for the proposed project), NYC Parks will enhance water play areas in existing playgrounds through measures like painting and sports coating.

Comment 266: Local residents should be provided assistance to access to other open areas, sports fields and city parks, in the form of Metrocards, shuttle buses, free ferry service or other types of transportation or financial support. As the current Preferred Alternative plan prioritizes access to the new ferry facilities that will remain open throughout the construction period, these especially should be made available at a reduced price or no cost to local residents. (CB3_500) (Brewer_302)

Create alternative active and passive sites and provide free transportation to youth if needed. (Brewer_301)

East River Park is the largest park in Lower Manhattan, will the city be providing frequent shuttle service, animal friendly, to Central Park to compensate for the loss of green space? (Leverett_103)

Some of the concerns that have been voiced throughout these meetings, and have not been adequately addressed include: In addition to youth leagues, many local schools use the park for ball practice, track and field, and educational field trips. Where will these activities take place while the park has closed? Have you contacted all local schools to find out what their needs are? It is so unacceptable that local kids have to travel all over the city to practice sports on school nights. I don't think this has ever been addressed. (Frisk_185)

In regards to proposed open space mitigation, Coleman Park is south of the Manhattan Bridge, a 27-minute trip from Riis via bus; tennis at the Queensboro Oval and John Jay are both outside not within ½ mile study area; most of the locations that Parks is looking to improve are outside the 1/2-mile study area and are harder for residents to reach. (Lake_135)

Response: NYC Parks has committed to implementing a number of neighborhood park and recreational improvements measures to minimize the effects on open space users during the construction period and will continue to take suggestions on further measures that can be implemented quickly to offset the impact of the proposed project's construction. This includes working with City agencies to explore expanding recreational opportunities within NYCHA, schoolyards, and streets, and providing new open spaces and recreational opportunities near the project area.

Comment 267: One mitigation that has been disclosed is the addition of BBQ pits at Coleman Playground, and the Knickerbocker Village Tenants Association has indicted that they do not think this is an appropriate area for these pits. (CB3_500)

Barbeques in the Park are frequent and popular with the community. No alternatives have been offered. (Ip_091)

Response: As stated above, the current mitigation plan for interim recreation during construction is provided in Chapter 6.2 "Construction—Open Space," of this FEIS. NYC Parks will not be placing barbeque grills at the Coleman Playground or the Tanahey Playground. The City has spoken with Knickerbocker Village tenants and are aware of the concerns at these two sites. NYC Parks is continuing to explore BBQ opportunities in other locations, in consultation with local residents.

Comment 268: There has not been consensus among the NYC Administration, City Council and State Legislature on whether the Preferred Alternative triggers the necessity of the public trust doctrine on dedicated parkland approval via alienation for this preferred park plan, although on June 11, 2019, Parks provided the Community Board with a letter clarifying their position on alienation, noting that the current plan, including construction within the park, will "further park purposes" and be consistent with New York State's public trust doctrine because it provides flood protection and integral infrastructure upgrades to the park itself, and therefore does not require alienation legislation (CB3_500)

Parkland alienation should apply to the ESCR Project. (Ip_058) (Berkov_023)

Not only do the costs and community impacts of the ESCR project merit the appointment of an expert panel, they also mean that project should be approached with prudence, ensuring that it can proceed without the threat of legal challenges. Based on legal analysis presented to us by counsel for the State Legislature, it is

our belief that a failure by the city to seek parkland alienation legislation leaves the city vulnerable to a lawsuit that could delay the implementation of flood protections and the overall plan. To avoid the delays that a lawsuit would pose, the city should seek the State Legislature’s approval for the project in the form of a parkland alienation bill, which is typically sought by “municipalities wishing to convey, sell, or lease municipal parkland or discontinue its use as a park,” according to New York State Parks Recreation and Historic Preservation’s Handbook on the Alienation and Conversion of Municipal Parkland. (Crawford_316) (Epstein_Hoylman_355)

It should be pointed out that the City’s plan required an alienation of parkland request to the State of New York as the project requires State oversight. The City has failed to make this request. (Brandstein_083)

Parkland Alienation: The spirit of this regulation requires replacement of parkland that is taken away with “equal” land, but the solutions probed in the ESCR plan are at best insufficient, and at most realistic, laughable. Painting surfaces and supplying a handful of outdoor sports field lighting solutions will not provide sufficient sport field space for all the kids who live or attend school on the Lower East Side, in the East Village, or around Stuyvesant Cove, nor will it compensate for space to play, dream, exercise, ride bikes or take in nature. Adults will be deprived of the same things. Childhood is short. High school students (and possibly young children) like my son, a soccer player, who depend on the space provided by East River Park, will not be children by the time the project is completed. There is no local alternative to replace this space. It is absolutely essential that the work be done in stages and that large parts of the park always remain open. (Sillen_088)

Response: Construction activities associated with the Preferred Alternative would be undertaken to maintain, rehabilitate, improve, protect, and/or renovate parkland. This constitutes a closure to serve a proper park purpose, and therefore does not need alienation authorization from the State.

Comment 269: If all of the registered users of the fields will be accommodated elsewhere, then after the re-opening of the park, they will already be situated elsewhere and demand for fields will be lessened. (Johnson_041)

Response: Comment noted. It is expected that most residents would use open spaces nearest to them.

Comment 270: Park to increase resiliency to storms and sea level rise. Under the Preferred Alternative, East River Park, the largest open space in the Lower East Side and East Village neighborhoods, is planned to be closed to the public for a three and a half year construction period. Although other open spaces exist within the Study Area, all of these spaces are far smaller than East River Park, ranging from about

four and a half acres at the largest (Corlears Hook Park) to less than a tenth of an acre, and therefore cannot accommodate the same number of visitors and do not offer the same range of recreational activities. (Strickland_076)

The construction will overburden spaces and facilities remaining open in the Study Area, especially since residents in the Study Area already suffer from a notably lower open space ratio than the citywide median. (Strickland_076)

The surrounding parks and playgrounds, which are supposed to substitute for the loss of East River Park, are all in miserable condition themselves, or closed (half of Tompkins Square Park is closed, with no end in sight; Luther Gulick Park has been “under construction” for years; Baruch field is a disgrace; the East Village community gardens are under threat from a new city contract; even Brooklyn Botanic Garden may soon be under a permanent shadow from rampant development; and so on). (Durand_104)

The DEIS lists the Dry Dock and Tompkins Square as construction mitigation for the basketball half- courts. The Tompkins Square basketball courts are already fully utilized. (Lake_135)

Response: As described in DEIS Chapter 6.2, “Construction—Open Space,” due to the direct effects of temporary displacement of open space resources, the capacity of open space in the area is affected, therefore causing indirect open space effects. An increase in demand for other resources in the study area (within a reasonable walking distance) that would remain available during construction of the proposed project would result in temporary significant adverse indirect effects. NYC Parks has committed to a number of neighborhood park improvements and continues to take suggestions on additional measures that can be implemented quickly to offset the impact of the proposed project’s construction effects. As part of this effort, the City will continue to coordinate with other entities with open space resource, such as DOE and NYCHA, to explore expanding recreational opportunities within NYCHA, schoolyards, and streets.

Comment 271: The activation of existing playgrounds in the Study Area could also serve as a potential mitigation measure. The Trust for Public Land previously transformed two Study Area school lots into community playgrounds at P.S. 15M and P.S. 61M/361/Children’s Workshop School/East Village Community School, and is in the process of building an additional community playground at P.S. 184 Shuang Wen School. (The attached map indicates the location of these sites within the Study Area.) With additional funding, these community playgrounds could remain open to the public for additional hours after school, and offer programs such as gardening and healthy foods curriculums, nature-based math learning classes, or outdoors movement sessions. Mitigation funds could also provide for repairs, maintenance, and enhanced stewardship, allowing the playgrounds to operate more fully as community parks and improving community health. These improvements are consistent with CEQR Technical Manual guidance, as they

would increase the utility, safety, and capacity of open spaces within the Study Area. These improvements could be enacted quickly to partially mitigate for the temporary loss of open space during the construction period. (Strickland_076)

Response: The Trust for Public Land’s (TPL) Green Playgrounds Program would not be considered mitigation for the proposed project as it was a program that was proposed independent of the proposed project. As stated in Chapter 5.3, “Open Space,” the existing playgrounds are not open to the public during non-school hours. Therefore, the playground’s acreage was not factored into the No Action Alternative.

Comment 272: 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” (page 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) (ERA_158)

Response: The temporary effects of the Preferred Alternative on open space and the proposed mitigation are described in detail in DEIS Chapter 6.2, “Construction—Open Space.” The City’s open space planning goals are used as benchmarks to represent how well an area is served by its open space resources. In general, if a study area’s open space ratios fall below City guidelines, and the proposed project would result in a decrease in the open space ratio of more than five percent, it could be considered a substantial change. As presented in the DEIS, the open space ratios would exceed this five percent threshold between the With Action and No Action conditions during construction resulting in the potential for temporary significant adverse indirect effects on open space. This temporary displacement of open space for construction is considered significant since it could result in the overburdening of remaining available open spaces within the study area. These effects and proposed mitigation are described in detail in Chapter 6.2, “Construction—Open Space.”

Comment 273: MAS questions the population estimates used to determine open space ratio projections. The DEIS states that Proposed Project would have a direct effect on East River Park, Stuyvesant Cove Park, Captain Patrick J. Brown Walk, Murphy Brothers Playground, and Asser Levy Playground, but would not introduce a significant new user population. It is not clear if the new population from the proposed projects under the Two Bridges Large Scale Residential Development (Two Bridges LSRD), currently under environmental review, is included in the open space analysis. The projects under the Two Bridges LSRD, which are expected to be completed by 2021, are within Census Tracts 2.01 and 6, which

are in the ESCR Study Area. The Two Bridges plan proposes four new high-rise residential towers, the closest of which (259 Clinton Street) would be approximately 500 feet from the southern boundary of the ESCR. It can be expected that a portion of the additional 6,000 new residents under the Two Bridges plan would utilize East River Park. Therefore, the revised DEIS must clarify if the additional population has been included in the analysis. (MAS_130)

Response: The Two Bridges LSRD Project, comprised of Sites 4 (4A/4B), 5, and 6A, as analyzed in the 2018 FEIS, was assumed to start construction in 2019 and be completed and occupied in 2021. A court has issued a decision preventing the project from moving forward at this time, however, to provide for a conservative open space analyses presented in DEIS Chapter 6.2, “Construction—Open Space,” it is assumed that the open space acreage proposed in that development (0.77 acres) would not be in-place by 2025, but the added population projected for that development has been taken into account in the analysis. A footnote has been added to “Chapter 6.2, “Construction—Open Space,” to clarify this point.

Comment 274: At a minimum, if the City has valid reasons for not phasing construction or, more generally, for closing all of the affected parks for 3 1/2 years, it should set them out in the final EIS. For example, Alternative 2 for the Project, while involving less extensive work, would not require closing all of East River Park, Draft EIS at 6.0-16, and the City should address whether or not it would be possible to reconfigure the work on the preferred alternative so that it could be phased or otherwise reconfigured so that, as under Alternative 2, at least part of that park could remain open at all times during construction. (James_134)

The Draft EIS does not consider whether to phase construction of the preferred alternative in a way that would limit construction at any given time to parts of the East River Park, so that people could still use other parts of that park. Having divided the Project into multiple segments, the City could, for example, first perform construction work on the two northernmost segments, then move to the next two segments to the south, and so forth until the work is completed. While, as noted above; the City says that it is trying to identify opportunities to open portions of East River Park during the course of construction, see, e.g., id. at ES-10, the City should not finalize the EIS and proceed with the Project until it has in fact developed a construction phasing plan or other approach that would leave portions of East River Park and other parks in the Project open for recreation or other uses during construction. (James_134)

Response: One of the City’s priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. To meet the 3.5-year construction duration, construction must be underway at several locations simultaneously and expanded staging, barging, and material storage areas is necessary. In addition, reconstruction of water and sewer infrastructure within East River Park must start

immediately to be completed in a timely way. Furthermore, the placement of the fill used to raise the park must occur throughout the park early to leave time for the fill to settle. As the project design continues to move into subsequent design and construction management phases, the City will continue to seek to identify approaches that will allow for phased construction, including safely reopening parts of the East River Park as quickly as possible, coupled with the proposed neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period.

As stated in the DEIS and in this FEIS, One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. As the project design continues to move into subsequent design and construction management phases, the City will continue to seek to identify approaches that will allow for phased construction, including safely reopening parts of the East River Park as quickly as possible, coupled with the proposed neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. Finally, not all the project area parks would not be closed for 3.5 years and there is a separate phasing plan for Murphy Brothers, Stuyvesant Cove, and Asser Levy Parks in Project Area Two.

Comment 275: For all alternatives, the Draft EIS's treatment of issues relating to open space use are not consistent with the requirements of NEPA, SEQRA and CEQR and are arbitrary and capricious. The Draft EIS does not adequately evaluate or mitigate impacts to recreational and other open-space uses from the project. The preferred alternative for the Project would close, for 3½ years, all of East River Park and other nearby parks that provide major, important open-space benefits to Lower East Side communities and others in the City. Yet the Draft EIS does not indicate that the City has considered impacts of that elimination of open-space opportunities in any detailed way. Nor does it indicate that the City has considered the full extent of possible mitigation for that loss, including phasing of the Project so that at least some parts of the affected parks would remain open throughout construction of the Project. Each year, an estimated 1.5 million people visit East River Park.

Response: The DEIS and this FEIS were prepared in accordance with NEPA, SEQRA, and the guidance of the *CEQR Technical Manual*. All adverse effects were described and disclosed and, where appropriate, the mitigation identified. This FEIS reflects the updates to those adverse effects and any updates to mitigation. The DEIS and this FEIS provide detailed analysis of potential adverse direct and indirect effects of construction on open space and identified significant adverse effects that would be unavoidable and not fully mitigated. As identified in the DEIS, full mitigation of the temporary significant adverse effect during construction is not possible, as it is not feasible to provide equivalent replacement open space acreage for the

period of construction. Potential mitigation measures to reduce the significant adverse effects were identified and included in the DEIS. In response to public comments on the DEIS, additional commitments on mitigation measures for the displacement of open space made by the City have been added to Section G: Mitigation of Chapter 6.2, “Construction—Open Space.”

Comment 276: According to the *CEQR Technical Manual*, improving existing open spaces in the study area to increase their utility, safety, and capacity to meet identified needs in the study area is considered a mitigation measure. Although construction would temporarily displace open space resources in East River Park, Stuyvesant Cove Park, Murphy Brothers Playground, Asser Levy Playground, and Captain Patrick J. Brown Walk under the With Action Alternatives, the end result would be a refurbished open space resource. After construction, East River Park would be newly landscaped and raised park with pathways for the Preferred Alternative, which would enhance the user experience of the park. In addition, the upland open space resources in the ½-mile study area would be protected against future storm events, thus increasing the utility and safety of those resources. The Preferred Alternative would be especially beneficial for the open space resources in East River Park, as it includes a full reconstruction of the park, raising it by approximately eight feet to meet the design flood protection criteria. These enhancements would ensure that East River Park would be more resilient in future storm events. The flood protection measures proposed to be integrated into park features aim to reduce the effects from future storm events on the community. The Preferred Alternative proposes the replacement of pedestrian crossings at the Delancey Street, East 10th Street, and Corlears Hook Bridges. The enhancement of pedestrian bridges to East River Park would improve the east–west connectivity for residents in the ½-mile study area to East River Park upon project completion. The improvements to these open space resources under the proposed project would be considered partial mitigation. By remedying a long-standing restriction/obstacle at the Con Edison “pinch-point,” the proposed project under all alternatives, except the No Action Alternative would significantly improve the usability and access to the greenway with the construction of the shared-use flyover bridge. As detailed in Section G: Mitigation of Chapter 6.2, “Construction—Open Space,” the City is assessing opportunities to open parts of East River Park as work is completed. The Draft EIS does not provide meaningful analysis or mitigation of the short-term impacts of the Project on recreation or other open-space uses during construction of the Project. While the City has divided the Project into multiple segments, it intends to proceed with work on all segments at the same time, effectively removing all of the Lower East Side’s riverfront public parkland from community use for 3 1/2 years. If possible, the City should instead phase the work so that as least some of the affected parkland is available at all times while the project is ongoing. In addition, the City should evaluate the addition of recreational spaces to affected neighborhoods at the

beginning of the Project so as to compensate for the reduction or elimination of parkland during Project construction. (James_134)

Response: As discussed in the DEIS and this FEIS, implementation of the proposed project would result in temporary adverse effects to open space associated with construction, and are disclosed in Chapter 6.2, “Construction—Open Space.” As also described in Chapter 6.2, “Construction—Open Space,” there is the potential for temporary adverse direct and indirect effects under all Alternatives (except the No Action Alternative). Under each alternative, consideration is provided of newly reconstructed open space resources that may be available to the public (once construction is complete within that segment). The analysis also considers whether there are other open space resources within proximity of the unavailable resources that would provide similar recreational opportunities to the public. As stated in the DEIS and in this FEIS and in the responses above, One of the City’s priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. As the project design continues to move into subsequent design and construction management phases, the City will continue to seek to identify approaches that will allow for phased construction, including safely keeping parts of East River Park open and reopening parts of the East River Park as quickly as possible, coupled with the proposed neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period.

Comment 277: Nowhere in the Draft EIS does the City discuss or analyze in a meaningful way the impacts on community residents of the loss of open-space opportunities during construction or make concrete proposals as to how to mitigate such losses. The Draft EIS acknowledges these losses, id. at 6.2-2 to -3 6.2-12 to -13, but does not evaluate what they would mean to the nearby communities. The Draft EIS notes that some alternative open-space resources would be available to affected communities, at 6.2-12 to -13, but the small size of these alternative spaces means that there would be large amounts of unmitigated loss of open-space resources. And while the Draft EIS has a list of possible mitigation measures that the City is “assessing” or “exploring,” id at 6.2-21, it commits to none of these as part of the preferred alternative or other alternatives. (James_134)

Independent of incorporating into the EIS an evaluation of phasing or other means to preserve at least partial use of East River Park and other affected parks, the City should include a more detailed analysis of, and specific plans for, mitigation measures, such as providing additional or enhanced opportunities for open-space uses in parks or other areas near the Project but not part of it. In particular, the City should examine to what extent it could create new parks or other public open-space areas on the Lower East Side near the Project. (James_134)

Response: In response to public comments on the DEIS, additional commitments on mitigation measures for the displacement of open space during construction have been added to Section G: Mitigation of Chapter 6.2, “Construction—Open Space,” for the FEIS. Additional measures are proposed and discussed in Chapter 6.9, “Construction—Transportation,” to accommodate pedestrians and bicyclists at this area during construction

Comment 278: The City relies on the proposition that its CEQR Technical Manual excuses it from providing additional mitigation measures for construction impacts on open-space use on the ground that the manual allows it to treat permanent improvements to the parks after construction ends as mitigation for impacts during construction. See, e.g., Draft EIS at 6.2-5, 6.2-20. However, while the manual does indicate that mitigation may “include” the restoration of the lost open-space resources, NYC Mayor’s Office of Environmental Coordination, CEQR Technical Manual at 22-14 (Mar. 2014), the manual does not excuse the City from using all available mitigation measures for such losses during construction. In fact, the manual suggests the same type of mitigation for temporary open-space losses as identified in this letter: “expansion and improvement of another nearby open space or the creation of an open space of similar characteristics at a nearby location.” Id. (James_134)

Response: The analyses presented in the DEIS and this FEIS were prepared in accordance with applicable laws and guidance in the *CEQR Technical Manual*. Mitigation measures are discussed throughout this FEIS, including in Chapter 6.2, “Construction—Open Space.”

