

FINDING OF NO SIGNIFICANT IMPACT
LWCF Section 6(f) Conversion of Macomb's Dam Park
New York, New York

BACKGROUND

The 28.4-acre Macomb's Dam Park is located in The Bronx Borough, New York City, and is administered by the New York City Department of Parks and Recreation. The park is divided into several sections. A 10.67-acre section bounded by East 162nd Street to the north, River Avenue to the east, East 161st Street to the south, and Jerome Avenue to the west was improved with a federal grant from the Land and Water Conservation Fund (LWCF) Stateside Program in the late 1970's. The LWCF grant provided financial assistance toward the installation of two baseball fields, a running track, walkways, lighting, landscaping and signs. The LWCF grant was contracted with the State of New York. The City of New York became the sub-recipient. 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 section of Macomb's Dam Park improved with LWCF assistance 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 10.67-acre section was placed under Section 6(f) protection as a result of the LWCF grant.

The State of New York, on behalf of New York City, is now proposing to convert the 10.67-acre section of Macomb's Dam Park to allow for the construction of a new Yankee Stadium. The existing Yankee Stadium is located across the street to the south of this 10.67-acre section of Macomb's Dam Park. The City proposes to demolish the existing Yankee Stadium and build the new stadium across the street in an area to include the 10.67-acre section, thus triggering the LWCF conversion. The State on behalf of the City proposes to replace the converted park land with three new public park areas totaling 16.44 acres: the site of the existing Yankee Stadium to be called "Heritage Park;" Ruppert Place to be renamed "Ruppert Plaza;" and a new waterfront park along the Harlem River.

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 comprehensive 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.

Environmental Review Process

The NEPA review for the proposed LWCF Section 6(f) conversion of 10.67 acres of Macomb's Dam Park has been coordinated with the environmental review by the City of New York under the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR). The NPS is using the CEQR Environmental Impact Statement as its environmental assessment under NEPA. The scope of the NPS environmental review pursuant to NEPA regarding the proposed conversion is narrower than the scope of the environmental review undertaken by the New York City Department of Parks and Recreation and the New York City Planning Commission pursuant to SEQRA and CEQR in connection with their respective approvals of the Yankee Stadium project. The NPS review is limited to determining whether the proposed conversion of a portion of Macomb's Dam Park and replacement with new park land is in conformity with applicable federal law, and to assessing the potential environmental impacts of that determination.

PREFERRED ALTERNATIVE

Several alternatives for the future Yankee Stadium were considered, including a no action alternative. The alternatives included the consideration of locating a new stadium outside of the existing neighborhood (Van Cortlandt Park and Pelham Bay Park both in the Bronx, and the Caemmerer Yard on Midtown Manhattan's West Side), three sites near the existing stadium, renovating the existing stadium, rebuilding at the current site, and expanding the existing stadium. None of these alternatives proved viable in meeting the project goals and objectives.

The preferred alternative is the LWCF Section 6(f) conversion of 10.67 acres of Macomb's Dam Park and the replacement of converted park land with a total of 16.44 acres of new park land at three locations: the existing site of Yankee Stadium and Ruppert Place (totaling 10.02 acres) adjacent to the Yankee Stadium site; and vacant upland and underwater land (6.42) acres) along the Harlem River.

The 10.67-acre section of Macomb's Dam Park proposed for the conversion contains a little league ball field with a 90-foot infield, a softball field with a 60-foot infield, and a 400-meter track with a soccer/football field within its interior and surrounded by bleachers. The outfields of the two ball fields overlap. When games are held at the same time on adjacent fields, the outfield must be shared by each ball field, hindering their use. Mowed turf forms the vegetative ground cover, and trees, including large pin oak trees, are confined to the perimeter of the park and to the southwest portion of the parcel near a rock outcrop. The field is in fair to poor condition and in need of renovation. The center field is barren dirt. The park is heavily used and is popular for soccer, baseball, football, and jogging. The New York City Department of Parks and Recreation issues permits to numerous schools and community organizations to use the ball fields.

The City proposes to replace the converted park land with three sites to be added to the City's park inventory and to be developed into viable public outdoor recreation areas as follows:

Existing Yankee Stadium site to be developed into an public ball park to be called "Heritage Park:" The existing Yankee Stadium will be completely demolished and the field will be raised with fill to bring the area to a level matching the surrounding area. Three natural turf ball fields will be developed: a baseball field, a softball field, and a little league field.

