

Attachment A: Project Description and Environmental Screenings

A. PROJECT IDENTIFICATION

The Whitney Museum of American Art (WMAA) proposes to install the Day’s End Public Art Installation at Gansevoort Peninsula (the “installation”) within Hudson River Park at the end of Gansevoort Street in the Borough of Manhattan. The installation would involve the placement of a skeletal stainless steel sculpture entirely within the location of the former Pier 52 footprint. It would be located partially within the Hudson River and partially on the shoreline of the Gansevoort Peninsula at the western end of Gansevoort Street in lower Manhattan (see **Figure A-1**).

The installation would involve discretionary actions (e.g., permits or approvals) from the Hudson River Park Trust (HRPT). The installation is subject to review under the New York State Environmental Quality Review Act (SEQRA) and the State Environmental Quality Review implementing regulations (6 NYCRR Part 617). HRPT is serving as lead agency for the SEQR review. The installation would also require discretionary actions from the U.S. Army Corps of Engineers (USACE), the New York State Department of Environmental Conservation (NYSDEC), and the New York State Department of State (NYSDOS) in association with the USACE permit. As the installation requires a permit from the USACE, it will also be subject to review under Section 106 of the National Historic Preservation Act of 1966. Therefore, compliance with Section 106 is evaluated in this SEQR evaluation.

Under the New York State Waterfront Revitalization and Coastal Resources Act (Article 42 of the New York Executive Law) as implemented by 19 NYCRR Part 600, actions directly undertaken by state agencies within the New York State coastal area must be consistent with the New York State Coastal Management Program (CMP) and any Local Waterfront Revitalization Program (LWRP). Therefore, the SEQR evaluation reviews the installation for consistency with the New York City Waterfront Revitalization Program (WRP).

B. PURPOSE AND NEED

Consistent with the Hudson River Park Act, the proposed sculpture would promote the arts and enhance public open space within Hudson River Park with public art that references site-specific cultural and historic aspects of the Hudson River. In 1975, artist Gordon Matta-Clark created the artwork “Day’s End” on the then-standing Pier 52 pier shed, which included cutting openings in the metal walls to create light and shadows consistent with the sun setting. The pier shed was demolished between 1975 and 1979 when the property was owned by the NYS Department of Transportation. The proposed sculpture derives its inspiration and name from this 1975 artwork, and matches the historical dimensions and shape of the original pier shed while using as few structural elements as possible. As such, the proposed installation would invoke the history of the Hudson River shoreline and cultural history in this location and, as a continuation of public art

installations within Hudson River Park,¹ provide visual interest as a complement to the adjacent WMAA.

C. PROPOSED INSTALLATION

In 2015, artist David Hammons proposed the idea for the Day's End sculpture, a permanent public art project that seems to float above the water, to WMAA. Anchored partly to Gansevoort Peninsula and sitting on narrow concrete foundations in the Hudson River, this evanescent steel structure would be a "ghost monument" to Gordon Matta-Clark's celebrated 1975 artwork of the same name within the exact footprint of the former Pier 52 shed. It would be a symbol of the many layers of history on the site and its ongoing development.

As proposed, the sculpture would comprise a stainless steel skeletal framework 325 feet long by 65 feet wide and approximately 52 feet tall at the location of the former Pier 52 pier shed building within the Hudson River and on the southern edge of Gansevoort Peninsula within Hudson River Park. The sculpture would consist of 8-inch diameter stainless steel columns connected by horizontal beams to recreate the dimensions and shape of the original outline of the former Pier 52 shed building. This skeletal framework would be installed above narrow concrete columns supported by piles. Five of the columns would be supported by 12-inch diameter steel pipe piles driven on the southern edge of the Gansevoort Peninsula, all located above Spring High Water (SHW). The column at the southwest edge of Gansevoort Peninsula would be supported by 30-inch diameter steel pipe piles driven into riprap below SHW. The other 6 columns would be supported by 30-inch diameter steel pipe piles driven in the Hudson River south of the Peninsula. The sculpture would not have an overwater platform, roof, or walls (see **Figure A-2**).

