

Appendix I

Coastal Zone Management Consistency Consultation

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Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

March 18, 2020

Mr. Matt Maraglio
Supervisor, Consistency Review Unit Division of Coastal Resources
New York State Department of State
One Commerce Plaza, 99 Washington Avenue, Suite 1010
Albany, New York 12231-0001

Via email: Matthew.Maraglio@dos.ny.gov

Re: Coastal Zone Management Act Consistency Review
CDBG-DR Funding Application
Living with the Bay Stormwater Project
Nassau County, NY

Dear Mr. Maraglio:

The New York State Governor's Office of Storm Recovery (GOSR) is considering whether to provide Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the Rebuild by Design Living with the Bay Program to implement the Living with the Bay Stormwater Project (hereinafter, the "Proposed Action"). The Proposed Action would address flooding caused by rainfall, improve habitat and water quality, mitigate shoreline erosion, ease public access to the waterfront, increase community connectivity, and educate the public on stormwater and environmental management throughout the communities of Nassau County, New York (**Attachment 1, Figures 1 and 2**).

The Proposed Action would include the following components: (1) Smith Pond Rehabilitation; (2) Lister Park Improvements; (3) East Rockaway High School; (4) East, West, and North Boulevards Stormwater Drainage Improvements; and (5) Mill River Greenway. Locations and descriptions of proposed component improvements are as follows:

Smith Pond Rehabilitation: Smith Pond is a 22-acre freshwater pond located along the Mill River north of Sunrise Highway in the Village of Rockville Centre. The proposed improvements would consist of the following:

- Floodwall and Floodgate. Installation and construction of vinyl sheet pile floodwalls with a timber cap along Merrick Road, and along Claude and Nassau Streets, to prevent off-site flooding. A 35-foot-wide passive floodgate would be incorporated into the wall at the southern parking lot on Nassau Street.
- Weir Enhancements and Access Road. The deteriorated timber sheeting and wale on the downstream face of the weir would receive a new concrete-block face. The adjacent timber bulkheads and piles would be removed and replaced with a new concrete bulkhead that would be tied into the weir and receiving-channel concrete slab. The receiving concrete slab would also be repaired. Along the access road to the weir from Merrick Road, a 15-foot-wide compacted dense graded aggregate would be placed with a 2-percent cross slope for drainage.
- Fish Ladder. This pool and chute fish ladder would operate at a range of streamflows that occur during the spring at Smith Pond. Each pool would be 6-feet-long by 6-feet-wide with a minimum depth of 2.5-feet and a drop per pool of 0.5-feet.

- Porous Pavement. A porous pavement parking lot would be installed on the east side of Smith Pond.
- Inlet Headwall and Wing Walls. Structural repair of the northeast culvert head wall and wing walls would include tuck-pointing all exposed mortar joints, stone repair, replacement of the deteriorated wall cap, stone cleaning all surfaces, stone sealing all surfaces, and final cleaning.
- Greenway and Pedestrian Outlook Enhancements. A new 6-foot-wide greenway would be constructed using the alignments of existing pathways. The northern outlook at the northeast outfall and the new southern outlook at the weir would both be connected to the greenway. Electrical conduits and wiring would be installed along the proposed greenway for low-level bollard lighting.
- Invasive Vegetation Removal. Upland and wetland invasive vegetation removal would occur along the north, east, and west shorelines of Smith Pond, with supplemental plantings of native species.

Lister Park Improvements: South of Smith Pond, just north of East Rockaway High School (ERHS), the Lister Park project would entail the proposed improvements:

- Tighe Field. Construction of a bioretention basin and introduction of vegetation at the northwest corner of the Tighe Field parking lot; improvement the parking lot and walkways by removing the curb on the north and west sides of the parking lot and replacing it with pre-cast concrete bumpers, and a new 4-foot sidewalk with an ADA-compliant curb and detectable warning surface from the parking lot; installation of a drainage system leading to the bioretention basin.
- Centennial Field. Construction of a bioretention basin, installation of an underdrain collection system, and introduction of vegetation immediately north of the Centennial Field parking lot; a full-depth pavement reclamation of the parking lot; and installation of a 6-inch perforated high-density polyethylene (HDPE) storm drain through the middle of the parking lot.
- Bligh Field. Construction of a 670-linear-foot, 10-foot wide porous, asphalt greenway adjacent to the river, with drainage relief pipes installed at low points; installation and rehabilitation of four crosswalks; removal of the sidewalk on the southern side of South Park Avenue, between Oceanview and Riverside Roads, and the curb along South Park Avenue; installation of a knee wall; on the opposite side of Riverside Road, installation of a concrete sidewalk; a full-depth pavement reclamation process of the parking lot to install porous asphalt; construction of an earthen berm along the eastern side of Bligh Field; construction of an access ramp to the existing Mill River Overlook on the east side of parking lot, and the replacement of the existing overlook.
- Living Shoreline. Installation of living shoreline and bank stabilization along the Mill River, adjacent to Tighe, Centennial, and Bligh Fields.

East Rockaway High School: Located along the west bank of the Mill River, between Centre Avenue and Pearl Street, the ERHS component would involve the proposed improvements:

- Bulkhead and Shoreline Improvements. The existing bulkhead would be elevated by 2 feet above the current grade, and approximately 634 linear feet of proposed bulkhead would be built along the east side of the site. On the eastern shoreline of Mill River, approximately 29 linear feet of proposed bulkhead would be installed, as well as a 20-by-10-foot rip rap apron at the corner of River Avenue.
- Green Infrastructure and Emergency Generator. A rain garden and a hydrodynamic separator would be installed by the faculty parking lot. An emergency generator would be installed between the school building.
- Parking Lot Enhancements. The entire parking lot would be replaced with new pavement, graded to direct stormwater runoff to the proposed green infrastructure to the east.
- Improved Drainage. A 3-foot-wide French drain with 12-inch perforated HDPE pipe is proposed on the eastern side of the sports field, which would be preserved and maintained. At two locations, additional piping would connect the perforated HDPE pipe invert to the bulkhead.
- Proposed Greenway. Creation of a porous asphalt greenway, ranging from 4 to 10 feet in width, beginning at the end of Centre Avenue in the north and ending at Ocean Avenue in the south.

East, West, and North Boulevards Stormwater Drainage Improvements: This component site is situated in Bay Park, a hamlet in the southwestern portion of the Town of Hempstead. It is bordered by Hewlett and Hewlett Harbor to the west, East Rockaway to the north, Oceanside to the east, and Hewlett Bay to the south. The proposed component would consist of the following:

- Drainage Improvements. Installation of conventional storm sewer structures, such as catch basins, manholes, and storm drainpipes. All improvements would be constructed within existing roadway rights-of-way.
- Roadway Enhancements. Minor paving and surface enhancements at the East, North, and West Boulevards within their rights-of-way.
- Bioretention Basins. Two bioretention basins would be installed at the ends of West Evans Street and Court West Street. Each basin would cover an area of approximately 3,200 square feet.
- Bulkhead. Two new bulkheads, one at the end of West Evans Street and the other at the end of West Sampson Street, would be installed. The bulkheads would be 30- to 35-feet long, made of timber, and include 32-foot-long wood piles driven into the channel bottom. Vinyl sheeting would be attached, and each bulkhead would be supported by an inland structure located in the existing roadway, approximately 14 feet from the bulkhead.

Mill River Greenway: The proposed greenway would span across multiple communities, including the Villages of Hempstead, Rockville Centre, Lynbrook, and East Rockaway, and the Town of Hempstead. As it connects through these communities, it would connect to several waterbodies along the Mill River, including Smith Pond, South Pond, McDonald Pond, and Hempstead Lake.

- The continuous greenway would extend approximately 5.1 miles from Hempstead Lake State Park and Tanglewood Preserve south to Bay Park and Hewlett Bay. The multiuse path would vary in width and, where practical, would typically include 10-foot-wide permeable pavement with water storage and infiltration.

A portion of the project area is situated within the boundary of the New York State Coastal Zone (**Attachment 1, Figure 3**). GOSR is acting as the Responsible Entity in accordance with 24 CFR Part 58 – Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. Pursuant to the Coastal Zone Management Act, GOSR has prepared the attached Federal Consistency Assessment Form and a Summary of Compliance with Applicable New York State Department of State (DOS) Policies to certify that the proposed project is consistent with New York State’s Coastal Management Program.

