

**APPENDIX E**

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM  
CONSISTENCY ASSESSMENT FORM**

For Internal Use Only:

WRP no. \_\_\_\_\_

Date Received: \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

- Name: James G. Mueller, P.E., Deputy Commissioner, NYCDEP
- Address: 95-05 Horace Harding Expressway, 5th Floor, Corona, NY 11368-5107
- Telephone: (718) 595-5973 Fax: (718) 595-4885 E-mail: jmueller@dep.nyc.gov
- Project site owner: New York City Department of Environmental Protection and New York City Department of Transportation

### B. PROPOSED ACTIVITY

- Brief description of activity:

The Gowanus Facilities Upgrade (proposed action) would include the rehabilitation/upgrade of the existing wastewater pumping station, flushing tunnel system, and replacement of the existing service building superstructure. See attached Project Description for more detailed information about the proposed action.

- Purpose of activity:

The main purpose of the proposed action is to increase capacity, function, efficiency, and reliability of the wastewater pumping station and the flushing tunnel system, both of which are vitally important in the effort to improve the water quality in the Gowanus Canal over the long term. See attached Project Description for more detailed information about the purpose and need.

- Location of activity: (street address/borough or site description):

The Gowanus Facilities at the Butler Street site are located at 201 Douglass Street, Brooklyn, NY 11217. Additional work is proposed for the intersection of Tompkins Place and Degraw Street and the intersection of Degraw and Columbia Streets, Brooklyn, NY.

**Proposed Activity Cont'd**

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

Protection of Waters (NYSDEC)  
 Section 404 (USACE)  
 Nationwide Permits 5, 33 (USACE)

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
 No.

6. Will the proposed project require the preparation of an environmental impact statement?  
 Yes \_\_\_\_\_ No  If yes, identify Lead Agency:

Environmental Assessment Statement prepared pursuant to CEQR with  
 NYCDEP/OEPA as lead agency.

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.  
 N/A

**C. COASTAL ASSESSMENT**

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed project require a waterfront site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy Questions	Yes	No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Policy Questions cont'd**

**Yes No**

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Would the action cause violations of the National or State air quality standards? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Policy Questions cont'd**

**Yes No**

- |   |       |       |
|---|-------|-------|
| 29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)  | _____ | ✓     |
| 30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)  | _____ | ✓     |
| 31. Would the proposed action have any effects on surface or ground water supplies? (5.4)   | _____ | ✓     |
| 32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)   | _____ | ✓     |
| 33. Would the action result in any construction activities that would lead to erosion? (6)  | _____ | ✓     |
| 34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)  | _____ | ✓     |
| 35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)  | _____ | ✓     |
| 36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)  | _____ | ✓     |
| 37. Would the proposed project affect a non-renewable source of sand ? (6.3)  | _____ | ✓     |
| 38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)  | _____ | ✓     |
| 39. Would the action affect any sites that have been used as landfills? (7.1)   | _____ | ✓     |
| 40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2) | _____ | ✓     |
| 41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)               | _____ | ✓     |
| 42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)  | _____ | ✓     |
| 43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)                   | _____ | ✓     |
| 44. Would the action result in the provision of open space without provision for its maintenance? (8.1)   | _____ | ✓     |
| 45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)  | _____ | ✓     |
| 46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)   | ✓     | _____ |
| 47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)   | _____ | ✓     |
| 48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)  | _____ | ✓     |
| 49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)   | _____ | ✓     |
| 50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)  | _____ | ✓     |

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

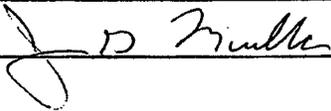
"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: James G. Mueller, P.E., Deputy Commissioner, NYCDEP

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Corona, NY 11368-5107

Telephone (718) 595-5973

Applicant/Agent Signature: 

Date: 12/12/08

## **NEW YORK CITY CONSISTENCY ASSESSMENT FORM ATTACHMENT**

Listed below are questions on the Consistency Assessment Form that a “Yes” response was provided. Under each question number is a discussion of the applicable New York City LWRP policies and the project’s consistency with that policy.

**QUESTION 9:** ARE THERE ANY WATERFRONT STRUCTURES, SUCH AS PIERS, DOCKS, BULKHEADS OR WHARVES, LOCATED ON THE PROJECT SITES?

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

There are bulkheads along the north, east and west portions of the Gowanus Canal adjacent to the Gowanus Facilities site. The upgrade of the Gowanus Canal flushing tunnel system and wastewater pumping station would involve existing facilities, none of which would impact bulkheads.

The proposed interim canal aeration/centralized OTS would be installed as a temporary measure to maintain water quality in the Gowanus Canal during the construction period of the proposed action. The interim canal aeration/centralized OTS would be removed after the Gowanus Canal flushing tunnel system upgrade is complete and operational, thus having no long-term effects on the bulkheads.

