

have considered the relevant environmental issues attendant to the enactment of Proposed Int. No. 506-A.

After such consideration, the Council and the Office of the Mayor have determined that a negative declaration should be issued. They have also reviewed the accompanying Negative Declaration and determined that the Negative Declaration satisfies the requirements of the State Environmental Quality Review Act (6 N.Y.C.R.R. Part 617), and that consistent with environmental, social, economic and other essential considerations, the proposed action is one that will not result in any significant adverse environmental impacts, and that the Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis for this determination.

Those findings are set forth in Preconsidered Res. No. which is annexed.

Resolution finding that the enactment of Proposed Int. No. 506-A does not have a significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.

By Council Member Gennaro

Whereas, The enactment of Proposed Int. No. 506-A is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Council, and the Office of the Mayor, as co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, have considered the relevant environmental issues attendant to such enactment; and

Whereas, After such consideration and examination of an Environmental Assessment Statement, the Council and the Office of the Mayor have determined that a Negative Declaration should be issued; and

Whereas, The Council and the Office of the Mayor have examined and considered the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

- (1) the requirements of The State Environmental Quality Review Act and Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York have been met; and
- (2) consistent with environmental, social, economic and other essential considerations, the proposed action is one which will not result in any significant adverse environmental impacts; and

- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis of this determination.

5/1/09



NEGATIVE DECLARATION

CEQR No. 09CCO002Y

Date Issued: May 6, 2009

NAME: A local law to amend the administrative code of the City of New York, in relation to the creation of a comprehensive wetlands protection strategy.

LOCATION: Citywide

SEQR CLASSIFICATION: The project is classified as an Unlisted action pursuant to 6NYCRR Part 617.2(ak)

DESCRIPTION:

The action consists of the passage of a local law that amends Chapter 5 of Title 24 of the Administrative Code of the City of New York that would require creation of a Comprehensive Wetlands Protection Strategy. Discretionary actions that require environmental review include passage of the law by the City Council and approval of the law by the Mayor of the City of New York, or in the case of a mayoral veto, an override of such veto by the Council.

The proposed local law would amend Chapter 5 of Title 24 of the Administrative Code by adding a new section 24-528 to create a Comprehensive Wetlands Protection Strategy ("CWPS") and to place responsibility for it within the Mayor's Office of Long-Term Planning and Sustainability ("Office"). Pursuant to the proposed law, the Office would undertake a satellite or aerial imagery survey of the City of New York in order to determine the location and size of all of the wetlands within the City and based upon the analyses performed on the data derived from this survey, develop and implement a comprehensive wetlands protection strategy in accordance with the elements recited in the proposed local law consistent with a prescribed schedule. The overall goals of the strategy are to "(1) conserve, protect, enhance, stabilize, restore and expand wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with

other, competing land uses that are in the public interest, such as the construction of schools or affordable housing.”

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York, the Office of the Mayor and the New York City Council assumed the role of co-lead agencies for the purpose of conducting the environmental review pursuant to 62 RCNY §5-03(d). Based on an examination of information about the project contained in an Environmental Assessment Statement dated May 5, 2009 pursuant to Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.7, the Office of the Mayor and the New York City Council have determined that the proposed action will not have a significant adverse effect on the environment.

Reasons Supporting this Determination

The above determination is based on an Environmental Assessment Statement (EAS) dated May 5, 2009 and incorporated by reference herein. The EAS finds that:

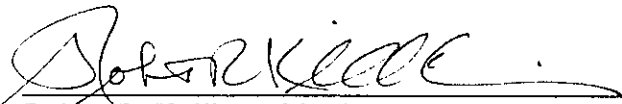
1. The proposed action is the passage of a local law to conduct a satellite or aerial imagery survey and use the results of that survey to inform the development and implementation of a Comprehensive Wetlands Management Strategy. As such, the proposed action is generic in nature and would not be expected to result in site-specific changes that would affect the following technical areas:

Community Facilities and Services
Shadows
Historic Resources
Urban Design/Visual Resources
Solid Waste and Sanitation Services
Hazardous Materials
Waterfront Revitalization Program
Energy
Traffic and Parking
Transit and Pedestrians
Air Quality
Noise
Construction Impacts.

2. Because the action is generic in nature, creating a new citywide comprehensive wetland protection strategy, there are no specific sites proposed. The creation of this strategy would have the potential to impact the following technical analysis areas: Land Use/Neighborhood Character, Open Space, Natural Resources, Infrastructure, Public Health and Socioeconomic Conditions. However, because this program would (1)

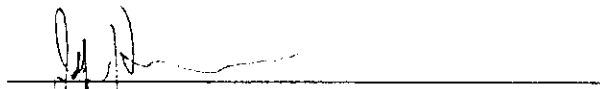
facilitate the conservation, protection, enhancement, stabilization, restoration and expansion of wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with other, competing land uses that are in the public interest it would not have the potential to affect socioeconomic conditions because there would be no direct or indirect displacement of residential populations or businesses.