The purpose of this letter is to provide the DOS notice of the Proposed Action and to request a consistency review to confirm that the utilizing federal funds to implement the proposed activities will be in compliance with general consistency concurrence criteria. GOSR is requesting a response letter from your office that can be included as an attachment to our environmental documentation to confirm that coordination with the New York State Department of State has been completed, and general consistency concurrence criteria will be met.

As this consultation addresses GOSR’s consideration of whether to provide federal funds towards the implementation of the Proposed Action, Nassau County will subsequently consult with your office, as required, as part of their applications for the federal and state permits to construction the Proposed Action in the near future. If you have any questions, please feel free to contact me via telephone number (212) 480-6265 or email: Matt.Accardi@stormrecovery.ny.gov. Thank you for your consideration and cooperation.

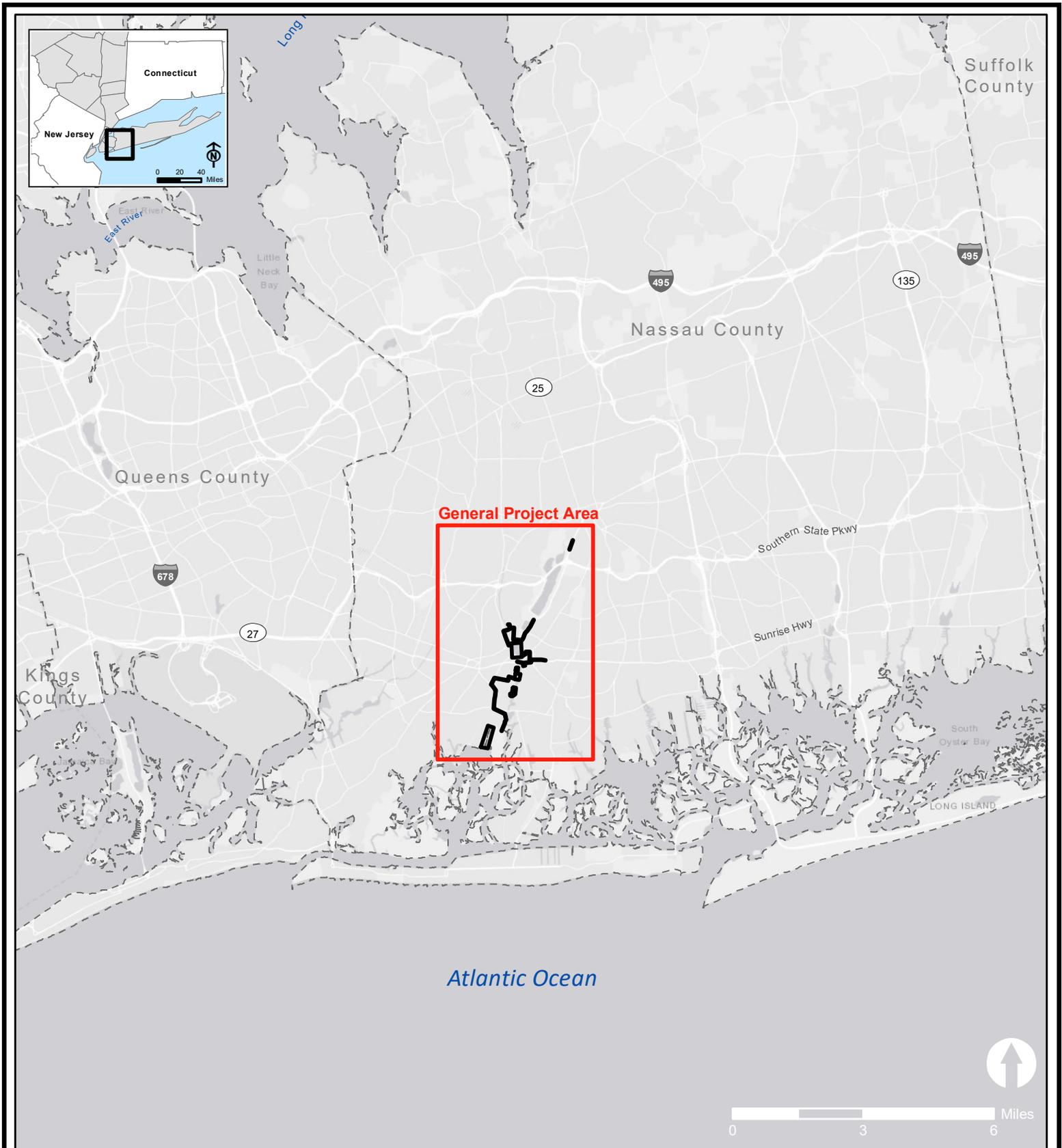
Sincerely,



Matt Accardi
Certifying Environmental Officer

Enclosures:

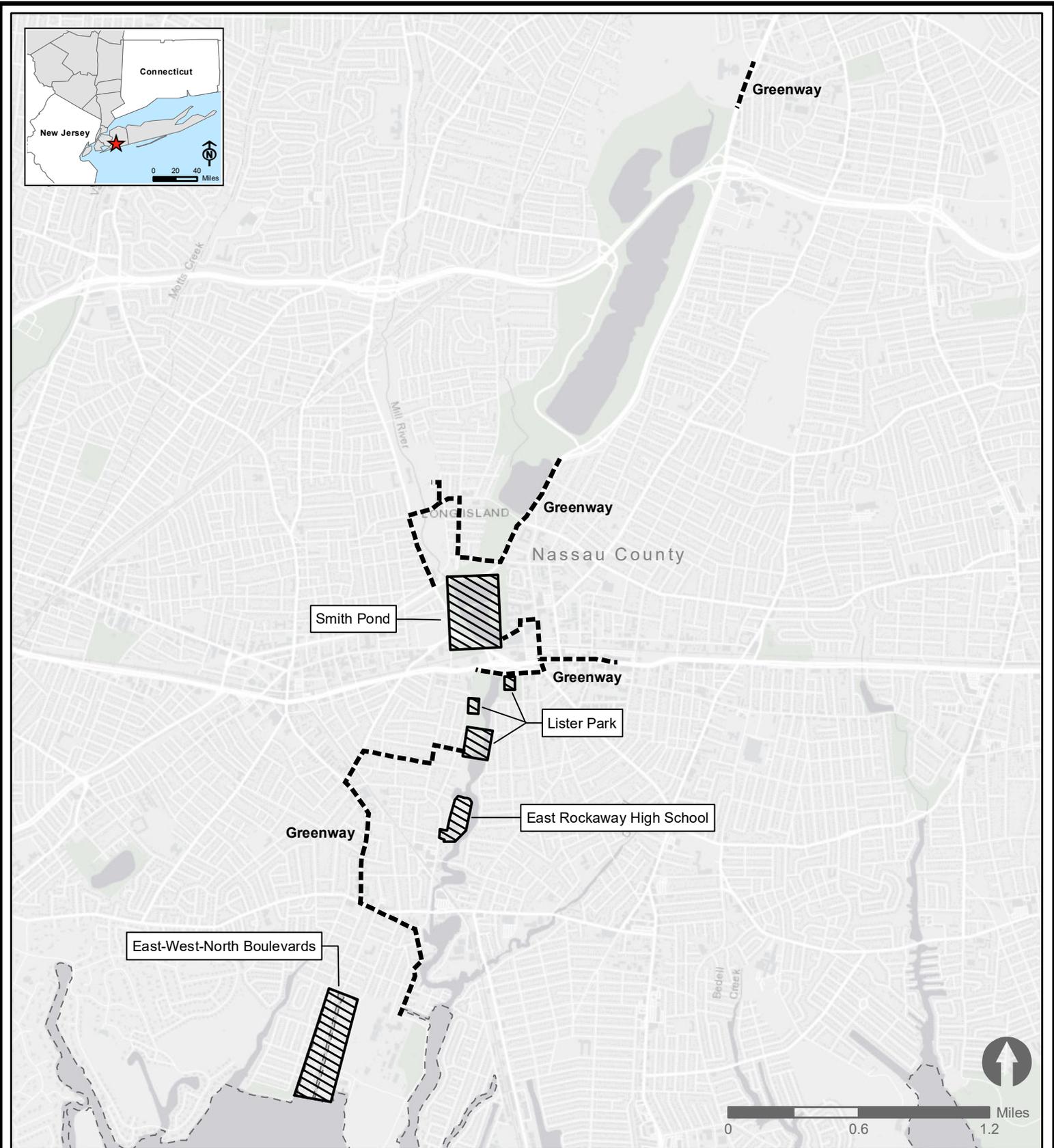
- Attachment 1: Project Location Figures
- Attachment 2-1: Federal Consistency Assessment Form
- Attachment 2-2: Policy Review Addendum



