



**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

**Caswell F. Holloway**  
Commissioner

September 14, 2010

**Beach 88<sup>th</sup>/94<sup>th</sup> Street Outfall Project**  
**CEQR No. 09DEP041Q**

**Angela Licata**  
Deputy Commissioner  
Bureau of Environmental  
Planning and Analysis  
[alicata@dep.nyc.gov](mailto:alicata@dep.nyc.gov)

This Negative Declaration has been prepared in compliance with the requirements of the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, Article 8 of the Environmental Conservation Law establishing the New York State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (NYCDEP), as lead agency, has determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. An Environmental Assessment Statement (EAS) form and attachments were distributed on August 3, 2010.

59-17 Junction Boulevard  
Flushing, NY 11373  
T: (718) 595-4398  
F: (718) 595-4479

---

**PROJECT DESCRIPTION**

The New York City Department of Design and Construction (NYCDDC), on behalf of the New York City Department of Environmental Protection (NYCDEP), is proposing the Beach 88th/94th Street Infrastructure Improvements project. The project area is within Queens Community Board 14 and the Hammels (Arverne) section of Far Rockaway, Queens, a largely residential community with some commercial uses fronting Rockaway Freeway and Beach Channel Drive. The proposed action involves the construction of a new stormwater outfall and the installation of new stormwater collection sewers, relocation of water mains, upgrade of sanitary sewer lines, the reconstruction of affected streets, and restoration of wetland areas that will enhance public access and recreation along the Jamaica Bay waterfront.

***PROPOSED BEACH 88TH/94TH RESTORATION PLAN***

Design of the proposed Beach 88th/94th Street outfall was developed with the objective of limiting disturbance to tidal wetlands, to the extent feasible, while providing the necessary restoration for areas temporarily disturbed during construction. Permanent impacts from the construction of the proposed action would be restored as part of a proposed restoration plan encompassing a 1.2-acre area surrounding the construction easement at the Beach 88th/94th Street Outfall Project site. Block 16109, Lot 70, where the sewer easement is located, along with six other lots, were transferred to the City to be used as a park. NYCDDC and NYCDEP are proposing a restoration plan for Lot 70 Block 16109 that would include: debris removal and minor regrading along the shoreline, the construction of a pedestrian bridge to allow an access way over the new outfall structure near the shoreline, and

hydro-seeding of maritime grasses and some upland planting to secure the site. The proposed wetland restoration also includes removing a crumbling concrete retaining wall on Lot 185 to re-establish tidal flow and permit the establishment of wetland vegetation. It is anticipated that this restoration plan would provide compensatory restoration for the permanent tidal wetland impacts for this project and five other NYCDDC/NYCDEP outfall projects to be constructed in the Jamaica Bay watershed: Beach 42nd Street (FY 2009), Chandler Street (FY 2011), Bay 32nd Street (FY 2011), Alameda Avenue Outfall (FY 2013), and Shellbank and 95<sup>th</sup> Street Outfall (FY 2012).

The restoration would be constructed after the new sewer outfall at Beach 88th Street is complete. NYCDDC and NYCDEP believe that the Beach 88th/94th Street Restoration Plan would serve multiple objectives, including wetland and upland restoration opportunities and provide additional public access to Jamaica Bay. These objectives are consistent with the NYCDEP Jamaica Bay Watershed Protection Plan and many other Jamaica Bay environmental objectives. The proposed restoration plan has been reviewed by the New York State Department of Environmental Conservation (NYSDEC).

Construction of the proposed action is expected to begin in February 2011 and is expected to be completed in January 2013. Construction of the proposed restoration is included within this schedule and would take approximately 60-90 days. Thus, the duration of construction is expected to be approximately 24 months.

Under SEQRA guidelines, the proposed action is classified as an Unlisted action<sup>1</sup>.

#### **POTENTIAL IMPACT ASSESSMENT**

As presented in detail in the August 3, 2010 EAS, the proposed action would not result in the potential for significant adverse impacts to occur to any aspects of the environment. Detailed discussions of all impact categories are presented in the August 2010 EAS; key conclusions are summarized below.

#### **Open Space**

As described above and in the EAS, the site for the Beach 88th/94th Street Restoration Plan on Block 16109, Lot 70 was transferred to the New York City Department of Parks and Recreation (NYCDPR) to be used as a public park. The design of the proposed wetland restoration would be coordinated with NYCDPR. In addition, the walkway over the outfall structure at the mean high-water line would facilitate public access across the proposed outfall. The proposed action is consistent with the 2006 New York State Open Space Conservation Plan. Therefore, the proposed action would not result in potential significant adverse impacts on open space.