Comment 279: The City’s implementation of CEQR is subject to the requirements of SEQRA and its regulations. Nothing in SEQRA exempts temporary impacts of the type at issue here -years of parkland deprivation – from evaluation and mitigation on the grounds that benefits may accrue at some later time. See, e.g., *Develop Don’t Destroy (Brooklyn), Inc. v. Empire State Dev. Corp.*, 94 A.D.3d 508, 512 (1st Dept. 2012) (holding unlawful authority’s failure to consider (a) impacts from extension of project construction period and (b) the adequacy of mitigation measures for such impacts during that period). Indeed, the plain language of SEQRA requires evaluation of “short-term” impacts, and then requires mitigation of such impacts. Environmental Conservation Law §§ 8-0109(2) (b) & (l). While the SEQRA regulations exempt impacts caused by certain emergency actions and by “minor temporary uses of land having negligible or no permanent impact on the environment” from review and mitigation, 6 N.Y.C.R.R. §§ 617.5(c)(21) & (42), the 3 1/2-year elimination of the use of a major park does not qualify for either of those exceptions. See, e.g., *Chatham Green, Inc. v. Bloomberg*, 1 Misc.3d 434, 440 (Supreme Ct., N.Y. Cty. 2003) (installation of barriers that denied public use of a street was not a “minor” action subject to SEQRA exemption); *Harley Rendezvous, Inc. v. Town of Duanesburg Zoning Bd of*

Appeals, 131 Misc.2d 1060, 1065 (Supreme Ct., Schenectady Cty. 1986) (three-day motorcycle show involving up to 10,000 participants was not a “minor” action subject to SEQRA exemption). In any event, as a factual matter, permanent improvements after construction is complete do not in fact mitigate the loss of open-space opportunities while the construction is ongoing. (James_134)

Response: The DEIS and FEIS were prepared in accordance with SEQRA; no exemption was applied for temporary adverse effects, which were identified and disclosed in the DEIS and this FEIS and mitigation measures have been provided to the extent practicable. These mitigation measures have been updated for this FEIS based on updated designs and community input, including comments on the DEIS, which has been ongoing since April 2019 when the DEIS was released.

Comment 280: It is not sufficient for the City to state that “full mitigation...is not possible,” Draft EIS at 6.2-22, without a much more detailed and thorough analysis to determine the greatest extent of mitigation that might be possible. The law requires alternative and mitigation analyses, and in this circumstance evaluation of both on-site and off-site alternatives to, and mitigation of, loss of open-space opportunities during 3 1/2 years of construction. Though we will not repeat it, this comment applies equally to all instances in which the Draft EIS invokes benefits that the Project would generate after construction is complete as mitigation for adverse impacts during construction. (James_134)

Response: As detailed in this FEIS, the City has committed to multiple mitigation measures to address the significant adverse effects on open space to the greatest extent practicable. However, full mitigation of the temporary significant adverse open space effects during construction cannot be achieved as it is not possible to acquire and construct enough replacement parkland in the affected area.

6.3 CONSTRUCTION—HISTORIC AND CULTURAL RESOURCES

Comment 281: The DEIS notes that East River Housing’s property is likely eligible for the State and Federal Registers of Historic Places, based on its social and political history and, perhaps for its architectural and planning history. The DEIS notes that, in the case of historic resources, the City will comply with the Department of Buildings’ TPN # 10/88 as to the monitoring and protection of historic resources from vibration impacts resulting from the use of pile-driving and other construction equipment. Yet, when the DEIS identifies the historic resources to which it will apply the TPN’s requirements (DEIS at 6.3-2), it does not include East River Housing in the list of protected resources. Since, to the knowledge of the management of East River Housing, the City has never taken measurements in the parking lot or between the portion of the parking lot where the excavation is planned and the nearest adjacent building, and since there do not yet appear to be firm plans for the location of the construction or the full extent of the excavation,

the basis for failing to provide such protections to the Property, which is built on landfill, is not evident. (ERHC_161)

The DEIS states that the Construction Protection Plan (CPP) it will prepare for the FDR (not East River Housing) will be prepared in accordance with LPC and National Park Service guidance documents regarding the protection of historic resources during construction. (ERHC_161)

Response: Chapter 6.3, “Construction—Historic and Cultural Resources,” of the FEIS has been revised to include the East River Houses as part of the Construction Protection Plan that will be developed and implemented in consultation with LPC and SHPO.

Comment 282: One practice of great concern that is contemplated by the DEIS -- the creation of stockpiles of excavated materials in the parking lot with the potential for run-off into the adjacent playground and open space -- could be very dangerous if those stockpiles contain hazardous materials. Another area of great concern would be procedures adopted to supervise dust control, to ensure that run-off from the washing of tires of trucks and other vehicles in the parking lot does not escape into areas that remain open to and actively used by residents. Such effluent from this practice, wet or dried, if not properly contained, could easily be tracked across the parking lot or recreational areas into adjacent buildings and residents’ apartments on the residents’ own footwear, since residents will be parking their cars and walking next to the edge of the construction area in order to get to and from their cars and homes. Again, the lack of analysis of the actual uses of the areas adjacent to the Easement Area, and the implications of the presence of such uses for potential impacts from hazardous materials, renders the DEIS materially unsound. (ERHC_161)

Response: All soil and groundwater that is disturbed during construction would be managed in accordance with a project-specific Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), that would be approved by DEP, implemented as required by the contractor, and overseen by DDC. The RAP will include but not be limited to procedures for soil screening, excavated material characterization, disposal, demarcation, stockpiling, material reuse, backfill and cover soil import, water and other fluid management, and a contingency plan (see also Chapter 6.6, “Construction—Hazardous Materials,” in this FEIS). As part of that soil and groundwater management plan, the City would prohibit the temporary stockpiling of any contaminated or hazardous materials at this site.

6.4 CONSTRUCTION—URBAN DESIGN AND VISUAL RESOURCES

Comment 283: The temporary construction walls and sections of the final floodwalls should be beautified with paintings and mural work that is chosen by and is representative of the affected communities. (Brewer_082)

Response: As stated above, NYC Parks and DDC will assess art opportunities during the final design process and incorporate them where feasible and appropriate.

Comment 284: The DEIS conclusions are wholly insufficient, 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. (ERA_158)

Response: As described in Chapter 6.10, “Construction—Air Quality,” the proposed project is not expected to result in any significant adverse effects on air quality during construction and similarly would not be expected to generate dust at a level that would result in urban design effects.

Comment 285: The DEIS 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. (ERA_158)

Response: To protect residences adjacent to the project site from light pollution during night shift construction, directional lighting would be used. This would also limit the effects of lighting during night shift construction to the project site and immediately adjacent areas. Therefore, construction lighting would not affect the character or visual quality of the surrounding neighborhoods, which are densely developed.

6.5 CONSTRUCTION—NATURAL RESOURCES

Comment 286: Tree removal and destruction of endangered species habitat is concerning. A different plan is needed. (Lorax_016)

The City’s new “fast track” plan for Coastal Resilience to use 8-10 feet of infill to elevate 2.4 miles of East River shoreline will destroy or displace every single living thing that makes a home in the parks, including at least eleven animal species included in New York’s 2017 Rare Animal Status List. (Billings_003)

Trees, which provide habitat for birds and squirrels in the park, will be lost. (Westerman_007) (Higginbotham_147)

Concerns about habitat construction and restoration/improvement for migratory birds, butterflies, and other wildlife. (Weiss_066) (Grande and Streeter_065)

The DEIS makes unjustified assumptions about the temporary nature of negative impacts when it proposed that urban wildlife will “relocate to other suitable areas.” (Berkov_326)

The DEIS fails to point out native shrubs and perennials planted by the Ecology Center that supports a rich habitat and does not include a mitigation plan for either the plants or the displaced wildlife once these resources are bulldozed. The wholesale destruction will have direct and cumulative effects on the health of our community and we are demanding resources for planning and moving these resources to neighboring developments as a mitigation measure. (Datz-Romero_327)

Trees provide life; they absorb carbon dioxide and provide oxygen. This plan will knock down all of these trees. People have been saying they’re all dead, but they’re not really dead. (Platt_320) (ERPAG_358)

The DEIS claims that the negative impact of losing 981 mature trees, to be replaced with 1,442 saplings, will be temporary because “the new landscape will represent an improvement.” This assumes that the saplings would actually mature. This cannot be assumed given that many new trees would be reaching maturity just as the flood barrier to design to last through the 2050s reaches the end of its usable life span, setting us up for a perpetual construction zone in East River Park. (Berkhov_326)

Page 5.3-21 of the Open Space chapter stated that “442 replacement trees within the study area and off-site plantings as necessary.” These are saplings which provide 60 to 70 times fewer eco system services than mature trees (as per NYC Parks Forestry). With climate destabilization a key factor, this destruction of mature trees is inexplicable, and potentially deadly to health and wellbeing. The health impacts on local residents, who already have 297 asthma hospitalizations vs 223 city-wide (per 100,000 5-17 year olds, as per NYC DOH), will be significant, yet no air filters or other mitigations are planned for those most impacted. “Over time, the new tree canopy, comprised of diverse and resilient species, would fill in and would represent an improved habitat over the existing conditions.” No mention of the bird, animal or insect population that utilizes this habitat today. No new natural space has been created nearby, rather the mitigations center on sports paint and synthetic turf, both of which add nothing good to the environment and certainly don’t provide habitat. Both the City and NY4Parks find issues with turf not addressed in the DEIS. (Brawer_122)

There is also the wildlife that lives in the park. Anyone who walks through park during migratory season sees geese, butterflies, etc., not to mention the regular inhabitants that make the park their homes, like the pollinating bees. Where will the animals go? (Leverett_103)

A serious drawback of Alternative 4 to the citizens of the Lower East Side is that it removes 932 healthy, mostly full grown trees that provide cooling shade and

respite from the summer heat, and which will take many years to fully replace (as well as destruction to the other flora and fauna in the park). Alternative 4 ignores the best climate change science and promotes resilient floodable options over walls of concrete: natural and hilly areas that allow the water to come in and recede, and act like a sponge. (May_131)

In particular, alternative 4 kills every tree in the entire park. Over 980 trees will be killed. Many are large and over 30 years old, creating deep cooling shade beneath. Further, many of the trees surrounding the band shell, which are healthy and saltwater resistant Oak trees, are already 10 feet or more above the existing grade of the rest of the park, so why are they also slated to be killed in alternative 4? These trees are priceless because they are irreplaceable. There is no way to replace a 30 or 50-year old tree. The Natural Resources section in the City's Environmental Impact Statement glosses over this fact, citing over time, the new tree canopy would fill in. However, if all of the trees are killed, there will no shade in the park for 20 to 30 years, until newly planted saplings mature. Large trees are what make New York City Parks the great places they are. The City would never consider destroying Central Park in this manner. They would find an alternative because it would be deemed too great of a loss. That is what our community says, that destroying East River Park is too great of a loss. Will I have to witness baby birds and squirrels be murdered as a bulldozer knocks down the trees they live in, all right from my window? Does the city have any compassion at all for these creatures and the thousands of birds who use the park as migratory habitat? (Colosky_137)

The loss of 1,000 mature trees is absurd because it is all of the trees in the park. When looking at the tree removal map, that is all of the trees in the park, save a few small saplings. At least Alternative 2 keeps most of the trees. (Ferrari_150)

The DEIS fails to adequately address the environmental impact in the removal of almost 1,000 trees and on biodiversity with the destruction of all animal and insect habitat and the complete removal of all fertile soil in the demolition and construction process. (Brandstein_154)

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. (ERA_158)

The DEIS (5.6-55) claims that the negative impact of losing 981 mature trees, will be temporary because "the new landscape would represent an improvement...." This assumes that the saplings will actually mature. This cannot be assumed. First, to the best of my knowledge, the City has still given no consideration to the soils that will be used to elevate the waterfront. Soils differ dramatically in pH, the size of particles, and microbial communities. These all

contribute to plants' abilities to access the water, oxygen, and nutrients that they need; different plants have different optimal conditions. This is why the CEQR specifies "placement of appropriate soil that fully meets the requirements of the targeted restoration communities" (CEQR 11_35-36). Soil quality, and erosion control, will be particularly important—given that saplings will be introduced into a barren, lunar-like landscape. (Berkov_096)

Nearly a thousand trees will be killed under this plan, and it will take several years for them to grow tall again. (Nadel_165)

Is there any way to save any of the 972 trees that will be bulldozed with this plan? (Yerington_178)

The East Side Coastal Resiliency project is an environmental paradox. The city is dealing with climate change by destroying an environment that helps to slow climate change. When East River Park is demolished next year, the climate change will not be a long-term worry. It will show itself immediately in our congested neighborhood. It will be hotter and dirtier. "The evaporation from a single tree can produce the cooling effect of 10 room size air conditioners operating 20 hours a day. Trees help settle out and trap dust, pollen, and smoke from the air. The dust level in the air can be as much as 75 percent lower on the sheltered side of the tree compared to the windward side." (NC State University, Department of Horticultural Sciences). Yet the city plans to destroy nearly 1,000 mature trees – and all the greenery that cleanses the air in our East River Park. (Arnow_176) (Colby_189)

Could it allow the park habitat and ecosystem to remain untouched and provide the desired flood protection? (Amirault_102)

Loss of Street Trees throughout the impacted area should be addressed, especially given the great number of mature trees already destroyed for the ESCR in Baruch Houses, without notice to impacted residents. Moreover, street trees, which take time and care to grow, have a known traffic calming effect that will have safety benefits throughout and post construction. Every \$1 spent on trees yields a \$4 return in benefits (WNYC, July 22, 2019). Trees, one of our best defenses for health and mitigation when mature, should be prioritized. (Brawer_095)

The environment is a mirror of society's values. The DEIS leaves out the environment, biodiversity, nature, natural, habitat, absorb, permeable, etc. in describing effects on the Park (street trees are only mentioned in relation to possible removal due to ADA compliance). (Brawer_095)

Response: All impacts associated with the clearing of trees and landscaping would be addressed by restoring vegetation as part of the Preferred Alternative's landscape design and through a restitution fund that would be created for additional tree plantings outside of the project area. Construction of the proposed project requires the removal of 991 trees, however, restoration of tree plantings in the project area as a result of the Preferred Alternative would be conducted in accordance with a

pre-approved NYC Parks tree planting program. This tree planting program includes over 50 different species, reflecting research around the benefits of diversifying species to increase resilience and adaptive capacity in a plant ecosystem and also pays special attention to species that can handle salt spray, strong winds, and extreme weather events. The design also focuses on creating a more layered planting approach, allowing for informal planting areas that layer plant communities together to express ecological richness. A more diverse native plants palette has the ability to better adapt to climate change stressors. Once planted and established, the new landscape would represent an improvement in ecological sustainability, habitat creation, and adaptability in the face of a changing climate. The landscape restoration plan would ultimately result in a net increase of 745 total trees within the project area. While these trees would not be as mature as some existing trees, over time, the new tree canopy would fill in and represent an improved habitat over the existing condition, which is largely dominated by London plane trees, known for their poor response to salt-water inundation.

Birds are the most vagile class of vertebrates, and easily and frequently redistribute themselves across landscapes as they move long distances for various natural and human-caused reasons. In addition, the type of human-made, heavily disturbed and limited quality habitat of East River Park is common throughout the City in recreational parks and anywhere there are street trees and small patches of ruderal vegetation. Most bird species that may use East River Park are not year-round residents and as such, naturally move long distances away from the park over the course of the annual cycle. The breeding bird community in East River Park is overwhelmingly dominated by non-native species, and the only native birds that breed in East River Park are extremely common, urban-adapted species that are ubiquitous in the City and other urban areas of the eastern U.S. There is no reason to expect that any birds that breed in East River Park or have the potential to briefly or seasonally use the park would be unable to, or experience deleterious effects from, relocating to comparable disturbed habitat in the City during the period of construction and as the new vegetation established itself in the park.³⁵ In sum, there would be no potential for significant adverse effects to these species from the temporary loss of habitat within East River Park.

Comment 287: The City’s preferred plan destroys 981 mature trees, replacing them with 1442 saplings. While the new trees will be carefully selected, the plan is not consistent with NYC Rules Governing Tree Replacement, which state: “In no case shall the number of replacement trees equal less than one caliper inch of replacement tree for each caliper inch of tree removed.” (. The new saplings will, collectively, have

³⁵ Gill, J.A., K. Norris, and W.J. Sutherland. 2001. Why behavioral responses may not reflect the population consequences of human disturbance. *Biological Conservation* 97:265-268.

diameters approximately 1/3 the collective diameters of the mature trees (4,326 inches vs. > 12,685 inches, DEIS Appendix I).” (Berkov_096)

Response: The landscape restoration plan is comprised of a several elements. First, to the extent practicable, the City would transplant existing park trees that are in excellent condition and, based on prior NYC Parks arborist experiences and approvals, are suitable for a successful transplanting. Second, approximately 1,815 trees are proposed to be planted as part of the landscape design within the project areas, which would result in a net increase of 745 trees over the existing conditions. The value of this restoration plan, in combination with approximately \$32.9 million of restitution, would be in compliance with Chapter 5 of Title 56 of the Rules of New York (NYC Department of Parks and Recreation Rules) and Local Law 3 of 2010. The restitution funds would be used towards targeted tree planting and urban forest enhancements throughout the adjacent communities, including the Lower East Side greening program, which proposes to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales starting in fall of 2019. The planting palette for the proposed park trees will consider size, growth rate, diversity, and resiliency, among other factors, in determining the tree selection. This tree planting plan including the species, distribution, and location will be included in the project’s final design documents.

Comment 288: How will weeds and plant debris be disposed of? (Billings_008)

Response: All weed and plant debris would be disposed of in accordance with NYC Parks applicable rules and regulations.

Comment 289: How do you plan to remove and protect the hundreds of native plants already in East River Park and all the monarchs, birds, and bees? (Billings_008)

Response: To the extent possible, existing trees that can be transplanted will retained for replanting. As described above, the majority of the landscaping in East River Park is not native, diverse and is some cases stressed. It has been determined that the terrestrial resources affected by the construction of the Preferred Alternative are adaptive urban wildlife attracted to the recreational fields, park lawn and landscaping and trees of the park. During construction, terrestrial habitat used by typical urban wildlife, as described in DEIS Chapter 5.6, “Natural Resources,” would be temporarily disturbed. This wildlife is common in Manhattan and no relocation plan is proposed to transport terrestrial wildlife to other parks in the area. More mobile avian wildlife are expected to temporarily avoid the park and use open spaces along the East River corridor, in the City, and outside of the City limits. Upon completion of construction urban wildlife and birds are expected to return to the park. This utilization will continue to increase as the park vegetation matures.

Comment 290: Missing text within the DEIS regarding mitigation and adverse impacts upon the area's biodiversity during the ESCR's construction period. (Brewer_600)

The DEIS is inaccurate and incomplete in disclosing impacts on biodiversity. (Lake_312)

Response: As described above, East River Park is primarily a recreational park with about a majority of its land cover dedicated to recreational uses with supporting structures and landscaping characterized by largely uniformly recreational land cover that reflects its original design. There is little diversity in these habitats. The impact on these existing habitats during construction is addressed in the DEIS, including the terrestrial resources that would be affected during construction which includes urban wildlife found in recreational settings, recreational lawn and landscaped areas, and urban tree canopy. As described in DEIS Chapter 6.5, "Construction—Natural Resources," during construction it is anticipated that the species of typical urban wildlife that inhabit the park would temporarily relocate to other areas. This wildlife would utilize other suitable habitat in its range, including other parks and neighborhoods in the City and beyond. Upon completion of construction, affected land cover and habitat would be restored and enhanced by the proposed planting diversity and urban wildlife and birds are expected to return as the landscaping matures and becomes established.

The proposed restoration for tree loss under the Preferred Alternative would be conducted in accordance with a pre-approved NYC Parks tree restitution plan, as described in Chapter 5.6, "Natural Resources," and Chapter 6.5, "Construction—Natural Resources."

