



**Joint Application for Permit
NYSDEC Artificial Reef Program**

For

New York State Department of Environmental Conservation

June 3, 2020

Prepared by

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1 Project Description and Proposed Activity

The NYSDEC's Artificial Reef Program (Program) maintains a series of reef sites in the waters of New York's Marine and Coastal District (MCD). Program goals are to administer and manage artificial reef habitat as part of a fisheries management program, provide fishing and diving opportunities, and enhance or restore fishery resources and associated habitat through the selective placement of artificial reef habitat (i.e. natural rock, concrete and steel) in the MCD under Programmatic guidelines. In 1993, the NYSDEC completed a GEIS/Reef Plan, which allowed for the issuance of a general permit for the development of artificial reefs within the study area. As the NYSDEC Artificial Reef Program developed, additional NYSDEC and United States Army Corps of Engineers (USACE) permits were obtained to provide authority to place material to meet specific goals of the Program outlined in the GEIS/Reef Plan.

1.1 Proposed Action

The Proposed Action includes the assessment of continued use of existing reef sites, the expansion of seven existing sites (Rockaway, Hempstead, Fire Island, Smithtown, McAllister Grounds, Moriches and Shinnecock reefs) and the addition and creation of four new sites (Sixteen Fathoms, Huntington/Oyster Bay, Port Jefferson/Mount Sinai and Mattituck reefs; **Table 1 and Figure 1 Error! Reference source not found.**). NYSDEC will acquire the required State and Federal permits (discussed in Section 1.2) prior to placing material at reef locations. The reef sites are located near or accessible to Long Island harbors and embayments through local inlets.

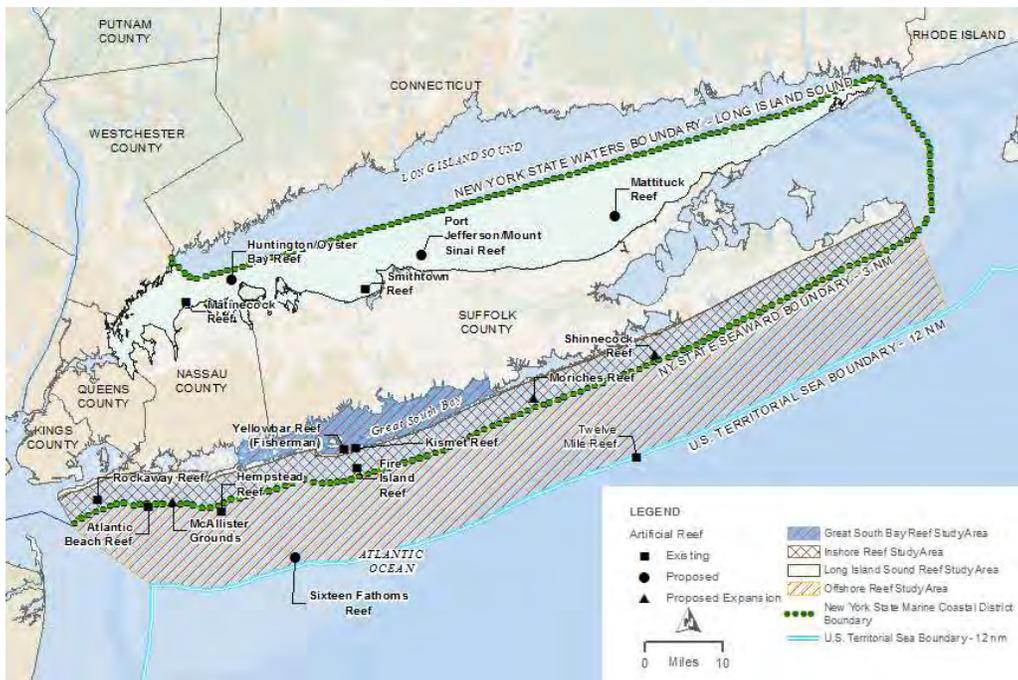


Figure 1. Proposed Action Reef Locations, Modifications, and Study Area



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Table 1. Reef Location, Status, and Proposed Action

Reef	Location – Category	Previously Analyzed or Permitted Acreage	Development Status (%)	Proposed Action	Location Latitude / Longitude
Atlantic Ocean – Inshore					
Rockaway	Atlantic Ocean – Inshore	413	80%	Expand to 635 Acres	40°32.453'N / 073°50.558'W
McAllister Grounds	Atlantic Ocean – Inshore	115	75%	Expand to 425 Acres	40°32.207'N / 073°39.441'W
Fire Island	Atlantic Ocean – Inshore	744	70%	Expand to 850 Acres	40°35.863'N / 073°12.423'W
Moriches	Atlantic Ocean - Inshore	14	90%	Expand to 850 Acres	40°43.476'N / 072°46.479'W
Shinnecock	Atlantic Ocean - Inshore	35	85%	Expand to 850 Acres	40°48.135'N / 072°28.483'W
Atlantic Ocean - Offshore					
Atlantic Beach	Atlantic Ocean - Offshore	413	87%	Continued Use	40°31.792'N / 073°43.018'W
Hempstead	Atlantic Ocean - Offshore	744	60%	Expand to 850 Acres	40°31.107'N / 073°32.393'W
Sixteen Fathom	Atlantic Ocean – Offshore	0	Undeveloped- New Site	Create New 850 Acre Reef	40°25.927'N / 073°21.603'W
Twelve Mile	Atlantic Ocean – Offshore	850	5%	Continued Use	40°36.778'N / 072°31.538'W
Great South Bay					
Yellowbar	Great South Bay	7	60%	Continued Use	40°37.974'N / 073°14.503'W
Kismet	Great South Bay	10	85%	Continued Use	40°38.198'N / 073°12.702'W
Long Island Sound					
Matinecock	Long Island Sound	41	10%	Continued Use	40°54.586'N / 073°37.469'W
Huntington/Oyster Bay	Long Island Sound	0	Undeveloped- New Site	Create New 50 Acre Reef	40°57'26.05"N / 073°27'41.259"W
Smithtown	Long Island Sound	3	80%	Expand to 31 Acres	40°55.967'N / 073°11.100'W
Port Jefferson/Mount Sinai	Long Island Sound	0	Undeveloped- New Site	Create New 50 Acre Reef	40°59'56.43"N / 073°4'7.635"W
Mattituck	Long Island Sound	0	Undeveloped- New Site	Create New 50 Acre Reef	41°3'21.386"N / 072°34'24.102"W

Artificial reefs are developed using a patch reef system. Materials are transported to the reef site either on a barge (i.e. natural stone and concrete) or towed out by vessel (i.e. steel barges or vessels) under Program supervision. Patch reef development includes the placement of material in discrete locations or “targets” separated by undisturbed benthic habitat. This construction method results in a larger Project footprint but allows for the area between the patches to remain as undisturbed benthic habitat thereby reducing impacts to the benthic community (Figure 2).

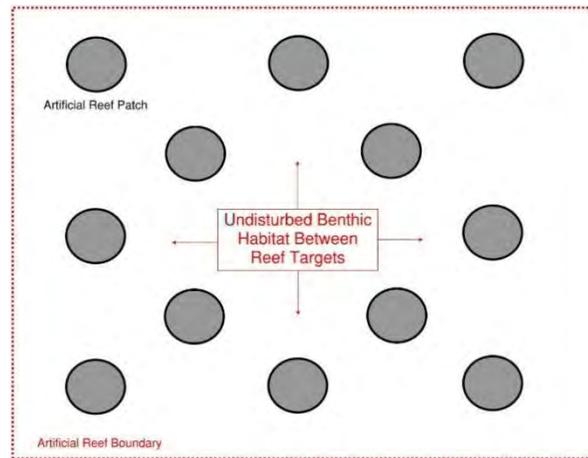


Figure 2. Typical Patch Reef

This configuration increases the enhancement of the local natural habitat by introducing profiled hard structure for colonization and reef development. The structures attract a variety of marine life including recreationally important finfish species sought by anglers and divers. Artificial reefs provide stable surfaces for attachment for benthic organisms such as anemones, corals, sponges, hydroids, and bryozoans that would not otherwise be able to colonize on the sandy, unstable seafloor sediments that are dominant in the region. These reefs also provide shelter and foraging ground for marine organisms such as structure associated fish and other demersal species (New York State Department of Environmental Conservation, 2015; New York State Department of Environmental Conservation, 2015)

1.1 Permit Status

Reefs are located within the Atlantic Ocean, Great South Bay, and Long Island Sound (Figure 1). NYSDEC secured permits to place reef materials for a 10-year period. Permits have been issued by USACE and NYSDEC for the reefs as summarized in Table 2. The permit authority, permit number, issued dates and expiration dates are summarized below:



Joint Application for Permit: NYSDEC Artificial Reef Program

Table 2. Summary of Existing USACE and NYSDEC Permits

Reef Name	USACE Permit No.	NYSDEC Permit No.
Rockaway	NAN-2015-00276, expires 10/6/2025	2-6309-00021/00005, expires 9/14/2025
Smithtown	NAN-2018-00316, expires 6/27/2028	1-4734-02525/00001, expires 6/3/2028
Hempstead Fire Island Moriches Shinnecock Twelve Mile	NAN-2007-00030-M1, expires 12/31/2020	1-9901-0003/00015, expires 12/31/2020
Atlantic Beach McAllister Grounds Kismet Yellowbar Matinecock	NAN-2019-00532, expires 7/18/2029	1-9901-00003/00018, expires 6/10/2029

For this permit application, NYSDEC requests 10-year permits to place materials on the reefs summarized in Table 1.

