

FONSI RECOMMENDATION COVER SHEET

Date: July 29, 2013

Program: Land and Water Conservation Fund

Project: Environmental Assessment for Brooklyn Bridge Park Section 6(f)
Conversion

Documents: Finding of No Significant Impact (FONSI)

Recommended by: Regional Environmental Coordinator

Through: Manager, State and Local Assistance Programs
Chief, Conservation Assistance
Chief, Resource Planning and Compliance
ARD, Resource Stewardship, Compliance and Preservation
ARD, Planning, Facilities, and Conservation Assistance
RD, Northeast Region

Section 106 Status: The New York State Historic Preservation Office concurred with a determination of no adverse effect for the conversion process. The NPS consulted with the Delaware Tribe, the Delaware Nation, and the Stockbridge-Munsee Community; the latter two tribes asked to be informed if archeological resources or human remains are discovered on the replacement parcels.

Section 7 Status: The NPS made a finding of No Effect for the project, due to the lack of suitable habitat on or near the project area.

Issues: None

Other: n/a

Reviewers: Jacki Katzmire, Regional Environmental Coordinator-Philadelphia

**U.S. Department of the Interior
National Park Service, Northeast Region**

Finding of No Significant Impact

**LWCF Section 6(f) Conversion of Tobacco Warehouse and Empire Stores
Former Empire-Fulton Ferry State Park section of Brooklyn Bridge Park
Brooklyn, New York**

Introduction

The NY State Office of Parks, Recreation and Historic Preservation (OPRHP) is proposing a partial conversion to remove Section 6(f) protection from 2.65 acres of the 5.44 Section 6(f) protected area at the Empire-Fulton Ferry State Park. The conversion must be approved by the Secretary of the Interior, through the National Park Service, in accordance with 36 CFR 59.3. An Environmental Assessment (EA) was prepared cooperatively between The Brooklyn Bridge Park Corporation (BBPC), the City of New York, and the National Park Service (NPS) to evaluate the proposed conversion and analyze the environmental consequences of approving it. The EA was prepared to satisfy the requirements of the National Environmental Policy Act of 1969, as amended (NEPA) and its implementing regulations (43 CFR 1500-1508); the Department of the Interior's NEPA regulations (40 CFR Part 43); the NPS Director's Order #12, Conservation Planning, Environmental Impact Analysis, and Decision-Making (DO-12, 2011) and accompanying DO-12 Handbook (2001); and the NPS LWCF Procedural Manual (2008).

Background

The creation of Brooklyn Bridge Park (BBP) is well underway along the Brooklyn Waterfront in New York City. The park is envisioned to encompass 85 acres of public parkland when completed extending from Atlantic Avenue on the south to Jay Street on the north, just north of the Manhattan Bridge. The park concept was originally established in May 2002 from an amalgam of waterfront properties owned by various entities, including the City and State of New York, the Port Authority of New York & New Jersey, and Consolidated Edison. The BBPC, a not-for-profit entity, was created to carry out the financial, development, management and operational responsibilities for the entire project.

The BBP project includes an approximately 9-acre section between the Brooklyn and Manhattan Bridges, including some underwater lands, that was previously a New York state park known as Empire-Fulton Ferry State Park. Empire-Fulton Ferry State Park was administered by the OPRHP. In 2001 OPRHP accepted a federal grant from the Land and Water Conservation Fund (LWCF) to improve the upland portion totaling 5.44 acres of the 9-acre state park. As the recipient of the federal LWCF grant, the State of New York was obligated by contract under the LWCF grant agreement to ensure that the improved section would remain in public outdoor recreation use in perpetuity unless otherwise approved by the Secretary of the Interior (delegated to the National Park Service) [LWCF Act Section 6(f)(3), 36 CFR 59.3]. The 5.44 acre section was placed under Section 6(f) protection as a result of the LWCF grant. In 2005, the Empire-Fulton Ferry State Park became part of the larger Brooklyn Bridge Park, and is therefore referred to as the *former* Empire-Fulton Ferry State Park.

The former Empire-Fulton Ferry State Park includes two vacant historic structures, the Tobacco Warehouse and Empire Stores, and an area between the two structures, formerly Old Dock Street that connects Dock and Water Streets to the waterfront. New York City, through OPRHP, is seeking conversion to remove LWCF Section 6(f) protection from the property where the two structures and the

walkway are located. This will allow for the rehabilitation, preservation, and adaptive reuse of the properties, which will ensure their long-term preservation as well as provide needed revenue to fund Brooklyn Bridge Park.

