**PUBLIC NOTICE**

**December 11, 2015**

**NOTiCE of FINDING OF NO SIGNIFICANT IMPACT AND Negative declaration; Request for Release of Funds**

**IMPROVEMENTS TO PIER 42 AT EAST RIVER WATERFRONT**

Name of Responsible Entity and Recipient: Lower Manhattan Development Corporation (LMDC); One Liberty Plaza, 27th Floor; New York, NY 10006; Telephone Number: (212) 962-2300; Contact: Laura Rogers; Email: lrogers@renewnyc.gov. These notices shall satisfy the above-cited separate but related procedural notification requirements for activities to be undertaken by LMDC.

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

**Notice of Finding of No Significant Impact and Negative Declaration**

LMDC, a subsidiary of the Urban Development Corporation d/b/a Empire State Development (a political subdivision and public benefit corporation of the State of New York), as lead agency, is giving notice that it has made a Finding of No Significant Impact and Negative Declaration for the proposed improvements to Pier 42 on the East River (Proposed Project). As the recipient of HUD Community Development Block Grant funds, LMDC acts, pursuant to 42 USC § 5304(g), as the responsible entity for compliance with the National Environmental Policy Act (NEPA) in accordance with 24 CFR § 58.4; Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800; the State Historic Preservation Act; and other applicable laws and regulations. LMDC also acts under its authority as lead agency in accordance with the New York State Environmental Quality Review Act (SEQRA).

The Proposed Project would create new public open space on and around Pier 42 in Lower Manhattan operated by the New York City Department of Parks and Recreation. The Proposed Project is located in Lower Manhattan (New York County) immediately to the west of the FDR Drive and south of East River Park.

LMDC, as lead agency, has prepared an environmental assessment (“EA”) for the Proposed Project. Based on this EA, LMDC has determined that the Project will have no significant impact on the human environment, and will not have a significant adverse environmental impact. LMDC is therefore not required to prepare an environmental impact statement under either NEPA or SEQRA. The project has been classified as a Type 1 action pursuant to SEQRA.

**Section 106**

Pursuant to Section 106 of the National Historic Preservation Act, LMDC has determined that the Project would not have an adverse effect on historic resources. LMDC is consulting with the New York State Historic Preservation Officer as called for in the 2007 programmatic agreement for the East River Esplanade and Piers Project.

**Notice of Intent to Request Release of Funds**

At the conclusion of December 2015, LMDC will submit a request for the Project to HUD for release of CDBG funds under Title I of the Housing and Community Development Act of 1974. If approved by HUD, CDBG funds would be used to support the development of the Project.

**Release of Funds**: LMDC certifies to HUD that David Emil, in his capacity as President of LMDC, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows LMDC to use CDBG program funds.

**Objections to Release of Funds**: HUD will accept objections to its release of funds and LMDC’s certification for a period of fifteen days if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Responsible Entity; (b) LMDC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to HUD at Jacob K. Javits Federal Building, 26 Federal Plaza - Room 3541, New York, NY 10278-0068. Potential objectors should contact HUD to verify the actual last day of the objection period.

**Public Comments**

Any individual, group, or agency wishing to comment on this notice may submit written comments to LMDC at the address above. Comments must be received by 5 p.m. Eastern Daylight Time (EDT) on December 28, 2015 (or 15 days after publication of this notice, whichever is later) or they will not be considered. LMDC will not take any further administrative action on the project prior to the expiration of the comment period. Commenters should specify which part of this notice they are addressing.

**Further Information**

Requests for information about the Project or copies of the Environmental Assessment (EA) can also be directed to the same address listed above. Information about the Project and the EA will be available during regular business hours at the office of LMDC, where the EA is available for review and may be examined or copied weekdays 9:30 AM to 4 PM. The EA will be available on LMDC’s website: www.renewnyc.com in the “Projects and Programs” section under “Improvements to pier 42 at East River Waterfront.”

David Emil, President

LOWER MANHATTAN DEVELOPMENT CORPORATION