

# East River Park Oversight Petition



Dear Members of the Committee on Resiliency and Waterfronts;  
Chris Marte, Ari Kagan, Vicky Paladino, James Gennaro, Joann Ariola, Sandy Nurse:

I am writing to ask that you use your leadership as the Committee on Resiliency and Waterfronts to **uphold environmental justice standards, demand proper mitigation and procedural policies regarding resiliency projects and align with the Right to Clean Air and Water and a Healthful Environment for all New Yorkers** that is enshrined in our state constitution.

Please call for

- **The Immediate Halt of the Destruction of East River Park**
- **Immediate Interim Flood Control Measures**
- **Oversight Hearing to Investigate the East Side Coastal Resiliency (ESCR) project**
- **Oversight Hearing to Investigate the TREE WORK PERMIT process in New York City and a newly enacted TREE REVIEW and permitting system, independent of City Council and Mayoral influence**

The reasons we need these two oversight hearings are explained here:

1. **Oversight Hearing to investigate the East Side Coastal Resiliency (ESCR) project** currently underway at East River Park on the Lower East Side of Manhattan.

These types of “resiliency projects” are and will become more prevalent. We need to ensure every resiliency project is done to the highest environmental justice standards and care, values established tree canopy and biodiverse greenspace, is transparent and adheres to the highest mitigation and interim safety measures. Unfortunately and dangerously, East Side Coastal Resiliency fails each of these measures. As such, we need an **immediate independent outside environmental review** that includes Indigenous climate justice leaders, resiliency experts, scientists, environmental landscape engineers, and local health and community organizers.

We need this **immediate independent outside environmental review** because the East Side Coastal Resiliency project is ripe with processes that harm people, the environment, and hope for a climate just future:

- ESCR has destroyed over 25 acres of formerly biodiverse greenspace and cut down over 700 healthy mature trees. These trees were listed as healthy in the ESCR-EIS-Tree Inventory. The project will destroy another 25 acres and 504 more trees. The effect of the **rising heat index** and **lessened air quality** due to this loss of greenspace and trees on the residents of the Lower East Side and the air quality in general for all of New York City, must be studied and taken into

account. The Lower East Side is an Environmental Justice Neighborhood and already has some of the highest rates of asthma in New York City due to the FDR and Con-Edison power plant. By tearing down 80-year-old trees that mitigate the effects of climate change Lower Manhattan is LESS SAFE and has LESS RESILIENCY now and in the future.

- Oversight is needed to enforce regulatory monitoring and mitigation per the 2019 DDC Soil Report which recommends air and soil testing, the covering of exposed piles and other mitigation techniques. The exposed soil in the 25 southern acres of East River Park has dangerously high levels of mercury, lead, and other toxic contaminants, as found in the same report. Mitigation for piles of dirt and dust blowing from the park into the neighborhood and East River over the past year has been little to zero. Residents complain of scratchy throats, burning eyes and skin. As an example for the lack of oversight and care in this regard, the ESCR community liaison Desiree Gazzo, when asked in a community meeting what residents should do regarding the toxic dust said we could, “certainly close our windows.”
- The East River Park Amphitheater was demolished by ESCR in December 2021. The site was exposed for months and it was only in August 2022 that asbestos abatement began.
- For more than one year, residents have witnessed workers without PPE digging in and moving soil that has dangerously high levels of contaminants at East River Park. In speaking with them, workers have relayed they were not informed of the contaminants documented in the DDC’s SOIL Report.
- The same DDC SOIL Report acknowledges high levels of arsenic at East River Park. In September, 2022 high levels of arsenic were found in the water at Riis Houses, the NYCHA campus across the highway from East River Park. The City said this was due to “botched tests.” Since then, Dr. Joshua Rein of Mount Sinai Hospital recommended to state Health Commissioner Dr. Mary Bassett and city Health Commissioner Dr. Ashwin Vasani to, “expand testing of residents at Riis Houses and other public housing developments, noting that routine testing for arsenic is not often performed.” Dr. Rein was the doctor of Josefa Bonet, a Riis Housing tenant who, when she died on October 1, 2022, had four times the upper limit of normal arsenic in her blood. Thus far the state and city Health Commissioners have dismissed Dr. Rein’s recommendation. An oversight hearing into the full damage of ESCR is vital.

There should be full transparency and community involvement in all environmental policy making however;

- The Value Engineering Report for ESCR was hidden from the only external consultant to review the project (Deltares), who reported they could not adequately evaluate the validity of the project because of the missing report.
- The original Big U resiliency project was comprehensive and called for maintaining most of East River Park as it was, added berms along the east side of the FDR for protection and eventual decking over the FDR, adding greenspace and mitigating toxic fumes that contribute to the highest rates of asthma in New York City. This plan was created in collaboration with community and received FEMA funding to implement. It was abruptly changed by then mayor, Bill de Blasio on September 28, 2018 to the current East Side Coastal Resiliency plan which involves destroying the entire 50 acre park and has disenfranchised and harmed residents and visitors to the Lower East Side.

