

***APPENDIX B***  
***USACE PERMIT***



**DEPARTMENT OF THE ARMY**  
 NEW YORK DISTRICT, CORPS OF ENGINEERS  
 JACOB K. JAVITS FEDERAL BUILDING  
 NEW YORK, N.Y. 10278-0090

**FEB 20 2014**

REPLY TO  
 ATTENTION OF

**REGULATORY BRANCH**

**SUBJECT:** Permit Application File Number NAN-2013-01606-EOF by NY State Office of Parks, Recreation and Historic Preservation for the Shoreline Stabilization in Harlem River, located in the Borough of The Bronx, Bronx County, New York

**1. PERMITTEE:**

David Brito  
 NY State Office of Parks, Recreation and Historic Preservation  
 163 West 125th Street, 17th Floor  
 New York, New York 10027  
 212-866-2794

2. On December 26, 2013, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for activities associated with the replacement of 1,926-linear-feet of existing sheet pile bulkhead at Roberto Clemente State Park to include approximately 1,453-cubic-yards of fill to be placed below the mean high water line. The project is located in Harlem River at 301 West Tremont Avenue in the Borough of The Bronx, Bronx County, New York.

3. The specific applicant-provided details are as shown on the enclosed dated permit drawings.

4. This determination covers only the work described in the submitted material. Any major changes in the regulated work may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 3 - MAINTENANCE. The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The subject work may be performed without further authorization from this office provided it complies with the permit conditions listed in Section B, Number 3 - MAINTENANCE; Section C; any applicable New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2012 nationwide general permits in the State of New York, including their final regional conditions, water

## REGULATORY BRANCH

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quality certifications, and coastal zone concurrence statements are available at:

New York City Public Notice -

[http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP\\_PN\\_30MAY12.pdf](http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP_PN_30MAY12.pdf)

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

#### 7. Work-specific Special Conditions:

(A) The permittee, and their agents, shall take actions to prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

(B) The permittee shall contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

(C) The permittee shall sign and submit the attached compliance certification form to this office within 30 days of the completion of the regulated activity authorized by this permit and any mitigation work required by Special Condition.

8. Please note that this nationwide general permit (NWGP) verification is based on a preliminary jurisdictional determination (JD). A preliminary jurisdictional determination (JD) is not appealable. If you wish, prior to commencement of the authorized work you may request an approved jurisdictional determination (JD), which may be appealed, by contacting the New York District, US Army Corps of Engineers for further instructions. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review US Army Corps of Engineers Regulatory Guidance Letter Number 08-02, which can be found at:

<http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>

9. This verification is valid until March 17, 2017, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 17, 2017, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

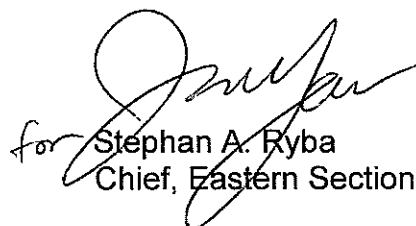
## REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2013-01606-EOF by NY State Office of Parks, Recreation and Historic Preservation for the Shoreline Stabilization located in Harlem River in the Borough of Bronx, Bronx County, New York.

10. In order for us to better serve you and others, please complete our Customer Service Survey located at:

[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

11. Any inquires should be directed to Mellissa Offoha at 917-790-8082. Please be sure to have the above eighteen-character file number readily available when you call.

  
for Stephan A. Ryba  
Chief, Eastern Section

Encls (3)

1. Dated Permit Drwgs
2. Completion Form

CF: w/o encls

NYDOS

NYSDEC Region 2

AKRF

7250 Parkway Drive - Suite 210

Hanover, Maryland 21076



## REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2013-01606-EOF by NY State Office of Parks, Recreation and Historic Preservation for the Shoreline Stabilization located in the Harlem River in the Borough of Bronx, Bronx County, New York.

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): **January 31, 2014**

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

NY State Office of Parks, Recreation and Historic Preservation  
163 West 125th Street, 17th Floor  
New York, New York 10027

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:  
NAN-2013-01606-EOF

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: New York County/parish/borough: Bronx  
Town:

Center coordinates of site (lat/long in degree decimal format):  
Lat. 40°51'16", Long. -73°55'15"

Name of nearest waterbody: Harlem River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 438 linear feet

Cowardin Class: Estuarine

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: Harlem River

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLIES):

☒ Office (Desk) Determination: Date: January 31, 2014

☐ Field Determination: Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

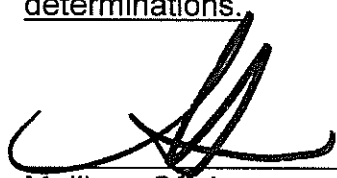
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

## SUPPORTING DATA: Data reviewed for preliminary JD-

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:  
AKRF  
Date of drawings:
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.  
☐ Office concurs with data sheets/delineation report.  
☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:  
☐ Corps navigable waters' study:  
☐ U.S. Geological Survey Hydrologic Atlas:  
☐ USGS NHD data.  
☐ USGS 8 and 12 digit HUC maps
- ☐ U.S. Geological Survey map(s). Cite scale & quad name:  
☐ USDA Natural Resources Conservation Service Soil Survey: Citation:  
☐ National wetlands inventory map(s). Cite name:  
☐ State/Local wetland inventory map(s):  
☐ FEMA/FIRM maps:  
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs:  
☐ Aerial (Name & Date):  
☐ Other (Name & Date):
- ☐ Previous determination(s):  
☐ Other information (please specify):

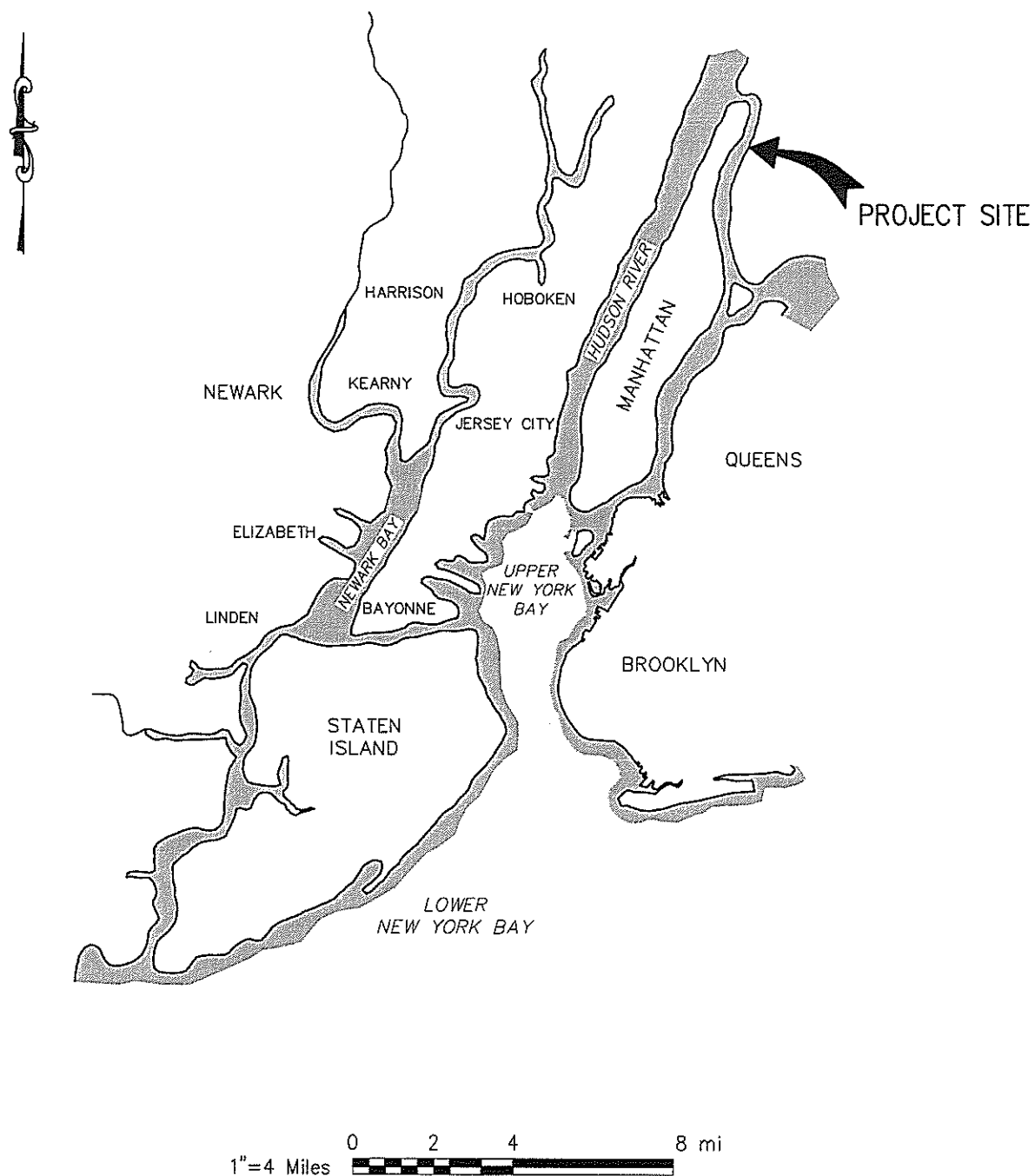
IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.



Mellissa Offoha

Legal Instrument Examiner  
Regulatory Branch, Eastern Section

NY State Office of Parks, Recreation  
and Historic Preservation  
Permittee



NAN2013-1606

PURPOSE:  
REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

PREPARED BY

HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

### VICINITY MAP

NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

PROPOSED: REPAIR AND UPGRADE

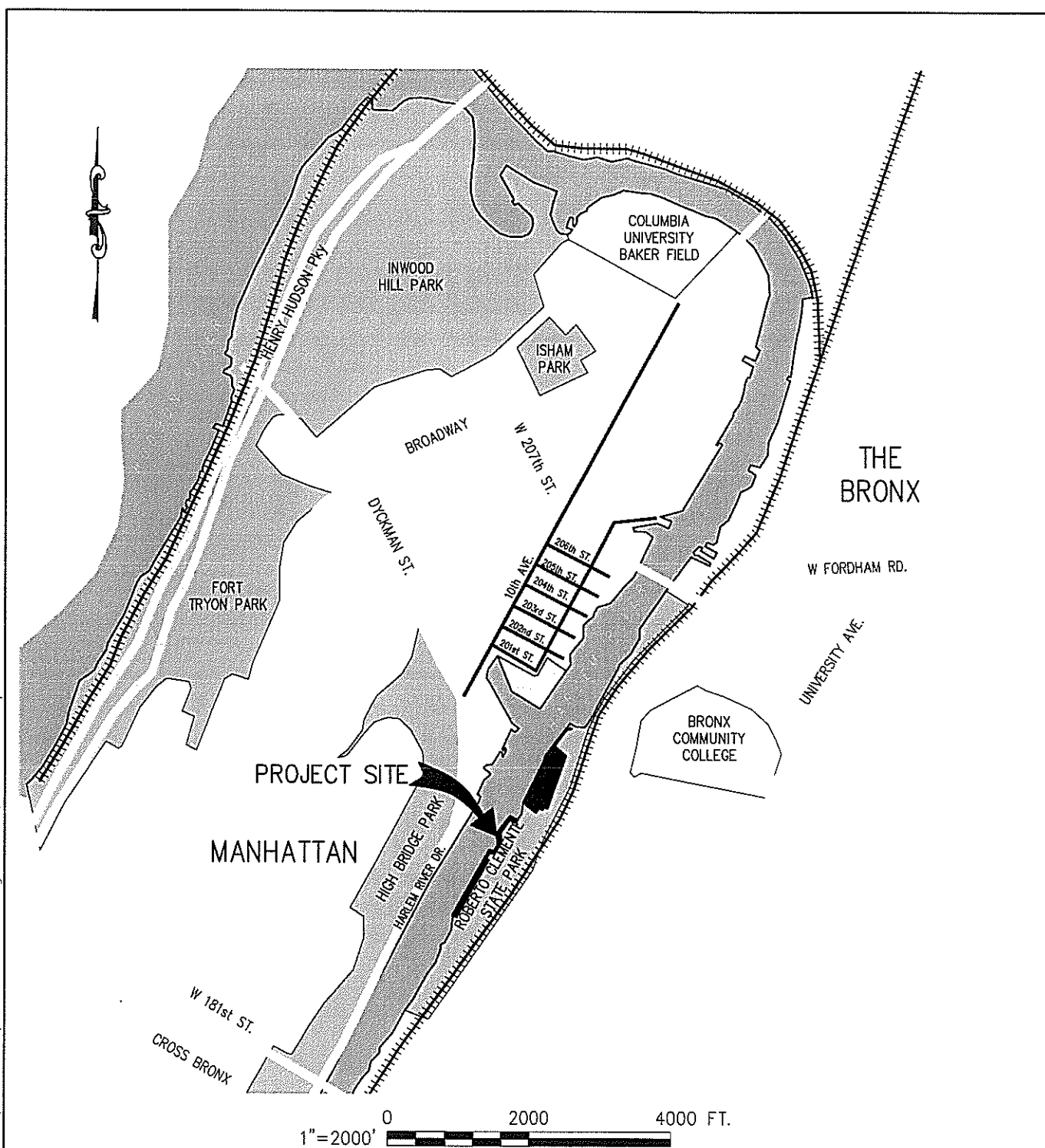
CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 1 OF 21 DATE: DEC 18, 2013

MAN-2013-1606



PURPOSE:  
REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

PREPARED BY

HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

### LOCATION MAP

NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

PROPOSED: REPAIR AND UPGRADE

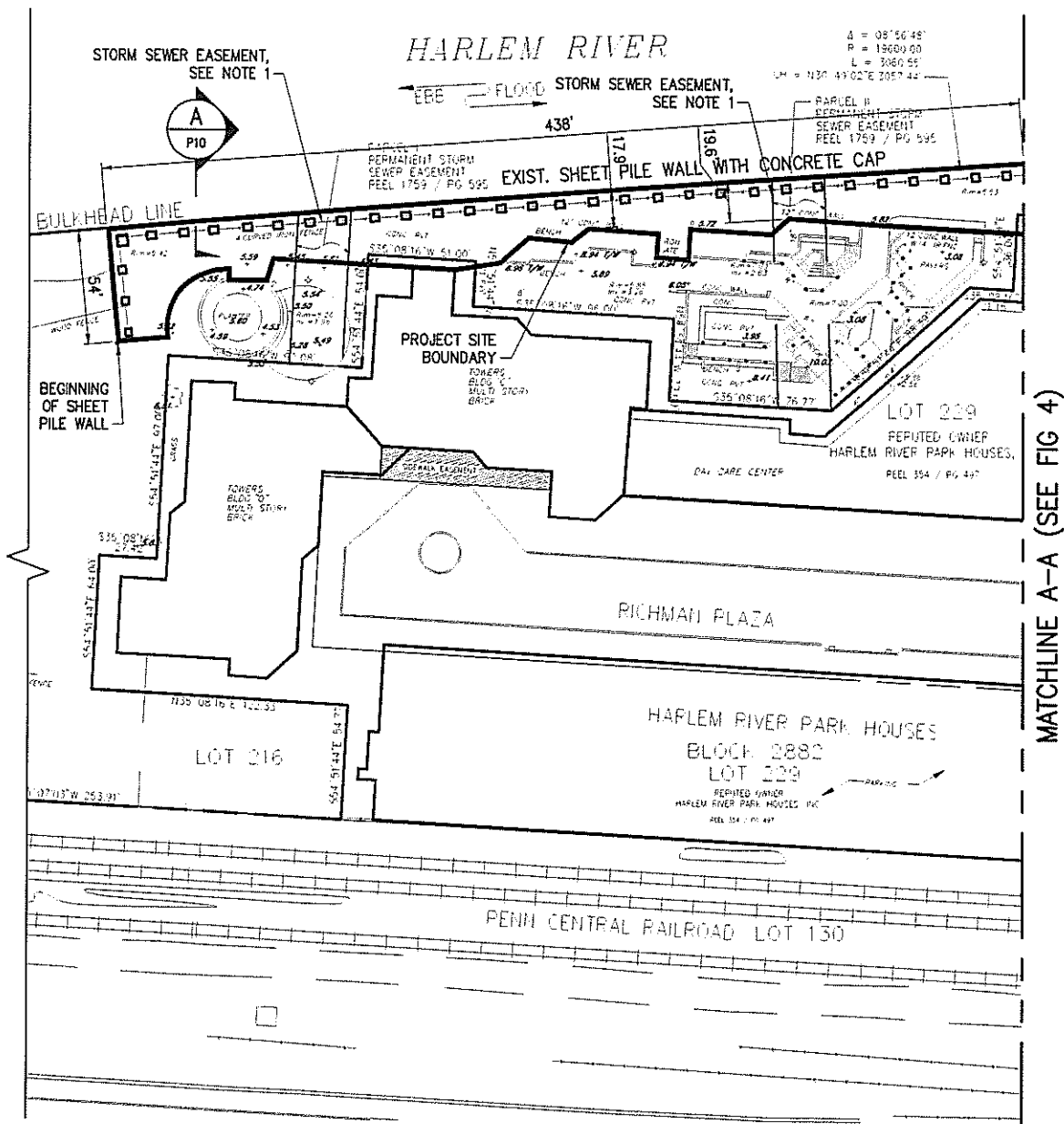
CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 2 OF 21 DATE: DEC 18, 2013

NAN-2013-1606



## PURPOSE:

REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

## PREPARED BY

HALCROW ENGINEERS, P.C.  
NEW YORK, NYROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NYSITE SURVEY PLAN  
(1 OF 7)NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

## PROPOSED: REPAIR AND UPGRADE

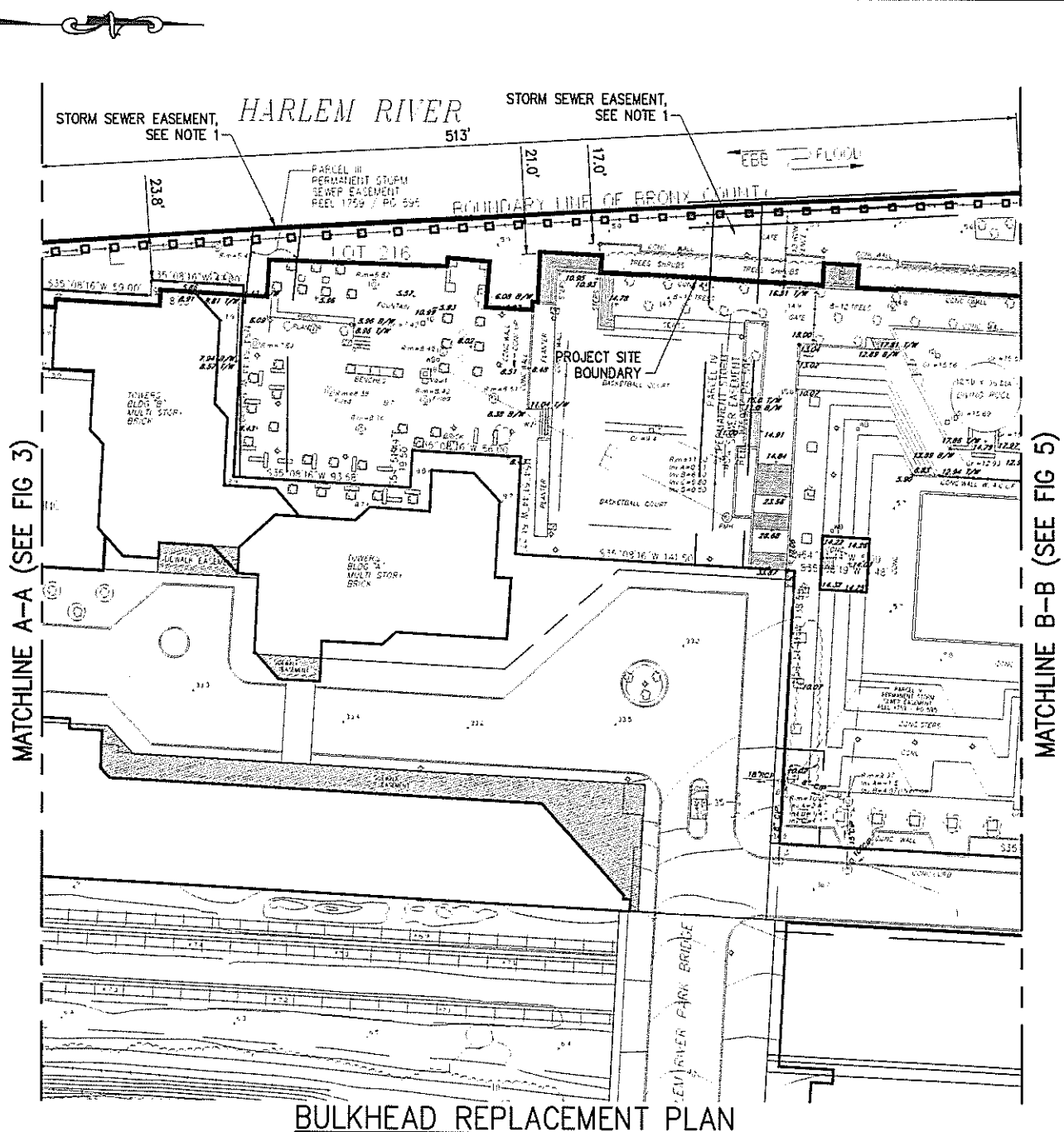
CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 3 OF 21 DATE: DEC 18, 2013

NAN-2013-1606



## BULKHEAD REPLACEMENT PLAN

SCALE 1"=80'

## NOTES:

1. EXISTING STORM SEWERS ARE INACTIVE AND HAD BEEN PLUGGED AT OUTBOARD FACE OF EXISTING BULKHEAD WALL.

1"=80' 0 80 160 FT.

