

**A. INTRODUCTION**

As described in Chapter 16, sections of the Second Avenue Subway tunnel alignment and several proposed spoils removal and staging areas would be located within the designated boundaries of New York City's Coastal Zone (see Figures 16-1 and 16-2). The project's location in the Coastal Zone necessitates obtaining a Coastal Zone consistency determination from the State and City, for both its construction and operations activities prior to issuance of a Record of Decision (ROD) by the Federal Transit Administration (FTA). Copies of letters from the New York State Department of State related to the project's consistency are provided at the end of this appendix.

The federal Coastal Zone Management Act (CZMA) of 1972, established to support and protect the nation's coastal zones, empowers states that have received federal delegation to implement the CZMA and to set forth standard policies for reviewing proposed development projects along coastlines. NYSDOS has created such a program, called the New York State Coastal Management Program (CMP), which is administered at the State level. The program includes 44 policies for consideration with respect to consistency with the Coastal Zone Management Plan. The NYCDCP has adopted the CMP through its Local Waterfront Revitalization Program (LWRP); the City also implements the CMP at the local level. As of August 2002, the LWRP includes 10 policies for waterfront protection and improvement specifically for sites in New York City. These policies are a response to Federal, State, and local concerns about development within the Coastal Zone.

The 44 State and 10 City policies were developed to address the full spectrum of projects that could occur throughout the State and City's Coastal Zones. These include the following issues:

- Public access
- Recreation
- Development
- Flood and erosion hazards
- Water resources
- Fish and wildlife
- Scenic quality
- Cultural resources
- Air quality
- Energy
- Agriculture

While several of these policies (for example, agriculture) are not relevant to the Second Avenue Subway, NYSDOS, in consultation with NYCDCP, requires a comprehensive assessment of a project's potential effects on all policies. Consequently, the following assessment addresses the consistency of the entire project with both the 44 State and 10 City Coastal Zone policies.

The discussion below addresses the policies that are relevant to the Second Avenue Subway project and describes the proposed project's consistency with each policy. Since the 10 new, consolidated LWRP policies have been approved by New York State, they are also addressed in this section, following the discussion of the 44 statewide policies. NYSDOS, in consultation with NYCDOP, will issue a consistency determination for the Second Avenue Subway based on the assessment of the project's consistency with the relevant State and City policies.

Following is a detailed demonstration of the project's consistency with first the State and then the City policies for waterfront protection and improvement. (Discussion of the relevant regulatory framework for the assessment is provided in Chapter 16, as is a description of the Second Avenue Subway's construction and operational activities that would occur within the coastal zone.)

### **B. THE PROJECT'S CONFORMANCE WITH STATE WRP POLICIES**

The following discussion assesses the Second Avenue Subway's compliance with statewide policies.

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

Construction activities for the Second Avenue Subway would occur along the waterfront at one location—Pier 6, which was recently used as a barge-based debris removal operation for the World Trade Center recovery efforts. In addition, minor or limited additional use of lands in or adjacent to the Coastal Zone could occur near the Harlem River, with additional use of the 207th Street yard and at a construction staging area at 128th Street and Second Avenue, where underground storage tracks could be constructed between 129th and 125th Streets. The southern segment of the alignment south of Madison Street, the Seaport and Hanover Square stations, and potential underground storage tracks south of Hanover Square would be constructed in or along the Coastal Zone along Water Street. Potential spoils removal activities along Old Slip, Gouverneur Lane, or at Water Street near Coenties Slip, would also occur within the Coastal Zone.

The proposed project would be consistent with this policy because it would provide a significant improvement in the regional transportation network, which, in turn, would support the revitalization of waterfront areas. In particular, the proposed project would enhance transportation access along Manhattan's East Side, and would support continued revitalization of Lower Manhattan by improving access and thereby supporting the revitalization for commercial, cultural, and waterfront recreational uses.

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

Overall, it is not the objective of the proposed project to directly facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters. However, as stated above, to the extent that the proposed project indirectly supports such activities in the Coastal Zone, the proposed project is consistent with this policy. The Second Avenue Subway proposes to temporarily site a water-dependent use at Pier 6 on the East River. Although this use would only be for the duration of the subway's construction, such activities would reduce the amount of trucking required and would be consistent with this policy.

**Policy 3:** Promote the development and use of the State’s major ports as centers of commerce and industry, emphasizing the siting, within port areas, of land use and development that is necessary to, or in support of, the waterborne transportation of cargo and people. The State’s major ports are the ports of Albany, Buffalo, New York, Ogdensburg, and Oswego.

The proposed project would facilitate regional transportation. As stated above, to the extent that the proposed project supports commercial revitalization of the Coastal Zone, it is consistent with this policy.

**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 a unique identity.

Since the Port of New York is a major port, this policy does not apply.

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

The entire Second Avenue Subway, including the portions in East Harlem and Lower Manhattan that would be within the Coastal Zone, would be consistent with this policy, as it would be located within a densely developed urban area. The added capacity of the Second Avenue Subway would improve service for passengers traveling into and along Manhattan’s East Side corridor, including areas within the Coastal Zone. The new subway line would make the neighborhoods of the East Side more accessible for residents, visitors, and workers. With a new connection at 125th Street, the project would also improve regional access to the various East Side neighborhoods from the existing Metro-North Railroad. In addition, water, sewer, and electrical lines serve the entire area. Moreover, potential development resulting from the Second Avenue Subway would occur in an area where essential public services and facilities are adequate.

**Policy 6:** Expedite existing permit procedures in order to facilitate the siting of development activities at suitable locations.

