



ANDREW M. CUOMO
Governor

STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION)

SUNSET COVE PARK MARSH RESTORATION

DATE: May 14, 2019

NAME OF ACTION: Sunset Cove Park Marsh Restoration

LOCATION: Sunset Cove Park – Broad Channel, Queens, NY; Oyster Cove, Jamaica Bay

SEQRA CLASSIFICATION: Type I; Unlisted

REVIEW TYPE: Coordinated; Uncoordinated

DETERMINATION OF SIGNIFICANCE: Negative Declaration; Positive Declaration

The Proposed Project:

The City of New York is requesting Community Development Block Grant – Disaster Recovery (CDBG-DR) funding to construct a viewing platform above the cove at the Sunset Cove Park located in Broad Channel, Queens, NY. Sunset Cove Park is a 12-acre parcel located on a former abandoned and derelict marina in Broad Channel, Queens, NY, the only populated community within the Jamaica Bay islands. The park is bounded by West 19th Road to the north, Cross Bay Boulevard to the east, and the American Ball Fields to the south (See Appendix A_Figures). The shoreline of the project area, and Big Egg Marsh to the southwest, are both part of the National Park Service (NPS) Jamaica Bay Wildlife Refuge and the Gateway National Recreation Area. Formerly known as Schmitt's Marina, the site was acquired by the New York City Department of Parks & Recreation (NYC Parks) in 2009, at the urging of the community, following prosecution of the owner for environmental and other violations. The area consists largely of construction fill, debris, and invasive vegetation with limited coastal protection and ecological function.

The boardwalk and viewing platform/outdoor classroom are part of a larger project that is being completed in three phases. **CDBG-DR funding would be used solely for the construction of the boardwalk and viewing platform/outdoor classroom. This environmental review is solely for the construction of the boardwalk and viewing platform/outdoor classroom.** New York city Department of Parks and Recreation has completed a NYC City Environmental Quality Review Environmental Assessment Statement (EAS) Short Form for the other two phases of the projects and will complete the National Environmental Policy Act (NEPA) review.

In **Phase 1**, the debris and invasive species will be removed, and the site regraded to establish the required elevations for tidal hydrology. A protective berm will be constructed around the upland perimeter of the parcel. Proposed wetland areas will be capped as needed with clean topsoil and fine graded prior to the installation of plant materials. Areas of low marsh, high marsh and upland will be created to mimic the original habitat areas and a tidal inlet will be constructed to provide flow into the low marsh area. The existing bulkhead will remain undisturbed. There are remnants of an in-water pier., some sections of which are significantly deteriorated and will be removed for public safety. After clearing of debris, the shoreline will be re-graded to

a natural shoreline elevation and native plant species will be planted, using native plant materials that are appropriate to the level of salt water inundation that each particular area of the site will receive. Existing riprap along some areas of the shore will be repaired and replaced. Other shoreline areas with natural, sandy slopes will be left intact.

Phase 2, being funded by CDBG-DR, includes the construction of a boardwalk on the berm and along the shoreline to a hexagonal viewing platform/outdoor classroom. The location of the boardwalk is provided in the attached figures. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with a viewing platform and outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width, gradually increasing in elevation from the ground surface to the classroom (See Appendix B_Site Plans). **This environmental review is solely for the construction of the boardwalk and viewing platform/outdoor classroom.**

Phase 3 may include the construction of the oyster cove located in the northern portion of the site and a floating dock at the northern side of the parcel extending out into the channel.

CDBG-DR funding would be used for Phase 2, the construction of a boardwalk and viewing platform/outdoor classroom at a restored wetland in Sunset Cove (Queens, NY), an abandoned and deteriorated marina surrounded by the Broad Channel residential community. The 370-ft long, 7-ft wide boardwalk would extend from an existing walkway and run on top of a previously-constructed berm running along the shoreline. The boardwalk would gradually increase in elevation from ground surface and terminate at a classroom that would be constructed and intended for nature-based, environmental education (See Appendix B_Site Plans). The boardwalk would be constructed of recycled plastic lumber and Ipe wood that was originally used for the Rockaway boardwalk in the 1930s and reclaimed after its destruction during Superstorm Sandy. Ipe wood is generally rot-resistant but its cross-cut ends will be sealed with an appropriate sealant. Based on the information provided, this project should not pose a significant threat to health or the environment and thus complies with Section 1424(e) of the Safe Drinking Water Act. New York City Department of Parks and Recreation has completed a NYC City Environmental Quality Review Environmental Assessment Statement (EAS) Short Form for the other two phases of the projects.

Sunset Cove is surrounded by private residences, a wastewater pumping station, Cross Bay Boulevard, and the Cross Bay Bridge, which serves as a major access route to the Rockaway peninsula. By restoring the area to provide the resiliency benefits of coastal wetlands, maritime forests, and upland berms, the Sunset Cove project will contribute to the protection of Broad Channel and the larger Jamaica Bay human and ecological community. The Jamaica Bay Wildlife Refuge, which includes the majority of remaining salt marsh in New York City, provides important habitat for wildlife, and is a natural area of global significance. The introduction of amenities for passive recreation, such as bird watching, hiking, and interpretive walks, would allow improved access in a region that receives local visitors as well as tourists from around the world. The proposed project would increase resiliency, restore native habitat, and promote stewardship within Jamaica Bay and throughout New York City.

Purpose and Need:

The surge from Superstorm Sandy swept across Broad Channel, covering everything in its path. Automobiles, boats, homes, and businesses were lost, and community recovery has been slow and challenging. A number of houses were destroyed, and several years later, many businesses that anchor Cross Bay Boulevard are still struggling to re-open.

A key strategy included in the Broad Channel NY Rising Community Reconstruction (NYRCR) Plan is to “develop a layered approach to coastal protection that incorporates natural strategies to protect edge neighborhoods from coastal flooding.” The proposed project of salt marsh, coastal shrubland, and maritime forest restoration as well as upland perimeter improvements will provide a measure of protection for this

vulnerable community by mitigating wave impacts associated with storms. The overall Sunset Cove Marsh Restoration Project will assist in the overall recovery of the Broad Channel community by providing an ecological and sustainable solution to reduce wave action from Jamaica Bay from surge impacts on residential and commercial assets, as well as the Cross Bay Veterans Memorial Bridge Toll Plaza. The pilot oyster habitat, in conjunction with the remainder of the “Sunset Cove Restoration Project,” will provide significant environmental benefits through the recovery and restoration of degraded habitats in Jamaica Bay and increase wave reduction potential.

The CDBG-DR-funded Project would enhance the Broad Channel Community’s cohesion through its ties to the waterfront. Projections indicate the community is at risk of losing housing, businesses, and community centers, which could lead to economic decline and a loss of community cohesion. Broad Channel is defined by its relationship to the waterfront. Its economic success and attraction to residents and visitors lies in its connection to the concept of “Community” and the Community’s connection to its waterfront. If this connection is lost, Broad Channel may undergo dramatic change. The introduction of amenities for passive recreation provided by the Project, such as bird watching, hiking, and interpretive walks, would allow improved access in a region that receives local visitors as well as tourists from around the world. The proposed project would increase resiliency, restore native habitat, and promote stewardship within Jamaica Bay and throughout New York City.

Existing Conditions:

Broad Channel is located on a long narrow island and is home to approximately 2,500 residents living in mostly single-family homes built prior to 1960, along blocks that fan out on both sides of Cross Bay Boulevard. Almost all Broad Channel workers commute off-island, with half of the employed population traveling outside of Queens to work destinations. The island functions as a single neighborhood and is very involved with its local community centers. These centers, despite incurring significant damage from Superstorm Sandy, became the places of refuge, services, food, and assistance in the days and weeks following the storm.

Projections indicate the Broad Channel community is not going to grow significantly; in fact, it is at risk of losing housing, businesses, and community centers, which could lead to economic decline and a loss of community cohesion.

New York State has experienced a number of storms (e.g., Hurricane Irene, Tropical Storm Lee, Hurricane Sandy) that have caused substantial damage over the last decade. This trend increased the need for recovery and restoration of degraded habitats and increased wave reduction potential for human and ecological communities like Jamaica Bay.

Funding:

The total Project cost is estimated at \$2,195,000 (HUD and non-HUD funds). The estimated total HUD funded amount is \$895,000. GOSR proposes to allocate funding pursuant to the HUD CDBG-DR program as authorized by the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013). The NYS HTFC, which administers the CDBG-DR program funds on behalf of GOSR, intends to approve funding for the proposed Project as described in this notice.

Environmental Considerations:

Land Use, Zoning, Public Policy and Urban Design – The proposed Project is consistent with existing regulations, land use types, building height and scale. The purpose of the Project is to construct a viewing platform above the cove at the Sunset Cove Park, which formerly housed an abandoned and derelict marina. The construction of the boardwalk and viewing platform would enhance the area and create a more enjoyable space for the community. The plans would be followed explicitly. Only 0.06 acres of the 12-acre Site would be disturbed. The Project would not require the acquisition of new land, or change the existing land use or zoning, or alter the residential character of the community. New York City’s land-use decisions are mediated

through the Uniform Land Use Process and the zoning resolution. The Project would not result in any changes in zoning or land use that would trigger this process.

PlaNYC, a type of long-term strategic plan released in April 2007, to address climate change and the city's fast-growing population, was replaced more recently by OneNYC that includes equity to the list of major concerns. The Project is consistent with its initiatives to maximize the economic, environmental, and social benefits of infrastructure investments and strengthen the city's coastal defenses by completing many vital projects in all five boroughs.

The NYCDP Vision 2020: New York City Comprehensive Waterfront Plan (Vision 2020) provides a comprehensive framework for the future of New York City's waterfronts, with strategies for implementing many of the long-term goals of PlaNYC (now OneNYC). Vision 2020 plans to improve the City's water quality and ensure that each neighborhood has access to recreational space that is so vital to its residents' quality of life. Consultation with NYCDP found that the Project is consistent with the WRP policies and the local program.

The Project is part of the Broad Channel New York Rising Community Reconstruction Plan. The Project would provide recreational and educational benefits to residents of Broad Channel as well as the larger Jamaica Bay community.

Soil Suitability, Slope, Erosion, Drainage, and Stormwater Runoff – The proposed project involves the restoration and conversion of a highly disturbed former marina site into a natural open space and passive recreation area. The project area is not covered by impervious surfaces, and the creation of the elevated boardwalk would not increase impervious surfaces. The boardwalk and viewing platform would be elevated above the berm increasing in elevation from the ground surface to the classroom. No impact is anticipated on soil sustainability, slope erosion, drainage, or storm water runoff.

Prior to construction, the appropriate permits would be obtained in accordance with New York State Department of Environmental Conservation (NYSDEC) stormwater discharge from construction activities regulations; and Section 401 of the Clean Water Act. A stormwater pollution prevention plan would be prepared for the Project, describing the use of best management practices (BMP) to control runoff during construction that would mitigate Project-related temporary effects.

Hazards and Nuisances, including Site Safety and Noise – Based on the site's history of filling activity and marina operations, some degree of contamination would be expected. A Phase I Environmental Site Assessment and a Phase II Environmental Site Investigation were performed to characterize soil and subsurface conditions (See Appendix D_Contamination and Toxic Substances). The investigations identified certain contaminants that exceeded 6 NYCRR Part 375 Restricted Residential Use Soil Cleanup Objectives (SCOs), including hazardous levels of lead at three location on the site. Two of these locations also contain hazardous levels of PCBs. As directed by NYSDEC, soils contaminated with hazardous levels of PCBs and lead at these locations would be excavated to the endpoint of contamination and segregated for appropriate removal or left undisturbed. Soils in the remainder of the proposed marsh area are not hazardous, but exceedances of restricted residential SCOs occur. In accordance with NYSDEC and Phase II recommendations, soils would be over-excavated and capped with clean fill in these locations. The contaminated soil removal and disposal plan will be reviewed and approved by the NYSDEC. With the implementation of the approved soil removal plan and capping, potential exposure pathways would be removed and no significant adverse impacts related to hazardous materials would be expected.

The Project site was not identified in NYSDEC Remedial or Bulk Storage Site Databases (See Appendix A_Figures). A search of the NYSDEC Bulk Storage Program Database identified 24 petroleum bulk storage (PBS) facilities, 3 chemical bulk storage (CBS) facilities, and 1 major oil storage facility (MOSF) within one mile of the Project site. These bulk storage sites are not considered a hazard that could affect the health and

safety of visitors or conflict with the intended use of the boardwalk because the bulk storage sites are permitted and regulated by the NYSDEC bulk storage program ensuring the proper containment, handling and storage of petroleum, hazardous substances/chemicals, or liquefied natural gas (LNG). No records of release, violations, or spills from these permitted facilities were identified in the NYSDEC data base searches.

A search of the NYSDEC Remedial Site Database, containing records of the sites being addressed under one of DER's remedial programs (State Superfund, Brownfield Cleanup, Environmental Restoration and Voluntary Cleanup, the Registry of Inactive Hazardous Waste Disposal Sites, and Institutional and Engineering Controls), identified one Brownfield Cleanup site and one Voluntary Cleanup site within one mile south.

The Project will not result in the exposure of people or sensitive environmental resources to the locations identified in these databases.

The project site is in a 100-year flood hazard area and in the bounds of the Brooklyn-Queens SSA (See Appendix A_Figures). The Project is in a coastal zone as defined by the state's Coastal Zone Management Program. The project area is enrolled in City Voluntary Cleanup Program and is undergoing remediation of contaminated soils. No other known natural hazards, including earthquake fault zones, landslide zones, or hazardous terrain, are at or near the Project sites.

Some noise may be generated during construction; however, this will be temporary and will not adversely impact the surrounding areas. The proposed activities will not significantly increase the level of noise or vibration compared to current conditions. A noise mitigation plan would be developed prior to construction to minimize construction noise effects. Project construction would follow the provisions of the Rules for Citywide Construction Noise Mitigation (Title 15 of the Rules of the City of New York, Chapter 28, Citywide Construction Noise Mitigation). Mitigation measures could include but would not be limited to restricting the time and duration of construction activities during the day and week, phasing of construction, perimeter barriers, quieter models of equipment, and use of mufflers or other sound-dissipative devices on construction equipment.

Energy Consumption – The Project would not result in additional energy consumption because no changes in land use, population, or energy infrastructure would occur. No impacts would occur to existing nearby suppliers.

Socioeconomic Impacts and Community Facilities and Services – The proposed Project would create temporary construction jobs. A minor increase in long-term employment could occur for interpretive staff at the outdoor classroom. These jobs would not significantly impact employment and income patterns or alter the demographic characteristics of the surrounding community.

No direct or indirect population changes would result from the Project, and there would be no demographic, character, or displacement impacts. Because the Project involves no changes in population, there would be no impact on demand for educational, cultural, health care, or social service facilities. The viewing platform and outdoor classroom would provide a beneficial increase in educational and cultural facilities. In addition, because there are no commercial facilities in the Project area, the Project would not directly or indirectly displace people, businesses, institutions, or community facilities.

The Project site does not contain a structure that is listed on either the State or National Register of Historic Places (NRHP).

Construction may result in a temporary increase in solid waste. Construction debris would be collected on-site and disposed of or recycled as appropriate. There would be no increase in solid waste disposal or recycling

from operation of the Project because it would not result in any changes in population or land use. No public waste disposal would be present on the project site.

The proposed Project would not generate wastewater and sewage. No public restrooms are included in the project. There would be no impact on wastewater and sewage generated in the Project area.

This Project would not change the area residents' use of water, and on-site no public drinking water supply is included in the project. No changes to the water supply system are anticipated. There are no drinking water wells within one-half mile of the Project site.

The Project would not involve an increase in resident population; therefore, no major increase in police and fire protection or emergency medical services would occur. An increase in visitors to the area as a result of the Project could result in a slight increase in fire and emergency responses but would not be beyond the capacity of existing services to provide.

Temporary effects on transportation within the neighborhood could occur during construction, with an increase in construction traffic. This would be handled through the use of BMPs, such as signage, time of day restrictions, and public notification. A slight increase in traffic would occur as a result of public use of the Project; however, this site was used in the past as a marina, and the neighborhood has handled the consequent traffic. It is anticipated that the slight increase in traffic and need for parking would be easily absorbed in the area and handled by BMPs, such as signage.

Natural Features – The proposed project site has been heavily disturbed and the on-site natural resources have been degraded by previous filling activity and the development and operation of the former marina. The methods to be used to restore the site would be similar to successful forest and wetland restoration work conducted by New York City Department of Parks and Recreation's Natural Resources Group (NRG) for the last twenty years in natural areas of parks throughout New York City, and the planted material would be monitored and maintained by NRG staff to ensure success after the contract is finished.

The western edge of the Project area borders a National Wetlands Inventory (NWI) Estuarine and Marine Deepwater wetland associated with Broad Channel. Approximately, 5.24 acres of the project are within NYS tidal coastal wetlands, and approximately 5.29 acres are within the 300-foot buffer (See Appendix A_Figures). An 8-Step Floodplain and Wetland Analysis concluded that these effects would be minimal because the boardwalk would not alter the characteristics or capacity of the wetlands.

Temporary erosion and sediment controls would be installed over the length of the Project area. These measures would be installed prior to disturbance and would remain in place until all slopes are stabilized and revegetated as necessary. All stockpiled soils would be protected with sediment and erosion control measures in compliance with Section 207-02 of the NYS Department of Transportation Standard Specifications. All necessary precautions would be undertaken to prevent contamination of any streams, channels or waterways by silt, sediment, fuel, solvents, lubricants, epoxy coatings, debris, concrete leachate, or any other pollutant associated with Project construction would be avoided through proper equipment maintenance and washout basins, platforms, nets, and screens for equipment cleaning. Debris or excess construction material would be immediately removed off-site.

The Project area is located within the bounds of the Kings/Queens Counties (Brooklyn-Queens) Aquifer System Sole Source Aquifer (SSA). The Project would not impact the SSA use in any way.

Most of the Project Site is located within Special Flood Hazard Area (SFHA) Zone AE (areas within the one percent annual chance of flood) (See Appendix A_Figures). Although the Project is located within a floodplain, the boardwalk and viewing platform would not alter the characteristics or capacity of the floodplain. The Project would not result in an increase in impervious surface. Best management practices

during construction would minimize disturbance of the 100-year floodplain by equipment, site runoff, sedimentation, or other construction activities. This would not result in permanent adverse effects on the natural and beneficial values of the floodplain or lives and property.

A consultation letter sent to the US Fish and Wildlife Service (USFWS) on November 28, 2018, indicated that there were four threatened species and one endangered species potentially associated with the Project Site (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence). The threatened species include the piping plover (*Charadrius melodus*), the red knot (*Calidris canutus*), and the seabeach amaranth (*Amaranthus pumilus*). The endangered species is the roseate tern (*Sterna dougallii*). GOSR determined the following:

The proposed project would improve habitat conditions for many coastal species, but would not create new breeding habitat for piping plovers. GOSR determined that this project may affect but is unlikely to adversely affect the piping plover.

The site, and Jamaica Bay in general, does not support the dense horseshoe crab spawning required for red knot staging areas. Therefore, it is unlikely that red knots would utilize the project site. Any individuals present during construction would be transient and would avoid areas under construction. An area within 300 meters of the project site would be surveyed for red knot staging sites prior to construction to avoid impacts. If red knot staging sites are found within this buffer, construction would be limited to the period from September 1 to May 31 to avoid or minimize disturbance during the breeding season. If the red knot is identified within the project area and with this time restriction, GOSR determined that this project may affect but is unlikely to adversely affect the red knot. On February 19, 2019, USFWS responded via electronic mail that it would concur with this methodology.

The potential for roseate terns to occur in the project site is considered extremely low and limited to migrants moving through the area en route to nesting sites elsewhere in the region or to wintering grounds in the southern hemisphere. GOSR determined that this project may affect but is unlikely to adversely affect the roseate tern.

According to the USFWS IPaC Trust Resource Report, accessed November 27, 2018, there are several migratory birds of concern that could potentially be affected by the Proposed Project. The project takes place within the Atlantic Flyway. GOSR determined that the project would have no significant adverse impact on migratory birds or their habitat. It is anticipated that passerine birds would temporarily leave the area during construction due to noise and disturbance. In addition, the overall project would restore coastal wetlands that support several of these species.

Bald eagle (*Haliaeetus leucocephalus*) habitat and breeding sites are not found within Queens County. GOSR determined that the Proposed Project action would have no effect on the bald eagle.

In an August 23, 2018 letter from the NYS Division of Fish and Wildlife, Natural Heritage Program (NHP), the common tern (*Sterna hirundo*, NYS-listed as Threatened) and black skimmer (*Rynchops niger*, NYS Species of Special Concern) have been historically located within 0.5 mile of the project site at Subway Island. These species have not been observed there since 1985, but it is possible they could return to the area. The NHP stated that comprehensive field surveys have not been conducted and that they are unable to provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence). Further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

The soils on the three Project sites are not identified as prime farmland or within an agricultural district (See Appendix A_Figures).

The proposed Project is classified as an Unlisted action, and GOSR, as the lead agency, prepared a Short Environmental Assessment Form (SEAF) under the State Environmental Quality Review Act (SEQRA). The proposed Project is funding the construction of the boardwalk and viewing platform/outdoor classroom, and as such is not of sufficient scale to result in adverse effects to existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, or to create erosion or drainage problems.

The proposed Project would include the following measures to avoid or reduce environmental effects:

- NYSDEC: Tidal Wetlands, Protection of Waters, and 401 Water Quality Certification
- USACE: 404 Wetland Permit
- An area within 300 meters of the project site would be surveyed for red knot staging sites prior to construction to avoid impacts. If red knot staging sites are found within this buffer, construction would be limited to the period from September 1 to May 31 to avoid or minimize disturbance during the breeding season.
- A SWPPP describing the use of BMPs to control runoff during construction that would mitigate Project-related temporary effects
- Noise mitigation plan under Rules for Citywide Construction Noise Mitigation (Title 15 of the Rules of the City of New York, Chapter 28, Citywide Construction Noise Mitigation)
- Implementation of standard BMPs would control dust and other emissions during construction.

Standard Requirements:

Any change to the proposed Project as described will require re-evaluation by GOSR’s Certifying Officer for compliance with SEQRA and other law, regulations and policies.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

Additional Mitigation Measures:

To the extent practicable, the following mitigation measures recommended by the United States EPA would be implemented by the Responsible Entity to minimize environmental impacts and create a more sustainable Project:

- Construction and demolition – utilize local and recycled materials in the construction process and to recycle materials generated onsite to the maximum extent possible
- Clean diesel – implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:
 - Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and
 - Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.
- Stormwater – utilize low impact development (LID) principles such as minimizing effective imperviousness to create site drainage, and the planting of native and non-invasive vegetation on the Project site for stormwater management purposes. Other LID practices can include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements;
- Cost-efficient, environmentally friendly landscaping – EPA’s GreenScapes program provides cost-efficient and environmentally friendly solutions for landscaping;

In addition to the factors considered above, the GOSR considered the following guidance from SEQRA and its implementing regulations and determined that the Proposed Action would:

Sunset Cove Park Marsh Restoration – Negative Declaration
May 14, 2019

- i. Not result in “a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;” (§617.7(c)(1)(i))
- ii. Not result in “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; or other significant adverse impacts to natural resources;” (§617.7(c)(1)(iii))
- iii. Not result in “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted;” (§617.7(c)(1)(iv))
- iv. Not result in “the creation of a hazard to human health;” (§617.7(c)(1)(vii))
- v. Not result in “a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;” (§617.7(c)(1)(viii))
- vi. Not result in “the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;” (§617.7(c)(1)(ix))
- vii. Not result in “the creation of a material demand for other actions that would result in one of the above consequences;” (§617.7(c)(1)(x))
- viii. Not result in “changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

Therefore, GOSR, acting as Lead Agency (See Appendix G_Lead Agency Letter and Responses), and having prepared a SEAF, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.



Lori A. Shirley
Date: May 14, 2019
Director, Bureau of Environmental Review and Assessment
Governor’s Office of Storm Recovery
New York State Homes & Community Renewal
38-40 State Street, Albany, NY 12207
Office: (518) 474-0755

A copy of this Notice is available at the following web address:
<http://www.stormrecovery.ny.gov/environmental-docs>

Short Environmental Assessment Form

Part 1 - Project Information

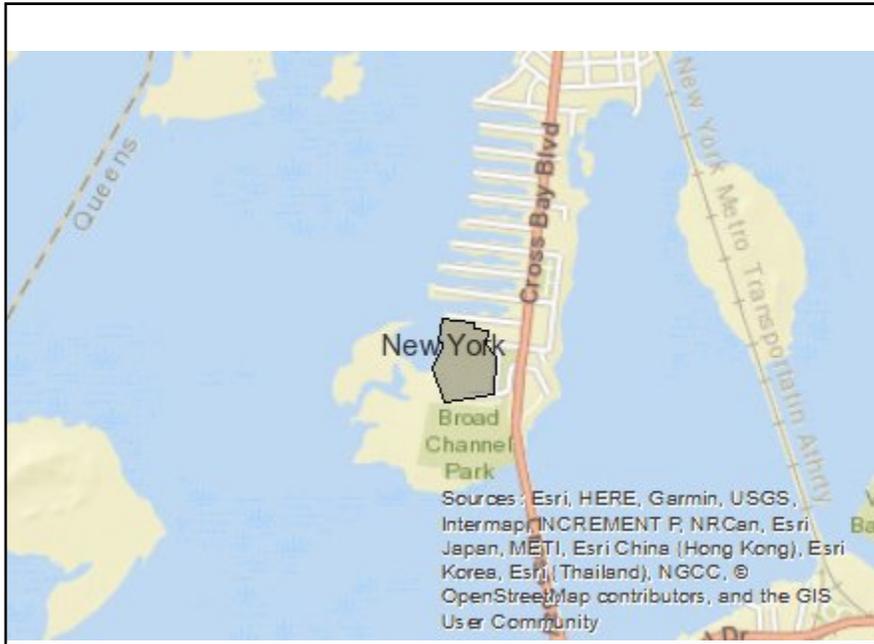
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			
and debris, invasive species and hardened shoreline			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: <u>11/14/2018</u></p> <p>Signature: <u></u></p>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Jamaica Bay, Reason:Protect ecosystem & large number of wildlife, Agency:Kings, Queens, Nassau County, Date:2-1-90
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Common Tern
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

ATTACHMENT A

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1 – PROJECT INFORMATION

SECOND PHASE OF THE SUNSET COVE PARK MARSH RESTORATION

DESCRIPTION AND CLASSIFICATION OF ACTION

This supplemental information has been prepared for the Project listed above as a companion to the Short Environmental Assessment Form (6 NYCRR Part 617.20 - Appendix B) completed by GOSR as part of an independent review as an Involved Agency, with consideration of Criteria for Determining Significance listed in 6 NYCRR 617.7.

Project Description:

The City of New York is requesting Community Development Block Grant – Disaster Recovery (CDBG-DR) funding to construct a boardwalk and viewing platform/outdoor classroom above the cove at the Sunset Cove Park located in Broad Channel, Queens, NY. Sunset Cove Park is a 12-acre parcel located on a former abandoned and derelict marina in Broad Channel, Queens, NY, the only populated community within the Jamaica Bay islands. The park is bounded by West 19th Road to the north, Cross Bay Boulevard to the east, and the American Ball Fields to the south (See Appendix A_Figures). The shoreline of the project area, and Big Egg Marsh to the southwest, are both part of the National Park Service (NPS) Jamaica Bay Wildlife Refuge and the Gateway National Recreation Area. Formerly known as Schmitt's Marina, the site was acquired by the New York City Department of Parks & Recreation (NYC Parks) in 2009, at the urging of the community, following prosecution of the owner for environmental and other violations. The area consists largely of construction fill, debris, and invasive vegetation with limited coastal protection and ecological function.

The boardwalk and viewing platform/outdoor classroom are part of a larger project that is being completed in three phases. **CDBG-DR funding would be used solely for the construction of the boardwalk and viewing platform/outdoor classroom. This environmental review is solely for the construction of the boardwalk and viewing platform/outdoor classroom.** New York city Department of Parks and Recreation has completed a NYC City Environmental Quality Review Environmental Assessment Statement (EAS) Short Form for the other two phases of the projects and will complete the National Environmental Policy Act (NEPA) review.

In **Phase 1**, the debris and invasive species will be removed, and the site regraded to establish the required elevations for tidal hydrology. A protective berm will be constructed around the upland perimeter of the parcel. Proposed wetland areas will be capped as needed with clean topsoil and fine graded prior to the installation of plant materials. Areas of low marsh, high marsh and upland will be created to mimic the original habitat areas and a tidal inlet will be constructed to provide flow into the low marsh area. After clearing of debris, the shoreline will be re-graded to a natural shoreline elevation and native plant species will be planted, using native plant materials that are appropriate to the level of salt water inundation that each particular area of the site will receive. Existing riprap along some areas of the shore will be repaired and replaced. Other shoreline areas with natural, sandy slopes will be left intact.

SHORT ENVIRONMENTAL ASSESSMENT FORM

PART 1 - PROJECT INFORMATION

ACTION/PROJECT: SECOND PHASE OF THE SUNSET COVE PARK MARSH RESTORATION

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Phase 2, being funded by CDBG-DR, includes the construction of a boardwalk on the berm and along the shoreline to a hexagonal viewing platform and outdoor classroom. The location of the boardwalk is provided in the attached figures. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with an outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width, gradually increasing in elevation from the ground surface to the viewing platform (See Appendix B_Site Plans). **This environmental review is solely for the construction of the boardwalk and viewing platform/outdoor classroom.**

Phase 3 may include the construction of the oyster cove located in the northern portion of the site and a floating dock at the northern side of the parcel extending out into the channel.

CDBG-DR funding would be used for Phase 2, the construction of a boardwalk and viewing platform at a restored wetland in Sunset Cove (Queens, NY), an abandoned and deteriorated marina surrounded by the Broad Channel residential community. The 370-ft long, 7-ft wide boardwalk would extend from an existing walkway and run on top of a previously-constructed berm running along the shoreline. The boardwalk would gradually increase in elevation from ground surface and terminate at a classroom that would be constructed and intended for nature-based, environmental education. Over most of its length, the boardwalk would be elevated approximately 18 inches over the base flood elevation of 11 ft and should not come into contact with water except for occasional contact at its lower end during monthly high tides. The boardwalk would be constructed of recycled plastic lumber and Ipe wood that was originally used for the Rockaway boardwalk in the 1930s and reclaimed after its destruction during Superstorm Sandy. Ipe wood is generally rot-resistant but its cross-cut ends will be sealed with an appropriate sealant (See Appendix B_Site Plans). Based on the information provided, this project should not pose a significant threat to health or the environment and thus complies with Section 1424(e) of the Safe Drinking Water Act. New York City Department of Parks and Recreation has completed a NYC City Environmental Quality Review Environmental Assessment Statement (EAS) Short Form for the other two phases of the projects and will complete the National Environmental Policy Act (NEPA) review.

Sunset Cove is surrounded by private residences, a wastewater pumping station, Cross Bay Boulevard, and the Cross Bay Bridge, which serves as a major access route to the Rockaway peninsula. By restoring the area to provide the resiliency benefits of coastal wetlands, maritime forests, and upland berms, the Sunset Cove project will contribute to the protection of Broad Channel and the larger Jamaica Bay human and ecological community. The Jamaica Bay Wildlife Refuge, which includes the majority of remaining salt marsh in New York City, provides important habitat for wildlife, and is a natural area of global significance. The introduction of amenities for passive recreation, such as bird watching, hiking, and interpretive walks, would allow improved access in a region that receives local visitors as well as tourists from around the world. The proposed project would increase resiliency, restore native habitat, and promote stewardship within Jamaica Bay and throughout New York City.

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PART 1 - PROJECT INFORMATION

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Environmental Issues:

The proposed overall project will assist in the overall recovery of the Broad Channel community by providing an ecological and sustainable solution to reduce wave action from Jamaica Bay from surge impacts on residential and commercial assets, as well as the Cross Bay Veterans Memorial Bridge Toll Plaza. The pilot oyster habitat, in conjunction with the remainder of the “Sunset Cove Restoration Project,” will provide significant environmental benefits through the recovery and restoration of degraded habitats in Jamaica Bay and increase wave reduction potential.

SEQR Classification: Operating under the auspices of New York State Homes and Community Renewal (HCR), the Governor’s Office of Storm Recovery (GOSR) disburses funding made available by the U.S. Department of Housing & Urban Development’s (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. For this proposed Project, GOSR serves Lead Agency and must make a discretionary decision to fund the proposed action. It is independently responsible for ensuring that its own decision is consistent with the requirements of the State Environmental Quality Review (SEQR).

The boardwalk and viewing platform/outdoor classroom are part of a larger project that is being completed in three phases. CDBG-DR funding would be used solely for the construction of the boardwalk and viewing platform/outdoor classroom. **This environmental review is solely for the construction of the boardwalk and viewing platform/outdoor classroom.** New York city Department of Parks and Recreation has completed a NYC City Environmental Quality Review Environmental Assessment Statement (EAS) Short Form for the other two phases of the projects and will complete the National Environmental Policy Act (NEPA) review.

The proposed Project has been classified as an Unlisted Action pursuant to SEQR and reviewed and completed as such. GOSR conducted a Coordinated review to make its determination of significance and decision to fund the action. GOSR used the Short Environmental Assessment Form (SEAF) as the basis for its determination of significance for the proposed action. For an Unlisted action, there are no filing requirements for a negative declaration; however, GOSR will maintain the Administrative Record, provide a copy of the negative declaration to the applicant and to any other involved agencies, and make its files available for public reference.

APPENDIX B
NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
SHORT ENVIRONMENTAL ASSESSMENT FORM
PART 1 – PROJECT AND SPONSOR INFORMATION

SECOND PHASE OF THE SUNSET COVE PARK MARSH RESTORATION

This supplemental information has been prepared for the Project listed above as a companion to the Short Environmental Assessment Form (6 NYCRR Part 617.20 – Appendix B) completed by GOSR as part of an independent review as an Involved Agency, with consideration of Criteria for Determining Significance listed in 6 NYCRR 617.7.

2. Permit, Approval or Funding from other Government Agency

Approvals (required and/or received) (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence):

- NYSDEC: Tidal Wetlands, Protection of Waters, and 401 Water Quality Certification
- USACE: 404 Wetland Permit
- An area within 300 meters of the project site would be surveyed for red knot staging sites prior to construction to avoid impacts. If red knot staging sites are found within this buffer, construction would be limited to the period from September 1 to May 31 to avoid or minimize disturbance during the breeding season.
- A SWPPP describing the use of BMPs to control runoff during construction that would mitigate Project-related temporary effects
- Noise mitigation plan under Rules for Citywide Construction Noise Mitigation (Title 15 of the Rules of the City of New York, Chapter 28, Citywide Construction Noise Mitigation)

Funding:

- New York State Homes and Community Renewal (NYSHCR), Governor’s Office of Storm Recovery (GOSR) – Community Development Block Grant - Disaster Recover (CDBG-DR) Funds

3. Total Acreage

The proposed Project consists of three phases of the Sunset Cove Marsh restoration. This environmental review is solely for the construction of the boardwalk and viewing platform/outdoor classroom which consists of 370 linear feet of boardwalk (See Appendix B_Site Plans).