Ruppert Place to be developed into a passive park renamed "Ruppert Plaza:" The existing Ruppert Place, a street running alongside a portion of the non-Section 6(f) Macomb's Dam Park to the northwest and the existing Yankee Stadium to the southeast, will be developed into a passive park and renamed "Ruppert Plaza." The new park area will contain significant landscaping including many shade trees, and amenities such as benches and pedestrian walkways. Ruppert Plaza will serve as a green space linking the new Heritage Park with a remaining section of Macomb's Dam Park.

Harlem River waterfront to be developed into a public tennis facility and waterfront pedestrian promenade: The site, vacant upland and underwater land consisting of paved and unpaved surfaces, piers, concrete bulkheading along the shoreline, and land underwater, will be developed into sixteen tennis courts surrounded by a new passive park area and pedestrian promenade along the waterfront. The tennis courts will be covered by a bubble during the winter months to extend their usefulness.

The City will retain and adapt the existing Bronx Terminal Market Building J, a resource determined by the New York State Historic Preservation Officer (SHPO) to be eligible for the National Register of Historic Places, for use as a tennis building and park maintenance facility. Even though Building J will not be included within the new Section 6(f) replacement boundary encompassing the waterfront park, due to its association with the public tennis facility, it will be indirectly impacted by the proposed conversion.

Two other Bronx Terminal Market Buildings, G and H, also eligible for the National Register of Historic Places, will be demolished to create new park land to be incorporated into the new Section 6(f) replacement waterfront park, and as such, will be adversely impacted by the proposed conversion. To address these effects, a Memorandum of Agreement (MOA) was signed by the NPS, the New York SHPO, the City of New York, and the Delaware Nation Tribe in accordance with Section 106 of the National Historic Preservation Act to mitigate the effects on these historic properties. The MOA is attached to this FONSI.

WHY THE PREFERRED 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. Degree to which impacts may be both beneficial and adverse.

Overall, the proposed conversion would increase the net acreage of public parkland, modernize the existing older recreational facilities, increase the quality of recreational spaces, and provide waterfront public access. As the types of uses would be similar to those that currently exist, they would continue to be compatible with the surrounding land uses.

The proposed 6.42-acre replacement park along the Harlem River waterfront will transform a vacant upland area totaling 5.05 acres consisting of paved and unpaved surfaces, unused railroad tracks, concrete barriers, chain link fencing, and piers into a public outdoor recreational area providing public access to the waterfront, and improving the visual quality of the Harlem River shoreline. The replacement waterfront park includes an additional 1.37 acres of underwater land. By increasing waterfront public access and increasing parkland acreage along the waterfront, the proposed project is expected to have a beneficial impact.

The proposed conversion would not result in significant adverse impacts to terrestrial plant communities or wildlife, nor to floodplains, wetlands, water quality, or aquatic biota of the Harlem River. Potential benefits to natural resources resulting from the proposed conversion include an improved habitat for birds and other wildlife within the landscaped passive recreational areas that would be developed within the replacement park land; and an improved fish and benthic invertebrate habitat along the shoreline of the Harlem River waterfront park that would result from the replacement of the existing hard shoreline stabilization structures with softer shoreline stabilization structures and establishment of vegetation of the shoreward portion of the Southern Cove.

2. Degree of effect on public health and safety.

Hazardous materials: The proposed conversion would not result in any significant adverse impacts with respect to hazardous materials. The proposed conversion would involve building demolition and excavation activities. Based on its age, the former Yankee Stadium may contain lead-based paint and/or asbestos-containing building materials. Polychlorinated biphenyls and mercury may be present in electrical equipment. Fill material containing petroleum-like odors is present in the vicinity of the Harlem River waterfront/Bronx Terminal Market warehouse buildings, and historic fill materials throughout the project area contain semi-volatile compounds and/or metals at concentrations exceeding NYSDEC Recommended Soil Cleanup Objectives. In addition, known or suspected underground petroleum storage tanks are present at the existing stadium and on the Harlem River waterfront.

Demolition and excavation activities could disturb hazardous materials and increase pathways for human exposure. The greatest potential for exposure to any constituent of concern would be during construction, especially those activities related to excavation, storage, transport, and disposal of potentially

contaminated soil. Preventative measures will be used to avoid the possibility of adverse impacts from any contamination discovered in the areas of concern in accordance with NYSDEC Spills program, including preparation and approval of a Work Plan, Health and Safety Plan (HASP), and/or Remedial Action Plan (RAP), as appropriate.

