

4.0 INTRODUCTION AND BACKGROUND

Executive Order 12898 (EO 12898), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), requires federal agencies to consider whether actions they might fund or approve may have any disproportionately high and adverse environmental or human health effects on low-income or minority populations. Since the Proposed Actions will require federal approval from the U.S. Department of Housing and Urban Development (HUD) subject to review under the National Environmental Policy Act (NEPA), this chapter considers the Proposed Actions' potential for disproportionately high and adverse effects on minority and low-income populations. HUD's regulations found at 24 CFR Parts 50 and 58, mandate compliance with EO 12898 for HUD and/or HUD applicants. The environmental justice analysis will also be used by the New York State Department of Environmental Conservation (NYSDEC) in its environmental permit review process associated with the proposed permit actions and its application of the State Environmental Quality Review Act (SEQRA), and is required under CP-29, "Environmental Justice and Permitting," which is the NYSDEC's policy on environmental justice.

4.1 PRINCIPAL CONCLUSIONS

The Proposed Actions under any of the project alternatives (Alternative 2, Layered Strategy; Alternative 3, Breakwaters Project without Shoreline Project; and Alternative 4, Shoreline Project without Breakwaters Project), would produce beneficial effects for the local community, including reduced wave action and coastal erosion along the shoreline in Tottenville, and enhancement of ecosystems and shoreline access and use. In addition, the Proposed Actions include engaging with the community through educational programs directly related to the coastal resiliency actions. At the same time, the Proposed Actions would not result in any significant adverse impacts that would result in any disproportionately high and adverse effects on minority and low-income populations. Overall, the Proposed Actions would have a positive effect on the neighboring communities by both providing coastal protection and ecological enhancement, and at the same time providing a destination for public education, and increasing awareness of local ecosystems and innovative coastal resiliency strategies in an era increasingly affected by climate change. In addition, the Proposed Actions would be in compliance with all applicable NEPA, HUD, and state regulations related to environmental justice protections. Therefore, there are no environmental justice concerns expected with the Proposed Actions.

4.2 METHODOLOGY

The environmental justice analysis for the Proposed Actions follows the guidance and methodologies recommended in the federal Council on Environmental Quality (CEQ)'s *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997), as summarized below.

4.2.1 CEQ GUIDANCE

The CEQ, which has oversight of the federal government's compliance with EO 12898 and NEPA, developed its guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed.

The CEQ methodology involves collecting demographic information on the area where the project may cause significant adverse effects; identifying low-income and minority populations in that area using census data; and identifying whether the project's adverse effects are disproportionately high on the low-income and minority populations in comparison with those on other populations. Mitigation measures should be developed and implemented for any disproportionately high and adverse effects. Under NEPA, the potential for disproportionately high and adverse effects on minority and/or low-income populations should then be one of the factors the federal agency considers in making its finding on a project and issuing a Finding of No Significant Impact or a Record of Decision (ROD).

4.2.2 ANALYSIS STEPS

The assessment of environmental justice for the Proposed Actions involved four basic steps:

1. Identify the area where the Proposed Actions may cause significant and adverse impacts (i.e., the study area);
2. Compile race and ethnicity and poverty status data for the study area and identify minority or low-income communities;
3. Identify the Proposed Actions' potential adverse effects on minority and low-income communities;
4. Evaluate the Proposed Actions' potential adverse effects on minority and low-income communities relative to its overall effects to determine whether any potential adverse effects on those communities would be disproportionate and, therefore, disproportionately high and adverse.

DELINEATION OF STUDY AREA

The study area for environmental justice encompasses the area most likely to be affected by the Proposed Actions and considers the area where potential impacts resulting from construction and operation of the proposed projects (the Breakwaters and Shoreline Projects) could occur. The study area for environmental justice includes the census block groups that are at least 50 percent within the area of potential effect, which is generally the area within one mile landward of the proposed project elements, taking into account potential impacts identified throughout the environmental impact statement (EIS). As shown in **Figure 4-1**, the study area includes eight census block groups.

