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

The project is not expected to negatively impact boating within Jamaica Bay. By reducing the depths of some areas, traffic may be restricted to only shallow draft boats. No existing marinas or ports will be affected; therefore, the project is consistent with this policy.

WRP Policy 3.4: *Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water use.*

The tentatively selected plan (TSP) design at Bayswater Point State Park will address chronic shoreline erosion and protect shoreline from wave action by incorporating offshore structures; therefore, the project is consistent with this policy.

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

The goal of the TSP is consistent with the stated goal of this policy. The planned restoration will restore salt marsh and adjacent upland habitat and improve water quality. The project is consistent with this policy.

WRP Policy 4.1: *Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.*

Bayswater Point State Park is recognized as being within a Special Natural Waterfront Area (SNWA). The New York City Comprehensive Waterfront Plan recognizes SNWAs as large areas with significant open spaces and concentrations of natural resources including wetlands, habitats, and buffer areas. An objective of the TSP is to restore coastal habitats, which is in direct accord with this policy. The project is consistent with this policy.

WRP Policy 4.3: *Protect designated Significant Coastal Fish and Wildlife Habitats.*

Restoration activities at Bayswater will improve and/or increase physical, biological, and chemical parameters including tidal inundation, flushing rates, turbidity, erosion control, vegetative diversity, wildlife habitat, habitat diversity, and water quality. Excavation will be done and will impact existing habitat; however, all work will be done using best management practices (BMPs) for erosion control. Upland vegetation clearing and excavation will be done only in areas that are currently dominated by introduced invasive species; planting and seeding of the native vegetative species will replace the existing invasive species and improve vegetative diversity. Placement of structural materials will protect marshes and create beneficial habitat for macroinvertebrates. Since the focus of this project is to protect habitat and restore ecological function, the project is consistent with the goals of this policy.

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

The primary goal for this project is to restore degraded tidal ecosystems, improve environmental quality, and enhance fish and wildlife habitat. Project activities include restoring a total of five (5) acres of low

marsh, high marsh, creek/pool, beach/dune and hard structures; 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 TSPs selected for Bayswater will include, protecting and restoring a total of five (5) acres of low marsh, high marsh, creek/pool, beach/dune and hard structures which will prevent the spread of invasive into aquatic habitat, improve vegetative diversity, and create wildlife habitat and foraging areas. The capacity of the existing wetland and the selected plan to perform specific wetland functions and values was assessed using the Evaluation of Planned Wetlands procedure. Current vegetative communities, tidal patterns, and human use patterns at the project site were observed, documented, and incorporated into an analysis of the existing site and in the selection for the recommended 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.*

The United States Fish and Wildlife Service stated that roseate tern, piping plover, and seabeach amaranth are known to occur within two (2) miles of, but not at Bayswater Point State Park. The roseate tern and piping plover would not nest at this site, but may use the area for foraging. Seabeach amaranth is not expected to be found at this site due to lack of foredunes. According to the New York Natural Heritage Program (NYNHP), least tern (*Sternula antillarum*), Schweinitz's flatsedge (*Cyperus schweinitzii*), seaside bulrush (*Scirpus maritimus*), northern gama grass (*Tripsacum dactyloides*), saltmarsh aster (*Symphyotrichum subulatum*), and side-oats grama (*Bouteloua curtipendula*) have been found at nearby sites. NYNHP has also stated that the existing low salt marsh community found at Bayswater is to be protected as a rare community of New York State. 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 restoration project planned for Bayswater not only will maintain and protect aquatic resources, but will create habitat for shellfish, finfish, and benthic resources. Salt marshes and estuaries provide essential habitat for fish caught commercially and recreationally. Species such as summer flounder, scup, butterfish, mullet, menhaden, Atlantic croaker, and blue crab all use salt marshes as juvenile or adults for feeding and refuge. Additionally, the design plan includes the creation of a tidal pool to the west of the creek/marsh complex, which will provide habitat for fish and arthropods. Therefore, the restoration measures implemented for the project are consistent with this policy.

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

One of the project's restoration objectives is to improve water quality. The project includes the preservation, enhancement, and restoration of wetland areas, providing for an increase in wetland water quality functions. Water quality functions of wetlands include erosion control, sediment stabilization, and filtration of dissolved particulate materials; therefore, the project is consistent with this policy.

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

As stated in Policy 5, the preservation, enhancement, and restoration of wetland areas will provide water quality functions such as erosion control, sediment stabilization, and filtration of dissolved particulate

materials, improving the overall water quality of the area; therefore, the project is consistent with this policy.

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 in a manner to prevent or minimize adverse impacts such as soil erosion and sediment alteration. For example, work can be accomplished during low tidal periods or in areas temporarily disconnected from tidal waters. In addition, all appropriate BMPs for soil erosion and sediment control including use of an environment bucket to perform mechanical dredging, 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 be implemented at the site to protect water quality; therefore, the project is consistent with this policy.

WRP Policy 5.5: *Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.*

As stated in Policy 5, the preservation, enhancement, and restoration of coastal habitat will provide water quality functions such as erosion control, sediment stabilization, and filtration of dissolved particulate materials, improving the overall water quality of the area; 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.*

Erosion control structures will be built at Bayswater. These structures include training structures at the mouth of the creek. These structures will protect wetlands, beach, and constructed habitats. The expansion and restoration of wetland habitat should slightly increase flood storage at the site, but is not expected to make an overall change in flood zones. 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 stated in Policy 6, the project includes the protection and restoration of wetland habitat and expansion and restoration of wetland habitat will slightly increase flood storage on the site, but is not expected to make an overall change in flood zone. The project also includes the construction of offshore structures, which will aid in the management of shoreline erosion at the site. 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 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.*

Preliminary sampling has been completed at the site and will be utilized to consider the impacts of the conceptual plans, however further sampling will be conducted during the next phase of this project before final plans are created. It is expected that this further 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. Preliminary testing has showed contaminant types and levels as would be expected in urban areas. 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, preliminary testing showed contaminants common in urban areas present on site. Further testing will be utilized to define these areas. Based on these findings and the nature of the soil/sediment, removal and placement can be undertaken. 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.*

As a state park, this project site provides opportunities for both passive and active recreation. The existing nature trail provides excellent opportunities for walking, hiking, nature study, and bird watching. The nature trail also provides shoreline access for fishing. The proposed action will have positive impacts to the recreational and educational features of this site by creating a much more diverse landscape with enhanced wildlife habitat and viewing opportunities. Restoration activities will not modify public access and the interior walking trails will be reestablished after construction. 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.*

See Policy 8 above.

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

See Policy 8 above.

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

See Policy 8 above.

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

See Policy 8 above.

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

See Policy 8 above.

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

Bayswater Point State Park consists of undeveloped parkland with approximately 72.77 acres of open space, providing a quality viewshed for the surrounding residential community. There are disturbed areas within the project site where invasive species such as common reed and mugwort dominate, as well as areas that are mowed or developed. The site also contains a broad and continuous band of well-developed salt marsh along the shore and 10.5 acres of mature woodland. An eroding seawall surrounds the bay's perimeter providing protection to the point, but helping to form a sand spit to the southwest of the project area. The spit creates a calm backwater area where migrant and resident birds congregate. By restoring the coastal habitat along Brant Point, the project will protect habitats from erosion, improve water quality, preserve and enhance the physical landscape; therefore, the project is consistent with and furthers the goals of 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 Phase 1A Cultural Resources survey 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. 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, National Park Service - Gateway National Recreation Area. Therefore, the 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.