The OPRHP is proposing a partial conversion to remove Section 6(f) protection from 2.65 acres of the 5.44 Section 6(f) protected area at the former Empire-Fulton Ferry State Park. The remaining 2.79 acres will remain under Section 6(f) protection. The converted parkland will be replaced with three parcels totaling 0.86 acres of currently non-recreation land in close proximity to the converted area, to be developed and incorporated into Brooklyn Bridge Park. In addition, Section 6(f) protection would be extended along the northern sidewalk of Plymouth Street, connecting the replacement parcels with the former Empire-Fulton Ferry State Park section parcels that will remain under Section 6(f). This connection is not counted toward replacement parkland for the conversion but serves to create a viable outdoor recreation area for Section 6(f) purposes.

LWCF Conversion Requirements

According to the LWCF Act, no property acquired or developed with assistance under Section 6(f)(3) shall, without the approval of the Secretary of the Interior (delegated to the National Park Service), be converted to other than public outdoor recreation uses. The conversion shall be approved only if it is in accord with the then existing statewide outdoor recreation plan (SCORP) and only upon such conditions as deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

For LWCF 6(f) conversions, the scope of the NPS review of the entire proposed conversion is limited to removal of the Section 6(f) protection and ensuring that replacement is conducted pursuant to 36 CFR 59.3. The determination of whether the fair market value criterion has been met is outside the scope of this environmental review.

Environmental Review Process

The NPS is using the Environmental Assessment prepared by the BBPC, in cooperation with the City of New York, as its environmental assessment under NEPA.

SELECTED ALTERNATIVE

Based on the analysis presented in the EA, the NPS has selected the preferred alternative, Proposed Conversion of Outdoor Recreation Land, for implementation. The selected alternative is described on pages 2-2 through 2-6 of the EA.

Under the selected alternative, is the NPS, on behalf of the Secretary, will approve the proposed conversion to remove Section 6(f) protection from a 2.65-acre portion of the former Empire Fulton Ferry State Park that is currently protected by Section 6(f), the site of Empire Stores and Tobacco Warehouse. The other 2.79 upland acres will remain Section 6(f) protected land. Three parcels, totaling 0.86 acres, located within Brooklyn Bridge Park but currently serving non-recreation purposes, will be placed under Section 6(f) protection as the replacement parcels. These parcels include the Washington Street streetbed, New York City Department of Environmental Protection (NYCDEP) Water Meter Testing Site, and New York City Department of Transportation (NYCDOT) paint shed. Additionally, Section 6(f) protection will be extended to the north sidewalk of Plymouth Street to connect the Section 6(f) protected parcels. This connection is not counted toward replacement parkland for the conversion but

serves to create a viable outdoor recreation area for Section 6(f) purposes. The 0.86 acres will be developed and incorporated in Brooklyn Bridge Park.

Conversion Parcels

The conversion parcels consist of the Empire Stores, the Tobacco Warehouse, and the area between the two structures. Currently, Tobacco Warehouse provides passive recreational use and Empire Stores provides a scenic buffer between the park and the community, although the presence of scaffolding on the building detracts from those views. Both properties have the opportunity for further recreational use if significant funding were identified and allocated. Even though the area proposed for conversion will be removed from Section 6(f) protections and therefore will no longer be reserved for outdoor recreational use, it will remain within the greater boundaries of Brooklyn Bridge Park and be subject to the requirements of the General Project Plan (GPP) established to govern development of Brooklyn Bridge Park (the GPP is discussed in Chapter 1 of the EA).

Replacement Parcels

Section 6(f) requires that any properties converted from a Section 6(f) designation to non-outdoor recreational use be replaced with lands of at least equal fair market value and reasonably equivalent recreational usefulness and location. To replace the 6(f) protected outdoor recreation of the Empire Stores, the Tobacco Warehouse, and the area between the two structures are located, the conversion proposal will add a total of 0.86 acres to the area under Section 6(f) protection and thereby restrict this new parkland to outdoor recreational use and outdoor recreational use support as set forth by the requirements of the LCWF Act and 36 CFR 59.3. The replacement properties were included in the GPP that established the boundaries for Brooklyn Bridge Park, but currently are used for non-recreational municipal purposes that are preventing them from being used as parkland.