3. Because the proposed action would lead to identification of the location and size of the City's wetlands and result in development of a strategy that has among its goals the conservation, protection, stabilization, restoration of those wetlands there would be a beneficial effect of the program.
4. No other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable.
5. This Negative Declaration was prepared in accordance with Article 8 of the New York State Environmental Conservation Law.



Robert R. Kulikowski, Ph.D.
Assistant to the Mayor

May 6, 2009


Jeffrey Haberman
Deputy Director, Infrastructure Division

May 6, 2009



City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT
PART I, GENERAL INFORMATION

**Reference
Numbers**

1. 09CCO002Y
 CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY) _____ BSA REFERENCE NO. IF APPLICABLE _____

ULURP REFERENCE NO. IF APPLICABLE _____ OTHER REFERENCE NO.(S) IF APPLICABLE
 (e.g. Legislative Intro, CAPA, etc)

**Lead
Agency &
Applicant
Information**
 PROVIDE APPLICABLE
 INFORMATION

2a. Co-lead Agencies
Office of the Mayor/City Council

2b. Applicant Information

NAME OF LEAD AGENCY

NAME OF APPLICANT

Robert Kulikowski, Ph.D./Jeffrey Haberman
 NAME OF LEAD AGENCY CONTACT PERSON

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

253/250 Broadway
 ADDRESS

ADDRESS

New York NY 10007
 CITY STATE ZIP

CITY STATE ZIP

212-788-2937/9122
 TELEPHONE FAX

TELEPHONE FAX

rkulikowski@cityhall.nyc.gov
jhaberman@council.nyc.gov
 EMAIL ADDRESS

EMAIL ADDRESS

**Action
Description**
 SEE CEQR MANUAL
 SECTIONS 2A & 2B

3a. NAME OF PROPOSAL A Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive wetlands protection strategy. See Attachment B.

3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):
See Attachment A

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S):
See Attachment A

**Required
Action or
Approvals**

4. CITY PLANNING COMMISSION Yes No
 Change in City Map Zoning Certification Site Selection - Public Facility
 Zoning Map Amendment Zoning Authorization Disposition - Real Property Franchise
 Zoning Text Amendment Housing Plan & Project UDAAP Revocable Consent Concession
 Charter 197-a Plan
 Zoning Special Permit, specify type: _____
 Modification of _____
 Renewal of _____
 Other _____

5. UNIFORM LAND USE PROCEDURE (ULURP) Yes No

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL

6. BOARD OF STANDARDS AND APPEALS Yes No
 Special Permit New Renewal Expiration Date
 Variance Use Bulk
 Specify affected section(s) of Zoning Resolution
7. DEPARTMENT OF ENVIRONMENTAL PROTECTION Yes No
 Title V Facility Power Generation Facility Medical Waste Treatment Facility
8. OTHER CITY APPROVALS Yes No
 Legislation Rulemaking; specify agency:
 Construction of Public Facilities Funding of Construction, Specify Funding of Programs, Specify
 Policy or plan Permits, Specify:
 Other; explain: _____

Action Type

9. STATE ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify: _____
10. FEDERAL ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify: _____

Analysis Year

- 11a. Unlisted; or Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended):
- 11b. Localized action, site specific Localized action, change in regulatory control for small area Generic action
12. Identify the analysis year (or build year) for the proposed action: 2009 – the law would be effective upon enactment
 Would the proposal be implemented in a single phase? Yes No NA.
 Anticipated period of construction: _____
 Anticipated completion date: _____
 Would the proposal be implemented in multiple phases? Yes No NA.
 Number of phases: _____
 Describe phases and construction schedule: N/A – the action is the enactment of a local law

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

- 13a. LOCATION OF PROJECT SITE
 City-wide
 STREET ADDRESS _____
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS _____
 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY _____ ZONING SECTIONAL MAP NO. _____
 TAX BLOCK AND LOT NUMBERS _____ BOROUGH _____ COMMUNITY DISTRICT NO. _____

- 13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT
 TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: N/A SQ. FT.
 PROJECT SQUARE FEET TO BE DEVELOPED: _____ SQ. FT.
 GROSS FLOOR AREA OF PROJECT: _____ SQ. FT.
 IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED _____ % OF _____
 DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: _____ HEIGHT _____ WIDTH _____ LENGTH.
 LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: _____

- 13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:
 Action would apply city-wide

- 13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? Yes No
 IF 'YES', IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a & 13b ABOVE. Potentially any wetland site within the five boroughs of the City.

PART II, SITE AND ACTION DESCRIPTION

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

1. **GRAPHICS** Please attach: (1) a Sanborn or other land use map; (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8½ x 14 inches in size. **N/A**

2. **PHYSICAL SETTING** (both developed and undeveloped areas) **N/A**

Total directly affected area (sq. ft.): _____ Water surface area (sq. ft.): _____
Roads, building and other paved surfaces (sq. ft.): _____ Other, describe (sq. ft.): _____

3. **PRESENT LAND USE** **N/A**

Residential

Total no. of dwelling units _____ No. of low-to-moderate income units _____
No. of stories _____ Gross floor area (sq. ft.) _____
Describe type of residential structures: _____

Commercial

Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
Other: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
Specify type(s): _____ No. of stories and height of each building: _____

