

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
LOWER MANHATTAN RECOVERY OFFICE**

**FINDING OF NO SIGNIFICANT IMPACT
South Ferry Terminal Project
Metropolitan Transportation Authority
New York City Transit
New York, New York**

Based upon the review of the *Environmental Assessment for the South Ferry Terminal Project (EA) dated May 2004*, FTA has found that there are no significant impacts to the environment as a result of the proposed project. The EA has adequately addressed the environmental issues and impacts of the proposed project, as well as appropriate mitigation measures, as further detailed in the attached documentation to the Finding of No Significant Impact (FONSI) and attachments and documents incorporated therein.


The EA is consistent with 23 CFR 771. As such, FTA is issuing a FONSI for the project. This finding is conditioned upon the New York Metropolitan Transportation Authority, New York City Transit complying with the key permit conditions and mitigation measures described in the Environmental Assessment, FONSI, and response to comments. FTA must be notified before any design changes to the project are implemented to determine the need for potential additional environmental studies.

Section 4(f)

FTA finds that the proposed project will use Section 4(f) resources. The Section 4(f) Evaluation in the EA found, and the U.S. Department of Interior concurs, that there is no prudent or feasible alternative to the use of these Section 4(f) resources to meet the purpose and need of the Proposed Action.

Re-Evaluation

Pursuant to 23 CFR Section 771.129, a written evaluation of the EA for the Project will be required before further approvals may be granted if it becomes necessary to make substantive changes to the scope of the Proposed Action, or if major steps to advance the Proposed Action have not been taken within three years. Additionally, as part of any procurement contracts for the Proposed Action, MTA/NYCT must commit to carry out, or cause to be carried out, the mitigation measures described in the EA and herein.

Approved: 
Bernard Cohen
Director

Date: Aug 30, 2004

Attachment: FONSI Documentation

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
LOWER MANHATTAN RECOVERY OFFICE**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Documentation**

Project: South Ferry Terminal Project
Applicant: Metropolitan Transportation Authority
Project Location: Manhattan, New York

INTRODUCTION

Based on the *South Ferry Terminal Project Environmental Assessment (EA)* dated May 2004 and prepared in compliance with the National Environmental Policy Act (42 U.S.C. Section 4321 et. seq.) and Federal Transit Administration's implementing regulations (23 CFR 771), the Federal Transit Administration (FTA) finds, in accordance with 23 CFR Section 771.121, that there are no significant impacts on the environment associated with the project.

BACKGROUND: PROPOSED PROJECT HISTORY AND DESCRIPTION

The Metropolitan Transportation Authority (MTA), MTA Capital Construction, and MTA New York City Transit (MTA/NYCT) propose to construct and operate the South Ferry Terminal Project to improve access to and from Lower Manhattan with financial assistance from FTA. The South Ferry Subway Terminal Project is one of three currently identified priority projects meant to address the urgent need for comprehensive transportation improvements in Lower Manhattan in response to the events of September 11, 2001. The two other priority projects are the Permanent World Trade Center (WTC) Port Authority Trans-Hudson (PATH) Terminal, sponsored by Port Authority of New York and New Jersey (PANYNJ), and the Fulton Street Transit Center, sponsored by the MTA/NYCT. These other major FTA-assisted projects in Lower Manhattan are the subject of separate FTA environmental reviews, which have progressed beyond the publication of Draft Environmental Impact Statements (DEISs) and public hearings on those DEISs.

The South Ferry Subway Station is located at the southernmost tip of Manhattan, in the midst of other critical Lower Manhattan transportation infrastructure and cultural and commercial destinations. Transportation facilities in the vicinity include the Whitehall Ferry Terminal immediately adjacent and, to the south of the South Ferry Station, express and local bus routes, and other MTA/NYCT subway facilities including the 4/5, R/W, and 2/3 lines. Cultural, historic, and recreational facilities in the project vicinity include Battery Park, Castle Clinton National Monument, ferry loading points for the Statue of Liberty and Ellis Island, Robert F. Wagner Jr. Park, and a number of museums. Wall

Street and the downtown financial district are located north of the station, and the Battery Park City residential neighborhood is to the northwest.

Just north of the intersection of Battery Place and Greenwich Street forms the northern boundary of the project limits. At the northwest corner of this intersection is the entrance and exit to the Brooklyn Battery Tunnel. The northeast corner of this intersection contains the historic International Mercantile Marine Building at One Broadway. Immediately east of this building is Bowling Green Park and the U.S. Custom House, which houses the National Museum of the American Indian and other governmental offices.

Battery Park is approximately 23 acres in size and currently houses a total of 21 monuments and sculptures honoring soldiers, explorers, inventors, and immigrants. Castle Clinton National Monument, under the jurisdiction of the National Parks Service, is located within Battery Park, and houses the ticket booth for the Statue of Liberty and Ellis Island ferries. Peter Minuit Plaza, currently used as a construction staging area for the Whitehall Ferry Terminal renovation project, is located at the southeast portion of the project limits, between State, Whitehall and South Streets.

The purpose of the South Ferry Terminal Project is to replace the existing substandard station with a new terminal that addresses the functional and operational deficiencies of the existing station. The development of a new terminal would reduce congestion at the existing subway access and platform, improve the overall experience of transit users, improve safety, provide full Americans with Disabilities Act (ADA) compliant access for passengers, and enhance intermodal pedestrian connectivity to the R/W subway lines and the Whitehall Ferry Terminal. In doing so, the project would address the need for improved access to Lower Manhattan in support of economic recovery and growth.

The goal of the project is to:

- Build a modern, operationally and functionally efficient subway terminal that is sensitive to public open space and other resources, to serve the transportation needs of the area, in order to facilitate the economic recovery and revitalization of Lower Manhattan through attractive, accessible and convenient public transportation infrastructure.

