

Appendix L Coastal Zone Management Determination

Rebecca Kriss

From: Rebecca Kriss

Sent: Thursday, May 13, 2021 12:02 PM

To: cr@dos.ny.gov

Cc: Stephen Holley; Keri Cibelli; Poole, Andrea (FRA); 'WRY Project'; wrp@planning.nyc.gov

Subject: New York State Coastal Zone Management Determination: Western Rail Yard

Infrastructure Project

Hello.

At the WebFolder below please find the correspondence from the Federal Railroad Administration for the Western Rail Yard Infrastructure Project in New York County, New York, pursuant to Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972 as amended.

Please do not hesitate to reach out with any questions. We look forward to hearing from you.

Thank you,
Rebecca Kriss
on behalf of
Andrea E. Poole, PMP
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
WRYProject@dot.gov







U.S. Department of Transportation

Federal Railroad Administration

May 12, 2021

Mr. Matthew Maraglio
Office of Planning and Development
Consistency Review Unit
New York State
99 Washington Avenue, Suite 1010
Albany, New York 12231

Subject: New York State Coastal Zone Management Determination, Western Rail Yard Infrastructure Project, Manhattan, NY.

Dear Mr. Maraglio:

The Federal Railroad Administration (FRA) is submitting this Coastal Zone Consistency Determination (attached) for the Western Rail Yard Infrastructure Project located in Manhattan, New York (Block 676, Lots 1 and 5).

Pursuant to Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972 as amended, the FRA, as the lead Federal agency contemplating providing financial assistance for the Proposed Action, has determined that the Proposed Action is consistent to the maximum extent practicable with the enforceable policies of the State of New York federally approved Coastal Management Program. Details of the determination are provided through submission of this letter, and the attached location map, supporting narrative presented in the chapter of the Draft Environmental Impact Statement (DEIS), and Coastal Zone Consistency Determination. Enclosed with these materials are the New York State Department of State Coastal Management Program Federal Consistency Assessment Form and the New York City Waterfront Revitalization Program Consistency Assessment Form, along with assessments of the applicable coastal zone policies. The assessments will be included in the Coastal Zone Consistency Chapter of the DEIS to be published in June 2021.

The Project Site is located within the coastal zone boundary of New York State, and the FRA is initiating this consultation in accordance with the Coastal Zone Management Act of 1972 and New York State's Waterfront Revitalization and Coastal Resource Act of 1981. The FRA is requesting acknowledgement of the New York Department of State Office of Planning and Development concurrence with this consistency determination.

Project Narrative

WRY Tenant LLC (an affiliate of The Related Companies, LP) and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (the Project Sponsor) to seek Federal financial assistance through a loan program, or an available grant program administered

by the U.S. Department of Transportation (USDOT) for the Western Rail Yard Infrastructure Project (Proposed Action). The FRA is conducting the environmental analysis in compliance with the National Environmental Policy Act of 1969 (NEPA), (42 USC 4321 et seq.) and other applicable environmental laws.

The Proposed Action put forth by the Project Sponsor includes the construction and operation of the following: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement). The Proposed Action would be located on the 13-acre Western Rail Yard site, located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka "Hudson Yards").

The Western Rail Yard site includes two parcels (Block 676, Lot 1 and Lot 5) in New York County (Manhattan), New York (see Figure 1). MTA LIRR is the owner of both parcels (comprising the entire 13-acre Western Rail Yard site) and has a lease agreement for both parcels with WRY Tenant LLC¹. The Platform would allow for privately funded mixed-use development and public open space over the existing rail yard. The mixed-use development planned for the site (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard site (see current C6-4 zoning designation for the Project Site shown on Figure 2). The Tunnel Encasement would preserve the right-of-way for new rail infrastructure under the Western Rail Yard site to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station (Penn Station).

The rail yard is located between West 33rd Street to the north, Eleventh Avenue to the east (beyond which is the new private mixed-use development above the Eastern Rail Yard); 30th Street to the south; and Twelfth Avenue to the west. The rail yard is operated by LIRR and is used as a commuter railroad storage yard and maintenance facility (see Figure 3). The yard contains storage tracks for 12-car trains, a car-cleaning platform, and other maintenance and staff facilities for LIRR's commuter rail service into Penn Station.

The Platform as designed would be a 9.8-acre steel and concrete structure (see Figure 4). Construction would include building foundations and reconstruction and upgrades to railroad staff facilities and other LIRR support services including existing emergency electrical equipment, rail car cleaning services, and a new approximately 20,000 square foot electrical substation building. The Platform would house critical life safety and mechanical, electrical, and plumbing support services for the yard, including new lighting, sprinklers, and an extensive platform ventilation system. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard.

The Tunnel Encasement would be 605 feet long, between 50 and 65 feet wide and between 27 and 38 feet high under the Western Rail Yard (see **Figure 5**). It would extend underground from the recently completed encasement under the Eastern Rail Yard and Eleventh Avenue. Collectively, the encasement below both rail yards (Western Rail Yard and Eastern Rail Yard) would preserve a total right-of-way (ROW) of approximately 1,400 feet. No permanent operational components, such as tracks, lighting, ventilation, or electrical system, would be constructed within the Tunnel Encasement as part of the Proposed Action.