Manufacturing/Industrial

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
No. of stories and height of each building: _____
Type of use(s): _____ Open storage area (sq. ft.) _____
If any unenclosed activities, specify: _____

Community facility

Type of community facility: _____
No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
No. of stories and height of each building: _____

Vacant land

Is there any vacant land in the directly affected area? Yes No
If yes, describe briefly: _____

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? Yes No
If yes, describe briefly: _____

Does the directly affected area include any mapped City, State or Federal parkland? Yes No
If yes, describe briefly: _____

Does the directly affected area include any mapped or otherwise known wetland? Yes No
If yes, describe briefly: _____

Other land use

No. of stories _____ Gross floor area (sq. ft.) _____
Type of use: _____

4. **EXISTING PARKING** **N/A**

Garages

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Lots

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

5. **EXISTING STORAGE TANKS** **N/A**

Gas or service stations? Yes No Oil storage facility? Yes No Other? Yes No

If yes, specify: _____
Number and size of tanks: _____ Last NYFD inspection date: _____
Location and depth of tanks: _____

6. CURRENT USERS N/A

No. of residents: _____ No. and type of businesses: _____
No. and type of workers by businesses: _____ No. and type of non-residents who are not workers: _____

SEE CEQR
TECHNICAL MANUAL
CHAPTER III F.
HISTORIC RESOURCES

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES) N/A

Answer the following two questions with regard to the directly affected area, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection.

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape features, or archaeological resource that:

- (a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark;
 - (b) is within a designated New York City Historic District;
 - (c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places;
 - (d) is within a New York State or National Register Historic District; or
 - (e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places?
- Identify any resource:

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource.

SEE CEQR
TECHNICAL MANUAL
CHAPTER III K.,
WATERFRONT
REVITALIZATION
PROGRAM

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? Yes No
(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used. See Attachment A

9. CONSTRUCTION N/A

Will the action result in demolition of or significant physical alteration to any improvement? Yes No
If yes, describe briefly:

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction?
 Yes No If yes, describe briefly:

**Project
Description**

THIS SUBPART SHOULD
GENERALLY BE
COMPLETED ONLY IF
YOUR ACTION
INCLUDES A SPECIFIC
OR KNOWN
DEVELOPMENT
AT PARTICULAR
LOCATIONS

10. PROPOSED LAND USE N/A

Residential

Total no. of dwelling units _____ No. of low-to-moderate income units _____ Gross floor area (sq. ft.) _____
No. of stories _____ Describe type of residential structures: _____

Commercial

Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Other: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
Specify type(s): _____

No. of stories and height of each building: _____

Manufacturing/Industrial

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Type of use(s): _____ Open storage area (sq. ft.) _____ If any unenclosed activities, specify: _____

Community facility

Type of community facility: _____

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Vacant land

Is there any vacant land in the directly affected area? Yes No

If yes, describe briefly:

Publicly accessible open space

Is there any existing publicly accessible open space to be removed or altered? Yes No

If yes, describe briefly:

Is there any existing publicly accessible open space to be added? Yes No

If yes, describe briefly:

Other land use

Gross floor area (sq. ft.) _____ No. of stories _____ Type of use: _____

11. PROPOSED PARKING N/A

Garages

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Lots

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.
No. and location of proposed curb cuts: _____

12. PROPOSED STORAGE TANKS N/A

Gas or service stations? Yes No Oil storage facility? Yes No Other? Yes No

If yes, specify: _____

Size of tanks: _____ Location and depth of tanks: _____

13. PROPOSED USERS N/A

No. of residents: _____ No. and type of businesses: _____

No. and type of workers by businesses: _____ No. and type of non-residents who are not workers: _____

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES) N/A

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? Yes No

If yes, describe briefly:

15. DIRECT DISPLACEMENT N/A

Will the action directly displace specific business or affordable and/or low income residential units? Yes No

If yes, describe briefly:

16. COMMUNITY FACILITIES N/A

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? Yes No

If yes, describe briefly:

SEE CEQR
TECHNICAL MANUAL
CHAPTER III B.,
SOCIO-ECONOMIC
CONDITIONS

SEE CEQR
TECHNICAL MANUAL
CHAPTER III C.,
COMMUNITY FACILI-
TIES & SERVICES

**Zoning
Information**

17. What is the zoning classification(s) of the directly affected area? **N/A**

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe in terms of bulk for each use.

N/A

19. What is the proposed zoning of the directly affected area? **N/A**

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning? Describe in terms of bulk for each use. **N/A**

21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action?

