

**COMMENTS AND RESPONSES
to
PUBLIC COMMENTS
on the
PROPOSED CONVERSION OF PARKLAND
in conjunction with the
PROPOSED DEVELOPMENT OF THE NEW YANKEE
STADIUM**

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Contact:

Thomas B. Lyons
Director, Environmental Management Bureau
NYS Office of Parks, Recreation
and Historic Preservation
Agency Building 1, Empire State Plaza
Albany, NY 12238
Phone: 518-474-0409
Fax: 518-474-7013
Thomas.Lyons@oprhp.state.ny.us

Responses to Public Comments on Proposed Conversion of Parkland In Connection with the Proposed Development of a New Yankee Stadium

A. INTRODUCTION

This document organizes and responds to public comments received in response to the Notice of Opportunity to Comment on Proposed Conversion of Parkland in Connection with the Proposed Development of a New Yankee Stadium, issued by the National Park Service (NPS) on March 3, 2006 under the National Environmental Policy Act (NEPA). The Notice indicated that public comments would be received through April 3, 2006. This notice and the opportunity to comment are part of the environmental review process under NEPA. The NEPA review is being done in accordance with the provisions of the Land and Water Conservation Fund (LWCF) manual. Review under NEPA has been coordinated with the environmental review by the City of New York under the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR). The notice of opportunity to comment was issued as a result of the decision by the New York City Department of Parks and Recreation (NYCDPR) to approve the Alternative Park Plan rather than the proposed project described in the Draft Environmental Impact Statement (DEIS) under CEQR.

This Response to Comments, together with the Final Environmental Impact Statement (FEIS) and other environmental review documents issued under SEQRA and CEQR are part of the administrative record for review by NPS under NEPA.

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) serves as liaison and contact for the NPS in matters pertaining to the conversion of parkland under Section 6(f) for the LWCF. OPRHP, upon final review of all documents assembled in compliance with NEPA, will forward the documents to NPS with recommendations as to their adequacy in form and content.

The scope of the environmental review to be undertaken by NPS pursuant to NEPA regarding the requested conversion of parkland is narrower than the scope of the environmental review undertaken by the NYCDPR and the New York City Planning Commission (CPC) pursuant to SEQRA and CEQR in connection with their respective approvals of the Yankee Stadium project. Thus, NPS's review is limited to determining whether the proposed conversion of a portion of Macomb's Dam Park and replacement with new parkland is in conformity with applicable federal law and assessing the potential environmental impacts of that determination.

A number of the public comments exceed the scope of NPS's review under NEPA and Section 6(f) of the Federal Land and Water Conservation Fund (LWCF). Nevertheless, this document considers all substantive comments received through the close of the public comment period. The persons who commented are listed below. Following the list of commenters is a summary of all substantive comments made and a response to each of those comments.

B. COMMENTERS

1. Environmental Defense, Good Jobs New York, Municipal Art Society, New York City Audubon, New Yorkers for Parks, New York League of Conservation Votes, NYPIRG Straphangers Campaign, Regional Plan Association, Riverkeeper, Sierra Club, and Tri-State Transportation Campaign, written submission dated March 22, 2006 (ED et al.)
2. New Yorkers for Parks, written submission by Christian DiPalermo dated April 3, 2006 (NY4P)
3. Pratt Center for Community Development, written submission by Joan Byron dated March 31, 2006 (Pratt)
4. Save Our Parks, written submission by Lukas Herbert dated April 1, 2006¹ and written submission by Lukas Herbert, Geoffrey Croft and Jeffrey S. Baker, dated April 3, 2006, (SOP)
5. Tri-State Transportation Campaign and Natural Resources Defense Council, written submission by Nancy Christensen and Rich Kassel dated April 3, 2006 (TTC/NRDC)
6. Anita Antonetty, written submission dated April 2, 2006 (Antonetty)
7. George Archer, written submission dated March 16, 2006 (Archer)
8. Karen Argenti, written submission dated April 3, 2006 (Argenti)
9. Kathleen Bakewell, written submission dated March 22, 2006 (Bakewell)
10. Stephanie Brancaforte, written submission dated March 16, 2006 (Brancaforte)
11. James Chase, written submission dated March 10, 2006 (Chase)
12. Tony Costa, written submission dated April 1, 2006 (Costa)
13. Pat De Angelis, written submission dated March 21, 2006 (De Angelis)
14. Yolanda Dickerson, written submission dated March 16, 2006 (Dickerson)
15. Joyce Hogi, written submission dated March 20, 2006 (Hogi)
16. Elizabeth Cooke Levy, written submission dated April 3, 2006 (Levy)
17. Shirley Moultrie, written submission dated March 4, 2006 (Moultrie)
18. Dania Reynoso, written submission dated March 16, 2006 (Reynoso)
19. Esther Rosa, written submission dated March 26, 2006 (Rosa)
20. Michael Schade, written submission dated March 27, 2006 (Schade)
21. Emil Solis, written submission dated March 23, 2006 (Solis)
22. Constance Thomas, written submission dated March 21, 2006 (Thomas)

¹ The “Unofficial Guide to the Yankee Stadium Draft Environmental Impact Statement (DEIS),” prepared by Lukas Herbert, November 1, 2005, was attached to this comment letter. All substantive comments in this attachment were previously submitted during the DEIS public comment period and responded to in the FEIS in Chapter 25, “Responses to Comments on the DEIS.”

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23. Form Letter, approximately 140 copies received, various dates (Form Letter)

**C. COMMENTS RECEIVED ON LWCF SECTION 6(F) AND NEPA
PROCESSES**

GENERAL COMMENTS

Comment 1: The City is not complying with federal regulations such as NEPA, Executive Order 12898, and others listed. If the City is going to hold a hearing at the federal level—say before the NPS—then that should be explained in the EIS, or it is invalid as it stands. (Argenti)

Response: The City of New York is not responsible for any NEPA review or compliance with Executive Order 12898. As the federal agency authorized to make the conversion determination under the LWCF, NPS is responsible for the environmental review process under NEPA. OPRHP/NPS have coordinated environmental review under NEPA throughout the SEQRA and CEQR review process. NPS is using the FEIS as its EA for its NEPA review. Appendix F of the EIS presents an environmental justice analysis in accordance with Executive Order 12898. NPS determined that the public participation process conducted on the EIS under SEQRA and CEQR satisfied its public participation requirements under NEPA. However, following NYCDPR's determination to approve the Alternative Park Plan rather than the proposed project described in the EIS, NPS decided to provide the additional 30-day comment period beginning March 3, 2006 and ending April 3, 2006.

**LWCF SECTION 6(F) COMPLIANCE—IDENTIFICATION OF SECTION 6(F)
PARCELS**

Comment 2: The City believes that the property to be substituted is the part that was improved with federal funds. Other states take the position that once a part of the park qualifies, it holds true for the entire park. That means both parts of Macomb's Dam Park have to be counted as a federal park that is to be substituted. (Argenti)

Response: 36 CFR 59.1 addresses LWCF Section 6(f) boundaries. The Section 6(f) boundary is based on a mutually agreed upon boundary between the State and NPS at the time of project completion. The boundary must encompass a viable outdoor recreation area and may incorporate only the portion of a park that benefited from LWCF assistance as long as that portion consists of a viable outdoor recreation area. In the case of Macomb's Dam Park, only a portion was improved with LWCF funds, and it was this portion that the State and NPS agreed would be included within the Section 6(f) boundary and subject to the conversion requirements. The Section 6(f) boundary for Macomb's Dam Park is

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a recreationally viable and geographically distinct block of the park bounded by East 161st and 162nd Streets on which the new stadium is to be located. This “conversion parcel” is reflected on the Section 6(f) boundary map filed with NPS at the time of the LWCF grant, a copy of which is annexed to this document as Attachment A. It is also reflected on Figures 4-1 through 4-3 in the FEIS.

Comment 3: The lands subject to the LWCF conversion application may be significantly larger than the area considered in the FEIS. Conversion and amendment requests to the NPS require providing the boundary maps of the Section 6(f)(3) of the LWCF area. NYCDPR and OPRHP must provide both the Section 6(f)(3) boundary maps and the project documentation approved by the Department of the Interior for those grants. The documentation and boundary maps for the original LWCF grants have not been provided. (SOP)

Response: As indicated in the response to Comment 2 above, the original Section 6(f) boundary for Macomb’s Dam Park encompassed a viable outdoor recreation area consistent with LWCF requirements. While the NPS does not require that copies of the original boundary maps and project documentation be included in the environmental assessment, the FEIS contains an accurate depiction of the Section 6(f) boundary for Macomb’s Dam Park in Figure 4-2. A copy of the original Section 6(f) map is annexed to this document as Attachment A. NPS will approve the Section 6(f) boundary maps in connection with the conversion determination and the new maps will be kept on file by NPS and NYCDPR.

Comment 4: The construction of privately operated, fee generating enclosed facilities on the conversion and substitute parcels is also specifically contrary to the requirements for LWCF conversion and amendments as set forth in the LWCF Manual. Section 675.9.3(D)(4) of the manual provides that any proposed structure on LWCF assisted land must be compatible and significantly supportive of the outdoor recreation resources of the site, whether existing or planned. The manual identifies uses that would not ordinarily be approved to include professional sports facilities. Construction of Yankee Stadium on LWCF lands is not a compatible activity and thus cannot be approved. (SOP)

Response: The Section of the LWCF Manual referenced in the comment sets forth restrictions on land that is to be used as replacement for converted parkland previously improved with LWCF funds. Under Section 6(f)’s conversion provisions, the converted parcel is no longer considered Section 6(f) parkland, whereas the replacement parcel(s) become Section 6(f) parkland. For the Yankee Stadium project, the parcel on which the new stadium is to be located is the conversion parcel, and therefore will no longer be Section 6(f) parkland. As such, it is not subject to the limitations set forth in LWCF Manual Section 675.9.3(D)(4). None of the replacement parcels (i.e., the site of the existing

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stadium, the new waterfront park site, or Ruppert Plaza), which will become the new Section 6(f) parkland, will contain any use identified in Section 675.9.3(D)(4), including a professional sports facility or any facility requiring membership or charging high user fees that will have the effect of excluding members of the public. On the contrary, the existing stadium site will be redeveloped as three ballfields that will be open and available to the public on the same conditions as are the existing ballfields in Macomb’s Dam Park. The waterfront site will contain the tennis concession that currently exists on the southern portion of John Mullaly Park. During the summer, the courts would operate as they do in all City parks—available to any player with a valid NYCDPR tennis permit. There are no New York City residency requirements for use of the tennis facilities. During the winter months, when outdoor courts are generally unplayable in the Northeast, a concessionaire will be licensed to erect a heated bubble structure over the courts and charge a modest fee for use of the indoor facilities. At all times, the open space areas and esplanade surrounding the courts will be open and free to the public.

Comment 5: The FEIS makes the following statement:

“A portion of the existing Yankee Stadium site, approximately 0.75 acres along East 157th Street, would not be mapped as parkland. This area would be reserved for future development that could accommodate other elements of the Borough President’s plan for the neighborhood as they develop. This area would contain passive open space until such future plans are implemented. This acreage (0.75 acres) is not included in the 8.9 acres of replacement parkland and recreational facilities on the existing stadium site.”

This 0.75-acre site is not shown on any of the site plan drawings in the FEIS, nor is it described in greater detail than the statement above. It is unclear where it will be located and why it will not lower the amount of acreage set aside for the replacement park on the former stadium site. If the DEIS stated that the entire former stadium site was 8.9 acres, using 0.75 acres from the same site would reduce the replacement parkland to 8.15 acres. Written responses to NYCDPR were made regarding the FEIS which raised this question. NYCDPR never responded with an answer to the public nor to those who raised this question in writing. (SOP)

Response: As stated in Chapter 1, “Project Description,” of the FEIS, the existing stadium sits on a site of just under 10 acres. The site in question, shown on Figures 4-1, 4-2, 4-8 and 4-10 in the FEIS and map No. 4 of the ULURP application, is a trapezoidal shaped, approximately 30,000 square-foot parcel located on the north side of East 157th Street, between River Avenue and East 153rd Street. The easterly edge of the parcel is located 116 feet west of River Avenue and its frontage extends approximately 348 feet westward from that point. The site is

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100 feet deep. As indicated on Figures 4-1, 4-2, 4-8 and 4-10 in the FEIS, this area is excluded from the replacement parcel. Therefore, the replacement acreage for this site is 8.9 acres instead of the acreage of the entire stadium site, which is 9.65 acres. This City-owned property, which is managed by NYCDPR, is not proposed to be mapped as parkland, has not been counted as parkland in any of the analyses in the FEIS, and is not offered as replacement parkland in the Section 6(f) process.

Comment 6: How can current land that the City already counts in their park inventory be used as “replacement parkland” as part of the LWCF parkland conversion equation. The response to Comment 71 in the FEIS disputes this claim by saying that the current stadium is not mapped parkland, but will be mapped after the parkland conversion. This response is merely semantics because land that is considered part of the City’s parkland acreage inventory is, in a sense, already part of the City’s parkland acreage. This issue should be resolved before the conversion is allowed to take place. (SOP)

Response: The City does not count the land beneath Yankee Stadium in its “park inventory.” The site of the existing stadium was acquired by the City as part of the 1975 renovation of the facility. Management of the stadium lease was assigned to NYCDPR at that time, but the site was never mapped as parkland, nor has it become dedicated as parkland through its use. This is the same for several of the existing Yankee Stadium parking lots and garages in the inventory of property managed by the NYCDPR.

LWCF SECTION 6(F) COMPLIANCE—ALTERNATIVES

The following comments on alternatives were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to Comments 145 through 152 in that chapter.

Comment 7: The proposed conversion plan fails to meet the Section 6(f) conversion requirements that all practical alternatives be evaluated. (Form Letter) The FEIS fails to study the obvious alternative of renovating the current stadium, which will eliminate the need for the parkland conversion. (TTC/NRDC, Costa, Moultrie, Hogi, Moultrie) The Yankees have not produced up-to-date estimates of the cost of renovation, nor engineering, or architectural assessments that confirm that renovation is not feasible due to size constraints of the existing stadium footprint. Therefore, a sound basis for rejecting renovation as a viable alternative has not been demonstrated. (NY4P) The environmental review documents quickly eliminate the most significant practical alternatives to the parkland conversion without much discussion, including rebuilding or renovating the stadium at its current location (SOP).

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The footprint of the old stadium can easily be expanded to accommodate the expansion of a new stadium. This practical alternative would have no negative impact on the LWCF improvements or on the surrounding community. However this alternative, along with others, were never explored in order to accommodate a particular Yankees stipulation. The Yankees organization has repeatedly stated they will lose revenue if they had to play elsewhere during the construction period. The deal between elected officials and the Yankees organization, which allows the team to stay at their present location during construction of their new stadium, has effectively eliminated any serious consideration of practical alternatives. (SOP, Antonetty, Form Letter)

Response: Chapter 22 of the FEIS considers several alternatives to the proposed project, including the renovation of the existing stadium, as well as the reconstruction of the stadium on the current site and on several other sites both within and outside the neighborhood.

