

5.5 NAVIGABLE WATERWAYS AND COASTAL ZONE

This section discusses the effect of the Proposed Action on navigable waterways, and the Proposed Action's consistency with coastal zone policies.

5.5.1 Navigable Waterways

The project corridor is located approximately 500 feet landward of New York Harbor and, therefore, would have no effect upon navigable waterways. The project is not at the water's edge, nor would it involve in-water construction or any other activities that would affect navigable waterways. At this time, construction materials movement via barging to and from the project site has not been determined to be feasible or cost-effective. If, however, future studies show barging to be a viable materials movement option, potential environmental impacts associated with barging will be evaluated.

5.5.2 Coastal Zone

5.5.2.1 Existing Conditions

The proposed project corridor is located within New York City's designated coastal zone. This condition has not changed since September 11, 2001.

The Federal Coastal Zone Management Act (CZMA) of 1972 was established to encourage and assist the states in preparing and implementing management programs to preserve, protect, develop, and restore or enhance the resources of the nation's coastal zone. The CZMA empowers individual states that have received federal delegation to implement and enforce the CZMA only if a state creates a program and policies to protect its coasts. The CZMA requires that federally funded actions within the coastal zone be, to the maximum extent feasible, consistent with approved state management programs.

New York State's Waterfront Revitalization and Coastal Resources Act of 1981 led to the creation of the New York State Coastal Management Program (CMP), a program that established 44 state policies and designated five coastal zones, including one in New York City. Figure 25 shows the City's coastal zone boundary in the project vicinity in Lower Manhattan. The program also requires that state agencies undertaking actions within the coastal zone make a determination of consistency with state coastal area policies, and file such determinations with the New York State Department of State (NYS DOS), the agency administering the CMP. Correspondence between MTA/NYCT and the NYSDOS regarding this consistency determination is included in Appendix G.

Pursuant to state regulations, New York City adopted a Local Waterfront Revitalization Program (LWRP) in 1982 to address coastal zone issues specific to New York City. The LWRP, containing 44 state policies and 12 City-specific policies, was incorporated into New York State's CMP. The LWRP was updated in September 2002 and renamed the *New Waterfront Revitalization Program (WRP)*. The new WRP condensed the 1982

LWRP's 44 state and 12 City-specific policies into 10 policies that account for all Federal, State, and local policies regarding protection and enhancement of the coastal zone within the City's boundaries. Collectively, the 10 policies create a framework for the coastal zone management of resources.

Proposed actions that are situated within New York City's coastal zone and require discretionary action must address their consistency with the City's new WRP. In order to address the full range of projects that could take place throughout the coastal zones of the State and the City, the 10 City policies incorporate the following coastal topics:

- Residential and Commercial Redevelopment
- Water-Dependent and Industrial Development
- Commercial and Recreational Boating
- Coastal Ecological Systems
- Water Quality
- Flooding and Erosion
- Solid and Hazardous Substances
- Public Access
- Scenic Resources
- Historic and Cultural Resources

MTA/NYCT has consulted with New York State Department of State (NYS DOS) regarding the South Ferry Terminal Project. In correspondence dated February 17, 2004 (see Appendix G), NYSDOS determined that the project meets the Department's general consistency concurrence criteria.

5.5.2.2 Potential Environmental Impacts

Analysis Year 2005/2006 (Construction)

No Build Condition

Under the No Build Condition, the South Ferry Terminal Project would not be constructed. There would not be any change in coastal zone conditions in the study area as a result. It would also not be expected that there would be substantial changes in coastal zone conditions as a result of the implementation, construction, or operation of other actions that could occur in the project vicinity between 2003 and 2005/2006.

Proposed Action

Because the South Ferry Terminal Project is located in the coastal zone, the project is evaluated in this section for consistency with coastal zone policies. The consistency review of the 44 State policies followed by the 10 City policies, appears below, and is applicable to all three analysis years (2005/2006, 2008, and 2025). As shown, the Proposed Action would be consistent with all applicable State and City coastal zone policies. A copy of the required Coastal Assessment Form has been submitted to the NYSDOS and is included in Appendix G.

