

68th Street/Hunter College Subway Station Improvement Project Manhattan, New York

Draft Environmental Assessment

Appendix B: Correspondence

LEAD FEDERAL AGENCY:
Federal Transit Administration



SPONSORING AGENCY:
Metropolitan Transportation Authority/New York City Transit



January 2016



U.S. Department
of Transportation
**Federal Transit
Administration**

Region II
New Jersey
New York

One Bowling Green
Room 429
New York, NY 10004-1415
212-668-2170
212-668-2136 (fax)

October 27, 2015

Ms. Beth A. Cumming
Senior Historic Site Restoration Coordinator
New York State Office of
Parks, Recreation and Historic Preservation
Division of Historic Preservation
P.O. Box 189
Waterford, N.Y. 12188-0189

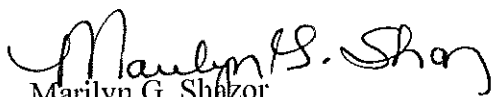
Subject: 68th Street Hunter College Station Improvement Project
Manhattan, NY
Project Sponsor: MTA/New York City Transit
11PR04083

Dear Ms. Cumming:

This letter is to inform you that the Federal Transit Administration intends to use your no-adverse effect finding letters dated August 29, 2012 and April 2, 2015 for the 68th Street Hunter College Station Improvement Project to make a de minimis Section 4(f) finding for the same project.

If you have any questions, please contact Mr. Donald Burns at (212) 668-2203.

Sincerely,


Marilyn G. Shazor
Regional Administrator

cc. Donald Burns, FTA
Derek Braithwaite, MTA/NYCT
Angelo Elmi, MTA/NYCT
File



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643

www.nysparks.com

August 29, 2012

Judith Kunoff, R.A.
Chief Architect
New York City Transit
2 Broadway
New York, NY 10004

Re: FTA
68th Street/Hunter College Station
New York County
11PR04083

Dear Ms. Kunoff,

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to the Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Our architectural historian for New York County notes that the imperial House at 931 Lexington Avenue is eligible for listing on the National Register of Historic Places, see the attached Resource Evaluation. She further notes that Thomas Hunter Hall is a contributing building to the Upper East Side Historic District.

Based upon our review of the proposed additional work, we concur that the proposed project will continue to have No Adverse Effect upon historic resources provided the following condition is met:

1. A construction protection plan is put in place for all historic buildings within 90 feet of the proposed construction activities. This plan should be created in accordance with the requirements stipulated in the New York City Department of Buildings, "Technical Policy Procedure Notice #10/88" and the New York City Landmarks Preservation Commission guidelines described in "Protection Programs for Landmarked Buildings."

If you have any questions, I can be reached at (518) 237-8643, ext. 3282

Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

cc: H. Wells/ S. McIvor – MTA
N. Chung – FTA

via e-mail only



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

April 02, 2015

Mr. F.C. George Yee, R.A.
Acting Chief Architect, Capital Program Management
MTA New York City Transit
2 Broadway
New York, NY 10004

Re: FTA
ADA Elevators at 68th Street/Hunter College Subway Station
68th Street Station
11PR04083

Dear Mr. Yee, R.A.:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

We understand that the project proposes to place a station entrance/exit in the middle section of 931 Lexington Avenue (Imperial House) which was determined eligible for listing on the State and National Registers of Historic Places. Based upon our review of this modified work, our previous determination remains unchanged. It is the SHPO's opinion that the proposed work will have No Adverse Effect upon historic resources provided a construction protection plan is put in place for all historic buildings within 90 feet of the proposed construction.

If you have any questions, I can be reached at (518) 268-2181.

