

***Attachment C***

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## **THE NEW WATERFRONT REVITALIZATION PROGRAM**

### **A PROPOSED 197a PLAN**

#### **THE POLICIES**

**POLICY 1 SUPPORT AND FACILITATE COMMERCIAL AND RESIDENTIAL REDEVELOPMENT IN AREAS WELL-SUITED TO SUCH DEVELOPMENT.**

**POLICY 1.1 ENCOURAGE COMMERCIAL AND RESIDENTIAL REDEVELOPMENT IN APPROPRIATE COASTAL ZONE AREAS.**

The proposed project would be an upgrade to the facilities of the Tallman Island Water Pollution Control Plant (WPCP). The site is zoned M-2. This policy is not applicable.

**POLICY 1.2 ENCOURAGE NON-INDUSTRIAL DEVELOPMENT THAT ENLIVENS THE WATERFRONT AND ATTRACTS THE PUBLIC.**

This policy is not applicable (refer to 1.1 above.)

**POLICY 1.3 ENCOURAGE REDEVELOPMENT IN THE COASTAL AREA WHERE PUBLIC FACILITIES AND INFRASTRUCTURE ARE ADEQUATE OR WILL BE DEVELOPED.**

Adequate infrastructure exists on the site and in the area to complete the proposed plant upgrade.

**POLICY 2 SUPPORT WATER-DEPENDENT USES AND INDUSTRIAL USES IN NEW YORK CITY COASTAL AREAS THAT ARE WELL-SUITED TO THEIR CONTINUED OPERATION.**

The Tallman Island WPCP is well situated for its continuing operation. It is located along the East River allowing for the effective and economical discharge of its treated wastewaters. The site has been operated as a WPCP since 1939.

**POLICY 2.1 PROMOTE WATER-DEPENDENT USES AND INDUSTRIAL USES IN SIGNIFICANT MARITIME AND INDUSTRIAL AREAS.**

This area is not a designated Significant Maritime and Industrial Area. This policy is not applicable.

**POLICY 2.2 ENCOURAGE WORKING WATERFRONT USES AT APPROPRIATE SITES OUTSIDE THE SIGNIFICANT MARITIME AND INDUSTRIAL AREAS.**

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The site is not within a Significant Maritime and Industrial Area, but as noted in Policy 2.1, the facility is a water-dependent use, requiring the East River for effective and economical discharge of treated wastewater.

**POLICY 2.3 PROVIDE INFRASTRUCTURE IMPROVEMENTS NECESSARY TO SUPPORT WORKING WATERFRONT USES.**

The proposed action is an upgrade to the existing Tallman Island WPCP facilities. This work would improve the facility's operations, which is an integral component of the public wastewater infrastructure system of New York City. The site is not within a designated Working Waterfront Area.

**POLICY 3 PROMOTE USE OF NEW YORK CITY'S WATERWAYS FOR COMMERCIAL AND RECREATIONAL BOATING AND WATER-DEPENDENT TRANSPORTATION CENTERS.**

The proposed action would ensure a reliable and effective treatment of wastewater thereby indirectly promoting waterway use for commercial and recreational boating.

**POLICY 3.1 SUPPORT AND ENCOURAGE RECREATIONAL AND COMMERCIAL BOATING IN NEW YORK CITY'S MARITIME CENTERS.**

Refer to Policy 3 response.

**POLICY 3.2 MINIMIZE CONFLICTS BETWEEN RECREATIONAL, COMMERCIAL, AND OCEAN-GOING FREIGHT VESSELS.**

This policy is not applicable.

**POLICY 3.3 MINIMIZE IMPACT OF COMMERCIAL AND RECREATIONAL BOATING ACTIVITIES ON THE AQUATIC ENVIRONMENT AND SURROUNDING LAND AND WATER USES.**

This policy is not applicable.

**POLICY 4 PROTECT AND RESTORE THE QUALITY AND FUNCTION OF ECOLOGICAL SYSTEMS WITHIN THE NEW YORK CITY COASTAL AREA.**

The proposed upgrade to the Tallman Island WPCP would increase the reliability of effective wastewater treatment resulting in the improvement of East River water quality, which, in turn, protects and restores the East River ecology.