Renovation of the existing stadium would fail to meet the goals and objectives of the project, because it would involve limited, primarily cosmetic changes and would not change the basic size, shape, or layout of the stadium. One of the project's major goals is to expand the stadium—i.e., to significantly change its size. The site on which the stadium stands is too small, and there is insufficient space within the existing stadium to accommodate the extensive needs and requirements for transforming it into a modern-day stadium. For the existing stadium to function properly and provide a comfortable experience for fans, players, and the press, a nearly 100 percent increase in public concourse and fan amenity areas would be required. This cannot be accomplished as a renovation, or with a few incremental changes. In fact, major demolition and reconstruction would be required for any meaningful expansion, because of the stadium's poured-in-place concrete structure.

Another critical goal for the project is to provide adequate parking to meet the stadium's existing demand. Therefore, this alternative would still require the creation of new parking garages to address the current inadequate number of spaces, similar to those proposed for the project, and therefore would continue to require the use of parkland for that purpose.

With respect to reconstruction, as described in Chapter 22 of the FEIS, to modernize the stadium and provide adequate area for pedestrian concourses, back-of-house operations, and improved facilities for fans, players, Yankees management and the media, the footprint would need to be expanded from 9.65 acres to 13.3 acres. To expand the stadium structure while retaining the field in its current location, in a way that would allow the construction of a full concourse around the playing field, a 65-foot-wide-ring around the existing stadium would have to be created. However, the stadium site is not large enough to accommodate this ring, because of the presence of East 161st Street, River

Avenue (and the No. 4 elevated subway), and East 157th Street. If, instead, the stadium were reconstructed on an expanded site that included Ruppert Place and Macomb's Dam Park, an expansion of the stadium's seating areas would extend into Macomb's Dam Park and East 157th Street, and potentially into East 161st Street. Therefore, reconstruction of the stadium on the existing site would require construction of a totally new stadium on a bigger site that would extend westward and require the use of Ruppert Place and a portion of Macomb's Dam Park adjacent to Ruppert Place.

As a result, Garage A could not be built in its proposed location. Thus, this alternative would either fail to provide adequate off-street parking, which is one of the stated goals of the project, or the required parking would have to be built on other parkland or on the waterfront, where it would result in unmitigable impacts that would not occur with the project. Locating non-essential program elements in nearby satellite buildings would not address the need to expand the patron and player areas in the existing stadium.

For these reasons and others described in Chapter 22 of the FEIS, the renovation and reconstruction alternatives are not feasible and would not meet the goals and objectives of the proposed project. Contrary to the comment's assertion, the economic feasibility or costs associated with these alternatives have not been identified in the EIS as the sole rationale for rejecting such options. Nonetheless, as discussed in Chapter 22 of the FEIS, relocation of the Yankees to Shea Stadium for a period of four years could be achieved only at great cost, consisting of not only the actual costs of relocation, but also costs related to lost revenue from team sponsors that could not be accommodated at Shea. In all probability, these increased costs would result in a substantial increase in the public sector contributions to the project.

Comment 8: The FEIS does not give adequate consideration to the on-site reconstruction alternative, where a new larger Yankee Stadium could be constructed on the site of the existing stadium and the Yankees would play at Shea stadium in the interim. There are many reasons why the alternative is feasible and it has not been adequately explored. First, while the FEIS claims that the construction of a new Shea stadium concurrently with the construction of Yankee stadium would exacerbate the temporary parking problems at Shea stadium, there is no information as to how the plans for Shea stadium were developed, its environmental review, or the ability of City and State agencies to coordinate the two projects to mitigate potential impacts. That is, there is insufficient information to determine the extent or alternative to those parking issues and whether they realistically present a problem. More importantly, the FEIS fails to recognize that both Yankee and Shea Stadiums are City-owned properties undergoing approvals by the same State and City agencies at the same time. Mitigation measures are available to alleviate any potential parking problems presented by sharing of the stadiums when the two are being constructed. (SOP)

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The FEIS provides absolutely no quantification of the additional costs or lost revenue that the Yankees will face if required to share Shea Stadium. There are simply conclusory statements that it will cost them money and it is not feasible. Without that information it is impossible to compare and balance the relative cost to the Yankees versus the cost to the community due to the lost recreational opportunities during construction, the permanent loss of scarce mature trees and the resulting fragmented parks. (SOP)

Response: As noted in the response to Comment 7 above, the alternatives considering renovation or reconstruction of Yankee Stadium on the existing site fail on their own terms for a variety of non-cost related reasons and would not meet the goals and objectives of the proposed project. As described in Chapter 22 of the FEIS and in the response to Comment 149 in the FEIS, having the Yankees play at Shea Stadium is not a feasible option for several reasons. Most importantly, the Mets are poised to build a new stadium next to the existing facility, and the existing stadium's use by two teams would greatly exacerbate the parking and open space impacts of the Shea Stadium project during its construction. Since renovation and reconstruction on the current site are not feasible alternatives, there is no need for a quantified analysis of the costs associated with the Yankees playing at Shea Stadium.

Comment 9: Among the many practicable alternatives is building south/west of the existing stadium. Depending on the configuration this could even allow the team to stay at the current site during construction. This alternative would require the use of a portion of the land currently set aside for the proposed Gateway Center at Bronx Terminal Market (BTM) project. (SOP)

The Gateway project was pushed under a separate ULURP application and environmental review as a way to severely limit the options for practicable alternative and to alienate the parkland. Both of these projects should have been considered under the same ULURP application and environmental review. The fact that the City is treating them as "separate unrelated projects" is not only inappropriate, but it has prevented the study of additional alternatives for the stadium relocation, and thus additional alternatives for LWCF parkland analysis. Therefore, for a true examination of practical alternatives to the proposed parkland conversion, both projects should have been combined into one EIS analysis as part of a comprehensive development plan for these two adjacent sites. (SOP)

Response: As stated in the response to Comment 16 in the FEIS, the Yankee Stadium and Gateway Center projects have different sponsors, different goals and objectives, different time tables, different CEQR lead agencies, and reflect two unrelated land uses. They are separate and independent projects. The cumulative impacts of both projects are addressed in both projects' EISs. As described in the FEIS

in response to Comment 16, these projects are incorporated into the document in the consideration of the future without the proposed project, or the “No Build” condition, so that the analysis of the proposed project considers the cumulative impacts of the project and other planned or proposed activities.

Chapter 22 of the FEIS also considered several alternative sites for the new stadium to the south and west of the existing stadium. The area directly south of Yankee Stadium, to which the comment refers, contains two City streets, one of which leads directly to the Major Deegan Expressway, and Yankee Stadium parking Garage 8. Any assemblage of land to accommodate a large enough footprint for the new stadium south of Garage 8 would have to bridge over either railroad tracks or the Major Deegan Expressway in order to provide appropriate acreage and access. For these reasons alone, this site is not a practical alternative. As described in the response to Comment 148 in the FEIS, other sites south of the existing stadium would require that existing or proposed parking facilities be replaced by the stadium structure, further exacerbating the present parking shortage, or necessitating the acquisition of private property to assemble a large enough site.

LWCF SECTION 6(F) COMPLIANCE—APPRAISAL OF FAIR MARKET VALUE

Comment 10: SOP and other members of the public have requested further information from NYCDPR and OPRHP to assist in their ability to comment on the application; however, those documents have not been provided and the persons requesting the documents have been directed to file requests under the Freedom of Information Law. The agencies have yet to release the information, much of which is integral to the ability to comment on the project under both NEPA and the LWCF. Given the lack of information the comment period must be held open until such time as the information is made available with adequate time for the public to review and comment thereon. (SOP, Costa)

Response: The referenced requests pursuant to the Freedom of Information Law (FOIL) (i.e., the appraisals demonstrating that the replacement parcels are of at least equivalent fair market value as the conversion parcel, and the boundary maps delineating the conversion and replacement parcels) will be processed in accordance with the requirements of FOIL. With respect to the comment’s assertions concerning the need for additional public review, as discussed in the response to Comment 1 above, in addition to the opportunities for public review and comment on the impact analyses presented in the EIS under SEQRA and CEQR, NPS has provided an additional 30-day comment period. Thus, the public has been afforded numerous opportunities to review and comment on the project’s potential environmental impacts. There are no public participation requirements under Section 6(f).

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Comment 11: While the appraisals of the fair market value of the conversion and replacement parcels may not have been required for SEQR or CEQR, they are required for the LWCF conversion to take place. Therefore, if the FEIS is to be used for the NEPA review for the LWCF conversion, the FEIS is not adequate since it does not address this issue. The FEIS was not clear as to who interested member of the public should apply to, to obtain copies of this appraisal in Response to Comment 70 in the FEIS. Since the release of the FEIS, it has later been found that no fair-market appraisal, in fact, exist. An appraisal was prepared by the Department of City Administrative Services (DCAS), but it was not done in accordance with the uniform Federal appraisal standards as required under LWCF. According to NYCDPR, the appraisal is being redone. Therefore, the above statement is inaccurate, which indicate that the FEIS should not used for this NEPA evaluation. Furthermore, when the fair market appraisal is finally complete, the public must be notified and have adequate time to respond to the appraisal. Another public comment period must then be scheduled. (SOP)

The public has not been given the opportunity to view the appraisals for the proposed conversion, thus making it impossible to comment on the aspect of the project. The new parkland has to be equal in market value and use and location. There is no market value study available to the decision maker—a fatal flaw in the EIS. (Argenti) The FEIS does not contain the actual appraised value of the parkland and the replacement parkland, it merely states, “An appraisal of the fair market value of both the portion of Maccomb’s Dam Park that would be utilized for the project, as well as that of the properties proposed for substitution has been conducted as part of the formal conversion proposal, to satisfy this requirement.” (TTC/NRDC, Hogi) In both its comments on the draft and final environmental impact statements for this project and New York State Freedom of Information Law request sent to the New York City Department of Parks and Recreation on February 2, 2006, TTC has requested copies of the appraisal documents. The agency has yet to submit any of the documents to TTC. (TTC/NRDC)

Response: See the response to Comment 70 in the FEIS. As indicated in that response, the appraisals of the fair market value of the conversion and replacement parcels are not required and were not conducted as part of the environmental review process conducted under SEQRA and CEQR. Nor are they a part of the NEPA review process. Rather, they are required under the Section 6(f) process and will be addressed by NPS.

**LWCF SECTION 6(F) COMPLIANCE—REASONABLE EQUIVALENT USEFULNESS
AND LOCATION**

The following comments were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to Comments 59, 61, 64, and 69 in that chapter.

Comment 12: Natural parkland will be replaced with synthetic and scattered replacement facilities. (TTC/NRDC, Brancarfote, Chase, Costa, De Angelis, Dickerson, Reynoso, Schade) The replacement playing fields, which will be located on the tops of multi-level parking garages, do not provide any of the environmental benefits of green space on the ground. They will not help to mitigate the microclimatic conditions created by the massive (and increased) paved areas, and the large volumes of traffic drawn by the stadium and transiting through on highways and local streets. Artificial turf surfaces on concrete slabs will not dissipate heat as natural grass does; on the contrary, these surfaces are likely to be so hot as to be unusable in the summer. (Pratt).

Response: The proposed synthetic turf athletic fields are not intended to be a green space replacement. They are a recreation space replacement. It should also be noted that of the five natural turf playing fields that will be displaced, three will be replaced as natural turf. Although it is true that in very hot weather the fields may themselves become very hot, the number of days the field may become uncomfortable is minimal compared with the number of days a grass field must be closed to properly maintain the natural turf. In fact, one of the benefits of synthetic turf is that it effectively extends the playing season by remaining useable immediately after (even during) severe weather events and into winter and spring when natural turf fields must be closed. Synthetic turf fields also have air quality benefits because they do not require regular mowing with gasoline-powered machinery.

NYCDPR has installed numerous synthetic turf fields around the City as of this date. These fields have proven extremely popular as a durable, high-quality playing surface and are much sought after as a replacement for asphalt or dirt playing fields. NYCDPR is also considering the use of a new synthetic turf product, “Astroturf-the new generation” that has a biocel polyurethane backing, which is an improvement over typical secondary backings. The fiber is tufted nylon without infill. This, along with the light colored, environmental backing, is expected to be considerably cooler than the typical black rubber infill products. In addition, as described in the FEIS in response to Comment 61, unlike previous turf, today’s artificial turf feels and plays like real grass, but has an advanced drainage system and requires far less maintenance. Fields using artificial turf can be used in any weather, require less maintenance, do not result in dust as is common on grass-covered playing fields, and last much longer than playing fields with grass. NYCDPR will consider specifying this new product for use on the proposed project. The Garage A rooftop will also contain deeper “pockets” of soil where trees and other horticultural elements can be planted, thus providing cooling shade for the area.

Comment 13: The plan prioritizes parking garages over parks. These new parking garages will actually be built on top of the community’s parkland. The plan calls for much of the replacement “parkland” to actually be constructed on top of the parking

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garages. Some of the replacement parkland is also going to be built over a mile away, and community residents will have to cross the Major Deegan Expressway to access it. Much of the replacement “parkland” for the 6(f) conversion is going on top of parking garage, and some of it is going to be built over a mile from its current location. Natural park space not only contains vegetation that improves air quality, but also helps attenuate the discharge of stormwater and raw sewage runoff—a multi-billion dollar, citywide problem to continue to destroy the Harbor’s water quality. (ED et al., TTC/NRDC, Costa, De Angelis, Dickerson, Reynoso, Schade)

Response: The LWCF Section 6(f) replacement parkland areas will not be located or developed over parking areas. All replacement parkland areas (the existing Yankee Stadium site, Ruppert Plaza, and the Harlem River waterfront tennis concession) will be located at or near sidewalk grade.

The comment wrongly describes the proposed parks as being “on top of parking garages.” Contrary to the vision of a park “in the air” that the comment suggests, the parkland to be situated atop Parking Garage A will be accessible from street level and up a short flight of stairs from Ruppert Plaza. Because Garage A is being constructed in a natural depression, it will actually bring this area of Macomb’s Dam Park up to grade, and is more properly depicted as a garage being constructed under a park than a park being constructed on top of a garage. This open space, which will sit atop two levels of below-grade parking, will be more easily accessible to park patrons than the existing, sunken fields, as visitors will be able to walk right on to the fields from surrounding sidewalks.

Importantly, there are numerous parks in New York City that are located on structure over various other types of non-park uses. Prominent examples include Carl Shurz Park, which is located above the FDR Drive, and Riverside Park, a portion of which is located over railroad tracks. Other examples include Battery Park, Bryant Park, Union Square, Lincoln Center, the United Nations campus and Riverbank State Park.