4. Land Use On, Adjoining and Near the Proposed Action

Sunset Cove Park is a 12-acre parcel located on a former abandoned and derelict marina in Broad Channel, Queens, NY, the only populated community within the Jamaica Bay islands. The park is bounded by West 19th Road and residential development to the north, Cross Bay Boulevard to the east, and the American Ball Fields to the south (See Appendix A_Figures). The shoreline of the project area, and Big Egg Marsh to the southwest, are both part of the National Park Service (NPS) Jamaica Bay Wildlife Refuge and the Gateway National Recreation Area. Formerly known as Schmitt’s Marina, the site was acquired by the New York City Department of Parks & Recreation (NYC Parks) in 2009.

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5. Permitted Use under Zoning Regulations

The Project would not require the acquisition of new land, or change the existing land use or zoning, or alter the residential character of the community. New York City's land-use decisions are mediated through the Uniform Land Use Process and the zoning resolution. The Project would not result in any changes in zoning or land use that would trigger this process.

7. Critical Environmental Areas

Jamaica Bay contains Critical Environmental Areas (CEAs) to the east and west of the project area. There are no CEAs within or adjacent to the project area.

12b. Archeological Sensitive Area

Consultation with the New York State Historic Preservation Office (SHPO) and the Division for Historic Preservation (DHP) in the Office of Parks, Recreation and Historic Preservation (OPRHP) in accordance with Section 106 of the National Historic Preservation Act of 1966 was initiated on August 27, 2018. SHPO evaluated the project for potential cultural and historic impacts and in a letter on September 11, 2018, SHPO stated that it is the opinion of SHPO that there will be no historic properties affected by the Project (See Appendix F_SHPO Correspondence).

No disturbance of previously undisturbed areas would occur as a result of the Project. This area is the site of the former Schmitt's Marina and has undergone excavation and grading for remediation of contaminated soils. Therefore, Tribal coordination was not undertaken.

13.a. Regulated Wetlands or Other Waterbodies

The majority of the Project Site is located within Special Flood Hazard Area (SFHA) Zone AE (areas within the one percent annual chance of flood), and a small portion of the northwestern Project Site area is within SFHA Zone ZE (areas within the one percent annual chance flood and is also a coastal flood zone with velocity hazard), as depicted on the Federal Emergency Management Agency (FEMA) preliminary mapping dated January 30, 2015 (See Appendix A_Figures_Flood Zones). Through the center of the Project Site, going north to south, there is a Limit of Moderate Wave Action symbol depicted. Although the Project is located within a floodplain, the boardwalk would not alter the characteristics or capacity of the floodplain. The Project would not result in an increase in impervious surface. Best management practices (BMPs) during construction would minimize disturbance of the 100-year floodplain by equipment, site runoff, sedimentation, or other construction activities. This would not result in permanent adverse effects on the natural and beneficial values of the floodplain or lives and property.

A stormwater pollution prevention plan (SWPPP) would be prepared for the Project. It will describe the use of BMPs to control runoff during construction. This would mitigate any temporary effects on these wetland areas. No changes in land use or increase in impervious surface would affect these wetlands in the long term would occur from the Project.

14. Habitat Types

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The proposed project would improve habitat conditions for many coastal species.

15. State or Federal Threatened or Endangered Species

A consultation letter sent to the US Fish and Wildlife Service (USFWS) on November 28, 2018, indicated that there were four threatened species and one endangered species potentially associated with the Project Site (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence). The threatened species include the piping plover (*Charadrius melodus*), the red knot (*Calidris canutus*), and the seabeach amaranth (*Amaranthus pumilus*). The endangered species is the roseate tern (*Sterna dougallii*). GOSR determined the following:

The proposed project would improve habitat conditions for many coastal species, but would not create new breeding habitat for piping plovers. GOSR determined that this project may affect but is unlikely to adversely affect the piping plover.

The site, and Jamaica Bay in general, does not support the dense horseshoe crab spawning required for red knot staging areas. Therefore, it is unlikely that red knots would utilize the project site. Any individuals present during construction would be transient and would avoid areas under construction. An area within 300 meters of the project site would be surveyed for red knot staging sites prior to construction to avoid impacts. If red knot staging sites are found within this buffer, construction would be limited to the period from September 1 to May 31 to avoid or minimize disturbance during the breeding season. If the red knot is identified within the project area and with this time restriction, GOSR determined that this project may affect but is unlikely to adversely affect the red knot. On February 19, 2019, USFWS responded via electronic mail that it would concur with this methodology.

The potential for roseate terns to occur in the project site is considered extremely low and limited to migrants moving through the area en route to nesting sites elsewhere in the region or to wintering grounds in the southern hemisphere. GOSR determined that this project may affect but is unlikely to adversely affect the roseate tern.

According to the USFWS IPaC Trust Resource Report, accessed November 27, 2018, there are several migratory birds of concern that could potentially be affected by the Proposed Project. The project takes place within the Atlantic Flyway. GOSR determined that the project would have no significant adverse impact on migratory birds or their habitat. It is anticipated that passerine birds would temporarily leave the area during construction due to noise and disturbance. In addition, the overall project would restore coastal wetlands that support several of these species.

Bald eagle (*Haliaeetus leucocephalus*) habitat and breeding sites are not found within Queens County. GOSR determined that the Proposed Project action would have no effect on the bald eagle.

In an August 23, 2018 letter from the NYS Division of Fish and Wildlife, Natural Heritage Program (NHP), the common tern (*Sterna hirundo*, NYS-listed as Threatened) and black skimmer (*Rynchops niger*, NYS Species of Special Concern) have been historically located within 0.5 mile of the project site at Subway Island. These species have not been observed there since 1985, but it is possible they could return to the

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area. The NHP stated that comprehensive field surveys have not been conducted and that they are unable to provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Further information from on-site surveys or other resources may be required to fully assess impacts on biological resources (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence).

16. 100-year Flood Plain

The majority of the Project Site is located within Special Flood Hazard Area (SFHA) Zone AE (areas within the one percent annual chance of flood), and a small portion of the northwestern Project Site area is within SFHA Zone ZE (areas within the one percent annual chance flood and is also a coastal flood zone with velocity hazard), as depicted on the Federal Emergency Management Agency (FEMA) preliminary mapping dated January 30, 2015 (See Appendix A_Figures). Through the center of the Project Site, going north to south, there is a Limit of Moderate Wave Action symbol depicted. Although the Project is located within a floodplain, the boardwalk would not alter the characteristics or capacity of the floodplain. The Project would not result in an increase in impervious surface. Best management practices during construction would minimize disturbance of the 100-year floodplain by equipment, site runoff, sedimentation, or other construction activities. This would not result in permanent adverse effects on the natural and beneficial values of the floodplain or lives and property.

17. Stormwater Discharge

The project area is not covered by impervious surfaces, and the creation of the elevated boardwalk would not increase impervious surfaces. Prior to construction, the appropriate permits would be obtained in accordance with NYSDEC stormwater discharge from construction activities regulations; and Section 401 of the Clean Water Act. A SWPPP would be prepared for the Project, describing the use of BMPs to control runoff during construction that would mitigate Project-related temporary effects.

20. Remediation for Hazardous Waste

The Project area was previously disturbed and consists largely of construction fill, debris, and invasive vegetation with limited coastal protection and ecological function. The Project site was not identified in NYSDEC Remedial or Bulk Storage Site Databases (See Appendix A_Figures).

A search of the NYSDEC Remedial Site Database, containing records of the sites being addressed under one of DER's remedial programs (State Superfund, Brownfield Cleanup, Environmental Restoration and Voluntary Cleanup, the Registry of Inactive Hazardous Waste Disposal Sites, and Institutional and Engineering Controls), identified four listings for two facilities:

- 3-60 Beach 79th Street, which is listed as a Brownfield Cleanup Program site (approximately 1 mile from the Project site) and
- London-French Dry-Cleaning Co./Dayton Plaza which is listed as a State Superfund and Voluntary Cleanup Program site (approximately 1 mile from the Project site).

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None of these facilities is within 3,000 feet of the Project site (See Appendix A_Figures). The conditions at the Beach 79th Street site are currently under review. Contaminants of concern at the London-French D-Cleaning site include 1,2-dichloroethane, trichloroethene (TCE), and tetrachloroethene (PCE). A no further action Record of Decision was signed in July 2007. Remediation of the site is recorded in state records as complete. Residual contamination in the soil and groundwater is being managed under a Site Management Plan. The site was reclassified from a Class A to a Class C (Remediation Complete) on September 1, 2011.

A search of the NYSDEC Bulk Storage Program Database identified 26 petroleum bulk storage (PBS) and 3 chemical bulk storage (CBS) facilities within one mile of the Project site (See Appendix A_Figures). The PBS program applies to facilities that store more than 1,100 gallons of petroleum in aboveground and underground storage tanks (AST and UST). Facilities with one or more underground storage tanks larger than 110 gallons must also be registered. The CBS program applies to any hazardous substance stored in an AST greater than 185 gallons, any quantity stored in a UST, or in a non-stationary tank used to store 1,000 kg or more for a period of 90 consecutive days or more.

These bulk storage sites are not considered a hazard that could affect the health and safety of visitors or conflict with the intended use of the boardwalk because the bulk storage sites are permitted and regulated by the NYSDEC bulk storage program ensuring the proper containment, handling and storage of petroleum, hazardous substances/chemicals, or liquefied natural gas (LNG). No records of release, violations, or spills from these permitted facilities were identified in the NYSDEC data base searches.

A search of EPA-listed facilities identified 324 facilities within one mile of the Project site and 178 facilities within 3,000 feet of the Project site. These listings include one Compliance and Emissions Reporting site (The TBTA-Cross Bay Boulevard Bridge), 174 State Master List sites, and three RCA sites.

Limited Hazardous Materials Investigation Report for Schmitt's Marina was completed on May 4, 2007 (See Appendix D_Contamination and Toxic Substances). The report identified 55-gallon drums containing oil, lead-acid marine batteries, abandoned and privately owned boats, waste oil in buckets, boat motors, outdrives, ASTs, junk vehicles, motorized tools, generators, refrigeration/cooling units, paint, cleaning products, various chemical-based retail products (cleaning products, etc.) sold at the Marina store, and a drainage ditch cut through fill material along the southern end of the Site. The fill material appeared to be composed largely of construction and demolition debris. The report recommended subsurface investigations to evaluate potential soil and groundwater contamination.

A Phase I Environmental Site Assessment was completed on September 15, 2009, for the Former Schmitt's Marina site, which was located on the Project site at 96th Street between West 19th Road and West 20th Road from at least 1975 through 2007 when it was acquired by the City of New York (See Appendix D_Contamination and Toxic Substances). The report found that the Site was listed in the Resource Conservation and Recovery Act (RCRA) Small Quantity Generator (SQG), New York Manifest, and Facility Index System/Facility Identification Initiative Program Summary Report (FINDS) databases. The Site is identified in the database report as NYCDCAS – Schmitt's Marina located at 40

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West 19th Road, Broad Channel, NY. The Site is listed on the RCRA SQG with no violations. Several Recognized Environmental Conditions (RECs):

- Solid waste (abandoned boats, construction and demolition debris, household debris, garbage and tires), along with historical illegal dumping;
- The former boat storage, ASTs, drum storage and marine batteries are considered to be a REC due to the potential for undocumented releases of petroleum and metals to the subsurface as a result of their historical presence at the Project site;
- The presence of imported fill materials of unknown quality;
- The potential presence of peat and organic-rich materials below the imported fill, which have the potential to generate methane;
- Wetlands and floodplains on the Project site;
- The open, upgradient spill listing identified as Cross Bay Veteran Bridge (NYSDEC Spill Nos. 9208766 and 9102053); for which the investigation that was performed for the tanks and contamination was inadequate to identify the existence of contamination; and
- The review of fire insurance maps revealed the presence of an auto repair facility with gasoline tanks located adjacent to the east of the Site on the 1933 map.

The report recommended a Phase II Environmental Site Investigation (ESI) be performed to assess whether the identified RECs and environmental issues have affected the suitability of the Site for restoration as park land.

As recommended by the Phase I ESA, a Phase II ESI was prepared for the project site. The Phase II ESI collected 123 soils samples from 74 borings from 2013 to 2015. The samples were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, poly-chlorinated biphenyls (PCBs), and metals. Toxicity Characteristic Leaching Procedure (TCLP) testing for lead was also conducted at locations where lead concentrations exceeded 6 NYCRR Part 375 Commercial Use Soil Cleanup Objectives (SCOs) in the first round of sampling, as per direction from the New York State Department of Environmental Conservation (NYSDEC). Further testing at borings where the highest levels of exceedances were recorded. The Phase II Environmental Site Investigation report in January 2015 confirmed the presence of hazardous levels of lead and PCBs in the center of the site. Further soils testing in October 2015 delineated the extent of required hazardous materials removal, according to a plan approved by NYSDEC on August 26, 2015. Excavation to remove soils exceeding ecological standards throughout the planned low and high marsh areas was proposed. In addition, soils throughout these areas were proposed to be over-excavated and capped with one foot of cover. The planned remediation included the removal of soils to the endpoint of contamination, where hazardous levels of lead or PCBs were recorded at above proposed grades, and transport to an approved hazardous waste land disposal facility. These measures are consistent with NYSDEC requirements for recently completed NYC Parks wetland restoration projects.

The remediation at Sunset Cove is being completed with oversight from the NYC Office of Environmental Remediation (OER). This is a major wetland reconstruction project supported by NYSDEC Region 2. This project is being built by City Parks and is enrolled in City Voluntary Cleanup

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Program. The project is being managed under an approved NYSDEC Tidal Wetland Permit. The remediation will comply with the NYSDEC permit. The permit requires:

- Excavation of hazardous waste – approximately 5,900 cubic yards
- Excavation of non-hazardous fill – approximately 23,000 cubic yards
- Covering this area with imported clean soils (approximately 20,000 cubic yards).

Contaminated soil in the area of the boardwalk has not been found.

The remediation measures proposed for the Project will protect construction workers from temporary exposure to contaminants. The Project would not result in the exposure of people or sensitive environmental resources to the contamination or toxic substances: in addition to clean-up of the project site, the proposed boardwalk would be above the ground surface, eliminating the potential for public contact with soils on the site.

List of Sources, Agencies and Persons Consulted

Federal Emergency Management Agency (FEMA)

<https://msc.fema.gov/portal/search?AddressQuery>

New York City Department of City Planning

https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/vision-2020-cwp/vision2020/vision2020_nyc_cwp.pdf

<http://www.nyc.gov/html/onenyc/downloads/pdf/publications/OneNYC.pdf>

New York Rising Community and Reconstruction Plan (NYRCR)

https://stormrecovery.ny.gov/sites/default/files/crp/community/documents/broad_channel_nyrcr_plan_25mb_0.pdf

New York State Department of Agriculture & Markets

<http://www.agriculture.ny.gov/AP/agservices/agricultural-districts.html>

<http://www.agriculture.ny.gov/AP/agservices/SOILCOUNTY.htm>

New York State Department of Environmental Conservation (NYSDEC)

<http://gis.ny.gov/gisdata/inventories/member.cfm?organizationid=529&nysgis=>

<http://www.dec.ny.gov/animals/7494.html>

<http://www.dec.ny.gov/animals/29392.html>

<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=4>

<http://www.dec.ny.gov/chemical/32501.html>

http://www.dec.ny.gov/docs/wildlife_pdf/wetart24a.pdf

<http://www.dec.ny.gov/gis/erm/>

<http://www.dec.ny.gov/imsmaps/facilities/viewer.htm>

<http://www.dec.ny.gov/natureexplorer/app/>

<http://www.dec.ny.gov/permits/6184.html>

<http://www.dec.ny.gov/permits/53826.html>

New York State Department of Transportation (NYSDOT)

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<https://www.dot.ny.gov/tdv>

New York State Division of Historic Preservation

<https://cris.parks.ny.gov/>

New York State Natural Heritage Program

<http://www.acris.nynhp.org/>

United States Department of Agriculture

<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS)

<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

U.S. Environmental Protection Agency

<http://nepassisttool.epa.gov/nepassist/entry.aspx>

<https://www.epa.gov/dwssa/map-sole-source-aquifer-locations>

<https://www.epa.gov/green-book>

<https://www.epa.gov/radon/find-information-about-local-radon-zones-and-state-contact-information#radonmap>

U.S. Department of Fish and Wildlife

<http://ecos.fws.gov/ecos/home.action>

<http://ecos.fws.gov/ipac/>

<http://refuges.fws.gov>

<http://www.fws.gov/CBRA/Maps/Mapper.html>

<https://www.fws.gov/wetlands/data/Mapper.html>

U.S. Geological Society

<http://viewer.nationalmap.gov/viewer/>

U.S. Department of Interior – National Park Service

<http://science.nature.nps.gov/im/gis/index.cfm>

<http://www.nature.nps.gov/nml/docs/NNLRegistry.pdf>

<http://www.nps.gov/history/nr/research/>

U.S. Department of Interior – National Wild and Scenic Rivers System

<http://www.rivers.gov/new-york.php>

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:	
Date:	

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

GOSR performed an Environmental Review of the project and determined that:

* the project is classified as “Other” neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35) and part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required. It was determined that the action under SEQRA is classified as an Unlisted Action (not Type I or Type II Action).

* The project is not expected to trigger cumulative impacts, including the degradation of important natural resources, socioeconomic resources, human health, recreation, quality of life issues, and cultural and historic resources. The boardwalk and classroom would complement other proposed projects at Sunset Cove designed to restore original ecosystems and provide protection from wave impacts to surrounding assets including the Cross Bay Veterans Memorial Bridge Toll Plaza, and residences on West 20th and West 19th Road. (24 CFR 58.32)

* The proposed project will not result in a significant impact on the quality of the human environment or result in other direct, indirect, or cumulative impacts. The proposed boardwalk viewing platform would provide passive recreation, such as bird watching, hiking, and interpretive walks, would allow improved access in a region that receives local visitors as well as tourists from around the world. The proposed project would increase resiliency, restore native habitat, and promote stewardship within Jamaica Bay and throughout New York City. The Project will comply with all relevant regulations listed in 24 CFR subparts 58.5 and 58.6.

Please see Attachment C for supporting documentation regarding:

- 4. Potential effects to a CEA.
- 9. Potential effects to natural resources.
- 10. Potential effects to erosion, flooding, or drainage problems.
- 11. Potential effects to human health and the environment.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
NY Governor's Office of Storm Recovery <hr/> Name of Lead Agency	5/14/2019 <hr/> Date
Lori A. Shirley <hr/> Print or Type Name of Responsible Officer in Lead Agency	Director, Bureau of Environmental Review and Assessment <hr/> Title of Responsible Officer
 <hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)

ATTACHMENT C
NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
SHORT ENVIRONMENTAL ASSESSMENT FORM
PART 3 – DETERMINATION OF SIGNIFICANCE

SUNSET COVE PARK MARSH RESTORATION PROJECT

This supplemental information has been prepared for the Project listed above as a companion to the Short Environmental Assessment Form (6 NYCRR Part 617.20 - Appendix B) completed by GOSR as part of an independent review as an Involved Agency, with consideration of Criteria for Determining Significance listed in 6 NYCRR 617.7.

4. Critical Environmental Area

The project area is located within Jamaica Bay, a state listed Critical Environmental Area (CEA). By restoring the area to provide the resiliency benefits of coastal wetlands, maritime forests, and upland berms, the Sunset Cove project will contribute to the protection of Broad Channel and the larger Jamaica Bay human and ecological community. The Jamaica Bay Wildlife Refuge, which includes the majority of remaining salt marsh in New York City, provides important habitat for wildlife, and is a natural area of global significance. The proposed project would increase resiliency, restore native habitat, and promote stewardship within Jamaica Bay and throughout New York City.

Consultation with the NYS Department of State (DOS), Division of Coastal Resources, Consistency Review Unit, was initiated on October 18, 2018, to obtain written confirmation from DOS that the proposed activities would comply with general consistency concurrence criteria. On December 4, 2018, the DOS confirmed that the project meets the Department's general consistency concurrence criteria (See Appendix C_Coastal Consistency).

The project site is within the Queens County Local Waterfront Revitalization Program (LWRP) area (See Appendix A_Figures_Coastal Zones). The project would not change the land use within the LWRP. During construction no discharge of fill in waterways would result from the project. If a temporary access or causeway in water is required during construction, all additional required permits will be obtained. The project would be consistent with the LWRP policies, including those regarding the prohibition of uses, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the 100-year flood more than one foot at any point. Best management practices would be employed to control erosion during construction and final slope stabilization. Debris or excess construction material would be immediately removed off-site.

Consultation with the New York City Department of City Planning (NYCDCP), was initiated on November 11, 2018. On December 4, 2018, the NYCDCP, Waterfront Open Space Division, on behalf of the New York City Coastal Commission, found that the project would not substantially hinder the achievement of any Waterfront Revitalization Program policy (See Appendix C_Coastal Consistency).

9. Natural Resources

Consultation with the New York Natural Heritage Program (NYNHP) regarding potential rare or state-listed animals or plants near the project area was initiated on November 2, 2015. In a November 20, response, NYNHP indicated that the salt marshes directly to the west of the project site (Big Egg Marsh) and in the general vicinity are components of the significant occurrence in Jamaica Bay of low salt marsh but is suffering degradation and edge loss. In addition, Subway Island, in Broad Channel, to the east of the project site, has supported nesting common tern (*Sterna hirundo*, NYS listed as Threatened) and black skimmer (*Rynchops niger*, NYS Species of Special Concern).

A more recent NYNHP database inquiry was made for the CDBG-DR-funded project on August 10, 2018. In a letter dated August 23, 2018, the NYNHP stated that it had no recent records of rare or state-listed animals or plants at the project site or in its immediate vicinity. Wetlands restored as part of this project would add to the current extent of salt marsh. The letter identified locations for common tern (*Sterna hirundo*, NYS-listed as Threatened) and black skimmer (*Rynchops niger*, NYS Species of Special Concern) at Subway Island that are within 0.5 mile of the project site (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence). These species have not been observed there since 1985, but it is possible they could return to the area.

The proposed project would not involve the removal of any trees and the project-related improvements would all occur in a previously disturbed and developed area. Best management practices during construction will prevent runoff that might affect off-site areas.

The U.S. Fish and Wildlife Service (USFWS) online review process, on August 10, 2018, indicated that there are three threatened species and one endangered species potentially associated with the project Site (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence). The threatened species include the piping plover (*Charadrius melodus*), the red knot (*Calidris canutus*), and the seabeach amaranth (*Amaranthus pumilus*). The endangered species is the roseate tern (*Sterna dougallii*). The official species list for the proposed project indicated that there is no critical habitat in the project Area. Several migratory birds of concern that could potentially be affected by the proposed project were also identified in the online review process. The letter determined that may affect but is unlikely to adversely affect the piping plover, red knot, and roseate tern and would have no effect of the seabeach amaranth.

On Aug 23, 2018, USFWS responded via electronic mail that a time-of-year restriction or buffer zone to protect red knots which are known to occur in the vicinity would likely be recommended. The USFWS consultation package was re-submitted with the stipulation that an area within 300 meters of the project site would be surveyed for red knot staging sites prior to construction to avoid impacts. If red knot staging sites are found within this buffer, construction would be limited to the period from September 1 to May 31 to avoid or minimize disturbance during the breeding season. On February 19, 2019, USFWS responded via electronic mail that it would concur with this methodology (See Appendix E_USFWS, NYSDEC, and NYNHP Correspondence).

10. Erosion, Flooding, or Drainage Problems

Floodplain

SHORT ENVIRONMENTAL ASSESSMENT FORM
PART 3 – DETERMINATION OF SIGNIFICANCE
ACTION/PROJECT: SUNSET COVE PARK MARSH RESTORATION PROJECT
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According to the January 30, 2015, Preliminary FIRM panel 3604970377G, the majority of the project site is located within Special Flood Hazard Area (SFHA) Zone AE (areas within the one percent annual chance of flood), and a small portion of the northwestern project site is within SFHA Zone VE (areas within the one percent annual chance flood and is also a coastal flood zone with velocity hazard). The western side of the project site is within the Limit of Moderate Wave Action (See Appendix A_Figures).

Project activity within these wetlands would occur during construction. An Early Notice of a Proposed Activity in a Floodplain and Wetland was published on March 8, 2019. In response to the Early Notice, GOSR received comments from the U.S. Environmental Protection Agency (USEPA) with questions regarding the materials used to construct the boardwalk. GOSR provided response to USEPA on March 19, 2019 via electronic mail. USEPA responded on March 20, 2019 that based on the “information provided, this project should not pose a significant threat to health or the environment and thus complies with Section 1424(e) of the Safe Drinking Water Act.”

An 8-Step Floodplain and Wetland Analysis was conducted in compliance with Executive Order 11988 in accordance with HUD regulations at 24 CFR 55.20. The analysis examined the direct and indirect impacts associated with the development within the floodplain. The analysis concluded that these effects would be minimal because the boardwalk would not alter the characteristics or capacity of the floodplain.

Wetlands

The western edge of the project area borders a National Wetlands Inventory Estuarine and Marine Deepwater wetland associated with Broad Channel. Approximately, 5.24 acres of the project are within NYS tidal coastal wetlands, and approximately 5.29 acres are within the 300-foot buffer (See Appendix A_Figures).

An Early Notice of a Proposed Activity in a Floodplain and Wetland was published on March 8, 2019. An 8-Step Floodplain and Wetland Analysis was conducted in compliance with Executive Order 11988 in accordance with HUD regulations at 24 CFR 55.20. The analysis examined the direct and indirect impacts associated with the development within NYS tidal-coastal wetlands and wetlands buffer. The analysis concluded that these effects would be minimal because the boardwalk would not alter the characteristics or capacity of the wetlands. Temporary erosion and sediment controls would be installed over the length of the project area. These measures would be installed prior to disturbance and would remain in place until all slopes are stabilized and revegetated as necessary. All stockpiled soils would be protected with sediment and erosion control measures in compliance with Section 207-02 of the NYS Department of Transportation Standard Specifications. All necessary precautions would be undertaken to prevent contamination of any streams, channels or waterways by silt, sediment, fuel, solvents, lubricants, epoxy coatings, debris, concrete leachate, or any other pollutant associated with project construction would be avoided through proper equipment maintenance and washout basins, platforms, nets, and screens for equipment cleaning. Debris or excess construction material would be immediately removed off-site.

Prior to construction, the appropriate permits would be obtained in accordance with 6NYCRR Part 608, Protection of Waters Program; 6NYCRR Part 661, NYSDEC stormwater discharge from construction activities regulations, and Section 401 of the Clean Water Act. A Stormwater Pollution Prevention Plan

would be prepared for the Project, describing the use of best management practices to control runoff during construction that would mitigate project-related temporary effects.

11. Human Health and the Environment

The project area was previously disturbed and consists largely of construction fill, debris, and invasive vegetation with limited coastal protection and ecological function. The project site was not identified in NYSDEC Remedial or Bulk Storage Site Databases.

A search of the NYSDEC Remedial Site Database, containing records of the sites being addressed under one of DER's remedial programs (State Superfund, Brownfield Cleanup, Environmental Restoration and Voluntary Cleanup, the Registry of Inactive Hazardous Waste Disposal Sites, and Institutional and Engineering Controls), identified four listings for two facilities (See Appendix A_Figures):

- 3-60 Beach 79th Street, which is listed as a Brownfield Cleanup Program site (approximately 1 mile from the Project site) and
- London-French Dry-Cleaning Co./Dayton Plaza which is listed as a State Superfund and Voluntary Cleanup Program site (approximately 1 mile from the Project site).

None of these facilities is within 3,000 feet of the Project site. The conditions at the Beach 79th Street site are currently under review. Contaminants of concern at the London-French D-Cleaning site include 1,2-dichloroethane, trichloroethene (TCE), and tetrachloroethene (PCE). A no further action Record of Decision was signed in July 2007. Remediation of the site is recorded in state records as complete. Residual contamination in the soil and groundwater is being managed under a Site Management Plan. The site was reclassified from a Class A to a Class C (Remediation Complete) on September 1, 2011.

A search of the NYSDEC Bulk Storage Program Database identified 26 petroleum bulk storage (PBS) and 3 chemical bulk storage (CBS) facilities within one mile of the Project site (See Appendix A_Figures). The PBS program applies to facilities that store more than 1,100 gallons of petroleum in aboveground and underground storage tanks (AST and UST). Facilities with one or more underground storage tanks larger than 110 gallons must also be registered. The CBS program applies to any hazardous substance stored in an AST greater than 185 gallons, any quantity stored in a UST, or in a non-stationary tank used to store 1,000 kg or more for a period of 90 consecutive days or more.

These bulk storage sites are not considered a hazard that could affect the health and safety of visitors or conflict with the intended use of the boardwalk because the bulk storage sites are permitted and regulated by the NYSDEC bulk storage program ensuring the proper containment, handling and storage of petroleum, hazardous substances/chemicals, or liquefied natural gas (LNG). No records of release, violations, or spills from these permitted facilities were identified in the NYSDEC data base searches.

A search of EPA-listed facilities identified 324 facilities within one mile of the Project site and 178 facilities within 3,000 feet of the Project site. These listings include one Compliance and Emissions Reporting site (The TBTA-Cross Bay Boulevard Bridge), 174 State Master List sites, and three RCA sites.

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A Limited Hazardous Materials Investigation Report for Schmitt's Marina was completed on May 4, 2007 (See Appendix D_Contamination and Toxic Substances). The report identified 55-gallon drums containing oil, lead-acid marine batteries, abandoned and privately owned boats, waste oil in buckets, boat motors, outdrives, aboveground storage tanks, junk vehicles, motorized tools, generators, refrigeration/cooling units, paint, cleaning products, various chemical-based retail products (cleaning products, etc.) sold at the Marina store, and a drainage ditch cut through fill material along the southern end of the Site. The fill material appeared to be composed largely of construction and demolition debris. The report recommended subsurface investigations to evaluate potential soil and groundwater contamination.

A Phase I Environmental Site Assessment was completed on September 15, 2009, for the Former Schmitt's Marina site, which was located on the project site at 96th Street between West 19th Road and West 20th Road from at least 1975 through 2007 when it was acquired by the City of New York (See Appendix D_Contamination and Toxic Substances). The report found that the Site was listed in the Resource Conservation and Recovery Act (RCRA) Small Quantity Generator (SQG), New York Manifest, and Facility Index System/Facility Identification Initiative Program Summary Report (FINDS) databases. The Site is identified in the database report as NYCDCAS – Schmitt's Marina located at 40 West 19th Road, Broad Channel, NY. The Site is listed on the RCRA SQG with no violations. Several Recognized Environmental Conditions (RECs):

- Solid waste (abandoned boats, construction and demolition debris, household debris, garbage and tires), along with historical illegal dumping;
- The former boat storage, aboveground storage tanks, drum storage and marine batteries are considered to be a REC due to the potential for undocumented releases of petroleum and metals to the subsurface as a result of their historical presence at the project site;
- The presence of imported fill materials of unknown quality;
- The potential presence of peat and organic-rich materials below the imported fill, which have the potential to generate methane;
- Wetlands and floodplains on the project site;
- The open, upgradient spill listing identified as Cross Bay Veteran Bridge (NYSDEC Spill Nos. 9208766 and 9102053); for which the investigation that was performed for the tanks and contamination was inadequate to identify the existence of contamination; and
- The review of fire insurance maps revealed the presence of an auto repair facility with gasoline tanks located adjacent to the east of the Site on the 1933 map.

The report recommended a Phase II Environmental Site Investigation (ESI) be performed to assess whether the identified RECs and environmental issues have affected the suitability of the Site for restoration as park land.

A Phase II ESI was prepared for the project site. The Phase II investigation collected 123 soils samples from 74 borings from 2013 to 2015. The samples were analyzed for volatile organic compounds, semi-volatile organic compounds, pesticides, poly-chlorinated biphenyls (PCBs), and metals. Toxicity Characteristic Leaching Procedure testing for lead was also conducted at locations where lead concentrations exceeded 6 NYCRR Part 375 Commercial Use Soil Cleanup Objectives in the first round of

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sampling, as per direction from the NYSDEC. Further testing at borings where the highest levels of exceedances were recorded. The Phase II ESI report in January 2015 confirmed the presence of hazardous levels of lead and PCBs in the center of the site. Further soils testing in October 2015 delineated the extent of required hazardous materials removal, according to a plan approved by NYSDEC on August 26, 2015. Excavation to remove soils exceeding ecological standards throughout the planned low and high marsh areas was proposed. In addition, soils throughout these areas were proposed to be over-excavated and capped with one foot of cover. The planned remediation included the removal of soils to the endpoint of contamination, where hazardous levels of lead or PCBs were recorded at above proposed grades, and transport to an approved hazardous waste land disposal facility. These measures are consistent with NYSDEC requirements for recently completed NYC Parks wetland restoration projects.

The remediation at Sunset Cove is being completed with oversight from the NYC Office of Environmental Remediation. This is a major wetland reconstruction project supported by NYSDEC Region 2. This project is being built by City Parks and is enrolled in City Voluntary Cleanup Program. The project is being managed under an approved NYSDEC Tidal Wetland Permit. The remediation will comply with the NYSDEC permit. The permit requires:

- Excavation of hazardous waste – approximately 5,900 cubic yards
- Excavation of non-hazardous fill – approximately 23,000 cubic yards
- Covering this area with imported clean soils (approximately 20,000 cubic yards).

Contaminated soil in the area of the boardwalk has not been discovered.

The remediation measures proposed for the project will protect construction workers from temporary exposure to contaminants. The project would not result in the exposure of people or sensitive environmental resources to the contamination or toxic substances: in addition to clean-up of the project site, the proposed boardwalk would be above the ground surface, eliminating the potential for public contact with soils on the site.

