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SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT
NEW YORK CONTAINER TERMINAL EXPANSION, STATEN ISLAND, NY

CEQR NO. 09SBS004R
ULURP Nos. XX

May 4, 2009

A. INTRODUCTION

This scope of work outlines the technical areas to be analyzed in the preparation of an Environmental Impact Statement (EIS) for the expansion of the New York Container Terminal (NYCT) in Staten Island Community District 1. The Proposed Action would facilitate the construction and installation of a new 50-foot deep berth ("Berth 4") and associated marine terminal on a portion of the former Port Ivory site, a previously utilized marine-related site and partial brownfield located adjacent to the existing NYCT facility. The project site is roughly bordered to the north by the Arthur Kill, to the west by Bridge Creek, to the east by Arlington Marsh, and to the south by Richmond Terrace (with the exception of a small portion in the southeast corner that extends just south of Richmond Terrace). The project site is largely owned by or leased to the Port Authority of New York and New Jersey ("Port Authority") by the City of New York, with a small area in the southeastern corner owned by the City of New York and a second small area owned by New York Container Terminal. The project site is designated as part of the Staten Island Significant Maritime and Industrial Area (SMIA), while there may be a portion on the eastern edge designated as part of the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA).

The Proposed Action is comprised of the following: 1) disposition via lease or sale of City-owned land on the project site to the Port Authority; 2) demapping and mapping of public streets and easements as part of the site's improvement program; 3) approval of the filling of City-owned land along the waterfront to create the new berth; and 4) a number of State and/or Federal actions, as detailed in Section C below. The Proposed Action would facilitate the development of the planned Berth 4 with a 50-foot below mean low water depth, in addition to a 1,340-foot pile-supported wharf, four quay cranes, a container storage and handling area, a three-story marine operations building, a one-story crane operations building, and five one-story security booths ("Proposed Project"). The Proposed Project would be located on an approximately 39-acre site, which encompasses part of Block 1306, Lot 14; Block 1309, Lots 1, 2, 10 and part of Lot 5; as well as part of Block 1338, Lot 1 ("project site"). Some dredging, filling, and road relocation activities associated with the Proposed Action would take place on adjacent parcels. The Proposed Action would facilitate the re-use of this important parcel of waterfront property in a manner that would allow the expansion of waterfront industrial uses and the creation of new jobs. This document provides a description of the Proposed Action, and includes task categories for all technical areas to be analyzed in the EIS.

The EIS will be prepared in conformance with all applicable laws and regulations, including Executive Order No. 91, New York City Environmental Quality Review (CEQR) regulations, and will follow the guidelines of the *CEQR Technical Manual*. The EIS will contain:

- A description of the Proposed Action and its environmental setting.
- A statement of the environmental impacts of the Proposed Action, including its short-and long-term effects, direct, indirect and cumulative effects, and typical associated environmental effects.
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Action is implemented.
- A discussion of alternatives to the Proposed Action.
- A discussion of any irreversible and irretrievable commitments of resources that would be involved in the Proposed Action should it be implemented.
- A description of mitigation measures proposed to eliminate or minimize adverse environmental impacts.

The environmental analyses in the EIS will assume a Build Year of 2014 for the Proposed Project, and identify the cumulative impacts of other projects in areas affected by the Proposed Action. The New York City Department of Small Business Services (DSBS) would serve as lead agency (the "Lead Agency"), and will coordinate the review among the involved and interested agencies and the public. A list of involved agencies is provided in Appendix A.

B. DESCRIPTION OF THE PROPOSED ACTION

Description of the Project Site and its Context

New York Container Terminal (NYCT) operates a marine container and break-bulk cargo handling terminal on a 187-acre site in Staten Island that is largely owned by or leased to the Port Authority by the City. Figure 1 illustrates the location of NYCT's facility in the context of the NY Harbor region. As shown in Figure 1, NYCT is one of five container terminals in the Port of New York and New Jersey (PONYNJ). These include: (1) New York Container Terminal, (2) Elizabeth Marine Terminal, (3) Port Newark, (4) Global Marine Terminal, and (5) Red Hook Container Terminal. As shown in Figure 2, the existing NYCT facility is situated on Staten Island's northwestern waterfront along the Arthur Kill, just north of the Goethals Bridge (I-278) and approximately one mile west of the City's newly rebuilt Arlington Rail Yard. The terminal is readily accessible to major truck routes, and has capability for on-dock rail service connecting to the North American intermodal rail network.

The New York Container Terminal is currently comprised of a 3,011-foot-long wharf with three deep-water container vessel berths along the Arthur Kill and nine quayside gantry cranes. There are approximately 147 acres of open area for container storage, and a 37-acre intermodal rail yard provides on dock rail service. The facility also includes a 39,000 square foot main office building, three on-site warehouses with a total of 417,000 square feet of general warehouse space for dry cargo and 82,000 square feet of temperature-controlled storage, and an equipment maintenance and repair shop.

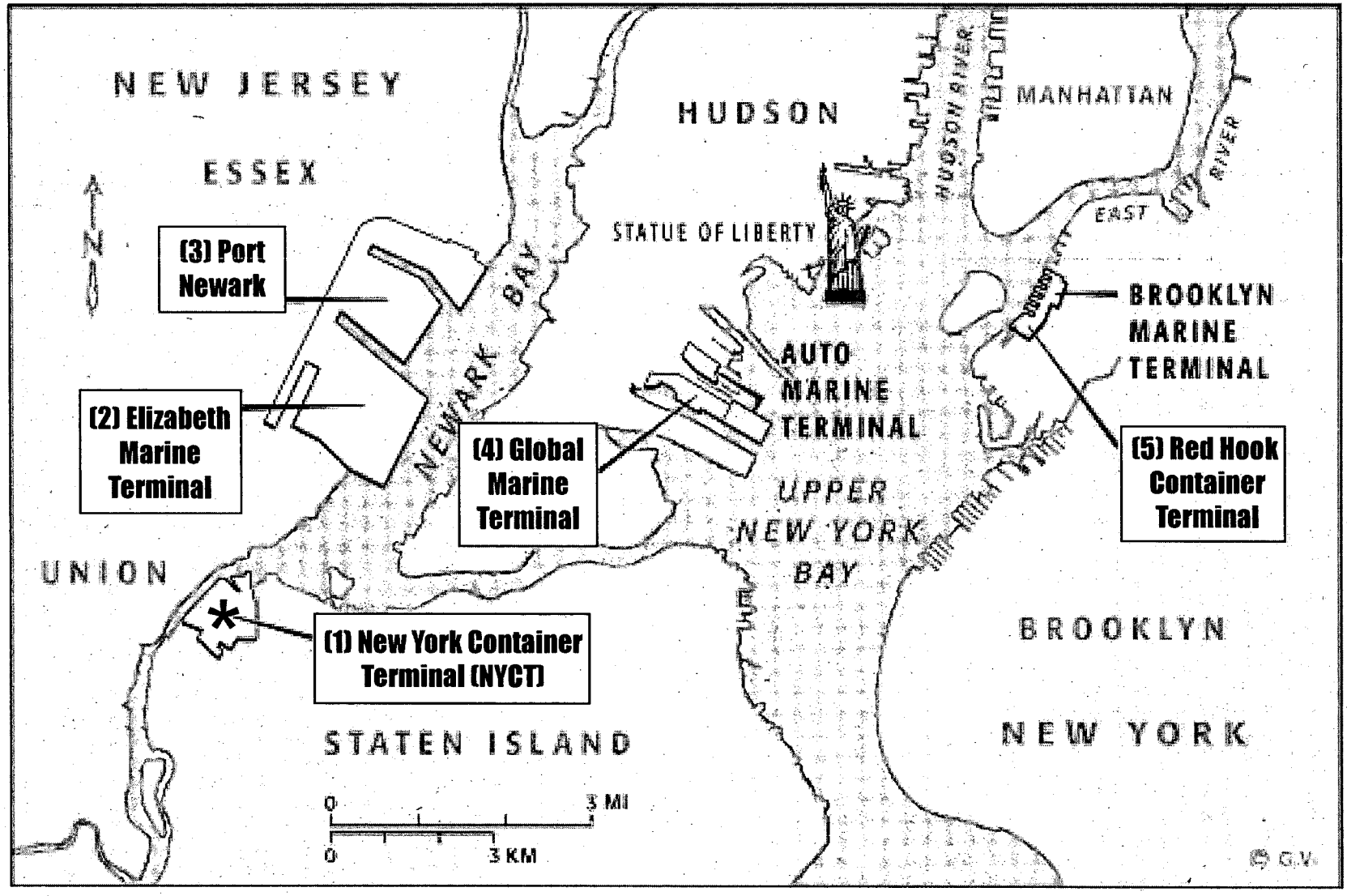
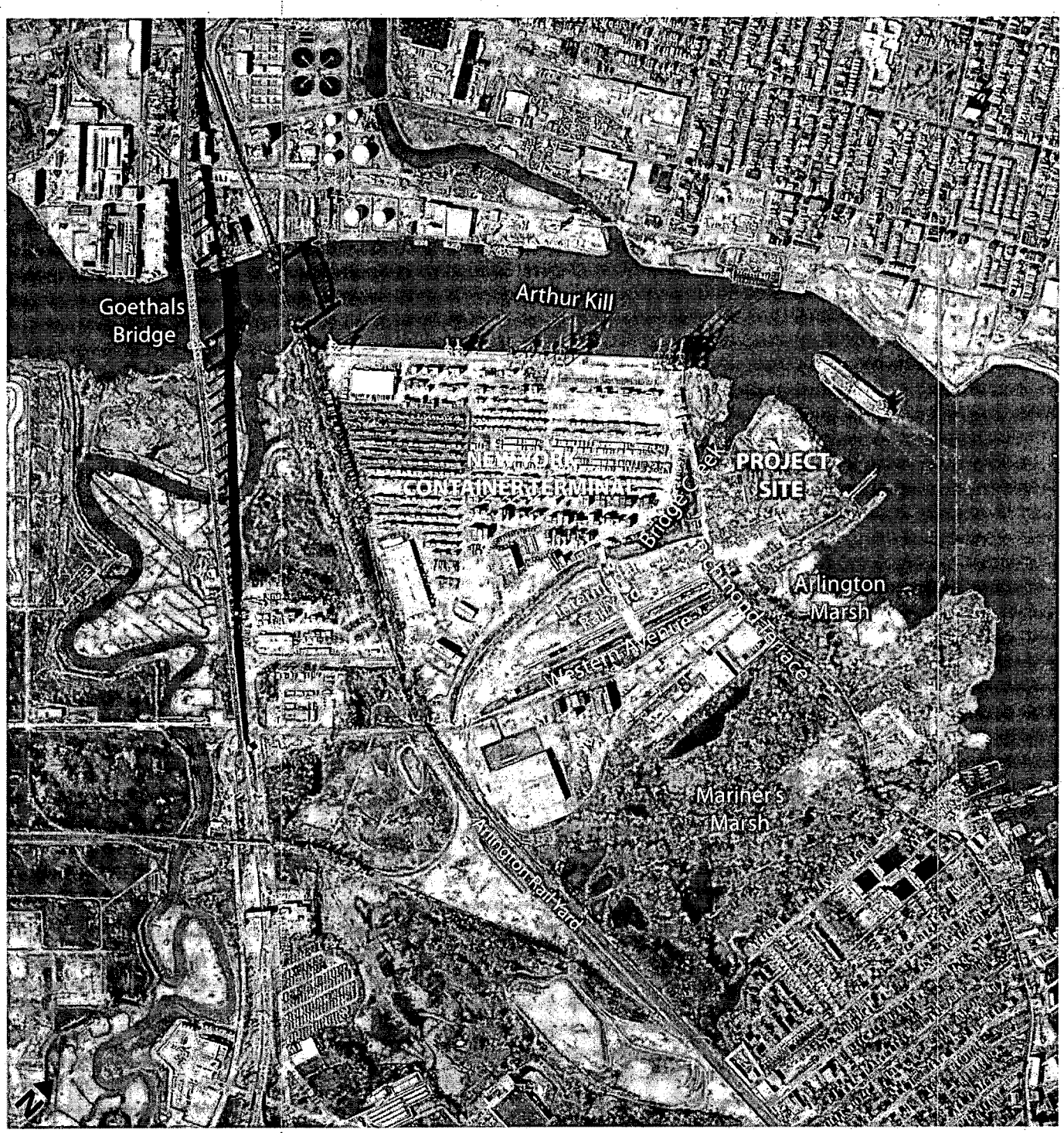


Figure 1
Existing Container Terminals in the Port of New York & New Jersey

Figure 2
Project Location



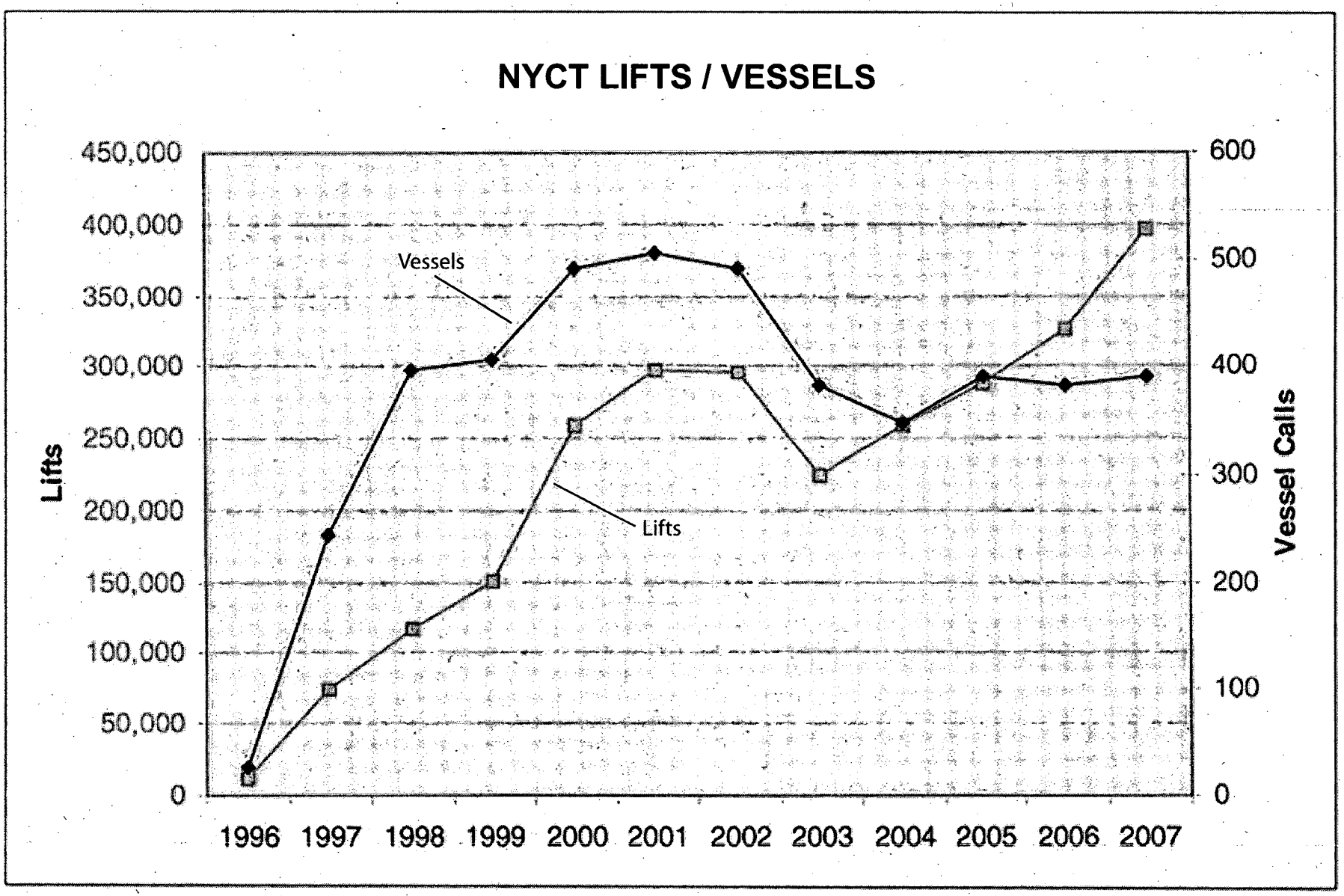
With the recent completion of approximately $32 million in renovations, the New York Container Terminal has a capacity of approximately 450,000 lifts per year[1] (765,000 TEU[2] per year). In 2004, NYCT handled approximately 260,000 lifts, which is below the capacity of the existing facility. However, trade growth and better facility competitiveness achieved through a range of operational improvements resulted in an annual container throughput of 400,000 lifts in 2007, nearly its full capacity. Figure 3 illustrates the NYCT's performance over the past 10 years in terms of lifts and vessel calls. NYCT currently employs approximately 555 people.

The Proposed Action would facilitate the construction and installation of Berth 4, a new 50-foot deep berth and associated marine container terminal. As shown in Figure 4, the project site encompasses approximately 39 acres located northeast of the existing NYCT facility on the east side of Bridge Creek. The project site is roughly bordered to the north by the Arthur Kill, to the west by Bridge Creek, to the east by Arlington Marsh, and to the south by Richmond Terrace (with the exception of a small portion in the southeast corner the extends just south of Richmond Terrace). As illustrated in Figure 4, the area between Arlington Marsh and the NYCT is a currently unpopulated former industrial site served by two local roadways (Western Avenue and Richmond Terrace). A portion of the project site is currently used by the NYCT for truck chassis storage. The Proposed Project also includes the relocation of portions of Richmond Terrace and Western Avenue to facilitate the consolidation of spaces on both the project site and at the existing container terminal, providing for a more efficient and functional layout (see Figure 5), and the dredging of an approximately 4.33-acre area to the south of the bulkhead line adjacent to the project site to create the proposed ship berth.

Prominent land uses surrounding the NYCT and the project site include transportation facilities and industrial sites, in addition to wetlands such as Bridge Creek to the west, Arlington Marsh to the east, and Mariner's Marsh to the south, which is also a mapped park. The Goethals Bridge, located south of the site, provides vehicular access between Staten Island and New Jersey. The Staten Island Expressway (I-278) and South Shore Expressway (Route 440) link the area to points south and east. Industrial properties south of the NYCT include the Port Authority's Teleport facility, the Visy Paper Plant, R.T. Baker & Sons (a defunct salvage operation), the former GATX Staten Island Terminal property and New York City's Arlington Rail Yard. In 2006, improvements were made to the NYCT, Arlington Yard, the AK Lift-Bridge (the rail connection between Staten Island and New Jersey) and New Jersey's Chemical Coast rail line by the City of New York and the Port Authority to allow the movement of containers directly to the national rail network from the NYCT. The Staten Island Corporate Park, also located to the south of the existing NYCT, is a commercial development that includes office, hotel and retail space, and a candy factory. Shooters Island, a 43-acre uninhabited island, is located to the east of the site, in Newark Bay. The island is an important breeding ground for wading birds, and is managed by the NYC Department of Parks and Recreation as a bird sanctuary.

The proposed new deep-water berth would be adjacent to the Arthur Kill Federal Navigation Channel, which will be deepened to 50 feet below mean low water as part of the Harbor Deepening Project (HDP). The HDP, being undertaken by the Unites States Army Corps of Engineers (USACE) with the Port Authority as the local sponsor, will deepen the Arthur Kill, Kill van Kull, and other navigation channels in the PONYNJ by approximately 2012. The channels are being deepened to allow larger draft vessels to reach terminals safely so as to satisfy a growing demand for containerized and non-containerized cargo in the region served by the PONYNJ.

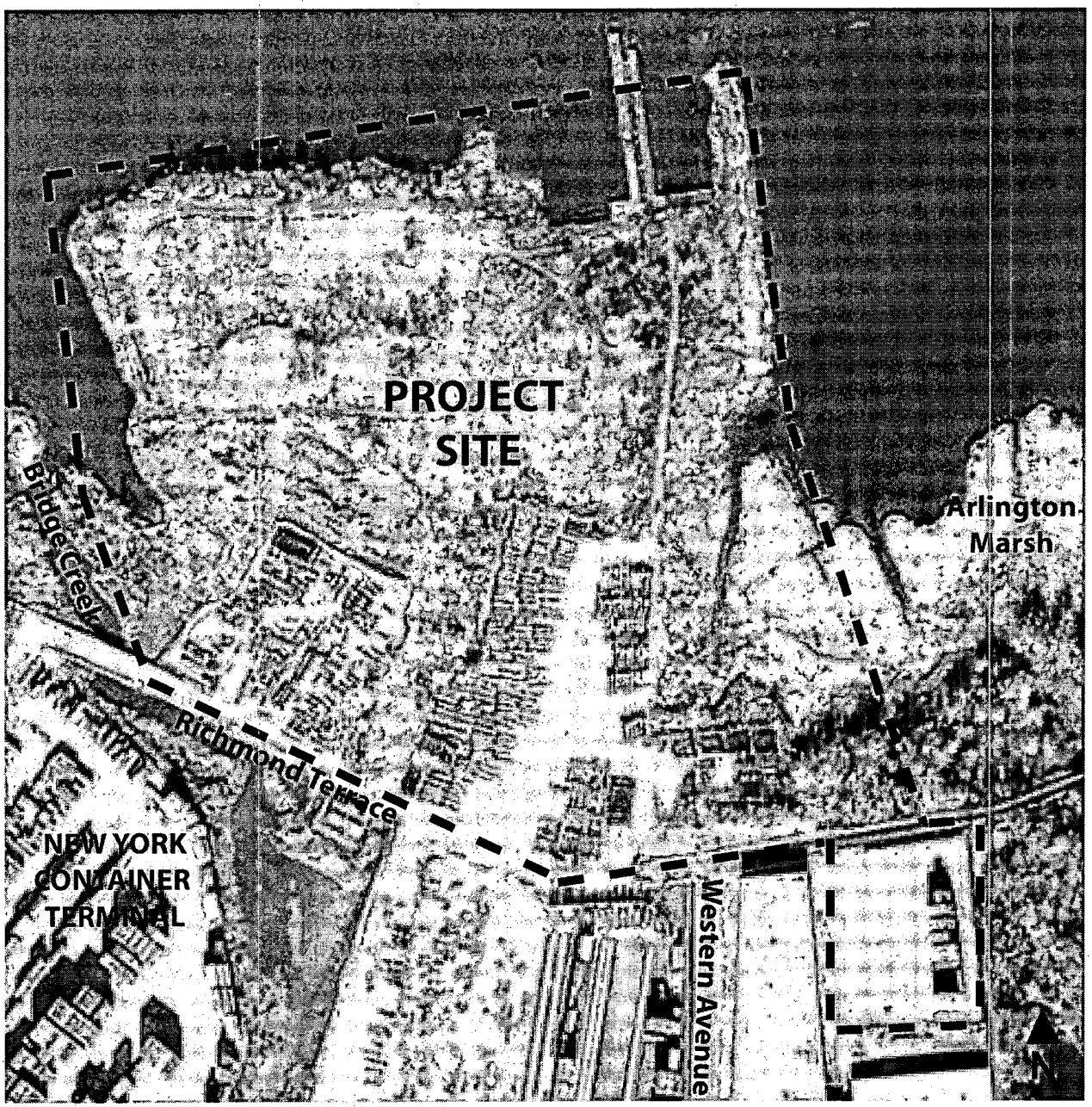
[1] A lift is the single movement of a container, usually loaded, from a berthed vessel to the wharf.
[2] A TEU is a 20-foot-long container. As containers can be different lengths, a TEU is a way of measuring container size. For example, a 20-foot container is one TEU; a 40-foot container is two TEU. The TEU to lift ratio is approximately 1.7 TEU per container.