N/A

Additional Information

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

Analyses

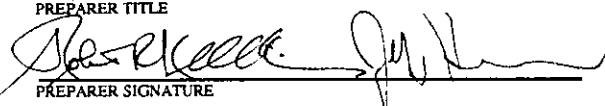
23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):
- a. LAND USE, ZONING, AND PUBLIC POLICY See CEQR Technical Manual Chapter III.A.
 - b. SOCIOECONOMIC CONDITIONS See CEQR Technical Manual Chapter III.B
 - c. COMMUNITY FACILITIES AND SERVICES See CEQR Technical Manual Chapter III.C.
 - d. OPEN SPACE See CEQR Technical Manual Chapter III.D.
 - e. SHADOWS See CEQR Technical Manual Chapter III.E.
 - f. HISTORIC RESOURCES See CEQR Technical Manual Chapter III.F.
 - g. URBAN DESIGN/VISUAL RESOURCES See CEQR Technical Manual Chapter III.G.
 - h. NEIGHBORHOOD CHARACTER See CEQR Technical Manual Chapter III.H.
 - i. NATURAL RESOURCES See CEQR Technical Manual Chapter III.I.
 - j. HAZARDOUS MATERIALS See CEQR Technical Manual Chapter III.J.
 - k. WATERFRONT REVITALIZATION PROGRAM See CEQR Technical Manual Chapter III.K.
 - l. INFRASTRUCTURE See CEQR Technical Manual Chapter III.L.
 - m. SOLID WASTE AND SANITATION SERVICES See CEQR Technical Manual Chapter III.M.
 - n. ENERGY See CEQR Technical Manual Chapter III.N.
 - o. TRAFFIC AND PARKING See CEQR Technical Manual Chapter III.O.
 - p. TRANSIT AND PEDESTRIANS See CEQR Technical Manual Chapter III.P.
 - q. AIR QUALITY See CEQR Technical Manual Chapter III.Q.
 - r. NOISE See CEQR Technical Manual Chapter III.R.
 - s. CONSTRUCTION IMPACTS See CEQR Technical Manual Chapter III.S.
 - t. PUBLIC HEALTH See CEQR Technical Manual Chapter III.T.

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above- listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

Applicant Certification

24. Robert Kulikowski, Ph.D./Jeffrey Haberman _____
PREPARER NAME PRINCIPAL

Assistant to the Mayor/Deputy Director _____
PREPARER TITLE NAME OF PRINCIPAL REPRESENTATIVE

 _____
PREPARER SIGNATURE TITLE OF PRINCIPAL REPRESENTATIVE

May 5, 2009 _____
DATE SIGNATURE OF PRINCIPAL REPRESENTATIVE

DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws.

**Impact
Significance**

PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

- For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING, AND PUBLIC POLICY	<u>No</u>
SOCIOECONOMIC CONDITIONS	<u>No</u>
COMMUNITY FACILITIES AND SERVICES	<u>No</u>
OPEN SPACE	<u>No</u>
SHADOWS	<u>No</u>
URBAN DESIGN/VISUAL RESOURCES	<u>No</u>
NEIGHBORHOOD CHARACTER	<u>No</u>
NATURAL RESOURCES	<u>No</u>
HAZARDOUS MATERIALS	<u>No</u>
WATERFRONT REVITALIZATION PROGRAM	<u>No</u>
INFRASTRUCTURE	<u>No</u>
SOLID WASTE AND SANITATION SERVICES	<u>No</u>
ENERGY	<u>No</u>
TRAFFIC AND PARKING	<u>No</u>
TRANSIT AND PEDESTRIANS	<u>No</u>
AIR QUALITY	<u>No</u>
NOISE	<u>No</u>
CONSTRUCTION IMPACTS	<u>No</u>
PUBLIC HEALTH	<u>No</u>

- Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.
- If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.
- If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.
- If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment

**Lead Agency
Certification**

PREPARER NAME

PREPARER TITLE

PREPARER SIGNATURE

DATE

Robert Kulikowski, Ph.D./Jeffrey Haberman

NAME OF LEAD AGENCY REPRESENTATIVE

Assistant to the Mayor/Deputy Director

TITLE OF LEAD AGENCY REPRESENTATIVE

SIGNATURE OF LEAD AGENCY REPRESENTATIVE

May 5, 2009

DATE

**ATTACHMENT A
ENVIRONMENTAL ASSESSMENT STATEMENT**

Re: A local law to amend the Administrative Code of the City of New York, in relation to the creation of a comprehensive wetlands protection strategy for New York City.

CEQR Number 09CCO002Y

Location: Citywide

Type of Action: Unlisted

3b. PROJECT DESCRIPTION:

The action consists of the passage of a local law that amends Chapter 5 of Title 24 of the Administrative Code of the City of New York by adding a new section 24-528 that would create a Comprehensive Wetlands Protection Strategy. Discretionary actions that require environmental review include passage of a local law by the City Council and approval of the law by the Mayor of the City of New York, or in the case of a mayoral veto, an override of such veto by the Council.

Proposed Int. No. 506-A requires the Mayor's Office of Long-Term Planning and Sustainability (OLTPS) to undertake a satellite or aerial imagery survey of the City of New York in order to determine the location and size of all of the wetlands within the City and based upon the analyses performed on the data derived from this survey, develop and implement a comprehensive wetlands protection strategy in accordance with the elements recited in the proposed local law consistent with a prescribed schedule. The overall goals of the strategy are to "(1) conserve, protect, enhance, stabilize, restore and expand wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with other, competing land uses that are in the public interest, such as the construction of schools or affordable housing."

Other portions of new section 24-528 provide for periodic review and necessary revision of the elements of the strategy and periodic reporting of the results of those reviews.

