



October 1, 2024

SUBMITTED TO:

BPCA, NW RESILIENCY TEAM @ [nwbpcrinfo@bpca.ny.gov](mailto:nwbpcrinfo@bpca.ny.gov)

Comments on the North/West Battery Park City Resiliency Project Draft Environmental Impact Statement (DEIS)

October 1, 2024

The following comments reflect the Public Concerns from the Hudson River Park Advisory Council (HRP AC). The HRP AC was established to provide advice and recommendations to the Board of the Hudson River Park Trust regarding all matters concerning the planning, design, construction, and operation of Hudson River Park.

The HRP AC is deeply concerned that the Draft Environmental Impact Statement (DEIS) for the North/West Battery Park City (BPC) Resiliency Plan fails to adequately address the project's impact on encroachment and water quality within the designated estuarine sanctuary in Hudson River Park.

On September 12, 2023, the North/West BPC Resiliency Plan team presented the proposed plan to the HRP AC. At the 30% design phase, the plan had significant above-ground and in-water impacts on Hudson River Park that lacked broad support. The Council appreciates the subsequent design changes, including moving the alignment north of Chambers Street to the east side of Route 9A, which addressed many of the concerns raised.

After these changes more information was released with the DEIS on August 28, 2024; while not all the information has been shared, the updated plan still involves discharging untreated rainwater and floodwater from street surfaces into the Hudson River Estuary. The HRP AC remains highly concerned about the negative impact this will have on water quality and habitat within the estuarine sanctuary, due to increased volume of the combined sewer overflow (CSO) discharges. The Estuary is an environmentally sensitive water body that must be protected.

After decades of work to protect the Hudson River Park Estuary, culminating in its designation as a sanctuary, it is unacceptable to increase untreated discharges into this area, especially to a corner with poor water circulation and extensive recreational use, such as sailing and kayaking.

The HRP AC urgently demands that the BPCA address the following concerns in the Final Environmental Impact Statement (FEIS) and the project:

1. **\*\*Alternative Water Runoff Solutions\*\***: Consider alternative means of managing runoff from Battery Park City, such as capturing and routing it to a wastewater treatment facility.
2. **\*\*Rerouting CSO Discharges\*\***: Explore the possibility of connecting to a CSO that discharges further west into the Hudson River, thereby avoiding the estuarine sanctuary.

3. **\*\*Tertiary Study\*\***: Conduct a thorough study to evaluate and incorporate the additional measures required to protect and mitigate impacts on the sanctuary.
4. **\*\*Mooring Area Protection\*\***: The proposed structure overlaps with the mooring area, which the HRP AC believes would reduce public access and benefit. Any reduction in mooring spaces is unacceptable.
5. **\*\*Long-term Funding Commitment\*\***: The HRP AC seeks a commitment from BPCA for long-term funding to be provided to the Hudson River Park Trust to ensure adequate maintenance of the new structures.

Given the potential impacts on the Estuary and southern Hudson River Park, it is imperative that the North/West Battery Park City Resiliency Project include substantial mitigation measures to protect and enhance the estuarine sanctuary.

Thank you for this opportunity to provide public comment.

Respectfully from the Chair, 1<sup>st</sup> Vice Chair, and 2<sup>nd</sup> Vice Chair of the Hudson River Park Advisory Council,

Tammy Meltzer, Chair



Jessica Chait, CB4, 1<sup>st</sup> Vice Chair



Susan Kent, CB2, 2nd Vice Chair



CC:

Noreen Doyle, President & CEO Hudson River Park Trust