



Categorical Exclusion Documentation Form

Project

Lease extension - Floyd Bennett Field for Temporary Housing for Migrants

Project Location

King County, NY Gateway National Recreation Area, Floyd Bennett Field

Description of Action (Project Description)

The National Park Service (NPS) will enter into one additional year (up to 12 months) of a lease with New York City (the City) to authorize continued use of approximately 30 acres of NPS lands at Floyd Bennett Field (FBF) within Gateway National Recreation Area (GATE or park) for the purpose of continued operation of temporary facilities to provide shelter, food services, restrooms, showers, clothing, medical, security, laundry, and associated needs for up to 2,000 migrants. The FBF migrant camp is part of the City's response to the ongoing urgent humanitarian crisis caused by tens of thousands of migrants entering the City and exceeding the City's capacity for temporary shelter. The NPS will enter into the lease extension under the authority codified at 36 CFR 18. The City will be required to pay fair market value rent. The City, as well as camp residents, employees, and contractors, will be subject to park rules and regulations as well as the terms of the lease.

The initial lease was for a term of up to 12 months beginning in September 2023. The NPS complied with the National Environmental Policy Act (NEPA) for the initial 2023 lease through emergency alternative arrangements, pursuant to 43 CFR 46.150(c) (emergency responses). The lease extension covered by this categorical exclusion will include the same areas, uses, and services as previously authorized. This categorical exclusion covers continued operation of the temporary facilities under the lease extension but does not include actions or impacts related to construction or site alterations that were included in the initial lease and NEPA emergency alternative arrangements, because those actions have already occurred. No ground-disturbing activities or vegetation removal are proposed. When use of the project area ends, the City will remove all temporary facilities, alterations and additions related to the operation and administration of temporary migrant housing and restore the area at a minimum, to as good of a condition that existed prior to the commencement of the initial 2023 lease.

New York City continues to grapple with the humanitarian crisis caused by the rapid arrival of more than 214,600 migrants in the last two years. Both the City and State of New York have declared emergencies, and emergency executive orders from both remain in effect. The State Disaster Emergency identified that "federal support is critical to support the City of New York and other local governments within the State that lack the infrastructure, facilities, and resources necessary to meet the immediate humanitarian demand to house and meet other basic needs of the large numbers of migrant arrivals" (New York State Executive Order 28).

The number of migrants under the Care of the City was 61,300 in July 2024, of which 50,060 are families with children. The City has worked hard to reduce the census of migrants in care by investing in

case management, implementing time limits for shelter, setting up an Asylum Application Help Center which has filed more than 70,000 federal applications, and connecting migrants to workforce centers. However, the City continues to receive 800 to 4,000 asylum seekers per week requesting emergency shelter and the city continues to need to shelter them.

To assist the City in addressing this humanitarian crisis, in September 2023, the NPS entered into a lease agreement with the City for a period of one year that authorized the City to take actions necessary to provide occupation and use of approximately 30 acres of NPS lands (See 2023 Decision Memorandum, Figure 1) for the purpose of housing up to 2,000 migrants. Temporary facilities were constructed in October – November 2023. The first residents arrived at the Floyd Bennett Field temporary facility on November 12, 2023. Apart from November 2023, the number of residents living in the facility at the end of each month has been between 1,811 and 1,889 (US Park Police August 27, 2024).

The City has requested that NPS extend the lease for an additional year on or before September 15, 2024, because it is still facing the humanitarian crisis, the State and City emergency declarations remain in effect, it continues to receive asylum seekers who need shelter, and the vacancy rate in shelters for families with children does not exceed 1%. The NPS proposes to grant the proposed extension to assist the City in its continued response to this humanitarian crisis. See also the Background, Purpose and Need, and Proposed Action sections of the *Decision Memorandum and Environmental Review to Support Emergency Activities for Temporary Housing of Migrants, U. S. Department of Interior National Park Service, Gateway National Recreation Area*, signed by Joan M. Mooney, Principal Deputy Assistant Secretary exercising delegated authority of the Assistant Secretary – Policy, Management and Budget, U. S. Department of Interior on September 11, 2023 (2023 Decision Memorandum) for additional details about the initial 2023 lease. The 2023 Decision Memorandum is included as Attachment 1 to this document.