Sincerely,

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



Landmarks Preservation
Commission

John Weiss
Deputy Counsel
jweiss@lpc.nyc.gov

One Centre Street
9th floor, North
New York, NY 10007

Tel 212-669-7921
Fax 212-669-7797

February 1, 2012

Hollie B. Wells
NYC Transit
2 Broadway, D6.125
New York, NY 10004

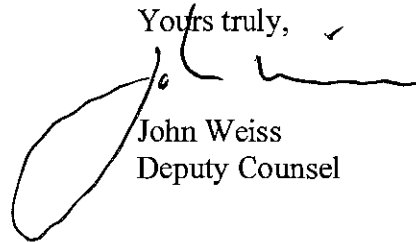
Re: Test Pits at E. 68th St. and Lexington Ave., Manhattan

Dear Ms. Wells:

I have reviewed the Landmarks Commission's map of the various historic districts on the Upper East Side (attached) and the roadbed at the intersection of East 68th Street and Lexington Avenue is **not** within the boundaries of a designated historic district. It appears that the sidewalk at the northwest corner of the intersection is in the Upper East Side Historic District, but the street is not. Consequently, no Landmarks Commission approval is needed for the proposed test pits.

Please contact me if you need further information.

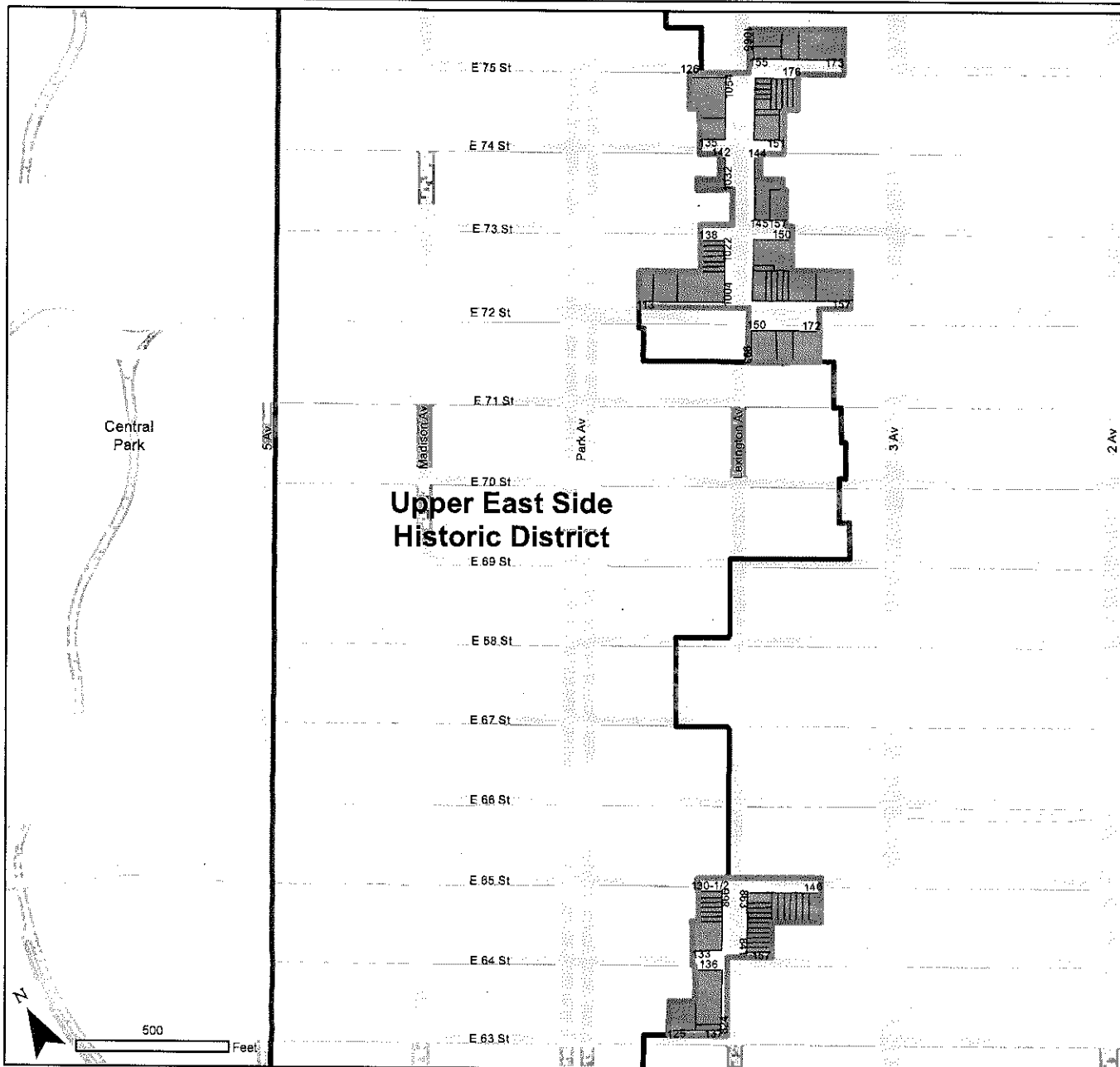
Yours truly,



John Weiss
Deputy Counsel

Attachment

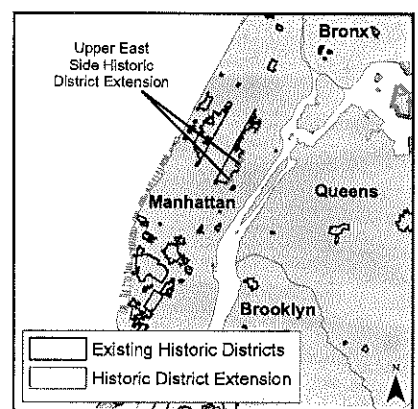
Upper East Side Historic District Extension



Upper East Side
Historic District Extension
Borough of Manhattan, NY
Landmarks Preservation Commission

Calendared: June 23, 2009
Public Hearing: October 27, 2009
Designated: March 23, 2010

- Boundary of Existing District
- Boundary of District Extension
- Tax Map Lots, District Extension



NYCTM
Landmarks Preservation
Commission

Graphic Source: MapPLUTO, Edition 06C, 2006. Date: March 23, 2010, Author: JM.



New York County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

Common Name

Scientific Name

Status

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

Information current as of: 6/29/2012

Fax

Long Island

National Wildlife Refuge Complex

*Long Island
Ecological Services Office*

340 Smith Road, Shirley, NY 11967
631/286-0485 Fax: 631/286-4003 <http://northeast.fws.gov>

To: *Doug Piesan*

Fax Number: *212 636 4341*

From: *Steve Papa*

Date: *6/27/2012*

Pages to follow: *3*

Subject: *ESA info NYCT 65th St / Hunter College Subway Stn Improvement*





United States Department of the Interior

FISH AND WILDLIFE SERVICE



New York Field Office
