

Attachment 1

Conversion and Replacement Parcel Summary

- 2. A detailed explanation of the sponsor's need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.**

Need for Conversion

The City of New York (the City) and Brooklyn Bridge Park (BBP) seek to convert a 2.652 acre section of the former Empire Fulton Ferry State Park (EFFSP), which is now part of the 85-acre Brooklyn Bridge Park. The area to be converted contains the Tobacco Warehouse and Empire Stores, which are both civil-war era historic structures, and a roughly 8,600 square foot pathway between the buildings. As discussed more fully below, the City and BBP seek to convert this property so that the Tobacco Warehouse and Empire Stores can be adaptively reused to ensure their long-term preservation and to be re-used in a manner consistent with Brooklyn Bridge Park's publicly reviewed and adopted General Project Plan (GPP), which governs the use and development of Brooklyn Bridge Park. The conversion will also address the federal court decision in *Brooklyn Heights Ass'n, et al. v. National Park Service, et al.*, 11 CV 0226 (ENV), which found that the Tobacco Warehouse and Empire Stores were subject to LWCFA restrictions and could not be converted to other than outdoor recreation uses without National Park Service (NPS) approval pursuant to Section 6(f) of the Land and Water Conservation Fund Act (LWCF) and its implementing regulations. An overview of BBP and the need for each element of the conversion is discussed more fully below.

Brooklyn Bridge Park

Brooklyn Bridge Park is an 85-acre park currently being created along the Brooklyn waterfront, extending from Atlantic Avenue on the south to Jay Street on the north, just north of the Manhattan Bridge. The park was originally established in May 2002, when the State of New York and the City of New York entered into a Memorandum of Understanding (MOU) that provided for the creation of the Brooklyn Bridge Park Development Corporation (BBPDC), a subsidiary of the Empire State Development Corporation (ESDC, now Empire State Development, or ESD), to plan, design, and build Brooklyn Bridge Park. The park was created from an amalgam of waterfront properties owned by various entities, including the City and State of New York, the Port Authority of New York & New Jersey, and Consolidated Edison. These properties included two existing parks—the former Empire-Fulton Ferry State Park, a New York State park that was under the jurisdiction of OPRHP, and Main Street Park, a New York City park that was under the jurisdiction of the New York City Department of Parks and Recreation. A founding principle of Brooklyn Bridge Park was that all these properties would be under the unified management of a single entity. BBPDC managed the planning and design of Brooklyn Bridge Park from 2002 to 2010 when BBPDC transferred financial and operational responsibility for the entire 85-acre project to BBPC, a not-for-profit entity created to complete development of the Brooklyn Bridge Park Project and to manage and operate Brooklyn Bridge Park. BBPC has one member only, the elected mayor of New York City. Nine of BBPC's seventeen board

members, including the executive director, are selected by the Mayor and the rest are nominated by others for selection. Any action of the board requires a majority vote that includes the votes of at least three mayoral appointees.

The entire 85-acre area was designated by a GPP adopted by ESDC in 2005, which outlines the requirements of the Brooklyn Bridge Park project. In July 2010, BBPDC transferred financial and operational responsibility for the entire 85-acre Brooklyn Park project to the BBPC. In order to provide for efficient and unified management of the Park, all properties within the 85-acre park area were then leased to BBPC under a 99-year master ground lease. BBPC is now the entity primarily responsible for the creation, maintenance, and operation of the Brooklyn Bridge Park project in accordance with the GPP.

Empire Stores

Although restricted by the LWCF to outdoor recreational use, Empire Stores, a 327,696 square foot roofed structure comprised of seven contiguous warehouses that are in complete disrepair has been closed to the public for most of the past sixty years. The building takes up an entire city block. It acts a scenic buffer between the park and surrounding neighborhood but is covered in scaffolding and graffiti and surrounded by a fence to protect passers-by.

The New York State Office of General Services and the New York City Department of Buildings will not allow any part of the building to be open to the public due to its deteriorated state. Among other things, the building must be stabilized—BBP’s structural monitoring reveals that the building continues to settle unevenly due to the building’s aging foundation and crack monitors along the façade reveal unacceptable levels of cracking. Monitoring has also revealed that moisture has penetrated areas of the building façade, further weakening the building’s structure. The Empires Stores was further damaged as a result of Hurricane Sandy in October 2012. The building was flooded, and the existing floors heaved in many areas, and several doors fell off their hinges. In addition to the structural stabilization work that must be done, the building requires new floors and entirely new mechanical, electric, and plumbing systems in addition to elevators. Furthermore, all work on the building must comply with the Secretary of Interior’s Standards for Rehabilitation of historic buildings.

BBP estimates that a significant capital investment is required to preserve and rehabilitate this historic structure. Given the cost of restoring it, and the constraints on public funds, the park is seeking a private lessee to restore and adaptively reuse the structure. Absent a conversion, the building will continue to deteriorate until it can no longer be saved.

Furthermore, the adaptive reuse of Empire Stores is an important part of Brooklyn Bridge Park’s funding plan. While Brooklyn Bridge Park receives public funding for its construction, ongoing maintenance and operations costs must be funded by Park revenues, particularly by five development sites identified in the GPP including the rehabilitated and redeveloped Empire Stores.

Tobacco Warehouse

The Tobacco Warehouse, the other civil war era structure proposed for conversion, also requires a private party to adaptively reuse the structure in order to finance its long-term preservation and stability. Prior to 2001, much like Empire Stores, the Tobacco Warehouse was deteriorated and was closed to the public due to safety concerns. Its roof had collapsed, it was filled with debris, and its walls were unstable. In 2001, its walls were stabilized and repaired and other restoration work was undertaken through State funding in order to prevent the structure's total collapse. While the building is structurally sound today, as a historic structure, it will continue to require restoration and upkeep, and BBP does not have money in its budget to fund the cost of its maintenance and preservation. It is anticipated that a private lessee will fund the adaptive reuse of the approximately 27,500 square foot building, which may include building a roof over an 18,000 square foot interior portion of the building, and contribute to a capital reserve fund that would pay for the long-term costs of repair or replacement of any structural components of the building. Furthermore, the lessee would be responsible for the creation of an outdoor public space to be created within the 7,000 square foot triangular portion of the structure that will remain without a roof, as well as an indoor community space that will regularly be made available for community groups at no cost.

The Tobacco Warehouse is currently used for public events and festivals that are permitted by BBP, and, when not in use for those purposes, is opened to the public for passive recreation. However, the Tobacco Warehouse is not heavily used when no events are being held, in part due to its concrete floor and lack of lighting and electricity.

Pathway between Tobacco Warehouse and Empire Stores

There is an 8,637-square-foot (0.198-acre) area between Empire Stores and the Tobacco Warehouse that was formerly Old Dock Street. This area serves as an entrance into the former Empire-Fulton Ferry State Park from Dock and Water Streets and is restricted to park purposes by limitation recorded against the property.

Alternatives¹:

As alternatives to the conversion, the City and BBP considered (1) not undertaking the conversion (2) only converting Empire Stores (without Tobacco Warehouse) and (3) only converting Tobacco Warehouse (without Empire Stores). However, it was determined that none of these alternatives was preferable as compared to the proposed conversion. These alternatives are discussed below.

Alternative 1: Not Undertaking the Conversion

The City and BBP considered the alternative of not undertaking the conversion, but determined that although it would preserve the properties for future outdoor recreational opportunities, it would not provide necessary resources for the historic preservation and continued maintenance

¹ An alternatives analysis that includes a discussion of alternative replacement parcels is included in the NEPA review.

of the Tobacco Warehouse and Empire Stores, would not meet the goals of Brooklyn Bridge Park's GPP, would not allow for the adaptive reuse of Empire Stores, and would not allow for the adaptive re-use of the Tobacco Warehouse as a cultural, educational or civic year-round facility.

No Action Alternative

If the Tobacco Warehouse and Empire Stores remain under 6(f) protection, a private developer would not fund the rehabilitation and redevelopment of either structure, since such adaptive reuse for other than outdoor recreational use is not permitted for LWCF properties and, therefore, cannot occur absent a conversion. Without private investment, there would be no identified funding to stabilize, preserve or restore either historic structure, and the structures would likely continue to deteriorate. The opportunity for future recreational use at the site would remain; however, significant financial resources would need to be identified and allocated in order to realize such an opportunity.

The Empire Stores would continue to be vacant, as it is currently in a state of total disrepair and closed to the public for safety reasons. While it would continue to act as a scenic buffer between the park and surrounding neighborhood, eventually, one of the last remnants of Brooklyn's historic commercial waterfront would be lost forever. Furthermore, Empire Stores would not be rehabilitated and adaptively reused as a "development parcel" for Brooklyn Bridge Park, as envisioned by the GPP.

Without conversion, the Tobacco Warehouse would provide scenic value and passive recreation but would not be adaptively reused as an important cultural resource for the park and would not be made into a year-round community facility. Furthermore, there would be no funding for any recreational amenities in the triangular portion of the building, such as an outdoor garden, as envisioned in the GPP.

Lastly, the conversion will not adversely impact either structure's historic character or resources. The Empire Stores and Tobacco Warehouse are subject to Letters of Resolution (LOR) and amendments between Brooklyn Bridge Park and New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) that ensure that any construction plans and rehabilitation work will be developed in consultation with the New York State Historic Preservation Office (SHPO) to ensure the preservation of the buildings' historic character. Therefore, the unique historic character of these two structures will be maintained and enhanced should conversion be approved.

Based on these factors, the City and BBP determined that the no action alternative was not feasible and did not meet BBP or the City's goals and would jeopardize valuable historic resources.

Options Considered Absent Conversion but Rejected As Infeasible

BBPC and the City also considered ways to ensure the long-term preservation of the historic structures without the Section 6(f) conversion but determined that they were not feasible. One alternative considered was leaving Empire Stores shuttered, but stabilizing both historic structures so that they could remain scenic backdrops to Brooklyn Bridge Park. This alternative

is not feasible because of the funding needed to preserve and maintain these structures. As discussed above, Empire Stores requires structural stability work that BBPC estimates requires a significant capital investment. The Tobacco Warehouse is structurally sound today, but will continue to require restoration and upkeep. Absent conversion, private lessees could not provide the funding necessary to stabilize, preserve and maintain these structures. Securing other sources of funding is not feasible given the constraints on public funding. Further, this alternative would not meet the goal of adaptive reuse of these historic structures, nor provide funding for the maintenance of Brooklyn Bridge Park as envisioned in the GPP.

Another alternative considered to preserve the structures absent conversion, but determined not to be feasible, was developing these structures for use as park buildings. Potential uses considered were a visitors center, park maintenance and park operations. Developing the structures for these uses would require the capital investment discussed above plus significant additional investment to ensure that Empire Stores can be safely opened to the public and has the utilities and interior rehabilitation necessary, and to develop a structure within the shell of Tobacco Warehouse. Developing these structures for park buildings would meet the goal of adaptive reuse of these structures. This alternative is not feasible given the constraints on public funding and the lack of other funding sources. This alternative would also not meet the goal of providing funding for the maintenance of Brooklyn Bridge Park as envisioned in the GPP.

Based on these factors, the City and BBP determined that it was not feasible, and would not meet BBP or the City's goals, to preserve the structures absent conversion.

Alternative #2: Conversion of the Empire Stores without the Tobacco Warehouse

The other alternative considered to reduce the size of the area to be converted from Section 6(f) protection was undertaking a conversion of Empire Stores but not converting the Tobacco Warehouse. While this alternative would meet the City and BBP's goal of rehabilitating the Empire Stores, and would preserve future recreational opportunities for Tobacco Warehouse, it would not allow for the adaptive reuse of the Tobacco Warehouse as a year-round facility and provide for the structure's use as a cultural and community space other than the occasional public events and festivals for which the Tobacco Warehouse is used today. As it currently stands, the Tobacco Warehouse is used for public events and festivals, but, when no events or festivals are being held, remains vacant for most of the year and is not heavily used by the public. It would make providing for the long-term maintenance and preservation of Tobacco Warehouse more difficult and divert resources needed to support the overall Park including the remaining Section 6(f) area.

With a conversion, the Tobacco Warehouse would be partially roofed in order to be used as a year-round performance venue and community space and will provide a much needed cultural resource in the Brooklyn Bridge Park area, as envisioned in the GPP. The structure's 7,000 square foot triangle would remain roofless and continue to be publicly available as an outdoor recreation space. Lastly, conversion, if approved, would permit an outside group to fund the structure's long-term preservation and rehabilitation, consistent with all historic preservation requirements. Therefore, the City and BBP determined that including the Tobacco Warehouse in

the conversion would enhance the public use of the structure, ensure the building's long-term preservation and maintenance, and meet the park's goals.

Alternative #3: Conversion of the Tobacco Warehouse without the Empire Stores

The final alternative considered to reduce the size of the area to be converted from Section 6(f) protection was undertaking a conversion of the Tobacco Warehouse but not converting the Empire Stores. While this alternative would meet the City and BBP's goals for the Tobacco Warehouse, as described above, and would preserve Empire Stores for future recreational opportunity, it would not allow for the adaptive reuse and restoration of the 328,000 square foot indoor Empire Stores. The deteriorating building would remain vacant for the foreseeable future, and would continue to fall into disrepair. Furthermore, an important historic resource would remain under threat of irreparable damage. Therefore, it was determined that this was not a viable option.