## PURPOSE:

REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

## PREPARED BY

HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

SITE SURVEY PLAN  
(2 OF 7)

NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

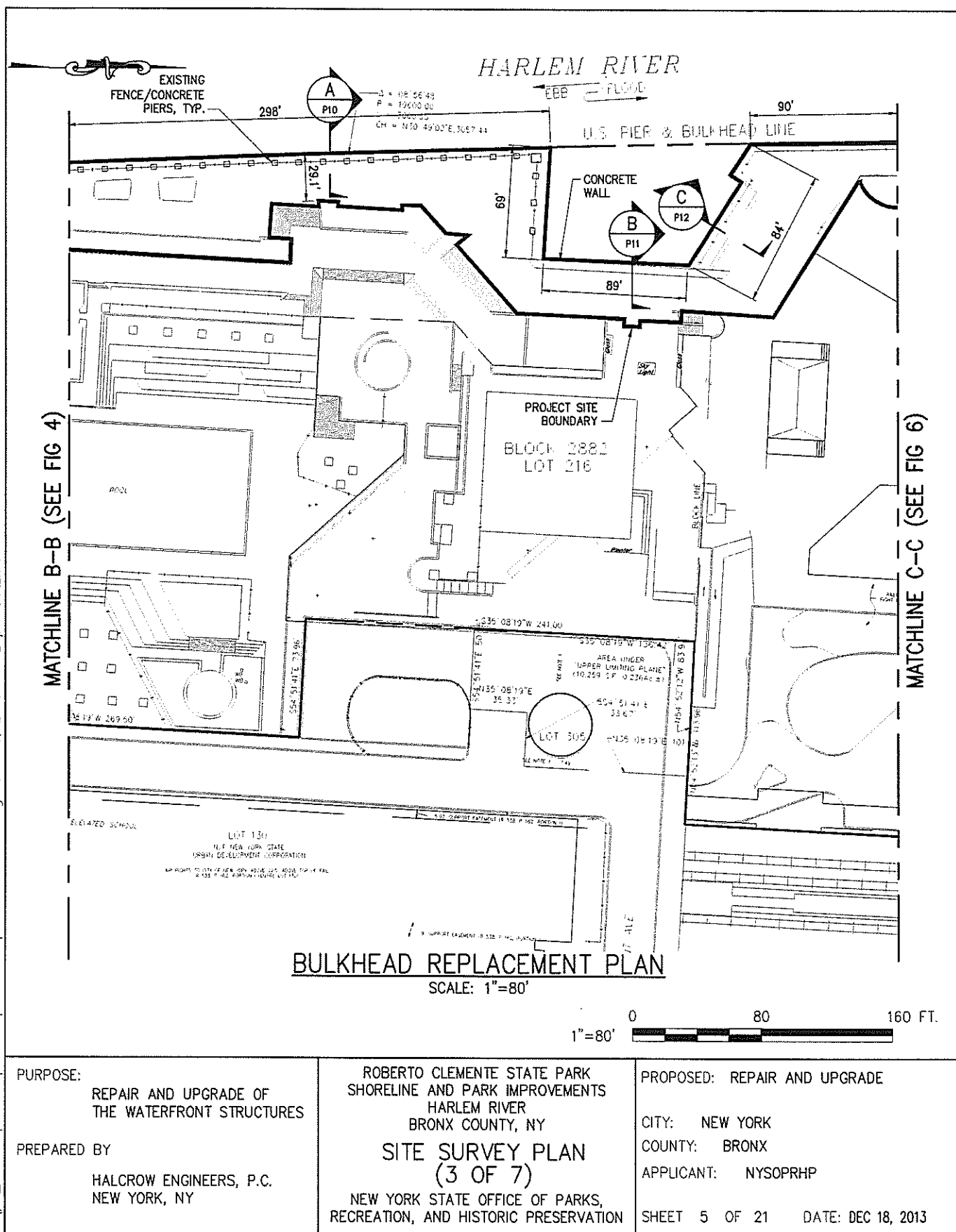
## PROPOSED: REPAIR AND UPGRADE

CITY: NEW YORK

COUNTY: BRONX

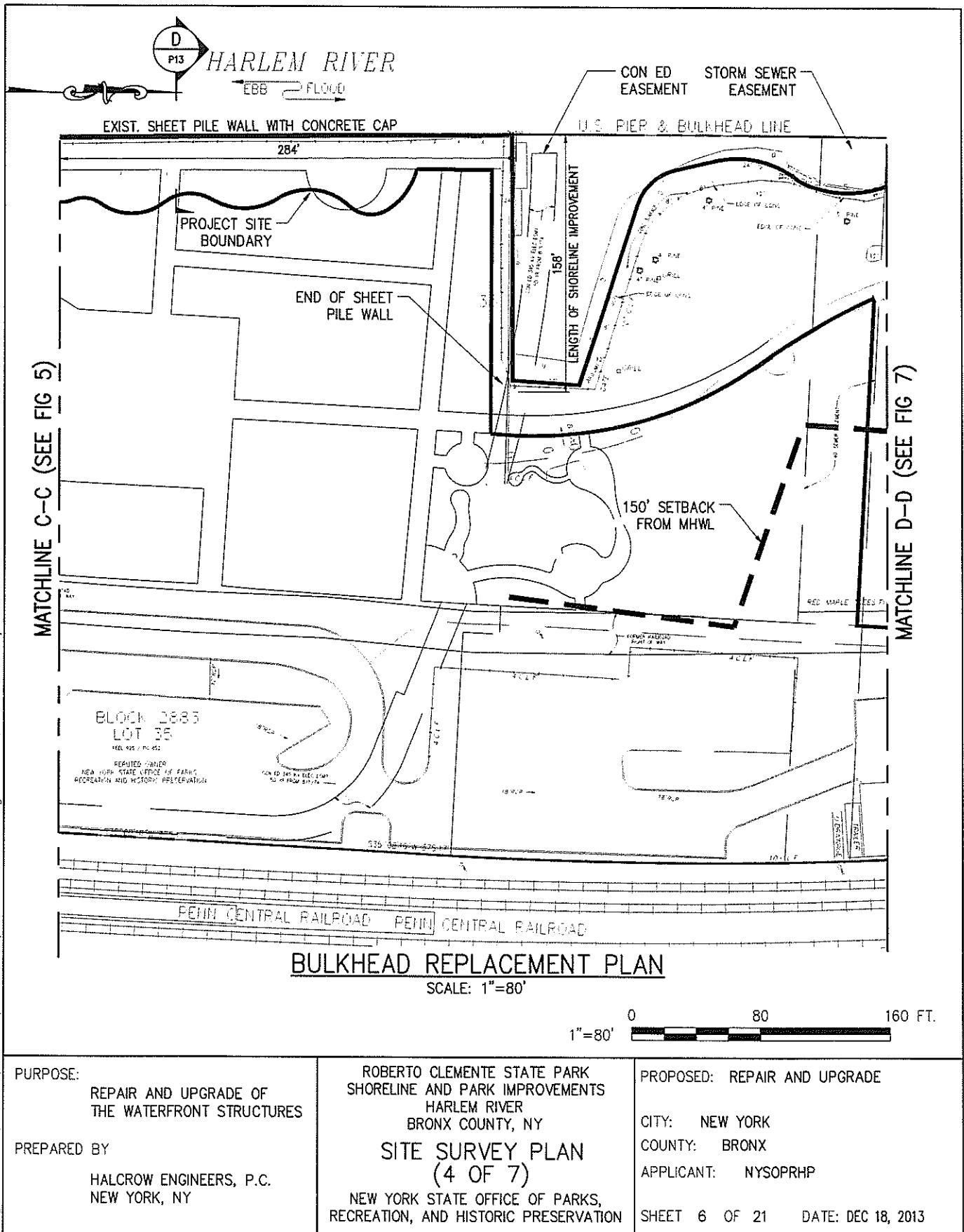
APPLICANT: NYSOPRHP

SHEET 4 OF 21 DATE: DEC 18, 2013



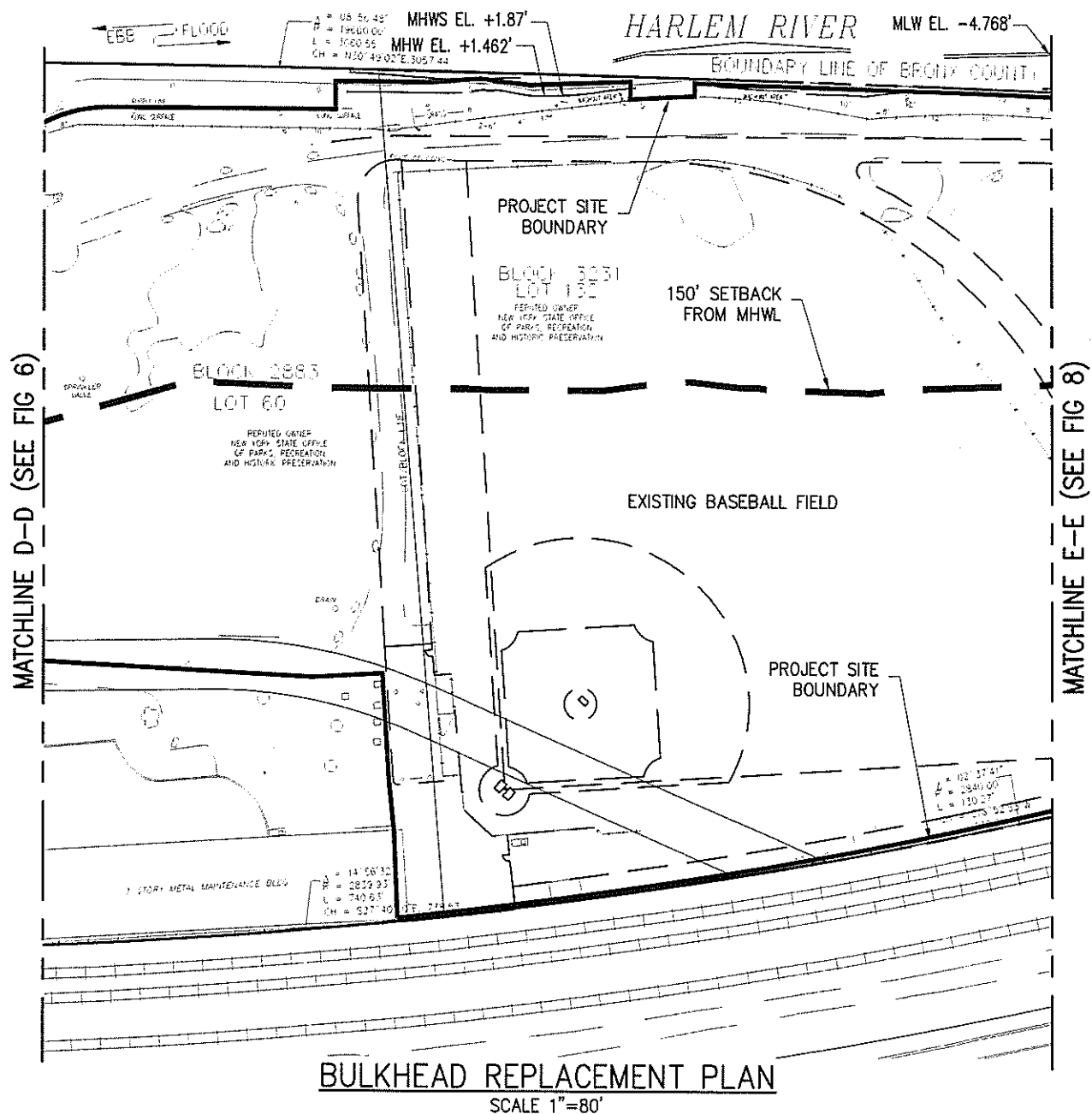


NAN-2013-1606



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NAN-2013-1606



PURPOSE:  
REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

PREPARED BY  
HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

SITE SURVEY PLAN  
(5 OF 7)

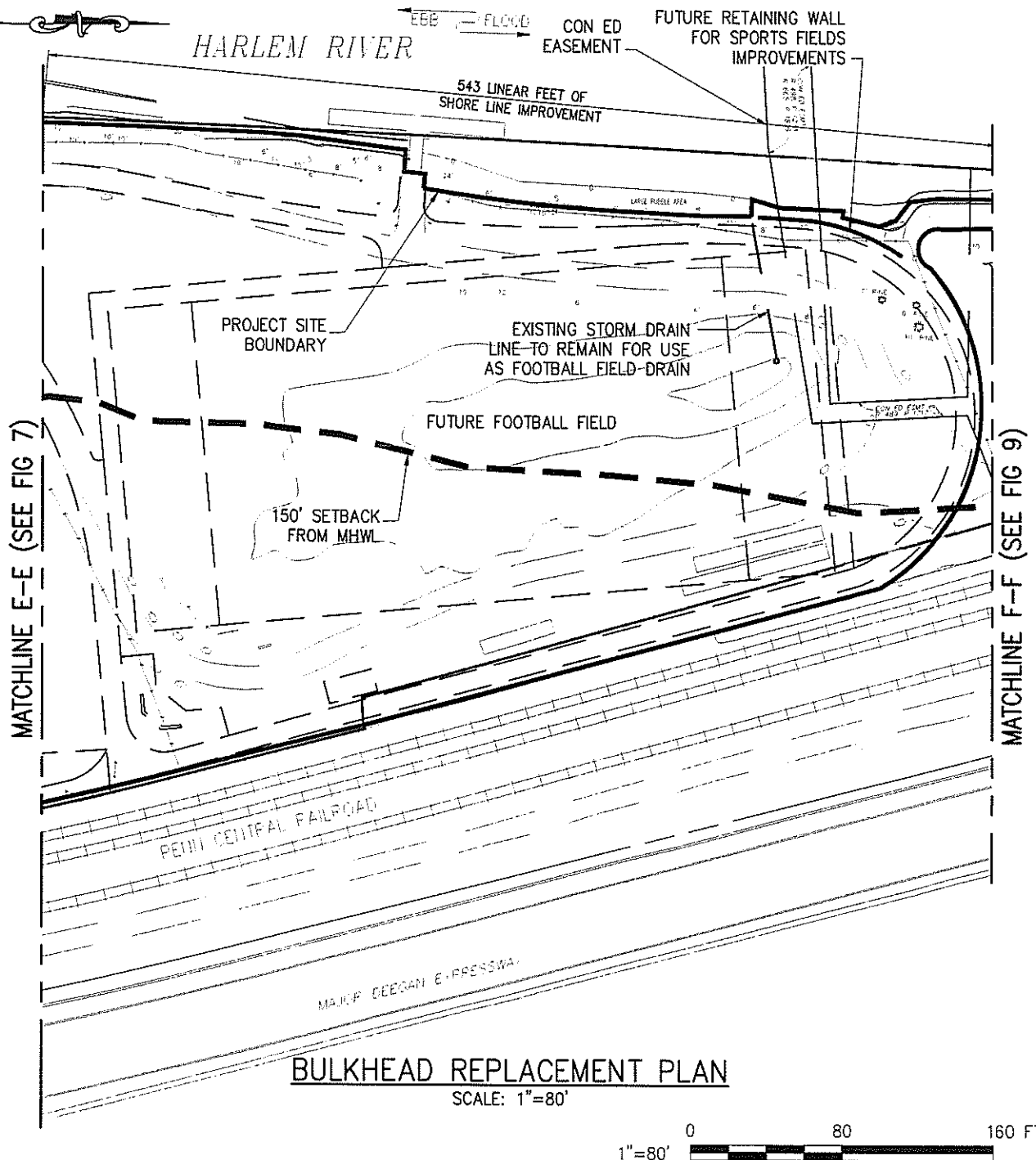
NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

PROPOSED: REPAIR AND UPGRADE

CITY: NEW YORK  
COUNTY: BRONX  
APPLICANT: NYSOPRHP

SHEET 7 OF 21 DATE: DEC 18, 2013

NAN-2013-1604



PURPOSE:  
REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

PREPARED BY

HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

### SITE SURVEY PLAN (6 OF 7)

NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

PROPOSED: REPAIR AND UPGRADE

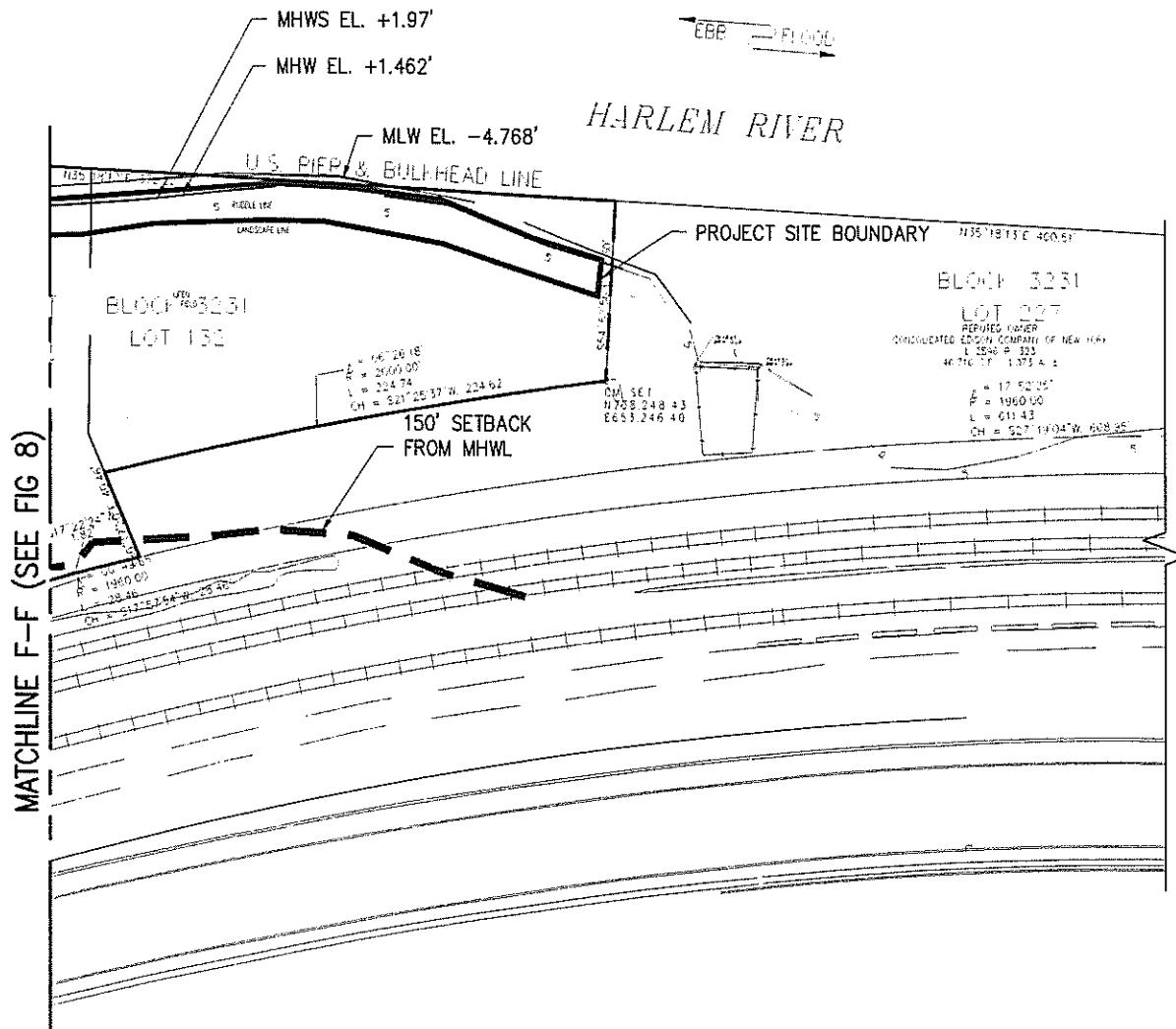
CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 8 OF 21 DATE: DEC 18, 2013

NAN-2013-1606



# BULKHEAD REPLACEMENT PLAN

SCALE: 1"=80'

0 80 160 FT.

