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City of New York
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POSITIVE DECLARATION

NOTICE OF INTENT TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT

PROJECT: East Side Coastal Resiliency Project New York, New York CEQR: 15DPR013M	LEAD AGENCIES: NEPA: New York City Office of Management and Budget 255 Greenwich Street, 8th floor New York, NY 10007 SEQRA/CEQR: New York City Department of Parks & Recreation The Arsenal, Central Park 830 Fifth Avenue New York, New York 10065
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DATE ISSUED: October 28, 2015

TYPE OF ACTION: Type I

PROJECT IDENTIFICATION:

In order to address flood hazard vulnerability for an approximately 2.4 mile stretch of Manhattan's East River waterfront, the City of New York is proposing to construct an integrated flood risk reduction system called the East Side Coastal Resiliency (ESCR) Project. The proposed project area extends between Montgomery Street on the south and East 23rd Street (and in one alternative East 25th Street) on the north, and also includes inland segments along these streets. The proposed project area is within Manhattan Community Districts 3 and 6. To implement the proposed project, the City of New York is proposing to enter into a grant agreement with the U.S. Department of Housing and Urban Development (HUD) to accept \$335 million in Community Development Block Grant-Disaster Recovery (CDBG-DR) Funds. These funds would be provided by HUD to the City's Office of Management and Budget (OMB) for use in project implementation. Thus, OMB has been designated as the project's "Responsible Entity" in accordance with HUD regulations and is the Lead Agency for the environmental review pursuant to the National Environmental Policy Act (NEPA). Additionally, implementation of the proposed project requires multiple City and state actions and involves substantial activities in City parkland. Thus, the New York City Department of Parks & Recreation (DPR) is the Lead Agency in fulfilling the environmental review requirements of the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR).



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PROJECT DESCRIPTION:

The proposed integrated flood risk reduction system may be comprised of a combination of berms (or "bridging berms"), floodwalls, and deployable elements that would be located within existing City parkland and streets and potentially into non-City-owned property. The proposed project responds to the urgent need for increased flood protection and resiliency within this Federal Emergency Management Agency (FEMA)-designated flood hazard area. In doing so, the proposed project is intended to safeguard commercial and residential properties, and critical energy, infrastructure, and transportation systems against coastal flooding, and make related improvements to City infrastructure while simultaneously improving public open space and enhancing the accessibility and quality of waterfront open space in East River Park and Stuyvesant Cove Park. If all approvals are issued, project construction is anticipated to commence in summer 2017 and be completed in 2022.

REQUIRED APPROVALS

Implementation of the Proposed Action would involve federal, State, and City approvals, and is subject to NEPA, SEQRA, and CEQR and their implementing regulations. The federal, State, and City agencies that may potentially be involved in the environmental review and regulatory permitting processes are as follows.

FEDERAL

- U.S. Department of Housing and Urban Development (HUD) – Disbursement of funds, administration of CDBG-DR grant to the City of New York; review of Action Plan Amendments.
- U.S. Army Corps of Engineers (USACE) – Permits or authorizations for activities in Waters of the United States (Section 404 of the Clean Water Act) or structures within navigable waters (Section 10 of the Rivers and Harbors Act).
- U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) – Advisory agencies to the environmental review process focusing on activities that affect wetlands, water quality, protected plant and wildlife species, and essential fish habitat.
- U.S. Coast Guard (USCG) – Coordination and authorization regarding placement of construction barges and underwater work.
- Federal Emergency Management Agency (FEMA) – Review of flood protection design and potential changes to Flood Insurance Rate Maps (FIRM).
- National Park Service (NPS) – Coordination and authorization for activities that may be necessary within parkland that was improved using federal Land and Water Conservation Funds (LWCF).

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- Department of Environmental Conservation (NYSDEC) – Permits related to activities in tidal wetlands or adjacent areas (Article 25) or protection of waters (Article 15), Water Quality Certification (Section 401); endangered species protection if an



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incidental take is determined; permits related to the State Pollutant Discharge Elimination System (SPDES) program; approvals related to the handling and transport of hazardous materials and soils.

- Department of State (NYS DOS) – Review of Coastal Zone Consistency.
- Office of Parks, Recreation and Historic Preservation (OPRHP) – Liaison with the Federal government for purposes of administering the LWCF program, including monitoring compliance with LWCF requirements. Advisory role as the State Historic Preservation Office (SHPO) in federal review process pursuant to Section 106 of the National Historic Preservation Act (NHPA) with respect to designated and protected properties on the State and National Registers of Historic Places and properties determined eligible for such listing.
- Department of Transportation (NYSDOT) – Review of flood protection design and approvals related to construction activities along and adjacent to segments of FDR Drive under NYSDOT jurisdiction.
- Subject to the review of additional design alternatives, the Proposed Action may also require an approval from the State Legislature to alienate portions of parkland within East River Park for non-park uses.