- Project Component
- County Boundary

Figure 1
Regional Location

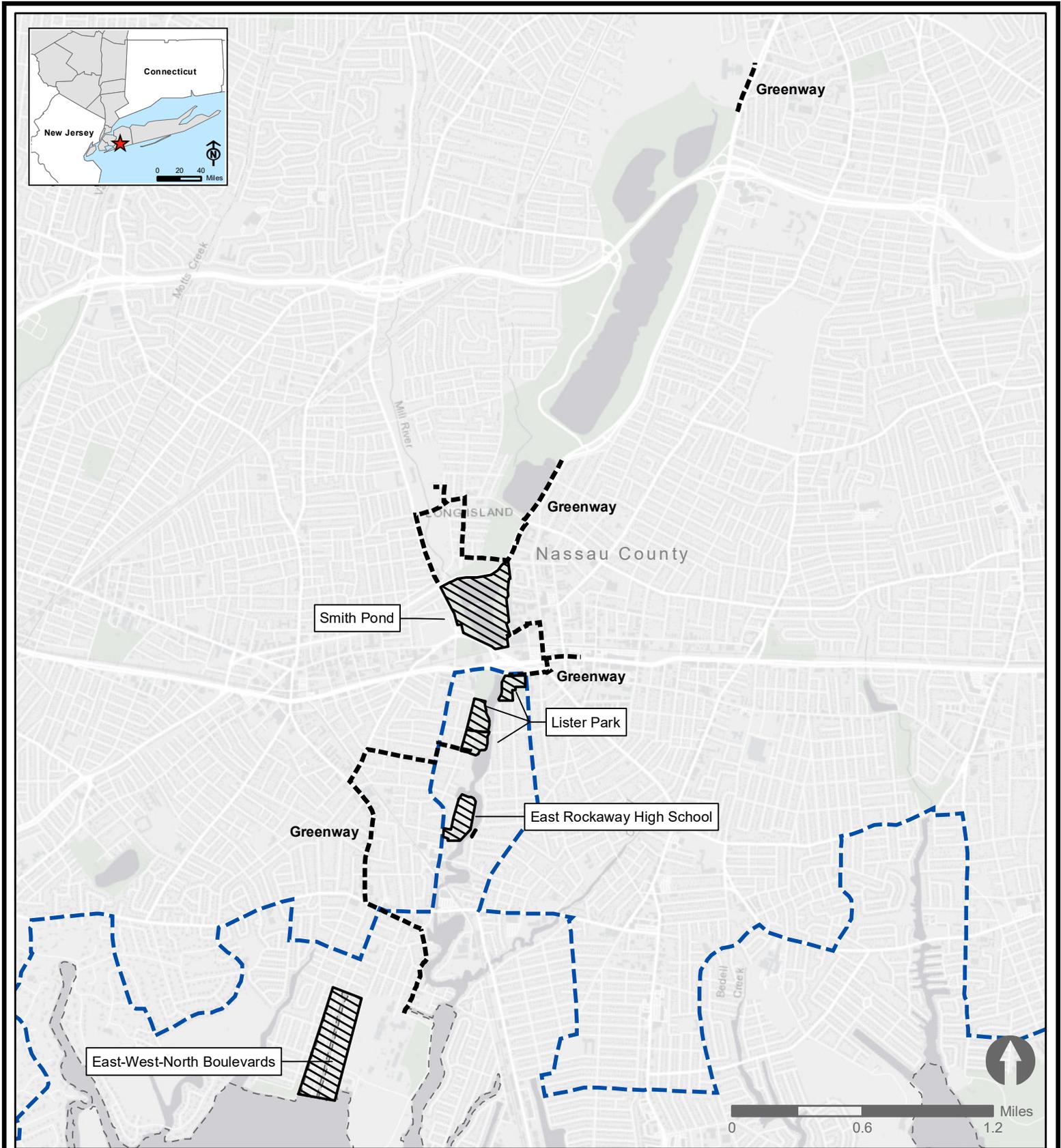
Living with the Bay Stormwater
Infrastructure Upgrades Projects



