

PUBLIC NOTICE

NOTICE OF AVAILABILITY OF FINAL ENVIRONMENTAL IMPACT STATEMENT; NOTICE OF AVAILABILITY OF NATIONAL HISTORIC PRESERVATION ACT FINAL PROGRAMMATIC AGREEMENT; NOTICE OF PROPOSED ACTIVITY IN THE 100-YEAR FLOODPLAIN; NOTICE OF DRAFT CLEAN AIR ACT CONFORMITY DETERMINATION

Notice of Availability of Final Environmental Impact Statement: Lower Manhattan Development Corporation (LMDC), a subsidiary of Empire State Development Corporation (a political subdivision and public benefit corporation of the State of New York), as lead agency under the National Environmental Policy Act, has completed and made available a Final Environmental Impact Statement (FEIS) for the **East River Waterfront Esplanade and Piers Project** (Proposed Action). LMDC is responsible, pursuant to federal statute 42 U.S.C. § 5304(g) as recipient of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant funds, for conducting environmental review of projects receiving HUD funds in accordance with 24 CFR Part 58, as well as other laws and regulations. The City of New York (the City) is a cooperating agency in this environmental review. Additional reviews for the Proposed Action are being undertaken in coordination with the environmental review described above, including those required under Section 106 of the National Historic Preservation Act and HUD regulations. The FEIS incorporates and addresses comments received on the DEIS from the public, organizations, elected officials and agencies.

The Proposed Action would improve a two mile portion of the East River waterfront in Manhattan and create a City-owned public open space. The area of the Proposed Action would generally encompass the waterfront, the upland area adjacent to and under the elevated Franklin Delano Roosevelt (FDR) Drive and South Street extending from the Whitehall Ferry Terminal and Peter Minuit Plaza on the South to the East River Park on the North, as well as Pier 15, the New Market Building pier, Pier 35, Pier 36, and Pier 42. If approved, approximately \$139,500,000 of HUD funds would be committed by LMDC to the Proposed Action.

The FEIS analyzes the Proposed Action's potential impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources and Floodplain Impacts; Hazardous Materials; Waterfront Revitalization; Infrastructure, Solid Waste and Energy; Traffic and Transportation; Air Quality; Noise; Construction Impacts; and Environmental Justice. The FEIS addresses mitigation of potential impacts, including impacts related to traffic and transportation and construction. The FEIS considers a reasonable range of alternatives including a no action alternative, esplanade development alternatives, Battery Maritime Building (BMB) plaza alternatives, an alternative without the BMB plaza and the Pier 42 beach, alternative in-water configurations south of Pier 15, and an alternative retaining a portion of the automobile parking beneath the FDR Drive. The FEIS also considers unavoidable adverse impacts, growth-inducing aspects of the Proposed Action, irreversible and irretrievable commitments of resources, indirect and cumulative effects and other areas of potential environmental impact.

Notice of Availability of National Historic Preservation Act Final Programmatic Agreement: LMDC, the New York State Historic Preservation Officer and the Advisory Council on Historic Preservation have drafted a Programmatic Agreement pursuant to Section 106 of the National Historic Preservation Act to address the Proposed Action's potential for

effects on historic resources. The FEIS includes the proposed final Programmatic Agreement as an appendix.

Notice for Final Public Review of a Proposal in the 100-Year Floodplain: This notice also serves as the Notice for Final Public Review of a Proposal in the 100-Year Floodplain. This notice is provided pursuant to Section 2(a)(4) of Executive Order 11988 for Floodplain Management and 24 CFR § 55.20(b) concerning financial assistance for activities that are within and/or affect a floodplain. LMDC has determined that the Proposed Action would not adversely affect the floodplain's ability to contain flood waters or exacerbate flooding conditions on the Project Site or its immediate vicinity. LMDC has also determined that there is no alternative location for the Proposed Action and intends to submit a request for funds to HUD as described above. The acreage of the Proposed Action that is located in the 100-year floodplain is approximately 17 acres.

Notice for Draft Conformity Determination: In accordance with the federal Clean Air Act General Conformity rule, LMDC has prepared a draft general conformity determination (Draft Conformity Determination) for the Proposed Action, which has been made available for public review and is included as Appendix E of the FEIS.

The Proposed Action is located in New York County, which the United States Environmental Protection Agency has been designated as a moderate non-attainment area for particulate matter less than 10 micrometers in aerodynamic diameter (PM₁₀), a non-attainment area for particulate matter less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}) and a moderate non-attainment area for the eight-hour ozone standard. New York County was previously designated by the EPA as a severe non-attainment area for the former one-hour ozone standard. The area is in attainment for all other criteria pollutants: nitrogen dioxide (NO₂), lead, sulfur dioxide (SO₂) and carbon monoxide (CO). LMDC's review has been conducted consistent with the requirements of 40 CFR Part 93, Subpart B: "Determining Conformity of Federal Actions to State or Federal Implementation Plans" issued on November 30, 1993 (as amended on July 17, 2006 to address PM_{2.5} emissions). LMDC has determined that, during the construction year of 2008, potential emissions for all the criteria pollutants would be below the *de minimis* threshold established under current federal regulations at 40 CFR § 93.153(b). Nonetheless, the construction emissions could exceed the 25 tons per year (tpy) annual nitrogen oxide (NO_x) threshold that used to trigger the need to prepare a conformity determination for the former one-hour ozone standard, and which threshold is currently an issue subject to litigation in federal court. Accordingly, LMDC has prepared a Draft Conformity Determination (based on the 25 tpy threshold for NO_x) to demonstrate that the Proposed Action would conform with the one-hour ozone New York State Implementation Plan.

Written comments on the FEIS, Draft Conformity Determination and the final floodplain notice may be submitted to LMDC and must be received by LMDC by 5:00PM on **Monday, July 2, 2007** or they will not be considered. Comments should be directed to Christina Hynes, Lower Manhattan Development Corporation, Attention: East River Waterfront Esplanade and Piers Project; One Liberty Plaza; New York, NY 10006; Telephone: (212) 962-2300; Fax: (212) 962-2431. Requests for information about the Proposed Action or copies of the FEIS can also be directed to the same address, and will be available during regular business hours at LMDC offices and on LMDC's website: www.renewnyc.com in "Planning, Design & Development."

DAVID EMIL, PRESIDENT
LOWER MANHATTAN DEVELOPMENT CORPORATION