

**PUBLIC NOTICE DECEMBER 5, 2018**  
**FINAL FLOODPLAIN NOTICE; NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**  
**BATTERY PLAYSCAPE PROJECT**

The Lower Manhattan Development Corporation (LMDC) – a subsidiary of Empire State Development Corporation (a political subdivision and public benefit corporation of the State of New York) – as the recipient of Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program funds proposes to provide federal funding to the Battery Conservancy through the New York City Department of Parks and Recreation (DPR) to replace and upgrade a playground in Lower Manhattan. The proposed playground, known as the “Battery Playscape” (the Project) will be situated within a 1.4-acre portion of Block 3, Lot 1 located near the southeastern portion of Battery Park, in a roughly triangular area bounded by State Street to the north, Peter Minuit Plaza to the east, South Street to the south, and the remainder of Battery Park to the west (the Project Site). The Project Site is currently developed with a deteriorated playground that was constructed in the 1950s and paved walkways and plantings.

The Battery Playscape, designed by BSKS Architects and Starr Whitehouse Landscape Architects and Planners, will be set within rain gardens that will filter urban runoff. Play features will include Adventure Bluffs (multiple granite slides built into elevated landforms with boulder scrambles), sand play, boardwalks, elevated playhouses within a tree canopy and a theater structure for improvisational performance. This notice is issued to satisfy two procedural requirements for activities to be undertaken by LMDC.

**NOTICE FOR FINAL PUBLIC REVIEW AND PUBLIC EXPLANATION**  
**OF PROPOSED ACTIVITY IN THE 100-YEAR FLOODPLAIN**

This notice is provided pursuant to Section 2(a)(4) of Executive Order 11988 for Floodplain Management and 24 CFR § 55.20(b) concerning financial assistance for activities that are within and/or affect a floodplain. LMDC has determined that the Project would not exacerbate flooding conditions or otherwise adversely affect the floodplain's ability to contain flood waters on the Project Site or its immediate vicinity. As the proposed Project would decrease impervious surfaces and would continue the site's use as landscaped parkland, the Project is anticipated to improve the site's capacity to handle flooding.

LMDC has also determined that, because the purpose of the Project is to rehabilitate a 1.4 acre portion of an existing 25-acre public park that is located in the floodplain, there is no alternative location for the Project that would achieve the Project's goals. Moreover, a no-action alternative would not achieve the Project goal of providing an improved park facility for the public and would forego Project benefits such as an increase in permeable surfaces and improved stormwater management through rain gardens and other features. LMDC therefore intends to submit a request for funds to HUD as described below. The acreage of the Project that is located in the 100-year floodplain is approximately 1.4 acres.

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

On or about December 17, 2018, 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:** In the request for release of funds (“RROF”) LMDC will certify to HUD that Daniel A. Ciniello, in his capacity as Acting 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 those responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act (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 following the anticipated submission date of December 17, 2018, or the date of HUD's actual receipt of the request (whichever is later). Pursuant to 24 CFR 55.75, objections will only be considered if they are on one of the following grounds: (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**

Written comments on the floodplain notice and notice of request for release of funds may be submitted to LMDC and must be received by LMDC by 5:00PM on Monday, December 17, 2018 or they will not be considered. Such comments may be combined with comments on LMDC's National Historic Preservation Act Section 106 Review for the Project, which has been separately noticed and is available at [www.renewnyc.org](http://www.renewnyc.org). LMDC will consider all comments received by this date prior to authorizing the submission of its request for release of funds to HUD. Written comments should be directed to Lower Manhattan Development Corporation, Attention: Battery Playscape Project; 22 Cortlandt Street, 11<sup>th</sup> Floor; New York, NY 10007; Telephone: (212) 962-2300; Fax: (212) 962-2431 or by email to [bdestouche@renewnyc.com](mailto:bdestouche@renewnyc.com).

### **FURTHER INFORMATION**

Requests for information about the Battery Playscape Project can also be directed to the same address listed above.

Daniel A. Ciniello, Acting President  
LOWER MANHATTAN DEVELOPMENT CORPORATION