

**FEDERAL EMERGENCY MANAGEMENT AGENCY
FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT
SANDRDHK - RED HOOK COASTAL RESILIENCY
KINGS COUNTY, NEW YORK
FEMA-4085-DR-NY**

BACKGROUND

On October 29, 2012, Hurricane Sandy caused storm damage to several areas of New York State, including portions of Kings County, New York. President Barack Obama declared Hurricane Sandy a major disaster on October 30, 2012. The disaster declaration authorized federal public assistance to affected communities and certain non-profit organizations through FEMA and in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5172) as amended, the Sandy Recovery Improvement Act (SRIA) of 2013, and the accompanying Disaster Relief Appropriations Act of 2013. The Recipient for the Proposed Action is the New York State Division of Homeland Security and Emergency Services (NYS DHSES), and the New York City Mayor's Office of Management and Budget (NYC OMB) is the Subrecipient. NYC OMB has applied for FEMA Hazard Mitigation Grant Program (HMGP) funding for the Red Hook Coast Resiliency (RHCR) project.

FEMA prepared an Environmental Assessment (EA) in accordance with Section 102 of National Environmental Policy Review Act of 1969, as amended; and the Council on Environmental Quality (CEQ) Regulations for the Implementation of NEPA (40 CFR Parts 1500 to 1508) FEMA Directive 108-1-1; and the DHS Instruction Manual 023-1-1. The EA analyzed the potential environmental impacts of the Proposed Action and alternatives.

The purpose of this project is to provide flood protection measures within the Red Hook neighborhood of Brooklyn, thereby reducing potential damages from tidal and storm surge caused by storm events. The primary need is to provide protection against flooding for the residents of Red Hook, including infrastructure and property; address damage that the Red Hook community sustained during storm surge flooding associated with Hurricane Sandy and, therefore, improve the resiliency of the Red Hook community to withstand future flooding and coastal storms. There is also a need to improve the safety and security of the Red Hook neighborhood, including utility upgrades to meet current codes and standards, which will address accessibility under the Americans with Disabilities Act, and improve emergency response times for New York Police Department (NYPD) and Fire Department of New York (FDNY).

ALTERNATIVES

FEMA considered alternatives in the EA in accordance with NEPA based on engineering constraints, environmental impacts, and the purpose and need for the project. Under the No Action Alternative, no federal funds would be provided to reduce damages from flooding and coastal storm surge within the Red Hook neighborhood. The current temporary flood protection measures in place that include flood barriers would still leave the Red Hook community vulnerable to

damages caused by storm surge and inundation by floodwaters on three sides of the peninsular community. The residents and business owners in Red Hook would continue to experience property and infrastructure damage, dangerous conditions from utility outages, lack of transit and mobility from damaged and flooded roads, and significant delays in emergency service response times that could result in potential loss of life. The Alternative is the below described proposed project, designed to address the aforementioned conditions.

PROJECT DESCRIPTION

The proposed project consists of the construction of an integrated flood protection system (IFPS) that provides a passive level of protection at an elevation of 8 feet with active protection through “deployables”, such as flip-up gates and sliding gates, to an elevation of 10 feet. The proposed project would focus on two topographically low-lying areas that are most vulnerable to coastal storm surge and sea level rise on Atlantic Basin and along Beard Street. This approach is meant to maximize coastal flood risk reduction benefits while minimizing impacts to the community. This alternative reduces impacts of the proposed project to waterfront properties and would provide effective maintenance and operations of the flood protection system on public rights-of-way. The project would consist of flood walls covered by raised and re-graded streets to fully integrate the flood protection system into the community.

SUMMARY OF IMPACTS

FEMA determined that the Proposed Action as described in the EA would have no impacts on architectural resources, archaeological resources, aesthetic resources, farmlands, bald or golden eagles, essential fish habitat, or migratory birds. The Proposed Action would have no temporary impacts on floodplains, land use planning, or public health and safety. The Proposed Action would have no long-term impacts on air quality or biological resources.