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¹ WRY Tenant LLC is the Overbuild Developer.

The FRA has determined that the Western Rail Yard Infrastructure Project is consistent with the New York State Department of State Coastal Policies as set forth in the Coastal Management Program to the maximum extent practicable and is seeking the State's confirmation of this determination.

If you should have any questions or require additional information, please do not hesitate to contact Andrea Poole, the Environment Protection Specialist assigned to this project at (202) 868-1221.

Sincerely,

MARLYS A Digitally signed by MARLYS A OSTERHUES
OSTERHUES Date: 2021.05.12
16:02:11 -04'00'

Federal Consistency Assessment

Marlys Osterhues Chief, Environment and Project Engineering Division Federal Railroad Administration

Attachments:

Coastal Zone Management Determination (consistent with the CZM analyses in the Coastal Zone Consistency Chapter of the DEIS, to be published in June 2021)

New York City LWRP Consistency Assessment Form

Federal Consistency Assessment Form and New York State Coastal Management Program –

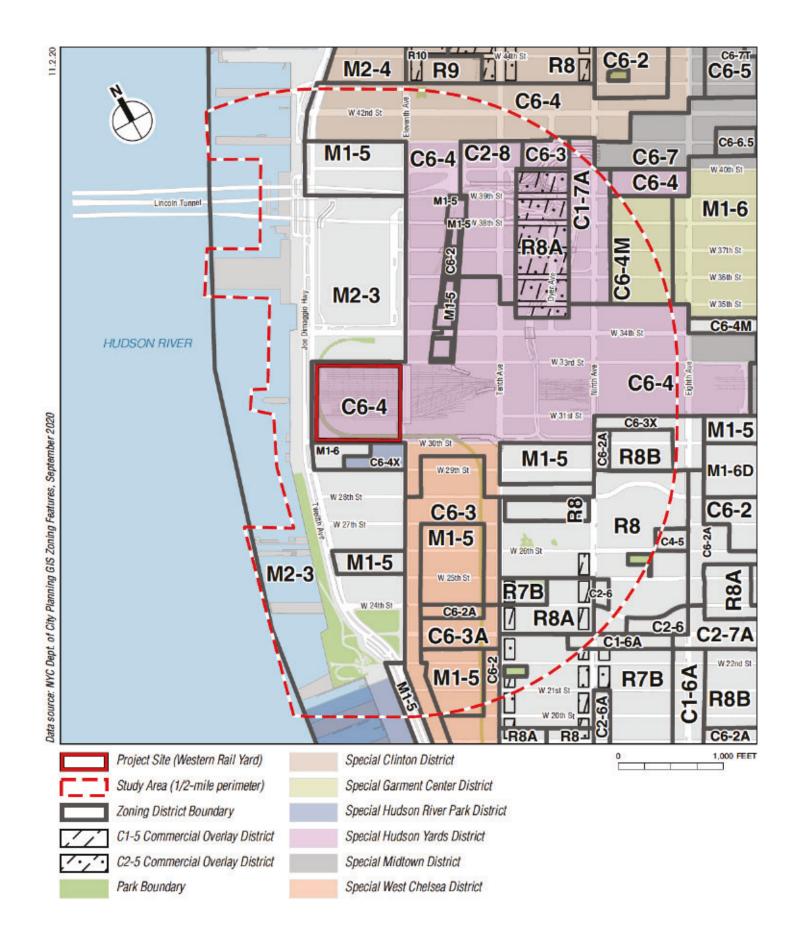
Proposed Tunnel Encasement

Approximate Terra Firma Area

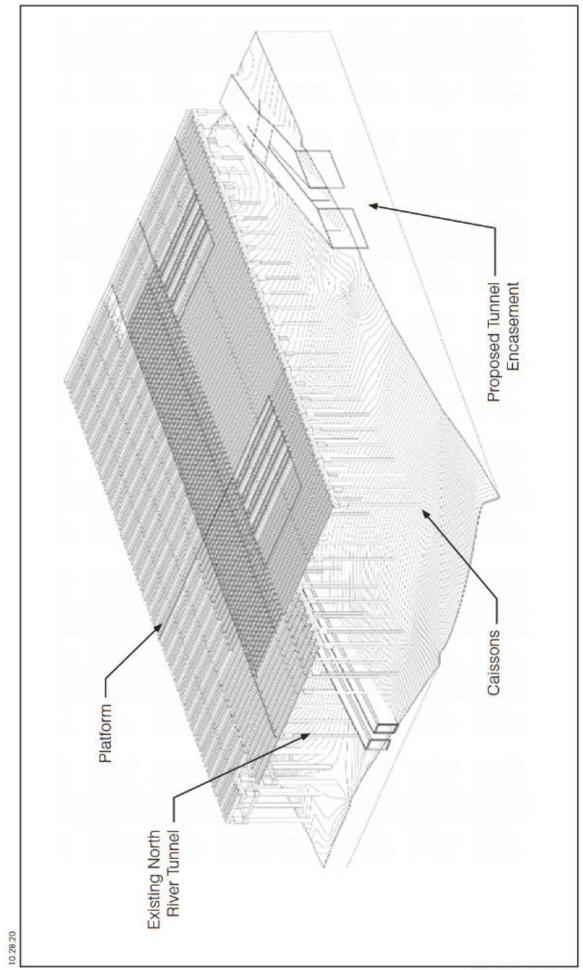
Hudson Yards

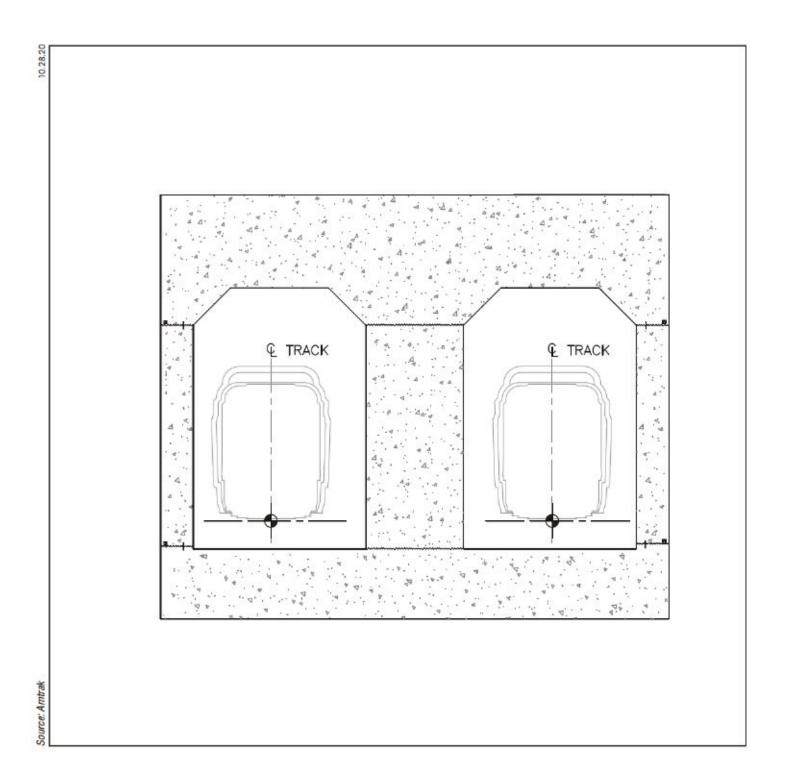
Proposed Platform





WESTERN RAIL YARD INFRASTRUCTURE PROJECT







Coastal Zone Consistency Determination

Please see Chapter 16, "Coastal Zone Consistency," for materials that were provided to New York Department of State Office of Planning and Development.



Appendix A

Coastal Assessment Forms

FOR INTERNAL USE ONLY	WRP No.
Date Received:	DOS No.

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the <u>New York City Waterfront Revitalization Program</u> (WRP) which has been approved as part of the State's Coastal Management Program.

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

Δ	APPI	ICA	NT	INFO	RMA"	TION
_	ALL:			11410	1/11/17	

Name of Applicant: Federal Railro	ad Administration
Name of Applicant Representative: I	Martys Osterhues
Address: 1200 New Jersey Aven	ue, SE, Washington, DC 20590
Telephone: (202) 493-0413	Email: Martys.Osterhues@dot.gov
Project site owner (if different than a	bove): WRY Tenant LLC, Andrew Rosen, ARosen@related.com, 212-80

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

