February 13, 2020

Hon. Jeffrey Dinowitz
Member New York State Assembly
Legislative Office Building 831
Albany, NY 12248
(via email only)

Re:  Jerome Park Reservoir Rehabilitation and Aqueduct Rehabilitation (JRAQ-REH)
     Bronx, Bronx County

Dear Assemblyman Dinowitz:

Thank you for the recent opportunity to meet with you and your constituents to discuss our agency’s involvement in the review of this undertaking.

As mentioned in our meeting, this project was reviewed in accordance with Section 106 of the National Historic Preservation Act of 1966. After a careful review of our project record we found that our office should have considered the indirect impacts associated with this project on the neighboring historic properties.

As a result of our reassessment, we have issued the attached letter to the New York City Department of Environmental Protection.

If I can be of any further assistance, I can be reached at john.bonafide@parks.ny.gov or (518) 268-2166.

Sincerely,

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

att:  2-13-2020 Letter, NYSOPRHP-DHP to NYCDEP

cc:  Hon. Eliot Engel, U.S. Congress (via email w/attachment)
     Hon. Adrian Espaillat, U.S. Congress (via email w/attachment)
     Hon. Alessandra Biaggi, New York State Senate (via email w/attachment)
     Hon. Andrew Cohen, New York City Council (via email w/attachment)
     Michael J. Montysko, NYSDOH (via email w/attachment)
     R. Daniel Mackay, OPRHP (via email w/attachment)
February 13, 2020

David Lee
Project Manager
NYC Department of Environmental Protection
59-17 Junction Blvd., 11th Floor
Flushing, NY 11373
(via email only)

Re: EPA
Jerome Park Reservoir and Aqueduct Rehabilitation Project (JRAQ-REH)
Goulden, Reservoir and Sedgewick Avenues, Bronx, Bronx County
15PR05283

Dear Mr. Lee:

Thank you for your recent response to my question regarding federal agency involvement in this undertaking at the Jerome Park Reservoir facility.

The New York State Historic Preservation Office (SHPO) has received several requests from members of the public as well as state and federal elected officials to re-evaluate our review of this action. In conjunction with these requests, I have taken the opportunity to review the consultation file for this project.

As you know, your agency initiated consultation with this office in September 2015 noting that the project was linked to the Environmental Protection Agency (EPA). More recently, you specifically noted that the project has been funded through the Drinking Water State Revolving Fund (DWSRF). As such, the project would be subject to review under Section 106 of the National Historic Preservation Act (Section 106).

Under the regulations associated with New York State Parks, Recreation and Historic Preservation Law (Section 14.09), if a project is federal in nature and subject to Section 106 then Section 14.09 is not applicable (9 NYCRR Part 428.2(a)). Thus, the procedures outlined in the 2000 interagency Memorandum of Agreement for state Section 14.09 project reviews executed by our agencies for this facility would not be applicable to this federal undertaking.

The initial 2015 project submitted included a bird deterrent system, reservoir east interior wall repairs, securing a section of the abandoned Croton Aqueduct, abandonment of a below grade section of the east basin outlet, and fencing replacement. Based on our review of that project scope, our office determined that the proposed work would have No Adverse Effect on the National Register listed Jerome Park Reservoir. Our finding was conditioned with several requirements, including a caveat that the new retaining buttress wall in the north basin would be underwater during normal operation. This condition was taken directly from the initial project submission to our office, which stated that “under normal operations the wall would be below water.”
On August 23, 2016, our office received a revision to the initial scope. The revised project included more information on east basin outlet project and expanded upon repairs to the east basin walls (Lehman College retaining wall). Our office responded to the revised scope of work by letter dated October 11, 2016. In that letter, we continued to find that the work would have No Adverse Effect on the listed reservoir and reiterated our previously noted conditions.