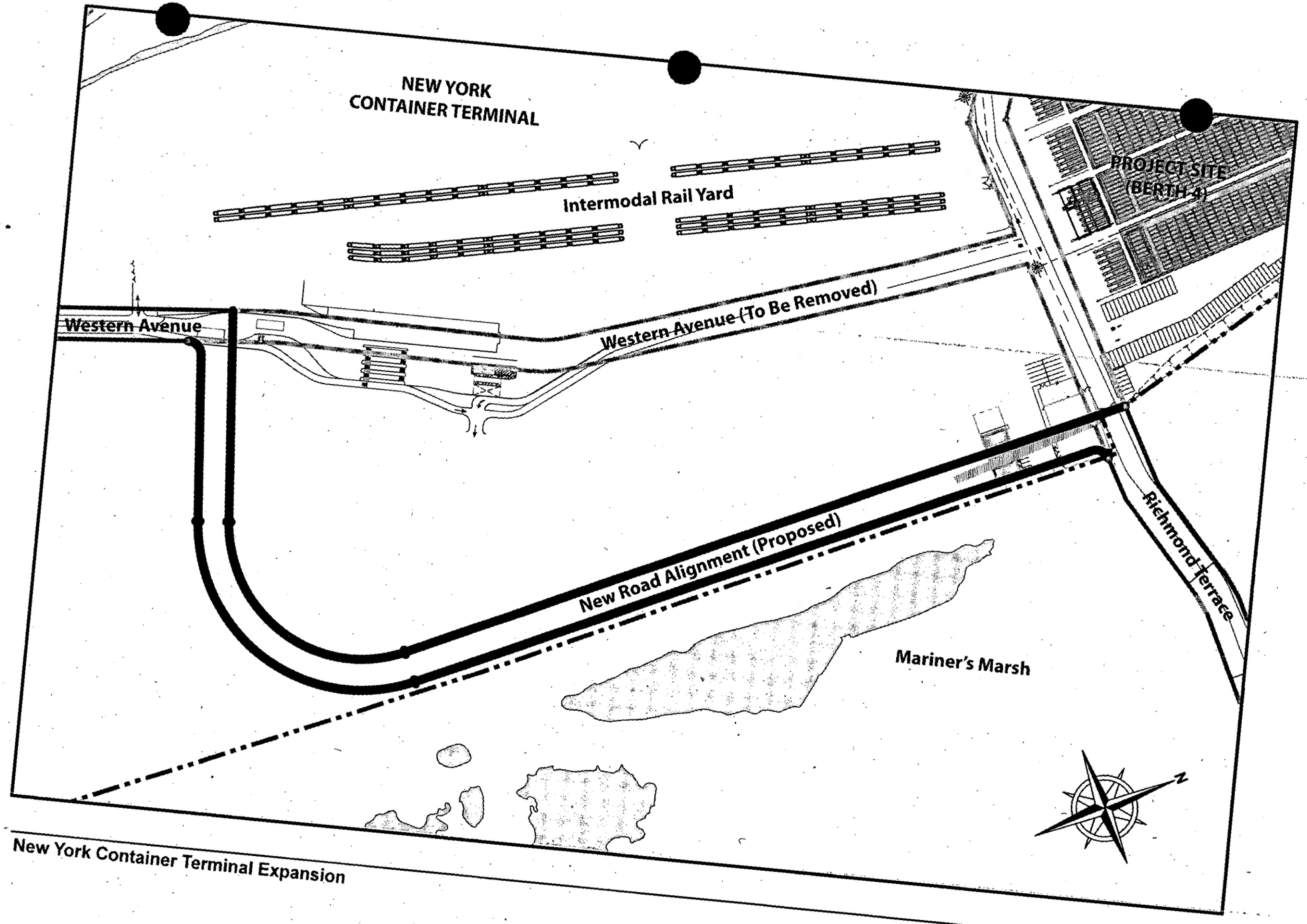
New York Container Terminal Expansion

Figure 3
Terminal Performance 1996 - 2007

Figure 4
Project Site & Existing Conditions



Project Site



New York Container Terminal Expansion

Figure 5
Proposed Road Alignment (Preliminary)

The Port Authority has also proposed improvements to the Goethals Bridge that are expected to be complete by 2014, including the construction of a new I-278 exit ramp leading directly to the intersection of Western Avenue and Goethals Road, and a new I-278 entrance ramp located east of this intersection. These proposed improvements are expected to enhance truck traffic circulation to and from the NYCT and help alleviate congestion.

Zoning at and around the NYCT is manufacturing and consists of M3-1, heavy manufacturing north and south of the Goethals Bridge, including the project site; M2-1, medium manufacturing, encompassing the Goethals Mobile Home Park; and M1-1, light manufacturing, further east. The closest residential zone is R3-2, located in the Arlington neighborhood approximately ½-mile to the east of the project site.

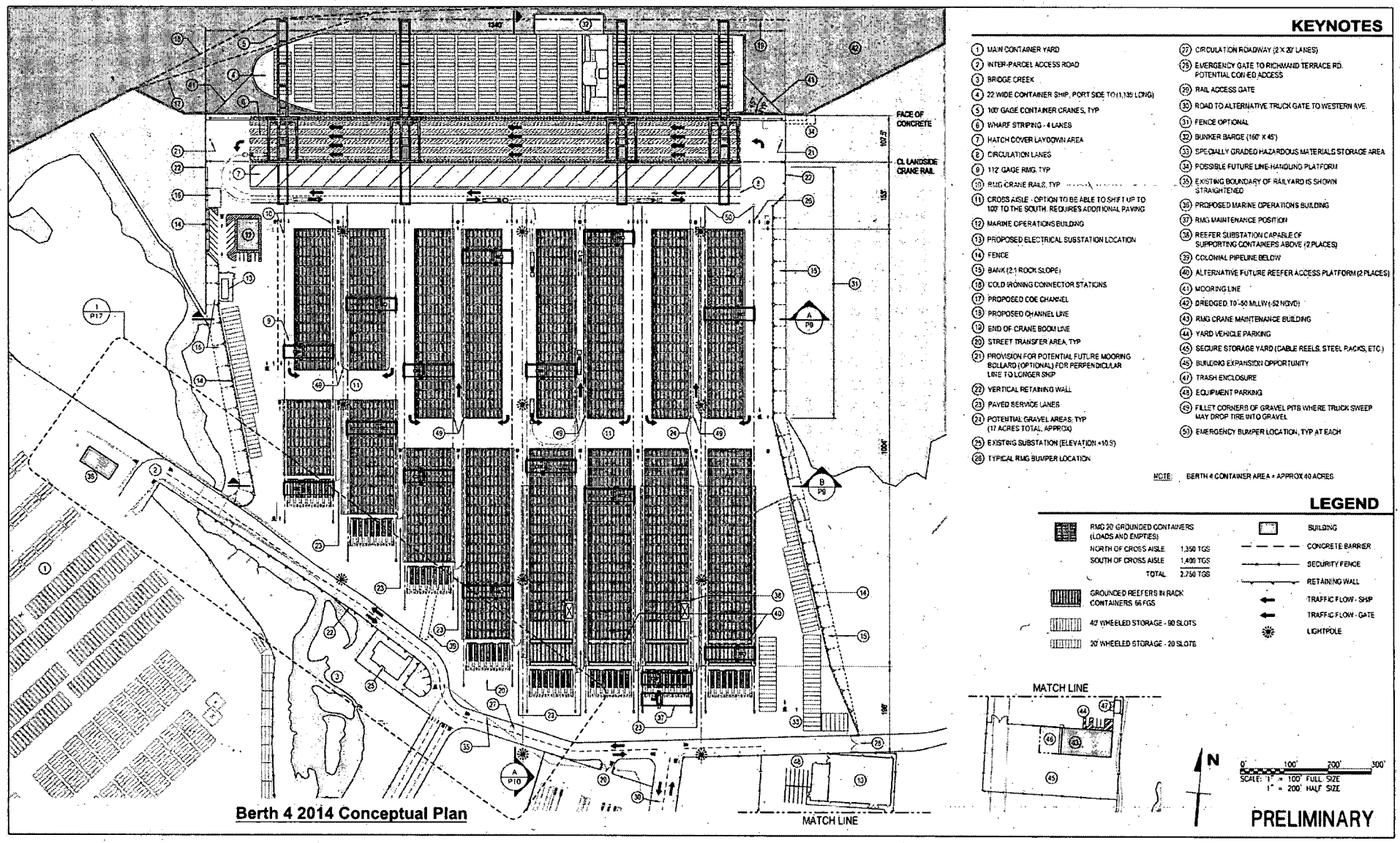
The Proposed NYCT Expansion

The New York Container Terminal proposes the development of Berth 4, a new fourth container ship berth and associated marine container terminal area on a previously utilized marine-related site and partial brownfield located immediately adjacent to and northeast of its existing facility on the Arthur Kill on Staten Island (refer to Figure 2 above). The conceptual design for the project site includes a new 1,340-foot pile-supported wharf, Berth 4 with a 50-foot below mean low water depth, four quayside cranes, a container handling and storage area, a three-story marine operations building, a one-story crane operations building, and five one-story security booths.

Other auxiliary functions associated with the proposed Berth 4 (i.e., administrative facilities, truck entrance and checkpoint, maintenance and repair shop, etc.) would be provided by the existing New York Container Terminal facility. Utilizing these existing functions would allow the new berth to achieve an anticipated 350,000 lifts per year within the space available on the project site. Figure 6 shows the conceptual plan for the marine terminal. The Proposed Project also includes the relocation of portions of Richmond Terrace and Western Avenue to facilitate truck circulation to, from and within the new marine terminal, and an approximately 12.43-acre area to the south of the bulkhead line adjacent to the project site which would be dredged to create the proposed ship berth. As noted above, the NYCT currently has approximately 555 employees. Construction of Berth 4 and its associated marine container terminal would create between 20 and 100 temporary construction jobs, and operation of the expanded terminal would create the equivalent of approximately 311 permanent full time jobs.

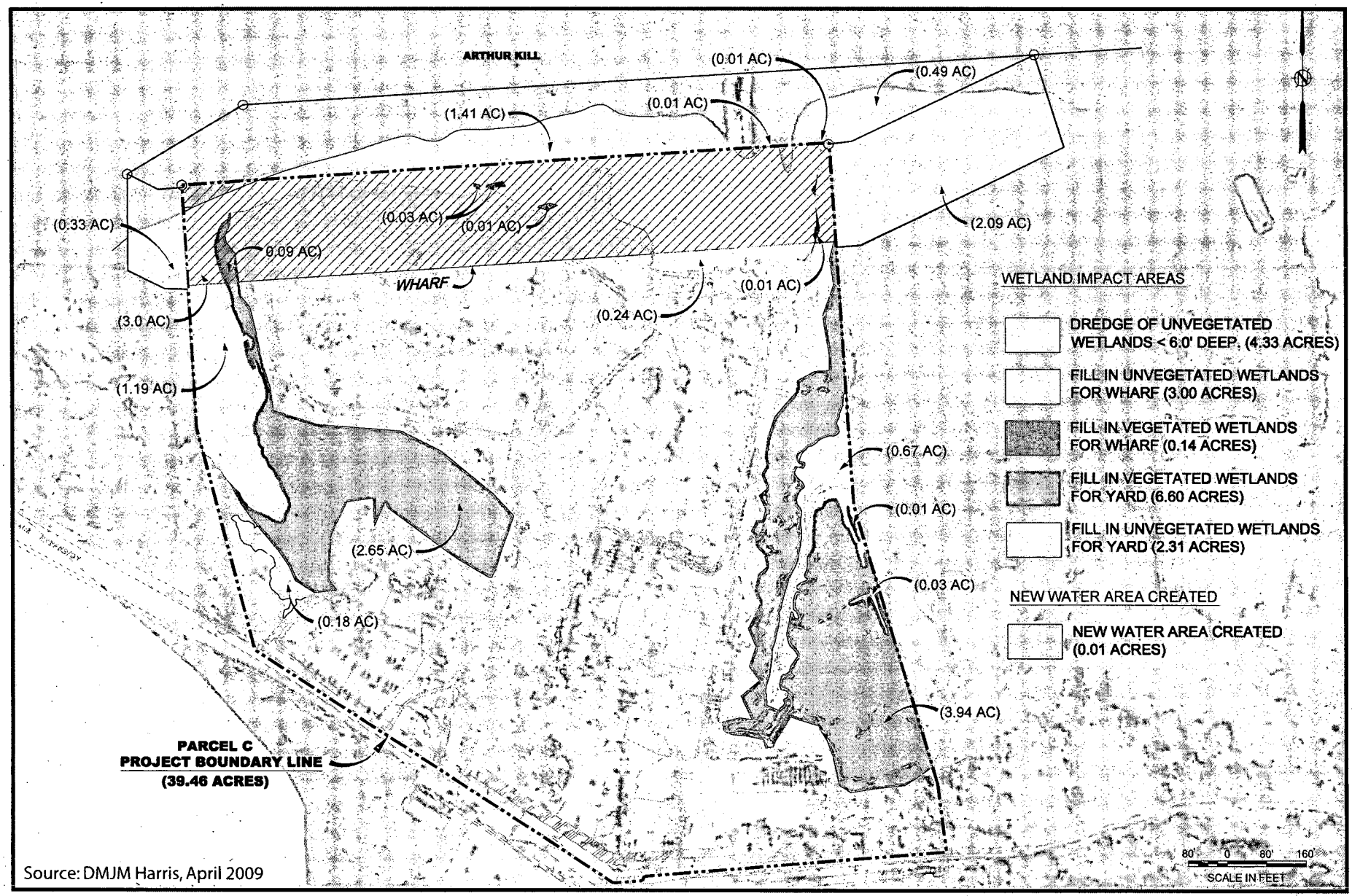
Development of the Proposed Project would require dredging of existing bottom materials in an area spanning approximately 4.33 acres, with an estimated 12.05 acres of wetlands to be filled. In total, approximately 16.38 acres of water bodies and tidal wetlands would be affected by the Proposed Action (refer to Figure 7 for affected areas). A vertical king pile bulkhead would be constructed along the waterside face of the wharf to retain the existing landfill material. With the bulkhead in place, additional fill would be placed over the existing soil material to achieve a uniform grade. The concrete wharf deck would be supported on piles, but would also be cast on top of the proposed fill. The dredging of approximately 425,777 cubic yards of material would be required within the Arthur Kill along the northern property boundary of the project site. The proposed dredging would be necessary to provide adequate area for maneuvering the large deep-draft vessels that would access Berth 4 from the Arthur Kill, and also for side slope areas to maintain the desired Berth 4 dredge footprint and prevent adjacent sediment from re-entering the footprint.

The Proposed Action also includes an amendment to the City Map to map and de-map segments of public streets (Richmond Terrace, Western Avenue, and an unimproved segment of Catharine Place) as part of the project site's planned improvements. The street mapping action would facilitate the consolidation of spaces on the project site and at the existing container terminal, providing for a more efficient and functional layout.



New York Container Terminal Expansion

Figure 6
Conceptual Plan for Project Site/Berth 4



New York Container Terminal Expansion

Figure 7
Waterbodies & Wetlands Affected by the Proposed Action

Project Purpose and Need

The purpose of the Proposed Action is to ensure the long-term viability of container operations in New York City, respond to faster than-anticipated growth of the container cargo market, and establish modern, sustainable marine terminal operations at the NYCT into the foreseeable future. Proposed state-of-the-art cargo handling equipment would allow Berth 4 to achieve throughputs of 9,211 lifts/acre/year or 15,660 TEU movements/acre/year by 2014. As shown in Table 1 below, the Berth 4 proposal would increase the near-term capacity of the NYCT complex from 450,000 lifts to 800,000 lifts (765,000 TEU to 1.36 million TEU) by 2014, an increase of 78 percent.

The purpose of and need for the Proposed Project are discussed in greater detail below, with a focus on four primary issues: North Atlantic market trends, PONYNJ container terminal market trends, existing NYCT facility capacity, and long-term environmentally friendly operations.

Table 1
NYCT - Existing and Proposed Berth Throughputs

NYCT Terminal Complex	Berths 1-3	**Berth 4**	Berths 1-4
Acres*	147	**39**	185
Throughput: Lifts/Year			
2004	260,000	--------	260,000
2006	326,000	--------	326,000
2007	400,000	--------	400,000
2014	450,000	**350,000**	800,000
2014 (TEU/year)	765,000	595,000	1.360 million
Throughput: Lifts/Year/Acre			
2004	1,769	--------	1,769
2006	2,217	--------	2,217
2007	2,721	--------	2,721
2012	3,061	**9,211**	4,324
2014 (TEU/acre/year)	5,204	15,660	7,350

** Does not include the adjacent rail yard*

*** Estimated maximum*

Source: Joint Permit Application for Proposed Berth 4 and Associated Terminal Expansion at Parcel C, DMJM Harris, November 2007

North Atlantic Container Market Trends

With the transition of the U.S. economy from a manufacturing base to a service-oriented economy, the demand for imported goods is strong. The U.S. East Coast, with its large and rapidly growing population base, is fueling import demands that in turn, generate demand for container terminal throughput in North Atlantic ports, especially the PONYNJ. The size of vessels deployed for maritime commerce is increasing and is expected to continue to increase in the foreseeable future. The next generation of mega-vessels with capacities approaching 10,000 TEU is expected to replace existing Post-Panamax[3] vessels on the Pacific trade routes. (Pacific trade routes have historically utilized larger vessels than North Atlantic routes.) The displaced Post-Panamax vessels will then begin operating on North Atlantic routes including to and from the PONYNJ.

[3] Vessels classified as Post-Panamax exceed the maximum dimensions of what will fit through the Panama Canal.

These larger ships will require greater channel depths than current vessels. Whereas ships calling at PONYNJ ports currently have up to an approximately 38 foot draft (requiring a 41-foot deep channel and berth), the larger capacity ships have a draft of up to approximately 48 feet (requiring a 50-foot deep channel and berth). Therefore, water depth and the previously mentioned Harbor Deepening Project are important factors in the ability of terminals like the NYCT to handle future cargo movements , as the former Pacific trade route vessels will make up an increasing share of the North Atlantic market in the coming years. The proposed Berth 4 and other improvements at the NYCT would allow it to accommodate these new, larger classes of container ships, thereby ensuring the long-term viability of the NYCT.

A recent market study estimates that the US economy will grow an average 2.0% per year from 2008-2013, below the long-term average of 3.1%. Therefore it is the opinion of NYCT's consultant, the Port of NYNJ is likely to see volume growth roughly in line with the national average of 5.4%. The Port's sizable local market and strong intermodal connectivity to hinterland markets will continue to drive demand, thus keeping NYNJ as a "must call" facility on the US East Coast. As these economic shifts are viewed as cyclical and would only temporarily reduce the rate of growth, and because the Proposed Action seeks to ensure long-term vitality in the PONYNJ, there is still a need for improvements at the NYCT.

Port of New York & New Jersey (PONYNJ) Container Terminal Market Trends

As shown in Figure 1, the New York Container Terminal is one of five container terminals in the PONYNJ. A Comprehensive Port Improvement Plan (CPIP) for the PONYNJ was completed in 2005, which defined water and landside infrastructure improvement initiatives to accommodate the region's capacity demand through the year 2060.

The mean annual growth rate in trade through the PONYNJ from 1996 through 2005 was 8.7 percent, as shown in Table 2. Assuming the trend shown in Table 2 continues, actual capacity in the PONYNJ will be reached in the short-term. By 2017, the PONYNJ will have achieved its limit of 8.6 million TEU. Given these forecasts, there is an urgent need to focus on adding wharf length and berth depth within the PONYNJ to address long-term capacity constraints. The approved Harbor Deepening Project discussed above will establish 50-foot depths in certain PONYNJ navigation channels. Completion of the HDP in 2012 will enable the larger ships in the fleet to call at PONYNJ terminals.