New York State Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

The proposed project site is not located in a deteriorated or underutilized waterfront area; therefore this policy is not applicable.

New York State Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

The proposed project does not involve the siting of a water-dependent use, but would improve intermodal connectivity in the Lower Manhattan area, including service between the subway system and ferry service to Staten Island, Brooklyn, New Jersey, the Statue of Liberty and Ellis Island. The proposed project is also not located directly on the waterfront.

New York State Policy 3: Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

The proposed project would support the waterborne transportation of people by improving mass transit service to/from several major commuter and tourist ferry lines, including the ferries to Staten Island, Brooklyn, New Jersey, the Statue of Liberty and Ellis Island. The proposed project would not impede the further development of, nor have any detrimental effect on the operation of the Port of New York. Therefore the proposed project would be consistent with this policy.

New York State Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those activities which have provided such areas with their unique maritime identity.

The proposed project site is not located within a small harbor area; therefore this policy is not applicable.

New York State Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.

The proposed project would improve transit service to Lower Manhattan public services and facilities. Therefore the proposed project would be consistent with this policy.

New York State Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

The South Ferry Terminal project is one of several Lower Manhattan transportation recovery projects designated to receive high-level attention under Federal Executive

Order 13274, *Environmental Stewardship and Transportation Project Review* (see Appendix A). This designation as a priority project is intended to help expedite the rebuilding and enhancement of the transit system impacted by the terrorist attacks as projects advance through the NEPA review process. Therefore the proposed project would be consistent with this policy.

New York State Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.

The proposed project is located inland and would have no effect upon coastal fish and wildlife habitats. Therefore the proposed project is consistent with this policy.

New York State Policy 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effects on those resources.

The proposed project would not result in the discharge of hazardous wastes and other pollutants into the coastal area; therefore the proposed project is consistent with this policy.

New York State Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

The proposed project does not involve the expansion of the recreational use of fish and wildlife resources in the coastal area and does not propose to increase access to existing resources. Therefore this policy is not applicable.

New York State Policy 10: Further develop commercial finfish, shellfish and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks and expanding aquaculture facilities.

The proposed project does not propose the development of commercial finfish, shellfish and crustacean resources in the coastal area; therefore this policy is not applicable.

New York State Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

The proposed project is located inland and would be sited and constructed so as to not cause flooding or erosion. Therefore the proposed project would be consistent with this policy.

New York State Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

There are no beaches, dunes, barrier islands or bluffs at the proposed project site; therefore this policy is not applicable.

New York State Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

No erosion control structures are proposed with the proposed project; therefore this policy is not applicable.

New York State Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

No erosion control structures are proposed at the proposed project site; therefore this policy is not applicable.

New York State Policy 15: Mining, excavation, or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

The proposed project does not involve any mining, excavation or dredging in coastal waters; therefore this policy is not applicable.

New York State Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

No erosion control measures are proposed for the proposed project; and therefore this policy is not applicable.

New York State Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

The proposed project is on level ground, surrounded by paved and planted surfaces and traffic islands. However, appropriate erosion control measures would be employed during construction, as necessary; therefore the project would be consistent with this policy.

New York State Policy 18: To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests and to the safeguards which the State has established to protect valuable coastal resource areas.

With respect to the proposed project, the economic, social and environmental interests of the State of New York and its citizens are given full consideration through the preparation of an environmental assessment pursuant to NEPA, SEQRA and other studies, including this analysis of the proposed project's consistency with applicable coastal zone policies.

New York State Policy 19: Protect, maintain, and increase the level and types of access to water-related recreation resources and facilities.

The proposed project would improve transit access to Battery Park, a public park offering passive recreational opportunities including views of the Hudson River, East River, New York Harbor, Statue of Liberty and Ellis Island. Within the park are major tourist ferry lines serving Statue of Liberty and Ellis Island. Therefore the proposed project would be consistent with this policy.

New York State Policy 20: Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

As noted above, the proposed project would enhance transit access to the publicly-owned waterfront; therefore the proposed project would be consistent with this policy.

New York State Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

As noted above, the proposed project would enhance transit access to water-dependent and water-enhanced recreational uses, therefore the proposed project would be consistent with this policy.