5. For the park land proposed for conversion, a detailed description including the following:

- a. Specific geographic location on a map, 9-digit zip code, and name of park or recreation area proposed for conversion.**

The area to be converted is part of the former Empire Fulton Ferry State Park, now part of Brooklyn Bridge Park. It is located in Brooklyn (Kings County), New York, 11201-6917 at New Dock Street between the Brooklyn Bridge and Water Street. *See* Letters Patent providing the metes and bounds of the area to be converted (Parcel B), attached herein as Exhibit 1; *See* Attachment 3 to the PD/ESF for a map of the area to be converted.

- b. Description of the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire 6(f) park area. In many cases the size of the converted area is larger than the physical footprint. Include a description of the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) park land must remain recreationally viable and not be impacted by the activities that are precipitating the conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land.**

Area to Be Converted

The above water portion of EFFSP, roughly 5.44 acres, was included on a Section 6(f) map as a result of a \$274,525 LWCF grant obtained by OPRHP between 2001 and 2003 to rehabilitate the former EFFSP's cove area (Project # 36-01225). *See* LWCF 6(f) map, attached herein as

Exhibit 2. The former EFFSP is now incorporated into the larger Brooklyn Bridge Park and the City and BBP seek to convert a 2.652 acre section of the former EFFSP, which contains two historic buildings (the Tobacco Warehouse and Empire Stores), and an approximately 8,600 square foot pathway between the buildings. The metes and bounds of the area to be converted are described as Parcel B in the EFFSP Letters Patent, attached herein as Exhibit 1. The remaining portion of EFFSP that is included on the Section 6(f) map, 2.789 acres, will not be converted and will continue to provide public outdoor recreational opportunities as LWCF protected land.

Recreation Resources, Facilities and Recreation Opportunities Impacted by Conversion

A majority of the area to be converted, 1.826 acres or 79,552 sq. ft.², offers no outdoor public recreation or supporting uses, as it is occupied by Empire Stores, a 327,696 square foot complex of indoor warehouses that have been largely vacant for over 60 years.³ Since Empire Stores currently provides no opportunities for public outdoor recreation, or any public access, it is not anticipated that the conversion will result in any loss of such opportunities.

The remaining 0.826 acres of the area proposed for conversion is comprised of the roofless Tobacco Warehouse (0.628 acres or 27,374 square feet⁴) and a pathway (0.198 acres or 8,637 square foot) between the Tobacco Warehouse and Empire Stores. The Tobacco Warehouse is currently used for public events permitted by BBP, such as art and food festivals and art installations. Permitted events typically occur under a temporary tent structure to protect them from the weather. When not in use for these events, the Tobacco Warehouse is open to park users for passive recreation during park hours, serving the local neighborhood as well as members of the general City population who use the park. As stated above, when not in use for public events or festivals, the Tobacco Warehouse offers limited outdoor recreational opportunities due to its concrete floor and lack of utilities and electricity. Indeed, when not used for events, it is not heavily used by the public. After conversion, it is anticipated that 18,000 square feet of the structure will be roofed and adaptively reused as a year-round performance venue and community space. BBP will be responsible for permitted events in the community room (which will be designed and programmed with community input) which may include the art and food festivals and art installations that had previously taken place under the tent. The 7,000 square foot triangle will remain public outdoor space. Therefore, only 18,000 square feet of outdoor space at the Tobacco Warehouse that is currently used for outdoor, passive recreation and public events would be impacted after the conversion.

The approximately 8,600 square foot pathway to be included in the conversion is currently used as a park entrance and houses portable toilets available for public use. After conversion, the

² This figure is for the parcel area. The building footprint is slightly larger at 79,650 sq. ft.

³ A small area of Empire Stores, roughly 3,000 square feet, was used for a time to house public restrooms and OPRHP administrative space, but was closed to the public in 2008 due to structural and safety issues.

⁴ That figure is for the parcel area. The building area is slightly larger at 27,502 sq. ft.

toilets will be replaced by new facilities in Empire Stores, and this area would continue to be used as a public park entrance; therefore, no outdoor recreational resources would be lost.

Overall, of the 2.652 acres of area to be converted, only 0.413 acres (the 18,000 square foot portion of the Tobacco Warehouse that will be roofed) of currently available outdoor recreational space would be impacted.

Remaining LWCF 6(f) Land

The remaining portion of the former EFFSP that will remain on the Section 6(f) map will continue to be subject to LWCF 6(f) protections and will remain a viable outdoor recreational resource. The area recently underwent an extensive renovation and was re-opened to the public in May 2012. The newly renovated EFFSP contains sweeping lawns, offering spectacular views of New York Harbor and Lower Manhattan; Jane's Carousel, a restored vintage carousel open for year-round rides; and a picnic grove that offers picnic tables with views of the harbor. Future use of the converted Tobacco Warehouse and Empire Stores, should conversion be approved, would be contained within the building footprints and would not impact the public use of the rest of the park. Although not protected under Section 6(f), the pathway between the structures will remain reserved for park purposes by restrictions recorded against the property. In fact, it is anticipated that the conversion will allow greater access to outdoor resources, since safety fencing will be removed upon restoration of the Empire Stores. Furthermore, the rehabilitation of Empire Stores and the adaptive reuse of the Tobacco Warehouse will enhance user experience of the park by activating previously unused and underused park structures. The LWCF 6(f) area will continue to be publicly accessible via two public streets, New Dock Street and Main Street, as well as the pathway between the Tobacco Warehouse and Empire Stores.

c. Description of the community and population served by the park, including users of the park and uses.

The former EFFSP is now part of the 85-acre Brooklyn Bridge Park, which is a world-class urban waterfront park with rolling hills, river front promenades, lush gardens, and spectacular city views. The park currently features sand volleyball courts, running and bicycle paths, a boat launch for non-motorized boating, several playgrounds, a picnic area, as well as a dog-run and pool. The park is being constructed in phases, and the list of amenities continues to grow. Brooklyn Bridge Park, in partnership with Brooklyn Bridge Park Conservancy, a not-for-profit organization, provides a programming schedule that contains over 400 free activities throughout the year ranging from children's education programs and bike lessons, to performing arts and fitness classes. As discussed above, the former EFFSP recently underwent a comprehensive renovation, and was reopened to the public in May 2012. The EFFSP also contains the Tobacco Warehouse and Empire Stores, the uses of which are described above.

Brooklyn Bridge Park attracts a diverse group of users. In 2012, the entire park recorded an average weekend day count of 89,289 users, and a weekday count of 11,533 users, 14% of which visit the park daily, 17% weekly, 9% monthly, 34% a few times, and 26% were first time visitors. See Parkwide Usership Profile for Summer 2012 for Brooklyn Bridge Park, attached herein as

Exhibit 3. Usage numbers for the Empire Fulton Ferry State Park section of Brooklyn Bridge Park are not yet available (since that portion of the park was closed for renovations until May 2012) but ticket sales for Jane's Carousel reached 19,266 tickets in its opening month, making it one of the park's most popular attractions. There is no official data regarding use of the Tobacco Warehouse, but it is estimated that less than five percent of users of Empire Fulton Ferry State Park visit the structure when no event is being held. No population is served by Empire Stores, since it is closed to the public for safety reasons.

- d. For partial conversions, a revised 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f).**

See Attachment 4 to the PD/ESF.

6. For each proposed replacement site:

- a. Specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites. If site will be added to an existing public park/outdoor recreation area, indicate on map.**

The City and BBP are proposing three adjacent replacement sites that are located roughly 500 feet from the area to be converted:

New York City Department of Transportation (NYCDOT) Paint Shed and parking lot
Portion of Kings County Block 7, Lot 1
121 Plymouth Street
Brooklyn, NY 11201

New York City Department of Environmental Protect (NYCDEP) Water Meter Testing Facility
Kings County Block 7, Lot 21
1 Plymouth Street
Brooklyn, NY 11201

Washington Street Roadbed abutting 1 Plymouth Street
Brooklyn, NY 11201

In addition, the City and BBP are proposing extending the Section 6(f) protections along the northern sidewalk on Plymouth Street from the eastern boundary of the remaining Section 6(f) parcel to the eastern boundary of the replacement parcels in order to connect the two Section 6(f) protected parcels.

See map of location of the replacement parcels and Plymouth Street sidewalk connection in relation to the area to be converted, attached herein as Exhibit 4 (attached for illustrative purposes only); See Attachment 4 to the PD/ESF for a map of the proposed replacement parcels.

- b. Description of the site's physical characteristics and resource attributes with number and types of resources and features on the site, for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc.**

The proposed replacement site comprises 37,617 square feet (0.863 acres) of land owned and operated by the City for non-park municipal purposes (a street, a water meter testing facility, and a paint shed). The land was not acquired by the City for recreational purposes and has not been dedicated or managed by the City for recreational or park purposes. Below is a detailed description of each of the proposed replacement parcels.

The replacement properties are owned by the City, but are included in a ninety-nine year Prime Ground Lease between the City and BBPDC and a concurrent ninety-nine year Master Ground Lease between the BBPDC and BBPC. The two leases were entered into in order to transfer operational and management responsibilities of City-owned parcels within the Park to BBPC. The replacement properties were included in the lease so that these properties might eventually be included in the Park if the City surrendered its exclusive right to continue to use the properties. Until then, the leases explicitly reserve to the City the continuing right to use the properties for municipal uses, as described below. At the end of the ninety-nine year lease terms, the land reverts to the City.

NYCDOT Paint Shed

The NYCDOT paint shed is directly north of the Main Street portion of Brooklyn Bridge Park and under the Manhattan Bridge. The property is an irregularly shaped parcel of land containing approximately 15,587 square feet (0.358 acres) and affords unique views of Manhattan, the waterfront, and the Brooklyn Bridge. Located on the property is an approximately 8,800 square foot, one story building constructed after the City acquired the property in 1966, which the NYCDOT uses to house paints, solvents, and other materials used for bridge and structural steel painting, as well as rigging supplies and other equipment. The remaining portion of the parcel is used as a parking lot by NYCDOT. City records indicate that this parcel was acquired through condemnation from Consolidated Edison in 1966 for possible use as a waste water treatment plant, although the plant was never constructed. The facility is surrounded by a locked gate with no public access.

As discussed, this parcel is owned by the City, but is included in the ninety-nine year Prime Ground Lease between the City and BBPDC and the concurrent ninety-nine year Master Ground Lease between the BBPDC and BBPC. However, both leases explicitly reserve to the City the continuing right to use this lot for the NYCDOT paint shed or any other municipal use, and the parcel has never been used or dedicated for recreational or park purposes. *See applicable*

sections of the Prime Ground Lease and the Master Ground Lease, attached herein as Exhibit 5. At the end of the ninety-nine years the land reverts to the City.

Should conversion be approved, BBP will acquire the land for park purpose; however, NYCDOT will retain the right of entry to this parcel as needed for maintenance and repair of the Manhattan Bridge and for emergency purposes. This is standard practice for land directly below bridges. Should NYCDOT require long-term use of this site for repairs to the bridge upon NPS approval of conversion, which is not expected, the City and BBP would seek the necessary approvals from NPS.

A Phase I Environmental Site Assessment was conducted for the entire Brooklyn Bridge Park Project in 2005, including the proposed replacement parcels, and a Soil Investigation Report was prepared in 2003 by Tully Environmental for all of the replacement parcels. The findings of these studies are discussed in the NEPA environmental review.

NYCDEP Water Meter Testing Facility

The NYCDEP Water Meter Testing Facility is bordered by the NYCDOT paint shed, the Main Street portion of Brooklyn Bridge Park, and the Washington Street streetbed. The property provides unique views of downtown Manhattan, the waterfront, and the Brooklyn Bridge. The parcel is 10,860 square feet (0.249 acres) and contains a roughly 9,585 square foot one story brick building constructed in 1988. The facility is surrounded by a locked gate with no public access. City records indicate that this parcel was acquired through condemnation from Consolidated Edison in 1966 for possible use as a waste water treatment plant. It was never used for that purpose, and has been used by NYCDEP for various non-park municipal purposes since that time, including as a water meter testing facility since the early 1990s.

As with the NYCDOT paint shed, this parcel is included in the ninety-nine year Prime Ground Lease between the City and BBPDC and the concurrent ninety-nine year Master Ground Lease between the City and BBPC that transferred operational and management responsibilities for City-owned parcels to BBPC so that these properties might eventually be included in the Park. The leases explicitly subject this lot to the City's continuing right to occupy and maintain the NYCDEP facility, or for other municipal uses, and the parcel has never been dedicated or used for recreational or park purposes. *See Exhibit 5.* At the end of the ninety-nine years the land reverts to the City.

A Phase I Environmental Site Assessment was conducted for the entire Brooklyn Bridge Park Project in 2005, and a Soil Investigation Report was prepared in 2003 by Tully Environmental for all of the replacement parcels. The findings of these studies are discussed in the NEPA environmental review.

Washington Street Streetbed

The streetbed of Washington Street is an 11,170 square foot (0.256 acres) parcel directly adjacent to the DEP Water Meter Testing Facility, and constitutes the termination point of Washington Street. Pursuant to the GPP, the mapping of this street was over-ridden by BBPDC

in connection with the formation of Brooklyn Bridge Park. The parcel functions as a parking lot for the water meter testing facility and has been used for this purpose since at least the early 1990s.⁵ It is closed to the public via a fence that encloses the street bed and the water meter site.