The remaining parkland will likewise be located at grade: on the site of the existing Yankee Stadium, on two surface parking lots, and at the BTM waterfront site. A total of 17.36 acres of the replacement parkland will be contiguous and located directly across East 161st Street from the parkland to be displaced for the new stadium. The small parks to be created on the two existing parking lots will be directly across River Avenue. The parkland to be created at the Bronx Terminal Market site will provide a new waterfront amenity. This parkland will be located approximately one-half mile away from the remaining replacement parkland, not “over a mile away” as the letter asserts. Although the Section 6(f) regulations explicitly state that “replacement property need not necessarily be located directly adjacent to or close by the converted site,” the replacement park facilities will be located in close proximity to the conversion

parcel. Access to this parkland will be available via an improved, ADA-compliant pedestrian bridge from the north, and along local streets from the east and south.

Finally, the parkland to be created on the site of the existing Yankee Stadium will consist of natural turf and landscaping, as will the passive park areas to be created around the tennis concession to be located at the waterfront park. The parkland above Parking Garage A will make use of artificial turf, which, as discussed in the response to Comment 12 above, is being used increasingly in parks throughout the City due to technological advances made in the material. It also provides a number of recreational and maintenance benefits over natural turf.

Comment 14: The applicants claim that the “park” above Parking Garage A would be accessible at grade level. An important distinction that is always left out of this statement is that the grade level accessibility would only be from the Macombs Dam Bridge approach—a roadway that nobody lives on, and a roadway that is higher in elevation than Ruppert Plaza and the replacement park on the former stadium site. Since this would require an elevation change where the two park areas meet, a continuous swath of parkland would not be created in a true sense since one would not be able to travel from one park area to the other without ascending stairs or an elevator to get to the roof of Parking Garage A. (SOP)

The proposed park atop Garage A would be above grade where it interfaces with Ruppert Plaza and the new “Heritage Field.” Parking Garage A will be above ground where it would approach the replacement parcel. The top of Parking Garage A would be the same elevation as the Macombs Dam Bridge Approach, which is substantially higher in elevation, meaning that the replacement park will be above grade at this location. Project renderings acknowledge this by showing a set of 13 stairs ascending to the park from Ruppert Plaza. If the spacing between the stairs is 8 inches, then the park will be at least 8.5 feet above the grade at Ruppert Plaza. Since the rendering is purely illustrative, the community could have any type of design treatment for the parking structure along Ruppert Plaza. This means there could easily be an 8.5 foot tall blank wall along the entire length of Ruppert Plaza. (SOP)

Response: As described in the FEIS, this park will be accessible via a short set of stairs and ADA-compliant ramps from the new pedestrian-only Ruppert Plaza and will be accessible at-grade from surrounding streets. Although not fully designed at this time, an ADA-compliant ramp will lead from the Garage 8 pedestrian bridge into Ruppert Plaza to provide access to the large central park area between East 157th and 161st Streets. The distance between the top of Garage A and Ruppert Place varies between zero at the center of Ruppert Place, 12.5 feet at the East 161st Street end, and 10.5 feet as Ruppert Place meets East 157th Street. Essentially, Ruppert Place has a crown at its midpoint and bows down to meet

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East 157th and 161st Streets. Where there is a grade separation between the park and Ruppert Place the intention is to create a landscaped berm. This zone will include horticultural plantings and may include a water feature. The area will not contain a blank wall, but will unify the parkland on both sides of Ruppert Plaza. The two sections of park flanking Ruppert Plaza will function together as an integrated whole. See also the response to Comment 13, above.

Comment 15: While the environmental review documents and project supporters are quick to note that the proposed replacement parcels are greater in combined acreage than the conversion parcel, the community has responded repeatedly that the replacement parcels would not provide the same level of usefulness and location as the conversion parcel, due to the fragmented locations of the replacement parcels and their inability to replace the desirable parkland features of the conversion parcel. The conversion parcel has a number of advantages due to its location in the center of the local community. Since it is north of the existing Yankee Stadium, it serves as a buffer between the stadium and the nearby residential area—providing open, green space between these homes and the crowds, noise and light associated with the stadium. The former stadium site replacement parcel would fail to serve as a buffer area for the proposed stadium in the same way that the conversion parcel functions as a buffer area for many of the residential buildings in the neighborhood. The replacement parcel would only act as a buffer for the residential buildings located east of River Avenue below 161st Street—a far lesser number of residential units than those which abut or are near the conversion parcel. (SOP, Antonetty)

Response: As described in the FEIS in Chapter 4, “Open Space and Recreation,” as well as in the response to Comment 69 in the FEIS, the replacement facilities would be of reasonably equivalent usefulness and location as the converted property. The replacement facilities would be an improvement over the existing park facilities in terms of size, amenity, and quality. The proposed project would not only replace the lost recreation fields, but would invest \$120 million to create parks that would offer more recreation, last longer, and would be as great an asset to the community as is the existing park. This amount represents a significant—more than 80 percent—increase in capital investment in the Bronx’s park system when compared to recent years. Comprehensive capital investments of this kind in a single park are extremely uncommon and represent a substantial investment in and benefit to the neighborhood.

In response to community concerns and comments on the DEIS indicating a desire for more ballfields in immediate proximity to East 161st Street and concern about the visual effect of the elevated tennis concession originally proposed atop parking Garage C, NYCDPR revised the park plan to develop three ballfields at the site of the existing Yankee Stadium and locate the tennis concession at the proposed waterfront park. As part of the proposed project, a

new, 17.4-acre “central park” would be created south of East 161st Street that would contain all of the recreational facilities currently located in Macomb’s Dam Park, along with two additional basketball courts, and two brand new playgrounds. Contrary to the assertion in the comment, these replacement facilities would not be “fragmented.”

The proposed project will also create a new 5.1-acre waterfront park and tennis center along the Harlem River. This waterfront park will connect directly into an additional 2-acre open space park to be created in conjunction with the Gateway Center at Bronx Terminal Market. Thus, there will be a contiguous 7-acre park along the waterfront in the future.

Comment 16: Since some of the waterfront parcel was originally planned to be a waterfront esplanade as part of another development (Gateway) it would seem inappropriate to use the entire park parcel as a replacement parcel since a portion of it was promised to the community in the first place. (SOP)

Response: The Bronx Terminal Market development (Gateway Center) project, as approved, contains no retail development or park use west of Exterior Street. The Gateway Center project originally proposed a retail building and esplanade on the replacement parcel as well as an approximately two-acre public open space to the south of the proposed replacement parcel. The approved plan for the Gateway Center project does not include the esplanade or retail building to the west of Exterior Street. The decision to focus that project on the land east of Exterior Street was made based on planning for that project.

The two-acre parcel to the south of the replacement parcel remains slated to become a public park space. However, this land is located to the south of, and therefore not included in, the 5.11-acre parcel identified as part of the replacement park program associated with the Yankee Stadium project. The 5.11-acre parcel associated with the Yankee Stadium project and the 2-acre open space associated with the Gateway project will in combination yield approximately 7 acres of contiguous waterfront parkland in the future.

Comment 17: In terms of the tennis courts proposed in the “Alternative Park Plan” proposal, equivalent usefulness would certainly not be achieved due to fact that the replacement amenities would be operated as part of a private concession where exorbitant fees would likely be charged—between \$34 and \$64 per hour. This would effectively act as a barrier, preventing many local residents from using this facility since many do not have the available income to afford these fees. Under the “Alternative Park Plan” the conversion parcel—a freely accessible track, soccer field and ballfield with no user fees charged—would be replaced, in part, by a tennis facility which is cost prohibitive to most local residents. (SOP) As proposed, 90 percent of the new waterfront park will be a private pay-to-play concession. (Form Letter)

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Response: This comment is incorrect. First, it is important to note that there is no requirement under Section 6(f) or its implementing regulations that the identical recreational programming located on a conversion parcel be replaced in kind on the replacement parcel(s). Under the approved Alternative Park Plan, all of the freely accessible activities located on the conversion parcel (i.e., the ballfields, running track, and soccer field) located on the conversion parcel would be replaced immediately across East 161st Street and would remain free to the public as they currently are. These activities—together with two additional ballfields, basketball and handball courts and other amenities—would be located within a single integrated park consisting of one of the replacement parcels (the site of the existing stadium) and a non-replacement parcel (the Garage A site).

The tennis center currently located within John Mullaly Park would be relocated to the other conversion parcel—the waterfront park—and would operate there under the same conditions as it does today. During the summer, the courts would operate as they do in all City parks—available to any player with a valid NYCDPR tennis permit. There are no New York City residency requirements for use of the tennis facilities. During the winter months, when outdoor courts are generally unplayable in the Northeast, a concessionaire will be licensed to erect a heated bubble structure over the courts and charge a fee for use of the indoor facilities. Contrary to the assertions of the comment, the fees charged during the winter would not be “exorbitant.” NYCDPR regulates the fees charged by its concessionaires and has traditionally kept these fees below market rate. NYCDPR also typically requires that the concessionaire provide some free and/or low cost court times to groups that provide programs for children of low-income families. As addressed in the response to Comment 4 above, this use is consistent with the provisions of the LWCF Manual. Therefore, the replacement parcels (i.e., the existing stadium site and the new waterfront park) would be of reasonably equivalent recreational usefulness in compliance with the Section 6(f) regulations.

Comment 18: The replacement parks are not as accessible to local residents as the conversion parcel. The proposed tennis facility is designed to be more accessible by vehicles from the highway than to local residents coming by foot; it will be built across a major highway and Metro-North train tracks. (Levy, Hogi, Moultrie, Dickerson, Antonetty, Costa) The waterfront parcel, specifically designated as a replacement parcel under Section 6(f) is about ½-mile away from Macombs Dam Park on the other side of the Major Deegan Expressway, making it difficult for the community to access it. (TTC/NRDC, Antonetty, Costa, De Angelis, Dickerson, Reynoso, Schade, Form Letter)

Response: It is incorrect to assert that the replacement facilities are not as accessible as the conversion parcel. As described in the FEIS in the response to Comment 69, the Alternative Park Plan would create a unified 17.36-acre park area south of East

161st Street that would contain all of the recreational facilities currently located on the conversion parcel, along with two additional basketball courts, and two brand-new playgrounds. By locating the tennis concession on the waterfront parcel and converting the existing Yankee Stadium site into three natural turf ballfields, the proposed project would replace both ballfields currently located on the Section 6(f) conversion parcel across East 161st Street on a replacement parcel.

The tennis concession is expected to draw from a wider area than the local neighborhood it serves now, and, in fact, parking will be provided to accommodate those who choose to drive to the facility. As described in the FEIS in the response to Comment 74, the existing pedestrian bridge at East 157th Street would be improved as part of the project to make it ADA-compliant and would provide year-round access to the waterfront parkland. The pedestrian bridge would also be extended to connect with the new parkland north of East 157th Street. The waterfront park would also be accessible via Exterior Street, through new pedestrian connections created within the Bronx Terminal Market retail development, and from the accessible on-site parking area. Although the Section 6(f) regulations explicitly state that “replacement property need not necessarily be located directly adjacent to or close by the converted site,” the replacement park facilities would be located in close proximity to the conversion parcel.

Also as noted in the FEIS, for the first time, people in this section of the Bronx would have recreational waterfront access and a waterfront park. The replacement parcel would be adjacent to a new NYCDPR park to be built concurrently, so that the improvement in access to the waterfront would be substantial. By definition, this new amenity must be located at the waterfront.

Comment 19: The applications have consistently downplayed the accurate distance the public would have to travel to access the new tennis concession by providing figures that measure the shortest distance from the proposed conversion parcel to the replacement facilities. The proposed waterfront parcel is a mile away from other portions of the conversion parcel. They also do not factor in the circuitous route needed to access the property. The waterfront replacement parcel would be separated from residential areas by an elevated expressway and commuter rail tracks. The existing pedestrian bridge at East 157th Street that provides access to the waterfront parcel does not meet the standards of the Americans with Disabilities Act (ADA), and the DEIS does not clearly state whether the bridge would be modified to meet these standards. After crossing the bridge residents would then have to walk through a parking lot while crossing underneath an elevated expressway and several expressway ramps. Getting to the park parcel in this manner would be more than three-quarters of a mile from the conversion parcel. Residents could also access this parcel by a more circuitous route to the south that would require passage below an elevated expressway and along

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Exterior Street, which is to be re-named Gateway Center Drive and will be the main vehicular entryway for a large retail and hotel development, with high traffic volumes. Using either route of access, it will be much harder for the majority of neighborhood residents to access this replacement parkland. Barriers to persons with disabilities as well as the barriers of increased walking distances will likely mean that this park parcel will not see the same level of usage as the carefully planned conversion parcel. This can hardly be considered “generally equivalent.” (SOP, Antonetty, Costa, Reynoso, Schade)

Response: See the response to Comment 18, above. LWCF Section 6(f) regulations explicitly state that “replacement property need not necessarily be located directly adjacent to or close by the converted site.” The FEIS accurately states that all of the Section 6(f) replacement parkland would be located within ½-mile of the LWCF converted parkland. The distance between the waterfront parcel and the Macomb’s Dam Park LWCF conversion parcel, as measured from the center of both parcels, is approximately 2,640 feet (½-mile). It is possible that the comment measures the distance between the waterfront parcel and a point within John Mullaly Park, however, John Mullaly Park is not a LWCF conversion parcel.

Comment 20: The proposed replacement parkland is not “of reasonably equivalent usefulness and location.” The existing Yankee Stadium conversion parcel would be of equivalent usefulness to the community in the sense that it would provide new playing fields where playing fields are taken away. However, the site would not be located next to John Mullaly Park, so it would not form the continuous swath of parkland that is currently available today—a “central park” within the community. It would be replaced instead with “park features” which will be built using artificial materials and constructed atop that garage. Claims that the proposed project would create a new “central park” for the neighborhood are essentially misleading since the neighborhood already has a “central park” and the proposed project would basically break that park apart. (SOP, Antonetty, Costa, De Angelis, Reynoso, Schade)

Response: As described in the FEIS, the project would replace one “central park” with another. The new stadium would create greater separation between the southern boundary of John Mullaly Park and the public recreational facilities within Macomb’s Dam Park (beginning on the south side of East 161st Street). However, all of the athletic fields contained within the conversion parcel would be replaced within a single replacement park, along with two other ballfields, two playgrounds, and two basketball courts, thus creating a new “central park.” The new central park would be across the street from its present location. It is unclear what the comment means in stating that the new site would contain only “park features.” The conversion parcel contains two grass ballfields, a running track and grass soccer field surrounded by a canopy of trees. The new central

park will contain three natural grass ballfields, a synthetic turf ballfield, a track and a synthetic turf soccer field. The site will also contain trees, lawns, benches, and fountains. It will be every bit as much a park as the conversion parcel.

