

For Internal Use Only:	WRP no. _____
Date Received: _____	DOS no. _____

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form**

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other State Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

A. APPLICANT

1. Name:
New York City Department of Environmental Protection

- Address:
59-17 Junction Boulevard, Flushing, NY 11373

3. Telephone: **718-595-4413** Fax: _____

- E-mail Address: _____

4. Project site owner: _____

B. PROPOSED ACTIVITY

1. Brief description of activity:
Construction of water mains to distribute water from the proposed Shaft 33B to City Water Tunnel No. 3 Stage 2—Manhattan Leg to the east side of Manhattan.

2. Purpose of activity:
The potential construction of the Sutton Place water main route would convey water from the proposed Shaft 33B to the local water distribution system in the northern part of East Midtown. The purpose of the project is to improve water reliability and water supply in the area. It would also meet the City's goal of providing water supply redundancy in this area. With water supply from City Tunnel No. 3 in place in this area, there would be no service disruptions or dramatic changes in pressure when City Tunnel No. 3, Stage 2 Manhattan Leg comes on-line and replaces service from City Tunnel No. 1

3. Location of activity: **Manhattan** Borough: _____

- Street Address or Site Description:
Sutton Place between E. 59th Street and E. 55th Street

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

N/A

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

N/A

6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement? **Yes** **No**

If yes, identify Lead Agency: _____

The New York City Department of Environmental Protection has prepared an Environmental Impact Statement to assess the potential for impacts from construction and operation of Shaft 33B and its associated water mains.

7. Identify City discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.

N/A

C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program*.

Check either "Yes" or "No" for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "()" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

Location Questions:		Yes	No
1.	Is the project site on the waterfront or at the water's edge?	_____	<input checked="" type="checkbox"/>
2.	Does the proposed project require a waterfront site?	_____	<input checked="" type="checkbox"/>
3.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<input checked="" type="checkbox"/>

Policy Questions:		Yes	No
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The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each questions indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4.	Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1)	_____	<input checked="" type="checkbox"/>
5.	Is the project site appropriate for residential or commercial redevelopment? (1.1)	_____	<input checked="" type="checkbox"/>
6.	Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<input checked="" type="checkbox"/>
7.	Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	<input checked="" type="checkbox"/>

Policy Questions cont'd:		Yes	No
8.	Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	_____	✓
9.	Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	_____	✓
10.	Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	✓
11.	Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	✓
12.	Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	✓
13.	Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	✓
14.	Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	_____	✓
15.	Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	✓
16.	Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	✓
17.	Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	✓
18.	Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	_____	✓
19.	Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)	_____	✓
20.	Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	_____	✓
21.	Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	_____	✓
22.	Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	✓
23.	Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	✓
24.	Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	✓
25.	Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	✓
26.	Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	✓
27.	Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	✓
28.	Would the action cause violations of the National or State air quality standards? (5.2)	_____	✓

Policy Questions cont'd:		Yes	No
29.	Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	_____✓
30.	Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	_____	_____✓
31.	Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	_____✓
32.	Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	_____	_____✓
33.	Would the action result in any construction activities that would lead to erosion? (6)	_____	_____✓
34.	Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	_____	_____✓
35.	Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	_____✓
36.	Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	_____✓
37.	Would the proposed project affect a non-renewable source of sand? (6.3)	_____	_____✓
38.	Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)	_____	_____✓
39.	Would the action affect any sites that have been used as landfills? (7.1)	_____	_____✓
40.	<p>Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)</p> <p>A Phase I Environmental Site Assessment (ESA) prepared for the Sutton Place route determined that the areas of potential excavation may contain suspected contaminated soils and groundwater. After a water main route is selected and prior to in-ground disturbance, a Phase II ESA will be conducted. The Phase II ESA will include environmental testing of soil and groundwater in the areas of potential disturbance to determine the presence, type and level of contaminants that may be present. It is expected that with implementation of the remedial measures outlined in Section 4.14 of the EIS, no potential significant adverse hazardous materials impacts will occur from construction of the water mains.</p>	_____✓	_____
41.	Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	_____✓
42.	Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	_____✓
43.	Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	_____	_____✓
44.	Would the action result in the provision of open space without the provision for its maintenance? (8.1)	_____	_____✓
45.	Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)	_____	_____✓
46.	Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	_____✓
47.	Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	_____	_____✓
48.	Does the project site involve lands or waters held in public trust by the state or city? (8.5)	_____	_____✓

Policy Questions cont'd:		Yes	No
49.	Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	_____✓
50.	Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	_____✓
51.	Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	_____	_____
<p>If the Sutton Place water main route is selected, NYCDEP will consult with the New York City Landmarks Preservation Commission (NYCLPC) to determine if an archaeology study is warranted. If NYCLPC determines that a study is warranted, a Phase IA archaeological resources assessment will be prepared. Should any potential resources be identified, a monitoring plan would be developed in consultation with NYCLPC prior to any project construction. Any resources encountered would be properly documented in consultation with NYCLPC.</p> <p>The Sutton Place route does not contain any architectural resources; the study area contains two known architectural resources—the Queensboro Bridge and the Sutton Place Historic District. In addition, there is a potential architectural resource at 310 E. 55th Street. In its review of the Draft EIS, the New York State Office of Parks, Recreation and Historic Preservation found that the building at 310 E. 55th Street meets the criteria for eligibility of the State and National Registers. Appropriate measures would be implemented during construction to protect historic resources (see Section 5.5).</p>			
52.	Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	_____	_____✓
	See Policy Question 51, above.	_____✓	_____

D. CERTIFICATION

The applicant must certify that the proposed activity is consistent with New York City’s Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

“The proposed activity complies with New York State’s Coastal Management Program as expressed in New York City’s approved Local Waterfront Revitalization Program, pursuant to New York State’s Coastal Management Program, and will be conducted in a manner consistent with such program.”

Applicant/Agent Name: New York City Department of Environmental Protection

Address: 59-17 Junction Boulevard, Flushing, NY 11373

Telephone _____

Applicant/Agent Signature:  Date: January 18, 2006