

PUBLIC NOTICE

COMBINED NOTICE OF JOINT RECORD OF DECISION (ROD) AND FINDINGS STATEMENT and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI RROF)

East Side Coastal Resiliency Project New York, New York

December 6, 2019

This provides notice that the City of New York's Office of Management and Budget (OMB), as the "Responsible Entity," as that term is identified by 24 CFR 58.2(a)(7)(i), together with the New York City Department of Parks & Recreation (NYC Parks), has issued a Joint Record of Decision (ROD) and Findings Statement that formally selects Alternative 4 as the Preferred Alternative to be implemented along a portion of the east side of Manhattan and related improvements to City infrastructure. OMB is the grantee of United States Department of Housing and Urban Development (HUD) Community Development Disaster Recovery (CDBG-DR) funds appropriated by the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2, approved January 29, 2013) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (Stafford Act) in calendar years 2011, 2012, and 2013. OMB implements HUD's obligations under the National Environmental Policy Act (NEPA) through duly authorized Certifying Officers.

The Joint ROD and Findings Statement was prepared pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, and the City Environmental Quality Review Rules of Procedure found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), and in accordance with SEQRA [New York Environmental Conservation Law (ECL) Article 8 (8-0101-8-0117)]. NYC Parks, as Lead Agency under SEQRA/CEQR, together with OMB, as Lead Agency under NEPA, has given consideration to the facts and conclusions relied upon in the FEIS and determined that the requirements of CEQR and Article 8, Section 8-0109 of the ECL and implementing regulations (6 NYCRR Part 617) have been met.

Pursuant to 24 CFR Section 58.43, this Notice of Intent to Request Release of Funds (NOI RROF) satisfies procedural requirements for project activities proposed to be undertaken by OMB.

Project Title: East Side Coastal Resiliency (ESCR) Project

Purpose: The purpose of the proposed project is to address coastal flooding vulnerability in a manner that reduces the flooding risk while enhancing waterfront open spaces and access to the waterfront.

Location: Borough of Manhattan, New York, New York

Project Description: On October 29, 2012, Hurricane Sandy made landfall, greatly impacting the east side of Manhattan and highlighting the need for the City of New York (the City) to increase its efforts to protect vulnerable populations and critical infrastructure during major storm events. Hurricane Sandy, a presidentially declared disaster, caused extensive coastal flooding, resulting in significant damage to residential and commercial property, open space, transportation, power, and water and sewer infrastructure, which in turn affected medical and other essential services. As part of its plan to address vulnerability to such major flooding, the City is proposing the East Side Coastal Resiliency (ESCR) Project (the proposed project), which involves the construction of a coastal flood protection system along a portion of the east side of Manhattan and related improvements to City infrastructure. The Preferred Alternative for the proposed project is Alternative 4: Flood Protection System with a Raised East River Park.

The proposed project area begins at Montgomery Street to the south and extends north along the waterfront to East 25th Street and is composed of two sub-areas: Project Area One and Project Area Two. Project Area One extends from Montgomery Street on the south to the north end of John V. Lindsay East River Park (East River Park) at about East 13th Street. Project Area One is approximately 61 acres and consists primarily of the Franklin Delano Roosevelt East River Drive (the FDR Drive) right-of-way, a portion of Pier 42 and Corlears Hook Park as well as East River Park. The majority of Project Area One is within East River Park and includes four existing pedestrian bridges across the FDR Drive to East River Park (Corlears Hook, Delancey Street, East 6th Street, and East 10th Street Bridges) and the Houston Street overpass. Project Area Two is approximately 21 acres and extends north and east from Project Area One, from East 13th Street to East 25th Street. In addition to the FDR Drive right-of-way, Project Area Two includes the Consolidated Edison Company of New York (Con Edison) East 13th Street Substation and the East River Generating Station, Murphy Brothers Playground, Stuyvesant Cove Park, Asser Levy Recreational Center and Playground, and in-street segments along East 20th Street, East 25th Street, and along and under the FDR Drive. The proposed flood protection system is completed on the north with a connection to the existing U.S. Veterans Administration (VA) Medical Center flood protection system.

The area that would be protected under the Preferred Alternative (the protected area) includes lands within the Federal Emergency Management Agency (FEMA) 100-year special flood hazard area (SFHA). In addition, the protected area also takes into consideration the 90th percentile projection of sea level rise to the 2050s. Based on these assumptions, the protected area includes portions of the Lower East Side and East Village neighborhoods, Stuyvesant Town, Peter Cooper Village as well as East River Park and Stuyvesant Cove Park inland of the flood alignment. Within the project area, the City is proposing to install a flood protection system generally located within City

parkland and streets, which would consist of a combination of floodwalls, levees, closure structures (e.g., floodgates), and other infrastructure improvements to reduce the risk of flooding. The Preferred Alternative would raise the majority of East River Park by approximately eight feet and would limit the length of exposed wall between the community and the waterfront to provide for improved neighborhood connectivity and integration. In addition to providing a reliable coastal flood protection system for this area, another goal of the proposed project is to improve open spaces and enhance access to the waterfront, including East River Park and Stuyvesant Cove Park.