PURPOSE:  
REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

PREPARED BY

HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

SITE SURVEY PLAN  
(7 OF 7)

NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

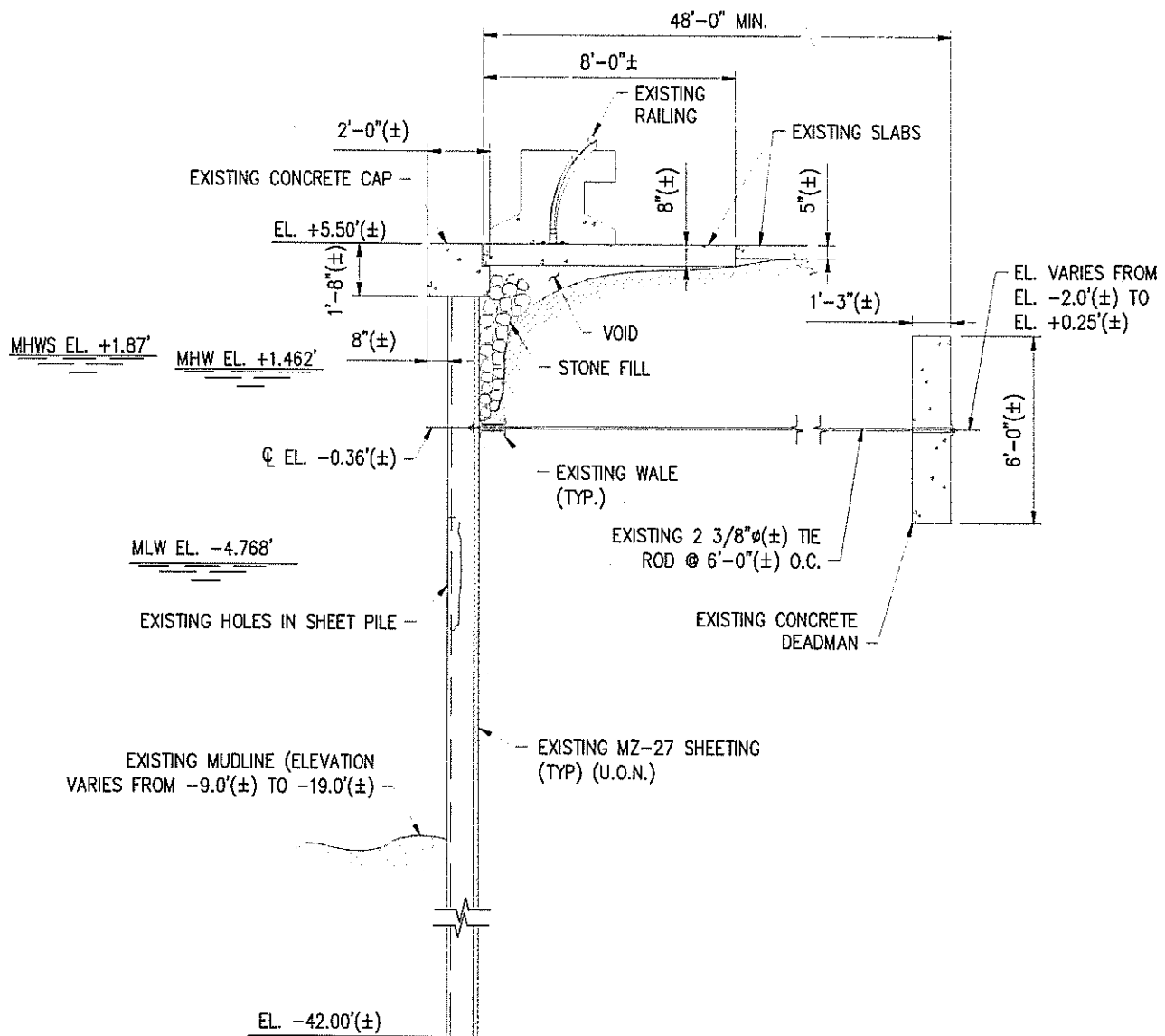
PROPOSED: REPAIR AND UPGRADE

CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 9 OF 21 DATE: DEC 18, 2013



**A** EXISTING BULKHEAD SECTION  
 P3,P4,P5 SCALE: 3/16"=1'-0"

3/16"=1'-0" 0 5 10 FT.

PURPOSE:  
 REPAIR AND UPGRADE OF  
 THE WATERFRONT STRUCTURES

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HALCROW ENGINEERS, P.C.  
 NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
 SHORELINE AND PARK IMPROVEMENTS  
 HARLEM RIVER  
 BRONX COUNTY, NY  
**EXISTING BULKHEAD  
 SECTION "A"**  
 NEW YORK STATE OFFICE OF PARKS,  
 RECREATION, AND HISTORIC PRESERVATION

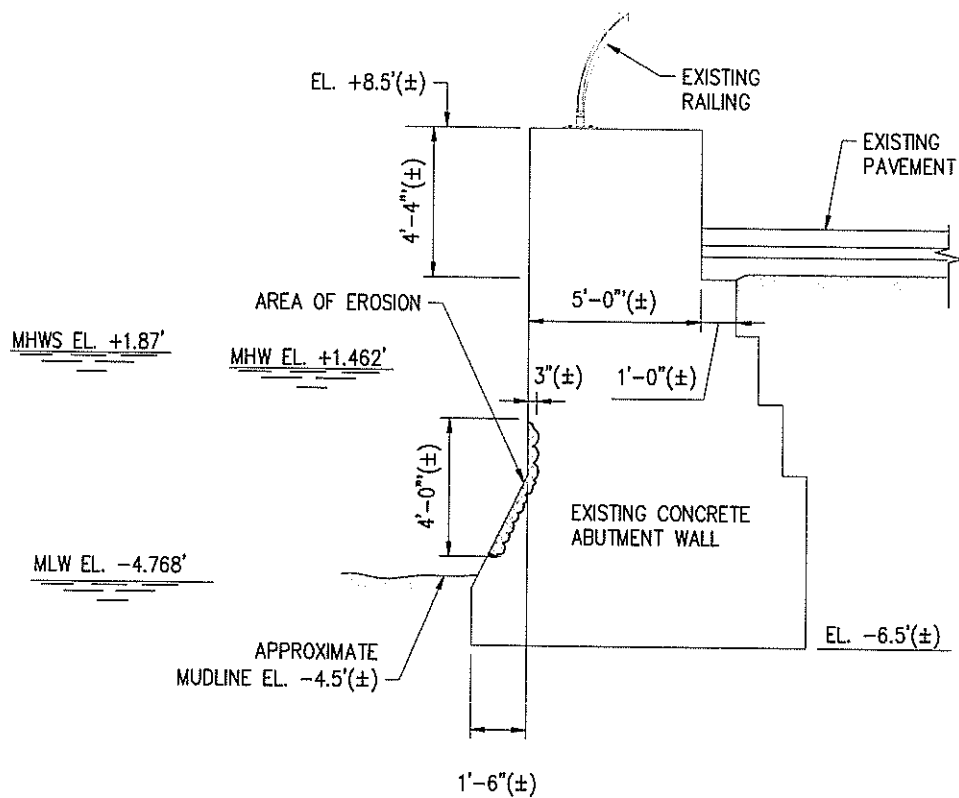
PROPOSED: REPAIR AND UPGRADE

CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 10 OF 21 DATE: DEC 18, 2013



**B** EXISTING CONDITION SECTION  
P5 SCALE: 3/16"=1'-0"

1/8"=1'-0" 0 5 10 15 FT.

## PURPOSE:

REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

## PREPARED BY

HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

**EXISTING BULKHEAD  
SECTION "B"**

NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

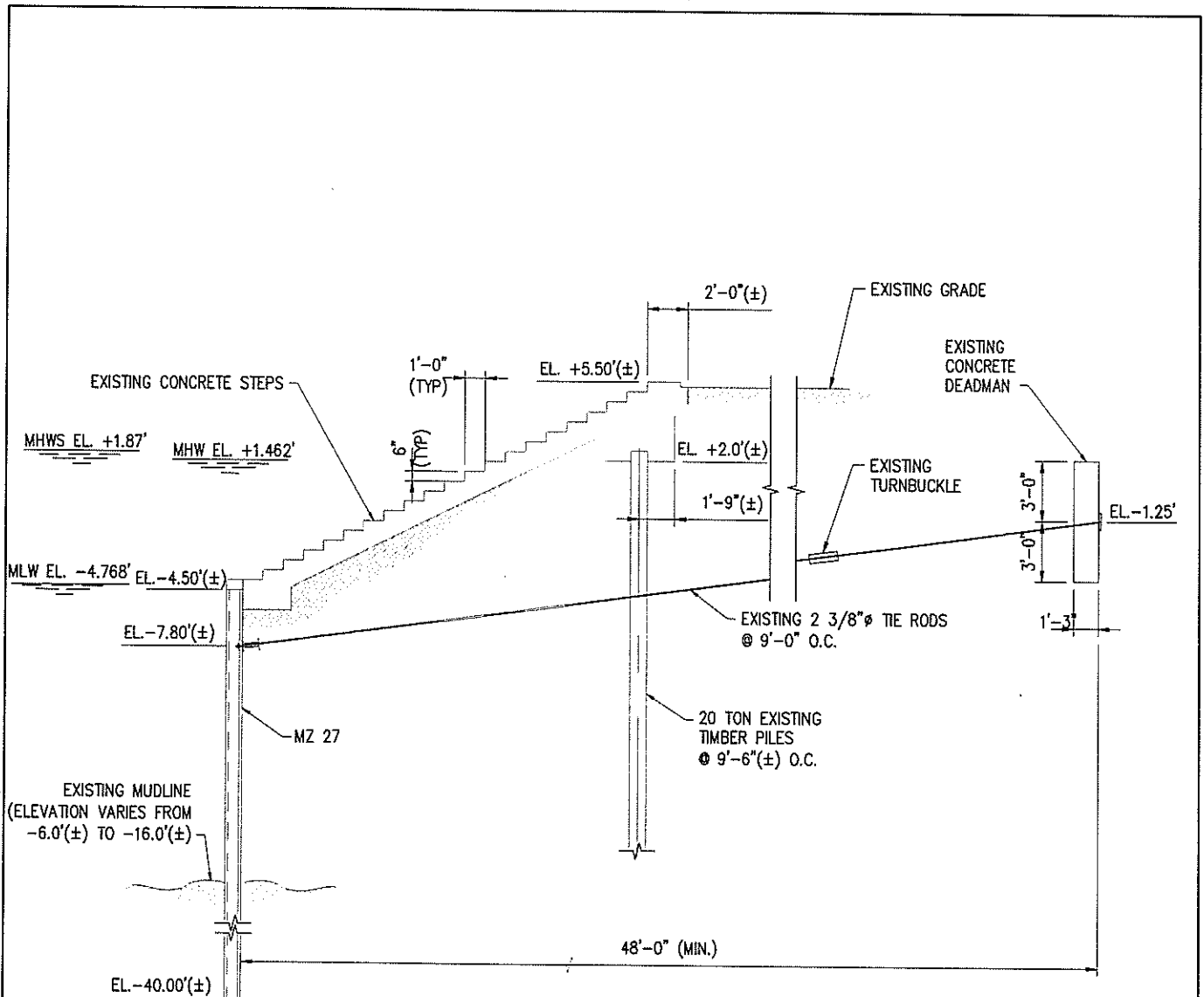
PROPOSED: REPAIR AND UPGRADE

CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 11 OF 21 DATE: DEC 18, 2013



**C** EXISTING BULKHEAD SECTION  
P5 SCALE: 1/8"=1'-0"

1/8"=1'-0" 0 5 10 15 FT.

PURPOSE:  
REPAIR AND UPGRADE OF  
THE WATERFRONT STRUCTURES

PREPARED BY

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NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY  
**EXISTING BULKHEAD  
SECTION "C"**  
NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

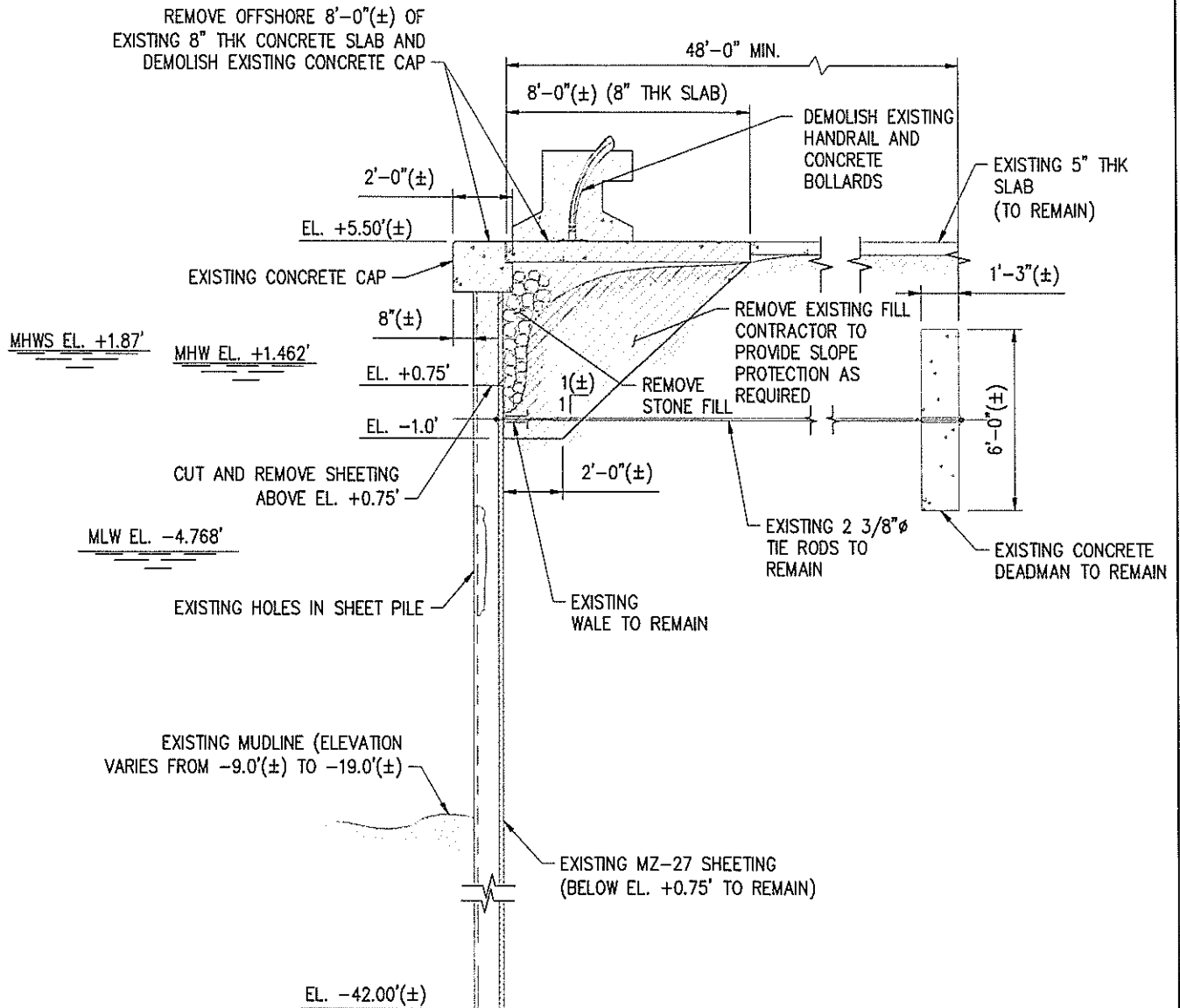
PROPOSED: REPAIR AND UPGRADE

CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 12 OF 21 DATE: DEC 18, 2013



### TYPICAL BULKHEAD DEMOLITION SECTION "A"

SCALE: 3/16" = 1'-0"



PURPOSE:  
REPAIR AND UPGRADE OF  
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HALCROW ENGINEERS, P.C.  
NEW YORK, NY

ROBERTO CLEMENTE STATE PARK  
SHORELINE AND PARK IMPROVEMENTS  
HARLEM RIVER  
BRONX COUNTY, NY

### BULKHEAD DEMOLITION SECTION "A"

NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION

PROPOSED: REPAIR AND UPGRADE

CITY: NEW YORK

COUNTY: BRONX

APPLICANT: NYSOPRHP

SHEET 14 OF 21 DATE: DEC 18, 2013



**NATIONWIDE GENERAL PERMIT**  
**COMPLIANCE CERTIFICATION**  
**AND REPORT FORM**

Permit File Number: NAN-2013-01606-EOF

Permittee: NY State Office of Parks, Recreation and Historic Preservation

Location: Bronx, Bronx County, New York

Date Permit Letter Issued: \_\_\_\_\_

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.  
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.**

**PLACE  
STAMP  
HERE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
ATTN: CENAN-OP-RE  
NEW YORK, NEW YORK 10278**

***APPENDIX C***  
***NMFS, USFWS, AND NYSDEC CORRESPONDENCE***

**New York State Department of Environmental Conservation**  
**Division of Fish, Wildlife and Marine Resources**  
**Bureau of Wildlife, 5<sup>th</sup> Floor**  
 625 Broadway, Albany, New York 12233-4755  
**Phone:** (518) 402-8919 • **Fax:** (518) 402-8925  
**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Marter  
Commissioner

Pamela Otis, Director  
 Environmental Management  
 NY State Office of Parks, Recreation and Historic Preservation  
 Environmental Management Bureau  
 Albany, NY 12238

July 3, 2014

Re: HUD Community Development Block Grant (CDBG), Roberto Clemente State Park

Dear Director Otis,

In regards to the above referenced project at Roberto Clemente State Park, located within the City of New York, Bronx County, I have reviewed the project information and reviewed the NY Natural Heritage database with regard to individual project compliance with the federal Endangered Species Act, Section 7. The following listed, proposed or candidate species may be present within or adjacent to the project sites:

Species	Scientific Name	Federal Status
<b>Animals:</b>		
Northern long-eared myotis	<i>Myotis septentrionalis</i>	Proposed
Piping plover	<i>Charadrius melodus</i>	Threatened

The project will make the shoreline more resilient to storm damage. Activities include reforestation and conversion of bulkhead to natural shoreline.

No known listed species or critical habitat occurs at or near the project site. For this reason, the activities proposed in your grant will have NO EFFECT on any listed species. If any federally listed species are found within the project areas during the implementation of the actions referenced above and in the attached table, state and federal authorities should be notified, and actions will cease until another Section 7 review is completed and approved by Federal Assistance. If you have any questions, please feel free to contact me at (518) 402-8884.

Sincerely,

Daniel Rosenblatt  
 Wildlife Diversity Section



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 LONG ISLAND ECOLOGICAL SERVICES FIELD OFFICE  
 340 SMITH ROAD  
 SHIRLEY, NY 11967  
 PHONE: (631)286-0485 FAX: (631)286-4003



Consultation Tracking Number: 05E1LI00-2014-SLI-0013

November 27, 2013

Project Name: Roberto Clemente Statepark

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Roberto Clemente Statepark

## Official Species List

**Provided by:**

LONG ISLAND ECOLOGICAL SERVICES FIELD OFFICE  
340 SMITH ROAD  
SHIRLEY, NY 11967  
(631) 286-0485

**Consultation Tracking Number:** 05E1LI00-2014-SLI-0013

**Project Type:** Shoreline Usage Facilities / Development

**Project Description:** Bulkhead replacement and shoreline improvment

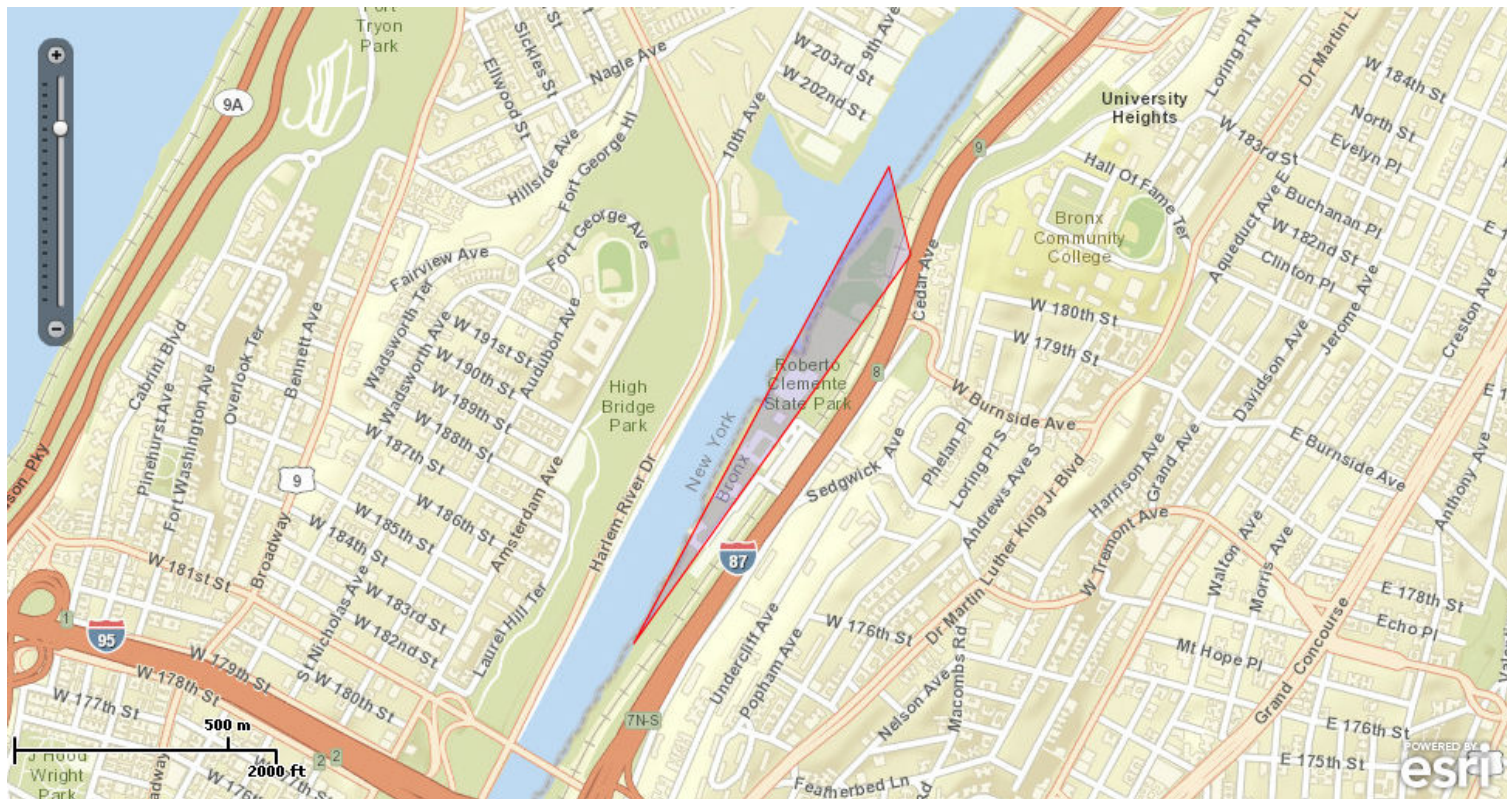




United States Department of Interior  
Fish and Wildlife Service

Project name: Roberto Clemente Statepark

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-73.9251095 40.8491849, -73.9180263 40.8591826, -73.9174255 40.8573325, -73.9251095 40.8491849)))

