

Chapter 9.0: Irreversible and Irretrievable Commitment of Resources

The Federal Council on Environmental Quality's (CEQ) regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA), as set forth in 40 C.F.R. §§ 1502.16, requires federal agencies to consider any irreversible or irretrievable commitment of resources in the evaluation of environmental consequences should a proposal be implemented. Similarly, the New York State Environmental Quality Review Act (SEQRA) regulations identify that the contents of an environmental impact statement (EIS) include an evaluation of any irreversible and irretrievable commitments of environmental resources that would be associated with the proposed action should it be implemented (6 NYCRR § 617.9 [b][5][iii][c]). Resources, both natural and human-made, would be expended in the construction and operation of the East Side Coastal Resiliency (ESCR) Project (the proposed project). These resources include the building materials used in construction; energy in the form of gas and electricity consumed during construction by various mechanical and processing systems; and the human effort (time and labor) required to develop, construct, and operate various components of the flood protection system. These are considered irretrievably committed because their reuse for some other purpose would be highly unlikely.

The proposed flood protection measures and enhancements to open spaces under the proposed project also constitutes a long-term commitment of land resources, thereby rendering land use for other purposes highly unlikely in the foreseeable future. Furthermore, funds committed to the design, construction/renovation, maintenance, and operation of the proposed project are not available for other projects.

These commitments of resources and materials are weighed against the proposed project's goals to (1) provide a reliable coastal flood protection system against the design storm event for the protected area; (2) improve access to, and enhance open space resources along the waterfront, including East River Park and Stuyvesant Cove Park; (3) respond quickly to the urgent need for increased flood protection and resiliency, particularly for communities that have a large concentration of residents in affordable and public housing units along the proposed project area; and (4) achieve implementation milestones and comply with the conditions attached to funding allocations as established by the U.S. Department of Housing and Urban Development (HUD), including scheduling milestones. *