

SECTION 4(f) EVALUATION

1. Introduction

This document is the Section 4(f) Evaluation for the South Ferry Terminal Project. This evaluation is being circulated as part of the South Ferry Terminal Project Environmental Assessment (EA). This Section 4(f) Evaluation has been prepared for parks, historic resources, and possible archaeological resources that would be used by the South Ferry Terminal Project, based on the project described in Chapter 1 of this EA. The identification of these resources is contained in Section 3 of this evaluation. For each of the resources identified, a Section 4(f) Evaluation has been prepared in accordance with the Section 4(f) regulations and United States Department of Transportation (USDOT) guidance, as described in the following section.

2. Regulatory Setting

This Section 4(f) Evaluation has been prepared pursuant to federal regulations contained in 23 CFR 771.135 that implements Section 4(f) of the United States Department of Transportation Act of 1966, as amended 49 U.S.C. 303 and 23 U.S.C. 138. A Section 4(f) Evaluation is required for any federally funded transportation project if the project proposes to use property from a publicly owned park, recreation area, wildlife or waterfowl refuge area; or any significant historic site. The Secretary of Transportation may approve a transportation program or project requiring the use of Section 4(f) land only if:

- There is no prudent and feasible alternative to using that land; and
- The program or project includes all possible planning to minimize harm to the property (park, recreation area, wildlife and waterfowl refuges, or historic site) resulting from the use.

2.1 Definitions

2.1.1 Section 4(f) Land

Land that meets the criteria for Section 4(f) protection is publicly-owned parkland, recreational area, and wildlife or waterfowl refuge, or significant historic site which would be used for a transportation project. Similarly, Section 4(f) resource refers to a specific site or property meeting the criteria.

2.1.2 Use

Use of Section 4(f) land occurs when:

- Land from a Section 4(f) property is permanently incorporated into a transportation project;

- There is a temporary occupancy of Section 4(f) land that is adverse; or
- There is a constructive use of land, i.e., when the project's proximity impacts are so severe that the Section 4(f) property is substantially impaired.

A temporary occupancy of land does not constitute a use under the following conditions:

- The duration of the occupancy must be less than the time needed for the construction of the project and there must not be a change of ownership;
- Both the nature and magnitude of the changes to the Section 4(f) land are minimal;
- There are no anticipated permanent adverse physical changes nor interference with activities or purposes of the resources on a temporary or permanent basis; and
- The land must be returned to a condition which is at least as good as existed prior to the project, and there is documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the land regarding the above conditions.

Constructive use of Section 4(f) land occurs when proximity impacts of a transportation project are so severe as to cause substantial impairment of a park, recreation area, or waterfowl or wildlife refuge, or substantial impairment of the historic integrity of a historic site, even though the project does not directly use the land. The regulation states that a constructive use occurs when:

- The projected noise level increase from the project substantially interferes with the use and enjoyment of a Section 4(f) resource, (e.g. hearing performances at an outdoor amphitheatre or interrupting a quiet setting when the setting is a recognizable feature of the resource);
- The proximity of the proposed project substantially impairs the aesthetic quality of a resource where these aesthetic qualities are considered important contributing elements to the value of a resource, i.e., obstructing or eliminating the primary views of an architecturally significant building;
- A restriction on access diminishes the utility of a resource;
- A vibration impact from the operation of a project impairs the use of a resource or affects the structural integrity of a historic building or impairs its utility; and
- The project results in an intrusion into an ecological setting which diminishes the value of a wildlife or waterfowl refuge adjacent to the project.

2.1.3 Prudent and Feasible Alternatives

The determination of prudent and feasible alternatives must include supporting information that demonstrates unique problems or unusual factors involved in the use of alternatives which would avoid the use of Section 4(f) land (23 CFR 771.135 (a) (1) (i) 49 U.S.C. 303). There could be alternatives that meet the project's goals and objectives that are not feasible to develop. There are also sometimes feasible alternatives that meet a project's goals and objectives that are not prudent due to cost, social, economic, and

environmental factors or community disruption resulting from such alternatives. An alternative may be rejected as not being prudent and feasible if it:

- Does not meet the project purpose and need;
- Has excessive construction costs of extraordinary magnitude; or
- Results in severe operational or safety problems, unacceptable adverse social, economic, or environmental impacts, serious community disruption, or accumulation of the aforementioned impacts that combined reach an unacceptable level.

3. Identification of Section 4(f) Resources

As noted above, land that meets the criteria for Section 4(f) protection is publicly-owned parkland, recreational area, and wildlife and waterfowl refuge, or significant historic site which would be used for a transportation project. Similarly, Section 4(f) resource refers to a specific site or property meeting the criteria. This section identifies all Section 4(f) resources within the project area to determine if a permanent, temporary, or constructive use of a protected resource would occur as defined by Section 4(f) of the USDOT Act of 1966.

3.1 Wildlife and Waterfowl Refuge Resources

There are no publicly-owned Section 4(f) wildlife or waterfowl refuges within the project area. According to the U.S. Fish and Wildlife inventory of these resources, the nearest refuge to the project study area is the Jamaica Bay Wildlife Refuge approximately seven miles southeast of Lower Manhattan. Therefore, no use of these resources by the South Ferry Terminal Project would occur.

3.2 Significant Historic Sites

A significant historic site is identified as a historic resource that is either on or eligible for listing on the National Register of Historic Places, as defined in 23 CFR 771.135, and through consultation with the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP), which serves as the State Historic Preservation Office, and appropriate local officials (New York City Landmarks Preservation Commission). Documentation of this consultation is contained in Appendix G of this EA.

For purposes of this evaluation, significant historic sites are divided into archaeological resources and historic architectural properties.

3.2.1 Archaeological Resources

A Phase IA Archaeological Assessment prepared for the South Ferry Terminal Project, included in this EA as Appendix C and discussed in detail in Section 5.13, indicates that the potential for historic archaeological resources within the project construction corridor is relatively high. This determination has been made by professional archaeologists

based on research on historic maps from the 19th and 20th centuries, and on a review of archaeological files at the NYSOPRHP, the New York State Museum, and other sources. In a letter dated March 3, 2004 (see Appendix G), the NYSOPRHP concurred with the Archaeological Area of Potential Effect (APE) on which the Phase IA was based (see Figure 30 in Section 5.13), and with the findings contained therein. Therefore, it is assumed that historic archaeological resources would be present in the project area, and potential use of these resources is evaluated in this document.

3.2.2 Historic Architectural Properties

The APE for historic resources typically includes the locations where significant resources, if they exist, could be directly or indirectly affected by the Proposed Action. The construction of the South Ferry Terminal Project would be primarily below ground and only minor facilities would be at-grade (entry/exit points, vent gratings, emergency hatches). The ventilation structure to be located in Peter Minuit Plaza would be designed to blend with other ventilation structures in the Plaza and will be screened with landscaping, as appropriate. The Plaza itself is not an historic resource, but it is afforded protection under Section 4(f) as publicly owned parkland (see Section 4.3.2 below). The vent grate to be located within Battery Place just east of its intersection with State Street would be installed in the median island in the middle of Battery Place; the grating would be about 10 feet wide by 60 feet long, and would be at curb height. Thus, it would not affect the visual context of nearby historic resources. Therefore, the APE for historic architectural properties (shown in Figure 30 in Section 5.13) is defined as the two structures that would be directly affected by the Proposed Action (the International Mercantile Marine Company Building at One Broadway, and the existing South Ferry Subway Station). The NYSOPRHP concurred with the APE for historic properties in a letter dated March 3, 2004 (see Appendix G).