3817 Luker Road, Cortland, NY 13045
Phone: (607) 753-9334
Fax: (607) 753-9699

Long Island Field Office
340 Smith Road, Shirley, NY 11967
Phone: (631) 286-0485
Fax: (631) 286-4003

Endangered Species Act List Request Response Cover Sheet

This cover sheet is provided in response to a search of our website* for information regarding the potential presence of species under jurisdiction of the U.S. Fish and Wildlife Service (Service) within a proposed project area.

Attached is a copy of the New York State County List of Threatened, Endangered, and Candidate Species for the appropriate county(ies). The database that we use to respond to list requests was developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Our lists include all Federally-listed, proposed, and candidate species known to occur, as well as those likely to occur, in specific counties.

The attached information is designed to assist project sponsors or applicants through the process of determining whether a Federally-listed, proposed, or candidate species and/or "critical habitat" may occur within their proposed project area and when it is appropriate to contact our offices for additional coordination or consultation. You may be aware that our offices have provided much of this information in the past in project-specific letters. However, due to increasing project review workloads and decreasing staff, we are now providing as much information as possible through our website. We encourage anyone requesting species list information to print out all materials used in any analyses of effects on listed, proposed, or candidate species.

The Service routinely updates this database as species are proposed, listed, and delisted, or as we obtain new biological information or specific presence/absence information for listed species. If project proponents coordinate with the Service to address proposed and candidate species in early stages of planning, this should not be a problem if these species are eventually listed. However, we recommend that both project proponents and reviewing agencies retrieve from our online database an *updated* list every 90 days to append to this document to ensure that listed species presence/absence information for the proposed project is *current*.

