



## **A. INTRODUCTION**

As described in Chapter 1, “Project Description,” the project site is currently owned and controlled by the United States Army-the National Guard Bureau (NGB), which proposes to sell it to the City of New York in accordance with Congressional authorization under Public Law 100-202. The City would in turn lease the site to the Brooklyn Navy Yard Development Corporation (BNYDC) to facilitate the proposed project. Because disposition of the project site by the NGB to the City of New York is subject to separate review under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as implemented by Federal regulations appearing at 36 Code of Federal Regulations (CFR) Part 800, an environmental justice analysis has been prepared pursuant to federal regulations and to identify and address any disproportionately high and adverse impacts on minority or low-income populations that could result from the proposed project. The federal Council on Environmental Quality (CEQ), which has oversight of the federal government’s compliance with Executive Order 12898 and NEPA, developed guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed.

In accordance with this guidance, the analysis concludes that the proposed Admirals Row Plaza project is not expected to result in any disproportionately high and adverse impacts on minority and low-income populations. In addition, the proposed project would be in compliance with applicable NEPA regulations related to public outreach and participation and environmental justice protections.

## **B. METHODOLOGY**

This environmental justice analysis is based on the guidance and methodologies recommended in the CEQ’s *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997), which is summarized below.

The CEQ methodology involves collecting demographic information on the area where the proposed project may cause adverse impacts; identifying low-income and minority populations in that area using census data; and identifying whether the project would result in disproportionately high and adverse impacts on minority or low-income populations. Disproportionately high and adverse impacts are those that are significant, affect minority or low-income communities, and that appreciably exceed those on the general population or non-minority and non-low-income populations. Mitigation measures should be developed and implemented for any disproportionately high and adverse significant impacts. Under NEPA, the potential for disproportionately high and adverse impacts on minority and/or low-income populations should be one of the factors the federal agency considers in making its finding on a project.

### **METHODOLOGY USED FOR THIS ASSESSMENT**

The assessment of environmental justice for the proposed project involved four basic steps:

1. Identify the area where the proposed project may cause adverse impacts (i.e., the study area);
2. Compile population and economic characteristics for the census block groups within the study area and identify potential environmental justice areas (i.e., minority or low-income communities);

3. Identify the proposed project's potential adverse impacts on minority and low-income communities; and
4. Evaluate the proposed project's potential adverse effects on minority and low-income communities relative to its overall effects, to determine whether any potential adverse impacts on those communities would be significant and disproportionately high.

#### *DELINEATION OF STUDY AREA*

The study area for environmental justice encompasses the area most likely to be affected by the proposed project and accounts for the potential impacts resulting from its construction and operation. For the proposed project, the study area consists of those census block groups that either have a majority (at least 50 percent) of their area within ¼-mile of the project site or are in close proximity to the project site and are appropriate for inclusion in the study area due to their large residential population or their geographic location in relation to the project site. The ¼-mile study area corresponds to the size of the study areas chosen for the technical analyses included in this Environmental Impact Statement (EIS), including the ¼-mile land use study area.

The census block groups that have at least 50 percent of their area within ¼-mile of the project site and thus are included in the study area are: Census Tract (CT) 23 Block Group (BG) 1, CT 25 BG 1, CT 25 BG 2, CT 29.01 BG 1, CT 29.02 BG 1, and CT 185.02 BG 2. Although not 50 percent within the ¼-mile study area, CT 185.01 BG 1 also is included in the environmental justice study area due to its relatively high total population and proximity to the project site. This census block group encompasses the New York City Housing Authority (NYCHA) Walt Whitman Houses and had a total population of 4,803 recorded in the 2000 Census. Roughly one-quarter of the census block group's area is located within the ¼-mile study area, including a significant number of people within close proximity to the project site.

Also included in the environmental study area is CT 543 BG 1, which shares the boundaries of the Brooklyn Navy Yard. Although this block group had a total population of zero in the 2000 Census, its boundaries encompass the project site.