Materials proposed for placement include clean concrete, rock, or clean steel which will be placed within the artificial reef sites in discrete locations to provide patches of hard bottom habitat separated by undisturbed benthic habitat.

Materials will be transported to the reef site either by barge (i.e. natural stone and concrete) or towed out by vessel (i.e. steel barges or vessels) under Program supervision using the same construction methods that were used for the previously permitted sites. The materials will be deployed on pre-designated site targets to produce a patch reef configuration which increases the enhancement of the local natural habitat by introducing profiled hard structure for colonization and reef development while maintaining areas of natural bottom habitat between patch reef structures. The different structures will attract a variety of marine life including recreationally important finfish and crustaceans (i.e. lobster) species sought by anglers and divers.

The materials will be deployed in a manner that avoids interference with navigation. Additional information, including controlling depths, is provided in Section 1.1 of the attached Environmental Impact Statement (Attachment I). A post-deployment survey will be conducted to verify proper placement of materials and controlling depth consistency. The sites will be assessed periodically to ensure compliance with permits.

1.2 Regulatory Approvals

Multiple State and federal Agencies are involved with different aspects of the Program. The necessary permits, approvals, and involved Federal and State Agencies are summarized in Table 3 below.



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Table 3. Required Federal and State Agency Permits and Approvals

Agency	Permit/Approval
U.S. Army Corps of Engineers (USACE)	Joint Permit Application
National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)	Essential Fish Habitat (EFH) Consultation Endangered Species Act (ESA) Consultation
NOAA	Marine Mammal Protection Act (MMPA) Consultation
U.S. Coast Guard	Consultation
NYSDEC	Joint Permit Application (Water Quality Certification)
New York State Department of State (NYSDOS)	Coastal Zone Consistency Determination
New York State Office of General Services (NYSOGS)	Subsidy Lease
New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)	Historic and Cultural Resources Consultation

The latest state and federal permits that authorized placement of materials at the existing reef sites is provided in Table 4. The previously permitted areas under the GEIS encompass 3,389 acres of sea floor, but none has reached full development. The latest state and federal permits that authorized placement of materials at these reef sites expires on August 5, 2020. A permit modification was granted on April 30, 2020 for the Hempstead, Fire Island, Moriches, Shinnecock, and Twelve Mile reef sites and expires on December 31, 2020. The modification was made to the original USACE permit number NAN-2007-00030.

Table 4. Summary of Existing USACE and NYSDEC Permits

Reef Name	USACE Permit No.	NYSDEC Permit No.
Rockaway	NAN-2015-00276, expires 10/6/2025	2-6309-00021/00005, expires 9/14/2025
Smithtown	NAN-2018-00316, expires 6/27/2028	1-4734-02525/00001, expires 6/3/2028
Hempstead, Fire Island, Moriches, Shinnecock, Twelve Mile	NAN-2007-00030-M1, expires 12/31/2020	1-9901-0003/00015, expires 12/31/2020
Atlantic Beach, McAllister Grounds, Kismet, Yellowbar, Matinecock	NAN-2019-00532, expires 7/18/2029	1-9901-00003/00018, expires 6/10/2029



2 Additional Information In Support of Joint Permit Application Form: (Attachment A)

The sections below have been referenced in Part 6 Project Description of the Joint Permit Application. Additional information for the proposed project is provided below.

2.1 Purpose and Need

The purpose of the artificial reef program in New York is to fulfil its obligation under the National Fishing Enhancement Act in accordance with the standards of the National Artificial Reef Plan. The proposed action seeks to continue the use of all reef sites, expand seven existing sites, and create four new artificial reef sites to enhance the existing network of artificial reefs in the Atlantic Ocean, Great South Bay, Long Island Sound by providing a hard substrate that benefit fish, shellfish and crustaceans; fishing grounds for anglers, and underwater structures attractive to scuba divers. Specifically, the purpose of the project is to:

- enhance or restore fishery resources and associated habitat, to the maximum extent practicable, utilizing artificial habitat;
- administer and manage artificial habitat to ensure its prudent use as part of an overall fisheries management program; and
- provide fishing and diving opportunities for reef-associated fishery resources by selective placement of artificial habitat in State and adjacent Federal waters.

All of these uses ultimately share the common purpose of enhancing or increasing the marine habitat available for associated fishes and other organisms. Planned manmade reefs can provide local economic benefits because fish and benthic organisms utilize the structure provided at known locations and are often popular attractions for commercial and recreational fishermen, and divers.

The Proposed Action is needed to provide the complex hard bottom habitat to enhance fisheries and benthic communities, provide enhanced recreational fishing and diving opportunities; and offer additional socio-economic benefits to local coastal communities. The requested permit for twelve previously permitted and/or expanded sites and four newly permitted sites is needed to maintain and fully develop the proposed site footprints. Additional information on the purpose and need is available in Section 1.2 of the Environmental Impact Statement (Attachment I).

2.2 Description of Current Site Conditions

A summary of conditions and development status for each of the five reef locations is shown in Table 1 above. New reef sites are entirely undeveloped and consist of sandy sediments. The



existing reefs are in varying stages of development and consist of a variety of materials deployed in a patch reef configuration. This configuration increases the enhancement of the local natural habitat by introducing profiled hard structure for colonization and reef development while maintaining areas of natural bottom habitat between patch reef structures. Additional information on conditions is available in Section 2 of the Environmental Impact Statement (Attachment I).

2.3 Proposed Site Changes

The proposed site changes will include the placement of reef materials within the undeveloped portions of each of the previously permitted reef locations, expanded reef locations, and new reef locations. The types and placement of artificial reef materials will be consistent with 1993 GEIS, the previous permits, and 2020 FSGEIS. Additional information on proposed site changes is available in Section 1.2 of the Environmental Impact Statement (Attachment I).

2.4 Types of Structures and Fill Materials to be Used and Quantity

The potential reef materials will be inspected for suitability by NYSDEC Reef Program staff to ensure they are clean and free of contaminants and dismantled where necessary. The materials will be in accordance with the NY State FSGEIS, Plan for the Development and Management of Artificial Reefs in New York's Marine and Coastal District, the NYSDEC Marine Artificial Reef Materials Preparation Criteria and Special Conditions, and the National Artificial Reef Plan. Typical materials may consist of, but are not limited to, clean concrete, clean rock, and clean steel.

A total of 3,423 acres of previously permitted undeveloped and new artificial reef footprints are proposed for development. The remaining developed areas at individual reef sites are shown in the Table 1 above. Volumes would be dependent on depths and available materials at the time of placement. Additional information on the types of structures and fill materials to be used is available in Section 1.2 and 1.3 of the Environmental Impact Statement (Attachment I).

2.5 Area of Excavation or Dredging

There is no excavation or dredging proposed as a part of this project.

2.6 Work Methods and Type of Equipment to Be Used

Materials are transported to the reef site either by barge or towed out by vessel under Program supervision. Materials consist of clean concrete, rock, or steel. Barge mounted equipment such as excavators, and cranes, will be used to deploy materials on pre-designated targets to produce a patch reef configuration. Additional information on the work methods and type of equipment to be used is available in Section 1.2 of the Environmental Impact Statement (Attachment I).



2.7 Planned Sequence of Activities

Materials would be placed at multiple times over the course of the permit period. Surveys would be conducted to ensure proper placement and maintain control depths to avoid conflicts with vessels. Materials would be transported to the reef site either by barge or towed out by vessel under Program supervision. Additional information on the planned sequence of activities is available in Section 1.2 of the Environmental Impact Statement (Attachment I).

2.8 Pollution Control Methods and Other Actions Proposed to Mitigate Environmental Effects

The potential reef materials will be inspected for suitability by NYSDEC Reef Program staff to ensure they are clean and free of contaminants and dismantled where necessary. Vessels will also be inspected by the United States Coast Guard. The materials used will be in accordance with the NY State FSGEIS, Plan for the Development and Management of Artificial Reefs in New York's Marine and Coastal District, the NYSDEC Marine Artificial Reef Materials Preparation Criteria and Special Conditions, and the National Artificial Reef Plan.

Construction best management practices such as an oil spill response plan will be developed. Additional information on pollution control methods and actions proposed to mitigate environmental effects is available in Sections 1.2 and 3.6 of the Environmental Impact Statement (Attachment I).

2.9 Erosion and Silt Control Methods

Materials will be placed below the MLLW line in the Long Island Sound, Great South Bay, and/or Atlantic Ocean and therefore would not result in erosion or the need for silt control methods. Therefore no erosion or silt control methods are applicable.