Comment 21: The proposed “Alternative Park Plan” shows Ruppert Plaza (a “passive recreational facility”) to contain a large ramp connecting an existing pedestrian bridge to ground level. This would presumably leave a lower amount of acreage that could be used for “passive recreational purposes” unless it is intended for people to passively recreate on the ramp. This ramp also indicates that it will be more of a transportation route than a park. In terms of passive or active recreation, Ruppert Plaza will not achieve the same level of use as an existing green open space since it will have to be designed for high-level pedestrian volumes (i.e. paved surfaces) and it will be immediately adjacent to Parking Garage A along its entire length. Ruppert Plaza will also be further away from most residential dwellings than the conversion parcel. (SOP)

Response: Although not fully designed at this time, an ADA-compliant ramp will lead from the Garage 8 pedestrian bridge into the Section 6(f) replacement parcel Ruppert Plaza to provide access to the large, central park area between East 157th and 161st Streets. The FEIS makes clear that Ruppert Plaza would be an important pedestrian way, bringing people to and from the stadium on game days. This use of the plaza would occur for approximately a two-hour period before and after the 81 Yankee home games. During all other times, Ruppert Plaza would function as any other pedestrian path in a park. As described in the FEIS, Ruppert Plaza would be an important recreational element that would serve to integrate the proposed parkland, providing a link between Heritage Park and the park facilities located on Garage A. The design of Ruppert Plaza would include significant landscaping, including shaded areas and passive park amenities, such as benches, resting areas, and pedestrian walkways.

Comment 22: An examination reveals that all 11.2 acres of the conversion parcel are free and accessible active recreation parkland. However, only 8.9 acres of the replacement parkland will be in this category when you account for the 5.11 acres of parkland that would offer recreational facilities with a fee (i.e., the waterfront parcel in the “Alternative Park Plan”). (SOP)

Response: See the responses to Comments 4 and 17, above. As indicated in those responses, the tennis facilities to be located on the waterfront park parcel would—like all such facilities operated in City parks—be free of charge during the summer with a permit. A modest fee to play in an enclosed, heated space would be charged by the concessionaire during the winter months, but would not have the effect of excluding members of the public. All of the activities to be provided on the integrated park that will include the other replacement parcel

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and be located immediately across East 161st Street from the conversion parcel would be free of charge.

Comment 23: Replacement facilities will not be of equal usefulness. The FEIS says that the parks on the roofs on new garages will be closed to the public on “event” days for security reasons. These security concerns are likely to make the garage-top facilities less accessible to the public. (Pratt, Levy).

Response: As stated in the response to Comment 67 in the FEIS, it is the City’s intention to eliminate or limit the closure of parks for pre-game staging and security operations by the NYPD. The new stadium would include a police command center and staging area, which would provide the opportunity for the police to internalize many of their pre-game functions currently conducted in parks adjacent to the stadium, and the presence of the 60,000-square-foot plaza in front of the stadium would also facilitate keeping NYPD functions on site. NYPD would, however, retain discretion to utilize parkland for security-related operations on an as-needed basis.

Comment 24: Replacement facilities will not have equal usefulness value as they will not contain the same number of mature trees as the existing parks (TTC/NRDC, SOP). The construction would destroy 400 mature trees in Macomb’s Dam and John Mullaly Parks, which provides air quality benefits to a community that suffers from one of the highest asthma rates (TTC/NRDC, SOP, Antonetty, Brancaforte, Reynoso, Chase, Form Letter). The FEIS acknowledges it is impossible to replace them (or plant their equivalent) in the South Bronx. (Levy, Dickerson) The FEIS notes that the replacement trees will not reach maturity for 15 to 20 years and even at that point will not equal the current size of the trees that will be lost. The tree mitigation plan will not come close to mitigating the highly destructive impact that this will have on the community. (SOP) The loss of mature trees cannot be compensated by the planting of larger number of smaller trees. As a number of critics have noted, there will not be sufficient street and park space in the new design to accommodate the proposed replacement trees, so many will have to be placed in locations where they will not benefit the local environmental at all. Survival rates for the replacement trees are likely to be low. (Pratt)

Response: As analyzed in the FEIS, the tree replacement program associated with the proposed project would not have any significant adverse impacts on natural resources, because they would be replaced by trees of an equivalent ecological value. As described in the FEIS in the response to Comment 89, NYCDPR will compensate for the loss of trees displaced by the new stadium by replanting in accordance with its stringent tree replacement policy. This means that the proposed project would result in the planting of a quantity of trees ranging between 8,356 trees of a 3½-inch caliper and 29,248 trees of a 2-inch caliper

throughout the area, creating greener streets and replacing the collective environmental function of what is lost. NYCDPR's tree replacement program is intended to replace the environmental functions of trees that are lost at the time the new trees are planted. While the agency is not aware of any confirmed statistics concerning tree survival rates in New York City, it should be noted that NYCDPR obtains a two-year replacement guarantee within its tree planting contracts. This guarantee covers the critical period of establishment, or acclimatization, after which most trees survive for extended periods. While some may inevitably die, most trees survive and grow in size and capacity to improve air quality. As discussed in the response to Comment 54 below, over time, the environmental benefits provided by the replacement trees are therefore expected to surpass those of the trees that are removed.

Comment 25: The proposed replacement ballfields with artificial turf on parking garage roofs are not parks of equal value; and the FEIS does not say if there will be enough soil on the garage roofs to support large shade trees or other natural features. In public hearings, NYCDPR provided a false comparison saying the proposed roof-top parks will be like other parks over public facilities, like Bryant Park and Riverside Park. The comparison highlights the discriminatory nature of the proposal; those parks have many, many feet of soil as a buffer over the facility below and the soil is sufficient to support large trees and other natural landscaping features. When you are in those parks, you cannot tell that there is a tunnel of space far below. (Levy, Moultrie, Dickerson)

Response: The comment incorrectly asserts that rooftop open spaces such as Bryant and Riverside Parks have many feet of soil that allow for large trees. In fact, these parks do not contain substantial horticultural elements over the roofs of the structures below—hence the Bryant Park Lawn and grass-only medians of the Riverside Park Promenade. It is the off-structure landscapes that surround these areas that provide a setting for large trees. The intended program for the park atop Garage A is primarily athletic—it must support a track, soccer field, softball field, and basketball courts. These types of features necessarily require open, obstacle-free space (it is for this reason that the existing conversion parcel at Macomb's Dam Park is largely tree-less, except for the perimeter of the site). As depicted on the plans included within the EIS, NYCDPR intends to incorporate trees within the interstitial spaces between the playing fields. This will be achieved by creating pockets within the roof structure to support deeper zones of soil that will allow the new trees to achieve a considerable size. Furthermore, it is not the goal of this project to replicate the setting of the conversion parcel, but rather to surpass its usefulness. The proposed project, which replaces all of the displaced playing fields and which would add new recreation facilities, create waterfront access and plant thousands of new trees will achieve this goal.

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Comment 26: Another factor affecting the ability of the replacement parcels to provide equivalent usefulness to the conversion parcel is the timing of the replacement parkland's availability. Although the conversion parcel would no longer be available for public use as soon as construction begins on the new stadium, the replacement parcels would not be available for public use until substantially later. Of particular concern is the loss of the soccer and baseball fields. The FEIS states that space may be available at fields elsewhere in the City for the community and schools to use. However, those alternative facilities have not been identified and their current capacity has not been considered. (SOP)

Response: The timing of the replacement parkland's availability is not a criterion for consideration under Section 6(f) or its implementing regulations. In fact, in certain circumstances, the Section 6(f) Manual allows for the approval of a conversion where the replacement parcel(s) have not yet been identified. Nonetheless, in the case of the proposed project, the replacement parcels have been identified and every effort has been made to ensure that they will be available for use by the community as quickly as possible after the conversion parcel is taken out of use. As described in the FEIS, a construction schedule has been developed that would minimize, to the maximum extent practicable, the time that recreational facilities would be unavailable. The first component of this effort will be the construction of an interim playing field and running track on the site of Yankee Stadium Parking Lot No. 1. This could include a replacement running course for neighborhood runners and fitness walkers and would also provide a replacement for the Little Yankee Playing Fields after they are taken out of commission at the end 2006. NYCDPR may also delay the construction of the proposed tennis courts along the Harlem River so that it can provide temporary baseball fields until the full build-out of the permanent fields on the site of the existing stadium. Together, these measures will insure that some local playing fields will be available throughout the construction period. NYCDPR has already met with groups that currently use the fields at Macomb's Dam Park and has pledged to help find alternative sites for each of the teams at other existing park facilities in the area. While some teams may need to travel further to access these facilities, NYCDPR intends to give priority to the youngest players for use of the closest fields. The majority of the replacement facilities would be fully operational by the time the new stadium opens in 2009, and all would be on line by the end of 2010.

Comment 27: In none of the cases cited in the response to Comment 61 in the FEIS is a majority of local parkland being replaced and put on top of parking. This project would take away Macombs Dam Park and John Mullaly Park and give them back to the community in an altered and inferior state several years later, which is not the same. As for Union Square and Bryant Parks, they may be above structures, but few people know about it. However, with the proposed project,

everyone will know they are above parking since people will be able to see the cars coming in and out and they will be elevated above grade in certain places. This is not an equivalent situation to Union Square or Bryant Parks. (SOP)

Response: The structured open space atop Garage A is not replacement parkland under the LWCF Section 6(f) process. Rather, it hosts one portion of the replacement recreation program—namely the track and field. All of the replacement parkland is on “terra firma,” as are the replacement ballfields. The assertion that few people realize that Union Square and Bryant Park are situated on rooftops (particularly when subway entrances to the station below Union Square surround the park and both parks are elevated over retaining walls) is a tribute to the excellent design for the facilities. NYCDPR also intends to set a high standard of the design of the park atop Garage A. This design will minimize the visibility of the garage function below, such that park users would only see vehicles entering and exiting the garage at two locations—East 157th Street and the Macomb’s Dam Bridge Approach. As discussed above in the responses to Comments 15, 20, and 24, the replacement park program will create high-quality park facilities that offer more recreation, will last longer, and will be as great an asset to the community as the existing park.

LWCF SECTION 6(F) COMPLIANCE—CONSISTENCY WITH THE STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (SCORP)

The following comments were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to Comments 55, 72, and 76 in that chapter.

Comment 28: Page 2-19 of the SCORP talks about how “parks can serve as community centers” and references a study that suggests that parks be integrated into the community in which they are located. The means to accomplish this include community involvement and linking buildings to the park around it. The proposed replacement parcels clearly do not accomplish these aims since the parcels would be further away from residential buildings than the conversion parcel, and in one case, far removed from residential buildings. Thus the conversion parcel has a better sense of “linkage” to local buildings than the replacement parcels.

In addition, the local community has not been properly informed of these plans and their ramifications. There have not been numerous meetings with the community and the Community Board to help form the direction of the project. All of the public meeting transcripts for this project can also add further to the evidence that nobody in the community has been involved with the formulation of the parkland replacement. (SOP)

Response: As described in the FEIS in the response to Comment 72, NYCDPR would construct replacement park facilities of equal or greater value in close proximity to the existing facilities that would be affected. The new waterfront park would

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be in proximity to open space being proposed as part of the Gateway Center project and would open up a portion of the Harlem River waterfront to Highbridge and Concourse Village residents for the first time.

As described in detail in the FEIS response to Comment 1 and in response to Comment 48 below, there have been numerous meetings with members of the community, the Community Board, and elected officials over the past two years, which have informed the direction of the project. In fact, CPC adopted the Alternative Park Plan that was introduced in response to community comments following publication of the DEIS and was fully analyzed in the FEIS. The New York City Council also approved the Alternative Park Plan.

Comment 29: Page 3-102 of SCORP contains a section on how recreation and open space are important elements in maintaining and improving the quality of life an area can offer. By taking the conversion parcel, which is a contiguous parcel directly adjacent or near a large number of residential buildings, and substituting it for three separate parcels, none of which have the qualities of the conversion parcel—and one of which is located a sizable distance away, separated by a number of barriers, it is envisioned that the net quality of life in the immediate area would be actually be reduced by the project, not increased.

If the proposal goes forward as envisioned, a new 14-story stadium structure would be constructed immediately adjacent to a number of large apartment buildings which currently have the conversion parcel as a buffer between them and the stadium. This could effectively serve to blight these buildings since they would, under the proposed scenario, have to contend with a large, hulking street-wall across from them, as well as lights, noise and crowds during game times. It is obvious that this could negatively affect property values in these buildings. Since at least one of these buildings are New York City Landmarks, if it were to be blighted, and perhaps abandoned, repairs to the building would be harder to make due to the added expense of the landmark status of the building. It could also not be easily torn down due to the landmark status. (SOP, Antonetty)

Response: As a result of the proposed project, the City would invest \$120 million to create high-quality parks in the neighborhood. As discussed above in the response to Comment 20, the new stadium would create greater separation between the southern boundary of John Mullaly Park and the public facilities of Macomb's Dam Park. However, all of the athletic fields contained within the conversion parcel would be replaced within a single replacement park, along with two other ballfields, two playgrounds, and two basketball courts, thus creating a new "central park." With respect to the comment regarding quality of life concerns, the EIS includes an analysis of a combination of factors that help define a community, including land use, scale and type of development, historic features,

patterns and volumes of traffic, noise levels, and other physical or social characteristics. That chapter concludes that overall the proposed project would not result in significant adverse impacts to neighborhood character in the surrounding area.

As described in the FEIS in response to Comment 55, the EIS includes a discussion of effects on property values so as to consider whether the project is likely to result in rising property values that could indirectly result in displacement of residential tenants, who would no longer be able to afford their rent. The chapter concludes that such an effect is not expected to occur. It identifies three buildings immediately adjacent to the site of the proposed stadium where some lowering of property values could occur. The chapter then notes that even if the proposed project would reduce the value of these three buildings, they represent only a small number of the roughly 27,000 residential units within the ½-mile study area, and this potential change would not offset positive trends in the study area, impede efforts to attract investment to the area, or create a climate for disinvestment.

Comment 30: Section 2 of the SCORP contains a quantitative analysis of recreational needs broken down by county. According to this chart, Bronx County is the one of the neediest counties in the state, with heavily used sites that must be shared amongst a large population. It goes against reason to substitute a contiguous parcel of parkland that is immediately adjacent to the local community with three separate parcels that are further away, and in one case, separated by substantial distance and physical barriers. Proposed park conversion will leave the community without a park replacement for almost five years, with inadequate mitigation proposed during that period. (SOP, Hogi)

Response: As discussed in the FEIS in the response to Comment 72, consistent with the SCORP, the recreational usefulness of the replacement facilities would be of equivalent or greater usefulness to the existing facilities. Although all three replacement parcels are not adjacent to each other, as part of both the proposed and alternative park plans, a unified 17.36-acre park area would be created south of East 161st Street, one block south of the existing facilities. The proposed project would replace all the recreational facilities currently located on the Section 6(f) conversion parcel at this unified park. Although the existing stadium site cannot be developed with replacement recreational facilities until the proposed stadium is completed and operational, the majority of recreational facilities would be replaced within two to three years of displacement, and interim facilities would be provided. See also the responses to Comments 13 and 15, above.

Comment 31: Section 3 of the SCORP details how ADA guidelines play a role in the development of the park and recreational facilities. Specifically, the following

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goal is stated, “Improve the level of access to parks, historic sites, and open space areas to persons with disabilities,” By locating one of the replacement parcels on the waterfront, where it can only be accessed by a pedestrian bridge that is not compliant with ADA or by a highly circuitous route along high-traffic streets, the proposed park conversion will effectively reduce the level of access for persons with disabilities, not improve it. (SOP, Costa, Hogi).