Reminder: Section 9 of the ESA prohibits unauthorized taking** of listed species and applies to Federal and non-Federal activities. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take**" any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take**," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

For instance, work in certain waters of the United States, including wetlands and streams, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the appropriate New York State Department of Environmental Conservation regional office(s) and the New York Natural Heritage Program Information Services.*

Since wetlands, ponds, streams, or open or sheltered coastal waters may be present in the project area, it may be helpful to utilize the National Wetlands Inventory (NWI) maps as an initial screening tool. However, they may or may not be available for the project area. Please note that while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Online information on the NWI program and digital data can be downloaded from Wetlands Mapper, http://wetlands.fws.gov/mapper_tool.htm.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made. If there are any questions about our county lists or agency or project proponent responsibilities under the ESA, please contact the New York or Long Island Field Office Endangered Species Program at the numbers listed above.

Attachment (county list of species)

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

** Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to *take* (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.



New York County

Federally Listed Endangered and Threatened Species and Candidate Species

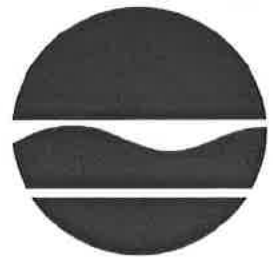
This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
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Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

Information current as of: 8/27/2012

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

June 4, 2012

Doug Pierson
Louis Berger Group
48 Wall Street
New York City, NY 10005

Dear Mr. Pierson:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Hunter College 68th Street Subway Station Improvements, site as indicated on the map you provided, located in Manhattan.

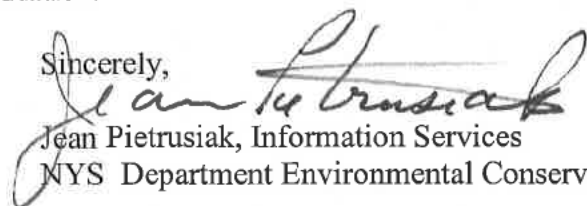
Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

The enclosed report may be included in documents that will be available to the public. However, any enclosed maps displaying locations of rare species are considered sensitive information, and are intended only for the internal use of the recipient; they should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,



Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc.
Cc: Reg 2, Wildlife Mgr.

495

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

- The information in this report includes only records entered into the NY Natural Heritage databases as of the date of the report. This report is not a definitive statement on the presence or absence of all rare species or significant natural communities at or in the vicinity of this site.
- Refer to the User's Guide for explanations of codes, ranks and fields.
- Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



BIRDS

Falco peregrinus

Peregrine Falcon
Breeding

NY Legal Status:Endangered

Federal Listing:

Last Report: **

County: New York

Town: New York City (New York County)

Location: At, or in the vicinity of, the project site.

General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located.

NYS Rank: S3B - Vulnerable

Global Rank: G4 - Apparently secure

EO Rank: **

Office Use
1800

ESU

1 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on Draft Ecological Communities of New York State.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

April 09, 2015

Doug Pierson
The Louis Berger Group, Inc.
48 Wall Street
New York, NY 10005

Re: New York City Transit 68th Street/Hunter College Subway Station improvements, Lexington Avenue subway line

Town/City: New York.

County: New York.

Dear Doug Pierson :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

Nicholas Viest
Chair

Latha Thompson
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com - Website
info@cb8m.com - E-Mail

**The City of New York
Manhattan Community Board 8**

May 17, 2012

Doug Pierson
The Louis Berger Group, Inc.
48 Wall Street
New York, NY 10005

Re: NYCT 68th Street/Hunter College Subway Station Improvements

Dear Mr. Pierson,

I am responding to your request for a list of soft development sites within ¼ -mile of the proposed project site.

The Community Board 8 office does not maintain a listing of planned developments in our district.

If you additional questions, please contact me at (212) 758-4340 or via email thompson@cb8m.com.

Sincerely,


Latha Thompson
District Manager