Activities at the proposed Pier 6 barge site are regulated, requiring permits from various agencies, including the U.S. Army Corps of Engineers (ACOE) and the New York State Department of Environmental Conservation (NYSDEC). Though no permits can be issued until issuance of the Record of Decision, consultation with these agencies regarding the desired permits has already occurred and will continue in an effort to facilitate the permitting procedures. Hence, the Second Avenue Subway is consistent with this policy.

**Policy 7:** Significant coastal fish and wildlife habitats will be protected and preserved so as to maintain their viability as habitats.

As described in Chapter 15, “Natural Resources,” construction of the proposed Pier 6 barge facility would have no long-term effects on the viability of coastal fish and wildlife habitats. Moreover, none of the proposed construction or operations activities would occur in areas designated as significant coastal fish and wildlife habitat areas.

**Policy 8:** Protect fish and wildlife resources from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effects on those resources.

The very limited activities that would take place adjacent to or within coastal waters would not result in the introduction of hazardous wastes or other pollutants, such as oils, fuels, contaminated soils, and sediments. It is expected that some particulates and other fine matter may be released into the air during the spoils removal operations, and eventually settle into the waterways; however, this would not occur in significant volumes or at a scale that would

cause significant sublethal or lethal effects on fish and wildlife resources. During construction and operation of the proposed barge facility at Pier 6, best management practices would be used to prevent pollutants from entering the East River. For example, material stockpiles would be managed to avoid spillage of spoils or other materials into the East River, and a Spill Prevention Control and Countermeasure (SPCC) Plan and Spill Response Plan would be developed. In addition, containers required to store any hazardous wastes would be provided with secondary containment structures so that any potential leaks would have no impacts on fish or wildlife resources. Tarps or other covers would be used on trucks, and exposed soils would be sprayed with clean water during the construction period to reduce the potential for fugitive dust. With these controls in place, the project would be consistent with this policy.

**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 is a regional passenger transportation improvement project and is not intended to expand recreational use of fish and wildlife resources. Therefore, this policy does not apply. As stated above, the proposed Second Avenue Subway construction and operations activities that would occur within the Coastal Zone would not adversely impact fish and wildlife resources of the Coastal Zone.

**Policy 10:** Further develop commercial finfish, shellfish, and crustacean resources in the coastal areas by encouraging the construction or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks and expanding agriculture facilities.

The proposed project does not involve the development of commercial finfish, shellfish, or crustacean resources, nor does it involve any action related to the State's seafood products. Therefore, this policy does not apply. In addition, as stated above, the Second Avenue Subway would not cause negative impacts to finfish, shellfish, or crustacean resources, including those that may be commercially caught or harvested in the coastal waters of the 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.

Currently, no buildings are proposed to be constructed in the coastal area as part of the Second Avenue Subway's construction or operation. However, should the project require a building in the coastal area, it would be designed to be consistent with this policy. It should be noted that the designated 100-year floodplain is mapped along much of Manhattan's East Side shoreline, and the proposed subway structure would pass through the 100-year floodplain within the Coastal Zone in several places (see Appendix L.1, Figures L.1-2 and L.1-3). The proposed Pier 6 barge site would also be located within the floodplain; this, however, is on the water and temporary.

With respect to the requirements of 6 NYCRR, Part 502, which requires that State projects demonstrate why they need to be located within the 100-year floodplain, there is no practicable alternative to constructing the subway where it is currently proposed and still meet the project's goals. Moving the subway further inland and out of the 100-year floodplain, for example, would not provide service along the Second Avenue corridor and would not provide the required relief of congestion on the existing Lexington Avenue Line. Moving the alignment out of the Coastal Zone in just the few places where the subway would cross through the Zone would either require acquisition and demolition of additional

buildings or would add directional changes to the alignment that would complicate construction (and increase costs) as well as slow the operating trains such that the project would not fully meet its goals.

**Policy 12:** Activities or development in the coastal area will be undertaken so as to minimize their adverse effects on natural features, which protect against flooding and erosion.

No natural features that protect against flooding (e.g., barrier islands or dunes) would be impacted by the proposed project. Thus, this policy does not apply. Moreover, the bulkhead at the Pier 6 barge site is a functional concrete structure, and, likewise, no physical features that protect against flooding and erosion would be impacted.

**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 30 years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

No construction or reconstruction of bulkheads is proposed as part of the project; thus this policy does not apply.

**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 at other locations.

As stated above, no construction or reconstruction of erosion protection structures is proposed as part of the project. In addition, as described in Chapter 15, "Natural Resources," the Second Avenue Subway would not create a measurable increase in the risk of erosion or flooding at the construction sites or at other locations.

**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 lands.

Most of the East River waterfront along the Manhattan shoreline has hard, bulkheaded edges. Since there are no beachfronts located along the shorelines that would be affected by Second Avenue Subway construction and operations, the limited amount of dredging proposed at Pier 6 in the East River would not interfere with the natural processes that supply beach materials to adjacent lands.

**Policy 16:** Public funds shall be expended for activities and development, including the construction or reconstruction of erosion control structures, only where the public benefits clearly outweigh their long term monetary and other costs including their potential for increasing erosion and their adverse effects on natural protective features.

Overall, the entire Second Avenue Subway project would have substantial public benefits. As described in detail in Chapter 1, "Purpose and Need," these benefits are related to regional transportation improvements. In developing those improvements, the proposed project does not require construction of any protective features against erosion as the Pier 6 barge site is already protected by a manmade bulkhead. Use of public funds for the proposed project is, therefore, consistent with this policy.

**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 not a flooding or erosion protection project, and does not require any structural or non-structural flooding or erosion control measures. As stated above, except for

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the temporary activities at the Pier 6 barge site, construction of the Second Avenue Subway and use of shaft sites within the Coastal Zone would not occur along the shoreline. At this location, concrete bulkhead walls are already in place, so this policy does not apply.