Brief description of activity

FRA is evaluating potential financial assistance for the Western Rail Yard (WYR) Infrastructure Project (Proposed Action), which would consist of a new, approximately 9.8-acre Platform above the MTA's existing rail yard, which is used and operated by Long Island Rail Road (LIRR) as a commuter railroad storage yard and maintenance facility. The yard contains storage tracks for 12-car trains, a car cleaning platform, and other maintenance facilities for LIRR's commuter rail service into Penn Station. The Platform would include building foundations which would keep interruptions of yard operations to a minimum. The construction of the Platform would require the reconstruction and upgrades to approximately 20,000 square feet of railroad staff facilities and other LIRR support services including existing emergency electrical equipment, and rail car cleaning services. The Tunnel Encasement in WYR would extend from Eleventh Avenue to 30th Street. Amtrak estimates the concrete casing extension would be 605 feet long, between 50 and 65 feet wide and between 27 and 38 feet high under the Western Rail Yard. The Tunnel Encasement in WYR would extend from the recently completed encasement under Eleventh Avenue and the Eastern Rail Yard. Together, the encasement below both rail yards (WYR and Eastern Rail Yard) would preserve a total right-of-way of approximately 1,400 feet. No permanent operational components, such as tracks, lighting, ventilation, or electrical system, would be constructed within the Tunnel Encasement as part of the Proposed Action.

2. Purpose of activity

The purpose of the Proposed Action is to (1) cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard to provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive Platform ventilation system; and (2) preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. The Platform is needed to support the provision of developable land area that would generate revenue for the MTA and its subsidiary agencies and modernize state-of-the-art life safety systems for the entire Western Rail Yard. The Tunnel Encasement is needed to maintain the ability to preserve passenger rail service in and out of New York Penn Station. New rail infrastructure is part of the effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued.

