

CHAPTER 4.P

WATERFRONT REVITALIZATION PROGRAM

A. WATERFRONT REVITALIZATION PROGRAM POLICIES

The New York City Department of City Planning (DCP) administers the Waterfront Revitalization Program (WRP), as approved by the Board of Estimate in September 1982. The WRP was developed in response to local, State, and Federal concerns about the deterioration and inappropriate use of the waterfront. The WRP, approved by and part of the State's Coastal Zone Management program, consists of 44 State wide policies for protection and improvement of the waterfront, and 12 policies specifically applicable to the City of New York. These policies establish a framework for managing waterfront resources in the public interest.

This chapter lists each of the City's and State's WRP policies and discusses the *Mosquito Population Control Program in the Rockaways*' consistency or inconsistency with each policy.

ANALYSIS OF WATERFRONT POLICIES

A discussion of each of the 44 statewide and 12 New York City policies and how they relate to the New York City Department of Health's (NYCDOH) *Mosquito Population Control Program in the Rockaways* proposed in New York City is presented below. The New York City policies (identified alphabetically) are interspersed as appropriate among the statewide (identified numerically) throughout the following discussion.

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

The *Mosquito Population Control Program in the Rockaways* does not include revitalization of waterfront areas. Therefore, this policy does not apply.

New York City Policy A: Improve urban shorelines by maintaining, removing, or recycling waterfront structures (piers, docks, wharves, etc.) in accordance with waterfront development policies and plans. Identify alternative uses for underutilized waterfront structures.

The *Mosquito Population Control Program in the Rockaways* would not involve shoreline development. Therefore this policy does not apply.

Policy 2: Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

The *Mosquito Population Control Program in the Rockaways* would not alter facilities on coastal waters. Therefore, this policy does not apply.

New York City Policy B: Improve channels as necessary to maintain and stimulate economic development.

The policy does not apply. The *Mosquito Population Control Program in the Rockaways* would not affect navigable channels and improvement of channels is not part of the *Mosquito-Borne Disease Control Program*. Therefore, this policy does not apply.

Policy 3: Promote the development and use of the State's major ports as centers of commerce and industry, emphasizing the siting, within port areas, of land use and development that is necessary to, or in support of, the waterborne transportation of cargo and people. The State's major ports are the ports of Albany, Buffalo, New York, Ogdensburg, and Oswego.

Further development of port capabilities is not included in the *Mosquito-Borne Disease Control Program*; therefore, this policy does not apply. Adulticide spraying should not have a significant effect on the operation of warehouses or loading/unloading ships.

Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those activities which have provided such areas with a unique identity.

The *Mosquito Population Control Program in the Rockaways* would not involve economic strengthening in harbor areas. Therefore, this policy does not apply.

Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.

The *Mosquito Population Control Program in the Rockaways* would not develop new facilities. Therefore, this policy does not apply.

Policy 6: Expedite existing permit procedures in order to facilitate the siting of development activities at suitable locations.

There are no waterfront development permits necessary for the *Mosquito-Borne Disease Control Program*. Therefore, this policy is not applicable.

Policy 7: Significant coastal fish and wildlife habitats will be protected and preserved so as to maintain their viability as habitats.

The NYSDOS has designated the 15 areas within New York City as Significant Coastal Fish and Wildlife Habitats, including Jamaica Bay. Jamaica Bay has also been identified as a Critical Environmental Area and a Special Natural Waterfront Area. This proposed program, the application of adulticides for the control of adult mosquitoes in the Rockaways, would not result in the physical alteration or disturbance of any habitats or the alteration of hydrology, runoff, erosion or sedimentation currently occurring in the coastal zone. During adulticide spray events, the *Mosquito Population Control Program in the Rockaways* would maintain a 100-foot buffer around water bodies for truck applications. Chapter 4.D evaluated the potential impacts to natural resources of New York City. While the Citywide Mosquito Borne Disease Control Program had predicted significant short-term impacts from the application of malathion on crustaceans in Jamaica Bay, no such significant adverse impacts were predicted for this program, due to the much lesser amount of malathion potentially applied under this program. The Proposed Action would be consistent with this policy. A detailed discussion of the consistency assessment for this policy is provided in the Waterfront Revitalization Program Policies section of Chapter 5, "Cumulative Impacts from the Proposed Action."

Policy 8: Protect fish and wildlife resources from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

An assessment of the potential significant adverse impacts to fish and wildlife resources from adulticiding is discussed in Chapter 4.D, "Natural Resources." The Proposed Action would be consistent with this policy. A detailed discussion of the consistency assessment is provided in the Waterfront Revitalization Program Policies section of Chapter 5, "Cumulative Impacts from the Proposed Action."

Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources.

This project does not involve the expansion of recreational use of fish and wildlife resources. Therefore, this policy does not apply.

Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the coastal areas by encouraging the construction or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks and expanding agriculture facilities.