Via email dated May 31, 2019 your agency revised the project once again. In this change, the east basin work was eliminated and filling of an abandoned section of the Old Croton Aqueduct progressed. The memo also noted continued deterioration of the east wall of the reservoir basins. The revised work expanded the stabilization work to the full length of the east wall in both North and South Basins using shotcrete instead of a continuous buttress wall. The proposal also called for the North Basin to remain drained most of the time to provide for emergency shutdown storage.

Our office responded on June 7, 2019, reiterating our previous finding of No Adverse Effect on the historic resources with no conditions.

In the reevaluation of our responses to this undertaking under Section 106, the SHPO has found that our assessment of the first two project iterations were appropriate. The work proposed was maintenance of the existing historic reservoir system. Our review was based on an understanding that the engineering of the system was designed to impound and treat water for the city. Work on the components of this system to maintain its engineering viability were reasonable in their scope.

Your third project update introduced a proposal that would minimize the structural intervention along the eastern wall of the North and South Basins but would leave the roughly 28-foot deep by 28-acre North Basin empty. This was a significant, non-structural change in the project scope. When our office assessed this aspect of the revised scope, it was determined that the new shotcrete lining plan for the eastern basin wall was a better preservation alternative.

The SHPO also found that the proposal to leave the north basin empty, with regards to direct effects on the NR Listed Jerome Park Reservoir, would not alter its engineering significance. The facility would still be able to meet its intended design requirements, allowing the North Basin to be filled on an emergency basis at any time in the future.

However, we failed to consider the larger impacts that this project scope change might have on adjacent register listed/eligible resources. In our reassessment, we note that the Fort Independence Historic District abuts the Jerome Park Reservoir facility along its northwest corner. Additionally, the Amalgamated Housing Complex and the DeWitt Clinton High School, which have previously been determined to be eligible for inclusion in the registers, are located along the north and northeast edges of the reservoir.

The two historic districts and the school were developed after the construction of the reservoir. As such, the large body of water and its surrounding park-like land served as a significant landscape feature and dominant component of the historic setting of these resources. While the Jerome Park Reservoir facility has changed and evolved over the past century to meet its primary use to provide safe and plentiful drinking water to the city, it has also serves as a focal point for the neighborhood that has developed around it. The expanses of open water, open land and finely crafted landscape features and buildings are integral components of the setting of the other historic resources.

While a significant water body (South Basin) will remain full, roughly one-third of the original artificial lake will be empty creating a 28-acre, 25-foot deep void in the neighborhood. This empty expanse of concrete will alter the setting and views of each of the identified historic districts and resources.
The SHPO understands that since the 1980s, when the reservoir was bisected, one section or the other has been drained temporarily for maintenance. However, the basins have always been refilled. It is our understanding from the last project redesign (email of May 31, 2019) the North Basin will now remain empty unless emergency overflow capacity is required. This change in the project has significant potential to have a long-term impact on the setting of the identified listed and eligible resources adjacent to the historic reservoir complex.

Based upon our reassessment of the final project scope, the SHPO must revise our previous project finding under the Section 106 review. It is our opinion that draining the North Basin, except for emergency overflow, will have an adverse effect upon the setting of the register listed Fort Independence Historic District and the register eligible Amalgamated Housing Complex and DeWitt Clinton High School.

Please be aware that we are also unsure of how the steps required under Section 106 (NHPA) and the associated EPA Programmatic Agreement on Historic Preservation for the State Revolving Fund (1990) were implemented. If the project was funded through the Drinking Water State Revolving Fund administered by NYS Department of Health, please advise our office regarding how the Section 106 process requirements relating to the involvement of Consulting Parties (36 CFR Part 800.3(f)) was undertaken. Once we have a better understanding of how the Section 106 process was implemented, we will be better able to help consult on next steps in the review process.

If you should have questions regarding our comments, please do not hesitate to contact me at john.bonafide@parks.ny.gov or (518) 268-2166.

Sincerely,

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: R. Daniel Mackay, OPRHP (via email)