**Policy 18:** To safeguard the vital interest of the State of New York and of its citizens in the waters and other valuable resources of the State's coastal area, all practicable steps shall be taken to ensure that such interests are accorded full consideration in the deliberations, decisions and actions of State and Federal bodies with authority over those waters and resources.

Coastal considerations are part of the Second Avenue Subway's NEPA review. The compatibility of the project's program and design with LWRP policies, which reflect the vital interests of the State and its citizens in this matter, are addressed in this FEIS, and this document and will be considered during public review and final decision-making.

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

There is an esplanade along the Pier 6 waterfront. The Second Avenue Subway seeks to use the Pier 6 waterfront for temporary water-dependent uses that would not be compatible with water-related public access for reasons of public safety. However, use of the barges would have the beneficial environmental effect of minimizing the number of trucks that would be required to build the subway. Consequently, even though these temporary uses would be inconsistent with this policy, they would perform a valuable function. Once construction is complete, the waterfront esplanade at Pier 6 would be restored and again made accessible to the public. Thus, the proposed project would be consistent with this policy during subway operations.

**Policy 20:** Access to the publicly owned foreshore, or water's edge, and to the publicly owned lands immediately adjacent to these areas shall be provided, and it shall be provided in a manner compatible with adjoining uses. To ensure that such lands remain available for public use, they will be retained in public ownership.

As stated above, the waterfront esplanade that runs along the East River at Pier 6 would be inaccessible during the construction of the Second Avenue Subway. However, once construction of the subway is completed, the barge facility would be removed, the esplanade would be restored, and public access would be reinstated. Consequently, although the Second Avenue Subway would not be consistent with this policy during the construction phase, it would be consistent with this policy during subway operations. In addition, the proposed barge facility would only affect a short segment of access, and pedestrian diversions could be put in place to redirect the public back to the waterfront so that the extent of this impact during construction is minimized.

**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.

The project does not propose any water-dependent or water-enhanced recreation. Likewise, as stated above, impacts on existing public recreational facilities along the waterfront are minimized. Overall, the Second Avenue Subway seeks to use non-recreational waterfront sites to facilitate the subway's construction and operations. As described in Chapter 3, "Description of Construction Methods and Activities," use of the barge site would only be temporary, and would have the environmental benefit of helping to reduce the number of truck trips needed to build the subway, including trips within the Coastal Zone.

**Policy 22:** Development when located adjacent to the shore will provide for water-related recreation activities whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities.

The proposed transportation project does not include any permanent new development along the shoreline that could include water-related recreation. As stated above, a temporary barge facility is proposed at Pier 6 during the construction phase. To ensure public safety, water-related recreation activities would not be appropriate during this construction phase. The barge site would be in use for up to 7 years, and would be removed following construction. Subsequent to construction, the site would be restored to its former condition as part of the East River Esplanade. Thus, the Second Avenue Subway would be consistent with this policy.

**Policy 23:** Protect, enhance, and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the nation.

As discussed in Chapter 9, “Historic Resources,” ground-borne vibration and heavy machinery used during construction of the Second Avenue Subway has the potential to affect the six historic resources in Lower Manhattan: the Brooklyn Bridge, the South Street Seaport Historic District, the Fraunces Tavern Block Historic District, the former First Precinct Police Station on Old Slip, the office building at 118 Water Street and the commercial building at 90 Water Street. To avoid adverse impacts on these resources, they would be included in a Construction Protection Plan to be implemented in consultation with the State Historic Preservation Office (SHPO). Therefore, the Second Avenue Subway would be consistent with this policy.

As discussed in Chapter 10, “Archaeological Resources,” areas of potential archaeological sensitivity have been identified in certain areas where project activities could disturb the ground. If archaeological resources are present in these locations, the project would adversely affect them during construction. If borings or additional research confirms the potential for significant archaeological resources to exist at these locations, appropriate mitigation measures would be developed through ongoing consultation with the SHPO. The mitigation program will be developed in accordance with the procedures set forth in the Programmatic Agreement. Therefore, the Second Avenue Subway would be consistent with this policy.

**Policy 24:** Prevent impairment of scenic resources of statewide significance.

There are no scenic resources of statewide significance in the portion of the Coastal Zone relevant to the Second Avenue Subway. Therefore, this policy is not relevant to the proposed project.

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

There currently are no natural or manmade resources within the coastal areas along the Harlem River that contribute to the overall scenic quality of the coastal area. However, at the Pier 6 site in Lower Manhattan, potential construction activities related to spoils removal could occur near several manmade resources that contribute to the coastal area’s scenic qualities. These include the small public plaza at Coenties Slip and the historic former First Precinct Police Station building on Old Slip. Use of any of the potential spoils removal areas in this vicinity, as well as the barge facility at Pier 6 itself, would temporarily diminish views to some of these locations, as well as views of the East River Esplanade in this area.

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While there is the potential for disturbance of these scenic resources during construction, the disturbance would be temporary—lasting for up to 7 years—and the areas would be restored following construction. Historic resources would be protected by a Construction Protection Plan to avoid damage to these structures. Other activities in the Lower Manhattan segment within the Coastal Zone would be in the subsurface, and not visible. Thus, with the proposed protection plan, and given the temporary nature of the impact, the proposed project is consistent with this policy.

**Policy 26:** Conserve and protect agricultural lands in the State’s coastal area.

There are no agricultural lands located within the area of the Second Avenue Subway; therefore, this policy does not apply.

**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 Second Avenue Subway would not result in the construction of any major energy facilities within the Coastal Zone. Thus, this policy does not apply.

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

The proposed project does not include any ice management facilities or practices; thus, this policy does not apply.

