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February 18, 2021.

Corey Johnson, Speaker of the NYC Council.

Committee on Environmental Protection Costa Constantinides, Chairman, and CMs Eric A. Ulrich, Stephen Levin, Darma V. Diaz and Carlos Menchaca, and Committee on Parks and Recreation Peter Koo, Chairman, and CM Carlina Rivera, Mark Levine, Kevin Riley, Mark Gjonaj, Francisco Moya, Jimmy Van Bramer, Robert F. Holden, Erick Ulrich, Darma V. Diaz, Justin Brannan, Joseph C. Borelli; and the Committee on Resiliency and Waterfronts Justin Brannan, Chair and CMs Ruben Diaz, Sr. Costa Constantinides, Erich Ulrich and Deborah Rose.

The Sierra Club has always stood for full transparency and community involvement in all environmental policy making, at all levels of government. In that vein, The NYC Group of the Sierra Club strongly urges and calls upon the City Council's Committees on Environmental Protection and the Council's Parks and Recreation Committee to hold a joint oversight hearing on the East River Coastal Resiliency Project or ESCR.

The Mayor on September 28, 2018 issued a press release announcing a new plan to replace the East River Park which usurped the previous plan worked out with significant community input. The new plan, however, was presented by the Administration, as a fait accompli, without opportunity for meaningful review or input by the impacted community or expert environmental or park organizations.

The Administration cited a so-called "value engineering study" as the purported basis for its new Plan. The Administration stated that "The adoption of the new [plan's] design follows a value engineering study performed earlier this year and a review of the project by a panel of experts with experience from around the nation." In October 2019 Lorraine Grillo, Commissioner of the Department of Design and Construction (DDC) added: "A panel of independent experts, with experience in similar projects around the country, was convened in conjunction

with project stakeholders to review and provide outside perspective on the design process. Additionally, a constructability review was performed in summer of 2018.”

Advocates filed a Freedom of Information Law (FOIL) request with the Department of Design and Construction (DCC) requesting a copy of this value engineering study. The City's initial response stated that no such report existed. The Administration also denied access to the engineering value study to Borough President Gale Brewer, who had hired an independent reviewer to evaluate the new plan. This led BP Brewer to call for “improving transparency and stakeholder engagement...”

Finally, after much pressure, the Administration reversed its position, admitting the existence of the study which it proceeded to release - with 50% blacked out. The pages or sections redacted include the following which could be expected to provide critical information:

- Names of the “Technical Team Members” and its leadership,
- Advantages and Disadvantages of eleven “Significant Proposals” and five “Recommendations”
- How cost estimates were arrived at (page 1-2 of the Executive Summary)
- Risk comparisons that relate to the project and the Con-Ed plant in the site are mostly blacked out
- Any discussion of alternatives
- Discussion of Pier 42 where summer events are held, are blacked out.

These pages or sections certainly cannot be said to contain information which if released would endanger public safety or violate personal privacy. We would think that the Council in its oversight capacity would have an interest in learning the content of these pages and why the Administration took such pains to redact them.

To make matters worse, the one part not redacted remains woefully incomplete. The Administration's plan as reflected in the non-redacted portions of the released study requires over one million tons of fill. Community advocates have asked for information on the kind of fill that is being proposed. The Sierra Club has expressed our concern that the fill not contain toxins with devastating long term health effects on children who will play in the park and

even shorter harmful impacts on persons of all ages, especially those of us with certain pre-existing conditions. The City has not revealed its plan to acquire the needed fill. Instead, the released document states (on page six) that " the quantity of fill is higher in the Alternative proposal [the new plan the Administration is pushing] than it is in the Baseline design [original design the new plan replaced], **which increases the risk that fill will be difficult to source" (our emphasis). The Sierra Club has serious concerns that without publicly released and reviewed fill parameters, the "difficulty to source" will result in the City settling for fill which could contain the harmful toxins. Certainly, the Council will want to safeguard the public health by holding a hearing on this matter.**

The secrecy, inadequacy, and sequence of events and information releases have left many perplexed and disturbed. Advocacy groups and community leaders involved in the community-based plan that had taken four years, which included City officials, were left in the dark as to any follow up by the Administration, only to find that city officials had been working in secret on an alternative plan that would destroy the 58 acre park to raise it 8 feet and reconstruct it. Many have expressed serious concerns of a boondoggle benefitting private interests.

The Sierra Club feels certain that you recognize that it remains the duty of the City Council with its subpoena powers to investigate what is going on as millions of dollars are being spent and bids are being placed on a quasi-secret \$1.4 Billion plan. Most importantly, it remains the Council's responsibility to safeguard the public health and uphold our City's environment. The Sierra club has many other questions and concerns about what we understand to be the City's current East River Plan. We would be delighted to share these with you and work with you and your Committee staffs to prepare the hearing.

We recognize that time is of the essence. The Sierra Club NYC Group has been in the forefront of calling for effective resiliency planning by our City. **The Administration's current plan comes eight years after the Sandy Superstorm while not even an interim flood control measure has been put in place leaving the whole Lower East side of Manhattan exposed.** We call upon your Committees to conduct this hearing expeditiously so that an East River resiliency program can proceed quickly and soundly.

The links to the **Value Engineering Study and the Elevated Park Alternative Feasibility Analysis** follow, so you can see the over-the-top redactions for yourselves:

<https://www1.nyc.gov/assets/escr/downloads/pdf/ESCR-Value-Engineering-Study-Preliminary-Report-2018.pdf>

<https://www1.nyc.gov/assets/escr/downloads/pdf/ESCR-Elevated-Park-Alternative-Feasibility-Analysis-2018.pdf>

We look forward to your quick response.

Sincerely,

Catherine Skopic, Chair of the NYC Group
Alan Gerson, Chair Urban Sustainability Committee
Lucy Koteen
Irene Van Slyke
Bonnie Webber