3c. STATEMENT OF PURPOSE AND NEED

Creation of a Comprehensive Wetlands Protection Strategy

Wetlands serve a variety of critical functions important to the residents of New York City including filtration of pollutants, surface water storage, flood control, maintaining aquatic and wildlife habitats and opportunities for aesthetic appreciation of streams and verdant

shorelines, but New York City has lost the vast majority of its wetlands to development, over time.

The proposed local law requires the development of a local Comprehensive Wetlands Protection Strategy that will allow the City to maximize the benefits of wetlands that are noted above, whether privately or publicly owned, in a way that is not provided for by other laws. For example, the State's Environmental Conservation Law provides for significant protection of wetlands only if they are at least 12.4 acres in size unless they are designated a "critical environmental area" or a wetland of "unusual local importance".

A Comprehensive Wetlands Protection Strategy is also consistent with other existing City programs such as the Bluebelt Program administered by the Department of Environmental Protection, and previous actions taken to protect the City's wetlands, such as establishing the Wetlands Transfer Task Force that was formed to assess available City-owned properties that contain wetlands (Local Law 13 of 2007), the creation of the Jamaica Bay Task Force (Local Laws 71 of 2005 and 36 of 2006), coordination in the issuance of construction permits in or adjacent to wetlands or coastal zone hazard areas (Local Law 21 of 2009) and be a vehicle for sustainable growth consistent with recently passed legislation relating to a Local Brownfield Cleanup Program (Proposed Int. No. 21-A, passed by the Council on April 22, 2009 and awaiting the Mayor's signature).

23. ANALYSES

The proposed action is the passage of a local law in accordance with which the Mayor's Office of Long-Term Planning and Sustainability will develop a Comprehensive Wetlands Protection Strategy (CWPS). As such, the proposed action is generic in nature and would not be expected to result in site-specific changes that would affect the following technical areas:

- Community Facilities and Services
- Shadows
- Historic Resources
- Urban Design/Visual Resources
- Neighborhood Character
- Hazardous Materials
- Infrastructure
- Solid Waste and Sanitation Services
- Energy
- Traffic and Parking
- Transit and Pedestrians
- Air Quality
- Noise
- Construction Impacts

Given the generic nature of the proposed action, there would be no site-specific effects due to the enactment of this law and solely the creation of the CWPS. However, the implementation of the CWPS as required by the proposed local law may have the potential to affect the following technical areas: Land Use, Zoning and Public Policy, Neighborhood Character, Open Space, Natural Resources, Socioeconomic Conditions, and Public Health. The effects in these areas would be expected to be positive, as discussed below. Further, actions associated with any specific sites that were directly affected by the CWPS would be subject to project-specific environmental reviews, as appropriate.

23(a) Land Use, Zoning and Public Policy/Neighborhood Character

The proposed action would not have any significant adverse impacts on land use, zoning and public policy or on neighborhood character and would likely have a beneficial impact on land uses because, among the goals of the legislation is the conservation, protection, enhancement, stabilization, restoration and expansion of wetlands and may result in maintenance of existing zoning and land uses.

Wetlands in the City are found primarily along the City's shoreline, but there are interior wetlands. A critical element of this local law is the performance of a satellite or aerial imagery survey to properly identify as specifically as possible the City's wetlands by their location and size. The analyses of the data acquired from the survey will permit the development of the CWPS in accordance with the prescribed elements. Until such survey is performed and the necessary analyses performed, no specific actions or activities are required to be undertaken. However, following this, the proposed local law requires the development of the CWPS and its implementation. Further, as noted above, proposed Int. No. 506-A is not site-specific. Any site-specific action that would be required under the CWPS that requires a discretionary action by the City would be subject to environmental review would undergo such review at the appropriate time and in the appropriate manner. As-of-right actions would not require further environmental review.

23(b) Socioeconomic Conditions

The enactment of Proposed Int. No. 506-A will not have a significant adverse impact on socioeconomic conditions. While the proposed local law provides for data collection, analyses of those data and development of a CWPS with prescribed elements based upon those analyses, will not in and of itself result in either direct or indirect residential, commercial or institutional displacement. Projects that would be undertaken subsequent to the specific provisions of the CWPS that involve activities that have the potential for indirect displacement effects on businesses or residents in the area surrounding any area identified as a wetland as a result of the imaging survey undertaken pursuant to this proposed local law, such site-specific projects would occur either as-of-right (in which case no further environmental review is required) or would require a separate, project-specific environmental review.

The proposed action of enactment of Proposed Int. No. 506-A to develop a CWPS would, therefore, not adversely effect socioeconomic conditions.

23(d) Open Space

Proposed Int. No. 506-A will likely have a beneficial impact on public open space in the City, particularly for recreational uses such as coastal hiking, and more particularly for water-dependent uses, such as boating or swimming. This is consistent with such existing policies and programs as the Bluebelt program and the transfer of jurisdiction of City-owned wetlands to the City's Department of Parks and Recreation from other agencies.

