



NEGATIVE DECLARATION
Notice of Determination of Non-Significance

August 2, 2011

Bay 32nd Street Outfall Project
CEQR No. 10DEP022Q

Caswell F. Holloway
Commissioner

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This Negative Declaration has been prepared in compliance with the requirements of the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, Article 8 of the Environmental Conservation Law establishing the New York State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (NYCDEP), as lead agency, has determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. An Environmental Assessment Statement (EAS) form and attachments were distributed on June 30, 2011.

PROJECT DESCRIPTION

The New York City Department of Design and Construction (NYCDDC), on behalf of the New York City Department of Environmental Protection (NYCDEP), is proposing the Bay 32nd Street Outfall Project. The project area is located in Queens Community Board 14 within the Bayswater and Edgemere sections of Far Rockaway, Queens within the Jamaica Bay watershed. It is largely a residential community with waterfront open space along Norton Basin, including a City Park (Michaelis-Bayswater Park) and a State Park, the Norton Basin Natural Resource Area.

The proposed action involves the replacement of an existing outfall in disrepair with a new stormwater outfall, the installation of new stormwater collection sewers, the relocation of water mains, and the relocation and upgrade of sanitary sewer lines along as well as the reconstruction of affected streets. The corridor within which the proposed storm sewer outfall would be constructed is along Dwight Avenue, a City-owned 60-foot-wide mapped street that extends approximately 1,000 feet west of Bay 32nd Street to the Norton Basin bulkhead line that consists of mowed grass, maritime forest/shrub, dune, and intertidal habitats at the shoreline. Of the total length, approximately 130 linear feet of the street is built and the balance, about 870 linear feet, is not built. Restoration of the area affected by the proposed outfall construction would occur on site within the corridor easement. Additional wetland restoration for permanent wetland impacts associated with this project and five other proposed outfall projects within the Jamaica Bay Watershed are included in the Beach 88th/94th Street Restoration Plan located at Beach 88th and Beach Channel Drive.

PROPOSED BEACH 88TH/94TH RESTORATION PLAN

Design of the proposed Beach 88th/94th Street outfall was developed with the objective of limiting disturbance to tidal wetlands, to the extent feasible, while providing the necessary restoration for areas temporarily disturbed during construction. Permanent impacts from the construction of the proposed action would

be restored as part of a proposed restoration plan encompassing a 1.2-acre area surrounding the construction easement at the Beach 88th/94th Street Outfall Project site. Block 16109, Lot 70, where the sewer easement is located, along with six other lots, were transferred to the City to be used as a park. NYCDDC and NYCDEP are proposing a restoration plan for Lot 70 Block 16109 that would include: debris removal and minor regrading along the shoreline, the construction of a pedestrian bridge to allow an access way over the new outfall structure near the shoreline, a hydro-seeding of maritime grasses and some upland planting to secure the site. The proposed wetland restoration also includes removing portions of the crumbling concrete retaining wall on Lot 185 to re-establish tidal flow and permit the establishment of wetland vegetation. It is anticipated that this restoration plan would provide compensatory restoration for the permanent tidal wetland impacts for this project and five other NYCDDC/NYCDEP outfall projects to be constructed in the Jamaica Bay watershed: Beach 42nd Street (FY 2009), Beach 88th/94th Street (FY 2010), Chandler Street (FY 2011), Almeda Avenue Outfall (FY 2013), and Shellbank and 95th Street Outfall (FY 2012).

The restoration would be constructed after the new sewer outfall at Beach 88th/94th Street is complete. NYCDDC and NYCDEP believe that the Beach 88th/94th Street Restoration Plan would serve multiple objectives, including wetland and upland restoration opportunities and provide additional public access to Jamaica Bay. These objectives are consistent with the NYCDEP Jamaica Bay Watershed Protection Plan and many other Jamaica Bay environmental objectives. The proposed restoration plan has been reviewed by the New York State Department of Environmental Conservation (NYSDEC).

Construction of the proposed action is expected to begin in fall 2011 and is expected to be completed in fall 2012. Construction of the Beach 88th/94th Street Restoration would take approximately 60-90 days and would be initiated once the outfall portion of that project is completed. Thus, the duration of construction is expected to be approximately 12 months.

Under SEQRA guidelines, the proposed action is classified as an Unlisted action¹.

POTENTIAL IMPACT ASSESSMENT

As presented in detail in the June 30, 2011 EAS, the proposed action would not result in the potential for significant adverse impacts to occur to any aspects of the environment. Detailed discussions of all impact categories are presented in the June 2011 EAS; key conclusions are summarized below.

Open Space

The proposed sewer outfall installation within Dwight Avenue would be constructed in a mapped street right-of-way that is adjacent to, but not within, Michaelis-Bayswater Park or the Norton Basin Natural Area state parklands. In the future without the proposed project, no changes in open space conditions are expected within either the City or state parks in the study area. Both are assumed to also continue in their current functions.