It should be noted that the entire proposed action is aimed at improving the water quality in the Gowanus Canal and facilitating re-development of water-related uses along the Canal over the long-term. The purpose of the interim canal aeration/centralized OTS is to maintain dissolved oxygen levels in the Gowanus Canal during the construction period in order to maintain the water quality at levels consistent with its NYSDEC water quality classification and proposed best use.

**QUESTION 13:** WOULD THE ACTION INVOLVE MINING, DREDGING, OR DREDGE DISPOSAL, OR PLACEMENT OF DREDGED OR FILL MATERIALS IN COASTAL WATERS?

### **Policy 2.3 – Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.**

The proposed interim canal aeration/centralized OTS is a temporary system that would be removed after completion of the proposed action. The purpose of the interim canal aeration/centralized OTS is to maintain dissolved oxygen levels and current water quality in the Gowanus Canal during the period when the Gowanus Canal flushing tunnel system would be shut-down during the construction of the proposed action. The proposed action is designed to reduce combined sewer overflows (CSOs) and to maintain/improve water quality in the Gowanus Canal, which is essential to ensure reasonably foreseeable development of future working waterfront uses.

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

This policy involves recreational and commercial boating. As the proposed action would not affect recreational or commercial boating, the policy is not applicable.

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

The goal of the upgrade of the Gowanus Canal flushing tunnel system is to increase the reliability of the flushing with the aim of improving the water quality in the Gowanus Canal over the long-term. The proposed interim canal aeration/centralized OTS would be installed as a temporary measure while the Gowanus Canal flushing tunnel system is deactivated. The interim canal aeration/centralized OTS, which would maintain dissolved oxygen levels in the Gowanus Canal during construction, would be removed after the proposed Gowanus Canal flushing tunnel system upgrade is complete and operational. Upon reactivation of the Gowanus Canal flushing tunnel system, dissolved oxygen levels can be maintained without the operation of the interim canal aeration/centralized OTS.

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

The installation of the interim canal aeration/centralized OTS would meet all state permit requirements, including those associated with the Protection of Waters and Tidal Wetlands for disturbance of bed or banks of waters of the state (Protection of Waters) and construction in a littoral zone (Tidal Wetlands) associated with the placement of concrete “anchors” that would hold the HDPE pipe in place. The interim canal aeration/centralized OTS would be installed as a temporary measure and all equipment and structures associated with it would be removed after the construction of the proposed action is complete.

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

This policy involves non-renewable sources of sand for beach nourishment. As the proposed action would not involve sand resources or beach property, the policy is not applicable.

**QUESTION 21: WOULD THE ACTION INVOLVE ANY ACTIVITY IN OR NEAR A TIDAL OR FRESHWATER WETLAND?**

**Policy 4.2 – Protect and restore tidal and freshwater wetlands.**

The Gowanus Canal is classified an LZ Tidal Wetland (littoral zone) on the official NYSDEC Tidal Wetlands Maps, which, technically, is included in the tidal wetlands classification. The bulkhead around the Gowanus Canal marks the boundary of the littoral zone. There are no vegetated tidal or freshwater wetlands in the Gowanus Canal. There are

no coastal fresh marshes; intertidal marshes; coastal shoals, bars or flats; or high marshes or salt meadows. The upgrade of the Gowanus Canal flushing tunnel system and wastewater pumping station would take place landward of the bulkhead and would not impact the littoral zone. As a conservative measure, the NYCDEP has applied for a NYSDEC Tidal Wetlands Permit.

As stated above, the purpose of the interim canal aeration/centralized OTS is to maintain water quality (i.e., dissolved oxygen levels) in the Gowanus Canal during the construction period for the proposed action. Indeed the purpose of the entire proposed action is to reduce combined sewer overflows (CSOs) to the Gowanus Canal and improve overall water quality conditions. Good water quality is integral to the benefits derived from the preservation of wetlands.

**QUESTION 46: WILL THE PROPOSED PROJECT IMPEDE VISUAL ACCESS TO COASTAL LANDS, WATERS AND OPEN SPACE?**

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

The proposed interim canal aeration/centralized OTS would be installed as a temporary measure and would require the installation of on-shore equipment, including duplex strainers, self-priming pumps, oxygenator feed pipe, oxygenation cone, compressor, oxygen receiver, oxygen generator, and air dryer all within a rectangular area measuring approximately 15' by 60'. The only practical site for the interim canal aeration/centralized OTS equipment is at the dead end of Douglass Street, which is currently occupied by an esplanade owned by the New York City Department of Transportation. After the completion of the proposed action (i.e., when the interim canal aeration/centralized OTS is no longer required) the interim canal aeration/centralized OTS equipment would be dismantled/removed, and the esplanade would be restored.