The APE is established through concurrence with the NYSOPRHP as part of the Section 106 consultation process. In addition to the APE, a larger project study area for historic resources (shown in Figure 31 in Section 5.13) was reviewed for potential 4(f) resources. Five historic architectural resources exist within the larger project study area and were evaluated for potential use under Section 4(f) because of their proximity to the construction corridor. These resources include: the U.S. Custom House, Bowling Green, and Bowling Green Fence; Castle Clinton National Monument; and the Interborough Rapid Transit (IRT) Control House/Bowling Green Subway Station. Potential use of these resources is evaluated in this document.

3.3 Parkland and Recreational Areas

Section 5.3 of this EA (Public Open Space) provides a list and map of parkland resources located in the project study area. Three parkland resources within the study area have the potential to be considered 4(f) properties. This determination has been made by reviewing the inventory of these resources within the study area and applying the 4(f) criteria to them. These resources include: Battery Park, Peter Minuit Plaza, and Bowling Green. As noted above, Bowling Green is evaluated under the historic architectural

resource category because of its affiliation with Bowling Green Fence and proximity to the U.S. Custom House. According to the National Park Service inventory of national recreation areas, the nearest national recreation area is the Gateway National Recreation Area, with units at Jamaica Bay, Breezy Point, Staten Island, and Sandy Hook. These areas would not be affected by project construction or operation.

4. Potential Use of Section 4(f) Resources

This section evaluates the potential use of Section 4(f) resources identified in the previous section by the South Ferry Terminal Project, in the following order: 1) historic archaeological resources; 2) historic architectural resources; 3) parkland/recreational resources. The evaluation summarizes relevant project information or references other sections of the EA for more information, where appropriate. Conclusions about potential use of Section 4(f) resources is provided in Section 5 of this evaluation, followed by a description of the coordination conducted to date with agencies that have jurisdiction over the Section 4(f) in Section 5.

This section provides the following to assess the South Ferry Terminal Project's potential use of Section 4(f) resources:

- A description of the resource.
- A description of the South Ferry Terminal Project's potential use of the Section 4(f) resource.
- If use is identified, an evaluation of the alternatives to use of the Section 4(f) resource is provided, to determine whether any prudent and feasible alternatives to such use exist. If multiple adverse factors, such as environmental impacts, increased costs, and complexity of construction together create unique problems, these resulting unique problems can mean an alternative is not prudent. An alternative that fails to serve the project's purpose and need also is not prudent. An alternative is not feasible if it cannot be built as a matter of sound engineering practice.
- Measures to minimize harm to the Section 4(f) resource. When a Section 4(f) resource must be used, all planning to minimize harm, including development of mitigation measures, must be undertaken in coordination with the agency owning or administering the resource.

4.1 Historic Archaeological Resources

4.1.1 Description of the Resources

Section 5.13 of the EA documents the potential archaeological resources that could be affected by project construction. As indicated, the project corridor possesses the potential for containing early colonial and late 19th/early 20th century transportation-related historic archaeological resources. Section 4(f) applies to archaeological sites on or eligible for inclusion on the National Register of Historic Places, and which warrant preservation in place (including those discovered during construction). Section 4(f) does not apply if the

archaeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. The determination of the importance to preserve in place is based on consultation with the NYSOPRHP.

4.1.2 Documentation of Potential Use

There is the potential to encounter several types of archaeological resources in the South Ferry construction corridor. The determination as to whether these resources will be disturbed or need to remain in place will be finalized during construction, based on coordination with the SHPO under the Programmatic Agreement contained in Appendix B. Therefore, it is not possible at this time to determine if permanent, temporary, or constructive use of these resources would occur under 4(f).

The FTA, MTA/NYCT, and NYSOPRHP will enter into a Programmatic Agreement (PA, see draft in Appendix B) which contains measures and procedures to be carried out in connection with implementation of the South Ferry Terminal Project for all areas that are determined, in consultation with NYSOPRHP, to be potentially archaeologically sensitive and in which construction activities will occur. An Archaeological Resource Management Plan (ARMP) is being developed that describes the steps that will be taken to identify, evaluate and, if necessary, mitigate any disturbance of archaeological resources present in the archaeological APE during construction. This ARMP is referenced in the draft PA.

If resources whose preservation in place is warranted are discovered during construction, MTA/NYCT will develop and consider methods and designs to avoid the site. In accordance with 23 CFR Section 771.135 (g) (1) of the Section 4(f) regulations, a Section 4(f) evaluation of the resource would be initiated with the FTA. If the FTA determines, in consultation with MTA/NYCT and the NYSOPRHP that avoidance is not feasible and prudent, MTA/NYCT would develop and implement a data recovery plan that is consistent with the *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State* (1994), the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), and the Advisory Council on Historic Preservation's handbook *Treatment of Archaeological Properties* (1980). If it is determined that the resources are only important for the data that they contain, MTA/NYCT, in consultation with NYSOPRHP, will develop and implement a data recovery plan consistent with the standards and guidelines identified above.

There are no prudent and feasible alternatives to the construction location or the method of construction in this area of archaeological sensitivity. The purpose and need of the project is to replace the existing substandard station that serves as the terminus for the 19 subway lines with a new terminal that addresses the functional and operational deficiencies of the existing station. Therefore, the new approach tracks to the terminal must, by necessity, align with the existing 19 track right-of-way along Greenwich Street. The tracks must then approach the terminal in an alignment that meets MTA/NYCT's track curvature and grade requirements, while minimizing presence under

Battery Park. The proposed alignment meets these design criteria (see Chapter 3: Alternatives Considered).

With regard to the construction method, the only method available to completely avoid historic archaeological resources in the project vicinity would be deep rock tunneling, as the resources are located within the fill layer above the rock layer. To achieve this depth, and maintain track grade requirements, the tunneling would need to begin several hundred feet north of the Greenwich Street/Battery Place intersection, and the same length of existing 19 tracks would need to be reconstructed. A large pit or shaft would need to be excavated for the tunnel boring machine, with resulting construction impacts to the surrounding area in which the machine would be located. Tunnel boring spoils would then need to be loaded onto trucks and hauled out of the area for appropriate disposal. This method of construction would add substantial cost and time to the construction, as well as direct and indirect environmental impacts.

Conclusion: The foregoing evaluation indicates that the project has the potential for permanent, temporary, and/or constructive use of historic archaeological resources, and that there are no feasible and prudent alternatives to this use, should it occur. A Section 4(f) evaluation of the resource would be initiated with the FTA if resources whose preservation in place is warranted are discovered during construction.

4.2 Historic Architectural Resources

4.2.1 U. S. Custom House, Bowling Green, and Bowling Green Fence

4.2.1.1 Description of the Resources

These three historic resources are discussed together because of their proximity and relationship to each other and common distance and relationship to the construction zone of the Proposed Action. The resources are located approximately 100 feet to the north and east of the intersection of State Street and Battery Place, where the South Ferry Terminal Project's proposed fan plant would be constructed.

The U.S. Custom House was constructed between 1899 and 1907; it features a Beaux-Arts design with three-dimensional massing and an extensive sculptural program on themes related to commerce and trade. The interiors on the main floor are as ornate as the exterior. The marble entrance hall leads to an oval rotunda embellished with a mural cycle by Reginald Marsh installed in 1936-37 as part of the U.S. Treasury Department's Depression-era arts project. The building now houses the Smithsonian Museum of the American Indian, the U.S. Bankruptcy Court, and other government offices.