This project does not include development or construction of coastal areas. While the citywide Mosquito Borne Disease Control Program had predicted significant short-term impacts from the application of malathion on crustaceans in Jamaica Bay, no such significant adverse impacts were predicted for this program, due to the much lesser amount of malathion potentially applied under this program. There would be no predicted significant impacts on these resources for this program.

Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

The *Mosquito Population Control Program in the Rockaways* would not construct buildings. Therefore, this policy does not apply.

New York City Policy C: Provide shorefront protection against coastal erosion hazards where there is public benefit and public use along nonpublic shores.

No coastal erosion protection structures are proposed as part of the *Mosquito-Borne Disease Control*. Therefore, this policy does not apply.

New York City Policy D: Provide technical assistance for the identification and evaluation of erosion problems, as well as the development of erosion control plans along privately-owned eroding shores.

No coastal erosion protection structures are proposed as part of the *Mosquito-Borne Disease Control Program*. Therefore, this this policy does not apply.

New York City Policy E: Implement public and private structural flood and erosion control projects only when: public economic and environmental benefits exceed public economic and environmental costs; nonstructural solutions are proven to be ineffective or cost prohibitive; projects are compatible with other coastal management goals and objectives, including aesthetics, access and recreation; adverse environmental impacts are minimized; natural protective features are not impaired; and adjacent (downdrift) shorelines are not adversely affected.

No flood or erosion protection structures are proposed as part of the *Mosquito-Borne Disease Control Program*. Therefore, this policy does not apply.

Policy 12: Activities or development in the coastal area will be undertaken so as to minimize their adverse effects upon natural features which protect against flooding and erosion.

The *Mosquito Population Control Program in the Rockaways* would not adversely affect natural features which protect against flooding and erosion, and is therefore consistent with this policy.

Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

The construction or reconstruction of erosion protection structures is not proposed. Therefore, this policy does not apply.

Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development at other locations.

The *Mosquito Population Control Program in the Rockaways* would not result in new construction or development that could increase erosion or flooding. Therefore, this policy does not apply.

Policy 15: Mining, excavation, or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such lands.

No mining or dredging is proposed. Therefore, this policy does not apply.

Policy 16: Public funds shall be expended for activities and development, including the construction or reconstruction of erosion control structures, only where the public benefits clearly outweigh their long term monetary and other costs including their potential for increasing erosion and their adverse effects on natural protective features.

No public funds for coastal erosion protection structures are proposed as part of the *Mosquito-Borne Disease Control Program*. Therefore, this policy does not apply.

Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

No structural or non-structural erosion and flooding control measures are part of the *Mosquito-Borne Disease Control Program*. Therefore, this policy does not apply.

Policy 18: To safeguard the vital interest of the State of New York and of its citizens in the waters and other valuable resources of the State's coastal area, all practicable steps shall be taken to ensure that such interests are accorded full consideration in the deliberations, decisions and actions of State and Federal bodies with authority over those waters and resources.

Consistency with this policy is achieved through compliance with the public review requirements of the State Environmental Quality Review (SEQRA) and City Environmental Quality Review (CEQR) processes and the required State and Federal permitting procedures.

Policy 19: Protect, maintain, and increase the level and types of access to water-related recreation resources.

Implementation of the *Mosquito Population Control Program in the Rockaways* may temporarily inconvenience access to water-related recreational resources during nights when adulticides are applied (see discussion in Chapter 4.J, “Open Space”).

Policy 20: Access to the publicly owned foreshore, or water’s edge, and to the publicly owned lands immediately adjacent to these areas shall be provided, and it shall be provided in a manner compatible with adjoining uses. To ensure that such lands remain available for public use, they will be retained in public ownership.

Existing access to the water would not change as a result of the *Mosquito-Borne Disease Control Program*. Therefore, this policy does not apply.

Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

Implementation of the *Mosquito Population Control Program in the Rockaways* would not have significant adverse environmental impacts on water-related recreational activities.

New York City Policy F: Priority shall be given to the development of mapped parkland and appropriate open space where the opportunity exists to meet the recreational needs of immobile user groups and communities without adequate waterfront park space and/or facilities.

The *Mosquito Population Control Program in the Rockaways* would not develop parklands or changes to waterfront park space. Therefore, this policy does not apply.

New York City Policy G: Maintain and protect New York City beaches to the fullest extent possible.

The control of adult mosquitoes may make Rockaway Beach more accessible to the public during twilight hours before sunset after mosquito measures are undertaken.

Policy 22: Development when located adjacent to the shore will provide for water-related recreation activities whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities.

The *Mosquito Population Control Program in the Rockaways* would not require development of waterfront properties. Therefore, this policy is not applicable.

Policy 23: Protect, enhance, and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.

This policy does not apply.

New York City Policy H: Insure ongoing maintenance of all waterfront parks and beaches to promote full use of secure, clean areas with fully operable facilities.

The *Mosquito Population Control Program in the Rockaways* would not involve the maintenance of waterfront parks and beaches. Therefore, this policy does not apply.