The streetbed is City owned, and also included in the ninety-nine year Prime Ground Lease between the City and BBPDC and the concurrent ninety-nine year Master Ground Lease between the City and BBPC. The lease of the streetbed is subject to the City's continuing right of access for any purpose and the City has used the streetbed for access to and treated the streetbed as part of the NYCDEP facility. At the end of the ninety-nine years the land reverts to the City.

A Phase I Environmental Site Assessment was conducted for the entire Brooklyn Bridge Park Project in 2005, and a Soil Investigation Report was prepared in 2003 by Tully Environmental for all of the replacement parcels. The findings of these studies are discussed in the NEPA environmental review.

Plymouth Street Sidewalk

In addition to the proposed replacement site described above, the City proposes extending Section 6(f) protections along the northern sidewalk of Plymouth Street, connecting the replacement parcels with the parcels that will remain under Section 6(f) protections.

c. Identification of the owner of the replacement site and its recent history of use/function up to the present.

The replacement parcels are owned by the City of New York, have never been dedicated as parkland and are used for non-park municipal purposes. See Question 6.b. above for the recent history and use of these parcels.

d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.

Location and Population Served

The proposed replacement parcels are of equivalent location to the converted parcels. Located 500 feet (two blocks east and one block north) from the Tobacco Warehouse and Empire Stores, once converted, they will become a publicly accessible part of the Brooklyn Bridge Park, the same park in which the Tobacco Warehouse and Empire Stores are located. They will therefore serve the same community.

⁵ An 830 square foot portion of the streetbed that is already used as a park entrance is not included as part of the replacement parcel.

As discussed more fully below, BBP has developed a concept plan for the replacement parcels based on park and community needs and feedback from public consultation, subject to NPS review. BBP is currently undertaking a public consultation process to further inform the programming and design of the new parkland, including consultation with the Park Expansion Design and Development Committee (PEDDC), a committee of local community groups formed to make recommendations for the use and design of the replacement parkland, Community Board 2, and other local groups including the D.U.M.B.O Business Improvement District, the Brooklyn Bridge Park Conservancy, and dog run advocates who use the portion of the park adjacent to the replacement parcels. BBPC has also consulted with local elected officials.⁶

Concept Plan

BBP's concept plan for the proposed replacement parcels includes a mixture of passive and active recreation, a nature exhibit and education area, public facilities, and much needed space for park maintenance and operation. The concept plan calls for the demolition of the NYCDOT paint shed and retention of the former NYCDEP building for reuse as a publicly accessible year-round facility with public restrooms serving community purposes, as well as for maintenance and operations. The Washington Street portion of the parcel, which is presently inaccessible to the public, would be integrated into the surrounding landscape. *See* illustration of concept plan for replacement parcels, attached herein as Exhibit 6.

The replacement parcels would include a new entry plaza Plymouth Street (at the end of Washington Street) and a lawn and landscaped area that would provide visual access to the water. The proposed path on the replacement parcels leading from the entry plaza at Washington Street would connect to adjacent areas of Brooklyn Bridge Park including a waterfront promenade, beach access points, and a large lawn. Improved landscaping on the replacement parcels would open currently blocked views from Washington Street into the entire Section 6(f) protected area and improve views from inside the park to the surrounding harbor, creating new view corridors of the Brooklyn and Manhattan Bridges.

BBP is anticipating that the adjacent NYCDEP building, which was constructed in 1988 and is in excellent condition, would be reused as an interpretive nature center, restrooms and a park support and maintenance facility. The northern and western side of the NYCDEP building would be developed as a year-round nature interpretive center for classes and school groups. Complementing the proposed outdoor nature exhibit facility discussed below, this space will be used for year-round programs on park horticulture, waterfront ecology (focusing on the Main Street beach access point), potential nature exhibits, and a flexible space for school groups to have sheltered picnics in case of bad weather. These types of indoor education and nature centers

⁶ BBP has retained Michael Van Valkenburgh Associates (MMVA) as landscape architect, the firm that is responsible for the landscape design for the full park. MVVA has received countless awards for their work at Brooklyn Bridge Park as well as their other design work, including recognition from the American Society of Landscape Architects, the American Academy of Arts and Letters, and the National Park Service.

have been successfully built and have been widely popular in other parks throughout the city. This portion of the building would also provide public restrooms, which are in high demand at the northern portion of the park, given the already extremely well used nearby playground and lawn space. BBP is investigating design options to improve the outside of the building, including removing an approximately 800-square-foot portion of the existing NYCDEP at its northern end, truncating the building at an angle. This would allow for increased views to the water and would create more outdoor gathering space on the proposed replacement parcels. This building is already ADA compliant and any alterations to the structure will maintain such accessibility.

The southeastern and center portions of the building will support maintenance and operation needs. Currently, the northern section of Brooklyn Bridge Park does not have a maintenance facility space for repairs, storage or support space for park maintenance staff, and temporary storage containers must be placed along the western side of the Main Street park section that would otherwise be available for public use. Utilizing the site to support the Parks' maintenance and operations would allow for adequate resources to serve the remaining Section 6(f) protected parcel and the park overall, accessibility to supplies and work areas, and clear additional open space that is currently occupied for that purpose. The NYCDEP building is the best available space for the maintenance and operations facility for the northern end of the park due to its orientation within that park and its existing amenities. The interior includes already existing work and storage rooms, and will provide office and support space for maintenance and operation staff, and a space for a garbage compactor that will service the northern end of the park (currently, the park's only location for this is almost a mile away at the southern end of the park). A driveway for vehicle access to the facility will be created along the eastern side of the building.

The existing NYCDOT paint storage facility will be demolished and redeveloped with lawns, a dog run, and an active recreation area. The active recreation area will be developed as a bouldering wall for use by different users, including older children and teenagers and designed for a variety of skill sets, and a dog run. These uses are in high demand and are appropriate uses considering the area's location under the Manhattan Bridge.

BBP also currently anticipates an outdoor community space that may include an outdoor nature exhibit and education area to provide public information regarding the park's ecology and habitat, and be used for outdoor classes and school groups on topics including park horticulture, marine biology related to the Main Street beach, and an interactive composting program, including composting equipment for public and park use (composting equipment is in high demand from neighborhood residents).

Recreational Usefulness

The use of the replacement parcels after conversion will exceed the recreational opportunities that currently exist at the Empire Stores and Tobacco Warehouse. Empire Stores, a 327,696 square foot building, has been closed to the public for over 50 years, and provides no opportunities for recreational use. The Tobacco Warehouse provides roughly 27,500 square feet

of passive recreation space and is occasionally used for scheduled events permitted by BBP. Permitted events typically occur under a temporary tent structure to protect them from the weather. When there are no scheduled programs, the Tobacco Warehouse is not heavily used by the public. After conversion, roughly 7,000 square feet of the Tobacco Warehouse will remain publicly available for outdoor recreation, potentially developed as a public garden. BBP has committed to provide a inside the roofed in portion of the Tobacco Warehouse that will be designed and programmed with community input and be permitted by BBP for events which may include the art and food festivals and art installations that had previously taken place under the tent. In addition, the approximately 8,600 square feet of space between the Empire Stores and Tobacco Warehouse that will be included in the conversion will also remain public outdoor space and continue to be used as a park entrance. Therefore, the area available for recreational and park support uses will increase after conversion. In addition, to ensure a federally protected connection between the remaining Section 6(f) parcel and the replacement parcel, Section 6(f) protections will be extended along the northern sidewalk on Plymouth Street from the northern boundary of the remaining Section 6(f) parcel to the northern boundary of the replacement parcels.

The development of the proposed replacement parcels into park uses will help activate the northern portion of Brooklyn Bridge Park and fill a gap in the current layout of the park. Furthermore, as explained above, the replacement parcels will provide areas for passive recreation, active recreation, public facilities for this portion of the park, space for public and education programming, and much needed space for the park's operation and maintenance. As explained above, the replacement parcels will create new view corridors of the New York City skyline and the Manhattan and Brooklyn Bridges, and allow for greater public access to the Main Street portion of Brooklyn Bridge Park.

e. Identification of owner and manager of the new replacement park?

The replacement parcels would continue to be City-owned property. If conversion is approved, the City would relinquish its right to use the property for non-park municipal purposes, and, pursuant to the Prime Ground Lease and the Master Ground Lease, Brooklyn Bridge Park would be responsible for their development as parkland, and for their subsequent management and operation. As discussed above, the City would maintain a right of entry to Washington Street for maintenance of public utilities located below ground, and NYCDOT would maintain a right of entry to the area under the Manhattan Bridge. The City and BBP would notify NPS and seek the appropriate approvals in accordance with the LWCF should the City require long-term use of either of these sites for the above stated purposes.

f. Name of the new replacement park. If the replacement park is added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?

The replacement outdoor recreation land will be incorporated into Brooklyn Bridge Park. The rest of Brooklyn Bridge Park that is not already subject to Section 6(f) protection will not be included within the LWCF 6(f) boundary.

- g. Timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public.**

Construction on the replacement parcels will commence shortly after conversion is approved and is anticipated to take 18-24 months.

- h. New Section 6(f) map for the new replacement park.**

See Attachment 3 to the PD/ESF.

Attachment 2

Consistency with Statewide Comprehensive Outdoor Recreation Plan

Brooklyn Bridge Park is an 85-acre park currently being created along 1.3 miles of waterfront in Brooklyn, New York. Prior to adoption of Brooklyn Bridge Park's General Project Plan (GPP) in 2005, a publicly reviewed and approved document, an approximately 9-acre portion of the Brooklyn Bridge Park area between the Brooklyn and Manhattan Bridges, (including some lands under water) was a state park known as Empire-Fulton Ferry State Park. That state park received federal funding through the federal Land and Water Conservation Fund Act (LWCFA) through a 2001-2003 grant obtained by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). It is therefore subject to the protections provided by that act (referred to as *Section 6(f) protections* or *Section 6(f) protected outdoor recreation land* throughout this document). With the adoption of the Brooklyn Bridge Park Project GPP in 2005, Empire-Fulton Ferry State Park became part of the larger, 85-acre Brooklyn Bridge Park Project, and is accordingly referred to throughout this document as the *former* Empire-Fulton Ferry State Park. The former Empire-Fulton Ferry State Park is maintained and programmed by the Brooklyn Bridge Park Corporation, along with the larger Brooklyn Bridge Park.

Approximately 5.44 acres of the approximately 9-acre former Empire-Fulton Ferry State Park are protected under Section 6(f); the remainder of the 9-acre park is underwater land. The former Empire-Fulton Ferry State Park includes two vacant historic structures—the Tobacco Warehouse and Empire Stores. At this time, the Brooklyn Bridge Park Corporation (BBPC), in cooperation with the City of New York, proposes to convert these two structures (along with an area between the two structures) to non-outdoor recreational purposes. The conversion parcels comprise 2.65 acres. The conversion of the two structures would allow their adaptive reuse and long-term preservation while providing a safer park environment while the pathway between would remain reserved for park purposes by a restriction recorded against the property. The remaining Section 6(f) protected portion of the former Empire-Fulton Ferry State Park—a 2.79-acre grassy area that extends to the waterfront—is not proposed for conversion and will remain protected.

As required by Section 6(f), replacement outdoor recreation land that is of at least equal fair market value and equivalent recreational value would become Section 6(f) protected outdoor recreation land and restricted to outdoor recreational and ancillary uses. Three contiguous parcels, totaling 0.86 acres, are being proposed as the replacement outdoor recreational land. The conversion and replacement parcels have been independently appraised and those appraisals must be accepted as complete by the State before they can make a final determination regarding equivalent market value. In addition, Section 6(f) protection would be extended along the northern sidewalk of Plymouth Street, connecting the replacement parcels with the parcels that will remain under Section 6(f) protections.

One of the criteria for conversion is that National Park Service (NPS) make a determination that a proposed conversion and replacement are in accordance with the applicable State Comprehensive Outdoor Recreation Plan (SCORP). 36 CFR § 59.3(b)(9). For the conversion

Brooklyn Bridge Park Section 6(f) Conversion

proposed here, the current and applicable SCORP is *The Final Statewide Comprehensive Outdoor Recreation Plan and Final Generic Environmental Impact Statement for New York State 2009-2013 OPRHP*, 2008).

New York State's current SCORP serves as OPRHP's "status report and as an overall guidance document for recreation resource preservation, planning and development through 2013."¹ The document sets forth 11 guiding policies intended to provide direction and support for protection and management of natural, cultural, and recreation resources; for each of those policies it also provides action strategies that support and explain those policies.

Each of the 11 SCORP policies, and the associated action strategies, are outlined below. The consistency of the proposed conversion with each policy is discussed.

SCORP POLICIES AND ACTION STRATEGIES

Policy 1: Improve recreation and historic site operation, maintenance, and resource management practices. The action strategies under this policy include rehabilitation and adaptive reuse of recreational and historic facilities where feasible, and ongoing protection of natural and cultural resources, among others.

Consistent with Policy 1, the underlying purpose of the proposed conversion is to allow for the long-term preservation, rehabilitation, and adaptive reuse of the Empire Stores and Tobacco Warehouse, two historic sites that are listed on the State and National Registers of Historic Places (S/NR), as part of the Fulton Ferry Historic District. Without conversion, neither of these structures would be adaptively reused and no funding would be available for the much-needed rehabilitation of the Empire Stores or the long-term maintenance of either structure.

