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 project goal is to increase/improve wetlands, public access, shoreline and shallows, and habitat for fish, crabs, and lobster; therefore, the project is consistent with this policy.

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

Restoring the river bed and removing debris from the river channel are critical components of fish passage projects along the Bronx River that will complement upstream 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.*

The project includes the creation of 0.04 acres of emergent wetlands and the removal of invasive plants on both banks of the Bronx River. Created wetlands will provide beneficial wildlife habitat and increase native biodiversity in the area; 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.*

Currently, the project site is extremely disturbed by anthropogenic impacts with limited or disturbed natural areas. Wetland resources are sparse with few small pockets present along the banks. Uplands consist of developed areas with fragmented woodlots further impaired by garbage and stormwater runoff. The river's benthic substrate consists mostly of large rock and construction debris with poor water quality. The channel is engineered and the shoreline is armored. Overall, the project site has low ecological value and provides limited habitat for fish and wildlife. The proposed restoration measures include invasive and debris removal, channel modification, native plantings, emergent wetland creation, shoreline softening, and river bed restoration. These restoration measures will create important habitat for migratory birds, increase biodiversity, improve aquatic habitat and water quality, increase flood control, provide ecological enhancements for viewing opportunities, and improved public access. The Evaluation of Planned Wetlands assessment method was used to characterize the functional capacity of the project site. The assessment results estimated the current resource value and the potential increase in resource value for each alternative restoration plan proposed. 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 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 so as 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 listed bird species 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.*

Bed restoration between the dam and 180th Street and debris removal will improve the current linear stream environment, providing fish habitat and improving the flow along the river. With the addition of vegetation, emergent wetlands and shoreline softening the riverbanks will be stabilized with shade and shallow water habitat provided for aquatic resources; therefore, the project is consistent with this policy.

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

With bed restoration and debris removal, the project will create improved aquatic habitat and hydrologic flow. Additionally, with the creation of wetlands, the installation of native plants and shoreline softening along the river, the project's restoration measure will provide erosion control, sediment stabilization, and improve filtration of stormwater runoff; therefore, the project is consistent with this policy.

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

As stated in Policy 5, wetland creation, bed restoration, and shoreline softening 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 Best Management Practices (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. 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 environmental 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, wetland creation, bed restoration, and shoreline softening 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.*

Wetland creation and bed restoration will increase the flood control value of the project site; 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 restoration of wetland habitat, which will slightly increase flood storage on the site, but is not expected to make an overall change in flood zone. 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.*

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, from, and along New York City's coastal waters.*

Bronx River Park offers recreational opportunities including walking, viewing opportunities, and recreational boating. The park is best known as the home of the Bronx Zoo and New York Botanical Gardens. Bronx Park has many recreational areas including playgrounds, bicycle paths, baseball diamonds, tennis and basketball courts, and football and soccer fields. During construction, viewsheds and recreational access may be temporarily restricted. However, 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 and improvement of public access to natural resources. Restoration activities will not modify public access and any trails that were temporarily disturbed 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.*

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 above.

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

During construction there will be temporary adverse impacts to aesthetics, recreation, and public access. Examples of impacts include viewsheds under construction and temporary restrictions to recreational areas. However, in the long-term, beneficial impacts to aesthetics, recreation, and public access are anticipated from restoration measures. The project will create new natural habitat or enhance existing habitat, and this will enhance the aesthetic of the project sight. Implementation of public access to natural resources will allow for increased recreational opportunities including fishing, boating, and hiking. 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 Cultural Resources Baseline Study has been completed to identify potentially significant cultural resources in the project area. The restoration area will not affect any known prehistoric sites. Nineteen (19) historic resources and one (1) archaeological site have been identified within one (1) mile of the project area. 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, 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.