Table 2

Summary of Million TEUs Per Year at Major North Atlantic Ports, 1995-2005

Port Location	Mean Annual Growth	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
PONYNJ	8.7%	4.80	4.48	4.07	3.75	3.32	3.05	2.83	2.47	2.46	2.27
CHARLESTON	7.0%	1.98	1.86	1.69	1.59	1.53	1.63	1.48	1.28	1.22	1.08
HAMPTON	6.3%	1.98	1.81	1.65	1.44	1.30	1.35	1.31	1.25	1.23	1.14
SAVANNAH	12.7%	1.90	1.66	1.52	1.33	1.08	0.95	0.79	0.73	0.73	0.65
BALTIMORE	2.7%	0.60	0.56	0.53	0.48	0.49	0.51	0.50	0.49	0.49	0.47
HALIFAX	3.8%	0.55	0.53	0.54	0.52	0.05	0.55	0.46	0.43	0.43	0.39
All	7.8%	11.82	10.90	10.90	9.11	8.26	8.04	7.37	6.64	6.64	6.01

Source: Joint Permit Application for Proposed Berth 4 and Associated Terminal Expansion at Parcel C, DMJM Harris, November 2007

Existing NYCT Facility Capacity

As noted above, the existing New York Container Terminal is comprised of one 3,011-foot wharf with three berths along the Arthur Kill. With this wharf arrangement and the corresponding yard storage and support services, the capacity of the existing terminal is an annual container throughput of 450,000 lifts. The NYCT has been operating at near capacity (approximately 400,000 lifts/year) since 2007 and the entire PONYNJ would reach its capacity by the year 2017, as stated earlier. This means that the NYCT's market share in the PONYNJ has been declining since 2007. The proposed expansion of the NYCT would significantly increase the capacity of the existing terminal, which would keep the NYCT, New York City's main container terminal, competitive in the market for the long term.

The highly competitive nature of terminal marketing and operations necessitates that actions to expand terminal capacity be implemented or constructed in such a way that the facility continues to operate as close to normal as is reasonable. Moreover, the plan has to be coordinated with the relevant actions of other agencies and entities. Thus, the NYCT has a need to add facility capacity in a way that avoids the disruption of existing operations and makes sense in the context of the schedule completion of the HDP and the Port Authority's improvements to the Goethals Bridge.

Long-Term Environmentally Friendly Operations

Like most terminals in the PONYNJ, the New York Container Terminal has developed and improved its operations incrementally over the years. Currently, the NYCT and other terminals in the PONYNJ use diesel-powered yard equipment, including rubber-tire gantry (RTG) cranes, yard tractors and other equipment. The type of equipment used largely governs the way the yard is configured and the potential capacity of the yard. The NYCT will soon reach the limit of the operational and capacity improvements it can make without significant redevelopment of its facilities and the substantial disruption in operations that such a redevelopment could cause. The NYCT sees a need not only to respond to higher than forecast growth in the container market, but also to respond with a long-term view that is consistent with modern terminal design. Thus, the NYCT's next step requires a commitment to an entirely different and updated operational design from that which is currently used at the NYCT and elsewhere in the PONYNJ.

Modern terminal planning is spurred not only by economics but also by initiatives founded in the U.S. Clean Air Act Amendments, which encourage use of spatial and technological opportunities to reduce emissions, and the Port Authority's Green Ports Program. The Green Ports Program encourages terminals to employ environmentally sound technologies and practices. Modern terminal design trends are focused on minimizing emissions by the choice of equipment and fuel used, yard design that focuses on densifying operations, and taking advantage of multi-modal opportunities. Shorter handling times per container yield less emissions and fuel costs. Time saving per container also means higher throughputs, which are not only good for the terminal but also for the PONYNJ and the regional economy.

The Future Without the Proposed Action (No-Action Condition)

In order to assess the potential effects of the Proposed Action, the "future No-Action" (No-Build) and "future With-Action" (Build) conditions will be analyzed for an analysis year, or Build Year of 2014. For analysis purposes, all components of the Proposed Project are assumed to be implemented by 2014. The No-Action scenario identifies similar development projections for 2014 absent the Proposed Action. The incremental difference between the With-Action and No-Action scenarios serves as the basis for impact analyses.

In the future without the Proposed Action, the project site would remain mostly vacant, terminal capacity and operation at the NYCT would remain unchanged, there would be no loss of wetlands, and the benefits

associated with the proposed terminal expansion project would not occur. The NYCT would not be able to accommodate future increases in demand.

The Future With the Proposed Action (With-Action Condition)

In the future with the Proposed Action, a new berth would be constructed, increasing the capacity and improving the function of the New York Container Terminal. This would also increase the capacity of the PONYNJ, which would be expected to improve the distribution of goods throughout the region and stimulate the local economy. It is estimated that the With-Action scenario will result in the loss of approximately 16.38 acres of wetlands. As the Proposed Action would result in significant adverse impacts to natural resources, the EIS will include an extensive description of mitigation efforts related to the loss of wetlands.

C. REQUIRED APPROVALS AND REVIEW PROCEDURES

The following permits/approvals would be required for construction of the proposed New York Container Terminal expansion project.

City

- Disposition of Land
  Dispose via lease approximately 0.48 acres (20,858 sf) of City-owned land southeast of the proposed project site to the Port Authority. This action also pertains to any lands related to the mapping and de-mapping of public streets that require disposition.

- Amendments to the City Map
  Amend the City Map to map and de-map public streets as part of the project site's improvement program. The street mapping action would facilitate the expansion of the NYCT by creating a road configuration at the Western Avenue and Richmond Terrace intersection that would accommodate the access and mobility needs of the proposed berth and associated marine terminal facilities.

- Filling of Land
  Approval to fill City-owned land along the waterfront as part of the proposed marine terminal wharf and expansion activities. Approximately 12.05 acres of wetlands would be filled; in total, dredging and filling activities relating to the Proposed Action would affect approximately 16.38 acres of wetland.

Given the above discretionary actions, the Proposed Project is also subject to review pursuant to the City's Uniform Land Use Review Procedure (ULURP).

State

- NYSDEC Protection of Waters Permit
  The Protection of Waters permit program regulates activities that occur in or near protected waters which are navigable or have been identified and mapped. Generally, regulated activities include any alteration or excavation of the bed or banks of a protected waterway (river, stream, canal) or any excavation or fill in a protected body of water or watercourse. A watercourse is the area of land upon which the flow of water is ordinarily confined due to the contour of the land. The Arthur Kill is a navigable water body. Construction of Berth 4 and its associated marine

container terminal would require dredging and construction in the Arthur Kill; therefore, the project would require a Protection of Waters Permit from the New York State Department of Environmental Conservation (NYSDEC).

- NYSDEC Tidal Wetlands Permit
  A Tidal Wetlands Permit is required for any activity that will alter tidal wetlands or adjacent areas, including the construction, reconstruction and/or expansion of structures, including roads, driveways and bridges. New York's tidal wetlands are mapped and include salt-water shores, bays, inlets, canals and estuaries. There are inter-tidal, littoral zone and mud flat tidal wetlands on and adjacent to the project site that would be impacted by construction of Berth 4 and its associated marine terminal. Therefore, a Tidal Wetlands Permit would be required.

- NYSDEC Section 401 Water Quality Certification
  Any applicant proposing an action that could result in a discharge of a pollutant to a state's waters is required to obtain a certification from the state in which the activity is to occur. Certification ensures proper compliance with applicable effluent limitations, water quality standards, and any other applicable conditions of the state law. A certification obtained for construction of any facility must also pertain to the subsequent operation of the facility. The proposed Berth 4 and marine terminal would require Water Quality Certification for construction activities, including dredging within the Arthur Kill and fill placement in wetlands. The USACE will not issue a Section 4040 permit without Water Quality Certification from the NYSDEC. The Water Quality Certification is issued simultaneously with Protection of Waters and Tidal Wetlands permits.

- NYSDEC Stormwater General Permit
  The Clean Water Act provides that stormwater discharges associated with industrial activity from a point source (including discharges through a municipal separate storm sewer system) to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. In New York, EPA has approved the state program which is enacted through the administration of the State Pollutant Discharge Elimination System (SPDES) program. Facilities must obtain permit coverage through either an individual industrial SPDES permit which address the stormwater discharges, obtain coverage under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity or provide certification using the No Exposure Exclusion that industrial activities are not exposed to stormwater.

- Waterfront Revitalization Act/Coastal Zone Consistency/Waterfront Revitalization Program
  The New York State Department of State (NYSDOS) oversees all permit activities in the state's coastal waterways, their adjacent shorelines, and in some inland waters including the Arthur Kill. Compliance with State Coastal Policies and the City Waterfront Revitalization Program is required for any federal, state or local action within the coastal areas of New York State. The Waterfront Revitalization Act does not regulate specific activities, but rather requires that all state actions conform to the 44 policies of the Act.

- New York State Office of General Services (NYSOGS) Permit

  An applicant proposing to occupy State-owned underwater lands must obtain a permit authorizing the use of such lands. The use of the lands is granted upon the issuance of a permit or interim permit which grants use of an easement or license. Use of the easement is generally authorized for a duration of 25 years, after which time, the application must be renewed. In the event that there are any State-owned underwater lands within the project site, a NYSOGS Permit may be required.

Federal

- United States Army Corps of Engineers (USACE) Section 404 Permit
  This permit is required for placement of dredge and fill material and/or mechanized land clearing, ditching, draining, channelization or other excavation activities into waters of the United States, including wetlands. USACE jurisdiction includes all navigable waters of the United States and freshwater wetlands that are not isolated. As the Proposed Action would require disturbance in and adjacent to tidal wetlands and navigable waters of the United States, a USACE Section 404 permit is required.

- USACE Section 10 Permit
  This permit is required for work within navigable waterways. The law applies to any dredging or disposal of dredged materials, excavation, filling, rechannelilzation, or any other modification of a navigable water of the United States, and applies to all structures from the smallest floating dock to the largest commercial undertaking. Construction of the proposed Berth 4 would require dredging and construction in navigable waters of the United States, a Section 10 permit is required.

- Compliance with the Marine Protection Research and Sanctuaries Act (1972)

  Compliance with the Marine Protection Research and Sanctuaries Act (MPRSA) is required as the Proposed Action includes dredging activities. Unless authorized by permit, the MPRSA, also known as the Ocean Dumping Act, prohibits the dumping of material into the ocean that would unreasonably degrade or endanger human health or the environment. Virtually all material dumped in the ocean today consists of dredged materials (sediments) removed from the bottom of waterbodies to maintain navigation channels and berthing areas. The US Army Corps of Engineers (USACE) is the permitting authority for dredged material, subject to the Environmental Protection Agency's (USEPA's) concurrence and use of USEPA's dumping and testing criteria (MPRSA Section 103). In addition, USACE employs USEPA's-designated ocean dump sites (such as the Historic Area Remediation Site [HARS]) to the maximum extent feasible.

A Joint Permit Application has been filed for all of the above state and federal permits/certifications except NYSOGS.

CEQR-SEQRA-NEPA Coordination

All State agencies taking actions in New York City must follow SEQRA. When a State agency is an involved agency, SEQRA rules apply to its determinations. Federal agencies undertaking actions in New York City must comply with NEPA. The New York SEQRA regulations in Section 617.15 provide for coordination of environmental assessment provisions in New York with those required under NEPA for Federal agencies. The City and Federal decisions on the same project are independent of each other. Thus,

a Federal decision not to undertake environmental review or to prepare an EIS does not automatically support or require a similar decision by the City.

NEPA's regulations provide for a process to coordinate the Federal and State and/or City procedures to achieve savings of time and money and to avoid duplicative procedures. These are published as Section 1506.2 of Title 40 of the Code of Federal Regulations. Federal agencies must cooperate with City agencies "to the fullest extent possible to reduce duplication between NEPA and State and local requirements," by such means as (1) joint planning processes, (2) joint environmental research and studies, (3) joint public hearings, and (4) joint environmental assessments. Typically, the City agency enters into a written Memorandum of Understanding with the relevant Federal agency to establish the terms of this collaboration. Joint studies, however, cannot oblige each agency to make the same decision. Each must meet its separate CEQR or NEPA and other statutory obligations.

D. SCOPE OF WORK FOR AN EIS

As the Proposed Project would affect various areas of environmental concern and was found to have the potential for significant adverse impacts, pursuant to the EAS and Positive Declaration, an Environmental Impact Statement (EIS) pursuant to CEQR will be prepared for the Proposed Action. The EIS will be prepared in conformance with all applicable laws and regulations, and will follow the guidelines of the *CEQR Technical Manual.*

Task 1. Project Description

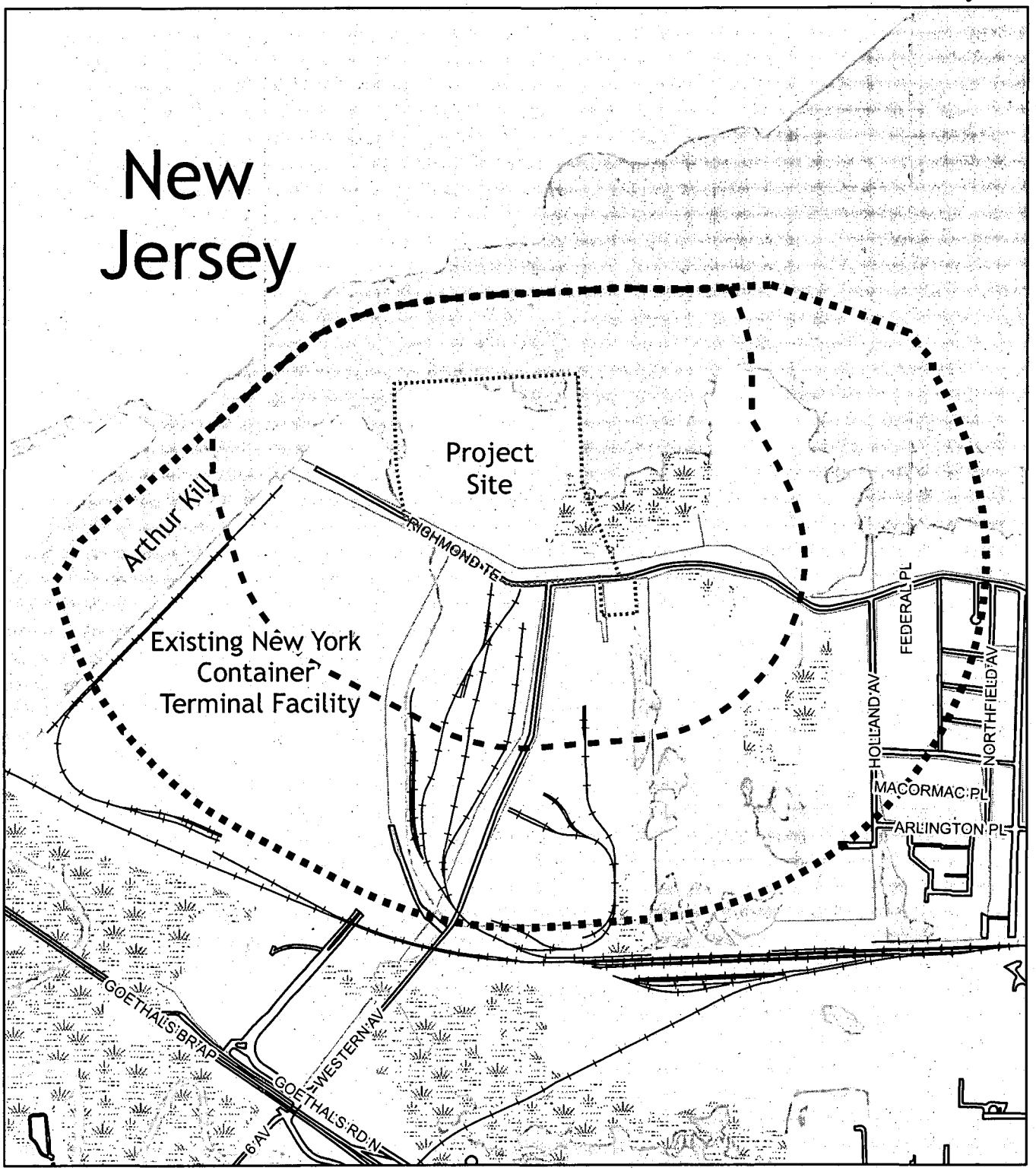
The first chapter of the EIS introduces the reader to the Proposed Action and sets the context in which to assess impacts. The chapter contains a Proposed Action identification (brief description and location of the Proposed Action); the background and/or history of the Proposed Action; a statement of the public purpose and need for the Proposed Action; key planning considerations that have shaped the current proposal; a detailed description of the Proposed Action; and discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter is the key to understanding the Proposed Action and its impact, and gives the public and decision-makers a base from which to evaluate the Proposed Action.

The project description chapter will present the planning background and rationale for the Proposed Action. The section on approval procedures will explain the required approvals (City, State and/or Federal) and the Uniform Land Use Review Procedure (ULURP) process, its timing, and hearings before Staten Island Community Board 1, the Staten Island Borough President's office, the New York City Planning Commission (CPC), and the New York City Council. The role of the EIS as a full-disclosure document to aid in decision-making will be identified and its relationship to ULURP and the public hearings described.

Task 2. Land Use, Zoning and Public Policy

The land use, zoning and public policy analysis will be consistent with the methodologies presented in the *CEQR Technical Manual.* In completing the following subtasks, the land use study area will consist of the project site, where the land use impacts will be straightforward and direct (reflecting the Proposed Project), and the neighboring areas where indirect impacts may be felt. For the purpose of environmental analysis, both a primary and secondary study area in New York State would be assessed. The primary study area will include the project site and extend approximately a ¼-mile from the boundaries of the project site, and the secondary study area would extend for a ½-mile from the project site boundaries, as shown in Figure 8. Tasks include:

Figure 8
Land Use Study Area



Legend

- ¼ Mile from Project Site Boundary
- ½ Mile from Project Site Boundary
- Project Site
- Wetland
- Railroad Track

NOT TO SCALE

- Provide a brief development history of the project area and surrounding study areas.

- Provide a description and map of existing land uses and zoning in the project area and the surrounding study areas. Other public policies that apply to the study areas will also be described, such as the City's *Staten Island North Shore Land Use and Transportation Study*. Recent development trends in the land use study areas will also be noted.

- Based on field surveys, prior studies, and available databases, identify, describe, and graphically portray predominant land use patterns for the balance of the land use study areas. Based on discussions with the New York City Department of City Planning (NYCDCP), Staten Island Community Board 1, and other public agencies describe recent land use trends in the study areas and major factors influencing those land use trends.

- Prepare a list of future development projects in the ¼-mile and ½-mile study areas that would be expected to influence future land use trends. Also, identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the study areas in coordination with NYCDCP. Based on these changes, assess future conditions in land use and zoning without the Proposed Action.

- Describe proposed land use changes based on the Proposed Action.

- Assess effects of the Proposed Action on land use and land use trends, public policy, and zoning. Discuss the Proposed Action's potential effects related to issues of compatibility with surrounding land use, the consistency with zoning and other public policy, and the effect of the Proposed Action on ongoing development trends and conditions in the area.

Task 3. Socioeconomic Conditions

Socioeconomic impacts may occur when a Proposed Action would directly or indirectly change economic activities in an area. The purpose of the socioeconomic assessment is to disclose changes that would be created by the Proposed Action and identify whether they rise to a significant level. The *CEQR Technical Manual* provides guidelines to determine whether a socioeconomic assessment is appropriate. Typically a socioeconomic assessment is required if a Proposed Action meets one or more of the following tests: (a) the action would directly displace residential population so that the socioeconomic profile of the neighborhood would be substantially altered; (b) the action would displace substantial numbers of businesses or employees, or would displace a business that plays a critical role in the community; (c) the action would result in substantial new development that is markedly different from existing uses in a neighborhood.

Screening analyses will be conducted pursuant to the *CEQR Technical Manual* methodology. The analyses will present sufficient information regarding the effect of the Proposed Project to make a preliminary assessment either to rule out the possibility of significant impacts or to determine that more detailed analysis is required to make a determination as to impacts. The preliminary assessment will examine five areas of concern including (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; (5) and adverse effects on specific industries. As the Proposed Action would have a direct effect on the marine cargo handling industry, specifically the handling of containerized cargo, a detailed analysis of the Proposed Action's potential to affect the operation and viability of this specific industry will be provided.

Direct Residential Displacement

Currently, there are no residential buildings or residents located on the project site. The Proposed Action is not expected to directly displace any residential dwelling units on the project site, and therefore would not result in significant adverse impacts related to direct residential displacement and a detailed analysis is not warranted.

Direct Business/Institutional Displacement

With the exception of some truck chassis storage for the adjacent NYCT, there are no businesses or institutional buildings located on the project site. The Proposed Action is not expected to directly displace any businesses or institutions on the project site, and therefore would not result in significant adverse impacts related to direct business or institutional displacement. A detailed analysis is therefore not warranted.

Indirect Residential Displacement

There are no residential uses located in the immediate vicinity of the project site (the closest residences are located roughly ½-mile to the east of the site on the other side of Mariner's Marsh Park). Therefore, the Proposed Action is not expected to result in any significant adverse impacts related to indirect residential displacement and a detailed analysis is not warranted.

Indirect Business/Institutional Displacement

The Proposed Action would expand the existing NYCT operations onto a currently vacant site, and is therefore not expected to (1) introduce a new type of economic activity that would change the existing economic patterns; (2) add to the concentration of one economic sector that would change the existing economic patterns; (3) introduce economic activity that would lead to higher commercial rents or lower property values; (4) directly or indirectly displace residents, workers, or visitors who form the base of existing businesses in the area. As such, the Proposed Action is not expected to result in any significant adverse impacts related to indirect business/institutional displacement and a detailed analysis is not warranted.

Adverse Effects on Specific Industries

As the Proposed Action would have a direct effect on the marine cargo handling industry, specifically the handling of containerized cargo, a detailed analysis of the Proposed Action's potential to affect the operation and viability of this specific industry will be provided.

Additional economic effects can be expected from the Proposed Action including the addition of an estimated 311 new full-time equivalent jobs and tax revenues for the City and State. The analysis will also assess the benefits of the Proposed Action in terms of employment, total effect on the local economy, and tax revenues realized by the City and State during the construction and operation of the proposed marine terminal. Overall economic activity associated with future uses will be estimated using the RIMS II model from the U.S. Department of Commerce, Bureau of Economic Activity. In conjunction with the construction impacts task (Task 18 below), construction costs and public investments/costs associated with the infrastructure improvements planned as part of the Proposed Project will be described where applicable, as will any economic activity, employment and tax benefits realized by the City and State during construction.