Further, the proposed development would be conducted under New York City Department of Environmental Protection-approved RAP, including a HASP, designed to protect site workers and the surrounding community from exposure to hazardous materials during construction activities in areas where soil excavation and/or remediation would occur. Therefore, if all State- and City-approved HASPs and RAPs are properly implemented, the proposed conversion would not result in any significant adverse impacts with respect to hazardous materials.

Noise: There will be no significant adverse noise impacts on the replacement parks. Noise levels for the three new park areas proposed for conversion replacement will be comparable to noise levels in the existing section of Macomb's Dam Park proposed for conversion.

Public Health: The proposed conversion will not have any significant adverse public health impacts. The conversion activities would comply with New York City Local Law 77 that requires the use of ultra-low sulfur diesel and "best available technology" for reducing emissions from non-road construction equipment. New York City is committed to undertaking the conversion activities in a protective manner, employing techniques for reducing emissions and avoiding dust in connection with the related construction activities. Air quality conditions would be monitored throughout the construction of the new parks.

Construction Impacts: While noise from construction activities would be intrusive and discernible during the creation of the three new replacement park areas, the increased noise levels would be for limited periods of time during the peak construction period and would not constitute a significant adverse noise impact.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

Land use, zoning, and public policy: The proposed conversion of the Section 6(f) portion of Macomb's Dam Park and replacement with three new park areas would not result in any adverse impacts to land uses in the project area. There would be no change in the types of uses located in and around the conversion site; however, the locations of the various uses would be reconfigured. The Macomb's Dam Park area currently contains a mix of land uses with Yankee Stadium being the major attraction that draws visitors to the area. This would continue to be the case with the proposed Yankee Stadium located one block to the north on the existing Macomb's Dam Park and creating a new public ball park on the site of the existing Yankee Stadium.

The proposed conversion replacement site, 6.42 acres along the Harlem River waterfront, will transform a vacant upland and underwater land area consisting of paved and unpaved surfaces, unused railroad tracks, concrete barriers, chain link fencing, piers, and concrete bulkheading into a new public outdoor recreational area providing public access to the waterfront and improving the visual quality of the Harlem River shoreline.

The proposed conversion does not conflict with local public policy, such as the 2002 New York State Open Space Conservation Plan, the Final Statewide Comprehensive Outdoor Recreation Plan and Final Generic Environmental Impact Statement for New York State 2003, and the Bronx Borough President's new Bronx Waterfront Plan, and Yankee Stadium Neighborhood Development Plan. The proposed conversion is consistent with local zoning.

Overall, the proposed conversion would not result in any adverse land use impacts, and would not result in any significant adverse zoning or public policy impacts.

Socioeconomic Conditions: The proposed conversion will redistribute public park land within the same residential neighborhoods and within close proximity to the park land conversion at Macomb's Dam Park. The proposed conversion will have no significant impact on existing residential areas and businesses.

Direct construction expenditures for the three new replacement park areas will net new funds supporting the New York City economy. As a result of the direct construction expenditures, direct employment will be generated within New York City. Any net change in economic effects associated with ongoing operation of the park space would be positive since the New York City Department of Parks and Recreation has indicated that the new park space may require hiring some additional maintenance staff.

Environmental Justice in Minority and Low-Income Populations (Executive Order 12898): An environmental justice assessment was completed following the guidance and methodologies recommended in the Council of Environmental Quality (CEQ) document, Environmental Justice Guidance under the National Environmental Policy Act (December 1997). Overall, the benefits and adverse impacts of the conversion proposal would be experienced by both the environmental justice community and other populations, including other residents and visitors to the area. Accordingly, the proposed conversion would not result in disproportionate significant adverse impacts to minority or low-income populations.

Open space and recreation: The conversion proposal would not result in significant adverse impacts to open space and recreation. The proposal would convert a 10.67-acre section of the 28.4-acre Macomb's Dam Park. The 10.67-acre section is the only portion of Macomb's Dam Park subject to the provisions of Section 6(f) of the LWCF Act. It contains a little league ball field, a softball field, a 400-meter track with a soccer/football field within its interior and bleachers. The ground is covered with mowed turf, and the perimeter is lined with mature trees providing shaded areas. The field is in fair to poor condition and in need of renovation. The center field is barren dirt. This portion of the park is heavily used and is popular for soccer, baseball, football, and jogging. The ball fields are used regularly by numerous schools and community organizations by permit and by local residents for "pick-up" games and informal play.