Currently, there is a trail within Michaelis-Bayswater Park that connects to the Norton Basin Natural Area State Park. While there would be temporary impacts to this access during construction, there would be no long-term direct impacts of the proposed action on the state park land area or its natural resources, nor would there be any indirect impacts on natural resources and habitats of the park. Post-construction, this north/south trail access would be re-opened.

The proposed project would require clearing along an approximately 35-foot-wide corridor within the 60-foot-wide mapped street. While there may be a temporary construction period impact to the public access along the existing east/west trail located immediately south of the proposed outfall, no long-term impacts

¹ According to SEQRA and set forth in 6NYCRR Part 617, Unlisted actions are those actions or projects that are do not meet or exceed a threshold contained in the Type I list and is not identified as a Type II action.

are expected on public access to Norton Basin as the trail is located immediately to the south of the proposed sewer corridor. To address the impacts of the proposed action on trees, a tree relocation and replacement plan will be developed with the New York City Department of Parks and Recreation (DPR) to ensure that the proposed project does not result in any adverse impacts regarding the trees located within the project area. As part of the proposed project, DDC, DEP, and DPR would continue to coordinate a compensatory tree replacement and relocation plan in order to avoid impacts to street trees within the proposed project.

As described above and in the EAS, the site for the Beach 88th/94th Street Restoration Plan on Block 16109, Lot 70 was transferred to the New York City Department of Parks and Recreation (NYCDPR) to be used as a public park. The design of the proposed wetland restoration would be coordinated with NYCDPR. In addition, the walkway over the outfall structure at the mean high-water line would facilitate public access across the proposed outfall. The proposed action is consistent with the 2006 New York State Open Space Conservation Plan. Therefore, the proposed action would not result in potential significant adverse impacts on open space.

Urban Design and Visual Resources

The proposed outfall would be constructed along a portion of Dwight Avenue that has been, in part, been built (about 130 linear feet of the approximately 1,000 linear foot length is built). Under the proposed action, the balance of the corridor, about 870 linear feet and to a width of 35 feet would be cleared and the outfall would be installed below grade with a headwall and splash pad at Norton Basin. Upon completion, the surface over the outfall corridor would be stabilized with grasses and would remain open as an access corridor for DEP maintenance.

The below-grade infrastructure would not be visible, but the headwall and splash pad of the outfall and a portion of the outfall inland from the headwall would be visible throughout much of the day, particularly during low-tide. While this proposal would introduce a new waterfront structure at the site, it would have limited visibility and would not significantly alter the urban design and visual setting of the area. At the headwall, existing shoreline vegetation in the area, coupled with the proposed restoration vegetation, would obscure much of the above-grade structure that would be visible, such that the presence of the outfall/headwall along the shoreline would not significantly impact views from the adjacent parklands.

Lastly, the proposed project would include a tree restoration and replacement plan for the 27 trees along the outfall corridor that would need to be cleared (see "Open Space" above). With this plan, which would be finalized between DDC, DEP, and DPR, no adverse impacts on the visual resources setting of the study area would occur. Therefore, the proposed action would not result in potential significant adverse impacts to urban design or visual resources.

Natural Resources

With the proposed storm sewer outfall, there would be some additional stormwater runoff pollutants discharged into Jamaica Bay in an open water area with tidal flushing. Given the baseline conditions and the minimal anticipated impacts of the proposed outfall on local water quality, discharges from the proposed outfall would not result in potential significant impact on water quality. A cumulative water quality assessment performed for all six of the Jamaica Bay outfalls to be constructed concluded that the differences between the baseline and proposed water quality would be negligible in the head of the basins and the mouths of the basins would be unaffected.

While the proposed action would include onsite, in-kind restoration of temporary construction-period impacts along the Dwight Avenue corridor and within outfall area, the Beach 88th/94th Street Restoration Plan would provide restoration for the permanent tidal wetland impacts associated with the proposed action (i.e., the area of the proposed outfall structure) and five other outfall projects. NYSDEC approved

the in-kind restoration and Beach 88th /94th Street Restoration Plan which will restore and improve wetland areas and increase recreational access to Jamaica Bay for area residents. Therefore, the proposed action would not result in potential significant adverse impacts to natural resources.

Hazardous Materials

The proposed action would require disturbance and excavation of underlying soils during the construction of the new storm sewer outfall and new storm sewer infrastructure. The proposed action would be installed below-grade within previously disturbed areas or undeveloped land. The final conclusion of the Phase I Corridor Assessment Report was that there were no final "High" or "Moderate" risk sites along the proposed infrastructure routes. However, historical information indicates that portions of the corridor were once part of Norton Basin and were filled sometime between 1954 and 1966.