The replacement parcels and the parcels that will remain under Section 6(f) protection will be connected via the northern sidewalk of Plymouth Street, which will be included in the extent of the post-conversion Section 6(f) protected land but will not be counted in the replacement parcel acreage. The replacement properties' current and proposed outdoor recreation uses are as follows:

Washington Street Streetbed Adjacent to 1 Plymouth Street

Immediately to the east of (and contiguous to) the Main Street portion of Brooklyn Bridge Park, this 11,170-square-foot area (0.26 acres) consists of the portion of Washington Street north of Plymouth Street, extending to the street's terminus. This property currently functions as a parking lot for the adjacent water meter testing facility operated by the New York City Department of Environmental Protection (NYCDEP), which is discussed below, and has been used for this purpose since at least 1988. A fence that encloses this property and the NYCDEP site prevents public access to either site.

Pursuant to the GPP, the mapping of this streetbed as a public street was overridden in connection with the formation of Brooklyn Bridge Park, and the streetbed is included in the 99- year prime master ground lease between the City and Brooklyn Bridge Park Corporation (BBPC) that transferred operational and management responsibilities for City-owned parcels to BBPC so that these properties could be included within the boundaries of Brooklyn Bridge Park. However, under the lease the streetbed may be used for other municipal purposes, and the streetbed has never been dedicated or used for recreational purposes.

NYCDEP Water Meter Testing Facility, 1 Plymouth Street

The second replacement parcel (Kings County Block 7, Lot 21) is located immediately adjacent to the Washington Street streetbed. The parcel is approximately 10,860 square feet (0.25 acres) and contains an approximately 9,600-square-foot, one-story brick building that is used by NYCDEP as a water meter testing facility. The property, together with the streetbed, is surrounded by a fence with a locked gate and has no public access.

This parcel is included within the boundaries of Brooklyn Bridge Park and is included in the 99-year prime master ground lease between the City of New York and BBPC. However, the lease explicitly subjects this lot to the City's continuing right to occupy and maintain the NYCDEP facility for NYCDEP or other municipal uses, and the parcel has never been dedicated or used for recreational purposes.

NYCDOT Bridge Painting Facility, 121 Plymouth Street

The third replacement parcel (portion of Kings County Block 7, Lot 1) is located directly under the Manhattan Bridge, to the east of the NYCDEP parcel. The property is approximately 15,587 square feet (0.36 acres), and is owned by the City of New York under the jurisdiction of NYCDEP. An 8,800-square-foot, one-story building is located on the property that is used by the New York City Department of Transportation (NYCDOT) to house paints, solvents, and other materials used for bridge and structural steel painting, as well as rigging supplies and other equipment. The remaining 6,778-square-foot portion of the parcel to the east of the building is used as a parking lot by NYCDOT. The property is surrounded by a fence with a locked gate and no public access.

The NYCDOT parcel is included within the boundaries of Brooklyn Bridge Park and is covered by the 99-year prime master ground lease between the City of New York and BBPC. However, this parcel has not yet been dedicated or used for recreational purposes. The lease between the City and the BBPC explicitly subjects this lot to the City's continuing right to occupy and maintain the site for the paint shed or for other municipal uses.

Proposed Outdoor Recreation Uses

BBPC's concept plan for the proposed replacement parcels includes a mixture of passive and active recreation, a nature exhibit and education area, public facilities, and much-needed space for park maintenance and operation. The replacement parcels would include a new entry plaza at Plymouth Street (at the end of Washington Street) and a lawn and landscaped area that would provide visual access to the water. The proposed path on the replacement parcels leading from the entry plaza at Washington Street would connect to adjacent areas of Brooklyn Bridge Park, including a waterfront promenade, beach access points, and to a large lawn (these adjacent areas are not counted towards 6(f) conversion replacement). Improved landscaping on the replacement parcels would open currently blocked views from Washington Street into the entire Section 6(f) protected area and improve views from inside the park to the surrounding harbor, creating new view corridors of the Brooklyn and Manhattan Bridges.