C.	PROJ	ECT LOCATION
	Borou	gh: Manhattan Tax Block/Lot(s): Block 676 / Lot 1 and Lot 5
	Street	Address: NA
	Name	of water body (if located on the waterfront): Hudson River
		UIRED ACTIONS OR APPROVALS at apply.
City	y Actio	ons/Approvals/Funding
	City P	lanning Commission Yes V No
		City Map Amendment
	Board	of Standards and Appeals ☐ Yes ✓ No Variance (use) Variance (bulk) Special Permit (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date:
	Other	City Approvals
		Legislation
Sta	te Act	ions/Approvals/Funding
		State permit or license, specify Agency: Permit type and number: Funding for Construction, specify: Funding of a Program, specify: Other, explain:
Fed	leral A	actions/Approvals/Funding
		Federal permit or license, specify Agency: Permit type and number:
		Funding for Construction, specify:
		runding of a Program, specify:
		Other, explain:
le th	is hein	g reviewed in conjunction with a loint Application for Permits?

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1.	Does the project require a waterfront site?	✓ Yes	□ No
2.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?	✓ Yes	□ No
3.	Is the project located on publicly owned land or receiving public assistance?	✓ Yes	□ No
4.	Is the project located within a FEMA 1% annual chance floodplain? (6.2)	▼ Yes	□ No
5.	Is the project located within a FEMA 0.2% annual chance floodplain? (6.2)	☐ Yes	▼ No
6.	Is the project located adjacent to or within a special area designation? See <u>Maps — Part III</u> of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).	☐ Yes	₹ No
	Significant Maritime and Industrial Area (SMIA) (2.1)		
	Special Natural Waterfront Area (SNWA) (4.1)		
	Priority Maritime Activity Zone (PMAZ) (3.5)		
	Recognized Ecological Complex (REC) (4.4)		
	West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)		

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the <u>NYC Waterfront Revitalization Program</u>. When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

55		Promote	Hinder	N/A
1	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	V		
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	1		
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	7		
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	7		
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.			7
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	7		

		Fromote	rannocr	
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.			
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.			V
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.			V
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.			V
2.4	Provide infrastructure improvements necessary to support working waterfront uses.			\
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.			7
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.			
3.1.	Support and encourage in-water recreational activities in suitable locations.			V
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.			V
3.3	Minimize conflicts between recreational boating and commercial ship operations.			V
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.			7
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.			V
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.			
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.			
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.			7
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	V		
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.			V
4.5	Protect and restore tidal and freshwater wetlands.	V		
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.			7
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	7		
4.8	Maintain and protect living aquatic resources.			

			***************************************	1202
5	Protect and improve water quality in the New York City coastal area.			
5.1	Manage direct or indirect discharges to waterbodies.	V		
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	7		
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.			7
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	V		
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.			7
6	Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.	7		
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	7		
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.	V		
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.			
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.			/
7	Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.	7		
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	✓		
7.2	Prevent and remediate discharge of petroleum products.	✓		
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	✓		
8	Provide public access to, from, and along New York City's coastal waters.	7		
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.			✓
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	✓		
8.3	Provide visual access to the waterfront where physically practical.	✓		
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.			✓

		Promot	e Hinder
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	✓	
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.		
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	✓	
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	✓	
9.2	Protect and enhance scenic values associated with natural resources.	✓	
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	✓	
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	✓	
10.2	Protect and preserve archaeological resources and artifacts.	✓	
The a Wate canno "The New Manag	ERTIFICATION Applicant or agent must certify that the proposed activity is consistent with New York City's appropriate of the proposed activity is consistent with New York City's appropriate of the made, the proposed activity shall not be undertaken. If this certification can be made, complete the proposed activity complies with New York State's approved Coastal Management Program as expected York City's approved Local Waterfront Revitalization Program, pursuant to New York State's gement Program, and will be conducted in a manner consistent with such program." Cant/Agent's Name: Marlys.Osterhues, Federal Railroad Administration	rtificat is Secti oressec	ion on. I in
Addre	1200 New Jersey Avenue, SE, Washington, DC 20590		
Telep	hone: (202) 493-0413 Email: Marlys.Osterhues@dot.gov		
•••	Cant/Agent's Signature: OSTERHUES Digitally signed by MARLYS A OSTERHUES Date: 2021.05.12 15:34:04 -04'00'		

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State
Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning

Waterfront and Open Space Division 120 Broadway, 31st Floor New York, New York 10271 212-720-3696 wrp@planning.nyc.gov www.nyc.gov/wrp **New York State Department of State**

Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

Copy of original signed NYC Consistency Assessment Form
Attachment with consistency assessment statements for all relevant policies
For Joint Applications for Permits, one (1) copy of the complete application package
Environmental Review documents
Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp



Appendix A

New York City WRP Policies

Table 1 List of New York City WRP Policies

CZM Policy Number	CZM Policy Name	Applicable to the Project	Not Applicable to the Project
Policy 1: S developme	support and facilitate commercial and residential development in an nt.	eas well-suite	d to such
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.		
1.2	Encourage non-industrial development that enlivens the waterfront and attracts the public.		
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.		
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.		
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.		
	Support water-dependent and industrial uses in New York City coastitution.	stal areas that	are well-suited
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.		
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area		
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.		
2.4	Provide infrastructure improvements necessary to support working waterfront uses.		
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.		
	Promote use of New York City's waterways for commercial and reci- transportation.	reational boat	ing and water-
3.1	Support and encourage in-water recreational activities in suitable locations.		
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.		
3.3	Minimize conflicts between recreational boating and commercial ship operations.		