List of Sources, Agencies and Persons Consulted

Federal Emergency Management Agency (FEMA)
<https://msc.fema.gov/portal/search?AddressQuery>

New York City Department of City Planning
https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/vision-2020-cwp/vision2020/vision2020_nyc_cwp.pdf
<http://www.nyc.gov/html/onenyc/downloads/pdf/publications/OneNYC.pdf>

New York Rising Community and Reconstruction Plan (NYRCR)
https://stormrecovery.ny.gov/sites/default/files/crp/community/documents/breezypoint_nyrcr_plan_20mb.pdf

New York State Department of Agriculture & Markets
<http://www.agriculture.ny.gov/AP/agservices/agricultural-districts.html>
<http://www.agriculture.ny.gov/AP/agservices/SOILCOUNTY.htm>

New York State Department of Environmental Conservation (NYSDEC)
<http://gis.ny.gov/gisdata/inventories/member.cfm?organizationid=529&nysgis=>
<http://www.dec.ny.gov/animals/7494.html>
<http://www.dec.ny.gov/animals/29392.html>
<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>
<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=4>
<http://www.dec.ny.gov/chemical/32501.html>
http://www.dec.ny.gov/docs/wildlife_pdf/wetart24a.pdf
<http://www.dec.ny.gov/gis/erm/>
<http://www.dec.ny.gov/imsmaps/facilities/viewer.htm>
<http://www.dec.ny.gov/natureexplorer/app/>
<http://www.dec.ny.gov/permits/6184.html>
<http://www.dec.ny.gov/permits/53826.html>

New York State Department of Transportation (NYSDOT)
<https://www.dot.ny.gov/tdv>

New York State Division of Historic Preservation
<https://cris.parks.ny.gov/>

New York State Natural Heritage Program
<http://www.acris.nynhp.org/>

United States Department of Agriculture
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/new_york/ulsterNY1979/ulster.pdf
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS)
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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U.S. Environmental Protection Agency

<http://nepassisttool.epa.gov/nepassist/entry.aspx>

<https://www.epa.gov/dwssa/map-sole-source-aquifer-locations>

<https://www.epa.gov/green-book>

<https://www.epa.gov/radon/find-information-about-local-radon-zones-and-state-contact-information#radonmap>

U.S. Department of Fish and Wildlife

<http://ecos.fws.gov/ecos/home.action>

<http://ecos.fws.gov/ipac/>

<http://refuges.fws.gov>

<http://www.fws.gov/CBRA/Maps/Mapper.html>

<https://www.fws.gov/wetlands/data/Mapper.html>

U.S. Geological Society

<http://viewer.nationalmap.gov/viewer/>

U.S. Department of Interior – National Park Service

<http://science.nature.nps.gov/im/gis/index.cfm>

<http://www.nature.nps.gov/nnl/docs/NNLRegistry.pdf>

<http://www.nps.gov/history/nr/research/>

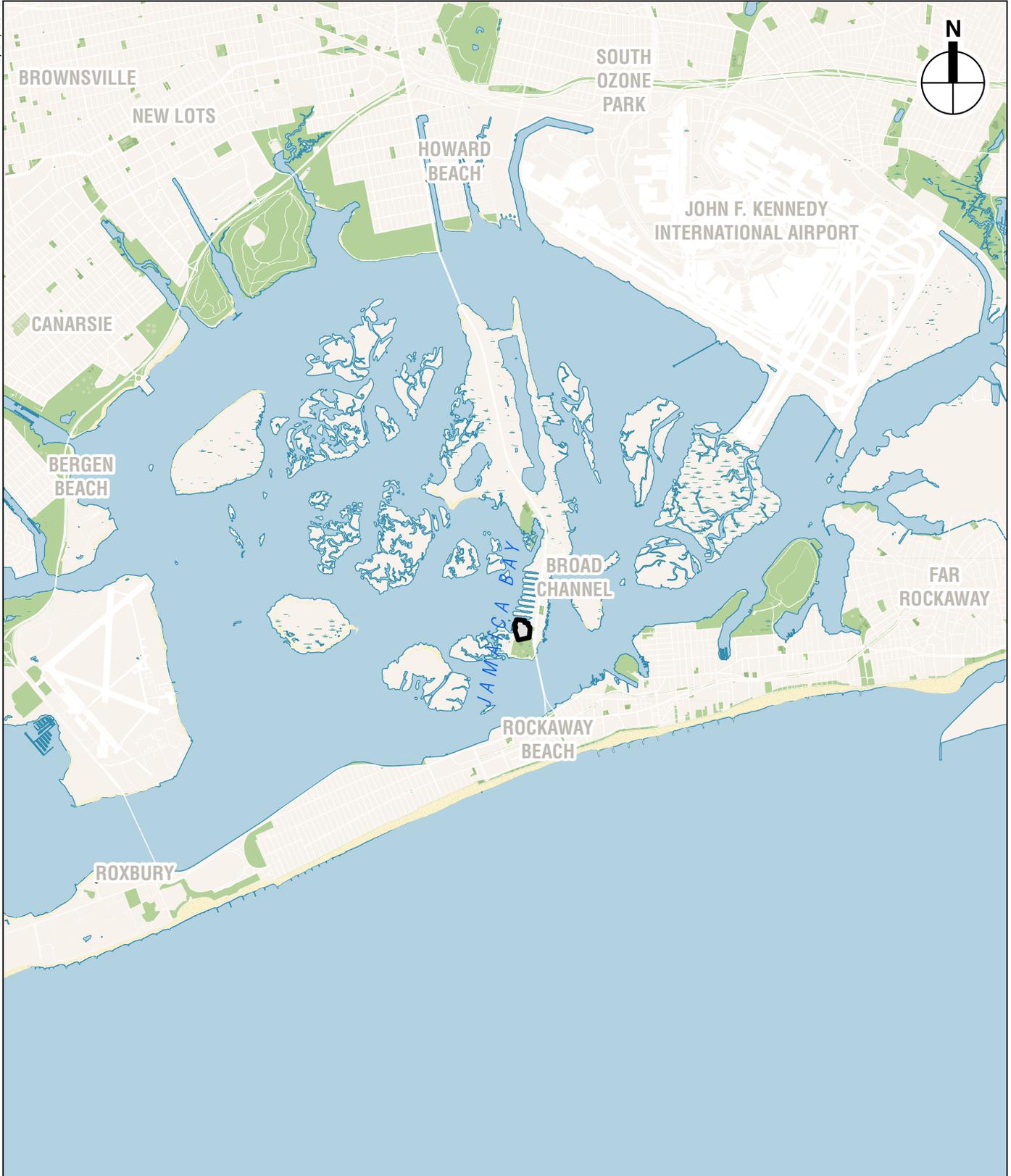
U.S. Department of Interior – National Wild and Scenic Rivers System

<http://www.rivers.gov/new-york.php>

Appendix A

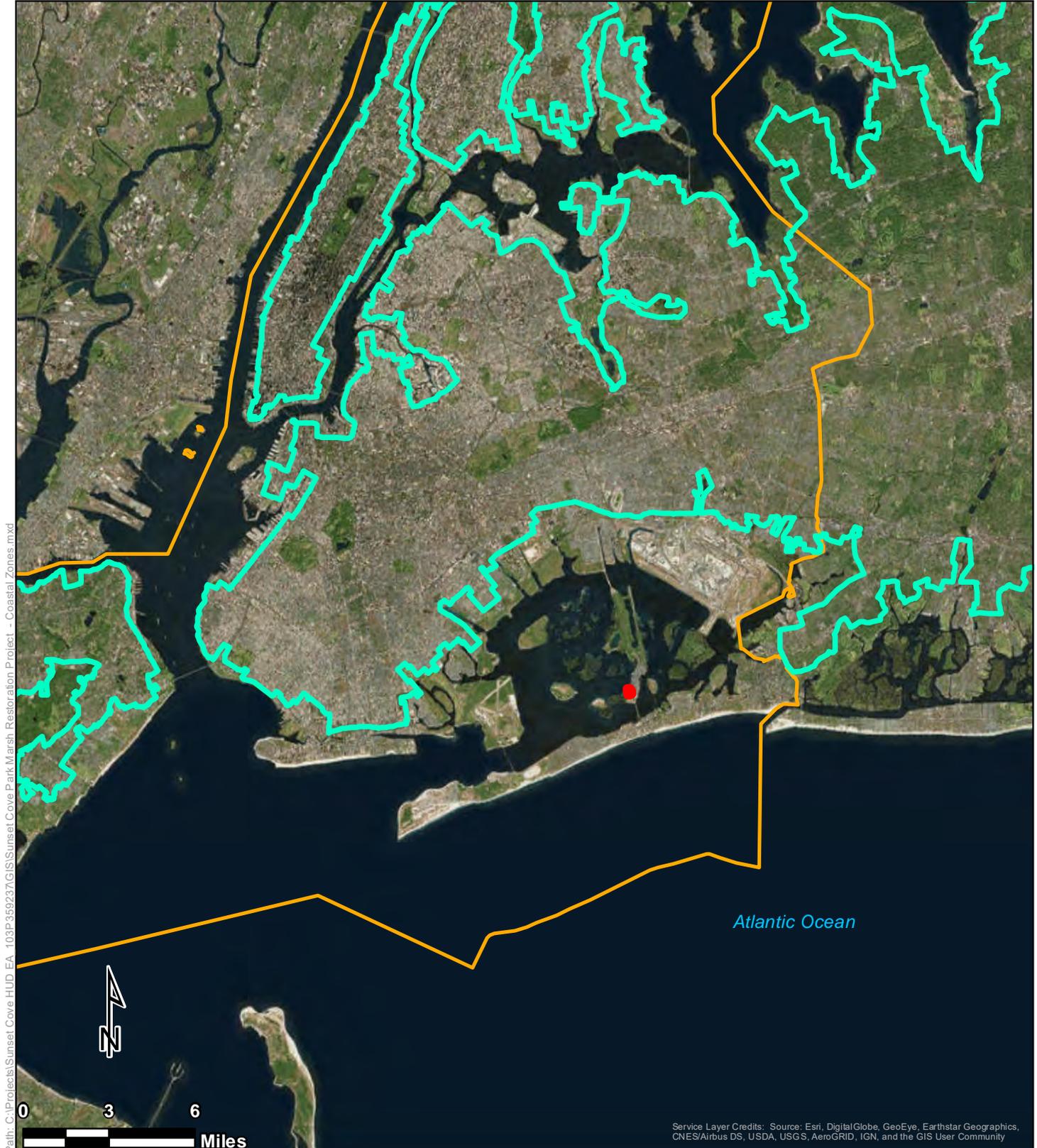
Figures

3/31/2016



 Project Site

0 5,000 FEET

Path: C:\Projects\Sunset Cove HUD EA_103P_359237\GIS\Sunset Cove Park Marsh Restoration Project - Coastal Zones.mxd

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

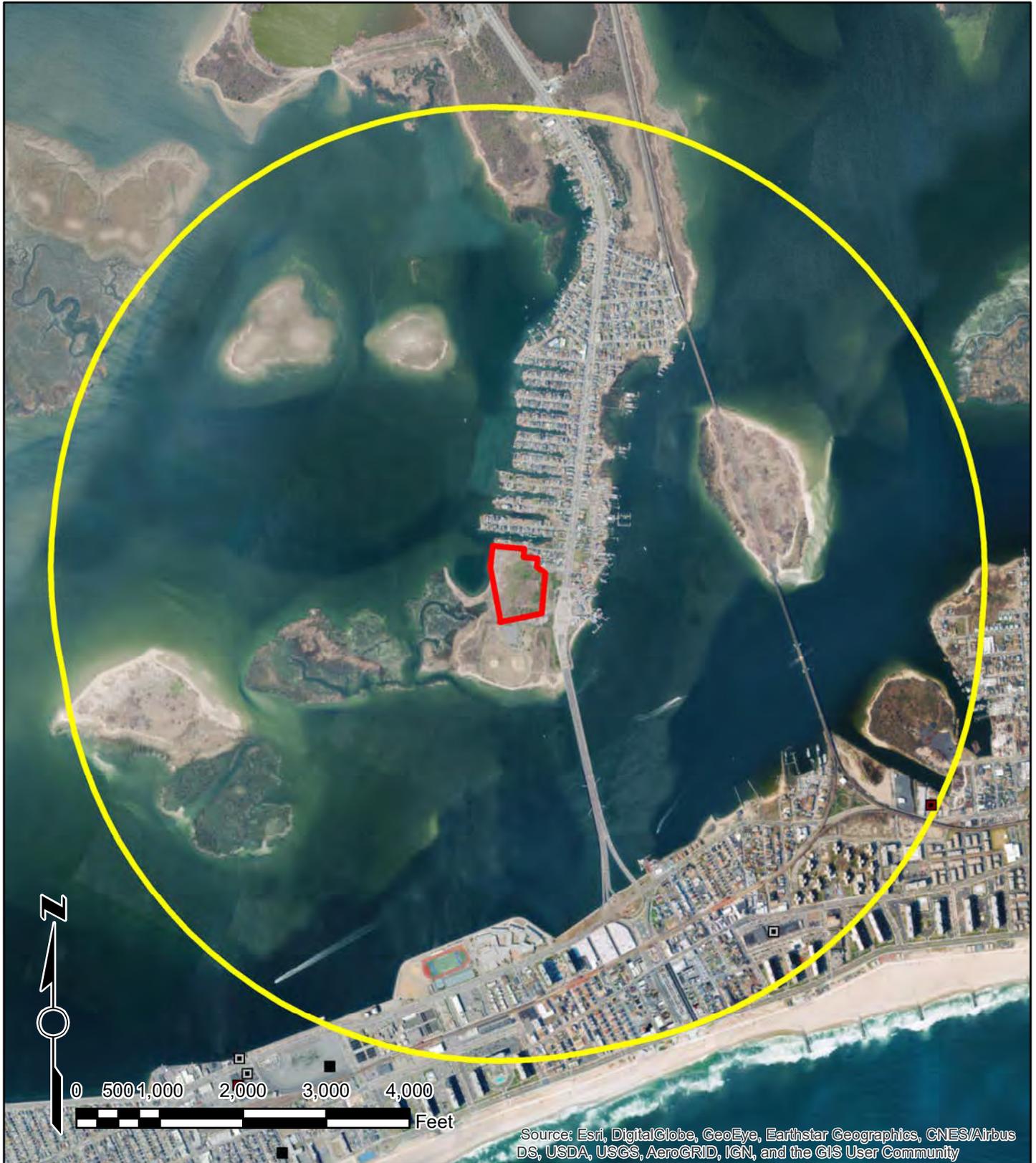
Coastal Zones

Legend

- Landward Coastal Boundary
- Project Area
- LWRP Communities

Sunset Cove Park Marsh Restoration
Queens County, New York





Legend

- Project Area
- One Mile Project Area Buffer
- Brownfield Cleanup Program
- State Superfund Program
- Voluntary Cleanup Program

Remediation Sites

Sunset Cove Park Marsh Restoration
Queens County, New York



PARS ENVIRONMENTAL, INC.
500 HORIZON DRIVE SUITE 540 ROBBINSVILLE, NEW JERSEY



Legend

- Project Area
- One Mile Project Area Buffer
- Chemical Bulk Storage
- Petroleum Bulk Storage
- Major Oil Storage Facility

Bulk Storage Facilities
 Sunset Cove Park Marsh Restoration
 Queens County, New York

 **PARS ENVIRONMENTAL, INC.**
 500 HORIZON DRIVE SUITE 540 ROBBINSVILLE, NEW JERSEY



Path: C:\Projects\Sunset Cove HUD EA_103P_359237\GIS\Sunset Cove Park Marsh Restoration Project - Protected Soils.mxd

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea,

Protected Soils

Legend

- Project Area
- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland

Sunset Cove Park Marsh Restoration
Queens County, New York





Sole Source Aquifers

Legend

- Project Area
- Kings/Queens Counties (Brooklyn-Queens) Aquifer System SSA

Sunset Cove Park Marsh Restoration
Queens County, New York



Path: C:\Projects\Sunset Cove HUD EA_103P\359237\GIS\Sunset Cove Park Marsh Restoration Project - Flood Zones.mxd

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Flood Zones

Legend

 Project Area

Flood Zones

 Zone AE- within the 1% annual chance

 Zone VE- within the 1% annual chance flood: coastal flood zone with velocity hazard

Sunset Cove Park Marsh Restoration
Queens County, New York



Tetra Tech, Inc



Legend

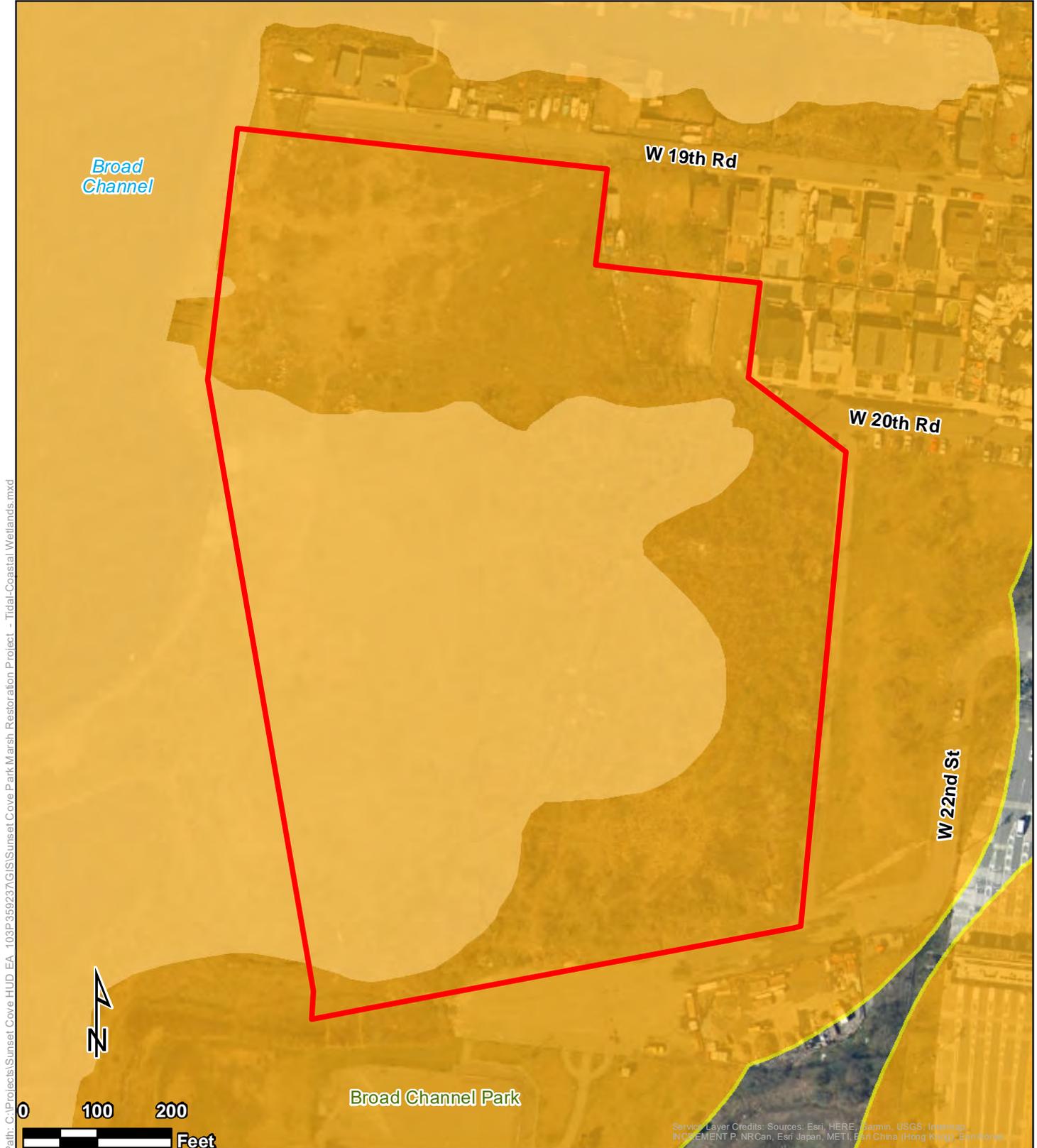
- Project Area
- NYS Freshwater Wetlands
- NYS Freshwater Wetlands Buffer
- Estuarine and Marine Wetland
- Estuarine and Marine Deepwater

NYS Freshwater and NWI Wetlands

Sunset Cove Park Marsh Restoration
Queens County, New York



Tetra Tech, Inc



Tidal-Coastal Wetlands

Sunset Cove Park Marsh Restoration
Queens County, New York

Legend

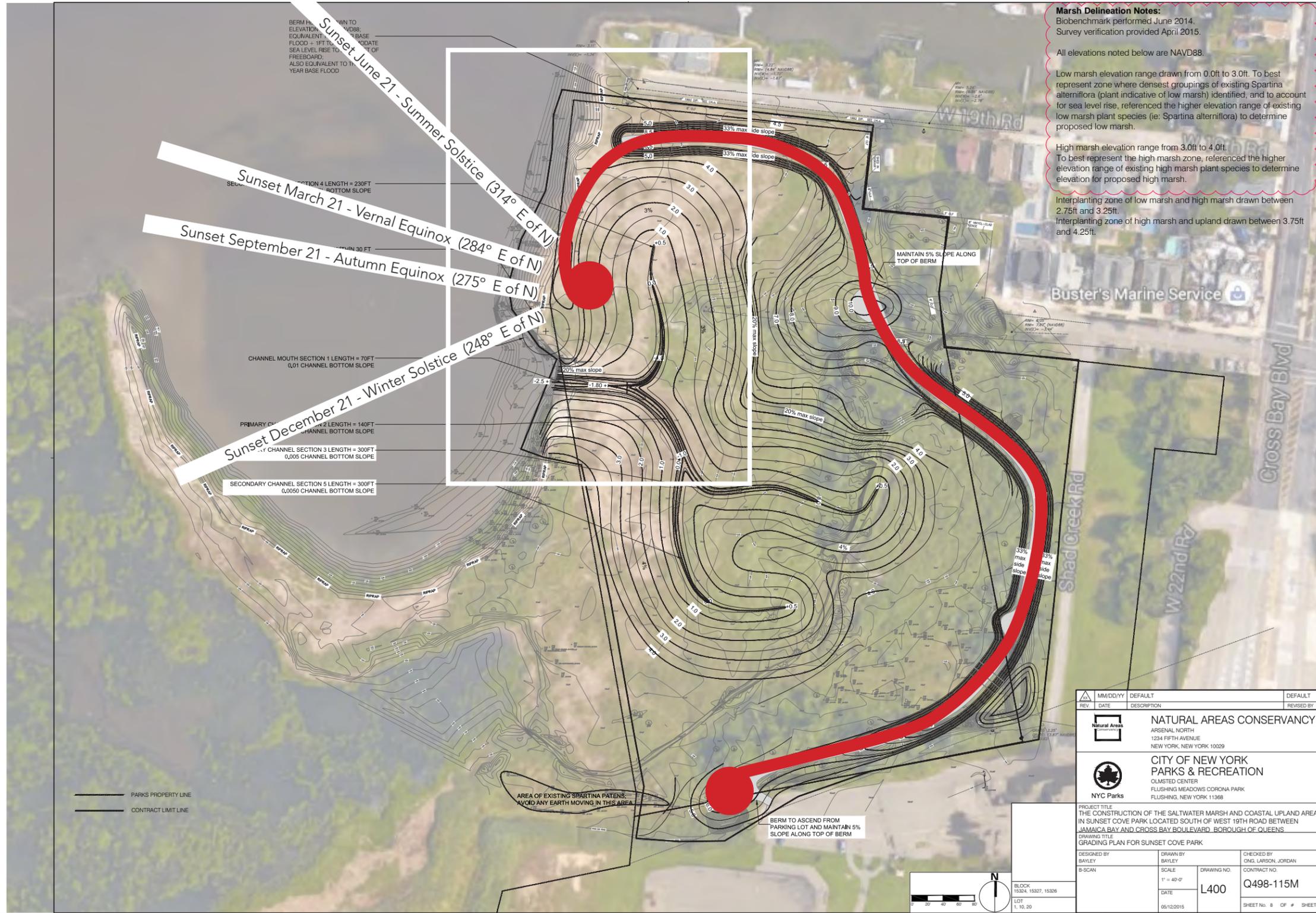
- Project Area
- Tidal - Coastal Wetlands
- Tidal - Coastal Wetlands 300ft Buffer



Tetra Tech, Inc

Appendix B
Site Plans

PROJECT LOCATION



View from Sunset Cove



Low Marsh - *Spartina alterniflora*

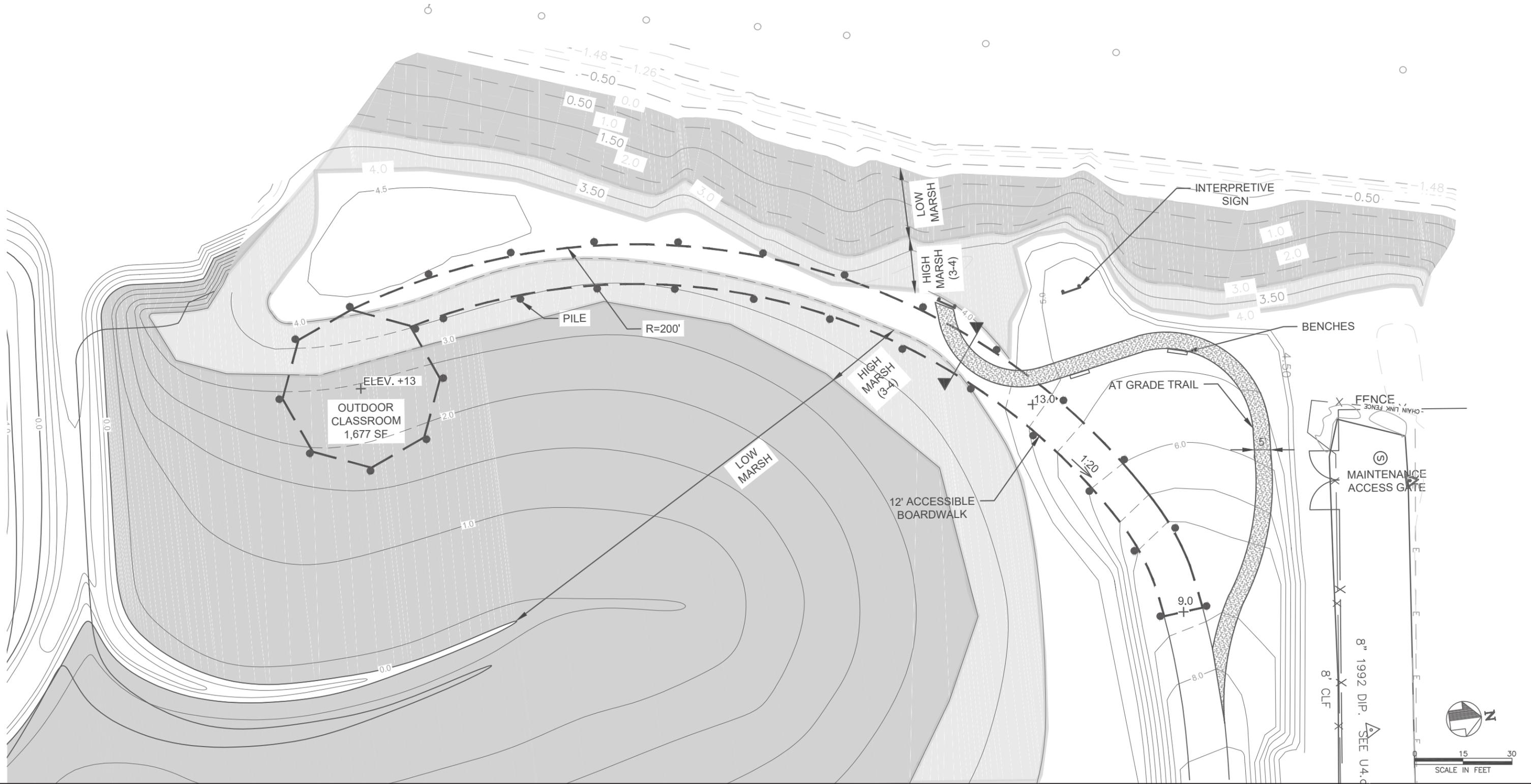


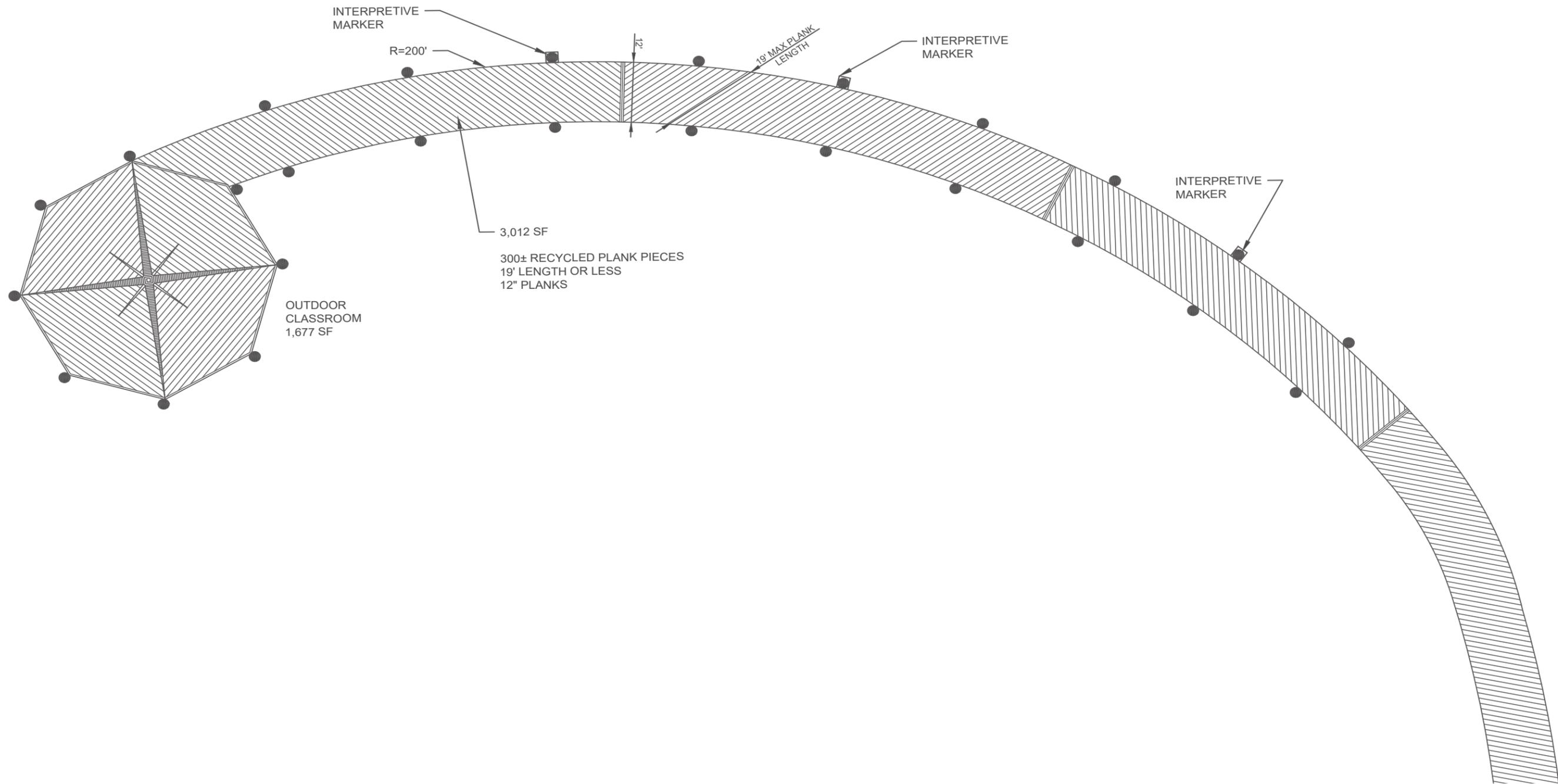
High Marsh - *Spartina patens*

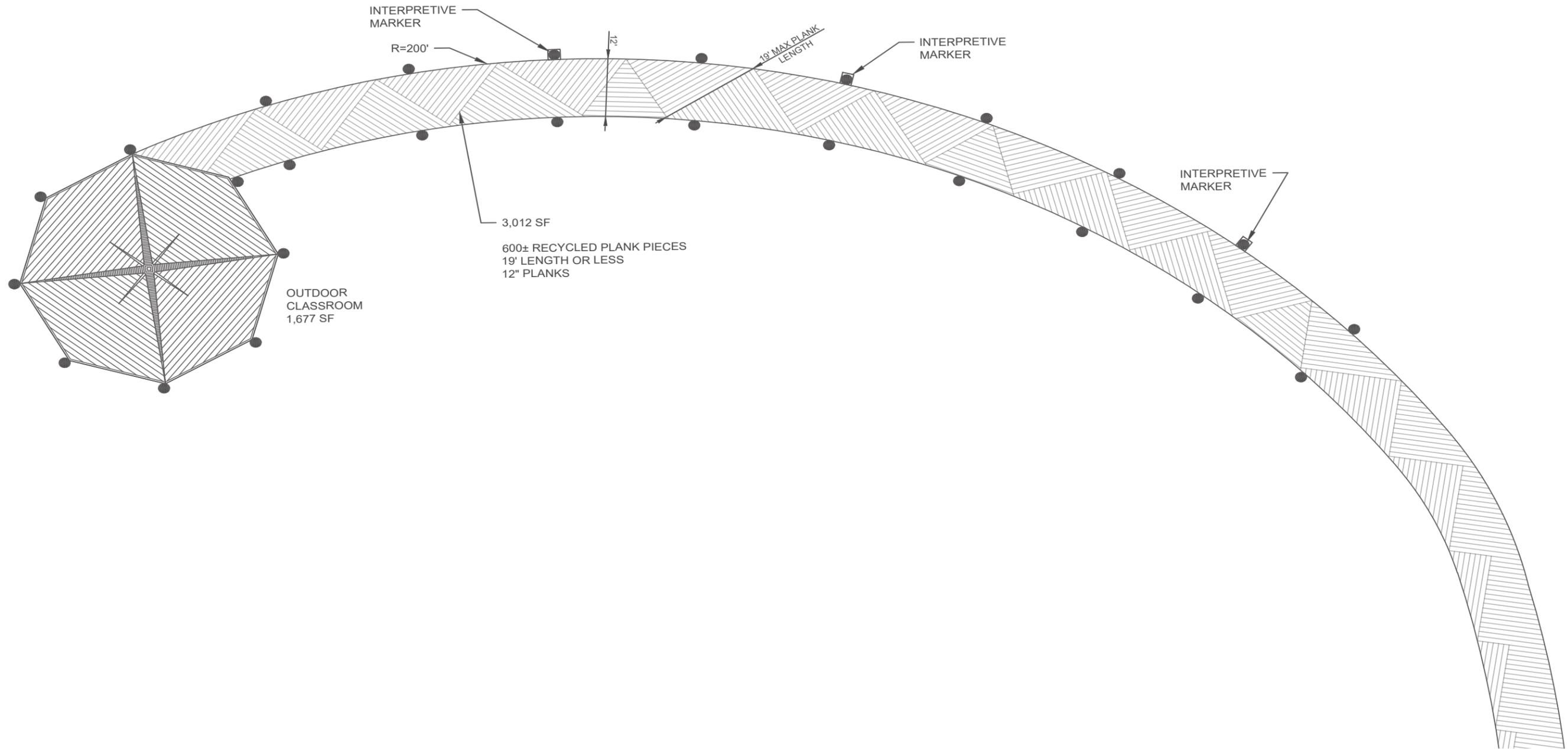
OYSTER COVE OVERLOOK CONCEPTUAL PLAN SUNSET COVE PARK, BOROUGH OF QUEENS, NEW YORK CITY, NEW YORK