Bowling Green is located just north of the U.S. Custom House, at the point where Broadway begins in Lower Manhattan, at the intersection of State and Whitehall Streets; it is the oldest green park in the City. This area began as a cattle market and parade grounds in the 17th and early 18th centuries. In 1733 it was converted into a bowling green, hence its name. During the early 19th century, the park was largely the private

domain of residents who lived in elegant townhouses around Bowling Green. The simple iron fence surrounding the park (Bowling Green Fence) was erected in 1771 to protect a statue of King George III. In July 1776, after a public reading of the Declaration of Independence, patriots toppled the statue. The iron fence at Bowling Green remains and is a designated New York City Landmark. Today the park features a central water fountain, walkways and landscaping, mature trees, sitting areas and musical concerts during the summer months.

4.2.1.2 Documentation of Potential Use

None of these three resources would be permanently incorporated into the South Ferry Terminal Project, nor would temporary occupancy occur during the construction period. Therefore, there would be no permanent use or temporary occupancy under 4(f).

There would also be no constructive use of these resources, as demonstrated below:

Noise – As described in Section 5.11: Noise and Vibration of the EA, temporary construction noise levels are projected to exceed FTA thresholds at these resources. The elevated construction noise levels would not adversely interfere with the use and enjoyment of these resources for the following reasons. First, Bowling Green Park and Fence are located in a dense urban setting where existing noise levels are already elevated; therefore, a quiet setting is not a recognizable feature of this resource. Second, MTA/NYCT would coordinate its construction schedule to not interfere with music concerts or other special events that may be held in Bowling Green Park. Third, the predicted construction noise levels are outdoor levels; the U.S. Custom House structure would effectively attenuate these levels through its masonry construction and glazed windows, so that the indoor noise environment would not be adversely affected. Fourth, elevated construction noise levels would occur only during the excavation period; after the surface decking is installed, construction activities would occur below ground, thus reducing possible noise impacts.

Visual – There are many viewing angles and vantage points from which these resources can be viewed, and there would not be a continuous visual barrier associated with project construction activities. Construction activities associated with the fan plant in Battery Place and approach tunnels in Battery Park would be managed so that views to these resources would not be substantially impaired. Appropriate signage directing pedestrians to these resources would be provided, as necessary. Therefore, the aesthetic quality of the resources would not be affected.

Access – Access to these resources would not be obstructed by project construction. The Maintenance and Protection of Traffic Plan (MPT) for the project would ensure that pedestrian access would be maintained throughout the construction period.

Vibration – As indicated in Section 5.11 of the EA, anticipated vibration levels from construction would not be above FTA thresholds for these resources. Therefore, the structural integrity of the resources would not be affected.

Ecological setting – There is no wildlife or waterfowl refuge associated with these resources. This constructive use criterion is not applicable.

Conclusion: The foregoing evaluation demonstrates that the South Ferry Terminal Project would not have a permanent, temporary, or constructive use of this resource.

4.2.2 Castle Clinton

4.2.2.1 Description of the Resource

Castle Clinton is a designated National Monument and is located at the western edge of Battery Park. This resource is located approximately 400 feet west of the anticipated construction zone for the South Ferry Terminal Project's proposed approach tunnel in the eastern edge of Battery Park. It was originally built (completed in 1811) on an artificial island off the Battery, and was one of a series of forts, including Castle Williams on Governors Island, erected to protect New York Harbor. After becoming the property of New York City in 1823, the former fort served as a theater (Castle Garden), an immigration station, and an aquarium before it was restored by the federal government in the early 1970s. Castle Clinton currently functions as the ticket booth for tourist ferries to Ellis Island and the Statue of Liberty. The U.S. government owns and maintains Castle Clinton through the National Park Service.

4.2.2.2 Documentation of Potential Use

This resource would not be permanently incorporated into the South Ferry Terminal Project, nor would temporary occupancy occur during the construction period. Therefore, there would be no permanent use or temporary occupancy under 4(f).

There would also be no constructive use of this resource, as demonstrated below:

Noise – As described in Section 5.11: Noise and Vibration of the EA, temporary construction noise levels would not exceed FTA thresholds at this resource. Therefore, there would not be a substantial interference of the use and enjoyment of this resource under 4(f).

Visual – There are many viewing angles and vantage points from which this resource can be viewed, and there would not be a continuous visual barrier associated with project construction activities. Construction activities associated with the approach tunnels in Battery Park would be managed so that views to this resource would not be substantially impaired. Appropriate signage directing pedestrians to this resource would be provided, as necessary. Therefore, the aesthetic quality of the resource would not be affected.

Access – Access to this resource would not be affected by project construction. There are multiple pedestrian pathways in Battery Park that provide access to Castle Clinton. Appropriate signage would be provided to direct pedestrians and park users to this resource, as necessary.

Vibration – As indicated in Section 5.11: Noise and Vibration of the EA, anticipated vibration levels from project construction would not be above FTA thresholds for this resource. Therefore, the structural integrity of the resource would not be affected.

Ecological setting – There is no wildlife or waterfowl refuge associated with this resource. This constructive use criterion is not applicable.

Conclusion: The foregoing evaluation demonstrates that the South Ferry Terminal Project would not have a permanent, temporary, or constructive use of this resource.

4.2.3 IRT Control House/Bowling Green Subway Station

4.2.3.1 Description of the Resource

Construction of the subway system in Manhattan was initiated in 1899 by a contract with the Interborough Rapid Transit (IRT) Company. The original IRT line (Contract 1) ran from City Hall to Grand Central Terminal, and then turned west to Times Square and north along Broadway to the Bronx. In 1902, Contract 2 extended the system south from City Hall through Lower Manhattan and into Brooklyn. The IRT Control House at the northeast corner of Battery Park at Battery Place and State Street is one of two control houses in the original IRT system; the second is located at West 72nd Street and Broadway. Completed in 1904, this structure is one the City's first subway entrances. It features a Flemish-inspired brick and terra cotta design, with elaborate arched entrances. This resource continues to operate as the Bowling Green Station for the 4 5 subway lines. This resource is located on the State Street sidewalk approximately 150 feet from the anticipated construction zone for the approach tunnel in the eastern edge of Battery Park and approximately the same distance south of the construction zone for the fan plant in Battery Place west of its intersection with State Street (see Figure 15b in Section 5.2 for photograph of this resource).

4.2.3.2 Documentation of Potential Use

This resource would not be permanently incorporated into the South Ferry Terminal Project, nor would temporary occupancy occur during the construction period. Therefore, there would be no permanent use or temporary occupancy under 4(f). There would also be no constructive use of this resource, as demonstrated below:

Noise – Temporary construction noise levels would likely exceed FTA thresholds at this resource. However, the elevated construction noise levels would not substantially interfere with the use and enjoyment of this resource for the following reasons. First, the resource is located in a dense urban setting where existing noise levels are already elevated. Second, the resource is used as a subway station entrance/exit; therefore, a quiet setting is not a recognizable feature of this resource. Third, elevated construction noise levels would occur during the excavation period; after the surface decking is installed, construction activities would occur below ground, thus reducing construction noise levels.

Visual – There are many viewing angles and vantage points from which this resource can be viewed, and there would not be a continuous visual barrier associated with project construction activities. Construction activities associated with the fan plant and approach tunnels would be managed so that views to this resource would not be substantially impaired. Appropriate signage directing pedestrians to this resource would be provided, as necessary. Therefore, the aesthetic quality of the resource would not be affected.