The initial 2023 lease and NEPA emergency alternative arrangements also addressed the impacts of five projects that the City would undertake as part of the lease agreement to improve the condition of park resources and the visitor experience at Floyd Bennett Field.¹ These five projects have not been completed. The NPS has determined that while these projects are included in the lease agreement, they have purposes that are independent of the immediate humanitarian need to house large numbers of migrant arrivals in New York City. While the projects improve the condition of park resources, their timing is not inherently tied to the lease extension. Therefore, the NPS has determined that the associated NEPA and other compliance for these projects will be completed separately once they are more fully developed. Overall, those projects will have beneficial impacts to park visitors and resources, with any adverse impacts being temporary. The impacts of those projects are not evaluated as part of the lease extension since they will receive their own NEPA review and are not directly connected to the lease extension aside from the agreement itself.

¹ The lease identifies five projects that will be undertaken by the City with escrowed leasing funds: improve traffic circulation, parking, and access by reestablishing the historic entrance to the Floyd Bennett Field at the Ryan Visitor Center (2023 Decision Memorandum, Figure 3 project 1); improve the FBF public campground sites (2023 Decision Memorandum Figure 3 project 2); develop portions of an outdoor education campus (2023 Decision Memorandum, Figure 3 project 3); improve the Hangar B/Sea-Plane Ramp Parking Lot (2023 Decision Memorandum, Figure 3 project 4); and repair approximately 12,000 linear feet of roadways (Runways) (2023 Decision Memorandum, Figure 3 project 5).

Mitigations

The lease extension will include the same mitigations included in the initial 2023 lease. These mitigations are listed in the 2023 Decision Memorandum which is attached to this document.

CE Citation

3.3.A.7 Leasing of historic properties in accordance with 36 CFR Part 18 and NPS-38.

CE Justification

Floyd Bennett Field Historic District (National Register Form 2010) is a nationally significant historic property within Gateway National Recreation Area. 36 CFR Part 18 allows the Director (or delegated official) to lease federally owned or administered property located within the boundaries of park areas. NPS Director's Order #38 (NPS-38) provides direction for Real Property Leasing. The lease extension is consistent with the requirements included in NPS-38. Since FBF is a historic property within a park area boundary and the lease will be signed by a delegated official and the lease meets the requirements found within NPS-38, the project falls within the category of actions covered by the text of the CE. The Lessee will be required to pay fair market value rent for the leased lands.

Impact Analysis

The impacts of the initial 2023 lease, including associated construction projects and site alterations were disclosed in the 2023 Decision Memorandum. Consistent with 40 CFR § 1501.12, NPS is incorporating by reference the impact analysis for the initial 2023 lease. The construction projects associated with creating suitable temporary housing for migrants have already occurred. Impacts from those specific actions are not ongoing and would not occur under the lease extension. The impact analysis from the 2023 Decision Memorandum that is relevant to the lease extension is summarized below in the Extraordinary Circumstances. For a thorough description of all the impacts, see the 2023 Decision Memorandum.

Overall, NPS does not anticipate that the lease extension will result in new or different impacts from those disclosed in the 2023 Decision Memorandum. The current conditions of park resources are expected to continue for one year under the lease extension. NPS has summarized current conditions that resulted from the initial 2023 lease that were not disclosed in detail in the 2023 Decision Memorandum below.

Wetlands, Floodplains, and Flooding

Consistent with the terms of the initial 2023 lease, the City prepared a Coastal Storm Plan to provide emergency preparedness protocols for the coordinated evacuation of migrant camp residents. On January 9, 2024, in accordance with the City's Coastal Storm Plan, residents were evacuated via City buses for a period of less than 24 hours during a major coastal storm with heavy rain and wind gusts up to 61 miles per hour. Migrant residents were evacuated to Brooklyn's James Madison High School gymnasium. Students at the school had one day of remote learning on January 10, 2024, to accommodate the migrant evacuation. Migrant residents were evacuated and returned to the FBF without incident.

Visitor Use and Experience and Traffic and Circulation

During the initial lease year, pedestrian traffic increased in the park around FBF. Additionally, NPS U.S. Park Police overtime work increased to provide capacity to maintain a safe and secure visitor

experience. These potential impacts were disclosed in the 2023 Decision Memorandum. Under the lease extension, both the amount of pedestrian traffic around Floyd Bennett Field and USPP overtime hours are likely to remain similar to existing conditions.