#### **Urban Design and Visual Resources & Neighborhood Character**

While the proposed action would remove only three trees, it would also transplant 15 trees and 160 trees would be pruned. The tree pruning is proposed by NYCDPR to reduce the long-term impacts of the proposed action on the existing trees, and would benefit the street trees. Thus, while the local street trees would be pruned, the aesthetic and visual resource values provided by the local street trees would continue to be provided and there would not be any long-term impacts on visual and neighborhood character.

---

<sup>1</sup> According to SEQRA and set forth in 6NYCRR Part 617, Unlisted actions are those actions or projects that are do not meet or exceed a threshold contained in the Type I list and is not identified as a Type II action.

The proposed action also includes the planting of 23 replacement trees in the project area as part of the final design of the proposed action. While every effort will be made to replace the trees in their current location or close by, there is the potential that the street trees could not be replaced in their exact current location in order to minimize potential damage to NYCDEP infrastructure (i.e. water mains and sewers) from tree roots. In the event that the trees cannot be replaced in their original location, a coordination effort would commence between NYCDDC, NYCDEP, NYCDPR, and adjacent property owners to find the best location to plant replacement trees. In addition, the general character of the surrounding area would remain unchanged due to the limited number of trees that need to be removed for the proposed action within the broader neighborhood. Therefore, the proposed action would not result in potential significant adverse impacts to urban design or visual resources or neighborhood character.

### **Natural Resources**

With the proposed storm sewer outfall, there would be some additional stormwater runoff pollutants discharged into Jamaica Bay in an open water area of good mixing. Given the baseline conditions and the minimal anticipated impacts of the proposed outfall on local water quality, discharges from the proposed outfall would not result in potential significant impact on water quality. A cumulative water quality assessment performed for all six of the Jamaica Bay outfalls to be constructed concluded that the differences between the baseline and proposed water quality are negligible and generally occur in the head of the basins, leaving the mouths of the basins unaffected. The cumulative impact of the proposed discharges on water quality in the open waters of Jamaica Bay, where greater dilution will occur, is therefore also negligible.

While the proposed action would include onsite, in-kind restoration of temporary construction-period impacts, the Beach 88th/94th Street Restoration Plan would provide restoration for the permanent tidal wetland impacts associated with the proposed action (i.e., the area of the proposed outfall structure) and five other outfall projects. The in-kind restoration and the Beach 88<sup>th</sup>/94<sup>th</sup> Street Restoration Plan will restore and improve wetland areas and increase recreational access to Jamaica Bay for area residents. The New York State Department of Environmental Conservation (NYSDEC) concurs with the proposed restoration plan. Therefore, the proposed action would not result in potential significant adverse impacts to natural resources.

### **Hazardous Materials**

The proposed action would require disturbance and excavation of underlying soils during the construction of the new storm sewer outfall and new storm sewer infrastructure. The proposed action would be installed below-grade within previously disturbed areas or undeveloped land.

As part of a Consent Order, fill soil and debris materials were removed from the restoration property (Block 16109, Lot 70) and the site was graded and stabilized. No hazardous materials were identified during those construction activities. A Construction Health and Safety Plan (CHASP) will be prepared in the event that hazardous materials are encountered during the restoration work. With these measures in place, the proposed wetland restoration element of the proposed action is not expected to have significant adverse impacts with respect to hazardous materials.

Based on the Phase II results, a CHASP would be also developed for the purposes of constructing the proposed action. Soil disturbance would not be performed without NYCDEP's written approval of the CHASP. All soil removed from the site must be properly disposed of in accordance with the applicable federal, state, and local regulations and additional testing of soils may also be required by the receiving

and/or recycling facility. Imported soil on the site must be from an approved source and graded across all disturbed areas. Clean fill and topsoil must be segregated at the source and follow all required sampling and handling requirements per NYCDEP. Any dewatering activities would be subject to the requirements of an Industrial Stormwater Pollutant Discharge Elimination System (SPDES) Discharge Permit for temporary dewatering activities in accordance with the current Industrial SPDES Discharge Permit NY0026221.

Therefore, with these measures in place, the proposed action would not have potential significant adverse impacts from hazardous materials.