The objectives are to:

- Improve reliability, on-time performance, and operational flexibility, and to minimize service disruptions for the 1/9 line subway service.
- Provide safer and simpler access, egress, and movement within the terminal.
- Achieve more seamless intermodal connectivity to the Staten Island Ferry and other nearby buses/subways, and improved integration with nearby commercial and cultural institutions.
- Comply with disabled access requirements for terminal features and entry/exits, consistent with ADA.
- Minimize temporary and permanent impacts, including construction duration and impacts to parkland.

ALTERNATIVES EVALUATED

An evaluation of alternatives during the planning process considered seven potential alternatives for the South Ferry Terminal Project. The build alternatives were evaluated based on their technical complexity, potential for impacts to Battery Park and other local area resources, and ability to meet the project's goal and objectives. These build alternatives evaluated are described below:

- *Platform Extension* - This alternative would move the entire station northward to a tunnel section with less curvature and extend the platform by approximately 260 linear feet. These improvements would eliminate the loop station and platform and allow an entire 10-car train to berth at the station. This alternative would require relocating an existing track crossover that provides the ability to handle subway service disruptions on both the 1/9 and 4/5 subway lines. Such a relocation is not considered reasonable as it would involve complex engineering that includes the relocation of tunnel sections for both lines to new elevations in order to maintain this service connection.
- *Three-Track Terminal in Battery Park* - A three-track terminal design was considered for a location west of the South Ferry Station within the southeastern limits of Battery Park. While this design addresses the operational and functional deficiencies of the existing terminal, such a station would be located further from the Whitehall Ferry Terminal than the existing station, and would require a significant amount of space, particularly in Battery Park, to construct because of the required track interlocking, as well as requiring additional permanent space use in Battery Park. Due to these construction and permanent spaces uses, this alternative was not considered further.
- *Terminal Inside Existing 1/9 Loop* - This alternative would involve the construction of a new two-track terminal below the existing South Ferry Station, between the existing loop tracks. Construction of this alternative would be very complex, including the underpinning of multiple structures including the Battery Park Underpass, Whitehall Ferry Terminal, South Ferry Station, and the existing South Ferry loop tracks to permit the construction of this terminal alternative and related approach tracks. Given these engineering considerations, this alternative was not considered reasonable to consider further.
- *Water Street Terminal* - This alternative would provide a two-track single island platform terminal along nearby Water Street. The inbound/southbound trains would follow the existing 1/9 loop alignment through the existing South Ferry Station, and outbound/northbound trains would connect to the existing loop tracks on the north side of the station. Fitting a terminal in this location is problematic because of Water Street's curved alignment and the location of other subway facilities along the alignment. Subway construction generally follows the alignment of the street above to avoid substantial impacts to buildings, thus this alternative was not considered practical to pursue further.
- *South Street Terminal* - The South Street Terminal alternative would provide a two-track single island platform terminal along nearby South Street. New

approach tracks and tunnels would be required underneath the eastern edge of Battery Park, however, to avoid conflicts with the Battery Park Underpass, the depth of the terminal would need to be very deep, at 110 feet below ground. This vertical constraint would cause terminal design changes that would limit rider circulation capacity as well as access to the station. With these constraints, the alternative would not meet the project goals and objectives and thus was not considered further.

- *Whitehall Street Terminal* - This alternative would provide a three-track, two-island platform along nearby Whitehall Street. New approach tunnels would be required that would need to avoid conflicts with other infrastructure, namely subway tunnels. Avoidance of this infrastructure would create an alignment that is infeasible due to the necessitated radius curves. Thus, this alternative is infeasible and not considered further.
- *Two-Track Terminal in Peter Minuit Plaza (Preferred Alternative)* - This alternative would provide a two-track single island platform terminal below Peter Minuit Plaza adjacent to the existing South Ferry station. The Preferred Alternative represents a compromise of the standards for modern subway terminals, in that it would have only two tracks rather than three or four; however, a two-track terminal will achieve most of the requirements for a terminal and is a substantial improvement over the existing one-track station. This alternative would meet the project goals and objectives while reducing the potential adverse impacts of the Preferred Alternative.

From this evaluation of alternatives, six of the seven failed to either resolve the functional and operational deficiencies of the existing station to an acceptable level or presented infeasible or highly challenging engineering that is not considered reasonable. As a result of this evaluation, the EA considered two alternatives in detail:

(1) No Build Alternative – The existing South Ferry Station would be expected to continue to function in its current capacity, with no changes to the current station complex and track configuration. The existing tight curvature loop track would remain and there would be no improvements to the entry/exit features of the station. The station would still receive general maintenance, but would not be ADA accessible or have more than one entrance/exit from the station platform.

(2) Build Alternative – The build alternative considered in detail in the EA is the construction of a new South Ferry Terminal and associated improvements, which is referred to above as the Two-Track Terminal in Peter Minuit Plaza. The new terminal would include new and additional access/egress points, and approach tunnels and associated infrastructure. The new terminal would include two tracks serving a single platform, three entry/exit access points, and a direct connection with another MTA/NYCT subway station on the R / W line station at the Whitehall Street station.

AGENCY COORDINATION AND PUBLIC OPPORTUNITY TO COMMENT

The MTA established a Technical Advisory Committee (TAC) in March 2003 to assist in coordinating all Lower Manhattan recovery and development projects. The TAC is comprised of federal, state, and city agencies, and meets routinely to discuss Lower Manhattan issues.

To help facilitate the public's participation in project planning, MTA/NYCT has maintained a project mailing list of interested parties, community members, elected officials, and those who attended South Ferry public informational meetings. Letters briefly describing the project were provided to this list in advance of the first public meeting held on September 24, 2003. A mailing was also used to announce the availability of the EA.

In addition, the outreach effort has included ongoing communications with the public on the MTA website located at <http://www.mta.info> (click "Capital Construction" and then "South Ferry Terminal"). This website includes information about project schedule, current conditions, planned improvements, and project documents and presentations. The Environmental Assessment is located on the website. These materials are one method of providing the public with updates on the project and notifying them of upcoming events.