- Project Centerline
- ▨ Project Boundary
- County Boundary

Figure 2
Project Location

Living with the Bay Stormwater
Infrastructure Upgrades Projects



- Project Centerline
- ▨ Project Boundary
- - - Coastal Boundary
- - - County Boundary

Figure 3
New York State Coastal Zone Boundary

Living with the Bay
 Stormwater Projects



NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

- Governor's Office of Storm Recovery
1. Name: _____
2. Address: 25 Beaver Street, 5th Floor, New York, NY 10004
3. Telephone: Area Code () (212)480-6265

B. PROPOSED ACTIVITY

1. Brief description of activity:

The five (5) components of the Project [Smith Pond Rehabilitation; Lister Park Improvements; East Rockaway High School Improvements; East, West, and North Boulevards Stormwater Drainage Improvements; and the Mill River Greenway] would create or improve green infrastructure and bulkheads to help reduce flooding and increase habitat, connect the greenway throughout Nassau County and improve public access to the waterfront and recreational areas, replace nonporous asphalt with porous material, and increase the number and efficiency of drainage ways. Numerous other smaller improvements will be made to sidewalks, roads, and

2. Purpose of activity:

To respond to Hurricane Sandy's impacts in the northeast region of the United States by addressing flooding caused by rainfall, improving habitat and water quality, mitigating shoreline erosion, easing public access to the waterfront, increasing community connectivity, and educating the public on stormwater and environmental management.

3. Location of activity:

<u>Nassau</u>	<u>Villages of Hempstead, Rockville</u>	<u>Multiple (See Figures)</u>
County	City, Town, or Village <input type="checkbox"/>	Street or Site Description

4. Type of federal permit/license required: HUD CDBG-DR funding through NYS as responsible entity

5. Federal application number, if known: _____

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES / NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Siting of a facility essential to the generation or transmission of energy? (27) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES / NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. State designated freshwater or tidal wetland? (44) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. State designated significant fish and/or wildlife habitat? (7) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. State designated significant scenic resource or area? (24) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. State designated important agricultural lands? (26) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Beach, dune or barrier island? (12) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. State, county, or local park? (19, 20) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. Historic resource listed on the National or State Register of Historic Places? (23) | <input type="checkbox"/> | <input type="checkbox"/> |

3. Will the proposed activity require any of the following: YES / NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. Waterfront site? (2, 21, 22) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. State water quality permit or certification? (30, 38, 40) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. State air quality permit or certification? (41, 43) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Matt Accardi, Certifying Environmental Officer

Address: Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, NY 10004

Telephone: Area Code (212) 480-6265

Applicant/Agent's Signature: matt.accardi@stormrecovery.ny.gov Digitally signed by matt.accardi@stormrecovery.ny.gov
DN: cn=matt.accardi@stormrecovery.ny.gov
Date: 2020.03.18 14:14:39 -0400 Date: March 18, 2020

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

NYSDOS Consistency Assessment

Summary of Compliance with Applicable Policies

This document is the addendum to the Coastal Assessment Form (CAF) for the Living with the Bay Stormwater Project. The Proposed Action is being designed and would be constructed in a manner that is consistent with all applicable New York State Department of State (NYSDOS) Coastal Management Program (CMP) State Coastal policies. The policies that are relevant to the Proposed Action are listed below, followed by a brief description of the manner in which the Proposed Project is consistent with said policies.

I. CONSISTENCY WITH APPLICABLE CZMA POLICIES

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

Response: Improvements under the Proposed Action would assist in the revitalization of waterfront areas. Examples of these actions include the following:

- Improve sidewalks and crosswalks in the Greenway component, with the goal of taking disconnected recreational and open resources in the area and link them into a coherent system of pedestrian and bicycle paths.
- Combine existing trails, gateways, and waterfront access with the Greenway component to develop sites along the Mill River that are currently underused and/or unreachable.
- Improve outfall piping and catch basins through the Boulevards component to prevent future flooding and improve public safety and access during tidal and storm surges.
- Increase recreational use and community connectivity along the waterfront of the East Rockaway High School (ERHS) component by creating a greenway trail where there was previously no option to walk along the shoreline.