**Policy 29:** Encourage the development of energy resources on the outer continental shelf (OCS) and in other water bodies and ensure the environmental safety of such activities.

The Second Avenue Subway does not require development of energy resources in any water areas; thus, this policy does not apply.

**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 water quality standards.

A State Pollutant Discharge Elimination System (SPDES) permit would be required for any discharge directly into the Harlem or East Rivers that would occur during the project’s construction period. Once the subway is operational, no such discharges would occur. At any site where discharges would be to the city’s combined sewer system during either construction or operations, the requirements of the NYCDEP for pretreatment, using best management practices, would be followed. In addition, SPDES permits would also be required for construction activities that disturb an area of 1 acre or more during the course of construction.

**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 overburdened with contaminants will be recognized as being a development constraint.

The proposed project does not include any actions related to State coastal water quality classifications; hence this policy does not apply. The Harlem and East Rivers have been classified as “I” by the New York City Department of Environmental Protection (NYCDEP). This classification designates these waterways as suitable for secondary recreational contact, such as boating or fishing. As stated above, the Second Avenue Subway would not result in



long-term significant impacts to water quality within these water bodies, or in contravention of standards.

**Policy 32:** Encourage the use of alternative or innovative sanitary waste systems in smaller communities where the cost of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

New York City has a comprehensive system of water pollution control plants that serves the entire city, and no additional facilities would be proposed or needed by the project. Thus, this policy does not apply.

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

Where applicable, sites would contain storm water systems that would conform to best management practices. If groundwater from excavated areas exceeds the sewer use limitations set by NYCDEP, the water would need to be treated and retested using best management practices prior to disposal in a sewer system or area waterbody via a SPDES permit.

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

No vessel discharge of waste material into coastal waters is proposed, nor would it be permitted by the project. Thus, the proposed project is consistent with this policy.

**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, aesthetic resources, natural protective features, important agricultural lands and wetlands.

Dredging may be needed at the East River near Pier 9 (just north of Pier 6) for barge access. Any dredging at this location would be done in accordance with all State and Federal permit requirements (Section 404 permit from the U.S. Army Corps of Engineers, Water Quality Certification from NYSDEC, and Protection of Waters and Tidal Wetlands permits, also from NYSDEC). As described in this FEIS, it is expected that, should dredging be performed at this location, it would not result in any adverse impacts on significant coastal fish and wildlife habitats, aesthetic resources, wetlands, or natural features of the coast. Therefore, the Second Avenue Subway would be consistent with this policy.

**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.

Operation of the Second Avenue Subway would not involve activities related to the shipment and storage of petroleum and other hazardous materials along coastal waters. During construction, however, it may be necessary to transport hazardous materials by barge, or to store petroleum on coastal construction sites. These activities, and the removal and disposal of any hazardous materials would be performed in conformance with all applicable local, state, and federal requirements and in accordance with the CEPP that would be developed for the project to ensure public safety and to protect resources. Thus, the proposed project is consistent with this policy.

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

During construction, erosion-control measures would be used where appropriate to minimize non-point discharge and sedimentation into coastal waters. Storm water management systems would be implemented wherever necessary to collect and treat overland runoff, before it is discharged, either to the city's sewer system or to receiving waters. Thus, the proposed project is consistent with this policy.

**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.

The Second Avenue Subway project would not affect the quality or quantity of surface or groundwater supplies. Moreover, no surface or groundwater located at the Pier 6 site is used as a primary or sole source of drinking water. Thus, the proposed project is consistent with this policy.

**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.

The storage and transport by barge of the Second Avenue Subway spoils would be conducted in a way that protects groundwater and surface water supplies as well as significant fish and wildlife habitats. In addition, the Second Avenue Subway would implement best management practices for storm water control during construction, as required under NYSDEC SPDES permit programs. In accordance with the programs, a storm water pollution prevention plan (SPPP) must be prepared to obtain the SPDES permit. The Second Avenue Subway SPPP would be developed in detail as site plans are refined and confirmed and would consist of management practices such as the covering of upland stockpiles and use of silt fencing to minimize any impacts of storm water runoff into the adjacent waterways. In addition, a variance from NYSDEC may be required in accordance with 6 NYCRR Part 360 in order to site a solid waste management facility—namely, the spoils collection, storage, and transfer activities proposed for the Pier 6 barge site—in a regulated wetland. As described in Chapter 15, “Natural Resources,” while the portion of the East River at Pier 6 is designated as littoral zone under NYSDEC’s tidal wetland mapping system, this area was recently dredged, so there is likely no littoral zone remaining at this location. Therefore, NYSDEC may determine that the area that would be affected is no longer a regulated wetland, in which case this variance would not be required. While the spoils generated by the Second Avenue Subway project may qualify for a beneficial use exemption, such a variance would be necessary if some portion of the spoils were to be discarded. The Second Avenue Subway would not affect designated recreation, agricultural, or scenic resources within the Coastal Zone. In sum, the proposed project is consistent with this policy.

**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 will conform to State water quality standards.

The Second Avenue Subway would not require any such major facilities; thus, this policy does not apply.

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

Based on impact studies presented in Chapter 11, “Air Quality,” the construction and operation of the Second Avenue Subway would not result in any violations of national or State air quality standards. As a result, the proposed project is consistent with this policy.

**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.

This policy refers to an obligation that the State consider coastal management policies if it reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act. The significant deterioration regulations apply to large new sources of air pollution, such as a power plant. Neither the federal regulations nor this policy apply to the Second Avenue Subway.

**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 operation of the Second Avenue Subway would not generate significant amounts of acid rain precursors. During construction, all appropriate methods, practices and procedures would be outlined in the CEPP to assure conformance with this policy.