The sculpture has been designed to be supported with one pile per column; however, there is an option to install a second pile for each column should an unavoidable obstruction be encountered during pile installation. In such instance, a two-pile foundation would be installed. A pre-cast pile cap would be installed atop each pile (either 6-foot-4 inch diameter by 2-foot-6 inch deep pile cap for a single-pile foundation, or 14-foot-4 inch long by 6-foot-4 inch wide by 2-foot-6 inch deep for a double-pile foundation), located below the water line but above the mudline. Three additional 12-inch diameter piles would be installed in the river a short distance from the sculpture in order to hold solar-powered marine lanterns to serve as safety lighting, if required by regulatory agencies.

It is anticipated that all piles located on the Peninsula and within the Hudson River would be installed using a vibratory hammer. If the vibratory hammer alone does not advance the pile to the required elevation, an impact hammer would be used. Any impact hammering would be conducted in conjunction with a soft start and cushion block to minimize the effects of increased underwater noise.

Installation of the upland piles and the single in-water pile at the southwestern edge of the Peninsula would require temporary removal of riprap, not to exceed a 225-square foot area (0.005 acres) at each pile location. Any riprap temporarily removed to accommodate pile installation would be stored on site, above SHW, and then replaced. Riprap would be removed and replaced using appropriate land-based or barge-mounted equipment. Upon completion of the installation, the elevation of the riprap shoreline below SHW will remain unchanged. A detailed description of the means and methods for construction is provided in Attachment F, "Construction."

¹ Art in the Park, <https://hudsonriverpark.org/explore-the-park/art>

RESILIENCY TO FLOODING AND SEA LEVEL RISE

The proposed installation has been designed to account for its location within the 1% Annual Chance floodplain and sea level rise projections from the New York Panel on Climate Change Report (NPCC 2015). The tops of the concrete columns would be located in the water at high tide by the 2080s. The concrete columns and pile caps have been designed to bear the impact of marine loads, including currents and ice, and the proposed materials to be used would provide durability. The concrete reinforcing would be galvanized, and all pile cap hardware and bolts, and the columns of the superstructure, would be stainless steel. The piles themselves would be epoxy-coated stainless steel with self-healing admixtures and passive cathodic protection for durability. These features would be regularly inspected and maintained at a maximum of 5-year intervals throughout the anticipated 100-year lifespan of the sculpture.

PROJECT SCHEDULE

In-water pile driving is expected to be completed over approximately 30 non-contiguous days within the four month period during which construction of the foundation (i.e., piles, pile caps, concrete columns) would occur, and would be conducted concurrently with driving of the landside piles. Barge-based equipment would remain in use for approximately 8 additional months in order to construct the sculpture's framework. All in-water construction is anticipated to occur from May through August 2019, and the installation would be operational by 2020.

D. PROPOSED ACTIONS

The proposed installation would require the following actions:

- New York State Department of Environmental Conservation (NYSDEC) permit under Article 15 of the New York Environmental Conservation Law (ECL) Protection of Waters.
- US Army Corps of Engineers (USACE) permit under Section 10 of the Rivers and Harbors Act.
- New York State Department of State (NYS DOS) concurrence on a determination that the proposed sculpture is consistent with the NY State Coastal Management Program (CMP) for the issuance of the USACE Section 10 permit.
- In addition, the proposed sculpture would involve approval of a Large-Scale Donation, Installation, and Maintenance Agreement and an amendment to the Hudson River Park Multi-Purpose Project General Project Plan by the Hudson River Park Trust (HRPT) after a "Significant Action" process that entails a public hearing and comment period.

The Hudson River Park Act was amended in 2018 to provide for the intended location of the sculpture as a permanent structure in the Park.

E. ENVIRONMENTAL ANALYSES

INTRODUCTION TO THE ANALYSES

The purpose of these supplemental analyses is to assess the potential impacts of the proposed installation described above. These analyses have been prepared to satisfy the requirements of the State Environmental Quality Review Act (SEQRA), and are based on the criteria and guidelines of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*. Because the proposed installation is expected to be completed in 2020, its environmental setting is not the current environment, but that of the future. Therefore, the technical analyses characterize current

Day's End Public Art Installation at Gansevoort Peninsula

conditions and forecast these conditions to 2020 (the “analysis year”), for the purpose of determining impacts. The EAF and supplemental studies provide a description of “Existing Conditions,” and assessments of future conditions without the proposed installation (the “No Action condition”) and with the proposed installation (the “With Action condition”).