The 10.67-acre converted section of Macomb's Dam Park will be replaced by three new park areas:

- 1. Existing Yankee Stadium site to be developed into a public ball park to be called "Heritage Park:"** The existing Yankee Stadium will be completely demolished and the field would be raised with fill to bring the area to a level matching the surrounding area. Three natural turf ball fields will be developed: a baseball field, a softball field, and a little league field. Shade trees will be planted around the perimeter of the new ball field park.
- 2. Ruppert Place to be developed into a passive park and renamed Ruppert Plaza:** The existing Ruppert Place, a street running alongside a portion of the non-Section 6(f) Macomb's Dam Park to the northwest and the existing Yankee Stadium to the southeast, will be developed into a passive park and renamed "Ruppert Plaza." The new park area will contain significant landscaping including many shade trees and amenities such as benches and pedestrian walkways. Ruppert Plaza will serve as a green space linking the new Heritage Park with a remaining section of Macomb's Dam Park.

3. Harlem River waterfront vacant parcel to be developed into a public tennis facility and pedestrian esplanade: This site exists as vacant upland and underwater land consisting of paved and unpaved surfaces, unused railroad tracks, concrete barriers, chain link fencing, piers, concrete bulkheading and land underwater along the shoreline. The City proposes to develop sixteen tennis courts on this site, surrounded by a new passive park area and pedestrian promenade along the waterfront, that will enliven the waterfront and will provide visual and physical access to it. The tennis courts will be covered by a bubble during the winter months consistent with LWCF guidelines to extend their usefulness. The public tennis operation would be managed and operated as a concession in the same fashion as the former tennis facility in Macomb's Dam Park and other public tennis venues in NYC. The user fee structure for the outdoor tennis courts and the indoor tennis courts under the cold-season bubble is consistent with LWCF guidelines. Public access to the tennis courts is from Exterior Street. The pedestrian promenade will be landscaped with lawns, shade trees, pathways, and other plantings.

The City will retain and adapt the existing Bronx Terminal Market Building J, a resource determined by the New York State Historic Preservation Officer (SHPO) to be eligible for the National Register of Historic Places, for use as a tennis building and park maintenance facility. Even though Building J will not be included within the new Section 6(f) replacement boundary encompassing the waterfront park, due to its association with the public tennis facility, it will be indirectly impacted by the proposed conversion. Two other Bronx Terminal Market Buildings, G and H, also eligible for the National Register of Historic Places, will be demolished to create new park land to be incorporated into the new Section 6(f) replacement waterfront park, and as such, will be adversely impacted by the proposed conversion. To address these effects, a Memorandum of Agreement (MOA) was signed by the NPS, the New York SHPO, the City of New York, and the Delaware Nation Tribe in accordance with Section 106 of the National Historic Preservation Act to mitigate the effects on these historic properties. The MOA is attached to this FONSI.

New York City is replacing the Section 6(f) conversion parkland with three park areas that, in sum, are of reasonably equivalent usefulness and location. LWCF requirements do not require that the exact recreation opportunity be replaced in kind. The park land to be converted consists of a little league ball field, a softball field, a 400-meter track with soccer/football field within its interior and surrounded by bleachers. The ground is covered with mowed turf, and shade trees surround the site. The three new Section 6(f) replacement areas will provide three new natural turf public ball fields for baseball, softball and little league, sixteen tennis courts to be covered by a bubble-like structure in the winter to extend the playing season, a pedestrian promenade along the Harlem River to provide views of the water and public access to the water's edge; and many shade trees, pedestrian walkways, benches, and extensive landscaping at each site. Two of the replacement park areas are directly across the street from the converted park land, and one site is a half-mile away. There will be no long-term significant adverse impacts to open space and recreation as a result of the conversion. There will be short-term, temporary adverse impacts when the 10.67-acre section of Macomb's Dam Park is closed to the public, and the community waits for the new replacement parks to be constructed. The City will work with displaced baseball and softball user groups to find playing time at nearby recreational fields as close as possible to Macomb's Dam Park while the replacement parks are under construction.