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

The Second Avenue Subway could affect littoral zone wetlands at the Pier 6 site. However, the area was recently dredged (September 2001) to depths greater than 6 feet at mean low water, potentially removing the littoral zone at this location. Moreover, the land at the Pier 6 site abuts a hard bulkhead wall and it does not support wetland plants. Consultation with NYSDEC would occur during the permitting process to confirm this area’s regulatory status. However, no significant natural resource impacts are expected at this site.

## C. NEW YORK CITY’S WRP POLICIES

New York City’s WRP comprises 10 policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. Each policy is presented below, followed by a discussion of the project’s applicability to and consistency with the policy. Only the relevant subsections of each policy are discussed.

**Policy 1:** Support and facilitate commercial and residential development in areas well suited to such development.

This policy seeks to encourage redevelopment on appropriately located vacant and underused land not needed for other purposes such as industrial activity. While the Second Avenue Subway project would not involve construction of commercial or residential buildings within the Coastal Zone, it would support such development, where appropriate, by providing public transportation services to residents and workers in these buildings.

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

*Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas (SMIA).*

The Second Avenue Subway project is not located within any Significant Maritime and Industrial Areas (SMIA); therefore, this policy does not apply.

*Policy 2.2: Encourage working waterfront uses at appropriate sites outside the SMIA's.*

The Second Avenue Subway would be consistent with this policy, as it would develop a temporary working waterfront facility at the Pier 6 barge site along the East River.

*Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.*

The proposal is for passenger service rail improvements along Manhattan's East Side and does not include any activities that would affect the working waterfront. Chapter 13, "Infrastructure and Energy," assesses the project's effects on public services and infrastructure and concludes that the project would not result in significant adverse impacts to these services.

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

*Policy 3.1: Support and encourage recreational and commercial boating in New York City's maritime centers.*

There are no maritime centers in the coastal areas relevant to the Second Avenue Subway. Some recreational boating takes place on the East River, and to the extent that the new subway would improve access to launching areas located along the East River, it would encourage such uses.

*Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.*

As described in Chapter 15, "Natural Resources," the proposed barge facility would not result in any significant adverse environmental impacts on the aquatic environment. It would also not result in adverse impacts on the surrounding land and water uses. The Pier 6 site has recently been used for similar barging activities as those proposed for the Second Avenue Subway. The proposed barging operation would affect a localized area on the East River. It would not be expected to adversely impact any nearby water operations, including the ferry operations at Pier 11 to the north. There is adequate buffer distance between the proposed barge facility and the ferry operations to ensure that navigational conflicts do not occur. In addition, the proposed operations would not extend out into the navigational channel of the East River.

With respect to land use, the proposed project would result in temporary impacts to public access along the East River waterfront esplanade. This impact is discussed below under Policy 8. However, as described in greater detail below, these impacts are expected to be temporary, and after completion of the proposed project, all areas would be physically restored and public access would again be provided.

*Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and the surrounding land and water uses.*

As stated above, it is not expected that the proposed barging operations at Pier 6 would conflict with any maritime operations. Thus, the proposed project is consistent with this policy.

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

*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.*

None of the project area is within a designated Special Natural Waterfront Area, Recognized Ecological Complex, or Significant Coastal Fish and Wildlife Habitat as identified in the City's WRP. Consequently, this policy does not apply.

*Policy 4.2: Protect and restore tidal and freshwater wetlands.*

The project would protect wetlands by complying with all applicable Federal and State regulations related to wetlands, utilizing best management practices to minimize impacts to water bodies, and minimizing construction in wetland areas. The Second Avenue Subway could have a minimal effect on littoral zone wetlands at Pier 6. At this site, even though the East River is designated as littoral zone, the area was recently dredged (September, 2001) to depths greater than 6 feet at mean low water, potentially removing the littoral zone at this location. In addition, the Pier 6 site currently has a hard bulkhead wall and does not support wetland plants. Consultation with NYSDEC would occur during the permitting process to confirm this area's regulatory status prior to construction.

*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 and restore tidal and freshwater wetlands.*

The proposed Second Avenue Subway would be consistent with this policy. As discussed in Chapter 15, the Second Avenue Subway would not impact any habitats of endangered, threatened, or special concern species, nor would it create any significant adverse impacts on plants, fish or other wildlife species.

*Policy 4.4: Maintain and protect living aquatic resources.*

The proposed Second Avenue Subway would be consistent with this policy. As discussed above and in Chapter 15, the project would not cause any significant long-term effects to the aquatic resources of the Harlem or East Rivers.

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

*Policy 5.1: Manage direct or indirect discharges to water bodies. Policy 5.2: Protect the quality of New York City's waters by managing activities that generate non-point source pollution.*

The Second Avenue Subway would be consistent with these policies. A number of best management procedures would be implemented to manage activities that could generate pollution. During construction, erosion-control measures would be used where appropriate

## Second Avenue Subway FEIS

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to minimize non-point discharge and sedimentation into coastal waters. In addition, storm water management systems would be implemented, wherever necessary, to collect and treat overland runoff before it is discharged either to the City's sewer system or to receiving water. Furthermore, if groundwater from excavated areas exceeds the sewer use limitations set by NYCDEP, the water would need to be treated and retested using best management practices prior to disposal in a sewer system or area waterbody via a SPDES permit. These systems would be in conformance with the NYSDEC SPDES permit that the project would have to obtain. Common contaminants in overland runoff include oil, grease, fecal coliform and sediment. Once the subway is operational, no discharges would occur directly to area water bodies or receiving waters. Given the proposed control measures, the Second Avenue Subway is not expected to result in significant impacts on water quality within adjacent bodies of water or in contravention of water quality standards.

*Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes or wetlands.*

The proposed Second Avenue Subway would be consistent with this policy. A limited amount of dredging may be necessary to support the barging activities at the Pier 6 site. Any necessary dredging would be performed in accordance with all State and Federal permit requirements. Permits would be sought from the appropriate regulatory agencies to ensure water quality protection. Moreover, as described in Chapter 15, "Natural Resources," based on the current ecological conditions at the site, no significant adverse impacts are expected as a result of the proposed activities.

*Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.*

The Second Avenue Subway project would not affect the quality or quantity of surface or groundwater. As stated above, the proposed construction and subway operation activities along the Harlem and East Rivers would incorporate erosion and sediment control, storm water management, and other best management practices to ensure that neither surface or groundwater is adversely impacted.

At Pier 6, the storage and transport by barge of the Second Avenue Subway construction spoils would be done in a manner so as to protect groundwater and surface water supplies. The Second Avenue Subway would implement best management practices for storm water control as required under NYSDEC SPDES permit. In addition, a Pollution Prevention Plan (PPP) must be prepared to obtain the SPDES permit. The PPP would be developed in detail as site plans are refined and confirmed and would consist of such management practices as covering of upland stockpiles and using silt fencing to minimize any impacts of storm water runoff into the adjacent waterways. Dewatering for the project would be conducted in conformance with NYCT's master specifications for dewatering and all applicable regulatory requirements, and only upon receipt of any required approvals. In sum, the proposed project would be consistent with this policy.

**Policy 6.** Minimize the loss of life, structures, and natural resources caused by flooding and erosion.

*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.*

The Second Avenue Subway would comply with this policy. The proposed subway alignment, storage yards, and shaft sites are separated from the shoreline by the FDR Drive, and would not create increased flooding or erosion. The proposed barge site is currently located adjacent to a functional concrete bulkhead, which provides protection against shoreline erosion and flooding. Thus, the proposed project would not affect flooding or erosion in the area, nor would it require the use of non-structural or structural flooding and erosion management measures.

*Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.*

Public funds expended for the Second Avenue Subway project are for a public transportation project. No reconstruction of the bulkhead is necessary at Pier 6. Therefore, this policy does not apply.

*Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.*

There are no non-renewable sources of sand for beach nourishment affected by the project. This policy does not apply.

**Policy 7: Minimize environmental degradation from solid waste and hazardous substances.**

*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.*

As stated above, the Second Avenue Subway would be constructed to avoid discharging solid waste or hazardous materials (e.g., petroleum products, soils contaminated with heavy metals or solvents) into the City's coastal waters. Specifically, prior to any work on the site, a CEPP would be created to provide guidance related to hazardous materials or chemicals that may be encountered in project construction areas. After the design of project elements is more fully developed, but prior to the start of construction, additional soil and groundwater sampling may be undertaken at certain sites if determined necessary by NYCT in project construction areas where contaminated materials were identified. This additional work would be designed to confirm the presence of contaminated materials, to address worker safety and to identify any soil or groundwater that would require special off-site disposal. With these controls in place, the project would be consistent with this policy within the Coastal Zone.

*Policy 7.2: Prevent and remediate discharge of petroleum products.*

The Second Avenue Subway would not involve activities related to the direct discharge of petroleum products into coastal waters. During construction, the removal, storage, and disposal of any hazardous materials would be performed in conformance with all applicable local, State, and Federal requirements. Therefore, the proposed project is consistent with this policy.

*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.*

The transport of construction spoils would be done in accordance with NYCT's Hazardous Waste Management Policy and all applicable laws and best management practices, and in a manner that minimizes potential degradation of coastal resources. Specifically, compliance would be assured concerning the applicable regulations in 40 CFR Part 260-282 and the

appropriate regulations in New York State (e.g., 6 NYCRR 360, 364) and in other states where project wastes may be transported or disposed. A variance may be required from NYSDEC for the Pier 6 barge site, which could be considered a solid waste facility within a regulated wetland if: the spoils are determined to be solid wastes, all spoils are not beneficially reused, and the site is a regulated wetland. Removing spoils from Manhattan by barge is being considered as a way to minimize disruption to the surrounding communities and the Coastal Zone, because the alternative is for up to 160 trucks to drive to and from each TBM shaft site per day to remove spoils.

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

*Policy 8.1: Preserve, protect and maintain existing physical, visual, and recreational access to the waterfront.*

The site at Pier 6 would be inaccessible during the construction of the Second Avenue Subway. Because of the types of activities that would occur at this location, public access along the East River esplanade would have to bypass this location to ensure public safety. However, once construction of the subway is completed, the barge facility would be removed and access to the esplanade would be restored. Therefore, although the Second Avenue Subway would not be consistent with this policy during its construction phase, it would be consistent with this policy after construction and when the subway is operating. During the construction phase, the impact on public access would be along a limited segment of the East River Esplanade.

*Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.*

As a transportation project, the proposed project does not include any new permanent development along the coast where public access would be appropriate. As stated above, to ensure public safety, creating public access would not be appropriate during the Second Avenue Subway construction periods at Pier 6. However, public access at this barge site would be lost only temporarily and would be reinstated following construction. Then, the site would be restored to its former use as part of the East River esplanade. Because this policy recognizes that providing water-related recreation activities is only appropriate under certain circumstances that would not apply to the subway construction activities, the proposed Second Avenue Subway would be consistent with this policy.

*Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.*

During certain construction periods, in particular at Pier 6, the Second Avenue Subway would limit visual access to the waterfront as a result of the construction equipment that would be required. Due to the nature of the activities proposed and particularly for public safety reasons, allowing the public to access this site during construction would not be appropriate. However, this barge area would be restored after construction, reopening views to and along the waterfront. The subway alignment within the Coastal Zone would be underground, so no public views would be obstructed during subway operations. The Second Avenue Subway project is, therefore, consistent with this policy.

*Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.*



The proposed project, as a transportation improvement project, does not include any proposal to develop new public open space along the waterfront. Thus, this policy does not directly apply. As stated above, to ensure public safety, the waterfront esplanade near Pier 6 would be inaccessible during construction of the Second Avenue Subway barge site. Access to the esplanade would be restored when construction is complete. The proposed project is, therefore, consistent with this policy.

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

*Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.*

The proposed project would have few above ground activities along the waterfront; thus, it would have no impact on visual quality of the Coastal Zone. Moreover, the proposed project would not have any impact on the historic and working waterfront character of New York.

At one location, the Pier 6 barge site, the proposed project has the potential to have a temporary impact on the visual quality of the Coastal Zone. At this location, there would be barge facilities installed for the removal of materials excavated during construction. There are numerous benefits to this alternative construction technique, including a significant reduction in truck trips. However, there would be a temporary and isolated impact on the visual quality of the Coastal Zone. Moreover, the site is well south of the South Street Seaport and the Brooklyn Bridge, and, thus, would have no impact on these historic resources.

As stated above, post-construction, this site would be restored and the visual quality of the Coastal Zone would revert to pre-construction conditions. In addition, public access to the site would be restored. During subway construction activities outside the Coastal Zone, measures will be taken to limit visual impacts of construction activity on New York City's urban context, such as using fencing to surround construction activity. Permanent subway elements outside the coastal area, such as vent facilities, would be designed to be compatible with the urban context.

*Policy 9.2: Protect scenic values associated with natural resources.*

As detailed in Chapter 15, there are limited natural resources in the Second Avenue Subway project area that might provide scenic values, besides the water bodies themselves. There are no natural resources with scenic values along the Second Avenue Subway corridor. In sum, the proposed project would not have an impact on such resources, and is, therefore, consistent with this policy.

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

*Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.*

As discussed above and in Chapter 9 of this FEIS, "Historic Resources," historic resources are located throughout the Areas of Potential Effect for historic resources along the subway corridor, and there are certain historic resources in those portions of the APE, located in the Coastal Zone. These are the Signal Service Building with Signal Tower B, within the 207th Street Yard in Manhattan; the Triborough Bridge; the Queensboro Bridge; the Manhattan Bridge; the Brooklyn Bridge; the South Street Seaport Historic District; the Fraunces Tavern

## Second Avenue Subway FEIS

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Block Historic District; the former First Precinct Police Station; the office building at 118 Water Street; and the commercial building at 90 Water Street. Construction of the Second Avenue Subway has the potential to affect all but the Signal Service Building and Queensboro Bridge through ground-borne vibration and damage from heavy machinery if appropriate construction management is not undertaken. To avoid adverse impacts on these resources, as well as resources throughout the remainder of the subway APE, their protection would be included in a Construction Protection Plan to be developed and implemented in consultation with SHPO. Therefore, the Second Avenue Subway would be consistent with this policy.

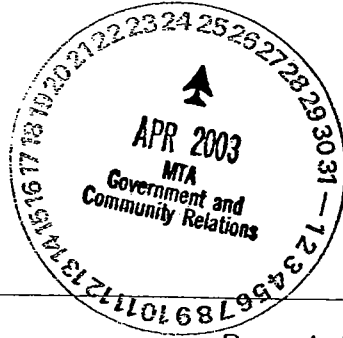
*Policy 10.2: Protect and preserve archaeological resources and artifacts.*

As discussed in Chapter 10, “Archaeological Resources,” a number of areas of potential archaeological sensitivity have been identified throughout the Second Avenue Subway project area, including within the Coastal Zone boundary in East Harlem, Chinatown, and Lower Manhattan, where project activities could, if improperly managed, disturb the ground and potentially affect archaeological resources, if present. As part of the Second Avenue Subway’s continuing environmental assessment process, if borings or additional research confirms the potential for significant archaeological resources to exist at these locations, appropriate mitigation measures would be developed through ongoing consultation with the SHPO. The mitigation program will be developed in accordance with the procedures set forth in the Programmatic Agreement. Therefore, the Second Avenue Subway would be consistent with this policy. \*

Comment Letters  
Received from  
New York State Department of State



STATE OF NEW YORK  
 DEPARTMENT OF STATE  
 41 STATE STREET  
 ALBANY, NY 12231-0001



April 21, 2003

GEORGE E. PATAKI  
 GOVERNOR

RANDY A. DANIELS  
 SECRETARY OF STATE

Mr. Douglas Sussman  
 Metropolitan Transit Authority  
 347 Madison Avenue  
 New York, NY 10017-3739

Re: F-2003-0324 (FA)  
 US Department of Transportation/Federal Transit Administration  
 MTA - construct full length Second Avenue Subway  
 City of New York, New York County  
Received Project Information/ Began Review

Dear Mr. Sussman,

The Department of State received the information describing the above proposed project on April 4, 2003 and has determined that the submitted documentation is adequate to commence our review of your proposed project. We will contact you if additional information may be necessary for consistency review purposes.

Chapter 16 of your submitted SDEIS states that "only very limited portions of the Second Avenue Subway would be within the designated Coastal Zone; consequently, the following assessment relates only to those portions of the project." This is an inadequate assessment, and an incorrect interpretation of the federal consistency review requirements. It is not the location of a proposed action that triggers consistency review, but rather whether that activity will affect any use or resource of the coastal zone. All federal financial assistance activities that affect any coastal use or resource are subject to the consistency requirement of the Coastal Zone Management Act. The Department of State must concur with the consistency of the proposed activity with all applicable State and Local coastal policies before the federal funding may be granted. The funding in question here applies to the entire Second Avenue Subway proposal, which overall has been determined to have reasonably foreseeable effects in the coastal zone, and therefore the project in its entirety will be reviewed by our department.