Table 1 (cont'd) List of New York City WRP Policies

CZM Policy	List of New Yo	Applicable to the	Not Applicable to
Number	CZM Policy Name	Project	the Project
	ont'd): Promote use of New York City's waterways for commercial dependent transportation.	and recreation	onal boating
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.		
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	X	
Policy 4: F coastal are	Protect and restore the quality and function of ecological systems was.	ithin the New	York City
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.		
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.		
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	X	
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.		
4.5	Protect and restore tidal and freshwater wetlands.		
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.		
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	X	
4.8	Maintain and protect living aquatic resources.	X	
Policy 5: F	rotect and improve water quality in the New York City coastal area		
5.1	Manage direct or indirect discharges to waterbodies.	X	
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	X	
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	X	
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.		
5.5	Protect and improve water quality through cost-effective grey- infrastructure and in-water ecological strategies.		

May 2021 2

Table 1 (cont'd)
ist of New York City WRP Policies

	List of New Yo		
Policy		Applicable to the	Applicable to
Number	CZM Policy Name	Project	the Project
	Minimize loss of life, structures and natural resources caused by floor	oding and ero	sion, and
increase re	esilience to future conditions created by climate change.	-	
	Minimize losses from flooding and erosion by employing non-		
6.1	structural and structural management measures appropriate to	X	
	the condition and use of the property to be protected and the		
	surrounding area.		15
	Integrate consideration of the latest New York City projections of		
6.2	climate change and sea level rise (as published in New York	V	
6.2	City Panel on Climate Change 2015 Report, Chapter 2: Sea	X	
	Level Rise and Coastal Storms) into the planning and design of		
	projects in the city's Coastal Zone.		<u> </u>
0.0	Direct public funding for flood prevention or erosion control		
6.3	measures to those locations where the investment will yield		
	significant public benefit.		
6.4	Protect and preserve non-renewable sources of sand for beach		
D-U7-1	nourishment.	1 11 6	2.1
	Ainimize environmental degradation and negative impacts on public		
	ants, hazardous materials, and industrial materials that may pose ri th and safety.	isks of the en	vironment and
public neal			r
	Manage solid waste material, hazardous wastes, toxic		
7.1	pollutants, and substances hazardous to the environment to	X	
	protect public health, control pollution and prevent degradation		
7.0	of coastal ecosystems.		8
7.2	Prevent and remediate discharge of petroleum products.		
7.0	Transport solid waste and hazardous substances and site solid		
7.3	and hazardous waste facilities in a manner that minimizes		
Delieu O. F	potential degradation of coastal resources.	<u> </u>	
Policy 8: F	Provide public access to and along New York City's coastal waters.		
8.1	Preserve, protect and maintain existing physical, visual, and		
	recreational access to the waterfront.		S
0.0	Incorporate public access into new public and private		
8.2	development where compatible with proposed land use and		
P. Bertago	coastal location.		40
8.3	Provide visual access to the waterfront where physically		
	practical.		
8.4	Preserve and develop waterfront open space and recreation on		
	publicly owned land at suitable locations.	7	S
8.5	Preserve the public interest in and use of lands and waters held		
30.30	in public trust by the State and City.		
8.6	Design waterfront public spaces to encourage the waterfront's		
D-U 0- F	identity and encourage stewardship.	V1-0't	
Policy 9: F	Protect scenic resources that contribute to the visual quality of the	iew York City	coastal area.
9.1	Protect and improve visual quality associated with New York		
	City's urban context and the historic and working waterfront.		
9.2	Protect scenic values associated with natural resources.		
	Protect, preserve, and enhance resources significant to the historic	cai, archaeolo	gical, and
cultural leg	acy of the New York City coastal area.		20
10.1	Retain and preserve designated historic resources and enhance	X	
1000	resources significant to the coastal culture of New York City.	N	
10.2	Protect and preserve archaeological resources and artifacts.	X	A

3

NEW YORK STATE DEPARTMENT OF STATE COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

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

A.	APPLICANT	(please print)

	Lodoro			nistration
 Name 	· FEURIA	I RaillOac	. ~	I IISH AHOH
I. Ivanic		I I WIII OUG		I II OU OU OI I

- Address: 1200 New Jersey Avenue, SE, Washington, DC 20590
- 3. Telephone: Area Code () (202) 493-0413

B. PROPOSED ACTIVITY:

1. Brief description of activity:

A new 9.8-acre Platform above the MTA's existing rail yard and reconstruction and upgrades to railroad staff facilities and other LIRR support services. A 605-foot-long Tunnel Encasement under the Western Rail Yard.

2. Purpose of activity:

Provide additional new capacity for real estate development, protect rail yard, house critical life-safety and operations services for the rail yard, and preserve an underground rail road right-of-way.