A Notice of Availability for the Environmental Assessment for the South Ferry Terminal Project was advertised in several newspapers in New York on May 3, 2004. Copies of the EA were available for public review at the offices of the MTA and the FTA in New York, New York. The MTA convened two public meetings: 1) in Staten Island, NY on May 18, 2004, and 2) in Manhattan, NY on May 20, 2004. The comments received from both public meetings were positive toward the project. Copies of the transcripts from both public meetings are on file at the FTA Lower Manhattan Recovery Office.

In addition to the testimony received at the public meetings, five comment letters were received on the EA. The EA 30-day public review period closed on June 3, 2004. Four comment letters were received by this date from the following agencies and organizations: U.S. Environmental Protection Agency; New York City Department of Parks and Recreation; Professional Archaeologists of New York City, Inc.; and The Battery Conservancy. A fifth comment letter was received from the U.S. Department of Interior letter on June 22, 2004. See specific resource area impact descriptions below for additional information on the comments received and Attachment A for the comments on the EA and the FTA responses to those comments.

MEASURES TO MINIMIZE HARM

MTA will implement all mitigation measures described in the EA, the attached Responses to Comments, this Finding of No Significant Impact (FONSI), and the permits received for the Preferred Alternative listed in Attachment B. The FTA will require in any grant documents for the project that it be built as described in the EA and that all committed mitigation be implemented in accordance with the EA and this FONSI. The

FTA finds that with the implementation of these mitigation measures, the MTA will have taken all reasonable and prudent means to avoid or minimize adverse impacts of the Preferred Alternative. The EA is incorporated by reference into this FONSI and its environmental considerations are summarized below. This FONSI assumes that the fully described mitigations in the EA and the attached responses to comments, as supplemented and outlined herein, as well as permits received for this project will be implemented.

Environmental Analysis Framework and Environmental Performance Commitments

The environmental approach for the Preferred Alternative incorporates and is consistent with the Environmental Analysis Framework for the Lower Manhattan Federal Transportation Recovery Projects (Framework). The Framework was developed by the following group of governmental entities involved with the September 11, 2001 disaster recovery in Lower Manhattan: FTA, Federal Highway Administration (FHWA), MTA/NYCT, PANYNJ, New York State Department of Transportation (NYSDOT), Lower Manhattan Development Corporation (LMDC), the Office of the New York City Council, and the New York City Planning Commission. The Framework has been agreed to by these entities, and will be used in connection with each of their proposed Federal Transportation Recovery Projects. The Framework consists of the following components:

- Green Design, Green Construction, and Sustainability Principles
- Construction Environmental Protection Plan
- Public Involvement and Governmental Entities Coordination Plan
- Baseline Assessment of Resources and Coordinated Cumulative Effects Analysis Approach

The project sponsors also adopted common Environmental Performance Commitments (EPCs) to be incorporated into project planning, design and construction documents and contracts. EPCs are measures adopted by individual project sponsors to lower the potential of each project to have adverse environmental impacts, and thus lessen the potential for each project to contribute to overall adverse cumulative effects in Lower Manhattan. This approach recognizes that improvement of access to Lower Manhattan in support of economic recovery and resumed growth may cause short-term impacts before all potential benefits of improved transportation on the Lower Manhattan environment and economy are realized. The Preferred Alternative includes the incorporation of these EPCs and the analysis of the EA is consistent with the Framework. Additional measures to mitigate harm are included in the EA, EA response to comments, and incorporated into this FONSI.

ENVIRONMENTAL EFFECTS AND FINDINGS

Land Use and Zoning – The Preferred Alternative will not have adverse effects to local land use and zoning either during construction or operations. Existing land use in the study area consists of a mixture of commercial, institutional, open space and parkland, transportation and some residential uses. The project site is located within the C5-5

zoning district, which permits the highest density commercial, mixed-use, and residential development.

Community Facilities – The public facility closest to the project construction corridor is the New York State Department of Motor Vehicles (DMV) at 11 Greenwich Street. Construction activities in the intersection of Greenwich Street and Battery Place have the potential to affect access to the DMV office. However, during the construction period, public access to the community and public facilities located within the study area would continue to be provided, including to the DMV. Some local travel routes of persons accessing these facilities might be altered during different phases of construction, but the community and public facilities and their services would not be adversely affected. The operation of the Preferred Alternative will not have adverse effects to community facilities.

Air Quality – The operation of the Preferred Alternative would neither generate nor induce new adverse air quality effects from mobile or stationary sources. The terminal would be a beneficial project with respect to mobile sources during operation, as it is expected to contribute to increased transit efficiency, which may indirectly result in small and negligible reductions in traffic and associated vehicular emissions in the locale and in the region. Potential stationary emissions would come from the ventilation systems, which may be passive or active (air tempering) systems that draw fresh air into and out of the tunnels. The air tempering systems and ventilation plants associated with the project are not expected to generate substantial levels of emissions. These ventilation facilities would be exhausting air similar to outdoor ambient conditions from normal station and tunnel operations, not air contaminants. The emergency ventilation system will preserve safe egress routes for passengers/employees and safe ingress routes for emergency service personnel during tunnel fire events. The fire event would be a temporary condition and would not result in long-term operational adverse air quality impacts. The Preferred Alternative is exempt from metropolitan planning requirements. On February 12, 2004, the MTA met with the NY Interagency Consultation Group (ICG) and provided supporting documentation for the project's conformity status. On March 3, 2004, the ICG notified the MTA that they concurred in classifying the project as "exempt" for the purposes of transportation conformity under 40 CFR Section 93.126, "Reconstruction or renovation of transit buildings and structures." FTA and the FHWA approved the State Transportation Improvement Plan on December 22, 2003. Temporary air quality impacts are addressed under the construction impact area below.