### **Construction**

Construction of the proposed action is expected to begin in February 2011 and is expected to be completed in January 2013. Construction of the proposed restoration is included with this schedule and would take approximately 60-90 days.

Construction impacts with the proposed action would be typical for a sewer installation project in the right-of-way and would be temporary and short in duration. Construction of the proposed outfall would occur on NYCDPR land that is largely buffered from uses that may be sensitive to construction activities (e.g., residences and community facilities). Although public access will be temporarily allowed until construction begins, public access to the site as a waterfront park will be possible once the proposed action and restoration of the site is complete.

The site of the proposed restoration plan would occur on recently acquired City parkland. However the proposed wetland restoration construction would be temporary and of short duration and would ultimately improve public access and the conditions of natural features of this site. During this period of construction any informal use of the site for public access would need to be restricted. However, public access to the site as a waterfront park would be possible once the proposed restoration is complete.

All construction activities would be performed in accordance with NYSDEC's technical standards for erosion and sediment control (e.g., booms and silt curtains) and would be implemented in accordance with a Stormwater Pollution Prevention Plan (SWPPP) to minimize potential adverse impacts to water quality and aquatic biota during construction. The proposed action would also include measures to control and contain turbidity during construction, and several measures would be undertaken to restore areas disturbed under the current condition including the removal of invasive plants as well as the removal of debris.

Traffic associated with the construction of the proposed action would consist primarily of construction workers, construction management staff, and trucks entering and exiting the proposed sites. However, temporary increases in vehicular and truck traffic during construction of the proposed outfall would not be expected to exceed the 50-peak hour trip threshold established by the CEQR guidelines during these time periods and would be temporary and short in duration.

The installation of storm sewers in local streets as part of the proposed action would require some temporary lane closures and disruption of local traffic, and some curbside parking areas would be affected. Overall, work in local streets is proceeding in segments and is expected to be temporary and short in duration. In addition, the contractor would be required to restore the full width of the street at the

end of each daily construction period to allow free flow of traffic. It is expected that the proposed action would require some temporary sidewalk closures along the segment of construction for the purposes of providing the street improvements. However, the duration of closures would be limited and adequate temporary diversions would be provided for each phase of street construction. All construction activities, temporary lane closures, diversions, and temporary removal of street parking would be subject to NYCDOT approval under a street and sidewalk construction permit.

Given the limited construction activities and the duration of construction, the proposed action would not result in potential significant adverse construction related impacts.

**STATEMENT OF NO SIGNIFICANT EFFECT**

The NYCDEP has determined that, as proposed, the Beach 88th/94th Street Infrastructure Improvements project is not anticipated to have any potential significant adverse impacts on the quality of the environment. No significant adverse impacts on urban design and visual resources, neighborhood character, natural resources, hazardous materials or other impact categories would occur as a result of the proposed action. Any land use zoning, and public policy, open space, natural resources, traffic, air quality, and noise impacts related to construction will be temporary and short in duration, and will follow appropriate governing regulations and therefore are not considered significant effects on the environment or public health. These conclusions are based on the analyses and determinations provided within the EAS of August 3, 2010.

**Supporting Statements**

The above determination is based on an environmental assessment that finds that the action, as proposed, would not result in significant effects on the environment that requires the preparation of an Environmental Impact Statement.

**For further information, please contact:**

Margot Walker  
Project Manager, Office of Stormwater Management Planning  
NYC Department of Environmental Protection  
Bureau of Environmental Planning and Assessment  
59-17 Junction Boulevard, 11<sup>th</sup> Floor  
Flushing, New York 11373  
Phone: (718) 595-4367  
Email: margotw@dep.nyc.gov



---

Esther Siskind  
Assistant Commissioner  
New York City Department of Environmental Protection

CC: Helen M. Marshall, Queens Borough President  
Dolores Orr, Queens Community Board 14 Chairperson

Beach 88th/94th Street Outfall Project  
Negative Declaration, CEQR#09DEP041Q  
Page 6, 9/14/2010

Jonathan Gaska, Queens Community Board 14 District Manager  
Robert Kulikowski, NYC Office of Environmental Coordination  
Michael McSweeney, NYC City Clerk/City Record  
John Cyran, NYS Department of Environmental Conservation  
Steve Zahn, NYS Department of Environmental Conservation  
George Nieves, US Army Corps of Engineers  
Herve Carrie, NYCDDC  
Jim Garin, NYCDEP  
Julie Stein, NYCDEP  
Margot Walker, NYCDEP