Task 4. Community Facilities

The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from the Proposed Action. New workers tend to create limited demands for community facilities and services, while new residents create more substantial and permanent demands. As the Proposed Action would not introduce any new residents to the area, a detailed assessment of community facilities such as public schools, day care centers, libraries and hospitals is not warranted. Detailed assessment of potential impacts on police or fire service delivery is conducted only if a Proposed Action would affect the physical operations of, or access to and from, a station house. As the Proposed Action would not affect the physical operations of, or access to and from any police or fire facility, a detailed impact analysis of police and fire services is not warranted. The EIS will provide a qualitative review and screening assessment of community facilities and services.

Task 5. Open Space

Open space is public or privately owned land that is publicly accessible and has been designated for leisure, play or sport, or land set aside for the protection and/or enhancement of the natural environment. While the Proposed Action is not eliminating or altering open space, the action may have an indirect impact from overtaxing available open space. Under *CEQR Technical Manual* criteria, an assessment would need to be conducted if the Proposed Action were to create an additional 500 employees. The NYCT currently employs approximately 555 people. The Proposed Action is expected to create of the equivalent of approximately 311 additional full time jobs (a 56 percent increase), which would be substantially less than the CEQR threshold of 500 additional employees. As such, detailed open space analysis is not warranted. The EIS will provide a qualitative screening assessment of open space.

Task 6. Shadows

The Proposed Project would include the construction of the following permanent structures: a three-story marine operations building, a one-story crane operations building, five one-story security booths, and four movable quayside cranes for loading and unloading ships. The largest proposed stationary structure is the marine operations building at 45 feet tall, which is shorter than the 50-foot CEQR threshold for a detailed shadow impact analysis. The four quayside cranes are expected to be greater than 50 feet in height, however, given their location adjacent to the proposed ship berth, any shadows that they cast would fall primarily within the boundaries of the proposed marine container terminal or on the adjacent Arthur Kill. In addition, given their mobility and relatively open design, they are not expected to cast substantial shadows. As none of the proposed structures would create shadows that reach publicly accessible open space, historic resources, or other important natural resources, no significant adverse shadow impacts are expected as a result of the Proposed Action. Thus, a detailed analysis is not warranted; however, a shadows screening assessment may be provided in the EIS, and is detailed below.

- A screening-level analysis will be performed to identify potential shadow impacts. This preliminary analysis will involve the identification of historic resources with sun-sensitive features in the area, as well as identification of publicly accessible open spaces, including existing and planned open spaces. The potential for incremental project shadows to fall on such resources will be assessed based on the height, bulk, and location of the proposed new building(s). The potential for incremental shadows to be cast over water areas will also be assessed. As mentioned above, while the quayside cranes would exceed 50 feet in height, due to their mobility and open design they are not expected to generate substantial shadows.

Task 7. Historic Resources

The *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated NYC Landmarks; properties calendared for consideration as landmarks by the NYC Landmarks Preservation Commission (LPC); properties listed on the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the NY State Board for listing on the S/NR; National Historic Landmarks; and properties not identified by one of the programs listed above, but that meet their eligibility requirements. Because construction of the Proposed Project would result in new in-ground disturbance, the action has the potential to result in impacts to archaeological resources.

Impacts on historic resources are considered on the affected sites and in the area surrounding the identified development sites. The historic resources study area is therefore defined as the project site plus a ¼-mile radius, as per the guidance provided in Chapter 3F, Section 312 of the *CEQR Technical Manual.* Archaeological resources are considered only in those areas where new in-ground disturbance is likely to occur.

In coordination with the research conducted for the land use and hazardous materials tasks, this chapter of the EIS will include an overview of the study area's history and land development. This history will be detailed enough to determine whether any potential archaeological resources may be on the site, requiring further study. Subtasks will include:

- Submit the Proposed Action to the New York City Landmarks Preservation Commission for its review and determination.
- Research and describe the history of land use and architecturally and archaeologically sensitive locations.
- Identify, map and describe designated historic/architectural resources (New York City Landmarks or pending Landmark designation and properties listed on the State and National Registers of Historic Places) in the immediate vicinity of the project site. Also identify any structures in the study area that have been suggested as eligible for designation.
- In coordination with the land use task, assess probable impacts of development of the Proposed Project on architectural resources in the study area.
- Based on City and State files, identify and map inventoried archaeological resources and/or sensitive locations.
- Determine the earliest dates of available municipal water and sewer services in the streets within the study area.
- For those lots identified by LPC or other record searches as archaeologically sensitive, prepare a Phase IA Archaeological Documentary Report. The work will document the site history, its development and uses, and the potential for the site to contain significant undisturbed archaeological features. Identify categories of resources that may be present and their potential to remain undisturbed on the site.
- Summarize the results of the Phase IA analysis in the EIS. Submit the full report to LPC for review.

- In coordination with the land use task, assess probable impacts of the Proposed Action on archaeological resources.

Task 8. Urban Design and Visual Resources

This chapter will assess urban design patterns and visual resources of the study area, and the effects on these of the Proposed Action. As defined in Chapter 3G, Section 310 of the *CEQR Technical Manual*, the urban design and visual resources study area will be the same as that used for the land use analysis. An area's urban design components and visual resources together define the look and character of the neighborhood. The urban design components encompass the characteristics of buildings and streets in the area, including building bulk, use and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. The concept of bulk is created by the size of a building and the way it is massed on the site. Height, length, and width define a building's size; volume, shape, setbacks, lot coverage, and density define its mass. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features.
The Proposed Action would map new street segments and demap segments of existing streets. As such, the Proposed Action would change the visual character of the project site and could alter the urban design character of the adjacent areas. Therefore, this chapter of the EIS will assess the urban design patterns and visual resources of the study area and any changes that would occur as a result of the Proposed Action, based on *CEQR Technical Manual* methodologies.

- Based on field visits, describe the project site and the urban design and visual resources of the surrounding area, using text and photographs as appropriate.

- In coordination with the land use task, describe the changes expected in the urban design and visual character of the study area due to planned development projects in the future without the Proposed Action.

- Describe the potential changes that could occur in the urban design character of the study area as a result of the Proposed Action, including the effects of the proposed streets to be mapped. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources, including views of/to resources of visual or historic significance (the waterfront, landmark structures, historic districts, parks etc.).

Task 9. Neighborhood Character

The character of a neighborhood is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise etc. The Proposed Action would permit the expansion of the NYCT facility and therefore has the potential to alter certain constituent elements of the affected area's neighborhood character, including land use patterns, traffic and noise levels, and urban design features.

An amalgam of impact categories, a neighborhood character analysis considers the combined impacts of land use, urban design, visual resources, historic resources, socioeconomics, traffic and noise issues. This chapter of the document will explain those effects in a summary fashion. Since most of these elements will already be covered in other EIS sections, this assessment will essentially represent a summary of the key findings of these other analyses. As suggested by the *CEQR Technical Manual*, the study area for neighborhood character will be coterminous with the ½-mile land use study area.

- Drawing on other EIS sections, describe the predominant factors that contribute to defining the character of the neighborhood.

- Based on planned development projects, public policy initiatives, and planned public improvements, summarize changes that can be expected in the character of the neighborhood in the future without the Proposed Action.

- The analysis of the Proposed Action's impacts on various EIS sections will serve as the basis for assessing and summarizing the Proposed Action's impacts on neighborhood character.

Task 10. Natural Resources/Water Quality/Hydrology

Given the site's proximity to the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA), the fact that development of the Proposed Project would require dredging of existing bottom materials and filling of water bodies and tidal wetlands, and the potential for the relocation of Western Avenue/Richmond Terrace to impact these wetlands, the EIS will provide an assessment of natural resources. It is estimated that a total of 16.38 acres of wetlands (including littoral zone, intertidal marsh, mud flats and formerly connected tidal wetlands) would be affected by the Proposed Action. Any existing natural resources or habitat on or in the vicinity of the project site would be identified, including any significant fish habitats. Habitat on most, if not the entire project site is degraded due to previous disturbance and fill activities and as such, does not provide unique or valuable wildlife habitat. Aquatic ecosystems adjacent to the project site, especially on the west (Bridge Creek) and east (Arlington Marsh) provide habitat for a variety of waterfowl and other birds. Although portions of these habitats adjacent to the project site would be impacted (refer to Figure 7 above), the vast majority of these areas would remain as forage, resting and nesting habitats for these bird species. In addition, aquatic organisms utilizing the water bodies adjacent to the project site would experience temporary impacts during construction and filled areas would be eliminated; however, the large areas remaining would provide suitable habitat for these species.

The Proposed Action's potential impacts on identified natural resources would be assessed, including both short-term construction effects and any potential long-term effects, including any new outfalls, expected run-off, etc. Any proposed wetland mitigation for the Proposed Action would also be described. A discussion of any related permits that may be required would be provided.

- This task will examine the water quality conditions along the project site, including water quality trends and projection data as are available through existing literature and studies (e.g., the New York City Department of Environmental Protection [NYCDEP] Harbor Survey). This section will describe the general water quality characteristics of the Arthur Kill, including currents, tidal range, water quality classification, and overall pollutant loads and chemical and biological conditions.

- Data on aquatic resources will be reviewed and presented for the study area. This task will also be undertaken using published literature. The presence of tidal wetlands and their limits will be documented based on existing NYSDEC maps and aerial photography. Ground verification and flagging will be undertaken and subject to confirmation by NYSDEC. If any wetland resources would be disturbed as part of the Proposed Project, the EIS will describe the extent of the disturbance and the remediation and restoration required.

- Based on published sources, a description of the avian resources that are common to the Arthur Kill corridor will be presented. The focus of this effort will be water birds.

- While there are limited issues with respect to terrestrial resources since most of the upland is developed, the project site will be characterized based on a review of aerial photography and brief field visit.

- The New York State Natural Heritage Program and the U.S. Fish and Wildlife Service will be contacted to obtain any data on the potential presence of rare or endangered plant or animal species in the study area.

- An assessment of potential significant adverse impacts from development of the Proposed Project will be presented analyzing any potential water quality and river disturbance issues, and impacts to any fish and bird habitats, wetlands, terrestrial resources and rare or endangered species. Mitigation to address any significant adverse impacts will be identified. The need for any additional approvals, such as Federal approvals, will also be described. It is assumed for this analysis that in-water disturbance would occur and be limited to the proposed berth area.

- Depending on the finalized alignment of Western Avenue and Richmond Terrace, potential significant adverse impacts to natural resources resulting from this mapping/demapping action will be analyzed, and mitigation will be identified if necessary.

While the Proposed Action would necessitate impacts (e.g., filling, shading and dredging) to approximately 16.38 acres of wetlands on and adjacent to the project site, these impacts would be mitigated such that no net loss (acreage or functions) would occur. Further details are provided below in Task 21 "Mitigation."

Task 11. Hazardous Materials

The objective of the hazardous materials assessment is to determine whether the project site may have been adversely affected by current or historical uses in the project area, and whether excavation, construction or other project-related activities may increase potential pathways to exposure. The Proposed Action would result in the development of a marine container terminal on a site previously occupied by industrial uses that also includes a capped construction and demolition (C&D) debris landfill and several inactive pipelines used for petroleum products. Previous site investigations have identified contamination of soils with historic fill consistent with the urbanized and industrial nature of the site, several semi-volatile organic compounds (SVOCs) (predominantly PAH compounds), metals, and petroleum and non-petroleum oils; and contamination of groundwater with the SVOC bis(2-ethylhexyl)phthalate and metals. The Port Authority is currently undertaking a Voluntary Cleanup Program (VCP) for much of the project site in accordance with conditions set by NYSDEC.

The hazardous materials chapter of the EIS will describe and discuss the findings of the Voluntary Cleanup Program for the majority of the project site. Additional data presented in the chapter will be based on a Phase I Environmental Site Assessment (ESA) to be prepared for the areas of the site not covered by the VCP. Therefore, Phase I analysis will be completed for the disposition parcels (one City-owned and one NYCT-owned), as well as areas affected by the relocation of Western Avenue/Richmond Terrace. Included in the chapter will be a detailed discussion of current environmental conditions on the project site, the Proposed Action's potential to result in significant adverse hazardous materials impacts, and a description of possible mitigation measures that might be necessary to avoid significant adverse impacts.

- Perform a documentary search to determine previous uses on the site and in adjacent areas. Available historical maps, aerial photographs, and atlases will be reviewed.

- Inspect and examine the property for evidence of potential site contamination. The site inspection will target items such as visible spills and stains, the presence of drums or other containers or hazardous materials, dumped materials on vacant lots, areas of landfill, and the presence of suspect asbestos-containing material (ACM), as well as mercury and polychlorinated biphenyls (PCBs) containing electrical components. Where there are records of the presence of underground storage tanks, their location will be confirmed, if possible. The project area will be carefully inspected for evidence of undocumented tanks, such as fill caps and vent pipes. A visual review for suspect containing materials (ACM) and lead-based paint will be conducted.

- Information on subsurface conditions will be obtained from the U.S. Geological Survey and previous soil borings in the area, if applicable.

- Records maintained by the U.S. Environmental Protection Agency (EPA) and NYSDEC on properties of environmental concern will be reviewed, including records of known or suspected hazardous waste disposal sites, hazardous waste generators or treatment facilities, hazardous substance releases, and chemical and petroleum storage facilities.

- Gather the results of any soil and groundwater testing performed for the Port Authority.

- Assess the potential for site-wide contamination. If necessary, further actions, including testing on the site, will be recommended.

- Compile information into a Phase I Environmental Site Assessment report, which will be prepared in compliance with the American Society for Testing and Materials (ASTM) E1527-00, and then summarize within the existing conditions section of the EIS.

- Where the preliminary assessment indicates that hazardous materials may be present at the project site, assess the potential impacts on human health and the environment during and after construction.
- As appropriate, prior to remediation measures, testing and soil sampling should be performed to determine potential significant adverse impacts to human health and the environment.

- If the Phase I assessment and the results of any previous Phase II testing are insufficient to define the potential impacts from contaminated materials on the site, then Phase II testing will be recommended. In the event that testing and soil sampling should be required, a Phase II protocol and a Health and Safety Plan (HASP) defining the scope and methodology of the testing must be prepared and submitted to NYCDEP for their review and approval.

- All appropriate Remedial Action Plans (RAPs) and Construction HASPs would be approved by NYCDEP and/or NYSDEC to properly mitigate potential soil and groundwater impacts at the project site.

Task 12. Waterfront Revitalization Program

The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool. As originally adopted in 1982 and revised in 1999, it establishes the city's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. A review of the City's coastal zone boundary maps indicates that entire project site is located within the designated NYC coastal zone boundary. In addition, as mentioned above, the project site is located within the Staten Island Significant Maritime and

Industrial Area (SMIA) with the possibility that the eastern portion may be located within the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA).

A preliminary evaluation was undertaken for the Proposed Action, including completion of the WRP Consistency Assessment Form. As indicated in the Consistency Assessment Form, the Proposed Action requires further assessment of several policies, including 1, 1.3, 2, 2.3, 3.1, 3.2, 4, 4.1, 4.2, 5.1, 5.2, 5.3, 6.3, 7.1, 8, 9.2 and 10. As such, a detailed assessment of the Proposed Action's consistency with the applicable policies of the Waterfront Revitalization Program will be provided in this chapter of the EIS.

Task 13. Infrastructure, Solid Waste and Energy

As described in the *CEQR Technical Manual*, because of the size of the City's water supply system and because the City is committed to maintaining adequate water supply and pressure for all users, few actions would have the potential to result in significant adverse impact on the water supply system. Similarly, an evaluation of potential solid waste or energy impacts is not generally necessary unless a project is unusually large. Therefore, although development of the Proposed Project may increase the demand on water supply and energy, and increase the generation of stormwater, sewage, and solid waste, the Proposed Project would not be expected to create an adverse impact on these services. However, as recommended by the *CEQR Technical Manual*, the Project's potential demands on water supply and energy and potential generation of stormwater, sewage, and solid waste will be disclosed. Additionally, any utility improvements necessary to facilitate the Proposed Project will be identified, and the potential impacts from installation of infrastructure will be described. As the Proposed Action includes street mapping and demapping actions associated with the realignment of Western Avenue/Richmond Terrace, there will be coordination with New York City Department of Environmental Protection Bureau of Water and Sewer Operations (DEP BWSO) to determine potential impacts to existing infrastructure within the street bed and the need for new infrastructure in newly built streets. The Proposed Action will also include sanitary and wastewater management infrastructure plans prepared in coordination with and to the satisfaction of the DEP BWSO.

The analyses will include the following:

Water Supply

- Based on information obtained from NYCDEP, the existing water supply network and capacity will be described, and any planned changes to the system will be discussed.
- Using water usage rates for typical land uses provided in the *CEQR Technical Manual*, the average and peak water demand for the Proposed Project will be projected.
- The effects of the incremental demand on the water system will be assessed to determine if there is sufficient capacity to maintain adequate supply and pressure to the service area.

Stormwater

- Describe the existing stormwater drainage system on the project site and estimate the amount of stormwater presently generated by the site.
- Assess the effects of any changes to the stormwater runoff due to the development of the Proposed Project and describe how stormwater would be managed in the future with the project. The analysis will describe how stormwater flows will be treated, attenuated, and managed both during construction and once the Proposed Project is built.

Sewage

- The existing sewer system serving the development site will be described based on information obtained from NYCDEP. The existing flows to the water pollution control plant (WPCP) that serves the site will be obtained for the latest 12-month period. The average monthly flow rate will be presented.
- Using the water demand determined in the task above, sanitary sewage generation for the projected uses will be estimated.
- The effects of the incremental demand on the system will be assessed to determine if there will be any impact on operations of the WPCP.

Solid Waste

- Existing and future New York City solid waste disposal practices will be described, including the collection system and status of landfilling, recycling, and other disposal methods.
- Using solid waste generation rates for typical land uses provided in the *CEQR Technical Manual*, provide an estimate of solid waste demand for the Proposed Project.
- The impacts of the Project's solid waste generation on the City's collection needs and disposal capacity will be assessed to determine whether the City's municipal service can adequately handle the future solid waste demand for the Proposed Project.

Energy

- The energy systems that would supply the Proposed Project with electricity and/or natural gas will be described.
- A qualitative assessment/screening analysis will be provided in the EIS, as appropriate, including an estimate of the Proposed Project's energy usage.

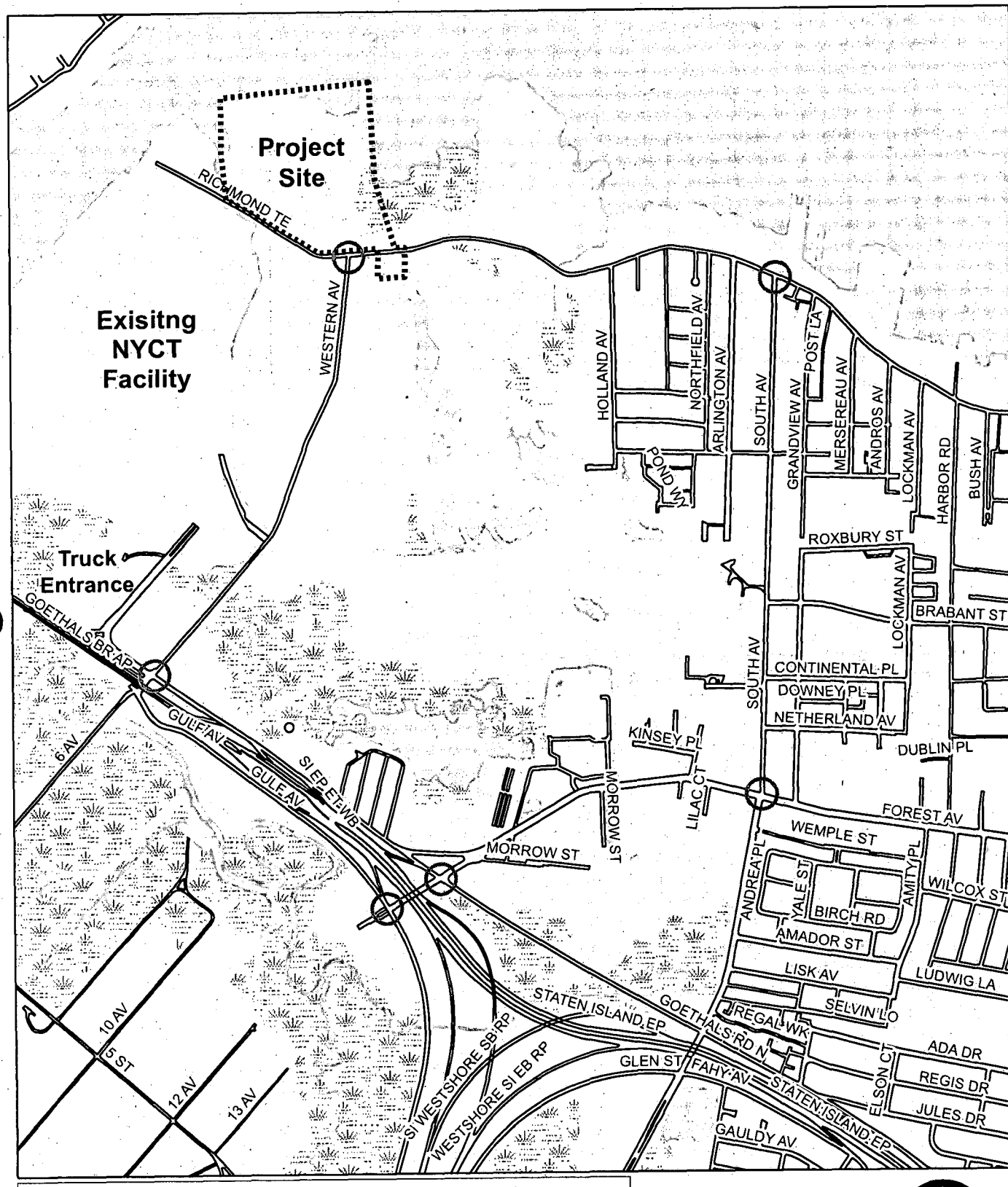
Task 14. Traffic and Parking

The Proposed Action would facilitate the use of the project site as a marine container terminal, which would generate additional vehicular travel demand, mostly by truck. These new trips have the potential to affect the area's transportation systems. In addition, the Proposed Action includes relocation of public streets to facilitate the Proposed Project. Therefore, the likelihood that the Proposed Project would generate significant adverse traffic impacts requiring significant levels of mitigation will be a focus of the EIS.

