

October 12, 2006

462. Confirmation of Finding of No Significant Impact and
Determination of Non-Significance for Refinements to the
World Trade Center Memorial and Redevelopment Plan

RESOLVED, that, on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, relating to the proposed further refinements ("Refinements") to the World Trade Center Memorial and Redevelopment Plan, the Corporation hereby confirms the Finding of No Significant Impact ("FONSI") under the National Environmental Policy Act ("NEPA") and Declaration of Non-Significance ("Determination") under the State Environmental Quality Review Act ("SEQRA") in the forms previously submitted to this Board at its meeting on September 7, 2006, copies of which are hereby ordered filed with the records of the Corporation, and finds that the Environmental Assessment ("EA"), FONSI, and Determination meet the requirements of NEPA and SEQRA, respectively, and other applicable laws, and determines that the Refinements will not have a significant impact on the quality of the human environment or a significant adverse environmental impact not already analyzed and disclosed in the Final Generic Environmental Impact Statement for the World Trade Center Memorial and Redevelopment Plan; and be it

FURTHER RESOLVED, that the Senior Vice President of Operations, General Counsel, and/or Chief Financial Officer of the Corporation or their designee(s) be, and each of them hereby is, authorized to take all such action as deemed necessary or appropriate in connection with the environmental review of the Refinements pursuant to NEPA or SEQRA, including, without limitation: providing, filing or making available copies of all relevant documents or digests thereof in accordance with applicable law.

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**FINDING OF NO SIGNIFICANT IMPACT AND
DETERMINATION OF NON-SIGNIFICANCE**

**PROPOSED FURTHER REFINEMENTS TO THE
WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN**

Project No.: HUD CDBG B-02-DW-36-0001 (World Trade Center Memorial and Cultural Program)

Date: September 7, 2006

This determination is issued pursuant to the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQRA) and their respective implementing regulations.

The Lower Manhattan Development Corporation (LMDC), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation (a political subdivision and public benefit corporation of the State of New York), as lead agency, in cooperation with the United States Department of Housing and Urban Development (HUD) and the Port Authority of New York and New Jersey (Port Authority), has determined that the Proposed Further Refinements to the World Trade Center (WTC) Memorial and Redevelopment Plan (Proposed Refinements) will not, either individually or cumulatively, have a significant impact on the quality of the human environment or a significant adverse environmental impact not already analyzed and disclosed in the Final Generic Environmental Impact Statement (FGEIS) for the WTC Memorial and Redevelopment Plan (Approved Plan) released in April 2004 and the Record of Decision (ROD) published in June 2004. Therefore, a supplemental environmental impact statement will not be undertaken under NEPA or SEQRA.

Name of Action: Proposed Refinements to the World Trade Center Memorial and Redevelopment Plan

SEQRA Status: The Approved Plan is a Type I Action

Conditioned Negative Declaration: No

Description of Action:

LMDC released the Draft Generic Environmental Impact Statement in January 2004 and the FGEIS in April 2004 for the Approved Plan. In June 2004, LMDC published the Record of Decision and Lead Agency Findings Statement for the Approved Plan and adopted the General Project Plan (GPP) for LMDC's WTC Memorial and Cultural Program. Implementation of the Approved Plan began with the formal groundbreaking for Freedom Tower on July 4, 2004.

Preliminary design and engineering led to certain adjustments and refinements in the GPP, which were analyzed in an Environmental Assessment (EA) released for comment in April 2005 (2005 EA). That 2005 EA concluded that the environmental impacts of the Plan with such refinements

would not differ significantly from those set forth in the FGEIS; LMDC approved the refinements in May 2005 and issued a Finding of No Significant Impact (FONSI). On-going work on the design and engineering of Freedom Tower, particularly in response to security concerns expressed by the New York City Police Department, led to revisions to the Freedom Tower design. A Technical Memorandum considering the potential environmental impacts resulting from those changes was prepared in September 2005. That Technical Memorandum concluded that there would be no significant adverse impacts from the design changes and, accordingly, that there was no need to supplement or amend the FGEIS or the ROD, or take any other further action pursuant to the NEPA or SEQRA.

As planning and implementation have advanced, LMDC, working in cooperation with HUD, the Port Authority, The City of New York, and Silverstein Properties, Inc. and its affiliates as the Port Authority's Net Lessees, continued to refine the Approved Plan. Because the Approved Plan was generic, preliminary design and engineering has led to certain further adjustments and refinements based on coordination with oversight agencies as well as market, design, and financial considerations. In addition, LMDC and the World Trade Center Memorial Foundation, Inc. have further developed plans for the Memorial to meet budget requirements and to ensure that its completion would occur in 2009. LMDC has prepared an EA to document and assess the potential environmental impacts of changes in the planning, engineering, design, and construction of the WTC Site since the 2005 EA and Technical Memorandum. Specifically, this EA addresses four plan changes: modifications to the WTC Southwest Quadrant of the WTC Site, including the Memorial design and the programming of cultural facilities; a reduction in the proposed use of river water-cooling on the WTC Site; the elimination of an oil-water separator at the intersection of Fulton and Greenwich Streets; and revision to the construction staging and phasing of components of the Approved Plan.

Location:

Located in Lower Manhattan, the Project Site includes both the WTC Site and the Southern Site. The WTC Site is bounded by Route 9A and Vesey, Church, and Liberty Streets. The Southern Site is immediately to the south of the WTC Site and comprises two adjacent city blocks, one bounded by Liberty, Washington, Albany, and Greenwich Streets, and the other bounded by Liberty Street, Route 9A, and Cedar and Washington Streets. The Southern Site includes those properties commonly known as 130 Liberty Street, 140 Liberty Street, and 155 Cedar Street. Also included in the Southern Site are subsurface portions of Liberty Street from the eastern side of Route 9A to the western side of Greenwich Street; Washington Street from the northern side of Cedar Street to the southern side of Liberty Street; and subsurface portions of Cedar Street from the eastern side of Route 9A to the eastern side of Washington Street.

Reasons Supporting This Finding And Determination:

An EA for the Proposed Further Refinements has been prepared by LMDC, as lead agency, in cooperation with HUD and the Port Authority, and a determination of significance was issued by LMDC on September 7, 2006.

The EA considers the environmental effects of the Proposed Further Refinements with respect to the findings presented in the ROD for the Approved Plan.

Potential impacts during the operational phase of the project were analyzed in the following areas: land use, zoning, and public policy; socioeconomic conditions; community facilities; open space and recreational resources; shadows; cultural resources; urban design and visual resources; neighborhood character; hazardous materials; natural resources; waterfront revitalization program; infrastructure and energy; vehicular traffic and parking; transit and pedestrians; air quality; and noise and vibration. The Proposed Further Refinements would have no potential to affect conclusions and analysis of the FGEIS and ROD for the Approved Plan with respect to floodplain; radiofrequency electromagnetic fields; and environmental justice impacts.

Potential construction period impacts of the Proposed Further Refinements were analyzed in the following areas: vehicular traffic; air quality; and noise and vibration. The Proposed Further Refinements would have no potential to affect other areas of analysis and conclusions of the FGEIS and ROD during the construction period.

Based on the EA, LMDC has determined that the Proposed Further Refinements will not, either individually or cumulatively, have a significant impact on the quality of the human environment or a significant adverse environmental impact not already analyzed and disclosed in the FGEIS for the Approved Plan. A full statement of the reasons supporting this determination is set forth in the EA.

For Further Information:

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