The Empire Stores structure is in complete structural disrepair and has been closed to the public for most of the past 60 years. A private developer is needed to fund the building's rehabilitation and renovation, since Brooklyn Bridge Park does not have the resources for such a large project. A Letter of Resolution, and its amendments, agreed to by the Empire State Development Corporation, Brooklyn Bridge Park Development, and OPRHP, ensures that rehabilitation of Empire Stores will be conducted in a manner that is compatible with and respects its historic and architectural significance and requires that the New York State Historic Preservation Office (SHPO) be regularly consulted during the design and construction process.

The Tobacco Warehouse, like Empire Stores, is part of the Fulton Ferry Historic District, and is a nineteenth century structure in need of funding to ensure its long term preservation. The proposed conversion would allow for the adaptive reuse of the Tobacco Warehouse as an indoor performance space and community venue with an outdoor garden. This structure's conversion to uses other than outdoor recreation would allow it to be leased to an outside entity that could ensure the structure's long-term stability, since Brooklyn Bridge Park does not have the funds to pay the cost of maintenance and preservation of this historic structure. The Tobacco Warehouse is also subject to the Letter of Resolution and amendments, and SHPO must be consulted regarding the design for its adaptive reuse.

The new uses in the Empire Stores and Tobacco Warehouse that would be permitted as a result of the conversion would respect the historic nature of the structures. The rehabilitation and adaptive reuse of both structures will be undertaken in regular consultation with SHPO, in

¹ SCORP, p. 9, available at <http://nysparks.state.ny.us/recreation/trails/statewide-plans.aspx>.

Consistency with the Statewide Comprehensive Outdoor Recreation Plan

accordance with the terms of the Letter of Resolution and amendments. The new uses would integrate the structures into the park and further activate this area of the park.

The aforementioned replacement parcels would be developed not only with additional recreational uses (i.e., a bouldering wall and lawns for passive recreation) but also as a maintenance and operations yard that would be used to maintain the Section 6(f) protected outdoor recreation land. A new access point to the Section 6(f) protected outdoor recreation land would also be provided at Washington Street as a result of the conversion.

Therefore, the proposed conversion is consistent with Policy 1 by providing for the rehabilitation and reuse of historic structures while ensuring their ongoing protection, by providing additional maintenance and operations space, and by constructing a new access point to the Section 6(f) protected outdoor recreation land and Brooklyn Bridge Park.

Policy 2: Improve and expand water-oriented recreation opportunities. This includes development of areas where access to the water is provided, and upgrading and protecting water resources.

The proposed conversion will not directly impact water-oriented recreation opportunities for the properties to be converted, since they do not currently offer any water access. The portion of the former Empire-Fulton Ferry State Park that would remain under Section 6(f) protection after conversion—the 2.79-acre portion that includes a waterfront esplanade—would remain protected and be unaffected by the proposed conversion. This portion of the former Empire-Fulton Ferry State Park would be linked to the proposed replacement parcels by extending the Section 6(f) protection along the north sidewalk on Plymouth Street.

As described under Policy 1 above, the proposed conversion would allow for adaptive reuse and continued maintenance of the Empire Stores. When completed, this 85-acre park will include a number of water-oriented recreation opportunities, including a paved waterfront promenade, safe paddling waters, slips for the mooring of historic or educational vessels, as well as a marina.

The parcels proposed as replacement outdoor recreation land, once developed for park use, will enhance access to already existing beach areas and public access to the East River. The area surrounding the proposed replacement parcels on three sides has already been developed as parkland and integrated into the larger Brooklyn Bridge Park. This area, known as the Main Street portion of the park, includes a children's playground, a large lawn with a stone seating area, a waterfront promenade, a dog run, and beach areas that provide public access to the East River and environmental education opportunities, and is an extremely popular area of the park. The replacement parcels would include a new entry plaza at Washington Street and a lawn that would provide visual access to the water. The proposed path on the replacement parcels leading from the entrance at Washington Street would connect to the waterfront promenade, beach access points, and to the main lawn, including providing a secondary pathway to the stone seating area at the main lawn. These Section 6(f) protected amenities would be connected to the 2.79-acre portion of the former Empire-Fulton Ferry State Park that would remain under Section 6(f) protection by the Section 6(f) protected north Plymouth Street sidewalk. Therefore, the proposed conversion would improve and expand access to the waterfront promenade and beaches.

In addition, the development of the NYCDEP and NYCDOT parcels as outdoor recreation land and their incorporation into Brooklyn Bridge Park would fill the design and programming void that currently exists in Main Street Park, and provide easier access to the beach area and water access points. Furthermore, BBPC currently anticipates that a nature exhibit and ecology center

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can be developed on the replacement parcels and will provide, among other things, and public information regarding the park's ecology and habitat, and be used for outdoor classes and school groups on topics including park horticulture and marine biology related to the Main Street beach.

Overall, the proposed conversion would support this SCORP policy by providing new access from the replacement parcels to existing walkways that lead to water-oriented recreation opportunities, and by providing additional Section 6(f) protected land to join the recreational opportunities at the replacement parcels with the 2.79-acre portion of the former Empire-Fulton Ferry State Park that would remain under Section 6(f) protection.

Policy 3: Apply research techniques and management practices to improve and expand parks, trails, and other open spaces. Action strategies under this policy include utilizing available technologies and management techniques to develop new park programming and to ensure appropriate public participation in planning, leisure activity research, and environmental review.

BBPC has actively engaged with the public about the proposed conversion and sought extensive public participation in the design of the replacement outdoor recreation land. As described in Chapter 4, "Coordination and Consultation," of the Environmental Assessment (EA) prepared for this conversion proposal, during the conversion process BBPC has briefed and will continue to brief the Brooklyn Bridge Park Community Advisory Council (CAC) every 14 days on the status of the conversion. During these briefings, BBPC reported the status and progress of conversion and communications with federal governmental agencies concerning the proposed conversion. BBPC has also made drafts of the documents related to the conversion process available to the public on its website. At BBPC's request, the CAC created a special subcommittee known as the Park Expansion Design and Development Committee (PEDDC). The PEDDC is charged with providing input on design of the replacement parcels. Review of the design of the replacement began in September 2012, and has continued with additional input provided in December 2012, February 2013, and May 2013. BBPC has also presented to and sought feedback from the local community board, community organizations, dog run advocates, and local elected officials.,

BBPC will also make the environmental review documentation and application for conversion public, making the proposed conversion consistent with Policy 3.

Policy 4: Preserve and protect natural and cultural resources. The action strategies for Policy 4 include ensuring that recreation is compatible with environmental characteristics, responsible stewardship of land and water resources that sustain plant and animal species and their habitats, protecting habitat corridors and buffer areas, complying with state and federal environmental and historic preservation regulations.

An EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended to consider the potential environmental impacts associated with the proposed conversion. As required by the National Park Service (NPS) Land and Water Conservation Fund Act (LWCFA) guidance, Step 6 of this Proposal Description and Environmental Screening Form (PD/ESF) provides a screening analysis for both the conversion parcels and the replacement parcels with respect to a broad range of environmental resources. The EA determines that this proposal would be compatible with the environmental characteristics of the surrounding area and that most environmental resources would have no impacts, or negligible or minor impacts, as a result of the conversion. For some resource areas, the potential for impact is greater and therefore, those areas are evaluated to a greater extent in the EA: parks and recreational resources, visual characteristics, historic resources, hazardous materials, and cultural impacts.

Consistency with the Statewide Comprehensive Outdoor Recreation Plan

With respect to natural resources and cultural resources, the focus of Policy 4, the EA makes the following conclusions:

- Natural Resources. Impacts to natural resources are screened out in Step 6 of this PD/ESF. The proposed conversion would not remove natural habitat, since the conversion parcels are occupied by two structures and a small fully paved adjacent area; the replacement parcels are also occupied by structures and impervious surfaces. The Section 6(f) protected parkland is located along the eastern shore of the lower East River, which supports marine wildlife, but the proposed conversion would not affect the East River. There are no streams or other bodies of water present in the former Empire-Fulton Ferry State Park or on the replacement parcels.
- Cultural Resources. Impacts to archaeological resources and historic structures are evaluated in detail in the EA:
 - *Archaeological Resources*. For the replacement parcels, the project sponsors will consult with SHPO regarding the need to either undertake archaeological testing in advance of project construction, or to undertake archaeological monitoring during construction to evaluate the presence/absence of archaeological resources. If archaeological resources are encountered, appropriate protocols for further evaluation and treatment of archaeological resources would be undertaken in consultation with the SHPO.
 - *Historic Structures*. Any future use of the Tobacco Warehouse and Empire Stores on the conversion parcel will be required to comply with the terms of the LORs between OPRHP, Empire State Development, and BBPDC. SHPO will issue a determination prior to its development as parkland, that reuse of the replacement parcels, which are currently occupied by municipal uses, would not adversely affect the historic character of the National Register D.U.M.B.O. Historic District in which those parcels are located prior to use of these parcels. Pursuant to the Letters of Resolution, to avoid potential inadvertent construction-related impacts on historic resources, a Construction Protection Plan will be prepared and submitted to the SHPO for the Manhattan Bridge and other historic resources located within 90 feet of project construction on the replacement parcels, as appropriate.

Furthermore, the use and design of the proposed replacement parcels will be consistent with Policy 4. While plans are not final, it is anticipated that future uses of these parcels will include an outdoor nature exhibit and ecology center and an active recreation area that includes a bouldering wall. BBPC currently anticipates that the nature exhibit and ecology center will have public information regarding the park's ecology and habitat, and be used for outdoor classes and school groups on topics including park horticulture, marine biology related to the Main Street beach, and an interactive composting program, which will provide composting equipment for public and park use (composting equipment is in high demand from neighborhood residents). The proposed replacement parcels have also been designed to enhance and celebrate views out to the water and to the Manhattan Bridge. This will be accomplished by positioning the proposed bouldering wall at the eastern end of the NYCDOT paint shed parcel, so that views north to the river on Washington Street remain open. These views would be across the proposed lawn and proposed low-scale landscaping elements. In addition, an approximately 800-square-foot portion of the existing NYCDEP building would be removed at its northern end, truncating the building at an angle. This would allow for increased views to the water from the west and would create more outdoor gathering space on the proposed replacement parcels.

Brooklyn Bridge Park Section 6(f) Conversion

BBPC has retained Michael Van Valkenburgh Associates (MMVA) as landscape architect for the replacement parcels, the firm that is responsible for the landscape design for the full park. MMVA's design will incorporate the sustainability objectives of BBPC design as a whole. Such efforts include the park's stormwater collection system (though not within the limits of the replacement parcels), which supplies much of the park's irrigation needs.

Therefore the proposed conversion would be consistent with Policy 4.

Policy 5: Support compatible recreation and interpretive programs. This policy's action strategies include coordinating, improving, and expanding environmental, historical, and cultural interpretive programs in recreational facilities; and providing patron opportunities and interpretive programs for observation and education about significant natural and cultural resources.

BBPC's concept plan for the replacement parcels includes a nature exhibit and education area and a year-round nature interpretive center. As described above, BBPC anticipates that the outdoor nature exhibit and education area provide public information regarding the park's ecology and habitat, and be used for outdoor classes and school groups on topics including park horticulture, marine biology related to the Main Street beach, and an interactive composting program, including composting equipment for public and park use. The proposed indoor, year-round interpretive center will be used for classes and school groups for programs on park horticulture, waterfront ecology, potential nature exhibits, and a flexible space for school groups to have sheltered picnics in case of bad weather.

Because the conversion will result in, among other things, increased interpretive nature opportunities and resources as well as increased educational program the proposed conversion would be consistent with Policy 5.

Policy 6: Develop comprehensive, interconnected recreationway, greenway, blueway and heritage trail systems. One action strategy under this policy includes the creation of greenways in and around metropolitan areas, along major water corridors and along other natural, abandoned railroad and utility corridors.

The proposed replacement parcels include a new entry plaza at Washington Street, new lawns and landscaping, and a path that would connect to the existing waterfront promenade at Brooklyn Bridge Park. The area surrounding the proposed replacement parcels on three sides has already been developed as outdoor recreation land and integrated into the larger Brooklyn Bridge Park. This area, known as the Main Street portion of the park, and the development of the NYCDEP and NYCDOT parcels as outdoor recreation land and their incorporation into Brooklyn Bridge Park would fill the design and programming void that currently exists in Main Street Park. New amenities proposed for the replacement parcels would increase recreational opportunities along the Brooklyn waterfront. The replacement parcels would be linked with the recreational amenities that are present at the portion of former Empire-Fulton Ferry State Park that would not be converted, including the waterfront esplanade and carousel, by the northern sidewalk on Plymouth Street, which would become Section 6(f) protected land. The Section 6(f) protected outdoor recreation land would constitute an interconnected recreationway, which would in turn be linked with those recreational amenities in Brooklyn Bridge Park overall, making the proposed conversion consistent with Policy 6.

Policy 7: Protect natural connections between parks and open space areas. One of the action strategies under this policy includes the protection and/or acquisition of critical connectors.

As described in Chapter 3 of the EA, “Environmental Impacts,” the former Empire-Fulton Ferry State Park is a relatively low quality terrestrial habitat and there are no unique or important habitats present in the former Empire-Fulton Ferry State Park or in the vicinity. The surrounding area of Brooklyn is fully developed and terrestrial and avian wildlife in the vicinity of the proposed conversion and replacement sites is generally limited to species tolerant of urban conditions. Because there are no important ecosystems or natural areas present in the vicinity of the proposed conversion and replacement parcels, Policy 7 does not apply to the proposed conversion.