In East River Park, a field survey of ground level land cover and landscaped areas was performed to assess habitat types in the project area. The acreage of the landscaped areas and other land cover at ground level within the park were determined from the field survey in conjunction with the topographic survey. The total acreage of East River Park within the proposed Project Area is 45.88 acres. The majority of East River Park is comprised of surfaces designed for active recreational uses that have non-vegetated land cover recreational surfaces (56.19 percent) or structures and paved paths or land cover that support active recreational uses (13.95 percent), water (0.54 percent) and other land cover. The remainder of the park includes 13.45 acres (29.32 percent) of landscaping that is primarily low quality habitat for wildlife and primarily non-native vegetation (see additional analyses below).

The 13.45 landscaped acres are characterized by vegetation type (e.g., shrubs, planted flower garden, trees with mowed grass, etc.) and native/non-native status. Based on the vegetation type(s), a landscaped area was categorized as either "Low Quality Habitat" or "Potential Habitat." A landscaped area was categorized as "Non-Native," "Mixed," or "Native" based on whether the observed dominant species are native to the northeast region or not. Of the total area, the majority (9.58 acres) were categorized as "Low Quality Habitat" dominated by mowed

grass, trees with mowed grass, and trees set within Belgian block/wood chips, and 3.87 acres (8.44 percent) were categorized as “Potential Habitat,” which includes vegetation types with shrubs, tall grasses, planted flower gardens, green roofs, and bare soil.

Separately, based on 2017 LiDAR Land Cover data (aerial imagery) provided by the New York City Department of Information Technology and Telecommunication (DoITT), only 13.21 acres (28.79 percent) of the park was identified as having a tree canopy that could provide additional overlapping habitat attractors for animal species including birds.

In addition, a desktop analysis using high-resolution land cover data revealed that, within a half-mile of the project area, a total of 183 acres of tree canopy cover would be available for birds and other wildlife to seek temporary replacement habitat. Within the 183 acres, 5.6 acres is made up of community gardens, which provide diverse plant life and suitable habitat for insects, including monarch butterflies and bumblebees. Most bird species that occur in East River Park are not year-round residents and as such, naturally move long distances away from the park over the course of the annual cycle. The breeding bird community in East River Park is overwhelmingly dominated by non-native species and the only native birds that breed in East River Park are extremely common, urban-adapted species that are ubiquitous in the City and other urban areas of the eastern U.S. There is no reason to expect that any birds that breed in East River Park or have the potential to briefly occur there during other seasons would be unable to relocate, or experience deleterious effects from relocating to comparable disturbed habitat that is ubiquitous throughout the City.

Comment 291: The EIS should provide much more analysis of the impacts to East River Park flora and fauna. (Boster_064) (Boster_067) (Boster_075)

A more in-depth review should be conducted of the ESCR project’s impact upon wildlife and plant species, as well as bird and insect migration during and after construction; we cannot rely on the notion that species will naturally return to East River Park when the project is completed. The Applicants must work with park stewards such as those from the LES Ecology Center and the Solar One Center to identify and protect biodiversity during the time of construction, and include biodiversity within the scope of study conducted by the independent environmental consultant(s) chosen by the community task force group. (Brewer_082) (Brewer_302)

The animals and trees and plants need to continue existing there in order to flourish in the future. (Svercl_173)

I am concerned about shade during construction. (Weiss_192)

Response: A thorough analysis of potential effects to East River Park terrestrial resources, including flora and fauna, was conducted as part of the EIS process.

Supplementary analysis conducted following the publication of the DEIS is available in Chapter 6.5, “Natural Resources,” and Chapter 6.5, “Construction—Natural Resources,” of this FEIS. As concluded in those chapters, effects to terrestrial resources would not result in significant adverse impacts and the proposed project design is expected to improve the overall habitat values and attractors at the park. Additional design input related to enhancing habitat values and diversity at the park will continue to be addressed as the project moves into final design.

In addition, East River Park would be closed during construction of the Preferred Alternative, and therefore a reduction in shade would not be an issue. As the final design and construction advance, the City will continue to identify approaches that will allow for phased construction, including safely reopening parts of the park sequentially.

Comment 292: The departments involved have shown that this is not about flood protection, as bulldozing all of the trees will create even more of a vulnerability to flooding during “construction.” (Weiss_077)

Response: The trees in the project area provide no protection against tidal storms and sea level rise; rather, they are inundated and adversely impacted by coastal flooding and the impacts of marine water.

Comment 293: The removal of trees during the construction period will result in the loss of habitat along with a degradation in air quality and carbon sequestration, and a marked decrease in the shade that is necessary for comfort and to counter the urban heat island effect. As noted in the DEIS, the new tree canopy would fill in slowly, over a period of “years to decades.” The newly planted immature trees would likely take years to provide the same benefits as the mature trees being replaced, making it even more critical to start mitigation measures now, giving replacement trees a chance to grow before construction. (Strickland_076) (Kolosky_313)

Increased surface height of the park under Alternative 4 will divert wind from the East River, further worsening the heat island effect. This Preferred Alternative increases the amount of concrete and artificial turf in the park, all of which will even further increase temperatures in the Park last for decades into the future. (Kolosky_313)

The description of the effects as “temporary” makes it sound as if fully mature trees will resume current rates of carbon sequestration the day the new parks open. In fact, newer trees sequester carbon at significantly lower rates than mature trees, and different types of trees can vary in sequestration rates. The DEIS acknowledges that the new tree canopy will require time to mature. Even though more trees will be planted than removed, “over a period of years to decades”

means that the lowered rates of air quality improvement and carbon sequestration would also linger for years to decades and can hardly be described as a “temporary” effect. (Lake_135)

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. (ERA_158)

The removal of trees is likely to increase temperatures in adjoining residential areas, particularly NYCHA campuses immediately across the FDR Drive from East River Park. (Lake_135)

If destroyed, the park will cease to be cooling center while summer temperatures continue to rise. A heat island effect will be created on the barren land, and exacerbated by the adjacent FDR drive. The increased surface height of the new park, under alternative 4, will also divert the wind from the East River, further worsening the heat island effect. Alternative 4 also increases the amount of concrete and artificial turf in the park, all of which will even further increase temperatures in the park lasting for decades into the future. The heat island effect causing temperature increases in the park and the surrounding community has not even been considered in the EIS. (Colosky_137)

The DEIS unjustifiably minimizes the effects of the “urban heat island” effect on waterside residential areas when East River Park is stripped of trees and ground cover. (ERA_158)

Response: The City will look to plant larger caliper trees to the extent possible, as well as transplanting existing trees that are in good condition and suitable for replanting. In addition, as part of the restitution for the tree loss, the Lower East Side greening program would plant up to 1,000 trees in parks and streets within the adjacent communities and create up to 40 bioswales starting in fall of 2019. The planting palette for the proposed park trees will consider size, growth rate, diversity, and resiliency, among other factors, in determining the tree selection. This tree planting plan including the species, distribution, and location will be included in the project’s final design documents. This tree planting program includes over 50 different species, reflecting research around the benefits of diversifying species to increase resilience and adaptive capacity in a plant ecosystem and also pays special attention to species that can handle salt spray, strong winds, and extreme weather events. The design also focuses on creating a more layered planting approach, allowing for informal planting areas that layer plant communities together to express ecological richness. A more diverse native plants palette has the ability to better adapt to climate change stressors. Once planted and established, the new landscape would represent an improvement in ecological sustainability, habitat creation, and adaptability in the face of a changing climate. The landscape restoration plan would ultimately result in a net increase of 745 total trees within the project area. While these trees would not be as mature as some existing trees, over time, the new tree canopy would fill in and represent an

improved habitat over the existing condition, which is largely dominated by London plane trees, known for their poor response to salt-water inundation. The net result will be an increase in trees within the project area and surrounding communities that would be more likely to withstand the environmental conditions of this area.

Comment 294: Loss of Street Trees throughout the impacted area should be addressed, especially given the great number of mature trees already destroyed for the ESCR in Baruch Houses, without notice to impacted residents. Moreover, street trees, which take time and care to grow, have a known traffic calming effect that will have safety benefits throughout and post construction. Every \$1 spent on trees yields a \$4 return in benefits (WNYC, July 22, 2019). Trees, one of our best defenses for health and mitigation when mature, should be prioritized. (Brawer_095)

The environment is a mirror of society's values. The DEIS leaves out the environment, biodiversity, nature, natural, habitat, absorb, permeable, etc. in describing effects on the Park (street trees are only mentioned in relation to possible removal due to ADA compliance). (Brawer_095)

Response: The loss of street trees under the Preferred Alternative is limited to proposed work within the public right-of-way, including the floodwall tie-backs, improved bridge landings, and parallel conveyance. The tree clearing and replacement plan has been updated and is described in Chapter 5.6, "Natural Resources," of this FEIS. In addition to the proposed landscape restoration plan and restitution, the City has committed to begin tree planting in Community Board 3 and Community Board 6 in the fall of 2019 to begin providing additional ecosystem services before the construction period begins.

Comment 295: Will the construction involve disturbing the sediment of the East River? If so, what impact will that have on water quality? There are many people that fish and kayak in the East river, not to mention if it drifts down into New York Harbor where water is cleaner than it has been in decades thanks to Clean Water Act. (Leverette_103)

The DEIS fails to adequately address concerns related to water contamination and pollution, in the demolition of East River Park and ensuing construction that must meet the standards of the federal Clean Water Act and other statutes. (Brandstein_154)

I recommend checking on Section 404 of the Clean Water Act and status of getting a permit for dredge and fill of waters of the US. Also look at Rivers and Harbors Act. See what they are doing to comply with these requirements. (Horan_155)

Construction of the Proposed Project will involve significant disturbance in the East River, a tidal wetland regulated by the New York State Department of

Environmental Conservation (NYSDEC) and U.S. Army Corps of Engineers (USACE). In-water construction activities include the use of construction barges, installation of shafts and footings to support the proposed shared-use flyover bridge, reconstruction of sewer outfalls, demolition of the East River bulkhead, construction of a new cut-off wall, demolition of existing and creation of new embayments, and demolition of existing piles. In total, these activities are expected to affect 24,085 sf (0.55 acres) within the East River. The extent of the disturbance has the potential to adversely affect water quality and wildlife. (MAS_130)

Despite the impact in the East River, the DEIS does not include commitments regarding mitigation measures. Instead, the Natural Resources assessment repeatedly states that “all adverse effects to NYCDEC and USACE regulated tidal wetlands would be subject to the regulatory permitting process” and would be mitigated in accordance with permit conditions. Therefore, for full disclosure, we request that the FEIS include the joint Federal and State wetland permit application, Essential Fish Habitat study, and other associated documentation related to mitigation. We also expect the FEIS to include details regarding City commitments in utilizing wetland mitigation credits from the EDC-operated Saw Mill Creek Wetland Mitigation Bank on Staten Island. (MAS_130)

I don't know how issues are being addressed that would pertain to the Clean Water Act & how any dredging or any other hazardous activities along the river's edge during the construction would impact following Clean Water Act regulations. How does this current “Preferred” ESCR plan address these federal regulations? With these concerns in mind, I think the CDBGDR should further develop the details of this plan without proceeding with this overly expensive ESCR plan. (Horan_180)

I would like to point out one wetlands example that, in my opinion, demonstrates the biased assessments typical of the ESCR DEIS. 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. (ERA_158) (Berkov_096)

Comment 296: East River Park will continue to be affected by rainfall events and a Stormwater Pollution Prevention Plan (SWPPP) and management of runoff is being developed as part of the final design. These designs will include measures to reduce and better manage runoff from the various surface elements proposed as part of the final design (e.g., ballfields and other recreational surfaces, bikeway/walkway, park building, esplanade). These documents will not be included in the FEIS but will be available upon request. In addition, consultations with NOAA NMFS relative to the Essential Fish Habitat and threatened and endangered species is located in Appendix G. All compensatory mitigation associated with impacts to Waters of the United States and NYSDEC Regulated Tidal Wetlands, described in Chapter 6.5, “Natural Resources,” would be finalized as part of ongoing coordination with NYSDEC and USACE as design advances in accordance with all NYSDEC and USACE permit conditions, which would conform with applicable regulations, including the Clean Water Act (CWA), Section 10 of the Rivers and Harbors Act, ECL Article 25, NYCRR Part 661, and ECL Article 15, NYCRR Part 608.

6.6 CONSTRUCTION—HAZARDOUS MATERIALS

Comment 297: Monitor air quality during construction. (Durend_013)

Response: As described in DEIS Chapter 6.6, “Construction—Hazardous Materials,” Dust management during soil-disturbing work would include the following: (1) use of water spray for roads, trucks, excavation areas and stockpiles; (2) use of anchored tarps to cover stockpiles; (3) use of truck covers during soil transport within site limits and during off-site transport; (4) employment of extra care during dry and/or high-wind periods; (5) use of gravel or recycled concrete aggregate on egress and other roadways to provide a clean and dust-free road surface; and (6) use of a truck wheel wash at site access/egress points to prevent fugitive dust and off-site migration of dust and other particulates. The source(s) of any dust emissions would be identified and addressed immediately and appropriately. In addition, during excavation/and loading of any hazardous waste or MGP-contaminated or petroleum-contaminated soil, real-time dust monitoring would be performed through a Community Air Monitoring Plan (CAMP). These measures would be implemented as part of the construction management plan for the project that would be overseen by DDC.

Comment 298: There are elevated arsenic and lead levels are present in soils at Smith Houses. The City must ensure that there is an effective health and safety plan. (Kuperman_342)

There are elevated levels of arsenic and lead at Smith Houses. We can’t get the City to cover the soil that was impacted from the utility lines that were put in. There are people in Smith Houses getting sick from exposure to these toxins.

There is a risk that the if City does not come through in terms of maintenance of soil suppression for a much smaller project at Smith Houses, we're in real trouble with such a large development. (Kuperman_342)

Response: Elevated levels of arsenic were not generally found in the soil sampling undertaken to date and the quality of the fill material was found to be variable in terms of levels of metals and other constituents. Recognizing that there is the potential for soil contamination and encountering hazardous materials and MGP waste along the proposed project area, as discussed in the DEIS Chapter 6.6, "Construction—Hazardous Materials," project construction will be performed in accordance with a project Remedial Action Plan (RAP) approved by DEP and implemented by DDC during construction. The RAP will include appropriate procedures to manage disturbed soils including dust control procedures, criteria for reuse of existing soils and materials and soil standards for clean fill importation criteria with standards and testing protocols for the surface soils in landscaped areas and substrate materials.

Comment 299: Known contamination from MGP are present in the area. These products are notoriously odorous, as experienced during construction of the floodwall at the Manhattan VA Hospital. Mitigation of significant odors would likely be included in the Remedial Action Plan (RAP). I ask about the status of the RAP and if mitigation measures, before being finalized, will be shared with the public because it should have some critical information about odor mitigation, soil remediation, and things of that nature. (McCarthy_307)

Due to historic industrial and manufacturing uses (i.e., gas stations, auto repair shops, and the Con Edison facility between East 13th and East 15th Street), the study area contains high levels of contamination, particularly in the northern section. Former MGP left petroleum waste and gas production byproducts in the soil and groundwater, including coal tar, fuel, gasoline, and volatile organic compounds. The area also contains asbestos, lead-based paint, pesticides, herbicides, and heavy metals. A major concern, furthermore, is that demolition and excavation (i.e., Pier 42, the flood protection systems along FDR Drive, and other activities within proximity to the East River) have the potential to disturb contaminated soil and other materials. Because of the critical nature of these procedures, for full disclosure, I request that the FEIS include all documentation related to the remediation of hazardous materials. This includes but is not limited to correspondence between the Applicants and all environmental oversight agencies (i.e., Environmental Protection Agency, New York State Department of Environmental Conservation, New York City Mayor's Office of Environmental Remediation), an asbestos-containing materials study, Remedial Action Plan, Site Management Plan, Soil Management Plan, and a Construction Health and Safety Plan. (Brandstein_154)

According to the DEIS, MGP recovery wells will be installed prior to project construction activities to reduce further contamination. A major concern is that demolition and excavation (i.e., Pier 42, the flood protection systems along FDR Drive, and other activities within close proximity to the East River) have the potential to disturb contaminated soil and other materials. Therefore, it is imperative that the highest level of protection is employed in these areas to prevent the migration of contaminants on land and within the East River. (MAS_130)

6.0-29 describes methods for removal of MGP-related contaminants. How would these recovery wells be protected from storm surge and the potential to carry contaminants inland on floodwaters? (Lakes_135)

What is the mitigation plan for dredging up old industrial waste products that were the foundation for the park 80 years ago? Will these toxins be released in the air, as well as the East River when the park is leveled? (Leverett_103)

The proposed project would disturb the subsurface of hazardous materials during excavation, including at historical Manufactured Gas Plant sites. The city's project uses tons of dirt from who knows where, which, during the construction phase, will raise dust clouds and pollute the air in a neighborhood with some of the highest asthma rates in the country. (Billing_160)

Response: As described in DEIS "Construction—Hazardous Materials," the potential to encounter soils impacted by MGP wastes is a known condition and project construction with respect to MGP wastes will be conducted in accordance with a Memorandum of Agreement with NYSDEC whereby a Mitigation Work Plan (MWP), subject to approval by NYSDEC, will be implemented. It is this MWP (and not the RAP which governs overall construction and, not specifically MGP issues) that will address MGP management including potential odor issues. A proposed MWP will be submitted to NYSDEC for approval and finalized prior to the start of construction

Comment 300: Coal tar contaminants beneath the park may be unleashed inadvertently, putting the neighborhood elderly and children especially at risk. (Brandwein_053)

Response: During subsurface investigations, contamination consistent with historical manufactured gas plants (MGPs) was encountered. As described in DEIS Chapter 6.6, "Construction—Hazardous Materials," excavation and other soil disturbance during construction would be performed in accordance with a Memorandum of Agreement with NYSDEC whereby a Mitigation Work Plan (MWP), subject to approval by NYSDEC, addressing MGP wastes would be implemented. This MWP would address both avoiding subsurface migration and airborne releases of MGP wastes.

Comment 301: I'm a resident of Community Board 3, and I am concerned about the hazardous material that will be released into the air and water. As per section 5.11-9: "The proposed project would disturb subsurface hazardous materials from demolition and excavation activities." What are you doing to ensure this area will protect the health of the environment and residents during and after construction? (Prasad_087)

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). (ERA_158)

Response: The presence of hazardous materials (such as lead-based paint and asbestos) in historical structures and a variety of contaminants associated with historical fill materials in the subsurface is typical within New York City and well established remedial and safety procedures are routinely performed to demolish and reconstruct in such areas. As described in Chapter 6.6, "Construction—Hazardous Materials," Section D, a variety of mitigation measures will be implemented with oversight from both the DEP and NYSDEC to protect residents during construction. Construction will include a capping layer, preventing exposure following construction and Site Management Plans will set out procedures to be followed if future disturbance of the capping layer is needed.

Comment 302: To exemplify these doubts, the Statement suggests that "Visual, olfactory, and instrument-based soil screening would be performed under the supervision of a Qualified Environmental Professional during construction that involves subsurface disturbance" (6.6-5). In other words, is someone is going to *smell and have a look* at thousands of tons of soil to determine its safety? This does not instill confidence. (Has this ever been done successfully before in such timeframe? Were there no ill effects on local residents?) (Sillen_088)

Response: Performing visual, olfactory, and instrument-based soil screening is the preferred procedure to be used during construction. Subsurface testing prior to construction is always limited in its extent, especially in areas such as East River Park, where filling occurred. This type of screening is performed at sites being overseen by USEPA, NYSDEC or NYCDEP at sites throughout the City where contamination is known or suspected, including sites with manufactured gas plant contamination, such as Peter Cooper Village. With proper controls, soil excavation and remediation can be performed without adverse health effects on nearby residents.