23(i) Natural Resources

The enactment of Proposed Int. No. 506-A will have no significant adverse impact on natural resources. As noted elsewhere, the action is citywide, rather than site-specific, and the only discreet activity associated with the action is the collection of data using satellite or aerial imaging techniques, which would not directly or indirectly disturb the natural resources that are the subject of Proposed Int. No. 506-A or that themselves inhabit such resources. That imagery survey and the analyses of the data derived from such survey may lead to a set of specific activities that will implemented to satisfy the discrete elements of the CWPS, but could in fact result in no action needing to be undertaken different from what is currently being undertaken in accordance with the existing regulatory schemes. Any project, whether or not involving the construction of any structures, to be taken in the future, will itself be either an as-of-right project or be subject to a project-specific independent environmental review.

The action consisting of the enactment of Proposed Int. No. 506-A would likely not: (1) render a water resource unfit for one or more uses for which it is classified and/or cause or exacerbate a water quality violation; (2) directly or indirectly adversely affect a significant, sensitive, or designated resource; (3) diminish habitat for a resident or migratory endangered, threatened, or rare animal species or species of special concern; (4) result in the loss of plant species that are endangered, threatened, rare, or vulnerable; result in the loss of part or all of a resource that is important because it is large, unusual, or the only one remaining in the area where the action is to take place; (5) either directly or indirectly, cause a noticeable decrease in a resource's ability to serve one or more of the following functions: wildlife habitat, food chain support, physical protection (flood protection, e.g.), water supply, pollution removal, recreational use, aesthetic or scenic enhancement, commercial productivity, or microclimate support; nor is the enactment of Proposed Int. No. 506-A likely, either directly or indirectly, to contribute to a cumulative loss of habitat or function which diminishes that resource's ability to perform its primary functions.

23(t) Public Health

For similar reasons, Proposed Int. No. 506-A, by creating a local CWPS, promises to have a beneficial impact on public health. To the extent that the surface water filtered by

wetlands enters the City's receiving waters, there can only be a beneficial impact on those receiving waters which may enhance the opportunity to use those waters for swimming or other recreational uses in which participants are or may be exposed to those receiving waters.

To the extent that Proposed Int. No. 506-A will filter pollutants that would otherwise enter the City's receiving waters, individuals who eat any of the marine creatures in such waters, such as clams, crabs or fish, will be eating food that is at least marginally safer for humans, and certain no more harmful.

2.8 Waterfront Revitalization Program

The local law would create a local Comprehensive Wetlands Protection Strategy that would be applicable citywide. Because this action is not a site-specific action, much of the WRP Consistency Form is not applicable because it addresses specific sites. However, most of the City's remaining wetlands are located along the coast, rather than inland. Coastal wetlands affected by the CWPS developed in accordance with this proposed local law under this program would be consistent with all ten policies of the New Waterfront Revitalization Program.

This local law requires the identification of the remaining wetlands in New York City by satellite or aerial imagery survey and then mandates the development and implementation of a comprehensive wetlands protection strategy. The goals of the strategy include conservation, protection, enhancement, stabilization, restoration and expansion of wetlands and associated buffer areas in the City. This strategy is intended to avoid and minimize wetlands losses and achieve no net loss of wetlands in the City. This strategy will also standardize and improve the management of wetlands and associated buffer areas as it balances the need for wetlands protection with other, competing land uses that are in the public interest.

Because this is not a site specific action, much of the WRP Consistency form is not applicable because it addresses site specific issues. Similarly since this local law is intended protect wetlands and encourage habitat restoration and expand wetlands and associated buffers in the City, some of the WRP policies, such as policies 1, 2, 3, 7 and 10 are not applicable to this local law and others, such as policies 4, 5, 6, 8 and 9 are inherently consistent actions that directly foster the goals set for waterfront functional areas.

For example, Policy 1 is inapplicable because this local law is intended facilitate freshwater and tidal wetlands identification and protection and not commercial and residential redevelopment except to the extent such development may be determined to be in the public interest after balancing the need for the development with the need to protect New York City's remaining wetlands. Policy 2 is similarly inapplicable because the local law is not intended to facilitate or deter water dependent uses in the Significant Maritime and Industrial Areas. Policy 3 is inapplicable because this local law addresses

land based activities and not waterborne activities such as commercial or recreational boating or water dependent transportation activities. Policy 7 is not applicable because this local law does not involve any handling, management, transportation or discharge of hazardous or solid waste. Finally, Policy 10 is not applicable because this local law does not pertain to historical, archeological or cultural resources.

By contrast, this local law is specifically drafted to protect and restore tidal and freshwater wetlands, ecological quality within the New York city coastal area, including component habitats that serve vulnerable plant, fish and wildlife species, to protect the quality of groundwater streams and sources of water for wetlands, to minimize loss of life, structures and natural resources caused by flooding and anticipated sea level rise, to preserve and protect existing physical, visual and recreational access to the waterfront and to protect scenic values associated with natural resources. As these actions are inherently consistent with five of the nine policies of the Waterfront Revitalization Program, they would not require a consistency review since these activities have already been determined to be consistent within the applicable Waterfront Revitalization Program policies.

The New York City Waterfront Revitalization Program Consistency Assessment Form is appended as ATT A1.