- At the time of contracting, then Comptroller Scott Stringer rejected the contract due to issues. The then mayor Bill de Blasio overrode the Comptroller's decision and forged the contract ahead.
- IPC Resiliency Partners, the contractor hired to do the work of ESCR did not exist before putting in the bid for this project. It is listed as an M/WBE, though the person listed as owner is the daughter of one of the contractors. She lives in Texas. The Black Institute and the Women Empowerment Coalition of NYC, Inc. filed suit against the city because the \$1.45 billion contract the city signed with IPC Resiliency Partners for ESCR fails to meet city and federal hiring-quota goals.
- Once contracted, the destruction of the south 25 acres and demolition of over 700 trees was swift. In fact, IPC worked in contempt of court, 24 hours a day during the final days Bill de Blasio was in office even though local organizers had secured and produced a Temporary Restraining Order from New York State's supreme court, that legally halted all work.
- Many community members rightfully question this switch of plan and the forceful, almost obsessive need for destruction. Many cite the fact that the new plan makes possible room for towers - this supported by what every New Yorker knows as the drive for real estate, the current privatization of NYCHA housing along the same waterfront, the mega towers proposed at Two Bridges, and the Plus Pool proposed for the East River - all development schemes whose intended occupants are not the current residents of the Lower East Side and Chinatown.
- NYCHA Speaks, a coalition led by NYCHA tenants gathered over 2000 signatories from NYCHA residents against the new ESCR plan. Council Member Carlina Rivera hastily dismissed the organizing effort and all signatories telling NYCHA Speaks that these NYCHA tenants, "didn't know what they were signing."
- Attorney General Letitia James found issue with the environmental statement findings regarding the project, noting: "(ESCR) project will disproportionately impact minority and low-income people, and the City's repeated conclusion to the contrary is incorrect."
- 42% of East River Park is dedicated to remain open for people to use at any time during ESCR. The DDC and their Contractor, IPC have shown consistent disregard for their own promise to keep 42% of East River Park open and accessible, leaving residents with very little access to greenspace. Residents have tried to bring attention to DDC/IPC overreach, including the 100-year-old Cherry Grove of Cherry Street in neighboring Corlears Hook Park. Contractors cut trees with nests in them, which is illegal, while NYC Parks Department has never responded to urgent and repeated requests to help the wildlife.
- An archeological dig is currently underway at Corlears Hook Park. Repeated misconstrued replies from the City that "nothing of significance was found" is incorrect as State Archeologist, Timothy Lloyd has confirmed that "Native American artifacts" have been located in disturbed soil at the site. Corlears Hook is the site of a massacre of Lenape people, committed by the Dutch in 1643.

## **2. Oversight Hearing to investigate the TREE WORK PERMIT process in New York City and a newly enacted TREE REVIEW and permitting system, independent of City Council and Mayoral influence:**

We all know the importance of trees on health, well-being and climate, especially in a lower income, BIPOC, Environmental Justice area like the Lower East Side. Yet, New York City repeatedly fails this and other Environmental Justice communities. So much so that an August 20, 2021 article in the New York Times, *Why an East Harlem Street Is 31 Degrees Hotter Than Central Park West* states: “If you want to map inequality in New York, you can just count trees.” Where are the ethical standards governing the professional practice of arboriculture in New York City? Further, the Environmental Protection Agency has numerous resources crediting urban trees as vital sources for runoff/pollutant removal and waterfront/shoreline buffers.

Even though there is supposed to be a robust protocol for the protection and removal of trees in New York City, Manhattan Forestry wrote and NYC Parks Commissioner issued a simple one page permit to kill the initial 630 trees at East River Park for ESCR. This permit became valid on December 7, 2021 - one day before the State Judge ordered the Temporary Restraining Order which legally halted work for ESCR, but was violated. The permit has no name listed for who did the inspection (every tree removed in New York City is supposed to be inspected) and the signatory on the permit is illegible.

Because Manhattan Forestry is part of NYC Parks and the Parks Commissioner position is appointed we need a **newly enacted tree review and permitting system, independent of City Council and Mayoral influence:**

In order to protect the Lower East Side and all other waterfront neighborhoods in New York City we ask you to initiate an independent outside review in relation to the guidelines set by ISA (International Society of Arboriculture ) and to SET UP A COLLABORATIVE PROCESS moving forward intending to advocate and implement the necessary, ethical tree protection protocols within NYC Parks which are required to mitigate and address the effects and root causes of climate change and which will ensure the protection of biodiversity and halt the ecocide currently carried out at East River Park and any other current or future sites.

**Please, take action now.** Halt the further destruction of the only large remaining green space on the Lower East Side of Manhattan and the further demolition of hundreds more healthy, mature trees. Implement immediate interim flood protection for people on the Lower East Side who are now at greater risk of flooding due to the rampant destruction of East River Park. Call for the Oversight Hearings to investigate the East Side Coastal Resiliency project and the Tree Permitting Process in all of New York City, now.

As the United Nations’ Intergovernmental Panel on Climate Change (IPCC) makes clear, we don’t have much time to protect our waterfronts and our futures from the catastrophic effects of climate change brought on and heightened by destructive projects such as the East Side Coastal Resiliency project. We must, as the IPCC says, “act now and go big” - demanding clear and transformative climate justice based actions that eliminate the influence of capitalism and real estate on environmental policy and protection.

