

DHS-FEMA Region II
Finding of No Significant Impact
New York University Medical Center Facility Construction
New York City, New York County, New York
FEMA 4085-DR-NY

BACKGROUND

On October 29, 2012, the post-tropical cyclone remnants of Hurricane Sandy made landfall along the coastal areas of New Jersey and New York. Hurricane force winds and storm surge caused severe damage throughout the area. President Obama declared a major disaster for the State of New York (FEMA-4085-DR-NY) on October 30, 2012, authorizing the Department of Homeland Security's (DHS)-Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of New York. FEMA is administering this disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended.

The disaster resulted in New York University Langone Medical Center's (NYULMC) basement and ground floor being inundated with flood water from the East River. The facility is located at 550 First Avenue within the Kips Bay neighborhood of New York City, New York County, NY. The inundation by flood waters also led to the loss of medical equipment and research materials that were on the ground floor or in the basement or that were dependent on sustained power. The Subgrantee (NYULMC) proposes to restore the operational function of NYULMC, improve its capacity and capabilities, and to mitigate against the flood hazard. The grantee is the New York State Office of Emergency Management.

An Environmental Assessment was prepared with the Subgrantee's participation to assess the proposed project's impacts on the human environment in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (44 CFR Parts 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR Part 10). FEMA used the findings of the EA process to determine that an Environmental Impact Statement (EIS) would not be required and as basis to issue this Finding of No Significant Impact (FONSI).

PROJECT DESCRIPTION

The proposed action considered has three (3) components:

1. Repair and replace damaged building components and equipment
2. Implement the Campus Transformation Plan
3. Construct a campus-wide floodwall

Repair of disaster-damaged facilities to pre-disaster condition would include the clean-up of flood-related debris, replacement of damaged equipment and materials, and repairs to damaged buildings and building components.

At the time of the disaster, the Subgrantee had several projects in construction and planning stages in an effort to implement a campus-wide transformation plan. Direct federal funding to these actions has

not been determined at this time; however, these actions were evaluated in the EA due to their connection to the other proposed actions. Implementation of the Campus Transformation Plan would include the proposed construction of three (3) new structures within existing campus boundaries. This would require the demolition of several existing structures currently sited on the proposed construction footprint. The proposed Kimmel Pavilion would function as a new inpatient hospital building with a gross floor area of approximately 925,000 square feet and would be physically linked to and function with the existing Tisch Hospital. The existing Rusk Institute for Rehabilitative Medicine, the Perelman Building, the Auxiliary Pavilion, the Greenhouse, Horizon House and the Visitors' Pavilion would be demolished and replaced with the new Kimmel Pavilion. The new Energy Building would be located on campus to the south of the proposed Kimmel Pavilion and would also be physically linked to and function with Tisch Hospital. It would have a gross floor area of approximately 95,000 square feet. The Energy Building would house a new natural gas combined heat and power plant among other functions.

Also included in the Campus Transformation Plan is the proposed construction of a 443,474 gross square foot new neuroscience science building within campus boundaries. The new Science Building would be constructed at the southeast corner of the campus along East 30th Street and the FDR Drive Service Road, adjacent to the existing Smilow Research Center (Block 962, Lots 1001-1107). Construction would require demolition of the existing structures on the site, including the Rubin Hall Dormitory, administrative office space, and a portion of Schwartz Hall. The capacity would be comparable to the facilities to be replaced. The Emergency Department would be expanded adjacent to Tisch Hospital between First Avenue and the Amtrak Cooling tower immediately north of the Hospital. The new structures would be modified with minor design changes to strengthen the perimeter walls to function as components of the proposed floodwall system.

To complete comprehensive flood protection measures, new floodwalls spanning between buildings would be constructed along with hardening of slabs to resist hydrostatic pressures, compartmentalizing interior components to buildings, and measures to prevent backflow through existing utilities. Where openings are required during non-emergency times, deployable flood protection measures such as removable floodwalls, would be incorporated. Until the completion of the proposed floodwall, temporary flood protection measures would be used to protect the facility including sandbags or filled bladder protection systems. The proposed floodwall and barrier system would be designed to protect the facility to the 500-year floodplain elevation level at a minimum.

PUBLIC INVOLVEMENT & AGENCY CONSULTATION

A public notice was issued in the New York Post newspaper on July 13, 2013 to advertise the availability of the EA for public review and comment. The EA was made available on the FEMA's website at www.fema.gov/media-library/assets/documents/33409 and was available electronically by emailing FEMA4085Comment@fema.dhs.gov with the request. Additionally, the EA was available in hard copy for public review at the Kips Bay Public Library at East 31st Street and the Stephen A. Schwarzman Building Fifth Avenue at 42nd Street in Manhattan. No substantive comments were received during the 15-day comment period that ended on July 28, 2013 or following the official comment period.

FEMA completed its federal agency Coastal Zone Management Consistency Review and consultation with the New York State Department of State (NYS DOS), Office of Communities and Waterfronts overlapping with the public review and comment period for the EA. FEMA determined the project

was consistent with NYS Coastal Management Program via correspondence dated May 15, 2013. NYSDOS generally concurred with FEMA's consistency determination in correspondence dated August 12, 2013.