ATTACHMENT A1

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

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

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

A. APPLICANT

1. Name: City Council/Office of the Mayor
2. Address: 250 Broadway/253 Broadway, New York, NY 10007
3. Telephone: 212.788.9122/2937 Fax: _____ E-mail: jhaberman@council.nyc.gov; rkulikowski@cityhall.nyc.gov
4. Project site owner: N/A

B. PROPOSED ACTIVITY

1. Brief description of activity:

The action consists of a local law that amends Chapter 5 of Title 24 of the Administrative Code of the City of New York to add a new section 24-528 that requires performing a satellite or aerial imagery survey of the City's likely wetlands areas. These data would be used to develop and implement a comprehensive wetlands protection strategy for the City of New York. Discretionary actions that require environmental review include passage of the proposed local law by the City Council and the approval of the law by the Mayor of the City of New York, or in the case of a Mayoral veto, an override of such veto by the Council.

2. Purpose of activity:

The proposed local law will cause the identification of the locations and sizes of the City's wetlands and use these data to develop and implement a City Comprehensive Wetlands Protection Strategy (CWPS) that will lead to the conservation, protection, stabilization and restoration of the City's wetlands.

3. Location of activity: (street address/borough or site description):

City-wide in areas where wetlands are identified.

Proposed Activity Cont'd

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

N/A

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

No

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

Yes _____ No _____ If yes, identify Lead Agency:

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

Passage of the proposed local law by the City Council and the approval of the law by the Mayor of the City of New York, or in the case of a Mayoral veto, an override of such veto by the Council.

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input checked="" type="checkbox"/>	_____
2. Does the proposed project require a waterfront site?	_____	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<input checked="" type="checkbox"/>

Policy Questions	Yes	No
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The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

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

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

Policy Questions cont'd

Yes No

- | | | |
|---|-------|-------|
| 7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3) | _____ | _____ |
| 8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2) | _____ | _____ |
| 9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2) | ✓ | _____ |
| 10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) | _____ | _____ |
| 11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2) | _____ | _____ |
| 12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2) | _____ | _____ |
| 13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3) | _____ | _____ |
| 14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3) | ✓ | _____ |
| 15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1) | _____ | _____ |
| 16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2) | _____ | _____ |
| 17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3) | _____ | _____ |
| 18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2) | ✓ | _____ |
| 19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1) | ✓ | _____ |
| 20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2) | ✓ | _____ |
| 21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2) | ✓ | _____ |
| 22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3) | _____ | _____ |
| 23. Would the action have any effects on commercial or recreational use of fish resources? (4.4) | _____ | _____ |
| 24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5) | _____ | _____ |
| 25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1) | _____ | _____ |
| 26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1) | _____ | _____ |
| 27. Will any activity associated with the project generate nonpoint source pollution? (5.2) | _____ | _____ |
| 28. Would the action cause violations of the National or State air quality standards? (5.2) | _____ | _____ |

Policy Questions cont'd

Yes No

- 29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C) _____
- 30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3) _____
- 31. Would the proposed action have any effects on surface or ground water supplies? (5.4) _____
- 32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6) _____
- 33. Would the action result in any construction activities that would lead to erosion? (6) _____
- 34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1) _____
- 35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1) _____
- 36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2) _____
- 37. Would the proposed project affect a non-renewable source of sand ? (6.3) _____
- 38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7) _____
- 39. Would the action affect any sites that have been used as landfills? (7.1) _____
- 40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2) _____
- 41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3) _____
- 42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8) _____
- 43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8) ✓ _____
- 44. Would the action result in the provision of open space without provision for its maintenance? (8.1) _____
- 45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2) _____
- 46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3) _____
- 47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4) ✓ _____
- 48. Does the project site involve lands or waters held in public trust by the state or city? (8.5) ✓ _____
- 49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9) _____
- 50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1) _____

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

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

D. CERTIFICATION

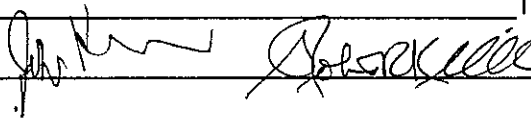
The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can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

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

Applicant/Agent Name: City Council/Office of the Mayor

Address: 250 Broadway/253 Broadway, New York, NY 10007

Telephone 212.788.9122/2937

Applicant/Agent Signature:  Date: May 5, 2009

ATTACHMENT B

Proposed Int. No. 506-A

By Council Members Gennaro, Brewer, Fidler, Gentile, Gonzalez, James, Koppell, Liu, Nelson, Sanders Jr., Weprin, Gerson, White Jr., Martinez, DeBlasio, Vann, Felder and Mitchell

A Local Law

To amend the administrative code of the city of New York, in relation to the creation of a comprehensive wetlands protection strategy for New York City.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that wetlands serve a variety of critical functions important to the residents of New York City. These functions include filtration of pollutants, surface water storage, flood control, shoreline stabilization and prevention of erosion, stream flow maintenance including maintaining the aquatic habitat and opportunities for aesthetic appreciation of streams, groundwater recharge, sediment removal and nutrient recycling, promoting aquatic species productivity, biodiversity and provision of plant and wildlife habitat and enhancing recreational opportunities. Draining and filling wetlands impairs their functions and destroys native habitats. New York City has lost the majority of its wetlands to development, over time. The Council finds that to the maximum extent possible in consideration of competing land uses, preserving the remaining wetlands, creating new wetlands and undertaking actions designed to improve the functions of wetlands to the maximum extent possible is in the best interests of the City, and offers a way to respond to the challenges that will be presented by climate change and rising sea levels.