Access – Access to this resource would not be affected by project construction. The MPT Plan would ensure that the State Street sidewalk would remain open to pedestrians in this location during the construction period.

Vibration – As indicated in Section 5.11: Noise and Vibration of the EA, anticipated vibration levels from construction would not be above FTA thresholds for this resource. Therefore, the structural integrity of the resource would not be affected.

Ecological setting – There is no wildlife or waterfowl refuge associated with this resource. This constructive use criterion is not applicable.

Conclusion: The foregoing evaluation demonstrates that the South Ferry Terminal Project would not have a permanent, temporary, or constructive use of this resource.

4.2.4 International Mercantile Marine Company Building (One Broadway)

4.2.4.1 Description of the Resource

The International Mercantile Marine Company Building occupies a prominent and historic location at the south end of Broadway, facing both Bowling Green and Battery Park, on a lot that extends the entire blockfront of Battery Place to Greenwich Street. The austere neo-classical style building is the result of a remodeling of the renowned red brick, Queen Anne-style Washington Building (designed by Edward Hale Kendall and built in 1882-87) by Walter B. Chambers in 1919-21. The building served as the New York headquarters of the International Mercantile Marine Company, organized by J.P. Morgan in 1902 as a mammoth and ambitious combination of six of the leading American and British transatlantic steamship companies that operated the largest American-owned merchant fleet in the world.

The building was one of the first of the major modern steamship buildings that gave this section of lower Broadway the name “Steamship Row” in the 1920s, and assisted in transforming the street into the “canyon” of neo-classical masonry office towers familiar today. The Battery Place entrances to the building, marked “First Class” and “Cabin Class,” led into an elegant ticketing hall which is now a banking facility. Restrained neo-classical details on the building include nautical and marine motifs, such as shields representing the company’s major ports of call. In 1943 the International Mercantile Marine Company merged with its then-principal subsidiary and became the United States Lines Company, which retained ownership of One Broadway until 1979. The building

retains its integrity today to a very high degree. With the exception of the window alterations, the exterior retains all of its original form.

4.2.4.2 Documentation of Potential Use

There are several underground vaults associated with the One Broadway building which extend beyond the building footprint under the granite sidewalks of Greenwich Street and Batter Place. The vaults are owned by the City of New York. Construction of the approach tunnel bellmouth would require the temporary removal of a portion of the vaults that is situated over the existing subway tunnel. The invert elevation of the tunnel bellmouth would be approximately 25 to 30 feet below grade. After construction, the vaults would be returned to their former condition. No other part of the One Broadway Building would be directly or indirectly affected by the project. The vaults are currently vacant except for some utilities and storage. Figure 1 at the end of this report shows a schematic view of the vaults and their relationship to Greenwich Street and Battery Place; photographs of aboveground indications of the vaults follow the figure.

In conformance with Section 106 of the National Historic Preservation Act and Section 14.09 of the State Historic Preservation Act, MTA/NYCT is has consulted with NYSOPRHP regarding a determination of effect to the One Broadway Building. In a letter dated February 17, 2004 (see Appendix G), the NYSOPRHP has determined that the proposed treatment of the subsurface vaults and granite sidewalks would have no adverse effect on the One Broadway Building, if the work is completed as proposed. The treatment of the One Broadway Building is included in the draft PA (Appendix B).

Because the resource would not be permanently incorporated into the South Ferry Terminal Project, there would be no permanent use under 4(f).

Temporary occupancy of the vaults would not constitute a use under 4(f) for the following reasons:

- The duration of occupancy would be less than the construction period for the project, and there would not be a change of ownership of the resource.
- The nature and magnitude of the changes to the vaults would be minimal and there would be no changes to the One Broadway Building; the vaults would be returned to their pre-construction condition.
- There would be no permanent adverse physical changes or interferences with the activities or purpose of the resource; the vaults would continue to function as storage vaults for the One Broadway Building after they have been reconstructed.
- The vaults would be returned to a condition that is at least as good as existed prior to construction of the bellmouth and, as indicated above. Documentation of consultation with NYSOPRHP is provided in Appendix G.

Constructive use of this resource under 4(f) would also not occur for the following reasons:

Noise – As determined through analysis of construction noise impacts (Section 5.11 of EA), construction noise would not have an adverse effect on the One Broadway Building; the vaults themselves are underground and are currently not in use. The One Broadway Building is not considered a sensitive receptor with regard to noise, because it is a commercial land use. Nonetheless, the One Broadway Building itself would effectively attenuate outdoor noise levels due to its masonry construction and glazed windows, so that the indoor noise environment would not be adversely affected.

Visual – There are many viewing angles and vantage points from which this resource can be viewed, and there would not be a continuous visual barrier associated with project construction activities. Construction activities associated with the bellmouth and fan plant would be managed so that eliminate views to this resource would not be substantially impaired; construction activities would also occur primarily below ground. Appropriate signage directing pedestrians to this resource would be provided, as necessary. Therefore, the aesthetic quality of the resource would not be affected.

Access – Access to this resource would not be affected by project construction. The entrance to the One Broadway Building is on Broadway, and the sidewalks in this location are anticipated to remain open to pedestrians during the construction period.

Vibration – As indicated in Section 5.11 of the EA, it is anticipated that this resource would experience elevated vibration levels from construction activities. MTA/NYCT would implement a vibration monitoring program, including preliminary, interim, and post-construction surveys to determine the structural status of the building, and to ensure that construction activities would not affect the structural integrity of the resource. The vibration monitoring program is referenced in the draft PA.

Ecological setting – There is no wildlife or waterfowl refuge associated with this resource. This constructive use criterion is not applicable.

Conclusion: The foregoing evaluation demonstrates that the South Ferry Terminal Project would not have a permanent, temporary, or constructive use of this resource.

4.2.5 South Ferry Subway Station

4.2.5.1 Description of the Resource

The South Ferry Subway Station opened in 1905, and was originally the southern terminus of the IRT Lexington Avenue line which ran south from City Hall. The configuration of the South Ferry Station is unique, as it was initially designed as an underground station with a double-track loop. Of the 14 stations on the subway segment linking Times Square with South Ferry, this is the only loop station. Because of its loop design and constricted layout, South Ferry was one of only two IRT stations where platforms were never extended to accommodate the longer subway trains. The other station is the 145th Street/Lenox Avenue Station.

In 1918 a platform was added on the track's inside loop. Until then, the additional track had been used for midday storage of trains. Shuttle service to the ④ ⑤ Bowling Green Station was placed on the inside track and the original outside loop then served the Broadway/Seventh Avenue line (① ⑨), as it still does today. The Bowling Green shuttle service was discontinued around 1970. Although the inside platform cannot be seen from the original platform because it is behind a solid wall, the platform and much of the original decorative features remain intact. This platform was identified by a mosaic frieze with the initials "SF" set in a hexagonal design, similar to other stations on that line. The area is now used for storage and as the station manager's office. The concession windows have been closed and metal gates and doors installed, but the area's white tile walls and mosaic frieze remain intact.

The design importance of the South Ferry Station derives from its typical IRT Beaux-Arts architectural decoration, incorporating tiles, mosaics and representational faience plaques, as well as from its unique configuration. The station was engineered by W. B. Parsons, with Heins & LaFarge as architects. Twenty-two original cast iron columns line the edge of the concrete platform, which cannot be accessed by passengers from the rear cars of the train because the platform was not extended. Fifteen movable platform extenders, equally spaced along the platform floor and separated by simple metal rails, fill the gap between the car doors and the curved platform.