Comment 303: Because of the critical nature of these procedures, for full disclosure, we request that the FEIS include all documentation related to the remediation of hazardous

materials. This includes but is not limited to correspondence between the Applicants and all environmental oversight agencies (i.e., Environmental Protection Agency, New York State Department of Environmental Conservation, New York City Mayor's Office of Environmental Remediation), an asbestos-containing materials study, Remedial Action Plan, Site Management Plan, Soil Management Plan, and a Construction Health and Safety Plan. (MAS_130)

Response: These documents are not typically included in the FEIS but can be provided upon request when they are available.

Comment 304: According to the DEIS construction will expose nearby residents to many hazardous materials including lead, petroleum waste, variable, and sometimes elevated levels of a range of contaminants especially certain metals and semi-volatile organic compounds (SVOCs). Excavation, especially in areas with MGP Manufactured Gas Plant contamination, can result in odor concerns – the plans to protect us from the contaminants are not sufficient and rely mainly on the contractor not the community to decide when to implement. Do not use foams to cover exposed odorous soils or chemical odorants in spray or misting systems. Febreze damages your ability to smell and can provoke asthma; just another chemical polluting our environment instead of cleaning it up, just to save money. (Weiss_192)

Response: Chapter 5.7, "Hazardous Materials," of the DEIS and this FEIS identifies this potential for contamination and the procedures to be followed during construction to prevent exposure to workers, residents and the environment, and are subject to detailed City and State approvals and oversight during construction. Febreze is not used during this type of work, but the NYSDEC, who oversee cleanup of MGP wastes, allow and recommend the use of certain types of products including foams and mists to control odors. These products are commonly used to control odors when excavation encounters MGP materials.

Comment 305: The final EIS should state that the new mitigation work plan for Manufactured Gas Plant ("MGP") contamination would be prepared by the City in consultation with Con Edison, subject to review and approval by the DEC. On July 23, 2019, the City briefed the DEC and Con Edison on changes to the project design that were described as "preliminary/potential mitigation concepts" and promised to provide further details. However, as of this date, the City's consultant has not provided a proposed mitigation plan for review that addresses the issues raised in the new design approach. (ConEd_162)

Response: As stated in this FEIS, the City has completed the 2019 supplemental subsurface investigation, and relevant findings have been shared with NYSDEC. An updated mitigation work plan will be prepared and submitted to NYSDEC once their feedback on the 2019 sampling has been received.

Comment 306: With respect to any proposed mitigation plan, Section 6.6 of the draft EIS states that mitigation for hazardous waste materials and contamination would entail two site management plans, one for MGP-related contamination and one for all other contamination. Requiring multiple plans for different contamination is unnecessary and would lead to confusion and inconsistent results. Given the multiple sources of contamination in the study area, only one plan is necessary to cover the management of all contaminated materials in connection with the project. To the extent any additional procedures related specifically to MGP contamination are necessary, they can easily be included in the plan. (ConEd_162)

Response: As described in the DEIS and this FEIS, DEP and NYSDEC have required separate plans, as they have different jurisdictions, essentially CEQR and MGP, respectively.

6.7 CONSTRUCTION—WATER AND SEWER INFRASTRUCTURE

Comment 307: Our water supply might be affected by construction. (Kasavis_321)

Response: All project construction would be performed in accordance with designs approved by NYCDEP. Any utility relocations required to construct the proposed project would avoid or minimize any disruptions to service. It is not anticipated that any disruption to water supply would take place during construction.

Comment 308: All workers who maintain and repair the floodwall infrastructure and parallel conveyance system must receive thorough training and be provided with a safety manual. As flood gates will be closed manually before storm events, I urge the Applicants to conduct a study on ways to ensure the proper training and safety of all workers involved in storm preparation and the operation of the flood control systems. (Brewer_082)

Response: As described in DEIS Chapter 2.0, “Project Alternatives,” under the description of the Preferred Alternative, the operations and maintenance of all infrastructure, including the sewer infrastructure, will be performed by appropriately trained personnel and in accordance with an Operations and Maintenance manual that will specify these requirements.

Comment 309: Construction of the parallel conveyance and proposed upsized branch interceptors will tear up and severely impact residents of Water Street between Gouverneur Street and Jackson Street, Houston Street between Baruch Drive and Columbia Street, East 10th Street between Avenue D and FDR Service Road, and Avenue C between East 23rd and East 20th Street. These disruptions have been downplayed to the neighbors in these locations by DDC. (Tainow_139)

Response: Construction of the parallel conveyance and upsized branch interceptors will be sequenced and staged to minimize disturbance to the community. No disruption to water and sewer service during construction of this infrastructure is anticipated. Of the significant adverse effects to transportation identified in Chapter 6.9 “Construction—Transportation” as potentially occurring during construction, neither is associated with drainage management. Potential significant adverse effects due to noise associated with construction of the proposed project, including the drainage management components, as well as measures that the City will implement during construction to the extent practicable to minimize these adverse effects, is discussed in Chapter 6.12 “Construction—Noise.”

Comment 310: During construction, the closure, reconstruction, and reconfiguration of the park’s underground sewer outflows and tide gates would put the protected area at risk for combined sewer backups during a rain event. (Tainow_139)

The DEIS overlooks how the closure, reconstruction, and reconfiguration of the park’s 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. (ERA_158)

Response: Maintenance of sewer flow throughout construction would be required as part of construction contract specifications. This can be achieved with bypass pumping, temporary piping, and construction sequencing. Work would be sequenced to maintain service of existing systems during construction. Connections between existing sewer systems and new systems would be made during dry weather, low flow conditions with appropriate bypass pumping systems in place as needed to maintain flow in the sewers and outfalls without backups.

6.8 CONSTRUCTION—ENERGY

Comment 311: The project does not address protection of the Con Edison plant. The DEIS only mentions fixing a Con Edison cable that runs underneath East River Park. (Kresselle_322)

Response: As discussed in DEIS Chapter 2.0, “Project Alternatives,” “Project Alternatives,” the resiliency project for the Con Edison Complex has been completed and is independent of the proposed project. The proposed project would be integrated with this system and supplemented where needed to complete the flood protection system in the segment along the Con Edison Complex (i.e., between East 13th Street and north to Murphy Brothers Playground).

Comment 312: The Preferred Alternative will conduct excavation, pile driving, and other disruptive construction activities in and around existing energy transmission and generation infrastructural sites, such as the Con Ed Station. To avoid significant damages and service disruptions, construction plans must fully protect the

existing water, electrical and high voltage electrical transmission lines that extend beneath the entire length of East River Park. Construction must aim to minimize vibration and control excavation measures including the placement of fill and soil in order to not disrupt any vital infrastructure that serves the surrounding community. (Brewer_082)

Response: As described in Chapter 6.8, “Construction—Energy,” in order to avoid damage to or disruption of the transmission lines during the construction of the proposed project, measures would be taken to minimize vibration, to carefully control excavation around existing infrastructure, and to manage the placement of fill and soil stockpiles. Because the transmission lines are highly sensitive to vibration, installation of sheet piles in proximity to the lines could be achieved with a press-in sheet piling machine, rather than vibratory hammer. To avoid unexpected utility line strikes or other hazardous conditions, the location of transmission lines would be confirmed via test pits inspections performed by Con Edison.

Comment 313: 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. (ERA_158)

Response: All work related to the Con Edison lines will be designed and overseen by Con Edison.

Con Edison is proposing to wrap their transmission lines located belowground along the proposed project area in a protective carbon fiber material. The City has been and will continue to coordinate with Con Edison on this design.

Comment 314: Alternative 4 also requires excavation around major Con Ed power lines running through East River Park. “During construction of the proposed project, Con Edison would undertake the wrapping of their existing live transmission lines located below ground in a protective carbon fiber material. Carbon fiber wrapping activities would be performed in conjunction with the installation of the flood protection measures and would involve the use of handtools.” (6.0-8) What would happen to power in lower Manhattan if a storm surge flowed into open excavations containing these live transmission lines? (Lake_135)

There is no backup plan in case power lines are damaged during excavation or wrapping. (ERA_158)

Response: All activities related to the construction around Con Edison transmissions lines will be coordinated with Con Edison and agreed upon prior to construction.

Comment 315: With respect to control measures in the construction contracts, to ensure adherence by the City and its construction contractors, the final EIS should state

that the following utility protection measures would be made enforceable conditions of the City's construction contract: (1) no installations other than as permitted by approved design documents; (2) the inclusion of vegetation restrictions in the approved design; (3) surface restrictions that follow standard roadway design; and (4) vibration monitoring along the Con Edison property line. (ConEd_162)

The final EIS also needs to specify procedures for construction monitoring and mitigation near the East 13th Street Substation and the East River Generating Station. These procedures should be subject to Con Edison's review and approval before they are finalized. (ConEd_162)

The final EIS should state that if the proposed project presents a threat to the reliability and integrity of Con Edison's systems, Con Edison may request a suspension of work, at no cost to Con Edison, until the potential system impacts are properly addressed. (ConEd_162)

Response: As described in the DEIS and also this FEIS, the City has been coordinating with Con Edison since the inception of the proposed project and most recently held a coordination meeting with Con Edison on September 3, 2019 and a design review meeting on August 8, 2019. The City will continue to coordinate with Con Edison through the project's final design. This coordination will include both Con Edison and the New York Power Authority to develop the final designs as well as the overall construction approaches and phasing, with the objective of minimizing to the extent feasible the construction duration and operational impacts and any design conflicts between the proposed project and on the Con Edison East River Complex and the associated transmission facilities, or added design details as it relates to the protection and integration of Con Edison facilities into the proposed designs (e.g., elevation changes in East River Park).

6.9 CONSTRUCTION—TRANSPORTATION

Comment 316: Since the current waterfront is a major pathway for both pedestrians, runners and cyclists alike, and CB6's independent usage counts showed higher usage counts than what was listed in the Draft Environmental Impact Statement, any route detours should accommodate adequate space on the streets to ensure safe movement for the additional multimodality uses with the current sidewalk pedestrians. (CB6_501)

Response: NYCDOT is actively involved in the design of the detour routes and will ensure that adequate and safe pedestrian corridors are provided along the potential detour routes.

Comment 317: A DOT plan addressing the recently narrowed lanes of traffic on East 20th Street that allows for passage along East 20th Street during the construction of the interceptor gate house needs to be developed. (CB6_501) (Brewer_302)

A DOT plan addressing the narrow lanes of traffic on East 20th Street and its passage during the construction of the interceptor gate house must be submitted for CB6 approval. (Brewer_082)

Response: The City is developing a design at this location that would minimize the effects to parking losses, maximize traffic circulation, and accommodate pedestrian and bicyclists' safety and accessibility. The analysis presented in Chapter 6.9, "Construction—Transportation," assumes a reasonable worst-case scenario of the proposed interceptor gatehouse for the purposes of analyzing transportation effects. As described in DEIS Chapter 6.0, "Construction Overview," detailed MPT plans will be developed as part of the final design process and these plans will be reviewed and approved by NYCDOT's Office of Construction Mitigation and Coordination (OCMC) prior to construction.

Comment 318: The DEIS states that "NYCDOT is investigating supporting bicycle infrastructure upgrades along the alternate route, including new markings and signage" (8.0-5). It should specify where this re-rerouting and signage would be located and consider this plan as well as additional solutions including more dedicated bicycle lanes on additional routes in consultation with the Community Board. NYC Parks should also consult the Community board on viable solutions for the needs of joggers and walkers. (CB3_500) (Brewer_302)

Alternate bicycle path markings such as those at Battery Park that permit bicycles next to the water on alternate bicycle paths are needed in East River Park. (Weiss_039)

Avenue B should get a 2-way protected bike lane to absorb the shift in bike traffic and to complete the network with Clinton, 12th, and 13th Streets. (Gers_034) (Dyssegaard_012)

Alternative routes deemed safe for all, including pedestrians, micro mobility users, runners, commuting and recreational cyclists of all ages, must be developed in collaboration with the community and instituted before the Greenway is closed. (CB3_500) (Brewer_302)

The community requests for a robust traffic study for adequate and safe, interim bike and pedestrian routes during the construction period. (Brewer_600) (Weiss_192)

DOT must share results of preliminary study for sufficient detour options for users of the East River Greenway, which must include real community input before any final decisions are made. (Unger_317) (Rivera_349)

DOT and the Applicants must ensure that the closure of the bikeway/walkway will be replaced by equally safe passage for commuters during construction. (Brewer_082) (Walker_308) (Walker_357)

Alternate routes must be prominently marked by signage. (Brewer_082)

There is no sustainable plan for the re-routing of the East River Greenway. (Lake_312)

Testimony at recent hearings indicates the use of the Greenway for commuting must be studied. How much more dangerous is riding in the streets? Proposed 1st and 2nd Avenues alternative routes are already at capacity, and diverting Greenway users there would be a Vision Zero nightmare in the making. Enforcement of the 25 mph (20 in school zones) speed limit is recommended in the area. (Brawer_095)

The East River shared-use path not only serves local residents; it is also used by thousands of commuters and recreational enthusiasts as part of the East River Greenway that extends from the Battery in Lower Manhattan to East Harlem. According to NYC DOT, nearly 2,100 cyclists used the shared-path on weekdays and nearly 2,000 used it on weekends during daylight hours in 2018. Usage is expected to rise annually by 5 percent. Construction of the proposed project will temporarily close this important thoroughfare and transportation route, severely hindering connections to other areas of the region for local residents and commuters. Because of the potential significant adverse impact on area connectivity, the City must work with DOT, project Task Force, and area stakeholders to come up with a detailed alternative passage plan for bikers and pedestrians during project construction and include the details in the FEIS. (MAS_130)

Commuting on foot and by bicycle in East River Park must be studied: Testimony at recent hearings indicates the use of the Greenway for commuting must be studied. How much GHGs will be created due to lack of access? Or more dangerous riding in the streets? Proposed 1st and 2nd Avenue alternative routes are already at capacity, and diverting Greenway users there would be a Vision Zero nightmare in the making. Enforcement of the 25 mph (20 in school zones) speed limit is recommended in the area. (Brawer_095)

I have a 1st floor street facing apartment on 4th St and C. I'm not looking forward to the added foot traffic out of bedroom window due to the park closing.

Page 5.9-8 describes the Bike Lane Network, without indication of type of Bike Lane. Table 5.9-4 shows crash data. Protected bike lanes and reduced traffic speeds around park entrances, such as Houston Street, especially east of Avenue D, near schools and where crashes are common, and safety measures that prioritize Vision Zero goals, must be studied. (Brawer_095)

With the speed limit now reduced to 25, speed limit signs on the entry points will help reduce motor vehicle crashes and confusion. South Street has new bike and pedestrian lanes, however, multilingual signage is needed as pedestrians don't use the raised sidewalk next to the roadway. (Brawer_095)

Numerous families bicycle commute along the East River Park bike path to and from schools in District One. Closing the East River Park terminates families

bicycle commutes to and from school. Loss of a bike /exercise path, which is popular with cyclists and joggers who don't want to endanger their lives in street traffic. (Ryan_136)

The bike path which runs through the park is used by thousands of cyclists every week, many of whom use this vital transportation artery as a means to commute to work and school. Mayor de Blasio has just recently called for increased bike safety in light of the deaths of 19 NYC cyclists this year. Closing the park bike path runs completely counter to his initiative and would lead to more casualties among cyclists as they would be forced back into the streets. Is it fair to close a high use residential bike artery entirely for 4 years to keep a single lane open on the FDR drive? At the recent hearing, when asked about the potential closure of this major bike artery, the City representatives cited they were researching alternative bike lanes through the lower east side. Nothing concrete was presented by their team. However, just this morning 8/19/19, I witnessed, and reported, a construction truck blocking the entire north and south bound bike lanes at the intersection of Broome Street and Clinton Street. The truck sat there for at least 90 minutes during the late morning. I witnessed cyclists forced to ride in the lane with cars, and actually saw one cyclist getting harassed by motorists when he was trying to navigate around the parked truck. If this is where the city plans to re-route traffic from the park bike path, they are in for many conflicts because they are not keeping the bike lanes clear and they are very congested. The existing bike lanes are blocked so frequently by parked cars that they are dangerous and difficult to navigate. How can they possibly be an alternative to the safe bike path in the park, where vehicles are not permitted? (Colosky_137)

Bike and pedestrian routes must remain open along the river as it serves as an important route for both leisure and commuting in an environmentally friendly form. (LaBarca_140)

Please maintain protected bike lanes on the East Side throughout the construction period. The ESCR area is a major conveyor for safe cycling throughout the east side of Manhattan to downtown. On-street bike lines on major streets are not a replacement for the long stretch of car-free cycling offers by the ESCR area. It will be a major safety hazard if cyclists are forced onto unprotected, paint-only bike lines on busy Manhattan roads. Please maintain a protected bike lane near the ESCR area throughout construction. (Scheib_142)

There are no adequate plans for alternative bike lanes to be provided to residents and schoolchildren during construction. (Salmon_144)

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. (ERA_158)

I use the green way to bicycle to and from work every day. What safe alternative will the city provide for me? (Yerington_178)

One issue I have with the City's current proposal is transportation. I ride my bike to and from work every day. Without access to the East River bike lane for several I and many others, will have to use the already overcrowded F train to commute, as I do not feel safe riding through the traffic streets to get to my job on 34th Street and a good alternative route has not been provided. First Avenue is way too crowded already with bikes and traffic. It is not a feasible alternative. You will need to provide a lot more F trains if you go along the current plan. There is so much construction of new luxury buildings near the Delancey Street stop. How will all these people get to work, especially when you take away our ability to ride a bike? (Kramer_182)

Some of the concerns that have been voiced throughout these meetings, and have not been adequately addressed include: So far we have not heard what the city plans to do for people who bike on the path down the East River Park. Re-routing bikers to 1st or 2nd Avenue is unacceptable. (Frisk_185)

I would like to say that this plan does not take into account the impact the loss of a major bike route will have on East Village cycling traffic. Cycling in the East Village is already a dangerous affair with e-bikes and wrong-way riders. The route from 10th St. to Grand St. is a vital corridor that would be destroyed in this plan. It is a respite from the often dangerous, blocked by construction, filled with double-parked vehicles, barely protected bike lanes. It is much cooler than riding up or down an avenue. (Colby_189)

In regard to transportation East Village has been dramatically affected by the MTA and L subway reconstruction. We have lost significant street parking because 13th St and 12th St have become dedicated bike lanes. The M14D and m14A bus routes have had bus stops eliminated and have been turned into Select Bus routes. If Ave C / Pitt St is redesigned to include dedicated bicycle lanes, we lose more street parking spaces. (Ryan_136)

Re-routing the greenway to First and Second Avenues directs cyclists to an already overcrowded corridor and provides no safe, car-free alternative for pedestrians and runners. This proposed corridor is fast-moving, and not an appropriate place for slower or less experienced users. No alternative to the brand-new track, which is used by District 1 schools as well as individuals, is offered. DEIS states that investigations supporting bicycle infrastructure upgrades along the alternate route, including new markings and signage as a potential open space mitigation measure. How does this compensate for the Greenway closure? It's something the Green Wave effort should be addressing anyway. What is the plan for safe alternatives for pedestrians and runners? Especially seniors and children. (Lake_135)

Although the City says it is looking at mitigation possibilities, it should provide a detailed analysis of, and plan for, such mitigation measures in the EIS, and make that analysis and plan subject to public comment, before finalizing the EIS. For example, the Draft EIS suggests that the City is planning to reroute bicyclists and other greenway users to not-yet-decided alternative routes, perhaps as far west as First and Second Avenues, Draft EIS at 6.0-26, but the City should decide on and make available for public comment a specific, concrete proposal to address the loss of the Greenway before issuing the final EIS. (James_134)

Response: Preliminary plans for rerouting during construction were presented in the DEIS and have been updated for this FEIS (see Chapter 6.9 “Construction Transportation”). NYCDOT understands the significance of the planned closure of the East River Greenway during construction of the proposed project and is committed to providing safe alternative routes for pedestrians and bicyclists. The existing protected bicycle lanes on First and Second Avenues are proposed as the primary reasonable alternative for many of those who currently use the Greenway. Additionally, cyclists are encouraged to use existing local routes Avenues A, C and Clinton Street. NYCDOT is currently upgrading a number of intersections in the East Village with offset crossings to provide a more comfortable experience for bicyclists and also currently examining the potential to install protected bicycle lanes permanently on Avenues A, B and C. The details of the proposed rerouting plan have been added to Chapter 6.9, “Construction—Transportation.” The rerouting plan design will continue to be finalized through the final design process of the proposed project.