As expected, migrant residents and migrant camp operations have contributed to increased park visitation compared to conditions before the initial 2023 lease. There are two active visitor counters at Floyd Bennet Field. A TRAFx vehicle counter is located at the main entrance at Aviation Road. In general, monthly vehicle counts during the initial 2023 lease period exceeded counts in corresponding months during 2021-2023; however, monthly vehicle counts over the past year were not the highest monthly counts within the past 5 years. October 2023 to July 2024 vehicle counts ranged from a low of 99,058 in December 2023 to a high of 131,615 in July 2024. Except for April, June, and October 2019, monthly vehicle counts in 2019 exceeded the respective monthly vehicle counts for the period of October 2023 to July 2024. January – March 2020 monthly vehicle counts exceeded the corresponding 2024 monthly counts. The NPS anticipates under the lease extension that vehicle numbers would continue to have similar fluctuations within the same overall range.

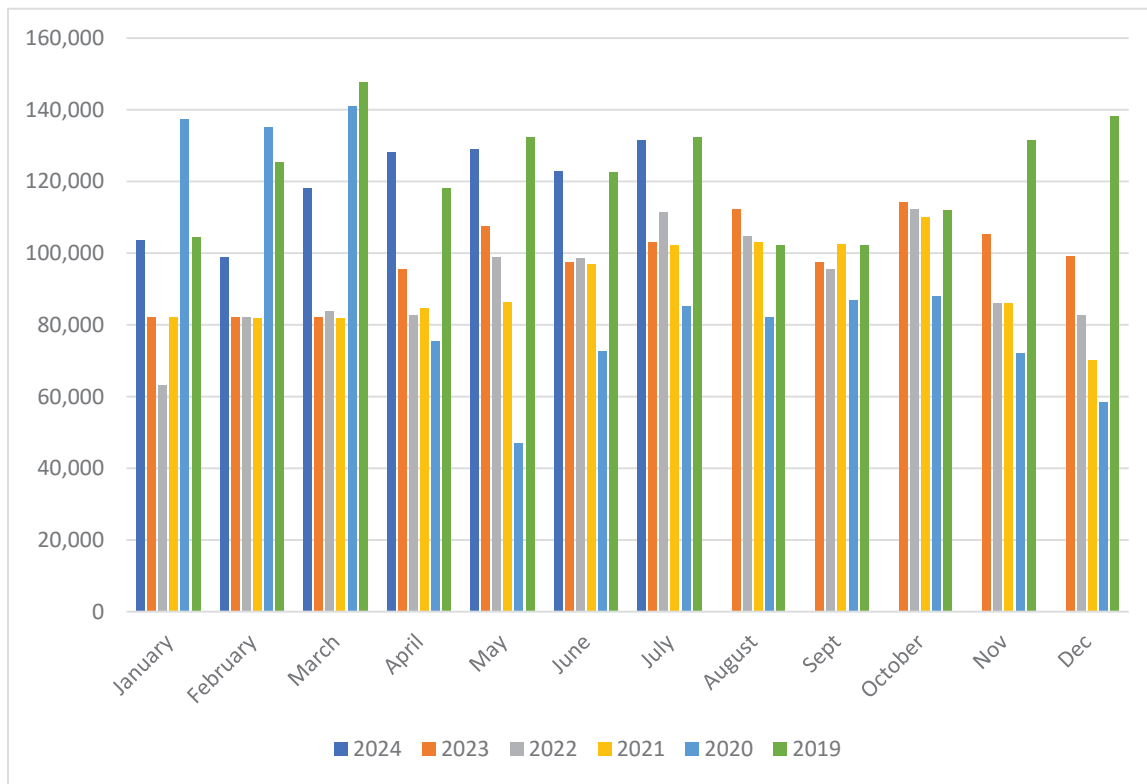


Figure 1. Monthly vehicle counter data for the main entrance to Floyd Bennett Field.