NO ACTION CONDITION

Absent the proposed installation, in the “No Action condition,” there would be no changes or alterations to the installation site. While HRPT expects to reconstruct the Gansevoort Peninsula as a landscaped public park area consistent with the intentions of the Act, construction is unlikely to have commenced by 2020 since the design process for this area has not yet begun. The riprap along the southern edge of the Gansevoort Peninsula would remain unchanged, and the portion of the installation site in the Hudson River would have not structures within it. The installation site would remain as the same as the existing condition.

The analyses of the No Action condition accounts for other nearby developments that would occur in the future independent of the proposed installation as identified in Attachment B, “Land Use, Zoning, and Public Policy.” In each technical area of the analysis, the With Action condition is compared to the No Action condition as the basis for assessing impacts.

IMPACT ASSESSMENT

LAND USE, ZONING, AND PUBLIC POLICY

See Attachment B, “Land Use, Zoning, and Public Policy.”

SOCIOECONOMIC CONDITIONS

According to the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if an action may reasonably be expected to create substantial socioeconomic changes within the area affected by the action and would not occur in the absence of the action. Actions that would trigger a CEQR analysis include the following:

- Direct displacement of 500 or more residents or more than 100 employees.
- Direct displacement of a business that is uniquely significant because its products or services are dependent on its location; it is the subject of other regulations or publicly adopted plans aimed at its preservation because of its type or location; or it serves a population that is uniquely dependent on its services, in its particular location.
- The development of 200 residential units or more or 200,000 square feet or more of commercial use that is markedly different from existing uses, development, and activities in the neighborhood. This type of development may lead to indirect residential or business displacement, respectively.
- The development of 200,000 square feet or more of retail on a single development site, creating the potential to draw a substantial amount of sales from existing businesses within the study area. This type of development may lead to indirect business displacement due to market saturation.
- Impacts on a specific industry; for example, if a substantial number of residents or workers depend on the goods or services provided by the specific affected business, or if it would result in the loss or diminution of a certain product or service that is important within the City.

The proposed installation would construct a sculpture within Hudson River Park and would not result in the direct displacement of any residents or businesses, nor in any commercial or

residential development that would have the potential to lead to indirect business or indirect residential displacement. Therefore, the proposed installation would not result in any significant adverse impacts on socioeconomic conditions, and further analysis is not warranted.

COMMUNITY FACILITIES

The *CEQR Technical Manual* defines community facilities as public or publicly funded schools, libraries, child care centers, health care facilities, and fire and police protection. A project can affect these facilities and services when it physically displaces or alters a community facility or causes a change in population that may affect the services delivered by a community facility, such as by creating a demand that could not be met by the existing facility. The proposed installation would not directly displace a community facility or introduce a new residential population that would result in increased demand for community facilities and services. The proposed installation would not affect the ability of the local police and fire departments to provide protection services. Therefore, the proposed installation would not result in any adverse impacts on community facilities and services and no further analysis is necessary.

OPEN SPACE

According to the *CEQR Technical Manual*, an open space assessment is typically conducted if an action would result in the physical loss of public open space, alter or affect access to open space, or generate a sufficient number of new residents or workers to noticeably diminish the ability of an area's open space to serve the existing or future population. The proposed installation would not introduce a new residential or worker population into the area, and would therefore not result in increased demand for open space. Public art is an intended and permissible use within Hudson River Park. The proposed installation is limited to the installation of a small number of piles within the water and on a small portion of the upland section of the park. Given the small number of piles, the spacing between each column (65 feet), and the small area occupied by each pile cap (31.47 square feet for the single pile and 90.71 square feet for the double-pile foundation), the installation would not adversely affect access to either the Hudson River within the in-water portion of the installation's footprint (which would continue to be open to recreational boating) nor the affected upland area of Gansevoort once funding is available to create the landscaped public park there. Therefore, the proposed installation would not displace any park amenities or disrupt activities in any public or private open spaces. Attachment F, "Construction," evaluates the potential direct effects on adjacent park areas during construction of the proposed installation. Additionally, the proposed installation would provide a visual attraction for visitors to Hudson River Park. Overall, the proposed installation would not result in any adverse impacts on open space and no further analysis is necessary.