New York State Policy 22: Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

The proposed project would not include any water-related recreational component; however, it would improve transit service to Battery Park and the water-related recreational activities located there. Therefore the proposed project would be consistent with this policy.

New York State Policy 24: Prevent impairment of scenic resources of statewide significance.

According to the NYS Department of State, the proposed project is not located in a designated scenic area of statewide significance; therefore, this policy is not applicable.

New York State Policy 25: Protect, restore, and enhance natural and manmade resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

The proposed project would be located predominantly underground and would have no adverse impact on the scenic quality of the coastal area. Therefore the project is consistent with this policy.

New York State Policy 26: Conserve and protect agricultural lands in the State's coastal area.

There is no agricultural land at the proposed project site; therefore this policy is not applicable.

New York State Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

The proposed project does not involve development of a major energy facility; therefore this policy is not applicable.

New York State Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

The proposed project does not involve ice management practices; therefore this policy is not applicable.

New York State Policy 29: Encourage the development of energy resources on the Outer Continental Shelf (OCS), in Lake Erie and in other water bodies and ensure the environmental safety of such activities.

The proposed project does not involve the development of energy resources on the Outer Continental Shelf; and therefore this policy is not applicable.

New York State Policy 30: Municipal, industrial and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

Dewatering activities may be required during construction and operation of the proposed project. Groundwater would be tested prior to disposal and, if it does not meet State and National water quality standards, would be discharged to the sanitary sewer.

New York State Policy 31: State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already over-burdened with contaminants will be recognized as being a development constraint.

The proposed project does not involve the review of coastal water classifications or modifications to existing water quality standards; therefore this policy is not applicable.

New York State Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

The proposed project is not located in a small community; therefore this policy is not applicable.

New York State Policy 33: Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.

Construction activities will incorporate Best Management Practices as appropriate to minimize stormwater runoff. Therefore the proposed project would be consistent with this policy.

New York State Policy 34: Discharge of waste material into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

No discharge of waste from coastal vessels subject to State jurisdiction would occur as a result of the proposed project; therefore this policy is not applicable.

New York State Policy 35: Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

The proposed project does not involve dredging and/or dredge spoil disposal; therefore this policy is not applicable.

New York State Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Best Management Practices will be used during the proposed project regarding the shipment and/or storage of petroleum materials; therefore the project would be consistent with this policy.

New York State Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Best Management Practices, including surface drainage control techniques, would be employed during construction of the proposed project to control the non-point discharge of excess nutrients, organics and/or eroded soils into coastal waters. Therefore the project would be consistent with this policy.

New York State Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Although project construction may require dewatering activities, with potential discharge to New York Harbor or the Hudson River, these water bodies are not sources of drinking water. Any discharge associated with the proposed project will comply with all applicable water quality regulations.

New York State Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

Any solid or hazardous waste generated by the proposed project would be collected by a licensed carting company and disposed of in accordance with all applicable regulations. Soils and groundwater would be tested for the presence of hazardous materials prior to construction and all appropriate measures would be taken to ensure the safety of workers and the public. It is assumed that any storage of solid or hazardous waste onsite would be minimal and temporary, and that no potential contamination of groundwater or surface water would occur. Therefore, the proposed project is consistent with this policy.

New York State Policy 40: Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

The proposed project does not include steam electric generating and/or industrial facilities; therefore this policy is not applicable.

New York State Policy 41: Land use or development in the coastal area will not cause national or state air quality standards to be violated.

The proposed project would not cause violations of applicable air quality standards.

New York State Policy 42: Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

No such reclassifications are anticipated as a result of the proposed project.

New York State Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

The proposed project would not generate substantial amounts of acid rain precursors.

New York State Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

No tidal or freshwater wetlands are located on the proposed project site; therefore this policy is not applicable.

New York City Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

The policy's intent of redeveloping coastal areas with declined or a traditional industrial use with commercial or residential uses is not applicable to the site, nor would the project preclude such development. The Proposed Action is an infrastructure project that will support the functional restoration of Lower Manhattan, and assist in meeting the area's transportation and access needs. Therefore, the Proposed Action would be consistent with this policy.