2.10 Alternatives Considered to Avoid Regulated Areas

The proposed activity would occur within the footprint of reef sites that have been previously evaluated and permitted. Site expansions and new proposed sites were evaluated through a screening assessment to avoid regulated areas as described in section 2.1 of the Environmental Impact Statement (Attachment I). As required by SEQRA (6 CRR NY Part 617.9[b] [5] [v]), the project sponsor (NYSDEC) considered a range of alternatives to the Proposed Action, including the No Action alternative. The alternatives analysis provides a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the purpose and need of the Project. The Alternative Analysis can be found in Section 4 of the Environmental Impact Statement (Attachment I).



The proposed project would minimize impacts by utilizing the patch reef method of installation, which results in a smaller benthic footprint and reduces impacts to the benthic community. Additional information on the alternatives considered is available in Section 4 of the Environmental Impact Statement (Attachment I).

2.11 Work Begun on Project

Existing artificial reef sites have been constructed under previous permits. Additional information on materials currently in place at each reef site can be found in Section 1.1.1, Table 1-3 of the Environmental Impact Statement (Attachment I). No work has begun on the Proposed Action.

2.12 Project Occupancy on Federal, State, or Municipal Land

The project will occupy underwaterlands owned by the New York State Office of General Services, and the Federal Government.

2.13 Previous DEC and USACE Permit / Application Numbers

A list of previous NYSDEC and USACE permits can be found in Section 1.2, Table 2 above. Additional information on permitting can be found in Section 1 of the Environmental Impact Statement (Attachment I).

2.14 Federal, State, and Local Authorizations

Multiple state and federal agencies as well as local municipalities are involved with different aspects of the Program. Additional information on federal, state, and local authorizations for the proposed project can be found in Section 1.7 of the Environmental Impact Statement (Attachment I).



Attachment A

Permit Application Forms

- **Joint Application for Permit used in the State of New York**
- **US Army Corps of Engineers Environmental Questionnaire**



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
>NYS Department of Environmental Conservation
Check all permits that apply: Stream Disturbance, Dams and Impoundment Structures, Tidal Wetlands, Water Withdrawal, etc.
>US Army Corps of Engineers
Check all permits that apply: Section 404 Clean Water Act, Section 10 Rivers and Harbors Act
>NYS Office of General Services
Check all permits that apply: State Owned Lands Under Water, Utility Easement, Docks, Moorings or Platforms
>NYS Department of State
Check if this applies: Coastal Consistency Concurrence

2. Name of Applicant
Name, Taxpayer ID, Mailing Address, Post Office / City, State, Zip, Telephone, Email
Applicant Must be (check all that apply): Owner, Operator, Lessee

3. Name of Property Owner (if different than Applicant)
Name, Mailing Address, Post Office / City, State, Zip, Telephone, Email

For Agency Use Only Agency Application Number:

4. Name of Contact / Agent

Mailing Address Post Office / City State Zip

Telephone Email

5. Project / Facility Name Property Tax Map Section / Block / Lot Number:

Project Street Address, if applicable Post Office / City State Zip

Provide directions and distances to roads, intersections, bridges and bodies of water

Town Village City County Stream/Waterbody Name

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: ° ' " Longitude: ° ' "

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

b. Description of current site conditions:

c. Proposed site changes:

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

f. Is tree cutting or clearing proposed? Yes If Yes, explain below. No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut: Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

h. Describe the planned sequence of activities:

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

j. Erosion and silt control methods that will be used to prevent water quality impacts:

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

l. Proposed use: Private Public Commercial

m. Proposed Start Date: Estimated Completion Date:

n. Has work begun on project? Yes If Yes, explain below. No

o. Will project occupy Federal, State, or Municipal Land? Yes If Yes, explain below. No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below. No

7. Signatures.

Applicant and Owner (If different) must sign the application.

Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

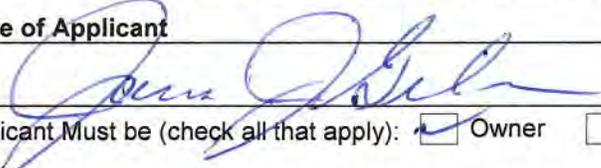
I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

Date



11 JUN 2020

Applicant Must be (check all that apply): Owner Operator Lessee

Printed Name

Title

James J. Gilmore

Director- Division of Marine Resources

Signature of Owner (if different than Applicant)

Date

Printed Name

Title

Signature of Contact / Agent

Date

Printed Name

Title

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date

ENVIRONMENTAL QUESTIONNAIRE

This is intended to supplement ENG Form 4345, Application for Department of the Army Permit, or the Joint Application for Permit used in the State of New York. Please provide complete answers to all questions below which are relevant to your project. Any answers may be continued on separate sheet(s) of paper to be attached to this form.

PRIVACY ACT STATEMENT

The purpose of this form is to provide the Corps of Engineers with basic information regarding your project. This information will be used to facilitate evaluation of your permit application and for public dissemination as required by regulation. Failure to provide complete information may result in your application being declared incomplete for processing, thereby delaying processing of your application.

GENERAL--APPLICABLE TO ALL PROJECTS

1. Explain the need for, and purpose of, the proposed work.

The needs for the artificial reef program are to provide complex hard bottom habitat to enhance fisheries and benthic communities, provide enhanced recreational fishing and diving opportunities; and offer an associated socio-economic benefit to local coastal communities. The requested permit for twelve previously permitted and/or expanded sites and four newly permitted sites are needed to maintain and fully develop proposed site footprints.

The purpose of the artificial reef program in New York is to fulfill its obligation under the National Fishing Enhancement Act in accordance with the standards of the National Artificial Reef Plan. The proposed action seeks to continue the use of and fully develop the previously permitted footprint, and enhance the existing network of artificial reefs in the Atlantic Ocean, Great South Bay, Long Island Sound and New York City coastal areas by providing a hard substrate that benefit fish, shellfish and crustaceans; fishing grounds for anglers, and underwater structures attractive to scuba divers. Specifically, the purpose of the project is to:

- enhance or restore fishery resources and associated habitat, to the maximum extent practicable, utilizing artificial habitat;
 - administer and manage artificial habitat to ensure its prudent use as part of an overall fisheries management program; and
 - provide fishing and diving opportunities for reef-associated fishery resources by selective placement of artificial habitat in State and adjacent Federal waters.
- All of these uses ultimately share the common purpose of enhancing or increasing the marine habitat available for associated fishes and other organisms. Planned manmade reefs can provide local economic benefits because fish and benthic organisms utilize the structure provided at known locations and are often popular attractions for commercial and recreational fishermen, and divers.

2. Provide the names and addresses of property owners adjacent to your work site (if not shown on the application form or project drawings).

Not applicable as reef locations are located in Atlantic Ocean, Great South Bay and Long Island Sound. Refer to Figures for the Project Location Map.

(Please note that depending upon the nature and extent of your project, you may be requested to provide the names and addresses of additional property owners proximate to your project site to ensure proper coordination.)

3. Photographs of the project site should be submitted. For projects in tidal areas, photographs of the waterway vicinity should be taken at low tide. Using a separate copy of your plan view, indicate the location and direction of each photograph as well as the date and time at which the photograph was taken. Provide a sufficient number of photographs so as to provide a clear understanding of conditions on and proximate to your project site.

See Attachment D-Site Specific Surveys for Site Photographs.

4. Provide a copy of any environmental impact statement, or any other environmental report which was prepared for your project.

Refer to Attachment I for the NYSDEC Artificial Reef Final Supplemental Generic Environmental Impact Statement (SGEIS)

5. Provide a thorough discussion of alternatives to your proposal. This discussion should include, but not necessarily be limited to, the "no action" alternative and alternative(s) resulting in less disturbance to waters of the United States. For filling projects in waters of the United States, including wetlands, your alternatives discussion should demonstrate that there are no practicable alternatives to your proposed filling and that your project meets with current mitigation policy (i.e. avoidance, minimization and compensation).

The proposed site changes would consist of the placement of reef materials within the undeveloped portions of each of the previously permitted reef locations, expanded reef locations, and new reef locations. Impacts would be minimized to the greatest extent practical by utilizing the patch reef method. Patch reef development includes the placement of material in discrete locations or "targets" separated by undisturbed benthic habitat. This construction method results in a smaller benthic footprint thereby reducing impacts to the benthic community. Refer to Attachment I SGEIS for Alternatives discussion.

DREDGING PROJECTS

Answer the following if your project involves dredging.

1. Indicate the estimated volume of material to be dredged and the depth (below mean low water) to which dredging would occur. Would there be overdepth dredging?

The proposed project does not involved dredging. Therefore, this section does not apply.

2. You can apply for a ten-year permit for maintenance dredging. If you wish to apply for a ten-year permit, please provide the number of additional dredging events during the ten-year life of the permit and the amount of material to be removed during future events.

3. Indicate of your drawings the dewatering area (if applicable) and disposal site for the dredged material (except landfill sites). Submit a sufficient number of photographs of the dewatering and disposal sites as applicable so as to provide a clear indication of existing conditions. For ten-year maintenance dredging permits, indicate the dewatering/disposal sites for future dredging events, if known.