Response: NYCDOT will continue to take input from the community as the details of the rerouting plan is finalized. The details of the proposed rerouting plan has been added to Chapter 6.9, “Construction—Transportation.”

Comment 319: Alternative 4 completely closes the bike path and this is not mentioned in the EIS section titled “Transportation.” (Kolosky_313)

Response: All transportation impacts during construction are analyzed in the DEIS Chapter 6.9, “Construction—Transportation.” During construction, pedestrian and bicyclist circulation through East River Park and Stuyvesant Cove Park would be temporarily rerouted. A preliminary rerouting plan is presented in this FEIS and a final rerouting plan would be developed by NYCDOT as part of the project’s final design.

Comment 320: CB6 recommends that traffic studies be conducted regarding expansion of the NYC Summer Streets program to explore the possible use of any underutilized streets, during summer weekends, when waterfront usage peaks. (CB6_501) (Brewer_302)

Response: The City is continuing to assess opportunities to provide public space programming during construction which includes the above recommendation.

Comment 321: Signal timing changes must be installed at the intersections of East 23rd Street/First Avenue and East 23rd Street/Second Avenue to mitigate any significant adverse traffic effects. (Brewer_082)

Response: As stated in DEIS Chapter 6.9, “Construction—Transportation,” the potential for significant adverse effects to transportation systems during construction were assessed for the proposed project. Based on the magnitude of construction automobile and truck trips during the peak construction period, construction of the proposed project would have the potential to result in 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. These effects could be fully mitigated with the implementation of standard traffic mitigation measures (e.g., signal timing changes). According to the analyses, the intersection of East 23rd Street at Second Avenue would not have the potential for significant adverse traffic effects in the construction AM peak hour, and analysis was not warranted during the construction PM peak hour. As stated in DEIS Chapter 5.9, “Transportation,” the analysis operational conditions also did not identify the need for more detailed assessments of the intersections of East 23rd Street at First and Second Avenues.

Comment 322: There is no public transportation from First Avenue. There are no subways east of First Avenue. We are really dependent on street traffic. The 1,000 additional vehicle trips daily are going to cut off the park.

Page 5.9-9 describes parking inadequately, given the expectation of 1,000 workers during construction, and how they will displace residents’ cars, air quality and congestion impacts. (Brewer_095)

Response: According to DEIS Chapters 5.9, “Transportation,” and 6.9, “Construction—Transportation,” the project would not generate 1,000 additional vehicle trips per day. DEIS Chapter 6.9, “Construction—Transportation,” stated that under the Preferred Alternative, the average number of workers throughout the entire period would be approximately 216 per day and the peak number of workers would reach 250 per day from the third quarter of 2020 to the second quarter of 2022. The average number of trucks throughout the entire construction period would be 60 per day, and the peak would occur from the fourth quarter of 2021 to the first quarter of 2022, with 147 trucks per day. The average number of worker autos would be 80 vehicles per day, and the peak number of worker autos would reach 92 vehicles per day and occur from the third quarter of 2020 to the second quarter of 2022. Based on 2000 U.S. Census data on workers in the construction and excavation industry, it is expected that approximately 46 percent of construction workers would commute to the project area via transit. The study area is well

served by mass transit, including 6 subway lines (No. 6, and F, J, M, Z, and L) and numerous local and express bus routes. Furthermore, as stated in DEIS Chapter 6.9, “Construction—Transportation,” based on the magnitude of construction automobile and truck trips during the peak construction period, construction of the proposed project would have the potential to result in 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. These effects could be fully mitigated with the implementation of standard traffic mitigation measures (e.g., signal timing changes).

Comment 323: The additional demand of parking generated by construction workers and delivery trucks must remain as inconspicuous as possible to the surrounding residential community by opening up spaces within unused areas of the construction site or other off-street parking sites and the Applicants must offer project workers a reduced transit fare on work days to limit car travel and the demand for parking spaces. (Brewer_082)

Response: Based on the DEIS analysis as provided in Chapter 6.9, “Construction—Transportation,” project construction activities are projected to generate a maximum parking demand of 92 spaces related to Project Area One construction and 52 spaces for Project Area Two construction. These parking demands would most likely be spread over a large area. Based on a parking analysis undertaken for the DEIS, the projected construction period parking demand for Project Area Two could be fully accommodated by the available on-street parking spaces and off-street parking facilities within a ¼-mile of the project area. The Project Area One demand would not be fully accommodated within ¼-mile, with a potential unmet demand of approximately 35 spaces. It is expected that excess parking demand within Project Area One would need to be accommodated by on-street parking or off-street parking beyond a ¼-mile study area. Alternatively, workers could choose other modes of transportation, as the study area is well served by mass transit, including 6 subway lines (No. 6, and F, J, M, Z, and L) and numerous local and express bus routes. This unmet parking demand is not a significant adverse impact of the proposed project.

Comment 324: DDC’s versions of their presentations state that pedestrian access to Corlears Hook Ferry Station in CB3 and the Stuyvesant Cove Ferry Station in CB6 will be maintained during the period of construction. However, this has not been confirmed. If disruptions prove unavoidable, the CBs and ferry users must be notified well in advance. (Brewer_082)

The City says that ferry service at Corlears Hook will continue. With the current bridge across the FDR being planned for demolition and the rest of the park under construction, how will the ferry be accessed? (Yerington_178)

If I'm not mistaken, you will also be closing the ferry service at Corlears Park. Again, it is another loss of transportation for people living in the lower East Side. (Kramer_182)

Response: As described in Chapter 6.9, "Construction—Transportation," it is not anticipated that construction of the proposed project would interrupt NYC Ferry service or prohibit access to the ferry landings. Dedicated pedestrian access would be maintained to both ferry landings in the project areas.

Comment 325: 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." (ERA_158)

Response: The pedestrian and cyclist counts at access points to East River Park were collected during typical conditions when the park was operating normally, with a combination of active and passive recreation opportunities. It is assumed that few to none of the pedestrian and bicycle trips were non-recreational trips or trips unrelated to the park itself. Therefore, during times that portions of East River Park are closed for construction of the proposed project, those portions of the park would not generate the recreational trips that were counted and classified as pedestrians and cyclists. Those trips would otherwise not be made, or they would be made at much lower levels, and be dissipated throughout the large geographic catchment area for the park, and would occur on other facilities such as sidewalks, crosswalks and street corners, and bike facilities. Therefore, diversions of these pedestrian and bicycle trips for the purposes of a transportation screening assessment are not warranted because the trips would primarily not be generated, and the few that would be generated by local pedestrian and bicycle facilities would not surpass the CEQR Technical Manual threshold of greater than 200 pedestrian trips on any single pedestrian element during any single peak hour. Although there is not a screening threshold for bicycle trip generation, by applying the pedestrian screening threshold of 200 trips to cyclists, it is expected that there would be fewer than 200 bicycle trips generated on any single bicycle facility during any single peak hour as a result of the proposed project's construction.

Comment 326: DEIS, Chapter 6.9: The Coast Guard recommends the potential barging operations (Paragraph H, page 6.9-39) be revised from "USCG operates a harbor surveillance system to help provide separation between large vessels" to "USCG operates a Vessel Traffic Service that provides the mariner with information related to the safe navigation of a waterway." (USCG_187)

Response: Comment noted. Chapter 6.9, “Construction—Transportation,” has been revised based on input from USCG.

Comment 327: There are several component parts of the Project or No-Action Projects (as detailed in Appendix A1 of the DEIS) the impacts of which on East River Housing should have been considered collectively, as it is likely that they will occur in whole or in part simultaneously with construction of the parallel conveyance. In particular, the construction of the new overpass from Delancey Street and the relocation of the existing controlled entrance/exit from the parking lot will create new traffic patterns; involve lane closures during construction; affect turning radii for the maintenance equipment and heavy vehicles used by East River Housing for its facilities and activities in and around the parking lot; generate noise and vibration from pile driving and result in the release of hazardous materials. Further, in addition to the 65 parking spaces that will be lost during construction of the parallel conveyance, 35 will likely become unavailable while the existing overpass is being demolished. Overhead protection required during construction of the new overpass could make parking spaces along the northern periphery of the parking lot unusable. Thus, the total number of displaced spaces from the lot could be as many as a hundred during certain periods of simultaneous construction. (ERHC_161)

The western end of the East River Housing parking lot is the epicenter of the operational components of East River Housing, the source of essential services provided to a population the equivalent of a small town. The proposed project has the potential to materially interfere with the daily functions of those operational components, with significant environmental consequences for the resident population. For example, East River Housing manages its own garbage disposal; physical interference with access to the pick-up area could result in delays in disposal, and the accumulation of garbage inter alia adversely affecting quality of life and potentially resulting in increases in the rodent population. Steam pipes carrying steam to 7500 residents in part run under the surface of the parking lot. This is just one example. The DEIS shows no awareness of the possibility of such operational interference, the environmental effects of which should be thoroughly studied before any proposal for the development of the parallel conveyance is approved. (ERHC_161)

There's a proposed permanent easement location at the East River Housing parking lot. But the construction easement location being much greater is what's going to totally cut off our access. When we asked for another location for parking, you know, we're still working on this with them. When we asked perhaps under the Williamsburg Bridge because there are streets there and MTB and DOT have trucks there and others, we were told at first, no. Yet Citibike, more than two blocks away, had a huge parking lot given to them for their trucks and excess bikes so they can ferry them around. We would only be for the period of

construction, whether that's nine months to—or, you know, that's undefined. (Altman_302)

Construction would be near a playground. Replacement parking, as mentioned, was told that it was impossible. (Gentaviso_303)

Response: The DEIS analyzed the various elements of project construction and this FEIS has been updated to provide additional details on a potential implementation plan for construction activities at on the ERHC property to install the proposed parallel conveyance. The location for the proposed parallel conveyance is in the vicinity of the current interceptor manhole in the parking lot. During construction, coordination will involve additional outreach with the ERHC property owners with the objective of minimizing adverse effects on that property during the construction of both the proposed pedestrian bridge improvements and the proposed parallel conveyance

The total number of parking spots anticipated to be displaced as a result of the construction of the Delancey Bridge ramp and parallel conveyance in the East River Housing parking lot is anticipated to be up to 50 spaces (see FEIS Chapter 6.9, “Construction—Transportation”). As stated above, coordination with the East River Housing Board will be ongoing with the objective of minimizing adverse effects to the operations at the housing complex.

Comment 328: The DEIS summarily concludes that, upon completion, the Project would not be anticipated to have any significant effect on vehicular traffic, transit or pedestrians, Thus, it also concludes that no quantified traffic analysis is required and, as a result, under CEQR Manual guidelines, no parking analysis is required. As to the impact on transportation or parking of the construction of the parallel conveyance and associated work on East River Housing's property, the DEIS is silent, since it considers only the construction vehicles and workers who would come to the Project Area (in which East River Housing is not located) and does not consider the impact on traffic around East River Housing's property resulting from the displacement of vehicles from its parking lot during the construction duration to complete the portion of the Project on East River Housing's property. The resident-owners of the displaced vehicles from East River Housing's parking lot would have to find alternative parking locations, and would therefore be forced into the street network surrounding East River Housing to search for on-street parking or spots in public parking garages. Also, if pathways for the movement of the complex's heavy equipment and vehicles are not maintained in the parking lot, they may be forced to park on the street. (ERHC_161)

Response: Chapter 6.9, “Construction—Transportation,” of the FEIS has been revised to identify the potential parking losses and circulation effects during the construction of the parallel conveyance system and the proposed Delancey Street Bridge reconstruction on the East River Housing Corporation parking lot.

Comment 329: In or near all of Project Area One, the DEIS identifies only 70 available on-street parking spaces and 60 off-street spaces to absorb 92 passenger cars for ESCRCP workers. Because the DEIS references only on-street parking “near” (an undefined term) Project Area One, it is impossible to determine whether a study was made of parking in the immediate vicinity of East River Housing’s property. Moreover, the 92 passenger cars for which parking is estimated to be required takes no account of the vehicles and heavy equipment that will be in the street network around East River Housing’s property looking for on-street parking because they have been displaced from the parking lot. The DEIS does not acknowledge, much less analyze this condition, which will affect the anticipated shortfall of parking, estimated by the DEIS to be only 35 spaces. The DEIS cavalierly and without any study or analysis concludes that East River Housing’s elderly residents and young families with children who have lost their parking due to the project will walk more than $\frac{1}{4}$ mile to find alternative parking or “choose other modes of transportation.” (ERHC_161)

Response: The conclusion cited in the comment above relates to specific City guidance as contained in the *CEQR Technical Manual* (page 16-67), which states that if a project is located in Parking Zones 1 and 2 (all of Manhattan is within these two zones), a parking shortfall is not considered significant due to the availability of access to alternative modes of transportation. This conclusion is made in reference to the shortfall of construction worker parking, it has not been applied to the temporary displacement of ERHC parking.

Comment 330: The DEIS also gives no consideration to the impact on the traffic network at the intersections of the streets surrounding East River Housing’s property of these additional cars and vehicles roaming the streets searching for parking spaces. No consideration is given to the impacts that will result from the potential simultaneous construction of the new FDR crossover on Delancey Street, and the associated relocation of the entrance/exit to the parking lot, all which could result in lane closures and congestion along Delancey Street between Lewis Street and the FDR Drive. Further, the DEIS takes no account of possible pedestrian, bicycle and vehicular conflicts on Delancey Street that may result from the multiple simultaneous projects contemplated on or near that block. (ERHC_161)

Response: Figures 6.9-7 and 6.9-8 of the DEIS Chapter 6.9, “Construction—Transportation,” and also this FEIS, show the estimated number of construction vehicles that are projected to use the local intersections during the construction peak hours; Figure 6.9-9 shows the NYCDOT truck routes near the project area. The arrival and departure patterns analyzed in the DEIS and this FEIS are predicated on the locations where workers and construction vehicles are predominantly expected to be parked, which is the construction zones in East River Park and Stuyvesant Cove Park, where there is land area that will be under construction that can temporarily accommodate construction vehicle parking. As described in the DEIS and this FEIS, vehicle trips for construction workers

arriving and departing from these locations are typically during the off-peak travel hours given the typical construction work day and arrival and departure patterns of the workers, which also limits the traffic effects during the traditional peak travel hours.

Comment 331: What is the anticipated monthly truck trips per the overall parks system construction that will be entering from Montgomery Street? (Smiler_132)

Response: As presented in **Table 6.9-7** in DEIS Chapter 6.9, “Construction Transportation,” it is estimated an average of 29 trucks per day will use the Montgomery Street access/egress point throughout the entire construction period, with a peak of up to 147 trucks per day during the peak construction traffic period.

Comment 332: What is the City’s expectation of how many trucks will pass along a one block radius of all GGHC buildings during a monthly period of construction for the ESCR project, including the development of Pier 42?

Response: Figures 6.9-7 and 6.9-8 of DEIS Chapter 6.9, “Construction—Transportation,” show the estimated number of construction vehicles that are projected to use the intersections near the GGHC buildings during the construction peak hours; Figure 6.9-9 shows the NYCDOT truck routes near the project area. Pier 42, which was conducted under a separate environmental review, was estimated to have no more than 10 truck trips per day. The maximum combined projected total of trips is 157 per day, but for a limited period of approximately 6 months.

Comment 333: In order to better understand the various number of space counts in Project Area One, please describe the difference between on and off street parking and why there is a differentiation between “on-street parking spaces” and simply “spaces.” Additionally, with regards to the “maximum parking demand” shortfall, why would this occur? Please supply the specific cited text and metrics from the CEQR Technical Manual which determines the parking impact not being adverse to Project Area One. (Smiler_132)

Response: On-street parking is defined by the *CEQR Technical Manual* as the legal spaces on the City street and off-street parking are the spaces provided within publicly accessible parking facilities such as garages for public use. Per the *CEQR Technical Manual*, on-street and off-street conditions are inventoried separately, rather than just the total number of spaces within a 1/4-mile radius of the project area. However, to determine if a proposed project would result in a parking shortfall or significant adverse impact, the total demand and capacity (i.e., the sum of both the on-street and off-street) is used. Based on the existing on-street and off-street parking demand and capacity, the parking demands and capacities for the future with and without the proposed project were calculated for the DEIS. The future without the proposed project parking demand includes projected background growth per year (from Table 16-4 of the *CEQR Technical Manual*)

and parking demand associated with discrete “No Build” projects expected to be completed independent of the proposed project. The future with the proposed project parking demand and capacity includes parking spaces that would be temporarily displaced for construction staging (resulting in decreased capacity) as well as the increase in parking demand adjacent to the construction staging areas from construction workers (resulting in increased demand). After accounting for the changes described above, a parking shortfall of up to 35 spaces, as presented in the DEIS and this FEIS is projected with the projected during construction of the proposed project; however, as per the City’s *CEQR Technical Manual* (see page 16-67), if a project is located in Parking Zones 1 and 2 (all of Manhattan is within these two zones), such a parking shortfall is not considered significant due to the availability of access to alternative modes of transportation.

6.10 CONSTRUCTION—AIR QUALITY

Comment 334: Construction of the new park may generate significant pollutants as the park is razed, rebuilt and filled with imported soil that may affect the health of local residents (CB3_500) (Paparelli_339) (Kreselle_322) (Weiss_192)

Every effort must be made to minimize raising dust both in disturbing the soil currently in East River Park and the laying in of imported soil to reduce the drift into residences, schools and public spaces. (CB3_500)

Mitigation measures to control soil particles from blowing away in the wind will include the use of tarps and a sprinkling system. On windy days, those measures will be useless when loads of soil are being moved and poured. Our community will be forced to breathe these soil particles for the duration of the construction period. (Pender_330)

This project will force residents to suffer from poor air quality. (Ballard_101)

There is the concern about what carcinogens will be released when the park, which was built on a landfill, is dug up. Is this being studied or even considered? This neighborhood has been lied to by elected officials about air quality in the past including after the September 11th attacks. (Leverett_103)

Please do not destroy our park. Please do not limit our access to quality air. Please do not put the residents who live nearby in jeopardy. (Rediker_127)

ESCR has not presented detailed and sufficient plans of how residents and schoolchildren will be protected from air pollution during construction. (Salmon_144)

The DEIS fails to adequately address these and other concerns related to air pollution and the large increase in particulate matter that will be generated. (Brandsten_154)

The full price is paid by community residents who will be subject to health risks from toxins such as asthma. (Feld_157)

The idea of losing access to the park for years upon years is completely unthinkable as is the air pollution produced by razing and burying the entire park. (Duncan_168)

How will the city address the negative affect of construction and dumping 10,000 tons of landfill on the air quality of the neighborhood? (Yerington_178)

Some of the concerns that have been voiced throughout these meetings, and have not been adequately addressed include: Impact on air quality due to the effect that the fill dirt would have on air quality, and how this dust would affect LES residents. (Frisk_185)

The complete demolition of 85.15 acres of trees, plants, and grass at the same time construction emissions and additional traffic on the FDR increase air pollutants, puts our already-stressed community at even higher risk of respiratory problems, and not just during construction. (Lake_135)

With respect to the City’s own “Construction Emissions Profile” charts, Project Area 1, of which GGHC falls within this area will see enormous increases in the amount of emissions. (Smiler_132)

Response: As described in Chapter 6.10, “Construction—Air Quality,” of both the DEIS and this FEIS, to minimize dust emissions from construction activities, a dust control plan including a robust watering program would be required as part of contract specifications. For example, all trucks hauling loose material would be equipped with tight-fitting tailgates with their loads securely covered prior to leaving the project area; water sprays would be used for all excavation and transfer of soils to ensure that materials would be dampened as necessary to avoid the suspension of dust into the air. Loose materials (e.g., on-site material storage piles) would be watered or covered. All Construction—related dust reduction measures would be implemented in accordance with DEP’s *Construction Dust Rules*³⁶ and required as part of DDC’s construction specifications.