Response: As discussed in the response to Comment 72 in the FEIS and in the response to Comment 18 above, pedestrian access to the Harlem River waterfront parcel would be available via the existing pedestrian bridge from East 157th Street, which would be improved and made ADA-compliant by the proposed project. The pedestrian bridge would be extended to connect with the new parkland north of East 157th Street. The waterfront park would also be accessible via Exterior Street, through new pedestrian connections created within the Gateway Center retail development, and from the accessible on-site parking area.

Comment 32: The proposed parkland conversion is not in compliance with the SCORP. While the City would invest \$120 million to create the new parks as part of this proposal, we note that \$6 million is already programmed to rehabilitate the existing parks as part of the Van Cortlandt water filtration plant agreement. The Community may lose this money as part of the proposal. \$6 million to rehabilitate existing parks to meet the demand of the community is certainly a better deal than spending \$120 million to build parks that the community does not want. (SOP)

Response: As described in the response to Comment 76 in the FEIS, the City originally earmarked \$6 million from funding associated with the Croton filtration plant for capital improvements to Macomb’s Dam Park north of East 161st Street. Because this is the site of the proposed stadium and because the resulting replacement parks would be brand-new and built at a cost of \$120 million funded out of a separate City capital allocation, the Croton funds would be re-programmed. However, NYCDPR has secured an agreement with the delegation of Bronx elected representatives that these funds will be re-programmed for improvements at John Mullaly Park. Mayor Bloomberg has also agreed to provide an additional \$2 million in capital funding for improvements to John Mullaly and/or other local parks such as Franz Siegel or Joyce Kilmer Parks.

OPEN SPACE—GENERAL COMMENTS

Comment 33: The analysis in the FEIS regarding the quality, location and character of the replacement park facilities misstates the nature and effect of the loss of the parkland. What is significantly missing is the characterization of the vegetation and tree cover that will be lost and effectively not replaced by substitute parks. (SOP)

Response: As discussed in Chapter 9, “Natural Resources,” of the FEIS, the existing shade trees provide benefits in terms of shade, soil stabilization, and aesthetics, and would be preserved where possible. One hundred and sixty-five mature trees would be retained within the project area, primarily along Jerome Avenue and East 164th Street. These trees would continue to provide benefits and aesthetic value during and following construction of the proposed project. To negate the loss of any ecological function associated with the removal of trees, NYCDPR would require the replanting of trees in accordance with the NYCDPR basal area tree replacement formula. The basal area of the trees removed would be replaced with trees of a size totaling an equal basal area. This would result in the planting of a quantity of trees ranging between 8,356 trees of a 3½-inch caliper and 29,248 trees of a 2-inch caliper.

Comment 34: There are many seniors who find it very difficult getting around without stopping to rest in between our travel. Park benches are very helpful. (Thomas)

Response: The park replacement facilities will include standard park amenities such as benches, drinking fountains, and lighting that create a pedestrian-friendly and comfortable public open space environment. These standard park elements will be provided throughout the site of the existing stadium, Ruppert Plaza, the facilities to be located on top of Garage A, and at the waterfront.

Comment 35: The response to Comment 29 in the FEIS states, “The renderings of the project provided in the DEIS and FEIS and in the presentation at the public hearing are illustrative renderings that are not intended to depict the exact appearance of the project once completed. Rather, it is intended to convey a sense of how the park would appear at some point in the future.” If the renderings do not intend to depict what a proposed project would look like, what are they doing in the environmental review documents, which are the public record of the project? In addition to the rendering of Heritage Field showing 60 or 70 year old trees, we also note the rendering of the proposed “park” atop Garage A shows full grown mature trees, which is near impossible to do atop a parking structure since there would insufficient room for the root ball for such a tree. Despite these issues, the renderings exhibition these features continue to be shown. (SOP)

Response: Illustrative renderings are meant to depict all of the components of the proposed project, and are not necessarily meant to represent the project at the moment of completion. With respect to the rendering of the proposed park above Garage A, the Garage A rooftop will contain deeper “pockets” of soil where trees and other horticultural elements can be planted.

Comment 36: The historic integrity of the local parks will be destroyed by this action. The proposed conversion will destroy an important public work done by John

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Mullaly (1835–1911), the namesake of the park and also known as the "father" of Bronx parks. (SOP)

Response: As discussed in the response to Comment 75 in the FEIS, although John Mullaly Park and the Joseph J. Yancey, Jr. track in Maccomb’s Dam Park are important features within the community, these open space resources are not historic resources recognized by the State Historic Preservation Officer (SHPO) or the New York City Landmarks Preservation Commission (LPC). Although the proposed project would result in the replacement of a number of recreational facilities—including the track—located within these two parks, all of John Mullaly Park north of East 164th Street would be preserved and available for use, both during and following construction. The preserved area includes the Mullaly Recreation Center, skateboard park, and playground. The track would be replaced and located across the street to the south of East 161st Street, serving the same community. It is NYCDPR’s intention to name the new track to be developed by the proposed project “Joseph J. Yancey, Jr. Track,” as it is currently named.

HISTORIC RESOURCES

The following comments were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to Comments 78 and 79 in that chapter.

Comment 37: The impacts to the adjacent Park Plaza Apartments (1005 Jerome Avenue) were also disregarded in Comment/Response 79 which stated “the park-like setting of the Park Plaza Apartments would be maintained,” and “the most prominent views to and from the Park Plaza Apartment would remain largely unchanged.” That would be true if you forgot there were 15 acres of existing parkland outside your windows. Instead there will be a 14-story stadium and a 5-story parking structure. (SOP)

Response: The response to Comment 79 in the FEIS acknowledged that the context of the project area between East 164th Street and East 161st Street would change from one containing parks and recreational facilities to one that contains a new stadium, garage, and new open spaces. However, the historic significance of the Park Plaza Apartments lies primarily in its Art Deco design, and the majority of the views of the Park Plaza Apartments would not be affected by the proposed project, including the views from along Jerome Avenue, the portion of John Mullaly Park north of East 164th Street, and the portions of Maccomb’s Dam Park to the south.

Comment 38: The FEIS is quick to dismiss potential impacts to the historic apartment buildings which would have a 14-story stadium directly in front of them. The FEIS explains (in Response to Comment 78) that the shadowing effect that the

stadium would have on the buildings would not be an impact due to the fact that there are no sunlight-dependent features on the buildings. This is hard to believe since the marketability of most apartments in New York City are often determined by how much sunlight comes through the windows. (SOP)

Response: According to the *CEQR Technical Manual*, a significant adverse shadow impact is considered to occur when shadows fall on historic resources with sun-sensitive features that make the resource historically significant, such as stained glass windows.

GENERAL CONFORMITY ANALYSIS

Comment 39: The current parking plan for the new stadium will generate sufficient additional traffic to warrant a thorough conformity analysis and determination, as required by the Clean Air Act, as amended, and federal transportation law. First, federal law requires general conformity requirements to be met whenever a proposed federal action is within an ozone nonattainment area, such as New York City. Second, the *CEQR Technical Manual* identifies “induced traffic” as an issue of concern for parking garages. *CEQR Technical Manual* at 3Q-3. This manual states that actions that would generate more than 100 or more auto trips during peak hours may “result in significant adverse air quality impacts from mobile sources,” triggering the need for their consideration. *CEQR Technical Manual* at 3Q-9. Thus, because of the alienation of parkland and the addition of more than 4,700 additional parking spaces in the vicinity of the stadium, the proposal easily meets each of these thresholds. Even though the project is not a transportation project *per se*, the City must do a thorough conformity analysis and determination before proceeding further. (TTC/NRDC)

Response: This comment is incorrect. First, as noted below in response to Comment 63, the increase in parking supply would not induce additional traffic to the area. Second, the City is not required to prepare a conformity analysis in conjunction with its CEQR/SEQRA analyses; the FEIS properly contains an air quality analysis pursuant to the *CEQR Technical Manual*. Third, although a conformity analysis would apply to the federal portion of project approval (i.e., Section 6(f)), the conformity analysis conducted for the project and detailed in Attachment B predicted the total emissions to be substantially lower than the threshold levels above which a conformity determination is required, as defined in 40 CFR § 51.853. Finally, page 3Q-3 of the *CEQR Technical Manual* does not appear to contain reference to induced demand as an issue of concern for parking garages. In short, no credit was taken for removal of the emissions associated with the existing stadium and garages in predicting future emissions.

ENVIRONMENTAL JUSTICE

The following comments were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to Comments 154 and 155 in that chapter.

Comment 40: The South Bronx is a low-income and minority community. It has one of the highest asthma rates in the country and the lowest rates of auto-ownership in the city. The South Bronx also has a disproportionate number of waste transfer stations and high levels of diesel traffic. This project will increase traffic on already congested roadways, and result in increased air pollution in an area that already suffers from poor air quality. This project will result in the destruction of community parks and hundreds of mature trees. The DEIS and FEIS should have addressed the cumulative impact of the proposed action and other mobile and stationary sources of air emissions, and address the health impacts that will be caused by the Proposed Action on the area’s already sensitive population. The impacts of the Proposed Action will be adverse and will be predominantly borne by a low-income minority community. (TTC/NRDC, ED. et. al.)

Response: As discussed, the proposed project is not expected to result in an increase in automobile congestion, and hence in congestion-related pollution. Indeed, the EIS determined that the proposed project would not result in any significant adverse public health impacts. Nonetheless, the City and the Yankees are sensitive to the community’s concerns with respect to the incidence of asthma among the local population and are therefore committed to undertaking the construction of the project in a protective manner, employing techniques for reducing emissions and avoiding dust in connection with the related construction activities. Air quality conditions will be monitored throughout the construction period and a full-time health specialist will be employed by the Yankees to monitor conditions throughout the construction period. See also the response to Comment 155 in the FEIS.

Comment 41: The FEIS does not acknowledge the disproportionately high rates of asthma, diabetes and obesity that already exist in the project area largely due to past urban planning decisions that were blatant instances of environmental justice. (NY4P, Levy).

Response: As discussed in the response to Comment 154 in the FEIS, the DEIS and FEIS address the potential for disproportionately high and adverse human and environmental effects on minority and low-income populations, as required by Executive Order 12898. This analysis is provided in Appendix F of the DEIS and FEIS, “Environmental Justice.” The analysis in Appendix F concludes that the study area is a minority and low-income community but that the project would not result in disproportionate significant adverse impacts to that community. With respect to public health, the analysis concludes that the project

would not have significant adverse effects on public health, including possible increases in asthma events. As described in Chapter 20, “Public Health,” and in the response to the preceding comment, the project sponsors are sensitive to the community’s concerns with respect to the incidence of asthma among the local population and are working with and will continue to work with the community to develop measures to address those concerns. Both the Yankees and the City are committed to undertaking the construction of the proposed project in a protective manner, employing techniques for reducing emissions and avoiding dust in connection with the related construction activities. Air quality conditions would be monitored throughout the construction period, and a full-time health specialist would be employed by the Yankees to monitor conditions throughout the construction period.

Comment 42: The FEIS concludes that the construction resulting in increased particulate and diesel fuel emissions will not adversely impact public health, including asthma incidents, but does not examine the impacts that loss of tree canopy cover, grassy park surfaces, and limited access to parkland will have on local asthma and diabetes rates that are currently near epidemic proportions. (NY4P)

Response: Trees remove gaseous pollutants from the air, primarily by uptake through stomata on the leaves. As described in Chapter 9, “Natural Resources,” of the FEIS, the replacement tree program would replace the trees lost in accordance with NYCDPR’s stringent basal area tree replacement formula. As a result, the 377 trees that would be removed within the area of the displaced recreational facilities will be replaced with thousands of smaller trees planted within the replacement recreational facilities on streets adjacent to these facilities, and in locations near the project area. Each tree to be planted would be of a 2-inch or 4-inch caliper, and it would initially have fewer leaves to remove gaseous pollutants than a mature tree. However, the pollutant removal capacity of the replacement trees as a whole would be equivalent to the mature trees removed. Moreover, the younger trees’ ability to remove pollutants would increase over time and at their maturity would be comparable to if not greater than that of the trees that would be lost.

Comment 43: The environmental justice analysis is biased by focusing upon the areas identified in the FEIS as areas with unavoidable significant adverse impacts. Those areas of concern are too limited and ignore the loss of parkland, trees and the resulting impacts to community character, quality of life, open space and natural resources. (SOP).

Response: As described in the FEIS, Appendix F, the environmental justice analysis, follows the guidance and methodologies recommended in the federal Council on Environmental Quality’s *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997).

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Comment 44: As part of Executive Order 12898 and the CEQ guidance created thereunder, it is made clear that there must be a careful consideration of alternatives to assure that the environmental justice community is not disproportionately affected. As discussed above with respect to alternatives under the LWCF and NEPA, there is a readily available alternative that will significantly diminish the impacts placed upon the environmental justice community. Reconstruction of the stadium on site, while the Yankees play at Shea, will greatly reduce the negative impacts on a low-income minority community. (SOP)

Response: See the responses to Comments 7 and 8 above.

D. COMMENTS ON THE EIS PURSUANT TO SEQRA/CEQR

GENERAL / PURPOSE AND NEED / PUBLIC REVIEW PROCESS

Comment 45: Legal requirements have not been met. The environmental impact statement prepared for this project, and its accompanying ULURP application, fails to even acknowledge that a massive increase in the amount of parking will lead to more fans driving to game—a major analytical and legal flaw. In addition, it is not clear what the status is of the ULURP application—and which plan the City Council will be voting on. The City Planning Commission approved the original plan but since that approval, the FEIS contains a new park configuration called the “New Alternative Plan,” which is said to be the plan favored by the Yankees and NYCDPR. (ED et al.)

Response: Contrary to the comment’s assertion, the NYCDPR has complied with every requirement of the ULURP and SEQRA processes for the proposed project, and as evidenced by the thoroughness of the EIS, has taken a “hard look” at all potential environmental impacts including the potential for significant adverse traffic impacts. The EIS does not “acknowledge” that the increased parking will result in increased fans driving to games because, for the reasons discussed below and as addressed in detail in the EIS, this is not anticipated to occur.

The comment also incorrectly states that the City Planning Commission (CPC) approved the “original plan.” In fact, CPC adopted the Alternative Park Plan that was introduced in response to community comments following publication of the draft EIS and was fully analyzed in the final EIS. The New York City Council also approved the Alternative Park Plan.

