

**Saw Mill Creek Pilot Wetland Mitigation Bank, Staten Island, New York
Mitigation Banking Instrument
Modification No. 1
February 2024**

Purpose

The New York City Economic Development Corporation (NYCEDC) acting on behalf of and as agent to the New York City Department of Small Business Services (the Sponsor), proposes to modify the Mitigation Banking Instrument (MBI) to add an additional 10.90 acres of mitigation to the Saw Mill Creek Pilot Wetland Mitigation Bank (Bank). The Sponsor requests approval from the Interagency Review Team (IRT) and the Co-chairs, the US Army Corps of Engineers (USACE) and the New York State Department of Environmental Conservation (NYSDEC), to modify the approved MBI dated June 2015 as outlined in this modification request. The proposed changes include:

- Revisions to the MBI to add an additional 10.90 acres of mitigation to the Bank. In early 2013, the original 91.1-acre “general project area” considered for the Bank included the 10.90-acre area now known as Southwestern Section. However, due to budget and other limitations, in late 2013 the western portion of the Bank was reduced to the 15.00-acre area in the approved MBI. The proposed Southwestern Section addition is located immediately south of the existing Bank.
- The 10.90-acre area is bounded by a railroad to the west, Saw Mill Creek Bank and privately-owned parcels to the north, Chelsea Road to the east, and Saw Mill Creek to the south. The project area is comprised of 4 parcels owned by New York City and consists mainly of tidal marsh and upland areas with some areas of fill and development.
- The purpose of the project is to restore, enhance, and maintain 10.90 acres of emergent wetlands, scrub shrub wetlands, open water channels, mudflat habitat, and uplands in accordance with the provisions of this MBI and regulatory permits.
- The proposed site provides a significant tidal wetland restoration opportunity in New York City and in the NYSDEC Atlantic Ocean/Long Island Sound Watershed and the HUC08 Sandy Hook-Staten Island subbasin (02030104). It is anticipated that the additional area will provide the following wetland functions and services: improved water quality, flood attenuation, sediment quality and increased plant diversity and wildlife species abundance and diversity.

Modifications to the MBI

The Bank Sponsor proposes to modify the following sections of the MBI.

Section I. (Preamble), C. (Location and Ownership of Bank Lands), line 3 (page 3)
Change “68.94 acres” to “79.84 acres.”

Section I., C., line 9 (page 3 of MBI) – after, “Route 440 to the south.”

Insert:

A third 10.90-acre section is bounded by railroad tracks to the west, private commercial properties and the western section of the Bank to the north, Chelsea Road to the east and Saw Mill Creek to the south.

Section I., C. (page 4 of MBI)

Insert the following Blocks and Lots for the additional area to Table 1 (Project Area Parcel Summary)

Block	Lot	Owner
1815	204	The City of New York
1815	220	The City of New York
1815	235	The City of New York

Exhibit A. Vicinity Map

Replace:

Exhibit A

With:

Revised Exhibit A Vicinity Map with Southwestern Section

Exhibit B. Description of Property

Insert:

Description of Property – Southwestern Section

The Property is located on Staten Island in Richmond County, New York as shown on the U.S. Geologic Survey (USGS) topographic map of Arthur Kill, NY 7.5-minute quadrangle (Exhibit A). The Southwestern section is bounded by railroad tracks to the west, private commercial properties and the western section of the Bank to the north, Chelsea Road to the east and Saw Mill Creek to the south.

The total area for the Southwestern Section property is 10.90 acres. The Property is located at Latitude 40.609077 and Longitude -74.190386 within the NYSDEC Atlantic Ocean/Long Island Sound Watershed and the 8- digit Hydrologic Unit Code (HUC08) Sandy Hook-Staten Island subbasin (02030104). As of the Effective Date, the Property is designated on the Tax Map for the Borough of Staten Island with the following block and lot numbers.

