

FINDING OF NO SIGNIFICANT IMPACT AND NEGATIVE DECLARATION/DETERMINATION OF NON-SIGNIFICANCE

PIER 54 REDEVELOPMENT

FEBRUARY 11, 2015

This determination is issued pursuant to the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations.

The Hudson River Park Trust (HRPT), as lead agency, has determined that the Pier 54 Redevelopment project (proposed project) would not have the potential to cause any significant adverse environmental impacts. HRPT is therefore not required to prepare an environmental impact statement under SEQRA.

Name of Action: Pier 54 Redevelopment
SEQRA Status: The proposed project is a Type I Action.
Conditioned Negative Declaration: No

Description of Action:

The action involves HRPT's consideration of a proposed lease with Pier55, Inc., a not-for-profit corporation, and an amendment to the Hudson River Park's existing General Project Plan (GPP). Both of these actions are considered a "significant action" under the Hudson River Park Act ("the Act"). In addition to HRPT's consideration of the proposed lease and GPP amendment, the project will require modifications to the previously issued New York State Department of Environmental Conservation (NYSDEC) permit under Article 15 of the ECL Protection of Waters, and Water Quality Certification under Section 401 of the Clean Water Act, as well as modifications to the previously issued U.S. Army Corps of Engineers (USACE) permits under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act for construction of the Park piers within the Hudson River. The proposed project would also require a modification to the 1999 waterfront certification by the chairperson of the City Planning Commission for Hudson River Park under waterfront zoning.

Consistent with the November 2013 amendment to the Act, the lease contemplates that Pier 54 would be reconstructed in a different footprint north of its existing footprint as an approximately 2.7-acre public open park space that would also serve as cultural event space within the Park. The piles at the existing Pier 54 would be preserved and maintained as pile field habitat.

Location:

The project is located at the existing Pier 54 and between the current Pier 54 footprint and the Pier 56 pile field to the north, within Hudson River Park at approximately West 13th Street, in Manhattan Community District 2, New York City.

Reasons Supporting this Finding and Determination:

HRPT, as lead agency, has prepared an environmental assessment form and supplemental studies (EA) for the proposed project, which considers the action's potential for environmental impacts. The proposed project was analyzed pursuant to SEQRA and its implementing regulations and the New York City's *City Environmental Quality Review (CEQR) Technical Manual* served as a general guide on the methodologies and impact criteria for evaluating the proposed project's

potential impacts on the various environmental areas of analysis. Based on the thresholds presented in the *CEQR Technical Manual*, the EA concluded that the following technical areas did not require detailed analyses because the proposed project is not likely to result in any significant adverse impacts in any of these areas of potential environmental impact: socioeconomic conditions, community facilities, open space, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, air quality, greenhouse gas emissions, public health, and neighborhood character. Based on the thresholds in the *CEQR Technical Manual*, potential impacts of the proposed project were analyzed in greater detail in the following areas: land use, zoning and public policy; shadows; historic resources; urban design and visual resources; natural resources; noise; and construction. As detailed in the EA and described below, the proposed project would not result in any significant adverse impacts in any of these areas of concern.

Compared to the reconstructed Pier 54 of the No Action condition, the proposed project would not result in any change in land use on the site, and it would be compatible with and complementary to nearby park, residential, and commercial uses. The proposed project would be consistent with zoning in the study area and would promote public policy goals with respect to completion and support of Hudson River Park, providing access to and revitalizing the waterfront, and protecting Hudson River habitat. Therefore, the proposed project would not have any significant adverse impacts on land use, zoning, or public policy.

While the proposed pier would cast new shadows on portions of the Hudson River, these shadows would not result in any significant adverse impacts to aquatic ecology. Compared to the No Action pier, which would be constructed immediately above the water surface, direct sunlight would reach under portions of the elevated proposed pier during portions of the day, offsetting its larger footprint and resulting in a net improvement in light penetration to the water surface. Therefore, the proposed project would not result in any significant adverse impacts due to shadows.