A TRAFx pedestrian counter is located at the park entrance in front of the Ryan Visitor Center. Migrant residents use this entrance to access the Q-35 bus stops on Flatbush Avenue. The pedestrian counter was out of service for a significant period, so data is only available from July 2023 to July 2024 during which counts ranged from a low of 1,583 in September 2023 to a high of 32,462 in February 2024. July is the only month for which pedestrian count data is available before and after

execution of the initial 2023 lease. There was a 325% increase in pedestrian counts from July 2023 (count = 2,578) to July 2024 (count = 8,395). As a result of this increased pedestrian traffic from the migrant camp to the entrance in front of the Ryan Visitor Center, signs were installed at the intersection of Runways 15-33 and 6-24 to convert this intersection from a 2-way to a 4-way stop to establish a pedestrian cross walk. In addition, approximately 1000 linear feet of crowd barricades and two mobile light towers were deployed to provide a protected pedestrian walkway along the edge of Runway 6-24. The NPS anticipates under the lease extension that pedestrian use would continue similar to these existing conditions. Pedestrians would continue to use the existing infrastructure for accessing the bus stops and use numbers at entrances are likely to continue to be high but fluctuate each month. The NPS will continue to use management controls, including proactive traffic enforcement, the protected pedestrian cross walk, and traffic control signage, to provide for pedestrian safety.

Since November 12, 2023, leasing revenue has supported the deployment of overtime U.S. Park Police (USPP) officers to handle migrant responses. This has provided for increased patrol efforts with more officers routinely assigned at Floyd Bennett Field to ensure the safety and security of park visitors and migrant residents. In addition, an officer has been assigned to the main entrance at Aviation Road when the park is closed (9 pm to 6 am). The main gate officers self-report to provide an estimated number of vehicles per shift and attempted access. On average, USPP reports 100-150 vehicles attempt access each evening when the park is closed. Migrant facility staff account for approximately 20-30% of those vehicles. Approximately 5 to 23 unauthorized vehicles (5-15% of total) are refused entrance each shift. Under the lease extension, NPS would continue to use leasing revenue to fund patrol efforts around Floyd Bennett Field to ensure the safety and security of park visitors and migrant residents. The NPS anticipates the number of patrol hours to fluctuate but overall to be similar to existing conditions.

U.S. Park Police incident records identify an increase in law enforcement activities at Floyd Bennett Field since the migrant camp has been operational and USPP staffing to patrol FBF has increased. A comparison of 2024 and 2023 arrest data identifies an overall increase in arrests with the rate of increase higher at FBF in comparison to the entire Jamaica Bay Unit. For the period of January 1 to July 31, there has been an increase in arrests (38 arrests) as compared to 2023 (24 arrests). Looking at only FBF within the Jamaica Bay Unit, there has been an increase in arrests from 6 in 2023 to 27 in 2024. The number of overall USPP cases (Table 1) at FBF also increased from 2023 to 2024 when the migrant camp has been operational and law enforcement staffing has been higher. Under the lease extension, NPS anticipates arrest numbers and patrol operations to fluctuate, but overall to continue similar to existing conditions.

Figure 2. US Park Police Case Analysis for 2023 and 2024 for Floyd Bennett Field in the Jamaica Bay Unit of Gateway National Recreation Area.

	Total Cases	Traffic Related Incidents	Closure and CFR Violations
2023 (January 1 – December 31)	658	255	146

2024 (January 1 – July 31)	1,429	310	214
% increase (2023 full year, 7 months in 2024)	117%	21%	46%

In general, the migrant camp has not required the park to alter any of its or its partners’ public programming since execution of the initial 2023 lease. The only exception was the rescheduling of the FBF Public Arts Festival from October 2023 to April 2024. That event, the first of its kind, was considered highly successful with 2,763 visitors attending on Saturday, April 2024. In addition, Aviator Sports and Events Center has reported that summer camp enrollment was lower than experienced in prior years, and that this was due to the migrant camp, however the NPS does not have clear data at this time to support this claim. It should be noted that the migrant camp itself does not limit the number of participants in any activity or programming offered by Aviator Sports and Events Center, and these opportunities have remained available to the public. Under the lease extension, NPS anticipates that the migrant camp would continue to not interfere with park or partnership public programming consistent with current conditions since the lease extension does not create a new or different use pattern from the existing conditions.

Extraordinary Circumstances

The 2023 Decision Memorandum determined that impacts of allowing the City to use NPS lands for the purposes of temporarily operating a migrant camp on FBF within the park were not expected to be significant. The NPS does not anticipate that the lease extension will result in new or different impacts from those disclosed in the 2023 Decision Memorandum, which has been incorporated by reference and is attached to this document.