The platform walls retain the elaborate 1905 classical decorative finish, featuring 15 terra cotta bas relief tile plaques of a sloop sailing across green waters against a background of clouds and blue sky decorated by a festoon of garlands with a monogram below. The plaques are in excellent condition, and are incorporated into a complex entablature comprised of a multi-colored mosaic frieze, surmounted by a cornice which includes two rows of deep-brown glazed terra cotta. The top row has a classical flower and foliage design in bas relief. The walls are covered with white ceramic tile on a wide marble base. The same marble joins each plaque, so it appears the platform walls are divided into 13 separate panels, with six panels on the west side of the platform entrance and seven on the east side. In the center of the three end panels is a large mosaic plaque announcing "SOUTH FERRY" in white letters surrounded by a maroon field and a multi-color border. The decorative plaster ceiling features classical detail, including raised bead and reel moldings. Photographs of the South Ferry tilework are shown in Figure 32 in Section 5.13: Archaeological and Historic Resources of the EA.

Interior alterations of the station undertaken in the early 1990s have been "contextual," using mosaics, plaques, and tile bands to continue the original maritime theme. The station is considered architecturally important because the original 1905 platform and wall decoration are substantially intact. In addition, the 1918 platform and decorative features are also intact.

4.2.5.2 Documentation of Potential Use

Permanent Use – Under the Proposed Action, the existing South Ferry Station would be closed to the general public after the new terminal is opened. A small door would be

installed at the eastern end of the existing platform, adjacent to an electrical room, to allow passage for MTA/NYCT crew between the old station and new terminal. There are no historic tilework or other features in this area of the existing station. MTA/NYCT would continue to maintain and protect the historic elements of the station from damage and deterioration. Employees would enter the station as necessary to maintain the active loop tracks and to access storage areas. In addition, MTA/NYCT would continue to allow special public tours of the closed station. The limitation of the general public's access to the existing terminal and the termination of its historic transportation use after the opening of the new terminal constitute a permanent use of this resource.

Temporary Occupancy – The South Ferry Station would remain operational during the construction period for the new terminal. There would be no temporary or permanent occupancy of the resource for the following reasons:

- The South Ferry Station would not be used for construction staging for the project, and there would not be a change of ownership of the resource. Construction of the new door between the existing station and new terminal would not result in public access restrictions to the existing station.
- The nature and magnitude of the changes to the existing station would be minimal.
- There would be no permanent adverse physical changes or interferences with the activities or purpose of the resource; the station would continue to function as a subway station, albeit in a different manner (used for train lay up and storage rather than as a normal station). Employees would enter the station as necessary to maintain the active loop tracks and to access storage areas. In addition, MTA/NYCT would continue to allow special public tours of the closed station.
- MTA/NYCT would continue to maintain and protect the historic elements of the station from damage and deterioration. Documentation of consultation with NYSOPRHP is provided in Appendix G.

Conclusion: The Proposed Action would result in a permanent use of the South Ferry Station because the existing station would be restricted from access by the general public after the new terminal is operational. Temporary use would not occur.

4.2.5.3 Alternatives to Use of the Resource

The existing South Ferry Station will be used for train lay-up and storage, rather than as a fully functioning subway station. Therefore, the resource would continue to be used for its original purpose, just in a more limited manner. As noted above, MTA/NYCT would continue to maintain and protect the existing station and its historic features so that the historic integrity of the resource would not be impaired. Because closure of the existing station constitutes a use under 4(f), two alternatives to closure of the existing station were evaluated. These include the No Build Alternative, and a “Pedestrian Passageway” alternative. These are described below.

Under the No Build Alternative, a new terminal would not be constructed and the existing South Ferry Station would continue to function in its current capacity with no changes to the current station complex and configuration (see Chapter 3: Alternatives Considered). The existing tight curvature loop track would remain and there would be no improvements to the entry/exit features of the station. Continued operation of the existing South Ferry Station in its current condition would not support the recovery and growth of Lower Manhattan, as it would not improve access to Lower Manhattan and thereby would not support economic development. This alternative fails to meet the project's purpose and need. Therefore, this alternative does not represent a prudent alternative.

MTA/NYCT has also evaluated the possibility of using the existing station as a pedestrian passageway to the new terminal. Commuters would enter the existing station from a fare control area inside the Whitehall Ferry Terminal, then travel along the existing platform and eventually enter the new terminal through an opening at the east end of the platform wall. A full-height barrier concrete wall along the edge of the platform would need to be installed to optimize pedestrian safety, station security, ventilation and air tempering, and indoor air quality issues. This wall however, could detract from the passenger's experience of walking through this historic loop station, and may result in an adverse effect on the historic resource.

This alternative, if built, is predicted to be less used than the proposed terminal entrances in Peter Minuit Plaza, except perhaps in inclement weather, when even the Peter Minuit Plaza canopy might not protect customers from the elements. The passageway route would be approximately 100 feet longer than the outdoor canopy route; another potential deterrent to its use. There are also safety and security concerns associated with an enclosed passageway that is not used frequently. These areas may be subject to crime and vandalism. Other issues including noise, ventilation, and air quality (dust, smoke and temperature) were factored into the evaluation of this alternative. It was concluded that noise and air from the old station may negatively impact the air-tempered atmosphere of the new terminal. This alternative would not be prudent as it would be used infrequently, may increase safety and security risks for commuters, and could potentially have an adverse affect on the historic nature of the station.

4.2.5.4 Measures to Minimize Harm

The following measures would be implemented to minimize harm to the existing South Ferry Subway Station:

- Implement a vibration monitoring system, including a pre-, interim, and post-construction structural survey of the existing station, to ensure that the structural integrity of the station is not impaired. The new terminal will be designed to minimize or avoid vibration impacts to the existing station.
- MTA/NYCT would continue to maintain and protect the historic elements of the station from damage and deterioration. In addition, MTA/NYCT would offer periodic public access tours of the historic station in the future.

- Use ultra low sulfur diesel and retrofit technologies to minimize construction-related impacts on local air quality.
- Implement noise abatement measures identified in Section 4.3.1.2 below.
- Control release of fugitive dust during construction.
- Maintain public communication and complaint response procedures during construction period.

4.3 Parkland/Recreational Resources

4.3.1 Battery Park

4.3.1.1 Description of the Resource

Battery Park is approximately 23 acres in size and one of the oldest parks in New York City. It is the location where Dutch settlers landed in 1623, and where the first “battery” of cannons was erected to defend New Amsterdam. By the early 1700s, the Battery’s promenade and harbor views became a popular attraction for New Yorkers. In the late 18th and early 19th century, the original fort was demolished and its remnants were used to expand the Battery by filling in the shoreline, the first of a series of parks expansions via landfill. Between 1808 and 1811 a new circular fort called West Battery was constructed 200 feet offshore (to the southwest). In 1815 it was renamed Castle Clinton, and then Castle Garden in 1824. The castle’s use continued to change over time, and beginning in 1855 it served as the federal immigration center for the east coast. In 1890 the castle was acquired by the New York City Department of Public Parks, and its use changed to the New York Aquarium from 1896 to 1941.

From 1940 to 1952, parts of Battery Park were closed as construction of the Brooklyn Battery Tunnel and Battery Park Underpass took place beneath it. The U.S. Department of the Interior designated Castle Clinton as a National Monument in 1950, but by this time only the 19th century fort walls stood intact. The walls have since been restored to the condition of its fortification period, and in 1986 the Castle began its present day use as the ticket facility for the Statue of Liberty and Ellis Island ferries.