Policy 8: Improve access to opportunities for regular physical activity that is in close proximity to where people live, work, and/or go to school. This policy’s action strategies include encouraging the development of trails, parks, and recreational facilities that can be reached by walking and bicycling and ensuring that new recreational facilities are universally accessible.

The proposed conversion would not alter the public’s current access to recreational opportunities and would add recreational facilities to Brooklyn Bridge Park. Both the former Empire-Fulton Ferry State Park and the larger 85-acre Brooklyn Bridge Park have networks of pathways and a linear waterfront esplanade. The former Empire-Fulton Ferry State Park and Brooklyn Bridge Park overall are accessible by public transit (subway and bus service), walking, and well as vehicle. As is typical in New York City, park users are most likely to walk from the surrounding neighborhood or to take the subway or bus from areas farther away. The proposed conversion would not affect any recreational trails and would not change the travel characteristics in the remaining portion of the park.

The amenities proposed for the replacement parcels would introduce new recreational facilities to Brooklyn Bridge Park, including an active recreation area that would be developed as a bouldering wall for use by different users, including older children and teenagers and designed for a variety of skill sets, and a dog run. These facilities would improve access to opportunities for regular physical activity and would be as accessible by walking and public transportation as is the at the portion of former Empire-Fulton Ferry State Park that would not be converted, and the rest of Brooklyn Bridge Park. Therefore the proposed conversion is consistent with this policy.

Policy 9: Improve cooperation and coordination between all levels of government and the private sector in providing recreational opportunities and in enhancing natural and cultural resource stewardship. A key action strategy under this policy aims to facilitate citizen and broad public participation and input in planning, stewardship, management and development activities.

As discussed in connection with Policy 3, during the conversion process, BBPC has been holding, and will continue to hold briefings for the Brooklyn Bridge Park CAC every 14 days. During these briefings, BBPC reports the status and progress of the coordination between city, state, and federal governmental agencies concerning the proposed conversion. BBPC also posts relevant documents on BBPC’s website. BBPC will also make the application for conversion public on its website.

In addition, as noted earlier, BBPC has created a special committee known as the PEDDC, which is a subcommittee of the CAC, to make recommendations for the use and design of the replacement parcels. BBPC has also been meeting with community members and elected officials to discuss the proposed design of the replacement parcels. Therefore, the proposed conversion is consistent with Policy 9.

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Policy 10: Employ ecosystem-based management to ensure healthy, productive and resilient ecosystems which deliver the resources people want and need. Action strategies for this policy seek to inform agency decision making with good science that recognizes ecosystems and their interconnections between land, air, and water.

As described in the discussion of Policy 4, an EA has been prepared to consider the potential environmental impacts associated with the proposed conversion. The EA was prepared by BBPC, in cooperation with the City of New York, for the NPS as lead agency and serves as a tool for all involved agencies making decisions regarding the proposed conversion. The EA is a comprehensive technical document that evaluates not only potential direct effects of the proposed conversion on a number of environmental resources, but also potential indirect and cumulative effects. The completion of the EA ensures that the proposed conversion is consistent with this policy.

Policy 11: Improve and expand the statewide commitment toward environmental sustainability in all parks, recreation and historic sites and support facilities. This policy includes a number of strategies aimed at reducing waste and energy consumption and promoting reuse, recycling and “green” design standards.

Removing the Tobacco Warehouse and Empire Stores from Section 6(f) protections would not result in any increased demands for infrastructure or energy within the park. Creation of new park spaces on the replacement parcels would result in a demand for infrastructure and energy associated with the new park use, but at the same time would eliminate the existing demands on those sites. A major objective of Brooklyn Bridge Park overall is to reuse as many of existing structures as possible and therefore the existing water meter testing facility building used by the NYCDEP (one of the replacement parcels) would be renovated and reused as a multi-purpose park center. Overall, Brooklyn Bridge Park operations (which would be partially funded through the proposed conversion) employ a variety of sustainable practices to maintain the park, including participation in public recycling programs, light dimming control and stormwater reuse. Therefore, the proposed conversion would be consistent with this policy.

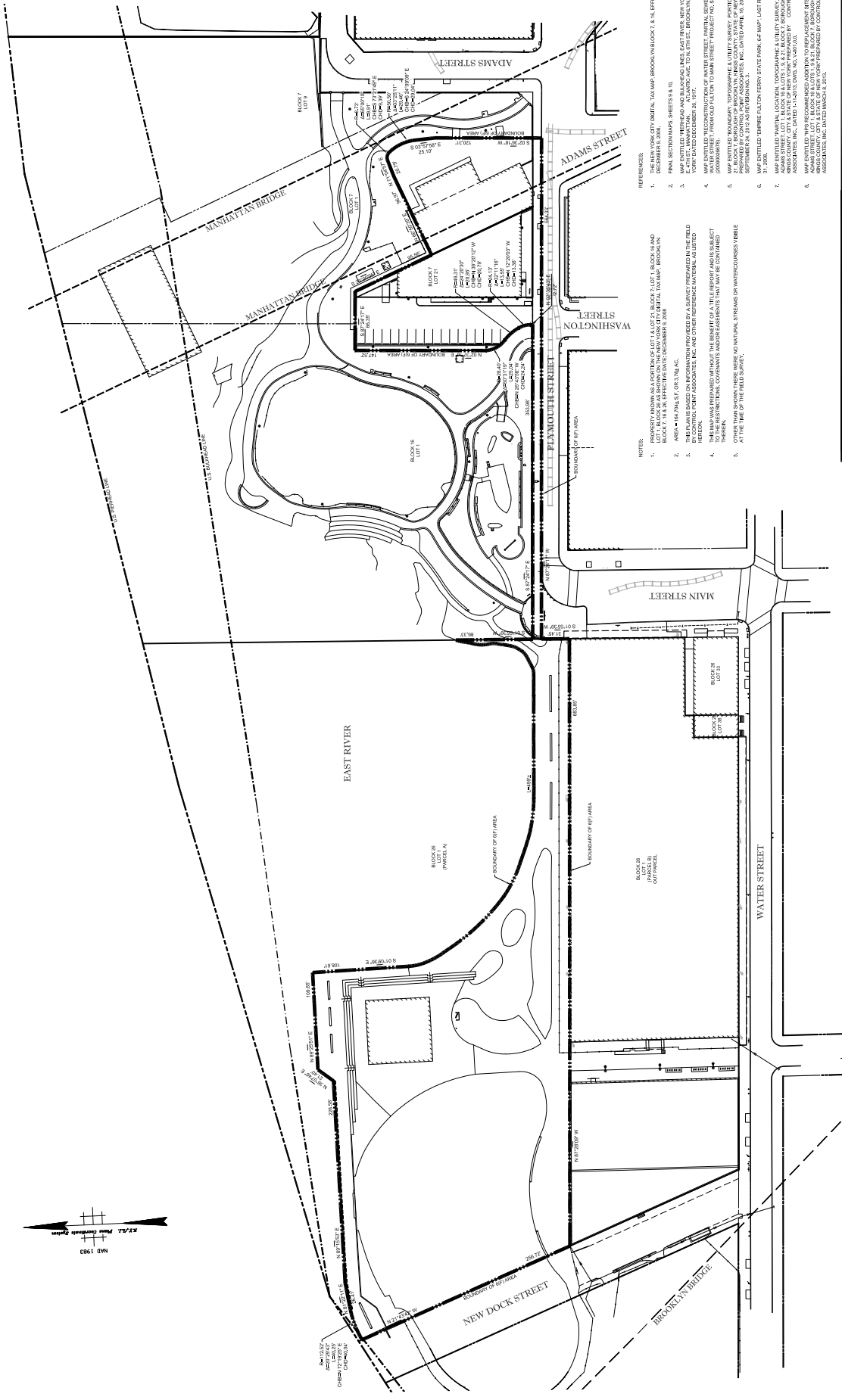
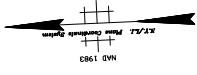
CONCLUSION

The conversion proposal would be consistent with the SCORP. Conversion would allow for the stabilization and protection of two unique historic structures, enabling their adaptive reuse and preservation and the reopening Empire Stores after 60 years.

New amenities proposed for the replacement parcels would enhance recreational opportunities in the area and would be constructed in accordance with the park’s sustainability principles. These amenities would be in close proximity to where people live, work, and/or go to school. Both the conversion process and the design of the replacement outdoor recreation land are proceeding with extensive public input and consultation.

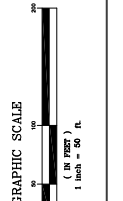
The environmental review conducted to evaluate potential effects from the proposed conversion was conducted in accordance with all relevant regulations and concluded that the proposed conversion would not result in any significant adverse impacts to environmental resources. The EA will serve as a decision making tool for the project sponsors, regulating agencies, and NPS, the lead federal agency. *

Attachment 3



- NOTES:**
1. SUBJECT AND ALL ADJACENT LOTS TO BLOCK 1, LOT 1, BLOCK 1 AND LOT 1, BLOCK 2 AS SHOWN ON THE NEW YORK CITY MAP, TOWN OF BROOKLYN, DECEMBER 1, 2006.
 2. AREA = 42,766.57 SQ. FT. AC.
 3. THE PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED IN THE REFERENCES.
 4. THE MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND EASEMENTS THAT MAY BE CONTAINED THEREIN.
 5. OTHER THAN SHOWN THERE ARE NO UTILITIES, STRAINS OR WATERCOURSES VISIBLE AT THE TIME OF THE FIELD SURVEY.

- REFERENCES:**
1. THE NEW YORK CITY MAP, TOWN OF BROOKLYN, BLOCKS 1 & 2, EFFECTIVE DATE: DECEMBER 1, 2006.
 2. FINAL SECTION MAPS, SHEETS 9 & 10.
 3. MAP ENTITLED "PRELIMINARY AND PROPOSED LINES EAST RIVER NEW YORK BATTERY TO WATER STREET" DATED DECEMBER 28, 1971.
 4. MAP ENTITLED "RECONSTRUCTION OF WATER STREET PARKING SOUTH ASHBLUM (DOWNTOWN) - PROPOSED LAYOUT AND LINES" DATED APRIL 16, 2011.
 5. MAP ENTITLED "BOUNDARY SURVEY OF LOT 1, BLOCK 1, LOT 1, BLOCK 1 AND LOT 1, BLOCK 2, AS SHOWN ON THE NEW YORK CITY MAP, TOWN OF BROOKLYN, DECEMBER 1, 2006." PREPARED BY CONTROL POINT ASSOCIATES, INC. DATED APRIL 16, 2011. LAST REVISION: OCTOBER 31, 2011.
 6. MAP ENTITLED "EMPIRE FULTON FERRY STATE PARK, OF MAP" LAST REVISION: OCTOBER 31, 2011.
 7. MAP ENTITLED "RECONSTRUCTION OF WATER STREET PARKING SOUTH ASHBLUM (DOWNTOWN) - PROPOSED LAYOUT AND LINES" DATED APRIL 16, 2011.
 8. MAP ENTITLED "NPS RECOMMENDED ADDITION TO REPLACEMENT SITE IN WASHINGTON & WATER STREETS, LOT 1, BLOCK 1, AS SHOWN ON THE NEW YORK CITY MAP, TOWN OF BROOKLYN, DECEMBER 1, 2006." PREPARED BY CONTROL POINT ASSOCIATES, INC. DATED APRIL 16, 2011.
 9. MAP ENTITLED "NPS RECOMMENDED ADDITION TO REPLACEMENT SITE IN WASHINGTON & WATER STREETS, LOT 1, BLOCK 1, AS SHOWN ON THE NEW YORK CITY MAP, TOWN OF BROOKLYN, DECEMBER 1, 2006." PREPARED BY CONTROL POINT ASSOCIATES, INC. DATED MARCH 4, 2011.



UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL OR SIGNATURE IS A VIOLATION OF SECTION 2209, SUBSECTION 1, OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S LICENSED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

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JAMES C. WEEB
 NEW YORK PROFESSIONAL LAND SURVEYOR #6290

DATE: 6-18-2013

REVISED (D) MAP	1-4-13	FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
SECTION OF EMPIRE FULTON FERRY PARK		PREPARED BY	J.C.W.	CHECKED BY	J.C.W.	DATE	6-18-2013	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
A PORTION OF LOT 1 & LOT 2, BLOCK 7; LOT 1, BLOCK 8 AND LOT 1, BLOCK 9		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
IN THE CITY OF BROOKLYN		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
CITY & STATE OF NEW YORK		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
CONTROL POINT ASSOCIATES, INC.		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
100 WEST STREET, SUITE 200, BROOKLYN, NY 11201		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
TEL: (718) 224-8800 FAX: (718) 224-8801		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
CHALMERS P. 231-232-9800		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1
WWW.CONTROLPOINTASSOCIATES.COM		FILE NO.	1-4-13	DATE	6-18-2013	TIME	1:30	SCALE	1" = 50'	NO. OF SHEETS	1 OF 1

Attachment 4

Summary of Previous Environmental Reviews

A. INTRODUCTION

Brooklyn Bridge Park is an 85-acre park currently being created along 1.3 miles of waterfront in Brooklyn, New York, extending from Atlantic Avenue on the south to Jay Street on the north. The park was originally established in May 2002, when the State of New York and the City of New York entered into a Memorandum of Understanding (MOU) that provided for the creation of the Brooklyn Bridge Park Development Corporation (BBPDC), a subsidiary of the Empire State Development Corporation (ESDC, which is now ESD), to plan, design, and build Brooklyn Bridge Park. The park was created from an amalgam of waterfront properties owned by various entities, including the City and State of New York, the Port Authority of New York & New Jersey, and Consolidated Edison. These properties included two existing parks—the former Empire-Fulton Ferry State Park, a New York State park that was under the jurisdiction of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and the former Main Street Park, a New York City park that was under the jurisdiction of the New York City Department of Parks and Recreation. A founding principle of Brooklyn Bridge Park was that all of these properties would be under the unified management of a single entity—BBPDC and then, starting in 2010, Brooklyn Bridge Park Corporation (BBPC), which is now responsible for the creation, maintenance, and operation of the Brooklyn Bridge Park project.