IDENTIFICATION OF MINORITY AND LOW-INCOME COMMUNITIES

Data on race, ethnicity, and poverty status were gathered from the U.S. Census Bureau's 2010–2014 American Community Survey (ACS) for the census block groups within the study area, and then aggregated for the study area as a whole. For comparison purposes, data for Staten Island and New York City were also compiled. Based on ACS data and CEQ guidance (described above), minority and low-income populations were identified as follows:



- Proposed Breakwater Features
- Proposed Shoreline Restoration Area
- Proposed Shoreline Project Elements

- Potential Location of Proposed Water Hub (exact location to be determined)
- Proposed Floating Dock (associated with Water Hub Potential Locations 1 and 2 only)

- Block Groups in the Study Area
- Potential Environmental Justice Area
- 1-Mile Study Area

- Potential Water Access



- *Minority communities:* CEQ guidance defines minorities to include American Indians or Alaskan Natives, Asian and Pacific Islanders, African Americans or Black persons, and Hispanic persons. This environmental justice analysis also considers minority populations to include persons of “some other race” or “two or more races.” Following CEQ guidance, minority communities were identified where the minority population of the affected area exceeds 50 percent or where the minority population percentage (either an individual minority group or the total minority population) is meaningfully greater than in the geographic reference areas.
- *Low-income communities:* The percent of individuals living below the poverty level in each census block group was used to identify low-income populations. Because CEQ guidance does not specify a threshold for identifying low-income communities, all census block groups with a low-income population percentage that is meaningfully greater than in Staten Island—the Proposed Actions’ primary statistical reference area—were considered low-income communities. In Staten Island, approximately 12.3 percent of the total population is living below the federal poverty threshold, so any block group with a low-income population equal to or greater than 15.0 percent was considered a low-income community.

4.3 ENVIRONMENTAL JUSTICE POPULATIONS IN THE STUDY AREA

The environmental justice study area includes eight census block groups (see **Figure 4-1**). **Table 4-1** shows population and economic characteristics in terms of race, ethnicity, and poverty status. The study area had a population of 14,053 in 2010–2014, or approximately 3.0 percent of the total population of Staten Island.

Approximately 86.6 percent of the study area’s population is non-Hispanic White, making up the largest racial or ethnic group. Approximately 13.4 percent of the residents of this study area are minority—a substantially smaller proportion than in Staten Island (36.8 percent) and the City as a whole (67.3 percent). Because the study area’s total minority percentage does not exceed CEQ’s 50 percent threshold, and is less than in the reference areas, the study area as a whole is not considered a minority community. Of the study area’s individual block groups, (Census Tract 244.02 Block Group 2 along the waterfront in the southwestern portion of the study area) may be considered a minority community on the basis that its total Asian population (17.1 percent) may be considered meaningfully greater than in Staten Island (7.9 percent) and New York City as a whole (13.2 percent).

None of the block groups in the study area have low-income population percentages that are meaningfully greater than in Staten Island or New York City. Census Tract 248 Block Group 1 had the largest low-income population, with approximately 13.8 percent of its residents living below poverty in 2010–2014.

**Table 4-1
Study Area Race and Ethnicity and Poverty**

Census Tract	Block Group	2010–2014 Total Population	Race and Ethnicity*										Total Minority (%)	Poverty Status (%)
			White	%	Black	%	Asian	%	Other	%	Hispanic	%		
198	1	99	99	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%	0.0%
244.01	1	1,807	1,577	87.3%	0	0.0%	18	1.0%	46	2.5%	166	9.2%	12.7%	2.0%
244.01	2	1,510	1,333	88.3%	0	0.0%	65	4.3%	39	2.6%	73	4.8%	11.7%	4.2%
244.01	3	2,882	2,728	94.7%	0	0.0%	45	1.6%	0	0.0%	109	3.8%	5.3%	8.0%
244.02	1	2,058	1,861	90.4%	0	0.0%	42	2.0%	0	0.0%	155	7.5%	9.6%	6.6%
244.02	2	2,368	1,672	70.6%	0	0.0%	404	17.1%	0	0.0%	292	12.3%	29.4%	5.0%
248	1	1,663	1,414	85.0%	0	0.0%	0	0.0%	0	0.0%	249	15.0%	15.0%	13.8%
248	2	1,666	1,483	89.0%	12	0.7%	0	0.0%	26	1.6%	145	8.7%	11.0%	4.3%
Study Area		14,053	12,167	86.6%	12	0.1%	574	4.1%	111	0.8%	1,189	8.5%	13.4%	6.3%
Staten Island		471,522	298,156	63.2%	45,139	9.6%	37,111	7.9%	7,750	1.6%	83,366	17.7%	36.8%	12.3%
New York City		8,354,889	2,735,082	32.7%	1,886,662	22.6%	1,098,961	13.2%	226,201	2.7%	2,407,983	28.8%	67.3%	20.6%

