

**State Environmental Quality Review
Negative Declaration
Notice of Determination of Non-Significance**

Day's End Public Art Installation at Gansevoort Peninsula

This notice is issued pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law ("SEQRA"), and its implementing regulations at 6 NYCRR Part 617.

The Hudson River Park Trust ("HRPT"), as lead agency, has determined, based on the Full Environmental Assessment Form and Attachments for the *Day's End* Public Art Installation at Gansevoort Peninsula Project, dated September 2018 (the "Environmental Assessment"), that the proposed installation of the *Day's End* sculpture on the Gansevoort Peninsula and in the water area to its south side will not have a significant adverse impact on the environment, and therefore, that an environmental impact statement will not be prepared.

Name of Action: *Day's End* Public Art Installation at Gansevoort Peninsula

SEQRA Status: Type I Action

Conditioned Negative Declaration: No

Description of Action:

The Whitney Museum of American Art ("WMAA") proposes to install the *Day's End* Public Art Installation at the Gansevoort Peninsula (the "Installation") within Hudson River Park within the footprint of the former Pier 52 at the western end of Gansevoort Street in the Borough of Manhattan.

In 2015, artist David Hammons proposed the idea for the *Day's End* sculpture, a permanent public art project, to WMAA. The skeletal steel structure was conceived as a "ghost monument" to Gordon Matta-Clark's celebrated 1975 artwork of the same name within the exact footprint of and with the same dimensions as the former Pier 52 shed. The sculpture will be 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 within the Hudson River and on the southern edge of Gansevoort Peninsula within Hudson River Park. The sculpture will 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 will be installed above narrow concrete columns supported by piles. The sculpture will have no walls, roof, or floor.

Location:

The Installation will involve the placement of a skeletal stainless steel sculpture entirely within the location of the former Pier 52 shed. It will be located partially within the Hudson River and partially on the southern shoreline of the Gansevoort Peninsula within the Hudson River Park in the Borough of Manhattan, New York City.

Reasons Supporting this Determination:

The Installation was analyzed pursuant to SEQRA and its implementing regulations, and New York City's *City Environmental Quality Review Technical Manual* ("*CEQR Technical Manual*") served as a general guide to the methodologies and impact criteria for evaluating the Installation's potential impacts

on the various environmental areas of analysis. Based on the thresholds presented in the *CEQR Technical Manual*, the Environmental Assessment concluded that the following technical areas did not require detailed analyses because the Installation does not have the potential to result in any significant adverse impacts in any of these areas: socioeconomic conditions, community facilities, open space, shadows, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, air quality, greenhouse gas emissions, noise, public health, and neighborhood character. As detailed in the Environmental Assessment, the Installation will not result in any significant adverse impacts in any of these areas of concern.

The Installation will be a visual enhancement that will complement Hudson River Park and will not affect the existing land use of the Installation site. The Installation will also not result in any changes to land use on other sites within the study area. The Installation will be consistent with the public policies that currently govern the site and the surrounding area. In particular, as a public sculpture, the Installation will be consistent with and permitted under the Hudson River Park Act, and will allow for the Gansevoort Peninsula's future development as a landscaped public park area consistent with the Hudson River Park Multi-Purpose Project General Project Plan, as amended. It will also be consistent with the policies of the New York City Waterfront Revitalization Program and local zoning. Therefore, the Installation will not have any significant adverse impacts on land use, zoning, or public policy.

The construction of the Installation will not result in any significant adverse impacts on terrestrial or aquatic resources. Increases in suspended sediment resulting from in-water construction activities will be temporary and localized and will dissipate quickly. Elevated underwater noise from limited pile driving will be intermittent, localized, and short in duration. The prohibition of pile driving from November through April in Hudson River Park will minimize potential impacts to striped bass and other overwintering fish, and to winter flounder spawning in the vicinity of the Installation site. It is anticipated that all piles located within the Hudson River will be installed to the required tip elevation using a vibratory hammer. If the vibratory hammer alone does not advance the pile to the required tip elevation, an impact hammer will be used. Any impact hammering will be conducted in conjunction with a soft start and cushion block to minimize the effects of increased underwater noise. With these measures, exposure of shortnose sturgeon and Atlantic sturgeon (federally-listed endangered species) to potentially disturbing levels of underwater noise will be minimized and increased underwater noise levels will not affect the deeper water habitats, nor movement of migrating sturgeon past the Installation site be obstructed.

The minimal occupation of the river bottom by the piles (up to 0.002 acres) and minimal over-mudline coverage by the pile caps (up to 0.011 acres in total) will result in minimal change in foraging habitat for striped bass and other fish species, and will not adversely affect the suitability of this portion of the Hudson River as winter flounder spawning habitat. Operation of the Installation, including any nighttime safety lighting that may be required to meet U.S. Coast Guard specifications, will be consistent with the use of this portion of the Park, and will not result in significant adverse impacts to floodplains, water and sediment quality, aquatic habitat, fish or benthic macroinvertebrates, Essential Fish Habitat, or Significant Coastal Fish and Wildlife Habitat resources. No federal or state-regulated wetlands occur on the Installation site. Therefore, the Installation will not result in significant adverse impacts to natural resources.

With respect to historic and cultural resources, a Construction Protection Plan will be developed and implemented to avoid adverse construction-related impacts on the Hudson River Bulkhead. The Installation will not isolate any architectural resources from or significantly alter their setting or visual relationship with the streetscape, nor will 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. Further, the Installation will not introduce significant new shadows over a historic landscape or on a historic structure with sunlight-dependent features. Accordingly, pursuant to Section 14.09 of the State Historic Preservation Act, the Installation would not result in an adverse

effect on archeological resources or historic resources listed or eligible for listing on the National and State Registers of Historic Places. With respect to urban design and visual resources, the Installation will allow for continued views of the Hudson River and the Gansevoort Peninsula. The Installation will not adversely impact the pedestrian's experience of the built and natural environment, nor will it adversely impact the vitality, the walkability, or visual character of the area. Therefore, the Installation will not result in significant adverse impacts to historic and cultural resources or urban design and visual resources.


Construction of the Installation is anticipated to be approximately 12 months, which is considered short-term in accordance with the *CEQR Technical Manual*. Heavy equipment-dependent activities, including pile driving, installation of pile caps and concrete columns will be completed over approximately four months. During this period, pile driving will occur over approximately 30 noncontiguous days. In addition, during construction, appropriate measures will be implemented to reduce air pollutant emissions and noise. In consideration of the limited duration and intensity of construction activities and the measures implemented to minimize air quality emissions and noise, although there will be localized, temporary disruptions due to construction activities, as is the case with any construction activity, the Installation will not result in any significant adverse impacts due to construction activities. Further, the very localized and short-term construction will not result in significant cumulative adverse impacts with other construction projects currently occurring in the Hudson River Park.

Based on the Environmental Assessment, HRPT has determined that the Installation will 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 Environmental Assessment.

For Further Information:

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