Water Quality – Construction and operation of the Preferred Alternative is not expected to affect water quality or groundwater movement in the area. If shallow groundwater is encountered during construction, then dewatering will occur with discharge to the sewer system. A Groundwater Management Plan will describe the methods to be used to collect, store, treat (as appropriate) and dispose of contaminated groundwater, if encountered. Belowground structures would be waterproofed to prevent contamination of local groundwater and continual pumping of water to the sewer system is probable to prevent water from infiltrating the NYCT subway. However, there will be no adverse impact, as water quality will need to meet permitting requirements for disposal to the

New York City sewer system and the amounts are minimal and can be accommodated. In addition, no discharges to surface water bodies are anticipated either during construction or operation of the terminal.

Wetlands, Floodplains and Soils – The Preferred Alternative would be located in landscaped and paved parkland and public space during construction and beneath these areas during operations. The soils are primarily fill material and bedrock in the project area. The nearest open water, the confluence of New York Harbor with the Hudson River, is approximately 500 feet to the south. The project will not have adverse effects to wetlands because no wetlands are in the project impact area. Pursuant to Executive Order 11988 (Floodplain Management), 100-year floodplains and floodways were assessed and the Preferred Alternative will be located within the floodplain. While this project is being developed in a floodplain, the Preferred Alternative will reconstruct an existing use that is compatible with the surrounding uses and there is no practical alternative to support rail transit operations that do not encroach upon a floodplain. The Preferred Alternative will avoid any impact to the floodplain, as the proposed improvements will not change the hydrologic characteristics of the floodplain. This project is in accordance with Executive Order 11988 since the subway station is an existing use at this location with no practical alternative outside the floodplain and avoids impact to the floodplain.

Ecologically Sensitive Areas and Endangered Species – The Preferred Alternative would be located under the eastern edge of Battery Park, which is parkland comprised largely of ornamentally landscaped areas and paved public walkways, and under Peter Minuit Plaza, a paved open space. Vegetation within the project site contains a range of trees, lawns and shrubberies. There are no aquatic habitats within the project site, and the proposed project would not involve in-water construction nor would it affect water quality. The site does not support protected plant or animal species and does not provide sensitive wildlife habitat. The U.S. Fish and Wildlife Service (USFWS) and NYSDEC, NYSNHP were contacted for information on the presence of endangered and threatened species in the vicinity of the proposed project site. Information provided by these agencies indicated that the proposed project site does not provide habitat for threatened or endangered species. Based on correspondence with the USFWS dated April 5, 2002, and the New York State Department of Environmental Conservation, New York State Natural Heritage Program (NYSDEC/NYSNHP) dated April 19, 2001, no ecologically sensitive areas are present in the vicinity of the project site. These agencies were also provided the EA and they had no comment. Therefore, the ecology of the Hudson River and Battery Park would not be impacted as a result of construction and operation of the proposed project.

Infrastructure – Utilities will need to be temporarily or permanently relocated or re-routed due to the Preferred Alternative. Short-term disruptions may be necessary during construction and will be coordinated with the appropriate utility to avoid and minimize disruptions to nearby land uses.

Transportation and Parking – No permanent changes in vehicular traffic flow are proposed nor will vehicular trips be generated by the completed project. The operations of the project will not create on-street traffic or parking impacts as no changes to the existing conditions will result from the Preferred Alternative. The proposed terminal design, in combination with the anticipated operational improvements on the 1/9 line, would save some customers as much as six minutes per trip and all customers would benefit from an average of almost four minutes of time savings per trip with the improved transit and pedestrian access.

The following are some of the functional and operational transit benefits expected to occur with the proposed terminal design:

- Travel times would be reduced through improved operating speeds resulting from elimination of the tight curves entering and leaving the South Ferry Terminal.
- The new terminal design would provide improved accessibility for boarding and alighting customers, providing three entrances rather than the current single stairway, resulting in the reduction of congestion currently experienced by customers entering and exiting the terminal. The new entrance at the north end of the platform would also reduce egress times for customers who walk to destinations north of the terminal.
- The new terminal would provide full access to customers with disabilities, as it will be ADA compliant.
- The new terminal would provide enhanced intermodal connectivity to nearby transportation facilities including the R/W subway lines and the Whitehall Staten Island Ferry Terminal.

Temporary transportation impacts are addressed under the construction impact area below.

Historic and Cultural Resources – A Phase IA Archaeological Assessment was conducted to evaluate the archaeological potential of the project site. The investigation consisted of background research on the natural environment, prehistory, and historical development of the project site, as well as a field reconnaissance. Boring logs, previously undertaken in the project area, were also evaluated for the presence of potential archaeological material.

The proposed South Ferry Terminal Project has the potential to impact archaeological resources relevant to the history and prehistory of Lower Manhattan. To address these potential impacts, the FTA, MTA/NYCT, and New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), in consultation with New York City Landmarks Preservation Commission (NYCLPC) have developed a Section 106 Programmatic Agreement (PA) and Archaeological Resource Management Plan (ARMP) regarding the treatment of such resources during the construction phase. The Advisory Council on Historic Preservation declined to participate in the Section 106 consultation in correspondence dated May 20, 2004. The ARMP is referenced in the PA and covers the identification, study, mitigation, data recovery, and curation of archaeological resources, including those discovered during initial investigations and unanticipated discoveries

during construction. The ARMP describes the approach for each phase of fieldwork. The ARMP will be implemented by MTA/NYCT in coordination with the construction contractor.

Bowling Green is evaluated under the historic architectural resource category because of its affiliation with Bowling Green Fence, a National Register of Historic Places listed property and proximity to the U.S. Custom House, a National Register listed property. The International Mercantile Marine Company Building at One Broadway is also a designated historic structure under the National Register. The International Mercantile Marine Company Building, located on the northeast corner of Battery Place and Greenwich Street, houses several underground vaults. The vaults at the southwest corner of the building would be temporarily affected by construction of the bellmouth for the new approach tunnels to the South Ferry Terminal. None of the underground vault structures are identified or described in either the National Register registration form or the New York City Landmarks Preservation Commission designation form. Based on documentation provided by MTA/NYCT regarding the vaults, the NYSOPRHP has made a determination of no adverse effect on these vaults if the work is completed as proposed.