Comment 46: The format of the FEIS should have included an indexed response for every piece of written and oral testimony received. Next to every comment that is made, a reference number should be marked indicating where the appropriate response is in the FEIS document. These responses can then be grouped into various areas of concern in the FEIS. The same procedure should be used for

oral testimony as well. The entire transcript of the public hearing should be included in the FEIS appendix and marked accordingly. While NYCDPR may not be required to do so, using this format would have been the best way to ensure that all comments that were made on the project were incorporated into the FEIS. This format has become somewhat standard for large-scale environmental review projects under SEQRA. NYCDPR decided to use a format which “summarizes” all the comments that were made to make a shorter document. However, because this technique was not used, there was no way to ensure that all of the comments that were made had been considered since no written record of what was said and what was written was provided. This is insufficient and inappropriate for a project of this scale. (SOP)

Response: There is no prescribed format for the presentation of comments received on a DEIS under SEQRA or CEQR. All of the substantive verbal and written comments received on the DEIS for the proposed project are a part of the administrative record and are reflected and responded to in the FEIS.

Comment 47: The community also noted that the FEIS was accepted as complete only 18 days from the DEIS comment period ending. This seems to be an insufficient time period given the voluminous amount of testimony that was given on the project. (SOP)

Response: The completion of the FEIS was accomplished in accordance with all applicable laws and regulations and reflects a hard look at all relevant, potential environmental impact categories. Further, all substantive comments on the DEIS were addressed in the FEIS.

Comment 48: The community has long contended that they were not adequately involved throughout the environmental review process. The Community Board was not notified of the June 2005 State Legislature alienating the parkland or the related City Council home-rule. The alienation of parkland occurred in just 8 days. The Community Board only received one copy of the Draft Scope to share amongst 37 members and the public. While additional copies were later received by the Board, it not until after the scoping meeting. The Draft Scope of Work was also not posted on the internet until 11 days after the scoping meeting was held. As a result, nobody in the community had been given a reasonable opportunity to review the document prior to the hearing. Although the appendix to the Final Scope of Work listed comments that were made on the Draft Scope, some were never examined in the DEIS. For example, the DEIS did not address the issue of induced traffic demand. (SOP) In addition, the DEIS was never made available in Spanish. Because of this, the environmental review appears to violate the 1994 Presidential Executive Order 12898 by failing to overcome linguistic, cultural, and other barriers to meaningful community participation. We note the FEIS was also an English-only document. (SOP, NY4P)

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Response: See the responses to Comments 1, 4 and 12 in the FEIS. As discussed in responses to Comments 1 and 12 in that document, the project sponsors complied with the law in every respect. The community has been provided with every notice and opportunity for comment required under ULURP, SEQRA and CEQR, in addition to which the project sponsors have conducted numerous meetings with local elected officials and community groups outside those formal processes. Further, as addressed in the response to Comment 1 above, in addition to the opportunities for public review and comment on the impact analyses presented in the EIS under ULURP, SEQRA and CEQR, NPS has provided an additional 30-day comment period. With respect to the comment's particular concern regarding the Draft Scope, that approximately 30-page document was timely and properly provided to the Community Board, as well as to local elected officials, in full compliance with the requirements of SEQRA and CEQR, and the recipients were further informed that additional copies were available upon request. Fifty copies of the Draft Scope were made available to the public at the public hearing on that document, and a statement was made that additional copies would also be provided upon request. Forty additional copies of the Draft Scope were subsequently made available to the Community Board to provide to interested members of the public. Written comments were received on the Draft Scope for 30 days following the public hearing, which is significantly longer than the 10-day period required under CEQR. It is also incorrect to contend that comments received on the Draft Scope were not examined in the DEIS. In particular, the issue of induced traffic demand was addressed in Chapter 15 of the DEIS and the FEIS. See also the responses to Comments 92, 93, and 109 in the FEIS. As to the comment concerning the State legislation authorizing the alienation of parkland and the City Council's Home Rule message, neither of those actions is subject to or a part of the NEPA, SEQRA, CEQR or ULURP processes, and there are no time limitations respecting such legislative actions.

Finally, as indicated in response to Comment 4 in the FEIS, the date, time, and location of the scoping meeting were advertised in *El Diario* in Spanish on June 30, 2005, in addition to notices placed in the *City Record*, the *Environmental Notice Bulletin*, and the *New York Post*. The date, time, and location of the DEIS public hearing were advertised in Spanish in *El Diario* on December 28, 2005, in addition to notices placed in the *City Record*, the *Environmental Notice Bulletin*, and the *New York Post*. No requests were made by members of the public or through Community Board 4 for translated environmental review documents.

Comment 49: Public hearings during the ULURP process do not constitute meaningful community participation for a development of this scale that will impact this neighborhood. These hearings merely allowed for a reactive response to a

predetermined plan; were conducted during business hours; and consisted of English-only proceedings. (NY4P)

Response: The seven-month ULURP process for the project included multiple opportunities for public comment and input, including public hearings held by Community Board 4, the Bronx Borough President, the CPC and the City Council. It should be noted that the public hearings held by the Community Board and Bronx Borough President were not conducted during business hours. All applicable laws and regulations respecting public participation in the land use and environmental review processes were observed.

Comment 50: Both SEQR and CEQR require the lead agency to make available to the public the supporting studies and information relied upon for the factual content, assumptions and conclusions of an Environmental Impact Statement. Key documents and studies were not included in the DEIS or the FEIS. The public was not given the opportunity to comment on the traffic survey instruments used, despite the fact that the modes share in this case is derived entirely from these surveys. Considering that findings on traffic serve as a key linchpin for many of the analyses included in the DEIS and the FEIS, the public should have been given the opportunity to comment in the instruments. Despite TTC's request that the survey instruments be included in the DEIS and FEIS, and SEQRA's and CEQR's public disclosure mandates, the lead agency refused to disclose the documents. No information could be used to evaluate the validity of the survey instruments, including sample sizes, margins of error, respondents' demographics, and questions asked. (TTC/NRDC)

Response: As stated in the response to Comment 109 in the FEIS, survey instruments do not need to be presented in an EIS, nor are they typically included in EISs. The survey approach and results were considered by the New York City Department of Transportation (NYCDOT) along with other detailed documentation as part of its review of and concurrence in the transportation analyses and mitigation measures contained in the FEIS.

Comment 51: On February 2, 2006, TTC filed a Freedom of Information Law request for records pertaining to this EIS, including 1) records sent by or to the lead agency to or from any federal, state, or local environmental regulatory agency concerning a) the contents of the EIS, b) the conversion of sections of Macomb's Dam Park under the federal LWCF, or c) any regulatory approval that may be needed for any aspect of the Proposed Action; 2) records concerning any appraisal of portions of Macomb's Dam Park or properties proposed for substitution as part of the Proposed Action's conversion proposal under the federal Land and Water Conservation Act; and 3) the transportation surveys that were used to project travel behavior. These records have not been provided yet by the NYCDPR. (TTC/NRDC)

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Response: This is not a comment addressed to the EIS. As indicated in the responses to Comments 10 and 11, NYCDPR will respond to the referenced FOIL request in accordance with the requirements of that law.

Comment 52: The construction, traffic, noise, and air quality impacts of the Gateway Center at Bronx Terminal Market and the Yankee Stadium Project will compound each other; however both projects are being reviewed in separate environmental impact statements. Given that the two projects will have cumulative environmental impacts, are located right next to each other, and are expected to share parking facilities, one environmental impact statement would have been appropriate. (TTC/NRDC)

Response: As stated in the response to Comment 16 in the FEIS, two separate EISs were prepared because the two projects are separate and independent undertakings. The FEIS identifies the numerous development projects currently planned in the vicinity of Yankee Stadium and considers the project's potential for environmental impacts in the context of the presence of those other projects. These projects are incorporated into the document in the consideration of the future without the proposed project, or the "No Build" condition, so that the analysis of the proposed project considers the cumulative impacts of the project and other planned or proposed activities. The Gateway Center project proposed at the Bronx Terminal Market is one of those projects and therefore is included in the consideration of future conditions in the EIS for the Yankee Stadium Project. At the same time, the Gateway Center project was also subject to an EIS that similarly incorporated the Yankee Stadium Project into its analysis of future conditions without that project.

Comment 53: The environment of the surrounding community and the health of its residents should not be sacrificed to create a more car-dependent suburban-focused facility. As such, plans to build more parking should be reconsidered, and the purpose and need should be amended to reflect a commitment to improving the community's environment. (TTC/NRDC, SOP)

Response: As stated in the response to Comment 6 of the FEIS, Yankee Stadium has been located on its current site since 1923 and is surrounded by 15 different parking garages or lots used by fans attending games. The proposed project would not significantly change that relationship or result in suburban-style, car-oriented development. As described in Chapter 1 of the FEIS, Yankee Stadium would be relocated to a new site in the immediate vicinity of its existing site, and new parking garages would be added to meet the existing need for parking by Yankees' fans to reduce spillover that occurs on local streets when Yankee Stadium patrons park throughout the surrounding neighborhood.

NATURAL RESOURCES

The following comments were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to Comments 89 and 90 in that chapter.

Comment 54: The FEIS essentially ignores the loss of the mature trees and open spaces and how those features contribute to the character of the neighborhood. While the FEIS touts the basal replacement of the 377 mature trees with thousands of saplings, it glosses over the fact that those trees will not reach maturity for 15-20 years. Moreover, there is no assessment as to how long it will take for those trees to reach the height and breadth of the current mature trees, whose age is estimated at 40 to 80 years. The FEIS also does not mention the survival rate of saplings in New York City. This is important because historically, the survival rate in New York City is known to be low, which would affect the ability of the tree replacement scheme to adequately mitigate the loss of mature trees. (SOP, Brancaforte)

Response: Chapter 9, “Natural Resources,” of the FEIS states clearly that the replacement trees will not reach maturity for many years. It is the intent of NYCDPR’s basal area replacement policy to replace the environmental function of the removed trees with as many replacement trees as are needed at the time they are planted. While some of the trees will surely die over time, those that survive will grow larger and produce ever-increasing air quality benefits. See also response to Comment 24 above.

Comment 55: Removing such a large amount of mature trees in an area where there are so few is clearly a significant adverse impact. To claim that the adverse impact is being avoided by planting saplings which will take at least 20 years to reach maturity and approach the size of the lost trees is to be disingenuous. (SOP)

Response: As described in Chapter 9, “Natural Resources,” of the FEIS and in response to Comment 24 above, the replacement tree program would replace new trees with an equal canopy value to that being lost at the time of planting, not after 20 years of growth.

ZONING

Comment 56: The Yankee Stadium proposal violates New York City’s zoning protection of clustered housing, schools and parks with “buffer zones” around them. The proposed land use would destroy the existing cohesiveness of the adjacent low-income residential community. The existing configuration of residential buildings and schools clustered around Macomb’s Dam and John Mullaly Parks on the north side of East 161st Street should be protected. There are no residential or community facilities on three side of the existing stadium. The

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proposal would build a new, larger stadium in the middle of a residential area, creating a huge commercial barrier in the center of the dense cluster of residential facilities and schools. This impact was not identified in the City's EIS. (Levy)

Response: The FEIS analysis did not come to the same conclusion as the comment maintains, because the presence of the stadium would not cut off access from one side of the neighborhood to another. Although the stadium would be closer to residential uses on Jerome Avenue than the existing stadium, as described in the response to Comment 88 in the FEIS, the proposed project would include pedestrian improvements and landscaping on East 161st Street between Jerome and River Avenues, making that route more attractive, and also providing a connection between the Highbridge neighborhood and the retail and transportation center on East 161st Street, as well as between the Highbridge and Concourse neighborhoods. Pedestrian access to areas east would continue to be available on East 164th Street.

AIR QUALITY

The following comments were addressed previously in the FEIS in Chapter 25, "Responses to Comments on the DEIS." See the responses to Comments 125 through 130 in that chapter.

Comment 57: According to the *CEQR Technical Manual*, actions that would generate peak hour auto traffic or divert existing peak hour traffic, resulting in 100 or more auto trips in this part of the city may "result in significant adverse air quality impacts from mobile source." *CEQR Technical Manual* at 3Q-9. This action will result in thousands of additional spaces in a ½-mile radius of the stadium. Induced traffic caused by such a large increase in the amount of parking will likely result in significant air quality impacts from mobile sources. (TTC/NRDC)

Response: As stated elsewhere, the new parking spaces are not expected to generate more peak hour vehicle trips, but would shift traffic patterns somewhat as parking occurs at new parking garage locations. As discussed in the response to Comment 126 in the FEIS, the air quality analysis presented in the FEIS evaluated the potential impacts from the operation of the proposed project's parking garages and the traffic around the proposed stadium on game days. The analysis clearly shows that emissions from mobile source sources would not cause any significant adverse air quality impacts.

Comment 58: Traffic congestion results in diminished air quality. Emission rates for many pollutants follow a U-shaped curve, with emission rates declining as speed increase up to a certain level, and then climbing again. Emissions from carbon monoxide and volatile organic compounds are generally highest in low-speed,

congested driving conditions. Slower vehicles also produce more toxic air pollutants, such as benzene. Vehicles in congestion stemming from the current stadium, current commuter traffic, and parking-induced travel caused by the Yankee Stadium and Gateway Center projects will clearly be at the upper end of the “U” curve—idling or traveling very slowly, and thus emitting maximum levels of pollutants. (TTC/NRDC)

Response: The mobile source analysis was conducted in accordance with the recommended procedures specified in the *CEQR Technical Manual*. In the DEIS/FEIS, concentrations of carbon monoxide were predicted at the intersections and time periods that produce the maximum anticipated project-generated traffic and have poor levels of service, and therefore, have the greatest potential for significant air quality impacts. The analysis accounts for differences in emissions due to vehicles traveling at lower speeds due to traffic congestion and type of roadway. The results of the analysis demonstrated that the proposed project would not result in any significant adverse air quality impacts from vehicles traveling to and from the stadium and associated parking facilities.

Comment 59: The EIS fails to recognize any connection between the area’s staggering asthma rates and rapid increase in car and truck traffic. (NY4P)

Response: The EIS analyzes the potential air quality impacts of the proposed project, including PM_{2.5}, which is the pollutant with the greatest potential to affect asthma rates in the area. The analysis demonstrates that the project would not result in any significant adverse air quality or health impacts on residents and visitors.

Comment 60: It is reasonable to assume that the recreational facilities proposed on the waterfront parcel would be affected greatly by air pollution from the Major Deegan Expressway, given that fine particulates, NO_x and VOC pollutants are heavier than the surrounding air and will travel downwards onto the proposed parkland. (SOP)

Response: As described in the FEIS in the response to Comment 128, the air quality analysis evaluated worst-case exposures associated with the proposed project. For parking garages, receptors were modeled adjacent to the garages during post-game conditions to simulate maximum pollutant exposures to individuals (maximum emissions occur during the initial operation of a vehicle after starting the engine after a prolonged period of inactivity, i.e., a cold start). Furthermore, impacts from Garages A and C were added together since they would be located opposite each other. Receptors were modeled at sidewalk locations to assess the maximum concentrations that the public could be exposed to. These locations, which are closer to vehicle tailpipe emissions than the proposed parks, were found to be in compliance with ambient air quality standards and CEQR de minimis criteria.

TRAFFIC AND PARKING

The following comments on traffic and parking were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to comments 91 through 111 in that chapter.