The creation of Brooklyn Bridge Park required approvals from a number of different New York State, New York City, and federal agencies. It was reviewed in an Environmental Impact Statement prepared by BBPDC in 2005, and the required approvals were obtained following completion of the environmental review. The entire 85-acre area was then designated by a publicly reviewed General Project Plan (GPP) adopted by ESDC, which outlines the requirements of the park project. The new park delineated by the GPP includes the former Empire-Fulton Ferry State Park, which is located between the Brooklyn and Manhattan Bridges and consists of a waterfront area and two historic structures to its south, the Empire Stores and Tobacco Warehouse. A portion of this former Empire-Fulton Ferry State Park (approximately 6.46 acres) previously received federal funding through a 2001-2003 grant obtained by OPRHP through the federal Land and Water Conservation Fund Act (LWCFA), and therefore is subject to the protections provided by that act, referred to as Section 6(f) protections.

The proposed action is the conversion of 2.65 acre area of the Section 6(f) protected parkland to non-outdoor recreational use, and the addition to the Section 6(f) protected area of three replacement parcels of equivalent market value, recreational usefulness and location. All affected parcels—the area to be converted from Section 6(f) parkland and the replacement parcels—will be within the boundary of the larger, 85-acre Brooklyn Bridge Park area governed by the GPP.

Brooklyn Bridge Park 6(f) Conversion

The proposed conversion of Section 6(f) parkland at Brooklyn Bridge Park and substitution of new parkland have not been the subject of previous environmental review. However, environmental reviews for other initiatives related to creation of Brooklyn Bridge Park can be used to evaluate the environmental impacts of the conversion proposal, as discussed below.

B. PREVIOUS ENVIRONMENTAL REVIEWS CONDUCTED

Brooklyn Bridge Park has been evaluated in a number of different environmental reviews, some of which considered aspects of the park similar to what is now proposed. The previous environmental reviews include the following:

- Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) in 2005 by BBPDC for ESDC as lead agency to evaluate the impacts associated with creation of Brooklyn Bridge Park.
- A supplemental assessment conducted in accordance with SEQRA by ESDC evaluating a proposed temporary change to the design of Brooklyn Bridge Park subsequent to completion of the FEIS. This assessment, “Technical Memorandum for the Floating Pool at Brooklyn Bridge Park,” was prepared in June 2007 by BBPDC.
- A supplemental assessment conducted in accordance with SEQRA by BBPC and reviewed by ESDC evaluating the proposed modification of the plan for the John Street site to eliminate parking space. This assessment, “Technical Memorandum for the John Street Site at Brooklyn Bridge Park,” was prepared in September 2012 by AKRF.

C. SUMMARY OF 2005 FEIS PREPARED IN ACCORDANCE WITH SEQRA

BBPDC prepared a DEIS and FEIS in accordance with SEQRA in 2005 that evaluated the environmental impacts associated with creation and operation of the Brooklyn Bridge Park. ESDC was the lead agency for the review under SEQRA. Following completion of the SEQRA review, ESDC adopted Findings related to the environmental impacts of the proposal and adopted a GPP to implement the development of the park.

PROJECT ANALYZED IN 2005 FEIS

The proposal evaluated in the 2005 FEIS was the combination of waterfront properties previously under a mix of ownership to create one continuous waterfront park extending from Atlantic Avenue to Jay Street in Brooklyn, New York—Brooklyn Bridge Park. At that time, the site proposed for the park contained a mix of active warehousing, storage, existing park space, and commercial uses. Other uses included vacant structures and areas, surface parking, and buildings used by the New York City Department of Environmental Protection (NYCDEP) and the New York City Office of Emergency Management.

The 2005 plan for Brooklyn Bridge Park that was analyzed in the FEIS (2005 Park Plan) was developed in coordination with the local community and was intended to address community requests for maritime elements, recreational boating opportunities, and access to the water. It was also intended to provide a range of recreational activities that would serve residents of Brooklyn and New York City as a whole. The 2005 Park Plan consisted of a combination of landscaped areas, ecological habitats along the water’s edge, and planned recreational areas including a paved waterfront promenade, a bikeway, multi-purpose playing fields, a theater,

Summary of Previously Conducted Environmental Reviews

playgrounds, shaded ball courts, open lawns, 12 acres of safe paddling waters, and slips for the mooring of historic or educational vessels as well as an approximately 185-slip marina. The 2005 Park Plan included three major entrance points: one at the south (at Atlantic Avenue), one in the center (at the Fulton Ferry Landing), and one at the north near the Brooklyn and Manhattan Bridges. The 2005 Park Plan also featured boardwalks, floating bridges, and canals that would wind along the water's edge. (However, these features were subsequently removed from the park in a later design revision.)

In addition to these natural and recreational areas, the 2005 Park Plan included approximately eight acres of revenue-generating development, including hotel, residential, retail and restaurant uses, ancillary office space, parking and, possibly, research and development facilities. The revenue-generating development was included in the park project to ensure that the park would be financially self-sustaining. Under the terms of the 2002 MOU that was signed by New York Governor Pataki and New York City Mayor Bloomberg authorizing creation of Brooklyn Bridge Park, the park must include sufficient revenue-generating uses to cover the its annual maintenance and operation budget. The MOU limited the size of the revenue-generating uses so that their total footprint could be no more than 20 percent of the size of the park.

The development program for these revenue-generating uses in the 2005 Park Plan was established with the goal of locating new buildings at sites that do not obstruct views of the harbor and Lower Manhattan from important locations in the park and in the surrounding neighborhood, locating the buildings at sites that are easily accessible from outside the park, and minimizing building footprints to maximize parkland. A range of potential uses that could be included was identified, based on feasibility, compatibility with park uses, and the ability to maximize parkland while creating the necessary income stream for park maintenance and operation. Overall, the development components incorporated in the 2005 Park Plan included approximately 1,210 units of housing, 225 hotel rooms, 151,200 square feet of retail uses, 86,400 square feet of restaurant space, 30,000 square feet of meeting space, 36,000 square feet of offices, 128,400 square feet for research and development or educational uses, and 1,183 parking spaces. In addition, the transportation analysis included in the FEIS accounts for up to 1,000 additional visitors at a special event on a weekday evening or Sunday midday, such as might occur with a 1,000-seat multi-use theater in the park, although no specific location was identified for that theater.

The FEIS noted that the development program included in the 2005 Park Plan represented the minimal level of development that was required to prudently support the annual maintenance and operations of the park based on analysis undertaken in 2004. The FEIS also noted that the actual development will emerge as the result of a competitive developer selection process, and therefore development may be smaller, if market conditions permit it, because the value of land and other factors may well be different from those assumed in this analysis. Therefore, for purposes of the FEIS analyses, a specific development program was evaluated that established an "envelope" of maximum impact.

At the time of the 2005 FEIS, the area between the Brooklyn and Manhattan Bridges, where the Section 6(f) parkland conversion is now proposed, was already largely developed as parkland, including the former Empire-Fulton Ferry State Park and a New York City park, the former Main Street Park. The 2005 Park Plan incorporated both of those parks into the larger Brooklyn Bridge Park. At that time, the 9-acre Empire-Fulton Ferry State Park, the above water portion of which is subject to Section 6(f), included lawn areas, a waterfront esplanade, and two vacant, historic structures, the Tobacco Warehouse and the Empire Stores. The following uses were

Brooklyn Bridge Park 6(f) Conversion

envisioned by the 2005 Park Plan for the former Empire-Fulton Ferry State Park portion of Brooklyn Bridge Park and were therefore analyzed in the FEIS:

- The Tobacco Warehouse, which consisted of a roofless shell of a building with only two of its five original stories, was to be restored but would remain a shell and would house a walled garden, café, or space for arts groups.
- The Empire Stores warehouses building, which was vacant, was to be restored as a mixed-use project with approximately 50,000 square feet of restaurant space, approximately 70,000 square feet of retail, 36,000 square feet of office space, and 128,000 square feet of educational or research and development uses as part of the revenue-generating portion of the park.
- The area to the north of these structures, at the water's edge, would consist of a grassy area, where a new, bowl-shaped lawn would be created. The existing open water cove in that area would be retained to allow park visitors to reach the shoreline.

The three properties now proposed as replacement parcels in the Section 6(f) park conversion were analyzed as part of Brooklyn Bridge Park in case it ever became possible to add them to the Park. As explained in Attachment 1, the parcels are exclusively reserved for municipal uses unless the City surrenders them for use as part of the Park. Should those parcels ever be surrendered by the City and become available for park use, the following uses were envisioned:

- The portion of Washington Street north of Plymouth Street (extending from Plymouth Street to the water): This property was incorporated into the park and the GPP stated that it was to be used as a park entrance. It was shown on the 2005 Park Plan maps included in the FEIS as “Street to be Closed” and “Existing NYCDEP parking.”
- Existing NYCDEP property adjacent to the Manhattan Bridge at Washington Street: The 2005 Park Plan envisioned reuse of this building for community, cultural, educational, or other uses.
- Existing New York City Department of Transportation (NYCDOT) property beneath Manhattan Bridge: This property was incorporated into the park. It was shown on the 2005 Park Plan maps included in the FEIS as “Vehicular/Road/Parking.”

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES IDENTIFIED

As discussed above, the 2005 FEIS analyzed the impacts of the full 2005 Park Plan. The FEIS was prepared following the assessment methodologies presented in New York City's 2001 *City Environmental Quality Review (CEQR) Technical Manual*, a guidance document commonly used for environmental reviews of projects proposed in New York City. It considered a full range of environmental issues associated with development of the full 85-acre park, including its recreational and revenue-generating development components.

The environmental impacts and mitigation measures identified in the FEIS that are relevant to the current Section 6(f) conversion proposal are discussed below.

LAND USE, ZONING, AND PUBLIC POLICY

Overall, development of a park in place of vacant and underutilized land was considered to be compatible with and in support of the surrounding neighborhoods. The park would provide needed recreational space for the residents of adjoining neighborhoods and the restaurant and retail uses to be included would draw residents into the park. In terms of zoning, although ESDC

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planned an override of local zoning with consent by New York City, the park was designed to comply with the Special Scenic View District mapped across the area by ensuring that views of the Manhattan skyline would not be blocked. To facilitate park use, requirements regarding the City Map for were also overridden for portions of streets that fell within the 2005 park plan boundaries. The FEIS found that this override of the City Map for these streets would not alter traffic circulation in the neighborhood and therefore would not cause a significant adverse impact or affect operation of neighboring roadways. The FEIS also found that the 2005 Park Plan would be consistent with New York City's public policies related to improving public access to the waterfront.

SOCIOECONOMIC CONDITIONS

The 2005 Park Plan required the displacement of three businesses on the piers that were to be incorporated into the park with an estimated total of 221 workers. The FEIS concluded that this displacement would not constitute a significant adverse impact because of the small number of workers affected, the fact that these businesses did not offer products or services that were unique or critical to the local or regional economy, and the fact that these businesses could likely relocate elsewhere in New York City. The FEIS also included an evaluation of the potential for creation of the new park to result in changes in market conditions that could increase rents and sales prices in nearby neighborhoods so as to result in indirect displacement of businesses or residents, and it concluded that no significant adverse impacts related to indirect displacement would occur from creation of the park.

PARK SECURITY

The FEIS noted that the new park was expected to be open to the public between 6AM and 1AM and be policed by dedicated Brooklyn Bridge Park security personnel, including police officers and park rangers. Security staff would be supplemented by recreation, gardening, and maintenance staff, in radio communication, as needed, with police personnel. In addition to park patrols, security surveillance would be provided via installation of security camera at key public facilities.

SHADOWS

The FEIS evaluated the potential for shadows to be cast on the new park from the new buildings associated with its revenue-generating development and concluded that these shadows would not result in significant adverse impacts on the quality of the park.

ARCHAEOLOGICAL RESOURCES

As part of the 2005 FEIS, a Phase 1A Archaeological Study investigation was prepared for the entire park area to identify any areas that could have the potential to contain buried archaeological resources that might be significant (*Phase 1A Archaeological Assessment, Brooklyn Bridge Park Project, Brooklyn, Kings County, New York*, prepared by Historical Perspectives, Inc. and Raber Associates in April 2005). The study was prepared in coordination with New York's State Historic Preservation Office (SHPO) at OPRHP and the New York City Landmarks Preservation Commission. The Phase 1A Archaeological Study concluded that the certain locations in the park site had the potential to contain historic-period archaeological resources including landfilling devices and former building foundations. One such location was the site of the Empire Stores building.