The existing South Ferry Subway Station has been determined to be eligible for listing on the National Register of Historic Places. MTA/NYCT would consult with and seek NYSOPRHP concurrence on the doorway location to connect to the new station location with the existing station when that part of the project is designed. To avoid the potential for adverse effect, MTA/NYCT will maintain and protect the historic elements of the station from damage. No modifications to historic elements are anticipated.

On August 10, 2004, the NYSOPRHP, MTA, and FTA completed executing a Programmatic Agreement (PA) to cover the treatment of the built properties, archaeological resources, unexpected discoveries, dispute resolution, and monitoring, in accordance with the regulation of the Advisory Council on Historic Preservation (ACHP) implementing Section 106 of the National Historic Preservation Act. The Section 106 PA is attached to this FONSI as Attachment C.

Section 4(f) and Section 6(f) – The Preferred Alternative would require the use of three Section 4(f) resources: Battery Park, Peter Minuit Plaza, and South Ferry Subway Station. In addition, there is the potential for use of archeological resources. To avoid the use of Battery Park, seven alternatives for the terminal location were screened, including alternatives that place the terminal, and its permanent entrance/exits, outside of Battery Park. Of these seven alternatives, only one, the Preferred Alternative, was both feasible to construct and met the project's purpose and need while minimizing impacts to Section 4(f) resources.

MTA/NYCT has prepared a Section 4(f) Evaluation of the project's use of Section 4(f) resources, including Peter Minuit Plaza, Battery Park, and historic and archaeological resources. In correspondence dated June 22, 2004, the U.S. Department of Interior concurred that there is no prudent and feasible alternative to the proposed use of Section 4(f) resources by the project. The Preferred Alternative is the prudent and feasible

alternative that minimizes the harm to Battery Park. 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 a subway entrance/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.

A portion of the project would be constructed within the eastern edge of Battery Park, using primarily cut and cover methods. The anticipated construction period for the Battery Park portion of the project is approximately nine months. Although areas of the park would require closure during the anticipated nine-month construction period, MTA/NYCT is working closely with The Battery Conservancy and NYCDPR to ensure that public access to the park is maintained. Construction would occur in the eastern portion of the park, affecting entrance to the park from one of several access points; the remainder of the park would not be affected. Walkways would be maintained over the excavation to the extent possible. 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 to ensure that disruption and impacts to the park are minimized.

Peter Minuit Plaza, which consists of five small traffic islands and is currently used for construction staging for the Whitehall Ferry Terminal renovation project, would also be affected by South Ferry Terminal construction. The temporary construction zone would be approximately 1.8 acres. The Plaza would be fully reconstructed following completion of the Preferred Alternative. The Plaza's scope and funding fall under the Whitehall Ferry Terminal renovation project being completed by NYCDOT and New York City Economic Development Corporation, a separate project from the Preferred Alternative. MTA/NYCT and NYCDOT/NYCEDC have or will sign agreements concerning staging area, construction work, and reconstruction of Peter Minuit Plaza in order to minimize impacts during construction.

MTA/NYCT has prepared a Section 4(f) Evaluation for use of Section 4(f) resources, including Peter Minuit Plaza, Battery Park, and historic and archaeological resources. In correspondence dated June 22, 2004, the U.S. Department of Interior (DOI) concurred that there are no prudent and feasible alternatives to the proposed project. DOI agreed with the proposed measures to minimize harm to Section 4(f) resources as described in the EA and Section 4(f) Evaluation and the stipulations of the Section 106 Programmatic Agreement.

Although the Preferred Alternative would have temporary construction impacts, a high degree of planning has been utilized to minimize those impacts. MTA/NYCT will conduct ongoing coordination with New York City Department of Parks and Recreation (NYCDPR) and The Battery Conservancy to ensure public access to the park is maintained and construction impacts are minimized. All temporarily impacted areas

would be restored, upon completion of construction in that location, to its original state prior to construction or in accordance with already adopted official plans to improve the affected part of Battery Park. In addition, mitigation measure will be taken during construction for archaeologically sensitive project site areas according to the Section 106 Programmatic Agreement. See the Attachment B for the list of mitigation measures.

Battery Park received a federal grant in 1981 under the LWCFA. Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) prohibits the conversion of a park that has received LWCFA funding to a non-recreational use without the prior consent of the Secretary of the Department of the Interior. MTA/NYCT has consulted with the NYSOPRHP regarding the temporary construction period in Battery Park and the permanent use of a portion of the sidewalk between the eastern edge of Battery Park and State Street for one of the terminal's entry/exit points. In correspondence dated August 18, 2004, the DOI supported the exception to conversion and concurred with NYSOPRHP and the MTA that the temporary use of a portion of Battery Park during the construction period and permanent use of a portion of the sidewalk is not a conversion.

Noise - Operational noise associated with the Preferred Alternative will not have adverse impacts per FTA guidelines. Incorporation of noise-related mitigation and noise specifications into project design would reduce potential adverse noise impacts due to operation, in accordance with FTA criteria. The design of the fan plants and ventilation shafts will include measures to reduce noise emission from the equipment and background noise from street traffic and other sources will mask operational noise from the Preferred Alternative. Therefore, the operation of the Preferred Alternative is not expected to create adverse operational noise impacts. Temporary noise impacts are addressed under the construction impact area below.

Vibration –Operational vibration associated with the Preferred Alternative will not have adverse impacts per FTA guidelines. The proposed approach tracks and terminal would be located underneath the existing loop approach and thus would be further away from adjacent buildings on Battery Place, Broadway, and State Street, and 400 feet or more from the historic Bowling Green Park/US Custom House and James Watson House. Therefore, the operation of the Preferred Alternative would not result in an adverse change in vibration levels at adjacent sensitive receptors. Temporary vibration impacts are addressed under the construction impact area below.