**POLICY 4.1 PROTECT AND RESTORE THE ECOLOGICAL QUALITY AND COMPONENT HABITATS AND RESOURCES WITHIN THE SPECIAL NATURAL WATERFRONT AREAS, RECOGNIZED ECOLOGICAL COMPLEXES, AND SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS.**

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The proposed action would assist in the maintenance of adequately treated wastewater to the East River. This, in turn, would protect and restore ecological quality.

**POLICY 4.2 PROTECT AND RESTORE TIDAL AND FRESHWATER WETLANDS.**

This policy is not applicable.

**POLICY 4.3 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.**

This policy is not applicable.

**POLICY 4.4 MAINTAIN AND PROTECT LIVING AQUATIC RESOURCES.**

The proposed upgrade to the Tallman Island WPCP would increase the reliability of effective wastewater treatment resulting in the improvement of East River water quality, which, in turn, will protect and protect the East River living aquatic resources.

**POLICY 5 PROTECT AND IMPROVE WATER QUALITY IN THE NEW YORK COASTAL AREA.**

Refer to Policy 4 response.

**POLICY 5.1 MANAGE DIRECT OR INDIRECT DISCHARGES TO WATERBODIES.**

Refer to Policy 4 response. The proposed action also includes the redirection of stormwater collected on the Tallman Island WPCP site to the headwork of the facility where it would be treated along with influent sewage.

**POLICY 5.2 PROTECT THE QUALITY OF NEW YORK CITY'S WATERS BY MANAGING ACTIVITIES THAT GENERATE NONPOINT SOURCE POLLUTION.**

Refer to Policy 4 and 5.1 responses.

**POLICY 5.3 PROTECT WATER QUALITY WHEN EXCAVATING OR PLACING FILL IN NAVIGABLE WATERS AND IN OR NEAR MARSHES, ESTUARIES, TIDAL MARSHES, AND WETLANDS.**

This policy is not applicable.

**POLICY 5.4 PROTECT THE QUALITY AND QUANTITY OF GROUNDWATER, STREAMS, AND THE SOURCES OF WATER FOR WETLANDS.**

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There would be no disturbance to streams, including their beds and banks. Similarly, groundwater and sources of water for wetlands would not be affected.

**POLICY 6 MINIMIZE LOSS OF LIFE, STRUCTURES AND NATURAL RESOURCES CAUSED BY FLOODING AND EROSION.**

The existing site has a 1,200-ft long bulkhead along the East River but would not be affected by the proposed action. A majority of the site lies above the 100-year floodplain.

**POLICY 6.1 MINIMIZE LOSSES FROM FLOODING AND EROSION BY EMPLOYING NON-STRUCTURAL AND STRUCTURAL MANAGEMENT MEASURES APPROPRIATE TO THE CONDITION AND USE OF THE PROPERTY TO BE PROTECTED AND THE SURROUNDING AREA.**

Refer to Policy 6 response.

**POLICY 6.2 DIRECT PUBLIC FUNDING FOR FLOOD PREVENTION OR EROSION CONTROL MEASURES TO THOSE LOCATIONS WHERE THE INVESTMENT WILL YIELD SIGNIFICANT PUBLIC BENEFIT.**

This policy is not applicable.

**POLICY 6.3 PROTECT AND PRESERVE NON-RENEWABLE SOURCES OF SAND FOR BEACH NURISHMENT.**

This policy is not applicable.

**POLICY 7 MINIMIZE ENVIRONMENTAL DEGRADATION FROM SOLID WASTE AND HAZARDOUS SUBSTANCES.**

This policy is not applicable.

**POLICY 7.1 MANAGE SOLID WASTE MATERIAL, HAZARDOUS WASTES, TOXIC POLLUTANTS, AND SUBSTANCES HAZARDOUS TO THE ENVIRONMENT TO PROTECT PUBLIC HEALTH, CONTROL POLLUTION AND PREVENT DEGRADATION OF COASTAL ECOSYSTEMS.**

This policy is not applicable.

**POLICY 7.2 PREVENT AND REMEDIATE DISCHARGE OF PETROLEUM PRODUCTS.**

This policy is not applicable.

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**POLICY 7.3 TRANSPORT SOLID WASTE AND HAZARDOUS SUBSTANCES AND SITE SOLID AND HAZARDOUS WASTE FACILITIES IN A MANNER THAT MINIMIZES POTENTIAL DEGRADATION OF COASTAL RESOURCES.**

This policy is not applicable.