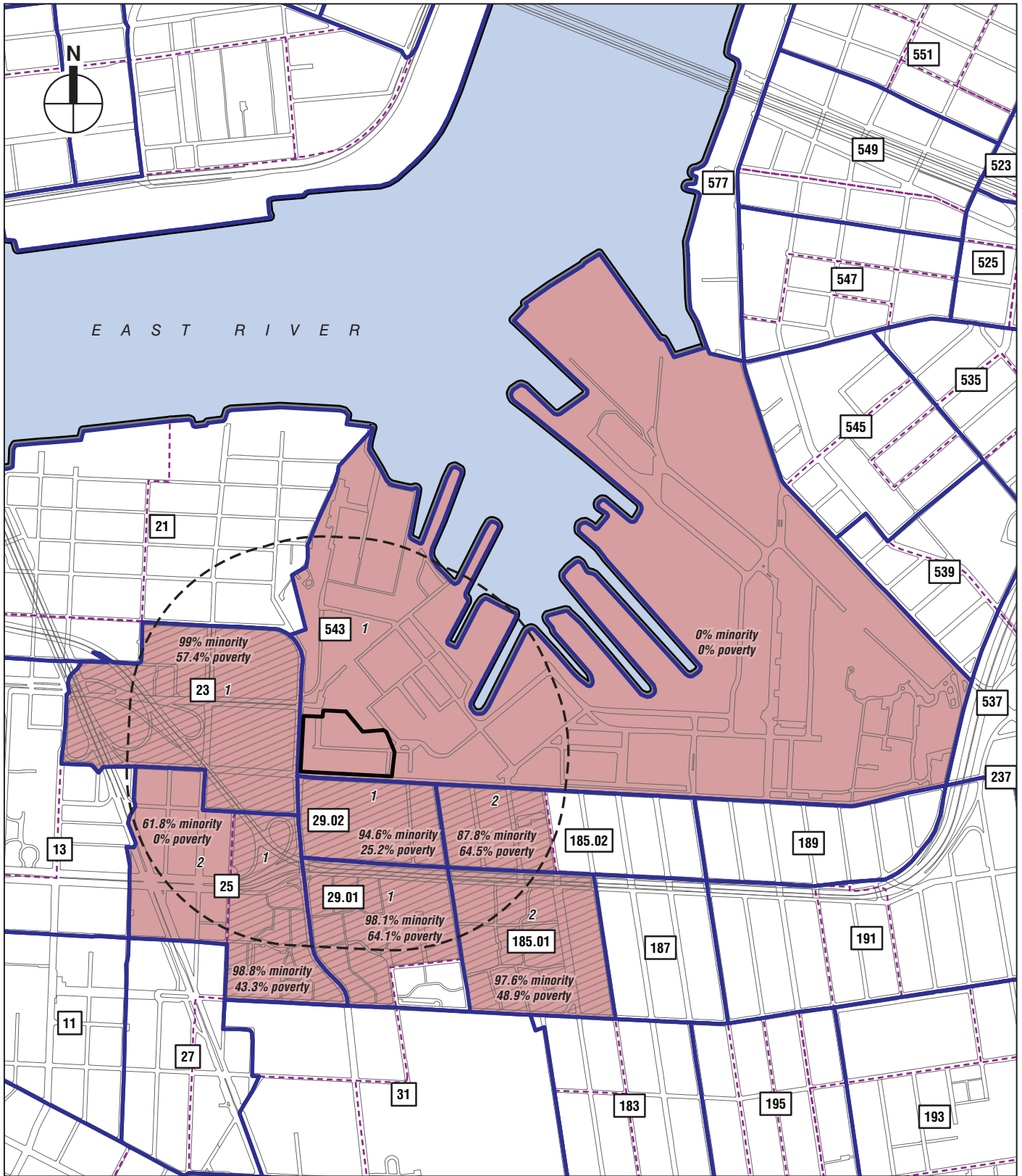
Thus, as shown in **Figure A-1**, there are a total of eight census block groups within Brooklyn, New York included in the study area.

#### *IDENTIFICATION OF ENVIRONMENTAL JUSTICE POPULATION*

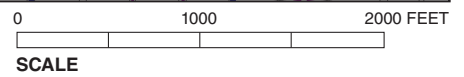
Data were gathered from the U.S. Census Bureau for all census block groups within the study area and, for comparison purposes, for Brooklyn and New York City as a whole. All data were gathered from the 2000 Census. Although more updated minority and low-income data is available for Brooklyn and New York City from the U.S. Census Bureau's American Community Survey, 2000 is the most recent year for which data is available at the block group geographic level.

