

Because the proposed project is located within the City's Coastal Zone, it is subject to the policies of the *New York City Waterfront Revitalization Program (WRP)*, which establishes the City's policies for development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. The *Fresh Kills Park Final Generic Environmental Impact Statement (FGEIS)* concluded that the proposed project, including the proposed Fresh Kills Park, is consistent with the City's 10 WRP policies and standards. The development of a significant public park on the project site is consistent with City goals for revitalizing and providing public access in the coastal zone. Conversion of Fresh Kills Landfill into Fresh Kills Park is an objective of the City's Coastal Zone Management Program and specifically, the Plan for Staten Island. The overall Fresh Kills project would support these goals, including the objectives of providing public access to the waterfront, reusing an underutilized water City property for the purposes of coastal open space and recreation, and providing an overall improvement in the coastal ecology through habitat enhancement and wetland restoration projects. An analysis of the overall Fresh Kills Park project is provided with respect to consistency with the WRP on the following Consistency Assessment Form.

These conclusions also apply to the SEIS.

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
CONSISTENCY ASSESSMENT FORM**

For Internal Use Only:
Date Received: _____

WRP no. WRP 08-019
DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

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

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

A. APPLICANT

1. Name:
New York City Department of Parks and Recreation (DPR)
Address:
The Arsenal, Central Park, New York, NY 10065
3. Telephone: **212.360.3402** Fax: **212.360.3453**
E-mail Address:
joshua.laird@parks.nyc.gov
4. Project site owner:
New York City Department of Sanitation (DSNY), New York City Department of Parks & Recreation (DPR), New York City Department of Environmental Protection (DEP)

B. PROPOSED ACTIVITY

1. Brief description of activity:
This proposed project is a new public park that would provide active and passive recreational spaces, cultural and supporting commercial facilities, new access roads and parking, and landscape preservation and enhancement. The project site is the Fresh Kills Landfill complex and most of the site is currently under the jurisdiction of the City's Department of Sanitation (DSNY), although portions are under the jurisdiction of DPR and a small portion is under the jurisdiction of DEP. Under this proposal, DSNY would continue its closure and post-closure maintenance and monitoring for the purposes of meeting the requirements with the State of New York regarding Fresh Kills Landfill. However, the property would be assigned to DPR for construction of the proposed park. If approved, the proposed project is expected to be fully completed and operational by 2036 with a phased implementation of park improvement projects through that time.
2. Purpose of activity:
The proposed project would reuse underutilized City land to provide much-needed waterfront parkland for residents of Staten Island, the City of New York and the region as a whole. It would convert a large, underused site into productive use for the community and also preserve wetlands and create new landscapes.
3. Location of activity (street address/borough or site description):
The project site is located in Southwest Staten Island and fronts on the Arthur Kill. The project site is owned by the City of New York and managed by DSNY, DEP, and DPR.
4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
The New York State Department of Environmental Conservation (DEC) will review the proposed project for compliance with regulations pertaining to landfills, tidal wetlands and protection of waters. The U.S. Army Corps of Engineers (USACE) will review the proposed project with respect to any dredging or filling and impacts to wetlands as well as any structures in or over navigable waters.
5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
No.

6.	Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement?	<u>Yes</u>	<u>No</u>
	If yes, identify Lead Agency:	<u>✓</u>	<u> </u>

New York City Department of Parks and Recreation

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

The proposed project requires the following discretionary City actions:

- Amendment to the City map to establish as parkland those portions of this project site that are not currently mapped as parkland;
 - Amendment to the City map to eliminate certain unbuilt paper streets;
 - Amendment to the City map to map a public place to serve as the right-of-way for the future vehicular road system, which entails demapping a small portion of the existing mapped parkland;
 - Site selection for a capital project (CPC);
 - Capital funding and construction (DPR);
 - LWRP consistency;
 - Possible amendment to Title V Air Permit for Landfill (DSNY and DEC);
 - Fill material operation permit (DSNY);
 - Amendment to SPDES Stormwater Permit for Landfill (DEC and DSNY);
 - A zoning map amendment to vacate the NA-1 zoning where it currently exists on the site; and
 - A zoning text amendment to remove "Fresh Kills Park" from Section 105 941 of the current zoning text.
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C. COASTAL ASSESSMENT

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

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

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

Policy Questions:	Yes	No
The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each questions indicate the policy or policies addressed by the question. The new <u>Waterfront Revitalization Program</u> offers detailed explanations of the policies, including criteria for consistency determinations.		
Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.		
4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1)	✓	
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)		✓
6. Will the action result in a change in scale or character of a neighborhood? (1.2)		✓
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	✓	
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	✓	
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	✓	
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)	✓	
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	✓	
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	✓	
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	✓	
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	✓	

Policy Questions cont'd:

	Yes	No
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<hr/>	<hr/> <input checked="" type="checkbox"/>
32. Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	<hr/> <input checked="" type="checkbox"/>	<hr/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<hr/>	<hr/> <input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	<hr/>	<hr/> <input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<hr/>	<hr/> <input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<hr/> <input checked="" type="checkbox"/>	<hr/>
37. Would the proposed project affect a non-renewable source of sand? (6.3)	<hr/>	<hr/> <input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)	<hr/> <input checked="" type="checkbox"/>	<hr/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<hr/> <input checked="" type="checkbox"/>	<hr/>
40. Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<hr/>	<hr/>
	<hr/> <input checked="" type="checkbox"/>	<hr/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<hr/>	<hr/> <input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<hr/>	<hr/> <input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<hr/> <input checked="" type="checkbox"/>	<hr/>
44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)	<hr/>	<hr/> <input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)	<hr/>	<hr/> <input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<hr/>	<hr/> <input checked="" type="checkbox"/>

Policy Questions cont'd:

		Yes	No
47.	Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	✓	
48.	Does the project site involve lands or waters held in public trust by the state or city? (8.5)	✓	
49.	Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	✓	
50.	Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	✓	
51.	Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52.	Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	✓	

D. CERTIFICATION

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

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

Applicant/Agent Name: **New York City Department of Parks and Recreation/ Joshua Laird**
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New York, NY 10065
 Telephone: **212.360.3402**
 Applicant/Agent Signature: **S/**
 Date: **10/16/09**

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