The Proposed Action would have temporary negligible adverse impacts on water quality, coastal resources, biological resources, and public services and utilities. The Proposed Action would have temporary minor adverse impacts on geology, topography, and soils; air quality; environmental justice; noise; and transportation. The Proposed Action would also have temporary minor to moderate adverse impacts related to hazardous materials. The Proposed Action would have negligible long-term adverse impacts on noise.

The Proposed Action would have long-term minor beneficial impacts on geology, topography, and soils; water quality; wetlands; floodplains; coastal resources; land use and planning; transportation; public services and utilities; and public health and safety. The Proposed Action would have long-term minor to moderate beneficial impacts on hazardous materials. The Proposed Action would also have long-term moderate beneficial impacts on environmental justice.

PROJECT CONDITIONS

The subrecipient is responsible for obtaining and adhering to all applicable federal, state, and local permits, permit conditions, regulatory compliance, and authorizations for project implementation. 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 subrecipient must also adhere to the following conditions during project implementation:

1. Any proposed construction in a floodplain must be coordinated with the local floodplain administrator and must comply with federal, state, and local floodplain laws and regulations.
2. Excavated soil and waste materials, including potentially hazardous wastes, must be managed and disposed of in accordance with applicable federal, state, and local regulations. Solid waste haulers will be required to have a NYSDEC waste hauler permit and all waste will need to be disposed of or processed at a permitted facility.
3. If any threatened or endangered species are encountered in the project area, the subrecipient must stop work and notify FEMA to continue consultation with USFWS.
4. Preparation of a Stormwater Pollution Prevention Plan and adherence to the conditions of SPDES General Permit for Stormwater Discharges is required on project sites where the soil disturbance would be greater than or equal to one acre.
5. The subrecipient and its contractors are required to use appropriate BMPs for construction not limited to sedimentation and erosion control measures, dust control, noise abatement and restriction of work areas to limit vegetation removal and habitat impacts.
6. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the subrecipient and its contractors 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 discovery. The subrecipient will immediately inform DHSES and FEMA. 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 historic significance of the discovery as per 36 CFR 79 standards.
7. Occupational Safety and Health Administration standards shall be followed during construction to avoid adverse impacts to worker health and safety.
8. BMPs will be used to limit NAAQS emissions during and after construction under USEPA guidelines.
9. Copies of all permits obtained must be submitted to NYSDHSES and FEMA at or prior to final closeout of the grant.
10. Construction activities must not be initiated until fifteen (15) days after the date the FONSI has been signed as "APPROVED."

PUBLIC ENGAGEMENT

The Subrecipient published a public notice in and the *Brooklyn Paper* newspaper on January 26, 2024, and the *amNY* newspaper on January 29, 2024, to notify the public of the thirty-day public review and comment period for the EA. Accordingly, FEMA posted an electronic version of the EA to the FEMA website at <https://www.fema.gov/media-library/assets/documents> and the Subrecipient also posted an electronic version of the EA to <https://www.nyc.gov/site/rhcr/index.page>. Hard copies of the EA were also made available at the Miccio Community Center, 110 W 9th Street, Brooklyn, NY 11231 and Brooklyn Community Board 6 District Office, 250 Baltic Street, Brooklyn, NY 11201. Public comments were received during the 30-day comment period that ended February 27, 2024. Substantive comments were addressed in the attached table below.


FEMA has taken into consideration the comments received during the public review period to inform the final decision regarding grant approval and project implementation. The Final Environmental Assessment reflects the evaluation and assessment of the federal government, the decision maker for the federal action.

FINDINGS

In accordance with NEPA and its implementing regulations at 40 CFR Parts 1500-1508, FEMA Directive 108-1 and FEMA Instruction 108-1-1, 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:

**JOHN J
MCKEE**

 Digitally signed by JOHN J
MCKEE
Date: 2024.03.22 16:08:38
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John J. McKee Date
Regional Environmental Officer
Federal Emergency Management Agency, Region 2

FOR PROGRAM AWARENESS:

**PATRICK M
TUOHY**

Digitally signed by PATRICK M
TUOHY
Date: 2024.03.22 17:06:35 -04'00' For,

William McDonnell Date
Hazard Mitigation Division Director
Federal Emergency Management Agency, Region 2