Minority and low-income communities were identified as follows:

- *Minority Communities:* The guidance documents define minorities to include American Indian or Alaskan natives, Asian and Pacific Islanders, Black persons, and Hispanic persons. This environmental justice analysis also considers minority populations to include persons who identified themselves as being either "some other race" or "two or more races" in the 2000 Census. Following CEQ guidance, minority populations were identified where either:



- Project Site
- Study Area Boundary (1/4-Mile Perimeter)
- Census Tract Boundary
- Census Tract Number
- Block Group Boundary
- Block Group Number
- Minority and Poverty Census Tracts
- Study Area Block Groups



(1) the minority population of the affected area exceeds 50 percent; or (2) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. For this analysis, Brooklyn was used as the proposed project's primary statistical reference area. In Brooklyn, the minority population in 2000 was 65.3 percent. Therefore, for a conservative approach, this environmental justice analysis identifies areas with total minority populations of greater than 65.3 percent as minority communities.

- *Low-Income Communities.* The percent of individuals below poverty level in each census block group, also available in the 2000 Census, was used to identify low-income communities. Since CEQ guidance does not specify a threshold to be used to identify low-income communities, all census block groups whose percentage of individuals below poverty level was meaningfully greater than that of Brooklyn as a whole were considered low-income communities. In Brooklyn, approximately 25.1 percent of individuals live below the federal poverty threshold. Therefore, for a conservative approach, any area with more than 25.1 percent of its individuals living below the poverty level was considered to be low-income and, therefore, a potential environmental justice area.

### **C. ENVIRONMENTAL JUSTICE POPULATIONS IN THE STUDY AREA**

The environmental justice study area includes eight census block groups, as shown in **Figure A-1**, with a total population of 15,885 in 2000. **Table A-1** details the study area's population and economic characteristics. As shown in the table, the study area has a total minority population of 97.2 percent and a low-income population of 52.8 percent. As explained above, because these percentages are significantly above corresponding percentages in Brooklyn, which has a minority population of 65.3 percent and a low-income population of 25.1 percent, the study area meets the definition of both a minority and low-income community and is considered a potential environmental justice area. Specifically, six of the study area's seven block groups with a residential population have minority populations significantly greater than Brooklyn's corresponding minority population, ranging from 87.8 to 99.0 percent. Only one block group (CT 25 BG 2) contained a residential population that has a minority population (61.8 percent) below the corresponding Brooklyn statistic of 65.3 percent.

Similarly, six of the study area's seven block groups with a residential population have low-income populations greater than the Brooklyn corresponding low-income population of 25.1 percent. One of these block groups (CT 29.02 BG 1), at 25.2 percent, has a low-income population that is barely higher than the Brooklyn corresponding low-income population. The other five block groups have low-income populations ranging from 43.3 to 64.5 percent. CT 25 BG 2 had no individuals living below the federal poverty level in 2000.

In summary, of the study area's seven block groups with residential populations, all are considered minority and low-income communities, and therefore potential environmental justice areas.

**Table A-1  
Study Area Population and Economic Characteristics**

Census Block Groups	Population (2000)											Economic Profile (1999)	
	2000 Total	Race and Ethnicity*										Total Minority (%)	Individuals Below Poverty Level (%)**
		White	%	Black	%	Asian	%	Other	%	Hispanic	%		
CT 23 BG 1	4,314	41	1.0	2,494	57.8	443	10.3	97	2.2	1,239	28.7	99.0	57.4
CT 25 BG 1	1,799	22	1.2	1,221	67.9	9	0.5	52	2.9	495	27.5	98.8	43.3
CT 25 BG 2	306	117	38.2	84	27.5	36	11.8	11	3.6	58	19.0	61.8	0.0
CT 29.01 BG 1	3,683	70	1.9	2,372	64.4	56	1.5	81	2.2	1,104	30.0	98.1	64.1
CT 29.02 BG 1	653	35	5.4	496	76.0	5	0.8	7	1.1	110	16.8	94.6	25.2
CT 185.01 BG 1	4,803	113	2.4	3,254	67.7	16	0.3	98	2.0	1,322	27.5	97.6	48.9
CT 185.02 BG 2	327	40	12.2	91	27.8	20	6.1	9	2.8	167	51.1	87.8	64.5
CT 543 BG 1	0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	0.0
Study Area	15,885	438	2.8	10,012	63.0	585	3.7	355	2.2	4,495	28.3	97.2	52.8
Brooklyn	2,465,326	854,532	34.7	848,583	34.4	184,291	7.5	90,042	3.7	487,878	19.8	65.3	25.1
New York City	8,008,278	2,801,267	35.0	1,962,154	24.5	780,229	9.7	304,074	3.8	2,160,554	27.0	65.0	21.2

**Notes:**  
 \* The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).  
 \*\* Percent of individuals with incomes below established poverty level. The U.S. Census Bureau's established income threshold for poverty level defines poverty level.  
**Sources:** U.S. Census Bureau, Census 2000.