Disale CTC | sta 10 F

Location of activity:

	New York	New York	BIOCK 6/6, LOTS 1&5
	County	City, Town, or Village	Street or Site Description
4.	Type of federal permit/license	required: N/A	
5.	Federal application number, if	known: N/A	

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

New York State-Department of Environmental Conservation: Soil Erosion-Control

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity. 1. Will the proposed activity result in any of the following: YES/NO Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) d. Reduction of existing or potential public access to or along coastal waters? (19, 20) e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9.10) f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) g. Siting of a facility essential to the generation or transmission of energy? (27) h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) Draining of stormwater runoff or sewer overflows into coastal waters? (33) k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) Adverse effect upon land or water uses within the State's small harbors? (4) 2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO a. State designated freshwater or tidal wetland? (44) Federally designated flood and/or state designated erosion hazard area? (11, 12, 17) c. State designated significant fish and/or wildlife habitat? (7) d. State designated significant scenic resource or area? (24) e. State designated important agricultural lands? (26) f. Beach, dune or Barrier Island? (12) g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) h. State, county, or local park? (19, 20) i. Historic resource listed on the National or State Register of Historic Places? (23) 3. Will the proposed activity require any of the following: YES/NO a. Waterfront site? (2, 21, 22) b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) d. State water quality permit or certification? (30, 38, 40) e. State air quality permit or certification? (41, 43) 4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program?

(see policies in program document*)

D. ADDITIONAL STEPS

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

E. CERTIFICATION

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

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

Applicant/Agent's Name:	Federal Rail	road Administration/Marlys Osterhue	S
Address: 1200 Nev	w Jersey Ave	enue, SE, Washington, DC 20590	
Telephone: Area Code ((202) 49	3-0413	
Applicant/Agent's Signate	MARLYS A ure: OSTERHUES	Digitally signed by MARLYS A OSTERHUES Date: 2021.05.12 15:28:54 -04'00' Date:	

F. SUBMISSION REQUIREMENTS

- 1. The applicant or agent shall submit the following documents to the New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.
 - Copy of original signed form.
 - b. Copy of the completed federal agency application.
 - c. Other available information which would support the certification of consistency.
- The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.
- If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

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



New York State Coastal Management Program - Federal Consistency Assessment

The following table identifies the New York State Coastal Management Program (CMP) policies that were answered "Yes" in Section C and the applicable New York City Waterfront Revitalization Program policies that apply to that CMP policy and were evaluated in detail in the Coastal Zone Consistency Chapter in the Draft Environmental Impact Statement.

New York State Coastal Management Program Policies Indicated as Requiring Evaluation on the Federal Consistency Assessment Form and the Applicable New York City Waterfront Revitalization Program Policy Discussions

Yes -Relevant NYC WRP Policy Coastal Assessment Questions Discussions No 1. Will the proposed activity result in any of the following: 1a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 1.1. 1.2. 1.3 38, 41, 43) 1b. Physical alteration of more than two acres of land along the shoreline, 1.1, 1.2, 1.3 land under water, or coastal waters? (2, 11, 12, 20, 28, 35, 44) 1c. Revitalization/redevelopment of a deteriorated or underutilized waterfront X site? (1) 1d. Reduction of existing or potential public access to or along coastal X waters? (19, 20) 1e. Adverse effect upon the commercial or recreational use of coastal fish X resources? (9, 10) 1f. Siting of a facility essential to the exploration, development, and production of energy resources in coastal waters or on the Outer Continental X 1g. Siting of a facility essential to the generation or transmission of energy? X (27)1h. Mining, excavation, or dredging activities, or the placement or dredged or X fill material in coastal waters? (15, 35) 1i. Discharge of toxics, hazardous substances, or other pollutants into X coastal waters? (8, 15, 35) 1j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) 1.3, 5.1, 5.2 1k. Transport, storage, treatment, or disposal of solid wastes or hazardous 7.1, 7.2, 7.3 materials? (36, 39) 11. Adverse effect upon land or water uses within the State's small harbors? X 2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: 2a. State designated freshwater or tidal wetland? (44) 4.3, 4.5



New York State Coastal Management Program Policies Indicated as Requiring Evaluation on the Federal Consistency Assessment Form and the Applicable New York City Waterfront Revitalization Program Policy Discussions

		iscussions
Coastal Assessment Questions	Yes - Relevant NYC WRP Policy Discussions	No
2b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)	1.5, 6.1, 6.2	
2 (cont'd). Will the proposed activity affect or be located in, on, or adjacent to any of the following:		
2c. State designated significant fish and/or wildlife habitat? (7)		X
2d. State designated significant scenic resource or area? (24)		X
2e. State designated important agricultural lands? (26)		X
2f. Beach, dune, or Barrier Island? (12)		X
2g. Major ports of Albany, Buffalo, Ogdensburg, Oswego, or New York? (3)		X
2h. State, county, or local park? (19, 20)	10.1	
2i. Historic resource listed on the National or State Register of Historic Places? (23)	10.1	
3. Will the proposed activity require any of the following?		
3a. Waterfront site? (2, 21, 22)		X
3b. Provision of new public services or infrastructure in underdeveloped or sparsely populated sections of the coastal area? (5)		X
3c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)		х
3d. State water quality permit or certification? (30, 38 and 40)		X
3e. State air quality permit or certification? (41, 43)		X
4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program?	NYC Waterfront Revitalization Program	



Appendix B

Flood Evaluation Worksheet

NYC Waterfront Revitalization Program - Policy 6.2 Flood Elevation Workhsheet

COMPLETE INSTRUCTIONS ON HOW TO USE THIS WORKSHEET ARE PROVIDED IN THE "CLIMATE CHANGE ADAPTATION GUIDANCE" DOCUMENT AVAILABLE AT www.inc.gow/wnp

Enter information about the project and site in highlighted cells in Tabs 1-3. Tab 4, "Summary Charts" contains primary results. Tab 5, "0,2%+SR" produces charts to be used for critical language of marking a site survey is not available. Non-highlighted cells have been locked.