Attachment A: Comment and Response Summary

Commenter	Comment	FEMA Response
EPA	EPA requested clarification from FEMA regarding US Army Corps of Engineers (USACE) and U.S. Fish and Wildlife Service (USFWS) and their role in the development of this EA.	FEMA initiated consultation with USFWS concerning FEMA's determination for the Endangered Species Act on August 15, 2022. USFWS did not provide any objection to or comments for FEMA's no effect determination. USACE is expected to integrate the Red Hook Coastal Resiliency project into its New York-New Jersey Harbor and Tributaries Feasibility Study, which is still in progress.
EPA	EPA recommended that FEMA highlight areas of the project that were informed through the public engagement process throughout the development of this EA.	There was a series of community and stakeholder meetings throughout the development of the project. Documentation of these meetings, as well as downloads of the presentation materials and recordings of the meetings themselves, are available at https://www.nyc.gov/site/rhcr/progress/public-meetings-and-workshops.page and are included here by reference.
EPA	EPA recommended that FEMA include more contextual information regarding how the proposed action will connect with other flood mitigation projects in the immediate vicinity of the Red Hook coastal area.	The Cumulative Impacts section of the EA discusses NYCHA's Recovery and Resiliency project at Red Hook Houses, as well as NYC Economic Development Corporation and Port Authority of New York and New Jersey's Homeport 2.0 proposal. These are in addition to USACE's proposals in its New York-New Jersey Harbor and Tributaries Feasibility Study. Since the Red Hook Coastal Resiliency project is not a Direct Action undertaken by FEMA, the Subrecipient is responsible for consulting with relevant federal, state, and local planning and regulatory agencies, and determining other actions that are underway or proposed, at or near the project site that, in combination with the proposed project, could result in substantive cumulative effects. A more expansive overview and presentation of such projects is beyond the scope of the FEMA EA.

Commenter	Comment	FEMA Response
EPA	EPA suggested potential impacts of climate change be more clearly outlined in the EA, in accordance with the New York State Climate Leadership and Community Protection Act and Council on Environmental Quality guidance on incorporating climate change impacts in NEPA.	New York City Department of Planning (NYCDCP) has undertaken several studies that overlapped and helped to inform this assessment that more explicitly addresses climate resiliency. These include <i>Zoning for Coastal Flood Resiliency</i> , <i>Planning for Resilient Neighborhoods</i> and the <i>New York City Comprehensive Waterfront Plan</i> (NYCDCP, 2021; 2022). These are included in this EA by reference.
EPA	EPA noted that FEMA cites Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income and pointed out that that Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All provides updated language regarding Environmental Justice (EJ) as well as the role of EJ in NEPA. EPA recommended that the EO 14096 be incorporated into the EJ analysis and also pointed out that the EPA determined that any adverse impacts to communities with environmental justice concerns are disproportionately impacted by adverse impacts.	DHS has not yet completed formulating its guidance on EO 14096. and had closed its public comment period for implementation of its Environmental Justice Strategy Plan as recently as February 16, 2024. Because of this EO 14096 was not cited. However, in the EA's analysis of Environmental Justice under EO 12898, it took into consideration the updated language regarding EJ and the role of EJ in the NEPA process contained in EO 14096. The EA used the EPA's EJSCREEN Community Reports for its demographic analysis. Analysis of the potential impacts on environmental resources guided the determination of adverse impacts on the community. This is why the EA calls out noise and traffic in the Environmental Justice section as well as in the EA's Noise and Transportation sections.
Community comment	One member of the community commented on an error in the description of the location of the project. The text incorrectly stated that Red Hook is in <i>eastern</i> Brooklyn. It should have stated that it is in <i>western</i> Brooklyn.	Although the text included the incorrect general location of eastern Brooklyn, the EA more precisely and correctly located Red Hook as being along the East River and that it is bordered by the Gowanus Bay, Gowanus Canal, and the Buttermilk Channel. The EA also provided the location in Appendix B, Figure 1, Full Location Map Areas.