Traffic

Based on preliminary estimates, the Proposed Project is expected to generate an aggregate of more than 50 additional peak hour vehicle trips. The analysis of traffic conditions will focus on the weekday AM, midday and PM peak periods when traffic generated by the Proposed Project is expected to coincide with peak demand on the roadway system serving the project site. The traffic impact analysis will focus on those intersections handling the highest concentrations of project-generated demand. Based on the preliminary assumptions for the Proposed Project, it is anticipated that a total of approximately six intersections will be analyzed in detail for potential traffic impacts (refer to Figure 9).

Figure 9
Traffic Study Area



Legend

- Project Site
- Wetland
- Intersections to be Analysed

NOT TO SCALE

- Define a traffic study area to account for the principal travel corridors to/from the project site. This scope assumes that approximately six traffic intersections would be analyzed, as illustrated in Figure 9 and listed below:

  Intersections to be Analyzed
  - -- Western Avenue at Goethals Road North
  - -- Forest Avenue at Goethals Road North
  - -- Forest Avenue at Gulf Avenue
  - -- Forest Avenue at South Avenue
  - -- South Avenue at Richmond Terrace
  - -- Richmond Terrace at Western Avenue

- Conduct traffic counts at traffic analysis locations via a mix of automatic traffic recorder (ATR) machine counts and manual intersection turning movement counts. ATRs will provide 24-hour traffic volumes for a full week at selected arterial locations. Turning movement counts will be conducted during the weekday AM, midday, PM peak periods. Where applicable, compile available information from recent studies of the area.

- Inventory physical data at each of the analysis locations needed for capacity analyses, including street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, typical parking regulations, and signal phasing and timing data.

- Determine existing traffic operating characteristics at each analyzed intersection and highway corridor including capacities, volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service (LOS) per traffic movement and per intersection approach. The analysis will be based on the methodology from the *2000 Highway Capacity Manual (HCS+ Versions 5.3)*. The analysis will account for any on-going construction or temporary road closures.

- Future No-Action developments in the vicinity of the study area and any associated changes to the study area street system will be identified. These will include the construction of a new I-278 eastbound exit ramp leading directly to the intersection of Western Avenue and Goethals Road, and a new I-278 entrance ramp located east of this intersection, both of which are planned by the Port Authority as part of improvements to the Goethals Bridge. Traffic volumes from these developments will be determined, v/c ratios and levels of service will be calculated, and congested intersections will be identified. The future traffic volumes from these sites will be estimated using previous EISs, U.S. Census data, and other sources. In addition to traffic from future No-Action projects, an annual growth rate of one percent per year will be applied to existing baseline traffic volumes to account for general background growth. Accepted mitigation measures for No-Action projects, as well as any measures associated with other NYCDOT initiatives, will be included in the future No-Action traffic network.

- Forecast trips generated by the Proposed Project based on data from the existing NYCT operator, previous studies and standard professional references. New trips will be assigned to the respective travel modes (primarily truck and auto) in each peak hour.

- Determine the volume of vehicle traffic expected to be generated by the Proposed Project, assign that volume of traffic to likely approach and departure routes, and prepare traffic volume networks for the future With-Action condition for each analysis period. Site plan layouts for the Proposed Project and project-increment vehicle trip assignment maps for each analyzed peak hour will also be included in the EIS.

- Determine the resulting v/c ratios, delays, and LOS for the future With-Action condition, and identify significant traffic impacts in accordance with *CEQR Technical Manual* criteria.

- Identify and evaluate traffic mitigation measures, as appropriate, for all significantly impacted locations in the study area. Potential traffic mitigation measures may include possible roadway modifications, new signal installations, signage, signal changes, and parking regulation changes.

Parking

Parking demand associated with the operations at the new terminal would be accommodated either at the existing NYCT facility or on the project site. The parking studies in the EIS will focus on the amount of additional demand for parking resulting from development of the Proposed Project, and the ability of parking capacity at the NYCT complex to accommodate this new demand.

Task 15. Transit and Pedestrians

The objective of the transit and pedestrian analyses is to determine whether a Proposed Project can be expected to have a significant impact on public transportation facilities and services and on pedestrian flows. According to general thresholds used by MTA New York City Transit (NYC Transit), if a proposed project is projected to result in fewer than 200 peak hour rail or bus transit riders, further transit analyses are not typically required as the project is considered unlikely to create a significant transit impact. The Proposed Project is not anticipated to generate an additional 200 peak hour rail or bus transit riders, and as such a detailed transit analysis is not warranted.

Projected pedestrian volume increases of less than 200 pedestrians per hour at any analyzed pedestrian element (sidewalk, corner area or crosswalk) would not typically be considered a significant impact. Due to the location and nature of the container terminal facility, it is not expected that the Proposed Project would increase pedestrian volumes beyond this CEQR threshold in any given hour. As a result, a detailed analysis of pedestrian conditions is not warranted.

Task 16. Air Quality

The Proposed Action would facilitate the expansion of the New York Container Terminal. This would allow the NYCT to significantly increase its operating capacity and would generate additional vehicular, rail and maritime travel. The air quality studies for the Proposed Project will include both mobile and stationary source analyses. The mobile source air quality impact analysis will address two distinct issues:

- What effect will traffic-generated emissions have on pollutant levels at locations within the adjacent study area; and

- Will the Proposed Project be consistent with the applicable State Implementation Plan (SIP) for the area?

Since the Proposed Project would generate increased emissions from the terminal, the stationary source air quality impact analysis will have to determine the effects of emissions from on-site activities, including marine-related activities (which include marine vessels and cargo handling operations), and any proposed heating, ventilation, and air conditioning (HVAC) systems, on pollutant levels (i.e., sulfur dioxide, carbon monoxide, particulate and/or nitrogen dioxide concentrations).
A survey will be performed to determine whether existing industrial/manufacturing uses are within the 400-foot study area around the project site, or whether any large emission sources, such as power plants or cogeneration facilities, are within 1,000 feet of the project site. The NYCDEP's Bureau of

Environmental Compliance (BEC) files will be examined to determine if there are permits for any industrial facilities that are identified. A review of federal and state permits will also be conducted. Based upon this information a determination will be made of whether further analysis is necessary.

The number of project-generated vehicle trips will likely exceed the *City Environmental Quality Review (CEQR) Technical Manual* screening threshold of 100 vehicles per hour at one or more locations in the study area. Thus, an analysis of mobile emissions air quality impacts will need to be conducted to determine carbon monoxide (CO) levels.

In addition, it is considered likely that an analysis of particulate matter (PM10 and PM2.5) from mobile sources will be necessary due to the commercial traffic volumes generated by development of the Proposed Project. The City has developed and is employing interim guidance criteria for projects that are prepared under CEQR. In addition, the New York State Department of Environmental Conservation (NYSDEC) has developed a policy that provides guidance on assessing PM2.5 impacts and determining when mitigation is necessary. These criteria and screening level thresholds will be used to determine whether a quantified PM2.5 analysis is required, and for evaluating the potential PM2.5 impacts from both mobile and stationary sources.

Using computerized dispersion modeling techniques, the effects of both project-generated traffic on CO and PM levels at critical intersection locations will be determined. Where significant project impacts are predicted to occur, cost effective, feasible traffic measures will be developed to alleviate those impacts, if necessary, in conjunction with the traffic studies.

Mobile Source Analyses

- Gather existing air quality data. Collect and summarize existing ambient air quality data for the study area. Specifically, ambient air quality monitoring data published by the NYSDEC will be compiled for the analysis of existing conditions.

- Determine receptor locations for microscale analysis. Select critical intersection locations in the study area, based on data obtained from the project's traffic analysis as well as traffic planners and engineers for the project. At each intersection, multiple receptor sites will be analyzed. For analysis purposes, it is assumed that up to three intersections will require analysis for CO, and one intersection will require analysis for PM10/PM2.5.

- Select dispersion model. EPA's CAL3QHC screening model will be used for less congested locations. EPA's CAL3QHCR refined intersection model will be used for PM10/PM2.5 and at intersections that are found to exceed CO standards or de minimis criteria using the CAL3QHC screening model. For the CAL3QHCR analysis, utilize the latest available five years (2002-2007) of meteorological data from La Guardia Airport and concurrent upper air data from Brookhaven, New York for the simulation program.

- Select emission calculation methodology and "worst-case" meteorological conditions. Vehicular cruise and idle emissions for the dispersion modeling will be computed using EPA's MOBILE6.2.03 model. For the "worst-case" analysis (at screening locations), conservative meteorological conditions to be assumed in the dispersion modeling are a one meter per second wind speed, Class D stability, and a 0.70 persistence factor.

- At each mobile source microscale receptor site, calculate maximum 1- and 8-hour CO concentrations for existing conditions, the future conditions without the Proposed Project and the future conditions with the Proposed Project. CO concentrations will be determined for up to three

peak periods. Calculate maximum 24-hour and annual PM10/PM2.5 concentrations for the future conditions without the Proposed Project and the future conditions with the Proposed Project.

- Assess the potential CO impacts associated with the proposed parking facilities. Information on the design of the parking facilities will be employed to determine potential off-site impacts from these vented emissions for the project's Build year. A temperature of 43°F will be assumed in the analysis. Cumulative impacts from on-street sources and emissions from the parking facilities and stationary sources will be calculated, where appropriate. Compare future CO pollutant levels with standards and applicable de minimis criteria, to determine potential significant adverse project impacts.

- Assess any potential impacts from diesel locomotive emissions associated with increased rail freight activity generated by the Proposed Project.
- Examine mitigation measures. Analyses will be performed to examine and quantify ameliorative measures to eliminate or minimize any significant adverse impacts of the Proposed Action.

- Determine the consistency of the Proposed Action with the strategies contained in the SIP for the area. At any receptor sites where violations of standards occur, analyses would be performed to determine what mitigation measures would be required to attain standards.

Stationary Source Analyses

- A stationary source analysis will be performed to determine the potential for significant pollutant concentrations from on-site activities, including marine sources (which include marine vessels and cargo handling operations). The AMS/EPA Regulatory Model AERMOD dispersion model will be used to estimate the potential impacts from the Proposed Project. Five years of meteorological data (2002-2007), consisting of surface data from LaGuardia Airport and concurrent upper air data from Brookhaven, New York, will be used for the simulation modeling. Concentrations of the air contaminants of concern (i.e., particulate matter, sulfur dioxide, nitrogen dioxide, and CO) will be determined at ground level receptors as well as elevated receptors representing nearby building floors. Predicted values will be compared with NAAQS, and the most current NYSDEC and NYCDEP interim guideline thresholds for PM2.5.

- A field survey will be performed to determine if there are any manufacturing or processing facilities within 400 feet of the project site. The NYCDEP's Bureau of Environmental Compliance (BEC) files will be examined to determine if there are permits for any industrial facilities that are identified. A review of federal and state permits will also be conducted. Based upon this information a determination will be made of whether further detailed analysis is necessary.

Task 17. Noise

Existing noise levels in the area immediately adjacent to the project site are relatively high and reflect the level of activity (particularly vehicular activity) in the area. Autos and trucks, along with noise generated by aircraft flyovers, rail traffic, and mechanical equipment all contribute to the total ambient noise levels. Under CEQR noise criteria, existing and future noise levels, both with and without the Proposed Project, are examined to determine conformance with CEQR standards. In conformance with the *CEQR Technical Manual*, aircraft noise is separated from vehicular and other noise sources for purposes of determining project impacts and attenuation requirements in building design. In addition, the *CEQR Technical Manual* requires the use of the L_{eq} and L_{10} noise descriptors for vehicular noise analyses.

In terms of the effects of the Proposed Project on community noise levels, the CEQR noise criteria considers a 3-5 dBA increase in noise a significant impact. To achieve a 3 dBA increase in noise level from traffic, existing passenger car equivalent (PCE) values would have to increase by 100 percent or more.

New peak hour traffic generated by the Proposed Project would be concentrated at the intersection of Western Avenue and Goethals Road North, which is adjacent to the main entrance to the NYCT and where new access ramps to and from the Goethals Bridge would be located in the future No-Action condition. Based on 2006 data, existing weekday traffic volumes through this intersection total approximately 660 in the AM peak hour, 681 in the midday, and 655 in the PM peak hour. As much of this existing traffic is en route to and from the NYCT and other nearby industrial uses, it is predominantly comprised of trucks.

Based on a preliminary travel demand forecast, the Proposed Project would generate approximately 210 new truck trips in the weekday AM peak hour (inbound and outbound, combined), 210 in the midday and 96 in the PM peak hour. Approximately 61 peak hour employee auto trips would also be generated in each of the weekday AM and PM peak periods, and 23 in the midday peak period. The total volume of new traffic would therefore be less than half the existing peak hour volumes at the intersection of Western Avenue and Goethals Road North (the location where project-generated traffic would be most concentrated). In addition, although much of the new project-generated traffic would be comprised trucks, existing traffic along these corridors is also predominantly comprised of trucks. Project-generated vehicle trips are therefore not expected to result in a 100 percent increase in PCE values over existing conditions.

As existing noise levels in the vicinity of the project site are relatively high reflecting high levels of vehicular (and particularly truck) traffic as well as noise from aircraft, rail and other sources, and as the Proposed Project is not expected to result in a 100 percent increase in PCE values along roadway segments where project-generated traffic would be most concentrated, significant adverse noise impacts from project-generated traffic are considered unlikely, and a detailed noise analysis is not warranted. The EIS will therefore provide a qualitative review and screening assessment of noise.

Task 18. Construction Impacts

The construction schedule for development of the Proposed Project will be described, on-site activity will be estimated, and a qualitative analysis of the effects of construction activities will be performed. The analysis will be based on the peak construction period of the project. Technical areas to be analyzed include the following:

- Project site. This section will assess any physical changes to the project site resulting from the proposed construction. A discussion of construction staging, compliance with building codes and other applicable laws, etc. will be provided.

- Economics. This section will estimate the cost of construction of the project including site preparation costs and economic activity, employment and tax benefits realized by the city and state during construction.

- Transportation. This section will consider any losses in lanes, walkways, and other above and below grade transportation services, and increases in vehicles from construction workers. Potential temporary impacts to these transportation systems will be discussed, and construction period impacts to subway services will be assessed qualitatively.

- Air Quality. The construction air quality impact section will contain a qualitative discussion of both mobile source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions. It will discuss measures to reduce potential impacts, as applicable.

- Noise Impacts. The construction noise impact section will contain a qualitative discussion of noise from construction activity.

- Hazardous Materials. This section will assess the potential for construction workers to be exposed to any potential contaminants during the construction process.

Task 19. Public Health

Public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. Many public health concerns are closely related to air quality, hazardous materials, construction and natural resources. A public health assessment may be warranted if a Proposed Action results in a) increased vehicular traffic or emissions from stationary sources resulting in significant adverse air quality impacts; b) increased exposure to heavy metals and other contaminants in soil/dust resulting in significant adverse impacts, or the presence of contamination from historic spills or releases of substances that might have affected or might affect ground water to be used as a source of drinking water; c) solid waste management practices that could attract vermin and result in an increase in pest populations; d) potentially significant adverse impacts to sensitive receptors from noise and odors; or e) vapor infiltration from contaminants within a building or underlying soil that may result in significant adverse hazardous materials or air quality impacts. Based on the findings of the tasks discussed above, the EIS will provide an assessment of potential public health impacts, following the guidelines presented in the *CEQR Technical Manual.*

Task 20. Environmental Justice

With respect to environmental justice, NEPA guidelines will be used in absence of CEQR guidance. NEPA guidelines require that federal agencies consider and address adverse environmental effects of proposed federal projects on minority and low income communities. Therefore, environmental justice will be assessed in the EIS, as applicable.

Task 21. Mitigation

EIS requirements include the development of mitigation measures to address any significant impacts. As discussed above in Task 10 "Natural Resources, the Proposed Action would necessitate impacts, including filling, shading and dredging to approximately 16.38 acres of wetlands on and adjacent to the project site. However, these impacts would be mitigated such that no net loss (acreage or functions) would occur. As detailed in Table 3 below, proposed mitigation includes wetland creation, restoration and enhancement at one or more potential sites, resulting in a surplus of wetlands with improved conditions over those at the existing site. It is assessed that proposed mitigation would be a significant improvement over the functions and benefits currently provided by existing on-site wetlands.

Practicable mitigation measures will be developed in close coordination with the responsible city and state agencies, including NYCDOT, NYCDEP, NYCLPC, NYSDEC, MTA, and other City and State agencies as necessary. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Table 3
Summary of Wetland Impacts and Mitigation Required

Impact Type	Acres of Impact	USACE Mitigation Ratio	NYSDEC Mitigation Ratio	Proposed Acres of Mitigation
Vegetated Wetland Impacts*	6.74	1:1	3:1	20.22
Unvegetated Wetland Impacts**	9.64	0	2:1	19.28
Total	16.38	6.74	Varied	39.50

Notes:
* Mitigation required by both USACE and NYSDEC
** Mitigation required by NYCDEC only. USACE considers these areas intertidal/subtidal shallows and regulated them as waters of the U.S., including for all dredge/fill activities.

Task 22. Alternatives

Environmental impact regulations require the consideration of alternatives, which are often formulated in response to impacts as a result of the action. The alternatives are usually defined when the full extent of the Proposed Action's impacts are identified. The DEIS will analyze several alternatives. For the purposes of scoping it is assumed that a No-Action Alternative and a No-Impact Alternative (in which there is a change in density or program design in order to avoid the potential impacts associated with the Proposed Action) will be analyzed in the EIS. In addition, an As-of-Right Alternative involving a development program that is consistent with current zoning on the site and that would not require any discretionary actions will also be assessed. As dredging and filling activities required for the development of a wharf on the site would not be permitted as-of-right, it is anticipated that the As-of-Right Alternative would not include a significant maritime use such as a marine container terminal. For technical areas where impacts have been identified, the alternatives analysis will determine whether these impacts would still occur under each alternative, and also determine the level of mitigation needed when compared to the Proposed Action.

In addition, the DEIS will consider four site alternatives for the Proposed Project, two of which are located in New York and two in New Jersey. The first site under consideration is the vacant 440-acre GATX industrial park in Staten Island, a onetime oil tank farm located south of the Goethals Bridge and accessible to many highways. Second is the 88-acre South Brooklyn Marine Terminal, which extends from 29th to 39th Streets, west of Second Avenue along the Brooklyn waterfront. Sites under consideration in New Jersey are the Military Ocean Terminal in Bayonne and the Global Marine Terminal in Jersey City. A full analysis of each of these site alternatives will be provided in the DEIS.

Task 23. Summary EIS Chapters

In accordance with CEQR guidelines, the EIS will include the following three summary chapters, where appropriate to the Proposed Action:

- Unavoidable Adverse Impacts - which summarizes any significant impacts that are unavoidable if the Proposed Action is implemented regardless of the mitigation employed (or if mitigation is impossible).

- Growth-Inducing Aspects of the Proposed Action - which generally refer to "secondary" impacts of a Proposed Action that trigger further development.

- Irreversible and Irretrievable Commitments of Resources - which summarizes the Proposed Action and its impacts in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

Task 24. Executive Summary

The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Action, its environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Action. The executive summary will be written in enough detail to facilitate drafting of a notice of completion by the lead agency.

APPENDIX A

LIST OF INVOLVED AGENCIES

INVOLVED AGENCIES

New York City Department of City Planning
Office of the New York City Deputy Mayor for Economic Development and Finance
New York State Department of Environmental Conservation
New York State Department of State
New York State Office of General Services
United States Army Corps of Engineers

ENVIRONMENTAL ASSESSMENT STATEMENT

NEW YORK CONTAINER TERMINAL EXPANSION

STATEN ISLAND, NEW YORK

CEQR # 09SBS004R

Lead Agency:
New York City
Department of Small Business Services

Prepared By:
Philip Habib & Associates

May 4, 2009

NEW YORK CONTAINER TERMINAL EXPANSION
STATEN ISLAND, NY

Environmental Assessment Statement

Table of Contents

City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT

PART I, GENERAL INFORMATION

Reference Numbers

1.

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. Lead Agency

NYC Department of Small Business Services
NAME OF LEAD AGENCY

Andrew Schwartz, First Deputy Commissioner
NAME OF LEAD AGENCY CONTACT PERSON

110 William Street
ADDRESS

New York | NY | 10038
CITY | STATE | ZIP

212-618-6300 | 212-618-8991
TELEPHONE | FAX

aschwartz@sbs.nyc.gov
EMAIL ADDRESS

2b. Applicant Information

New York Container Terminal (NYCT)
NAME OF APPLICANT

C. Allan Hubler, P.E., PMP, Program/Project Manager
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

300 Western Avenue
ADDRESS

Staten Island | NY | 10303
CITY | STATE | ZIP

718-568-1749 | 718-815-8270
TELEPHONE | FAX

ahubler@nycterminal.com
EMAIL ADDRESS

Action Description
SEE CEQR MANUAL SECTIONS 2A & 2B

3a. NAME OF PROPOSAL: New York Container Terminal Expansion

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):

This application is for a set of actions (referred to collectively as the "Proposed Action") relating to the proposed expansion of the New York Container Terminal (NYCT) in Staten Island Community District 1. The Proposed Action would facilitate the construction and installation of a new 50-foot deep berth ("Berth 4") and associated marine terminal on a portion of the former Port Ivory site, a previously utilized marine-related site and partial brownfield located adjacent to the existing NYCT facility. The project site is roughly bordered to the north by the Arthur Kill, to the west by Bridge Creek, to the east by Arlington Marsh, and to the south by Richmond Terrace (with the exception of a small portion in the southeast corner the extends just south of Richmond Terrace). The project site is largely owned by or leased to the Port Authority of New York and New Jersey ("Port Authority") by the City of New York, with a small area in the southeastern corner owned by the City of New York and a second small area owned by New York Container Terminal. The project site is designated as part of the Staten Island Significant Maritime and Industrial Area (SMIA), while there may be a portion on the eastern edge designated as part of the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA).