The Council further finds that the existing law leaves gaps in wetlands protection and that it is necessary for the City to develop and implement a comprehensive wetlands protection strategy.

The Council further finds that existing maps of wetlands in the City are outdated and incomplete. For all of these reasons, the City must take steps to conduct a preliminary satellite or aerial imagery survey that will provide an overview of the remaining wetlands in the City, and provide a basis to develop and implement a wetlands strategy that will address challenges or obstacles to wetlands protection.

§2. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-528 to read as follows:

§24-528 New York city comprehensive wetlands study and protection strategy. a.

Definitions.

1. "City" shall mean the geographic area constituting the city of New York, including wetlands, shorelines and underwater lands.

2. "Office" shall mean the mayor's office of long-term planning and sustainability.

3. "Wetlands" shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

b. Preliminary satellite or aerial imagery survey. No later than September 1, 2010, the office shall submit to the mayor and the speaker of the council a preliminary survey of likely wetland areas based upon satellite or aerial imagery. The preliminary

satellite or aerial imagery survey shall be for the purpose of indicating the overall size and location of remaining wetlands within the city and therefore to inform the development of an overall strategy for wetlands in the city.

c. Development of a comprehensive wetlands strategy. The office shall complete a preliminary wetlands protection strategy the overall goals of which shall be to (1) conserve, protect, enhance, stabilize, restore and expand wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with other, competing land uses that are in the public interest, such as the construction of schools or affordable housing. Such strategy shall consider (1) the ecological, hydrological, economic, aesthetic and habitat functions of wetlands including, but not limited to future protection from storm surges and other effects of rising sea levels; (2) the current condition and protections afforded wetlands in the city, including wetlands smaller than 12.4 acres in size; and (3) the wetlands policies, laws, rules and regulations that have been adopted by other municipalities in New York state.

d. (1) No later than December 31, 2011, the office shall submit a preliminary comprehensive wetlands protection strategy that meets the requirements of this subdivision to the mayor, the speaker of the council and the public for review and comment. Access to the public shall include posting such preliminary strategy on the city's website and such other measures as the office deems appropriate to increase notice.

(2) No later than March 1, 2012, the office shall submit a final comprehensive wetlands protection strategy that meets the requirements of this subdivision to the

mayor, the speaker of the council and the public. Submission to the public may include posting such final strategy on the city's website and such other measures as the office deems appropriate to increase notice.

(3) The comprehensive wetlands protection strategy shall include, but not be limited to, the following:

(i) appropriate legal requirements, management mechanisms, funding mechanisms, enforcement mechanisms and incentives to conserve, protect, enhance, restore, stabilize and expand wetlands and associated buffer areas in the city, whether publicly or privately owned;

(ii) appropriate legal requirements, management mechanisms, funding mechanisms, enforcement mechanisms and incentives regarding management of wetlands in the city by public and private owners to ensure their consistency and best practices;

(iii) land acquisition and land use planning practices and opportunities to provide for wetlands retreat;

(iv) strategies for adaptation to sea level rise that involve wetlands to the extent not provided for in any other planning or management initiatives undertaken by or on behalf of the city;

(v) opportunities to improve the implementation of wetlands mitigation and creation activities;

(vi) a protocol for coordination with appropriate federal, state and city governmental entities that have jurisdiction over or other property interest in wetlands or associated buffer areas including, but not limited to, coordination in the development of a comprehensive list of wetland mitigation opportunities and notification procedures

regarding proposed development projects that may adversely impact wetlands or associated buffer areas;

(vii) reporting mechanisms for wetlands indicators; and

(viii) a public education program to increase awareness about the ecological, economic, aesthetic and other values of wetlands and their associated buffer areas, which shall include information presented on the city's website and such other means as the office deems appropriate.

(4) The comprehensive wetlands protection strategy shall include a schedule and milestones for implementing the strategy and achieving its goals. .

(5) To the extent that any element of the comprehensive wetlands protection strategy is provided for in any other planning or management initiative undertaken by or on behalf of the city, such element may be incorporated by reference.

e. The comprehensive wetlands protection strategy developed pursuant to this section shall be reviewed and revised as necessary to achieve its goals, the first such review to be undertaken within three years and thereafter no less often than every four years. No later than April 22, 2015 and no later than every fourth year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council that provides an update on the comprehensive wetlands protection strategy developed pursuant to this section which shall include, but not be limited to:

(1) the implementation status of the measures included in such strategy, as it may have been revised pursuant to this subdivision; and

(2) specific progress towards each of the strategy's goals.

§3. This local law shall take effect immediately.

SS 4/28/09 11 pm
LS #1401