4. Describe the method of dredging (i.e. clamshell, dragline, etc.) and the expected duration of dredging.

5. Indicate the physical nature of the material to be dredged (i.e. sand, silt, clay, etc.) and provide estimated percentages of the various constituents if available. For beach nourishment projects, grain size analysis data is required.

6. Describe the method of dredged material containment (i.e. hay bales, embankment, bulkhead, etc.) and whether return flow from the dewatering/disposal site would reenter any waterway. Also indicate if there would be any barge overflow.

MOORING FACILITIES

Answer the following if your project includes the construction or rehabilitation of recreational mooring facilities.

1. It is generally recommended that any fixed piers and walk ramps be limited to four feet in width, and that floats be limited to eight feet in width and rest at least two feet above the waterway bottom at mean low water. Terminal floats at private, non-commercial facilities should be limited to 20 feet in length. If you do not believe your proposal can meet with these recommendations, please provide the reason(s).

The proposed project does not involve the construction or rehabilitation of recreational mooring facilities. Therefore, this section does not apply.

2. Using your plan view, show to scale the location(s), position(s) and size(s) (including length, beam and draft) of vessel(s) to be moored at the proposed facility, including those of transient vessel(s) if known.

3. For commercial mooring sites such as marinas, indicate the capacity of the facility and indicate on the plan view the location(s) of any proposed fueling and/or sewage pumpout facilities. If pumpout facilities are not planned, please discuss the rationale below and indicate the distance to the nearest available pumpout station.

4. Indicate on your plan view the distance to adjacent marine structures, if any are proximate and show the locations and dimensions of such structures.

5. Discuss the need for wave protection at the proposed facility. Please be advised that if a permit is issued, you would be required to recognize that the mooring facility may be subject to wave action from wakes of passing vessels, whose operations would not be required to be modified. Issuance of a permit would not relieve you of ensuring the integrity of the authorized structure(s) and the United States would not be held responsible for damages to the structure(s) and vessel(s) moored thereto from wakes from passing vessels.

BULKHEADING/BANK STABILIZATION/FILLING ACTIVITIES

Answer the following if your project includes construction of bulkheading (also retaining walls and seawalls) with backfill, filling of waters/wetlands, or any other bank stabilization fills such as riprap, revetments, gabions, etc.

1. Indicate the total volume of fill (including backfill behind a structure such as a bulkhead) as well as the volume of fill to be placed into waters of the United States. The amount of fill in waters of the United States can be determined by calculating the amount of fill to be placed below the plane of spring high tide in tidal areas and below ordinary high water in non-tidal areas.

The Proposed Action will expand the Artificial Reef Program from 3,389 acres to 6,812 acres of sea floor. The total volume of material to be placed will be dependent on the quantity, type and source used and will be determined once material of opportunity are available. The total volume of reef material is limited by the controlling depths at each reef site (depth at which material must remain below) and the site area. All materials of opportunity that are used for reef development would be deployed in a manner that avoids interference to navigation and adheres to the controlling depths at each reef site. See question 2 below for more information on opportunistic artificial reef material.

2. Indicate the source(s) and type(s) of fill material.

Anticipated artificial reef materials would include specifically designed structures, such as ReefBalls, and materials of opportunity, such as concrete, rock, and steel (such as but not limited too barges, vessels and steel pipe).

3. Indicate the method of fill placement (i.e. by hand, bulldozer, crane, etc.). Would any temporary fills be required in waterways or wetlands to provide access for construction equipment? If so, please indicate the area of such waters and/or wetlands to be filled, and show on the plan and sectional views.

Materials are transported to the reef site either by barge (i.e. natural stone and concrete) or towed out by vessel (i.e. steel barges or vessels) under Program supervision. No temporary fills in waterways or wetlands would be required to provide access for construction equipment. Refer to Attachment I for more information.

The foregoing requests basic information on the most common types of projects requiring Department of the Army permits. It is intended to obviate or reduce the need for requesting additional information; however, additional information may be requested above and beyond what is requested in this form.

Please feel free to add any additional information regarding your project which you believe may facilitate our review.



Department of
Environmental
Conservation



NYSDEC Artificial Reef SGEIS
Division of Marine Resources



Attachment B

Project Location Map and Figures



Department of
Environmental
Conservation



NYSDEC Artificial Reef SGEIS
Division of Marine Resources



Attachment G

Coastal Policy Assessment

- **New York State Coastal Consistency**
- **New York City Waterfront Revitalization Program Consistency Assessment**
- **Long Island Sound Coastal Consistency Assessment**
- **New York State Department of State Coastal Consistency Assessment**

The NYSDEC's Artificial Reef Program (Program) maintains a series of reef sites in the waters of New York's Marine and Coastal District (MCD). Program goals are to administer and manage artificial reef habitat as part of a fisheries management program, provide fishing and diving opportunities, and enhance or restore fishery resources and associated habitat through the selective placement of artificial reef habitat (i.e. natural rock, concrete and steel) in the MCD under Programmatic guidelines. In 1993, NYSDEC completed a Generic Environmental Impact Statement (GEIS)/Reef Plan which allowed for the issuance of a permit for the development of artificial reefs at specific locations within the MCD, and adjacent Federal waters. As the Program developed, additional NYSDEC and United States Army Corps of Engineers (USACE) permits were obtained to place material to meet specific goals of the Program outlined in the GEIS/Reef Plan.

The proposed action includes the assessment of previously permitted sites, the expansion of seven existing sites (Fire Island, Hempstead, McAllister Grounds/Fishing Line, Moriches, Rockaway, Shinnecock, and Smithtown Reefs) and the addition and creation of four new sites (Sixteen Fathoms, Huntington/Oyster Bay, Port Jefferson/Mount Sinai and Mattituck). Artificial reefs are developed using the patch reef system. Patch reef development includes the placement of material in discrete locations or "targets" separated by undisturbed benthic habitat. This method results in a smaller disruption of the site's benthic footprint thereby reducing impacts to the benthic community. Materials are transported to the reef site either by barge (i.e. natural stone and concrete) or towed out by vessel (i.e. steel barges or vessels) under Program supervision. The materials are deployed on pre-designated site targets to produce a patch reef configuration. This configuration increases the enhancement of the local natural habitat by introducing profiled hard structure for colonization and reef development while maintaining areas of natural bottom habitat between patch reef structures. The different structures attract a variety of marine life including recreationally important finfish and crustacean (i.e. lobster) species sought by anglers and divers.

Included herein are the New York State Coastal Zone Program policies relevant to the proposed activities that have been assessed based on completion of the New York State Department of State Federal Consistency Assessment Form policy questions. The additional information provided demonstrates how the proposed Project would be consistent with the goals of the policies. An assessment of coastal zone consistency for each reef site related to local waterfront revitalization programs (LWRP) and coastal management programs is included herein. Table 1 provides the reef sites and which program they fall under for this consistency assessment. Figure 1 below provides the location of the New York artificial reef sites.

Table 1. New York Artificial Reef Sites – Coastal Zone Consistency Programs

Reef	Coastal Zone Consistency Program ¹	Acreage	Development Status (%)	Proposed Modification
Rockaway	New York City CMP	413	80%	Expand to 635 Acres
McAllister Grounds	NYS CMP	115	75%	Expand to 425 Acres
Fire Island	NYS CMP	744	70%	Expand to 850 Acres
Moriches	NYS CMP	14	90%	Expand to 850 Acres
Shinnecock	NYS CMP	35	85%	Expand to 850 Acres
Atlantic Beach	NYS CMP	413	87%	None
Hempstead	NYS CMP	744	60%	Expand to 850 Acres
Sixteen Fathom	NYS CMP	850	Undeveloped	New Site
Twelve Mile	NYS CMP	850	5%	None
Yellowbar	NYS CMP	7	60%	None
Kismet	NYS CMP	10	85%	None
Matinecock	LIS CMP	41	10%	None
Huntington / Oyster Bay	LIS CMP	50	Undeveloped	New Site
Smithtown	LIS CMP	3	80%	Expand to 31 Acres
Port Jefferson / Mount Sinai	LIS CMP	50	Undeveloped	New Site
Mattituck	LIS CMP	50	Undeveloped	New Site

¹NYS CMP = New York State Coastal Management Program
 LIS CMP = Long Island Sound Coastal Management Program