Comment 61: The massive increase in the amount of parking will lead to more traffic and air pollution. The new parking will encourage fans to drive to games. More traffic will worsen already bad game-day traffic congestion and air pollution in the South Bronx. (ED et al., NY4P, Pratt)

Response: The comment perpetuates the mistaken argument that more parking spaces necessarily translate into increased traffic. As was fully analyzed in the FEIS, the proposed addition of some 3,000 net new parking spaces in garages near the stadium would not result in an increase in vehicular traffic due to several critical factors.

First, the stadium’s reduction of 3,000 seats will by itself translate into a reduction in traffic. Second, the modal split (the proportion of visitors to the stadium utilizing different modes of transportation, e.g., auto, transit, taxi, etc.) used in the analyses—which reflects no increase in auto use with the increase in parking spaces—is based on reasonable and appropriate assumptions. The current auto shares for Yankee Stadium (63 percent for weeknight games and 68 percent for weekend games) are higher than for other sports venues in the City—higher than for Mets games at Shea Stadium (62 percent) and higher than for the U.S. Open at Flushing Meadows Park (56-57 percent) where nearly twice as many parking spaces are available between both sites than at Yankee Stadium. Therefore, it is not true that more parking spaces necessarily translate into more people driving to games. Travel time and traffic conditions on routes leading to the venue are also significant factors. For auto travel to Yankee Stadium, most fans must use the Major Deegan Expressway, the Cross-Bronx Expressway, the George Washington Bridge, or combinations of these facilities, all of which are well known to be congested. This is a very significant factor affecting mode choice, which is not simply driven by whether fans can find parking, but also by how long the total trip to the stadium is and how much congestion and delay is encountered on that trip. Because the Major Deegan Expressway already operates at extremely congested levels before Yankees games, its capacity to absorb additional traffic is extremely limited. In other words, traffic to Yankee Stadium is limited by conditions on the surrounding roadways, not available parking. Third, travel surveys show that an increasing percentage of Yankees fans are coming to the stadium from Manhattan and, as a result, auto use has been declining while transit use has been increasing. Because of these various factors, it is not correct to maintain that more parking spaces equal more cars.

That said, the additional 3,000 parking spaces are needed to handle the excess demand and excessive traffic circulation that occur today as fans coming to Yankee Stadium, especially just before gametime, drive up and down numerous streets in search of parking spaces that are unavailable in Yankee Stadium garages or in legal on-street spaces. Despite the dearth of available parking, this massive circulation of traffic occurs, with many people parking either illegally on the service road of the Major Deegan, illegally at curbside, or legally or illegally on residential streets. The provision of 3,000 net new spaces in garages near the stadium, which would still not fully accommodate the existing and future parking demand, will allow some of this excess parking demand to be accommodated more easily and remove this excess traffic circulation from local streets.

Comment 62: Neither the DEIS nor the FEIS studies the parking-induced travel that will occur as a result of a nearly 75 percent increase in the amount of off-street parking in the vicinity of the stadium. Neither the DEIS nor the FEIS has adequately documented the alleged “spill over” effect caused by an alleged lack of off-street paid parking facilities in the surrounding neighborhood. Neither the DEIS nor the FEIS ties the scale of the additional parking facilities to the scale of the problem of the “spill over” parking. And neither the DEIS nor the FEIS explain why people who currently park for free in the surrounding neighborhood will pay to park in off-street parking facilities without some enforcement measures, such as a residential permitting scheme. Although TTC and the community raised these concerns in their comments on the draft scoping document and the DEIS, the FEIS failed to address these concerns in a meaningful way. (TTC/NRDC).

Response: The statement that there would be a 75 percent increase in parking is inaccurate since it cites the total number of garage spaces to be built, but does not subtract out those parking lot and garage spaces that would be lost. The net increase is closer to half the amount cited in the comment, and, as described above, it will help reduce the existing shortfall in parking spaces and the amount of traffic that circulates on-street in search of hard-to-find parking spaces, which contributes to congestion on local streets, and results in illegal parking on many local streets and roadways.

Both the DEIS and FEIS note that over 100 percent of all legally available on-street parking spaces are occupied on game days, covering approximately 300 blockfaces surveyed on game days—i.e., the “spill over effect.” Many fans will opt to park in garages within one block of the stadium and get into their seats before game time, rather than circulate in search of a “free” legal on-street space many more blocks from the stadium.

**Responses to Public Comments on Proposed Conversion of Parkland
In Connection with the Proposed Development of a New Yankee Stadium**

Comment 63: The new stadium and the new parking garages, together with the parking available at the Gateway Center site, will generate more peak hour vehicle trips than those already coming to the area for the existing stadium. The phenomenon of parking-induced auto trips is well documented by transportation analysts. Study after study shows the availability of parking has one of the most significant impacts on travelers' mode choice. In fact, the *CEQR Technical Manual* identifies "induced demand" as an issue of concern for parking garages. *CEQR Technical Manual* at 3Q-3. (TTC/NRDC)

Response: As is clearly stated in the DEIS and FEIS and in the responses to comments above, the new parking spaces are not expected to generate more peak hour vehicle trips, but would shift traffic patterns somewhat as parking occurs at new parking garage locations. The Comment remarks that "the phenomenon of parking-induced auto trips is well documented" in "study after study," yet offers no relevant examples. The same claim by the commenter was made on the DEIS and still remains unsubstantiated. Page 3Q-3 of the *CEQR Technical Manual* does not appear to contain reference to induced demand as an issue of concern for parking garages.

Comment 64: In order to get a truly conservative estimate of induced traffic impacts, the DEIS should have assumed the additional parking facilities will be filled on game days and that cars will "spill over" into the surrounding neighborhood to find free parking spaces. Although the FEIS claimed that the construction of four new parking garages will somehow lessen the traffic impacts that occur on game-days, it admits that "[t]he increase number of parking spaces that would result from the proposed project would still not accommodate the full parking demand...A number of fans would still park on-street." In fact, the four new parking garages will be leased by the State to private operators as a for-profit enterprise. In other words, incentive will exist to fill the garages. However, both availability and price of parking have significant impacts in auto users' decision to drive; therefore, it should be assumed that free parking in the vicinity of the stadium will continue to be used. (TTC/NRDC, NY4P, Levy, Pratt)

Response: The addition of off-street parking garages would reduce on-street circulation in search of hard-to-find curbside spaces, but would not accommodate all of the demand for parking in the garages. The analysis in the FEIS does not take credit for any reduction in traffic circulating to find spaces, and thus its depiction of future traffic conditions with the project is very conservative. The FEIS does assume that free parking in the vicinity of the stadium will continue to be used.

Comment 65: The FEIS derives its mode share for the new stadium entirely from surveys of Yankee fans. Surveys are susceptible to a variety of biases and error, and it is well-documented in transportation literature that they can result in vastly overstated mass transit use. The FEIS does not contain the survey instruments

used, despite TTC's written comments on the draft scope and DEIS requested their inclusion. Therefore, the public has not had the opportunity to review these instruments for biases or other errors. The margins of errors for these surveys were not revealed in the FEIS.

Further, the data derived from these surveys has been misapplied. The surveys in this case "provided information on current travel origins and destinations, modal splits, and temporal distribution. The data were then compared to results from other surveys....to solidify the necessary assumptions on travel characteristics for projecting future trips to and from the stadium. According to the DEIS, "[f]or both the weekday and weekend game conditions, the primary mode of travel is auto, making up 63 percent and 68 percent of the total stadium trips, respectively." These percentages are "based on the average of two comprehensive surveys conducted for Yankees games." The DEIS claims that this is a conservative (i.e., high) estimate of auto use since the most recent surveys on game day show decreasing auto use and more transit use resulting from an increased fan base from Manhattan. Herein lies the problem: the current stadium has far fewer parking spaces associated with it than the proposed project will have. The new stadium with its thousands of additional parking spaces is completely different. Surveys of current stadium patrons on their current mode of travel do not capture the willingness or likelihood of patrons to drive in the future when thousands of additional parking spaces will be provided. A truly "conservative" mode share would account for parking-induced trips, and assume that mode share of greater than 63 and 68 percent will drive. (TTC/NRDC)

Response: Interviews on the travel patterns of Yankee Stadium patrons were conducted on Sunday, September 19, 2005 and on Wednesday, September 22, 2004. In total, 411 and 328 surveys were successfully completed, with interviews conducted at the various entrances to the stadium to minimize any potential bias. This sample size is deemed sufficient statistically. As noted in the FEIS's response to this same or similar comment, there is no need to include the survey instrument within the DEIS or FEIS. Mode split and other traffic generation and assignment factors and all of the traffic analyses were reviewed and approved by NYCDOT. The comment fails to substantiate how it is "well documented" that surveys can result in vastly overstated mass transit use, for projects such as this or other similar projects. There is no need to be more conservative with the mode shares used since they are fully appropriate and the analyses are already conservative since they do not reflect the smaller capacity of the proposed stadium and other factors cited previously. See also the response to Comment 64 above.

Comment 66: According to the NYSDOT's Bronx Arterial Needs Major Investment Study, currently when the Yankees are playing in the Bronx, game-related traffic adds to congestion, and significant congestion already occurs on the Major Deegan Expressway, the local streets, the bridges crossing into the Bronx, and the FDR

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and Harlem River Drives. On the weekdays, most games overlap with the evening peak commute traffic. There are about 80 home games per year, and according to the FEIS, average attendance is expected to increase. (TTC/NRDC)

Response: Congestion on the Major Deegan Expressway and local intersections is clearly acknowledged in the FEIS. The comment notes that average attendance is expected to increase, but that is irrelevant to the analysis of peak worst-case traffic conditions since peak hour analyses were based on sellout attendance, not average attendance, and sellout attendance cannot physically exceed the capacity of the stadium.

Comment 67: The FEIS claims the traffic volume projections are conservative. According to the FEIS, the “auto shares for Yankee Stadium—63 percent for weeknight games and 68 percent for weekend games—are higher than for other sports venues in New York City, higher than for Mets games at Shea Stadium, and higher than for the U.S. Open at Flushing Meadows Corona Park, where nearly twice as many parking spaces are available (between both sites) than at Yankee Stadium, yet where the auto shares are lower. Therefore, it is not true that more parking spaces mean that more people would drive to games.” See Response to Comment 92 in the FEIS. The FEIS does not contain information necessary to evaluate these claims, including (1) the sources for this information, (2) the actual mode shares for each venue (e.g., percent taking transit, percent taking auto), (3) the average number of fans in attendance for each event, (4) the fans’ origins and destinations, broken down in percentages (e.g., X percent are from Manhattan), (5) the vehicle occupancy rates for auto trips to both events, etc. (TTC has come across documents that show a much lower mass transit mode share for Shea Stadium than the current Yankee Stadium, which supports the idea that limited access to mass transit and availability of parking lead to mode auto trips). In any event, the information does not prove that there will be no increase in auto trips to Yankee Stadium given that the Proposed Action includes a massive increase in off-street parking. The new stadium will be further away from the 161st Street Subway station than the current stadium, no program will be put in place to prevent drivers from parking for free in the surrounding neighborhood, average game attendance for Yankees games is expected to increase, and the Proposed Actions does not include any improvements to mass transit. (TTC/NRDC)

Response: This Comment repeats statements made in the FEIS regarding modal split at Shea Stadium and the US Tennis Center. Information on those facilities can be found in their respective EISs and does not need to be repeated in the Yankee Stadium FEIS. The Comment also refers to documents that show a much lower mass transit mode share at Shea Stadium, but without such information made available, it is not clear how Shea Stadium can have both lower auto use and

much lower transit use. The Comment proceeds to claim, incorrectly, that “the new stadium will be further away from the 161st Street Subway station than the current stadium,” when in fact the two stadiums (existing and proposed) are situated directly across the street from each other straddling the same subway stations. Lastly, the comment that average game attendance is expected to increase has no bearing on the peak hour traffic analyses conducted for a sellout game, which cannot have an increase in its attendance (see previous comment).

Comment 68: The FEIS claims that the traffic volume projections are conservative because they “do not take a trip reduction credit for the new stadium’s smaller capacity—there is no trip reduction credit for 3,000 fewer fans on a sellout game day.” See Response to Comment 109 in the FEIS. In fact, the “trip reduction credit” for fewer seats is not significant. When one multiplies 3,000 by the projected mode share of 63 percent auto on weekdays and 68 percent auto on weekends, and then divides the numbers by the weekday (2.65 persons per vehicle) and weekend auto vehicle occupancy rates (2.75 persons per vehicle), the results show a “trip reduction credit” of 713 and 741 cars. This slight reduction in auto trips on sellout game days is certainly not conservative if one actually accounts for the parking-induced travel that will occur due to the addition of thousands of off-street parking spaces. (TTC/NRDC)

Response: A reduction of 713 vehicles on weekdays and a reduction of 741 vehicles on weekends on game days would, in fact, constitute a significant benefit, contrary to the comment’s characterization of this as “slight.” Parking-induced traffic comments raised previously have been responded to above.

Comment 69: The FEIS claims that the traffic volume projections are conservative because they “did not assume a trip reduction credit for ‘no shows’ on game days, which can be up to 15 percent, according to available stadium data.” See Response to Comment 109 in the FEIS. However, the FEIS also claims that home game attendance is expected to increase and, “For the past decade, Yankees’ home game attendance has trended upward...Average game attendance has exceeded 35,000 every year since 1999. The peak was last year, 2005, with an average game attendance of 50,499 and a season total of 4,090,400.” Given that home game attendance has been increasing and is expected to follow that trend, it would be inappropriate to deduct “up to 15 percent” for “no shows” and would result in assumptions that are not conservative. (TTC/NRDC)

Response: As stated in the Comment, the FEIS’ traffic analyses conservatively did not take into account the “no shows” at games. And, as noted above in the Responses to Comments 66 and 67, the comment does not appear to take into account that the analysis of peak traffic conditions on sellout game days is unaffected by any projected increase in average game attendance.

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In Connection with the Proposed Development of a New Yankee Stadium**

Comment 70: As stated in the Response to Comment 91 in the FEIS, “The auto shares for Yankee Stadium—63 percent for weeknight games and 68 percent for weekend games—are higher than for other sports venues in New York City, higher than for Mets games at Shea Stadium, and higher than for the U.S. Open at Flushing Meadows Corona Park, where nearly twice as many parking spaces are available (between both sites) than at Yankee Stadium, yet where the auto shares are lower. Therefore, it is not true that more parking spaces mean that more people would drive to games.” If mass transit improvements do not diminish the need for parking, then why does Shea Stadium have a lower auto share of the modal split where nearly twice as many spaces are available? Is it perhaps because Shea Stadium has both commuter rail and subway access while Yankee Stadium only has subway? This is most likely the case, particularly since few people live in walking distance of Shea Stadium. These responses given in the FEIS, therefore make a strong case why Yankee Stadium needs Metro-North access as part of this project and why it would work. However, while making this case is made by the FEIS’s own conflicting statement, the project continues to have no Metro-North station as part of the proposal. (SOP)

Response: The City of New York and the New York Yankee organization support the development of a Yankee Stadium Metro-North station. While it would be helpful in reducing auto trips, it would not be expected to significantly reduce parking needs at the Stadium. For Mets games, LIRR service is used by 1.6 percent of fans according to the Shea Stadium EIS. Even if the proposed Metro-North station attracts a somewhat higher share of trips diverted from autos, it would not substantially reduce the amount of new parking needed, since the proposed addition of some 3,000 new garage spaces would not accommodate the full parking demand without the new station.