Based on soil and groundwater testing performed as part of a Phase II Limited Subsurface Corridor Investigation, laboratory analytical results, and a comparison to applicable regulatory standards, the proposed action would include a site-specific construction Health and Safety Plan (Construction HASP) would be prepared for the proposed construction project. The Construction HASP should be submitted to DEP for review/approval. Soil disturbance would not occur without DEP's written approval of the construction HASP. If de-watering into New York City storm or sewer drains would occur during construction, then a DEP Sewer Discharge Permit would be obtained prior to the start of any de-watering activities at the site. In this case, groundwater sampling for DEP Sewer Discharge Criteria would also be completed in any areas where de-watering is expected. With these measures in place, the proposed action would not have potential significant adverse impacts from hazardous materials.

Construction

Construction of the proposed action is expected to begin in fall 2011 and is expected to be completed in fall 2012. Construction of the proposed Beach 88th/94th Restoration would take approximately 60-90 days and following the construction of the outfall project at that site.

Construction impacts with the proposed action would be typical for a sewer installation project in the right-of-way and would be temporary and short in duration. Construction of the proposed outfall would occur along a city-owned right of way that is largely buffered from uses that may be sensitive to construction activities (e.g., residences and community facilities).

The site of the proposed restoration plan would occur on recently acquired City parkland. However the proposed wetland restoration construction would be temporary and of short duration and would ultimately improve public access and the conditions of natural features of this site. During this period of construction any informal use of the site for public access would need to be restricted. However, public access to the site as a waterfront park would be possible once the proposed restoration is complete.

All construction activities would be performed in accordance with NYSDEC's technical standards for erosion and sediment control (e.g., booms and silt curtains) and would be implemented in accordance with a Stormwater Pollution Prevention Plan (SWPPP) to minimize potential adverse impacts to water quality and aquatic biota during construction. The proposed action would also include measures to control and contain turbidity during construction, and several measures would be undertaken to restore areas disturbed under the current condition including the removal of invasive plants as well as the removal of debris.

Traffic associated with the construction of the proposed action would consist primarily of construction workers, construction management staff, and trucks entering and exiting the proposed sites. However, temporary increases in vehicular and truck traffic during construction of the proposed outfall would not

be expected to exceed the 50-peak hour trip threshold established by the CEQR guidelines during these time periods and would be temporary and short in duration.

The installation of storm sewers in local streets as part of the proposed action would require some temporary lane closures and disruption of local traffic, and some curbside parking areas would be affected. Overall, work in local streets is proceeding in segments and is expected to be temporary and short in duration. In addition, the contractor would be required to restore the full width of the street at the end of each daily construction period to allow free flow of traffic. It is expected that the proposed action would require some temporary sidewalk closures along the segment of construction for the purposes of providing the street improvements. However, the duration of closures would be limited and adequate temporary diversions would be provided for each phase of street construction. All construction activities, temporary lane closures, diversions, and temporary removal of street parking would be subject to NYCDOT approval under a street and sidewalk construction permit, that would include a plan for the maintenance and protection of traffic.

Given the limited construction activities and the duration of construction as well as NYCDOT permit approval, the proposed action would not result in potential significant adverse construction related impacts.

STATEMENT OF NO SIGNIFICANT EFFECT

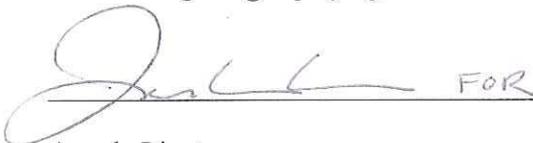
The NYCDEP has determined that, as proposed, the Bay 32nd Street Outfall project is not anticipated to have any potential significant adverse impacts on the quality of the environment. No significant adverse impacts on urban design and visual resources, natural resources, hazardous materials or other impact categories would occur as a result of the proposed action. Any open space, natural resources, traffic, air quality, and noise impacts related to construction will be temporary and short in duration, and will follow appropriate governing regulations and therefore are not considered significant effects on the environment or public health. These conclusions are based on the analyses and determinations provided within the EAS of June 30, 2011.

Supporting Statements

The above determination is based on an environmental assessment that finds that the action, as proposed, would not result in significant effects on the environment that requires the preparation of an Environmental Impact Statement.

For further information, please contact:

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A handwritten signature in black ink, appearing to read "Angela Licata", is written over a horizontal line. To the right of the signature, the letters "FOR" are handwritten in a similar style.

Angela Licata
Deputy Commissioner
New York City Department of Environmental Protection

CC: Helen M. Marshall, Queens Borough President
Dolores Orr, Queens Community Board 14 Chairperson
Jonathan Gaska, Queens Community Board 14 District Manager
Robert Kulikowski, NYC Office of Environmental Coordination
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John Cyran, NYS Department of Environmental Conservation
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