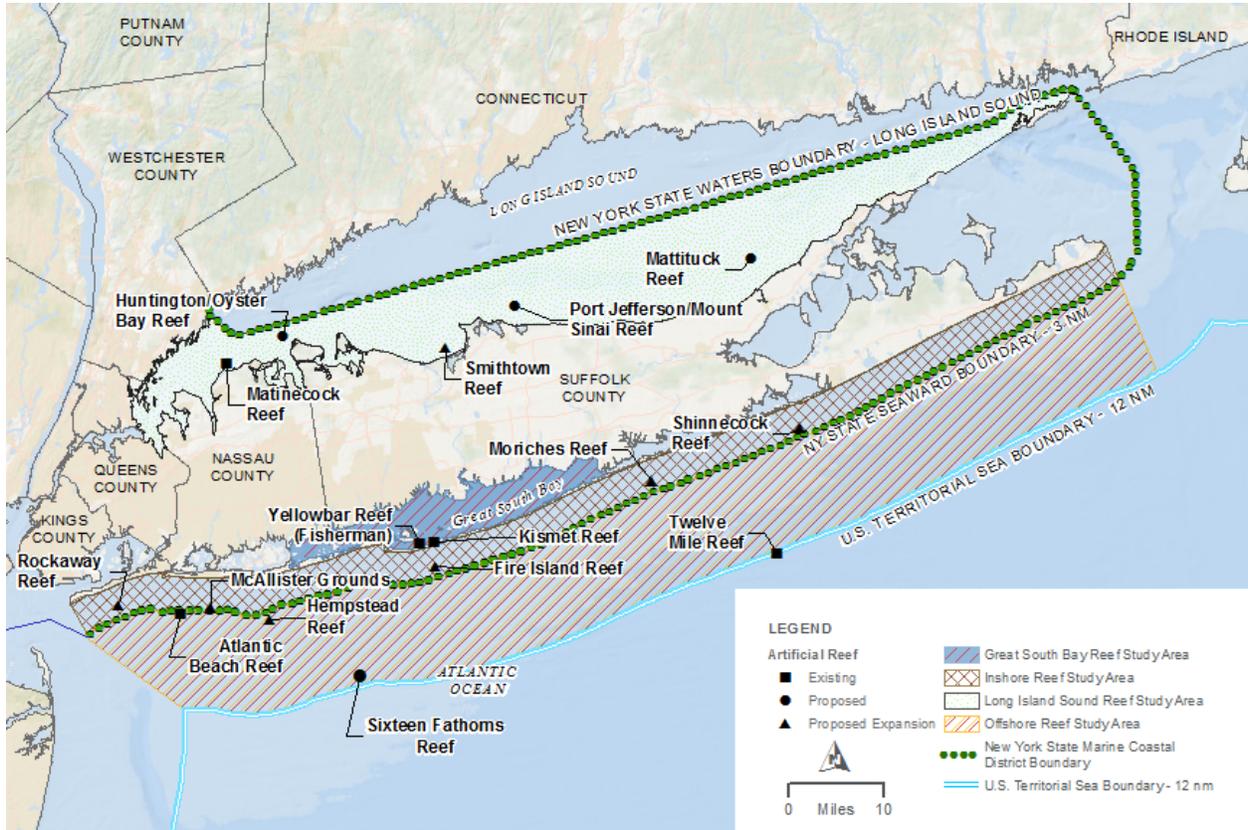


Figure 1. New York State Artificial Reef Sites

Local Waterfront Revitalization Program Assessments

One reef site is located within the New York City LWRP boundary. This reef site is identified as Rockaway Reef and is located within the Atlantic Ocean off the coast of the Rockaway Peninsula. Approximately 310 acres of this reef have already been developed and up to an additional 103 acres can be developed in the future. This reef is proposed to expand to 635 acres, providing an additional 222 acres that can be built upon. The 325 acres that can be developed at the Rockaway Reef site is the focus of this consistency assessment with the New York City LWRP. Included in this appendix is the completed NYC Consistency Assessment Form followed by an assessment of the Waterfront Revitalization Program (WRP) policies relevant to the proposed activities. The additional information provided demonstrates how the proposed Project would be consistent with the goals of the WRP policies. This assessment reflects the City Council approved revisions to the WRP dated October 2013, which were approved by the New York State Department of State and the U.S. Department of Commerce February 2016.

Long Island Sound Coastal Management Program Assessment

Five reef sites are located within Long Island Sound (LIS) including Matinecock, Smithtown, Huntington/Oyster Bay, Port Jefferson/Mount Sinai, and Mattituck reefs. Matinecock was previously permitted for 41 acres off the coast of Glen Cove and Smithtown was previously permitted for 3 acres. The Huntington/Oyster Bay, Port Jefferson/Mount Sinai, and Mattituck sites



have been evaluated for potential development for new reef sites and are anticipated to be 50 acres in size. The Smithtown reef site has been proposed to expand to 31 acres. The potential future permitting and development of these sites is the focus of this assessment.

Below are the policies relevant to the proposed Project that have been assessed based on the Long Island Sound Coastal policy questions. The additional information provided demonstrates how the proposed Project would be consistent with the goals of the Long Island Sound coastal policies.

New York State Coastal Management Program

The remaining reef sites, as well as those requiring assessment under a LWRP and the Long Island Sound Coastal Management Program, have been evaluated for consistency with New York State Coastal Management Program. Included in this appendix are the New York State Coastal Zone Program policies relevant to the proposed activities that have been assessed based on completion of the New York State Department of State Federal Consistency Assessment Form policy questions. The additional information provided demonstrates how the proposed Project would be consistent with the goals of the policies. This assessment reflects the Coastal Zone Management Program approved in 1982 and all of its updates and changes up to 2017. The following information is provided in support of Section D.2 of the Federal Consistency Assessment Form (FCAF).



New York City Waterfront Revitalization Program Consistency Assessment
For Rockaway Reef
Located in New York City, Queens County, NY

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 [New York City Waterfront Revitalization Program](#) (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.

A. APPLICANT INFORMATION

Name of Applicant: _____

Name of Applicant Representative: _____

Address: _____

Telephone: _____ Email: _____

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

2. Purpose of activity

C. PROJECT LOCATION

Borough: _____ Tax Block/Lot(s): _____

Street Address: _____

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission

Yes No

- | | | |
|---|--|--|
| <input type="checkbox"/> City Map Amendment | <input type="checkbox"/> Zoning Certification | <input type="checkbox"/> Concession |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Authorizations | <input type="checkbox"/> UDAAP |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Acquisition – Real Property | <input type="checkbox"/> Revocable Consent |
| <input type="checkbox"/> Site Selection – Public Facility | <input type="checkbox"/> Disposition – Real Property | <input type="checkbox"/> Franchise |
| <input type="checkbox"/> Housing Plan & Project | <input type="checkbox"/> Other, explain: _____ | |
| <input type="checkbox"/> Special Permit | | |
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

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

- | | |
|--|---|
| <input type="checkbox"/> Legislation | <input type="checkbox"/> Funding for Construction, specify: _____ |
| <input type="checkbox"/> Rulemaking | <input type="checkbox"/> Policy or Plan, specify: _____ |
| <input type="checkbox"/> Construction of Public Facilities | <input type="checkbox"/> Funding of Program, specify: _____ |
| <input type="checkbox"/> 384 (b) (4) Approval | <input type="checkbox"/> Permits, specify: _____ |
| <input type="checkbox"/> Other, explain: _____ | |

State Actions/Approvals/Funding

- State permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Federal Actions/Approvals/Funding

- Federal permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Is this being reviewed in conjunction with a [Joint Application for Permits?](#) Yes No

E. LOCATION QUESTIONS

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 [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
 - 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 [NYC Waterfront Revitalization Program](#). 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.

		Promote	Hinder	N/A
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.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.	<input type="checkbox"/>	<input type="checkbox"/>	

		Promote	Hinder	N/A
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. CERTIFICATION

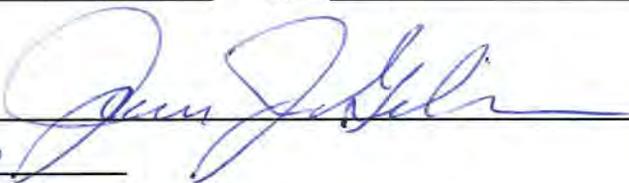
The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification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

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

Applicant/Agent's Name: James J. Gilmore

Address: 205 North Belle Mead Road, East Setauket, NY 11733

Telephone: (631) 444-0430 Email: james.gilmore@dec.ny.gov

Applicant/Agent's Signature: 

Date: 11 JAN 2020

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

WRP Policy 4. Protect and restore the quality and function of ecological systems within the New York City coastal area.

WRP Policy 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.

The Rockaway Reef would enhance habitat for epibenthic, benthic and fish species. These habitat improvements would enhance fishery resources and provide recreational fishing and diving opportunities for anglers and divers. As such, the reef would provide both environmental and societal benefits, in compliance with this policy.

WRP Policy 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.

There are numerous Federal- and State-listed threatened, endangered, and special concern species that may occur in the vicinity of the Rockaway Reef site according to USFWS, NOAA, and the State of New York (USACE 2014 and 2016). These species are listed in Table 1.