**Project Counties:** Bronx, NY | New York, NY



United States Department of Interior  
Fish and Wildlife Service

Project name: Roberto Clemente Statepark

## Endangered Species Act Species List

Species lists are not entirely based upon the current range of a species but may also take into consideration actions that affect a species that exists in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Please contact the designated FWS office if you have questions.

northern long-eared Bat (*Myotis septentrionalis*)

Listing Status: Proposed Endangered

Piping Plover (*Charadrius melodus*)

Population: except Great Lakes watershed

Listing Status: Threatened





U.S. Fish and Wildlife Service

## Natural Resources of Concern

**This resource list is to be used for planning purposes only — it is not an official species list.**

**Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:**

LONG ISLAND ECOLOGICAL SERVICES FIELD OFFICE  
340 SMITH ROAD  
SHIRLEY, NY 11967  
(631) 286-0485

***Project Name:***

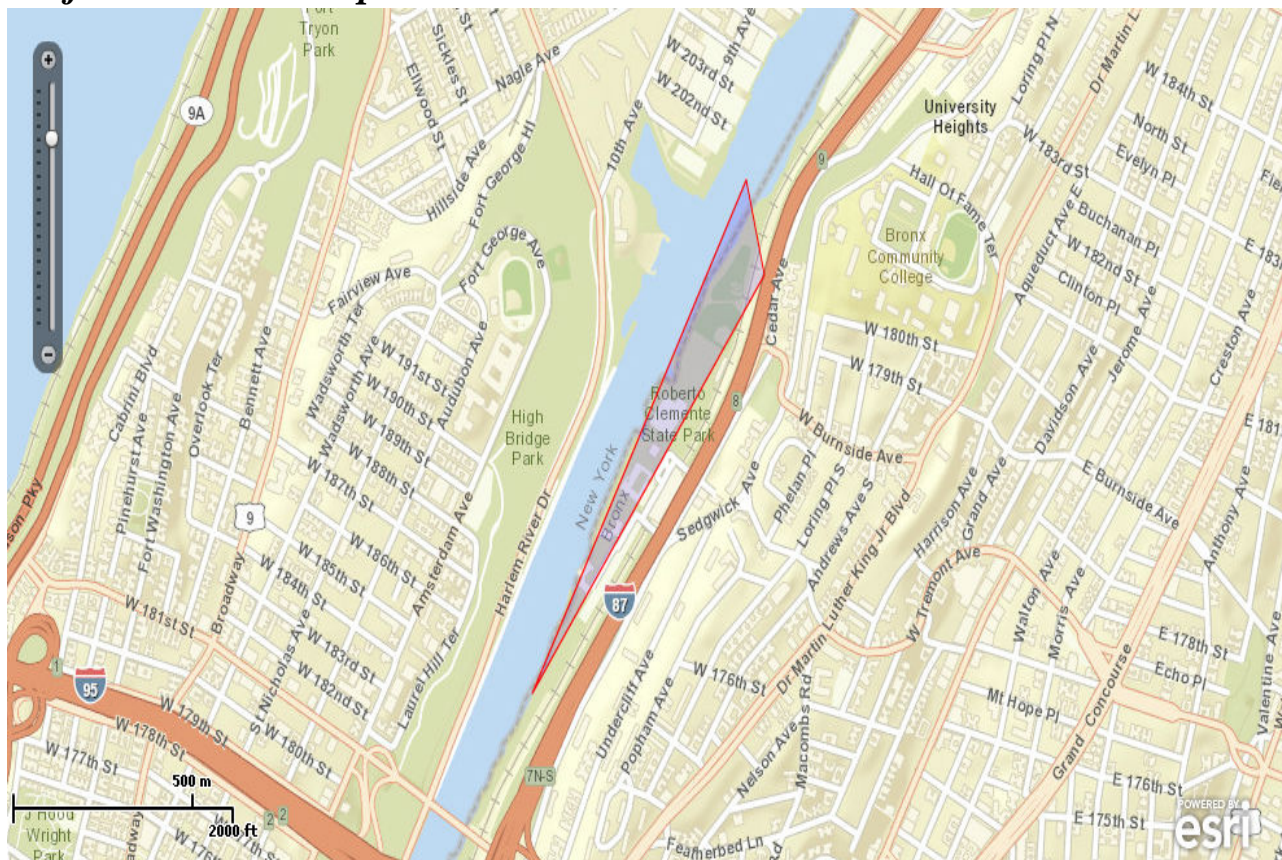
Roberto Clemente State Park



U.S. Fish and Wildlife Service

## Natural Resources of Concern

### *Project Location Map:*



### *Project Counties:*

Bronx, NY | New York, NY

### *Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):*

MULTIPOLYGON (((-73.9251095 40.8491849, -73.9180263 40.8591826, -73.9174255 40.8573325, -73.9251095 40.8491849)))

### *Project Type:*

Shoreline Usage Facilities / Development



U.S. Fish and Wildlife Service

## Natural Resources of Concern

### ***Endangered Species Act Species List ([USFWS Endangered Species Program](#)).***

There are a total of 2 threatened, endangered, or candidate species, and/or designated critical habitat on your species list. Species on this list are the species that may be affected by your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Please contact the designated FWS office if you have questions.

#### **Species that may be affected by your project:**

Birds	Status	Species Profile	Contact
Piping Plover ( <i>Charadrius melodus</i> ) Population: except Great Lakes watershed	Threatened	<a href="#">species info</a>	Long Island Ecological Services Field Office
Mammals			
northern long-eared Bat ( <i>Myotis septentrionalis</i> ) Population:	Proposed Endangered	<a href="#">species info</a>	Long Island Ecological Services Field Office

### ***FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).***

*There are no refuges found within the vicinity of your project.*

### ***FWS Migratory Birds ([USFWS Migratory Bird Program](#)).***

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

*Migratory bird information is not available for your project location.*



U.S. Fish and Wildlife Service

## Natural Resources of Concern

### ***NWI Wetlands ([USFWS National Wetlands Inventory](#)).***

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

### **The following wetlands intersect your project area:**

Wetland Types	NWI Classification Code	Approximate Acres
Estuarine and Marine Deepwater	<a href="#">E1UBL</a>	502403.528792



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

SEP 13 2011

Aubrey McMahon  
AKRF  
7250 Parkway Drive  
Suite 210  
Hanover, Maryland 21076

Re: Roberto Clemente State Park

Dear Ms. McMahon,

This is in response to your letter dated September 1, 2011, requesting information on the presence of species listed by NOAA's National Marine Fisheries Service (NMFS) in the vicinity of the proposed Roberto Clemente State Park Bulkhead Repair Project located along the Harlem River in the Bronx, New York.

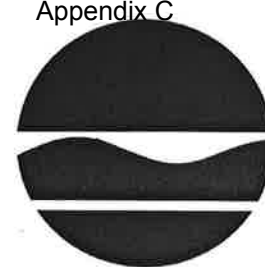
While a population of the federally endangered shortnose sturgeon (*Acipenser brevirostrum*) is recognized to exist in the Hudson River, no shortnose sturgeon occur within the Harlem River. No other federally listed or proposed threatened or endangered species and/or designated critical habitat for listed species under the jurisdiction of the NOAA's National Marine Fisheries Service (NMFS) are known to exist in the Harlem River. Therefore, no further coordination with NMFS is required. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions about these comments, please contact Danielle Palmer at (978)282-8468.

Sincerely,

Mary A. Colligan  
Assistant Regional Administrator  
for Protected Resources



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife & Marine Resources**  
625 Broadway, 5<sup>th</sup> Floor, Albany, New York 12233-4757  
**Phone:** (518) 402-8935 • **Fax:** (518) 402-8925  
**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

September 19, 2011

Aubrey McMahon  
A K R F Environmental and Plan. Consultants  
7250 Parkway Drive, Suite 210  
Hanover, MD 21076

Dear Mr. McMahon:

In response to your recent request, we have reviewed the New York Natural Heritage Program database, with respect to an Environmental Assessment for the proposed Shoreline Stabilization Project at Roberto State Park, area as indicated on the map you provided, located in Bronx County.

We have no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Sincerely,

Jean Pietrusiak, Information Services  
NYS Department Environmental Conservation

Enc.  
cc: Region 2

# 909

***APPENDIX D***  
***SHPO AND TRIBAL CORRESPONDENCE***





## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
P.O. Box 189, Waterford, New York 12188-0189  
518-237-8643

**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

1 July 2014

Ms. Pamela Otis  
Environmental Management  
NYS OPRHP  
625 Broadway  
Albany, NY 12238

Re: HUD  
Roberto Clemente State Park Shoreline and Park Improvements  
Borough of the Bronx, Bronx County  
14PR02574

Dear Ms. Otis:

The State Historic Preservation Office (SHPO) has reviewed the latest information submitted for this project. Our review has been in accordance with Section 106 of the National Historic Preservation Act and relevant implementing regulations.

SHPO has received additional information regarding this project, specifically a subsurface geotechnical investigation report (AKRF, January 2014), as well as a series of project drawings. Based on a review of this and previously submitted information, SHPO recommends that the planned project will have **No Effect** on historic properties listed or eligible for listing on the National Register of Historic Places. This recommendation pertains only to the Area of Potential Effects (APE) described in the submitted materials. It is not applicable to any other portion of the project property. Should the project design be changed SHPO recommends further consultation with this office.

These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst – Archaeology Unit  
Phone: 518-237-8643 x3276; FAX: 518-233-9049  
Email: [Philip.Perazio@parks.ny.gov](mailto:Philip.Perazio@parks.ny.gov)

Cc: Victor J. Gallo, Carter Ledyard & Milburn LLP, representing HUD (via email)  
Kathleen Martens, OPRHP (via email)





Delaware Tribe Historic Preservation Representatives  
Department of Anthropology  
Gladfelter Hall  
Temple University  
1115 W. Polett Walk  
Philadelphia, PA 19122  
[temple@delawaretribe.org](mailto:temple@delawaretribe.org)

July 7, 2014  
New York State Historic Preservation Office  
P.O. Box 189, Peebles Island  
Waterford, NY 12188-0189  
Att: Nancy Herter

RE: Robert Clemente State Park Improvements, Bronx

Dear Nancy Herter,

Thank you for providing the information for the above referenced project. Our review indicates that there are no religious or culturally significant sites within this project area and we have no objection to the proposed project. We defer comment to your office as well as to the State Archaeologist.

However, we ask that in the event that a concentration of artifacts and/or in the unlikely event any human remains are accidentally unearthed during the course of the project that all work is halted until a qualified archaeologist can evaluate the find and the Delaware Tribe of Indians is informed of the inadvertent discovery.

If you have any questions, feel free to contact this office by phone at (610) 761-7452 or by e-mail at [temple@delawaretribe.org](mailto:temple@delawaretribe.org).

Sincerely,

Susan Bachor  
Delaware Tribe Historic Preservation Representative  
Department of Anthropology  
Gladfelter Hall  
Temple University  
1115 W. Polett Walk  
Philadelphia, PA 19122  
[temple@delawaretribe.org](mailto:temple@delawaretribe.org)  
610-761-7452

*Stockbridge-Munsee Tribal Historic Preservation Office*

*Bonney Hartley – Tribal Historic Preservation Assistant*

*W13447 Camp 14 Road*

*P.O. Box 70*

*Bowler, WI 54416*

Nancy Herter  
Historic Preservation Program Analyst  
New York State Historic Preservation Office  
PO Box 189, Peebles Island  
Waterford, New York 12188-0189  
*Via email only*

July 8, 2014

**RE: Robert Clemente State Park Improvements, Bronx NY 14PR2575**

Dear Ms. Herter:

Our office has reviewed the materials for the above-referenced project received via email on July 7, 2014. We are responding to your office with the understanding that the Federal agencies (FEMA & HUD) have requested that the New York Office of Parks Recreation & Historic Preservation undertake Section 106 Tribal Consultation for this project.

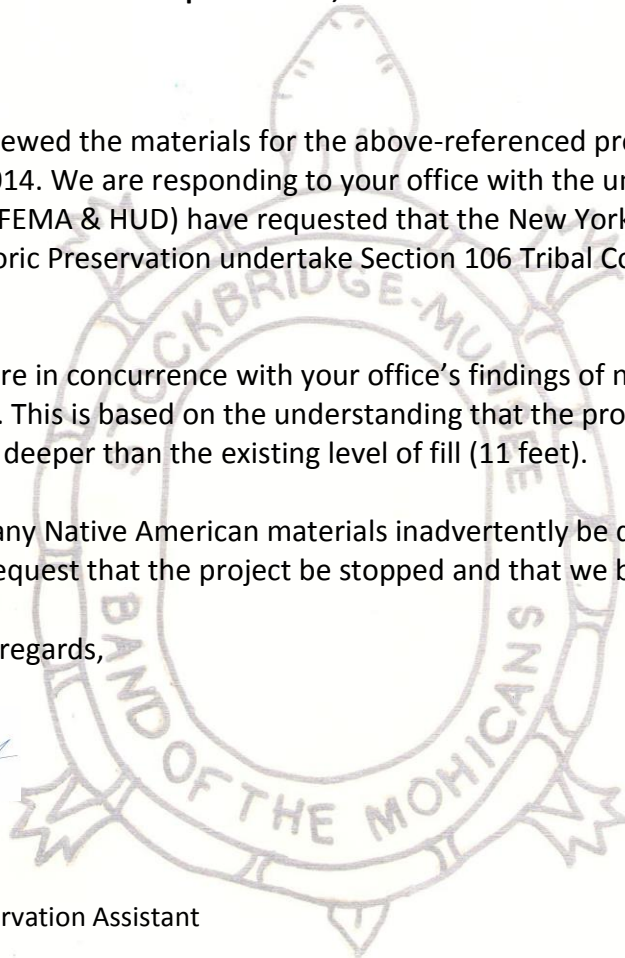
After review, we are in concurrence with your office's findings of no adverse effect on cultural resources. This is based on the understanding that the proposed construction will not penetrate deeper than the existing level of fill (11 feet).

However, should any Native American materials inadvertently be discovered during construction we request that the project be stopped and that we be notified.

Thank you & Kind regards,



Bonney Hartley  
Tribal Historic Preservation Assistant



**From:** Jason Ross [<mailto:JRoss@delawarenation.com>]  
**Sent:** Wednesday, July 09, 2014 2:16 PM  
**To:** Herter, Nancy (PARKS)  
**Subject:** RE: Robert Clemente State Park Improvements, Bronx, New York (14PR2575)

Hi Nancy,

The Delaware Nation Cultural Preservation office received your correspondence regarding the Robert Clemente State Park Improvements project located within Bronx, New York (14PR2575)

\_\_\_\_\_ The Cultural Preservation Department has reviewed the information provided and ***As described in your correspondence and, upon research of our database and files we find that the location of the project does not endanger known archaeological sites of interest to the Delaware Nation and to please continue with the work as planned. Should this project inadvertently uncover an archaeological site we request that you immediately contact the appropriate state agencies, as well as the Delaware Nation. Also, we ask that you halt all construction and ground disturbing activities until the tribe and these state agencies are consulted.***

Thank you for your phone call today regarding the project and if you have any further concerns please do not hesitate in contacting our office at anytime and thank you again for taking the time and effort to properly consult with the Delaware Nation.

Respectfully,



Jason Ross  
Section 106 Program Manager  
The Delaware Nation  
P.O. Box 825  
Anadarko, OK 73005

**Herter, Nancy (PARKS)**

---

**From:** Tribal Administrator <aiyanawilliams@shinnecock.org>  
**Sent:** Thursday, July 10, 2014 5:00 PM  
**To:** Herter, Nancy (PARKS)  
**Subject:** Bronx, NY

Based upon the information received the Robert Clemente State Park improvements appear to have little impact on Shinnecock tribal historic preservation.

Respectfully

**Aiyana Williams, MSW**  
Tribal Administrator  
Shinnecock Indian Nation  
PO Box 5006  
Southampton, NY 11969  
Ph(631)-283-6143  
<http://www.shinnecocknation.com>  
***"Mamowenene" We move together***

## **UNANTICIPATED DISCOVERIES PROTOCOL FOR ROBERTO CLEMENTE STATE PARK REHABILITATION PROJECT**

To assist the Governor's Office of Storm Recovery ("GOSR"), operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, in meeting the requirements of Section 106 of the National Historic Preservation Act as defined in the Advisory Council on Historic Preservation (Council) regulations "Protection of Historic Properties" (36 CFR Part 800) the Office of Parks, Recreation and Historic Preservation (OPRHP) has developed the following Unanticipated Discovery Protocol to be implemented should new or additional cultural resources be found after construction has begun on the Roberto Clemente State Park Rehabilitation Project. This protocol has been developed through reference to the regulations embodied in "Protection of Historic Properties" issued by the Council (revised August 2004, [www.achp.gov/regs-rev04.pdf](http://www.achp.gov/regs-rev04.pdf)) and consultation with the New York State Historic Preservation Office (SHPO).

Termed "unanticipated discovery" or "post-review discovery," the identification of new or additional cultural resources during implementation of an undertaking can occur in the case of projects that involve excavation or ground-disturbing activities. This Protocol will be implemented by OPRHP if previously undiscovered archaeological resources and/or human remains are identified. Archaeological resources include man-made objects (precontact and historic period artifacts such as stone tools, pottery, glass, nails, bones, etc.) and features (e.g. stone or brick walls or pavements, pits, fireplaces, other evidence of burning, or other remnants of human activity).

Environmental inspectors and construction contractors and subcontractors will receive training regarding the identification and preliminary treatment of unanticipated discoveries and their responsibilities for protecting discoveries and initiating implementation of the Protocol. Training will occur as part of the pre-construction on-site training program for foremen, company inspectors, and construction supervisors and will be given by a qualified cultural resource specialist. During construction, the Environmental Inspectors (EI) will be responsible for advising construction contractor personnel on the procedure to follow in the event that an unanticipated discovery is made. The EI will advise all operators of equipment involved in grading, stripping, or trenching activities to stop work immediately if they observe any indications of the presence of cultural materials, contact the EI as soon as possible, comply with the unanticipated discovery procedures (outlined below), and treat human remains with dignity and respect (see Human Remains Discovery Protocol).

### **Procedure When Cultural Materials Are Observed**

The following measures will be implemented should an unanticipated historic property / cultural resource discovery be made by an inspector, a contractor, or subcontractor during construction of the proposed undertaking:

- 1) Construction activities within the immediate area of an unanticipated discovery will be halted ("immediate area" is a context-specific measure, however 30 to 50 feet is generally

- adequate, although special attention should be given to the possible extension of a new find beyond this buffer zone), and the discovery protected from further disturbance;
- 2) OPRHP will notify their cultural resources consultant, who will notify by telephone the GOSR and SHPO and, (if necessary), the coroner (the latter party will be notified only in case of a finding of human remains). These notifications will take place within 24 hours of an unanticipated discovery;
  - 3) Specific GOSR and SHPO instructions concerning an unanticipated discovery resulting from the notification as described above will be followed and may require, archaeological work be performed on the unanticipated discovery location to stabilize deposits, protect deposits from scavengers or looters, and to collect readily available samples (e.g. for radiocarbon dating) which may help pinpoint the age of deposits; and
  - 4) ORPHP will further consult GOSR and SHPO to determine and implement any additional measures necessary subsequent to the initial archaeological work. This may involve further archaeological study or consultation with Native American nations or other parties with established cultural affiliation. Construction activities will remain halted until GOSR and SHPO indicate to OPRHP that work may proceed in the area of a specified unanticipated discovery.

In the case of an unanticipated discovery of human remains, OPRHP will follow all relevant state and federal law and recommendations regarding treatment of human remains. OPRHP recognizes the importance of providing careful and respectful treatment of human remains recovered as an unanticipated discovery or as part of an archaeological investigation. In the event of an unanticipated discovery of human remains, OPRHP will follow the *Human Remains Discovery Protocol* it has developed.

***APPENDIX E***  
***NYSDOS AND NYCDCP CORRESPONDENCE***



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
 ONE COMMERCE PLAZA  
 99 WASHINGTON AVENUE  
 ALBANY, NY 12231-0001

ANDREW M. CUOMO  
 GOVERNOR

CESAR A. PERALES  
 SECRETARY OF STATE

April 10, 2014

Ms. Sandy Collins  
 AKRF, Inc.  
 7250 Parkway Drive  
 Suite 210  
 Hanover, Maryland 21076

RE: F-2013-0984  
 U.S. Army Corps of Engineers/New York District Permit  
 Application - NYS OPRHP (Robert Clemente State Park)  
 Replacement of a portion of the existing sheet pile bulkhead,  
 improvements to the esplanade adjacent to the bulkhead, creation of  
 a tidal pool habitat from uplands as part of the bulkhead replacement,  
 regrading and replanting with native vegetation over portions of  
 the shoreline, refurbishment of the existing baseball field, construction  
 of an artificial turf athletic field, and placement of clean soil suitable for  
 landscaping to improve the southern pedestrian entrance to the park  
 from the existing riverfront trail.  
 Harlem River, City of New York, Bronx County  
General Concurrence

Dear Ms. Collins:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on December 24, 2013.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification for the proposed activity, are not required.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes. Specifically, it appears that you may require authorization from the New York State Department of Environmental Conservation (DEC). Please contact the DEC region 2 office to determine if their authorization is required.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F-2013-0984.