DDC is committed to clean construction sites. For the proposed project, as on all projects, the contractor would be required to develop a CHASP and implement the measures accordingly. The CHASP would ensure that soil disturbances are performed in a manner protective of workers, the community, and the environment, including procedures for odor, dust, and nuisance control.

Comment 335: How will the removal of vegetation in East River Park affect the air quality index? (Billings_024)

³⁶ http://www.nyc.gov/html/dep/html/air/construction_dust_debris.shtml

How will the removal of over 900 trees and thousands of plants affect the air quality? Loss of over 900 trees affects the air quality of the park, which abuts a major highway. It also affects the air quality of the entire Lower East Side. (Billings_008) (Upton and de Aragon_051)

How can removing 981 trees have no effect on air quality? (Hirshorn_126)

I am extremely concerned about the current plan's impact on our air quality and the environmental stress of losing access to such a large and important green space, not to mention its role in sequestering carbon, providing refuge to so many species, and the shade and fresh air given by its beautiful mature trees. I just can't that all these gorgeous trees that survived Sandy are slated to be removed. These trees are our most important frontline defense against pollution and climate change, so why would they be removed like this? (Durand_104)

The DEIS fails to adequately address the environmental impact on air quality in the removal of almost 1,000 trees with the destruction of all animal and insect habitat and the complete removal of all fertile soil in the demolition and construction process. (Brandstein_154)

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 more than 1,000 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. (ERA_158) (Lake_135)

Some of the concerns that have been voiced throughout these meetings, and have not been adequately addressed include: Impact on air quality due to the clear cutting of the park, and how this would affect LES residents. (Frisk_185)

Response:

The air quality benefits of urban trees are considerable. However, on a microscale level, individual trees on average are estimated to remove only a few pounds per year of criteria pollutants such as particulate matter and carbon monoxide. The clearing of the trees in East River Park would not impact air quality conditions in local neighborhoods and the parks would be closed during construction to minimize exposure to air pollutants. Moreover, NYC Parks has committed to a suite of neighborhood improvements, including planting up to 1,000 trees and approximately 40 bioswales throughout CB3 and CB6 beginning in the fall of 2019. Although construction of the proposed project under the Preferred Alternative would result in the removal of 991 trees, restoration of trees would be conducted in accordance with a pre-approved NYC Parks landscape restoration plan. This landscape restoration plan includes over 50 different species, reflecting research around the benefits of diversifying species to increase resilience and adaptive capacity in a plant ecosystem and also pays special attention to species that can handle salt spray, strong winds, and extreme weather events. The

landscape restoration plan would ultimately result in a net increase of 745 total trees within the project area.

Comment 336: Construction and overdevelopment has resulted in asthma in our children. Though air quality is improving in New York City, the most harmful air pollutant, fine particulate matter, varies in the Lower East Side and Chinatown. (Sanchez_340) (Sanchez_347)

During deconstruction we will have dangerous pollution from flying, often toxic landfill particles, machinery fumes, noise and huge amounts of increased poisonous emissions from the FDR especially if it is excluded from congestion pricing – with no mitigation from the trees in our park. This is a family neighborhood with asthmatic children and many seniors with COPD. The ‘preferred’ plan puts all of us at serious risk. (Boster_094)

Communities of color are constantly under attack. This is an equity issue for me and my neighbors. 1. Our community lacks public parks 2. Current parks have been under construction for 5+ years 3. Due to the many construction projects and over development, our children have asthma. Though air quality is improving in NYC it varies by community district. In the Lower East Side and Chinatown, levels of the most harmful air pollutant, fine particulate matter (PM_{2.5}), are 8.9 micrograms per cubic meter while Manhattan has a PM of 9% and NYC of 7.5%. With no plan to shield the community, these numbers will increase. (Sanchez_347)

Indeed, private cars are being prioritized by Alt 4 although they are major contributors to climate change as well as to respiratory disease. (Brawer_095)

No mention of health, emissions, carbon, pollution, or consideration whatsoever although NYC Health Department shows the Lower East Side has more asthma cases than the Manhattan average (297 per 100,000 vs NYC’s 223). (Brawer_095)

What is the effect of dumping landfill and tamping it down for construction on the air that these same residents will breathe? For how long? (Hirshorn_126)

Dust from the immense quantities of dirt that would be dug up in the park or delivered by barge. Neighborhood residents already have high levels of asthma. (Ryan_136)

Response: DEIS Chapter 6.10, “Construction—Air Quality,” presents an analysis of air quality during construction, including a quantitative analysis of both on-site and on-road sources of air emissions. Pollutant concentrations of nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), and carbon monoxide (CO) from construction sources were estimated in accordance with *CEQR Technical Manual* methodology. An emissions reduction program would be implemented for the proposed project to minimize the air quality effects of construction activities on the surrounding community. These requirements would include dust suppression

measures, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, and best available technologies. With these emission reduction measures in place, the analysis of construction emissions determined that PM_{2.5}, PM₁₀, NO₂, and CO concentrations would be below their corresponding *de minimis* thresholds or the NAAQS (which have been established to protect human health, including vulnerable populations), respectively, and no significant adverse air quality effects from construction would occur with the proposed project. Therefore, in accordance with *CEQR Technical Manual* methodology, no significant adverse impacts to public health would occur as a result of construction air quality.

Comment 337: All we need is a group to come in to talk about the air quality, the projected air quality. (Platt_320)

Response: There has been extensive design and planning outreach on the proposed project, including at the Community Open Houses held in May and June 2019 where the public was provided with the opportunity to interact with the City Agencies, project designers, and environmental experts to discuss the project’s design and potential environmental effects including air quality. The City is committed to continuing its robust public engagement efforts throughout the final design phase of the project.

To that end, the DEIS and this FEIS contain a detailed analysis of the potential construction air quality effects of the proposed project and the City can address the air quality concerns as part of the project’s continued outreach. As stated above, DEIS Chapter 6.10, “Construction—Air Quality,” presents an analysis of air quality during construction, including a quantitative analysis of both on-site and on-road sources of air emissions. With the proposed emission reduction measures in place, the analysis of construction emissions determined that PM_{2.5}, PM₁₀, NO₂, and CO concentrations would be below their corresponding *de minimis* thresholds or the NAAQS (which have been established to protect human health, including vulnerable populations), respectively, and no significant adverse air quality effects from construction would occur with the proposed project.

Comment 338: Construction equipment must use ultra-low-sulfur diesel exclusively for all diesel engines, and a dust control plan (including a watering program). Restrictions must be placed upon trucks’ idling time to 3 minutes except for those vehicles not using their engines to load, unload, or process materials, and electrical equipment must be used in place of diesel equipment whenever possible. These regulations for the reduction of emissions from engines and idling vehicle use, as well the required use of recycled steel, aluminum, and efforts toward construction waste reduction, and heightened care during material extraction and production must be written into all agreements with contractors, bids, and RFPs. (Brewer_082)

Response: As detailed in the DEIS and FEIS Chapter 6.10, “Construction—Air Quality,” an emissions reduction program would be implemented by DDC for the proposed

project to minimize the air quality effects of construction activities on the surrounding community. These requirements would include, to the extent practicable, dust suppression measures, use of ULSD fuel, idling restrictions, and best available technologies. With these measures in place, construction associated with the proposed project would not result in any significant adverse air quality impacts. In addition, as described in Chapter 6.11, “Construction—Greenhouse Gas Emissions,” construction contracts for the proposed project will specify a target for total recycled content, including steel and aluminum. In addition, a target will be set for diverting construction waste for recycling.

Comment 339: Like many of the sections in the DEIS, the discussion of air quality is at a very general level and assumes that mitigation of potential air quality impacts, particularly from such things as fugitive dust emissions, will be achieved by use of best available technology and construction practices without providing any particulars. As to the air quality study allegedly performed, no information is provided as to the locations at which receptors may have been placed, and the results of the study are presented on a project area-wide basis. As we have noted above, however, East River Housing is not, technically, in Project Area One, which is almost entirely east of the FDR Drive, except for the proposed new cross-over bridge at Delancey Street. Thus, it is not clear whether and to what extent any part of the DEIS’s air quality study considered impacts upon East River Housing from the proposed parallel conveyance excavation and construction work. (ERHC_161)

Response: The air quality analysis presented in the DEIS and this FEIS provided in Chapter 6.10, “Construction—Air Quality,” examined the potential for adverse effects associated with construction and identified measures to reduce air emissions doing construction as it relates to dust control and the operation of mechanical equipment. The air quality analysis considered the worst-case short-term and annual time periods that were determined for construction activities in Project Areas One and Two. Receptors (locations in the model where concentrations are predicted) were placed at residential (i.e., Gouverneur Gardens, East River Housing Corporation, New York City Housing Authority [NYCHA] developments, Stuyvesant Town, etc.), and other sensitive uses (i.e., schools, community facilities) at both ground-level and elevated locations (e.g., residential windows), and at publicly accessible open spaces that would have continuous public access during the modeled periods of construction including portions of the Corlears Hook Park that would remain publicly accessible during construction as well as the ferry landings at East River Park and Stuyvesant Cove Park. For example, to minimize dust emissions from construction activities, a dust control plan including a watering program would be required; all trucks hauling loose material would be equipped with tight-fitting tailgates and their loads securely covered prior to leaving the project area; and water sprays would be used for all excavation and transfer of soils to ensure that materials are dampened to avoid

the suspension of dust into the air. These Construction—period dust control measures are consistent with DEP’s *Construction Dust Rules*³⁷ and would be specified in any construction contracts for the proposed project and implemented during the project elements proposed on the East River Housing property.

Comment 340: Despite assurances that best practices will be used to prevent exceedance of air quality standards during construction, no mechanism is provided to ensure that all vehicles use ULSD fuel, that wheels are washed, that loads are covered and wetted down, that trucks do not idle, that appropriate barriers are erected to prevent fugitive dust or other emissions from excavation sites, among other things. While the City’s contracts should require compliance by bidders with these conditions, a contractor that is running behind on its schedule for completion will sacrifice safety and good housekeeping to speed every time. (ERHC_161)

Response: The City is committed to implementing these best practice measures and they will be included in the project construction specifications that will be provided to construction contractors as part of the bidding process. The terms and conditions of those specification will apply to the project construction duration in its entirety, with no exceptions for schedule or construction delays.

Comment 341: While dust suppression and vehicular idling limitations of 3 minutes are purported to be enacted, how is this actually monitored? What oversight does the community itself have to guarantee that these emission reduction measures are adhered to? And what punitive measures would be implemented for any documented violations? (Smiler_132)

Response: All such environmental requirements and commitments to minimize or reduce adverse effects during construction will be incorporated in the final design and specifications and monitored during construction by DDC.

6.11 CONSTRUCTION GREENHOUSE GAS EMISSIONS

Comment 342: The DEIS states that mitigations are “under consideration” in order to achieve “cost effective reduction of greenhouse gas emissions from the construction of the proposed project” (6.11-16). It should be committed to prior to project approvals that when the construction contracts are put out for bid and/or RFPs are issued, they should require the use of biodiesel fuel on-site, require targets be met for the volume of recycled steel and aluminum generated on-site, and commit contractors to divert as much construction waste as possible for recycling. (CB3_500) (Brewer_302)

³⁷ <https://www1.nyc.gov/assets/dep/downloads/pdf/air/Construction—dust-rules.pdf>

Response: Construction contractors will be required to implement these best practice measures recommended in Chapter 6.11, “Construction—Greenhouse Gas Emissions” to the greatest extent practicable and feasible, and will be included in the construction contract documents and bidding process.

Comment 343: No mention of the intense release of CO₂ associated with producing cement and casting concrete. Fly ash concrete and permeable concrete are two of the options that should be included in the EIS as they reduce GHGs and CSOs. (Brawer_095)

Response: As discussed in Chapter 6.11, “Construction—Greenhouse Gas Emissions,” the emissions associated with the production, transport, and on-site usage of concrete was quantified for the project. The construction of the proposed project is estimated to require 13,235 metric tons of cement under the Preferred Alternative. An emission factor of 0.928 metric tons of CO₂e per metric ton of cement produced was applied to estimate emissions associated with energy consumption and process emissions for cement production. Therefore, the resulting GHG emissions from construction materials extraction, processing, and transport would be 16,373 metric tons CO₂e from cement and 4,273 metric tons CO₂e from steel.

Furthermore, to reduce the use of high-carbon cement the DEIS considered the potential use of supplementary cementitious materials (SCMs) such as fly ash, slag, silica fume, and calcined clay, in addition to up to 5.0 percent interground limestone to the extent practicable, contingent upon meeting the project’s concrete performance requirements and specifications.

Comment 344: 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). (ERA_158)

Response: As discussed in DEIS Chapter 6.11 – “Construction—Greenhouse Gas,” As discussed in the DEIS, to mitigate the effects of tree removal the project would implement a NYC Parks-approved landscape restoration plan that has been updated and described in this FEIS. This restoration plan is expected to result in long-term sequestration that equals or exceeds the current level of sequestration by the trees identified for removal.

While the exact disposition methods for the removed trees is unknown at this time, the following methods are considered: wood chipping would release CO₂ and small amounts of methane; landfilling would release larger amounts of methane, but the gas is potentially reused (depending on the landfill); carbon utilized as firewood mostly releases CO₂, but avoids the use of wood which may be otherwise useful as firewood, some wood may be used to construct play equipment in East River Park (e.g., structural, furniture).

Comment 345: The DEIS did not provide sufficient details regarding final disposition of construction and demolition (C&D) material for the project. Clarification is needed regarding the quantities of C&D debris that will be generated, what portion of the C&D debris will be recycled, and what portion will be sent to landfills. The FEIS should evaluate recycling, reuse and disposal options for C&D waste associated with demolition and address what efforts are being made to maximize options to reduce the quantity of materials being sent to landfills (EPA_192)

Response: Chapter 6.11, “Construction—Greenhouse Gas,” of the FEIS has been updated to include an expanded discussion of disposal of construction and demolition debris for the proposed project.

6.12 CONSTRUCTION—NOISE AND VIBRATION

Comment 346: The DEIS states that “The City is also assessing the feasibility of utilizing quieter construction methods (i.e., press in pile)” (8.0-5) and considering “selecting quieter equipment models for cranes, generators, compressors, and lifts may result in up to a 10 dBA reduction in noise levels from construction” (8.0-8). It must guarantee the equipment would be actually be available for the duration of the construction period prior to application approvals, and make these methods a condition of any bid or RFP for ESCR construction. (CB3_500) (Brewer_082) (Brewer_301) (Brewer_302)

The City should guarantee the use of quiet trucks, and no ‘outside of normal construction hours’ truck noise or construction noise. The City should use trucks without a loud backup signal. (Kaufman_040) (Kaufman_060) (McCormack_038)

Use construction vehicles that can rotate 180 so they never have to travel in reverse. (McCormack_038)

Construction noise will have severe impacts on area residents and community facilities (i.e., hospitals and schools). The DEIS predicts that noise would reach up to the mid-80s in decibels (dBA) during daytime construction. This is the equivalent of the noise generated by heavy trucking from a distance of approximately 98 feet. We urge the City to use quieter equipment models for large noise-producing construction equipment (cranes, generators, compressors, and lifts) to reduce construction noise by 10 dBA, as described in the DEIS. Details on specific equipment and measures to reduce noise must be included in the project FEIS. (MAS_130)

The city plans on having construction of the FDR from 11pm to 4 am during the 3.5-year project. How will they mediate the negative impact of that noise during sleeping hours and its consequent effect on the mental health of the families living along the FDR? (Yerington_178)

ESCR has not presented detailed and sufficient plans of how residents and schoolchildren will be protected from noise pollution during construction. (Salmon_144)

Instead of counting on people having double paned windows which I can tell you does very little to mitigate noise, and expecting people to run their air conditioners in the winter and probably ruin them, they must adhere to the CEQR guidelines and doesn't matter how much it costs. Include in any contracts with construction companies specific language to guarantee this and make them use the pile drivers that make the least amount of noise – exact equipment must be specified. (Weiss_192)

Response: As described in DEIS Chapter 6.12, “Construction—Noise and Vibration,” Measures would be taken to mitigate noise effects during construction in accordance with all applicable laws, regulations, and building codes. The City has also identified additional measures since the release of the DEIS that are described in this FEIS to minimize the effects of construction noise. The measures beyond code requirement to be implemented during construction would include:

- For construction activity that would occur during night-time (i.e., 6 PM to 7 AM) and weekend hours within 50 feet of a residence, the $L_{eq(1)}$ noise level resulting from construction must not exceed 80 dBA as measured at the exterior façade of any residential dwelling unit;
- Pile installation activities associated with the floodwall and closures structures that are within 50 feet of residences and the Asser Levy Recreation Center, would produce no more than an 80 dBA L_{max} noise level (i.e., sound pressure level) at a distance of 50 feet. For example, a hydraulic press-in pile installation method would be used instead of the standard impact pile driving method;
- Pile installation activities, where feasible and practicable, would be limited to between the hours of 7 AM and 6 PM. This excludes any activities that need to occur adjacent to the FDR Drive where work would need to be conducted during night time as per NYCDOT's OCMC requirements;
- Using barging for deliveries of construction materials (including concrete) and importing of fill to the project sites, rather than trucks on roadways to from the construction work areas;
- Construction equipment that would operate on barges or within the river would be required to comply with all of the same regulations and commitments as on-land equipment that are subject to the New York City Noise Control Code; and
- Selecting quieter equipment models for equipment (i.e., cranes, generators, compressors, and lifts).

Comment 347: The information that has been published about well-insulated windows at Stuyvesant Town and Peter Cooper Village is not accurate. Peter Cooper Village

residents on East 23d between First Avenue and the FDR hear noise from truck traffic at the VA Hospital at all hours. Stuyvesant Town residents are impacted by noise on Avenue by buses and emergency vehicles entering and exiting Manhattan and the FDR at 18th Street. Some windows are defective as evidenced by cloudy conditions of many windows. (Kaufman_040) (Kaufman_060) (McCormack_038) (Weiss_305) (Weiss_356)

Response: The windows at Stuyvesant Town and Peter Cooper Village are not described as “well insulated” but rather as insulated glass, meaning that the glazing unit in the windows consist of two liters of glass with an air space in between. The attenuation provided by the building facade with such windows is conservatively estimated at 25 dBA, which is the level provided by standard building facade construction. The audibility of traffic and particularly emergency vehicle sirens inside the building is consistent with this modest estimate of window/wall attenuation. Measures would be taken to mitigate noise effects during construction in accordance with all applicable laws, regulations, and building codes. Furthermore, the City has identified additional measures since the release of the DEIS to minimize the effects of construction noise.

Comment 348: After construction, how will noise on Avenue C be amplified by the wall? Noise will bounce off the wall and reverberate back onto Avenue C. (McCormack_038)

Response: As described in the New York City Department of Design and Construction, East Side Coastal Resiliency: Operational Noise Screening Analysis Results; Borough of Manhattan, New York. August 25, 2015 document referenced in Chapter 14.0, “ESCR Project DEIS Referenced Documents,” a screening-level analysis of operational noise found that the proposed berms and flood walls in Project Area One would not result in predicted noise level increases at receptors that would be considered perceptible or be considered significant according to New York City *CEQR Technical Manual* noise impact criteria. The measured existing conditions noise data in Project Area Two are comparable to those collected in Project Area One, and the proposed structures in Project Area Two and their potential noise effects are comparable to those proposed for Project Area One. It is expected that analysis results for Project Area One are applicable to Project Area Two.