New York City Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

The Proposed Action is an infrastructure project that will support the functional restoration of Lower Manhattan, and assist in meeting the area's transportation and access needs, including access to nearby water-dependent and industrial uses. Therefore, the Proposed Action would be consistent with this policy.

New York City Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

The project is compatible with access to ferry service located at the Whitehall Ferry Terminal and service to the Statue of Liberty and Ellis Island. The project would not have an effect on commercial and recreational boating. Therefore, the Proposed Action is consistent with this policy.

New York City Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

The project would not affect the quality and function of ecological systems in the coastal area. Therefore, the policy is not applicable to the Proposed Action.

New York City Policy 5: Protect and improve water quality in the New York City coastal area.

The operational phase of the project would not result in substantial increases of discharge from the site. Therefore, the Proposed Action would be consistent with this policy. All construction-related activities, including dewatering, would be carefully monitored to avoid and minimize unnecessary discharges. All discharges would be pre-treated on site or discharged through the City's sanitary sewer lines. All discharges would be in accordance with permits and approvals provided prior to construction.

The construction and operation of the project would not result in soil erosion or result in transfer of additional nutrients or pollutants to the Hudson River. Rather, the proposed facility may encourage greater use of public transit and reduce reliance upon automobiles, thereby minimizing non-point source pollution. As a result, the Proposed Action would be consistent with this policy.

New York City Policy 6: Minimize the loss of life, structures, and natural resources caused by flooding and erosion.

The Proposed Action would not increase the amount of impervious surface or increase flood hazards on site or in the immediate vicinity of the project. The Proposed Action does not include erosion control measures except those related to temporary construction purposes. As a result, the Proposed Action is consistent with this policy.

New York City Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

No hazardous wastes or toxic pollutants are anticipated to be generated by this project. Minimal amounts of solid waste would be disposed of by private hauler to appropriate licensed landfills to be determined. No petroleum products are anticipated to be disturbed or discharged by the Proposed Action. In the unlikely event that petroleum is disturbed or discharged, it would be remediated in conformance with all applicable laws, rules, and regulations. All solid waste generated by the Proposed Action would be disposed of in appropriate facilities off site. As a result, the Proposed Action would be consistent with this policy.

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

The Proposed Action would enhance transit access to Battery Park, a public park offering passive recreational opportunities including views of the Hudson River, East River, New

York Harbor, Statue of Liberty, and Ellis Island. Within the park are tourist ferry lines serving the Statue of Liberty and Ellis Island. Therefore, the Proposed Action would be consistent with this policy.

New York City Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

The Proposed Action would be located predominantly underground and would not affect the scenic quality of the coastal area. Therefore, the Proposed Action is consistent with this policy.

New York City Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

The project corridor is located in an area of historic, archaeological and cultural sensitivity. Project construction may encounter historic archaeological resources, but is not anticipated to adversely affect these resources. An Archaeological Resource Management Plan (ARMP) has been prepared for the project, to establish protocols for the protection and preservation of historic archaeological resources, should they be encountered during project construction. The project would also not adversely affect historic architectural resources (see Section 5.13). Therefore, the Proposed Action is consistent with this policy.

Analysis Year 2008 (Initial Operation)

No Build Condition

Under the No Build Condition, the South Ferry Terminal Project would not be constructed. There would not be any change in coastal zone conditions in the study area as a result. It would also not be expected that there would be any adverse changes in coastal zone conditions as a result of the implementation, construction, or operation of other actions that could occur in the project vicinity by the initial operational year of 2008.

Proposed Action

As indicated in the coastal zone policy analysis above, the Proposed Action would be consistent with all applicable State and City coastal zone policies.

Analysis Year 2025 (Long Term Operation)

No Build Condition

Under the No Build Condition, the South Ferry Terminal Project would not be constructed. There would not be any change in coastal zone conditions in the study area as a result. It would also not be expected that there would be any adverse changes in coastal zone conditions as a result of the implementation, construction, or operation of other actions that could occur in the project vicinity at long term operations in 2025.

Proposed Action

As indicated in the coastal zone policy analysis above, the Proposed Action would be consistent with all applicable State and City coastal zone policies.