SHADOWS

The *CEQR Technical Manual* requires a shadows assessment for most proposed projects that would result in new structures (or additions to existing structures) greater than 50 feet in height or located adjacent to, or across the street from, a sunlight-sensitive resource. Such resources include publicly accessible open spaces, sunlight-sensitive natural features, or historic resources with sun-sensitive features. The proposed installation would result in the construction of an approximately 52-foot tall skeletal stainless steel sculpture within the Hudson River, a natural resource, and would also be located immediately adjacent to sunlight sensitive resources on upland portions of Hudson River Park, a public open space. The sculpture would consist of slender pipes approximately 8 inches in diameter, with no roof, walls, or other coverage, and would cast fleeting, narrow shadows on the Hudson River and the immediately adjacent features of Hudson River

Day's End Public Art Installation at Gansevoort Peninsula

Park, including the New York State Route 9A bikeway and the Gansevoort Peninsula (which is expected to be improved as parkland and incorporated into Hudson River Park, as discussed in Attachment B, "Land Use, Zoning, and Public Policy"). The narrow breadth of new shadow would not reach beyond approximately 220 feet from the sculpture, or about 5 percent of the river's total width (4,500 feet) in this location (the potential effects of the proposed project on in-water resources due to shading are addressed in Attachment C, "Natural Resources"). On land, the narrow shadows would reach only as far as 10th Avenue during certain times of day. The minimal new shadows would not substantially reduce the duration of direct sunlight on the adjacent resources and would not significantly alter the condition of the Hudson River or the usability of the adjacent public open space and its ability to support vegetation. Therefore, the proposed installation would not result in a significant adverse shadow impact on any of the affected sunlight-sensitive resources.

NATURAL RESOURCES

See Attachment C, "Natural Resources."

HISTORIC RESOURCES

See Attachment D, "Historic and Cultural Resources."

URBAN DESIGN AND VISUAL RESOURCES

See Attachment E, "Urban Design and Visual Resources."

HAZARDOUS MATERIALS

Extensive investigations to determine the potential for hazardous materials in the area of the proposed installation on Gansevoort Peninsula, both in the subsurface and within the former New York City Department of Sanitation (DSNY) facilities on the Peninsula, were undertaken as a component of the environmental reviews for both the Hudson River Park project and the adjacent Route 9A Reconstruction Project. These investigations found no potential for significant adverse impact from hazardous materials in soil or groundwater (provided certain standard safety and materials management protocols were followed), and determined that this area has a generally low potential for the presence of subsurface contamination. Past uses of hazardous materials were predominantly to the east of West Street. The shoreline at the site is known to have historically been bulkheaded and filled. The source and nature of these materials is generally unknown and variable but can often include wastes such as coal ash, incinerator ash, and demolition debris. Such materials often contain heavy metals and polycyclic aromatic hydrocarbons. Preservative treated wood may also be present in the subsurface (related to old piles, bulkheads or piers). The New York City Department of Design and Construction (NYC DDC) has been placing several feet of clean fill and gravel in at Gansevoort subsequent to removing the former DSNY buildings, but not on the two "streets."

