

Appendix N
Land and Water Conservation Fund (LWCF)
Consultation



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 22, 2019

VIA EMAIL AND REGULAR MAIL

New York City Department of Parks and Recreation
c/o Colleen Alderson, Chief, Parklands and Real Estate
The Arsenal, Central Park
830 Fifth Avenue, Room 401
New York, NY 10065

Re: East River Park – Land and Water Conservation Fund (LWCF) Grant #36-00238

Dear Ms. Alderson,

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the East Side Coastal Resiliency (ESCR) project DEIS (April 5, 2019) for compliance with the Land and Water Conservation Fund (LWCF) Act of 1965, as amended.

OPRHP is the State agency designated by the Governor as liaison to the National Park Service (NPS), within the Department of the Interior (DOI), for purposes of administration and compliance with the LWCF Act of 1965, as amended. This Act provides that lands developed with LWCF assistance shall be maintained in public outdoor recreation use in perpetuity, and shall not be converted to other than public outdoor recreation use, except with approval of the Secretary of the Interior (delegated to the Director of the NPS).

In 1973 the City of New York received LWCF Grant #36-00238 for development of recreation facilities at East River Park in Manhattan. Pursuant to LWCF regulation and policy, the area subject to LWCF compliance extends to the boundary of East River Park at the time of the grant. Based on documentation provided in the DEIS, outdoor recreation lands within the LWCF boundary will be impacted by the ESCR project.

The project will address coastal flooding vulnerability on Manhattan's Lower East Side while enhancing waterfront open spaces and access to the waterfront. The preferred alternative would raise East River Park as part of a continuous flood protection system from Montgomery Street to East 25th Street and temporarily remove East River Park from outdoor recreation use.

OPRHP has determined and NPS concurs that this ESCR project -- as defined in the DEIS released April 5, 2019 -- is for park operations and maintenance and necessary for the preservation of LWCF-funded outdoor recreation opportunities (LWCF State Assistance Program Federal Financial Assistance Manual, v69, Chapter 8-1 "Operation and Maintenance"). As such, formal LWCF review of the project is not necessary.

This determination was previously formalized in a May 16, 2019 letter from the NYS LWCF Alternate State Liaison Officer to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Rausch", with a long horizontal flourish extending to the right.

Ron Rausch
Director, Division of Environmental Stewardship and Planning

CC:

Leslie Wright, OPRHP, Regional Director
Diana Carter, OPRHP, LWCF Alternate State Liaison Officer