Sincerely,

Jeffrey Zappieri  
 Supervisor, Consistency Review Unit  
 Division of Coastal Resources

JZ/TS/dc

cc: COE/New York District – Stephan Ryba  
 DEC/Region 2 – John Cryan





Sandy Collins &lt;scollins@akrf.com&gt;

---

## Roberto Clemente State Park shoreline stabilization and park improvements/ F-13-0984

---

**JESSICA FAIN** <JFAIN@planning.nyc.gov>

Wed, Apr 23, 2014 at 4:20 PM

To: "Sturm, Terra (DOS)" &lt;Terra.Sturm@dos.ny.gov&gt;

Cc: Sandy Collins &lt;scollins@akrf.com&gt;, MICHAEL MARRELLA &lt;MMarrel@planning.nyc.gov&gt;

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

**Roberto Clemente State Park shoreline stabilization and park improvements:** Replacement of the existing sheet pile bulkhead within Roberto Clemente State Park, improvements to the esplanade adjacent to the bulkhead, creation of a tidal pool habitat from uplands as part of the bulkhead replacement, regrading and replanting with native vegetation over portions of the shoreline with the Park, refurbishment of the existing baseball field, construction of an artificial turf athletic field within the Park, and placement of clean soil suitable for landscaping to improve the southern pedestrian entrance to the park from the existing riverfront trail.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby recommends that this action is found consistent with the WRP policies.

This consistency determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP # 14-004. If there are any questions regarding this review, please contact me.

Sincerely,

**JESSICA FAIN**

PLANNER, WATERFRONT AND OPEN SPACE DIVISION

**NYC DEPT OF CITY PLANNING**

22 READE STREET, 6th FLOOR • NEW YORK, NY 10007

t 212.720.3525 • f 212.720.3490

[JFAIN@PLANNING.NYC.GOV](mailto:JFAIN@PLANNING.NYC.GOV)

[www.nyc.gov/planning](http://www.nyc.gov/planning)



Follow us on Twitter @NYCPlanning

Andrew M. Cuomo  
Governor

Rose Harvey  
Commissioner

Karen Phillips  
Regional Director



## New York State Office of Parks, Recreation and Historic Preservation

New York City Region • 163 West 125<sup>th</sup> Street, 17<sup>th</sup> Floor, New York, NY 10027  
Telephone: 212-866-3100  
Fax: 212-866-3186  
[www.nysparks.com](http://www.nysparks.com)

December 19, 2013

Via Fed Ex

John Cryan, Regional Permit Administrator  
New York State Department of Environmental Conservation  
1 Hunter's Point Plaza  
47-40 21<sup>st</sup> Street Long Island City, NY 11101.

Mr. Jeffrey Zappieri  
Supervisor of Consistency Review and Analysis  
Division of Coastal Resources  
State of New York Department of State  
41 State Street  
Albany, NY 12231-0001  
(1 electronic copy on CD)

Jodi McDonald, Chief Regulatory Branch  
United State Army Corps of Engineers  
26 Federal Plaza New York NY 10278

Michael Marrella  
Director of Waterfront and Open Space  
New York City Department of City Planning  
22 Reade Street 6E  
New York, NY 10007  
(1 copy)

### **RE: Roberto Clemente State Park Shoreline Stabilization, Bronx – Joint Application and Environmental Assessment Form**

Dear Colleagues:

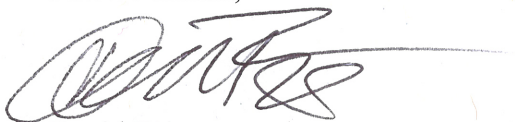
New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is submitting this Joint Application (JA) for authorization from the New York State Department of Environmental Conservation (NYSDEC) under Article 15 Protection of Waters, Excavation or Placement of Fill in Navigable Waters. Section 401 Water Quality Certification permit programs and Article Tidal Wetlands, from the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, and for review by the New York State Department of for consistency with the New York State Coastal Management Program (CMP) and by the New York City Department of City Planning for consistency with the New York City Waterfront Revitalization Program (WRP). I have enclosed the \$900 fee for a major tidal wetlands project.

Enclosed please find the following related to the above referenced action:

Joint Application for Permit Form  
Permission to Inspect Form  
Structural Archaeological Assessment Form  
*Attachment 1:* Project Description  
*Attachment 2:* Engineering Drawings  
*Attachment 3:* Representative Photographs  
*Attachment 4:* Coastal Management Program Federal, State, and City  
Coastal Consistency Assessment Forms  
*Attachment 5:* Environmental Questionnaire  
*Attachment 6:* Environmental Assessment Form (enclosed  
electronically)  
*Attachment 7:* Post-Event Underwater Inspection of the Public  
Walkway and Steel Sheet Pile Bulkhead at Sinkhole  
Locations at Roberto Clemente State Park, Bronx, NY

As described in my previous letter dated November 19, 2013 the New York State Office of Parks, Recreation and Historic Preservation intends to act as lead agency in implementing this action. We look forward to working with you in the review of this project.

Sincere thanks,



David Brito  
Deputy Regional Director  
OPRHP NYC Region  
Direct Dial: 212 866 2794

CC: Pam Otis

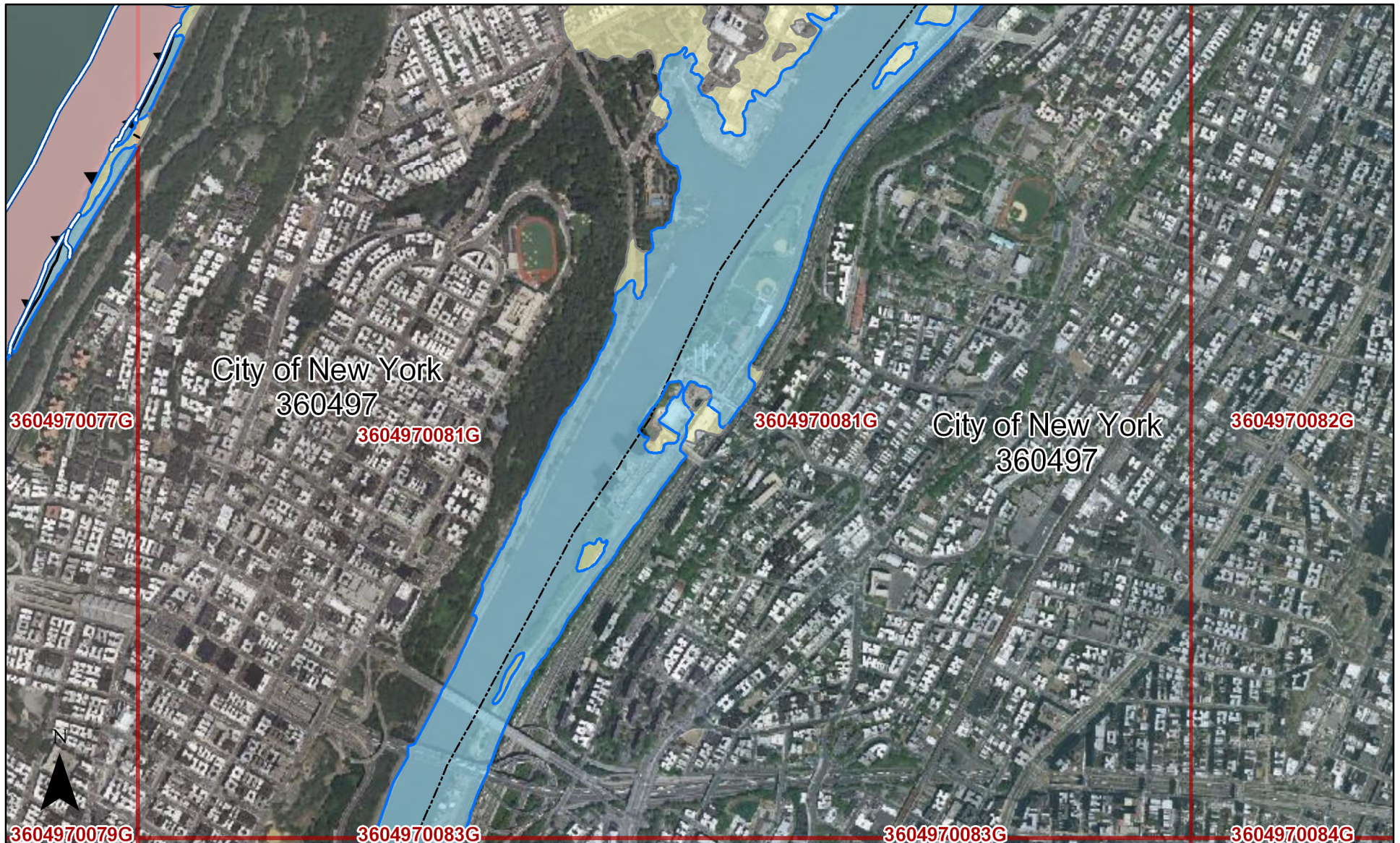
***APPENDIX F***  
***FLOODPLAIN MANAGEMENT DETERMINATION***



# New York City Preliminary FIRM Data Viewer

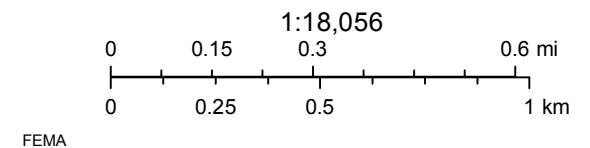
Appendix F

This map print out is intended for informational purposes.  
Preliminary Flood Insurance Rate Map (FIRM) panels are also available for viewing through FEMA Map Service Center.



June 30, 2014

- |                               |                     |                                 |
|-------------------------------|---------------------|---------------------------------|
| — 1 Pct Annual Chance Flood   | — Zone Break        | ▲ Limit of Moderate Wave Action |
| - - Floodway                  | — Limit of Floodway | - - Coastal Transects           |
| — 0.2 Pct Annual Chance Flood | — Limit of Study    |                                 |





**Executive Order 11988 – Floodplain Management**  
**Executive Order 11990 – Protection of Wetlands**  
**Roberto Clemente State Park Shoreline and Park Improvements Project**

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State's Office of Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program.

HUD regulations at 24 CFR Part 55, as amended on November 15, 2013, implement Executive Order 11988 for Floodplain Management and Executive Order 11990 for the Protection of Wetlands. Executive Order 11988 requires federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods; minimize impacts of floods on human safety, health and welfare; and preserve the natural and beneficial functions of floodplains. Under this Order, federal agencies should first look at avoiding all actions in or adversely affecting floodplains unless no practicable alternatives exist. If no practicable alternatives exist, then federal agencies must evaluate the potential effects of the proposed action, and strive to reduce or eliminate the long- and short-term adverse impacts associated with occupancy and modifications of the floodplain. Similarly, Executive Order 11990 requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

Under 24 CFR Part 55, non-critical actions<sup>1</sup> are allowed in the 100-year floodplain and within wetlands if the actions are reviewed in accordance with the 8-step process outlined in 24 CFR § 55.20. Completion of the 8-step analysis of the Proposed Project is documented below. Overall, the Roberto Clemente State Park Shoreline and Park Improvements Project would not result in short-term or long-term adverse impacts on the 100-year floodplain because it does not involve development, and a major purpose of the project is to improve the Park's resiliency to future storm events and stabilize the shoreline, thus minimizing the impacts of flooding from future storms. Although the Proposed Project would have minor short-term adverse impacts on existing littoral zone tidal wetlands due to infill associated with the repair and replacement of the sheetpile bulkhead, in the long-term the Proposed Project would enhance wetlands, as it would include construction of a new intertidal habitat, offsetting losses associated with the bulkhead replacement by three to one, and resulting in a net gain in wetlands from the Proposed Project.

**Step One: Determine if the Proposed Action is in the 100-year Floodplain or Results in New Construction in a Wetland**

The portions of the Proposed Project involving replacement of the sheet pile bulkhead, shoreline improvements and intertidal habitat, Lower Plaza area, proposed natural turf soccer field, proposed synthetic turf baseball field, portions of the maintenance building and adjacent plaza and portions of the existing baseball field renovation and synthetic turf athletic field would be

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<sup>1</sup> A critical action includes storage of volatile materials, irreplaceable record storage or construction of a hospital or nursing home.

located within the 100-year floodplain. Two small portions of the Proposed Project site – the soil placement area and stair repair in the southern portion of the Park – are outside the 100-year floodplain. The Proposed Project would thus affect nearly 16 acres in the 100-year floodplain.

The portions of the Proposed Project to be located along the Harlem River shoreline are in an area mapped by NYSDEC as within a littoral zone tidal wetland and mapped by the NWI as estuarine wetlands. The Proposed Project would thus affect approximately .06 acres of existing wetlands.<sup>2</sup> The U.S. Army Corp of Engineers indicated by letter dated February 20, 2014 that this work is covered by the Department of the Army Nationwide General Permit Number 3 – Maintenance.

### **Step Two: Initiate Public Notice**

GOSR published an “Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain and Wetlands” for the Proposed Project in the *Daily News*, the *Epoch Times*, the *Russian Bazaar*, and *El Diario* on June 12, 2014. The 15-day comment period ran through and included June 27, 2014. A copy of the newspaper notices are attached hereto at Exhibit A. The notice was also sent on June 12, 2014 to the public agencies, individuals and other potentially interested parties listed in Exhibit B. No comments were received in response to this early floodplain notice.

### **Step Three: Identify and Evaluate Practicable Alternatives to Locating in the 100-Year Floodplain or Wetland**

The Roberto Clemente State Park’s existing sheet pile bulkhead along the eastern shore of the Harlem River is in critical condition. The bulkhead stabilizes the shoreline protecting not only the Park, but also the adjacent developed areas, including 1600 units of low-income housing at the River Park Towers Buildings.<sup>3</sup> Without replacement, the steel elements of the bulkhead would continue to deteriorate and lead to eventual failure. Because the purpose of the Proposed Project is to improve storm resiliency, and to upgrade other sections of the existing Park - some of which have been closed due to their deteriorated state - so that they may continue to be used and enjoyed by the public, there is no alternative to implementing the Proposed Project within the 100-year floodplain and wetlands. The proposed action would have a beneficial effect on the 100-year floodplain, as the construction of the intertidal habitat, the planned reduction in paved surfaces within the Park, and the planned elevation or waterproofing of existing electrical infrastructure would improve the flood plain’s resiliency to future storm events. Similarly, the Proposed Project would enhance wetlands because it would result in a net increase in the amount of wetlands in the area by over 6000 square feet. These benefits would protect not only Park infrastructure, but also adjacent property, including housing, schools and a major power transmission line serving the Bronx. In addition, the Proposed Project does not involve the construction of any buildings that could worsen flood conditions and the impacts of floods. Rather, the purpose of the proposed action is to protect, re-stabilize and enhance the flood-resilient features of the Park, including its wetlands. Renovation of the public areas such as the

<sup>2</sup> The flood plain notices issued in connection with this project reference .26 acres of wetlands affected; that total includes the .2 acres of new wetlands created as part of the Project.

<sup>3</sup> See Environmental Assessment, Appendix A at C-21.



esplanade and sports fields would ensure that this flood resilient public space can continue to be used by the community in perpetuity under the public trust doctrine. Failure to repair the bulkhead and upgrade the Park would result in reduced storm resiliency over time and reduced active and passive recreational space available to the community. There is thus no alternative to locating the Proposed Project at the existing Roberto Clemente State Park within the flood plain and wetlands, nor is modifying or prohibiting the activity necessary.

#### **Step Four: Identify the Impacts of the Proposed Action**

All potential impacts of the Proposed Project are described in this Environmental Assessment. The Proposed Project is not expected to exacerbate flooding conditions and would not adversely affect the floodplain. In fact, the Proposed Project is expected to have a beneficial impact on the 100-year floodplain as it involves re-stabilizing and enhancing the flood-resilient features of the Park. By ensuring that the bulkhead is repaired, that paved surfaces are reduced and that the Park is maintained as open space with native plantings and improved recreational and passive recreational spaces, the project would enhance flood resiliency for the immediate area and preserve open space for the community. Similarly, the Proposed Project is not expected to have adverse effects on wetlands. Although the Proposed Project requires filling a very small area of littoral zone tidal wetlands to facilitate replacement of the deteriorating bulkhead, the planned creation of a new intertidal habitat would result in a net increase in the amount of wetlands on the site and further improve the site's capacity to absorb and moderate flood waters.

#### **Step Five: Minimize Potential Adverse Impacts to the Floodplain and Wetland. Restore and Preserve Natural and Beneficial Floodplain and Wetland Functions and Values**

The Proposed Project would minimize potential adverse impacts to the floodplain and wetlands by restoring and preserving natural and beneficial floodplain and wetland functions and values. Specifically, by increasing and retaining permeable surfaces, expanding wetlands, and incorporating native plantings, the Proposed Project would maximize the site's capacity to absorb flood waters. Under the no-action alternative, failure of the bulkhead and subsequent erosion of the Park/floodplain would create greater risks to dwellings and other properties in the area that are currently buffered from flooding events by the Park's flood moderation properties.

#### **Step Six: Re-evaluate Alternatives**

As discussed above, there are no alternatives to the Proposed Project. The no-action alternative would result in adverse impacts within the 100-year floodplain. Without the repairs to the bulkhead, reductions in pavement and addition of wetlands, the Park would be less effective at moderating future flooding events, and might ultimately begin eroding and threatening park infrastructure and nearby developed areas if the bulkhead were allowed to fail. Moreover, without the Proposed Project, more and more sections of the Park would become too dangerous to permit public use and enjoyment. Thus, there is no feasible way to achieve the same goals without carrying out the Proposed Project in the 100-year floodplain or within the wetland.

**Step Seven: Issue Findings and Public Notice**

The Proposed Project would result in benefits to the 100-year floodplain in that it would enhance the Roberto Clemente State Park's flood resiliency and result in a net increase in wetlands, while protecting adjacent property from the adverse effects of floods and ensuring that the public may continue to enjoy an important recreational area. A final floodplain/wetland notice was published on July 21, 2014 in accordance with 24 CFR Part 55 and is attached as Exhibit C. A copy of the newspaper notices and mail distribution list are attached as Exhibit D. No comments were received in response to the notice.

**Step Eight: Implement the Action**

The project would be implemented if and only upon approval by all required agencies identified in this Environmental Assessment.

## Exhibit A

# DAILY NEWS

## STATE OF NEW JERSEY COUNTY OF HUDSON

### NOTICES

#### Legal Notices

#### Legal Notices

##### EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLANDS

June 12, 2014.

To: All Interested Agencies, Groups, & Individuals  
The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State's Office of Homes and Community Renewal's Housing, Trust Fund Corporation, is the responsible entity for direct administration of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program. This is to give notice that GOSR, with the assistance of the New York State Office of Parks, Recreation and Historic Preservation, is undertaking the decision making process required by Executive Order 11981 in accordance with the HUD regulations at 24 CFR 55.20 (Support C - Procedures for Making Determinations on Floodplain Management) to determine the potential effect that the Roberto Clemente State Park Shoreline Stabilization & Park Improvements Project (the "Project") would have on the 100-year floodplain and littoral zone tidal wetlands located in Bronx County, New York on the eastern shore of the Harlem River. GOSR is considering the submittal of a request to HUD for the release of CDBG-DR funds under Title I of the Housing and Community Development Act of 1974 for the Project.

The Project involves proposed improvements to an approximately 16-acre portion of the Roberto Clemente State Park (Park) that would include replacement of the existing sheet pile bulkhead, reconstruction of the adjacent esplanade, creation of a pilot tidal pool and intertidal habitat from uplands as part of the bulkhead replacement, enhancements to the Park's Lower Plaza area that will reduce hardscape and improve it as a public gathering space, repair of the south stair entrance, regrading and replanting with native plant species on portions of the remaining shoreline that is not stabilized with sheet pile, refurbishment of the existing natural turf baseball field, construction of a new artificial turf baseball field, construction of an artificial turf athletic field, construction of a natural turf soccer field, rehabilitation of the maintenance building and adjacent plaza, and upland placement of clean soil suitable for landscaping to improve the southern pedestrian entrance to the Park from the existing riverfront trail. Proposed bulkhead work would require the placement of backfill material in approximately 2,288 square feet of tidal wetlands. Creation of the tidal pool & intertidal habitat would add approximately 9,000 square feet of wetlands, for a net increase in aquatic habitat of approximately 6,657 square feet.