The Proposed Action is comprised of the following: 1) disposition via lease of City-owned land on the project site to the Port Authority; 2) demapping and mapping of public streets and easements as part of the site's improvement program; 3) approval of the filling of City-owned land along the waterfront to create the new berth; and 4) a number of State and/or Federal actions, as detailed in Section C below. The Proposed Action would facilitate the development of the planned Berth 4 with a 50-foot mean low water depth, in addition to a 1,340-foot pile-supported wharf, four quay cranes, a container storage and handling area, a three-story marine operations building, a one-story crane operations building, and five one-story security booths ("Proposed Project"). The Proposed Project would be located on an approximately 39-acre site, which encompasses part of Block 1306, Lot 14; Block 1309, Lots 1, 2, 10 and part of Lot 5; as well as part of Block 1338, Lot 1 ("project site"). Some dredging, filling, and road relocation activities associated with the Proposed Action would take place on adjacent parcels. The Proposed Action would facilitate the re-use of this important waterfront property in a manner that would allow the expansion of waterfront industrial uses and the creation of new jobs.

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

The purpose of the proposed project is to ensure the long-term viability of container operations in New York City, respond to faster than-anticipated growth of the container cargo market, and establish modern, sustainable marine terminal operations at the NYCT into the foreseeable future. Proposed state-of-the-art cargo handling equipment would allow the proposed Berth 4 to achieve throughputs of 9,211 lifts/acre/year (15,660 twenty-foot equivalent units (TEU) by 2014. The Berth 4 proposal would increase the near-term capacity of the NYCT complex from 450,000 lifts to 800,000 lifts (765,000 TEU to 1.36 million TEU) by 2014, an increase of 78 percent. (See Table 1 in 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 **Filling of waterbodies and tidal wetlands**

5. UNIFORM LAND USE PROCEDURE (ULURP) ☒ Yes ☐ No

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

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

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: _____

9. STATE ACTIONS/APPROVALS/FUNDING ☒ Yes ☐ No

If "Yes," identify **NYSDEC Protection of Waters Permit; NYSDEC Tidal Wetlands Permit; NYSDEC Section 401 Water Quality Certification; NYSDEC Stormwater General Permit; New York State Office of General Services (NYSOGS) Permit**

10. FEDERAL ACTIONS/APPROVALS/FUNDING ☒ Yes ☐ No

If "Yes," identify **United States Army Corps of Engineers (USACE) Section 404 Permit; USACE Section 10 Permit**

Action Type

11a. ☐ Unlisted; or ☒ Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended):
Site is larger than 10 acres

11b. ☒ Localized action, site specific ☐ Localized action, change in regulatory control for small area ☐ Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action: **2014**
Would the proposal be implemented in a single phase? ☒ Yes ☐ No ☐ NA.
Anticipated period of construction: **Four years**
Anticipated completion date: **2014**
Would the proposal be implemented in multiple phases? ☐ Yes ☒ No ☐ NA.
Number of phases: **N/A**
Describe phases and construction schedule: **N/A**

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

A vacant parcel northeast of the intersection of Western Avenue and Richmond Terrace
STREET ADDRESS

The project site is located in northwestern Staten Island, roughly bordered to the north by the Arthur Kill, to the west by Bridge Creek, to the east by Arlington Marsh, and to the south by Richmond Terrace (with the exception of a small portion in the southwest corner that extends just south of Richmond Terrace).
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

M3-1 — EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY
20a; 20c — ZONING SECTIONAL MAP

Part of Block 1306, Lot 14; Block 1309 Lots 1, 2, 10 and part of Lot 5; and part of Block 1338, Lot 1 — TAX BLOCK AND LOT NUMBERS
Staten Island — BOROUGH
CD 1 — COMMUNITY

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT

TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: **Approx. 8,145,720 sf (187 acres)** SQ. FT.

PROJECT SQUARE FEET TO BE DEVELOPED: **Approx. 1,698,840 sf (39 acres)** SQ. FT

GROSS FLOOR AREA OF PROJECT: **Refer to Project Description (Part II)** SQ. FT.

IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED IN THE NUMBER OF UNITS, SQ. FT. OR OTHER APPROPRIATE MEASURE: **+39 acres (+17.3 %)** % OF **187 acres (the existing NYCT facility)**

DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: **45 ft** HEIGHT **50 ft** WIDTH **78 ft** LENGTH

LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: **Approx. 1,300 ft along Richmond Terrace**

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:
N/A

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.

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.

PART II, SITE AND ACTION DESCRIPTION

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.
   Please see Figures 1a & 1b (Sanborn Map), Figure 2 (Zoning Map), and Figure 3 (Tax Map)
2. **PHYSICAL SETTING** (both developed and undeveloped areas)
   Total directly affected area (sq. ft.): **approx. 1,698,400 sf (39 acres)** Water surface area (sq. ft.): **approx. 710,464 sf (16.31 acres)**
   Roads, building and other paved surfaces (sq. ft.): **approx. 1,008,414 sf (23.15 acres)** Other, describe (sq. ft.): _____
3. **PRESENT LAND USE**
   Residential **N/A**
   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 **N/A**
   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 **N/A**
   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 **N/A**
   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: **Much of the approximately 39-acre project site was formerly part of the Procter and Gamble (Port Ivory) industrial facility and is currently vacant.**

   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: **Mariner's Marsh Park, southeast of the project site, is the closest mapped parkland and also includes Freshwater Wetlands Habitats.**
   Does the directly affected area include any mapped or otherwise known wetland? ☒ Yes ☐ No
   If yes, describe briefly: **The eastern portion of the project site may be included in the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area. The project site also includes Tidal Wetlands Habitats associated with Bridge Creek, on its western edge and Arlington Marsh, on its eastern edge.**
   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.

Figure 1a
Sanborn Map

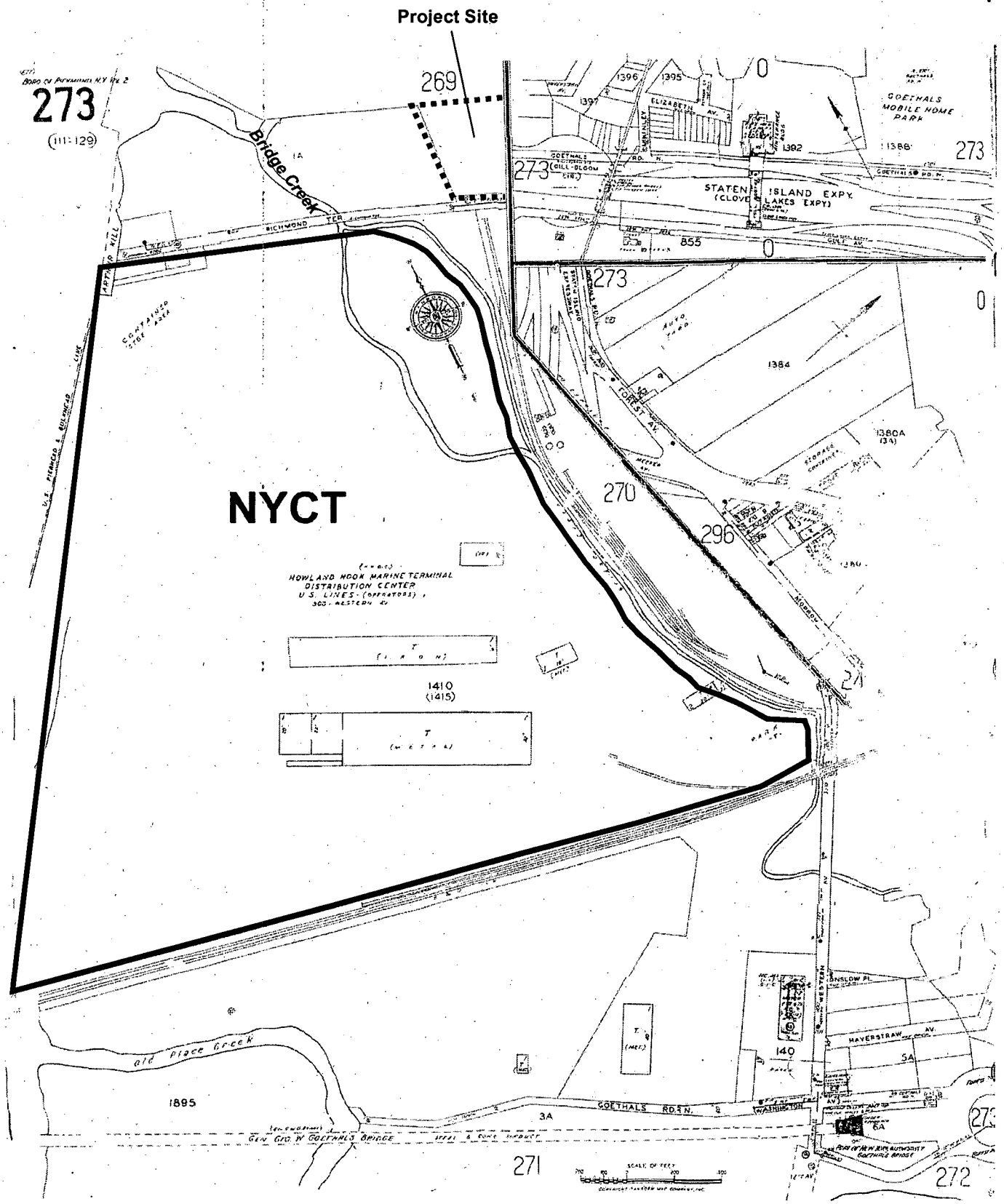
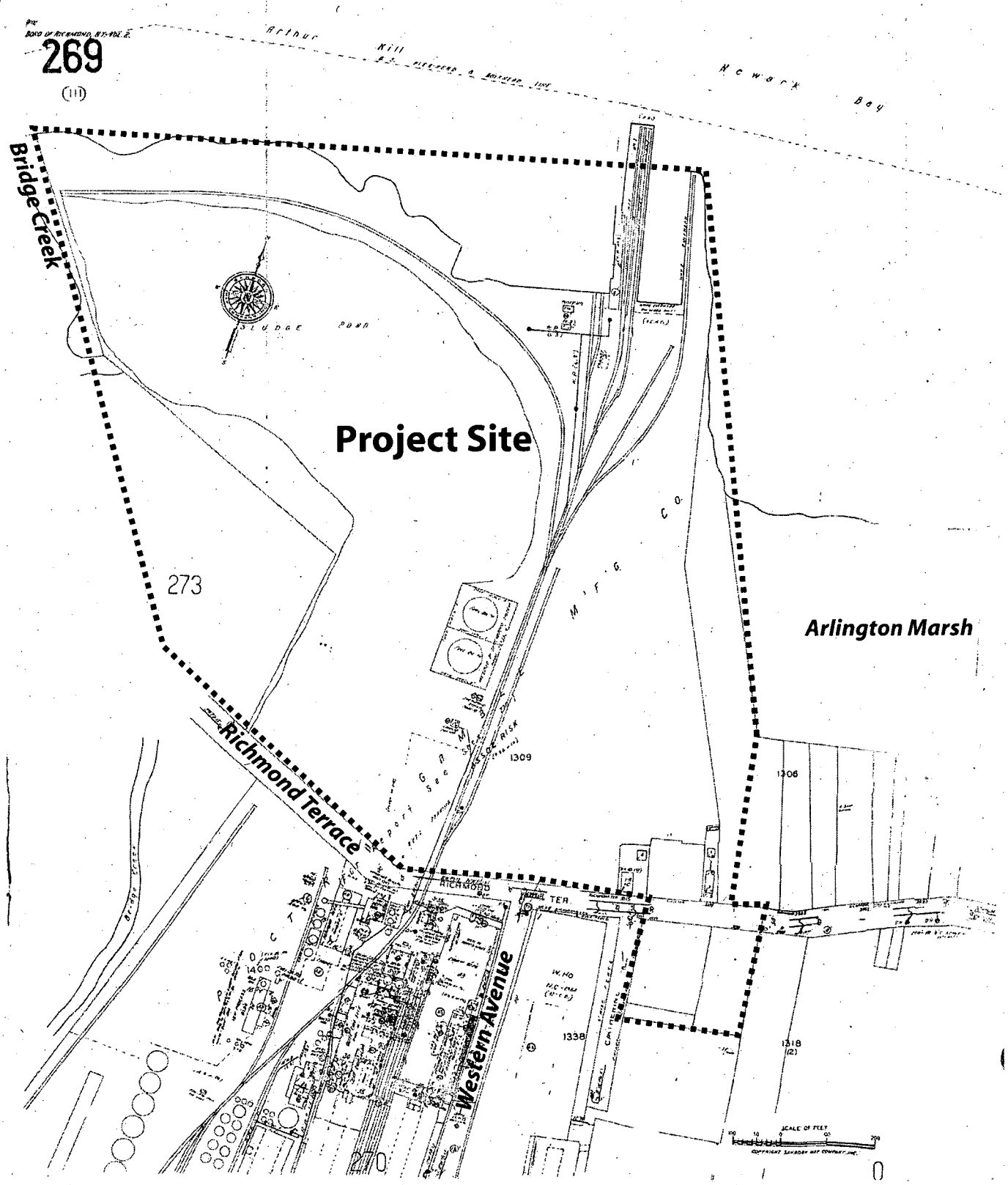


Figure 1b
Sanborn Map



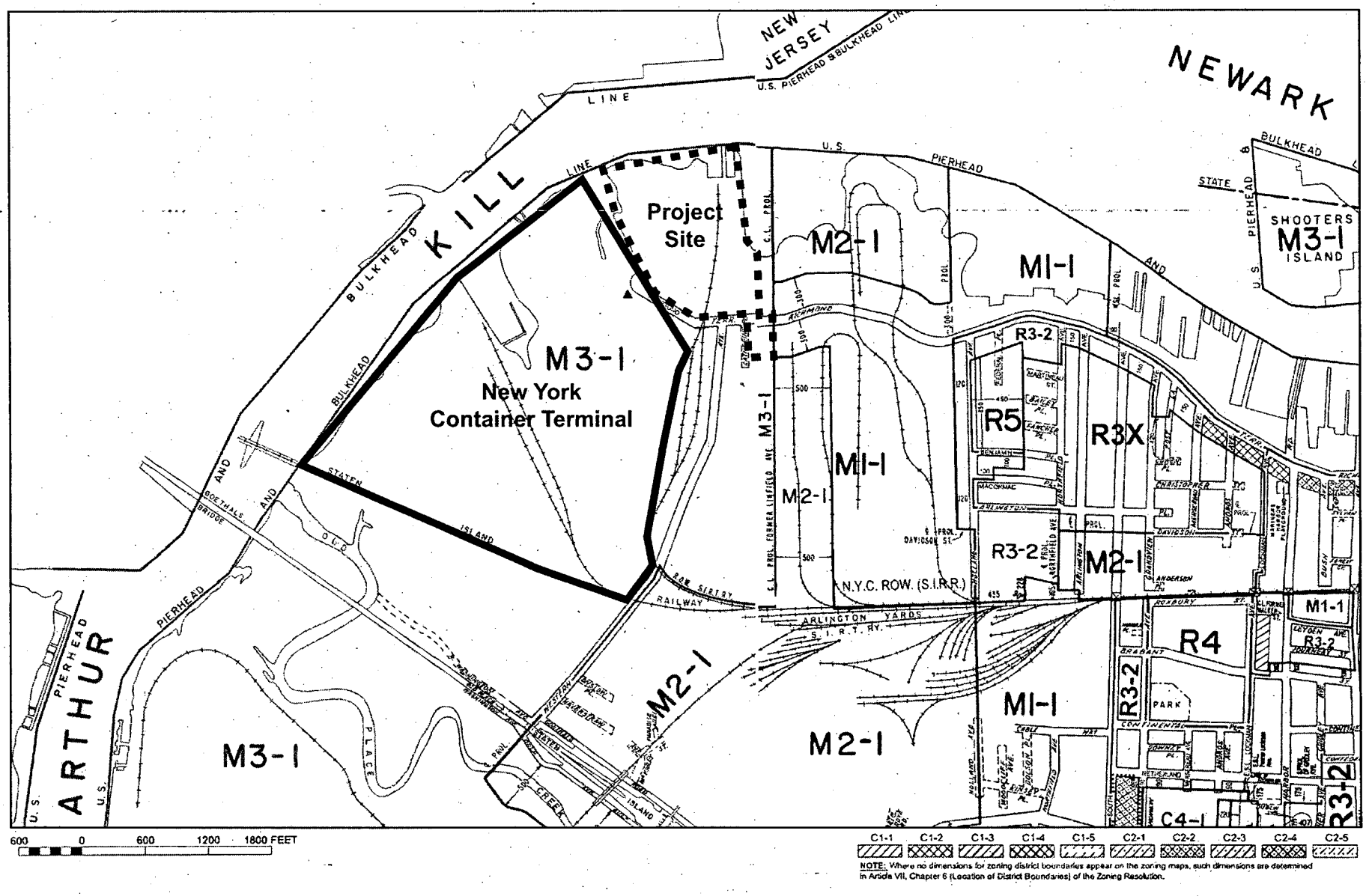
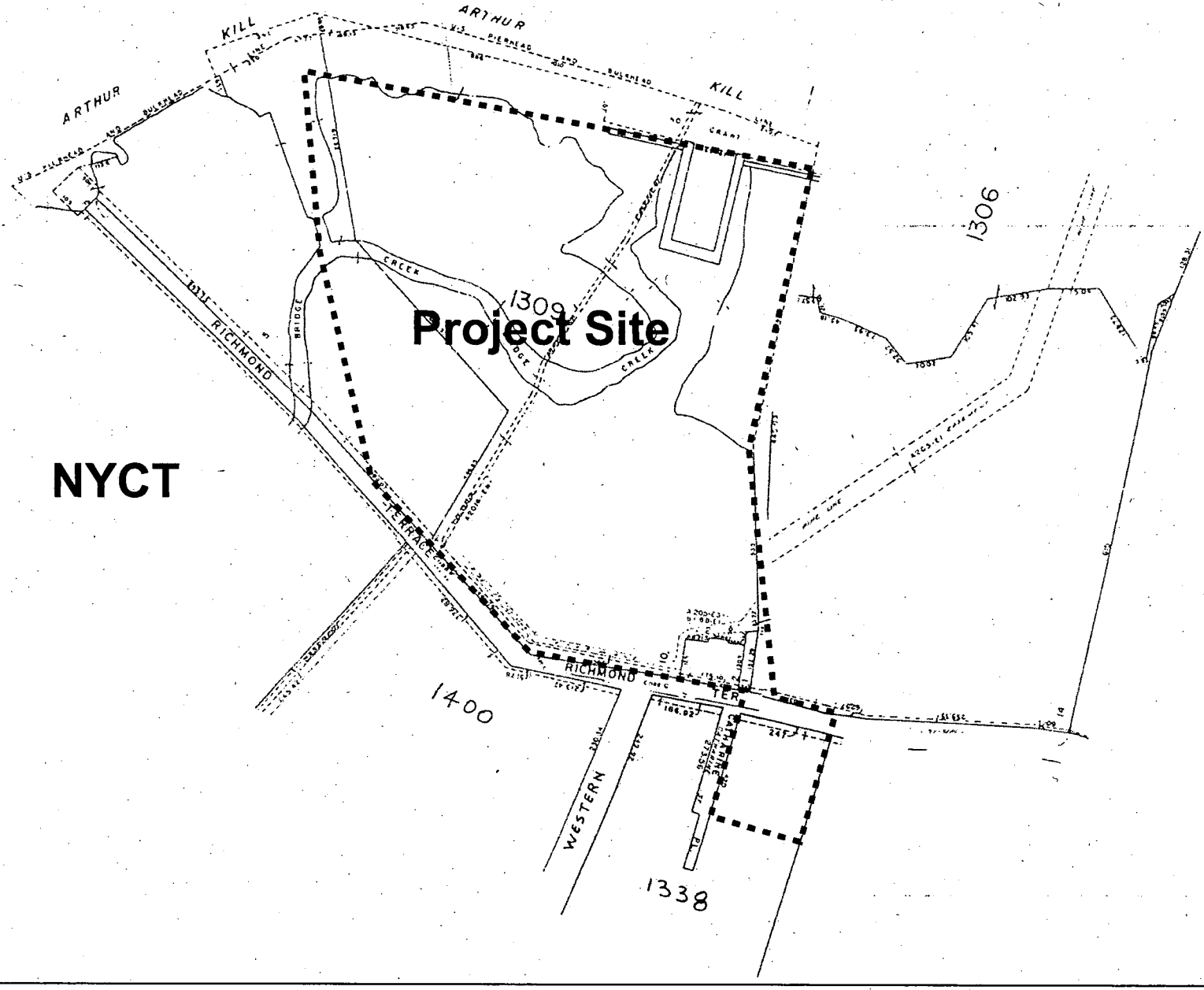


Figure 2
Zoning Map



New York Container Terminal Expansion EAS

Figure 3
Tax Map

5. EXISTING STORAGE TANKS **A Voluntary Clean-up Agreement sponsored by the Port Authority covers most of the project site. Portions of the project site not included in the Agreement would require a Phase I Environmental Site Assessment. A complete hazardous materials assessment will be provided in the EIS.**

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

If yes, specify: **Unknown**

Number and size of tanks: Last NYFD inspection date:

Location and depth of tanks:

6. CURRENT USERS

No. of residents: _____

No. & type of businesses: **A portion of the project site is currently used by the NYCT for truck chassis storage.**

No. & 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)

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; **NO**

(b) is within a designated New York City Historic District; **NO**

(c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places; **NO**

(d) is within a New York State or National Register Historic District; or **NO**

(e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places? **NO**

Identify any resource:
N/A

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 discussion of archaeological resources in the "Historic Resources" section of Attachment A

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 Attached Coastal Zone Boundary Map (Figure 4)

9. CONSTRUCTION

Will the action result in demolition of or significant physical alteration to any improvement? ☒ Yes No