New York City owns and maintains Battery Park through the Department of Parks and Recreation (NYCDPR). The U.S. government owns and maintains Castle Clinton through the National Park Service (NPS). It is estimated that approximately four million people visit Battery Park annually. While most park visitors are tourists, over 350,000 Lower Manhattan workers and residential population (approximately 20,000) utilize this waterfront park as well. Free (seasonal) lunchtime concerts take place on the lawn and free evening concerts at Castle Clinton typically occur during the month of July. The park is also the site for many special events throughout the year.

Several major transportation facilities have been constructed underneath Battery Park. These include the Brooklyn Battery Tunnel and the Battery Park Underpass, described above, which carry vehicular traffic; the tracks for the existing **1** **9** and **4** **5** subway lines are also located under the eastern edge of the park. Along with its landscaped

pathways, gardens and tree-canopied areas, Battery Park contains 22 monuments and memorials honoring soldiers, explorers, inventors and immigrants. The most recent memorial placed in Battery Park was the “Sphere” sculpture salvaged from the World Trade Center site after the terrorist attacks of September 11, 2001. This is a temporary memorial located at the northeast corner of the park in Eisenhower Mall; it features an eternal flame and dedications to the victims of the attack.

The Battery Conservancy (The Conservancy) was created in 1994 as a 501(c) (3) non-profit corporation to rebuild and revitalize Battery Park and Castle Clinton. The Conservancy has developed a Master Plan for Battery Park, which includes redesigning sections of the park. Their vision is “to return the Battery to its historic role as the center of cultural life in the Harbor and Downtown New York.” To date, The Conservancy has raised approximately \$32 million in public and private funds for various improvements to the park. Photographs of Battery Park are shown in Figure 15b of the EA.

Battery Park contains large, tree-canopied areas. A tree survey of the anticipated construction corridor was conducted in December 2001. Most of these trees are deciduous, although a few evergreen species are also present. Two discrete types of deciduous trees were identified: large and flowering. Large deciduous trees include: London Planetree, Pin Oak, Willow Oak, Sweet gum, Scholar-tree, Linden, Ginkgo, Elm, and Norway maple. Flowering deciduous trees include: Crabapple, Cherry, Kousa Dogwood, and Magnolia. The large deciduous trees were classified as being in generally good physical condition. Some of the trees exhibited damage to the trunks. The flowering trees were classified as being near the limit or end of their life expectancies; many of them exhibited signs of age, physical damage, and insect/pest presence.

4.3.1.2 Documentation of Potential Use

Permanent Use – A new underground easement of approximately 25,000 cubic yards in volume within Battery Park would be permanently incorporated into the South Ferry Terminal Project for the approach tunnels. Approximately .02 acres of sidewalk adjacent to the eastern edge of Battery Park would be used by the project for an entry/exit facility to the new terminal. The sidewalk in this location is a part of Battery Park.

Temporary Occupancy – The eastern edge of Battery Park would be temporarily occupied by construction activities associated with the South Ferry approach tunnels. It is anticipated that the tunnels would be constructed using mostly traditional cut and cover methods, and that construction within the limits of Battery Park would occur for approximately nine months. Construction would likely occur sequentially through the park, and the construction zone would result in temporary closure of certain park areas. The construction zone would be fenced to provide a safe construction zone and prevent pedestrian access. Although areas of the park would require closure during the anticipated nine-month construction period, MTA/NYCT is currently and will continue to work closely with The Conservancy and NYCDPR to ensure that public access to the park is maintained during the construction period. The proposed construction period of September through May is intended to coincide with the off-peak use season of the park.

Construction would occur in only the northeast corner of the park, affecting entrance to the park from the existing path at the corner of State Street and Battery Place; the remainder of the park would not be affected. As indicated previously, Battery Park is approximately 23 acres in area. The proposed construction zone in the park would be approximately one acre, representing less than five percent of the total park area. Appropriate signage for alternative access to the park and its facilities would be provided in this location. MTA/NYCT is actively coordinating with other projects in and around Battery Park during planning to ensure that construction disruption and impacts to the park are minimized.

As indicated previously, the project corridor through the eastern edge of Battery Park contains large deciduous trees, which are in varying physical conditions. Approximately 50 trees in Battery Park would be potentially impacted from construction of the proposed approach tunnels (see Figure 20 in Section 5.3 of the EA); that is, trees in or very near the construction zone would be either removed entirely, removed and relocated within the park, or saved in place, as prudent and feasible. Prior to construction, the disposition of each tree would be determined through a tree survey by a landscape architect or arborist, in collaboration with NYCDPR and The Conservancy, under an agreement between NYCDPR and MTA/NYCT. Such factors such as age, health, size, species, and location would be considered in determining the disposition of each tree. MTA/NYCT is evaluating construction methods and techniques related to saving trees in place and through relocation, including root pruning and root ball binding, followed by insertion of cross beams under the root ball to enable the tree to be hydraulically lifted and either supported in place while excavation occurs under the root ball or relocated.

The park would be reconstructed after construction to restore/replace items such as utilities, topsoil, trees, grass, walkways, fencing and benches that were removed or displaced by construction activity. The design of this reconstruction would be developed in consultation with NYCDPR and The Conservancy, to ensure its compatibility with the Battery Park Master Plan. The temporary WTC memorial and Sphere would either remain in place during the construction period or would be temporarily relocated.

The temporary occupancy of Battery Park would not constitute a use under 4(f) for the following reasons:

- The duration of occupancy would be less than the construction period for the project, and there would not be a change of ownership of the resource. As described above, construction activities would occur during the winter off-peak season of park use to minimize disruption to special events at the park during the summer peak season. Access to the park would be maintained during the construction period.
- The nature and magnitude of the changes to the resource would be in accordance with the Battery Park Master Plan. These changes would be performed in consultation with NYCDPR and The Conservancy.
- There would be no permanent adverse physical changes or interferences with the activities or purpose of the resource. The majority of the area of Battery Park would remain accessible to the public during the construction period.

Reconstruction of the park area affected by construction activities would allow the park to resume activities in this area.

- The resource would be returned to a condition that is at least as good as existed prior to construction of the project and, as indicated above, MTA/NYCT is coordinating with NYCDPR and The Conservancy to ensure the park is restored in accordance with the Battery Park Master Plan.

Constructive Use – Following is an assessment of the potential for constructive use of Battery Park by the South Ferry Terminal Project.

Noise – Temporary construction noise levels would likely exceed FTA thresholds at this resource. However, the elevated construction noise levels would not substantially interfere with the use and enjoyment of this resource for the following reasons. First, the portion of the resource that would be affected by elevated construction noise levels is located next to major thoroughfares (Battery Place and State Street) where existing noise levels are already elevated from street traffic. A quiet setting is not a recognizable feature of this portion of the resource. Second, elevated construction noise levels would occur during the excavation period; after the surface decking is installed, construction activities would occur primarily below ground, thus reducing construction noise levels. Third, the project will incorporate noise-related Environmental Performance Commitments (EPCs) to minimize adverse noise impacts due to construction. These EPCs include:

- Scheduling individual project construction activities to avoid or minimize adverse noise impacts.
- Coordination with projects under construction in adjacent and nearby locations to avoid or minimize noise impacts.
- Preparation of contingency measures in the event established limits are exceeded.

Alternative construction methods, including such measures as avoiding impact pile driving and coordinating construction activities with special events that may be scheduled at Battery Park. In addition, a complaint response procedure would be implemented to promptly address community concerns and implement additional control methods where necessary.

