

For Internal Use Only:

Date Received: _____

WRP no. _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

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

A. APPLICANT

- Name: Irene Chang, Vice President, Legal Affairs- Lower Manhattan Development Corporation
- Address: 1 Liberty Plaza, 20th Floor, New York, NY 10006
- Telephone: (212) 962-2300 Fax: (212) 962-2431 E-mail: ichang@renewnyc.com
- Project site owner: The Port Authority of New York and New Jersey

B. PROPOSED ACTIVITY

- Brief description of activity:
The World Trade Center Memorial and Redevelopment Plan is comprised of the following: construction of a Memorial and memorial-related improvements, commercial, retail, museum and cultural facilities, new open space areas, new street configurations, and certain infrastructure improvements. This activity is to be located at the Project Site consisting of the World Trade Center Site and Adjacent Sites (see below).
- Purpose of activity:
To rebuild and restore the Project Site as a mixed use center of commerce, public spaces, and culture with a Memorial at its heart -- to remember and honor the victims of the terrorist attacks while revitalizing Lower Manhattan.
- Location of activity: (street address/borough or site description):
The WTC site is bounded by Route 9A to the west, Liberty Street to the south, Church Street to the east, and Vesey Street to the north.

The Adjacent Sites include the Southern Site and the below-grade portion of Site 26 at Battery Park City. The Southern Site comprises two adjacent blocks south of the WTC Site—one bounded by Liberty, Washington, Albany, and Greenwich Streets, and the other bounded by Liberty, Cedar, and Washington Streets and Route 9A—and portions of two streets: Liberty Street between those blocks and the WTC Site and Washington Street between Cedar and Liberty Streets. Site 26 is half the block bounded by North End Avenue, Murray and Vesey Streets, and Route 9A on the eastern side of the Embassy Suites Hotel.

Proposed Activity Cont'd

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

NYS Department of Environmental Conservation (possibly stationary and indirect source air permits, Phase II stormwater permit, and state pollutant discharge elimination system permit); see list of possible approvals in chapter 1 of DGEIS.

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

US Department of Housing and Urban Development (HUD), and possible Federal Transit Authority (FTA) and Federal Emergency Management Act (FEMA) funding.

6. Will the proposed project require the preparation of an environmental impact statement?

Yes No If yes, identify Lead Agency:

Lower Manhattan Development Corporation.

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

NYC Department of Transportation -review of possible signage, street signal timing and street direction changes.

Inclusion of some or all of the Adjacent Sites may require agreement, approval or consultation of the City of New York.

C. COASTAL ASSESSMENT

Location Questions:

Yes No

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

Policy Questions

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

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

- | | | |
|---|-------|-------|
| 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) | _____ | ✓ |
| 5. Is the project site appropriate for residential or commercial redevelopment? (1.1) | ✓ | _____ |
| 6. Will the action result in a change in scale or character of a neighborhood? (1.2) | _____ | ✓ |

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) (Note: wind turbines would be placed on top of Freedom Tower.)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4) (Note: reactivation of Hudson River Pump Station discussed in Chapter 18 of DGEIS.)		✓
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) (Note: predicted 24-hour PM 2.5 increments of action with the other Lower Manhattan construction projects predicted to exceed standards during peak construction period in 2006: See discussion in Chapter 21 of DGEIS.)		✓

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7) (Note: See discussion in Chapter 12 of DGEIS).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2) (Note: See discussion in Chapter 11 of DGEIS).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<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)	<input type="checkbox"/>	<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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1) (Note: There is a currently damaged building on the Project Site from the attacks of September 11)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10) (Note: Action is not expected to have a significant adverse impact on such resource; action is also undergoing separate section 106 of the National Historic Preservation Act review.)

_____ ✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)
(See answer in Question 51 above.)

_____ ✓

D. CERTIFICATION

The applicant or agent 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: Kevin M. Rampe, President, Lower Manhattan Development Corporation

Address: One Liberty Plaza, 20th Floor, New York NY 10006

Telephone (212) 962-2800

Applicant/Agent Signature: _____

Date: _____

[Handwritten signature of Kevin M. Rampe]
[Handwritten date: 1/13/2004]