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In areas where archaeological resources could be located, construction of the park could affect those resources if present. Therefore, subsurface archaeological investigations were proposed to determine the presence or lack of presence of archaeological resources. This included additional investigations at the site of the Empire Stores building, where rehabilitation would most likely involve subsurface work to install utilities and perform foundation work. Any testing measures, and, if appropriate, mitigation measures, would be developed and implemented in consultation with OPRHP. The FEIS indicated that the consultation process respecting archaeological resources would occur in accordance with a Letter of Resolution executed by BBPDC, ESDC, OPRHP, and the developer of the Empire Stores.

ARCHITECTURAL RESOURCES

The study area for architectural (historic) resources evaluated in the FEIS included the entire park area and an area extending 400 to 800 feet from the park area, representing the area from which the new park might be visible. The park site itself included five architectural resources, with four extending beyond the park site and the fifth located on the park site only. The five resources were the Brooklyn Bridge, Manhattan Bridge, portions of the Fulton Ferry and D.U.M.B.O. (Down Under the Manhattan Bridge Overpass) Historic Districts, and the National Cold Storage buildings (on the park site just south of Old Fulton Street). The Fulton Ferry Historic District (both a New York City historic district and New York State historic district, with slightly different boundaries) extended onto the park site in the area now proposed for Section 6(f) conversion. The FEIS noted that “While the National Register nomination form for the Fulton Ferry Historic District (prepared in 1974) makes no reference to any particular buildings within the district, noteworthy structures within the project area include the Empire Stores and the Tobacco Inspection Warehouses located on the north side of Water Street.” Outside of the park site, the study area included three additional architectural resources—the Atlantic Avenue Tunnel (beneath Atlantic Avenue), the Brooklyn Heights Historic District, and the Brooklyn City Railroad Company Building (at Old Fulton Street and Cadman Plaza West). None of the structures on the proposed replacement parcels were identified as architectural resources.

The evaluation of architectural resources in the FEIS concluded that the 2005 Park Plan would positively affect several prominent architectural resources by improving their visibility and context and by rehabilitating and adapting for reuse the Empire Stores located within the Fulton Ferry Historic District. The FEIS noted that the goal of the rehabilitation project was to create a vibrant streetscape that would attract visitors year round and that would be a link with the proposed new park, and to rehabilitate the Empire Stores in such a manner that is compatible with and respects the architectural and historic significance of this resource. In consultation with OPRHP, preliminary plans have been developed for the adaptive reuse of this historic resource. Adaptation of the Empire Stores building, including any required alterations, was to be undertaken in consultation with OPRHP, with the rehabilitation being undertaken in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Regarding the parcels now proposed as Section 6(f) replacement parcels, the FEIS indicated that it was not known if those buildings (the DEP Water Meter Testing Facility and the DOT Paint Shed) were to be retained or not, but if they were to be demolished, measures would be undertaken to protect the nearby Manhattan Bridge from any inadvertent damage. The two buildings are considered non-contributing structures in the D.U.M.B.O. Historic District. Therefore, their removal would not result in significant adverse impacts to this historic resource. The FEIS concluded that since the remainder of the project area in the D.U.M.B.O. Historic

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District consists of existing parkland, which would be retained as part of the project, and vacant land that would be developed with a residential building and landscaped, the 2005 Park Plan would have a positive effect on the portion of the D.U.M.B.O. Historic District located in the study area.

For the overall 2005 Park Plan, the FEIS identified one significant adverse impact to historic resources that could not be completely mitigated. This was the demolition of the National Cold Storage buildings, located in the Pier 1 upland, which were proposed to be (and have since been) demolished as part of the 2005 Park Plan. These buildings, which were badly deteriorated, were determined to be eligible for the State and National Registers by OPRHP. Although it was determined that a revenue-producing development program could not be accommodated in these buildings, and that an attempt to adapt the buildings to new uses would result in significant adverse impacts to these historic structures, the demolition of these buildings was found to constitute a significant adverse impact on architectural resources. At the same time, OPRHP determined that the overall plan for the park, which otherwise positively affects architectural resources, would to a large extent mitigate the demolition of this historic resource and additional mitigation measures were to be developed in consultation with OPRHP as stipulated in the project's Letter of Resolution. The FEIS also committed to development of a construction protection plan, to be developed and implemented in consultation with OPRHP, to provide protective measures for historic buildings located within 90 feet of park construction. The FEIS specifically noted that the Tobacco Warehouse would be included in the construction protection plan.

URBAN DESIGN AND VISUAL RESOURCES

The analysis of urban design in the FEIS concluded that the 2005 Park Plan would result in a dramatic improvement to the visual character of the Brooklyn waterfront and improvement to views from the park of the Manhattan skyline, water, and Brooklyn and Manhattan Bridges.

WATER QUALITY AND NATURAL RESOURCES

A full evaluation of the 2005 Park Plan's impacts on natural resources was included in the FEIS, including an evaluation on aquatic resources from the park elements that were proposed in or adjacent to the East River. The FEIS concluded that the passive recreation areas in the floodplain would not affect flooding in or near the park, and the increase in vegetated area in the upland portion of the park would benefit the floodplain by promoting absorption of rainfall and decreasing the amount of surface runoff in the project area. The walkways that were included in the 2005 Park Plan proposed across littoral zone tidal wetlands were found not to impede movement of tidal waters and so would not result in significant adverse impacts on tidal wetlands.

Marine turtles and aquatic mammals (e.g., seals), as well as threatened and endangered species such as shortnose sturgeon would only be expected to occur as occasional transients in the project area, and therefore would not be adversely affected by the 2005 Park Plan. The new terrestrial and shallow-water habitats to be created in the 2005 Park Plan were found to have the potential to benefit birds and other wildlife, including the state-endangered peregrine falcon by increasing prey availability through the creation of natural habitats that would attract additional birds to the area. The 2005 Park Plan was not anticipated to affect the availability of a nesting location that is occasionally used within the project area, nor would construction activities affect nesting success.

The 2005 Park Plan committed to implementation of a Stormwater Pollution Prevention Plan (SWPPP) during construction and operation, an Integrated Pest Management (IPM) strategy, and

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stormwater management to minimize impacts on water quality and aquatic biota from discharge of stormwater during construction and operation of the park.

HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (ESA) was prepared for the full 2005 Park Plan to assess the potential for hazardous soils or groundwater to be present in the park area. According to the historic review conducted for the Phase I ESA, most of the park site had previously been used for shipping and warehousing, primarily of food products, with some manufacturing and light industrial operations in the upland areas and on the adjacent blocks to the east. Phase II subsurface sampling found that most of the soil throughout the park site contained above-background concentrations of contaminants that are associated with the importation of poor quality urban fill material containing ash or other wastes for past grading and site development activities. Known petroleum underground storage tanks were identified at the maintenance garages on the park site and on the property north of the Manhattan Bridge. Soil exhibiting elevated concentrations of petroleum-related contaminants above recommended cleanup guidelines was found at some of these locations. Other localized areas of soil contamination from former on-site operations not identified by the subsurface investigations already conducted at the site may also be present. The analyses of the groundwater samples collected did not indicate the presence of significant wide-spread contamination. However, trace levels of contaminants were identified in localized areas near underground storage tanks or former maintenance facilities where the use of petroleum and/or solvents was common.

In the former Empire-Fulton Ferry State Park, the Phase I ESA noted potential environmental concerns that included impacts from current and former on- and off-site storage of petroleum and petroleum-related industrial activities as well as from incidental oil spillage from parked vehicles. On-site metal and coal storage yards formerly present here could also have historically impacted the subsurface. Former Consolidated Edison operations on site might have adversely impacted the property with PCB-containing dielectric oils as well as with other petroleum-related products. Subsurface contamination could also be present in the urban fill material imported to this area. Based on the age of the current buildings (ca. early 1900s), potential ACMs and lead-based paints might be present at the site. Creosote and asbestos from pier construction also has the potential to have impacted the subsurface. In the area beneath the Manhattan Bridge (between Washington and Adams Streets behind the NYCDEP and NYCDOT buildings), soil sampling of the top two feet of soil indicated that total metals exceeded recommended cleanup guidelines at all sample locations and that hazardous levels of lead were detected in the soil sampled from four of the locations, most likely because of deteriorating lead-based paints from the overlying Manhattan Bridge. Based on those results, it was recommended that those soils should be considered contaminated and not reused for site development.

As part of the park development, all known underground storage tanks at the park site, including those tanks previously closed-in-place, would be removed in accordance with all applicable federal, state and local regulations. To avoid potential adverse impacts associated with the potential hazardous materials identified, the FEIS committed to remediation prior to initiating operation of the park. Localized areas of contaminated soil would be delineated, excavated, and properly disposed of off-site as part of site development. Identified spills would be reported to the proper regulatory agencies and remedial measures would be implemented as required to close such spills. In the area beneath the Manhattan Bridge, the top two feet of soil would be transported off-site for disposal and replaced with two feet of clean fill. All soil excavated as part of soil remedial activities would be managed and disposed of in accordance with all

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applicable federal, state and local regulations. If construction and development activities at the park that extend below the water table expose localized areas of contaminated groundwater, corrective action in accordance with regulatory protocols would be followed, including notification of the proper regulatory agencies and clean-up under regulatory guidance.

The FEIS also noted that in existing buildings on the park site, it is likely that asbestos-containing materials, PCB-containing electrical equipment, and lead-based paints might be present. The FEIS indicated that such materials that may be disturbed by renovation/demolition activities will be managed in accordance with proper regulatory protocols prior to commencing such activities. Any identified asbestos remaining at the property will be regularly inspected and maintained under a site-specific Operation and Maintenance Plan to prevent deterioration.

Potential impacts during construction and development activities would be avoided by implementing a construction health and safety plan (CHASP). With these measures, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the construction activities of the proposed project and subsequent public use of the park.

COASTAL ZONE MANAGEMENT POLICIES

Brooklyn Bridge Park is located in the coastal zone designated by New York State and New York City. Therefore, a review of the 2005 Park Plan's consistency with New York City's Local Waterfront Revitalization Program was conducted that concluded that the plan would be consistent with that program.

INFRASTRUCTURE

The FEIS analysis of infrastructure considered the impacts of the 2005 Park Plan on water supply, sanitary and stormwater sewers and sewage treatment, solid waste pick-up, and energy. The 2005 Park Plan was found to increase demands for all of those services, but the estimated levels of water, sanitary sewage, solid waste, and energy demand resulting from the new park, including its revenue-generating components, were found not to have significant adverse impacts on the infrastructure that provides these services.

TRAFFIC AND PARKING

The FEIS analyzed the potential impacts on traffic and parking that would result from new visitors to the park as well as visitors, employees, and residents at the revenue-generating components of the 2005 Park Plan. A large study area was evaluated, intended to encompass the principal roadways most likely to be used by persons and goods traveling by vehicle to and from the park's development sites. A total of 49 intersections were included in the study area. For that study area, a quantified intersection capacity analysis was conducted using *Highway Capacity Manual* software for the weekday midday, weekday PM, and Sunday peak hours. The analysis concluded that there would be significant adverse traffic impacts at 16 of the 49 intersections analyzed, all but two of which would be mitigated through standard traffic management measures to be implemented by NYCDOT (a combination of signal timing or signal phasing changes to the study area, re-striping of intersection approaches, and parking regulation changes). At two locations (Tillary Street at Adams Street and Cadman Plaza West at the Brooklyn Bridge off-ramp) unmitigated impacts would occur in all peak periods. A third unmitigated impact at Atlantic Avenue and Boerum Place would be occur added if Furman Street is assumed to continue with one-way operation, a scenario that was evaluated in the 2005 FEIS.

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Significant adverse impacts would not be expected with respect to parking in the area. The 2005 Park Plan was predicted to generate new demands for parking, but would also provide 1,283 new accessory parking spaces. The projected parking demand would be slightly higher than the number of new spaces provided in the weekday and Sunday midday hours, but the parking supply in the surrounding area was determined to have sufficient available spaces during those time periods that can accommodate any parking demand that could not be accommodated in the park.

TRANSIT AND PEDESTRIANS

As a regional park with revenue-generating development components, the FEIS concluded that the 2005 Park Plan would increase transit trips to and from the park. The predicted increase in subway trips would not result in any significant adverse impacts at nearby subway station. The FEIS did, however, conclude that the increased transit trips would result in significant adverse impacts on local bus service by increasing ridership on three local bus routes beyond the existing capacity. Since New York City Transit, the operator of the bus service, routinely monitors bus ridership and adjusts as necessary, the FEIS concluded that these impacts would be mitigated appropriately.

Regarding pedestrian conditions, the FEIS concluded that the increased pedestrian activity associated with the new park would not result in significant adverse impacts and would enliven areas were previously lacking in street life. However, the analysis did identify the need for provision of improved pedestrian conditions and measures to address safety concerns along the pedestrian corridors to the park. The FEIS committed to coordinated project planning in the future related to the design of pedestrian features, to ensure safe pedestrian pathways for park visitors. Specifically, BBPDC would coordinate with other agencies to ensure that the park's design and user needs are addressed through the implementation of any off-site improvements or other measures that may be determined to be necessary. Once the park is constructed, park staff would be specifically responsible for monitoring pedestrian safety within the park and the surrounding area, and would coordinate with NYCDOT and relevant initiatives to address any safety concerns that may emerge.

AIR QUALITY

The FEIS included an analysis of air quality impacts that would result from the 2005 Park Plan, and particularly from the new vehicle trips generated and at new parking garages proposed. The analysis also evaluated the potential for air quality impacts at proposed development sites in close proximity to elevated roadways. No significant adverse air quality impacts were predicted to occur.