With respect to historic and cultural resources, a construction protection plan would be developed and implemented to avoid any significant adverse construction-related impacts on the Hudson River bulkhead. The proposed project would not isolate any architectural resources from or significantly alter their setting or visual relationship with the streetscape, nor would it introduce incompatible visual, audible, or atmospheric elements to the setting of any architectural resource nor eliminate any publicly accessible views of any architectural resource. Therefore, the proposed project would not result in any significant adverse impacts to historic and cultural resources.

Unlike other piers in Hudson River Park, the redeveloped Pier 54 would be square-shaped rather than rectangular and would contain rolling topography. The proposed project would enhance the existing and future streetscape and pedestrian environment of Hudson River Park and West Street. The proposed project would provide new elevated vantage points for pedestrians to view the adjacent Pier 57, the Hudson River and Hudson River vista, the High Line, and the Manhattan skyline. While the proposed project would partially obstruct the view along West 13th Street, that view corridor does not provide unique views of the Hudson River vista and is not a defining feature of the neighborhood. Further, the proposed project would not eliminate any view corridors. It would not change any urban design features such that the context of natural or built visual resources is substantially altered. Therefore, the proposed project would not have any significant adverse impacts related to urban design and visual resources.

The construction activities associated with the proposed project would not cause any significant adverse environmental impacts on terrestrial or aquatic resources, including shortnose and

Atlantic sturgeon, striped bass, seals, and sea turtles. Increases in suspended sediment resulting from construction activities would be temporary and localized and would be expected to dissipate quickly. Compared to the No Action condition, the proposed project would result in substantially less shading of aquatic habitat (decrease of about 50 percent). An analysis of the potential impacts of pile driving determined that the proposed project may affect but is unlikely to adversely affect shortnose and Atlantic sturgeon, and would not result in an incidental take for Atlantic or shortnose sturgeon under the Endangered Species Act (ESA) of 1973 and Article 11 of the New York State Environmental Conservation Law. Operation of the proposed project would not result in significant adverse impacts to floodplains, water quality, aquatic habitat, fish, or benthic macroinvertebrates, essential fish habitat or a Significant Coastal Fish and Wildlife Habitat. Operation of the proposed project would not result in significant adverse impacts to terrestrial resources, and would benefit insect pollinators through the green landscaping of the pier with native plants tolerant of salinity from salt spray, winds, solar exposure and human use. No NYSDEC or USACE wetlands occur onsite and therefore no disturbance to such resources would result from the proposed project. Therefore, the proposed project would not result in any significant adverse impacts to natural resources.

Noise levels in the newly created Pier 54 open space would be greater than prescribed by *CEQR Technical Manual* noise exposure guidelines, but would be comparable to other parks around New York City. During most of the time, when peak events are not occurring at the main space, the proposed project would result in no increase in noise levels at nearby noise receptors. However, the proposed new Pier 54 would host some events with amplified sound, including some events with up to 5,000 attendees (the “peak event”) at the main space. The incremental change in noise levels during such peak events as compared to the noise levels during a peak event at a rebuilt Pier 54 in its existing location is not predicted to exceed the *CEQR Technical Manual* criteria for a significant impact at any of the analysis receptors. Therefore, the proposed project would not result in any significant adverse noise impacts.

While the project would entail pile driving, unlike typical ground-up construction, the proposed project would not involve building demolition, excavation, or superstructure construction activities, which often generate the highest levels of noise and air emissions. Furthermore, there are few sensitive receptors locations near the project site; other than Hudson River Park, the project site is located at some distance away from sensitive receptor locations and is separated from such receptors by Route 9A. Although there would be localized, temporary disruptions due to construction activity, the proposed project would not result in any significant adverse impacts due to construction activities.

Based on the EA, HRPT has determined that the proposed project would not have the potential to cause any significant adverse environmental impacts. A full statement of the reasons supporting this determination, with accompanying detailed analyses, is set forth in the EA.

Comments or Questions regarding the project should be directed to:

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