If yes, describe briefly: **The Proposed Action may involve the relocation of portions of Richmond Terrace and/or Western Avenue, in addition to the demapping of an unimproved portion of Catharine Place.**

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction?
☒ Yes ☐ No If yes, describe briefly: **The construction of the proposed berth and marine container terminal would involve in-ground pilings as well as dredging and filling along the shoreline of the Arthur Kill.**

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

Residential: **N/A**

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 **N/A**

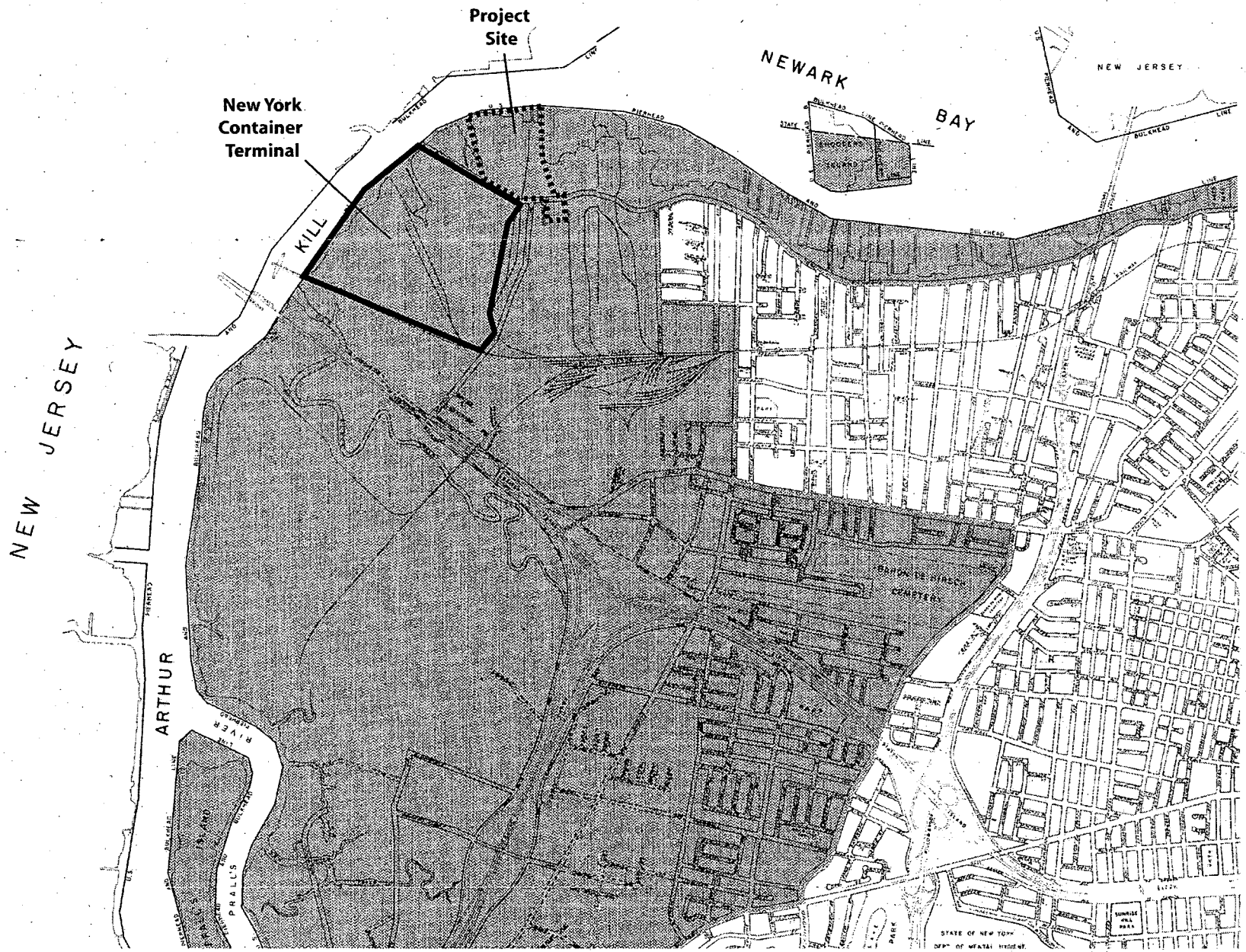
Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

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: _____



New York Container Terminal Expansion EAS

Figure 4
Coastal Zone Boundary Map

Manufacturing/Industrial **The conceptual design for the proposed project includes a new 1,340-foot pile-supported wharf, a new berth with a 50-foot mean low water depth four quay cranes, a container handling and storage area, a three-story marine operations building (10,460 sf), a one-story crane maintenance building (7,860 sf), and five one-story security booths**

No. of bldgs 7 Gross floor area of each building (sq. ft.): **See details above**

No. of stories and height of each building: **3-story (approx. 45 ft) marine operations building; 1-story (approx. 33 ft) crane maintenance building; five 1-story security booths**

Type of use(s): **maritime industrial** Open storage area (sq. ft) **See details below** If any unenclosed activities, specify: **Excluding the buildings listed above, most of the 39-acre project site would be designated as open storage for containers.**

Community facility **N/A**

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 **N/A**

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 **N/A**

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

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

No. of residents: **N/A**

No. and type of businesses: **A single ship berth and a maritime container terminal operated by NYCT**

No. and type of workers by businesses: **The equivalent of approximately 311 full-time container terminal workers**

No. and type of non-residents who are not workers: **N/A**

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

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: **See "Historic Resources" section in Attachment A**

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

15. DIRECT DISPLACEMENT

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

If yes, describe briefly:

SEE CEQR TECHNICAL MANUAL CHAPTER III C., COMMUNITY FACILITIES & SERVICES

16. COMMUNITY FACILITIES

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:

Zoning Information

17. What is the zoning classification(s) of the directly affected area?
M3-1

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.
M3-1 heavy manufacturing districts have a maximum FAR of 2.0 for manufacturing and commercial uses. Residential and community facility uses are not permitted. For manufacturing and commercial uses, the maximum floor area of a building or buildings on the site cannot exceed 3.3 million square feet.

19. What is the proposed zoning of the directly affected area?
N/A – Zoning will not be affected by the Proposed Action

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?

The project site is roughly bounded on the north by the Arthur Kill, on the west by Bridge Creek, on the east by Arlington Marsh and on the south by Richmond Terrace (with the exception of a small portion in the southeast corner that extends just south of Richmond Terrace). The area between Arlington Marsh and the NYCT is a currently unpopulated former industrial site served by two local roadways. The project site contains a capped landfill and a portion of the site is currently used by the NYCT for truck chassis storage.

Prominent land uses surrounding the existing NYCT and the project site include transportation facilities and industrial sites, in addition to wetlands such as Bridge Creek to the west, Arlington Marsh to the east, and Mariner's Marsh to the south, which is also a mapped park. The Goethals Bridge, located south of the site, provides vehicular access between Staten Island and New Jersey. The Staten Island Expressway (I-278) and South Shore Expressway (Route 440) link the area to points south and east. Industrial properties south of the NYCT include the Port Authority's Teleport facility, the Visy Paper Plant, R.T. Baker & Sons (a defunct salvage operation), the former GATX Staten Island Terminal property and New York City's Arlington Rail Yard. The Staten Island Corporate Park, also located to the south of the existing NYCT, is a commercial development that includes office, hotel and retail space, and a candy factory.

Zoning at and around the project site is dedicated to manufacturing uses, consisting of M3-1, heavy manufacturing north and south of the Goethals Bridge, including the existing NYCT site; M2-1, medium manufacturing, encompassing the Goethals Mobile Home Park; and M1-1, light manufacturing, further east. The closest residential zoning districts are R5 and R3-2, located approximately ½-mile to the east in the Arlington neighborhood.

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.	**Attachment A**
b. SOCIOECONOMIC CONDITIONS	See CEQR Technical Manual Chapter III.B	**Attachment A**
c. COMMUNITY FACILITIES AND SERVICES	See CEQR Technical Manual Chapter III.C.	**Attachment A**
d. OPEN SPACE	See CEQR Technical Manual Chapter III.D.	**Attachment A**
e. SHADOWS	See CEQR Technical Manual Chapter III.E.	**Attachment A**
f. HISTORIC RESOURCES	See CEQR Technical Manual Chapter III.F.	**Attachment A**
g. URBAN DESIGN/VISUAL RESOURCES	See CEQR Technical Manual Chapter III.G.	**Attachment A**
h. NEIGHBORHOOD CHARACTER	See CEQR Technical Manual Chapter III.H.	**Attachment A**
i. NATURAL RESOURCES	See CEQR Technical Manual Chapter III.I.	**Attachment A**
j. HAZARDOUS MATERIALS	See CEQR Technical Manual Chapter III.J.	**Attachment A**
k. WATERFRONT REVITALIZATION PROGRAM	See CEQR Technical Manual Chapter III.K.	**Attachment A**
l. INFRASTRUCTURE	See CEQR Technical Manual Chapter III.L.	**Attachment A**
m.SOLID WASTE AND SANITATION SERVICES	See CEQR Technical Manual Chapter III.M.	**Attachment A**
n. ENERGY	See CEQR Technical Manual Chapter III.N.	**Attachment A**
o. TRAFFIC AND PARKING	See CEQR Technical Manual Chapter III.O.	**Attachment A**
p. TRANSIT AND PEDESTRIANS	See CEQR Technical Manual Chapter III.P.	**Attachment A**
q. AIR QUALITY	See CEQR Technical Manual Chapter III.Q.	**Attachment A**
r. NOISE	See CEQR Technical Manual Chapter III.R.	**Attachment A**
s. CONSTRUCTION IMPACTS	See CEQR Technical Manual Chapter III.S.	**Attachment A**
t. PUBLIC HEALTH	See CEQR Technical Manual Chapter III.T.	**Attachment A**

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.

Philip A. Habib, P.E.
PREPARER NAME

Principal, Philip Habib & Associates
PREPARER TITLE

PREPARER SIGNATURE

DATE

New York Container Terminal
PRINCIPAL

James J. Devine
NAME OF PRINCIPAL REPRESENTATIVE

President and CEO
TITLE OF PRINCIPAL REPRESENTATIVE

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.

1. 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	**Yes**
SOCIOECONOMIC CONDITIONS	**Yes**
COMMUNITY FACILITIES AND SERVICES	**No**
OPEN SPACE	**No**
SHADOWS	**No**
URBAN DESIGN/VISUAL RESOURCES	**Yes**
NEIGHBORHOOD CHARACTER	**Yes**
NATURAL RESOURCES	**Yes**
HAZARDOUS MATERIALS	**Yes**
WATERFRONT REVITALIZATION PROGRAM	**Yes**
INFRASTRUCTURE	**Yes**
SOLID WASTE AND SANITATION SERVICES	**No**
ENERGY	**Yes**
TRAFFIC AND PARKING	**Yes**
TRANSIT AND PEDESTRIANS	**No**
AIR QUALITY	**Yes**
NOISE	**No**
CONSTRUCTION IMPACTS	**Yes**
PUBLIC HEALTH	**Yes**

2. 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.

3. 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.

4. 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.

5. 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	**Andrew Schwartz** NAME OF LEAD AGENCY REPRESENTATIVE
PREPARER TITLE	**First Deputy Commissioner, DSBS** TITLE OF LEAD AGENCY REPRESENTATIVE
PREPARER SIGNATURE	SIGNATURE OF LEAD AGENCY REPRESENTATIVE
DATE	DATE

ATTACHMENT A
PROJECT DESCRIPTION & SCREENING ANALYSES

I. INTRODUCTION

This attachment provides a detailed description of the Proposed Action, including project description, the Proposed Action's purpose and need, and the governmental approvals required for implementation. In addition, this attachment examines the potential for the Proposed Action to result in significant adverse impacts in any CEQR technical area. The attachment has been prepared in accordance with the procedures set forth in the *CEQR Technical Manual.* Using the guidelines and methodologies in the *CEQR Technical Manual*, supplemental ("screening") analyses were conducted for the Proposed Action in each of the Manual's impact categories. For each of the impact categories, the screening analysis is intended to determine whether a further, more detailed impact assessment in the draft Environmental Impact Statement (EIS) is appropriate for this Proposed Action, and whether the potential for adverse impacts can be ruled out.

This application is for a set of actions (referred to collectively as the "Proposed Action") relating to the proposed expansion of the New York Container Terminal (NYCT) in Staten Island Community District 1. The Proposed Action would facilitate the construction and installation of a new 50-foot deep berth ("Berth 4") and associated marine terminal on a portion of the former Port Ivory site, a previously utilized marine-related site and partial brownfield located adjacent to the existing NYCT facility. The project site is roughly bordered to the north by the Arthur Kill, to the west by Bridge Creek, to the east by Arlington Marsh, and to the south by Richmond Terrace (with the exception of a small portion in the southeast corner that extends just south of Richmond Terrace). The project site is largely owned by or leased to the Port Authority of New York and New Jersey ("Port Authority") by the City of New York, with a small area in the southeastern corner owned by the City of New York and a second small area owned by New York Container Terminal. The project site is designated as part of the Staten Island Significant Maritime and Industrial Area (SMIA), while there may be a portion on the eastern edge designated as part of the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA).

The Proposed Action is comprised of the following: 1) disposition via lease of City-owned land on the project site to the Port Authority; 2) demapping and mapping of public streets and easements as part of the site's improvement program; 3) approval of the filling of City-owned land along the waterfront to create the new berth; and 4) a number of State and/or Federal actions, as detailed in Section C below. The Proposed Action would facilitate the development of the planned Berth 4 with a 50-foot mean low water depth, in addition to a 1,340-foot pile-supported wharf, four quay cranes, a container storage and handling area, a three-story marine operations building, a one-story crane operations building, and five one-story security booths ("Proposed Project"). The Proposed Project would be located on an approximately 39-acre site, which encompasses part of Block 1306, Lot 14; Block 1309, Lots 1, 2, 10 and part of Lot 5; as well as part of Block 1338, Lot 1 ("project site"). Some dredging, filling, and road relocation activities associated with the Proposed Action would take place on adjacent parcels. The Proposed Action would facilitate the re-use of this important parcel of waterfront property in a manner that would allow the expansion of waterfront industrial uses and the creation of new jobs.

II. DESCRIPTION OF PROJECT SITE AND ITS CONTEXT

New York Container Terminal (NYCT) operates a marine container and break-bulk cargo handling terminal on a 187-acre site in Staten Island that is largely owned or leased to the Port Authority by the City. Figure A-1 illustrates the location of NYCT's facility in the context of the NY Harbor region. As shown in Figure A-1, NYCT is one of five container terminals in the Port of New York and New Jersey (PONYNJ). These include: (1) New York Container Terminal, (2) Elizabeth Marine Terminal, (3) Port Newark, (4) Global Marine Terminal, and (5) Red Hook Container Terminal. As shown in Figure A-2, the existing NYCT facility is situated on Staten Island's northwestern waterfront along the Arthur Kill, just north of the Goethals Bridge (I-278) and approximately one mile west of the City's newly rebuilt Arlington Rail Yard. The terminal is readily accessible to major truck routes, and has capability for on-dock rail service connecting to the North American intermodal rail network.

The New York Container Terminal is currently comprised of a 3,011-foot-long wharf with three deep-water container vessel berths along the Arthur Kill and nine quayside gantry cranes. There are approximately 147 acres of open area for container storage, and a 37-acre intermodal rail yard provides on dock rail service. The facility also includes a 39,000 square foot main office building, three on-site warehouses with a total of 417,000 square feet of general warehouse space for dry cargo and 82,000 square feet of temperature-controlled storage, and an equipment maintenance and repair shop.

With the recent completion of approximately $32 million in renovations, the New York Container Terminal has a capacity of approximately 450,000 lifts per year[1] (765,000 TEU[2] per year). In 2004, NYCT handled approximately 260,000 lifts, which is below the capacity of the existing facility. However, trade growth and better facility competitiveness achieved through a range of operational improvements resulted in an annual container throughput of 400,000 lifts in 2007, nearly its full capacity. Figure A-3 illustrates the NYCT's performance over the past 10 years in terms of lifts and vessel calls. NYCT currently employs approximately 555 people.

The Proposed Action would facilitate the construction and installation of Berth 4, a new 50-foot deep berth and associated marine container terminal. As shown in Figure A-4, the project site encompasses approximately 39 acres located northeast of the existing NYCT facility on the east side of Bridge Creek. The project site is roughly bordered to the north by the Arthur Kill, to the west by Bridge Creek, to the east by Arlington Marsh, and to the south by Richmond Terrace (with the exception of a small portion in the southeast corner that extends just south of Richmond Terrace). As illustrated in Figure A-4, the area between Arlington Marsh and the NYCT is a currently unpopulated former industrial site served by two local roadways (Western Avenue and Richmond Terrace). A portion of the project site is currently used by the NYCT for truck chassis storage. The Proposed Project also includes the relocation of portions of Richmond Terrace and Western Avenue to facilitate the consolidation of spaces on both the project site and at the existing container terminal, providing for a more efficient and functional layout (see Figure A-5), and the dredging of an approximately 4.33-acre area to the south of the bulkhead line adjacent to the project site to create the proposed ship berth.

Prominent land uses surrounding the NYCT and the project site include transportation facilities and industrial sites, in addition to wetlands such as Bridge Creek to the west, Arlington Marsh to the east, and Mariner's Marsh to the south, which is also a mapped park. The Goethals Bridge, located south of the

[1] A lift is the single movement of a container, usually loaded, from a berthed vessel to the wharf.
[2] A TEU is a 20-foot-long container. As containers can be different lengths, a TEU is a way of measuring container size. For example, a 20-foot container is one TEU; a 40-foot container is two TEU. The TEU to lift ratio is approximately 1.7 TEU per container.

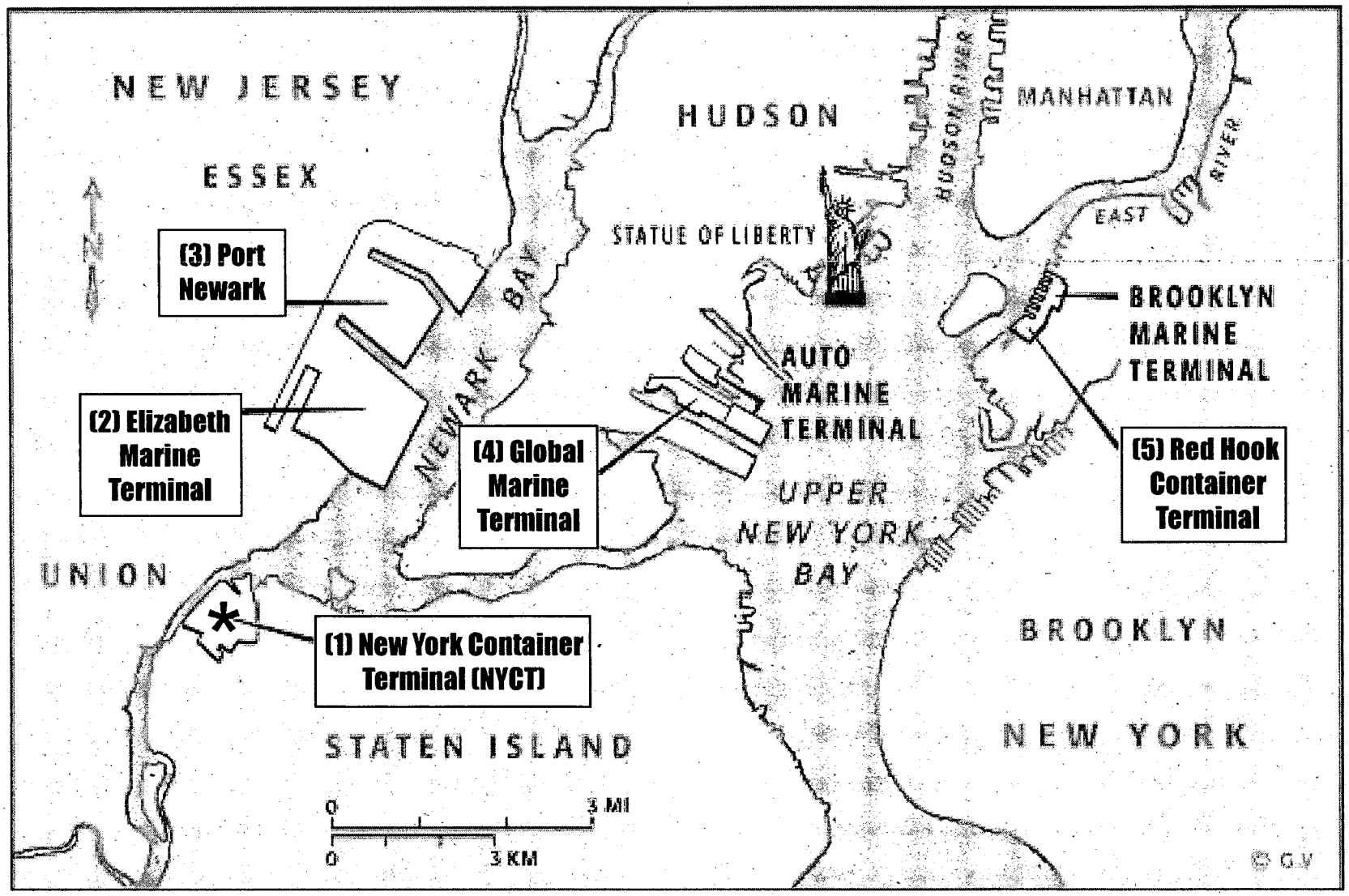
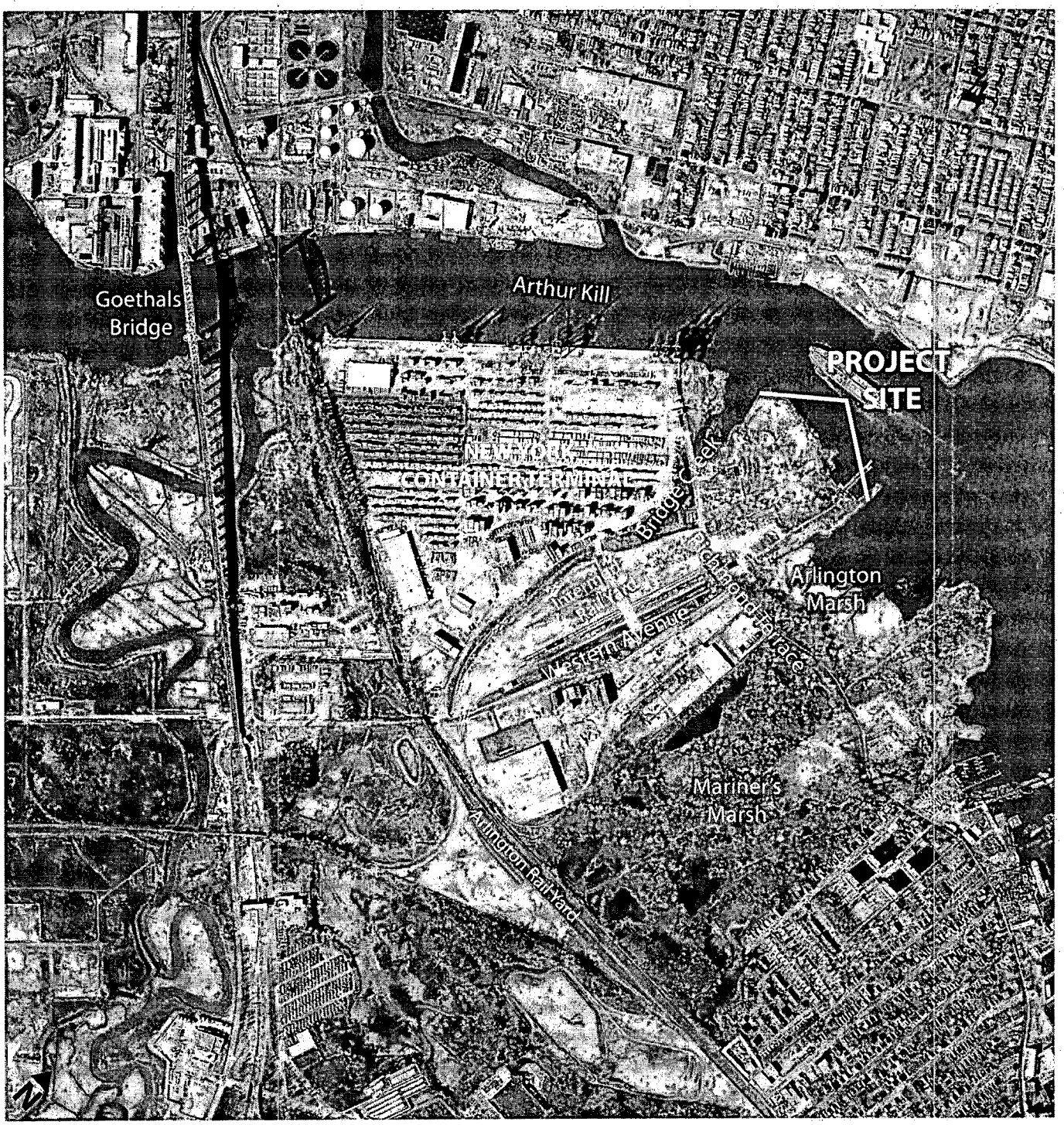