The NYCDEP building would be reused as an interpretive nature center, restrooms, and a park support and maintenance facility. The northern and western side of the NYCDEP building would be developed as a year-round nature interpretive center for classes and school groups. Complementing the proposed outdoor nature exhibit facility discussed below, this space would be used for year-round programs on park horticulture, waterfront ecology, potential nature exhibits, and a flexible space for school groups. This portion of the building would also provide public restrooms, which are in high demand at the northern portion of the park, given the already extremely well used playground and lawn space nearby. BBPC is investigating design options to improve the outside of the building. The southeastern and center

portions of the building would support maintenance and operation needs. The existing NYCDOT paint storage facility would be demolished and redeveloped with lawns, a dog run, and an active recreation area. The active recreation area would be developed as a bouldering wall designed for a variety of skill sets.

BBPC also currently anticipates an outdoor community space that may include an outdoor nature exhibit and education area to provide public information regarding the park's ecology and habitat, and be used for outdoor classes and school groups on topics including park horticulture, marine biology related to the Main Street beach, and an interactive composting program, including composting equipment for public and park use (composting equipment is in high demand from neighborhood residents).

Additional Section 6(F) Parcels

In addition to the replacement parcels, the City and BBPC will extend the Section 6(f) protections along the northern sidewalk on Plymouth Street from the eastern boundary of the remaining Section 6(f) parcel to the eastern boundary of the replacement parcels in order to connect the two Section 6(f) protected parcels post-conversion. This connection is not counted toward replacement parkland for the conversion but serves to create a viable outdoor recreation area for Section 6(f) purposes.

Remaining Section 6(F) Protected Land Not Converted

The remaining 2.79 acres of Section 6(f) protected land that is not converted will continue to include lawn, waterfront esplanade with seating, and Jane's Carousel. This area will continue to be subject to Section 6(f) protection, which restricts it to outdoor recreational use. It will also remain part of the larger Brooklyn Bridge Park.

Future Use of Conversion Parcels Following 6(F) Conversion

After the proposed conversion, the Tobacco Warehouse and Empire Stores will be adaptively reused. With respect to the Empire Stores, BBPC is seeking a private lessee to restore and adaptively reuse the historic structure. As anticipated in the GPP, a private developer is needed to fund the building's rehabilitation and renovation, since Brooklyn Bridge Park does not have the resources for such a large project, estimated at over \$85 million for the required structural stabilization, new floors and new mechanical, electrical, and plumbing systems. The adaptive reuse of Empire Stores is an important part of Brooklyn Bridge Park's funding plan. While Brooklyn Bridge Park receives public funding for its construction, ongoing maintenance and operations costs must be funded by park revenues, particularly by five development sites identified in the GPP including the rehabilitated and redeveloped Empire Stores. Once rehabilitated, Empire Stores is expected to generate revenue sufficient to cover roughly 10 percent of the park's expenses over the next several years and roughly 5 percent of the total budget when the park is complete. The revenue from Empire Stores is expected to be greater than the cost of maintaining the former Empire- Fulton Ferry State Park area.

The Tobacco Warehouse will also be leased to a private entity that can rehabilitate the historic structure without cost to Brooklyn Bridge Park, since the park does not have money in its budget to fund the cost of maintenance and preservation of this historic structure. BBPC has conditionally designated a local not-for-profit theater and cultural organization as the future lessee of the Tobacco Warehouse, should the conversion be approved. After conversion, it is anticipated that 18,000 square feet of the structure will be roofed and adaptively reused as a year-round performance venue and community space. The 7,000-square-foot triangle will remain public outdoor space.

OTHER ALTERNATIVES CONSIDERED

In the No Action Alternative, the Empire Stores and Tobacco Warehouse would remain part of the former Empire-Fulton Ferry State Park and subject to the protections of Section 6(f), which restrict them to outdoor recreation uses and outdoor recreational use support. Under this scenario, a private developer would not fund the rehabilitation and redevelopment of Empire Stores or Tobacco Warehouse, since such adaptive reuse by a private party for other than outdoor recreation purposes is not permitted for Section 6(f) protected land and, therefore, cannot occur absent a conversion. Without private investment to fund stabilization and preservation, additional funding would have to be sought for rehabilitation by BBPC, which is not anticipated to be feasible.

In the No Action Alternative, the Empire Stores could not be developed with a revenue generating use as envisioned in the GPP for Brooklyn Bridge Park but instead would remain in its current dilapidated condition, closed to the public for safety reasons. Empire Stores would continue to serve as a scenic backdrop to park activities in the former Empire-Fulton Ferry State Park, but would also negatively affect views because it is covered in scaffolding and graffiti and surrounded by a fence to protect passers-by. The opportunity for future recreational use at the site would remain; however, significant financial resources would need to be identified and allocated in order to realize such an opportunity.