1 MARCH 2016

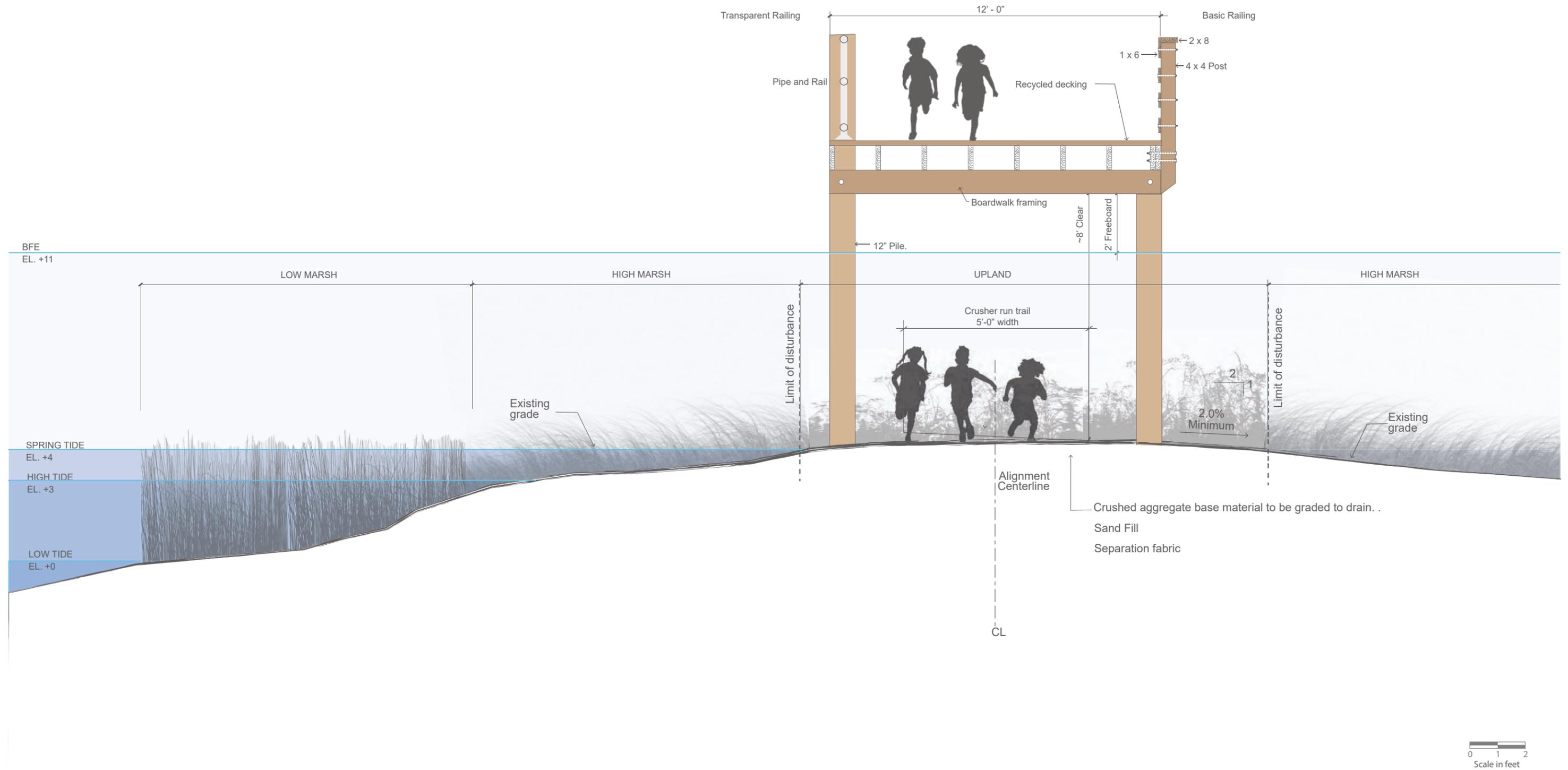
BOARDWALK PLAN



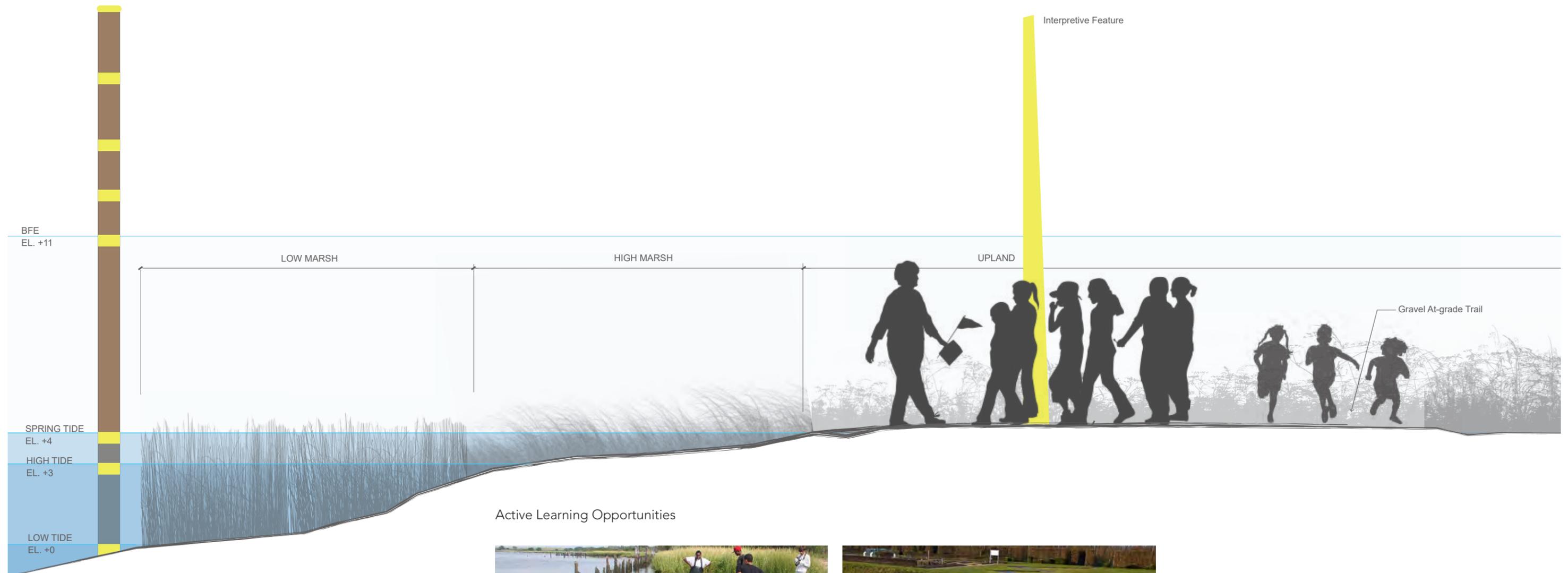




BOARDWALK SECTION



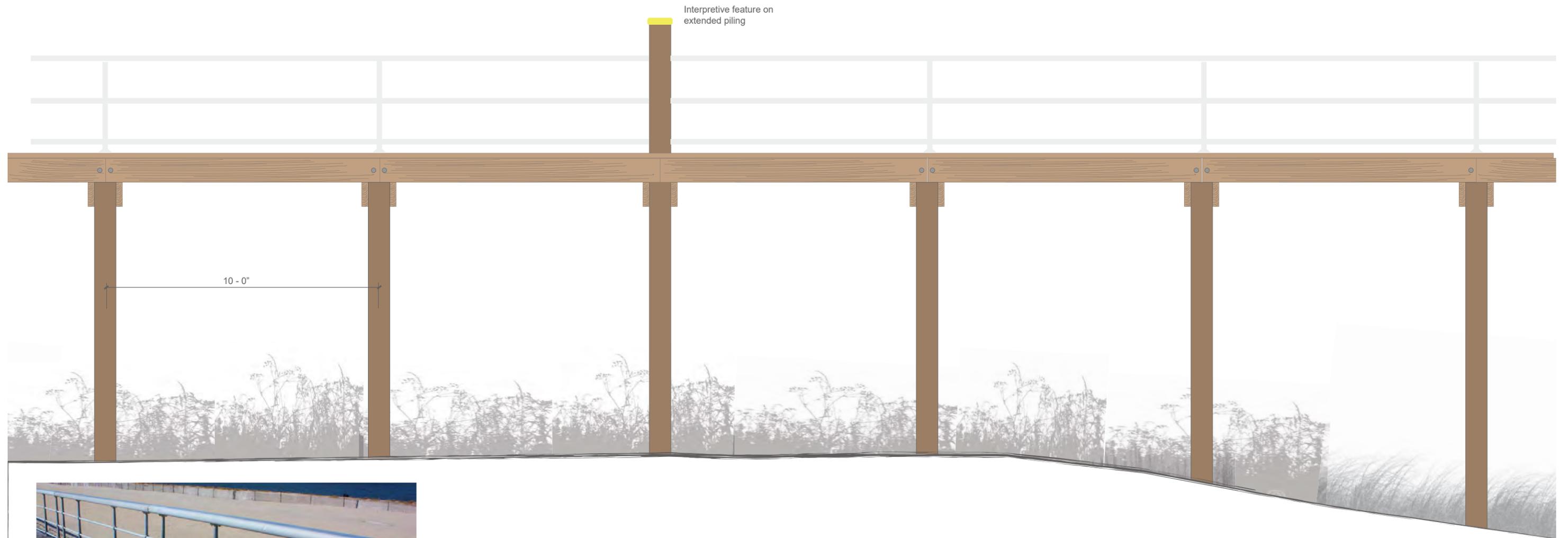
TRAIL SECTION



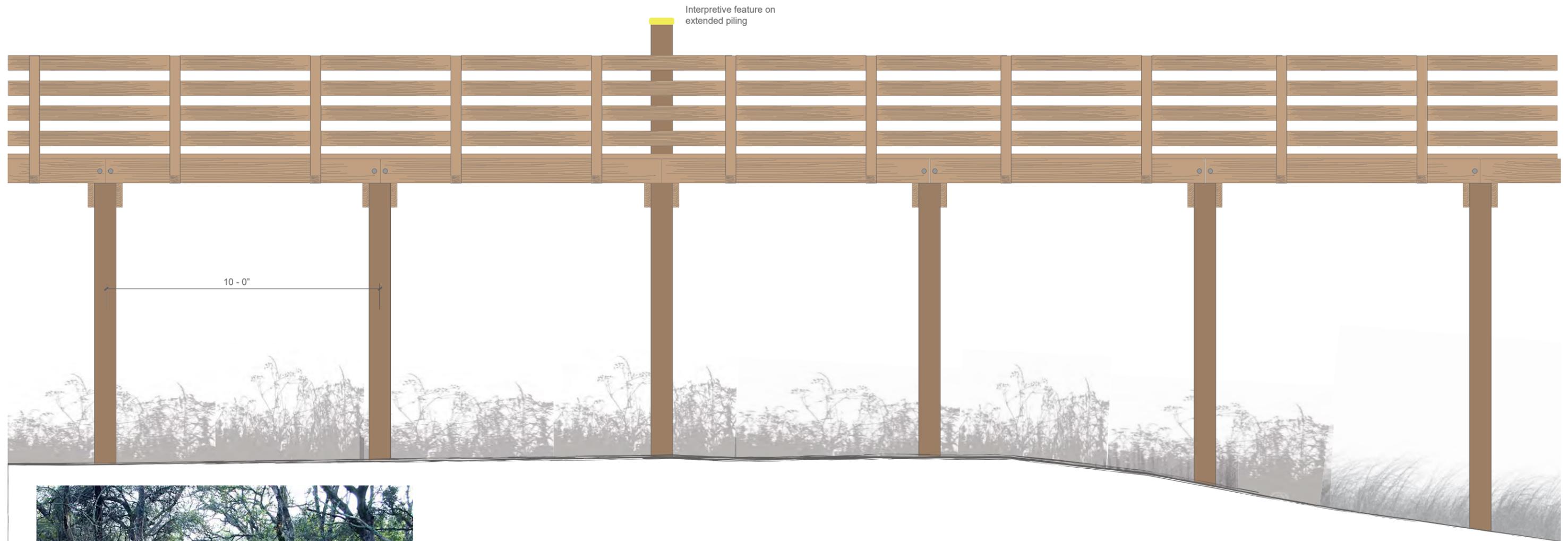
Active Learning Opportunities



BOARDWALK RAILING ELEVATION



BOARDWALK RAILING ELEVATION

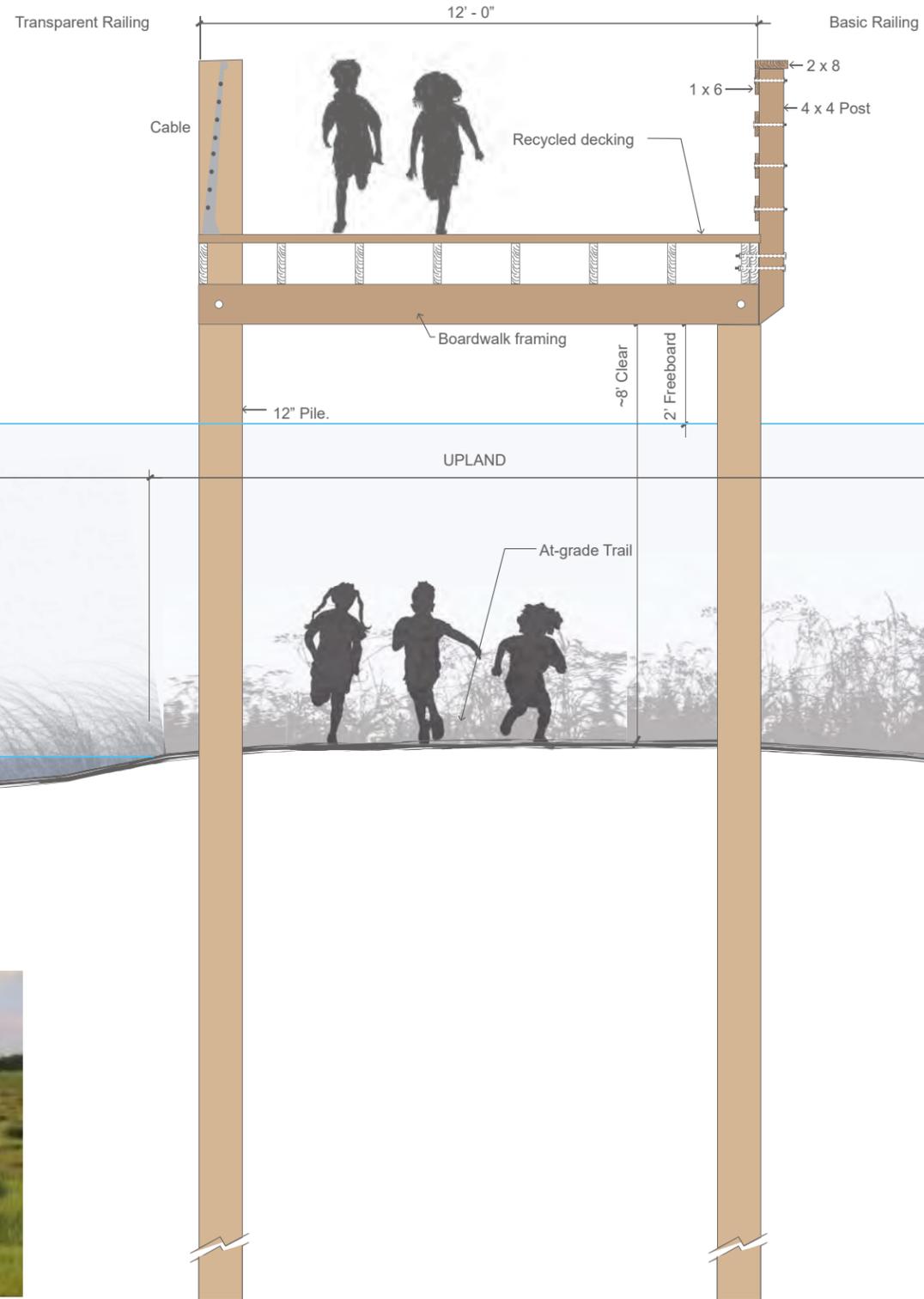
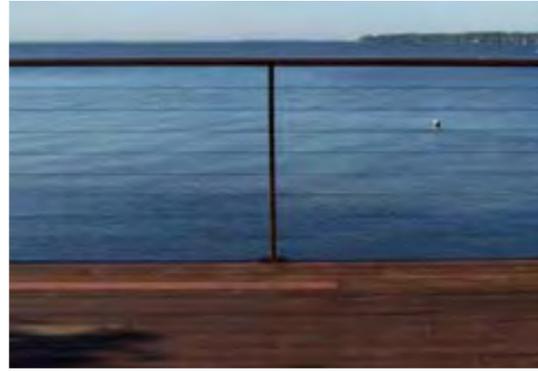


DESIGN OPTIONS: RAILINGS

Wire Mesh



Steel and Cable



BFE
EL. +11

LOW MARSH

HIGH MARSH

UPLAND

HIGH MARSH

SPRING TIDE
EL. +4

HIGH TIDE
EL. +3

LOW TIDE
EL. +0



Low Marsh - *Spartina alternifolia*



High Marsh - *Spartina patens*

0 1 2
Scale in feet

LOUIS BERGER, MORRISTOWN, NJ CADD FILE: \\mtr-fs-01\FP\Operations\180 - DASNY Eng Contract\1002-DASNY Sunset Cove\02-CADD Files\ASNY SC-PLANS.dwg Feb 21, 2018



SURVEY NOTES

THIS SURVEY IS BASED UPON FIELD INVESTIGATIONS AND SURVEYS CONDUCTED BY MERCATOR LAND SURVEYING ENDING ON MARCH 30TH, 2015 BY AND/OR UNDER THE DIRECT SUPERVISION OF THE SIGNED LICENSED SURVEYOR.

- NORTH ARROW, BEARINGS AND COORDINATES BASED UPON THE NORTH AMERICAN DATUM OF 1983 (CORS - EPOCH 2011). THE PROJECTION IS NEW YORK - LONG ISLAND (3104).
- THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - PROJECT CONTROL WAS DETERMINED USING LEICA DUAL-FREQUENCY GPS RECEIVERS ON JANUARY 1ST, 2015. THE REFERENCE MONUMENTS WERE
 - NJ12 (PID #AJ3348) CORS ESTABLISHED BY NJIT AND ADJUSTED BY NGS.
 - N 40°44'29.305731
 - W 74°10'39.72731
 - NAVD88 ORTHOMETRIC HEIGHT: 50.24 METERS (WEIGHTED VALUE FOR BLUNDER DETECTION)
 - LAMT (PID#AJ4872) CORS ESTABLISH BY LAMONT EARTH OBSERVATORY AND ADJUSTED BY THE NGS
 - N 40°00'16.23358
 - W 73°54'32.05768
 - ELLIPSOID HEIGHT: 90.17 METERS (FLOATING VALUE)
 - NYQN (PID# D10616) CORS ESTABLISHED BY NYSOT AND ADJUSTED BY NGS
 - N 40°43'10.26190
 - W 73°43'48.26710
 - ELLIPSOID HEIGHT -0.382 METERS (FLOATING VALUE)
 - R 347 (PID# KU1295) FIRST ORDER, CLASS II SET IN MASSIVE STRUCTURE BY THE COAST AND GEODETIC SURVEY IN 1952.
 - N 40°36'10" MAPPING ONLY
 - W 73°49'12" MAPPING ONLY
 - NGVD29 ORTHOMETRIC HEIGHT: 2.868 METERS / 9.41 FEET (FIXED VALUE). QUEENS BOROUGH DATUM: 6.684 FEET.
- ALL UNITS SHOWN HEREON ARE US SURVEY FEET, IN WHOLE OR DECIMAL VALUES. 1 METER = 39.37/12 SURVEY FEET.
- THERE WERE UNNAMED VISIBLE STREAMS OR WATERCOURSES VISIBLE WITH INTERMITTENT FLOW AT THE TIME OF THE SURVEY.
- THE PROPERTY IN QUESTION (PIQ) IS LOCATED IN:
 - FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION 10 (NAVD88) AE/VE 1% STATIC BASE FLOOD) AS DEPICTED ON THE BEST AVAILABLE FLOOD HAZARD DATA RELEASE BY FEMA ON 6/10/2013.
- AREA WAS NOT COMPLETELY SURVEYED DUE TO ICE DURING FIELD WORK. SPOT ELEVATIONS SHOWN ARE ACTUAL SURVEY POINTS. THE DTM MAY NOT SHOW ALL BREAKS IN SURFACE.



JOSEPH R. DIETRICH
N.Y. Professional Engineer # 086898-1

No.	Date	Revision

CLIENT
New York Rising Community Reconstruction Program



GOSR
Governor's Office of Storm Recovery

PROJECT TITLE
**OYSTER COVE OVERLOOK
SUNSET COVE PARK**

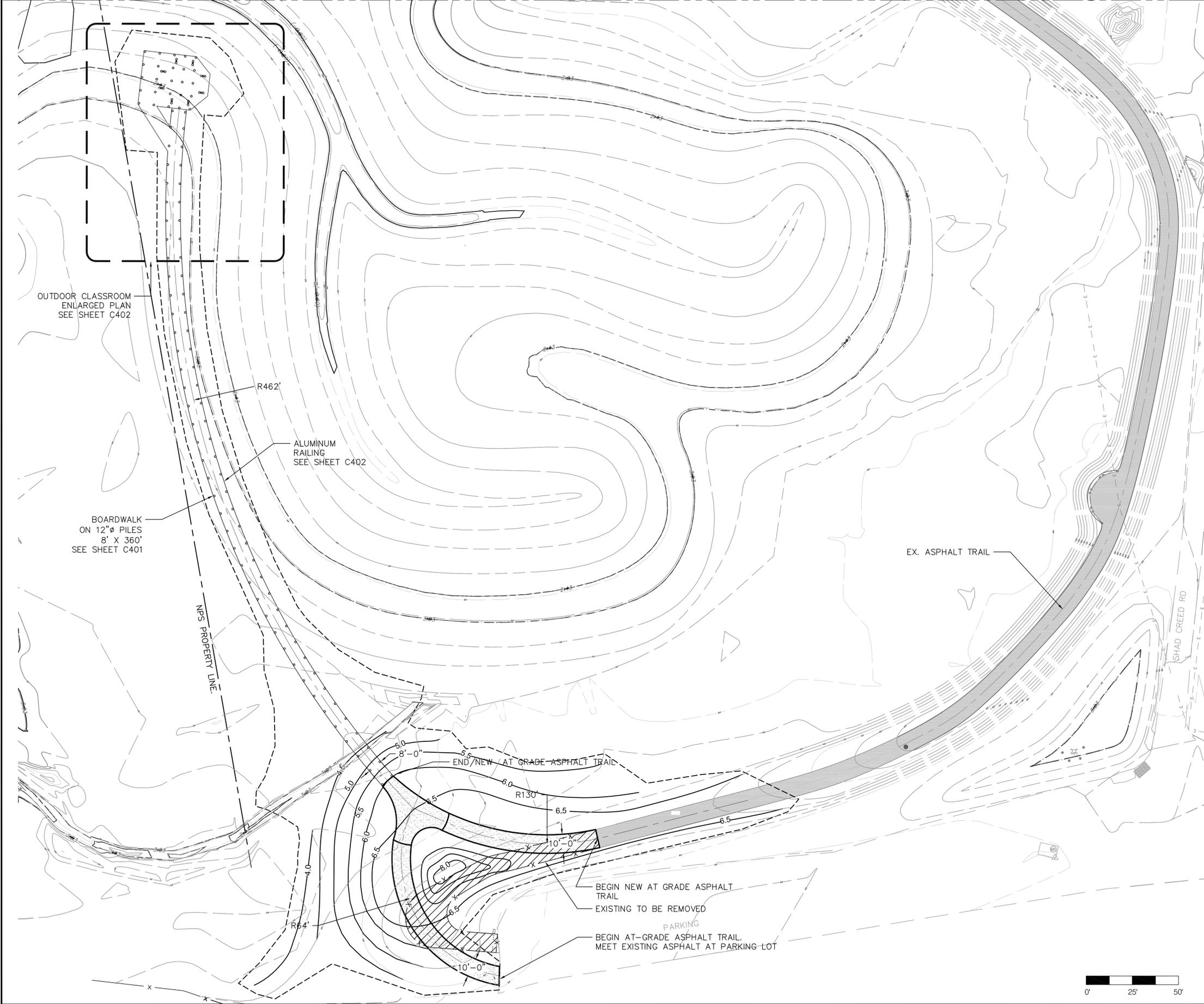
Title
**EXISTING CONDITIONS PLAN
AND SURVEY NOTES**

Louis Berger Project No. 2010957.004.03
Designed by CM
Drawn by SB
Checked by
Date 09/15/2017
DASNY PROJECT NO. 329450

Number C100
Sheet 3 of 19

LOUIS BERGER, MORRISTOWN, NJ CADD FILE: \\mntn-fs-01\FP\Operations\180 - DASNY Eng Contract\1002-DASNY Sunset Cove\02-CADD Files\ASNY SC-PLANS.dwg Feb 21, 2018

MATCHLINE SEE SHEET C101



LEGEND:

-  EXISTING ASPHALT
-  NEW ASPHALT
-  DEMOLITION
-  PROJECT LIMIT
-  CENTER LINE

SHEET NOTES:

1. STANDARD NYC PARKS DETAIL SHEETS APPLICABLE BUT NOT INCLUDED:
 - DOUBLE GATE FOR CHAIN LINK FENCE TYLA/146 R8. SH.N'33 REVISION DATE: 01/29/2014. NOTE: PROVIDE SEPARATE SHOP DRAWINGS FOR GATE LOCKING SYSTEM SHOWING ALL THREE ELEMENTS: STEEL DROP BOLT; ROTATING LOCKING MECHANISM; AND GATE STOPS.
 - PAVEMENT DETAILS NO. 1 TYLA 146-R8. SH.N'14 REVISION DATE: 01/27/2014.



JOSEPH R. DIETRICH
N.Y. Professional Engineer # 086898-1

No.	Date	Revision

CLIENT
New York Rising Community Reconstruction Program



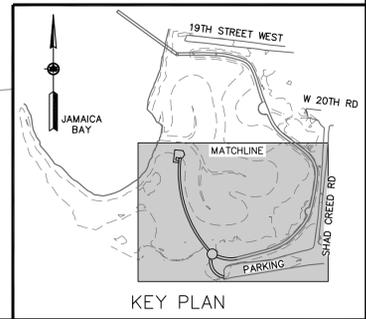
GOSR
Governor's Office of Storm Recovery

PROJECT TITLE
**OYSTER COVE OVERLOOK
SUNSET COVE PARK**

Title
LAYOUT AND GRADING PLAN SOUTH

Louis Berger Project No. 2010957.004.03
Designed by CM
Drawn by SB
Checked by
Date 09/15/2017
DASNY PROJECT NO. 329450

Number **C102**
Sheet **5** of **19**



Appendix C
Coastal Consistency

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
ACTING SECRETARY OF STATE

December 04, 2018

Alicia Shultz
Community Developer – Environmental Services
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany, NY 12207

Re: **F-2018-1084 (FA)**
Governor's Office of Storm Recovery (GOSR)
Sunset Cove Park Marsh Restoration Project
Sunset Cove Park - Broad Channel, Queens, NY;
Oyster Cove, Jamaica Bay

Federal financial assistance to construct Phase II of the larger Marsh Restoration Project – install a viewing platform or boardwalk on a berm above the Oyster Cove on an approximately 12- acre parcel owned by the City of New York. The boardwalk will extend from an existing walkway to a hexagonal classroom over restored wetlands.

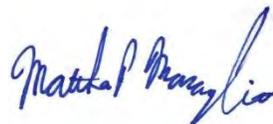
General Concurrence - No Objection to Funding

Dear Ms. Shultz:

The Department of State received the information you submitted regarding the above matter on October 18, 2018 and has completed its review. The Department of State has no objection to the use of the U.S. Department of Housing and Urban Development (HUD) – Community Development Block Grant – Disaster Recovery (CDBG-DR) funding to the Dormitory Authority of the State of New York (DASNY) for the above-listed activities.

This concurrence pertains to the federal financial assistance for this project only. If a federal permit or other form of federal agency authorization is required for the above activities, the Department of State will conduct a separate review for those permit activities. In such a case, applicants must forward a copy of the federal/ state joint application for authorization, a completed Federal Consistency Assessment Form (FCAF), project drawings and details and all other supporting information to the Department at the same time application is submitted to the federal agency from which the necessary authorization is requested.

Sincerely,



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

MM/ TS

From: Christopher Wassif (DCP)
To: [Shultz, Alicia \(NYSHCR\)](#)
Cc: MMarrel@planning.nyc.gov; [Sturn, Terra \(DOS\)](#)
Subject: WRP Consistency Determination: Sunset Cove Park Marsh Restoration Project- viewing platform (WRP#18-180)
Date: Tuesday, December 04, 2018 6:49:28 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello Alicia,

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

Sunset Cove Park Marsh Restoration Project: This project would construct a viewing platform above Sunset Cove, and is part of a larger project to restore, enhance, and rehabilitate the marsh lands on an approximately 12-acre parcel owned by the City of New York in Broad Channel, Queens County, within Jamaica Bay. These facilities would provide waterfront access for nature-based environmental education in an area that is currently inaccessible to the public and promote stewardship and social resiliency through partnership with local organizations and community-led volunteer events.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and provides its finding to the New York State Department of State (DOS). Please note that the proposed action(s) are subject to consistency review and approval by the New York State Department of State (DOS) in accordance with the New York State Coastal Management Program.

This determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned **WRP # 18-180**. If there are any questions regarding this review, please contact me.

Best,

CHRISTOPHER WASSIF

FLOOD RESILIENCY PLANNER • WATERFRONT AND OPEN SPACE DIVISION

NYC DEPT. OF CITY PLANNING

120 BROADWAY, 31ST FLOOR • NEW YORK, NY 10271

212-720-3445 | cwassif@planning.nyc.gov

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www.nyc.gov/planning

Appendix D
Contamination
and Toxic
Substances

-Final -
Phase I Environmental Site Assessment Report
For
Former Schmitt's Marina
96th Street between West 19th Road and West 20th Road
Queens, New York, 11693

DDC PROJECT NO. BEGS2007005
WORK ORDER NO. 6403-ATC-6174
CONTRACT REGISTRATION NO. 20090016802

Prepared for:



Bureau of Environmental and Geotechnical Services
30-30 Thomson Avenue, Fifth Floor
Long Island City, New York 11101

Prepared by:



ATC Associates Inc.
104 East 25th Street, 10th Floor
New York, NY 10010
PROJECT NO. 015.38500.0058
September 15, 2009

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EXECUTIVE SUMMARY

On behalf of the New York City Department of Design and Construction (DDC), ATC Associates Inc. (ATC) conducted a Phase I Environmental Site Assessment (ESA) of the Former Schmitt's Marina property located along 96th Street between West 19th Road and West 20th Road, Queens, New York 11693 (hereinafter referred to as the Site). The proposed development of the Site is restoration as park land. The Site is identified as Block 15324, Lot 1; Block 15324, part of Lot 999; Block 15327, Lot 10; Block 15326, Lot 20; Block 15350, part of Lot 1. The Site is approximately 20.41 acres and is situated in an area primarily characterized by residential properties, parkland, wetlands, commercial properties and open water bodies. The Site was not identified as having a City Environmental Quality Review (CEQR) Declaration (also known as an "E" designation).

The Site consists of vacant vegetated and unvegetated land that was formerly utilized as Schmitt's Marina from at least 1975 through 2007 when it was acquired by the City of New York. The Site extends approximately 980 feet from West 19th Road in the north toward West Boulevard to the south and approximately 560 feet from Jamaica Bay to the west towards Cross Bay Boulevard to the east. The Site may be accessed from West 19th Road. There is a single-story office trailer located on the northern portion of the Site adjacent to the entrance along West 19th Road. There is a portion of an asphalt-paved parking lot located on the southeastern portion of the Site. There is a man-made ditch with flowing water that extends through the Site and leads to Jamaica Bay and an area located in the central portion of the Site that is delineated with concrete blocks and used for propane tank storage and construction debris. Boat crushing operations were performed in this area in May and June 2009. Approximately 254 boats were crushed on-Site in the aforementioned area delineated with concrete blocks and then removed and disposed of. Two small boats remained on-Site in areas of that were inaccessible at the time of the boat crushing operations. In addition, 98 drums were removed from the Site in March-April 2007. The remainder of the Site consists of vacant vegetated and unvegetated land. Historical information indicates that the Site was a marsh that had been filled in between 1900 and prior to 1954. The surrounding properties have been historically characterized by residential development, park land and wetlands, commercial properties and water bodies.

The main objective of the Phase I ESA is to identify recognized environmental conditions (RECs) that may affect the suitability of the Site, which is to be acquired by the New York City Department of Parks and Recreation (NYCDPR) from New York City Department of City Administrative Services (NYCDCAS) to create a park. Recognized environmental conditions are defined in American Society of Testing and Materials (ASTM) Standard Practice E 1527-05 as the presence or likely presence, use, or release on the Site of hazardous substances or petroleum products. The Phase I ESA also includes a preliminary evaluation of specific potential environmental issues or conditions that are, according to ASTM E 1527-05, considered non-scope considerations. These

issues include radon and methane. The Phase I ESA included a review of environmental agency databases and historical documents; visual observation of the Site and adjoining properties; and interviews with a Site representative.

In addition, the assessment was conducted for purposes of environmental due diligence in order to qualify for the innocent landowner defense under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Phase I ESA included, but was not limited to, an assessment of the following potential environmental issues: current and historical site usage; current and historical usage of adjoining properties; regulatory agency records review; on-site solid waste management and disposal practices; on-site hazardous materials and petroleum products management; wetlands; dry-cleaners; radon; and potential methane generating materials.

The Site was listed in the Resource Conservation and Recovery Act (RCRA) Small Quantity Generator (SQG), New York Manifest, and Facility Index System/Facility Identification Initiative Program Summary Report (FINDS) databases. The Site is identified in the database report as NYCDCAS – Schmitt's Marina located at 40 West 19th Road, Broad Channel, NY. The Site is listed on the RCRA SQG with no violations. Based on the absence of reported releases and violations, the RCRA SQG, New York Manifest, and FINDS listings for the Site is not considered to be a REC. The Site reconnaissance identified the presence of illegal dumping occurring on the Site consisting of solid waste (abandoned boats, construction and demolition debris, household debris, garbage and tires). In addition, the review of news articles indicated the owner of the former Schmitt's Marina was in a 20 year legal battle with the city to be evicted for potential illegal dumping activities and the filling-in of wetlands. The reviews of historical records revealed the potential presence of fill materials and methane generating materials at the Site and are considered to be environmental issues. One surrounding property, the open spill listing identified as Cross Bay Veteran Bridge (New York State Department of Environmental Conservation [NYSDEC] Spill Nos. 9208766 and 9102053) located approximately 220 feet and hydraulically upgradient, is considered a REC with respect to the Site. A former auto repair garage with gasoline tanks was depicted on the 1933 Sanborn map as adjacent to the east approximately 100 feet and hydraulically upgradient is considered a potential environmental concern with respect to the Site.

Summary of RECs and Potential Environmental Issues

The Phase I ESA has identified the following RECs and potential environmental issues:

On-Site

The Phase I ESA identified the following two on-Site RECs and four on-Site environmental issues that have the potential to affect conditions at the Site.

- Solid waste (abandoned boats, construction and demolition debris, household debris, garbage and tires) was identified during the Site reconnaissance. The presence of these materials and the historical illegal dumping activities are considered to be a REC.
- The former boat storage, aboveground storage tanks (ASTs), drum storage and marine batteries are considered to be a REC due to the potential for undocumented releases of petroleum and metals to the subsurface as a result of their historical presence at the Site.
- The presence of imported fill materials of unknown quality is considered to represent an environmental issue.
- The potential presence of peat and organic-rich materials below the imported fill, which have the potential to generate methane, is considered to represent an environmental issue.
- The review of National Wetlands Inventory (NWI) map identified a designated wetland located on the central portion of the Site. Jamaica Bay, adjacent to the west of the Site and vegetated land, adjacent to the west and southwest of the Site are designated as wetlands.
- Review of the Federal Emergency Management (FEMA) Flood Insurance Rate Map (FIRMs) for Community Panel #3604970377F, revised September 5, 2007 indicated that the Site is located within a 100-year flood zone designated as Zone AE with a base flood elevations determined to be 8 feet above mean sea level (msl) and 9 feet above msl.

Off-Site

The Phase I ESA identified the following one off-site REC and one off-site potential environmental concern that have the potential to affect conditions at the Site:

- The open, upgradient spill listing identified as Cross Bay Veteran Bridge (NYSDEC Spill Nos. 9208766 and 9102053) is considered to be a REC based on the description within the regulatory database which stated that the investigation that was performed for the tanks and contamination was inadequate to identify the existence of contamination.
- The review of fire insurance maps revealed the presence of an auto repair facility with gasoline tanks located adjacent to the east of the Site on the 1933 map. In subsequent years, the area of the auto repair facility was depicted as vacant land. The former auto repair facility is considered to represent a potential environmental concern to the Site.



Recommendations

ATC recommends that a Phase II Environmental Site Investigation (ESI) be performed to assess whether the identified REC and environmental issues have affected the suitability of the Site for restoration as park land.

