



STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**

JUN 16 2003

MISCELLANEOUS  
& STATE RECORDS

# State of New York

## Executive Chamber

No. 128

### EXECUTIVE ORDER

**DESIGNATION OF LOWER MANHATTAN DEVELOPMENT CORPORATION  
TO CARRY OUT ENVIRONMENTAL IMPACT REVIEW AND TO FULFILL  
REQUIREMENTS FOR RECEIPT OF FEDERAL ASSISTANCE IN CONNECTION  
WITH THE REDEVELOPMENT OF LOWER MANHATTAN FOLLOWING  
THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001**

WHEREAS, the destruction of the World Trade Center and damage to surrounding property, businesses and transportation infrastructure as a result of the terrorist attacks of September 11, 2001, has created a compelling public need for a coordinated revitalization effort in downtown Manhattan;

WHEREAS, the goals of the redevelopment of Lower Manhattan include the restoration of the area to its position as one of the nation's leading commercial, residential and cultural destinations; the restoration and enhancement of transportation facilities in the area; and the provision of an appropriate setting for a memorial to the lives lost in the terrorist attacks of September 11;

WHEREAS, planning and redevelopment of Lower Manhattan is an undertaking of statewide importance demanding close collaboration among local, state and federal agencies and requiring consideration of an array of redevelopment alternatives;

WHEREAS, the Lower Manhattan Development Corporation ("LMDC") was created at the request of the Governor of the State of New York as a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation ("ESDC"), a public benefit corporation and political subdivision of the State of New York, to coordinate the revitalization and rebuilding of Lower Manhattan south of Houston Street;

WHEREAS, LMDC works in cooperation with the public and private sectors to coordinate long-term planning for the World Trade Center site and surrounding communities, while pursuing short-term initiatives to improve the quality of life in Lower Manhattan during the revitalization effort;

WHEREAS, LMDC, working closely with the Port Authority of New York and New Jersey, has overseen several stages of planning, studies and competitions relating to the World Trade Center site and surrounding areas, including extensive public outreach and consultation with affected public and private entities, for the purpose of preparing a memorial and redevelopment project plan for the World Trade Center site subject to review under the National Environmental Policy Act ("NEPA") and the State Environmental Quality Review Act ("SEQRA");

WHEREAS, LMDC's activities and programs are funded through federal appropriations administered by the United States Department of Housing and Urban Development ("HUD") as part of its Community Development Block Grant ("CDBG") Program pursuant to the Defense

JUN 16 2003

Executive Order No. 128

MISCELLANEOUS  
& STATE RECORDS

Appropriations Act of 2002 (Public Law 107-117) and the Supplemental Appropriations Act of 2002 for Further Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-206);

WHEREAS, the State of New York is the recipient through LMDC of federal funding administered by HUD for the purpose of redevelopment of the World Trade Center site and other areas in Lower Manhattan;

WHEREAS, LMDC is the appropriate instrumentality of the State of New York to serve as lead agency to conduct environmental reviews under SEQRA and NEPA relating to the proposed redevelopment of the World Trade Center site and other areas in Lower Manhattan;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby designate LMDC as the instrumentality of the State responsible for carrying out all required environmental reviews of Lower Manhattan redevelopment plans for which the State is the recipient of assistance from HUD pursuant to the CDBG program.

FURTHER, I do hereby establish the position of Special Assistant for Lower Manhattan Development within the Executive Department and hereby designate the President of the Lower Manhattan Development Corporation to serve in such position and hereby delegate to such individual all authority necessary to act as a public officer of the State to carry out all environmental reviews that may be required by NEPA and/or related laws or regulations for Lower Manhattan redevelopment projects funded by HUD; and to serve as the Certifying Officer for the State of New York under Section 104(g) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. § 5304(g)) ("HCD Act"), in connection with the receipt of assistance from HUD under Title I of the HCD Act made available under Public Law 107-38, Public Law 107-73 at 115 Stat. 669, Public Law 107-117 at 115 Stat. 2336, and subsequent federal appropriations related to the September 11, 2001, terrorist attacks on New York City. Such authority hereby delegated includes the authority to execute the certification required under Section 104(g) of the HCD Act; the authority to specify when appropriate that the State of New York has fully carried out its responsibilities for environmental review, decision-making and action under Section 104(g)(1) of the HCD Act; the authority to consent to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and other provisions of law specified in the regulations of HUD in 24 CFR Part 58; and the authority to consent on behalf of the State of New York and himself to acceptance of the jurisdiction of the Federal courts for the purpose of enforcement of his or her responsibilities as a responsible Federal official for these purposes.

All State agencies, departments, offices, divisions, public authorities, boards, bureaus, commissions and any other entities over which I have executive power are hereby directed to cooperate fully with both the Special Assistant for Lower Manhattan Development and LMDC and to provide any assistance necessary to fulfill the purposes of this Order.



BY THE GOVERNOR

*John P. Cahill*  
Secretary to the Governor

G I V E N under my hand and the  
Privy Seal of the State  
in the City of Albany  
this sixteenth day of  
June in the year two  
thousand three.

*George E. Pataki*