Acquisitions and Relocations – The Preferred Alternative would be constructed underground other than for three entry/exit points and ventilation facilities.

The following is a list of permanent acquisitions and easements for the project:

- Permanent acquisition of 0.05 acres in Peter Minuit Plaza for two entry/exit points and a vent structure.
- Permanent acquisition of 0.02 acres in the sidewalk between the eastern edge of Battery Park and State Street for an entry/exit point.
- Permanent subsurface easement (approximately 25,000 cubic yards) in the eastern edge of Battery Park for the approach tunnel.

- Permanent subsurface easement (approximately 40,000 cubic yards) in Peter Minuit Plaza for the approach tracks and terminal.

There would be no temporary or permanent residential or business displacements as a result of terminal operations. Mitigations for the easements within Peter Minuit Plaza and Battery Park were negotiated between NYCDPR and MTA/NYCT in a Memorandum of Understanding (MOU) dated August 27, 2004. The operation of the Preferred Alternative will not create any relocation impacts. See Attachment B for the mitigation measures outlined in the MOU. Temporary property acquisitions are addressed under the construction impact area below.

Hazardous Materials – No impacts are expected due to the construction or operation of the Preferred Alternative, as hazardous materials would be identified and managed prior to construction. A Soil and Contaminated Material Management Plan/Environmental Remediation Plan will be included in the CEPP that will identify waste and soil handling and disposal procedures to be employed during construction activities. Once construction activities are completed, remaining subsurface contaminated materials would be contained by paved areas or other barriers and would not present a hazard to the public. Asbestos would be removed from structures prior to deconstruction/renovation, while lead based paint would be managed in accordance with NYCT guidelines and appropriate regulations. The operation of the South Ferry Terminal would not be expected to generate any contaminants or create any hazardous materials impacts.

Coastal Zone – The Preferred Alternative will not have adverse effects to coastal zone resources. In correspondence dated February 17, 2004, the State of New York Department of State concurred with the consistency certification for the project with the New York Coastal Management Program pursuant to U.S Department of Commerce regulations at 15 CFR 930.57.

Construction – The following is a summary of the potential construction impacts for the Preferred Alternative for the five areas that have the potential for adverse impacts. In addition, these five construction impacts were considered cumulatively with other foreseeable projects planned to be under construction at the same time as the Preferred Alternative. Other resource area construction impacts are addressed in their individual resource area description. In a coordinated effort, the FTA, other federal partners, and local project sponsors of the Lower Manhattan Transportation Recovery Projects identified five environmental resource areas of concern for cumulative effects during construction: air quality, pedestrian and vehicular access and circulation, noise and vibration, cultural and historic resources, and business and economic factors. The inclusion of mitigation [Environmental Performance Commitments (EPCs)] into the projects reduces the potential for adverse impacts for all projects and hence cumulatively. Following are conclusions from the cumulative effects analysis. Each resource is addressed first by its project-specific impact, and then by its impact with other Lower Manhattan projects for cumulative construction impacts.

Construction Impacts on Business and Economic Interests (includes Land Acquisition and Displacement)

The project would require various temporary construction easements and permanent subsurface easements for the placement of underground facilities in Peter Minuit Plaza and Battery Park. The use of these resources is considered in the Section 4(f) Evaluation prepared for the project. There would be no temporary or permanent displacements of residences or businesses and thus no impact to business and economic interests.

The Preferred Alternative would require temporary construction easements in the following areas:

- Construction easements from New York City Department of Transportation (NYCDOT) for work in Battery Place, Greenwich Street, and State Street.
- Construction easements from New York City for work in Peter Minuit Plaza (approximately 1.8 acres) and Battery Park (approximately 1.0 acres).
- Construction easement from New York City for demolition and reconstruction of basement vaults at the International Mercantile Marine Company Building at One Broadway.

During construction in the eastern edge of Battery Park, the following park resources would be temporarily displaced:

- Pathways, lawn area and approximately 50 trees in the construction zone between Battery Place and the eastern edge of the park adjacent to State Street.
- A portion of the black iron fence that separates the State Street sidewalk from the eastern edge of the park.

The Fritz Koenig *Sphere for Plaza Fountain*, that was located in the World Trade Center plaza and has been temporarily relocated to an area in Battery Park, will be impacted by the construction of the Preferred Alternative. MTA/NYCT has committed to maintaining this sphere in its current location through underpinning and other means and methods during excavation and construction.

Cumulatively, the Lower Manhattan Recovery Project with the most potential to have cumulative economic factor impacts with the Preferred Alternative is the Battery Place segment of NYSDOT's Route 9A project; none of the other Lower Manhattan Recovery Projects has the potential to directly affect the local retail and other revenue-generating land uses that could be affected by the Preferred Alternative. Similarly, the Preferred Alternative does not have the potential to have cumulative construction-related economic impacts with the other Lower Manhattan Recovery Projects, with the exception of the southern segment of the Route 9A project. This is primarily due to the fact that the Preferred Alternative is geographically separate from the other Lower Manhattan Recovery Projects.

To address the potential for cumulative construction impacts to adjacent properties, the construction plan for the Route 9A and South Ferry projects are being closely coordinated among NYSDOT, NYCDOT, and MTA/NYCT. Pedestrian and vehicular access along Battery Place, Greenwich Street, and Broadway in the vicinity of the projects will be maintained during construction. Therefore, it is not anticipated that

commercial operations and public open space facilities along these streets would be adversely affected by cumulative construction activities. The projects will implement the EPCs that require appropriate signage for affected businesses and amenities to maintain their visibility when obscured as a result of construction activities. See Attachment B for the construction mitigation measures and EPCs for business and economic interests.

Construction Impacts on Pedestrian and Vehicular Access and Circulation (includes Transportation and Parking)

The pedestrian circulation analysis indicates that sidewalk, crosswalk, and transit elements would operate at acceptable levels of service during construction. Pedestrian flow from the Staten Island Ferry through the construction and staging area in Peter Minuit Plaza would be maintained in a manner similar to the current plan being used for the Whitehall Ferry Terminal reconstruction project. See Attachment B for the construction pedestrian and circulation mitigation.

