

APPENDIX C
HISTORIC RESOURCES



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

February 13, 2007

Amy Diehl
AKRF
440 Park Ave. South
New York, NY 10016

Dear Ms. Diehl,

RE: HUD/CORPS
East River Waterfront Improvement Project – various sections
Esplanade and Piers - **06PRO0221**
Waterfront Access–Catherine & Rutgers Slips, Montgomery St.
and East River Park – **06PRO6649**
Peck Slip and Related Streetbed work – **06PRO6650**

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant historical/cultural resources. SHPO has reviewed several recent submissions regarding this project. While SHPO continues to view these projects as related and recommends that a single Programmatic Agreement be developed that includes all of the interrelated components of the East River Waterfront Improvement Project, we offer the following comments regarding recent specific submissions.

1. With regard to the Access portions of the project at Catherine and Rutgers Slips, Montgomery Street and East River Park (06PRO6649), SHPO will need to review additional information beyond that provided in your recent submission. Our archaeological staff will need more details on the history of each location including the maps discussed in your text, as well as any additional information you can provide on the development of each parcel, such as boring logs, or any other relevant material. SHPO recommends that a Phase 1A survey of each parcel be completed to help gather and present these data.
2. With regard to portions of the project located at Peck Slip and the surrounding area (06PRO6650), SHPO concurs with the proposal to revise the Phase 1A. Given the National Register Status of the surrounding historic district any future changes to the scope in these areas should also lead to additional archaeological consideration.
3. SHPO has recently received a copy of the DEIS for the East River Esplanade and Piers portion of the project as well. Our staff is still reviewing that document and will respond separately.

Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

ENVIRONMENTAL REVIEW

HUD/106-M

12/19/06

PROJECT NUMBER

DATE RECEIVED

PROJECT

MONTGOMERY ST: EAST RIVER WATERFRONT ACCESS

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

COMMENTS

Archaeology only

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2001). m0LMDC 0 montgomery STREET HUD 12192006AYm

Aurora de la Cruz

SIGNATURE

12/20/06

DATE

ENVIRONMENTAL REVIEW

HUD/106-M

12/19/06

PROJECT NUMBER

DATE RECEIVED

PROJECT

RUTGERS SLIP: EAST RIVER WATERFRONT ACCESS

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

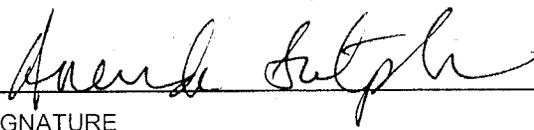
Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

Archaeology Only

COMMENTS

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century land fill on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2001). m0LMDC 0 rutgers SLIP HUD 12192006AYm



SIGNATURE

12/20/06

DATE

ENVIRONMENTAL REVIEW

HUD/106-M

12/19/06

PROJECT NUMBER

DATE RECEIVED

PROJECT

CATHERINE SLIP: EAST RIVER WATERFRONT ACCESS

- No architectural significance
- No archaeological significance
- Designated New York City Landmark or Within Designated Historic District
- Listed on National Register of Historic Places
- Appears to be eligible for National Register Listing and/or New York City Landmark Designation
- May be archaeologically significant; requesting additional materials

COMMENTS

Archaeology only.
LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 18th and 19th Century occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2001). m0LMDC 0 catherine SLIP HUD 12192006AYm


SIGNATURE

12/20/06

DATE

ENVIRONMENTAL REVIEW

HUD/106-M

12/19/06

PROJECT NUMBER

DATE RECEIVED

PROJECT

EAST RIVER PARK CONNECTOR: EAST RIVER WATERFRONT ACCESS

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

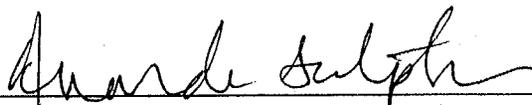
Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

Archaeology review only

COMMENTS

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century land fill on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2001). m0LMDC 0 East River PARK connector HUD 12192006NIm



SIGNATURE

12/20/06

DATE

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**Programmatic Agreement
between
The New York State Historic Preservation Office and the Lower Manhattan
Development Corporation regarding
Improvements to Catherine, Montgomery and Rutgers Slips
New York County, New York City, New York**

Agreement, dated as of _____, 2009 (“Effective Date”), of the New York State Historic Preservation Office (“SHPO”) and Lower Manhattan Development Corporation (“LMDC”) (“Signatories”).