Urban design and visual resource: There will be no significant adverse impacts on visual resources. The Harlem River waterfront park with its tennis court facility would create an active recreation space surrounded by attractive landscaping in a vacant industrial space with no such amenities. The tennis courts will be covered by a 40-foot tall temporary structure or "bubble" which will not be prominently visible from the upland due to the intervening elevated Major Deegan Expressway above Exterior Street.

Water resources: The conversion proposal would not result in any significant adverse impacts on Harlem River water quality and floodplains. The new Harlem River waterfront park will be located in a 100-year

floodplain. The tennis courts and pedestrian promenade would include more pervious surface and less stormwater runoff than under existing conditions, resulting in a decrease of stormwater discharges during rainfall events, having a beneficial effect on the floodplain, and would not adversely affect the floodplain's ability to contain flood waters or exacerbate flooding conditions within the project area or its immediate vicinity. Additionally, the pervious landscape plantings as well as intertidal plantings would result in a beneficial effect on the quantity and quality of stormwater runoff from the waterfront park. Implementation of an Integrated Pest Management strategy would manage landscaped areas with minimal application of pesticides, herbicides, and fertilizers. Potential adverse effects on water quality resulting from the discharge of stormwater during construction of the new replacement parks would be minimized through implementation of a Stormwater Pollution Prevention Plan which would include stormwater detention facilities.

The United States Army Corps of Engineers has determined that there are no federal wetlands located within any of the sites associated with the conversion proposal. The United States Fish and Wildlife Service National Wetland Inventory classifies the interpier areas at the Harlem River waterfront as "estuarine subtidal unconsolidated bottom." In 2004 site visits to the waterfront suggest that the interpier areas may now be characterized as "estuarine intertidal unconsolidated bottom" due to an accumulation of sediment. Intertidal areas are alternately (twice daily) flooded and exposed by the tide. The New York State Department of Environmental Conservation (NYSDEC) categorizes the interpier areas as littoral zone tidal wetlands. Improvements to the shoreline stabilization as part of the Harlem River waterfront park design, such as replacement of existing timber crib bulkhead with a softer shoreline stabilization structure (e.g., gabion wall system) that would permit the development of intertidal area and establishment of tidal wetland vegetation at the shoreward portion of the coves would improve wetland resources within the project area. Therefore, the construction of these shoreline improvements and removal of in-water debris would not result in significant adverse impacts to the NYSDEC tidal wetlands.

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

Controversy exists when substantial questions are raised as to whether a project may cause significant degradation of some human environmental factor. Controversy refers not to the existence of public opposition, but to a substantial dispute as to the size, nature, or effect of the federal action (Northwest Environmental Defense Center v. Bonneville Power Administration, 117 F.3d 1520, 1539, U.S. Court of Appeals, Ninth Circuit, 1997, quoting LaFlamme v. FERC, 852 F.2d 389, 397, U.S. Court of Appeals, Ninth Circuit, 1988.).

While the preferred alternative has provoked some concerns and disagreement over using the 10.67-acre section of Macomb's Dam Park for the new stadium and replacing some of the recreation facilities at the waterfront, all substantive public comments were addressed in the "Response to Public Comments" document. The EA analyzed these issues and found no significant adverse impacts.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.

The preferred alternative will not have highly uncertain effects on the quality of the human environment or have unknown risks.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The preferred 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 preferred alternative is not related to other actions with individually insignificant but cumulatively significant impacts.

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 City will retain and adapt the existing Bronx Terminal Market Building J, a resource determined by the New York State Historic Preservation Officer (SHPO) to be eligible for the National Register of Historic Places, for use as a tennis building and park maintenance facility. Even though Building J will not be included within the new Section 6(f) replacement boundary encompassing the waterfront park, because of its association with the Section 6(f) replacement park, it will be indirectly impacted by the proposed Section 6(f) conversion, and thus the conversion will have an effect on this historic resource but is not expected to result in an adverse effect.

In addition, two other Bronx Terminal Market Buildings, G and H, also eligible for the National Register of Historic Places, will be demolished to create new park land to be incorporated into the new Section 6(f) replacement waterfront park, and their demolition would constitute an adverse effect on historic properties.

To address these effects and to ensure that appropriate mitigation measures are undertaken in conjunction with the creation of the Section 6(f) replacement park at the Harlem River waterfront, a Memorandum of Agreement (MOA) was signed by the NPS, the New York SHPO, the City of New York, and the Delaware Nation Tribe in accordance with Section 106 of the National Historic Preservation Act. The MOA is attached to this FONSI.