One of MTA/NYCT's goals is to minimize noise levels during construction. However, due to the proximity to certain receptors and the duration of some construction activities, elevated noise levels during construction would be unavoidable. Therefore, MTA/NYCT is committed to implementing measures to reduce construction-related noise, and all of the measures described above will be considered for feasibility and practicability of implementation. In some, but not all cases, such measures could substantially reduce noise levels during construction.

Implementation of the above measures would reduce the extent to which construction noise interferes with the use and enjoyment of this resource. The temporary elevated noise levels would not cause substantial impairment of the park. Construction would

occur in the easternmost portion of the park and would not affect or impair the use or enjoyment of the remainder of the park area and facilities.

Visual – Although construction equipment would be active above ground in the construction corridor, this equipment is not expected to substantially impair views to this portion of the resource. After the surface decking is installed, construction activities would occur primarily below ground, thus minimizing views of construction equipment. Trees in the construction corridor would be removed, but the construction corridor would eventually be reconstructed in accordance with the Battery Park Master Plan. Construction activities would be managed so as to not substantially impair the aesthetic quality of this portion of the resource. Appropriate signage directing pedestrians to this resource would be provided, as necessary.

Access – Although areas of the eastern edge of Battery Park would require closure during the nine-month construction period, MTA/NYCT is working closely with The Conservancy and NYCDPR to ensure that public access to the park is maintained. There are multiple entrances available to Battery Park that would not be affected by project construction. Therefore, limited restrictions on access to this area would not diminish the utility of this resource. Appropriate signage directing pedestrians to this resource would be provided, as necessary.

Vibration – Construction-related vibration is a concern for historic structures, but not for parkland. Castle Clinton is a historic structure located in Battery Park, approximately 300 feet west of the anticipated construction zone. As indicated in Section 5.11 of the EA and described above, anticipated vibration levels from construction would not be above FTA thresholds at Castle Clinton. Therefore, the structural integrity of the resource would not be affected.

Ecological setting – There is no wildlife or waterfowl refuge associated with this resource. This constructive use criterion is not applicable.

Conclusion: The foregoing evaluation demonstrates that the South Ferry Terminal Project would result in permanent use of a portion of Battery Park (approximately .02 acres for entry/exit feature in the sidewalk adjacent to the eastern edge of the park, and approximately 33,000 cubic yards in volume for the approach tunnels underneath the park). There would be no temporary or constructive use according to Section 4(f) criteria.

4.3.1.3 Alternatives to the Use of the Resource

As discussed in Chapter 3: Alternatives Considered of the EA, several alternatives for the terminal location were evaluated, including alternatives which place the terminal, and its permanent entrance/exits, outside of Battery Park. Two of the alternatives, South Street and Whitehall Street, would produce construction impacts in Battery Park similar in intensity to the Proposed Action. The Water Street alternative would not involve construction directly in Battery Park, but adjacent project construction activity could

affect noise, access, and visual context. As described in Chapter 3, none of these alternatives fully satisfy the purpose and need of the project, and all three involve difficult and technically complex design and construction problems.

The Proposed Action is the only prudent and feasible alternative that minimizes impacts to Battery Park, which is one of the goals of the project. Use of the ground underneath Battery Park for the approach tunnels and a small portion of the sidewalk at the eastern edge of the park for one entry/exit feature is necessary to achieve the purpose and need of the project, which is to replace the existing substandard station with a new and improved terminal to support the economic recovery and growth of Lower Manhattan. The spacing of the entry/exit facilities has been designed in compliance with applicable fire protection and accessibility codes. Relocating the northernmost entry/exit point out of the sidewalk adjacent to Battery Park would require locating it in State Street (a safety hazard and not feasible), locating it within Battery Park proper (not consistent with project goal of minimizing impacts to the park) or relocating the terminal altogether (not prudent or feasible). Although the Proposed Action would have temporary construction impacts, a high degree of planning has been utilized to minimize those impacts. MTA/NYCT will conduct ongoing coordination with NYCDPR and The Battery Conservancy to ensure public access to the park is maintained and construction impacts are minimized, as described in the next section.

4.3.1.4 Measures to Minimize Harm

The following measures would be implemented to minimize harm to Battery Park:

- Limit construction duration in the park to approximately nine months, during the off-peak usage months of September through May.
- Limit construction footprint in Battery Park, with sequencing of work to minimize construction staging areas and associated impacts.
- Perform comprehensive tree survey to determine which trees should be saved in place, relocated, or removed.
- Restore entire area of the park affected by the project, including landscaping and installation of park amenities, in accordance with Battery Park Master Plan, in consultation with NYCDPR and The Battery Conservancy.
- Coordinate construction activities with special events in Battery Park.
- Use ultra low sulfur diesel and retrofit technologies on construction equipment to minimize construction-related impacts on local air quality.
- Implement noise abatement measures identified in Section 4.3.1.2 above.
- Control release of fugitive dust during construction.
- Maintain public communication and complaint response procedure during construction period.
- Recover historic archaeological resources if discovered.

4.3.2 Peter Minit Plaza

4.3.2.1 Description of the Resource

Peter Minit Plaza is mapped parkland situated between State, Whitehall and South Streets, just north of the Whitehall Ferry Terminal. This parkland consists of five small traffic islands that presently serve as a construction staging area for the Whitehall Ferry Terminal reconstruction project. The largest of the islands is roughly shaped like a right triangle, with the Whitehall Ferry Terminal situated at its base and its hypotenuse extending northward along State Street (see Figure 21 in Section 5.3 of EA). Peter Minit Plaza was created in 1955 by New York City legislation; although it was designated as parkland at that time, provision was made for future use of the Plaza for public transportation purposes, including access to the Whitehall Ferry Terminal.

The reconstructed Whitehall Ferry Terminal will be accompanied by a reconfigured Peter Minit Plaza featuring 1.3 acres of open space and pedestrian amenities (see Figure 34 in Section 5.15 of EA). A new street, Peter Minit Place, will be created for use as a bus turnaround lane (a function presently provided by the State Street Extension as it connects to Whitehall Street). An approximately 5,500 square foot addition has also been given to Battery Park as a part of the project, and the new Whitehall Terminal itself will offer approximately 26,000 square feet of outdoor public open space on its three levels. The reconfigured Peter Minit Plaza will provide a more unified open space and a separation between vehicular and pedestrian movements, thus improving passenger safety and circulation between the Whitehall Ferry Terminal, the transit system, and the Financial District street network.

4.3.2.2 Documentation of Potential Use

Permanent Use – The Proposed Action would involve the acquisition of approximately .05 acre of mapped parkland in Peter Minit Plaza for two of the three surface entry/exit features to the new South Ferry Terminal, and for the ventilation structure and hatches. The Plaza would be permanently used for these facilities. The third surface entry/exit feature will be located in the sidewalk between State Street and eastern edge of Battery Park (see Section 4.3.1.2 above). A permanent subsurface easement of approximately 34,000 cubic yards would be required for the approach tracks and terminal under the Plaza.

Temporary Occupancy – All of Peter Minit Plaza would be used as a construction staging area for the entire construction period, and will be excavated to allow for construction of the new terminal, including the new mezzanine-level connection to the **N R** Whitehall Station. It is anticipated that access to the Plaza would be partially restricted for the entire construction period of the Proposed Action (late-2004 through the end of 2007). Three trees and the Jewish Tercentenary Flagpole would also be removed to allow for the construction staging; the flagpole would be stored and reinstalled following construction.

