



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

POSITIVE DECLARATION

**NOTICE OF INTENT TO PREPARE
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT**

<u>PROJECT:</u> The Phased Redevelopment of Governors Island Block 1, Lot 10 Borough of Manhattan CEQR: 11DME007M	<u>LEAD AGENCY:</u> Office of the Deputy Mayor for Economic Development 253 Broadway, 14 th Floor New York, New York 10007
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DATE ISSUED: March 4, 2011

TYPE OF ACTION: Type I

NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:

The Phased Redevelopment of Governors Island
Community District 1, Borough of Manhattan

Governors Island Corporation, doing business as the Trust for Governors Island (“the Trust”) is proposing the Phased Redevelopment of Governors Island (“the Proposed Project”) on 150 acres of the 172-acre Governors Island (“the Island”) in the Borough of Manhattan, Block 1, Lot 10. The Island comprises a north section and a south section. The north section of the Island (referred to here as North Island) is the area north of Division Road, which is co-terminus with the New York City Landmarks Preservation Commission’s designated Governors Island Historic District. The south section of the Island (referred to as the South Island) is the area south of Division Road, which includes a landfill area with more modern buildings. The 150-acre Proposed Project parcel includes all of the South Island as well as the portion of the North Island that is not owned by the National Park Service. The Trust also uses the slips at the Battery Maritime Building (BMB) in Lower Manhattan which is the major access point for ferries traveling to the Island.

The Trust has developed a Park and Public Space Master Plan for 87 acres of publicly accessible open space across its 150-acre parcel. Plans for Phase 1 of the Park and Public Space Master

Plan would involve the implementation of approximately \$78.5 million of park and public space enhancements expected to be complete by 2013. The first phase would be improvements to the Historic District including Soissons Landing, the South Battery, Liggett Terrace, and improvements to approximately 22 acres of open space in the center of the South Island to create Hammock Grove and the Play Lawn. This phase would also include infrastructure improvements to bring potable water to the Island by constructing a 12-inch water main from Brooklyn to the Island.

Future phases of the Park and Public Space Master Plan (referred to here as the Later Phases-Park and Public Spaces) would provide 32 acres of newly designed open space through the center and perimeter of the South Island (9 acres of which would be newly opened to the public). The Park and Public Space Master Plan identifies the currently vacant North Island historic buildings that would be retenanted; and locations for development of new uses in two separate development zone areas in the South Island totaling 33 acres (referred to here as the Later Phases – Island Redevelopment). See Table 1 below for the acreage summary of the Proposed Project. For the future, several scenarios were developed that could represent a reasonable range of new development that could occur in conformance with the current real estate use covenants. These include a primarily University/Research option (URO) and a predominantly Mixed-Use option (MUO), both of which would provide equivalent amounts of development—approximately 3 million square feet. Although at this time there is no schedule for funding for any portion of the Later Phases, it is assumed for purposes of analysis that construction of the Later Phases would begin after 2013 and be ongoing to 2030 as funding is obtained for portions of the park and as the development zones are constructed.

**Table 1
Proposed Project Acreage Summary**

Proposed Project	Size
Park and Public Space	
North Island (Historic District)	40 acres
South Island	47 acres
Development Zones	
Historic District Buildings and Roads	
TOTAL	150 acres

PROPOSED ACTIONS

Phase 1

In order to develop and construct Phase 1 of the Proposed Project, the City of New York is providing approximately \$78.5 million in funding to the Trust. This funding is a discretionary action subject to CEQR. Other actions and approvals required for Phase 1 that are not subject to CEQR, include:

- Review of the project actions within the Governors Island Historic District per the guidelines of the *Governors Island Historic District Preservation and Design Manual*;

- New York City Department of Buildings (NYCDOB) building permit for public open space;
- New York City Department of Buildings (NYCDOB) review of construction in the 100-year flood plain;
- New York City Fire Department approvals for emergency and fire access and fire hydrants; and
- State Pollutant Discharge Elimination System (SPDES) permits from the New York State Department Environmental Conservation (NYSDEC), for wastewater and/or stormwater discharges to surface waters (subject to SEQRA).

Later Phases

An existing deed restriction provides specific limitations on potential new land uses on the Island. It is anticipated that the future development proposed for the Later Phases-Island Redevelopment component would require rezoning all or portions of the Island. Any rezoning will be subject to CEQR, and the level of environmental review required will be determined at that time. Other potential future actions and approvals for the Later Phases, some of which are discretionary actions subject to CEQR, could include:

- Associated zoning approvals, including special permits, modifications, variances, and/or authorizations (subject to CEQR);
- New York City Department of Buildings (NYCDOB) building permits;
- New York City Department of Buildings (NYCDOB) building permit for public open space;
- New York City Department of Buildings (NYCDOB) review of construction in the 100-year flood plain;
- New York City Fire Department approvals for emergency and fire access and fire hydrants;
- State Pollutant Discharge Elimination System (SPDES) permits from the New York State Department of Environmental Conservation (NYSDEC), for wastewater and/or stormwater discharges to surface waters (subject to SEQRA);
- Nationwide and/or other permits from the United States Army Corps of Engineers (USACE) for in-water work;
- NYSDEC air permits or approvals related to potential future research/academic laboratory uses;
- Review of project actions within the Governors Island Historic District per the guidelines of the *Governors Island Historic District Preservation and Design Manual*; and
- Approval of capital funding (subject to CEQR).