The purpose of the proposed Project is to improve the Park's resiliency to future storm events, ensure the stabilization of the shoreline, allow the re-opening of the closed esplanade following bulkhead repairs, improve recreational facilities offered within the Park, enhance the visitor experience along the shoreline of the Harlem River, enhance the habitats present within the Park, and create environmental education opportunities. Because the proposed Project would result in a net increase in the amount of wetlands in the Park, and would replace hardscape with permeable natural and artificial surfaces, the Project is expected to enhance the natural and beneficial functions and values of the existing floodplain and wetlands. The Project will affect approximately 16 acres in the 100-year floodplain, and approximately .26 acres of wetlands.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments should be submitted via email and further information can be requested at [NYSCDBG-DR-FR@nys.gov](mailto:NYSCDBG-DR-FR@nys.gov). Written comments may also be received by the New York State Homes and Community Renewal (HCR) at the following address: Attention: Thomas J. King, Certifying Officer, N Homes and Community Renewal, 99 Washington Avenue Suite 1010, Albany, New York 12231

Comments may be received by telephone at (518) 485-7512. All comments must be received on or before 5pm on June 27, 2014 or they will not be considered. Information regarding the Project will be available weekdays, except holidays, between 9:00 a.m. and 5:00 p.m. at the Housing Trust Fund Office at 25 Beaver Street, Fifth Floor, New York, NY 10004, attention Jay C. Juerpensen (212) 312-2270.  
Thomas J. King, Certifying Officer  
New York State Homes & Community Renewal

ROBERTA LATIMORE being duly sworn, says that he/she is a principal clerk and a duly authorized designee of Daily News, L.P., publisher of the 'DAILY NEWS,' a daily and Sunday newspaper published in the City of New York and that the notice, of which the annexed is a copy, was published in said newspaper and online within the section of:

Legal/Public/Notices of CITY NORTH  
(CN) Edition(s)

On June 12, 2014

*Roberta Latimore*  
(Roberta Latimore)

Authorized Designee of Daily News, L.P.,  
Publisher of the Daily News

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS DATE

JUN 18 2014

JEANNETTE CALLE  
Notary Public of New Jersey  
My Commission Expires 2/17/2016

*Calle*



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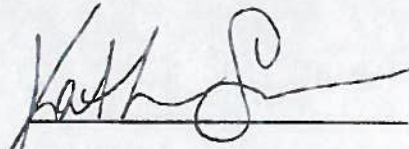
The undersigned, Kathy Santiago is an account executive of El Diario/LA PRENSA a company of ImpreMedia located at One Metro Tech Center, 18th Floor, Brooklyn, New York 11201 a daily newspaper published in New York, New York. A notice regarding **EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAN AND WETLANDS** was published in said newspaper 1 (one) time in a week commencing on June 12, 2014 and ending on June 12, 2014. The text of the notice was published in said newspaper is as set forth below, or in the annexed exhibit.

This newspaper has been designated by the Clerk of New York County for this purpose.

Subscribed and sworn to before me this  
4th day of August, 2014.

Kathy Santiago

  
\_\_\_\_\_  
Notary Public, New York County, N.Y.

  
\_\_\_\_\_

**MARTHA CITY**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01C16147323**  
**Qualified in Queens County**  
**Certificate Filed in New York County**  
**My Commission Expires May 30, 2018**

1 Metro Tech Center, 18<sup>th</sup> Floor, Brooklyn, New York 11201 Phone (212) 807-4704 Fax: (212) 807-4617



大紀元時報

2014年6月12日 週四版

影視廣場

Entertainment | The Epoch Times &lt; A11

## 拟在百年洪荒平原和湿地中实施改造的 初期通知和公众审查

2014年6月12日:

致: 所有相关机构、团体和个人

州长办公室的风暴恢复领导小组 (GOSR) 在纽约州住房与社区更新办公室所管辖的住房信托基金公司的资助下进行运营, 是负责直接管理美国住房和城市发展部 (HUD) 社区发展拨款-灾后重建 (CDBG-DR) 计划的主管机构。此函旨在通知您, GOSR 在纽约州公园、娱乐及历史保护区管理办公室的协助下, 根据 11988 号行政命令的要求及遵循 HUD 在 24 CFR 55.20 (子部分 C- 洪荒平原管理决策流程) 中的规定, 正在启动决策流程, 以确定罗伯特·克莱门特州立公园海岸线维护与公园改造项目 (简称“项目”) 是否会对位于纽约州布朗克斯县哈莱姆河东岸具有百年历史的洪荒平原和沿岸带潮汐湿地产生潜在的影响。GOSR 正在对提交至 HUD 的请求进行审议, 以决定是否依据 1974 年《住房和社区发展法案》第 1 款的要求, 划拨项目所需的 CDBG-DR 资金。

该项目包括拟对罗伯特·克莱门特州立公园约 16 英亩的占地部分进行改造, 具体包括更换现有板桩岸壁、重建相邻的步行道、修建试用的潮汐池及始于高地的潮间生境 (是岸壁更换工程的一部分)、加固公园下层广场区 (将减少硬景观, 改造后将成为公共集会空间)、维修南侧楼梯的入口处、二次筛分本地植物种类并在板桩不稳的余下的海岸线上重新种植这些植物、翻新现有的天然草皮棒球场、新建人造草皮棒球场、修建人造草皮运动场、修建天然草坪足球场、修复养路工房和邻近的广场, 以及使用适宜景观美化的洁净土壤填筑高地地区, 旨在从现有的河滨小径开始, 美化南侧行人公园入口。拟定的岸壁工程将需在约 3,288 平方英尺的潮汐湿地内填放回填料。修建潮汐池和潮间生境将增加约 9,000 平方英尺的湿地面积, 同时使水生生境的面积净增加约 6,657 平方英尺。

拟议的项目旨在提升公园在日后遭受风暴后的复原力、确保海岸线的稳定性、在岸壁修复后重新开放先前封闭的步行道、完善公园内配备的娱乐设施、为游览哈莱姆河岸线的游客带来更美的体验、改善公园内的栖息生境, 及创造更多环保教育方面的机遇等。由于拟议的项目将净增加公园内的湿地面积, 并将以透水性更强的天然和人工草皮更换硬景观, 因此, 该项目将有望增强现有洪荒平原及湿地的天然的和有益的功能和价值。该项目将会对约 16 英亩的百年洪荒平原及约 26 英亩的湿地产生影响。

寄送此通知主要有三个目的。首先, 可能受到此次洪荒平原改造活动影响的人群及热衷于保护自然环境的环保人士将有机会发表自己的意见, 并提供关于这些地区的信息。其次, 适当的公告也是一种重要的公共教育工具。宣传关于洪荒平原的信息将促进和增强联邦政府的工作力度, 以减少因占用和改造这些特殊区域而产生的风险。第三, 考虑到公平原则, 当联邦政府决定其将参与在洪荒平原内采取的行动时, 必须通知那些将因此类行动而置身于更高或持续性风险中的人群。

您应通过电子邮件提交书面意见, 如需更多的信息, 请发送电子邮件至: NYSCDBG\_DR\_ER@nyshcr.org。另外, 还可将书面意见邮寄至纽约州住房与社区更新办公室 (HCR), 地址如下: 收件人: Thomas J. King, Certifying Officer, NYS Homes and Community Renewal, 99 Washington Avenue Suite 1010, Albany, New York 12231。您还可通过电话提交书面意见, 电话: (518) 486-7512。您必须在 2014 年 6 月 27 日下午 5:00 之前提交所有意见, 否则您的意见将不予考虑。您可在工作日 (节假日除外) 上午 9:00 至下午 5:00 期间向住房信托基金办公室 (Housing Trust Fund Office) 索取关于该项目的信息, 地址如下: 25 Beaver Street, Fifth Floor, New York, NY 10004, 收件人: Jay C. Juergensen (212-480-2370)。

纽约州住房与社区更新办公室  
核证人, Thomas J. King



разных политических групп. В ходе опроса сотрудники Гэллапа обязательно спрашивали о партийной ориентации респондентов.

Итак, согласно опросу, заметно изменилось количество демократов, нормально относящихся к абортам, саободному сексу, внебрачным связям, полигамии, клонированию человека и многим другим, скажем, спорным явлениям. По сравнению с 2001 годом демократы стали гораздо более толерантнее. Правда, не к своим политическим противникам.

Две другие политические группы (республиканцы и независимые) также изменили свои взгляды, но эти изменения входят в статистическую погрешность и не превышают 3%.

Вот лишь один пример таких перемен.

В 2003 году на вопрос, допустимо ли признать ребенка вне брака, ответили утвердительно 52% демократов, 40% республиканцев и 61% независимых. В этом году уже 72% демократов посчитали такое допустимым. Количество поддерживающих республиканцев и независимых не изменилось.

Эти результаты показывают, насколько выросла ценностная пропасть между основными партиями. При таком отношении к моральным ценностям им, боюсь, никогда не удастся добиться компромисса. А это значит, что все усилия по консолидации страны обречены на провал, и рано или поздно раскол проявится. И хорошо бы, чтобы это произошло в мирной форме.

Впрочем, возможно, что никакие потрясения и не будет. Ведь ценностный разрыв существует не только среди политических группировок, но и между поколениями.

Возьмем порнографию. Лишь 19% американцев старше 55 лет считают ее морально приемлемой. Но уже в возрастной группе от 18 до 34 лет количество любителей клубнички гораздо выше — 49%.

То есть с уходом старшего поколения Америка станет либеральнее, толерантнее.

Вот только можно ли будет жить в этой стране?

Вот лишь небольшая подборка официальных данных.

18% американских женщин утверждают, что хоть раз в жизни подверглись сексуальному насилию.

Примерно каждая четвертая девушка подвергается насилию в подростковом возрасте.

Треть населения страны (110 миллионов человек), согласно данным Центра по контролю и предупреждению болезней (CDC), страдает болезнями, передающимися половым путем.

Половина американских семей съезжается еще до брака. Так что не удивительно, что половина детей у женщин в возрасте до 30 лет рождена вне брака, а каждый третий ребенок в стране воспитывается в семье без отца.

Почти 70 миллионов американцев принимают наркосодержащие лекарства или просто наркотики.

За 2012 год больше 85 000 бывших военных прошли лечение после жалоб на сексуальные домогательства, которые им пришлось пережить на службе.

По данным национального центра пропажи детей, в стране зарегистрировано 747 408 насильников. Это лишь те, кто был пойман с поличным и осужден.

В стране, какой становится Америка, мне лично не очень уютно. И я не понимаю, как сможет жить общество, когда каждый его член свободен поступать в зависимости от своей совести и морали, не понимая значения этих слов.

Если мы утрачиваем понятие того, что же на самом деле хорошо, а что плохо, то чему мы можем научить наших детей? Но если их не научим мы, то отцы наши в наших общественных школах вылепят из них таких толерантных прогрессистов, что они перестанут понимать нас, а мы их.

Может, действительно, пора приостановить этот забег от базовых ценностей, на которых строилась Америка, к социальному либерализму. Пока не поздно.

## ПРЕДВАРИТЕЛЬНОЕ ОПОВЕЩЕНИЕ О ПРЕДЛАГАЕМЫХ ДЕЙСТВИЯХ В 100-ЛЕТНЕЙ ЗОНЕ ЗАТОПЛЕНИЯ, В ПРИЛИВНО-ОТЛИВНЫХ ЗОНАХ И ОБЩЕСТВЕННОЕ ОБСУЖДЕНИЕ ЭТИХ ДЕЙСТВИЙ

12 июня 2014 г.

Кому: Всем заинтересованным организациям, группам и частным лицам

Управление губернатора штата по восстановлению после ураганов (The Governor's Office of Storm Recovery — GOSR), действующее под эгидой Корпорации трастового фонда жилищного строительства (Housing Trust Fund Corporation — HTFC), которая относится к Агентству по вопросам возобновления жилья и инфраструктуры штата Нью-Йорк (New York State Homes & Community Renewal), несет ответственность за прямое управление субсидиями по программе Департамента жилищного строительства и городского развития США (U.S. Department of Housing and Urban Development — HUD) — Целевая субсидия на развитие инфраструктуры — ликвидация последствий чрезвычайной ситуации (Community Development Block Grant Disaster Recovery — CDBG-DR). Настоящим уведомляем, что GOSR при содействии Управления парков, отдыха и сохранения исторического наследия штата Нью-Йорк инициирует процесс принятия решения согласно правительственному постановлению № 11988 в соответствии с регламентом HUD в части 55.20 раздела 24 Свода федеральных постановлений (Подраздел C — Процедуры принятия решений по управлению зонами затопления), чтобы определить, какой потенциальный эффект окажет Проект по стабилизации береговой линии и улучшению государственного парка Roberto Clemente (далее «Проект») на 100-летнюю зону затопления и прибрежный участок приливо-отливных зон, расположенных в округе Бронкс, Нью-Йорк, на восточном берегу реки Гарлем. GOSR рассматривает возможность запроса на HUD о выделении средств CDBG-DR на осуществление Проекта в соответствии с Разделом 1 Закона о жилищном строительстве и коммунальном развитии 1974 г.

Проект предусматривает предлагаемые улучшения участка площадью приблизительно 16 акров (64 750 квадратных метров) государственного парка Roberto Clemente (далее «Парк»). К таким улучшениям относятся замена ныне действующей шпунтовой подпорной стены; реконструкция прилегающей эспланады; создание пробного приливного бассейна и литоральной среды обитания с возвышенности в рамках замены подпорной стены; улучшение района Парка Lower Plaza, направленное на уменьшение искусственного ландшафта и повышение привлекательности района для посетителей; ремонт лестницы южного входа; изменение уклона и высадка местных видов растений на отрезке береговой линии, не укрепленном шпунтовыми сваями; обновление бейсбольного поля с натуральным покрытием; создание нового бейсбольного поля с искусственным покрытием; создание спортивной площадки с искусственным покрытием; создание футбольного поля с натуральным покрытием; восстановление ремонтной мастерской и прилегающего торгового центра; размещение на возвышенности чистой почвы, соответствующей требованиям для создания ландшафтной архитектуры, чтобы улучшить пешеходный проход к Парку с юга, со стороны современной прибрежной дорожной зоны. Предлагаемые работы по замене подпорной стены потребуют размещения засыпного материала на площади приблизительно 3288 квадратных футов (305,47 квадратных ме-

тра) приливо-отливных зон. Создание приливного бассейна и литоральной среды обитания увеличит площадь приливо-отливных зон приблизительно на 9000 квадратных футов (836,13 квадратных метров), а чистый прирост водной зоны обитания составит примерно 6657 квадратных футов (618,46 квадратных метра).

Цель предлагаемого проекта — повысить устойчивость Парка к воздействию будущих ураганов, обеспечить стабилизацию береговой линии, позволить вновь открыть закрытую эспланаду после ремонта подпорной стены, повысить уровень рекреационных услуг в Парке, улучшить впечатления посетителей береговой линии реки Гарлем, улучшить зону обитания Парка и создать возможности для проведения образовательных мероприятий по охране окружающей среды. Так как предлагаемый Проект привлечет к чистому увеличению площади приливо-отливных зон Парка и замене ландшафтной архитектуры на пронизываемые натуральными и искусственными покрытиями, ожидается, что Проект улучшит природные и полезные функции и повысит ценность зон затопления и приливо-отливных зон. Зона действия Проекта составит приблизительно 16 акров (64 750 квадратных метров) в 100-летней зоне затопления и приблизительно 0,26 акра (1052 квадратных метра) приливо-отливных зон.

Это оповещение преследует три основных цели. Во-первых, люди, интересы которых могут быть затронуты действиями в зоне затопления, а также те, кто заинтересован в защите природной среды, получают возможность выразить свою озабоченность и предоставить информацию об этих зонах. Во-вторых, должное публичное оповещение — важный инструмент государственной разъяснительной работы. Распространение информации о зонах затопления способствует государственным мероприятиям, направленным на снижение рисков, которые связаны с проживанием в этих особых зонах и их изменением. В-третьих, справедливости ради, если федеральное правительство решает участвовать в мероприятиях, проводимых в зоне затопления, оно должно информировать тех, кто может быть подвергнут высокому или продолжающемуся риску.

Письменные замечания следует отправлять по электронной почте. Для дополнительной информации обращайтесь по адресу NYSCDBG\_DR\_ER@nyshcr.org. Также письменные замечания можно направлять в Агентство по вопросам возобновления жилья и инфраструктуры по следующему адресу: Для Томаса Дж. Кинга (Thomas J. King), уполномоченного сотрудника в Агентстве по вопросам возобновления жилья и инфраструктуры штата Нью-Йорк, 99 Washington Avenue Suite 1010, Albany, New York 12231. Замечания принимаются и по телефону (518) 486-7512. Все замечания должны быть получены до 17:00 27 июня 2014 г. включительно, а противном случае они не подлежат рассмотрению. Информацию о проекте можно получить в рабочие дни (кроме праздников) с 9:00 до 17:00 в управлении Трастового фонда жилищного строительства по адресу: 25 Beaver Street, Fifth Floor, New York, NY 10004, для Джая Юргенсена (Jay C. Juergensen) (212-480-2370).

Томас Дж. Кинг, уполномоченный сотрудник Агентства по вопросам возобновления жилья и инфраструктуры штата Нью-Йорк



## Exhibit B

Distribution List For Flood Plain Notice  
CDBG-DR Funds

Hon. Chuck Schumer  
United States Senator  
United States Senate  
780 3<sup>rd</sup> Avenue  
New York, NY 10017

Hon. Kristin Gillibrand  
United States Senator  
United States Senate  
780 3<sup>rd</sup> Avenue  
New York, NY 10017

Hon. Sheldon Silver  
Speaker  
New York State Assembly  
250 Broadway, Suite 2307  
New York, NY 10007

Ms. Gail Adams  
Director  
U.S. Department of the Interior  
Office of Intergovernmental and External Affairs  
1849 C Street NW, Room 6213  
Washington, DC 20240

Ms. Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
Region II  
290 Broadway  
New York, NY 10007

Ms. Tennille Smith Parker  
Acting Director/Assistant Director  
US Dept. of Housing and Urban Development  
Office of Block Grant Assistance  
451 Seventh Street, SW  
Washington, DC 20410

Roberto Clemente State Park  
Shoreline Stabilization & Park Improvement

Mr. Vincent Hom  
 Director  
 US Dept. of Housing and Urban Development  
 Office of Block Grant Assistance  
 26 Federal Plaza, Room 3513  
 New York, NY 10278-0068

Mr. John Cryan  
 Regional Permit Administrator  
 NYS Dept. of Environmental Conservation  
 Division of Environmental Permits  
 One Hunter's Point Plaza  
 47-40 21<sup>st</sup> Street  
 Long Island City, NY 11101-5407

Hon. Cesar A. Perales  
 Division of Communities & Waterfronts  
 NYS Dept. of State  
 One Commerce Plaza  
 99 Washington Avenue  
 Albany, NY 12231-0001

Ms. Therese Fretwell  
 Regional Environmental Office  
 Region 2  
 U.S. Dept. of Housing and Urban Development  
 26 Federal Plaza, Room 3541  
 New York, NY 10278-0068

NYS DEC  
 Region 2  
 1 Hunter's Point Plaza  
 47-40 21<sup>st</sup> St.  
 Long Island City, NY 11101-5407

Mr. Jeffrey Zappieri  
 Division of Coastal Resources  
 NYS Dept. of State  
 One Commerce Plaza  
 99 Washington Avenue, Suite 1010  
 Albany, NY 12231-0001

Roberto Clemente State Park  
 Shoreline Stabilization & Park Improvement

Lenny Caro  
 Bronx Chamber of Commerce  
 Hutch Metro Center  
 1200 Waters Place, Suite 305 South Lobby  
 Bronx, NY 10461

Nelson Castro  
 Member of Assembly 86<sup>th</sup> District  
 2488 Grand Concourse, Room 310-11  
 Bronx, NY 10458

Geoffrey Eaton  
 Deputy Chief of Staff  
 163 West 125<sup>th</sup> Street, Suite 737  
 New York, NY 10027

Helen Diane Foster  
 Council Member 16<sup>th</sup> District  
 1377 Jerome Avenue  
 Bronx, 10452

Anna Foster  
 Bronx Times Reporter-Photojournalist  
 1111 Calhoun Avenue  
 Bronx, 10462

Vanessa L. Gibson  
 Councilmember  
 250 Broadway, Suite 1770  
 New York, NY 10007

Aurella Greene  
 Office of the Bronx Borough President  
 851 Grand Concourse  
 Bronx, NY 10451

Denis Slattery  
 Joey Scarborough  
 Daily News  
 1892 Eastchester Road  
 Bronx, NY 10466

Robert Katz  
 New York City Dept. of Education  
 44-36 Vernon Boulevard  
 Long Island City, NY 11101

Roberto Clemente State Park  
 Shoreline Stabilization & Park Improvement

Andy King  
Bronx Youth Empowerment Program  
952 E. 218th Street  
Bronx, NY 10451

Louis Kleinman  
Metropolitan Waterfront Alliance  
241 Water Street, 3rd Floor  
New York, NY 10038

Michelle Lugnore-Diaz  
City of New York Parks & Recreation  
Ranaqua 1 Bronx River Parkway  
Bronx, NY 10462

Paul Lipson  
Congressman - Chief of Staff  
788 Southern Boulevard  
Bronx, NY 10455

Thomas Lowney  
Law Enforcement Coordinator  
Office of the Mayor  
City of New York  
100 Gold Street, 2nd Floor  
New York, NY 10038

Ellen Macnow  
City of New York Parks & Recreation  
Olmstead Center  
Flushing Meadows  
Corona Park, Flushing 11368

Jesse Mojica  
Office of the Bronx Borough President  
851 Grand Concourse, Suite 301  
Bronx, NY 10451

Lee Anthony Nieves  
Bronx Borough Director  
Office of the Mayor  
City of New York  
100 Gold Street  
New York, NY 10038

Roberto Clemente State Park  
Shoreline Stabilization & Park Improvement

Iris Rodriguez-Rosa  
 City of New York Parks & Recreation  
 The Overlook 80-30 Park Lane  
 Kew Gardens, NY 11415

Jose M. Sernao  
 New York State Senate  
 157 East 104th Street  
 New York, NY 10029

Nube Urigiles  
 El Diario  
 1 Metro Tech Center, 18th Floor  
 Brooklyn, NY 11201