Notes:

The race and ethnicity 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).

Shading denotes potential environmental justice area.

Sources: U.S. Census Bureau, 2010–2014 American Community Survey 5-year Estimates.

4.4 PUBLIC PARTICIPATION

EO 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.

The Proposed Actions' public outreach and participation component required by EO 12898 has been satisfied by the review process for this EIS under NEPA and SEQRA. Under NEPA, federal agencies are required to encourage early and meaningful public participation in the decision-making process. SEQRA also allows for public input during the environmental review process.

To this end, the Governor's Office of Storm Recovery (GOSR) has held a number of meetings with local community residents, Staten Island Community Board 3, elected officials, preservation and environmental groups, and other local and regional community based organizations throughout the EIS process. GOSR established a Citizens Advisory Committee (CAC) to offer additional opportunity for public input and for the State, and its design teams, to receive advice on design as the project progress through construction. To date, eight public CAC meetings have been held in the Tottenville, Staten Island community providing an opportunity for input on project elements and design. Extensive outreach to the local community and broader regional area was performed prior to each CAC meeting including but not limited to door-to-door flyering, placement of posters along commercial corridors, flyers in public schools, blast emails, media advisories and through social media. All CAC meeting presentations have been made available on GOSR's website. The CAC and local residents also joined GOSR and its design teams on multiple shore-walks to further raise awareness of the project site and the elements of the project as it progressed through design. Information on the project and public meetings have also been made available at the Tottenville Public Library located at 7430 Amboy Rd, Tottenville, Staten Island.

The Notice of Availability and Notice of Completion for the Draft Environmental Impact Statement (DEIS) for the Proposed Actions was issued by GOSR on March 24, 2017. GOSR held a duly noticed public hearing on the DEIS on April 26, 2017, at Public School 6, 555 Page Avenue, Staten Island, NY 10307. The comment period remained open for receiving written comments until May 8, 2017. This Final Environmental Impact Statement (FEIS) includes a summary of the comments and responses on the DEIS. GOSR will consider any public comments that are received prior to issuing a ROD for the project.

EFFECTS ASSESSMENT

As discussed throughout this EIS, the Proposed Actions under any of the project alternatives (Alternative 2, Layered Strategy; Alternative 3, Breakwaters Project without Shoreline Project; and Alternative 4, Shoreline Project without Breakwaters Project), would produce beneficial effects for the local community, including reduced wave action and coastal erosion along the shoreline in Tottenville, and enhancement of ecosystems and shoreline access and use. In addition, the Proposed Actions include engaging with the community through educational programs directly related to the coastal resiliency actions. At the same time, the Proposed Actions would not result in any significant adverse impacts that would result in any disproportionately high and adverse effects on minority and low-income populations. Overall, the Proposed Actions would have a positive effect on the neighboring communities by both

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providing coastal protection and ecological enhancement, and at the same time providing a destination for public education, and increasing awareness of local ecosystems and innovative coastal resiliency strategies in an era increasingly affected by climate change. In addition, the Proposed Actions would be in compliance with all applicable NEPA, HUD, and state regulations related to environmental justice protections. Therefore, there are no environmental justice concerns expected with the Proposed Actions. *