In addition, in the No Action Alternative, the replacement parcels would continue to be occupied by non-recreational municipal uses that prevent their use as recreational spaces.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

In accordance with the NPS' DO-12 Handbook, the NPS identifies the environmentally preferable alternative in its NEPA documents for public review and comment [Sect. 4.5 E(9)]. The environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative (43 CFR 46.30).

Based on the analyses provided in Chapter 3 of the EA, the selected alternative is also the Environmentally Preferable Alternative. Of the two alternatives analyzed in the EA (the No Action Alternative and the proposed conversion), the effects of the proposed conversion in comparison to the No Action Alternative are as follows:

- **Parks and Recreational Resources:** The proposed conversion would enhance recreational resources more than the No Action Alternative, because the adaptive reuse of the Empire Stores would create new recreational opportunities at the replacement parcels in a location now occupied by municipal uses and provide funding for Brooklyn Bridge Park that would not otherwise be available.
- **Visual Characteristics:** The proposed conversion would improve aesthetic resources in comparison to the No Action Alternative. The user experience of the remaining, unconverted Brooklyn Bridge Park Section 6(f) area would be enhanced by the rehabilitation of the dilapidated vacant Empire Stores. Additionally, the redevelopment of the replacement parcels for recreational use would positively affect the aesthetics of the area beneath the Manhattan Bridge and increase waterfront views and vistas between the Brooklyn and Manhattan Bridges.
- **Historic Resources:** The proposed conversion would allow for the adaptive reuse of the Empire Stores and Tobacco Warehouse and the needed funding to rehabilitate and maintain these structures. Conversion would allow for the stabilization and protection of two unique historic

structures, enabling their adaptive reuse and preservation and the reopening of Empire Stores after 60 years. This would be an improvement over the No Action Alternative, in which the structures would remain in their current condition. As any adaptive reuse of these structures would be undertaken pursuant to review by the State Historic Preservation Office (SHPO), and the SHPO has indicated that the proposed conversion would have No Adverse Effect on properties eligible or listed on the National Register of Historic Places, the proposed conversion would best protect and preserve these resources.

- **Hazardous Materials:** With respect to contaminated and hazardous materials, construction to be undertaken at the replacement parcels would include remedial actions to prevent public contact with contaminated soils, with all excavation and construction work involving soil disturbance to be performed under a Construction Health and Safety Plan (CHASP) so that construction workers, the surrounding community, and the environment are not adversely affected by the construction activities. These measures would ensure that no environmental impacts occur.

Mitigation Measures

The following stipulations and best management practices, described on pages 3-12 through 3-14 of the EA, are incorporated into the selected alternative in order to ensure that adverse impacts to environmental resources will be avoided and minimized to greatest extent practicable, particularly in regard to historic resources and hazardous materials. Specific measures include:

- **Historic Resources:** In accordance with the existing Letter of Resolution (LOR) among the Empire State Development Corporation, BBPDC, and OPRHP, any future rehabilitation or renovation of the historic structures on the conversion parcels will be compatible with and respects the architectural and historic significance of the properties, and subject to review by the SHPO. In addition, any ground disturbance deeper than five feet will require consultation with the SHPO and notification to tribes.
- **Hazardous Materials:** Development of the replacement parcels will follow a Construction Health and Safety Plan (CHASP) and measures to limit or eliminate hazards from contaminated soils, asbestos-containing materials, lead-based paint, and potentially-contaminated dust. Best management practices specific to each type of hazard are described in more detail on pages 3-13 and 3-14 of the EA.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

1. Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS:

The selected alternative will not have adverse impacts to recreational resources, visual characteristics or historic resources, and potential adverse impacts from hazardous materials will be avoided through best management practices. The replacement property is of reasonably equivalent usefulness and location as that being converted. No major adverse or beneficial impacts were identified that would require analysis in an EIS.

2. The degree to which public health and safety are affected:

There is a slight risk to public health and safety during the development of the replacement parcels, but best management practices to prevent public contact with contaminated soils, treat any asbestos-containing materials or lead-based paint, and limit the spread of dust will minimize such risks. The rehabilitation of the Empire Stores and Tobacco Warehouse will reduce any risks to the public that may exist from their current poor condition.