**POLICY 8 PROVIDE PUBLIC ACCESS TO AND ALONG NEW YORK CITY'S COASTAL WATERS.**

The existing public access around much of the site perimeter would be maintained as part of the proposed action.

**POLICY 8.1 PRESERVE, PROTECT AND MAINTAIN EXISTING PHYSICAL, VISUAL AND RECREATIONAL ACCESS TO THE WATERFRONT.**

Refer to Policy 8 response.

**POLICY 8.2 INCORPORATE PUBLIC ACCESS INTO NEW PUBLIC AND PRIVATE DEVELOPMENT WHERE COMPATIBLE WITH PROPOSED LAND USES AND COASTAL LOCATION.**

Refer to Policy 8 response.

**POLICY 8.3 PROVIDE VISUAL ACCESS TO COASTAL LANDS, WATERS AND OPEN SPACE WHERE PHYSICALLY PRACTICAL.**

Refer to Policy 8 response.

**POLICY 8.4 PRESERVE AND DEVELOP WATERFRONT OPEN SPACE AND RECREATION ON PUBLICLY OWNED LAND AT SUITABLE LOCATIONS.**

Refer to Policy 8 response.

**POLICY 8.5 PRESERVE THE PUBLIC INTEREST IN THE USE OF LANDS AND WATERS HELD IN PUBLIC TRUST BY THE STATE AND CITY.**

Refer to Policy 8 response.

**POLICY 9 PROTECT SCENIC RESOURCES THAT CONTRIBUTE TO THE VISUAL QUALITY OF THE NEW YORK CITY COASTAL AREA.**

Applicable sub-policies are addressed in the following responses.

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**POLICY 9.1 PROTECT AND IMPROVE VISUAL QUALITY ASSOCIATED WITH NEW YORK CITY'S URBAN CONTEXT AND HISTORIC AND WORKING WATERFRONT.**

The site improvements would be designed in accordance with the applicable requirements of M2 zoning requirements and the facility needs of the WPCP.

**POLICY 9.2 PROTECT SCENIC VALUES ASSOCIATED WITH NATURAL RESOURCES.**

The Tallman Island WPCP site is practically devoid of any vegetation and the site is essentially covered with buildings, structures or paved with asphalt. As noted in the EAS, the proposed action would include the construction of a 27 KV electrical substation. The facility would be sited on NYCDEP property on existing open space. The facility would blend in with the general architecture of the WPCP.

**POLICY 10 PROTECT, PRESERVE AND ENHANCE RESOURCES SIGNIFICANT TO THE HISTORICAL, ARCHAEOLOGICAL AND CULTURAL LEGACY OF THE NEW YORK CITY COASTAL AREA.**

The proposed action would not affect five structures determined to be eligible as NYC landmarks and one potentially eligible as a NYC and National Register landmark. An Eligibility Assessment Report had been submitted to New York State Historic Preservation Officer and the New York City Landmarks Preservation Commission. There would be no impact on archeological resources as the site has been extensively filled, excavated and modified since the 1930's.

**POLICY 10.1 RETAIN AND PRESERVE DESIGNATED HISTORIC RESOURCES AND ENHANCE RESOURCES SIGNIFICANT TO THE COASTAL CULTURE OF NEW YORK CITY.**

Refer to Policy 10 response.

**POLICY 10.2 PROTECT AND PRESERVE ARCHAEOLOGICAL RESOURCES AND ARTIFACTS.**

Refer to Policy 10 response.

For Internal Use Only:

WRP no. \_\_\_\_\_

Date Received: \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, 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 subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. 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 agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

1. Name: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_
4. Project site owner: \_\_\_\_\_

### B. PROPOSED ACTIVITY

1. Brief description of activity:
  
  
  
  
  
  
  
  
  
  
2. Purpose of activity:
  
  
  
  
  
  
  
  
  
  
3. Location of activity: (street address/borough or site description):

**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:
  
- 5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
  
- 6. Will the proposed project require the preparation of an environmental impact statement?  
 Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, identify Lead Agency:
  
- 7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

**C. COASTAL ASSESSMENT**

**Location Questions:**

**Yes No**

- 1. Is the project site on the waterfront or at the water's edge? \_\_\_\_\_
- 2. Does the proposed project require a waterfront site? \_\_\_\_\_
- 3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? \_\_\_\_\_