## **D. SUMMARY OF POTENTIAL ADVERSE IMPACTS**

The analysis next evaluated the proposed project’s potential to result in disproportionately high and adverse impacts on the study area as a whole or any of its block groups.

Based on a review of all technical areas of this EIS, the following potential significant adverse impacts were identified.

### **HISTORIC AND CULTURAL RESOURCES**

As described in Chapter 5, “Historic and Cultural Resources,” demolition of the Admirals Row historic district buildings on the project site would result in a direct, significant adverse impact on architectural resources. The proposed project also would result in a significant adverse contextual impact to the Brooklyn Navy Yard historic district. These impacts will be partially mitigated as described below and in Chapter 14, “Mitigation.”

### **TRANSPORTATION**

As described in Chapter 9, “Transportation,” the proposed project’s increased travel demand would result in significant adverse traffic impacts at two intersections in the weekday AM peak hour and three intersections in the weekday PM peak hour. The proposed project would also result in a significant adverse impact to northbound B62 local bus service due to project-generated demand in the weekday PM peak hour. These impacts can be fully mitigated as described below and in Chapter 14, “Mitigation.”

## **E. IDENTIFICATION OF DISPROPORTIONATELY HIGH AND ADVERSE IMPACTS**

Following CEQ’s guidance, a project’s effects are disproportionately high and adverse if (1) they are significant and adverse and affect a minority population and/or low-income population; and (2) they will be suffered by minority and/or low-income populations and appreciably exceed those that will be suffered by non-minority or non-low-income populations. As described in Chapter 1, “Project Description,” a principal objective of the proposed project is developing a full-service supermarket in a neighborhood underserved by grocery stores offering a full line of grocery products. Further, the surrounding community has strongly advocated the establishment of a supermarket on the site.

As discussed in Chapter 5, “Historic and Cultural Resources” and Chapter 14, “Mitigation” the proposed project’s adverse impacts on architectural resources would be partially mitigated through the retention, reuse, and rehabilitation and/or reconstruction of two historic buildings— Building B and the Timber Shed; preservation of existing, mature trees on the project site along Nassau Street where possible; update of the Historic American Buildings Survey (HABS) Level II documentation; architectural salvage; a site commemoration plan; additional archaeological investigations and mitigation as found necessary based thereon; and a design of the proposed development that respects the height and materials of Building B and the Timber Shed. BNYDC and the developer to be designated by BNYDC pursuant to an RFP would also develop and implement a Construction Protection Plan to protect Building B and the Timber Shed during demolition of existing structures and construction of the new buildings on the site.

The proposed project's adverse impacts on architectural resources would not disproportionately affect populations within the study area that are minority or low-income. The project site is currently overgrown and not publicly accessible to any population; therefore, the removal of several architecturally significant buildings would not have an effect specific to any minority or low-income population. In addition, the proposed project's adverse traffic impacts would not disproportionately affect minority or low-income populations in the study area, as the significant adverse impacts expected at four intersections in one or more peak hours can all be fully mitigated by proposed modifications involving adjustments of 3 seconds or less to traffic signal phasing. The adverse impact on bus service could be mitigated through an expansion of bus services that would be provided by New York City Transit as needs are determined, subject to operational and financial feasibility.

Moreover, this project is part of a larger effort to create jobs and develop underutilized areas within the historic boundaries of the former Brooklyn Navy Yard, and modernize the Navy Yard's infrastructure. The proposed project includes 293,294 gross square feet of development, including a supermarket, retail ranging from small local stores to destination retailers, community facility/non-profit office uses, and light industrial space. The proposed project would be an engine for job growth, directly benefiting the low-income communities that surround the project site. The proposed project would create approximately 578 supermarket, light industrial, retail, and community facility/non-profit office jobs at the project site, and the project sponsor—BNYDC—has a strong track record in placing local residents in jobs.