WHEREAS, LMDC, as the recipient of U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant program funds, is responsible pursuant to 42 U.S.C. § 5304(g) for conducting environmental reviews of projects receiving federal funds in accordance with 24 CFR Part 58 and other applicable laws and regulations; and

WHEREAS, LMDC has agreed to allocate a portion of such funds to the City of New York (“City”), acting through the New York City Department of Parks and Recreation (“Parks”), for improvements to Catherine Slip, Montgomery Slip and Rutgers Slip in Lower Manhattan (the “Project”) pursuant to a grant subrecipient agreement dated as of July 1, 2006, which requires the City to comply with 24 CFR Part 58 and other applicable legal requirements relating to the Project as a condition to receiving any LMDC/HUD funds for project construction; and

WHEREAS, LMDC has completed the environmental review for the Project and concluded that the Project would not have significant environmental impact on the human environment or a significant adverse environmental impacts; and

WHEREAS, Catherine Slip is located within the Two Bridges Historic District, which is listed on the State and National Registers of Historic Places (“Historic District”); and

WHEREAS, the Project will not have any adverse effect on historic architectural properties; and

WHEREAS, the Phase 1A archeological study for the Project identifies areas within both the Project site that may be sensitive for archeological historic properties at certain depths (“Phase 1A Study”); and

WHEREAS, the effects of the Project on archeological historic properties at certain locations cannot be fully determined prior to the start of construction of the Project; and

WHEREAS, the Signatories desire to set forth a procedure to ensure that construction of the Project does not result in any adverse effects on historic properties or,

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if adverse effects can not be avoided, measures will be taken to minimize and mitigate those adverse effects; and

WHEREAS, SHPO is serving as a consulting party in the Section 106 process and is a signatory to this Agreement; and

WHEREAS, the New York City Landmarks Preservation Commission (“LPC”) and New York City Department of Transportation have served as consulting parties in the Section 106 process; and

WHEREAS, Parks has served as a consulting party in the Section 106 process [and will serve as a concurring party to this Agreement]; and

WHEREAS, LMDC [has] provided notice of the Section 106 process to Native American tribes and other potentially interested persons and the public; and

WHEREAS, LMDC [invited] the Advisory Council on Historic Preservation to become a signatory to this Agreement; and

NOW, THEREFORE, the Signatories hereby agree that the Project will be implemented in accordance with the following stipulations of this Agreement entered into pursuant to 36 CFR § 800.14(b) in order to take into account the effects of the Project on archeological historic properties.

STIPULATIONS

LMDC AND SHPO AGREE THAT THE FOLLOWING STEPS WILL BE UNDERTAKEN IN CONNECTION WITH THE PROJECT.

I. DEFINITIONS

The terms in this Agreement will have the meaning provided by the Section 106 regulations, 36 CFR Part 800.

II. MONITORING

- A. Prior to the start of construction of the Project, LMDC and Parks will consult with SHPO to determine whether (a) the Project would impact sensitive locations or depths and (b) if so, whether it would be appropriate to prepare a brief archeological monitoring plan (“Archeological Monitoring Plan”) or limited archeological testing plan (Archeological Testing Plan”), which they will submit to SHPO and the LPC for review. The Archeological Monitoring Plan or Archeological Testing Plan will set forth procedures for Parks to implement archeological monitoring or testing, as applicable, of sensitive areas (previously identified in the Phase 1A Study) during construction. Either plan will also include a protocol for

unanticipated discoveries during construction of archeological deposits or features and human remains throughout the Peck Slip Project Site (“Unanticipated Discoveries Plan”). SHPO will have 30 days to submit comments and recommendations to LMDC and Parks with respect to the adequacy of the plans. All parties recognize that stopping construction may have extraordinary costs. They will therefore make every effort to implement the Archeological Monitoring Plan, Archeological Testing Plan or Unanticipated Discoveries Plan expeditiously in circumstances requiring their use.

- B. In accordance with the Archeological Monitoring Plan or Archeological Testing Plan, LMDC and Parks will prepare a brief Technical Report, summarizing the results of monitoring or testing and will submit it to SHPO and LPC for review.

III. PROFESSIONAL STANDARDS

LMDC and Parks will ensure that all archeological monitoring or testing conducted pursuant to this Agreement are carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior’s Professional Qualifications Standards. LMDC and Parks will also ensure that all final archeological reports are consistent with the New York Archeological Council’s *Standards for Cultural Resource Investigations and the Curation of Archeological Collections in New York State* and the *Landmarks Preservation Commission’s Guidelines for Archeological Work in New York City* (2002).