Marcelino Velazquez, Jr.  
 Telemundo – Vice President  
 30 Rockefeller Plaza  
 New York, NY 10112

Siddharata  
 Community Liason For Immigration and Environmental Affairs  
 788 Southern Boulevard  
 Bronx, NY 10455

Melvyn Romero  
 Director of Constituent and Support Services  
 826 Legislative Office Building  
 Albany, NY 12248

Roberto Garcia  
 Chairperson  
 Bronx Community Board #2  
 1029 East 163th Street  
 Bronx, NY 10459

Councilman Peter Koo  
 NYC Council 20th District  
 250 Broadway, Suite 1868  
 New York, NY 10007

Roberto Clemente State Park  
 Shoreline Stabilization & Park Improvement

U.S. Department of the Interior  
 Office of Intergovernmental and External Affairs  
 Mr. John Blair - Director  
 1849 C Street NW  
 Room 6213  
 Washington, DC 20240

Commissioner Polly Trottenberg  
 New York Department of Transportation  
 NYSDOT Main Office  
 50 Wolf Road  
 Albany, NY 12232

Ms. Bonnie Bellow  
 Environmental Protection Agency Region 2 (NJ, NY, PR, VI)  
 Public Affairs Director  
 290 Broadway  
 New York, NY 10007-1866

Commissioner Jerome Hauer  
 New York State Office of Emergency Management  
 1220 Washington Avenue  
 Suite 101, Building 22  
 Albany, NY 12226-2251

US Department of Homeland Security  
 Federal Emergency Management Agency (FEMA) Federal Region II  
 Mr. Jerome Hatfield  
 Regional Administrator  
 26 Federal Plaza  
 New York, NY 10278-0002

Mayor of the City of New York  
 Hon. Bill DeBlasio  
 City Hall  
 New York, NY 10007

US Fish and Wildlife Service Long Island Field Office  
 Mr. Steve Papa  
 Fish and Wildlife Biologist 340 Smith Road  
 Shirley, NY 11967

NYS Office of Parks, Recreation and Historic Preservation  
 Commissioner Rose Harvey  
 625 Broadway  
 Albany, NY 12207

Roberto Clemente State Park  
 Shoreline Stabilization & Park Improvement

New York State Department of Environmental Conservation Mr. James Tierney  
 Assistant Commissioner of Water Resources  
 625 Broadway  
 Albany, NY 12233-0001

Commissioner Joe Martens  
 New York State Department of Environmental Conservation  
 625 Broadway  
 Albany, NY 12233-0001

Luis Diaz  
 Office of the Bronx County Clerk  
 851 Grand Concourse  
 Room 118  
 Bronx, NY 10451-2937

President Ruden Diaz, Jr.  
 Office of the Bronx Borough President  
 851 Grand Concourse  
 Room 118  
 Bronx, NY 10451-2937

Colonel Paul Owen, Commander  
 U.S. Army Corps of Engineers  
 New York District Office  
 Regulatory Branch, Room 1937  
 26 Federal Plaza  
 New York, NY 10278-0090

Dr. Kathryn Sullivan  
 National Oceanic and Atmospheric Administration  
 Administrator  
 1305 E. West Hwy #13632  
 Silver Spring, MD 20910

US Fish & Wildlife Service  
 New York Field Office  
 3817 Luker Road  
 Cortland, NY 13045

Acting Commissioner Thomas Fariello, R.A.  
 Executive Office  
 NYC Department of Buildings  
 280 Broadway, 7<sup>th</sup> Floor  
 New York, NY 10007

Roberto Clemente State Park  
 Shoreline Stabilization & Park Improvement



Mr. Jon Jarvis  
Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

Commissioner Joan McDonald  
New York Department of Transportation  
NYSDOT Main Office  
50 Wolf Road  
Albany, NY 12232

State Senator Gustavo Rivera  
2432 Grand Concourse, Suite 506  
Bronx, NY 10458

Eugene Schneur  
OMNI NEW YORK LLC  
885 Second Avenue, 31<sup>st</sup> Fl.  
New York, NY 10017

Mo Vaughn  
OMNI NEW YORK LLC  
885 Second Avenue, 31<sup>st</sup> Fl.  
New York, NY 10017

David Cruz  
Bronx Times  
900 East 132<sup>nd</sup> Street  
Bronx, NY 10454

Xavier Rodriguez  
District Manager  
Bronx Community College  
MacCracken Hall, Rooms 12 & 13  
Dr. Martin Luther King Jr. Blvd  
& W. 181<sup>st</sup> Street  
Bronx, NY 10453

## Exhibit C

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF); FINAL  
NOTICE AND PUBLIC EXPLANATION OF PROPOSED ACTIVITY IN A 100-YEAR  
FLOODPLAIN AND WETLAND**

**ROBERTO CLEMENTE STATE PARK SHORELINE STABILIZATION  
AND PARK IMPROVEMENTS PROJECT**

**July 21, 2014**

*New York State Housing Trust Fund Corporation (HTFC)  
38-40 State Street  
Albany, NY 12207  
(518) 486-3379*

**Name of Responsible Entity and Recipient:** New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Thomas J. King.

This combined notice satisfies four separate procedural requirements for project activities proposed to be undertaken by HCR.

**Project Description:** The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State's Office of Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. GOSR proposes to provide funding to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for the Roberto Clemente State Park Shoreline Stabilization and Park Improvements Project (the Proposed Project) located in Bronx County, New York, on the eastern shore of the Harlem River.

The Proposed Project would involve improvements to an approximately 16-acre portion of the 25-acre Roberto Clemente State Park (Park). Improvements to be funded with up to \$46.5 million in Community Development Block Grant – Disaster Recovery program funding include replacement of the existing sheet pile bulkhead that is in critical condition, reconstruction of the adjacent esplanade, creation of an intertidal habitat from uplands as part of the bulkhead replacement, enhancements to the Park's Lower Plaza area that will reduce hardscape and improve it as a public gathering space, repair of the south stair entrance, and regrading and replanting with native plant species on portions of the remaining shoreline that is not stabilized with sheet pile. Improvements to be funded with other funding sources include refurbishment of the existing natural turf baseball field, construction of a new artificial turf baseball field, construction of an artificial turf athletic field, construction of a natural turf soccer field, rehabilitation of the maintenance building and adjacent plaza, and upland placement of clean soil suitable for landscaping to improve the southern pedestrian entrance to the Park from the existing riverfront trail. Proposed CDBG-DR-funded bulkhead work would require the placement of backfill material in approximately 3,288 square feet of tidal wetlands. Creation of the intertidal

habitat would add approximately 9,000 square feet of wetlands, for a net increase in aquatic habitat of approximately 6,657 square feet.

### **PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND**

This notice serves to give notice that GOSR has conducted evaluations of the Proposed Project as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR § 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection.

Most of the 16 acres of Roberto Clemente State Park to be restored or upgraded through the Proposed Project are located within the 100-year floodplain, and approximately .06 acres of the area upon which the new bulkhead would be installed is mapped by New York State Department of Environmental Conservation as littoral zone tidal wetlands and by the NWI as estuarine wetlands.

The purposes of the Proposed Project are to improve the Park's resiliency to future storm events, ensure the stabilization of the shoreline, allow the re-opening of the closed esplanade following bulkhead repairs, improve recreational facilities offered within the Park, enhance the visitor experience along the shoreline of the Harlem River, enhance the habitats present within the Park, and create environmental education opportunities. These purposes cannot be achieved in an alternative location, and thus there is no practicable alternative to conducting the Proposed Project in the 100-year floodplain and in wetlands. The no action alternative was considered but would not achieve the project purposes and would ultimately have negative effects on the floodplain. Without replacement, the steel elements of the bulkhead would continue to deteriorate and lead to eventual failure and the esplanade would remain closed to the public. If the bulkhead fails other sections of the Park would become more vulnerable to the impacts of flooding, as would adjacent properties and structures, including the over 1600 units of housing at the adjacent River Park Towers.

In contrast to the no action alternative, the Proposed Project would enhance the natural and beneficial functions and values of the existing floodplain and wetlands. Repairs to the bulkhead would stabilize the shoreline protecting not only the Park, but also the adjacent developed areas. The Project incorporates measures that minimize adverse impacts and restores and preserves the natural and beneficial functions and values of the floodplain. Specifically, construction of the intertidal habitat, the planned reduction in paved surfaces within the Park, and the planned elevation or waterproofing of existing electrical infrastructure would improve the flood plain's resiliency to future storm events. Similarly, the Proposed Project would enhance wetlands because it would result in a net increase in the amount of wetlands in the area by over 6000 square feet. Finally, the Proposed Project does not involve the construction of any buildings that could worsen flood conditions and the impacts of floods. The Project will affect nearly 16 acres in the 100-year floodplain, and approximately .26 acres of wetlands.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment have

an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

### **FINDING OF NO SIGNIFICANT IMPACT**

An Environmental Review Record (ERR) has been prepared and is maintained on file. The ERR is incorporated by reference into this FONSI. The ERR constitutes the complete environmental assessment of the Proposed Project. Subject to public comments, no further review of the Proposed Project is anticipated. A full copy of the ERR, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and an area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the office listed below or online at

<http://www.nyshcr.org/Programs/NYS-CDBG-DR/EnvironmentalReview.htm>.

HCR has determined that the ERR for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58, et al.

HCR has also determined that the Project, as proposed, will have no significant adverse environmental or socioeconomic impacts, direct, indirect, or cumulative. There will be no significant impact on the human environment, and the Project will not negatively impact the quality of the environment. Therefore, HCR has determined that the Project does not require the preparation of an environmental impact statement under NEPA. Pursuant to Section 106 of the National Historic Preservation Act, the Project would also have no effect on historic properties or cultural resources.

**Public Review:** Public viewing of the ERR is available online at the website listed above and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address:

*Housing Trust Fund Office  
25 Beaver Street, Fifth Floor  
New York, NY 10004  
Contact: Jay C. Juergensen (212) 480-2370*

Further information may be requested at NYSCDBG\_DR\_ER@nyshcr.org or by calling HTFC at (518) 486-7512. 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 a newspaper of general circulation in the affected community.

## **NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.70.

On Wednesday, August 6, 2014, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Thomas J. King, in his 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, decision-making, and action, and that these responsibilities have been satisfied. Moreover, HCR certifies that an environmental review of the Proposed Project described herein has been completed. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

**Objection to Release of Funds:** HUD will accept objections to the RROF and/or FONSI certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are:

- (a) Certification was not executed by the responsible entity's Certifying Officer;
- (b) The responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58;
- (c) The responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or
- (d) 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) and shall be addressed to

*Tennille Smith Parker*  
*Acting Director/Assistant Director, Disaster Recovery and Special Issues Division*  
*Office of Block Grant Assistance*  
*U.S. Department of Housing & Urban Development*  
*451 7<sup>th</sup> Street SW*  
*Washington, DC 20410*  
 Phone: (202) 402-4649

**Public Comments on FONSI/Findings, NOIRROF & Actions in Floodplain/Wetland**

Any individual, group, or agency may submit comments on the Project. Those wishing to comment should specify in their comments which distinct part(s) of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before August 5, 2014 at: NYSCDBG\_DR\_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before August 5, 2014:

*Mr. Thomas J. King, Certifying Officer  
New York State Homes & Community Renewal  
99 Washington Avenue, Suite 1010  
Albany, NY 12231*

Comments may be received by telephone at (518) 486-7512. All comments must be received on or before 5pm on August 5, 2014 or they will not be considered. Information regarding the Project will be available weekdays, except holidays, between 9:00 a.m. and 5:00 p.m. at the Housing Trust Fund Office at 25 Beaver Street, Fifth Floor, New York, NY 10004, attention Jay C. Juergensen (212-480-2370).

If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

Thomas J. King, Certifying Officer  
New York State Homes & Community Renewal



## Exhibit D



STATE OF NEW JERSEY  
COUNTY OF HUDSON

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOFUND); FINAL NOTICE AND PUBLIC EXPLANATION OF PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND ROSSITO CLEMENTE STATE PARK WETLANDS RESTORATION AND PARK IMPROVEMENTS PROJECT

New York State Hunting Trust Fund Corporation (NHTFC)  
38-40 State Street, Albany, NY 12207

[illegible]

# Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetland

[illegible]

**CRACKING OF ADOPTIVE IMPACT**  
An Environmental Review Record (ERR) has been

constitutes the complete environmental assessment of the Proposed Project. Subject to public comments, no further review of the Proposed Project is anticipated. A full copy of the EIS, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and an issue map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 of the rules listed below or online at <http://www.mtyciv.us/Programs/NYS-CDBG-ED/EnvironmentalReview.htm>.

ICR has determined that the EIR for the project identified harms overlaps with the requirements of HUD environmental or wet regulations at 24 CFR Part 92, et. al. ICR has also determined that the Project, as proposed, will have no significant adverse environmental or socioeconomic impacts, direct, indirect, or cumulative. There will be no significant impact on the human environment, and the Project will not negatively impact the quality of the environment. Therefore, ICR has determined that the Project does not require the preparation of an environmental impact statement under NEPA. For more information, please contact the Project Director, at the address below. The Project would have no effect on historic properties or cultural resources. Public Review/Public Hearing of the EIR is available online, at the website listed above and is also available in person Monday - Friday, 9:00 AM - 5:00 PM at the following address:

Housing Trust Fund Office  
251 Beaver Street, Fifth Floor New York, NY 10004

Contact Joy C. Thompson (212) 480-2370

Further information may be requested at NYSCDSS or ERPOwner.org or by calling HIFC at (518) 486-7312. 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 a newspaper of general circulation in the affected community.

WOMEN OF INTENT TO PURCHASE BEARS OF FUR

[illegible]

The only permissible grounds for objections claiming a respondent entity's non-compliance with 24 CFR Part 58 are

- (b) The responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 38) and shall be addressed to:

**Acting Director/Assistant Director, Opioid Recovery and Special Issues Division**  
Office of Chief Medical Examiner

U.S. Department of Housing & Urban Development  
431 7th Street SW, Washington, DC 20410  
Phone: (202) 402-1409

Public Engineering Inc.

Any individual, group, or agency may submit comments on the Project. We're willing to consider all comments and suggestions. Comments should be submitted to the project manager, Mr. [Name], at [Address].

[illegible]

ROBERTA LATIMORE being duly sworn, says that she is a principal clerk and a duly authorized designee of Daily News, L.P., publisher of the 'DAILY NEWS,' a daily and Sunday newspaper published in the City of New York and that the notice, of which the annexed is a copy, was published in said newspaper and online within the section of:

**LEGAL / PUBLIC NOTICES of the  
City North Edition**

On

On July 21, 2014

(Representative's signature)  
Authorized Designee of Daily News, L.P.,  
Publisher of the Daily News

**SWORN TO AND SUBSCRIBED  
BEFORE ME THIS DATE**

~~JUL 21 2014~~

JEANNETTE CALLE  
Notary Public of New Jersey  
My Commission Expires 01/17/2014

Calc.



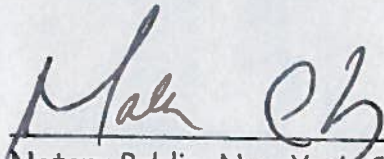
**Affidavit of Publication Under Section 206 of the Limited Liability  
Company Law State of New York, County of New York, ss:**

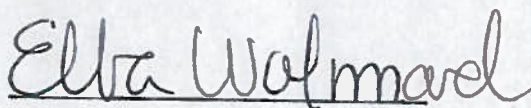
The undersigned, ELBA WOLMARD, is a Senior Account Executive of El Diario/LA PRENSA a company of ImpreMedia located at 1 Metro Tech Center, Brooklyn, NY 11201. A daily Newspaper published in New York, N.Y. A notice regarding **COMBINE NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND NOTICE EXPLANATION OF A PROPOSED ACTIVITY IN FLOOD PLAIN** was published in said newspaper 1 (one) time in a week commencing on July 21, 2014 and ending on July 21, 2014. The text of the notice as published in said newspaper is as set forth below, or in the annexed exhibit.

This newspaper has been designated by the Clerk of New York County, for this purpose.

Subscribed and sworn to before me  
this 22nd day of July, 2014.

Elba Wolmard

  
\_\_\_\_\_  
Notary Public, New York County,

  
\_\_\_\_\_  
Elba Wolmard

MARTHA CITY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01C16147323  
Qualified in Queens County  
Certificate Filed in New York County  
My Commission Expires May 30, 2018

# AVISO COMBINADO DE AUSENCIA DE IMPACTO SIGNIFICATIVO (FONSI, por sus siglas en inglés) Y AVISO DE INTENCIÓN DE SOLICITUD PARA LIBERAR FONDOS (NOIRROF, por sus siglas en inglés); AVISO FINAL Y EXPLICACIÓN PÚBLICA DE ACTIVIDAD PROPUESTA EN LA PLANICIE DE INUNDACIÓN DE 100 AÑOS Y HUMEDALES ESTABILIZACIÓN DEL LITORAL DEL PARQUE ESTATAL ROBERTO CLEMENTE Y PROYECTO DE MEJORAS AL PARQUE

21 de julio de 2014

Corporación de Fondo Fiduciario para Vivienda del Estado de Nueva York (HTFC, por sus siglas en inglés)  
38-40 State Street  
Albany, NY 12207  
(518) 486-3379

Nombre de la entidad responsable y del destinatario: Vivienda y Renovación Comunitaria (HCR, por sus siglas en inglés) del Estado de Nueva York, 38-40 State Street, Hamilton Plaza, Albany, NY 12207, en cooperación con la Corporación de Fondo Fiduciario para Vivienda (HTFC) del Estado de Nueva York, de la misma dirección. Contacto: Thomas J. King.

Este aviso combinado satisface cuatro requisitos de procedimientos separados para las actividades del proyecto propuesto para ser llevado a cabo por HCR.

Descripción del proyecto: La Oficina del Gobernador para la Recuperación de Tormentas (OOSR, por sus siglas en inglés), operando bajo el auspicio de la Corporación de Fondo Fiduciario para Vivienda de la Oficina del Estado de Nueva York para la Vivienda y Renovación Comunitaria, es la entidad responsable de la administración directa del programa de Recuperación de Desastres - Subvención de Desarrollo Comunitario (CDBG-DR) del Departamento de Vivienda y Desarrollo Urbano (HUD). OOSR propone proporcionar financiación para la Oficina de Parques, Recreación y Preservación Histórica del Estado de Nueva York (JOPRPH, por sus siglas en inglés) para la estabilización del litoral del parque estatal Roberto Clemente y el proyecto de mejoras del parque (el Proyecto propuesto) ubicado en el condado del Bronx, Nueva York, en la ribera oriental del río Harlem.

El Proyecto propuesto implicará mejoras a aproximadamente una porción de 16 acres de los 28 acres del parque estatal Roberto Clemente (el Parque). Las mejoras a ser financiadas con hasta \$8.5 millones de dólares de financiación del programa de Recuperación de Desastres - Subvención de Desarrollo Comunitario incluyen el reemplazo del mamparo de intención costera que está en condición crítica, la reconstrucción de la explanada adyacente, la creación de un hábitat intempestivo desde la parte de arriba como parte del reemplazo del mamparo, mejoras del área "Lower Plaza" del Parque que reducirán las superficies duras y le mejorarán como espacio de reuniones públicas, la reparación de la entrada sur de escaleras, y la revegetación y replantación con especies nativas de las porciones restantes de la ribera que no están estabilizadas con tablas. Las mejoras a ser financiadas con otras fuentes de financiación incluyen la renovación del campo de fútbol de césped natural existente, la construcción de un nuevo campo de fútbol de césped artificial, la construcción de un campo de fútbol de césped natural, la rehabilitación del edificio de mantenimiento y plaza adyacente, y la ubicación en tierra alta de suelo fértil adecuado para paisajismo a fin de mejorar la entrada peatonal al Parque, que proviene del camino existente en la ribera del río. El trabajo propuesto

del mamparo, financiado por CDBG-DR, requerirá la ubicación de material de relleno en aproximadamente 3,284 pies cuadrados de humedales maritales. La creación de un hábitat intempestivo agregará aproximadamente 9,000 pies cuadrados de humedales, para un incremento neto de 5,716 pies cuadrados de humedales maritales.

EXPLICACIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN UNA PLANICIE DE INUNDACIÓN DE 100 AÑOS Y HUMEDALES  
Este aviso sirve para dar notificación que OOSR ha llevado a cabo evaluaciones del Proyecto propuesto tal y como lo exigen las órdenes ejecutivas 11861 y 11890 de conformidad con los reglamentos HUD, 24 CFR § 58.70 (subparta C), procedimientos para tomar determinaciones sobre la gestión de planicies de inundación y la protección de humedales.

La mayoría de los 16 acres del parque estatal Roberto Clemente a ser restaurados o mejorados por medio del Proyecto propuesto están ubicados en la planicie de inundación de 100 años, y aproximadamente 0.06 acres del área en que se instalará el mamparo está dentro del Departamento de Conservación Ambiental del Estado de Nueva York como zona litoral de humedales maritales, y por HWI como humedales estuarios.