Table 1. State and Federally Listed Protected Species Potentially Occurring in the Vicinity of the Rockaway Reef Site

Birds		
Common Name	Scientific Name	Status
common loon	<i>Gavia immer</i>	SSC
common tern	<i>Sterna hirundo</i>	ST
Cooper's hawk	<i>Accipiter cooperii</i>	SSC
least tern	<i>Sterna antillarum</i>	ST
osprey	<i>Pandion haliaetus</i>	SSC
peregrine falcon	<i>Falco peregrinus</i>	SE, FE
piping plover	<i>Charadrius melodus</i>	SE, FE
rufa red knot	<i>Calidris canutus</i>	FT
roseate tern	<i>Sterna dougallii</i>	SE, FT
Fish		
Atlantic sturgeon	<i>Acipenser oxyrinchus</i>	FE
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	SE, FE
Reptiles		
loggerhead sea turtle	<i>Caretta caretta</i>	ST, FE
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	SE, FE
leatherback sea turtle	<i>Dermochelys coriacea</i>	SE, FE
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	SE, FE
green sea turtle	<i>Chelonia mydas</i>	ST, FE
Marine Mammals		
finback whale	<i>Balaenoptera physalus</i>	SE, FE
sperm whale	<i>Physeter macrocephalus</i>	SE, FE
humpback whale	<i>Megaptera novaeangliae</i>	SE
North Atlantic right whale	<i>Eubalaena glacialis</i>	SE, FE
sei whale	<i>Balaenoptera borealis</i>	SE, FE
Status: ST – State Threatened, SE – State Endangered, SSC – State Special Concern, FT – Federally Threatened, FE – Federally Endangered.		
Sources: USACE 2014 and 2016, Kagueux, Wikgren, & Kenney 2010		

Temporary disruption of fish, marine mammal and reptile habitat is anticipated in the area of the reef site during reef construction. Because the species are mobile they will be able to avoid the construction area for the duration of construction and utilize adjacent reef areas that have already been constructed. Upon construction the new reef area would provide habitat for fish and crustaceans, providing new foraging areas and a greater abundance of prey for bird, fish, reptile, and mammal species. The Project would therefore benefit protected and vulnerable species and enhance the ecological community in compliance with this policy.

WRP Policy 4.8: Maintain and protect living aquatic resources.

The proposed Project would provide habitat for native aquatic species and thereby would enhance the aquatic resources and increase biodiversity in the area, in compliance with this policy. Enhancing aquatic resources would promote recreational fishing and diving. Species harvesting would be allowed in accordance with federal, local and state regulations that outline catch and

size limitations, in order to ensure that the reef is utilized in sustainable ways. No species stocking or aquaculture is proposed as part of the Project.

WRP Policy 5. Protect and improve water quality in the New York City Coastal area.

WRP Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

Construction of the reef would involve the placement of clean fill material consisting of natural stone, concrete, or steel in navigable waters. Fill material would be towed to the predetermined location by vessel, which would then be placed in discrete drop locations. Submerging the clean reef material would result in temporary resuspension of the sandy sediments found in the reef area. The sediments are expected to settle onto the bottom shortly after the reef material is placed. In an effort to protect the existing reef and surrounding resources, placement would occur during fair weather to avoid excessive turbidity increases. Following a temporary decrease in water quality associated with the placement of reef material, the water quality in the area of the reef would improve as a result of filter feeding organisms migrating into the area and attaching to the new available substrate. The development or expansion of the community of filter feeders which could include species such as barnacles and mussels would have long-term benefits to the water quality in the region; therefore, the proposed Project is consistent with this policy.

WFP Policy 8. Provide public access to, from, and along New York City's coastal waters.

WRP Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the State and City.

The proposed Project would preserve the public interest in and use of waters held in public trust by the City by creating an enhanced habitat for aquatic species and providing additional public recreation opportunities through recreational fishing and diving; therefore, the proposed Project is consistent with this policy.

Conclusion.

Based on the review of the New York City Waterfront Revitalization Program Consistency Assessment Form, and further discussion of specific policies above, the proposed addition to the Rockaway Reef is consistent with the WRP policies.

Literature Cited

- Kagueux, K., Wikgren, B., & Kenney, R. (2010). *Technical Report for the Spatial Characterization of Marine Turtles, Mammals, and Large Pelagic Fish to Support Coastal and Marine Spatial Planning in New York*. Albany, NY: State of New York's Ocean Planning and Coastal Management Program.
- United States Army Corps of Engineers. (2014). *Fire Island Inlet to Moriches Inlet, Fire Island Stabilization Project; Evaluation of a Stabilization Plan for Coastal Storm Risk Management in Response to Hurricane Sandy & Public Law 113-2*. New York District. New York: United States Army Corps of Engineers. Retrieved June 19, 2017, from http://www.nan.usace.army.mil/Portals/37/docs/civilworks/projects/ny/coast/fimp/FIMI_Docs/EA/A-Final_FIMI_EA.pdf
- United States Army Corps of Engineers. (2016). *Fire Island Inlet to Montauk Point Reformulation Study Draft Environmental Impact Statement*. New York District: U.S. Army Corps of Engineers.
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Long Island Sound Coastal Consistency Assessment
For Matinecock, Smithtown, Huntington/Oyster Bay, Port Jefferson/Mount Sinai,
and Mattituck Reefs

Located in Glen Cove, Nassau County, and Smithtown, Huntington, Port
Jefferson, and Southold, Suffolk County, New York

Long Island Sound Coastal Policies

Developed Coast Policies

- *Policy #1 – “Foster a pattern of development in the Long Island Sound coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.”*

The proposed Project would provide additional hard-bottom habitat for marine flora and fauna, making beneficial use of a coastal location. Further, the Project would provide a beneficial water-dependent use of Long Island Sound’s coastal resources. Therefore, the Project is consistent with this policy.

- *Policy #2 – “Preserve historic resources of the Long Island Sound coastal area.”*

The proposed Project does not involve disturbances to known historic resources and any resources would be protected to the greatest extent practicable. Geophysical surveys were conducted in the reef areas during siting to avoid potential cultural resources. Therefore, the Project is consistent with this policy.

- *Policy #3 – “Enhance visual quality and protect scenic resources throughout Long Island Sound.”*

The proposed Project involves the placement of hard structures underwater and would not affect scenic resources. Therefore, this policy is not applicable.

Natural Coast Policies

- *Policy #4 – “Minimize loss of life, structures, and natural resources from flooding and erosion.”*

The proposed Project involves the construction of submerged reefs within open water areas along the coast of Long Island and does not include the construction of buildings or structures in upland areas subject to flooding and erosion. Therefore, this policy is not applicable.

- *Policy #5 – “Protect and improve water quality and supply in the Long Island Sound coastal area.”*

Construction of the reefs would involve placement of fill material onto the bottom sediments within Long Island Sound. This activity would result in the short-term, temporary resuspension of sediment during construction. The sediments are anticipated to settle out of the water column quickly following construction activities. The placement of the materials would be completed in a manner that would place materials on the

sediments in discrete locations, avoiding the existing reef. Placement would be completed in fair weather conditions to ensure minimal disruption of benthos and to minimize resuspension of sediments. Following a temporary decrease in water quality associated with the placement of reef material, the water quality in the area of the reef would improve as a result of filter feeding organisms migrating into the area and attaching to the new available substrate. The development or expansion of the community of filter feeders which could include species such as barnacles and mussels would have long-term benefits to the water quality in the region. Therefore, the Project is consistent with this policy.

- Policy #6 – *“Protect and restore the quality and function of the Long Island Sound ecosystem.”*

The proposed Project would add hard bottom habitat, increase habitat diversity and improve the quality and function of the Long Island Sound ecosystem for marine flora and fauna. Therefore, the Project is consistent with this policy.

- Policy #7 – *“Protect and improve air quality in the Long Island Sound coastal area.”*

The proposed Project involves transporting reef material by barge to the proposed reef location. The use of barges and heavy equipment during the construction phase of the Project would be limited to the greatest extent practicable to protect air quality; therefore, the proposed Project is consistent with this policy.

- Policy #8 – *“Minimize environmental degradation in the Long Island Sound coastal area from solid waste and hazardous substances and wastes.”*

The proposed Project does not involve the discharge of solid waste and hazardous substances and waste. Only clean materials would be used for artificial reef development. Therefore, the Project is consistent with this policy.

Public Coast Policies

- Policy #9 – *“Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Long Island Sound coastal area.”*

The proposed Project would enhance habitat for epibenthic, benthic and fish species. The development of artificial reefs enhances recreational use by providing additional opportunities for recreational fishing and diving. As such, the Project is in compliance with this policy.

Working Coast Policies

- Policy #10 – *“Protect Long Island Sound's water-dependent uses and promote siting of new water-dependent uses in suitable locations.”*
-

The proposed Project has a water-dependent use and would enhance habitat for epibenthic, benthic and fish species. The reef is located near harbors and promote water-dependent use of these coastal facilities by fishermen and divers. These habitat improvements would enhance fishery resources and provide recreational fishing and diving opportunities for anglers and divers. Therefore, the Project is consistent with this policy.

- Policy #11 – *“Promote sustainable use of living marine resources in Long Island Sound.”*

The proposed Project would enhance habitat for epibenthic, benthic, and fish species. Further, this would meet the NYSDEC’s Artificial Reef Program goals of enhancing or restoring fishery resources, and promoting sustainable use of living marine resources. Therefore, the Project is consistent with this policy.

- Policy #12 – *“Protect agricultural lands in the eastern Suffolk County portion of Long Island Sound’s coastal area.”*

The proposed Project does not involve agricultural lands in the eastern Suffolk County of Long Island Sound’s coastal area; therefore, this policy is not applicable.

- Policy #13 – *“Promote appropriate use and development of energy and mineral resources.”*

The proposed Project does not involve the use and development of energy and mineral resources; therefore, this policy is not applicable.