Comment 71: NYSDOT’s Bronx Arterial Needs Major Investment Study has identified Yankee Stadium as a major source of congestion. In fact, the FEIS admits that the greater road network already suffers from massive congestion levels, “For travel to Yankee Stadium by car, most fans must use the Major Deegan Expressway, the George Washington Bridge, the Cross Bronx Expressway, or combinations of these facilities, all of which are well known to be congested,” Response to Comment 92 in the FEIS. As a result of stadium-related congestion, commuter traffic that would have used the Major Deegan Expressway to return home may use alternate routes, including the Bronx River Parkway and Henry Hudson Parkway. The FEIS should have studied the impact of diverted commuter traffic. Because of its impact on the greater road network, the study area boundary should be extended beyond the ¼-mile perimeter around the project. If home games are currently causing significant traffic congestion on the Major Deegan Expressway with effects spilling over onto the local streets in the vicinity, the Grand Concourse, East 161st Street, the bridges crossing into

the Bronx, and the FDR and the Harlem River Drives, then adding parking spaces will only increase congestion and extend the amount of gridlock on these roadways. In addition, if Yankee Stadium is diverting commuter traffic, the study area should have also been extended to include these impacts. (TTC/NRDC)

Response: As discussed above in the response to Comment 61, the proposed project will not result in an increase in vehicular traffic, and therefore will not affect patterns and volumes of diverted commuter traffic. However, as stated in response to this comment, which was previously submitted (see the response to Comment 104 in the FEIS), the DEIS and FEIS acknowledge that the Major Deegan Expressway is congested. The Bronx River Parkway, cited in the Comment as an alternate route, is not really an alternate to the Major Deegan, but is a roadway which eventually “feeds” the Major Deegan via connecting routes such as the Cross-Bronx Expressway. The Bronx River Parkway does not go directly to the Stadium area itself. The Henry Hudson Parkway, similarly, is another highway route that feeds the Major Deegan via connections along the Cross Bronx Expressway/Trans-Manhattan Expressway. Neither of these routes needed to be studied in the EISs. However, the study area was extended in the FEIS to analyze streets that connect the Major Deegan Expressway and the Stadium such as Edward Grant Highway and Jerome Avenue, as well as streets that connect the Cross Bronx Expressway and the Stadium such as Jerome Avenue and River Avenue. Impacts and mitigation needs were fully identified in the FEIS. Once again, as noted in previous responses, the proposed project will not add more traffic to the roadway network; shifts in traffic to proposed garages have been addressed in full in the FEIS.

TRANSIT AND PEDESTRIANS

The following comments were previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the responses to comments 112 through 124 in that chapter.

Comment 72: Rather than constructing more parking facilities, this project should include improvements to the mass transit infrastructure. The NYSDOT Bronx Arterial Needs study found that many people who usually take Metro-North drive to Yankee Stadium so they don’t have to return to Grand Central or 125th Street for a train. The FEIS is filled with message of “support” for a Metro-North station, as well as other transit amenities including expansion of the ferry terminal and expanded service on behalf of the City, the Yankees, and NYCDPR. “Support” in this case does not mean to fund or to offer financial assistance. The Yankees have not offered to provide any funding for mass transit improvements. (TTC/NRDC, SOP) The plan contains no improvement to the mass transit system. The Yankees have said that they “support” a Metro-North Station, but have not offered to provide any sort of financial assistance,

**Responses to Public Comments on Proposed Conversion of Parkland
In Connection with the Proposed Development of a New Yankee Stadium**

nor has the Mayor sought to amend the MTA capital program to include the project. Instead, the Yankees and the City continue to insist that all of the parking is necessary. (ED et al.)

Response: The comment correctly notes that the Yankees are fully supportive of the construction of a Yankee Stadium Metro-North station. That is an effort that must be undertaken by New York City and State. It should be noted that as recently as March 6, 2006, Metro-North indicated its willingness to consider such a station once the Yankee Stadium proposal was approved. In addition, the New York City Mayor and the New York State Governor stated on April 5, 2006 that they would direct the MTA to build a Metro-North station near Yankee Stadium. See also the response to Comment 70 above.

Comment 73: The FEIS asserts, “Mass transit improvements would not diminish the need for the amount of parking being proposed.” See Response to Comment 91 in the FEIS. However, neither the FEIS nor the DEIS studies the impacts that improvements to the mass transit system, including the construction of a Metro-North station, would have on traffic, congestion, or travel mode share. Because the FEIS admits that average game attendance will continue to increase, the impacts caused by traffic and congestion will only worsen. (TTC/NRDC)

Response: The EIS did not consider the benefits from transit improvements, because such improvements were not proposed at the time the EIS was prepared and published. With respect to the reference to average game attendance, the FEIS uses a sell-out game as a reasonable worst-case (peak attendance) for all transportation analyses. Although average attendance will increase, the average will always be less than the peak attendance.

MITIGATION

The following comments was previously addressed in the FEIS in Chapter 25, “Responses to Comments on the DEIS.” See the response to comment 153 in that chapter.

Comment 74: The dramatic increase in parking associated with this project will result in additional parking-induced auto trips; however, the FEIS asserts that a dramatic increase in the number of parking spaces will not generate any additional peak vehicles trips—a serious flaw in the FEIS that affects other sections of the FEIS because assumptions about traffic influence findings on congestion, air quality, and noise. The traffic, air quality, and noise analyses and mitigation measures must be redone to account for the dramatic increase in parking and the parking-induced travel. Mitigation measures based on faulty traffic, air quality, and noise impacts will not be sufficient. (TTC/NRDC)

Yankee Stadium

Response: As noted in responses to Comments 62, 63, and 64 above, the additional parking would not induce additional vehicle trips. Therefore, the traffic, air quality, and noise analyses are not flawed, nor is the mitigation proposed for those impact categories. *

Attachment A



City of New York
Parks & Recreation

The Arsenal
Central Park
New York, New York 10021

Henry J. Stern
Commissioner

Julia Vitullo-Martin
Assistant Commissioner
Planning

August 8, 1985

Mr. Ron Rader
Grant Officer
New York State Office of Parks,
Recreation and Historic Preservation
1700 Broadway
New York, New York 10019

Dear Ron:

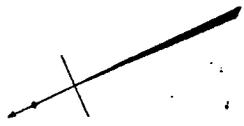
This letter is in reference to grant #36-00776E for the renovation of Macombs Dam Park in the Bronx.

Enclosed is 6f map for this project. Let me know if you need any more information.

Sincerely,

Gary Colon
Assistant Planner

6f map - Macombs Dam Park at 161st Street and River Avenue

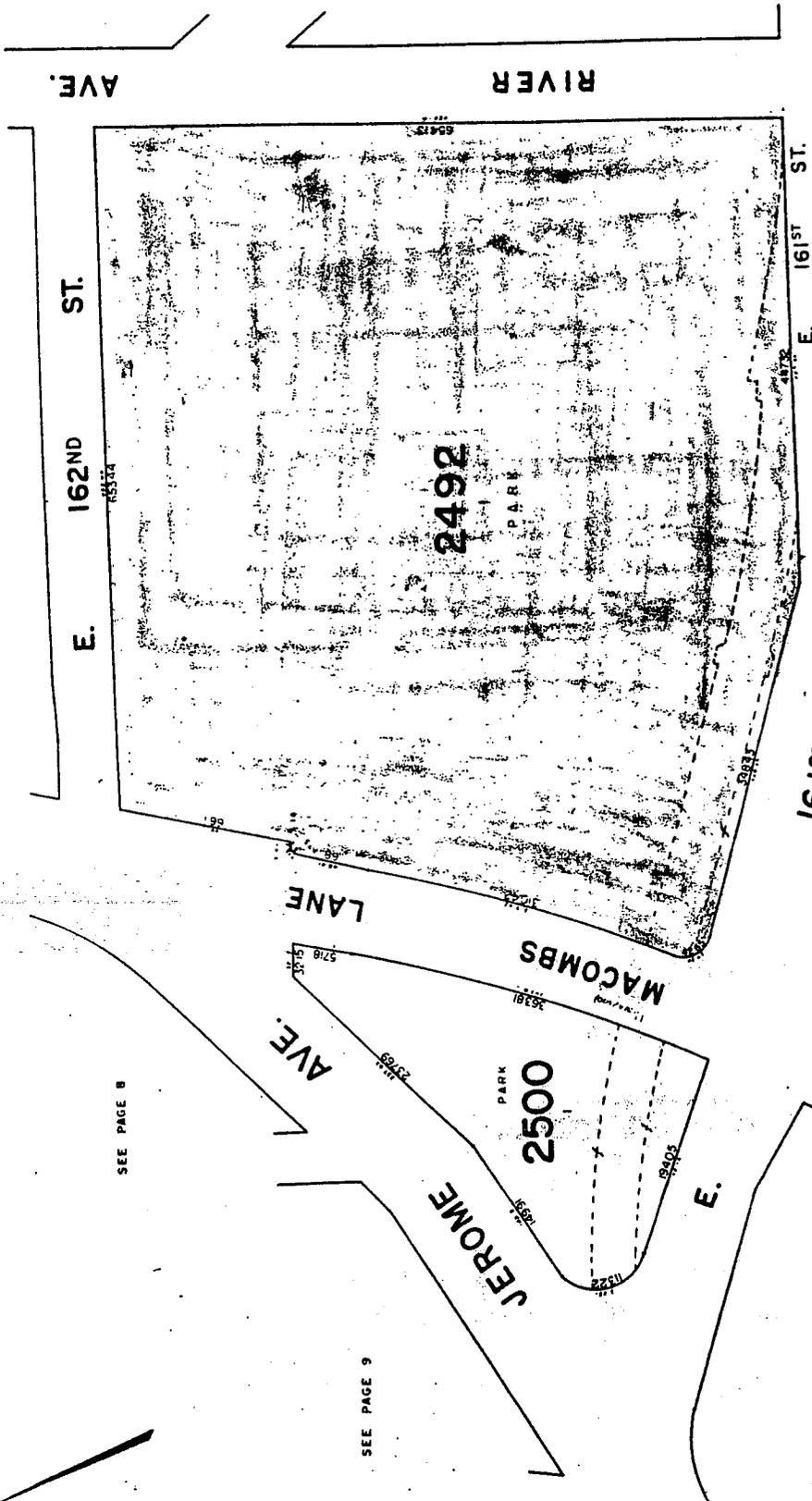


SEE PAGE 4

SEE PAGE 8

SEE PAGE 9

SEE VOL. 7



RABE RUTH PLAZA

E. 161ST ST.

ST.

161ST

Per 21

SEE PAGE 7

Macombs Dam Park

Per 21

3

3

SCALE ONE INCH = 80 FEET

Attachment B



Environmental and Planning Consultants

440 Park Avenue South, 7th Floor
 New York, New York 10016
 tel: 212-696-0670
 fax: 212-213-3191
 www.akrf.com

Memorandum

To: Joshua Laird
From: Hillel Hammer, Henry Kearney
Subject: Yankee Stadium – General Conformity
Date: May 1, 2006
cc: File

This memo presents a general conformity analysis, as a basis for determining if a general conformity determination to be made by the National Park Service regarding the proposed relocation of Yankee Stadium is required. We have predicted nitrogen oxide (NO_x), volatile organic compound (VOC), carbon monoxide (CO), and particulate matter direct and indirect source emissions increments due to the Yankee Stadium project (as compared to the No Build condition.) The predicted total emissions increment would be less than 0.2 percent, 1.8 percent, 0.13 percent, and 1.6 percent of the VOC, NO_x, PM_{2.5}, and CO threshold levels, respectively, above which a general conformity determination is required, as defined in 40 CFR § 93.853.

The results of the analysis are summarized in the table below, and details of the underlying emissions calculations are attached. Because the emissions increments in the 2009 Build condition are predicted to be significantly lower than the threshold levels above which a general conformity determination is required as defined in 40 CFR § 93.153, general conformity determination is not required for the proposed project.

General Conformity Thresholds and Projected Emissions

	VOC	NO _x	PM	CO
General Conformity Levels				
Threshold (tons per year) ⁽¹⁾	50	100	100 ⁽²⁾	100
Project Emissions Increments⁽³⁾				
(tons per year)	0.1	1.8	0.13 ⁽²⁾	1.6
(Fraction of Threshold)	0.2%	1.8%	0.13%	1.6%
Notes:				
1. 40 CFR 93 (Moderate non-attainment area in ozone transport zone)				
2. From proposed changes 40 CFR 93 for conformity regulations for PM _{2.5} implementation.				
3. Excludes no-build emissions from mobile sources and ferries, which would remain unchanged, but does not discount for existing stationary sources which may be replaced or eliminated.				

*



Environmental and Planning Consultants

ATTACHMENT

YANKEE STADIUM MESOSCALE EMISSIONS ANALYSIS

HVAC Emissions

Natural Gas Consumption	
Annual (ft ³ /ft ² -yr)	52.8
Peak Daily (ft ³ /ft ² -day)	1.45
Source: 40 CFR 93 (Moderate NAA in ozone transport zone)	
Note: Transportation conformity regulations use a threshold of	

Development Area (gsf)	
Stadium	413,000
Tennis Facility	106,624
Total	519,624

Natural Gas Combustion Emissions		
Pollutant	Emission Factor (lb/10 ⁶ scf)	Emission Rates (g/sec)
CO	84	0.0331
VOC	5.5	0.0022
PM	7.6	0.0030
NOx	100	0.0395

Notes:
 scf = Standard cubic feet
 To convert lb/10⁶scf to Kg/10⁶m³ multiply by 16
 Source: Emission Factors from AP42 Table1.4-1 and 1.4-2

Stadium & Parking Garage Emergency Generators			
Pollutant	Emission Factor	Emission Rate	
		(g/hr)	(g/sec)
CO	11.4 g/kW-hr	36,480	10.133
VOC	0.09 lb/MMBtu	1,230	0.342
PM Filterable	0.54 g/kW-hr	1,728	0.480
Condensable	0.0077 lb/MMBtu	105	0.029
NOx	9.2 g/kW-hr	29,440	8.178

Capacity: 3,200 kW
 Fuel Consumption: 215.2 gph
 30,128,000 BTU/hr

Note: Represents total generator capacity (2000 KW @ Stadium, 200, 250 & 500 KW @ Parking Garages). Units to be tested 1 hr/month

Pollutant	Emission Rate (tpy)		
	Boilers	Emergency Generators	Total
CO	1.15	0.48	1.63
VOC	0.08	0.02	0.09
Total PM	0.10	0.02	0.13
NOx	1.37	0.39	1.76