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

No significant adverse impacts would occur on an endangered or threatened species or habitat. The federally- and NY state-listed endangered shortnose sturgeon has been identified as a possible (rare) transient species in the Harlem River. It is only expected to use the Harlem River when traveling to or from the Hudson River spawning, nursery or over-wintering areas. Because of this species' preference for deeper water, occasional individuals using the Harlem River would only be expected to occur in the navigation channel located west of the waterfront park proposed for replacement. Temporary adverse impacts to water quality resulting from increased suspended sediment or sediment disturbance would be limited to the immediate area of activity along the shoreline where the shallow water depths would likely preclude the occurrence of shortnose sturgeon. Furthermore, no significant adverse impacts would occur to the water quality of the Harlem River channel from the construction or operation of the waterfront park. Therefore, no significant adverse impacts would occur to the New York State- and federally-listed endangered shortnose sturgeon.

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

The preferred alternative does not threaten a violation of federal, state or local environmental protection law.

PUBLIC INVOLVEMENT


The NEPA review for the proposed LWCF Section 6(f) conversion of 10.67 acres of Macomb's Dam Park has been coordinated with the environmental review by the City of New York under the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR). The NPS is using the CEQR Environmental Impact Statement as its environmental assessment under NEPA. The CEQR Draft Environmental Impact Statement was made available for public review and comment beginning September 26, 2005, and ending January 23, 2006. A "Response to Comments on the DEIS" was included in the Final Environmental Impact Statement released on February 10, 2006.

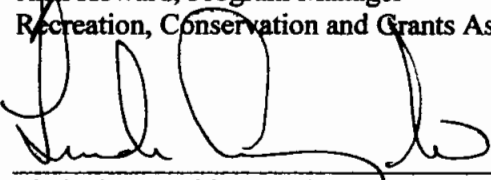
As a result of the City of New York's decision to revise the Section 6(f) replacement park plan after the DEIS public comment period, NPS decided to provide an additional 30-day public comment period beginning March 3, 2006, and ending April 3, 2006, to provide the public an opportunity to comment on the revised park replacement proposal. A "Response to Public Comments" document was prepared to respond to all substantive comments received through the close of the public comment period and is attached to this FONSI. Twenty-two written submissions and 140 copies of a form letter were received during the second public comment period.


BASIS FOR DECISION/CONCLUSION

Based on the content of the EA prepared under NEPA, the preferred alternative does not constitute an action that requires preparation of an Environmental Impact Statement (EIS). The preferred alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, or threatened or endangered species. The preferred alternative will have an adverse effect on two buildings eligible for listing on the National Register of Historic Places and have a beneficial effect on one building eligible for the National Register of Historic Places. A Memorandum of Agreement (attached) was developed and signed by the NPS, New York SHPO, the City of New York, and the Delaware Nation Tribe to mitigate the adverse effects of the park land conversion. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that the proposed conversion does not constitute a major federal action significantly affecting the quality of the human environment. In accordance with NEPA and the Council on Environmental Quality (CEQ) regulations, an EIS is not required for this proposal and will not be prepared.

Recommended by:  7/13/06
Jack Howard, Program Manager Date
Recreation, Conservation and Grants Assistance

Recommended by:  7/13/06
Linda Canzanelli, Associate Regional Director Date
Park Operations & Conservation and Recreation Assistance

Approved:  7/14/06
Mary A. Bomar, Regional Director Date
Northeast Region
National Park Service

ERRATA SHEET

Land and Water Conservation Fund Act

Section 6(f) Conversion of Macomb's Dam Park

Environmental Assessment (*Yankee Stadium Project Final Environmental Impact Statement*)

As a result of further technical review of official maps and surveys, it was determined that the park land acreage figures presented in the environmental assessment associated with the LWCF Section 6(f) conversion proposal required minor revisions. These changes do not increase the degree of impact described in the environmental assessment.

Revised acreage figures for the section of Macomb's Dam Park proposed for LWCF Section 6(f) park land conversion and for the replacement park areas are as follows:

Section 6(f) conversion park area:

Macomb's Dam Park

10.67 acres

Section 6(f) replacement park areas:

Total size of replacement park area:

16.44 acres

-Existing Yankee Stadium site and Ruppert Plaza = 10.02 acres

-Harlem River waterfront vacant land = 6.42 acres
(includes 1.37 acres of underwater land)