1.0 INTRODUCTION

On behalf of the New York City Department of Design and Construction (DDC), ATC Associates Inc. (ATC) conducted a Phase I Environmental Site Assessment (ESA) of the Former Schmitt's Marina property located along 96th Street between West 19th Road and West 20th Road, Queens, New York (hereinafter referred to as the Site). According to the Environmental Data Resources, Inc. (EDR) database report, the Site address is identified as 40 West 19th Street. The Site is identified as Block 15324, Lot 1; Block 15324, part of Lot 999; Block 15327, Lot 10; Block 15326, Lot 20; Block 15350, part of Lot 1. The Site is approximately 20.41 acres and is situated in an area primarily characterized by residential properties, parkland, wetlands, commercial properties and open water bodies.

The Site is reportedly owned by the City of New York under the jurisdiction of the Department of Citywide Administrative Services (NYCDCAS). This Site is to be acquired by the New York City Department Parks and Recreation (NYCDPR) from NYCDCAS to create a park. The Site reconnaissance was performed on August 10, 2009 by Matthew Mankovich, Senior Project Manager of ATC, accompanied by Ms. Angela Sabet, Project Manager of DDC and Mr. Naeem Janjua of NYCDCAS. The weather at the time of the site reconnaissance was sunny with a temperature of 90 degrees Fahrenheit. A topographic Site Location Map is presented as Figure 1. An aerial photograph of the Site (Site Plan) is presented as Figure 2. Photographs taken during the site reconnaissance are presented in Appendix A.

1.1 *Purpose and Scope*

The purpose of this assessment is to identify Recognized Environmental Conditions (RECs) and certain other environmental issues or conditions as they existed at the Site at the time of the site reconnaissance. The assessment is intended to identify conditions that would have the potential to impact the value of the Site or the proposed development of the Site for restoration as park land. In addition, the assessment was conducted for purposes of environmental due diligence in order to qualify for the innocent landowner defense under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Phase I ESA included, but was not limited to, an assessment of the following potential environmental issues: current and historical site usage; current and historical usage of adjoining properties; regulatory agency records review; on-site solid waste management and disposal practices; on-site hazardous materials and petroleum products management; wetlands; dry-cleaners; asbestos-containing materials, polychlorinated biphenyl (PCB) management, radon; mold, and, potential methane generating materials.

This evaluation was conducted in accordance with the ASTM E 1527-05. The scope of work completed for this evaluation included the following:

- Documenting the physical characteristics of the Site through a review of available topographic, geologic, wetland, flood plain and groundwater data.
- Researching the Site history through a review of reasonably ascertainable standard sources such as fire insurance maps, city directories, aerial photographs, historical topographic maps and interviews.
- Documenting current Site conditions, via observations and interviews, regarding the presence or absence of hazardous substances/petroleum products; the generation, treatment, storage, or disposal of hazardous, regulated, or medical wastes; and, the presence of petroleum and chemical storage tanks (above and below ground).
- Determining the usage of adjoining and nearby properties to identify the likelihood for environmental conditions (if present and/or suspected) to migrate onto the Site.
- An evaluation of information contained within federal and state environmental databases and other local environmental records, within specific search distances.

In addition, the following environmental issues that are outside the scope of ASTM E 1527-05 were also evaluated:

- A review of available topographic maps and wetland maps to identify the potential presence of historic fill and historic water bodies at the Site or organic rich subsurface materials that have the potential to generate methane beneath the Site.
- A review of available radon data for the Site vicinity.

1.2 Deviations

The following deviations, data gaps and deletions from ASTM E 1527-05 were necessary in conducting this assessment:

- An environmental lien and Activity and Use Limitations (AULs) search was not performed as part of this Phase I ESA. Based on the current regulatory information and the historical information reviewed as part of this Phase I ESA, ATC does not consider the absence of the Environmental Lien report to represent a significant data gap.
- The western portion of the Site is not depicted on the Sanborn maps. Based on the other historical information reviewed as part of this Phase I ESA (i.e., topographic maps, aerial photographs, and city directories), ATC does not consider the absence of the limited Sanborn map coverage to represent a significant data gap.

1.3 Limitations

ATC has prepared this Phase I ESA using reasonable efforts in each phase of its work to identify RECs associated with hazardous substances, wastes and petroleum products at the Site. The methodology of the Phase I ESA is consistent with ASTM E 1527-05. Findings within this report are based on information collected from observations made on the day of the site investigation and from reasonably ascertainable information obtained from governing public agencies and private sources.

This report is not definitive and should not be assumed to be a complete or specific definition of the conditions above or below grade. Information in this report is not intended to be used as a construction document and should not be used for demolition, renovation or other construction purposes. ATC makes no representation or warranty that the past or current operations at the Site are or have been in compliance with all applicable Federal, State and local laws, regulations and codes.

Regardless of the findings stated in this report, ATC is not responsible for consequences or conditions arising from facts that were concealed, withheld or not fully disclosed at the time that the evaluation was conducted.

This report does not warrant against future operations or conditions, nor does it warrant against operations or conditions present of a type or at a location not investigated.

The regulatory database report provided is based on an evaluation of the data collected and compiled by a contracted data research company. The report focuses on the Site and neighboring properties that could impact the Site. Neighboring properties listed in government environmental records are identified within specific search distances. The search distance varies depending upon the particular government record being checked. The regulatory research is designed to meet the requirements of ASTM E 1527-05. The information provided in the regulatory database report is assumed to be correct and complete.

No information was available at the time of the assessment regarding the relationship of purchase price of the property to fair market value of the property. If information is received regarding valuation reduction for environmental issues which changes the conclusions or recommendations presented in this report, an addendum will be submitted to the DDC.

2.0 SITE DESCRIPTION

2.1 *Site Location and Description*

The Site is located along 96th Street between West 19th Road and West 20th Road in the Broad Channel section of Queens, New York. The Site, which extends approximately 980 feet from the northern to southern end and approximately 560 feet from the western to eastern end, is identified as Block 15324, Lot 1; Block 15326, Lot 20; Block 15327, Lot 10; and Block 15350, part of Lot 1 by the New York City Tax Assessor's Records. According to the New York City Department of City Planning (NYCDCP) zoning maps 30a and 30c, the Site is designated as R3-2 "Residential". The Site was not identified as having a City Environmental Quality Review (CEQR) Declaration (also known as an "E" designation).

There is a single-story office trailer located on the northern portion of the Site adjacent to the entrance along West 19th Road. There is a portion an asphalt-paved parking lot located on the southeastern portion of the Site and wetlands located on the eastern portion of the Site. The remainder of the Site consists of vacant vegetated and unvegetated land. There are no structures located on the Site. In addition, there is a man-made ditch with flowing water that extends through the Site and leads to Jamaica Bay. There is an area that is delineated with concrete blocks and used for propane tank storage and construction debris. According to Mr. Naeem Janjua, the New York City Department of Sanitation (DSNY) performed boat crushing operations in May and June 2009. The boats were crushed on-Site in the aforementioned area delineated with concrete blocks and then removed and disposed of. Several boats remained on-Site in areas of that were inaccessible at the time of the boat crushing operations. In addition, 98 drums were removed from the Site in March-April 2007.

Utilities at the Site consist of electricity provided by Consolidated Edison for the office trailer and light poles in the parking lot. There are no heating or cooling systems at the Site.

The Site is bound by West 19th Road to the north and residential development, wetlands, and vegetated land, Shad Creek Road, Cross Bay Boulevard and residential housing to the east, NYCDPR parkland to the south, and Gateway National Recreation Area and Jamaica Bay to the west. A topographic map showing the location of the Site is presented as Figure 1. An aerial photograph (Site Plan) showing the physical layout of the Site, including adjacent land use, is presented as Figure 2. Photographs of the Site and surrounding areas are included in Appendix A.

2.2 Physical Setting

2.2.1 Topography

Based on a review of the United States Geological Survey (USGS.) 7.5-Minute Quadrangle Map, Far Rockaway, NY, dated 1996, the elevation of the Site ranges from approximately 1 foot to approximately 5 feet above mean sea level (MSL). A copy of the topographic map is presented as Figure 1.

2.2.2 Geology

The Site is located in the Borough of Queens, New York within the Atlantic Coastal Plan physiographic province. The unconsolidated sediments at the Site consist of terminal moraine and glacial outwash deposits. These sediments, consisting of clay, sand, gravel, and boulders, are highly permeable and divided into two distinct units differentiated by interglacial sedimentary layers. The upper unit is generally referred to as the Upper Pleistocene deposits and consists of a heterogeneous mixture of unstratified material ranging in size from clay to cobbles and boulders. The underlying unit, the Jameco Gravel, consists of dark brown to gray beds of coarse sand and gravel inter-layered with cobbles and boulders. These unconsolidated deposits overlay the consolidated Hartland Formation, which consists of gray fine-grained quartz feldspar-kyanite and quartz-biotite-hornblende. Unconsolidated deposits are approximately 300 feet thick at the Site.

According to the United States Department of Agriculture Soil Survey as reported in the Environmental Data Resources, Inc. (EDR) database report, soils in the vicinity of the Site are classified as mucky-peat from 0 – 18 inches, hemic material from 18 – 42 inches, and sapric material from 42 – 62 inches. Other soil types in the surrounding area are identified as loamy sand and gravelly – loamy sand. Naturally occurring soils in the area beneath the urban land soils consist of glacial outwash characterized by coarse to fine sand.

2.2.3 Hydrology

Based on the surface topography at the Site, groundwater flow is assumed to be variable and primarily flow in southerly, easterly, and westerly directions, towards Jamaica Bay. Jamaica Bay is influenced by tidal fluctuations.

Based on the presence of Jamaica Bay and wetlands, groundwater at the Site is anticipated to be approximately 1 to 5 feet below grade. Groundwater levels and/or flow direction may vary due to seasonal fluctuations in precipitation, tidal fluctuations, local usage demands, geology, underground structures, or dewatering operations. ATC observed no evidence of active or inactive water supply wells at the Site.

Stormwater runoff originating from the Site is discharged via surface runoff to Jamaica Bay or to storm drains located in West 19th Road, West 20th Road and the parking lot.

The U.S. Department of the Interior, Fish & Wildlife Service's National Wetlands Inventory (NWI) Map (Far Rockaway Quadrangle, 1980) indicates that the central portion of the Site is designated as a wetland – E2EM5P (Estuarine, Intertidal, Emergent, Phragmites australis, Irregularly Flooded). Vegetated land located adjacent to the west and southwest of the Site, is designated as wetlands – E2EM5N (Estuarine, Intertidal, Emergent, Phragmites australis, Regularly Flooded) and E2FLM (Estuarine, Intertidal, Flat, Irregularly Exposed). A copy of the NWI Map is presented in Appendix B.

Review of the Federal Emergency Management (FEMA) Flood Insurance Rate Map (FIRMs) for Community Panel #3604970377F, revised September 5, 2007 indicated that the Site is located within a 100-year flood zone designated as Zone AE with a base flood elevations determined to be 8 feet above msl and 9 feet above msl. A copy of the FIRM is attached in Appendix C.

2.2.4 Radon

Radon is a colorless, odorless radioactive gas that results from the natural breakdown of uranium minerals in soil, rock and water, which subsequently enters the atmosphere. It can concentrate in buildings, entering through cracks and other penetrations of a building foundation. Some areas are more likely to have elevated concentrations of radon than others, reflecting subsurface lithologic conditions.

The New York State Department of Health (NYSDOH) maintains a database of radon test results on a local and county level. According to the 2008 NYSDOH Measured Basement Screening Radon Levels, the average Radon Screening Concentration is 1.26 picocuries per liter (pCi/L) for Queens County, New York. The area radon information reviewed indicates that the Site is in an area classified as Zone 3 (Low Potential) where the average indoor concentration of radon is less than 2 pCi/L, which is less than the United States Environmental Protection Agency (USEPA) Action Level of 4.0 pCi/L. As such, ATC concludes that it is unlikely that elevated levels of radon gas are present at the Site. Radon is not considered to be a REC to the Site.

3.0 ADJOINING PROPERTIES

The Site vicinity is characterized by wildlife preserves, parkland, wetlands, construction sites, commercial properties and water bodies. The following table summarizes the adjoining property uses:

Direction	Facility Name/Description	Current Use
North (across West 19 th Road)	61 West 19 th Road / Canal / Residential Development	Residential / Water Body
East	22 – 56 West 19 th Road	Residential
	11 – 25 West 20 th Road	Residential
	Vegetated Land	Vegetated Land (a former auto repair facility was depicted on the 1933 Sanborn map adjacent to the east and approximately 100 feet from the eastern extension of the Site).
South	NYCDPR Park	Park land
West	Jamaica Bay	Water body
	Gateway National Recreation Area	Vegetated Land, Park land and Wetlands

The surrounding properties are not considered RECs based on their current usage. However, the presence of the former auto repair facility is considered to be a potential environmental concern with respect to the Site.

4.0 HISTORICAL USE RESEARCH

Historical topographic maps, aerial photographs, Sanborn Maps, and city directories provide an assessment of the Site's historical use.

4.1 Land Title Records and Tax Records

ATC did not review Land Title Records as part of the Phase I ESA. Sanborn Maps, historical aerial photographs, historical topographic maps, and city directories provide an assessment of the Site's historical use.

4.2 Historical Topographic Maps

ATC reviewed available historical USGS Topographic Quadrangles provided by EDR for information regarding past uses of the Site. The Site was depicted as part of Big Egg Marsh, part of Jamaica Bay in 1900. The 1947 topographic map identifies that the Site has been filled in and is depicted as vacant land and some of the surrounding areas have been filled in and are no longer marshlands. The 1954 topographic map depicts a small structure located on the western Site boundary and the remainder of the Site as vacant land. The 1969 topographic map depicts the Site as vacant land. Copies of the historical USGS topographic maps are included in Appendix D.

Year	Comments
1900	Site: The Site is depicted as Big Egg Marsh. Elevation is at or slightly above sea level Surrounding Properties: Surrounding properties consisted of marshland and Jamaica Bay.
1947	Site: The marshland has been filled in and the Site is depicted as vacant land. West 19 th Road and West 20 th Road are depicted in the area. Surrounding Properties: The surrounding properties to the north are depicted with small structures and built up roads; to the east are small structures and Cross Bay Boulevard, beyond which is Jamaica Bay; to the south is vacant land, one large structure and three small structures, beyond which is Jamaica Bay, and to the west is Big Egg Marsh and Jamaica Bay.
1954	Site: There is a small structure located on the western Site boundary along Jamaica Bay and the remainder of the Site is depicted as vacant land. Surrounding Properties: There is an increase in development to the north and east. The remainder of the surrounding properties appear relatively unchanged from the 1947 topographic map.
1969	Site: The structure that was previously identified on the western portion of the Site along Jamaica Bay is no longer present. The Site is depicted as vacant land. Surrounding Properties: The surrounding properties appear relatively unchanged from the 1954 topographic map.

The review of historical USGS Topographic Quadrangles did not indicate RECs at the Site and surrounding areas. ATC concludes that the placement of imported fill materials is considered to represent an environmental issue to the Site. The prior presence of

marshland on the Site suggests that peat and organic rich materials exist below the imported fill and have the potential to generate methane, which is considered to represent an environmental issue to the Site.

4.3 Historical Aerial Photographs

ATC reviewed aerial photographs of the Site and surrounding areas provided by EDR in order to identify historical land use that may have involved hazardous substances and petroleum products. These photographs ranged from 1954 to 2006. The following table summarizes descriptions and interpretations from the aerial photograph reviews:

Year	Comments
1954	<p>Site: There appears to be several small structures located on the northwestern portion of the Site along Jamaica Bay. Due to the scale and clarity of the map, it is difficult to ascertain the type and use of these structures. The remainder of the Site consists of vacant vegetated and unvegetated land.</p> <p>Surrounding Properties: Surrounding properties to the north and east are developed with residential houses. West 19th Road is located to the north and West 20th Road and Cross Bay Boulevard are located to the east. The surrounding properties to the south consist primarily of vacant vegetated and unvegetated land. There is one large structure and three smaller structures located to the south. Marshland is located to the southwest and Jamaica Bay is located to the west.</p>
1966	<p>Site: The Site appears relatively unchanged from the 1954 aerial photograph. There appears to be a few more structures on the northeastern portion of the Site; however, due to the scale and clarity of the map, it is difficult to ascertain the type and use of these structures.</p> <p>Surrounding Properties: The surrounding properties appear relatively unchanged from the 1954 aerial photograph.</p>
1975	<p>Site: The Site appears developed with one large rectangular structure and several structures located along Jamaica Bay on the western and northwestern portions of the Site. The development is located between West 19th Road and West 20th Road. The remainder of the Site appears relatively unchanged from the 1966 aerial photograph.</p> <p>Surrounding Properties: The surrounding properties appear relatively unchanged from the 1966 aerial photograph.</p>
1985	<p>Site: The Site development appears unchanged from the 1975 aerial photograph; however, due to the scale and clarity it is difficult to ascertain the type and use of the identified structures. There is a boat dock present in Jamaica Bay adjacent to the Site.</p> <p>Surrounding Properties: The surrounding properties appear relatively unchanged from the 1975 aerial photograph.</p>
1994	<p>Site: The Site development appears to extend further to the south and east than the previous aerial photographs; however, due to the scale and clarity it is difficult to ascertain the type and use of the identified structures.</p> <p>Surrounding Properties: The surrounding properties appear relatively unchanged from the 1985 aerial photograph.</p>
2006	<p>Site: The Site consists of a large building and several structures and unpaved land on the western, northern and central portions of the Site. The Site appears consistent with the use as Schmitt's Marina. The remainder of the Site consists of vegetated land.</p> <p>Surrounding Properties: The surrounding property to the south consists of parkland with two baseball fields where previously discussed structures were located. The remainder of the surrounding properties appear relatively unchanged from the 1994 aerial photograph.</p>

The review of aerial photographs did not indicate RECs at the Site and surrounding areas.

Copies of the aerial photographs are included in Appendix E.

4.4 Sanborn Fire Insurance Maps

A search for historical Sanborn fire insurance maps for the Site and adjoining properties was conducted by EDR. There is no coverage available for the eastern portion of the Site along Jamaica Bay. The following table presents descriptions and interpretations from historical fire insurance map review.

Year	Comments
1933	Site: The western portion of the Site is depicted as vacant land. There is no coverage available for the remainder of the Site. Surrounding Properties: The surrounding properties to the north are depicted with several dwellings and vacant land and the canal. 19 th Road is depicted to the north and 20 th Road to the east. The surrounding properties to the east are depicted with several dwellings, vacant land, a building labeled carousel, a dwelling and an auto repair building. The auto repair building is depicted with four gasoline tanks.
1950	Site: Site appears unchanged from the 1933 map. Surrounding Properties: The surrounding properties to the east are depicted with a building labeled carousel and dwelling located along 20 th Road and an additional dwelling and a building labeled miscellaneous storage. The building labeled carousel, a dwelling and the auto repair building identified on the 1933 map are not depicted. The toll booth located on Cross Bay Boulevard is present. The remaining surrounding properties appear relatively unchanged from the 1933 map.
1981	Site: Site appears unchanged from the 1950 map. Surrounding Properties: There is a building labeled lockers, a warehouse, and a small building located to the north of the Site where a dwelling was previously located. There is an addition to the building previously labeled miscellaneous storage located to the east of the Site. These buildings are labeled "P" indicating Public or Institutional. In addition, there is a shed located to the east of the Site. The remaining surrounding properties appear relatively unchanged from the 1950 map.
1983, 1986 – 1993	Site: Site appears unchanged from the 1981 map. Surrounding Properties: The surrounding properties appear relatively unchanged from the 1981 map.
1994	Site: Site appears unchanged from the 1983 – 1993 maps. Surrounding Properties: The building labeled carousel along 20 th Road and the shed located to the east of the Site are no longer depicted. The remaining surrounding properties appear relatively unchanged from the 1983 – 1993 maps.
1995, 1996	Site: The Site appears unchanged from the 1994 map. Surrounding Properties: The surrounding properties appear relatively unchanged from the 1994 map.
1999	Site: Site appears unchanged from the 1995, 1996 maps. Surrounding Properties: The two Public or Institutional buildings that were located to the east of the Site are no longer depicted. The remaining surrounding properties appear relatively unchanged from the 1995, 1996 maps.
2001 – 2006	Site: The Site appears unchanged from the 1999 map. Surrounding Properties: No significant development or changes from the 1999 map.



The review of fire insurance maps did not indicate evidence of RECs at the Site. The review of the fire insurance maps revealed the presence of an auto repair facility with gasoline tanks located to the east of the Site on the 1933 map. In subsequent years, the area of the auto repair facility was depicted as vacant land. The former auto repair facility is considered to represent a potential environmental concern to the Site.

A copy of the historical Sanborn Fire Insurance Maps is included in Appendix F.

4.5 City Directories

City Directories identify historical land uses at the Site and adjacent area by listing the tenants at each address. ATC contracted EDR to review The Metropolitan Directory Co., The New York Telephone, R.L. Polk and Co., NYNEX Information Resource Company, Cole Information Services and Hill-Donnelly Information Services for the Site and surrounding area in order to identify historical land uses that may have involved hazardous substances and/or petroleum products. The Metropolitan Directory Co. coverage included coverage for the year 1922. The R.L. Polk Co. Directory included coverage for the year 1934. The New York Telephone included coverage for the years 1939, 1945, 1950, 1962, 1967, 1970, 1976 and 1983. NYNEX Information Resource Company included coverage for the years 1991 and 1996. Cole Information Services included coverage for the year 2000. Hill-Donnelly Information Services included coverage for the year 2005. The city directory did not identify any listings for the Site. The following table summarizes descriptions from the city directory review.

Year	Comments
1922	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1934	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1939	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1945	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1959	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1962	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1967	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1970	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1976	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1983	Site: The Site address/block and lots not listed. Surrounding Properties: Surrounding property addresses were identified as residential.
1991	Site: The Site address/block and lot not listed. Surrounding Properties:



Year	Comments
	23 West 20 th Road – Broad Channel Land Co. The remaining surrounding property addresses were identified as residential.
1996	Site: The Site address/block and lot not listed. Surrounding Properties: Surrounding property addresses were not listed. 76 19 th Road – Elmjack Little League 78 19 th Road – The Young Adult Inst & Workshop Hostel 31 20 th Road – Keystone Electronics 18 West 18 th Street – Episcopal Mission Society 36 West 19 th Road – Channel Oil Inc. 20 West 20 th Road – Broad Channel Athletic Club Field House 64 West 20 th Road – Channel Marine Sales W The remaining surrounding property addresses were identified as residential.
2000	Site: The Site address/block and lot not listed. Surrounding Properties: 40 20 th Road – “43 rd St INTS FROM ND ST INTS FROM” 43 West 19 th Street – Channel Oil Inc. 64 West 20 th Road – Channel Marine Sales The remaining surrounding property addresses were identified as residential.
2005	Site: The Site address/block and lot not listed. Surrounding Properties: 64 West 19 th Road – Doctors Telephone Answering 64 West 20 th Road – Channel Marine Sales Inc. The remaining surrounding property addresses were identified as residential.

The review of city directories identified no listings for the Site. The review identified primarily residential listings for the surrounding properties from 1922 through 2005 and several commercial listings in 1991, 1996, 2001, and 2005. The review of city directories did not indicate RECs at the Site and surrounding areas.

4.6 Prior Reports

ATC was provided the following reports for review:

- Site Investigation for The Schmitt's Marina prepared by Louis Berger and Assoc., P.C. (LBA) dated May 15, 2009. The report documents an inventory of the boats that were previously located on-Site. According to the report, there were 274 boats dry docked throughout the Site. In addition, LBA observed debris throughout the Site, including aboveground storage tanks (ASTs), propane tanks, and 26 12-volt marine batteries. The boats were summarized into three categories based on type (inboard motors, outboard motors, sail boats). Subsequent to preparing the summary of the boats, LBA performed a fuel tank inventory. Once the boats and fuel tanks were inventories, evacuation of remaining reasonably-accessible, residual fluids in boat motors was initiated. LBA concluded that 123 boats were found to be inaccessible due to the configuration of the motor or the position of the boat and therefore may contain residual fluids. The other 151 boats were reasonably-accessible and were evacuated to the extent possible. A total of 4,770 gallons of fluid and 26, 12-volt marine batteries were removed from the Site. LBA recommended that without dismantling the motors, there will remain a minimal amount of residual oil within the

boats hosing inboard motors. The report stated to prevent further contamination of the Site, LBA recommended that a form of spill containment be used while crushing the boats in order to minimize the potential of subsurface impacts due to residual fluids that were unable to be evacuated. The report stated that the type of spill containment should be designed and implemented based on the planned New York City Department of Sanitation (DSNY) boat crushing operations. The report further states, should a property transaction or development of the Site ensure, LBA recommended that a subsurface investigation be performed to find, delineate and remediate any contaminants that may have impacted soil or groundwater within the Site area due to the environmental concerns observed during Site activities.

- Limited Hazardous Materials Investigation Report for Schmitt's Marina prepared by LiRo Engineers, Inc. dated May 4, 2007. The report documents the assessment and sampling of potential hazardous materials located on the ground surface at the Site. In three separate visits from March to April, a total of 99 drums were observed on-Site. Forty-seven (47) of the drums were observed to contain oil, one drum contained rainwater and some debris and 51 drums were observed to be empty. Additional potentially hazardous materials observed at the Site included lead-acid marine batteries, abandoned and privately owned boats, waste oil in buckets, boat motors, outdrives, aboveground storage tanks, junk vehicles, paints, cleaning products and various chemical-based retail products sold at the marina store. The drums were pre-characterized and samples were analyzed for volatile organic compounds, (VOCs), semi-volatile organic compounds (SVOCs), PCBs and Toxic Characteristic Leach Procedure (TCLP) parameters, hazardous waste characteristics, total petroleum hydrocarbons (including petroleum fingerprint analysis), and total organic halides. Based on the analysis results, the drums were characterized as three general waste streams:
 - Used fuel: four drums categorized as hazardous waste based on ignitability and toxicity;
 - Used oil mixed with fuel: 21 drums classified as a recyclable oil Universal Waste; and
 - Used oil mixed with water: 22 drums categorized as non-hazardous used oil mixed with water.

In addition to the drums, LiRo also identified items of concern which included two (2) active 550-gallon ASTs and three (3) inactive 275-gallon ASTs, batteries, 5-gallon pails of oil in open containers and scrap boats, vehicles and the associated parts. LiRo reportedly observed a drainage ditch cut through fill material along the southern end of the Site. LiRo stated that the fill material appeared to be construction and demolition (C&D) debris containing large quantities of broken glass, plastic and wood. LiRo stated that based on these observations and alleged unauthorized filling activities at the Site, subsurface investigations are warranted to evaluate potential soil and groundwater contamination.

A copy of the prior reports can be found in Appendix H.

5.0 REGULATORY AGENCY RECORD REVIEWS

The databases discussed in this section, provided by EDR, were reviewed for information regarding documented and/or suspected releases of regulated hazardous substances and/or petroleum products on or near the Site. ATC also reviewed the “unmappable” (also referred to as “orphan”) listings within the database report, cross-referencing available address information and facility names. Unmappable sites are listings that cannot be plotted with confidence, but are identified as being located within the general area of the Site based on the partial street address, city name, or zip code. In general, a listing cannot be mapped due to inaccurate or incomplete address information in the database that was supplied by the corresponding regulatory agency. Listings from the unmappable summary which were identified by ATC as a result of the area reconnaissance and/or cross-referencing to mapped listings are included in the corresponding database discussion within this section. A copy of the federal and state agency regulatory database is presented in Appendix I.

5.1 Federal and State Regulatory Agency Database Reviews

A summary of sites identified through the federal and state regulatory agency databases review is provided in the following table:

Federal and State List	Site Address Appears on List	Search Radius*	No. of Sites within Search Radius	Last Updated
National Priorities List for Federal Superfund Cleanup (NPL)	No	1 Mile	0	11/19/2009
Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)	No	1/2 Mile	0	12/8/2008
CERCLIS No Further Remedial Action Planned (CERC-NFRAP)	No	1/2 Mile	0	2/20/2008
Resource Conservation and Recovery Information System – Treatment, Storage or Disposal Facilities (RCRIS-TSD)/RCRIS Corrective Action Activity (CORRACTS)	No	1 Mile	0	3/16/2009 10/16/2008
Resource Conservation and Recovery Information System – Generators/Transporters (RCRIS Gen/Trans)	Yes	1/4 Mile	1	3/16/2009
Facility Index System/Facility Identification Initiative Program Summary Report (FINDS)	Yes	Site	1	7/1/2008
Emergency Response Notification System (ERNS)	No	Site	0	3/17/2008
Hazardous Substance Waste Disposal Site Inventory (HSWDS)	No	1 Mile	0	11/30/2006



Federal and State List	Site Address Appears on List	Search Radius*	No. of Sites within Search Radius	Last Updated
State Inactive Hazardous Waste Sites (SHWS)	No	1 Mile	1	12/11/2008
Solid Waste/Landfills Facilities Sites (SWF/LF)	No	1/2 Mile	2	3/12/2009
New York State Spills Information (NY Spills)/Leaking Underground Storage Tanks (LTANKS)	No	1/8 mile / 1/2 Mile	4 / 6	3/12/2009
Petroleum Bulk Storage Tanks (USTs/ASTs)	No	1/4 Mile /Site	0 / 0	3/9/2009
Chemical Bulk Storage Tanks (USTs/ASTs)	No	1/4 Mile	0	3/12/2009
New York Manifest	Yes	1/4 Mile	2	3/12/2009
Registered Dry Cleaners	No	1/4 Mile	0	7/29/2004
Manufactured Gas Plants	No	1 Mile	0	N/A
Toxic Release Inventory System (TRIS)	No	Site	0	4/18/2008
New York Voluntary Cleanup Agreements (NY VCP) / Brownfield Cleanup Program (BCP)	No	1 Mile	0	12/11/2008

The Site is identified on the Resource Conservation and Recovery Act (RCRA) Small Quantity Generator (SQG), New York Manifest, and Facility Index System/Facility Identification Initiative Program Summary Report (FINDS) databases. The Site is identified in the database report as NYCDCAS – Schmitt's Marina located at 40 West 19th Road, Broad Channel, NY. The Site is listed on the RCRA SQG with no violations. The hazardous waste summary identifies the following United States Environmental Protection Agency (EPA) waste codes: D008 (lead), D012 (endrin), D014 (methoxychlor), D018 (benzene). The New York Manifest database reveals that 85 gallons of an unreported waste code was removed from the Site in 2008. A search of the FINDS listing is not required for compliance with the ASTM Standard for Phase I ESA, and generally indicates that the Site may be listed on another regulatory database. The FINDS listing may also indicate references to out-of-date listings for the Site. According to the database, the FINDS listing is related to "RCRA Info." Based on the absence of reported releases and violations, the RCRA SQG, New York Manifest, and FINDS listings for the Site is not considered to be a REC.

The following subsections provide a discussion of the properties which have been identified within the search radius and listed in the table:

National Priorities Listing (NPL) – Environmental Protection Agency Superfund

The United States Environmental Protection Agency (USEPA) National Priorities Listing (NPL), or Superfund List, is a Federal listing of uncontrolled or abandoned hazardous waste sites. The list is created from the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) database (see next subsection) and is primarily based upon a score that each site or facility receives from the USEPA's Hazard Ranking System. After a site or facility has been identified as a CERCLIS site, the USEPA conducts an assessment of the property. The ranking score associated with the degree of contamination found is one of the determinations made as to whether the site is placed on the NPL. These sites are then prioritized for possible long-term remedial action and referred to the state for further action under state programs.

Neither the Site nor other facilities within a one-mile radius are listed on the NPL database.

Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)

The CERCLIS list is a compilation of records from a nationwide database created to maintain and regulate those facilities or sites that the USEPA has investigated or will investigate for suspected or uncontrolled releases of hazardous substances, contaminants or pollutants as reported by states, municipalities, private companies and private citizens under the CERCLA or the Superfund Program. Once a site is placed on the CERCLIS list, it may be subjected to several additional levels of evaluation to determine the severity of the contamination. These levels of evaluation range from discovery and preliminary assessment to site inspection, and possibly to the Hazard Ranking System. Such a determination could ultimately place the site under consideration for inclusion on the NPL. Inclusion on the CERCLIS list does not confirm the presence of an environmental problem or a public health threat.

Neither the Site nor other facilities within a one-half mile radius are listed on the CERCLIS database.

CERCLIS No Further Remedial Action Planned (CERC-NFRAP)

The CERC-NFRAP is a database that provides a list of sites that have been removed from the CERCLIS database. Following the initial investigation, sites are removed from the CERCLIS database because no contamination was found, or contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious and did not require Federal Superfund action or NPL consideration.

Neither the Site nor any other facilities within a one-half mile radius of the Site are listed in the CERCLIS database.

Resource Conservation and Recovery Information System - Treatment, Storage, or Disposal Facilities (RCRIS-TSD)/RCRIS Corrective Action Activity (CORRACTS)

The Resource Conservation and Recovery Act (RCRA) program identifies and tracks hazardous wastes from the point of generation to the point of disposal. The Resource Conservation and Recovery Information System (RCRIS) database tracks those facilities that treat, store and/or dispose of hazardous materials as defined by RCRA (referred to as TSD facilities). The RCRIS Corrective Action Activity (CORRACTS) database identifies TSD facilities that have conducted, or are currently conducting, corrective action(s) as regulated under RCRA.

Neither the Site nor other facilities within a one-mile radius are identified on the RCRIS-TSD or the CORRACTS databases.

Resource Conservation and Recovery Information System Generators/Transporters (RCRIS Gen/Trans)

This list includes operations that generate or transport hazardous waste, which must obtain a hazardous waste generator identification number or transporter permit.

As discussed above, the Site is listed on the RCRA SQG database. No other facilities within a one-quarter mile radius are identified on the RCRIS Gen/Tans databases.

Facility Index System/Facility Identification Initiative Program Summary Report (FINDS)

The Facility Index System/Facility Identification Initiative Program Summary Report (FINDS) contains facility information from several databases including the Federal Permit Compliance System Wastewater Discharges database, the USEPA Civil Enforcement Docket, and the New York State Air Discharge database.

As discussed above, the Site is listed in the FINDS database.

Emergency Response Notification System (ERNS)

The Emergency Response Notification System (ERNS) is a national database used to collect information on reported releases of oil and hazardous substances.

The Site is not listed on the ERNS database.

Hazardous Waste Disposal Site Inventory (HSWDS)

The Hazardous Waste Disposal Site Inventory database includes any known or suspected hazardous waste disposal sites.

Neither the Site nor other facilities within a one-mile radius are listed on the HSWDS database.



State Inactive Hazardous Waste Sites (SHWS)

The New York State Inactive Hazardous Waste Sites (SHWS) database, compiled by the NYSDEC, maintains information regarding the investigation and cleanup of suspected hazardous waste sites.

The Site is not listed on the SHWS database. The SHWS database identified London-French Dry-Cleaning Co. within one-mile radius of the Site. The site is located at 86-15 Rockaway Beach Boulevard, Rockaway, NY 11694 approximately 4,566 feet to the southeast and hydraulically downgradient of the Site. The review of the database reveals that an investigation performed in 2000 identified high levels of tetrachloroethene (PCE), trichloroethene (TCE), cis 1,2-dichloroethene (DCE) and vinyl chloride in the groundwater beneath the Site. Reportedly, the site is being addressed under the Voluntary Cleanup Program under site V00620. It was reported that the remedial investigation has demonstrated that the contamination is not beyond the site border. Based on the regulatory status, description, distance and downgradient location, this SHWS site is not considered to be a REC.