NOISE

The FEIS noted that the Brooklyn-Queens Expressway, a busy highway that is cantilevered over Furman Street, and the Brooklyn and Manhattan Bridges—the latter also containing a major subway route—create high noise levels in the area where the 2005 Park Plan was proposed. These noise levels will continue to exist in the future, but the park design was developed to address this condition where appropriate. For example, 20- to 30-foot-high hills were incorporated in the upland area between Piers 2 and 5 to create a protected area where noise levels would be reduced. Overall, the FEIS concluded that noise levels would remain high in the park and that there are no feasible and practicable mitigation measures that would fully address this issue. There are also no practicable mitigation measures to reduce the noise contribution from the Manhattan Bridge

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on the eastern portion of the park. Since there are no practicable measures identified at this time to fully mitigate the noise conditions, the high noise levels in the park would be considered an unmitigated significant adverse impact. Noise at the proposed park would be similar to noise at other New York City parks that are adjacent to heavily trafficked roadways.

At the same time, the 2005 Park Plan would add new traffic to nearby roadways and boat traffic on the East River, and thereby increase surrounding noise levels. The noise analysis included in the FEIS examined the cumulative effect of noise from all of these sources. No significant adverse noise impacts were predicted for locations outside the park.

NEIGHBORHOOD CHARACTER

Consistent with the methodologies of the 2001 *CEQR Technical Manual*, the FEIS also included an evaluation of neighborhood character, which is the result of a combination of different factors that all contribute to quality-of-life issues in New York City. Overall, the FEIS concluded that the 2005 Park Plan would have beneficial impacts on many of the factors that contribute to neighborhood character, including land use, open space, and visual resources. Regarding pedestrian conditions, the FEIS concluded that the increased pedestrian activity associated with the new park would not result in significant adverse impacts and would enliven areas were lacking in street life. With the exception of the proposed demolition of the former National Cold Storage buildings, which were located to the south of Old Fulton Street and have since been demolished, the 2005 Park Plan was found to positively affect architectural historic resources, in part by opening up greater views of the Brooklyn Bridge and Manhattan Bridges. The reuse of the Tobacco Warehouse and Empire Stores were cited as positive impacts to historic structures.

Two other factors that usually contribute to neighborhood character in New York City are traffic and noise. While the 2005 Park Plan was found to result in traffic impacts at two locations that would remain unmitigated, both would occur at locations that are already heavily trafficked, so overall changes in traffic conditions would not substantially alter the area's character. Noise levels in the new park would be relatively high, but consistent with levels at other parks adjacent to heavily trafficked roadways in New York City (including the former Empire-Fulton Ferry State Park).

CONSTRUCTION IMPACTS

The FEIS analysis of impacts associated with construction of the 2005 Park Plan concluded that as with most construction projects, construction activities would cause increases in traffic, fugitive dust, emissions from equipment and vehicles, and noise. Although these construction impacts may be a source of annoyance, they would be temporary and are not considered significant. Construction activities could also result in temporary increases in potential exposure pathways to hazardous materials. A site-specific CHASP would be developed for the site to protect construction workers and the public from adverse environmental conditions during construction. Construction activities that disturb sediment, disturb terrestrial habitat, and increase runoff also have the potential to disturb water quality and natural resources on the park site. However, it is not expected that any significant adverse impacts to these resources would result. Through tie-ins, existing utilities are anticipated to be able to accommodate new service needs.

ALTERNATIVES CONSIDERED IN 2005 FEIS

As required under SEQRA, the FEIS also evaluated alternatives to the proposed action that might avoid or minimize environmental impacts while meeting the purpose and need for the project. Six alternatives were analyzed:

- A **No Action Alternative**, which assumed that Brooklyn Bridge Park would not be built. In this alternative, the park site would remain primarily a mix of storage, parking, and commercial uses, with public access only at the northern end at the former Empire-Fulton Ferry State Park and Main Street Park. While this alternative would avoid any adverse impacts associated with the 2005 Park Plan, the substantial public benefits and transformation of the shoreline associated with provision of a major new waterfront park along Brooklyn's waterfront would not occur.
- A **Reduced Density Alternative**, which considered a smaller development program (with less residential and hotel use) than the 2005 Park Plan. The cash flow analysis conducted for this alternative found that the park would not be self-sustaining with the reduced-density development and public funding would be required to make up the deficit. At the same time, this alternative would have equivalent impacts to those of the 2005 Park Plan.
- A **Modified Design Alternative** which involved 30 additional residential units but 55 fewer hotel rooms, fewer on-site parking spaces, and an increased commercial program at the Empire Stores site (under this alternative, the space for educational or research and development uses would be replaced by additional office, retail, and restaurant space and the introduction of showroom space, and the total program for the Empire Stores would rise from 289,298 square feet to 398,760 square feet). This alternative was intended to address potential changes that might occur to the 2005 Park Plan as its designs evolved. Like the 2005 Park Plan, the Modified Design Alternative would be financially self-sustaining, with enough revenue stream to pay for ongoing park operations and maintenance. It would have the same or similar impacts as the 2005 Park Plan in most respects. The increased development program would result in increased adverse impacts on traffic and transit (bus) conditions, however.
- An **alternative with a modified Pier 6 residential building design**. This alternative, which would have modified height and massing of the Pier 6 residential buildings, was developed in response to public comments on the DEIS and to provide flexibility in the design of the Atlantic Avenue entrance to the park. Since the only change to the 2005 Park Plan would be related to the shape (but not program) of the Pier 6 residential building, the only change in impacts would be related to shadows, urban design, and visual resources.
- An **alternative that would use wind turbines** to generate energy. If included in the park, turbines would have to be designed and sited so as not to intrude into the Brooklyn Heights scenic view district and would have to use a design that would avoid potential impacts on birds and potential noise emissions from the turbines.
- An **alternative with no unmitigated adverse impacts**. This alternative was developed to determine what design changes would be need to avoid the 2005 Park Plan's unmitigated adverse impacts on historic resources, traffic, and noise through design changes. The historic impact would be avoided by retaining the vacant former National Cold Storage buildings, which would not meet the park's design objectives related to views and financial self-sufficiency and would impede one of the park's planned pedestrian connections. To avoid all

unmitigated significant adverse traffic impacts, the project would have to generate 95 percent fewer vehicle trips, which would mean that a significantly smaller park would have to be developed. There is no feasible or practicable alternative that would avoid the noise impacts on the park.

AGENCY CONSULTATION AND PUBLIC REVIEW

PUBLIC INVOLVEMENT IN DEVELOPMENT OF 2005 PARK PLAN

Planning for reuse of the Empire Stores and for creation of a new Brooklyn Bridge Park has been under way for three decades, with input from the local community as well as local elected officials. Planning began in the 1980s with formation of a community group, Friends of Fulton Ferry to help formulate a new vision for public use of the piers and adjoining waterfront properties. In 1992, the community and their local elected officials united behind a statement of “Thirteen Guiding Principles” to guide the future development of the Downtown Brooklyn Waterfront, including creation of a financially self-sustaining park. In 1994, the City and State announced the intention to create Brooklyn Bridge Park.

In 1998, the Downtown Brooklyn Waterfront Local Development Corporation was established, and with funding from the New York State Legislature, undertook a year-long public planning process to forge a concept for Brooklyn Bridge Park. That planning effort was rooted in an intensive public process, which included workshops, design charrettes, community meetings, and broad public forums to formulate a vision for the park. The result of the community effort was the Brooklyn Bridge Park Illustrative Master Plan, dated September 2000, which presented a conceptual framework for a waterfront park.

On May 2, 2002, Governor George Pataki and Mayor Michael Bloomberg signed an MOU in which they agreed to work together to realize the vision of a unified, sustainable public park, using provisions contained in the 2000 Illustrative Master Plan as a guide in refining the plan. Building on the Illustrative Master Plan, and incorporating additional public input and review, as well as engineering and other studies, BBPDC released the Brooklyn Bridge Park Concept Plan in 2003. The Concept Plan was a key step in the evolving planning process, serving as the transition from a community-based planning initiative to the more formal design and approval process.

In 2004, BBPDC retained a design team to undertake the more detailed design process, building from the earlier Concept Plan. This more detailed phase of planning, which was substantially based on the 2000 Illustrative Master Plan, allowed park planners to further refine concepts. The result of this effort was the 2005 Park Plan evaluated in the FEIS.

AGENCY CONSULTATION DURING PREPARATION OF DEIS AND FEIS

BBPDC and its consultants coordinated with a range of local officials, government agencies, and community organizations throughout the EIS process to review technical analyses, identify potential resource impacts, and develop measures to mitigate potential impacts. These included the following:

- Mayor Michael Bloomberg, City of New York
- Brooklyn Borough President Marty Markowitz
- U.S. Army Corps of Engineers

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- U.S. Fish & Wildlife Service
- National Marine Fisheries Service, Habitat and Protected Resources Division
- Port Authority of New York & New Jersey
- New York State Department of Environmental Conservation (NYSDEC)
- NYSDEC, Natural Heritage Program
- OPRHP
- New York State Department of State
- New York State Department of Transportation
- New York City Department of City Planning
- New York City Department of Parks and Recreation
- New York City Department of Transportation
- New York City Economic Development Corporation
- New York City Landmarks Preservation Commission
- Brooklyn Community Board 2
- Brooklyn Community Board 6

PUBLIC REVIEW OF DEIS

During the SEQRA process, public review was conducted at two critical stages—during scoping of the studies to be included in the EIS, and after completion of the DEIS:

- **Scoping:** As lead agency for the environmental review, ESDC issued a “Positive Declaration,” signaling its intent to prepare an EIS, and a draft Scope of Work outlining the studies to be included in the EIS on May 23, 2003. A public scoping meeting was held to take comments on the draft Scope of Work on June 26, 2003. Written comments on the draft Scope of Work were also accepted until the close of business on Monday, July 7, 2003. A final Scope of Work, reflecting comments made during scoping and other refinements to the proposed project, was issued on June 17, 2005.
- **DEIS:** The DEIS was completed and made available to the public on July 26, 2005. This marked the start of a public review period, during which comment were accepted on the document. A public hearing was held on September 19, 2005 in an auditorium at Polytechnic University in downtown Brooklyn, to accept oral comments. The oral comments and written submissions on the DEIS received through November 2, 2005, the close of the public comment period, were considered in the preparation of the FEIS. The FEIS includes a summary of the comments received and responses to those comments. The FEIS was accepted as complete by ESDC as lead agency on December 14, 2005.

AGENCY APPROVAL AND IMPLEMENTATION

The 2005 Park Plan evaluated in the FEIS required for the following approvals, which were subsequently obtained:

- Approval of the General Project Plan by BBPDC; adoption of the General Project Plan and SEQRA Findings by the ESDC pursuant to New York’s Urban Development Corporation Act.
- Coastal zone certification by the New York State Department of State.

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- Federal permits for work in the water from the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
- Authorization to conduct in-water construction activities under Articles 15 and 25 of the Environmental Conservation Law by NYSDEC.
- Conveyance of the Empire-Fulton Ferry State Park by OPRHP to BBPDC for incorporation into Brooklyn Bridge Park.
- NYSDEC Beneficial Use Determination for use of dredged materials on site.
- Execution of a Letter of Resolution setting forth all protective and mitigation measures described in the FEIS related to archaeological and architectural resources. The LOR was executed in January 2006 by ESDC, BBPDC, OPRHP, and the proposed developers of the Empire Stores at that time (Empire Stores LLC). The LOR was subsequently amended in February 2009 with respect to mitigation measures for the National Cold Storage buildings and again amended in February 2010 to remove Empire Stores LLC as a signatory.

In July 2010, BBPDC transferred financial and operational responsibility for the entire 85-acre Brooklyn Park Project to BBPC. All properties in the Brooklyn Bridge Park project, including the Tobacco Warehouse and Empire Stores, were then leased to BBPC under a 99-year prime master ground lease. BBPC is now the entity primarily responsible for the creation, maintenance, and operation of the Brooklyn Bridge Park project, in accordance with the GPP.

D. SUPPLEMENTAL SEQRA ASSESSMENTS CONDUCTED EVALUATING CHANGES TO THE DESIGN OF BROOKLYN BRIDGE PARK

Following completion of the 2005 FEIS, a supplemental environmental evaluation was conducted in 2007 for a proposed interim (temporary) use in Brooklyn Bridge Park prior to completion of the park. The proposed interim use was a public beach area between Piers 4 and 5 and a floating pool on a barge moored adjacent to the beach in the East River. The beach and pool were to temporarily occupy a small portion of the 85-acre park and would be in operation for approximately two months from July 4, to September 7, 2007.

This interim use was analyzed in a technical memorandum, “Technical Memorandum for the Floating Pool at Brooklyn Bridge Park,” prepared in June 2007 by BBPDC. The technical memorandum concluded that the proposed interim use was largely within the scope of what was analyzed in the 2005 FEIS. The amount of recreational space and parking associated with the proposed temporary use was far less than what was analyzed for the full Brooklyn Bridge Park project and the interim use did not involve the development of residential or commercial space. As an interim use, no change was proposed to the final project program analyzed in the 2005 FEIS. The technical analyses conducted for the technical memorandum concluded that the proposed interim use would not create any significant adverse environmental impacts that were not identified in the 2005 FEIS.

Following completion of the June 2007 analyses, the interim use was put in place and operated during summer 2007. *