New York State Department of State Coastal Consistency Assessment

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)

1. Name: _____
2. Address: _____
3. Telephone: Area Code (631) _____

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

2. Purpose of activity:

3. Location of activity:

_____	_____	_____
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: _____

5. Federal application number, if known: _____

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

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

- | | |
|--|--------|
| 1. Will the proposed activity result in any of the following: | YES/NO |
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | — — |
| 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) | — — |
| j. 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) | — — |
| l. 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) | — — |
| b. 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

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

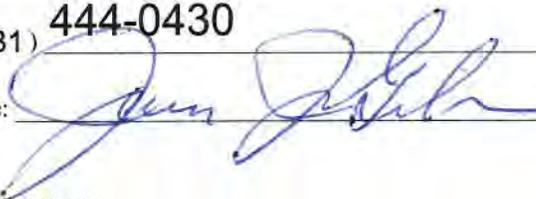
The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this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

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

Applicant/Agent's Name: James J. Gilmore

Address: 205 North Belle Mead Road, East Setauket, New York 11733

Telephone: Area Code (631) 444-0430

Applicant/Agent's Signature:  Date: 11 JAN 2020

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.**

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

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

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

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

Coastal Assessment

1. The proposed activity will result in:

a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement

- *Policy #11 – “Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion”*

The proposed Project involves the construction of submerged reefs within open water areas along the coast of New York and does not include the construction of buildings or structures in upland areas; therefore, the proposed Project is consistent with this policy.

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

The proposed Project would enhance habitat for epibenthic and benthic marine life. The development of artificial reefs enhances recreational use by providing additional opportunities for recreational fishing and diving. As such, the reef would provide water-related recreation, in compliance with this policy.

- *Policy #25 – “Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.”*

The proposed Project involves the placement of hard structures underwater and would not affect scenic resources. Therefore, this policy is not applicable.

- *Policy #32 – “Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities”*

The proposed Project does not involve the use of sanitary waste systems; therefore, this policy is not applicable.

- *Policy #37 – “Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters”*

Construction of the reef would involve the placement of clean fill material consisting of natural stone, concrete, or steel in navigable waters. No stormwater or other run-off

containing nutrients, organics or eroded soils from uplands is proposed into coastal waters; therefore, this policy is not applicable.

- *Policy #38 – “The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply”*

The proposed Project does not involve the use of surface water or groundwater supplies; therefore, this policy is not applicable.

- *Policy #41 – “Land use or development in the coastal area will not cause national or State air quality standards to be violated”*

The proposed Project involves transporting reef material by barge to the proposed reef location. The use of barges and heavy equipment during the construction phase of the Project would be completed in compliance with the Clean Air Act and the State air quality requirements; therefore, the proposed Project is consistent with this policy.

- *Policy #43 – “Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates”*

The proposed Project does not involve the generation or emission of significant amounts of nitrates and sulfates; therefore, this policy is not applicable.

b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters

- *Policy #2 – “Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters”*

The proposed Project has a water dependent use and is located within coastal waters; therefore, the proposed Project is consistent with this policy.

- *Policy #11 – “Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion”*

See a. above.

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

The proposed Project involves the construction of submerged reefs within open water areas. Therefore, this policy is not applicable.

- *Policy #20 – “Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water’s edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses”*

The proposed Project does not involve the use of publicly-owned foreshore or lands at the water’s edge; therefore, this policy is not applicable.

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

The proposed Project does not involve ice management; therefore, this policy is not applicable.

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

In compliance with this policy, the placement of fill material consisting of natural rock, steel, or concrete to construct the reefs would be completed in accordance with all applicable federal and state regulations and permit conditions.

- *Policy #44 – “Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas”*

The proposed Project does not involve activities within tidal and freshwater wetlands; therefore, this policy is not applicable.

h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters

- *Policy #15 – “Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land”*

The proposed Project does not involve mining, excavation and dredging; therefore, this policy is not applicable.

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

While the Project involves placement of fill in coastal waters, the Project is within marine habitats and will create new habitat. Therefore, the Project is consistent with this policy.

2. The proposed activity will affect or be located in, on, or adjacent to:

c. State designated significant fish and/or wildlife habitat

- *Policy #7 – “Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats”*

The Kismet and Yellowbar reef sites located within the Great South Bay of Long Island are within significant coastal fish and wildlife habitat (SCFWH). The name of this SCFWH area is Great South Bay-West. The Great South Bay-West SCFWH includes a habitat impairment test that must be applied to any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. Any actions that would destroy the habitat or significantly impair the viability of the habitat shall not be undertaken.

Portions of these reefs have already been developed in order to enhance the existing habitat for aquatic species. Placement would have localized temporary impacts to turbidity. Habitat will not be destroyed; there would be no significant impairments to vital resources; and the tolerance range of any organism would not be significantly altered. Therefore, the proposed Project is in compliance with this policy.

g. Major ports of Albany, Buffalo, Ogdensburg, Oswego, or New York

- *Policy #3 – “Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people”*

Reef sites are located in Long Island Sound and Atlantic Ocean where there is active shipping from the Port of New York. Sites are located within the port district but outside of active shipping lanes and permitted “navigational depth clearances” to protect against deployed reef material interference with large vessels; therefore, the proposed Project is in compliance with this policy.

3. The proposed activity will require:

d. State water quality permit or certification

- *Policy #30 – “Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and national water quality standards”*

The proposed Project does not involve the discharge of pollutants. The proposed Project requires NYSDEC water quality certification and NYSDEC will comply with the permit requirements; therefore, this Project is consistent with this policy.

- *Policy #38 – “The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply”*

See 1a. above.

- *Policy #40 – “Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards”*

The proposed Project does not involve effluent discharges; therefore, this policy is not applicable.

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?

Consistency with the New York City Waterfront Revitalization Program (WRP), and the Long Island Sound Coastal Management Program policies relevant to the proposed Project has been completed and is included herein.



Figure 1. USGS National Topographic Map

LEGEND

Artificial Reef Location

0 Miles 10

DATA SOURCE: USGS National Topographic Map (seamless version of 1:100,000 scale)

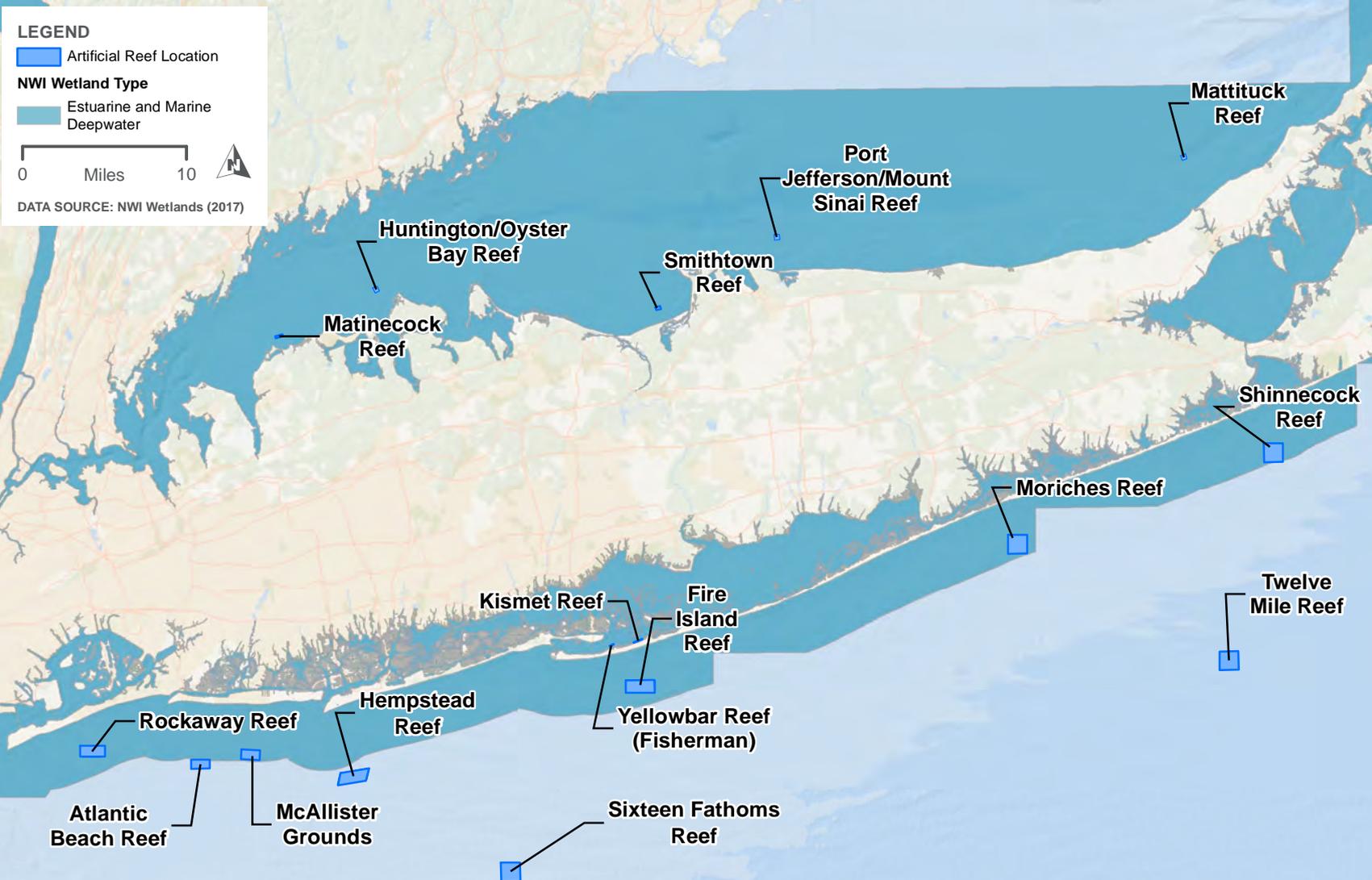


Figure 2. National Wetlands Inventory (NWI) Map

LEGEND

- Artificial Reef Location
- Littoral Zone

0 Miles 10

DATA SOURCE: NYSDEC Tidal Wetlands (2004)