If implemented, would the proposal...	Yes/No	Notes
A. Have significant impacts on public health or safety?	No	As detailed in the 2023 Decision Memorandum, the City is responsible for the safety of the migrants at FBF. As described above, lease funds were used to provide additional patrols by U.S. Park Police to increase the safety of visitors and migrants within the Park boundary. Under the lease extension, lease funds would continue to provide the opportunity for frequent patrols. There would be no changes to public health and safety as the City would continue to be responsible for migrant safety and U.S. Park Police would continue to provide frequent patrols. Thus, there would be no significant impacts to public health and safety from the lease extension.
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park,	No	The 2023 Decision Memorandum includes a thorough discussion of the impacts of the action. This section incorporates analysis from the 2023 Decision Memorandum, which is attached to this document. Any impacts that could result from the lease extension that are not discussed here or in the 2023 Decision Memorandum are considered so negligible or small that they do not warrant discussion here.

<p>recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?</p>	<p><u>Air Quality</u> Overall, the impacts to air quality will be temporary and localized, remaining within the impacts predicted in the 2023 Decision Memorandum. Because the impacts are so small and there is no change anticipated from the existing condition, impacts to air quality will not be significant.</p> <p><u>Cultural Resources</u> The lease extension does not authorize penetration of the historic runway or any hardscape. No digging or trenching is allowed. All existing cultural resources and landscape features must be protected from damage or injury and no actions can be taken that are detrimental to the historical resources. Thus, because the proposed action includes these protections and because there are no anticipated new impacts compared to the existing condition or those predicted in the 2023 Decision Memorandum, there would be no significant impacts to cultural resources from the lease extension.</p> <p><u>Wetlands, Floodplains, Flooding</u> The NPS determined that there are no practicable non-floodplain locations for the proposed action. Potential impacts to human life and health would be minimized through a combination of non-structural risk mitigation measures. Emergency preparedness planning, storm and flood warning, and coordinated evacuation plans and protocols would be protective of human life. The 2023 flood events demonstrated that the emergency planning required in the initial 2023 lease was successful. Because the lease does not include new actions affecting wetlands, floodplains, and flooding, and because the provisions to address these issues in the initial 2023 lease were successful, no significant impacts to these resources would occur.</p> <p><u>Native Vegetation/Non-native plant species</u> While the lease extension will likely continue to result in high visitation, continuing the potential for loss of vegetation from trampling and resulting in localized adverse impacts, those impacts are minimized by site use controls (e.g., temporary fencing, as necessary), signage and limits on who may access certain areas. Some beneficial impacts to native vegetation may occur as non-native plants are removed whenever possible. Because adverse impacts are localized and minimized through specific site controls and because new impacts to native vegetation are not expected beyond those disclosed in the 2023 Decision Memorandum, impacts to native vegetation will not be significant.</p> <p><u>Wildlife and Special Status Species</u> Impacts to wildlife and special status species would be minimal and would include, at most, temporary disturbance or displacement. The FBF is a highly developed area and does not provide critical habitat. Because</p>
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		<p>of these reasons, and because existing conditions are expected to continue under the lease, none of the impacts to wildlife or special status species will be significant. Additional information about special status species is included in the 2023 Decision Memorandum and below under Extraordinary Circumstance H.</p> <p><u>Soundscapes</u> Generators at FBF introduce noise. The City will continue to monitor noise levels associated with generator operations to ensure that the noise levels identified in the GATE Superintendent’s Compendium of 60 decibels, at 50 feet from the source, are not exceeded. Because generator noise is expected to be intermittent and likely below the 60-decibel limit, and because no new noise sources are part of the lease extension, impacts to soundscapes will not be significant.</p> <p><u>Visitor Experience</u> Information collected during the initial 2023 lease period demonstrates that while there was an overall increase in visitors to the park, visitors continued to be able to access the park and there was no major change to park or partner public programs (see discussion above under Impact Analysis). Under the lease extension, these conditions are expected to continue and thus impacts from the extension will not be significant.</p>
<p>C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?</p>	<p>No</p>	<p>The park is not aware of existing literature, data or information that contradicts the environmental effects disclosed in the 2023 Decision Memorandum. Because the impacts of the lease extension are primarily the same as those described in the 2023 Decision Memorandum there is no controversy over the impacts of the lease extension.</p> <p>Additionally, as described above, park visitors continue to be able to access the park and the same activities. One program was rescheduled but that project was highly successful. Because park visitors can still access the park and parts of FBF and still have access to the same programs at the park (and those programs are not limited in number because of the lease), there are no unresolved conflicts concerning the use of available resources. See also the discussion above under Impact Analysis, Visitor Experience.</p>
<p>D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p>	<p>No</p>	<p>As described above, the lease extension is not expected to result in new environmental conditions or impacts beyond those disclosed in the 2023 Decision Memorandum. Thus, the impacts of the lease extension are not uncertain. As described above under Extraordinary Circumstance B, none of the impacts will be significant.</p> <p>There are no unknown environmental risks associated with the project. As described above in the Impacts Analysis, emergency planning has successfully addressed emergencies to date and will continue to be in place under the lease extension.</p>