Comment 349: Who is managing noise pollution? (Billings_008)

During the entire construction phase, we also request that the City make available all noise monitoring information regarding residential buildings and community facilities in the Project Area on the project website. This information should include construction timing and feedback systems (i.e., website, contact information) for community complaints. (MAS_130)

Response: NYCDEP regulates construction noise for construction projects in the City and would oversee implementation of the Noise Control Plan for the proposed project

and the measures described in this FEIS. All environmental requirements and commitments to minimize or reduce impacts during construction would be incorporated to the construction documents and monitored during construction by DDC. In addition, during the construction phase, DDC would have a robust community outreach plan in place, including dedicated onsite CCL for the proposed project. The CCLs will act as representatives on behalf of DDC and an extension of the DDC Office of Community Outreach and Notification, and would be tasked with keeping stakeholders informed by identifying, documenting, and resolving issues, as well as providing regular updates and advisories.

Comment 350: The Applicants must inform the effected communities and CBs well in advance of the dates of all night work, and must obtain the proper after-hour work variances from the New York City Department of Buildings (NYC DOB). All Construction—related and scaffolding-related permits must be obtained from the NYC DOB and the CBs notified in a timely manner. Before the start of construction, a noise impact study of the newly designed amphitheater must be disclosed and any significant noise levels from the amphitheater, especially at night time, must be mitigated. The FEIS must also include a further impact study of the noise levels of the opening and closing of the rolling gates during the event of a storm impact. (Brewer_082) (Weiss_305) (Weiss_356)

Response: Construction activities associated with the proposed project would be required to follow the requirements of the *NYC Noise Control Code* (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) including the procedures for obtaining permits for construction activity outside of weekday daytime hours. Measures would be taken to mitigate noise effects during construction in accordance with all applicable laws, regulations, and building codes. Furthermore, as detailed in FEIS Chapter 6.12, “Construction—Noise and Vibration,” the City has identified additional measures since the release of the DEIS to minimize the effects of construction noise. A study is underway as part of the final design to consider potential noise effects of the reconstructed East River Park Amphitheater, which will consider potential noise effects on the surrounding community during all potential hours of amphitheater use. The FEIS does not consider potential noise effects during emergency conditions such as those that would require operation of rolling gates.

Comment 351: Decibel levels cited in the DEIS frequently go over City Environmental Quality Review recommendations, even at night and for periods of more than 19 months. They must adhere to CEQR’s guidance and these requirements must be included in contracts with construction companies. Specific language should guarantee the use of pile drivers that make the least amount of noise. (Weiss_305) (Weiss_356)

The full price is paid by community residents who will be subjected to endless nighttime noise (clearly intended to drive people out of NYCHA and accelerate its conversion to luxury development adjacent to the newly gentrified park). (Feld_157)

Sandwiched between the two new overpasses residents of Corlears Hook would be subjected to sound from pile drivers and jackhammers etc. for the duration of the project. You cannot just use decibel level as criteria, just because New Yorkers are used to tolerating the sound sirens from firetruck passing for 30 seconds doesn't mean that steady pile drivers and jackhammers 24/7 can compare in experience even if the decibel level is the same. The decibels predicted in the DEIS frequently go over CEQR recommendations, even at night and for periods of more than 19 months. (Weiss_192)

Anyone responsible for approving anything regarding this project must have speakers that transmit the construction noise in real time and decibel level to their personal apartments and workplaces and their wireless earbuds for the duration of the project. (Weiss_192)

Response: Consistent with *CEQR Technical Manual* guidance, the predicted intensity and duration of construction noise was examined along with the expected hours of construction activity and the increased sensitivity to noise during night-time hours. Based on the predicted intensity and duration of noise, significant adverse impacts were identified at certain receptors in the study area. Therefore, to avoid these impacts, measures would be implemented to mitigate noise effects during construction in accordance with all applicable laws, regulations, and building codes. Furthermore, as detailed in FEIS Chapter 6.12 – “Construction Noise and Vibration,” the City has identified additional measures since the release of the DEIS to minimize the effects of construction noise. Some of the identified construction noise control measures specifically address pile driving noise, including a noise level limit for pile driving occurring during night-time hours.

Comment 352: City needs to give the East River housing lots of money and tax breaks as mitigation-squeezed between the two overpasses we will endure gigantic amounts of noise. (Weiss_192)

Response: As described in Chapter 6.12, “Construction Noise and Vibration,” of the DEIS, several measures will be implemented by the City to mitigate the effects of noise during construction

Comment 353: 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). (ERA_158)

Response: As discussed in the DEIS and this FEIS, at residential buildings with monolithic (non-insulating) window glass, interior noise levels would still be well below the 85 dBA threshold indicated and below the 80-90 dBA range. Further, the referenced predicted noise levels are short term 1-hour maximum levels; actual noise levels during construction noise fluctuate and are not continual or sustained. Therefore, the predicted construction noise levels do not rise to the level of a significant adverse public health effect.

Comment 354: Although the DEIS is not clear as to the location of the noise receptors that were used to determine ambient noise levels in Reach E, near the proposed construction of the drain management system on East River Housing's property, it appears from the figures (DEIS Fig, 6.12-1) that measurements were taken in the vicinity of 473-475-477 FDR Drive in front of the building, adjacent to the highway. Since the construction area will actually be set back a significant distance from the highway and near East River Housing's (i) occupied residential apartment units; (ii) children's playground and recreational area; and (iii) passive recreational open space between the two buildings making up the eastern half of East River Housing, the receptor should have been located in or near the proposed easement and anticipated excavation area to obtain an accurate assessment of the actual noise impacts on the residents whose units face into the park and onto the parking lot, as well as the children and elderly who use the adjacent playground and open space. (ERHC_161)

Response: The potential noise impacts of the proposed project are described in Chapter 6.12, "Construction—Noise and Vibration." The baseline noise model and construction noise models include receptors placed between the two buildings located near the eastern half of East River Housing (receptors 8A-8G and 52) and the baseline noise levels (estimated in the low 60s dBA) account for the distance and shielding from the FDR Drive noise.

DDC is committed to evaluating the need for noise emission control measures as part of the proposed project (see page 6.12-10 of this FEIS) and will include them in the project construction specifications, as needed.

Comment 355: The DEIS makes the unsupported assumption that, not only do the windows in the Property provide substantial attenuation because they are double-glazed (providing 25 dBA window/wall attenuation), but also that a closed-window condition can be maintained with alternative sources of fresh air provided mechanically. (DEIS p. 6.12-28). There is no central air conditioning system in the property. Air conditioning, where it exists, is provided by individual window units that are purchased and maintained by the occupants of the dwelling units in which the air conditioning units are installed. Thus, given the anticipated 24-hour a day schedule contemplated by the DEIS and the significant levels of noise anticipated even during nighttime hours (up to high-70s dBA) (DEIS p. 6.12-29),

the DEIS erroneously concludes that there will be no significant noise impacts from the construction. With open windows to provide fresh air from spring through fall, nighttime noise levels will be well above the 45 dBA threshold recommended, and, therefore, clearly unacceptable. It goes without saying that daytime levels will be even worse. (ERHC_161)

Response: As stated in the *CEQR Technical Manual*, window air conditioning units are considered an alternate means of ventilation, and their presence in the building façade is therefore factored into the estimate of 25 dBA window/wall described in DEIS Chapter 6.12, “Construction—Noise and Vibration,” for buildings that have such measures. As described in the DEIS, the estimated 25 dBA window/wall attenuation is based on field observations. Specifically, to the receptors representing East River Housing (i.e., receptors 8A-8G and 52), the maximum predicted construction noise levels are in the mid 70s dBA, with maximum noise level increments up to 13.5 dBA, rather than the high 70s dBA.

Comment 356: The DEIS does not treat the large open space between the two buildings at 570 Grand and 477 FDR Drive as an open space for purposes of noise analysis, even though it functions as passive recreation space for a community of thousands of people. The DEIS notes that noise levels in other open spaces along the FDR will exceed recommended levels, but states that many already do with background conditions; however, in many instances, those are open spaces in the East River Park, along and level with the highway, not areas set back from the highway and shielded from its noise by an intervening building. The noise analysis also assumes that the largest sources of noise will come from pile driving, which will certainly affect East River Housing, when it occurs in connection with reconstruction of the crossover bridge. However, no disclosure has yet been made of the equipment that will be used in the construction of the parallel conveyance (on August 21, 2019, NYC advised that it will be necessary to have pile drivers and other heavy equipment in East River Housing’s parking lot), and, as a result, no analysis has been made of the duration or levels of the exceedances to be expected from such equipment. A noise analysis must therefore be done of the expected impacts of such equipment on East River Housing’s residential apartment dwellers and its open spaces as a result of construction of the parallel conveyance, both alone and considered together with construction of the new crossover bridge and the Williamsburg Bridge, if these projects are to proceed simultaneously. (ERHC_161)

Response: As described in the DEIS and in greater detail in this FEIS, construction of the parallel conveyance would include activities similar to those analyzed and modeled for the Preferred Alternative in the DEIS. The duration of construction is expected to be up to approximately 15 months, which is slightly less than the 19-month duration of Delancey Street Bridge construction. Thus, the parallel conveyance construction is expected to involve comparable construction activities, and comparable construction noise, over a shorter duration.

As stated above, it is the objective of the City to minimize, to the extent possible, temporary adverse effects associated with construction at the ERHC property for the construction of both the proposed pedestrian bridge improvements and the parallel conveyance improvements. To that end, the City has been coordinating with East River Houses and will continue this coordination it relates to these proposed infrastructure improvements. If measures are identified during that process that can be implemented to reduce noise effects, these measures could be potentially added to the project construction specifications.

Comment 357: We have already noted East River Housing’s concern about the possible impact of vibration on its buildings, in view of the project’s construction on landfill. Of particular concern are the smaller out-buildings that house the Plant and associated operational activities and that are adjacent to the construction site. While the main buildings in the East River Housing complex may be built on piles, we do not believe that the Plant is so constructed and special care may be required to assure that it suffers no damage from pile driving. No such analysis has been performed and no remediation steps, if any, have been considered or proposed. (ERHC_161)

Response: The construction activities necessary to install the proposed improvements do not require unique construction methods that might generate excessive vibration. The DDC contracting process can require that the selected contractor perform a field inspection of the proposed project area to determine if the proposed construction requires vibration monitoring. DDC contractor specifications would then include these requirements. This monitoring typically includes instrumentation and regular reporting by the contractor to DDC. These measures can be implemented during construction to avoid any adverse effects on vibration associated with construction. There are also standards and allowable limits for vibration levels and when these are exceeded the contractor is required to modify the means and methods of construction to ensure that the vibration levels remain acceptable and that structural impacts are avoided. Finally, a post-construction report is then submitted to DDC at the completion of construction that includes the field measurement data, any discrepancies between field measurements and the projected measurements, and final inspection.

As stated above, as design advances, it is the objective of the City to minimize, to the extent possible, the temporary adverse effects associated with construction on the ERHC property. To that end, the City been and will continue to provide community outreach with the property owners as it relates to the potential use of vibration monitoring during construction.

Comment 358: Why was 675 Water Street, the closest GGHC building to East River Park, not included in the construction noise analysis presented in the DEIS (Smiler_132)?

Response: The building at 675 Water Street is also referred to as 367 FDR Drive and is represented by Noise Receptors 11A-11D listed on Table 16.12-4 of DEIS Chapter 6.12 “Construction—Noise and Vibration.” The analysis and assessment of any potential adverse effects at these receptors was provided in the DEIS Chapter 6.12, “Construction—Noise and Vibration,” on page 6.12-28, “Receptors along Reaches B, C, D, and E” and is also included in this FEIS.

Comment 359: Was the increased volume of construction related traffic (including workers and emergency vehicles), considered into the findings presented in the construction noise analysis? Montgomery Street will be the main thoroughfare for all vehicles going in and out of the East River Parks as well as the adjacent Pier 42 area, which will also undergo construction.

Response: The effects of construction traffic including workers and truck trips is included in the “Mobile Source Screening Analysis” section of the DEIS beginning on page 6.12-15 Chapter 6.12, “Construction—Noise and Vibration.” Receptors M5 and M5a represent locations along Montgomery Street. The analysis found that the potential for noise level increases from construction traffic is up to approximately 2 dBA, which would be considered “just noticeable” and not significant according to *CEQR* noise impact criteria. This analysis is similarly provided in this FEIS.

Comment 360: The enormous adverse effects to GGHC will actually be much higher especially when one considers that the Pier 42 area was not considered within this DEIS study. (Smiler_132)

Response: In accordance with *CEQR Technical Manual* guidance, the potential for adverse effects to noise from construction of the project are evaluated based on the projected increases in noise level resulting from construction as compared to baseline noise levels. Since construction at the Pier 42 area would be part of the No Action condition, noise from this construction would be included in baseline noise levels to which project construction noise levels would be compared. Greater baseline noise levels would result in smaller noise level increments. Not including the Pier 42 construction noise results in baseline noise levels that are lower, and consequently noise level increments from the project that are higher. This is a conservative method for analyzing potential adverse effects from the proposed project.

6.13 CONSTRUCTION—PUBLIC HEALTH

Comment 361: Will there be any public health impacts to residents, particularly children and seniors, during construction? (Guzman_029) (Billings_008) (Billings_024)

We intend to submit formal written comments on the DEIS proposal and we ask anyone from the Commission to come down, look at the property where we’re

talking about and see if the lives of our seniors, children and families will not be severely impacted. (Altman_302)

I am a long term NYCHA resident involved in the LES community and I lives across the street from the park. I am greatly concerned about health risks and hazardous issues, not knowing how it will affect me, my family or my neighbors. This is a disgrace, I hope that the work doesn't cause any negative repercussions. If anything bad happens it will be on your hands and I hope you are ready for the consequences. (Rivera_115)

The DEIS unjustifiably minimizes the effects of 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. (ERA_158)

Response: As detailed in DEIS Chapter 6.13, "Public Health," the proposed project would not result in unmitigated significant adverse effects to air quality, water quality, or hazardous materials, but could potentially result in unmitigated temporary significant adverse Construction—period noise effects at locations in the vicinity of the proposed project's construction work areas. However, construction level noise increases would not result in chronic exposure to high levels of noise, prolonged exposure to noise levels above 85 dBA, or episodic and unpredictable exposure to short-term effects of noise at high decibel levels, as per the *CEQR Technical Manual*. It is therefore concluded in this FEIS that that construction of the proposed project would not result in any significant adverse public health effects.

Comment 362: This project will drastically lower the quality of life of almost all LES residents. LES residents, especially children, will experience negative effects on our physical and mental health and well-being both during and after this project (since new trees will not be the mature trees currently at East River Park). (Frisk_014) (Billings_003) (Durend_013) (Brandwein_053) (Byers_354)

The air quality of and environmental stress on this area during construction is going to be unthinkable—what with the loss of all the trees and greenery (along with so many mature trees being cut down in nearby NYCHA housing simultaneously), the dust, construction emissions, barge pollution, truck traffic, noise. Basically, in order to "protect" against climate change, we're adding to climate change, and putting every resident in the area at risk of severe health problems, such as asthma, allergies, breathing issues, and mental health issues stemming from such an enormous loss of an essential recreational area for such a long time. (Durand_104)

I am a jogger for exercise and I will be impacted by this plan by having nowhere in the area to jog on weekends or in the evenings after work for several years to

come, which is bad for my health and weight. It will impact my stress levels and there is nothing being offered instead. I cannot run on the streets, stopping at every light and getting in the way of cars and people. (Kramer_182)

What is the public health impact of uprooting and destroying 981 mature trees on the air that lower east side residents breathe? What is the public health impact of digging up possibly contaminated earth on the residents of Co-op Village, Gouverneur Gardens, Baruch, Wald and Riis who live just across the FDR from the proposed construction site? (Hirshorn_126)

Authors conclude that: “However, construction of the proposed projects would not result in chronic exposure to high levels of noise, prolonged exposure to noise levels above 85 dBA, or episodic and unpredictable exposure to short-term effects of noise at high decibel levels, as per the CEQR Technical Manual. Consequently, construction of the proposed project would not result in a significant adverse public health effect.” In other words, the authors of this report only consider noise levels as relevant to public health. There is no reference to the impact of the destruction of the park on public health. Public health is inadequately addressed. It is not just about noise levels during construction. (Hirshorn_126)

The DEIS unjustifiably minimizes the effects of Safety of life and property, as well as this very expensive project, should a significant coastal storm event occur during construction. (ERA_158)

The fact that they said that there is no health impact flies in the face of any type of reason. It’s not just the toxins in the soil, we also know that particulate matter (PM_{2.5} and PM₁₀) are a problem. In addition, heat gets worse when there’s ozone involved and New York City is a non-attainment zone for ozone. This project is going to increase the amount of particulate matter that’s there, increasing those health effects.

This lack of open space is inequitable and exacerbates public health issues. (Strickland_076)

The DEIS leaves out an assessment of adverse impacts on public health. The public health assessment only includes an assessment of construction noise and vibration. There are a lot of different effects on public health that the DEIS does not evaluate. These effects include impacts to air quality (resulting in respiratory effects) and the removal of available open space for exercising and mental health. (Hershorn_319)

Not only is there no discussion of environmental mitigation steps to reduce causes of global warming during this project, just a reactive redesign that does not tackle the larger issue of Resiliency, there is also the public health concern of eliminating a green area for an extended amount of time. As a registered nurse that works in an Emergency Department and treats patients with asthma, diabetes, other obesity related health issues, what studies have been conducted regarding the public health concerns of the potential increase in Asthma, from the increase in Carbon

Dioxide from the FDR with no trees along the East River to absorb it, and obesity if green spaces that provide recreation are removed for 3.5 years? Has anyone from the Mayor's office visited East River park to see the children playing soccer, football, baseball, track and field, to see the adults riding bikes, running, doing yoga, tai chi, people walking their dogs? (Leverett_103)

Based on interviews with hundreds of individuals in the park over the last 5 months park users describe the following health reasons they are in this park 3-7 times a week including: PTSD, Asthma, Reactive Airways Disease and other upper respiratory disorders probably due to our, proximity to the world trade towers, Type 1 and type 2 diabetes, Multiple Sclerosis, Cardiovascular disease, I was a first responder. Now I have asthma, which I never had as a child or young adult. I need these trees to breathe." – An African American resident of Baruch houses. The impact on public health of such a project should be of major concern. Yet, public health is mentioned in only two chapters: 6.13 Construction and, vaguely, in 5.11-1 Environmental Justice (Hirshorn_126)

This is a very limited definition of public health and does not take into account that thousands of people are already using this park to stay mentally and physically healthy now. Removing the park would be detrimental to public health. Community members use the park as a "de-stressor" describing it as a "sanctuary" and a "safe zone." The proposed destruction of the park has already caused much anxiety and stress for many of the regular park users and lower east side residents who have been worrying and in a state of anguish and stress about the park's imminent destruction. This is not a small thing. Many worry about what they will do when the park is destroyed and closed. It has provoked anxiety among seniors some of whom fear they will not be alive when the park reopens and will "...never see this park again." Some park users report they feel anguish and are "depressed and scared." "I don't know what I will do."—Elderly resident of Amalgamated Dwellings (Hirshorn_126)

The DEIS unjustifiably minimizes the effects of the 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. (ERA_158)

Response: As detailed in the DEIS Chapter 6.13, "Public Health," and also this FEIS, the proposed project would not result in any significant adverse public health effects. Upon completion of the proposed project, the upland open space resources in the ½-mile study area would be protected against future storm events, thus increasing the accessibility and usability of those resources. Furthermore, the Preferred Alternative would be especially beneficial for the open space resources in East River Park, as it would enhance the park quality and user experience and ensure the park is fully resilient in future design storm events. The flood protection measures proposed to be integrated into park features aim to reduce the effects from future design storm events on the community.