Solid Waste/Landfill Facilities (SWF/LF)

The SWF/LF database is a comprehensive listing of State permitted/recorded solid waste facilities.

Neither the Site nor other facilities within a one-half mile radius are listed on the SWF/LF database.

New York State Spills Information Database (NY Spills)/Leaking Underground Storage Tanks (LTANKS)

The NY Spills and LTANKS databases were researched to identify listings within one-half mile of the Site, spill cases that were listed as open cases, or listings that were identified as RECs. The NY spills database search identified four listings located within a one-eighth mile radius of the Site and six LTANKS incidents within a one-half mile radius of the Site. The NY Spills/LTANKS that are considered RECs based on proximity to their quantity, status as active or closed, and assumed hydraulic gradient relative to the site, are listed in the table. A total of three spill cases were identified at the one site and are summarized below.

Listing	Map ID	Distance/ Direction	Assumed Hydraulic Gradient	Status/Available Data
Cross Bay Veteran Bridge	B4, B5, B6	< 1/8 Mile East	Upgradient	Spill Case No. 9208766 and 9102053. A tank test failure of an unreported size gasoline tank was reported on October 29, 1992. NYSDEC accepted the MTA Bridges and Tunnel's Work Plan to perform further investigatory actions to address any of NYSDEC's concerns related to the prior spill investigations. The spill was originally closed and consolidated under a



Listing	Map ID	Distance/ Direction	Assumed Hydraulic Gradient	Status/Available Data
				similar spill number. The memorandum stated that the investigation that was performed for the tanks and contamination was inadequate to identify the existence of contamination. It was stated in the database report that the spill is being re-opened and needs further investigation.

No listings were identified at the Site. Of the 10 reported NY Spills and LTANKS listings, nine have been granted closed status with the NYSDEC. Based on their closed status, these nine listings are not considered RECs.

The site is identified as Cross Bay Veteran Bridge (NYSDEC Spill Nos. 9208766 and 9102053). The open, upgradient spill listing is considered to be a REC.

Petroleum Bulk Storage Tanks (USTs/ASTs)

The NYSDEC petroleum bulk storage (PBS) tank database was researched to identify listings for the Site and properties located within one-quarter mile from the Site.

Neither the Site nor other facilities within a one-quarter mile radius of the Site are identified on the Underground Storage Tank (UST) or Aboveground Storage Tank (AST) database.

Chemical Bulk Storage Tanks (USTs/ASTs)

The NYSDEC Chemical Bulk Storage (CBS) Tanks List includes a list of facilities that store regulated hazardous substances in USTs of any size and ASTs greater than 185-gallons in capacity.

Neither the Site nor other facilities within a one-quarter mile radius of the Site are identified on the CBS UST or AST database.

New York Manifest

The manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

As discussed above, the Site is listed in the manifest database. The database revealed the presence of one New York Manifest facility located within one-quarter mile radius from the Site. The facility is identified as Consolidated Edison located approximately 400 feet to the north-northeast and hydraulically crossgradient of the Site. The New York Manifest database reveals that 150 kilograms of an unreported waste code was removed from the Site in 2009. The Site is not listed on the RCRIS Gen/Trans databases or the NY Spills database. Based on the absence of the reported violations and releases and

since the facility is not identified on the RCRIS Gen/Trans database, the facility is not considered to be a REC.

Registered Dry Cleaners (NYSDEC)

The list of registered dry cleaners, compiled by the NYSDEC, identifies dry cleaning facilities within one-quarter mile radius of the Site.

Neither the Site nor other facilities located within a one-quarter mile radius were identified on the NYSDEC Registered Dry Cleaners database.

Manufactured Gas Plants

Neither the Site nor other facilities located within a one mile radius were identified on the Manufactured Gas Plants database.

Toxic Release Inventory System (TRIS)

The Toxic Release Inventory System (TRIS) is a national database used to collect information and report releases of toxic chemicals to the air, water and land in reportable quantities.

The Site is not listed on the TRIS database.

New York Voluntary Cleanup Agreements (NY VCP)/ Brownfield Cleanup Program (BCP)

The voluntary remedial program uses private monies to remediate contaminated sites and return them to productive use. The program covers nearly every kind of contamination.

Neither the Site nor other facilities located within a one-half mile radius were identified on the New York Voluntary Cleanup Agreements (NY VCP)/Brownfield Cleanup Program (BCP) database.

5.2 Local Regulatory Agency Research

Additional federal, state and local records sources were reviewed to supplement information obtained through review of standard environmental record sources. The additional records and sources consulted in conjunction with this Phase I ESA are listed below. Copies of correspondence to and received from these record sources are included in Appendix J.

5.2.1 United States Environmental Protection Agency (USEPA)

A Freedom of Information Act (FOIA) on-line request dated August 14, 2009 was filed with the USEPA to determine if they hold records pertaining to the Site. ATC received two response letters indicating no records found.

5.2.2 New York State Department of Environmental Conservation (NYSDEC)

A Freedom of Information Act Letter (FOIL) dated August 14, 2009 was filed with the NYSDEC to determine if they hold records pertaining to the Site. As of the preparation of this report, no response has been received. Upon receipt of a response, ATC will review the response and, if conclusions contained within this report are affected, ATC will submit an addendum to the DDC.

5.2.3 New York City Department of Buildings (NYCDOB)

NYCDOB records were reviewed on August 17, 2009 to determine whether there were references to buildings, tanks or other structures, property usage or inspection reports that may have indicated the presence, past use, or release of hazardous substances, wastes or petroleum products at the Site.

The review NYCDOB records identified the following available information:

Block 15324, Lot 1 – 40 West 19th Road.

- Resolved complaint received on April 27, 2006 that stated that down the block there is a vacant lot and person is using the lot to store vehicles such as cars and boats illegally.
- Open Environmental Control Board (ECB) violation issued on April 22, 2005 – Illegal use in a residential district. Property is being used for and as a boat yard and marina.
- A demolition permit was filed on November 28, 2008, issued on January 16, 2009 and signed off on February 10, 2009. The job description is listed as demolition of existing structure.

5.2.4 New York City Department of Environmental Protection (NYCDEP)

A FOIL dated August 14, 2009 was filed with the NYCDEP to determine if the NYCDEP holds records pertaining to the Site. As of the preparation of this report, no response has been received. ATC received a response from the NYCDEP Division of Pollution Control and Monitoring indicating no records found.

5.2.5 New York City Department of Health (NYCDOH)

A FOIL dated August 14, 2009 was filed with the NYCDOH to determine if the NYCDOH had any records pertaining to the Site. As of the preparation of this report, no response has been received. Upon receipt of a response, ATC will review the response and, if conclusions contained within this report are affected, ATC will submit an addendum to this report.



5.2.6 New York City Fire Department (FDNY)

A Fire Department Record Search Request regarding tanks stored and/or removed at the Site, the history of leaks, and pending violation orders was made on March 24, 2009. ATC received a response letter indicating no records found.

6.0 SITE RECONNAISSANCE AND INTERVIEWS

The site reconnaissance was conducted on August 10, 2009 by Mr. Matthew Mankovich of ATC, who was accompanied by Ms. Angela Sabet of DDC and Mr. Naeem Janjua of NYCDCAS. The weather was sunny with an approximate temperature of 90 degrees Fahrenheit. A site walkthrough was conducted on Site and visual observations of existing conditions were made.

The Site extends approximately 980 feet from the northern to southern end and approximately 560 feet from the western to eastern end. There is a single-story office trailer located on the northern portion of the Site adjacent to the entrance along West 19th Road. There is a portion an asphalt-paved parking lot located on the southeastern portion of the Site. There is a man-made ditch with flowing water that extends through the Site and leads to Jamaica Bay and an area located in the central portion of the Site that is delineated with concrete blocks and used for propane tank storage and construction debris. According to Mr. Naeem Janjua, DSNY performed boat crushing operations in May and June 2009. The boats were crushed on-Site in the aforementioned area delineated with concrete blocks and then removed and disposed of. The remainder of the Site consists of vacant vegetated and unvegetated land.

The Site can be accessed from West 19th Road. The Site reconnaissance identified the presence of several abandoned boats, construction and demolition debris, household debris, garbage, and tires located throughout the Site. Based on the presence of these materials throughout the Site, it is reasonable to conclude that solid waste materials which could adversely impact soil and groundwater at the Site have been illegally dumped from the historical Site operations. Therefore, ATC considers the presence of these materials and the historical illegal dumping activities to be a REC for the Site.

At the time of the site reconnaissance, it was noted that portions of the Site were being cleared of vegetation by DSNY. According to Mr. Naeem Janjua, DSNY performed boat crushing operations in May and June 2009. The boats were crushed on-Site and then removed and disposed of. Additionally, the review of the LBA report identified 274 boats that were dry docked throughout the Site and other debris consisting of ASTs, propane tanks, and 26 12-volt marine batteries. The report inventoried the fuel storage within the boats. ATC considers the former boat storage and the crushing operations, ASTs, and marine batters to be a REC for the Site.

The Site is bound by West 19th Road to the north and residential development, wetlands, and vegetated land, Shad Creek Road, Cross Bay Boulevard and residential housing to the east, NYCDPR parkland to the south, and Jamaica Bay and Gateway National Recreation Area to the west.

Photographs of the Site reconnaissance are provided in Appendix A.



Site Interview

A Phase I ESA User Questionnaire used to obtain information that may assist in the completion of all appropriate inquiry in accordance with ASTM Standard Practice E1527-05 was submitted to Ms. Angela Sabet of the DDC. The questionnaire was completed by Naeem Janjua of NYCDCAS and Jose Lopez of NYCDPR. The review of the User Questionnaire indicated that the Site was used as Boat storage/Marina and that there are wetlands on-Site. Information provided in the User Questionnaire does not constitute a REC with respect to the Site. The User Questionnaire is included in Appendix H. In addition, the review of a news article indicated that the former owner of the Former Schmitt's Marina was arrested for dumping untreated raw sewage into Jamaica Bay.

A copy of the news article can be found in Appendix H or on-line at http://www.rockawave.com/news/2008/1003/front_page/001.html.

7.0 FINDINGS

The Phase I ESA has revealed the following findings:

The Site was identified as Big Egg Marsh, part of Jamaica Bay from 1900 through at least 1933. The 1947 topographic map identifies that the Site has been filled in and is depicted as vacant land and some of the surrounding areas have been filled in and are no longer marshlands. The review of the 1954 aerial photograph shows several small structures located on the northwestern portion of the Site along Jamaica Bay in the area that has been historically used as Schmitt's Marina. The aerial photographs depict this area with structures from 1954 through 2006 and expanding to the south and west through the years. The 2006 aerial photograph depicts the Site with structures, unpaved land and vegetated land that appears consistent with the former use as Schmitt's Marina.

This Phase I ESA identified the following REC and on-site environmental issues that have the potential to affect conditions at the Site:

- The Site reconnaissance identified the presence of two small abandoned boats, construction and demolition debris, household debris, garbage, and tires located throughout the Site. Based on the presence of these materials throughout the Site, it is reasonable to conclude that solid waste materials which could adversely impact soil and groundwater at the Site have been illegally dumped from the historical Site operations. Therefore, ATC considers the presence of these materials and the historical illegal dumping activities to be a REC for the Site.
- At the time of the site reconnaissance, it was noted that portions of the Site were being cleared of vegetation by DSNY. According to Mr. Naeem Janjua, DSNY performed boat crushing operations in May and June 2009. The boats were crushed on-Site and then removed and disposed of. Additionally, the review of the LBA report identified 274 boats that were dry docked throughout the Site and other debris consisting of ASTs, propane tanks, and 26 12-volt marine batteries. The report inventoried the fuel storage within the boats. ATC considers the former boat storage, ASTs, and marine batteries to be a REC for the Site.
- The review of the Limited Hazardous Materials Investigation Report for Schmitt's Marina prepared by LiRo Engineers, Inc. dated May 4, 2007 identified former drum storage of used oil, used oil mixed with fuel and used oil mixed with water associated with the former marina. In addition, the report discussed two (2) active 550-gallon ASTs and three (3) inactive 275-gallon ASTs, batteries, 5-gallon pails of oil in open containers and scrap boats, vehicles and the associated parts, and construction and demolition debris as items of concern. ATC considers the former drum storage, ASTs, batteries, scrap boats, vehicles and associated parts to be a REC for the Site.

- The review of historical topographic maps indicates the placement of imported fill materials of unknown quality at the Site, which is considered to represent an environmental issue to the Site.
- The review of historical topographic maps indicates that, prior to the placement of imported fill materials, the Site consisted of Big Egg Marsh. The potential presence of peat and organic-rich materials, which have the potential to generate methane, is considered to represent an environmental issue to the Site.
- According to the database, there is one open NY Spills listing that is located approximately 140 feet to the east and hydraulically upgradient of the Site. The site is identified as Cross Bay Veteran Bridge (NYSDEC Spill Nos. 9208766 and 9102053). A tank test failure of an unreported size gasoline tank was reported on October 29, 1992. According to the NYSDEC memorandum within the database report, NYSDEC accepted the MTA Bridges and Tunnel's Work Plan to perform further investigatory actions to address any of NYSDEC's concerns related to the prior spill investigations. The spill was originally closed and consolidated under a similar spill number. The memorandum stated that the investigation that was performed for the tanks and contamination was inadequate to identify the existence of contamination. It was stated in the database report that the spill is being re-opened and needs further investigation. The open, upgradient spill listing is considered to be a REC.
- The review of fire insurance maps revealed the presence of an auto repair facility with gasoline tanks located to the east of the Site on the 1933 map. In subsequent years, the area of the auto repair facility was depicted as vacant land. The former auto repair is considered to represent a potential environmental concern to the Site.
- The review of NWI map identified a designated wetland located on the central portion of the Site. Jamaica Bay, adjacent to the west of the Site and vegetated land, adjacent to the west and southwest of the Site are designated as wetlands.
- Review of the FEMA FIRMs for Community Panel #3604970377F, revised September 5, 2007 indicated that the Site is located within a 100-year flood zone designated as Zone AE with a base flood elevations determined to be 8 feet above msl and 9 feet msl.

8.0 CONCLUSIONS AND RECOMMENDATIONS

ATC has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527-05. The Site is located along 96th Street between West 19th Road and West 20th Road, Queens, New York 11693 and identified as Block 15324, Lot 1; Block 15324, part of Lot 999; Block 15327, Lot 10; Block 15326, Lot 20; Block 15350, part of Lot 1. According to the EDR database report, the Site address is identified as 40 West 19th Street. Any additions to, exceptions to, or deletions from this practice are described in Section 1.2 of this report.

The Phase I ESA has identified the following RECs and potential environmental issues:

On-Site

The Phase I ESA identified the following two on-Site RECs and four on-Site environmental issues that have the potential to affect conditions at the Site.

- Solid waste (abandoned boats, construction and demolition debris, household debris, garbage and tires) was identified during the Site reconnaissance. The presence of these materials and the historical illegal dumping activities are considered to be a REC to the Site.
- The former boat storage, aboveground storage tanks (ASTs), drum storage and marine batteries are considered to be a REC due to the potential for undocumented releases of petroleum and metals to the subsurface as a result of their historical presence at the Site.
- The presence of imported fill materials of unknown quality is considered to represent an environmental issue to the Site.
- The potential presence of peat and organic-rich materials below the imported fill, which have the potential to generate methane, is considered to represent an environmental issue to the Site.
- The review of NWI map identified a designated wetland located on the central portion of the Site. Jamaica Bay, adjacent to the west of the Site and vegetated land, adjacent to the west and southwest of the Site are designated as wetlands.
- Review of the FEMA FIRMs for Community Panel #3604970377F, revised September 5, 2007 indicated that the Site is located within a 100-year flood zone designated as Zone AE with a base flood elevations determined to be 8 feet above msl and 9 feet above msl.

Off-Site

The Phase I ESA identified the following one off-site REC and one off-site potential environmental concern that have the potential to affect conditions at the Site:

- The open, upgradient spill listing identified as Cross Bay Veteran Bridge (NYSDEC Spill Nos. 9208766 and 9102053) is considered to be a REC based on the description within the regulatory database which stated that the investigation that was performed for the tanks and contamination was inadequate to identify the existence of contamination.
- The review of fire insurance maps revealed the presence of an auto repair facility with gasoline tanks located adjacent to the east of the Site on the 1933 map. In subsequent years, the area of the auto repair facility was depicted as vacant land. The former auto repair facility is considered to represent a potential environmental concern to the Site.

Recommendations

ATC recommends that a Phase II ESI be performed to assess whether the identified REC and environmental issues have affected the suitability of the Site for restoration as park land.

9.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

ATC has performed a Phase I ESA of the Former Schmitt's Marina property located along 96th Street between West 19th Road and West 20th Road, Queens, New York. The scope of the Phase I ESA was consistent with the ASTM Standard Practice E 1527-05. Additions to, exceptions to, or deletions from this practice are described in Section 1.2 of this report. Signatures of the Environmental Professionals who participated in conducting this Phase I ESA are provided below. Qualifications for these individuals are provided in Appendix K.

Report Prepared By:



Matthew Mankovich
Senior Project Manager

Report Reviewed By:



Michael Abramowitz
Environmental Division Manager

10.0 REFERENCES

Persons Interviews:

- Angela Sabet, Environmental Team Leader, New York City Department of Design and Construction, August 10, 2009.
- Naeem Janjua, Project Manager, New York City Department of City Administrative Services, August 10, 2009.

Resources Consulted:

- Environmental Data Resources, Inc. (EDR), Radius Map Report with Geocheck, Scmitt's Marina – Task #6403, 96th Street between West 19th and West 20th Roads, Queens, NY. August 7, 2009.
- EDR, Aerial Photo Decade Package: 1954, 1966, 1975, 1985, 1994 and 2006.
- EDR, Historical Topographic Maps: 1900, 1947, 1954, and 1969.
- EDR, City Directories: 1922, 1934, 1939, 1945, 1959, 1962, 1967, 1970, 1976, 1983, 1991, 1996, 2000 and 2005.
- EDR, Sanborn Fire Insurance Maps: 1933, 1950, 1981, 1983, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1999, 2001, 2002, 2003, 2004, 2005 and 2006.

Regulatory Agencies Contacted:

- New York City Department of Buildings, August 17, 2009.
- New York City Fire Department, August 14, 2009.
- New York City Planning and Zoning Department, August 17, 2009.
- New York City Tax Assessor Office, August 17, 2009.
- New York City Department of Environmental Protection, August 14, 2009.
- New York City Department of Health, August 14, 2009.
- New York State Department of Environmental Conservation, August 14, 2009.
- United States Environmental Protection Agency, August 14, 2009.
- New York City Department of City Planning, August 17, 2009.

Documents and Maps:

- American Society for Testing and Materials (ASTM) 2005, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process," ASTM Designation E 1527-05.
- U.S. Geological Survey, 7.5-Minute Quadrangle Series, Far Rockaway, New York, 1999.

- U.S. Department of Interior, National Wetlands Inventory Map, Far Rockaway, New York Quadrangle, 1980.
- Groundwater in Bronx, New York, Richmond Counties with Summary Data on Kings and Queens Counties, New York City, New York: Bulletin GW-32. Water Power and Control Commission, U.S. Geological Survey in Cooperation with New York State Department of Environmental Conservation, Nathaniel M. Perlmutter and Theodore Arnow, 1953.
- Geology and Engineering Geology of the New York Metropolitan , Field Trip Guide, American Geophysical Union, Baskerville, C.A., July 1989.
- http://www.rockawave.com/news/2008/1003/front_page/001.html
- Limited Hazardous Materials Investigation Report for Schmitt's Marina prepared by LiRo Engineers, Inc. dated May 4, 2007.
- Site Investigation for Scmitt's Marina prepared by Louis Berger and Assoc., P.C. (LBA) dated May 15, 2009.

Limited Hazardous Materials Investigation Report
For
Schmitt's Marina
Far Rockaway, Queens, New York

DDC PROJECT NO. BEGS2007005
WORK ORDER NO. 4730-LIRO-1R-4642
CONTRACT REGISTRATION NO. 20070020687

Prepared for:



Bureau of Environmental and Geotechnical Services
30-30 Thomson Avenue
Long Island City, New York 11101

Prepared by:



LiRo Engineers, Inc.
15-09 132nd Street, 2nd Floor
College Point, NY 11356

FINAL
May 4, 2007

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EXECUTIVE SUMMARY

At the request of the City of New York Department of Design and Construction (DDC), LiRo Engineers, Inc. (LiRo) conducted an assessment and sampling of potential hazardous materials located on the ground surface at Schmitt's Marina (the Site) in Far Rockaway, Queens, New York. The investigation was conducted to determine if substances of a hazardous nature exist on the property and to perform an analysis of materials located on the surface of the property that may be hazardous.

The field investigation was conducted on March 26, March 29 and April 3, 2007 and included a site reconnaissance, an inventory of 55-gallon drums, preliminary characterization of the drum contents, sampling of representative drums, and laboratory analysis to evaluate drum contents and disposal requirements. LiRo also reviewed an inventory of on-site items provided by Department of Citywide Administrative Services (DCAS) and evaluated potential hazards and disposal constraints posed by those items.

Based on the site inspection and inventory, LiRo observed the following hazardous or potentially hazardous materials at the site: 55-gallon drums containing oil, lead-acid marine batteries, abandoned and privately owned boats, waste oil in buckets, boat motors, outdrives, aboveground storage tanks, junk vehicles, motorized tools, generators, refrigeration/cooling units, paint, cleaning products, and various chemical-based retail products (cleaning products, etc) sold at the Marina store.

A total of 99 drums were observed at the Site. Forty-seven (47) of the drums were observed to contain oil, one drum contained rainwater and some debris and 51 drums were observed to be empty.

LiRo pre-characterized the contents of each drum and grouped drum contents using five common characteristics as shown in Table 1. Based on the field observations, six drums were sampled representing four of the five common characteristics. One of the common characteristics was mostly water, which was not sampled because the contents were considered to be non-hazardous.

The samples were analyzed for VOCs, SVOCs, PCBs, TCLP parameters, hazardous waste characteristics, total petroleum hydrocarbons (including petroleum fingerprint analysis), and total organic halides. Based on the testing results, LiRo interpreted the following waste characteristics for the drums:

- Used fuel: Four drums classified as hazardous waste based on ignitability and toxicity
- Used oil mixed with fuel: Twenty-one drums classified as a recyclable oil Universal Waste. If the drums containing used oil mixed with fuel are not recycled, the material is considered hazardous.
- Used oil mixed with water: Twenty-two drums classified as non-hazardous used oil mixed with water.

LiRo contacted two waste disposal companies to evaluate potential drum disposal costs. Based on estimates provided by the vendors, the estimated cost to dispose of the drums and contents is in the range of \$11,000 to \$15,000.

In addition to the drums, LiRo also identified the following items of concern and waste management approaches:

- Two (2) active and three (3) inactive ASTs should be drained, cleaned and disposed of by a City-licensed motor fuel handler
- Batteries are subject to regulation under the “Universal Waste Rule” and should be containerized and removed to a permitted recycling or disposal facility.
- Approximately eight (8) 5-gallon pails of oil in open oil containers should be containerized, consolidated and managed as a recyclable used oil.
- A scrap/recycling firm should be solicited to transport and salvage/scrap boats, vehicles, parts, generators & refrigeration units in accordance with applicable regulations.



-
- Products sold in the marina shop, such as cleaning products, spray lubricants, antifreeze, fiberglass solvent, etc. are potentially hazardous items packaged for retail sale and could be sold as-is. If the products are not re-sold, the material should be recycled or managed as a household/small quantity generator Universal Waste.
 - Trash and debris should be managed as solid waste.

Although this investigation is intended to assess above grade environmental conditions, LiRo observed a drainage ditch cut through fill material along the southern end of the Site. The fill material appeared to be composed largely of construction and demolition (C&D) debris containing large quantities of broken glass, plastic and wood. Based upon these observations and alleged unauthorized filling activities at the Site, subsurface investigations are warranted to evaluate potential soil and groundwater contamination.

1.0 INTRODUCTION

1.1 Background

At the request of the City of New York Department of Design and Construction (DDC), LiRo Engineers, Inc. (LiRo) conducted an assessment and sampling of potential hazardous materials located on the ground surface at Schmitt's Marina (the Site) in Far Rockaway, Queens, New York. The site comprises approximately 9 acres and is bounded by West 19th Road to the north, Jamaica Bay to the west, residential properties and a vacant lot operated by the City of New York Department of Citywide Administrative Services (DCAS) to the east and vacant lots operated by DCAS and Broad Channel American Park to the south (Figure 1).

The investigation was conducted to:

- Conduct a review of the property to determine if there are any substances of a hazardous nature.
- Perform an analysis of materials that are located on the surface of the property that may be hazardous.

1.2 Scope of Work

LiRo conducted site investigations on March 26, March 29 and April 3, 2007. The investigation consisted of:

- Inventory of 55 gallon drums and other potentially hazardous materials at the Site.
- Characterization of the contents of drums and collection of representative oil samples.
- Laboratory analysis of the oil samples for total petroleum hydrocarbon (TPH) fingerprint, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated bi-phenyls (PCBs), total organic halides and toxicity characteristic leaching procedure (TCLP) and hazardous waste characterization parameters (ignitability, pH, reactivity for cyanide and sulfide).
- Review inventory of items at the Site provided by DCAS



-
- The presentation of a written report with schematic drawings depicting the drum locations and significant site features.

2.0 SITE CONDITIONS AND ENVIRONMENTAL SETTING

2.1 Site Location, Description and Use

Schmitt's Marina, located in Far Rockaway, Queens, New York is approximately 9 acres and is bounded by West 19th Road to the north, Jamaica Bay to the west, residential properties and a vacant lot operated by the City of New York Department of Citywide Administrative Services (DCAS) to the east and vacant lots operated by DCAS and Broad Channel American Park to the south (Figure 1).

Until recently, the Site operated as a marina under private ownership. A former residence and shop building is located in the western portion of the property. To the east of the building is an area where shipping containers/trailers for storage are parked. Over 350 abandoned and privately owned boats are present across a wide area at the Site. Other items present at the site include trailers, drums, batteries, above ground storage tanks (ASTs), generators, pails of oil, cleaning products, garbage, refrigerator, junk vehicles, motorized tools and engines. Photographs of the Site are provided in Appendix B.

The city property was historically leased to Schmitt's Marina, however the marina operator was reportedly evicted from the property in February 2007. The eviction was the culmination of a long legal battle with the city to reclaim the property. The operator had expanded operations at the site beyond the area he was initially authorized to lease. In addition, the operator allegedly filled in designated wetlands with concrete, asphalt, brick and household items and conducted operations without required permits and approvals. It is LiRo's understanding that the City is assuming responsibility for the cleanup of any environmental hazards that remain from the previous marina operations at the site.

2.2 Topography

The site is located within the Atlantic Coastal Lowland Physiographic Province. The majority of the prominent surface features in the region are a result of glacial processes. The site is

relatively flat and situated at an elevation of approximately 5 feet above mean sea level. The Marina Store fronts on Jamaica Bay to the west.

2.3 Geology

Bedrock underlying Queens consists of igneous and metamorphic rocks. The bedrock surface slopes relatively steeply (40 to 80 feet per mile) to the southeast. The depth of bedrock can range from as great as 1,600 feet below grade in southern Kings County to outcropping in northwestern Queens County.

Cretaceous-age unconsolidated deposits which comprise the Raritan and Magothy Formations overlie the bedrock. The Raritan Formation consists of a sand member and a clay member. The Magothy Formation consists of alternating fine sand, silt and clay deposits with relatively few coarse beds of sand and gravel. These Cretaceous-age sediments are overlain by Pleistocene glacial and interglacial deposits.

Subsurface investigations were beyond the scope of this investigation, however, significant filling was reported in the site history and LiRo observed evidence of fill soil at the site. The underlying native sediments are likely comprised by recent nearshore deposits of sand and silt.

2.4 Hydrogeology

Based on the site elevation and proximity to Jamaica Bay, groundwater is expected within a depth of 5 to 10 feet below ground surface. The anticipated general direction of groundwater flow is west toward Jamaica Bay, however, localized flow variations are likely due to tidal influence from the Bay.

3.0 SITE INSPECTION AND ASSESSMENT OF POTENTIAL HAZARDOUS MATERIALS

LiRo conducted site inspections on March 26, March 29 and April 3, 2007. LiRo conducted drum sampling on March 29 and April 3, 2007. During the first inspection, LiRo took photographs of the Site (See Appendix B) and performed a general site reconnaissance to provide a preliminary assessment of on-site materials and develop a sampling plan. After the initial reconnaissance, LiRo advised DDC that DCAS was in the process of preparing a detailed inventory of items at the Marina excluding the drums. DDC directed LiRo to provide a detailed assessment of the drums and contents, as well as a review of the DCAS inventory (see Appendix A) to evaluate potential hazardous materials shown therein. LiRo returned to the site on March 29 to count drums, provide a preliminary field characterization of the drum contents, and collect samples of representative groups of drums. On April 3, LiRo returned to the site to finish opening drums (not all drums were opened on March 29th due to time constraints) and collected one additional sample.

3.1 Drum Inspection

A total of 99 drums were identified at seven locations throughout the site (see Figure 2). LiRo inspected the contents and condition of each drum. Drum size ranged from 25-55 gallons. Approximately half of the drums contained various mixtures of waste oils and fuels with water. Based on the inspection, LiRo developed the following groups of drums for sampling and characterization:

- Type-1 (17 drums): water with gas odor and oil residue
- Type-2 (16 drums): black diesel, oil, water and sediment
- Type-3 (5 drums): black diesel, oil and water
- Type-4 (5 drums): dark red liquid with a gas odor
- Type-5 (4 drums): yellow liquid with a solvent odor

The results of the drum inspection are included in Table 1 and photographs of the drums are included in Appendix B. All of the drums are plastic or metal with condition ranging from

damaged to good. Based on the inspection work, 51 of the drums were characterized as empty and 47 drums contained potentially hazardous fluids. One drum contained rainwater and some debris. The estimated total drum residual volume is 1,230 gallons.

3.2 Former Residence and Shop Building

The former residence and shop building is located in the western portion of the property (see Figure 2). The following potential environmental concerns were identified during LiRo's inspection of the former residence and shop building: motor oil, grease, cleaning products, spray lubricants, degreaser, antifreeze, boat filler, marine resin, acetone, fiberglass solvent, epoxy resin, re-lead gasoline additives, paints, open containers of unknown material and gasoline cans. Various open containers of oil, paint, cleaners, and solvents are located in the Shop area. Photographs of this area are included in Appendix B.

3.3 Batteries

Lead-acid marine batteries were found in various areas of the site. Most of the batteries have been inventoried by DCAS as belonging to boats stored onsite. However, spent or old batteries are located throughout the central portion of the site. A representative photograph of batteries is included in Appendix B.

3.4 Boats

Over 350 abandoned and privately owned boats are present at the site. DCAS's inventory detailed the New York State Registration number for each boat. LiRo understands that the City has issued a public notice for boat owners to claim their property and remove it from the premises. Potential environmental concerns including hazardous materials associated with the abandoned boats include residual motor oil, gear oil and gasoline. Photographs of the boats are included in Appendix B.

3.5 Trailers

Several trailers are located in the central portion of the site. The trailers contain miscellaneous waste, oil, boat motors, outdrives, batteries for boats and discarded batteries. Based on LiRo's site inspection and DCAS inventory, the potentially hazardous materials in trailers include small containers (i.e., less than 5 gallons) of waste oil, outboard motors/outdrives containing gear oil,

and batteries. It appears that most of the boat motors/outdrives and batteries located in the trailers belong to marina customers. Photographs of the trailers are included in Appendix B.

3.6 ASTs

Five aboveground storage tanks (ASTs), two which appeared to be active and three which do not appear to be in service, are located at various locations at the Site. The two apparently active tanks include a 550-gallon (estimated size) diesel AST which was located adjacent to the Marina shop and likely used for fueling boat engines. A 275-gallon (estimated size) AST was present on blocks behind the shop and appears to service a generator located in a shed. This AST probably contains diesel fuel also. Per NYSDEC petroleum bulk storage regulations in 6NYCRR Part 612, tanks at facilities with a total storage capacity of under 1,100 gallons are not regulated.

Three out of service ASTs (estimated 275-gallon each) were located in a trailer/container area. The potentially hazardous material associated with the ASTs includes petroleum residuals. Photographs of the ASTs are included in Appendix B.

3.7 Generators

DCAS identified three generators at the Site. The potentially hazardous materials associated with the generators include generator fluids (fuel and oil). Photographs of the generators are included in Appendix B.

3.8 Oil

Approximately eight (8) 5-gallon pails that contain what appears to be used oil are located throughout the Site. Used oil is a potentially hazardous material. Photographs of the pails are included in Appendix B.

3.9 Miscellaneous Items

Miscellaneous items including cleaning products, garbage, refrigerators, junk vehicles, motorized tools, and engines are located throughout the site. Photographs of the miscellaneous items are included in Appendix B.

4.0 SAMPLING OF POTENTIAL HAZARDOUS MATERIALS

4.1 Field Observations

LiRo pre-characterized the contents of each drum and grouped drum contents with common characteristics as shown in Table 1. Based on the inspection, LiRo developed the following groups of drums for sampling and characterization:

- Type-1 (17 drums): water with gas odor and oil residue
- Type-2 (16 drums): black diesel, oil, water and sediment
- Type-3 (5 drums): black diesel, oil and water
- Type-4 (5 drums): dark red liquid with a gas odor
- Type-5 (4 drums): yellow liquid with a solvent odor
- Type-5/4 (1 drum): mixture of Type-4 and Type-5 material

4.2 Sampling Methodology

Based on the field observations, the following six drums were sampled by LiRo on March 29 and April 3, 2007 to characterize the contents associated with each group:

- Type-1: Not sampled
- Type-2: Sample ID #E10
- Type-3: Sample IDs #B19 and #B21
- Type-4: Sample ID #D1
- Type-5: Sample ID #E38
- Type-5/4 (apparent mixture of two types): Sample ID #E7

Drum Type 1 was not sampled because that Type contained mostly water and therefore the contents were considered to be non-hazardous.

Samples were collected using dedicated disposable bailers. The analytical schedule was based on disposal facility requirements obtained from two waste disposal companies, AB Environmental (ABE) and Allied Environmental Group, Inc. (Allied). Samples from drum Type-2, Type-3, Type-4 and Type-5 were analyzed for Total Petroleum Hydrocarbon (TPH) fingerprint, Volatile Organic Compounds (VOCs), Poly Chlorinated Bi-phenyls (PCBs), total organic halides and Toxicity Characteristic Leaching Procedure (TCLP)/hazardous waste characterization parameters (ignitability, pH, reactivity for cyanide and sulfide). In addition to the above parameters, the sample from drum Type-5 was also analyzed for Semi-Volatile Organic Compounds (SVOCs). Because the contents of drum Type-5/4 was determined to be a mixture of other Types, the E7 sample was only analyzed for VOCs, SVOCs, TCLP and hazardous waste characterization parameters.

4.3 Laboratory Analytical Results

The laboratory analytical results are detailed below. Laboratory analytical data reports are attached in Appendix C.

4.3.1 Volatile Organic Compounds (VOCs)

VOC samples were analyzed using USEPA Method 8260B and the results for detected compounds only are summarized in Table 2. Results from all drum Types showed petroleum-related VOCs. Results from Type-3 samples showed relatively lower VOC levels compared to the other samples indicating higher water/oil content and lower fuel content. Type-2, Type-4, Type-5 and the Type-5/4 mixture samples all showed high petroleum-related VOC concentrations. The Type-4 sample also showed a halogenated solvent compound (1,1 Dichloroethene) which is probably associated with a cleaner or de-greaser used at the marina.