El propósito del Proyecto propuesto es mejorar la resistencia del Parque a futuras tormentas, garantizar la estabilización del litoral, permitir la recuperación de la explanada costera después de las operaciones del mamparo, mejorar las instalaciones de recreación ubicadas en el Parque, mejorar la experiencia de los visitantes a lo largo de la ribera del río Harlem, aumentar los hábitats presentes en el Parque y crear oportunidades de educación ambiental. Estos propósitos no podrán ser obtenidos en una ubicación alternativa y, por tanto, no hay una alternativa posible a la realización del Proyecto propuesto en la planicie de inundación de 100 años y humedales. La alternativa de no tomar acción se consideró, pero no lograría los propósitos del proyecto y, en última instancia, tendría efectos negativos en la planicie de inundación. Sin embargo, los elementos de acaro del mamparo constituirían disturbios y eventualmente tendrían como consecuencia averías, y la explanada permanecería cerrada al público. Si el mamparo falla, otras secciones del Parque se volverían más vulnerables a los impactos de una posible inundación, tal y como lo estarían las propiedades y estructuras adyacentes, que incluyen más de 1800 unidades de vivienda en la propiedad adyacente, River Park Towers.

En contraste con la alternativa de no tomar acción, el Proyecto propuesto mejoraría las funciones y valores naturales y benéficos de la planicie de inundación y humedales existentes. Las reparaciones al mamparo estabilizarían el litoral protegiendo no solo el Parque, sino también las áreas de desarrollo adyacentes. El Proyecto incorpora medidas que minimizan los impactos adversos y restauran y preservan las funciones y valores naturales y benéficos de la planicie de inundación. Específicamente,

la construcción de un hábitat intempestivo, la reducción programada de superficies asfálticas en el Parque y la elevación programada e implementación de la infraestructura eléctrica existente mejorará la resistencia de la planicie de inundación a futuras tormentas. De manera similar, el Proyecto propuesto mejorará los humedales porque resultará en un incremento neto de la cantidad de humedales en el área en más de 5,000 pies cuadrados. Por último, el Proyecto propuesto no involucrará la construcción de ningún edificio que podría empeorar las condiciones de inundación o los impactos de las tormentas. El Proyecto afectará aproximadamente 16 acres en las planicies de inundación de 100 años, y aproximadamente 28 acres de humedales.

Hay tres propósitos principales para este aviso. En primer lugar, las personas que pueden resultar afectadas por las actividades en las planicies de inundación y aguas que tengan intereses en la protección del medio natural tendrán la oportunidad de expresar sus inquietudes y proporcionar información acerca de estas áreas. En segundo término, el aviso público adecuado es una herramienta importante de educación pública. La difusión de la información acerca de las planicies de inundación facilita e incrementa los esfuerzos federales para mejorar los riesgos asociados con la ocupación y modificación de estas áreas expuestas. En tercer lugar, por razones de imparcialidad, cuando el gobierno federal determine que participará en acciones que se den en caso en las planicies de inundación, debe informar a aquellas que están expuestas a un riesgo grande o continuo.

AUSENCIA DE IMPACTO SIGNIFICATIVO  
Se ha preparado un expediente de revisión ambiental (EIR, por sus siglas en inglés), que se mantiene en archivo. El EIR es el documento por referencia en este FONSI. El EIR constituye la evaluación ambiental completa del Proyecto propuesto. Sujeto a comentarios públicos, no se anticipan más estudios del Proyecto propuesto. Una copia antes del EIR, que incluye la lista de verificación de evaluación ambiental de la Ley sobre Política Nacional Medioambiental de 1969 (NEPA, National Environmental Policy Act) y un mapa del área, están disponibles para inspección pública durante horas laborales normales de conformidad con 24 CFR parte 58, en la oficina indicada abajo o por internet en <http://www.nyehcr.org/Programs/NYS-CDBG-DR/EnvironmentalReview.htm>. HCR ha determinado que el EIR del proyecto aquí identificado cumple con los requisitos del reglamento de estudio ambiental de HUD, 24 CFR parte 58, el cual HCR también ha determinado que el Proyecto, tal y como está propuesto, no tendrá impactos adversos, ambientales o socioeconómicos, directos, indirectos o acumulativos. No habrá impacto significativo en el medio humano, y el Proyecto no impactará negativamente la calidad del medio ambiente. Por tanto, HCR ha determinado que el Proyecto no requiere la preparación de una declaración de impacto ambiental conforme a NEPA. De conformidad con la sección 106 de la Ley de Preservación Histórica Nacional (National Historic Preservation Act), el Proyecto

temporalmente afectará sobre propiedades, sitios o recursos culturales. Estudio público: el público puede consultar el EIR por internet en el sitio web mencionado arriba y también en persona, de lunes a viernes, de 9:00 a.m. a 5:00 p.m. en la siguiente dirección: Housing Trust Fund Office, Oficina del fondo fiduciario de vivienda, 25 Beaver Street, Fifth Floor, New York, NY 10004. Contacto: Jay C. Jurgensman (R) 2 480-2370.

Se puede solicitar más información en CDBG-DR, ER@nyehcr.org o llamando a HTFC al (518) 486-7512. Este aviso combinado se envía a individuos y grupos cuyo interés en estas actividades es concreto, a medios de comunicación locales, a agencias locales, estatales y federales apropiadas, a la oficina regional del la Agencia de Protección Ambiental de los Estados Unidos con jurisdicción, y a la oficina de HUD. También se publica en un periódico de circulación general en la comunidad afectada.

## AVISO DE INTENCIÓN DE SOLICITUD PARA LIBERAR FONDOS

Antes de la recepción de cualquier limitación de compromiso de fondos federales de conformidad con los reglamentos en 24 CFR parte 58.70, se requerirá un aviso por escrito de autorización ambiental.

El miércoles 6 de agosto de 2014, el oficial de certificación de HCR enviará una solicitud y certificación a HUD para la liberación de los fondos CDBG-DR tal y como lo autorizan las políticas y leyes relacionadas con el fin de implementar esta parte del programa CDBG-DR de Nueva York. HCR certifica ante HUD que Thomas J. King, en su calidad de oficial de certificación, acepta la justificación de los tribunales federales estadounidenses si se presenta un recurso de cumplimiento de las responsabilidades en relación con el proceso de estudio ambiental, la toma de decisiones y acciones, y que estas responsabilidades han sido satisfechas. Además, HCR certifica que se ha llevado a cabo un estudio ambiental del Proyecto propuesto de acuerdo en el presente. La aprobación de HUD de la certificación satisface sus responsabilidades según NEPA y las leyes y autoridades relacionadas, y le permite a OOSR usar fondos del programa CDBG-DR.

Objeción a la liberación de los fondos HUD aceptará objeción a la certificación FONSI y NOIRROF por un período de quince (15) días después de la fecha anticipada de envío o el recibo efectivo de la solicitud (el que sea posterior). Las personas que potencialmente pudieran estar en contra podrán contactar a HUD a fin de verificar el último día del período de objeciones. Los únicos motivos admisibles para una objeción que rechace el incumplimiento de 24 CFR parte 58 por parte de la entidad responsable son:

La certificación no fue ejecutada por el oficial de certificación de la entidad responsable. La entidad responsable ha omitido un paso o no ha tomado una decisión o seguido una consulta requerida por los reglamentos HUD, 24 CFR parte 58. La entidad responsable ha comprometido fondos o ha incurrido en costos no autor-

izados por 24 CFR parte 58 antes de liberar los fondos o obtener la aprobación de certificación ambiental, o La agencia federal que actúa de conformidad con 40 CFR parte 1504 ha presentado una conclusión por escrito en el sentido que el proyecto no es satisfactorio desde el punto de vista de calidad ambiental. Las objeciones deben ser preparadas y enviadas de conformidad con los procedimientos requeridos (24 CFR parte 58) y deben ser dirigidas al: Terrell Smith Parker, Acting Director/Assistant Director, Disaster Recovery and Special Issues Division (Directores Interim/Directores adjuntos, División de recuperación del desastre y asuntos especiales), Office of Block Grant Assistance (Oficina de asistencia de subvención), U.S. Department of Housing & Urban Development (Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos), 451 7th Street SW, Washington, DC 20410. Teléfono: (202) 422-6469.

Comentarios públicos sobre FONSI/comentarios, NOIRROF y acciones en la planicie de inundación/humedales. Cualquier individuo, grupo o agencia podrá presentar comentarios sobre el Proyecto. Aquellos que deseen hacer sus comentarios deben especificar a qué período(s) específico(s) del Aviso Combinado adhieren sus comentarios. Los comentarios también se pueden presentar por correo electrónico, en el formato apropiado, en o antes del 5 de agosto de 2014: [NYS-CDBG-DR.ER@nyehcr.org](mailto:NYS-CDBG-DR.ER@nyehcr.org). Los comentarios por escrito también pueden ser enviados a la siguiente dirección, o por correo, en el formato apropiado y deben ser recibidos en o antes del 5 de agosto de 2014:

St. Thomas J. King, oficial de certificación  
New York State Homes and Community Renewal  
(Vivienda y Renovación Comunitaria del Estado de Nueva York)  
89 Washington Avenue, Suite 1010  
Albany, NY 12221

Los comentarios podrán hacerse por teléfono al (518) 486-7512. Todos los comentarios deben ser recibidos en o antes de las 5 p.m. del 5 de agosto de 2014, o no serán tomados en cuenta. La información concerniente al Proyecto estará disponible entre semana, con la excepción de los días festivos, entre las 9:00 a.m. y las 5:00 p.m. en Housing Trust Fund Office, 25 Beaver Street, Fifth Floor, New York, NY 10004, atención a Jay C. Jurgensman (212-480-2370).

Si resultara alguna modificación a parte de los comentarios públicos, estos serán devueltos a cabo antes de proceder con el desembolso de los fondos.

Thomas J. King, oficial de certificación  
New York State Homes and Community Renewal  
(Vivienda y Renovación Comunitaria del Estado de Nueva York)

有關無重大影響的調查結果 (FINDING OF NO SIGNIFICANT IMPACT, FONSI) 的聯合通知, 以及有關請求發放資金的意向通知 (NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS, NOIRROF): 有關百年河漫灘和濕地中的提議活動的最終通知和公開說明

羅貝托克萊蒙州立公園 (Roberto Clemente State Park) 的岸線穩定和公園改進項目

2014年7月21日

New York State Housing Trust Fund Corporation (HTFC)  
38-40 State Street, Albany, NY 12207  
(518) 480-3379

責任實體和組織方名稱:

New York State Housing and Community Renewal (HCR) 地址: 38-40 State Street, Albany, NY 12207 與 New York State Housing Trust Fund Corporation (HTFC) 地址: 38-40 State Street, Albany, NY 12207 合作: 謝爾曼 (Thomas) King

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

有關百年河漫灘和濕地中的提議活動的公開說明

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

紐約州環境保護局 (DEC) 地址: 61 Rte. 9W, P.O. Box 245, Tarrytown, NY 10590

調查結果顯示無重大影響

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有關請求發放資金的意向通知

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有關河漫灘/濕地中的 FONSI/調查結果 NOIRROF 與 HTFC 的公眾評論

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***APPENDIX G***  
***GENERAL CONFORMITY DETERMINATION***



## APPENDIX G GENERAL CONFORMITY ANALYSIS

The Proposed Project would not generate any additional vehicle trips and would not increase the number of parking spaces at the project site and would not otherwise create any new permanent sources of emissions. Therefore, the Proposed Project would not result in adverse impacts to air quality. However, the project would receive funding from the U.S. Department of Housing and Urban Development's Community Development Block Grant Disaster Recovery (CBDG-DR) program and is therefore subject to conformity analysis requirements of the Clean Air Act (CAA).

Projects for which emissions from criteria pollutants are expected to be below the threshold levels established in 40 CFR 93.153(b) are not required to make a conformity determination. See 40 CFR 93.153(c)(1). As will be explained in the applicability analysis<sup>1</sup> below, emissions from the Proposed Project are not expected to exceed the thresholds in 40 CFR 93.153(b) and therefore the Proposed Project is exempt from the other requirements of 40 CFR § 93 Subpart B.

### REGULATORY CONTEXT

#### *AIR QUALITY STANDARDS*

The Clean Air Act mandated the establishment of primary and secondary National Ambient Air Quality Standards (NAAQS) for six "criteria" air pollutants: carbon dioxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone, respirable particulate matter (PM—in two size categories, PM<sub>2.5</sub> and PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead. The primary standards represent levels that are needed to protect the public health, allowing an adequate margin of safety. The secondary standards are intended to protect the nation's welfare and account for air pollutant effects on soil, water, visibility, materials, vegetation, and other aspects of the environment. The NAAQS are presented in **Table 1**. The NAAQS for CO, annual NO<sub>2</sub>, and 3-hour SO<sub>2</sub> have also been adopted as the ambient air quality standards for New York State, but are defined on a running 12-month basis rather than for calendar years only. New York State also has standards for total suspended particles, settleable particles, non-methane hydrocarbons, 24-hour and annual SO<sub>2</sub>, and ozone which correspond to federal standards that have since been revoked or replaced, and for the noncriteria pollutants beryllium, fluoride, and hydrogen sulfide.

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<sup>1</sup> Federal regulations define applicability analysis as "the process of determining if your Federal action must be supported by a conformity determination." 40 CFR § 93.152

## Roberto Clemente State Park Shoreline and Park Improvements

**Table 1**  
**National Ambient Air Quality Standards (NAAQS)**

Pollutant	Primary		Secondary	
	ppm	µg/m <sup>3</sup>	ppm	µg/m <sup>3</sup>
Carbon Monoxide (CO)				
8-Hour Average <sup>(1)</sup>	9	10,000	None	
1-Hour Average <sup>(1)</sup>	35	40,000		
Lead				
Rolling 3-Month Average <sup>(2)</sup>	NA	0.15	NA	0.15
Nitrogen Dioxide (NO <sub>2</sub> )				
1-Hour Average <sup>(3)</sup>	0.100	188	None	
Annual Average	0.053	100	0.053	100
Ozone (O <sub>3</sub> )				
8-Hour Average <sup>(4,5)</sup>	0.075	150	0.075	150
Respirable Particulate Matter (PM <sub>10</sub> )				
24-Hour Average <sup>(1)</sup>	NA	150	NA	150
Fine Respirable Particulate Matter (PM <sub>2.5</sub> )				
Annual Mean <sup>(6)</sup>	NA	12	NA	15
24-Hour Average <sup>(7)</sup>	NA	35	NA	35
Sulfur Dioxide (SO <sub>2</sub> ) <sup>(8)</sup>				
1-Hour Average <sup>(9)</sup>	0.075	196	NA	NA
Maximum 3-Hour Average <sup>(1)</sup>	NA	NA	0.50	1,300
<b>Notes:</b> ppm – parts per million (unit of measure for gases only) µg/m <sup>3</sup> – micrograms per cubic meter (unit of measure for gases and particles, including lead) NA – not applicable All annual periods refer to calendar year. Standards are defined in ppm. Approximately equivalent concentrations in µg/m <sup>3</sup> are presented. <sup>(1)</sup> Not to be exceeded more than once a year. <sup>(2)</sup> EPA has lowered the NAAQS down from 1.5 µg/m <sup>3</sup> , effective January 12, 2009. Federal standard is not to be exceeded. <sup>(3)</sup> 3-year average of the annual 98th percentile daily maximum 1-hr average concentration. Effective April 12, 2010. <sup>(4)</sup> 3-year average of the annual fourth highest daily maximum 8-hr average concentration. <sup>(5)</sup> EPA has proposed lowering the primary standard further to within the range 0.060-0.070 ppm, and adding a secondary standard measured as a cumulative concentration within the range of 7 to 15 ppm-hours aimed mainly at protecting sensitive vegetation. A final decision on this standard is currently in review. <sup>(6)</sup> 3-year average of annual mean. EPA has lowered the primary standard from 15 µg/m <sup>3</sup> , effective March 2013. <sup>(7)</sup> Not to be exceeded by the annual 98th percentile when averaged over 3 years. <sup>(8)</sup> EPA revoked the 24-hour and annual primary standards, replacing them with a 1-hour average standard. Effective August 23, 2010. <sup>(9)</sup> 3-year average of the annual 99th percentile daily maximum 1-hr average concentration.				
<b>Source:</b> 40 CFR Part 50: National Primary and Secondary Ambient Air Quality Standards.				

## Appendix G General Conformity Determination

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### NAAQS ATTAINMENT STATUS

When the levels of one or more criteria pollutants in an area exceed the NAAQS, U.S. Environmental Protection Agency (EPA) designates the region as a *nonattainment* area. For *nonattainment* areas, the state is required to develop and implement a State Implementation Plan (SIP), which delineates how the state plans to achieve air quality that meets the NAAQS under the deadlines established by the CAA. Federal regulations designate areas with levels below the NAAQS as *attainment* areas. *Maintenance* areas are those that have previously been designated nonattainment and have been redesignated to attainment for a probationary period through implementation of maintenance plans.

The Bronx is part of a maintenance area for CO and for PM<sub>2.5</sub>. EPA has strengthened the annual average primary standard for PM<sub>2.5</sub> to 12 µg/m<sup>3</sup> in December 2012 and will make initial attainment designations for that standard by early 2015. Based on analysis of 2009-2011 monitoring data, on October 2, 2013, New York State recommended that the region be designated as in attainment for the new standard.

The Bronx is also within a non-attainment area for ozone (classified as marginal non-attainment). EPA has designated the entire state of New York as “unclassifiable/attainment” of the 1-hour NO<sub>2</sub> standard effective February 29, 2012. Since additional monitoring is required for the 1-hour standard, areas will be reclassified once three years of monitoring data are available (likely 2017). EPA has established a 1-hour SO<sub>2</sub> standard. Draft attainment designations for the 1-hour SO<sub>2</sub> standard were published by EPA in February 2013, indicating that EPA is deferring action to designate areas in New York State and expects to proceed with designations once additional data are gathered.

### CONFORMITY WITH STATE IMPLEMENTATION PLANS

The conformity requirements of the CAA and regulations promulgated thereunder (conformity requirements) limit the ability of federal agencies to assist, fund, permit, and approve projects in non-attainment or maintenance areas that do not conform to the applicable SIP. When subject to these requirements, the lead federal agency is responsible for demonstrating either a basis for exemption or conformity of its proposed action (in the case of the Proposed Project, the federal action is the approval of CBDG –DR funding). Conformity determinations for federal actions related to transportation plans, programs, and projects which are implemented, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must be made in accordance with 40 CFR § 93 Subpart A (federal transportation conformity regulations). Conformity determinations for all other federal actions must be made according to the requirements of 40 CFR § 93 Subpart B (federal general conformity regulations). Federal actions funded through the CDBG-DR program are subject to the General Conformity Rule. The Proposed Project must either demonstrate that it is exempt from the provisions of 40 CFR § 93 or that it conforms to the purpose of State Implementation Plans for ozone and Maintenance Plans for PM<sub>2.5</sub> and CO. For non-exempt projects, a conformity determination is needed for each pollutant of concern in the non-attainment or maintenance area affected by a federal action. Conforming actions would not:

1. Cause or contribute to any new violation of any standard in any area;
2. Interfere with provisions in the applicable SIP for maintenance of any standard;
3. Increase the frequency or severity of any existing violation of any standard in any area; or

## Roberto Clemente State Park Shoreline and Park Improvements

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4. Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

### APPLICABILITY ANALYSIS

According to the regulations, federal actions whose criteria pollutant emissions have already been included in the local SIP's attainment or maintenance demonstrations are assumed to conform to the SIP. Levels of emissions above which a conformity determination must be performed (*de minimis*) levels have been defined for various criteria pollutants and non-attainment or maintenance areas. For the Bronx, the *de minimis* threshold for VOC is 50 tons per year (applicable to marginal and moderate nonattainment inside an ozone transport region). For NO<sub>x</sub> the threshold is 100 tons per year (applicable to severe ozone nonattainment areas). For CO, the threshold is 100 tons per year (applicable to marginal and moderate nonattainment inside an ozone transport region). For PM<sub>2.5</sub>, the threshold (including both direct and PM<sub>2.5</sub> precursor emissions) is 100 tons per year (applicable to all nonattainment and maintenance areas).

The Proposed Project would result in the rehabilitation and improvement of existing uses. During Proposed Project operation – the continued use of the Roberto Clemente Park – there would be no increase in air pollutant emissions. The construction of the Proposed Project would result in some emissions from on-site construction equipment and the transport of construction materials. However, based on the expected construction activity and construction costs of the Proposed Project and review of emissions and construction costs for projects involving similar types of construction, the Proposed Project would not exceed General Conformity *de minimis* emissions thresholds, and therefore a conformity determination is not required.

The total construction cost for the Proposed Project would be approximately \$54.2 million. Construction would last approximately five years and would include bulkhead replacement, tidal pool rehabilitation, and work on the esplanade, as well as the repairs of existing structures and ball fields, soccer field, and soil replacement. The most intense construction activity would occur during the first two years of construction, when the bulkhead would be replaced. The maximum annual expenditure for construction would be approximately \$24.5 million, in the first year of construction.

Emissions estimates were prepared for a similar type of (but much larger) CDBG-funded project, the East River Waterfront Esplanade and Piers Project (“Esplanade Project”), and provide a reference point for purposes of making the threshold determination regarding whether criteria pollutants associated with the Proposed Project would be expected to exceed *de minimis* levels. Peak annual construction costs for the Esplanade Project were expected to be \$91 million in 2008, almost four times higher than peak annual construction costs expected for the Proposed Project. Despite the much higher level of construction costs (which are closely correlated with actual construction activity and emissions) associated with the Esplanade Project, the estimated emissions of the criteria pollutants VOC, PM<sub>2.5</sub>, CO, NO<sub>x</sub> (precursor of PM<sub>2.5</sub> and ozone) and SO<sub>x</sub> (PM<sub>2.5</sub> precursor) were all below current *de minimis* thresholds for those pollutants. Therefore, emissions from the Proposed Project would also be below the *de minimis* emission thresholds, and no further analysis under 40 CFR § 93 is required.