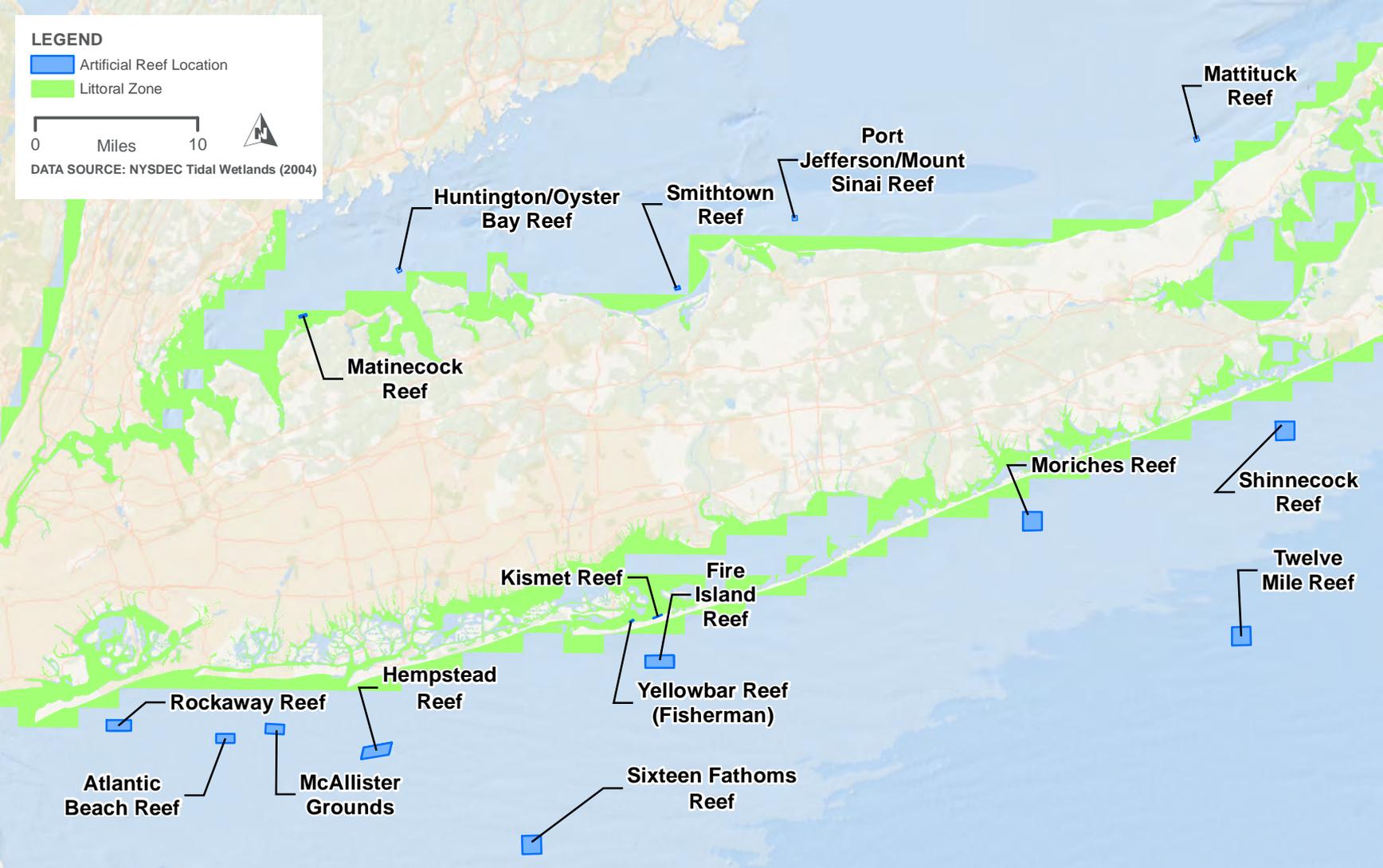


Figure 3. NYSDEC Tidal Wetlands Map

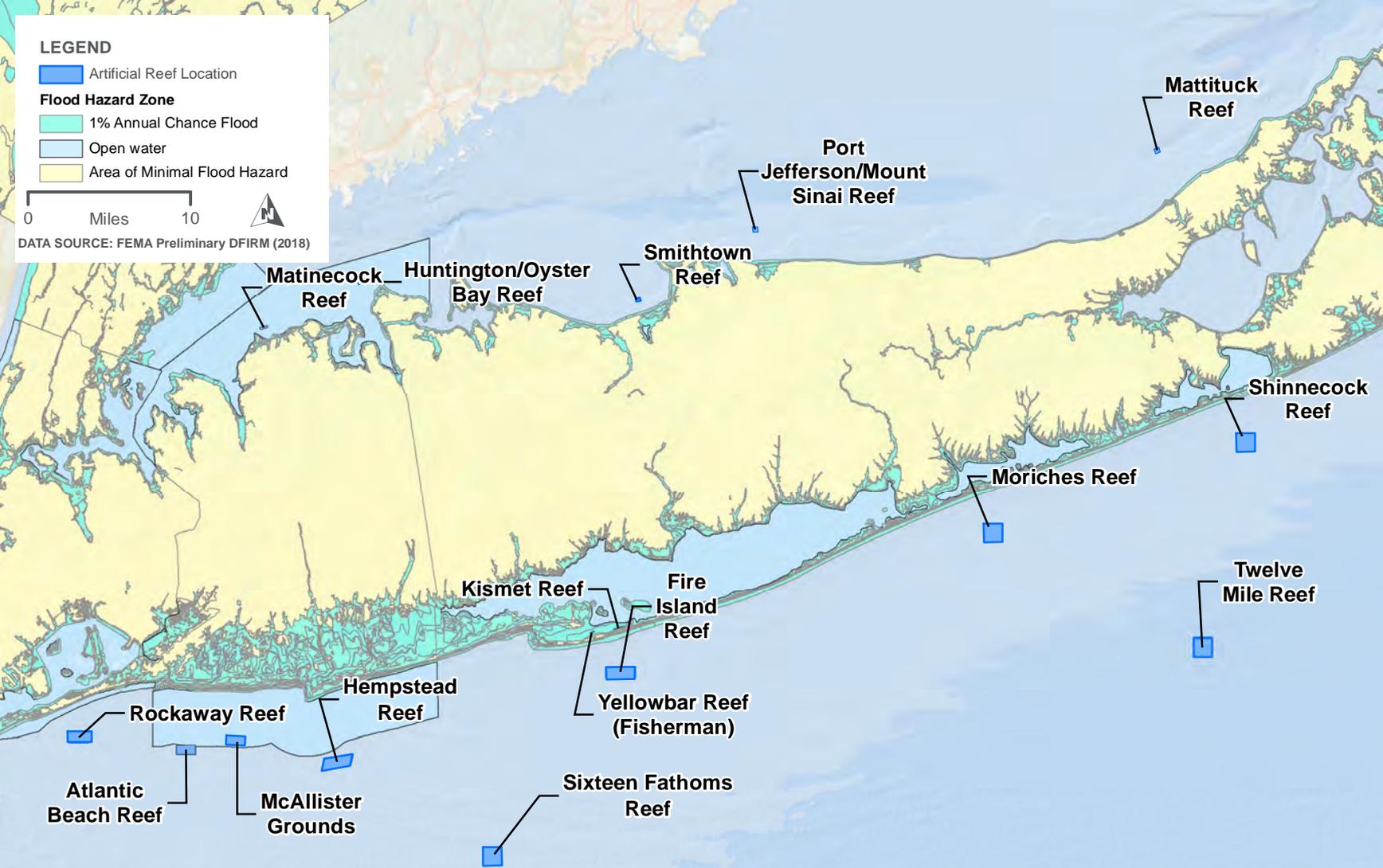


Figure 4a. FEMA Flood Hazard Map



LEGEND

 Artificial Reef Location

Flood Hazard Zone

 1% Annual Chance Flood

 Open water

 Area of Minimal Flood Hazard



DATA SOURCE: FEMA Preliminary DFIRM (2018)

Kismet Reef

**Yellowbar Reef
(Fisherman)**

Figure 4b. FEMA Flood Hazard Map - Kismet and Yellowbar Reefs