STATEMENT OF SIGNIFICANT EFFECT:

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), the Office of the Deputy Mayor for Economic Development, lead agency for the

referenced project, has determined that the Proposed Project may have a significant impact on the quality of the human environment. Accordingly, an Environmental Impact Statement (EIS) is required to evaluate and disclose the extent to which impacts may occur. Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for substantial impacts related to land use, zoning, and public policy;
- 2) The potential for substantial socioeconomic impacts;
- 3) The potential for substantial impacts to community facilities and services;
- 4) The potential for substantial open space impacts;
- 5) The potential for substantial impacts as a result of shadows;
- 6) The potential for substantial impacts related to historic and cultural resources;
- 7) The potential for substantial urban design/visual resource impacts;
- 8) The potential for substantial impacts related to natural resources;
- 9) The potential for substantial impacts related to hazardous materials;
- 10) The potential for substantial impacts related to the water and sewer infrastructure;
- 11) The potential for substantial impacts related to solid waste and sanitation services;
- 12) The potential for substantial impacts related to energy;
- 13) The potential for substantial impacts related to transportation;
- 14) The potential for substantial impacts related to air quality;
- 15) The potential for substantial greenhouse gas emissions;
- 16) The potential for substantial impacts related to noise;
- 17) The potential for substantial impacts related to public health;
- 18) The potential for substantial impacts related to neighborhood character; and
- 19) The potential for substantial construction impacts.

Statement in Support of Determination:

The above determination is based on the finding that:

- 1) The project site is located within the City's Waterfront Revitalization Program (WRP) boundaries. Full development of the Proposed Project would also result in changes to land uses and may require future changes to zoning on Governors Island. The potential for the Proposed Project to be consistent with the WRP policies and to affect land use, zoning, and public policy will be examined.
- 2) Due to the absence of any existing residential and commercial uses, the Proposed Project would not result in socioeconomic changes on Governor's Island itself. However, the Proposed Project has the potential to generate socioeconomic change at off-island areas surrounding the ferry landings, where increased pedestrian and vehicular activities associated with project-generated trips could result in increased commercial activity. Therefore, a preliminary assessment, and detailed assessment if necessary, of the potential for the Proposed Project to result in indirect business displacement in the areas surrounding the ferry landings off Governors Island is warranted and will be provided.
- 3) Full development of the Proposed Project could add new dormitories and faculty housing units, as well as increase the worker and visitor populations which would create increased demand for various community facilities. Therefore the Proposed Project's potential effect on community facilities will be examined.

- 4) Full development of the Proposed Project is expected to bring more than 500 employees and 200 residents to the project site, and therefore would have an effect on the utilization of open space and recreational facilities on the Island. Therefore, the Proposed Project's potential effect on existing and proposed open space will be examined.
- 5) Full development of the Proposed Project would likely result in at least one new building taller than 50 feet. Although no structures for the South Island development zones have been designed or even contemplated at this time, the potential for the Proposed Project to cast shadows on sensitive receptors will be examined.
- 6) The portion of Governors Island north of Division Road is designated as, and co-terminus with, the Governors Island Historic District, which is a National Historic Landmark District and a New York City Historic District. The Proposed Project would result in new construction on the Island and, possibly, off-Island sites and could result in changes to significant historic landscape features. It is possible that elements of the Proposed Project also would result in a change to the scale, visual prominence, or visual context of buildings, structure, object, or landscape feature, or could screen or eliminate certain publicly-accessible views. Therefore, potential effects on architectural resources will be analyzed. Any areas on-Island and off-Island site(s) where ground-disturbing activities may be required will be considered for archaeological resources.
- 7) It is likely that the Later Phases-Island Redevelopment component of the Proposed Project would result in new buildings, new building heights, and result in a substantial physical alteration to the streetscape or public space that is not currently allowed by existing zoning. It is also possible that the Later Phases-Island Redevelopment component of the Proposed Project could result in the obstruction of publicly-accessible views to visual resources. Therefore, an analysis will be provided to determine how the Proposed Project could change the island's urban design and visual character.
- 8) Portions of the northwestern and southern shoreline of the Island are considered New York State Department Environmental Conservation littoral zone tidal wetlands—any tidal waters less than six feet in depth at mean low water. Phase 1 and the full development of the Proposed Project could affect aquatic resources or water quality due to construction of the new potable water main or additional stormwater input and in-water work (if any). Terrestrial resources could be affected by the Proposed Project due to removal or enhancement of existing vegetated areas, increased levels of human activity, ferry operations, and other activities. Therefore, an assessment of the Proposed Project's potential effect on natural resources is warranted and will be provided.
- 9) Governors Island has been expanded through extensive landfilling, with fill materials including historical material from the excavations for the Lexington Avenue subway line, ash or other waste materials from industrial processes, and demolition debris. There is information available regarding petroleum storage tank removal activities and past locations where hazardous materials may have been used. Also, since Governors Island was an active military base for over 200 years, it is possible to encounter unexploded ordnance; (Note that there are a set of precautions currently undertaken during intrusive activities.) Because the Proposed Project would result in soil disturbance activities, an analysis of hazardous materials is warranted and will be provided.