In addition, as explained in Chapter 1, "Project Description," the surrounding community has strongly advocated the establishment of a supermarket on the site. As described in Chapter 2, "Land Use, Zoning, and Public Policy," a 2008 study by the New York City Department of Health and Mental Hygiene, the New York City Department of City Planning, and the New York City Economic Development Corporation (EDC) found that the project neighborhood is underserved by grocery stores offering a full line of grocery products, including fresh fruits and vegetables, fresh meats, dairy, and other food and nonfood products. As a response to the study, the City established the Food Retail Expansion to Support Health (FRESH) program, which is intended to facilitate the development of stores selling a full range of food products with an emphasis on fresh fruits and vegetables, meats, and other perishable goods. The program provides zoning incentives for neighborhood grocery stores to locate in some of the most underserved neighborhoods in the City. In addition, financial incentives through EDC are targeted toward the development of grocery stores and supermarkets in the FRESH program areas and other underserved areas in all five boroughs. The project site is located outside of the FRESH program's zoning incentive-designated areas in Brooklyn. However, as the project site is located in an area underserved by grocery stores, it is within an area eligible for EDC financial incentives.

Because it would create approximately 578 supermarket, light industrial, retail, and community facility/non-profit office jobs and would develop a full-service supermarket to serve neighborhood residents in an area that is underserved by grocery stores carrying fresh food, the proposed project would benefit the population in the surrounding environmental justice study area. The proposed project would not result in any disproportionately high and adverse impacts on environmental justice populations.



## F. PUBLIC PARTICIPATION

Executive Order 12898 requires federal agencies to work to ensure greater public participation in the decision-making process. In addition, CEQ guidance suggests that federal agencies should acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation.

Since 2007 consultation among the NGB, the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), and various consulting parties has been proceeding under Section 106 with respect to the federal disposition of the Admirals Row site. The United States Army Corps of Engineers is serving as the real estate agent in assisting the NGB in meeting its requirements with respect to this federal undertaking. The consultation process has involved the preparation of multiple studies to assess the historical and archaeological issues associated with the Admirals Row site. The information contained in these studies has been made public through posting on a website maintained by NGB, and through discussion at six Section 106 consulting parties meetings that have been hosted by NGB between April 2008 and February 2011. NGB also hosted public meetings regarding the federal disposition of the Admirals Row site in December 2007, July 2008, and May 2011. These studies and meetings have served to inform the decision-making process with respect to the potential effects of the federal disposition of the site, potential alternatives to the proposed project, and corresponding mitigation measures. The proposed project's public outreach and participation program will be ongoing throughout the NEPA process in accordance with applicable regulations.

This public outreach and participation will be augmented by the public participation opportunities afforded by the City Environmental Quality Review (CEQR) and Uniform Land Use Review Procedure (ULURP) processes. As part of CEQR, a public scoping meeting was held for the proposed project on December 14, 2010, and a Final Scope of Analyses, reflecting comments made on the Draft Scope of Analyses for the EIS, was issued on June 6, 2011. In accordance with the Final Scope of Analyses, a Draft EIS (DEIS) was prepared.

Once the lead agency was ~~is~~ satisfied that the DEIS was ~~is~~ complete, it issued ~~is~~ a Notice of Completion on June 10, 2011 and circulated ~~is~~ the DEIS for public review. Publication of the Notice of Completion of the DEIS started ~~the~~ the public review. During this period, which must extend for a minimum of 30 days and that lasted until 5:00 PM on Monday, September 19, 2011, the public ~~may~~ had the opportunity to review and comment on the DEIS either in writing or at a public hearing held on September 7, 2011. Because the CEQR process is coordinated with land use review, the hearings were ~~are~~ held jointly. All substantive comments become part of the CEQR record and are summarized and responded to in the ~~an~~ FEIS.

As the proposed project moves through ULURP, the public has a number of opportunities to comment on the project and the DEIS at public hearings held by Brooklyn Community Board 2, the Brooklyn Borough President, the City Planning Commission, and the City Council.

## G. CONCLUSION WITH RESPECT TO ENVIRONMENTAL JUSTICE

The proposed Admirals Row Plaza project is not expected to result in any disproportionately high and adverse impacts on minority and low-income populations. To the contrary, the environmental justice community fully supports the proposed project, and the project meets an important unmet need for fresh food in the community. In addition, the proposed project has and

will afford opportunities for public participation. For all these reasons, there are no environmental justice concerns anticipated with the proposed project. \*