

A. NEW YORK STATE COASTAL ZONE MANAGEMENT PROGRAM

This attachment examines the compliance of the proposed project with the City's Waterfront Revitalization Program (WRP). The Coastal Zone Management (CZM) Act of 1972 was established to support and protect the distinctive character of the waterfront, and set forth standard policies for reviewing proposed development projects along coastlines. The program addressed local, state, and federal concerns about the deterioration and inappropriate use of the waterfront.

In response, New York State adopted its Coastal Management Program, designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, public access to the shoreline and farmland; and minimizing adverse changes to ecological systems and in erosion and flood hazards. The program provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City.

The New York City Waterfront Revitalization Program (WRP) encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decision. The New York State Department of State (NYS DOS) administers the program at the state level, and the New York City Department of City Planning (DCP) administers it in the City.

Because the proposed project is located within the City's coastal zone, the project is subject to a consistency determination with the City's WRP. The WRP is the City's coastal zone management tool.

This attachment reviews the 10 New York City coastal zone policies, which constitute the new WRP, and assesses, where applicable, the consistency of the proposed project with those policies. A completed New York City Waterfront Revitalization Program Consistency Assessment Form is provided at the end of this attachment.

B. NEW YORK CITY WATERFRONT REVITALIZATION POLICIES

The proposed project site is located within Hendrix Street Canal, a tributary to Jamaica Bay. Therefore, the policies of the Local Waterfront Revitalization Program are presented below. As presented in the discussion below, the Hendrix Street Canal dredging project would be consistent with New York City's WRP.

Policy 1: Support and facilitate commercial and residential redevelopment in appropriate coastal zone areas.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

This policy is not applicable.

Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the public.

Removal of accumulated CSO sediments that generate intermittent nuisance odors will improve the aesthetic qualities of the Hendrix Street Canal and the surrounding area.

Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed.

The proposed project would not discourage redevelopment within the service area.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Area.

The project site is not located within a Significant Maritime and Industrial Area; therefore, this policy does not apply.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

The project would not discourage working waterfront uses outside the Significant Maritime and Industrial Areas.

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

This policy is not applicable.

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

Policy 3.1: Support and encourage recreational and commercial boating in New York City's maritime centers.

Removal of accumulated CSO sediments that generate intermittent nuisance odors will improve the aesthetic quality of Hendrix Street Canal and the surrounding area.

Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

This policy is not applicable.

Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

The project will not create any commercial boating activities in the canal. Therefore, this policy is not applicable.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes, and Significant Coastal Fish and Wildlife Habitats.

The proposed project will mitigate the occurrence of the nuisance odors resulting from existing CSO sediment mounds being exposed at low tidal events.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

According to the NYSDEC Tidal Wetland Map for the area, the open water portion of Hendrix Street Canal where dredging is proposed is a "Littoral Zone" tidal wetland. No mapped freshwater wetlands exist in the vicinity of the proposed project area. No adverse impacts on the tidal wetlands is anticipated as the proposed dredging will remove contaminated CSO sediments and replace them with an engineered cap of clean sand.

Policy 4.3: Protect vulnerable plant, fish, and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

This policy was addressed in detail as presented in Attachment C: "ESSENTIAL FISH HABITAT ASSESSMENT," dated May 2007.

Policy 4.4: Maintain and protect living aquatic resources.

This policy was addressed in detail as presented in Attachment C: "ESSENTIAL FISH HABITAT ASSESSMENT."

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The proposed project would remove CSO sediments that accumulated in the canal. The proposed dredging activities would reduce the adverse impact of such discharges such as nuisance odors.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate non-point source pollution.

The proposed project would not generate any pollutants or contribute non-point source pollution.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes or wetlands.

The proposed project will provide an engineered 15-inch thick cap of clean sand to contain the remaining contaminated soil and prevent its suspension into the water column.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

No adverse impacts on the tidal wetlands is anticipated as the proposed dredging will remove contaminated CSO sediments and replace them with an engineered cap of clean sand. No other wetlands were identified in the vicinity of the project area.

Policy 6: Minimize the loss of life, structures, and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

This policy is not applicable.

Policy 6.2: Direct public funding for flood prevention or erosion control measures in those locations where the investment will yield significant public benefit.

This policy is not applicable.

Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

The material to be dredged is accumulated CSO sediments. Therefore, this policy does not apply.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution, and prevent degradation of coastal ecosystems.

Material dredged from the canal, which is classified as non hazardous, will be transported and disposed of by the contractor at an off site upland disposal facility licensed to accept such material. All activities will be performed in accordance with applicable Federal, State and Local City Laws and Regulations. As noted in Policy 6.3, there will be no disposal of dredged material within coastal waters. Characterization of the CSO sediments in the Hendrix Street Canal was completed during the Dredge Material Characterization Program. This report is on file with the Department's Bureau of Engineering Design and Construction.

Policy 7.2: Prevent and remediate discharge of petroleum products.

During the Dredge Material Characterization Program, petroleum products were not specifically detected in sediment of the canal. The concentrations of indicator analyses for petroleum related compounds detected in sediment of the canal were consistent with concentrations expected in urban areas and are not indicative of a specific discharge to the canal. Additionally, the concentrations of these types of compounds represent a relatively minor contribution to the overall sediment quality of the canal.

Fuels and other petroleum material brought to the site during construction will be handled and stored in accordance with applicable regulations. Petroleum-contaminated soils caused by construction activities, if such contamination should occur, will be removed from the site and disposed of in accordance with applicable regulations.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

The proposed action would not be expected to result in the degradation of coastal resources.

Policy 8: Provide public access to and along New York City's coastal waters.

Policy 8.1: Preserve, protect, and maintain existing physical, visual, and recreational access to the waterfront.

The proposed project would not affect access to the waterfront.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

The proposed project would not affect public access into new public and private development.

Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.

The proposed project would not affect visual access to coastal lands, waters, and open space.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

The proposed project would not adversely impact the waterfront open space or publicly owned land in the vicinity.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the State and City.

The proposed project would not affect lands and waters held in public trust by the State and City.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The proposed project would not impair any scenic resource.

Policy 9.2: Protect scenic values associated with natural resources.

The proposed project would not impair any scenic value associated with natural resources. A detailed assessment of the potential for project impacts on natural resources is presented in Attachment C, which was based on a report entitled "ESSENTIAL FISH HABITAT ASSESSMENT."

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

The proposed project will not adversely impact any historic resource or coastal culture of New York City.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

The proposed project will consist of removal of accumulated sediment and debris from the most northerly 1,440 feet of the Canal by means of hydraulic dredging and fine grading techniques. The dredging depth is to 7.6 below Brooklyn Sewer datum (BSD), which is approximately 4.0 feet below the estimated local mean low water (MLW) level. The dredging activities will not extend beyond the original 1937 Canal bed, hence, no historic or archaeological resources (if at all present) will be disturbed. It is then concluded that the proposed project will not have any potentially significant adverse impacts on historic and archaeological resources.

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