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Hon. Carol Ash
New York State Office of Parks, Recreation and Historic Preservation
Empire State Plaza
Agency Building 1
Albany NY, 12238
(518) 474-0456

by mail and email: commissioner.ash@oprhp.state.ny.us

Re: L&WCF Debarment Request on failure to follow through on
commitments made on the re-development of Yankee Stadium

Dear Commissioner Ash,

This is official notice to your agency concerning two projects -- the demolition of old Yankee Stadium and the subsequent construction of Heritage Field, that are *not* moving forward. On July 7, 2006, the exchange of parkland as promised by your agency was approved by the National Park Service. This letter is being sent to the local National Park Service as notice of your inability to fulfill promised actions and to thereby request your debarment and suspension of funding participation in the L&WCF.

This is based on information contained in the Federal Judge Naomi Reice Buchwald, Memorandum And Order 06 Civ. 6859 (NRB) dated November 15, 2006 (page 41) when she assured the community that these protections would ensure that the replacement parkland would be made.

"Were this construction not to occur some time in the future, the NPS would have ample authority under its regulations and its Manual to take remedial and disciplinary steps to ensure that state compliance occurs. States are required to submit on-site inspection reports to ensure projects are progressing as planned, and make these reports available to the NPS for review. See L&WCF Manual ch. 675.1.6. As defendants pointed out at oral argument, the L&WCF creates for an "ongoing, repeat player type of situation," whereby the federal government can exclude the State of New York from future participation in the L&WCF if it does not follow through on its commitments. Tr. at 57."

"Attachment A (detailing Executive Order 12549 (Feb. 18, 1988) providing for a government-wide system of debarment and suspension of funding as a remedy for noncompliance with the terms of project funding)."

It has been more than three years since this decision, and the construction of the new Yankee Stadium responsible for the parkland swap has moved forward swiftly. The new Yankee Stadium has been finished and completed one season; the Yankees are no longer using the old stadium and are completely moved out. On the other hand, the community does not have the promised changes. In the words of Judge Buckwald (on page 7):

“The project designates three parcels of land which are not currently parkland to serve as a substitute for the conversion parcel: the old site of Yankee Stadium, parkland running alongside the Harlem River, and a city street to be converted into a landscaped walkway.”

Judge Buckwald continued (on page 9):

“Ruppert Place, a street within the central park area, will be converted into a landscaped walkway, to be named “Ruppert Plaza”, complete with benches and shaded resting areas. FEIS at S-10, 22-21. A pedestrian bridge will link Ruppert Plaza and the waterfront areas. See FEIS at S-10.”

At this point, *none* of the three parcels are completed: we have no access to Heritage Field, there are no benches or landscaping on Rupert’s Plaza, there is no bridge or any safe walking method leading to the waterfront parks, which are open. Other promises, including access to Building J have not been fulfilled.

Moreover, there is a move to change the design of Heritage Field to save Gate 2. The Gate 2 Preservationists have appeared before the City’s Design Commission, and have been in contact with the City Parks Department. This is a slap in the face to the Bronx community. It is widely acknowledged and accepted by public officials and in fact, is acknowledged in the mentioned court papers, that there was adequate public participation provided previous to this design request.

As stated by Judge Buckwald (page 11):

“There have been no fewer than nine public hearings, during which plaintiffs, as members of the public, were afforded the opportunity to have their concerns heard. Joint Opp. City Yankees at 1.”

Someone has to be responsible; the city is using the Gate 2 excuse to stall because funding is limited.

This letter is an “extreme” move but there seems no other way to get public state agencies to follow through and do their job.

Copies of this email and the *linked* Federal Decision are being sent to the representative of the National Parks Service.

Sincerely,

Joyce Hogi
Joyce Hogi

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Karen Argenti

c: Jack Howard, NPS (jack_howard@nps.gov)

Linked: Federal Decision on web at: http://www.waterblogged.org/yankee-stadium-still-stands-2010/061115_buchwald_decision/