3. Any unique characteristics of the area such as proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains:

The selected alternative will have a beneficial impact to historic resources, as the two historic structures, Empire Stores and Tobacco Warehouse, will be rehabilitated in a manner that will preserve their historic characteristics. Any ground-disturbing activities will require SHPO and, in the case of the replacement parcels, tribal notification.

There are no ecologically critical areas in the project area.

4. Degree to which impacts are likely to be highly controversial:

Based on scoping and public review of the EA, no highly controversial issues or impacts were identified. Comments received during public and agency review of the EA, along with responses, are provided in the attached "Response to Public Comments" document.

5. The degree to which the potential impacts are highly uncertain or involve unique or unknown risks:

Based on scoping and public review of the EA, no highly uncertain effects on the quality of the human environment or unknown risks were identified as a result of implementing the selected alternative.

6. Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration:

Any proposed conversion under LWCF 6(f) would be evaluated according to the criteria in 36 CFR 59.3; thus, the selected alternative neither establishes a precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:

The selected alternative will not have any significant cumulative adverse impacts. As described in chapter 3 of the EA, the conversion will contribute beneficially to the impacts on recreational resources in the area.

8. Degree to which the action may adversely affect historic properties in or eligible for listing on the National Register of Historic Places, or other significant scientific, archeological, or cultural resources:

The selected alternative would not result in any adverse effects to archeological or historic resources. See #3 for additional discussion related to archeological and historic resources.

9. The degree to which an action may adversely affect an endangered or threatened species or its habitat:

The selected alternative would not result in any adverse effects on endangered or threatened species or its habitat.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment:

The selected alternative has been evaluated in accordance with the applicable criteria and has been found to be consistent with the law. Thus, the selected alternative does not threaten a violation of federal, state or local environmental protection law.

PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Agency Coordination

During the preparation of the EA, BBDC and its consultants coordinated with federal, New York State, and City resource agencies, including the U.S. Fish and Wildlife Service (USFWS), the New York State Historic Preservation Officer (SHPO), OPRHP, and the New York City Public Design Commission (PDC).

Section 7 of the Endangered Species Act Consultation

Individual requests for updated information on rare, threatened or endangered species was submitted to the USFWS on May 17, 2013 for the former Empire-Fulton Ferry State Park, the proposed conversion parcels, the proposed replacement parcels and the additional Section 6(f) protected area. Responses received from USFWS for these four areas were identical. As described in Chapter 3 of the EA (pages 3-2 and 3-3), the USFWS identified two bird and one plant species as having the potential to occur within the project area, but suitable habitat for these species is not present at the project sites. Accordingly, the NPS has made a determination of No Effect in accordance with Section 7 of the Endangered Species Act.

Section 106 of the National Historic Preservation Act Consultation

BBPC has consulted with the SHPO on behalf of the National Park Service (NPS), and the NPS has consulted with the Delaware Tribe, the Delaware Nation, and the Stockbridge-Munsee Community, with respect to the project's potential effects on historic properties under Section 106 of the National Historic Preservation Act. This has included providing the following information:

- 1) Summary of the conclusions of the 2005 Final Environmental Impact Statement (FEIS) for Brooklyn Bridge Park and commitments made with respect to historic and archaeological resources;
- 2) Description of the measures stipulated in the project's Section 14.09 Letter of Resolution (LOR) and subsequent amendments and implementation status of those measures; and
- 3) Assessment of the potential effects associated with the proposed conversion (as also detailed in Chapter 3 of the EA).

In a letter dated May 30, 2013, the SHPO determined that the proposed conversion would have No Adverse Effect on properties listed on or considered eligible for listing on the National Register of Historic Places. The Delaware Nation, the Stockbridge-Munsee Community, and the Delaware Tribe have requested notification and consultation in the event of an inadvertent archeological discovery during the proposed future development at the replacement parcels. This stipulation will be recorded in the LWCF project amendment and project approval letter.

BBPC presented plans for the replacement parcels to the PDC in January 2013 and updated the committee of the PDC in March 2013. BBPC will present the proposed design again in July 2013.