Block	Lot	Owner
1815	204	The City of New York
1815	220	The City of New York
1815	235	The City of New York
1815	251	The City of New York

Exhibit B, Form of Restrictive Declaration

Change “68.94 acres” to “79.84 acres” throughout.

Exhibit B, Attachment 1 (Metes and Bounds Description)

Insert:

Metes and bounds description for the additional southwestern section.

Exhibit B, Attachment 2 (Boundary Survey Map)

Insert:

Boundary survey map for the additional southwestern section

Exhibit C. Baseline Conditions Report

Insert:

Baseline Conditions Report for Southwestern Section

Exhibit C. Baseline Conditions Report, Attachment C-1 Project Area Photographs

Insert:

Attachment C-1 Project Area Photographs of Southwestern Section

Exhibit C. Baseline Conditions Report, Attachment C-3 Historic Aerials

Insert:

Revised Attachment C-3 Historic Aerials with Southwestern Section Depicted

Exhibit D. Project Development Plan

Insert:

Project Development Plan for Southwestern Section

Attachment D - 1 Tidal Data Analysis Report

Attachment D - 2 Design Plans

Attachment D - 3 Simulating the Impact of Sea Level Rise

Exhibit E. Functional Assessment

Insert:

Functional Assessment for Southwestern Section

Appendix I Completed Assessment Area Data Forms

Appendix J List of Preparers

Section I., F. (Establishment and Use of Credits), Table 2 (page 7 of MBI)

Insert:

Table 2a. Anticipated Credit Generation for Southwestern Section

Mitigation Type	Acres	Ratio	Credits
Restoration (Re-establishment)	1.68	1.20:1	1.40
Restoration (Rehabilitation)	1.35	2.14:1	0.63
Wetland Enhancement (Tidal)	5.68	10.0:1	0.57
Buffer Rehabilitation	2.19	6.69:1	0.33

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Total	10.90		2.93
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Section I., F., after Table 2a. (page 7 of MBI)

Insert:

The additional area in Table 2a increases the anticipated total credits from 18.64 to 21.57 and increases the total area of restored aquatic ecosystems from 23.76. to 26.79 acres.

Section II. (Definitions) (page 17 of MBI), “Property”

change 68.94 acre to 79.84 acre

Section V. (Operation and Use of the Bank), D. (Functional Assessment Methodology), second paragraph (page 32 of MBI)

change 18.64 to 21.57 credits

Section V., F. (Schedule of Credit Availability), Table 4 (page 39 of MBI)

Insert:

Table 4a: Debiting Schedule of Available Credits for Additional Area

Task Completed	Percent Credits Available	Credits Available
MBI amendment approved, Financial Assurance secured, schedule submitted, permits issued, property protection implemented, and electronic versions Instrument provided	10%	0.29
Successful establishment of the approved hydrologic regime	20%	0.59
Successful establishment of the vegetative community (completion of planting)	10%	0.29
Monitoring indicates that the performance standards in the Instrument have been met at the end of one calendar year from completion of construction activities, including planting.	20%	0.59
Monitoring indicates that the performance standards in the Instrument have been met for three consecutive years.	20%	0.59

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Monitoring in accordance with the Instrument indicates that the performance standards in the Instrument have been met for five consecutive years and the Long Term Land Steward has signed the Long Term Management Plan.	20%	0.59
TOTAL	100%	2.93

Signatures

The Sponsor and the Various IRT agencies have executed this Instrument Modification on the date herein below last written.

Signature

Date

Name

Bank Sponsor
New York City Department of Small Business Services

Signatures

This MBI Modification becomes effective when the appropriate officials, designated to act for the USACE and for NYSDEC, have signed below.

Signature

Date

Chief, Regulatory Branch
U.S. Army Corps of Engineers, New York District

Signatures

This MBI Modification becomes effective when the appropriate officials, designated to act for the USACE and for DEQ, have signed below.

Signature

Date

New York State Department of Environmental Conservation