Subsequent to the FEIS, the City identified a phased construction approach in Project Area One for the Preferred Alternative where substantial portions of East River Park would be kept open throughout the construction period to partially mitigate significant adverse construction effects on open space resources. As with the construction schedule presented in the FEIS, activities under the revised construction phasing plan would commence in March 2020 and the flood protection system would be in place by the hurricane season of 2023. Although access and open space improvements for the entire project area would not be completed until 2025 under the revised construction phasing plan, unlike the previous construction plan, a substantial part of East River Park would always be available for public use during the construction period. The details of the modified Preferred Alternative, including the revised construction phasing plan, have been analyzed in a Technical Memorandum. As presented in the Technical Memorandum, the modified Preferred Alternative would not result in any new or different significant adverse effects not already identified in the FEIS.

A Programmatic Agreement (PA) has also been prepared for the proposed project. A draft of the PA was included in the FEIS; the PA has been executed among OMB, the New York State Office of Parks, Recreation and Historic Preservation (SHPO), and the Advisory Council on Historic Preservation (ACHP), and also signed by five consulting parties – NYC Parks, the New York City Landmarks Preservation Commission (LPC), The Municipal Art Society, the Lower East Side Preservation Initiative (LESPI), and the New York Landmarks Conservancy.

The City has entered into a grant agreement with HUD to disburse \$338 million of CDBG-DR funds for the design and construction of the proposed project. The City is the grantee of CDBG-DR funds related to Hurricane Sandy for the development of a coastal flood protection system, which would be provided to the City through OMB, acting under HUD's authority.

Estimated Project Cost: approximately \$1.45 billion

Availability of Joint Record of Decision and Findings Statement

This is to give notice that OMB has prepared a Joint ROD and Findings Statement in accordance with the National Environmental Policy Act (NEPA; 42 USC § 4321 et seq.) and the Council on Environmental Quality (CEQ) regulations implementing NEPA 40 CFR Parts 1500 to 1508. This Joint ROD and Findings Statement is also prepared in accordance with SEQRA [New York Environmental Conservation Law (ECL) Article 8 (8-0101-8-0117)], and pursuant to City

Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, and the City Environmental Quality Review Rules of Procedure found at Title 62, Chapter 5 of the Rules of the City of New York.

Public Review: The Environmental Review Record (ERR) for this project, which includes the ROD, Final Environmental Impact Statement (FEIS), and Technical Memorandum 001, is available online at <https://www1.nyc.gov/site/cdbgdr/documents/environmental-records.page>. Hard copies of the ERR documentation are available for public review during regular business hours at:

- Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007;
- NYC Parks, The Arsenal, Central Park, 830 Fifth Avenue, Room 401, New York, NY 10065;
- New York Public Library – Seward Park Branch, 192 East Broadway, New York, NY 10002; and
- New York Public Library – Epiphany Branch, 228 East 23rd Street, New York, NY 10010.

Further information may be requested by writing to the New York City Office of Management and Budget, c/o Calvin Johnson, Assistant Director CDBG-Dr, 255 Greenwich Street, 8th Floor, New York, NY 10007, or by emailing CDBGDR-Enviro@omb.nyc.gov. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state, and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in newspapers of general circulation in the affected community and the City, in compliance with the ESCR Citizen Participation Plan.

Public Comments: Any individual, group or agency may submit comments on the ROD and NOI RROF via the following methods:

- Mail comments to New York City Office of Management and Budget, c/o Calvin Johnson, Assistant Director CDBG-DR, 255 Greenwich Street, 8th Floor, New York, NY 10007
- Submit comments online at <https://www1.nyc.gov/site/escr/index.page>
- Submit comments via email at CDBGDR-Enviro@omb.nyc.gov

All comments should be received by December 23, 2019, or fifteen (15) days from the actual date of publication, whichever is later, to be considered by OMB prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds. Once complete, responses to comments will be published on the following website: <https://www1.nyc.gov/site/cdbgdr/documents/environmental-records.page>.

Request for Release of Funds and Certification

On or about January 2, 2020, OMB's certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds in the amount of \$338 million as authorized by related laws and policies for the purpose of implementing the East Side Coastal Resiliency Project.

Environmental Certification: OMB certifies to HUD that Melanie Hartzog, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows OMB to use CDBG-DR program funds.

Objection to Release of Funds: HUD will consider objections to its release of funds and OMB's certification for a period of fifteen (15) days following the anticipated submission date of the Request for Release of Funds or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of OMB; (b) OMB has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, at U.S Department of Housing & Urban Development, 451 7th Street SW, Rm. 7272, Washington, DC 20410; Phone: (202) 402-4649. Potential objectors should contact HUD to verify the actual last day of the objection period.

City of New York: Bill de Blasio, Mayor
Melanie Hartzog, Director, Office of Management and Budget
Mitchell Silver, Commissioner, New York City Department of Parks & Recreation

Date: December 6, 2019