The Proposed Action is consistent with this policy.

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

Response: The Proposed Action within the coastal zone will not affect water-dependent uses. Limiting of water-dependent uses and facilities would not occur within any project component. Therefore, the Proposed Action is consistent with this policy.

Policy 7 - Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

Response: The Proposed Action would result in physical alteration of shore areas through construction of shore structures, specifically a living shoreline along the Mill River. Further, Bligh

Field would be re-graded, and an earthen berm would be constructed along the eastern side of the field. These improvements would not result in degrading water quality, increasing turbidity, increasing sedimentation, or altering flows, temperature, or water depths that would adversely affect the biological productivity of the adjacent waterways. In fact, water quality is expected to improve following Proposed Action implementation. Regardless, construction would occur utilizing best management practices and appropriate mitigation measures to minimize impacts. Sediment control fences and inlet protection would be used. Accordingly, the Proposed Action is consistent with this policy.

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.

Response: A goal of the Proposed Action is to implement flood protection, erosion control, stormwater mitigation to limit property damage and increase public safety. The Proposed Action is consistent with this policy.

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

Response: The Proposed Action does not impact beaches, dunes, barrier islands, or bluffs; in fact, the bulkhead at ERHS and the living shoreline element of the Lister Park component would reduce erosion along the Mill River waterfront. During construction activity, BMPs including sediment control fences and inlet protection will be used to address sedimentation. The Proposed Action is consistent with this policy.

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

Response: This policy helps ensure reduction of damage or loss due to erosion by improper design, construction and maintenance standards of a project. The bulkhead at the ERHS component would reduce erosion of the High School's football field and would be designed for a 50-year useful life, while the living shoreline element in the Lister Park component would also reduce erosion. Therefore, the Proposed Action is consistent with this policy.

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

Response: The Proposed Action will not cause increased erosion or flooding; the purpose of the project is to reduce both erosion and flooding. Improvements such as improving the outfall piping and catch basins through the Boulevards component, or creating living shoreline along the Lister Park component, are proposed to prevent future flooding and decrease erosion of the shoreline. Accordingly, the Proposed Action is consistent with this policy.

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

Response: The Proposed Action includes erosion control structures, such as the living shoreline element of the Lister Park component or the bulkhead installation element of the ERHS component, to protect surrounding neighborhoods and improve public safety. The Proposed Action is consistent with this policy.

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

Response: Shorelines and water-adjacent recreation areas will be temporarily impacted during construction of water-adjacent elements of the Proposed Action (greenway creation, living shoreline construction, bulkhead installation, parking lot improvements). However, these impacts will be temporary, and all impacted areas will be restored following construction. A purpose of the project is to increase community connectivity and public access to water-related recreation resources and facilities. The Proposed Action would not permanently interfere with public access or use of public lands and waters. Therefore, the Proposed Action is consistent with this policy.

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

Response: The Proposed Action neither provides new nor reduces current access to the publicly-owned foreshore and lands immediately adjacent to the foreshore. The Proposed Action is not applicable.

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.

Response: The Proposed Action would not interfere with existing or future water-dependent or water-enhanced recreational uses along Mill River, Hewlett Bay, or the Grand Canal. Accordingly, the Proposed Action is consistent with this policy.

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

Response: The Proposed Action would not preclude the use of water related recreation. Proposed improvements, such as developing the greenway along the waterfront of the ERHS component, or improving the access ramp and outlook at Bligh Field within the Lister Park component, would encourage recreational use and community connectivity along the waterfront. Accordingly, the Proposed Action is consistent with this policy.

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

Response: This policy is not applicable as ice management practices are not included as part of the Proposed Action, and the Proposed Action would not be classified as a major energy facility. Accordingly, the Proposed Action is not applicable.

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

Response: The Proposed Action does not involve the discharge of pollutants from municipal, industrial, or commercial sources into coastal water. Therefore, the Proposed Action is consistent with this Policy.