4.3.2 Semi-Volatile Organic Compounds (SVOCs)

SVOC samples were analyzed using USEPA Method 8270 and the results (for detected compounds only) are summarized in Table 3. The results showed petroleum-related compounds and phthalate compounds. Phthalates are typically associated with plastic products and may be present due to drum degradation.

4.3.3 Polychlorinated Biphenyls (PCBs)

PCBs were not detected in the samples. PCB laboratory data reports are attached in Appendix C.

4.3.4 Hazardous Waste Characteristics

Three hazardous waste characteristics (reactivity, corrosivity and ignitability) testing results are included in Table 4. The fourth hazardous waste characteristic of toxicity was analyzed for TCLP analysis and is discussed in section 4.3.5. The drum Type-5 sample failed the test for ignitability.

4.3.5 Toxicity Characteristic Leaching Procedure (TCLP)

TCLP sample results are summarized for detected compounds in Table 4. Type-2, Type-4, Type-5 and Type-5/4 samples showed benzene concentrations which exceed hazardous waste limits for toxicity. Type-2 and Type-5 samples contained elevated levels of pesticides. Type-2 and Type-5/4 samples contained elevated levels of metals relative to hazardous waste limits for toxicity. These hazardous waste limits, however, do not apply to waste oil which is intended for recycling (see Section 5).

4.3.6 Total Petroleum Hydrocarbons and Total Organic Halides

Additional parameters included Total Petroleum Hydrocarbon (TPH), TPH fingerprint, and total organic halides as required by the prospective disposal companies LiRo contacted. The TPH results showed significantly lower values for drum Type-3 samples, consistent with the interpretation that Type-3 drums contain a high percentage of water. Fingerprint samples from Type-2, Type-3, and Type-4 drums indicate a heavy heating oil and diesel attributed to mixing of motor oil and fuel. The Type-5 fingerprint sample indicates fuel only consists of gasoline and jetfuel that is probably characteristic of a highly refined diesel or kerosene mixture.

5.0 WASTE CLASSIFICATION

5.1 Hazardous Waste

5.1.1 Batteries

Spent lead-acid batteries stored on site are subject to regulation as hazardous waste under the “Universal Waste Rule” in the New York Conservation Rules and Regulations 6 NYCRR Subpart 374-3. The Universal Waste Rule is a reduced set of requirements that comply with hazardous waste regulations. LiRo anticipates that many of the batteries will be claimed by their owners. The remaining batteries should be containerized, removed, and recycled of in accordance with state and federal regulations.

5.1.2 Used Fuel/Oil in Drums

The Universal Waste Rule (6NYCRR Part 374-2) also applies to used oil provided that the oil is intended for recycling and it is not mixed with other hazardous waste. Type-5 drums do not appear to contain used oil, therefore, the contents are hazardous based on ignitability and toxicity. The Type 5/4 drum may contain used oil, but LiRo recommends that it would be prudent to manage that drum as if it were Type-5. Drum Type-2 and Type-4 are also hazardous but may be managed under the Part 374 requirements if used for recycling.

5.1.3 Waste Oil in Pails

Approximately five (5) five gallon pails with waste oil were observed at various areas of the site. The contents of the oil pails are similar to and should be managed as the Type-2/Type-4 drums.

5.1.4 Open Containers

Various open containers of paint and cleaners are located in the Shop area. These materials can be managed as household/small quantity generator waste under the Universal Waste rule.

5.2 Non-hazardous Waste

5.2.1 Drums

Drum Type 3 is best characterized as non-hazardous petroleum-contaminated water (waste code NO18) and can be transported, disposed, or recycled under less stringent requirements than hazardous waste. Drum Type-1 should also be managed as petroleum-contaminated water. This material requires a non-hazardous licensed waste hauler, disposal facility, and manifest process to document its disposition.

5.2.2 ASTs

Three 275-gallon ASTs, which likely contain residual fuel, are present at the site. These tanks are not regulated by NYSDEC because the combined storage capacity is less than 1,100 gallons, however, New York City (FDNY) requirements apply to the handling, abandonment and removal of the tanks.

5.2.3 Boats

Over 350 abandoned and privately owned boats are present at the site. DCAS's inventory (Appendix A) detailed the New York State Registration number for each boat. LiRo understands that the City has issued a public notice for boat owners to claim their property and remove it from the premises. Potential environmental concerns including hazardous materials associated with the abandoned boats include residual motor oil, gear oil and gasoline.

5.2.4 Miscellaneous Items

Miscellaneous items including abandoned boat motors, outdrives, vehicles, motorized tools, and generators are present at various locations. These items likely contain residual fuel and/or oil. Refrigeration units such as refrigerators, air conditioners and ice machine are present, may contain freon which requires recovery and recycling in accordance with the Universal Waste rule.



5.2.5 Retail Items

Inspection of the former residence and shop building identified the following products packaged for retail sale, which if opened, could pose an environmental concern: motor oil, grease, cleaning products, spray lubricants, degreaser, antifreeze, boat filler, marine resin, acetone, fiberglass solvent, epoxy resin, re-lead gasoline additives and paints.

6.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the site inspection and investigation results, LiRo developed the following conclusions and recommendations for waste management at the site.

Drums

Based on drum contents characterization testing, LiRo interprets three general waste streams contained within 47 drums. Three general waste streams consist of:

- Used fuel: Four drums categorized as Type-5 or Type-5/4 are classified as hazardous waste based on ignitability and toxicity.
- Used oil mixed with fuel: Twenty-one drums categorized as Type-2 or Type-4 are classified as a recyclable oil Universal Waste. This material should be recycled to avoid management as a hazardous waste.
- Used oil mixed with water: Twenty-two drums categorized as Type-1 or Type-3 are classified as non-hazardous used oil mixed with water. These drums require manifested transport and disposal at a licensed facility.
- LiRo contacted two waste disposal companies to evaluate potential drum disposal costs including but not limited to pails containing waste oil. Based on estimates provided by the vendors (see Appendices D and E), the estimated cost to dispose of the drums and contents is in the range of \$11,000 to \$15,000.

In addition to the drums noted above, 51 empty drums and one drum containing rainwater and debris were counted at the site. LiRo recommends that these drums should be removed from the site.

Batteries

Unclaimed lead-acid batteries remaining on site are subject to regulation under the “Universal Waste Rule” in the New York Conservation Rules and Regulations (6 NYCRR) Subpart 374-3. LiRo recommends that the batteries should be containerized and removed to a permitted recycling or disposal facility.

Open Oil Containers

Approximately eight (8) 5-gallon pails containing waste oil were noted. This oil should be containerized, consolidated and managed as a recyclable used oil.

ASTs

Based on the active AST capacity, the tanks are not regulated by NYSDEC. Disposition of these tanks is regulated by the Fire Department of New York (FDNY). FDNY requires that a city-licensed motor fuel handler must close the tanks and file an Affidavit of closure. The AST closure process would include removing residual fuel, tank cleaning, and removing the AST to a recycling/salvage facility.

Boats, Vehicles, Parts, Generators & Refrigeration Units

LiRo anticipates that unclaimed boats, generators, motors, and outdrives will remain after the public claim period has ended. The likely approach to manage the unclaimed boats, vehicles, parts, refrigeration units and generators would be to solicit a scrap/recycling firm to transport and salvage/scrap the items in accordance with applicable regulations.

Retail Packages

Products sold in the marina shop, such as cleaning products, spray lubricants, antifreeze, fiberglass solvent, etc. are potentially hazardous items packaged for retail sale and could be sold as-is. If the products are not re-sold, the material should be recycled or managed as a household/small quantity generator Universal Waste.

Trash and Debris

Remaining trash and debris should be managed as solid waste.

Although this investigation is intended to assess above grade environmental conditions, LiRo observed a drainage ditch cut through fill material along the southern end of the Site. The fill material appeared to be composed largely of construction and demolition (C&D) debris containing large quantities of broken glass, plastic and wood. Based upon these observations

and alleged unauthorized filling activities at the Site, subsurface investigations are warranted to evaluate potential soil and groundwater contamination.



7.0 STATEMENT OF LIMITATIONS

The data presented and the opinions expressed in this report are qualified as stated in the attachment to this section of the report.

A handwritten signature in black ink, appearing to read 'Robert Kreuzer', is written over a horizontal line.

Robert Kreuzer
Project Manager



STATEMENT OF LIMITATIONS

The data presented and the opinions expressed in this report are qualified as follows:

1. The sole purpose of the investigation and of this report is to conduct a review of the property to determine if there are any substances of a hazardous nature on the property and to perform an analysis of materials that are located on the surface of the property that may be hazardous. The analysis of materials sampled at the site included evaluation of disposal requirements and cost.
2. LiRo Engineers, Inc. (LiRo) derived the data in this report primarily from visual inspections, newspaper articles, site inventory provided by DCAS, interviews with individuals with information about the Site, and a limited number of surface explorations made on the dates indicated. The passage of time, manifestation of latent conditions or occurrence of future events may require further exploration at the Site, analysis of the data, and reevaluation of the findings, observations, and conclusions expressed in the report.
3. In preparing this report, LiRo has relied upon and presumed accurate certain information (or the absence thereof) about the Site and adjacent properties provided by governmental agencies, the Client, and others identified herein. Except as otherwise stated in the report, (LiRo) has not attempted to verify the accuracy or completeness of any such information.
4. The data reported and the findings, observations, and conclusions expressed in the report are limited by the Scope of Services, including the extent of surface exploration and testing. The Scope of Services, was defined by the requests of the Client, the time and budgetary constraints imposed by the Client, and the availability of access to the Site.
5. Because of the limitations stated above, the findings, observations, and conclusions expressed by LiRo in this report are not, and should not be considered, an opinion concerning the compliance of any past or present owner or operator of the site with any federal, state or local law or regulation. No warranty or guarantee, whether express or implied, is made with respect to the data reported or findings, observations, and conclusions expressed in this report. Further, such data, findings, observations, and conclusions are based solely upon site conditions in existence at the time of investigation.
6. This report has been prepared on behalf of and for the exclusive use of the Client, and is subject to and issued in connection with the Agreement and the provisions thereof.

Appendix E
USFWS, NYSDEC, and NYNHP Correspondence

Jarman, Clifford

From: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>
Sent: Thursday, August 23, 2018 9:02 AM
To: Papa, Steve
Cc: Laurie Boullianne; Jarman, Clifford; Accardi, Matt (STORMRECOVERY)
Subject: Re: [EXTERNAL] Sunset Cove Consultation

Ok I will revise to include time of year restriction.

Sent from my iPhone

On Aug 23, 2018, at 9:27 AM, Papa, Steve <steve_papa@fws.gov> wrote:

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

In terms of red knots we would likely recommend a time of year restriction or buffer zone to protect red knots which are known to occur in the vicinity.

Steve

Steven T. Papa
U.S. Fish and Wildlife Service
Long Island Field office
340 Smith Rd
Shirley, NY 11967
(631) 286-0485 (tel)
631) 286-4003 (fax)
Steve_Papa@fws.gov

"I only wish that besides protecting the songsters...we also protect the birds of the seashore..."
- **T. Roosevelt**

On Fri, Aug 10, 2018 at 12:51 PM, Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org> wrote:

Please see the attached request.

Thanks

Alicia Shultz

From: Shultz, Alicia (NYSHCR)
Sent: Wednesday, November 28, 2018 8:57 AM
To: Papa, Steve <steve_papa@fws.gov>
Cc: Laurie Boullianne <laurie_boullianne@fws.gov>; Jarman, Clifford <Clifford.Jarman@tetrattech.com>; Accardi, Matt (STORMRECOVERY) <Matt.Accardi@stormrecovery.ny.gov>; Kaiser, Genevieve <Genevieve.Kaiser2@tetrattech.com>; Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>
Subject: RE: [EXTERNAL] RE: Sunset Cove Consultation

Please see the revised letter as suggested regarding the red knot and the Sunset Cove project. The a 300 m buffer has been added.

Thanks

Alicia Shultz

Senior Environmental Scientist

New York State Homes & Community Renewal

Governor's Office of Storm Recovery

38-40 State St.,408N, Hampton Plaza, Albany, NY 12207

(518) 474-0647 | cell (917) 376-9003 Alicia.Shultz@nyshcr.org |

From: Papa, Steve [mailto:steve_papa@fws.gov]
Sent: Tuesday, November 20, 2018 1:44 PM
To: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>
Cc: Laurie Boullianne <laurie_boullianne@fws.gov>; Jarman, Clifford <Clifford.Jarman@tetrattech.com>; Accardi, Matt (STORMRECOVERY) <Matt.Accardi@stormrecovery.ny.gov>; Kaiser, Genevieve <Genevieve.Kaiser2@tetrattech.com>
Subject: Re: [EXTERNAL] RE: Sunset Cove Consultation

From: [Papa, Steve](#)
To: [Shultz, Alicia \(NYSHCR\)](#)
Cc: [Laurie Boullianne](#); [Jarman, Clifford](#); [Accardi, Matt \(STORMRECOVERY\)](#); [Kaiser, Genevieve](#)
Subject: Re: [EXTERNAL] RE: Sunset Cove Consultation
Date: Tuesday, February 19, 2019 7:25:17 AM

Ok. Will concur.

Thanks

Steven T. Papa
U.S. Fish and Wildlife Service
Long Island Field office
340 Smith Rd
Shirley, NY 11967
(631) 286-0485 (tel)
(631) 286-4003 (fax)
Steve_Papa@fws.gov

"I only wish that besides protecting the songsters...we also protect the birds of the seashore..."

- **T. Roosevelt**

On Fri, Feb 15, 2019 at 1:37 PM Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org> wrote:

Steve,

Are you going to respond to the attached. I don't believe I have received a response.

Thanks

Alicia Shultz

Senior Environmental Scientist

New York State Homes & Community Renewal

Governor's Office of Storm Recovery

38-40 State St.,408N, Hampton Plaza, Albany, NY 12207

(518) 474-0647 | cell (917) 376-9003 Alicia.Shultz@nyshcr.org |



**Governor's Office of
Storm Recovery**

**ANDREW M.
CUOMO**
Governor

November 28, 2018

Mr. Steve Papa
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967

VIA EMAIL: steve_papa@fws.gov

Re: ESA/MBTA/BGEPA Consultation for the Sunset Cove Park Marsh Restoration Project in Queens County, New York

Dear Mr. Papa:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), is preparing an Environmental Assessment (EA) for the Community Development Block Grant-Disaster Recovery-(CDBG-DR) funded portion of the New York City Department of Parks and Recreation (DPR) Sunset Cove Park Marsh Restoration Project (Proposed Project) to be located on an approximately 12 acre parcel owned by the City of New York in Broad Channel, Queens County, within Jamaica Bay (**Figure 1** and **Figure 2**). The site is bounded by West 19th Road to the north, West 22nd Road to the south, Shad Creek Road to the east, and Jamaica Bay to the west, in Queens County). The site mainly consists of maritime scrubland and forest, construction fill and debris, invasive vegetation, and hardened shoreline. Site coordinates are 40.599208 latitude, -73.823228 longitude.

GOSR is initiating informal consultation with your office concerning the proposed action in accordance with the following laws: Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), Migratory Bird Treaty Act of 1918 (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703-712), and the Bald and Golden Eagle Protection Act of 1940 (BGEPA) (54 Stat. 240, as amended; 16 U.S.C. 668-668c).

PROJECT OVERVIEW

The overall project involves restoration of up to 5 acres of salt marsh, enhancement of over 7 acres of maritime scrubland and forest, rehabilitation of the existing hardened shoreline to incorporate oysters and shellfish, construction of berms in the upland perimeter, the creation of an oyster cove, and construction of a viewing platform above the cove on an approximately 12 acre parcel owned by the City of New York in Broad Channel, Queens County, within Jamaica Bay. The CDBG-DR funded component of the project (Proposed Action) includes the construction of a viewing platform area above the cove at in the northern portion of the site **Phase II** of the project (see the attached **Conceptual**

Plan). The viewing platform, a boardwalk, is part of a larger project that is being completed in three phases. CDBG-DR funding would be used solely for the construction of the viewing platform.

In **Phase I**, the debris and invasive species will be removed, and the site regraded to establish the required elevations for tidal hydrology. A protective berm will be constructed around the upland perimeter of the parcel.

Proposed wetland areas will be capped as needed with clean topsoil and fine graded prior to the installation of plant materials. Areas of low marsh, high marsh and upland will be created to mimic the original habitat areas and a tidal inlet will be constructed to provide flow into the low marsh area. The existing bulkhead will remain undisturbed. Some sections of an existing in-water pier are significantly deteriorated and will be removed for public safety. After clearing of debris, the shoreline will be regraded to a natural shoreline elevation and native plant species will be planted, appropriate to the level of salt water inundation that each area of the site normally receives. Existing riprap along some areas of the shore will be repaired and replaced. Other shoreline areas with natural, sandy slopes will be left intact.

Phase II, which is being funded by CDBG-DR, includes the construction of a boardwalk on the berm and along the shoreline to a hexagonal outdoor classroom. The location of the boardwalk is provided in the attached **Conceptual Plan**. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with an outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width, gradually increasing in elevation from the ground surface to the classroom.

Phase III may include the construction of the oyster cove with a deck area for viewing of the cove located in the northern portion of the site and a floating dock at the northern side of the parcel extending out into the channel.

The Proposed Action is located on Sunset Cove Park, which is an abandoned and deteriorated marina surrounded by the Broad Channel residential community. The project site is composed largely of construction fill and debris and covered with invasive vegetation with limited coastal protection and ecological function. Sunset Cove is surrounded by private residences, a wastewater pumping station, Cross Bay Boulevard, and the Cross Bay Bridge, which serves as a major access route to the Rockaway peninsula. The shoreline of the project area, and Big Egg Marsh to the southwest, are both part of the National Park Service (NPS) Jamaica Bay Wildlife Refuge and the Gateway National Recreation Area. (**Figures 1** and **Figure 2**). The surge from Superstorm Sandy covered the Broad Channel community and damaged homes, businesses, and natural resources. Restoration of Sunset Cove Park is designed to ensure greater resiliency to coastal storm impacts and is based on topographic, vegetation, hydrologic, shellfish, and soils data collected on-site and at adjacent wetland sites. The Proposed Action would provide waterfront access for nature-based environmental education in an area that is currently inaccessible to the public and promote stewardship and social resiliency through partnership with local organizations and community-led volunteer events.

The Proposed Action would cause no changes to utility services. The portion of the project area along the shoreline is within the coastal flood zone (**Figure 3**) with velocity hazard (wave action) and the more inland portion is within the 100-year floodplain (**Figure 4**). Most of the project site is within NYS-designated tidal-coastal wetlands (**Figure 5**), and the entire project site is within Kings/Queens Counties (Brooklyn-Queens) Sole Source Aquifer System (**Figure 6**). The Proposed Action would involve minimal disturbance of these resources because of its elevation above them. No historic or landmarked buildings are within the scope of the project, and no land acquisition is involved.

COMPLIANCE

Endangered Species Act

The USFWS, Long Island Ecological Services Field Office was contacted through the Information, Planning, and Conservation System (IPaC) on November 27, 2018, regarding the potential presence of species under the jurisdiction of the USFWS within the Project area. The attached Official Species List identifies a total of four threatened or endangered species that may be present in the Project area: the threatened piping plover (*Charadrius melodus*), and red knot (*Calidris canutus rufa*) and the endangered roseate tern (*Sterna dougallii dougallii*) and seabeach amaranth (*Amaranthus pumilus*). According to USFWS IPaC Trust Resource Report, accessed November 27, 2018, certain birds are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, and additional birds are of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention near the project location. Thirty-four migratory birds, including the bald eagle, were identified in the Trust Resource Report, 20 of which have breeding ranges that include the project area.

Piping Plover. The piping plover is a migratory shorebird that nests on sandy beaches along the Atlantic coast and around the Great Lakes. Steep population declines, primarily due to extensive coastal development, beach engineering activities that alter natural coastal processes (e.g., jetty construction, nourishment), and disturbance from human recreational use of nesting beaches, led to the species' listing under the federal Endangered Species Act in 1986. Intensive management actions, such as closures of nesting areas to recreation, trapping and removal of nest predators, and control of vegetation have had success, and population sizes have since more than doubled (Elliot-Smith and Haig 2004, Hecht and Melvin 2009).

The breeding range of the piping plover within New York State is limited to the coastlines of Long Island, where plovers nest from Queens to eastern Suffolk County (Wasilco 2008). Most piping plover colonies on Long Island have grown steadily in recent decades in response to protection and management (Houghton 2005, Boretti et al. 2007, Wasilco 2008, Seavey 2009) and currently represent approximately 24 percent of the total Atlantic Coast population (Hecht and Melvin 2009). Despite extensive oceanfront development, high recreational usage, a long history of beach engineering, and heavily urbanized surroundings, piping plovers sporadically nested on Rockaway Beach in Queens throughout the 1900's. In 1996, DPR began monitoring and actively managing the beach to promote plover nesting success. Management actions included protective fencing (at least 50 meters [164 feet] from nests) and predator exclosures around nest sites, rodenticides, educational signage, and law enforcement patrols. As a result, the number of nesting pairs increased from 6 to 15 between 1996 and 2003. Productivity increased from 0.5 to 2.0 and averaged 1.42 over this time period (Boretti et al. 2007). Since then, however, the number of breeding pairs has fluctuated inconsistently (with a high of 25 breeding pairs in 2007 and a low of 9 breeding pairs in 2013) and overall productivity has steadily fallen (DPR, unpublished data). Nestling predation continues to be a major limiting factor (USFWS 2013), and productivity has been at or close to zero in recent years. The Rockaway Beach piping plover colony could therefore be considered a local population sink or ecological trap under current conditions.

The site does not contain sandy beaches or dunes that are associated with piping plover breeding habitat. It is therefore unlikely that individuals or breeding pairs would be present within the project site during the breeding season (generally from March 31 to July 31 [Elliot-smith and Haig 2004, Sommers 2008] within New York). Any piping plovers within the project site at other times of the year would occur only as transient individuals. The proposed project would improve habitat conditions for many coastal species, but would not create new breeding habitat for piping plovers. GOSR determines that this project **may affect but is unlikely to adversely affect the piping plover.**

Red Knot. The *rufa* subspecies of the red knot migrates up to 30,000 miles round trip between primary wintering grounds in South America and breeding grounds in the high arctic, with conditions for refueling at staging areas along the Atlantic coast being critical determinants of migration and reproductive success and overall survival (Baker et al. 2004, Morrison et al. 2007). Delaware Bay is the most significant migration staging area for *rufa* red knots, which time their springtime arrival in the bay to coincide with the peak horseshoe crab spawning period (Baker et al. 2004, Niles et al. 2009). Red knots are dependent on a superabundance of horseshoe crab eggs as a food source in order to almost double their body mass and fuel the remaining leg of their migration to the high arctic (Baker et al. 2004, Morrison and Hobson 2004). Delaware Bay is the only place in the Western Hemisphere where horseshoe crabs spawn in numbers that enable red knots to do so (Niles 1999). Steep declines in the number of horseshoe crabs spawning in Delaware Bay in recent decades, despite stricter harvest restrictions, has significantly hindered the ability of red knots to refuel at sufficient rates, and in turn, led to rapid population declines (Niles et al. 2008, 2009). Monomoy National Wildlife Refuge in Cape Cod, Massachusetts appears to be among the most significant staging areas for red knots during their southbound autumn migration (Harrington et al. 2010, Burger et al. 2012).

In addition to these primary staging areas in Delaware Bay and Cape Cod, migrating red knots may commonly stage, albeit in much lower densities, elsewhere along the Atlantic coast (Harrington 2010, Burger et al. 2012). Although migrating red knots are known to occur along Long Island (e.g., Jamaica Bay [Tanacredi and Badger 1995:104, Fowle and Kerlinger 2001:81]), none of its beaches, bays, or estuaries are known to be high-use staging areas that support large concentrations of individuals. Instead, red knots are usually seen on Long Island in small groups (e.g., Wells 1996:59) relative to the tens of thousands of birds observed staging together in Delaware Bay and Cape Cod. Red knots are highly sensitive to human disturbance at staging sites (Burger et al. 2004, 2007).

The site, and Jamaica Bay in general, does not support the dense horseshoe crab spawning are required for red knot staging areas. Therefore, it is unlikely that red knots would utilize the project site. Any individuals present during construction would be transient and would avoid areas under construction. **An area within 300 meters of the project site would be surveyed for red knot staging sites prior to construction to avoid impacts. If red knot staging sites are found within this buffer, construction would be limited to the period from September 1 to May 31 to avoid or minimize disturbance during the breeding season.** If the red knot is identified within the project area and with this time restriction, GOSR determines that this project **may affect but is unlikely to adversely affect the red knot.**

Roseate Tern. More than 90 percent of New York State's population of roseate terns is made up by a single colony on Great Gull Island, off Long Island's eastern end. The remainder occurs in small groups of often just one or two breeding pairs in variable locations along the south shore of eastern Long Island (Mitra 2008). Roseate terns have sporadically nested within the Jamaica Bay estuary in the past (e.g., 2 pairs in 1996; Wells 1996), but during the most recent Breeding Bird Atlas, they were not documented anywhere west of Suffolk County (Mitra 2008). Roseate terns are not among the beach-nesting bird species that nest within Jamaica Bay (Boretti et al. 2007). The potential for roseate terns to occur in the project site is considered extremely low and limited to migrants moving through the area en route to nesting sites elsewhere in the region or to wintering grounds in the southern hemisphere. GOSR determines that this project may affect but is unlikely to adversely affect the roseate tern.

Seabeach Amaranth. Seabeach amaranth is a federally and state-listed threatened annual herbaceous plant that was thought to be extinct in New York State until it was rediscovered in 1990. It grows along sandy beaches of the Atlantic coast in areas of accreting shoreline, upper beach, foredune, or overwash

flat, as well as beach nourishment sites. Boretti et al. (2007) noted that seabeach amaranth occurs in broad swaths close to the tide line of Rockaway Beach, near Jamaica Bay.

Suitable sandy beach and dune habitat for seabeach amaranth does not occur within the project site. Therefore, seabeach amaranth does not have the potential to occur within the project site. GOSR determines that this project would have no effect on the seabeach amaranth.

Migratory Bird Treaty Act. According to the USFWS IPaC Trust Resource Report, accessed November 27, 2018, there are several migratory birds of concern that could potentially be affected by the Proposed Project. The project takes place within the Atlantic Flyway. GOSR determined that the project would have no significant adverse impact on migratory birds or their habitat. It is anticipated that passerine birds would temporarily leave the area during construction due to noise and disturbance. In addition, the overall project would restore coastal wetlands that support several of these species.

Bald and Golden Eagle Protection Act. Bald eagle (*Haliaeetus leucocephalus*) habitat and breeding sites are not found within Queens County. GOSR has determined that the Proposed Project action would have no effect on the bald eagle.

If you have questions or require additional information regarding this request, please contact me at (518) 474-0647 or alicia.shultz@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,



Alicia Shultz
Community Developer – Environmental Services
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany NY 12207

Attachments:

Figure 1 - Sunset Cove Park Marsh Restoration Project - Project Location
Figure 2 - Sunset Cove Park Marsh Restoration Project - Project Area
Figure 3 - Sunset Cove Park Marsh Restoration Project - Coastal Zones
Figure 4 - Sunset Cove Park Marsh Restoration Project - Flood Zones
Figure 5 - Sunset Cove Park Marsh Restoration Project - Tidal-Coastal Wetlands
Figure 6 - Sunset Cove Park Marsh Restoration Project - Sole Source Aquifers
Sunset Cove Species List_ Long Island Ecological Services Field Office
Conceptual Plan



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To:

November 27, 2018

Consultation Code: 05E1LI00-2019-SLI-0125

Event Code: 05E1LI00-2019-E-00272

Project Name: Sunset Cove Park Marsh Restoration Project, Queens County, NY

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

Project Summary

Consultation Code: 05E1LI00-2019-SLI-0125

Event Code: 05E1LI00-2019-E-00272

Project Name: Sunset Cove Park Marsh Restoration Project, Queens County, NY

Project Type: ** OTHER **

Project Description: The Proposed Action is Phase II of a project to restore up to 5 acres of salt marsh, enhancement of over 7 acres of maritime scrubland and forest, rehabilitation of the existing hardened shoreline to incorporate oysters and shellfish, construction of berms in the upland perimeter, the creation of an oyster cove, and construction of a viewing platform above the cove on an approximately 12 acre parcel owned by the City of New York in Broad Channel, Queens County, within Jamaica Bay. The Proposed Action involves construction of a viewing platform area above the cove at in the northern portion of the site. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with an outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width, gradually increasing in elevation from the ground surface to the classroom. CDBG-DR funding would be used solely for the construction of the viewing platform.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/40.59853297985292N73.82278153743792W>



Counties: Queens, NY

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern <i>Sterna dougallii dougallii</i> Population: northeast U.S. nesting pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Flowering Plants

NAME	STATUS
Seabeach Amaranth <i>Amaranthus pumilus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8549	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

August 23, 2018

Alicia Shultz
Governor's Office of Storm Recovery
38-40 State Street
Albany, NY 12207

Re: Sunset Cove Park Marsh Restoration Project
County: Queens Town/City: City Of New York

Dear Ms. Shultz:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants at the project site.

The project site is adjacent to a significant **low salt marsh** that occurs throughout Jamaica Bay, including along the south edge of Sunset Cove. Wetlands restored as part of this project would add to the current extent of salt marsh.

Within .5 mile of the project site at Subway Island are locations for **common tern** (*Sterna hirundo*, NYS-listed as Threatened) and **black skimmer** (*Rynchops niger*, NYS Species of Special Concern). These species have not been observed there since 1985, but it is possible they could return to the area. For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 2 Office at dep.r2@dec.ny.gov, (718) 482-4997.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 2 Office, Division of Environmental Permits, as described above.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



Governor's Office of Storm Recovery

ANDREW M. CUOMO
Governor

August 10, 2018

Re: Natural Heritage Compliance Process Request for the Sunset Cove Park Marsh Restoration Project, Queens County, New York

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), are currently preparing an Environmental Review for the Sunset Cove Park Marsh Restoration Project, Queens County, New York (see attached figures). GOSR is acting as HUD's non-federal representative for the purposes of conducting consultation pursuant to Section 7 of the Endangered Species Act. Sunset Cove Park Marsh Restoration Project (Proposed Project) is located on an approximately 12 acre parcel owned by the City of New York in Broad Channel, Queens County, within Jamaica Bay (Figure 1 and Figure 2). The site is bounded by West 19th Road to the north, West 22nd Road to the south, Shad Creek Road to the east, and Jamaica Bay to the west, in Queens County). The site mainly consists of maritime scrubland and forest, construction fill and debris, invasive vegetation, and hardened shoreline. Site coordinates are Lat. 40.599208, Long. -73.823228.

GOSR is contacting your office for assistance in identifying the potential presence of any rare or Federal and/or State threatened, endangered, proposed or candidate species in the vicinity of the proposed projects. In addition, information regarding the presence of any other species or habitats of special concern in the vicinity of the proposed projects is also requested. The purpose of this letter is to provide the New York State Department of Environmental Conservation (NYSDEC) Natural Heritage Program (NYNHP) notice of the proposed project and determine the presence of any State or Federal endangered, threatened, or rare species or significant natural communities.

Project Description

The overall project involves the restoration of up to 5 acres of salt marsh, enhancement of over 7 acres of maritime scrubland and forest, rehabilitation of the existing hardened shoreline to incorporate oysters and shellfish, construction of berms in the upland perimeter, the creation of an oyster cove, and viewing platform above the cove.

The CDBG-DR funded component of the project includes the construction of a viewing platform area above the cove in the northern portion of the site Phase II of the project. The viewing platform, a boardwalk, is part of a larger project that is beginning completed in three phases. CDBG-DR funding would be used solely for the construction of the viewing platform. A summary of each phase is provided below:

In the first phase, the debris and invasive species will be removed, and the site regraded to establish the required elevations for tidal hydrology. A protective berm will be constructed around the upland perimeter of the parcel. Proposed wetland areas will be capped as needed with clean topsoil and fine graded prior to the installation of

plant materials. Areas of low marsh, high marsh and upland will be created to mimic the original habitat areas and a tidal inlet will be constructed to provide flow into the low marsh area. The existing bulkhead will remain undisturbed. The remnants of an in-water pier. Some sections of the in-water pier are significantly deteriorated and will be removed for public safety. After clearing of debris, the shoreline will be re-graded to a natural shoreline elevation and native plant species will be planted, using native plant materials that are appropriate to the level of salt water inundation that each particular area of the site will receive. Existing riprap along some areas of the shore will be repaired and replaced. Other shoreline areas with natural, sandy slopes will be left intact.

The second phase being funded by CDBG-DR, includes the construction of a boardwalk on the berm and along the shoreline to a hexagonal outdoor classroom. The location of the boardwalk is provided in the attached figures. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with an outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width, gradually increasing in elevation from the ground surface to the classroom.

The third phase may include the construction of the oyster cove with a deck area for viewing of the cove located in the northern portion of the site and a floating dock at the northern side of the parcel extending out into the channel.

Compliance

Please review the NYS Natural Heritage Program Database for the potential presence of any rare or Federal and/or State threatened, endangered, proposed or candidate species in the vicinity of the proposed project. In addition, information regarding the presence of any other species or habitats of special concern in the vicinity of the proposed projects is also requested.

Your assistance with this matter is greatly appreciated. We respectfully request your cooperation and are seeking a response within 30 days of receipt of this letter. If you have questions or require additional information regarding this request, please contact me at (518) 474-0647 or Alicia.Shultz@nyshcr.org. Thank you for your time and consideration.

Sincerely,



Alicia Shultz
Senior Environmental Scientist
Bureau of Environmental Review and Assessment

Attachments: Site Maps

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 2

47-40 21st Street, Long Island City, NY 11101

P: (718) 482-4997 | F: (718) 482-4975

www.dec.ny.gov

October 28, 2016

Mr. Thomas King
Director – Bureau of Environmental Review and Assessment
Governor's Office of Storm Recovery
99 Washington Ave, Suite 1224
Albany, NY 12260

Re: NY Rising Community Reconstruction Project
Sunset Cove Restoration Project
Broad Channel, New York

Dear Mr. King,

Based upon our review of the New York Rising Pre-Application for Funding prepared by the Governor's Office of Storm Recovery, plan set entitled "Oyster Cove Overlook Conceptual Plan" dated October 17, 2016 prepared by Louis Berger, and email correspondence with staff at the Governor's Office of Storm Recovery, DEC offers the following comments.

Background

Sunset Cove is an area within Broad Channel American Park situated on Jamaica Bay. In the past, the area was subject to illegal fill and pollution discharges which degraded the overall environmental character of the site. The New York City Department of Parks and Recreation (DPR) is currently undertaking a habitat restoration project at Sunset Cove which would incorporate tidal creeks, low and high marsh plantings, and a perimeter berm and pathway for storm resiliency and community access. DPR has received the required permit authorizations from this Department (Tidal Wetlands, Protection of Waters, 401 Water Quality Certification) to conduct these restoration activities.

The proposed NY Rising Community Reconstruction project for Sunset Cove would consist, upon completion of the DPR restoration and berm, of a raised boardwalk structure, dock, and oyster cove overlook on the Sunset Cove site. These activities are not included within the scope of DPR's existing permit authorizations.