The proposed installation would be limited to the construction of a sculpture in an in-water area and a small portion of the upland area within Hudson River Park. There would be limited temporary removal and replacement of the existing riprap along the southern shoreline of Gansevoort Peninsula (which is not within any site in the NYSDEC Environmental Remediation database). This activity would comprise a total area of up to approximately 1,350 square feet on the Gansevoort Peninsula. Approximately 225 square feet of riprap would be removed per pile location. Within this area, the permanent footprint of the 10 upland piles would be approximately 80 square feet. No excavation would occur as part of this activity. Additionally, there would be no dredging or other in-water excavation associated with the proposed installation. As described

above, the proposed installation would include only minor disturbance to the riprap areas along the southern edge of the Gansevoort Peninsula. All construction activities for the proposed installation would be conducted consistent with applicable regulatory requirements regarding hazardous materials. As part of the Environmental Impact Statement (EIS) prepared for the Hudson River Park, all construction within the Park remains subject to strict protocols for the management of hazardous materials encountered during construction, including managing soil and groundwater in accordance with applicable federal, state, and local regulations, and guidelines for temporary stockpiling and off-site transportation and disposal of soil. Contractors conducting soil disturbance are required to submit materials and waste management plans and site-specific health and safety plans to HRPT for approval. As part of the construction protocols for the Park, contingency plans are also in place for spills and buried tanks should such conditions be encountered. Therefore, with the protocols already in place, construction of the proposed installation would not be expected to result in significant adverse impacts due to hazardous materials.

In-water sediment disturbing activities associated with the proposed installation are addressed in Attachment C, “Natural Resources.”

WATER AND SEWER INFRASTRUCTURE

A water and sewer infrastructure assessment analyzes whether a project may adversely affect the City’s water distribution or sewer system. According to the *CEQR Technical Manual*, only projects that increase density or change drainage conditions on a large site require a water and sewer infrastructure analysis. The proposed installation would not include new development that would generate demand on the City’s water supply or sewage systems, and, as the proposed installation is limited to a skeletal stainless steel sculpture in an in-water area, it would not affect stormwater drainage on the installation site. Therefore, the proposed installation is not expected to result in significant adverse impacts to the City’s water and sewage systems, and further analysis is not required.

SOLID WASTE AND SANITATION SERVICES

The proposed installation would not include new development that would create any demand for solid waste and sanitation services, nor would it impact the collection of solid waste. Therefore, no significant adverse impacts to solid waste and sanitation services are expected to result from the proposed installation and further analysis is not required.

ENERGY

The proposed installation would not include new development that would have any energy demand, nor would it directly affect the generation or distribution of electricity. Therefore, the proposed installation would not result in any significant adverse impacts to energy and further analysis is not required.

TRANSPORTATION

The proposed installation is limited to a sculpture within Hudson River Park that would be clearly visible from WMAA. The sculpture would be a new visual attraction for visitors to both Hudson River Park and WMAA. Both locations are already regional destinations that receive visitors from throughout the city and beyond. Since the sculpture is effectively intended to become a permanent part of the Hudson River Park landscape rather than a temporary exhibit, it would not have the characteristics of a short-duration museum exhibit, where people intend to see it before the exhibit closes. Therefore, the sculpture is not expected to result in a substantial increase in visitation to

Day's End Public Art Installation at Gansevoort Peninsula

either Hudson River Park or WMAA. Rather, it would provide a new amenity for both the park's and WMAA's existing patronage. Additionally, because of the sculpture's size, it is best viewed from a distance, although close-up viewing can be done from the existing waterfront esplanade and other landscaped areas that are planned along the park.

WMAA visitors have the distinct advantage of being able to view the sculpture from the museum's windows and balconies, at a distance of approximately 300 to 500 feet away and at elevations that would enhance the viewing of various parts of the entire installation. WMAA has estimated its peak visitation to take place at 11 AM on weekdays and 2 PM on Saturdays with up to approximately 330 and 650 visitors an hour, respectively. For the above reasons, it is anticipated that only a small fraction of these visitors may choose to get a more close-up view of the sculpture by crossing West Street on the south side of its intersection with Tenth Avenue (between Horatio and Jane Streets). Crossing to the park by non-WMAA visitors to view the installation up close could also be made at several other West Street crossing points. Consequently, no single location is expected to experience an increase in pedestrian flow that would exceed the *CEQR Technical Manual* analysis thresholds. Therefore, further transportation analyses are not warranted and the proposed sculpture installation would not result in any significant adverse transportation impacts.