- 10) Full development of the Proposed Project would exceed the thresholds for wastewater and stormwater analysis outlined in Table 13-1 of the *CEQR Technical Manual*. Therefore, an analysis of potential effects of the Proposed Project on water supply and wastewater and stormwater infrastructure will be provided.
- 11) Full development of the Proposed Project would introduce new development that would require sanitation services and therefore, an analysis will be provided.
- 12) Full development of the Proposed Project would not affect the transmission or generation of energy or generate substantial indirect consumption of energy. Therefore, in accordance with the *CEQR Technical Manual*, the EIS will disclose the Proposed Project's potential energy demand.
- 13) Phase 1 of the Proposed Project is not anticipated to materially affect overall visitation to Governors Island above the No Build scenario. The scale of the Later Phases of the Proposed Project, however, would exceed the thresholds in Table 16-1 of the *CEQR Technical Manual*, and consequently could have significant traffic, parking, pedestrian, and transit impacts. Therefore, a detailed analysis of the potential transportation impacts of the Proposed Project is warranted and will be required.
- 14) Full development of the Proposed Project would result in new stationary and mobile sources of pollutant emissions. Stationary sources include fossil fuel-fired heat and hot water systems serving new buildings. Mobile sources could include increased ferry traffic, auto traffic to ferry locations off the Island, and truck access to the Island for deliveries and service. Therefore, an analysis of the potential air quality impacts of the Proposed Project is warranted and will be provided.
- 15) Full development of the Proposed Project would exceed the CEQR analysis threshold for GHG emissions. Furthermore, since the project site is on an island, a discussion of the potential impacts of climate change on the Proposed Project is also warranted and will be provided.
- 16) Full development of the Proposed Project would result in new mobile-source noise due to transportation to and from the Island and new noise-sensitive uses such as faculty housing. Since the Later Phases could also include a public school, the noise generated by any potential school playground would also be a new noise sources on the Island. Therefore, an analysis of the potential noise impacts of the Proposed Project is warranted and will be provided.
- 17) 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. If unmitigated significant adverse impacts are identified in any one of these technical areas and a public health assessment is warranted, an analysis will be provided for that specific technical area.
- 18) Neighborhood character is determined by a number of factors, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design, visual resources, shadows, transportation, and noise. Full development of the Proposed Project has the potential to result in significant adverse impacts in one of the technical areas. Therefore, if warranted, an assessment of neighborhood character would be provided.

19) Although Phase 1 of the Proposed Project would be completed in approximately 14 months, construction of the Later Phases-Park and Public Spaces component is expected to last several years. Therefore, an analysis of potential construction impacts is warranted and will be provided.

Accordingly, the Office of the Deputy Mayor for Economic Development and Rebuilding directs that a Draft Generic Environmental Impact Statement (GEIS) be prepared in accordance with 6 NYCRR 617.9(b) and 617.10 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

Public Scoping:

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft GEIS. A draft Scope of Work has been prepared outlining the proposed content of the Draft GEIS.

The Public Scoping meeting will be held on Tuesday April 5, 2011 at 6:00 PM at Spector Hall, 22 Reade Street, New York, NY 10007.

A copy of the EAS, Positive Declaration, and draft Scope of Work for the Draft GEIS may be obtained by any member of the public from:

Mayor's Office of Environmental Coordination
253 Broadway, 14th Floor
New York, New York 10007
Telephone: (212) 788-9956

These documents are also available on the websites of the Mayor's Office of Environmental Coordination and The Trust for Governors Island: www.nyc.gov/oec and www.govisland.com, respectively.

Written comments will be accepted until 5:00 P.M. on April 15, 2011, and may be submitted at the public scoping meeting or to Mr. Robert Kulikowski at the above address.

The Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.



Robert R. Kulikowski, Ph.D., Assistant to the Mayor
For the Deputy Mayor for Economic Development

March 4, 2011

Date