<p>E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p>	<p>No</p>	<p>The lease extension does not set a precedent for future action. NPS does not have to extend the lease into the future.</p> <p>Also, the lease extension does not represent a decision in principle about future actions with potentially significant environmental effects. None of the impacts documented in the 2023 Decision Memorandum for the initial 2023 lease resulted in significant impacts. Similarly, as described above under Extraordinary Circumstance B, there are no significant impacts anticipated under the lease extension evaluated here.</p>
<p>F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?</p>	<p>No</p>	<p>As described above under Extraordinary Circumstance B, there are no individually significant impacts associated with the lease extension. NPS has not identified other reasonably foreseeable park, Federal, State, or City projects where the effects would, combined with the lease extension, result in cumulative significant impacts. As described above and in the 2023 Decision Memorandum, the impacts of the lease overall are minimal and even when added to other ongoing and future projects do not result significant effects.</p>
<p>G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?</p>	<p>No</p>	<p>Floyd Bennett Field Historic District was listed on the National Register of Historic Places in 1980 with 15 contributing resources and a period of significance from 1928 to 1931. The lease extension does not authorize penetration of the historic runway or any hardscape. No ground-disturbing activities or vegetation removal are proposed under the lease extension. No digging or trenching is allowed. All existing cultural resources and landscape features must be protected from damage or injury and no actions can be taken that are detrimental to the historical resources. Also, NPS has determined, with concurrence from the SHPO, that a lease extension for up to 12 months would have no adverse effect under the National Historic Preservation Act, Section 106. Thus, because the proposed action includes protections for cultural and landscape features and because there are no anticipated new impacts to FBF compared to the existing conditions and impacts disclosed in the 2023 Decision Memorandum, there would be no significant impacts to properties listed on the National Register of Historic Places.</p>
<p>H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</p>	<p>No</p>	<p>As was the case for the initial 2023 lease, NPS has determined that the lease extension would have no effect on piping plover, roseate tern, red knot, and Northern long-eared bat (See 2023 Decision Memorandum). Other listed aquatic species in the park are not present in the project area. Monarch butterfly may use the grasslands in the project area. However, the lease extension does not authorize any changes or alterations to grasslands. Some temporary disturbance may occur to butterflies that are in areas adjacent to visitors. However, because there are no new impacts anticipated, these impacts would not rise to the level of significance.</p>
<p>I. Violate a federal, state, local or tribal law</p>	<p>No</p>	<p>The leasing of historic properties is consistent with NPS law, regulations, and policy. See 54 U.S.C. 102102, 36 CFR Part 18 and NPS-38.</p>

or requirement imposed for the protection of the environment?		
J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	The lease extension is not expected to have a disproportionate adverse effect on low income or minority populations. The lease extension provides temporary housing for populations that may meet this criterion, which is a beneficial effect for these populations.
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	No	There are no known sacred sites at FBF. Thus, the lease extension does not limit access to or limit ceremonial use of sacred sites. Additionally, because no known sacred sites exist in this location, the lease extension does not adversely affect the physical integrity of any sacred sites.
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	Consistent with the lease requirements, non-native plant species will be removed whenever possible. Site use controls (e.g., temporary fencing, as necessary), signage, and limits on who may access certain areas limit disturbance to native vegetation and also limit the potential introduction of noxious weeds or non-native invasive plant species.

Decision: The action fits within the categorical exclusion above. Therefore, the action is categorically excluded from further NEPA analysis. No extraordinary circumstances apply.

 Date: 2024.09.12
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Charles F. Sams III
Director
National Park Service

Date