AIR QUALITY

As stated above and pursuant to the *CEQR Technical Manual*, a mobile source analysis is not required. The proposed installation would not include any equipment producing emissions, and as a result a stationary source analysis is also not required. Therefore, no significant adverse air quality impacts are anticipated and further analysis is not required.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. According to the *CEQR Technical Manual*, GHG assessments are appropriate for projects with the greatest potential to produce GHG emissions that may result in inconsistencies with the City's GHG reduction goal to a degree considered significant (generally larger projects resulting in the development of 350,000 square feet or greater undergoing an EIS, or for projects on a case-by-case basis to determine its consistency with the City's GHG reduction goals) and, relatedly, have the greatest potential to reduce those emissions through the adoption of GHG reduction measures and conditions. In addition, actions that fundamentally change the City's waste management system, such as City capital projects, power generation projects, and promulgation of regulations, may also need to be analyzed.

The proposed installation is not a City capital project, would not introduce new power generation, would not alter the City's waste management system, and would not affect regulations. Furthermore, the sculpture that would be created by the proposed installation would produce no emissions (other than minimal emissions during construction over a short 12-month period). Therefore, a GHG emissions analysis and assessment of consistency with the City's GHG emissions reduction goal are not required. The proposed installation would not have any adverse impacts with respect to GHG emissions and further analysis is not required.

As described above, the proposed installation has been designed to account for its location within the floodplain and for sea level rise projections. In addition to the design details noted above, the discussion of Policy 6.2 included in Appendix A, "NYC Waterfront Revitalization Plan," provides a detailed discussion of the installation's overall resiliency to climate change, and sea level rise.

NOISE

According to the *CEQR Technical Manual*, a noise analysis is appropriate if an action would generate any mobile or stationary sources of noise or would be located in an area with high ambient noise levels. The proposed installation would not result in a doubling of traffic over current levels, which is the change in traffic that results in perceptible changes to noise levels. In addition, the proposed sculpture would not generate any stationary source noise. Therefore, no significant adverse noise impacts are expected to result from the proposed installation and further analysis is not required.

PUBLIC HEALTH

According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. The proposed installation would not result in any significant unmitigated adverse impacts to air quality, water quality, hazardous materials, or noise; therefore, no further analysis of public health is required, and no significant adverse impacts to public health are expected to occur as a result of the proposed installation.

NEIGHBORHOOD CHARACTER

As defined in the *CEQR Technical Manual*, neighborhood character is considered to be an amalgam of various elements that define a neighborhood's distinct personality. These elements may include a neighborhood's land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise. An assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in any of the technical areas listed above, or when the proposed project may have moderate effects on several of the elements that define a neighborhood's character. As discussed above and in the attachments to this EAF, the proposed installation would not have significant adverse impacts in these technical areas or other areas related to neighborhood character, nor would it have the potential to result in a combination of moderate effects that could affect neighborhood character. While the proposed installation would add a new sculptural element and visual enhancement to the neighborhood, it would not result in any significant adverse neighborhood character impacts and a detailed neighborhood character analysis is not warranted.