Separate approvals for the above-referenced DEC permit jurisdictions (Tidal Wetlands, Protection of Waters, 401 Water Quality Certification) will be required to implement this Community Reconstruction Project. A new application would be required if the activities associated with the NY Rising Community Reconstruction project are to commence after DPR's restoration activities are completed. Alternatively, DPR's existing permits

could be modified if these structures will be constructed concurrently with DPR's restoration activities.

Shellfish

Based on the above-referenced materials, the project involves creation of an oyster cove to facilitate educational opportunities. In order to conduct this activity, a License to Collect or Possess (LCP) must be obtained from this Department. LCPs, administered by the DEC Special Licenses Unit, allow for the collection or possession of various species, including shellfish such as oysters, for educational, scientific, research, or propagation purposes. The installation of an oyster cove must be coordinated with, and approved by, DEC's Shellfish Section, part of the Division of Marine Resources. Coordination with the Shellfish Section on the design and specifics of the oyster cove will ensure that the installation will be secure from illegal poaching and utilizes the best possible design for successful oyster installation. To contact the Division of Marine Resources, please call 631-444-0430 or email the Shellfish Section head, Debra Barnes, at debra.barnes@dec.ny.gov. To contact the Special Licenses Unit, please call 518-402-8985 or email speciallicenses@dec.ny.gov.

State-Listed Species

In correspondence to DEC's Natural Heritage Program (NHP) dated November 2, 2015, the Governor's Office of Storm Recovery submitted a request for information to identify the presence of any rare or endangered species, or species or habitats of special concern, located in the project area.

NHP maintains the most comprehensive set of data and records of rare or state-listed endangered species. Consultation with NHP must be complete before a full assessment of potential impact on rare or endangered species can be made. However, due to the nature of activities associated with the Sunset Cove restoration, adverse impacts to state-listed species are not expected since the project will expand the availability of wetlands habitats within Jamaica Bay by removing illegal and contaminated fill material.

Cultural Resources

DPR's CEQR Environmental Assessment Statement for the Sunset Cove Marsh Restoration (CEQR No. 15DPR014Q) noted that the project area neither contains nor is adjacent to any architectural and/or archeological resources. Thus, no adverse impacts to cultural resources are expected from the restoration activities. Given that the proposed activities under the NY Rising Community Reconstruction Project for Sunset Cove occur within the same project boundary and are accessory in nature to the previously approved activities, adverse impacts to cultural resources from this project are not anticipated.

Other permits from this Department or other agencies may be required. Also, regulations applicable to the location subject to these comments are occasionally revised and you should, therefore, verify the need for permits if your project is delayed or postponed. If you have any questions regarding these comments, please feel free to contact me at (718) 482-4841 or christopher.lang@dec.ny.gov.

Sincerely,



Chris Lang
Environmental Analyst

cc: Claudia Filomena, GOSR
Matt Accardi, GOSR
May O'Malley, DEC
Amanda Rollizzo, DEC

NOTE: Regarding erosion/sedimentation control requirements:

For construction projects involving the disturbance of one acre or more of land, the owner/operator must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). Owner/Operator(s) must file a Notice of Intent (NOI) prior to commencement of clearing, grading, or excavation. A Stormwater Pollution Prevention Plan (SWPPP) must be developed prior to filing the NOI. For stormwater discharges occurring at industrial facilities or containing either toxic contaminants or priority pollutants, an individual SPDES permit may be required. For more information on stormwater, SPDES, and statewide general permits, please visit the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

Appendix F
SHPO Correspondence



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

September 11, 2018

Alicia Schultz
New York State Homes & Community Renewal
38 State St
Albany, NY 12207

Re: HTF/ GOSR/ NYSHCR/ HUD CDBG-DR
Construction of Viewing Platform & Boardwalk:
Sunset Cove Park Marsh Restoration.
Broad Channel, Jamaica Bay/ Queens County
18PR5561

Dear Ms. Schultz:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/ Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, it is the opinion of SHPO that there will be No Historic Properties Affected by the undertaking.

If I can be of further assistance, please contact me at (518) 268-2187 Larry.moss@parks.ny.gov

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist



**Governor's Office of
Storm Recovery**

ANDREW M. CUOMO
Governor

August 27, 2018

Mr. Larry Moss
Historic Preservation Technical Specialist
New York State Office of Parks, Recreation and Historic Preservation
Division of Historic Preservation
Peebles Island
P.O. Box 189
Waterford, New York 12188-0189

Re: Section 106 Compliance for Sunset Cove Park Marsh Restoration Project in Queens County,
New York

Dear Mr. Moss:

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR), an office of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery ("CDBG-DR") funds from the United States Department of Housing and Urban Development ("HUD"), is serving as the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and request for consultation.

GOSR processes environmental reviews for projects funded with HUD CDBG-DR on a case by- case basis. In accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. §306108), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, this letter serves as notification of the proposed action.

Area of Potential Effect: The New York City Department of Parks and Recreation (DPR) Sunset Cove Park Marsh Restoration Project (Proposed Project) is located on an approximately 12 acre parcel owned by the City of New York in Broad Channel, Queens County, within Jamaica Bay (Figure 1 and Figure 2). The site is bounded by West 19th Road to the north, West 22nd Road to the south, Shad Creek Road to the east, and Jamaica Bay to the west, in Queens County). The site mainly consists of maritime scrubland and forest, construction fill and debris, invasive vegetation, and hardened shoreline. Site coordinates are Lat. 40.599208, Long. -73.823228.

Proposed Project Description: The overall project involves the restoration of up to 5 acres of salt marsh, enhancement of over 7 acres of maritime scrubland and forest, rehabilitation of the existing hardened shoreline to incorporate oysters and shellfish, construction of berms in the upland perimeter, the creation of an oyster cove, and viewing platform above the cove.

The **CDBG-DR funded component** of the project includes the construction of a **viewing platform area** above the coveat in the northern portion of the site Phase II of the project. The viewing platform, a boardwalk, is part of a larger project that is beginning completed in three phases. CDBG-DR funding would be used solely for the construction of the viewing platform. A summary of each phase is provided below:

In the **first phase**, the debris and invasive species will be removed, and the site regraded to establish the required elevations for tidal hydrology. A protective berm will be constructed around the upland perimeter of the parcel. Proposed wetland areas will be capped as needed with clean topsoil and fine graded prior to the installation of plant materials. Areas of low marsh, high marsh and upland will be created to mimic the original habitat areas and a tidal inlet will be constructed to provide flow into the low marsh area. The existing bulkhead will remain undisturbed. The remnants of an in-water pier. Some sections of the in-water pier are significantly deteriorated and will be removed for public safety. After clearing of debris, the shoreline will be re-graded to a natural shoreline elevation and native plant species will be planted, using native plant materials that are appropriate to the level of salt water inundation that each particular area of the site will receive. Existing riprap along some areas of the shore will be repaired and replaced. Other shoreline areas with natural, sandy slopes will be left intact.

The **second phase being funded by CDBG-DR**, includes the construction of a boardwalk on the berm and along the shoreline to a hexagonal outdoor classroom. The location of the boardwalk is provided in the attached figures. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with an outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width, gradually increasing in elevation from the ground surface to the classroom.

The **third phase** may include the construction of the oyster cove with a deck area for viewing of the cove located in the northern portion of the site and a floating dock at the norther side of the parcel extending out into the channel.

Request for Comment: The purpose of this letter is to initiate consultation pursuant to Section 106 of the NHPA per the implementing regulations at 36 Code of Federal Regulations (CFR) Part 800. GOSR respectfully requests your review of the proposed project described herein. If you have any questions or require additional information regarding this request, please feel free to contact me at (518) 474-0647 or via email at alicia.shultz@nyshcr.org. Thank you for your time and consideration.

Sincerely,



Alicia Shultz
Senior Environmental Scientist
Bureau of Environmental Review and Assessment
Governor's Office of Storm Recovery

Figures, Design Plan and Photographs uploaded to CRIS

Appendix G
Lead Agency Letter and Responses



Governor's Office of Storm Recovery

ANDREW M. CUOMO
Governor

November 14, 2018

Re: Lead Agency Designation for Environmental Review of the Second Phase of the Sunset Cove Park Marsh Restoration Project, Queens Co., NY

Dear Involved/Interested Party:

The Governor's Office of Storm Recovery ("GOSR") proposes to serve as lead agency under the State Environmental Quality Review Act ("SEQRA") and related laws for the environmental review of the proposed of the Second Phase of Sunset Cove Park Marsh Restoration Project (the "Proposed Action"). GOSR is conducting an environmental review of the Proposed Action on behalf of the State of New York as the recipient of Community Development Block Grant - Disaster Recovery ("CDBG-DR") funds from the U.S. Department of Housing and Urban Development under 42 U.S.C. § 5304(g).¹

GOSR proposes to fund construction of a boardwalk and outdoor classroom at the NYC Department of Parks and Recreation (DPR) Sunset Cove Park owned by NYC in Broad Channel, Queens CO., NY (Project). Sunset Cove Park is located on an approximately 12-acre parcel bound by West 19th Road to the north, West 22nd Road to the south, Shad Creek Road to the east, and Jamaica Bay to the west (in Queens Co.). The park mainly consists of maritime scrubland forest, construction fill and debris, invasive vegetation, and hardened shoreline. The proposed action is part of the larger Sunset Cove Park Marsh Restoration Project.

The overall Project involves the restoration of up to 5 acres of salt marsh, enhancement of over 7 acres of maritime scrubland and forest, rehabilitation of the existing hardened shoreline to incorporate oysters and shellfish, construction of berms in the upland perimeter, the creation of an oyster cove, and viewing platform above the cove. The CDBG-DR funded component of the Project includes the construction of a boardwalk, a viewing platform area, above the cove in the eastern portion of the park (Second Phase of the Project). CDBG-DR funding would be used solely for the construction of the boardwalk/viewing platform. A summary of each phase is provided below:

- **First Phase:** The debris and invasive species will be removed, and the site regraded to establish the required elevations for tidal hydrology. A protective berm will be constructed around the upland perimeter of the parcel. Proposed wetland areas will be capped as needed with clean topsoil and fine graded prior to the installation of plant materials. Areas of low marsh, high marsh and upland will be created to mimic the original habitat areas and a tidal inlet will be constructed to provide flow into the low marsh area. The existing bulkhead and some remnants of an in-water pier will remain undisturbed. The remaining sections of the in-water pier are significantly deteriorated and will be removed for public safety. After clearing of debris, the shoreline will be re-graded to a natural shoreline elevation and native plant species will be planted, using native plant materials that are appropriate to the level of salt water inundation that each area of the site will receive. Existing riprap along some

¹ The Governor's Office of Storm Recovery, operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for the administration of the CDBG-DR grants to the State of New York.

areas of the shore will be repaired and replaced. Other shoreline areas with natural, sandy slopes will be left intact.

- **Second Phase (funded by CDBG-DR):** Includes the construction of a boardwalk/viewing platform on the berm and along the eastern shoreline to a hexagonal outdoor classroom. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with an outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width (approximately 0.06 acres), gradually increasing in elevation from the ground surface to the classroom.
- **Third Phase:** May include the construction of the oyster cove with a deck area for viewing of the cove located in the northern portion of the site and a floating dock at the northern side of the parcel extending out into the channel.

This action has been preliminarily classified as an UNLISTED action pursuant to SEQRA. Additional information regarding the Proposed Action and its location are provided in the enclosed Short Environmental Assessment Form. The review of the Proposed Action under SEQRA would satisfy the requirements 6 NYCRR Part 617.

Your agency or organization has been identified as a potential cooperating, involved, or interested agency for the review and approval of the Proposed Action. If your agency consents to GOSR's serving as the lead agency for review under SEQRA, please so indicate by signing this letter and returning it at your earliest convenience to Matt Accardi at Bureau of Environmental Review and Assessment, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, NY 10004 or simply email a signed copy to Matt.Accardi@stormrecovery.ny.gov.

If we have not heard from you by December 14, 2018, your consent will be assumed.

If you have any questions, please feel free to contact me at (212) 480-6265. Thank you for your consideration and cooperation.

Sincerely,



Matt Accardi
Certifying Environmental Officer

The undersigned hereby consents to The Governor's Office of Storm Recovery serving as lead agency for Sunset Cove Park Marsh Restoration Project.

Agency/Organization: _____

By: _____

Name: _____

Title: _____

Date: _____

Permits/Approvals/Comments: _____

Enclosure: Short Environmental Assessment Form
List of Involved and Interested Agencies

Figures:

Sunset Cove Park Marsh Restoration – Project Location

Sunset Cove Park Marsh Restoration – Project Site

Sunset Cove Park Marsh Restoration – Proposed Site Plan

Short Environmental Assessment Form

Part 1 - Project Information

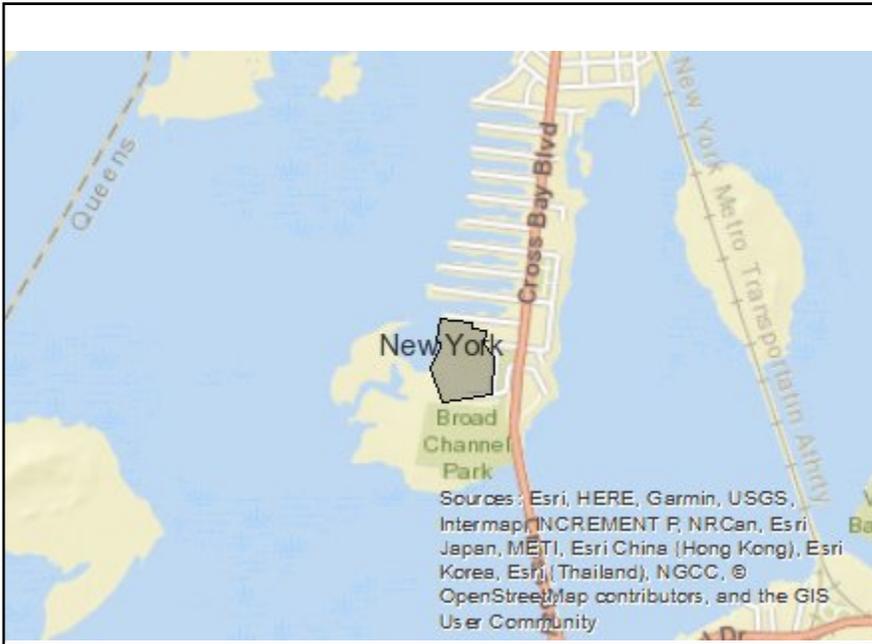
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				
and debris, invasive species and hardened shoreline				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: <u>11/14/2018</u></p> <p>Signature: <u></u></p>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Jamaica Bay, Reason:Protect ecosystem & large number of wildlife, Agency:Kings, Queens, Nassau County, Date:2-1-90
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Common Tern
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Involved/Interested Agencies – Sunset Cove Park Marsh Restoration Project – Queens, New York

Involved

Stephen Watts, Regional Permit Administrator, Region 2
New York State Department of Environmental Conservation
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101-5401
Phone: (718) 482-4997

Owen Wells
Director of Environmental Review
City of New York Parks & Recreation
The Arsenal
Central Park
New York, NY 10065

Consistency Review Unit
Office of Planning and Development
New York Department of State
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
(518) 474-6000

Interested

Mayor Bill de Blasio
City Hall
New York, NY 10007
Phone: 311 or (212)-639-9675 outside NYC

Marisa Lago, Chair
New York City Department of City Planning
120-55 Queens Blvd., Room 201
Kew Gardens, NY 11424
Phone: (718) 520-2100

Michael Marrella
Director of Waterfront and Open Space
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Vincent Sapienza, Commissioner
New York City Department of Environmental Protection
59-17 Junction Boulevard, 13th Floor
Customer Service Center
Flushing, NY 11373
Phone: (212) 639-9675

Terrell Estes Director of Wastewater Review and Special Projects
New York City Department of Environmental Protection
Bureau of Environmental Planning and Analysis
59-17 Junction Boulevard, 11th Floor
Flushing, NY 11373
Phone: (718) 595-4473

Charles Olson, Section Chief
New York City Department of Environmental Protection
59-17 Junction Boulevard 19th Floor
Flushing, NY 11373

Audrey I. Pheffer, Queens County Clerk
Queens Supreme Court Building
88-11 Stuphin Boulevard
Jamaica, NY 11435

Ron Rausch, Director
Environmental Management Bureau
Office of Parks, Recreation and Historic Preservation
625 Broadway, 2nd Floor
Albany, New York 12238

Jonathan Gaska
District Manager-Queens Community Board 14
1931 Mott Avenue, Room 311
Far Rockaway, NY 11691

New York City Council
Rockaway District Office:
114-12 Beach Channel Drive, Suite 1
Rockaway Park, NY 11416
New York, New York 10027

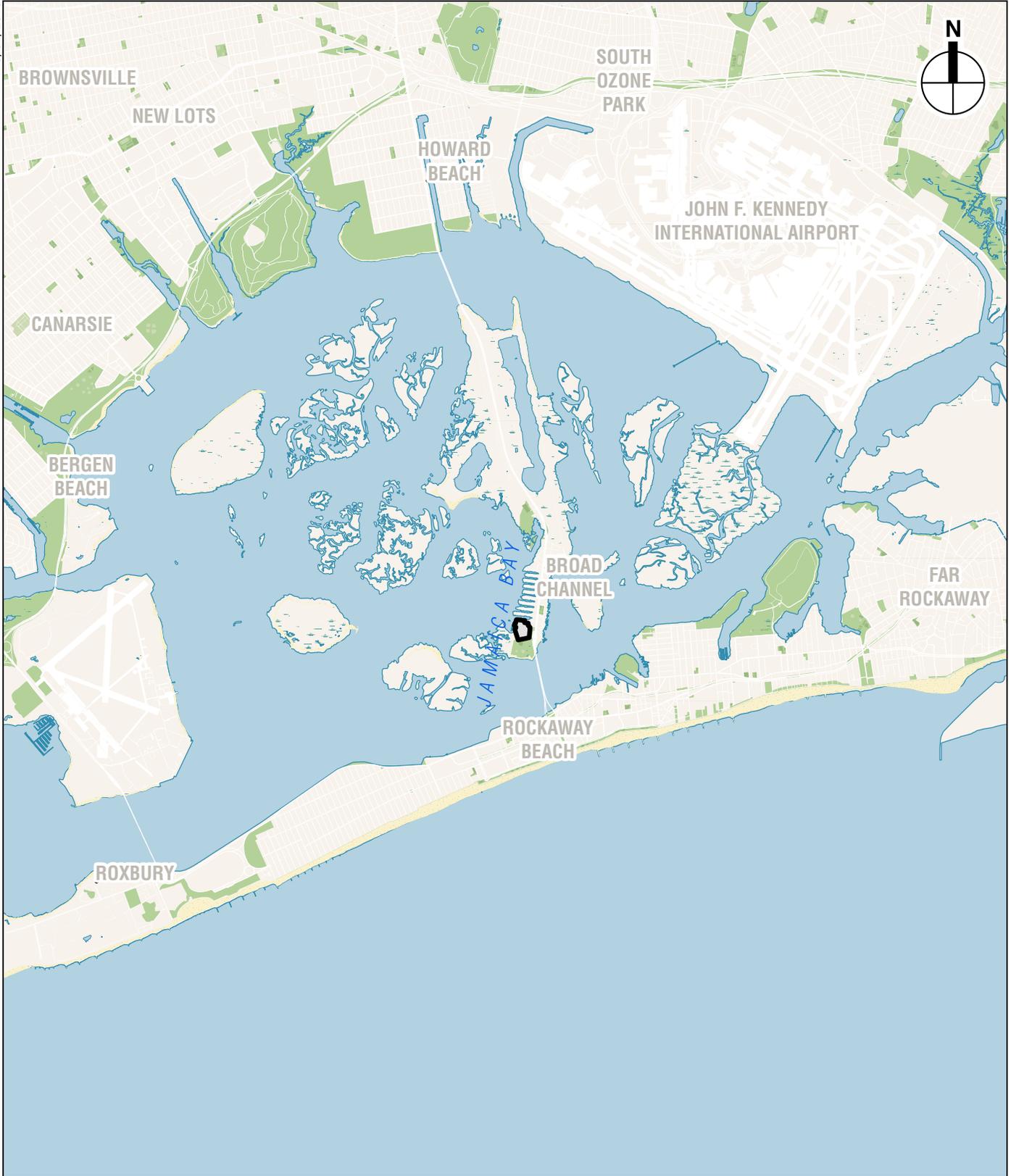
Hon. Melinda Katz, Queens Borough President
Queens Borough Hall
120-55 Queens Boulevard
Kew Gardens, NY 11424

Hon. Eric Ulrich, NYC Council Member District 32
Ozone Park Office:
93-06 101st Avenue
Ozone Park, NY 11416
(718) 738-1083

New York District Office
US Army Corps of Engineers
New York District
ATTN: Regulatory Branch, Room 1937
26 Federal Plaza
New York, NY 10278-0090
Phone: 917-790-8511 (Eastern Permit Section)

Steven Ortega
National Park Service/Gateway National Recreation Area
210 New York Ave
Staten Island, New York
Phone (718) 354-4606

3/31/2016



 Project Site

0 5,000 FEET


3/31/2016



 Project Site

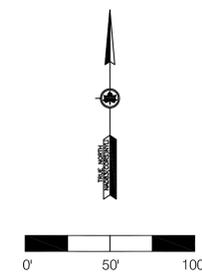
0 200 FEET


LOUIS BERGER, MORRISTOWN, NJ CADD FILE: \\mtr-fs-01\FP\Operations\180 - DASNY Eng Contract\1002-DASNY Sunset Cove\02-CADD Files\ASNY SC-PLANS.dwg Feb 21, 2018



SURVEY NOTES

- THIS SURVEY IS BASED UPON FIELD INVESTIGATIONS AND SURVEYS CONDUCTED BY MERCATOR LAND SURVEYING ENDING ON MARCH 30TH, 2015 BY AND/OR UNDER THE DIRECT SUPERVISION OF THE SIGNED LICENSED SURVEYOR.
- NORTH ARROW, BEARINGS AND COORDINATES BASED UPON THE NORTH AMERICAN DATUM OF 1983 (CORS - EPOCH 2011). THE PROJECTION IS NEW YORK - LONG ISLAND (3104).
 - THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - PROJECT CONTROL WAS DETERMINED USING LEICA DUAL-FREQUENCY GPS RECEIVERS ON JANUARY 1ST, 2015. THE REFERENCE MONUMENTS WERE
 - NJ12 (PID #AJ3348) CORS ESTABLISHED BY NJIT AND ADJUSTED BY NGS.
 - N 40°44'29.305730
 - W 74°10'39.727310
 - NAVD88 ORTHOMETRIC HEIGHT: 50.24 METERS (WEIGHTED VALUE FOR BLUNDER DETECTION)
 - LAMT (PID#AJ4872) CORS ESTABLISH BY LAMONT EARTH OBSERVATORY AND ADJUSTED BY THE NGS
 - N 40°00'16.233580
 - W 73°54'32.057680
 - ELLIPSOID HEIGHT: 90.17 METERS (FLOATING VALUE)
 - NYQN (PID# D10616) CORS ESTABLISHED BY NYSOT AND ADJUSTED BY NGS
 - N 40°43'10.261900
 - W 73°43'48.267100
 - ELLIPSOID HEIGHT -0.382 METERS (FLOATING VALUE)
 - R 347 (PID# KU1295) FIRST ORDER, CLASS II SET IN MASSIVE STRUCTURE BY THE COAST AND GEODETIC SURVEY IN 1952.
 - N 40°36'10" MAPPING ONLY
 - W 73°49'12" MAPPING ONLY
 - NGVD29 ORTHOMETRIC HEIGHT: 2.868 METERS / 9.41 FEET (FIXED VALUE). QUEENS BOROUGH DATUM: 6.684 FEET.
 - ALL UNITS SHOWN HEREON ARE US SURVEY FEET, IN WHOLE OR DECIMAL VALUES. 1 METER = 39.37/12 SURVEY FEET.
 - THERE WERE UNNAMED VISIBLE STREAMS OR WATERCOURSES VISIBLE WITH INTERMITTENT FLOW AT THE TIME OF THE SURVEY.
 - THE PROPERTY IN QUESTION (PIQ) IS LOCATED IN:
 - FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION 10 (NAVD88) AE/VE 1% STATIC BASE FLOOD) AS DEPICTED ON THE BEST AVAILABLE FLOOD HAZARD DATA RELEASE BY FEMA ON 6/10/2013.
 - AREA WAS NOT COMPLETELY SURVEYED DUE TO ICE DURING FIELD WORK. SPOT ELEVATIONS SHOWN ARE ACTUAL SURVEY POINTS. THE DTM MAY NOT SHOW ALL BREAKS IN SURFACE.



CONSULTANTS:



JOSEPH R. DIETRICH
N.Y. Professional Engineer # 086898-1

No.	Date	Revision

CLIENT
New York Rising Community Reconstruction Program



GOSR
Governor's Office of Storm Recovery

PROJECT TITLE
**OYSTER COVE OVERLOOK
SUNSET COVE PARK**

Title
**EXISTING CONDITIONS PLAN
AND SURVEY NOTES**

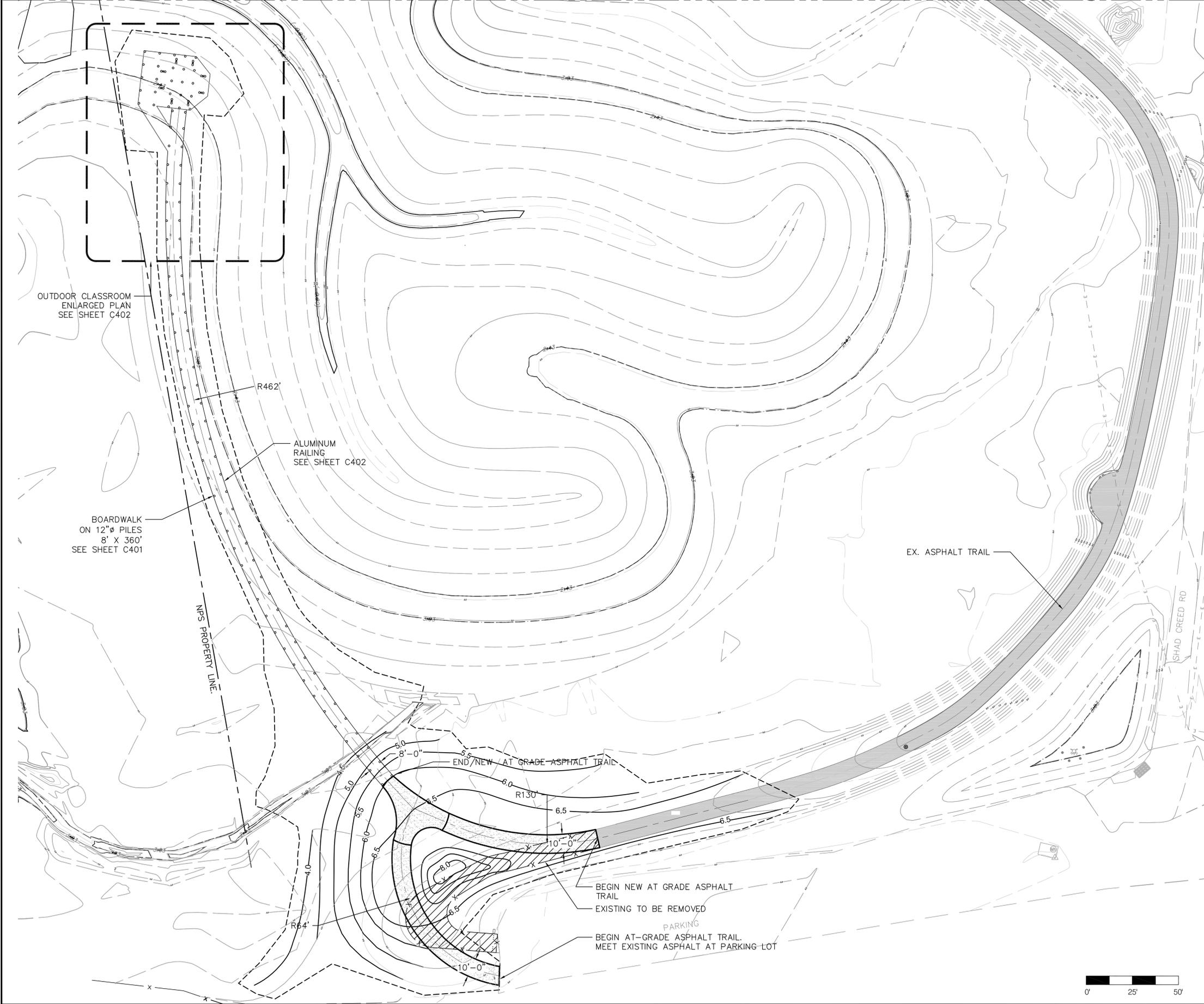
Louis Berger Project No. 2010957.004.03
Designed by CM
Drawn by SB
Checked by
Date 09/15/2017
DASNY PROJECT NO. 329450

Number C100

Sheet 3 of 19

LOUIS BERGER, MORRISTOWN, NJ CADD FILE: \\mntn-fs-01\FP\Operations\180 - DASNY Eng Contract\1002-DASNY Sunset Cove\02-CADD Files\ASNY SC-PLANS.dwg Feb 21, 2018

MATCHLINE SEE SHEET C101



LEGEND:

-  EXISTING ASPHALT
-  NEW ASPHALT
-  DEMOLITION
-  PROJECT LIMIT
-  CENTER LINE

SHEET NOTES:

1. STANDARD NYC PARKS DETAIL SHEETS APPLICABLE BUT NOT INCLUDED:
 - DOUBLE GATE FOR CHAIN LINK FENCE TYLA/146 R8. SH.N'33 REVISION DATE: 01/29/2014. NOTE: PROVIDE SEPARATE SHOP DRAWINGS FOR GATE LOCKING SYSTEM SHOWING ALL THREE ELEMENTS: STEEL DROP BOLT; ROTATING LOCKING MECHANISM; AND GATE STOPS.
 - PAVEMENT DETAILS NO. 1 TYLA 146-R8. SH.N'14 REVISION DATE: 01/27/2014.



CONSULTANTS:



JOSEPH R. DIETRICH
N.Y. Professional Engineer # 086898-1

No.	Date	Revision

CLIENT
New York Rising Community Reconstruction Program



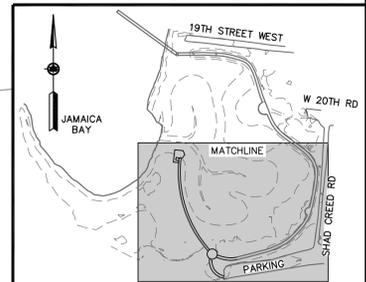
GOSR
Governor's Office of Storm Recovery

PROJECT TITLE
**OYSTER COVE OVERLOOK
SUNSET COVE PARK**

Title
LAYOUT AND GRADING PLAN SOUTH

Louis Berger Project No. 2010957.004.03
Designed by CM
Drawn by SB
Checked by
Date 09/15/2017
DASNY PROJECT NO. 329450

Number C102
Sheet 5 of 19





**Governor's Office of
Storm Recovery**

ANDREW M. CUOMO
Governor

November 14, 2018

Re: Lead Agency Designation for Environmental Review of the Second Phase of the Sunset Cove Park Marsh Restoration Project, Queens Co., NY

Dear Involved/Interested Party:

The Governor's Office of Storm Recovery ("GOSR") proposes to serve as lead agency under the State Environmental Quality Review Act ("SEQRA") and related laws for the environmental review of the proposed of the Second Phase of Sunset Cove Park Marsh Restoration Project (the "Proposed Action"). GOSR is conducting an environmental review of the Proposed Action on behalf of the State of New York as the recipient of Community Development Block Grant - Disaster Recovery ("CDBG-DR") funds from the U.S. Department of Housing and Urban Development under 42 U.S.C. § 5304(g).¹

GOSR proposes to fund construction of a boardwalk and outdoor classroom at the NYC Department of Parks and Recreation (DPR) Sunset Cove Park owned by NYC in Broad Channel, Queens CO., NY (Project). Sunset Cove Park is located on an approximately 12-acre parcel bound by West 19th Road to the north, West 22nd Road to the south, Shad Creek Road to the east, and Jamaica Bay to the west (in Queens Co.). The park mainly consists of maritime scrubland forest, construction fill and debris, invasive vegetation, and hardened shoreline. The proposed action is part of the larger Sunset Cove Park Marsh Restoration Project.

The overall Project involves the restoration of up to 5 acres of salt marsh, enhancement of over 7 acres of maritime scrubland and forest, rehabilitation of the existing hardened shoreline to incorporate oysters and shellfish, construction of berms in the upland perimeter, the creation of an oyster cove, and viewing platform above the cove. The CDBG-DR funded component of the Project includes the construction of a boardwalk, a viewing platform area, above the cove in the eastern portion of the park (Second Phase of the Project). CDBG-DR funding would be used solely for the construction of the boardwalk/viewing platform. A summary of each phase is provided below:

- **First Phase:** The debris and invasive species will be removed, and the site regraded to establish the required elevations for tidal hydrology. A protective berm will be constructed around the upland perimeter of the parcel. Proposed wetland areas will be capped as needed with clean topsoil and fine graded prior to the installation of plant materials. Areas of low marsh, high marsh and upland will be created to mimic the original habitat areas and a tidal inlet will be constructed to provide flow into the low marsh area. The existing bulkhead and some remnants of an in-water pier will remain undisturbed. The remaining sections of the in-water pier are significantly deteriorated and will be removed for public safety. After clearing of debris, the shoreline will be re-graded to a natural shoreline elevation and native plant species will be planted, using native plant materials that are appropriate to the level of salt water inundation that each area of the site will receive. Existing riprap along some

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areas of the shore will be repaired and replaced. Other shoreline areas with natural, sandy slopes will be left intact.

- **Second Phase (funded by CDBG-DR):** Includes the construction of a boardwalk/viewing platform on the berm and along the eastern shoreline to a hexagonal outdoor classroom. The boardwalk will extend from an existing walkway out into the restored wetlands. The boardwalk will be constructed of wood with railings with an outdoor classroom at the end of the boardwalk. The length of the boardwalk will be approximately 370 feet with a 7-foot width (approximately 0.06 acres), gradually increasing in elevation from the ground surface to the classroom.
- **Third Phase:** May include the construction of the oyster cove with a deck area for viewing of the cove located in the northern portion of the site and a floating dock at the northern side of the parcel extending out into the channel.

This action has been preliminarily classified as an UNLISTED action pursuant to SEQRA. Additional information regarding the Proposed Action and its location are provided in the enclosed Short Environmental Assessment Form. The review of the Proposed Action under SEQRA would satisfy the requirements 6 NYCRR Part 617.

Your agency or organization has been identified as a potential cooperating, involved, or interested agency for the review and approval of the Proposed Action. If your agency consents to GOSR's serving as the lead agency for review under SEQRA, please so indicate by signing this letter and returning it at your earliest convenience to Matt Accardi at Bureau of Environmental Review and Assessment, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, NY 10004 or simply email a signed copy to Matt.Accardi@stormrecovery.ny.gov.

If we have not heard from you by December 14, 2018, your consent will be assumed.

If you have any questions, please feel free to contact me at (212) 480-6265. Thank you for your consideration and cooperation.

Sincerely,

Matt Accardi
Certifying Environmental Officer

The undersigned hereby consents to The Governor's Office of Storm Recovery serving as lead agency for Sunset Cove Park Marsh Restoration Project.

Agency/Organization: NYS OPRHP

By: RONALD RAUSCH

Name: [Signature]

Title: Dir. Div. of Environmental Stewardship + Planning

Date: 11/20/18

Permits/Approvals/Comments: _____