Background Information	
Project Name	Western Rail Yard Infrastructure Project
Location	The western half of the MTA LIRR John D. Caemmerer Yard (Block 676, Lot 1 and 5) in Manhattan, New York.
Type(s)	Reutential Commercial Parking Open Space and Tidel Welland Restoration Commercial Interpretation Industrial Uses
	Over-water Structures Shoreline Structures Transportation Wantewater Coastal Proaction
Description	The Preferred Alternative is the construction of a 9.8-acre structural steel and concrete Platform above Metropolitan Transportation Authority's (MTA) existing rail yard, which is used and operated by the Long Island Rail Road (LIRR) as a commuter railroad storage yard and maintenance facility, and a railroad right-of-way preservation Tunnel Encasement that would preserve the right-of-way for new rail infrastructure to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Perin Station.
Planned Completion Date	2026
Expected Project Lifespan 100-year design life	100-year design life

The New York City Waterfant Resitations Program Clanate Change Adaptation Guidence document was developed by the NYC Department of City Planning. It is a guidance document and is not intended to serve as a substitute for account and also be contained have in and shall not be responsible for any demonstal or account or account of or in connection with the use of this information. The City responsible for the injury or account of the information in this guidance document at any time and without native.

For technical assistance on using this worksheet, email wrp@planning.nyc.gov, using the message subject "Policy 6.2 Worksheet."

Last appliate: Sept. 7, 2018

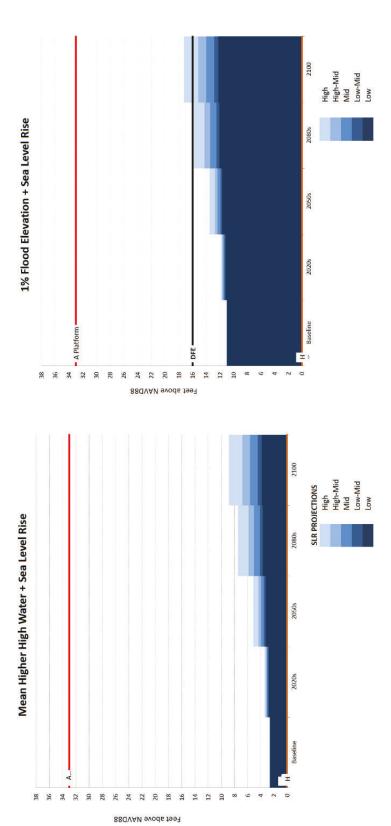
Establish current tidal and flood heights.

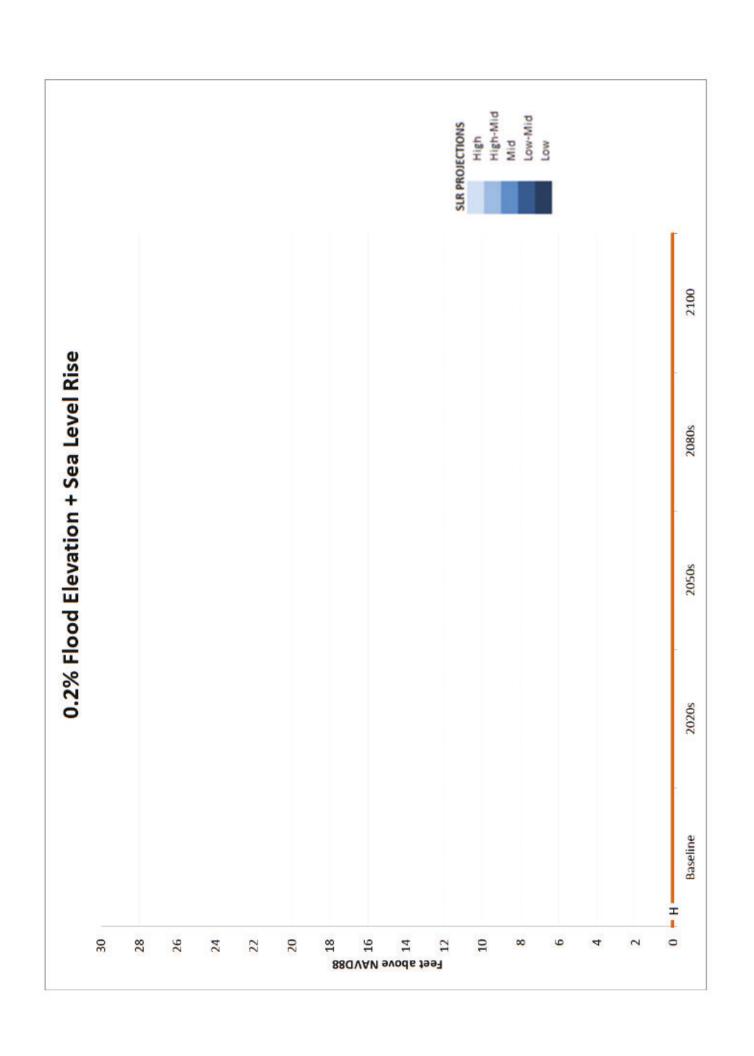
2.61 NAVD88 11.00 NAVD88 16.00 NAVD88	D88) Feet Datum Source
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Data will be converted based on the following datums:

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Datum	FT (NAVD88)
NAVD88	0.00
NGVD29	-1.10
Manhattan Datum	1.65
Bronx Datum	1.51
Brooklyn Datum (Sewer)	0.61
Brooklyn Datum (Highway)	1.45
Queens Datum	1.63
Richmond Datum	2.09

0.2% flood heig Ft Above Ft Above NAVD88 NAVD88 NAVD88 Elevation Units Datum NAVD88 NAVD88 NAVD88 NAVD88 NAVD88 Feet Feet Feet Feet Feet Feet Feet A Platform A 9.8-acre structural steel and concere Platform constructed above the MTA's existing rail yard. Reconstruction/upgrades to LIRR facilities, including existing emergency electrical equipment, and rail car cleaning services. Platform would house critical life safety and mechanical, electrical, and plumbing support services for the yard, including new lighting, sprinklers, and an extensive platform ventilation system. Other H Ortical Operatially Hazardous Other Description of Planned Uses and Materials Other Description of Planned Uses and Materials E Using the Critical Potentially Hazardous Other Other Description of Planned Uses and Materials F Other Critical Potentially Hazardous Other Oction Protentially Hazardous Other ☐ Potentially Hazardous ☐ Other Dotentially Hazardous ☐ Vulnerable ☐ Critical Description of Planned Uses and Materials Describe key physical features of the project. sscription of Planned Uses and Materials





	Low	L	ow-Mid	Mid	High-Mid	High	
Baseline		0.00	0.00	0.00	0.00	0.00	2014
2020s		0.17	0.33	0.50	0.67	0.83	2020s
2050s		0.67	0.92	1.33	1.75	2.50	2050s
2080s		1.08	1.50	2.42	3.25	4.83	2080s
2100		1.25	1.83	3.00	4.17	6.25	2100

	Low	Lo	w-Mid	Mid	High-Mid	High
Baseline		2.61	2.61	2.61	2.61	2.61
2020s		2.78	2.94	3.11	3.28	3.44
2050s		3.28	3.53	3.94	4.36	5.11
2080s		3.69	4.11	5.03	5.86	7.44
2100		3.86	4.44	5.61	6.78	8.86

1%+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	11.00	11.00	11.00	11.00	11.00
2020s	11.17	11.33	11.50	11.67	11.83
2050s	11.67	11.92	12.33	12.75	13.50
2080s	12.08	12.50	13.42	14.25	15.83
2100	12.25	12.83	14.00	15.17	17.25

0.2%+SLR (ft above NAVD88)

	0.2%+SLR (T	t above NAV	(מאטי		
	Low	Low-Mid	Mid	High-Mid	High
Baseline	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2020s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2050s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2080s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2100	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
	0	1			
A Platform	33	33			
В	0	0			
C	0	0			
D	0	0			
E	0	0			
F	0	0			
G	0	0			
Н	0	0			

16.00

16.00

DFE

SLR (in)

Low	Lov	v-Mid	Mid	High-Mid	High
	0	0	C	0	0
	2	4	6	8	10
	8	11	16	21	30
	13	18	29	39	58
	15	22	36	50	75

NOAA Tide Station Data

(to be used only when a site survey is unavailable)

Station ID	ID Station Name Source MHHW (Feet, NAVD88)*		Adjusted MHHW (Feet, NAVD88)*	
8518687	Queensboro Bridge	2.27	2.60	
8530095	Alpine	2.11	2.44	
8516614	Glen Cove	3.72	4.05	
8516990	Willets Point	3.72	4.05	
8518639	Port Morris	3.33	3.66	
8518699	Williamsburg Bridge	2.14	2.47	
8518750	The Battery	2.28	2.61	
8531680	Sandy Hook	2.41	2.74	
8518490	New Rochelle	3.71	4.04	
8531545	Keyport	2.66	2.99	
8516891	Norton Point	2.08	2.41	
8517201	North Channel	2.72	3.05	
8517137	Beach Channel	2.10	2.43	
8517756	Kingsborough	2.13	2.46	
8519436	Great Kills	2.22	2.55	
8531142	Port Reading	2.82	3.15	
8519483	Bergen Point	2.56	2.89	
8519050	USCG	2.28	2.61	
8518902	Dyckman St	2.01	2.34	
8517251	Worlds Fair Marina	3.59	3.92	
8518668	Horns Hook	2.54	2.87	
8518643	Randalls Island	2.60	2.93	
8518526	Throggs Neck	3.68	4.01	

^{*} MHHW values include an addition 0.33 feet to account for changes in sea level since the 1983-200

Source
NOAA Tides and Currents
NOAA VDATUM
NOAA Tides and Currents
NOAA VDATUM
NOAA Tides and Currents
NOAA Tides and Currents
NOAA VDATUM
NOAA VDATUM
NOAA VDATUM
NOAA Tides and Currents

01 tidal epoch.