Public Involvement

During scoping and development of the EA in 2012 and 2013, several opportunities and venues were provided for the public to participate and comment about the conversion proposal, including:

- **Brooklyn Bridge Park Community Advisory Council (CAC).** The CAC provides a forum through which the communities surrounding the park, and the public as a whole, can provide feedback and comments to BBPC on its major initiatives and policies. BBPC held a public meeting regarding the conversion on July 25, 2012 at the offices of Brooklyn Bridge Park, which was attended by approximately 40 people. The presentation from the meeting was made available on Brooklyn Bridge Park's website since July 21, 2012. During the conversion process that is the subject of this EA, BBPC has briefed and will continue to brief the CAC every 14 days.
- **Park Expansion Design and Development Committee (PEDDC).** At BBPC request, the CAC created a special subcommittee known as the Park Expansion Design and Development Committee (PEDDC). The PEDDC is charged with providing input on design of the replacement parcels. Review of the design of the replacement began in September 2012, and has continued with additional input provided in December 2012, February 2013, and May 2013.
- **Tobacco Warehouse Public Spaces Programming Committee (TWSPSPC).** Regarding the Tobacco Warehouse, BBPC, along with a local theater and cultural organization (the designated lessee) and their architect, met with the Tobacco Warehouse Public Spaces Programming Committee (TWSPSPC) in May 2013 to present the proposed design for the adaptive reuse of the structure and to receive feedback.
- **Community Board 2.** In October 2012, BBPC presented to the Brooklyn Community Board 2 Parks Committee, and in November 2012, the board voted in favor of the plan. BBPC presented an updated plan to the Community Board 2 Parks Committee, taking into consideration their comments and the comments of the PEDDC on May 20, 2013.

In addition, BBPC has reached out to other local community groups including the D.U.M.B.O Business Improvement District, the Brooklyn Bridge Park Conservancy, and dog run advocates who use the portion of the park adjacent to the replacement parcels. BBPC has also consulted with local elected officials including Brooklyn Borough President Marty Markowitz, Councilmember Steve Levin, Senator Daniel Squadron, and Assembly member Joan Millman.

The EA was released for a 30-day public review and comment period from June 5 through July 5, 2013. A Notice of Availability of the EA was published in a local newspaper, the Daily News, on June 5, 2013, and the New York City Record from June 5 through 7, 2013, indicating where copies of the document were available and the period for public comment. The EA was available for review at the offices of Brooklyn Bridge Park (334 Furman Street, Brooklyn, NY) and on Brooklyn Bridge Park's website (<http://www.brooklynbridgepark.org/about-us/brooklyn-bridge-park/conversion-ea-tobacco-warehouse-empire>). A Notice of Availability and a link to the EA was emailed to the interested parties listed in Chapter 4 of the EA, "Coordination and Consultation." In addition, a public hearing on the EA was held at 6:00 PM on Thursday, June 20, 2013 at Polytechnic University of New York University (6 MetroTech Center, room RH116, Brooklyn, NY). Comments were accepted until 5:00 PM on Friday, July 5, 2013.

Two elected officials, 11 local organizations, and 36 individuals provided comments on the EA. Comments included both strong support for and some opposition to the conversion of the Tobacco Warehouse and Empire Stores. A commenter questioned if the replacement parcel had equal recreational utility, while another comment questioned the applicability of information from the 2005 Environmental Impact Statement prepared for the entire Brooklyn Bridge Park. There were a number of

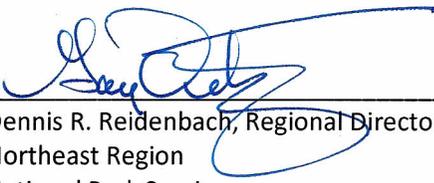
comments that discussed specific post-conversion actions beyond the scope of the EA, including the redevelopment and future design of the Tobacco Warehouse and Empire Stores, as well as the proposed replacement parcel. A summary of the comments received with responses are included as attachment A of this FONSI. No changes were made to the selected alternative or impact analysis as a result of agency and public comments.

Finding of No Significant Impact

The NPS has decided to approve the Proposed Conversion of Outdoor Recreation Land alternative as described on pages 2-2 – 2-6 of the EA and in this FONSI. The selected alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative is consistent with 36 CFR 59.3 and will not violate any other federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an environmental impact statement (EIS) is not required for this action and thus will not be prepared.

Recommended by:  7/30/13
Jack Howard, Program Manager Date
State and Local Assistance Programs

Approved:  7/30/13
for Dennis R. Reidenbach, Regional Director Date
Northeast Region
National Park Service