To address potential traffic impacts during construction, MTA/NYCT has committed to the establishment of a Maintenance and Protection of Traffic (MPT) Plan that will maintain both pedestrian and vehicular traffic on all streets in the area and accommodate traffic flow in each direction on both Battery Place and State Street. The Plan will also permit continuous access for buses to Greenwich Street from Battery Place.

Construction would necessitate the temporary suspension of and/or modifications to train service on the 1/9 and 4/5 lines. Service interruptions would occur during nighttime hours and weekends when impacts to passengers are minimal and would be conducted according to standard MTA/NYCT procedures.

Cumulatively, the vehicular circulation analysis shows that construction-related traffic will not adversely affect access and circulation in the vicinity of the South Ferry Terminal Project during the peak construction period. Implementation of the common EPCs would further improve access and circulation in the project vicinity. The cumulative pedestrian circulation analysis also shows that circulation around and within transit facilities that could be affected by the construction of the Preferred Alternative would operate at acceptable levels of service.

Construction Impacts on Air Quality

The air quality analysis for the peak construction period indicates that the pollutant levels predicted for receptor locations within the South Ferry study area would not exceed any of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter (PM₁₀), and sulfur dioxide (SO₂). These predicted concentrations represent the project in combination with the other major Lower Manhattan Recovery Projects. The South Ferry Terminal project will incorporate the use of Tier II engines on all off-road construction vehicles of 50 horsepower or above with Diesel Particulate Filters, where commercially reasonably available, or Diesel Oxidation Catalysts, along with the use of ultra low sulfur diesel fuel (maximum 15 parts per million of sulfur). See Attachment B for the construction mitigation measures for air quality.

Cumulatively, the analysis shows that pollutant concentrations would not exceed NAAQS and *de minimis* criteria for carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter (PM₁₀), and sulfur dioxide (SO₂). Whereas no regulatory standards are in place for PM_{2.5} emissions associated with construction, the analysis utilized threshold guidelines in the New York State Department of Environmental Conservation (NYSDEC) Policy CP-33 as a context for analysis. Although elevated PM_{2.5} levels were determined, these levels are reduced through application of EPCs, namely the use of ultra low sulfur diesel (ULSD) fuel and engine retrofit technology. In addition to the EPCs already incorporated in the project, other measures have been incorporated into the South Ferry Terminal Project. See the air quality resource section above that describes the additional mitigation commitments. MTA/NYCT will coordinate with the FTA and the other project sponsors in the course of developing and constructing the project to explore possible additional mitigation measures should opportunities or circumstances change during project development that enable additional measures to be undertaken, e.g., in the event other technological advances become widely commercially available, in an effort to further minimize the construction effects on air quality.

Construction-Related Noise and Vibration

Temporary construction noise associated with the project would exceed FTA thresholds at three of the five sensitive receptors identified (two parks and one church/rectory). One residential receptor (the rectory at the church) would be affected by construction noise; no other residential receptors would be affected. Incorporation of noise-related mitigation and noise specifications into project construction would reduce adverse noise impacts due to construction, in accordance with FTA criteria. Construction-related vibration would exceed FTA thresholds at one of the five receptors (the historic International Mercantile Marine Company Building at One Broadway). Vibration protection measures would be implemented through the Section 106 Programmatic Agreement and Construction Environmental Protection Plan (CEPP) to limit vibrations to levels that would not cause structural damage to historic buildings. See Attachment B for the construction mitigation measures for noise and vibration.

Cumulatively, the construction noise analysis indicates that none of the South Ferry receptors would be affected by noise from mobile sources (i.e., construction truck traffic). With regard to cumulative stationary construction noise and vibration, increases in noise and vibration levels associated with most of the other Lower Manhattan Recovery Projects would be minimal at the South Ferry site because of the distance (approximately 2,000 feet) and shielding of intervening buildings. Only the Route 9A project would overlap with the South Ferry project in terms of construction noise and vibration. As noted previously, MTA/NYCT is closely coordinating construction of the South Ferry Terminal Project with New York State Department of Transportation's (NYSDOT) Route 9A Battery Place segment to minimize construction-related noise and vibration impacts. The analysis indicates that the same receptors that would be affected by the project alone would also be affected in the cumulative condition, however the adverse impact would be the same as that for the project-only as the Route 9A Battery Place segment would add negligible noise and vibration to the construction condition. Implementation of noise and

vibration-related EPCs and noise specifications in the construction contract would reduce the adverse noise and vibration effects associated with construction. See the noise and vibration resource section above for more information.

Construction Impacts on Cultural and Historic Resources (including Archaeological and Historic Resources)

The Preferred Alternative has the potential to affect historic archaeological resources during the construction period. An Archeological Resource Management Plan (ARMP) will be implemented, and will describe the steps that will be taken to identify, evaluate and, if necessary, mitigate the potential disturbance of archaeological resources present in the project corridor. The ARMP has been prepared in consultation with the NYSOPRHP, and the New York City Landmarks Preservation Commission. The ARMP is referenced in the Programmatic Agreement executed among the FTA, MTA/NYCT and NYSOPRHP to address the treatment of archaeological and historic resources associated with the project. See Attachment C.

The Preferred Alternative would also affect city-owned underground vaults associated with the International Mercantile Marine Building at One Broadway. Portions of the vaults would be removed and reconstructed to accommodate construction of a tunnel. This building is a designated historic structure on the National Register of Historic Places and a New York City Landmark; the underground vaults, however, are not considered historic elements and NYSOPRHP has made a determination of no adverse effect for the proposed work on the vaults with the mitigation in the Section 106 Programmatic Agreement.

