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 goal of the tentatively selected plan (TSP) design for this project is consistent with the stated goal of this policy. The important functions attributed to the restoration oyster reefs includes maintenance of water quality, nutrient processing, shoreline stabilization, and provision of nursery habitat for finfish and shellfish in Jamaica Bay; therefore, 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.*

The project will restore the structure and function of the estuary's benthic ecosystem and create significant habitat for estuarine macro fauna; therefore, the project is consistent with this policy.

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

As stated in Policy 4, above, restoration of oyster beds will create nursery habitat for estuarine-dependent finfish and shellfish; therefore, the project is consistent with the goals of 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 implementation of the TSP will create structurally complex habitat mosaics that will provide living space for the growth and reproduction of many species including invertebrates; therefore, 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.*

Restoration plans have been carefully mapped so as to avoid areas where state-listed species were found during surveys; however, prior to construction, a final survey of the restoration site will be completed to ensure that impacts to rare plants or animals will be avoided. If plants are found within the restoration site, best management practices (BMPs) will be utilized. If listed animals are found, plans will be made to avoid disturbances through construction windows and other BMPs. Cumulatively, the restoration projects set the occur in Jamaica Bay are expected to have positive impacts to sea turtles, marine mammals, fish and invertebrates by improving water quality, benthic environment, and improve habitat for forage species; therefore, the project is consistent with this policy.

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

Local shellfish, finfish, and benthic macroinvertebrate population will be temporarily impacted during construction, principally through increase in sedimentation and turbidity. However, sedimentation and turbidity from wetland and upland restoration will be minimized through the implementation of BMPs such

as staked straw bales, reinforced silt fencing, filtered sediment traps, and other approved methods. Therefore, 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 water quality during construction, erosion and sediment control measures 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.*

As stated in Policy 5.2, restoration will require in-water work; therefore, BMPs will be implemented to protect the water quality of the surrounding resources. 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.*

The restoration of oyster reefs will result in improved water quality in Jamaica Bay by filtering nutrients, sediments, and phytoplankton from the water column; 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 creation of oyster beds is expected to prevent ongoing erosion problems and protect marsh habitat in Jamaica Bay. Additionally, none of the structures proposed for oyster bed restoration is expected to cause flooding; 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 is not expected to cause flooding; 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 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 area 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 7.2: *Prevent and remediate discharge of petroleum products.*

The use of construction equipment may present the potential for hydrocarbons to spill while storing or refueling equipment. However, the use of BMPs such as secondary containment for fuel storage areas, and proper maintenance of equipment to prevent leaks will be implemented; therefore, the project is consistent with this policy.

WRP Policy 7.3: *Transport solid waste and hazardous materials and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.*

As stated in Policy 7, contaminated soils or solid wastes on site will be excavated, removed, and processed at a disposal facility approved to accept hazardous waste; therefore the project is consistent with this policy.

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

The proposed activities will not modify public access to the Jamaica Bay Wildlife Refuge; 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.*

As stated in Policy 8, the proposed activities will not modify public access; 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 natural habitat in Jamaica Bay, thereby enhancing the scenic resources in New York City's coastal area. 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 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 - 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.