CITY OF NEW YORK

- Office of Management and Budget (OMB) – Disbursement of funds from HUD to City agencies and NEPA Lead Agency for the environmental review.
- Department of Parks & Recreation (DPR) – Review of and issuance of permits and approvals for project design and construction in City parkland and future parkland and SEQRA/CEQR Lead Agency for the EIS.
- Mayor's Office of Recovery and Resiliency (ORR) – Advisory agency for activities and projects proposed to increase resiliency, including strengthening neighborhoods, upgrading buildings, adapting infrastructure and critical services, and strengthening coastal defenses.
- Department of Design and Construction (DDC) – Coordination of plans, designs, and environmental review of the Proposed Action for client agencies.
- Department of Environmental Protection (DEP) – Review of design and advisory agency for activities and projects related to stormwater management, water and sewer infrastructure, and natural resources.
- Department of Transportation (NYCDOT) – Review of flood protection design and permits related to activities along, adjacent to and within FDR Drive and Williamsburg Bridge footings, and the local street network.
- New York City Housing Authority (NYCHA) – Approval for activities on NYCHA property.
- Department of City Planning (DCP) – Planning and waterfront area zoning text compliance and decision-making, Coastal Zone Consistency decision-making, and approval of actions subject to Uniform Land Use Review Procedure (ULURP).
- New York City Economic Development Corporation (EDC) – Coordination and approval for activities on EDC-leased property, including Stuyvesant Cove Park and Solar One.
- Small Business Services (SBS) – Coordination and approval for activities on SBS-owned property, including Stuyvesant Cove Park and adjacent parking lot. Issuance of



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permits for construction related to improvement or maintenance on Waterfront Properties under SBS jurisdiction.

- New York City Emergency Management (NYCEM) – Coordination for emergency preparedness, response, and operations under storm conditions.
- Public Design Commission (PDC) – Review and approval of art, architecture, and landscape features proposed for City-owned property and capital projects.
- Landmarks Preservation Commission (LPC) – Advisory agency for activities on or near sites of historic or archaeological value.
- Department of Buildings (DOB) – Review of design and permits related to buildings including compliance with the City’s Building, Electrical, and Zoning Codes and construction activities in the FEMA-designated flood hazard area.
- Department of Housing Preservation & Development (HPD) – Review and approval for the disposition of NYCHA property.
- Mayor’s Office of Sustainability (MOS) – Advisory agency in CEQR review and for activities and projects proposed to advance long-term plans for sustainable growth.
- New York City Fire Department (FDNY) – Design approval for emergency access.

STATEMENT OF SIGNIFICANT EFFECT:

In accordance with NEPA and Executive Order 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York, OMB and DPR, as Lead Agencies, have determined that the proposed project may potentially have a significant impact on the environment in the following areas:

- (1) Land use, zoning, and public policy, due to land use disturbances and requirements for a consistency determination with the New York City Waterfront Revitalization Program;
- (2) Open space resources, as the proposed project area encompasses both East River Park and Stuyvesant Cove Park and requires modifications of existing recreational facilities as well as park and street trees;
- (3) Historic and cultural resources, due to the introduction of new structures and subsurface disturbance that could affect archaeological and architectural resources;
- (4) Urban design and visual resources, due to the introduction of new structures that could affect the urban design setting of the project and waterfront view corridors;
- (5) Natural resources, including the aquatic resources and water quality of the East River, due to site disturbance and the potential modification of the area’s stormwater management system;
- (6) Hazardous materials, due to subsurface disturbance and the potential for new pathways of human exposure to contaminated materials;
- (7) Water and sewer infrastructure, due to potential effects on the City’s infrastructure for water supply and combined sanitary sewer conveyance; and
- (8) Construction-related impacts that may include potential impacts on transportation systems, sensitive receptors due to air and noise emissions, and public health due to disturbances to hazardous materials.

Accordingly, OMB and DPR have determined that an EIS should be prepared in accordance with the requirements of NEPA and the implementing regulations of HUD as



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well as SEQRA, 6 NYCRR 617.9(b), and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

PUBLIC SCOPING:

The first step in the environmental review process is Public Scoping. Public Scoping is when the public is invited to comment on the Draft Scope of Work proposed to be used in preparing the Draft EIS (DEIS). A Draft Scope of Work has been prepared outlining the proposed content and analysis to be used in preparing the DEIS. To that end, a Public Scoping Meeting to accept oral and written comments on that Draft Scope of Work is scheduled for December 3, 2015 at 7:00 PM at:

Bard High School Early College
525 East Houston Street
New York, NY 10002

A copy of the Draft Scope to Prepare the DEIS can be obtained online at <http://www.nyc.gov/html/cdbg/html/home/home.shtml> or by contacting:

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Written comments can also be sent to the above mailing address, fax, or email address. Written comments will be accepted by the Lead Agencies through December 21, 2015.

This Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Alyssa Cobb Konon, Assistant Commissioner
New York City Department of Parks & Recreation