Policy 33 - Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Response: Industry standard BMPs will be employed while conducting all work and staging activities. Sediment control fences and inlet protection will be used throughout the project sites during construction. Subrecipient is required to obtain the NY State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity if the construction project disturbs more than 5,000 square feet to one acre of land. Accordingly, the Proposed Action is consistent with this Policy.

Policy 35 - Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Response: This policy is not the project's purpose. The Proposed Actions do not involve dredging or filling in coastal waters, nor disposal of dredged material. Therefore, the Proposed Action is not applicable.

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.

Response: This policy is not the project's purpose. The Proposed Actions do not involve the shipment and storage of petroleum or other hazardous materials. Therefore, the Proposed Action 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.

Response: Construction equipment and other equipment used for the Proposed Actions may contain petroleum or hazardous substances. BMPs will be used to protect surface and groundwater from accidental releases, including appropriate spill prevention, countermeasure, and contingency plans (SPCC) wherever Proposed Action features present a risk of spill or discharge to waters. During construction, erosion control measures will also be employed to minimize sediment transport into the adjacent waters. Best management practices to ensure that impacts from the Proposed Action are minimized and commensurate with other natural processes and routine activities occurring in bay waters and surrounding areas (i.e., storm events, boat traffic, natural erosion, etc.). Water quality certification pursuant to Section 401 of the Clean Water Act would be obtained prior to construction and the Proposed Action will comply with all requirements. Accordingly, the Proposed Action 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 land, and scenic resources.

Response: Contractors will use BMPs listed in federal/NYSDEC permits for transport, storage, treatment and disposal of all construction and demolition waste, hazardous waste, etc. during construction activities. There are no significantly probable adverse impacts on fish and wildlife resources, groundwater supply, recreation areas, scenic resources, or agricultural land. The Proposed Action 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 shall conform to State water quality standards.

Response: The Proposed Action does not involve a major steam electric generating or industrial facility. Following implementation of the Proposed Action, water quality is expected to improve due to the increased infiltration of stormwater through proposed improvements, such as the bioretention basins in the Lister Park and Boulevards components, or the porous pavement used for parking lots at the Lister Park component. The Proposed Action is consistent with this Policy.

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

Response: The Proposed Action requires several approvals including those required under Article 15 Protection of Waters (New York State Department of Environmental Conservation (NYSDEC)); Article 25 of the Tidal Wetland Act (NYSDEC); Section 10 of the River and Harbors Act (U.S. Army Corps of Engineers (USACE)); and Sections 401 and 404 of the Clean Water Act (NYSDEC/USACE). These permitting processes would identify impacts to tidal and freshwater wetlands and associated mitigation. The Proposed Action is consistent with this Policy.

II. ASSESSMENT

The assessment provided herein found that the Proposed Action would be consistent with all applicable policies. Therefore, the Proposed Action would not result in any significant adverse impacts related to the CZMA.

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STATE OF NEW YORK
DEPARTMENT OF STATE

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ALBANY, NY 12231-0001
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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

April 13, 2020

Matt Accardi
Certifying Environmental Officer
Bureau of Environmental Review and Assessment
Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, New York 10004

Re: F-2020-0155(FA)
GOSR / Nassau County
Federal funding for the Living with the Bay-Stormwater
Infrastructure Upgrades (Smith Pond Rehabilitation;
Lister Park Improvements; East Rockaway High School;
East, West, and North Boulevards Stormwater Drainage
Improvements; and Mill River Greenway
Nassau County, New York
General Concurrence - No Objection To Funding

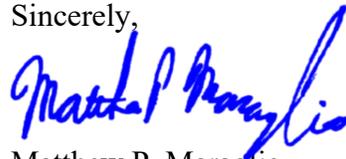
Dear Mr. Accardi:

The Department of State received the information you submitted regarding the above matter on 3/18/2020.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of U. S. Housing and Urban Development funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Matthew Maraglio at Matthew.Maraglio@dos.ny.gov and refer to our file #F-2020-0155(FA).

Sincerely,



Matthew P. Maraglio
Supervisor, Consistency Review Unit
Office of Planning, Development
and Community Infrastructure

MM/dc



**Department
of State**

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