DEIS Chapter 6.10, “Construction—Air Quality,” presents an analysis of air quality during construction, including a quantitative analysis of both on-site and on-road sources of air emissions. An emissions reduction program would be implemented for the proposed project to minimize the air quality effects of construction activities on the surrounding community. These requirements would include dust suppression measures, ULSD fuel, idling restrictions, and best available technologies. With these emission reduction measures in place, the analysis of construction emissions determined that PM_{2.5}, PM₁₀, NO₂, and CO concentrations would be below their corresponding *de minimis* thresholds or the NAAQS (which have been established to protect human health, including vulnerable populations), respectively, and there would be no significant adverse air quality effects from construction and no related significant adverse impacts to public health.

As described in Chapter 6.6, “Construction—Hazardous Materials,” the Preferred Alternative has the potential to disturb hazardous materials in existing structures and the subsurface, as it would involve demolition and excavation activities. However, with the implementation of appropriate measures governing the construction (such as air monitoring, proper storage and handling of materials, and, if required, odor suppression, all of which would be contained in a CHASP), the potential for significant adverse effects related to hazardous materials would be avoided.

With respect to effects on open space users, NYC Parks has committed to implementing a number of neighborhood park improvement measures to minimize the effects on open space during the construction period. These measures include: accommodating youth permit users within existing facilities under the NYC Parks jurisdiction; working with other entities with open space resources, such as DOE and NYCHA to identify recreational resources that may be opened to the community during construction; implementing a Lower East Side greening program and planting up to 1,000 trees in parks and streets and up to 40 bioswales; purchasing solar lighting to be used at six Lower East Side parks to extend playing time at fields for permitted use during construction; improving the synthetic turf at seven park locations; installing new sports coating at seven sites; painting playgrounds and park equipment at up to 16 parks; enhancing existing Parks barbeque areas; identifying alternative tennis locations; increasing staffing for recreation, maintenance and operations; and exploring open space improvements at Waterside Pier. In addition, NYCDOT is proposing to re-route bicyclists to the on-street bike network, primarily the protected bike lanes along First Avenue and Second Avenue, as well as those on Allen Street/Pike Street and Clinton Street and is committed to expanding the City’s bicycle network, including adding more protected bike lanes. Additionally, DDC will continue to assess opportunities to safely open parts of East River Park as work is completed and will provide the community an update if such options become available.

Other park closures are anticipated to be staggered over the course of the construction duration to maximize available open space in Project Area Two.

Comment 363: In light of the project having a potential to impact children’s health, including temporary open space reduction, school impacts, and transportation impacts, EPA would like to emphasize Executive Order 13045 on Children’s Health and Safety. A section dedicated to Children’s Health should be included in the FEIS and the evaluation should be of greater scope and detail than that which was included in the DEIS. The impacts to children’s health that could result from the closure are not sufficiently addressed. Impacts from significant adverse noise effects during construction, coupled with significant adverse direct effects of displacement of open space during construction/park closures, and transportation impacts should all be discussed in greater detail in a “Children’s Health” section created in the FEIS. The document mentions alternative open spaces available in the city, but does not address increases in usage/crowding of those spaces as a result of the open space closure during construction. The document references a school located at 84 Montgomery Street and one at 123 Mangin Street. The DEIS states that the building at 84 Montgomery “appears” to have insulated glass windows and air conditioning. Given the potential impacts to children during the build phase, it should be determined whether there is insulation and ventilation. If not, mitigation measures should be considered and presented in the FEIS. At both 84 Montgomery and 123 Mangin Street, potential impacts from noise, vibration and air quality that children are exposed to during outside periods, such as gym and/or recess, were not addressed and should be discussed in the FEIS. Additionally, there was no discussion of the presence and location of daycare facilities and nursery/pre-schools in the document. These locations should also be included in the recommended “Children’s Health” section in the FEIS. Additionally, the DEIS provides some suggested mitigation measures to address the closure of open space. There should be an increased emphasis on mitigation measure focused on meeting children’s needs for open space in the FEIS. (EPA_192)

Response: Chapter 6.13, “Construction—Public Health” of the FEIS has been updated to include a comprehensive discussion of the proposed project’s potential effects on children’s health.

Comment 364: The analysis presented in Chapter 6.12, “Construction Noise and Vibration,” determined that construction activities could potentially result in un-mitigated significant adverse Construction—period noise effects at receptors in the vicinity of the proposed project’s construction work areas. However, construction of the proposed project would not result in chronic exposure to high levels of noise, prolonged exposure to noise levels above 85 dBA, or episodic and unpredictable exposure to short-term effects of noise at high decibel levels, as per the CEQR Technical Manual. Consequently, construction of the proposed project would not result in a significant adverse public health effect.” This sounds like wishful

thinking, not the reality. Exposure to loud disruptive continuous noise 24/7 will have will have a deleterious effect on all neighbors of this project causing loss of sleep, cardio vascular dysfunction, mental health problems and problems with children's cognition. (Weiss_192)

Response: The evaluation of potential public health effects resulting from construction noise as presented in the DEIS and this FEIS is based on the conservative estimates of intensity and duration of construction noise from the construction noise analysis in DEIS Chapter 6.12 "Construction—Noise and Vibration" and the guidance in the *CEQR Technical Manual*. The construction noise analysis acknowledges the potential for noise that would be intrusive at times during the construction period; however, based on the total maximum predicted noise levels and the fluctuating and temporary nature of construction noise, the predicted noise levels do not rise to the level of a significant adverse public health impact according to *CEQR Technical Manual* guidance.

Comment 365: For all alternatives, the Draft EIS's treatment of issues relating to air quality are not consistent with the requirements of NEPA, SEQRA and CEQR and are arbitrary and capricious. The Draft EIS does not adequately mitigate air pollution from the proposed project. (James_134)

The Draft EIS notes that, during construction, there will be increases in emissions of several pollutants due to the operation of trucks, construction equipment and barges during the Project, but does not adequately mitigate these air quality impacts. The City should revise the EIS to incorporate emission reductions, from these or other sources, to prevent any increase in air pollution in the affected communities. (James_134)

Response: As discussed in DEIS Chapter 6.10, "Construction—Air Quality," regional (mesoscale) and local (microscale) air quality analyses of the proposed project were performed pursuant to the requirements of NEPA, SEQRA and the guidance within the *CEQR Technical Manual* as well as federal, state and City laws and standards to determine the potential for significant adverse effects to air quality as a result of the proposed project.

The proposed project is subject to general conformity requirements of the Clean Air Act and its implementing regulations. This requires that a general conformity determination be made for each criteria pollutant or precursor in non-attainment or maintenance areas where the action's direct and indirect emissions have the potential to exceed the prescribed *de minimis* rates for each pollutant. The analyses provided in the DEIS and this FEIS have found that the proposed project would not result in annual emissions exceeding the *de minimis* rates; is in

conformance with the New York State Implementation Plan; and does not require a full general conformity determination.³⁸

Consistent with SEQRA and *CEQR Technical Manual* guidance, a microscale air quality analysis was performed using refined dispersion modeling. Predicted concentrations of modeled parameters were then compared to federal and state guidance impact criteria (the National Ambient Air Quality Standards [NAAQS]) representing concentration levels requisite to protect the public health and welfare (allowing an adequate margin of safety). Additionally, the air quality analysis considered New York City impact criteria for carbon monoxide and fine particulate matter (PM_{2.5}) defined to maintain concentrations that have recently fallen below the NAAQS in attainment areas, or to ensure that concentrations will not be significantly increased in non-attainment areas.

As discussed in the DEIS Chapter 6.10, “Air Quality,” and in this FEIS, maximum predicted concentrations would not exceed any of the applicable NAAQS thresholds or CEQR *de minimis* criteria, and the proposed project would not result in a significant adverse effects to air quality and no mitigation measures are required. Finally, as described in the DEIS and also in this FEIS, the proposed project will also include a number of measures to reduce air emissions during construction.

Comment 366: The Draft EIS projects that the Project will increase emissions of harmful pollutants including nitrogen oxides, volatile organic compounds, and fine and coarse particulate matter, known as PM_{2.5} and PM₁₀. Nitrogen oxides such as nitrogen dioxide act both directly, and indirectly through their contribution to the formation of ozone, to significant respiratory and other harm, including provoking asthma attacks. See, e.g., Environmental Protection Agency (“EPA”), Basic Information about NO₂, at <https://www.epa.gov/no2-nollution/basic-information-about-no2>. EPA, Ground-level Ozone Basics, at <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics> EPA, Health Effects of Ozone Pollution at <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>. Volatile organic compounds also create such harm through their contribution to formation of ozone. See, e.g., EPA, Ground-level Ozone Basics, at <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics> EPA, Health Effects of Ozone Pollution at <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>. Similarly, particulate matter can also cause respiratory illness, including provoking asthma attacks, and can cause cardiac problems, including premature death in persons with heart or lung disease. See, e.g., EPA, Particulate

³⁸ Since publication of the DEIS, the Environmental Protection Agency has redesignated the five New York City counties (NY portion of the New York–Northern New Jersey–Long Island, NY-NJ-CT, NAA) as a “severe” non-attainment area. As a result of this action, the prescribed annual rate for NO_x has been revised to 50 tons of NO_x. The maximum annual NO_x emissions would remain well below the *de minimis* criteria.

Matter (PM) Basics, at <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics> EPA, Health and Environmental Effects of Particulate Matter (PM) at <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>. Although the Draft EIS identifies these pollutants, it does not adequately discuss how they harm human health, and the City should add more detailed descriptions of the harms from each identified pollutant to meet its duty to describe the Project's environmental impacts adequately. (James_134)

Response: As discussed in the DEIS Chapter 6.10, "Construction—Air Quality," and in this FEIS, EPA has established the primary and secondary National Ambient Air Quality Standards (NAAQS)³⁹ for six major air pollutants: CO, NO₂, ozone, respirable PM (both PM_{2.5} and PM₁₀), SO₂, and lead. The primary standards represent levels that are necessary to protect the public health, and include an adequate margin of safety. The secondary standards are intended to protect the nation's welfare, and account for air pollutant effects on soil, water, visibility, materials, vegetation, and other aspects of the environment. As discussed in the DEIS Chapter 6.10, "Air Quality," and in this FEIS, maximum predicted concentrations would not exceed any of the applicable NAAQS thresholds or CEQR *de minimis* criteria, and the proposed project would not result in a significant adverse effects to air quality.

Furthermore, in order to minimize pollutant emissions during construction measures would be taken to reduce emissions in accordance with all applicable laws, regulations, and building codes. These include use of clean fuel, the idling restriction for on-road vehicles, dust suppression measures, utilization of newer construction equipment, and minimizing the use of diesel engines. All such environmental requirements and commitments to minimize or reduce adverse effects during construction will be incorporated to the construction documents and monitored during construction by DDC.

Comment 367: The Draft EIS provides estimates of the increases in ambient air concentrations and total annual amounts emitted of these pollutants due to project construction. Draft MS at 6.10-15 to 18. For example, for nitrogen oxide emissions from the preferred alternative, the Draft EIS calculates a 16 percent increase in maximum ambient concentration of nitrogen dioxide (from 38.9 to 45.1 µg/m³) and between 13.9 and 31.1 annual tons of nitrogen oxide emissions during the construction period. Id. at 6.10-15 to -16 (Tables 6.10-3 & -4). While the Draft EIS notes that the calculated increases in concentrations and amounts do not exceed relevant regulatory criteria, the increased pollution nonetheless present the risk of worsening the health harms identified above, for example, by provoking additional asthma attacks. To address these increases in pollution, the City should revise the Draft EIS in at least the following ways. First, it should further examine

³⁹ EPA. National Ambient Air Quality Standards. 40 CFR part 50.

the use of polluting vehicles and equipment during construction of the Project and, if additional mitigation measures are feasible, should describe those measures and incorporate them into the Draft MS. There may be further control measures available for gasoline and diesel-powered vehicles. Additionally, while the Draft EIS states that equipment with electric engines would be used “to the extent practicable,” the Draft EIS should more specifically evaluate whether and in what circumstances such use is practicable and if so, state that such use will be required. (James_134)

Response: As discussed in DEIS Chapter 6.10, “Construction—Air Quality,” predicted concentrations compared to both the National Ambient Air Quality Standards (NAAQS). The NAAQS represent levels necessary to protect the public health, and the nation’s welfare (allowing an adequate margin of safety). The air quality analysis also considered the CEQR *de minimis* criteria in its determination of potential significant adverse effects to air quality, maximum predicted concentrations do not exceed any of the applicable NAAQS thresholds or *de minimis* criteria in the *CEQR Technical Manual*, and the proposed project would not result in a significant adverse effects to air quality. Therefore, the proposed project would not result in adverse effects to the public health and no mitigation measures are required.

The analyses presented in the DEIS and FEIS are the reasonable worst-case scenario for analysis purposes. To further minimize pollutant emissions during construction, the proposed project would require the use of clean fuel, idling restrictions for on-road vehicles, dust suppression measures, utilization of newer construction equipment, and minimizing the use of diesel engines. All such environmental requirements and commitments to minimize or reduce adverse effects during construction will be included in the construction documents and monitored during construction by DDC.

Comment 368: The Draft EIS should evaluate compensatory reductions in emissions of the relevant pollutants from other sources in the affected communities. For example, replacement of diesel-fueled boilers in New York City Housing Authority buildings with natural-gas-fueled ones might be one option for reducing particulate matter and nitrogen oxide emissions and their accompanying health problems. The goal would be to ensure that there is no net increase in pollution in the affected communities from the project. (James_134)

Response: As discussed above the proposed and analyzed in the in the DEIS Chapter 6.10, “Air Quality,” and this FEIS, a number of measures are proposed that can be implemented by DDC through the construction management process and are directly related to project construction. With these measures in place, construction of the proposed project would result in emission levels that would not significantly affect regional emissions and would conform with the New York State Implementation Plan. Therefore, the proposed project would not result in a

potential significant adverse air quality impact and no additional emission reduction measures, including any additional emissions offsets measures, are necessary.

Comment 369: The Draft EIS declines to calculate or otherwise evaluate emissions of sulfur dioxide from construction vehicles and equipment, asserting that increases in such pollution would be minimal as a result of the required use of low-sulfur fuels. Draft EIS at 6.10-5. The City should revise the Draft EIS to include estimates of the increase in sulfur dioxide pollution to evaluate that conclusion. If contrary to the Draft EIS the estimates show that the increases would be significant, the City should include in the revised EIS a full emission analysis for sulfur dioxide, including its contribution to creation of fine particulate matter, as well as a full mitigation analysis, including the additional mitigation evaluations. (James_134)

Response: Chapter 6.10, “Construction—Air Quality,” of the FEIS has been revised to include annual emissions of sulfur dioxide (SO₂). Maximum annual emissions would be less than 0.2 tons per year—approximately 10 percent of VOC emissions, well below the 50 tons per year *de minimis* rate for SO₂.

Comment 370: The Draft EIS does not fully mitigate the increase in potential health impacts from air pollution during the Project. Specifically, to mitigate the emissions from Project construction activity, the Draft EIS should incorporate off-site reductions in emissions that would offset the Project’s emissions. (James_134)

Response: As discussed above and in the DEIS Chapter 6.10, “Construction—Air Quality,” and this FEIS maximum predicted concentrations would not exceed any of the applicable NAAQS thresholds or *de minimis* criteria in the *CEQR Technical Manual*, and the proposed project would not result in a significant adverse effects to air quality.

7.0 INDIRECT AND CUMULATIVE EFFECTS

Comment 371: If congestion pricing is approved leaving the FDR a toll-free highway, we’ll be jammed with cars, compounding our already miserable air quality. (Pender_330)

Page 5.9-15 includes deck height of the Flyover Bridge, but neglects a detailed study of decking over the FDR Drive adjacent to East River Park. As per the Big U Plan of 2014, this is the consensus plan co-developed by the City, the community, and many designers and planners. As a centerpiece of the plan that won \$338 Million in 2014, Decking over the FDR must be included in the EIS, especially in light of its designation as the free zone for Congestion Pricing, which will impact traffic counts (and emissions) as soon as 2021. (Brawer_095)

Changing mobility modes must be studied: The FDR Drive will soon be the Congestion Pricing ‘free zone’. The impacts on the ‘½ mile area’ must be studied

(including increasing the health impacts on residents who live adjacent to the FDR). Other upward trends that do not appear in the DEIS but should be in the final EIS include: the vast increase in delivery and ride hailing (ride-sharing); bike sharing, eBicycles and micro-mobility; skateboarding, BMX, running, commuting. Page 5.9.2: “Since this is a reconstruction of the existing recreational elements in the park, the proposed project would not generate any new travel demand upon its completion or significantly affect traffic, transit, or pedestrian operations within the project area: however, there is less space for bicycle commuting in Alt 4. (Brawer_095)

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. (ERA_158) (Lake_135)

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. (ERA_158)

The FDR will soon be the Congestion Pricing ‘free zone’. The impacts on the ‘½ mile area’ must be studied (including increasing the health impacts on residents who live adjacent to the FDR). Other upward trends that do not appear in the DEIS but should be in the final EIS include: the vast increase in delivery and ride hailing (ride-sharing); bike sharing, e-Bicycles and micro-mobility; skateboarding, BMX, running, commuting. Page 5.9.2 “Since this is a reconstruction of the existing recreational elements in the park, the proposed project would not generate any new travel demand upon its completion or significantly affect traffic, transit, or pedestrian operations within the project area: however, there is less space for bicycle commuting in Alt 4. (Brawer_095)

Response: The plans for congesting pricing are in the preliminary stages, are an action separate from the proposed project, and will therefore require a separate environmental review. It is expected that the environmental review for that project would consider the effects of the proposed project as part of the assessment of potential construction impacts, as appropriate. In addition, the congesting pricing project will include detailed Maintenance and Protection of Traffic Plans, which will identify any necessary diversion routes and necessary measures to mitigate any resultant traffic impacts, as practicable.

Comment 372: The DEIS states that the LMCR-Two Bridges Project will be subject to its own separate environmental review. From a comprehensive environmental planning standpoint, this is problematic. Because of the shared overall resiliency purpose, site proximity, and overlapping wetland permitting and construction timelines, we believe the impacts and benefits of both projects should be evaluated cumulatively.

Therefore, the ESCR DEIS should in the very least evaluate how the two plans will interconnect on a planning and regulatory level, and most important, on improving resiliency and flood protection in the area for the long term. The evaluation should address connectivity of the waterfront esplanade, comparative levels of flood protection, infrastructural tie-in points, and interim protection measures before and during construction. The DEIS should also include a discussion on the potential cumulative environmental impacts and mitigation measures. Ideally, these plans should be coordinated into a singular, overlapping and integrated strategy that provides consistent levels of flood protection and creates economies of scale in terms of cost and regulatory approvals. (MAS_130)

Response: Although the LMCR-Two Bridges Project is subject to its own separate environmental review, DEIS Chapter 7.0, “Indirect and Cumulative Effects,” provided an assessment of cumulative effects of that project and the proposed project. That assessment has also been updated in this FEIS.

Comment 373: To better understand the potential cumulative effects, and to more clearly communicate potential mitigation options for those cumulative effects, this section should be expanded to include an assessment of how each project could impact resources in the project area. This could be done as a detailed chart or as a narrative; however, greater detail should be provided in the FEIS. Additionally, potential mitigation options for resource areas that are expected to experience significant cumulative effects, such as transportation, noise and open space, should be addressed in cumulative effects section of the FEIS. (EPA_192)

Response: Chapter 7.0, “Indirect and Cumulative Effects,” of the FEIS has been revised to include an expanded discussion of the potential cumulative effects between the proposed project and other projects near the study area.

GENERAL COMMENTS

Comment 374: In several places, the draft EIS refers to the generating facility where it would be more accurate to refer to the entire East River Complex. In other places, the draft EIS incorrectly identifies the East 13th Street Substation as a “generating station.” Where use of this term is intended to refer to the substation, the EIS should refer specifically to the East 13th Street Substation. Where use of this term is intended to refer to the generating facility, it should be replaced with “East River Generating Station.” (ConEd_162)

Response: Comment noted. The FEIS has been revised to use the suggested references to the East 13th Street Substation and Workout Facility. *