V. TERMINATION, AMENDMENTS AND SIGNATURES

A. This Agreement will terminate upon completion of construction and the obligations set forth in this Agreement. LMDC’s duties will terminate at such time as LMDC notifies the other Signatories in writing that the Project has been completed or, alternatively, cancelled.

B. Amendments as negotiated by the Signatories will be effective only when in writing and upon the written approval of all Signatories to this Agreement.

C. This Agreement may be executed in multiple counterparts, each of which will be deemed an original, but which together will constitute one and the same instrument. Faxed signatures will be treated as originals.

D. In addition to the process set forth in Section V(A) above, any party to this Agreement may terminate its participation by providing 30 days’ written notice to the other parties provided that the parties consult during the period prior to termination to seek agreement or amendments or other actions that would avoid termination and to clarify the procedure for future review of any outstanding activities subject to this Agreement. In the event of such termination, LMDC will either prepare and execute a

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new programmatic agreement for the Project pursuant to 36 CFR § 800.14(b) or request and consider comments from the ACHP consistent with 36 CFR § 800.7.

VI. NOTICES AND CONSULTING

For purposes of notices and consultation pursuant to this Agreement, the following addresses and contact information should be used for the following agencies:

- SHPO: Office of Parks, Recreation and Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188
Attention: Douglas Mackey, Archaeologist
- LMDC: Lower Manhattan Development Corporation
1 Liberty Plaza, 20th Floor
New York, NY 10006
Attention: General Counsel
- PARKS: New York City Department of Parks and Recreation
Olmsted Center, Flushing Meadows Park
117-02 Roosevelt Avenue
Flushing, New York 11368
Attention: Lawrence Mauro, Manager
- LPC: New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor
New York, NY 10007
Attention: Amanda Sutphin, Archaeologist

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EXECUTION AND IMPLEMENTATION OF THIS PROGRAMMATIC AGREEMENT EVIDENCES THAT LMDC HAS SATISFIED ITS SECTION 106 RESPONSIBILITIES FOR THE PROJECT.

As signatories:

LOWER MANHATTAN DEVELOPMENT CORPORATION

By: _____ Date: _____

Name: _____

Title: _____

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Name: _____

Title: _____

DRAFT

DRAFT

Acknowledgement as concurring party:

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

By: _____ Date: _____

Name: _____

Title: _____

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WHEREAS, LMDC has agreed to allocate a portion of such funds to the City of New York (“City”), acting through the New York City Department of Parks and Recreation (“Parks”), for improvements to Catherine Slip, Montgomery Slip and Rutgers Slip in Lower Manhattan (the “Project”) pursuant to a grant subrecipient agreement dated as of July 1, 2006, which requires the City to comply with 24 CFR Part 58 and other applicable legal requirements relating to the Project as a condition to receiving any LMDC/HUD funds for project construction; and

WHEREAS, LMDC has completed the environmental review for the Project and concluded that the Project would not have significant environmental impact on the human environment or a significant adverse environmental impacts; and

WHEREAS, Catherine Slip is located within the Two Bridges Historic District, which is listed on the State and National Registers of Historic Places (“Historic District”); and

WHEREAS, the Project will not have any adverse effect on historic architectural properties; and

WHEREAS, the Phase 1A archeological study for the Project identifies areas within both the Project site that may be sensitive for archeological historic properties at certain depths (“Phase 1A Study”); and

WHEREAS, the effects of the Project on archeological historic properties at certain locations cannot be fully determined prior to the start of construction of the Project; and

WHEREAS, the Signatories desire to set forth a procedure to ensure that construction of the Project does not result in any adverse effects on historic properties or,

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WHEREAS, Parks has served as a consulting party in the Section 106 process [and will serve as a concurring party to this Agreement]; and

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Attention: General Counsel
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Olmsted Center, Flushing Meadows Park
117-02 Roosevelt Avenue
Flushing, New York 11368
Attention: Lawrence Mauro, Manager
- LPC: New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor
New York, NY 10007
Attention: Amanda Sutphin, Archaeologist

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As signatories:

LOWER MANHATTAN DEVELOPMENT CORPORATION

By: _____ Date: _____

Name: _____

Title: _____

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Name: _____

Title: _____

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Acknowledgement as concurring party:

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

By: _____ Date: _____

Name: _____

Title: _____

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