CONSTRUCTION

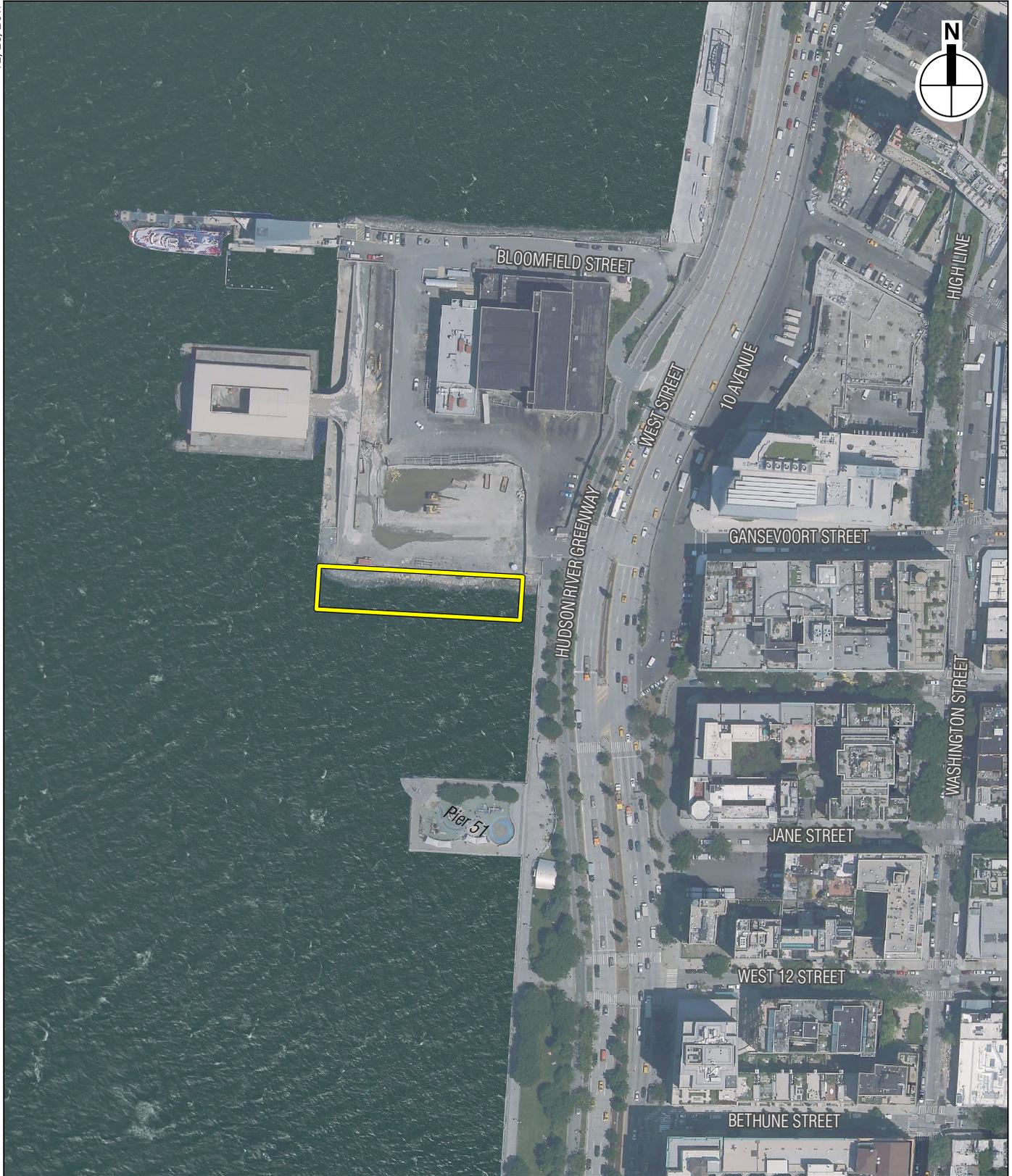
See Attachment F, "Construction."

CUMULATIVE IMPACTS

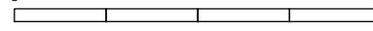
The proposed installation would not result in any significant cumulative adverse impacts resulting from the construction or operation of other projects within Hudson River Park, including projects at Piers 55 and 57, which are the two closest piers currently undergoing construction and are separated from the installation site by at least 900 feet. Construction impacts due to the proposed installation would take place over a short 12-month duration, and would involve only a small section of the Park. The potential impacts that would occur from construction would be localized and would not result in significant cumulative adverse impacts when considered with other projects within Hudson River Park. The loss of up to 71.1 square feet of river bottom in the footprint of the piles would constitute a de minimis loss of benthic habitat and would not have the potential to result in significant adverse cumulative impacts when considered with other projects within the Park. The proposed installation also would not result in significant vehicular or

Day's End Public Art Installation at Gansevoort Peninsula

pedestrian traffic, and thus would not result in cumulative operational impacts when considered with operations of other projects within the Park. *