PROJECT PERMITS & CONDITIONS

The Subgrantee is responsible to obtain all applicable Federal, state, and local permits and applicable authorizations for project implementation prior to construction, and to adhere to all permit conditions. The Subgrantee has already completed a New York City Environmental Quality Review (CEQR). Should the inclusion of the floodwall require additional City approval through the Board of Standards and Appeals, the Subgrantee shall proceed through applicable permitting and review processes. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The Subgrantee must also adhere to the following conditions during project implementation. Failure to comply with these conditions may jeopardize Federal funds:

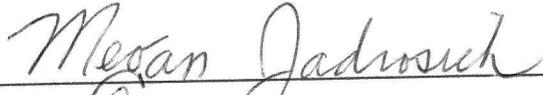
1. The new facility must be elevated, flood-proofed or otherwise protected to at/above the 500-year floodplain utilizing the Best Available Flood Hazard Data for the 500-year floodplain determination in accordance with EO 11988 and implementing regulations at 44 CFR Part 9. Reference the preliminary work map data available at www.region2coastal.com/bestdata.
2. The proposed construction in the floodplain will need to be coordinated with the local floodplain administrator and must comply with Federal, state, and local floodplain laws and regulations in accordance with the National Flood Insurance Program.
3. The Subgrantee shall be responsible to comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) permit for Storm Water Discharge from Construction Activity or other applicable SPDES permit, in accordance with NYS Environmental Conservation Law. If the NYSDEC General Permit for Storm water Discharges is determined to cover the proposed action, the Subgrantee shall provide NYSOEM/DHS-FEMA a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent Form at grant project close-out or other time identified by NYSOEM/DHS-FEMA Grant Programs Directorate per grant administrative documentation guidance requirements. If an individual SPDES permit is determined to be required, the Subgrantee shall provide a copy of the obtained permit, as well as supporting SWPPP to NYSOEM/DHS-FEMA at grant project close-out or other time identified by NYSOEM/DHS-FEMA Grant Program per grant administrative documentation guidance requirements. For more information regarding SPDES, visit <http://www.dec.ny.gov/chemical/43133.html>. It is expected that the grantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation & erosion during construction.
4. The construction and installation of any sewer additions or modifications would need to be coordinated with the New York City Department of Environmental Protection.
5. The Subgrantee shall obtain the appropriate permits to construct and operate the facility from the New York City Department of Environmental Protection and an air facility permit or registration from the NYSDEC.
6. The Subgrantee is required to complete any consistency review with the Water Resource Program if the inclusion of the floodwall necessitates additional coordination.
7. The Subgrantee is required to prepare and implement a Construction Protection Plan including measures to avoid impacts associated with ground-borne vibration, falling debris, and accidental damage on Bellevue Hospital Psychiatric Building.

8. The Subgrantee is required to ensure that work complies with all Federal, state, and city hazardous waste handling, disposal, and reporting requirements and with the Remedial Action Plan prepared following Phase II Environmental Site Assessment findings.
9. Any previously unidentified underground storage tanks or contaminated soils will be removed, disposed, and remediated in accordance with NYSDEC Spill Response and Remediation program.
10. Excavated soil and waste materials will be managed and disposed of in accordance with applicable Federal, state, and local regulations.
11. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the grantee and Subgrantee will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. The Subgrantee, will inform NYSOEM, FEMA and SHPO immediately and must secure all archaeological findings and shall restrict access to the area. Work in sensitive areas may not resume until consultations are completed or until an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards determines the extent and historical significance of the discovery.
12. Manhattan is currently mapped within the quarantine zone for the invasive insect Asian Longhorned Beetle. Since the proposed project is located in the quarantine area, it is required that any woody tree and shrub material to be removed for the proposed action be chipped on site to chips of less than one inch in two dimensions or not be transported whole outside the community in order to adhere with EO13112 Invasive Species, Federal regulations at 7 CFR Part 301.51-1 through 301.51-9 and state regulations at 1 NYCRR Part 139. Invasive insects can devastate the forests of the northeast and it is recommended that communities in the northeast treat or handle wood materials in place to minimize the spread of these non-native insects. For more information concerning this environmental stewardship requirement, visit USDA-APHIS, New York State Department of Agriculture and Markets, and other websites concerning the beetle:
 - www.nycgovparks.org/trees/beetle-alert/control-measures
 - www.aphis.usda.gov/newsroom/hot_issues/alb/alb.shtml
 - www.agriculture.ny.gov/PI/alb.html
13. It is recommended that the Subgrantee restore previous disturbed construction areas of the site with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of project area. It is recommended that disturbed soil areas be planted with native plant material, as soon as practicable after exposure, to avoid or minimize growth of undesired and potentially invasive plant species that can potentially take hold without competition of native plant materials. Local landscape plant nurseries and soil conservation offices can assist with identification of suitable native plants for site location type. The following websites may also be useful to identification of native plant material for the proposed project site:
 - <http://plants.usda.gov/java/>
 - www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/
 - www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml
14. Subgrantee shall not initiate construction activities until fifteen (15) days after the date that FONSI has been signed as "APPROVED."

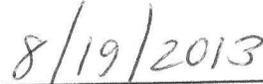
FINDINGS:

In accordance with NEPA and 44 CFR Part 10, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared, and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED:



Megan Jadrosich, RMP, CFM
FEMA Region II Regional Environmental Officer



Date