Please also note that if in the future, this proposed project will need federal approvals such as permits or licenses, the Department of State will again be required to review the proposal for its consistency with the New York State Coastal Management Program. The current review pertains only to the funding.

You and the Federal Transit Administration of the U.S. Department of Transportation will be notified of our decision when we have completed our review of this project for its consistency with the New York State Coastal Management Program.

Please contact me at (518) 486-7670 (email: bkennedy@dos.state.ny.us) with any questions. When communicating with us regarding this matter, please refer to our file #F-2003-0324.

Sincerely,

*Bridget R Kennedy*  
 Bridget R. Kennedy  
 Coastal Resource Specialist

cc: US DOT/FTA - Irwin B. Kessman  
 NYSDEC/ Region 2 - John Cryan  
 NYC LWRP - Wilbur Woods



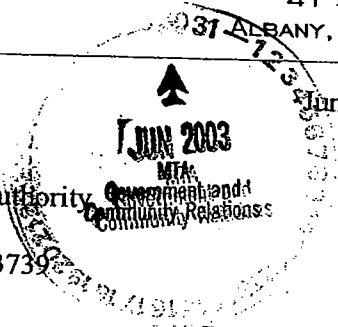
STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

GEORGE E. PATAKI  
GOVERNOR

Mr. Douglas Sussman  
Metropolitan Transit Authority  
347 Madison Avenue  
New York, NY 10017-3739

June 24, 2003

RANDY A. DANIELS  
SECRETARY OF STATE



Re: F-2003-0324 (FA)  
U.S. Department of Transportation/Federal Transit Authority  
MTA - Construct full length Second Avenue Subway  
City of New York  
**General Concurrence - No Objection To Funding**

Dear Mr. Sussman,

The Department of State received your Supplemental Draft Environmental Impact Statement (SDEIS) regarding the proposed Second Avenue Subway on April 4, 2003. Based upon the information submitted, the Department of State has no objection to the funding of this proposal by the Federal Transit Authority.

As was mentioned in previous correspondence dated April 21, 2003, your assessment of the applicability of the Coastal Management Program is incorrect. Chapter 16 of the SDEIS states: "only very limited portions of the Second Avenue Subway would be within the designated Coastal Zone; consequently, the following assessment relates only to those portions of the project." This is an incorrect interpretation of the federal regulations. All federally funded or permitted activities that affect any coastal use or resource are subject to the consistency requirement of the Coastal Zone Management Act. The proposed Second Avenue Subway, in its entirety, will have reasonably foreseeable effects in the coastal zone, and therefore the project, in its entirety, must be reviewed for its consistency with the NYS Coastal Management Program, as expressed in the NYC Waterfront Revitalization Program. Your Final Environmental Impact Statement (FEIS) should take this into account, and the consistency analysis should consider the coastal effects of the entire project.

Maintaining and protecting public access is an important aspect of the Coastal Management Program. Policy 8.5 of the NYC WRP states: "Minimize interference with public trust rights to the extent practicable, when exercising riparian interests. Provide mitigation to the extent appropriate where public access would be substantially impeded by the proposed activity." You have identified many areas in which public access will be reduced. The decrease at the 129<sup>th</sup> street site, while temporary, would be substantial. You have indicated that public access would only be hindered during the construction phase, however due to the extensive construction period, this hindrance could have a substantial effect. It may be wise to offer mitigation at this, and other sites where the already-limited public access would be reduced.

The building of 16 stations, 30-35 cooling facilities, numerous pumping stations, etc. could put a strain on the existing infrastructure. NYC WRP policy 1.3 - B states: "Lack of adequate local infrastructure need not preclude development, but it may suggest upgrading or expansion of inadequate or deteriorated local infrastructure. The city will rely solely on the City Environmental Quality Review Process to identify infrastructure limitations."

Mr. Sussman

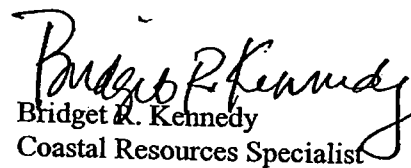
Page 2

Although the project is located in an entirely urbanized area, it will require the development of public service facilities and the sheer increase in those facilities will affect the existing infrastructure and may require upgrading or expansion. Please refer to Policy 2.3 of the NYC WRP: "Provide infrastructure improvements necessary to support working waterfront uses."

Spoil removal via barge is also an issue of concern. Our concern is not only for the potential pollution of surface waters, but for the construction and improvements necessary at sites where barges will load and unload. In particular, more information is needed regarding the proposed construction activities at Coney Island. As is stated in Chapter 15 of the SDEIS, use of this site would result in a reduction in wetlands, which could conflict with Policy 4.2: "Protect and restore tidal and freshwater wetlands." You also note that the Coney Island site is located on EPA designated sole source aquifers that supply water for Long Island. The proposed bridge, bulkhead, and associated construction will also need to be further examined should the Coney Island option be chosen, and the proposed wetland mitigation efforts should be addressed in greater detail.

Should you need any assistance at all in the preparation of your consistency certification portion of your FEIS, please contact me at (518) 486-7670 or [bkennedy@dos.state.ny.us](mailto:bkennedy@dos.state.ny.us). When communicating with us regarding this matter, please refer to our file number F-2003-0324.

Sincerely,

  
Bridget R. Kennedy  
Coastal Resources Specialist

c: USDTA/FTA - Irwin B. Kessman  
USDTA/FTA - Nancy Denzig  
NYS DEC/Region 2 - John Cryan  
NYC WRP - Wilbur Woods