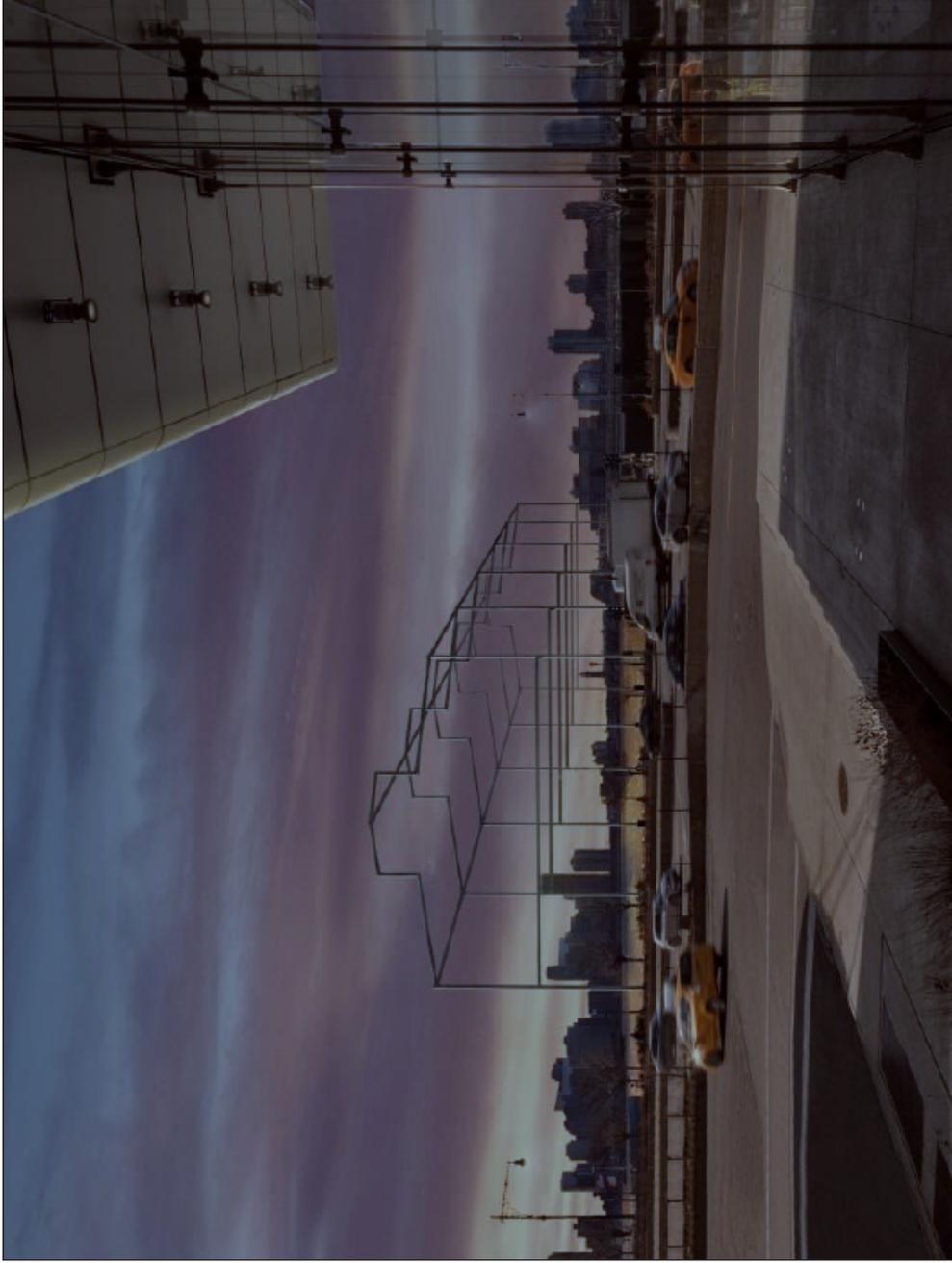


 Installation Site

0  400 FEET



Rendering of the proposed installation, *Day's End* by David Hammons, as seen from Pier 51, Hudson River Park
Credit: Guy Nordensen and Associates



Rendering of the proposed installation, *Day's End* by David Hammons, as seen from the Whitney Museum of American Art
Credit: Guy Nordensen and Associates