**Policy Questions**

**Yes No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question 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) \_\_\_\_\_
- 5. Is the project site appropriate for residential or commercial redevelopment? (1.1) \_\_\_\_\_
- 6. Will the action result in a change in scale or character of a neighborhood? (1.2) \_\_\_\_\_

**Policy Questions cont'd**

**Yes No**

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) \_\_\_\_\_
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 Habitat? (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? (4.1and 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 a 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. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

\_\_\_\_\_

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 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 publicly 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)

\_\_\_\_\_

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)

\_\_\_\_\_



**ATTACHMENT TO  
WATERFRONT REVITALIZATION PROGRAM  
Consistency Assessment Form  
Tallman Island Water Pollution Control Plant Upgrade**

The accompanying Consistency Assessment Form has a number of questions answered "Yes". This attachment identifies and addresses these questions. The reader is also referred to the accompanying Environmental Assessment Statement (EAS) for more detailed descriptions of the proposed action and potential impacts.

**Q.9** The Tallman Island Water Pollution Control Plant (WPCP) is situated on an approximately 30 acre peninsular at the western edge of Powell's Cove in the College Point section of Queens, New York. The site extends into the waters of the East River, west of the Whitestone Bridge. The peninsular is mostly bulkheaded and includes a pier that extends north into the East River. (See Section 1 of the EAS).

**Q.18** Powell's Cove is designated a Special Natural Waterfront Area and is the waterbody to the east of the WPCP that extends to the Whitestone Bridge. (See Sections 2.1, 2.3, 2.4 and 2.14 of the EAS).

**Q. 25** The Tallman Island WPCP has operated here since the 1930's and serves the northeast portion of the Borough of Queens, approximately 17,400 acres of land with an estimated population of nearly 400,000 residents. Over the intervening years the plant has been expanded and upgraded several times. The proposed upgrades to the WPCP would increase the reliability of effective wastewater treatment and include an enhanced biological nutrients removal process (BNR). This enhanced BNR process would remove more of the biological nutrients in the wastewater and thereby would benefit the water quality and ecology of the East River and adjacent Powell's Cove. (See Section 1 of the EAS).

**Q. 32** The great majority of the site lies above the 100-year flood elevation, however, portions of the northern and eastern waterfront are identified as within the 100-year flood zone: a sliver paralleling the waterfront along the eastern side of the plant is designated in the VE zone, associated with wave action; and small portion of the northern part of the plant is in the AE zone where BFEs have been established. One new electrical substation is proposed near the eastern waterfront but would be elevated above the flood zone.

**Q. 38** As part of standard operations, hazardous materials are utilized on a regular basis at the Tallman Island WPCP. Hazardous materials handled, stored, and/or utilized include a variety of petroleum products (fuel oils, lubricant oils, hydraulic oils, diesel fuel), solvents (thinners, cleaners), ferric chloride (used in sludge dewatering processes), and sodium hypochlorite (used for wastewater disinfection and control of wastewater foaming). The proposed action includes a shift from oil/diesel engines to electric motors, thereby reducing the need for these materials on site. (See Section 2.16 of the EAS).

**Q. 40** See response to Q. 38.

**Q. 41** See response to Q. 38.

**Q.42** The proposed action includes construction of a new 27KV Substation adjacent to the main gate of the WPCP along Powell's Cove Boulevard. The substation would be located on DEP property that is presently accessible to the public in a 2.75 acre area of open space to the west of the main WPCP. The new substation would require 0.25 acres of this grassy area but would not affect the public's access the remainder of this area, including its principal features of a mound providing views of the East River and the walkway along the bulkhead and out to the pier in the East River. (See Sections 2.3, 2.4, 2.5, 2.6, 2.14 and 2.15 of the EAS).

**Q. 47** See response to Q. 42.

**Q. 50** The WPCP is a utilitarian complex with a variety of facilities that would not be considered as contributing to the area's scenic quality, including sludge aeration batteries, sludge thickener tanks, digester tanks, etc. The complex obscures most views of the East River from nearby residences south of Powell's Cove Boulevard, however, the DEP-owned open space to the west of the plant permits public access and provides scenic views of the East River from an elevated area and from a walkway along the western bulkhead to a pier extending into the East River. These vantage points would not be affected by the proposed action. (See response to Q.42).