The temporary occupancy of Peter Minuit Plaza would constitute a use under one criterion of Section 4(f) as described below:

- Occupancy of Peter Minuit Plaza would occur for the entire construction period for the project, as the Plaza would be the primary staging area for most construction activities. There would not, however, be a change of ownership of the resource.
- The nature and magnitude of the changes to the resource would be negligible. As noted above, the Plaza is currently used for construction staging for the Whitehall Ferry Terminal reconstruction project, and would be rebuilt in accordance with those approved plans after the South Ferry Terminal is completed.
- There would be no permanent adverse physical changes or interferences with the activities or purpose of the resource. Reconstruction of the Plaza would allow it to resume its function as an intermodal pedestrian and open space facility.
- The resource would be returned to a condition that is at least as good as existed prior to construction of the project.

Constructive Use – Following is an assessment of the potential for constructive use of Peter Minuit Plaza by the South Ferry Terminal Project.

Noise – The South Ferry Terminal would be constructed within and underneath Peter Minuit Plaza. Therefore, the Plaza itself would be affected by construction noise, as would adjacent areas; however, the Plaza is an urban space characterized by existing high noise levels, and a quiet setting is not a recognizable feature of this resource. Therefore, the use and enjoyment of this resource would not be substantially impaired as a result of construction noise.

Visual – As noted above, Peter Minuit Plaza is currently used for construction staging for the Whitehall Ferry Terminal reconstruction project. Therefore, its existing visual setting is impaired. The existing visual quality of the Plaza is not considered an important contributing element to its existing value as a resource; therefore, the project would not substantially impair the existing aesthetic quality of this resource. The Plaza will eventually be reconstructed in accordance with the Whitehall Ferry Terminal plan.

Access – Access through Peter Minuit Plaza is currently partially restricted due to its use as a construction staging area; however, access to the Whitehall Ferry Terminal has been maintained during the construction period, through implementation of a Maintenance and Protection of Traffic (MPT) Plan. This partial restriction was anticipated and evaluated in the Environmental Assessment for the Whitehall Ferry Terminal reconstruction project (FTA, August 1999). Access to and from Whitehall Ferry Terminal will continue to be provided through the South Ferry Terminal construction period, also in accordance with an MPT Plan. This temporary access limitation does not diminish the utility of the resource because some pedestrian access is maintained.

Vibration – There are no structures in Peter Minuit Plaza that would be affected by construction or operational-related vibration.

Ecological setting – There is no wildlife or waterfowl refuge associated with this resource. This constructive use criterion is not applicable.

Conclusion: The foregoing evaluation demonstrates that the South Ferry Terminal Project would result in a permanent use, and possibly a constructive use, of Peter Minuit Plaza for two entry/exit features, a ventilation structure and hatches, and underground placement of approach tracks and terminal. The project would also result in a temporary occupancy because the Plaza would be used for the entire construction period.

4.2.2.3 Alternatives to Use of the Resource

Construction staging is the logistics of equipment storage, site access, temporary truck parking, and crane access to construction areas. Construction contractors typically require that staging areas be immediately adjacent to the construction site, to avoid truck traffic and other impacts to adjacent roadways and land uses. As noted above, Peter Minuit Plaza is proposed as the staging area for the terminal and tunnel approach. Two other staging areas have been considered: Battery Park and the Battery Place median west of Greenwich. As indicated in Chapter 1, one of the objectives of the project is to minimize or avoid impacts to Battery Park. Although the park is immediately adjacent to the construction site, use of the park for construction staging would require a longer term of occupancy of the park, with greater disruption to park activities and users. Therefore, it was not considered prudent or feasible to use the park for this prolonged purpose.

The median in Battery Place is anticipated to be used by the New York State Department of Transportation (NYSDOT) for construction staging for the southern portion of the Route 9A project, which may be concurrent with the construction of the South Ferry tunnel bellmouth and fan plant. The median is not large enough to accommodate staging for both projects, and the Battery Place median is also substantially further away from the terminal construction zone than Peter Minuit Plaza. Finally, Peter Minuit Plaza is already used for construction staging for the Whitehall Ferry Terminal reconstruction project; the South Ferry Terminal Project would continue this use.

As discussed in Chapter 3: Alternatives Considered, several alternatives for the South Ferry Terminal location were evaluated, including alternatives which place the terminal in different locations than Peter Minuit Plaza. However, none of these alternatives fully satisfy the purpose and need of the project, and many involve difficult and technically complex design and construction problems. The use of Peter Minuit Plaza for terminal entrance/exits is necessary to fulfill the project's purpose and need to provide convenient intermodal access between the subway terminal and the Whitehall Ferry Terminal. The three entrances to the terminal (two in Peter Minuit Plaza, one in the sidewalk at the eastern edge of Battery Park) have been designed based on the National Fire Protection Act (NFPA) 130 exiting requirements. All three means of egress are required to maintain a six-minute maximum evacuation time from the terminal, in the case of an emergency. Two of the three required entrances must be located in Peter Minuit Plaza, based on the current terminal design, to satisfy NFPA requirements. Therefore, there are no prudent and feasible alternatives to their location and to the use of the Plaza for this purpose.

4.2.2.4 Measures to Minimize Harm

The following measures would be implemented to minimize harm to Peter Minuit Plaza:

- Coordinate with New York City Economic Development Corporation (NYCEDC) and NYCDOT on the Whitehall Ferry Terminal reconstruction project to minimize overall construction duration and impacts in the Plaza.
- Following completion of the subway terminal, reconstruct the Plaza according to the Whitehall Ferry Terminal approved design.
- Design terminal entrances/exits to be compatible with and provide direct pedestrian linkage to the Whitehall Ferry Terminal.
- Use ultra low sulfur diesel and retrofit technologies to minimize construction-related impacts on local air quality.
- Implement noise abatement measures identified in Section 4.3.1.2 above.
- Control release of fugitive dust during construction.
- Maintain public communication and complaint response procedures during construction period.
- Recover historic archaeological resources if discovered.
- Remove and safely store the Jewish Tercentenary Flagpole during the construction period, and reinstall it at the completion of construction.

5. Coordination

Because of the significance or potential significance of the historic and archaeological resources that could be affected by the project, and to meet the consultation requirements of Section 106 and Section 14.09, MTA/NYCT and FTA are developing a Programmatic Agreement with the New York State Historic Preservation Office (SHPO) regarding treatment of archaeological and historic resources that may be affected by the Proposed Action. The draft PA is included in this EA as Appendix B. Correspondence and meeting minutes documenting this consultation are provided in Appendix G.

In accordance with Section 4(f), FTA and MTA/NYCT will coordinate the Section 4(f) evaluation provided herein with the Department of Interior (DOI). Coordination with DOI will be initiated during the circulation of the EA.

Special coordination efforts are also underway for Battery Park and Peter Minuit Plaza. For the work in Battery Park, MTA/NYCT is coordinating with NYCDPR, The Battery Conservancy, NYCEDC, and National Park Service to ensure that park access, safety, and security is maintained, and that restoration work is consistent with the Master Plan for Battery Park. MTA/NYCT will endeavor to negotiate a Memorandum of Understanding (MOU) with NYCDPR regarding construction of the South Ferry Terminal Project within Battery Park. For the work in Peter Minuit Plaza and on State Street, MTA/NYCT is coordinating with NYCEDC and NYCDOT regarding the use of the Plaza for construction of the terminal and as a project staging area to minimize rework, and to ensure safe access routes for pedestrians who use the transit services located here.

Overall coordination for the South Ferry Terminal Project is described in Chapter 7 of the EA.