Policy 24: Prevent impairment of scenic resources of statewide significance.

This policy does not apply.

Policy 25: Protect, restore, and enhance the natural and manmade resources that are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

The *Mosquito Population Control Program in the Rockaways* would not significantly affect scenic resources such as vistas and views.

Policy 26: Conserve and protect agricultural lands in the State's coastal area.

This policy is not applicable in New York City.

Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment and the facility's need for a shorefront location.

The *Mosquito Population Control Program in the Rockaways* would not involve the construction of major energy facilities and therefore. Therefore, this policy is not applicable.

New York City Policy I: Siting of liquefied and substitute natural gas facilities, including those associated with the tankering of such gas, shall take into consideration State and Federal energy needs, public safety concerns and the necessity for a shorefront location.

The *Mosquito Population Control Program in the Rockaways* would not involve liquefied or substitute natural gas facilities. Therefore, this policy is not applicable.

Policy 28: Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding or interfere with the production of hydroelectric power.

No ice management facilities are proposed. Therefore, this this policy is not applicable.

Policy 29: Encourage the development of energy resources on the outer continental shelf (OCS) and in other water bodies and ensure the environmental safety of such activities.

The *Mosquito Population Control Program in the Rockaways* would not involve the development of energy resources. Therefore, this policy is not applicable.

Policy 30: Municipal, industrial, and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters will conform to State water quality standards.

While the *Mosquito Population Control Program in the Rockaways* may result in runoff of adulticides into coastal waters, no long term significant adverse impacts on water quality are expected.

Policy 31: State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards. However, those waters already overburdened with contaminants will be recognized as being a development constraint.

The *Mosquito Population Control Program in the Rockaways* does not conflict with State coastal and management objectives.

Policy 32: Encourage the use of alternative or innovative sanitary waste systems in smaller communities where the cost of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

This policy is not applicable.

Policy 33: Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.

This policy is not applicable.

Policy 34: Discharge of waste material into coastal waters from vessels under the State's jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Utilization of coastal vessels is not part of the *Mosquito-Borne Disease Control Program*. Therefore, this policy does not apply.

Policy 35: Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements and protects significant fish and wildlife habitats, aesthetic resources, natural protective features, important agricultural lands and wetlands.

No dredging or disposal of dredged materials is part of this project. Therefore, this policy does not apply.

Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters: All practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

As discussed in Chapter 4.H, "Hazardous Materials," transportation and storage of materials would be conducted in a manner that would minimize the potential for spills into coastal waters. Chapter 4.V, "Mitigation" discusses the potential for accidental spills, and measures which would be employed to minimize significant adverse environmental impacts from accidental spills of adulticides.

Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

This policy is not applicable.

Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected particularly where such waters constitute the primary or sole source of water supply.

As discussed and analyzed in Section 4.E, "Water Supply," the *Mosquito Population Control Program in the Rockaways* would not result in significant adverse impacts on surface or groundwater water supplies.

Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

As described in Chapter 4.H, "Hazardous Materials," the normal transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, are not expected to have significant adverse impacts.

New York City Policy J: Adopt enduse plans for landfill areas which specify the following: (1) final capacity, (2) final contours leachate, (3) erosion and gas control systems, (4) revegetation strategies, and (5) interim review schedules.

The *Mosquito Population Control Program in the Rockaways* would not involve a landfill area. Therefore, this policy is not applicable.

New York City Policy K: Curtail illegal dumping throughout the coastal zone and restore areas scarred by this practice.

As part of the *Routine Program* in the No Action scenario, the City would continue to clean-up tires and other debris and sites of potential mosquito breeding habitats. This policy does not apply to the *Mosquito-Borne Disease Control Program*.

New York City Policy L: Encourage energy development from waste and waste landfills.

This policy is not applicable.

Policy 40: Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and will conform to State water quality standards.

The *Mosquito Population Control Program in the Rockaways* does not involve the discharge of effluent from major steam electric generating and industrial facilities into coastal waters that would be unduly injurious to fish and wildlife resources. Therefore, this policy does not apply.

Policy 41: Land use or development in the coastal area will not cause Federal or State air quality standards to be violated.

As described in Chapter 4.N, "Air Quality," the *Mosquito Population Control Program in the Rockaways* would not result in any exacerbations or new violations of air quality standards.

Policy 42: Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

No reclassification is anticipated. Therefore, this policy is not applicable.

Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

This policy is not applicable to the proposed *Mosquito-Borne Disease Control Program*.

Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

The *Mosquito Population Control Program in the Rockaways* has been developed with consideration to preserve and protect tidal and freshwater wetlands and the benefits derived from these resources. 

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WATERFRONT REVITALIZATION PROGRAM 4.P-1
 A. WATERFRONT REVITALIZATION PROGRAM POLICIES 4.P-1
 Analysis Of Waterfront Policies 4.P-1

no tables