Under the Preferred Alternative, the existing South Ferry Station, which has been determined eligible for listing on the National Register of Historic Places, would be closed to the public after the new South Ferry Terminal is opened for operations. Because the existing loop track and station would continue to function for train storage and lay-up, the existing station would be linked to the new terminal for passage of MTA/NYCT personnel to maintain the active loop tracks and to access storage areas. This linkage would occur via a new door that would be installed at the eastern end of the platform. MTA/NYCT would maintain and protect the historic elements of the station from damage under the Section 106 Programmatic Agreement.

There is also the potential for noise and vibration impacts to historic buildings and the impacts and mitigation are addressed in the construction noise and vibration section above.

Cumulatively, due to the geographical distance from other projects, none of the other Lower Manhattan Recovery Projects has the potential to affect the same cultural and historic resources that would be affected by the Preferred Alternative, with the exception of NYSDOT's Route 9A Battery Place segment. Similarly, the Preferred Alternative does not have the potential to affect the cultural resources that may be affected by other Lower Manhattan Recovery Projects, again with the exception of the Route 9A Battery Place segment. The other project with the potential for cumulative effects on cultural and

historic resources is the Castle Clinton National Monument Redevelopment Project. The Preferred Alternative, in combination with these other two projects, would not result in an adverse cumulative effect on cultural and historic resources. Implementation of EPCs, especially those involving coordination among projects to avoid or minimize interruption in access to cultural and historic sites, would effectively reduce the potential for direct and indirect cumulative impacts to these resources.

Socioeconomics – During construction, the Preferred Alternative would infuse a capital investment of approximately \$400 million in direct and indirect additional monetary benefits into the New York City economy. The operations of the Preferred Alternative would not affect the socioeconomic conditions within the area. The terminal would not generate growth in employment or residents within the area. The terminal would improve transit connectivity for existing residents and employees of the area, as well as tourists, and would support the growth in population anticipated with residential developments and the recovery of employment with the completion of office buildings damaged or destroyed on September 11, 2001.

The facilities would be located underground except for entry/exit features, vent structures, and emergency hatches. None of these aboveground facilities would be located in areas that would have permanent adverse effects on surrounding commercial properties. Only in the event of an emergency would smoke be vented through the vent structures. Therefore, no adverse operational effects of the Preferred Alternative on the commercial properties adjacent to the project corridor would result.

Community Disruption – The Preferred Alternative is the replacement of an existing transit use and it is consistent with the character of the project area. No neighborhoods would be divided or altered and the Preferred Alternative would not affect cohesion of the community. As a result, no adverse impacts to the community would result from the project. The Preferred Alternative would replace the existing substandard station with a new terminal that addresses the functional and operational deficiencies of the existing station to support the economic recovery and revitalization of Lower Manhattan. The project would contribute to the regeneration of this area of the City and provide improved connectivity with other transit services to the area.

Safety and Security –A Health and Safety Plan (HASP), based on the results of environmental field sampling, will be prepared and implemented to ensure the protection of construction workers and the general public to avoid adverse impacts during construction.

The South Ferry Terminal design reflects safety and security considerations. Visual surveillance, lighting and emergency communications, and public and emergency access are examples of measures that would be considered in the final design. The Preferred Alternative will meet the safety requirements of the Building Code of New York State (BCNYS), the National Fire Protection Association Standard 130 for "Fixed Guideway Transit and Passenger Rail Systems" and the American National Standards Institute (ANSI) A117.1 for Accessibility. The operation of the Preferred Alternative would not create adverse safety and security impacts. The MTA/NYCT System Safety Program

Plan addresses operational safety issues relating to train and station safety, and safety in other areas of the terminal (including corridors, mezzanines, surface access points, concourses, etc.).

Cumulative Impacts and Secondary Development – In the long-term, beyond the construction period, the Preferred Alternative would improve transit connectivity for existing residents and employees of the area, as well as tourists, and would support the growth in population anticipated with residential developments and the recovery of employment with the completion of office buildings damaged or destroyed on September 11, 2001, including at the WTC site. Essentially all of the facilities associated with the Preferred Alternative would be located underground, except for entry/exit features, vent structures, and emergency hatches. None of these aboveground facilities would be located in areas that would have adverse permanent effects on surrounding commercial properties. Based upon current information, there are no proposed plans, projects, or major developments expected to result from the proposed project as secondary development. Temporary cumulative impacts are addressed under the construction impact area above.

Consistency with Local Plans – The Preferred Alternative is consistent with and supports local plans. The following is a list of local planning efforts:

- *The Lower Manhattan Economic Revitalization Plan, 1995*
- *Plans and Policies for Lower Manhattan – Post September 11th*
- *City Vision for a 21st Century Lower Manhattan, December 2002*
- *Urban Planning and Transportation Study (LMDC, 2002)*
- *Special Lower Manhattan District (LMD) 1998*
- *Battery Park Master Plan - 1986*

Environmental Justice –Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 11, 1994), provides, in pertinent part, that FTA identify and address “disproportionately high and adverse human health or environmental effects” of Federally-funded mass transportation projects “on minority populations and low-income populations,” and that FTA “conduct its programs, policies, and activities in a manner that ensures that such programs, policies and activities do not have the effect of subjecting persons...to discrimination...because of their race, color, or national origin.” FTA has determined that minority populations and low-income populations will not be subjected to discrimination through the construction or operation of the Preferred Alternative, and furthermore, that all persons within the area of study will enjoy improved mobility as a result of the project.

FTA Finding

FTA has reviewed the South Ferry Terminal Project Environmental Assessment and the public and interagency comments included in Attachment A of this FONSI, and finds that the Preferred Alternative, as described in these documents, will have no significant impact on the environment. In addition, FTA finds that that there is no prudent and feasible alternative to the use of the Section 4(f) resources identified above, and that the Preferred Alternative includes all possible planning to minimize harm to those Section 4(f) resources.



Bernard Cohen, Director
Lower Manhattan Recovery Office
Federal Transit Administration

Aug 30, 2004
Date: