NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM (WRP)
CONSISTENCY ASSESSMENT FORM - WRP POLICY QUESTIONS – RESPONSES

For those policies checked Promote or Hinder, on the Consistency Assessment Form, responses are provided below.

WRP POLICY QUESTIONS – RESPONSES

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

The purpose of this project is to restore the connectivity of the Bronx River to allow for anadromous and diadromous fish passage; therefore, the project is consistent with this policy.

WRP Policy 4.4: *Identify, remediate, and restore ecological functions within the Recognized Ecological Complexes.*

The Stone Mill Dam fish ladder is a critical component of fish passage projects along the Bronx River that will complement downstream fish ladder projects to expand fish passage and provide additional upstream habitat for anadromous fish and restore ecological function of the river; therefore, the project is consistent with this policy.

WRP Policy 4.5: *Protect and restore tidal and freshwater wetlands.*

Due to the steep slopes of the site, there were limited restoration options that could be implemented at the site. Even though wetland restoration is not part of the proposed project activities, the installation of the fish ladder will not impact or create any wetland losses. Native vegetation will also be planted in place of invasive species, which will create natural buffers along the river banks; therefore, the project is consistent with this policy.

WRP Policy 4.6: *In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.*

The goal of the tentatively selected plan at Stone Mill Dam is to “restore and sustain a mosaic of habitats within the region.” Due to the steeply sloped banks, there were limited restoration opportunities at the site. To ensure the most ecologically and economical feasible plan was a selected, a comprehensive tiered evaluation plan was used. The Evaluation of Planned Wetlands assessment method was used to characterize the functional capacity of the project site. The assessment results estimate the current resource value and the potential increase in resource value for each alternative restoration plan proposed. Current vegetative communities and human use patterns were observed, documented, and incorporated into an analysis of the existing site and in the selection for the most economically and ecological beneficial design plan. The project is consistent with this policy.

WRP Policy 4.7: *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.*

All appropriate federal and state agencies were consulted regarding the documentation of rare, threatened, and endangered species in the project area. Restoration plans have been carefully mapped to avoid areas where listed species were found during previous surveys. A final survey of the restoration site will be performed to ensure that damage to rare plants will be avoided. If protected species are found on-site, further protective measures will be considered including but not limited to protection from construction by fencing, or transplanting if the plants are in an unavoidable impact area. Handling of

protected species will be coordinated with the New York Natural Heritage Program and New York State Department of Environmental Conservation. Avian species are not expected to be impacted due to their mobile nature. It is expected that birds will fly to another nearby site to forage during construction and planting. Restoration activities in the long term will benefit threatened and endangered species by producing localized environmental enhancements, including improving water quality and creating and restoring habitat, which support an increase in local and regional biodiversity; therefore, the project is consistent with this policy.

WRP Policy 4.8: *Maintain and protect living aquatic resources.*

The construction of the fish ladder at the Stone Mill Dam will link the slow-flowing pool upstream of the dam and the faster-flowing channel downstream of the dam. The installation of the fish ladder will allow fish to navigate through existing impoundments and continue their migration runs upstream. This will benefit anadromous fish, which have had their historic spawning runs greatly reduced in the Bronx River. During construction, fish may be displaced due to noise, changes in currents or stream flow, changes in water quality including increased turbidity, and direct mechanical disturbance to habitat. Proper planning and implementation of best management practices (BMPs) will minimize these disturbances, and fish will return to the area shortly after completion of construction activities. Generally, these impacts will be minor for species that are abundant as well as species that may be rare. Construction activities can deter commercially important, rare, or protected fish species from using essential migratory pathways, breeding, foraging, or seeking shelter from predators. However, seasonal work windows will be observed to minimize or avoid disturbances to fish life stages of concern. The project is consistent with this policy.

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

To minimize impacts to surface water and water quality during construction, erosion and sediment control measure will be employed. These may include temporary construction of a cofferdam, employing silt curtains, and stabilizing soils. These BMPs for soil and sediment control will be prepared before any construction commences. Therefore, the project is consistent with this policy.

WRP Policy 5.1: *Manage direct or indirect discharges to waterbodies.*

See Policy 5 above.

WRP Policy 5.2: *Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.*

Standard construction stormwater BMPs will be implemented to protect water quality of surrounding water resources. The following BMPs will be used:

- Minimize area of ground disturbance and vegetation clearing.
- Use the site's natural contours to minimize run-off and erosion.
- Do not expose the entire site at one time; avoid bare soils during rainy months.
- Stabilize erodible surfaces with mulch, compost, seeding, or sod.
- Use features such as silt fences, gravel filter berms, silt dikes, check dams, and gravel bags for interception and dissipation of turbid runoff water.
- Use silt or turbidity curtains during in-water construction to contain and control dissolved sediments.
- Use wetland mats for construction access within wetland areas to prevent soil compaction.
- Use vehicles with high flotation tires within wetland areas to prevent rutting and soil compaction.
- Complete in-water work during periods of low tide.
- Install cofferdams or stream diversions to isolate in-water construction areas.
- Use stabilized construction entrances for all ingress and egress points.

The project is consistent with this policy.

WRP 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 project will carefully evaluate construction to prevent or minimize adverse impacts such as soil erosion and sediment alteration. All appropriate BMPs for soil erosion and sediment control, including use of silt fencing, turbidity curtains, and hay bales, will be used. The project is consistent with this policy.

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

As stated in Policy 5.2, BMPs for soil erosion and sediment control will also be implemented at the site to protect water quality; therefore, the project is consistent with this policy.

WRP Policy 6: *Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.*

The only structures proposed for the site include clay-pipe fish attractors and fish ladders. These structures will not cause flooding or erosion, therefore, the project is consistent with this policy.

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

As state in Policy 6, the project will not cause flooding, erosion, or increase the flood zone; therefore, the project is consistent with this policy.

WRP Policy 6.2: *Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.*

Consistent with United States Army Corps of Engineers (USACE) guidance, as alternatives are refined, and a particular alternative is identified, the selection of the preferred plan will consider the sensitivity of the alternative plan to varying projections of sea level rise (SLR). Consideration will also be given to alternatives that perform well and are adaptable to a range of SLR projections. The 2015 report prepared by the New York City Panel on Climate Change presents SLR projections that take into account the predicted ranges of both global climate change and local land subsidence. The central ranges of these projections are sea level increases in New York City of four (4) to eight (8) inches by the 2020s, 11 to 21 inches by the 2050s, and 18 to 39 inches by the 2080s. The project is consistent with this policy.

WRP Policy 6.3: *Direct public funding for flood prevention or erosion control measure to those locations where the investment will yield significant public benefit.*

Based on modeling efforts, the erosion control measures proposed for the site are necessary to protect the existing and constructed habitats at the site. Without installation, it is expected that current rates of erosion will persist. Therefore, it is determined the project is consistent with this policy.

WRP Policy 7: *Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to environment and public health and safety.*

The Bronx River watershed has been impacted by commercial, industrial and residential activities so the potential for existing environmental contamination on the site exists. Prior to construction, testing will be conducted to determine any contamination on site. It is expected that testing will define areas that may include contaminated soils or solid wastes that would need to be excavated and transported to an existing upland facility for processing. It will also verify soils that can be reused on site for landscaping and possible capping of contaminated areas and solid wastes that do not need to be removed. Overall, the

proposed project is expected to result in a positive impact, in that it will effectively remove or cap contaminated soils. It is therefore determined that the project is consistent with this policy.

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

As stated in Policy 7, testing will be conducted prior to construction to determine the presence of contamination at the site and the nature of the soil/sediment removal and placement. If the nature of the removed material is non-hazardous it can be retained on site. If the nature of the excavated material is found to be hazardous, the material will be treated and disposed of at a facility approved to accept hazardous material. The project is consistent with this policy.

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

Recreation and water access will be limited during construction but are expected to return to their current levels post-construction. Trails will be maintained or rebuilt to the extent possible as agreed by the local owner; therefore, the project is consistent with this policy.

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

Physical, visual and recreational access maybe temporarily restricted during the construction, however, will return to their current levels post-construction. As stated above, trails will be maintained or rebuilt to the best extent possible; therefore, the project is consistent with this policy.

WRP Policy 8.3: *Provide visual access to the waterfront where physically practical.*

See Policy 8 and 8.1 above.

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

The project will preserve and restore existing open space by removing invasive species. The project will enhance scenic resources; therefore, the project is consistent with this policy.

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

One of the planning goals for this project includes "improving public education opportunities through the watershed to promote public ownership of restoration"; therefore, the project is consistent with this policy.

WRP Policy 8.6: *Design waterfront public spaces to encourage the waterfront's identify and encourage stewardship.*

See Policy 8.5 above.

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

The project will preserve and restore existing open space by removing invasive species. The project will enhance scenic resources; therefore, the project is consistent with this policy.

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

See Policy 9 above.

WRP Policy 9.2: *Protect and enhance scenic values associated with natural resources.*

See Policy 9 above.

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

A Cultural Resources Baseline Study has been completed for the site to identify potentially significant cultural resources in the project area. The restoration area will not affect any known prehistoric sites. One (1) historical resource (The New York Botanical Gardens) is located within one (1) mile of the restoration site. Further testing will be conducted in the Plans and Specifications Phase of the project and will be completed prior to construction. The USACE will consult with the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) to develop plans to complete identification and evaluation of historic resources found within the project area. Appropriate treatment plans for historic resources that may be affected will be developed with input from the NYSOPRHP. Therefore, this project is consistent with this policy.

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

See Policy 10 above.

WRP Policy 10.2: *Protect and preserve archaeological resources and artifacts.*

See Policy 10 above.