Figure A-1
Existing Container Terminals in the Port of New York & New Jersey

Figure A-2
Project Location



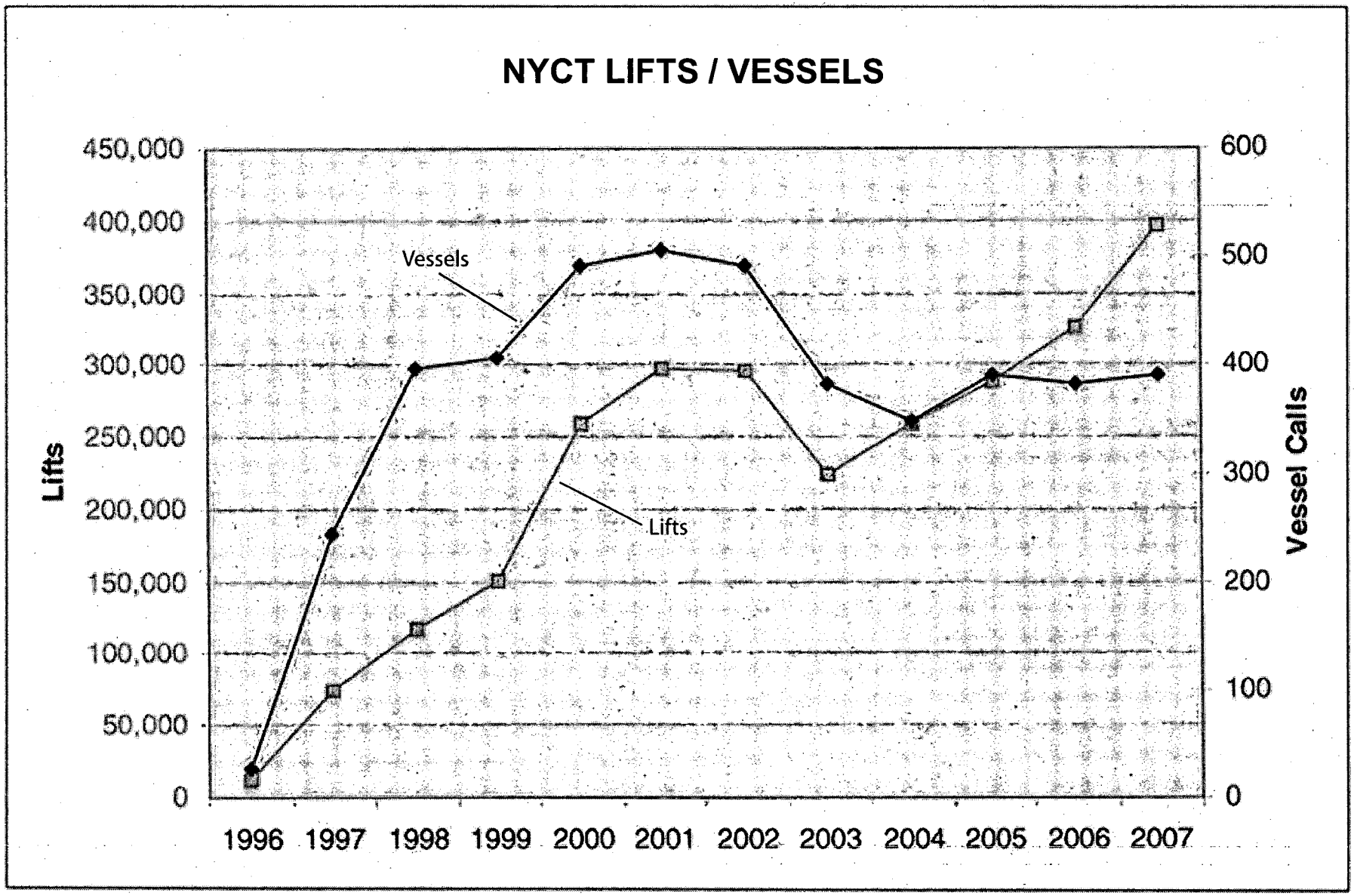
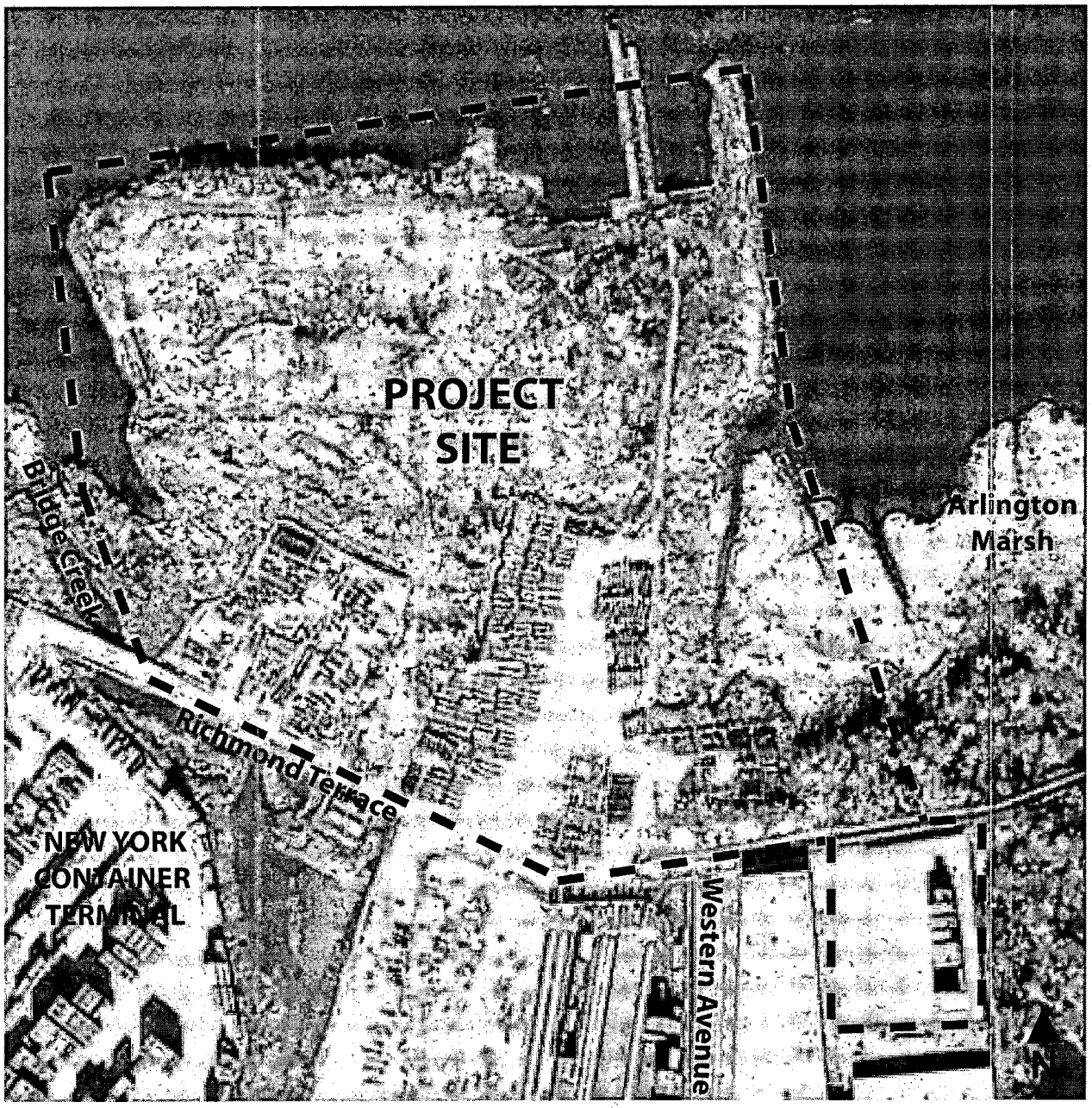


Figure A-3
Terminal Performance 1996 - 2007

Figure A-4
Project Site & Existing Conditions



Project Site

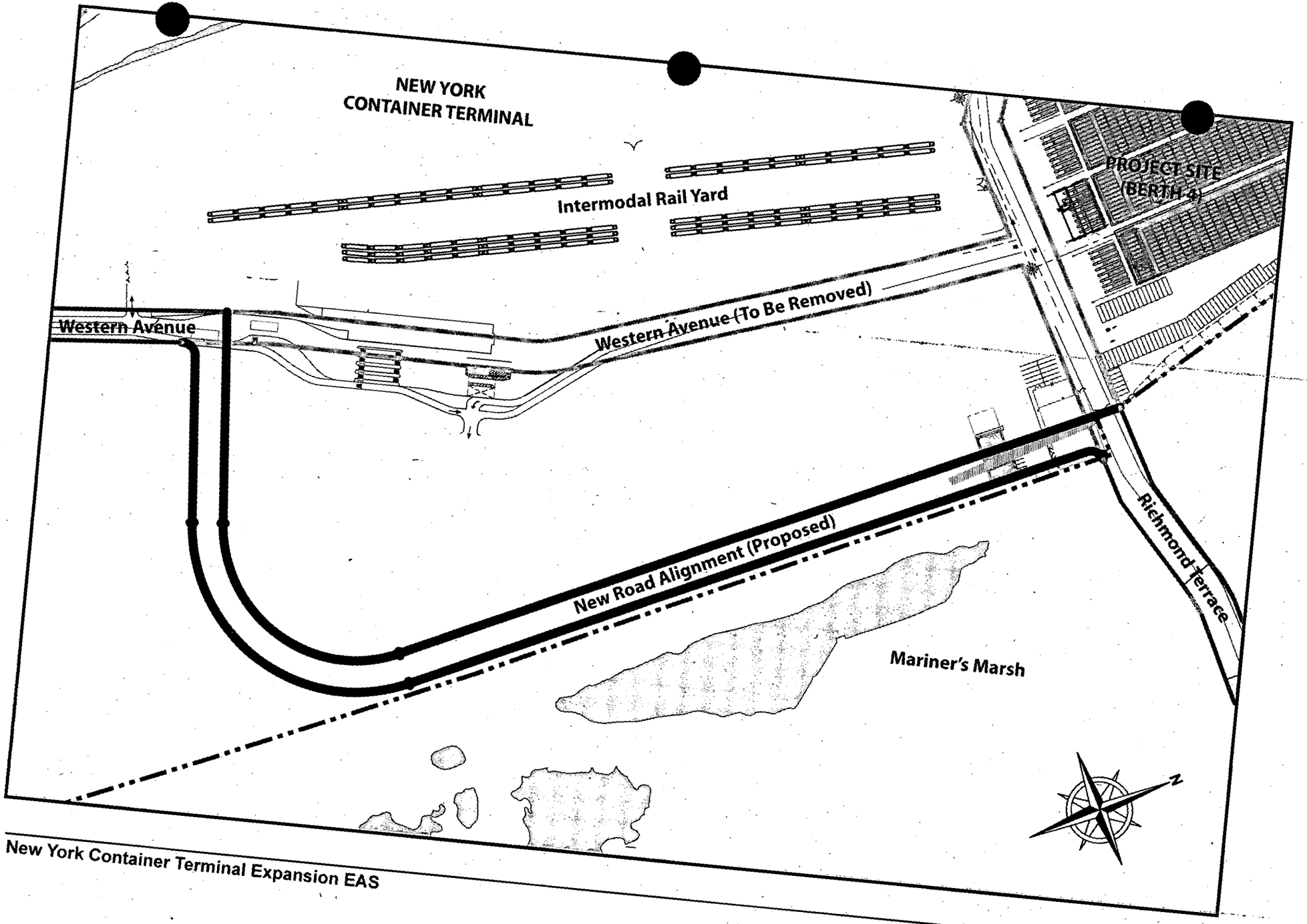


Figure A-5
Proposed Road Alignment (Preliminary)

site, provides vehicular access between Staten Island and New Jersey. The Staten Island Expressway (I-278) and South Shore Expressway (Route 440) link the area to points south and east. Industrial properties south of the NYCT include the Port Authority's Teleport facility, the Visy Paper Plant, R.T. Baker & Sons (a defunct salvage operation), the former GATX Staten Island Terminal property and New York City's Arlington Rail Yard. In 2006, improvements were made to the NYCT, Arlington Yard, the AK Lift-Bridge (the rail connection between Staten Island and New Jersey) and New Jersey's Chemical Coast rail line by the City of New York and the Port Authority to allow the movement of containers directly to the national rail network from the NYCT. The Staten Island Corporate Park, also located to the south of the existing NYCT, is a commercial development that includes office, hotel and retail space, and a candy factory.

The proposed new deep-water berth would be adjacent to the Arthur Kill Federal Navigation Channel, which will be deepened to 50 feet below mean low water as part of the Harbor Deepening Project (HDP). The HDP, being undertaken by the Unites States Army Corps of Engineers (USACE) with the Port Authority as the local sponsor, will deepen the Arthur Kill, Kill van Kull, and other navigation channels in the PONYNJ by approximately 2012. The channels are being deepened to allow larger draft vessels to reach terminals safely so as to satisfy a growing demand for containerized and non-containerized cargo in the region served by the PONYNJ.

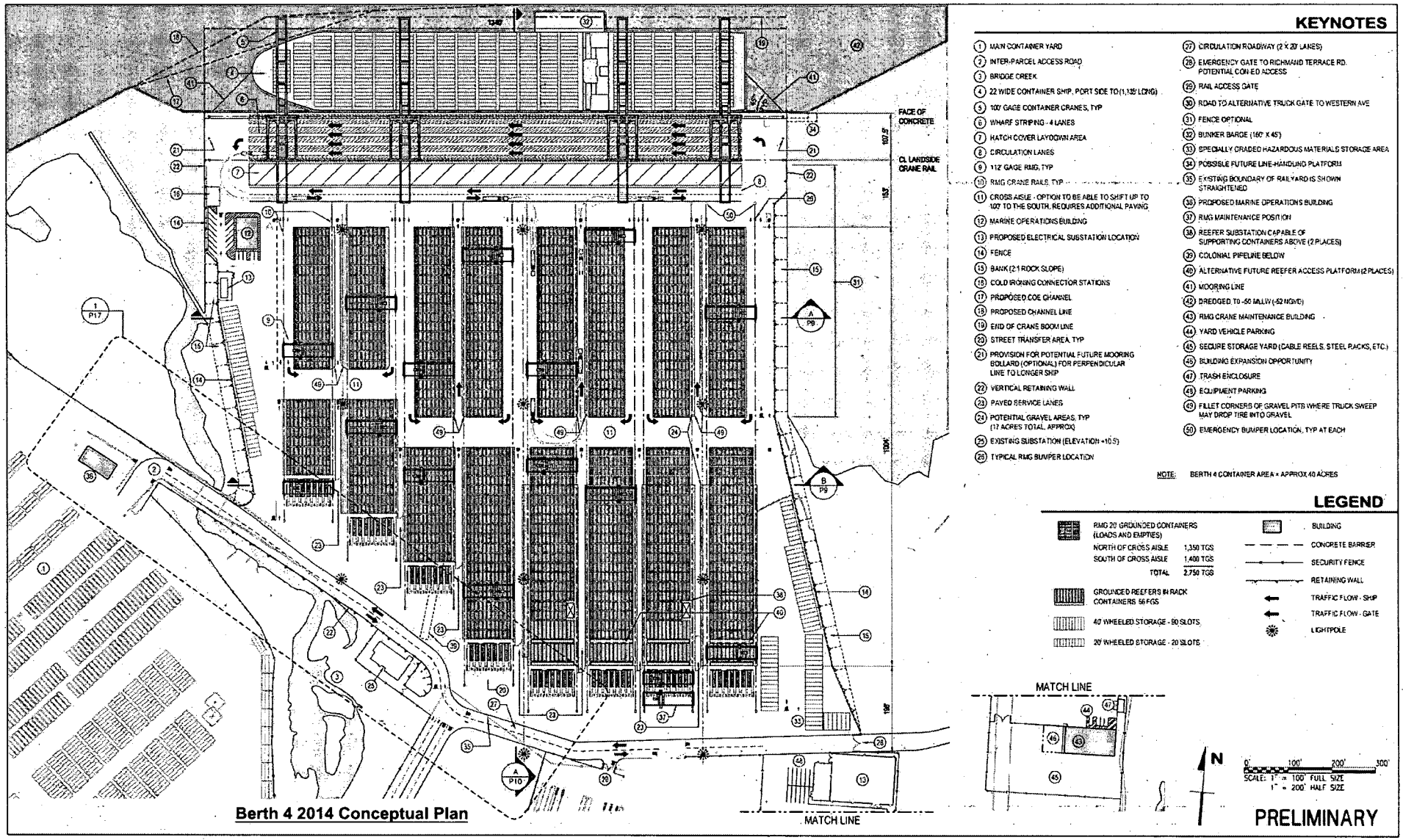
The Port Authority has also proposed improvements to the Goethals Bridge that are expected to be complete by 2014, including the construction of a new I-278 exit ramp leading directly to the intersection of Western Avenue and Goethals Road, and a new I-278 entrance ramp located east of this intersection. These proposed improvements are expected to enhance truck traffic circulation to and from the NYCT and help alleviate congestion.

Zoning at and around the NYCT is manufacturing and consists of M3-1, heavy manufacturing north and south of the Goethals Bridge, including the project site; M2-1, medium manufacturing, encompassing the Goethals Mobile Home Park; and M1-1, light manufacturing, further east. The closest residential zone is R3-2, located in the Arlington neighborhood approximately ½-mile to the east of the project site.

III. DESCRIPTION OF THE PROPOSED ACTION

The New York Container Terminal proposes the development of Berth 4, a new fourth container ship berth and associated marine container terminal area on a previously utilized marine-related site and partial brownfield located immediately adjacent to and northeast of its existing facility on the Arthur Kill on Staten Island (refer to Figure A-2 above). The conceptual design for the project site includes a new 1,340-foot pile-supported wharf, Berth 4 with a 50-foot mean low water depth, four quayside cranes, a container handling and storage area, a three-story marine operations building, a one-story crane operations building, and five one-story security booths.

Other auxiliary functions associated with the proposed Berth 4 (i.e., administrative facilities, truck entrance and checkpoint, maintenance and repair shop, etc.) would be provided by the existing New York Container Terminal facility. Utilizing these existing functions would allow the new berth to achieve the anticipated 350,000 additional lifts per year within the space available on the project site. Figure A-6 shows the conceptual plan for the marine terminal. The Proposed Project also includes the relocation of portions of Richmond Terrace and Western Avenue to facilitate truck circulation to, from and within the new marine terminal, and an approximately 4.33-acre area to the south of the bulkhead line adjacent to the project site which would be dredged to create the proposed ship berth. As noted above, the NYCT



Berth 4 2014 Conceptual Plan

currently has approximately 555 employees. Construction of Berth 4 and its associated marine container terminal would create between 20 and 100 temporary construction jobs, and operation of the expanded terminal would create the equivalent of approximately 311 permanent full time jobs.

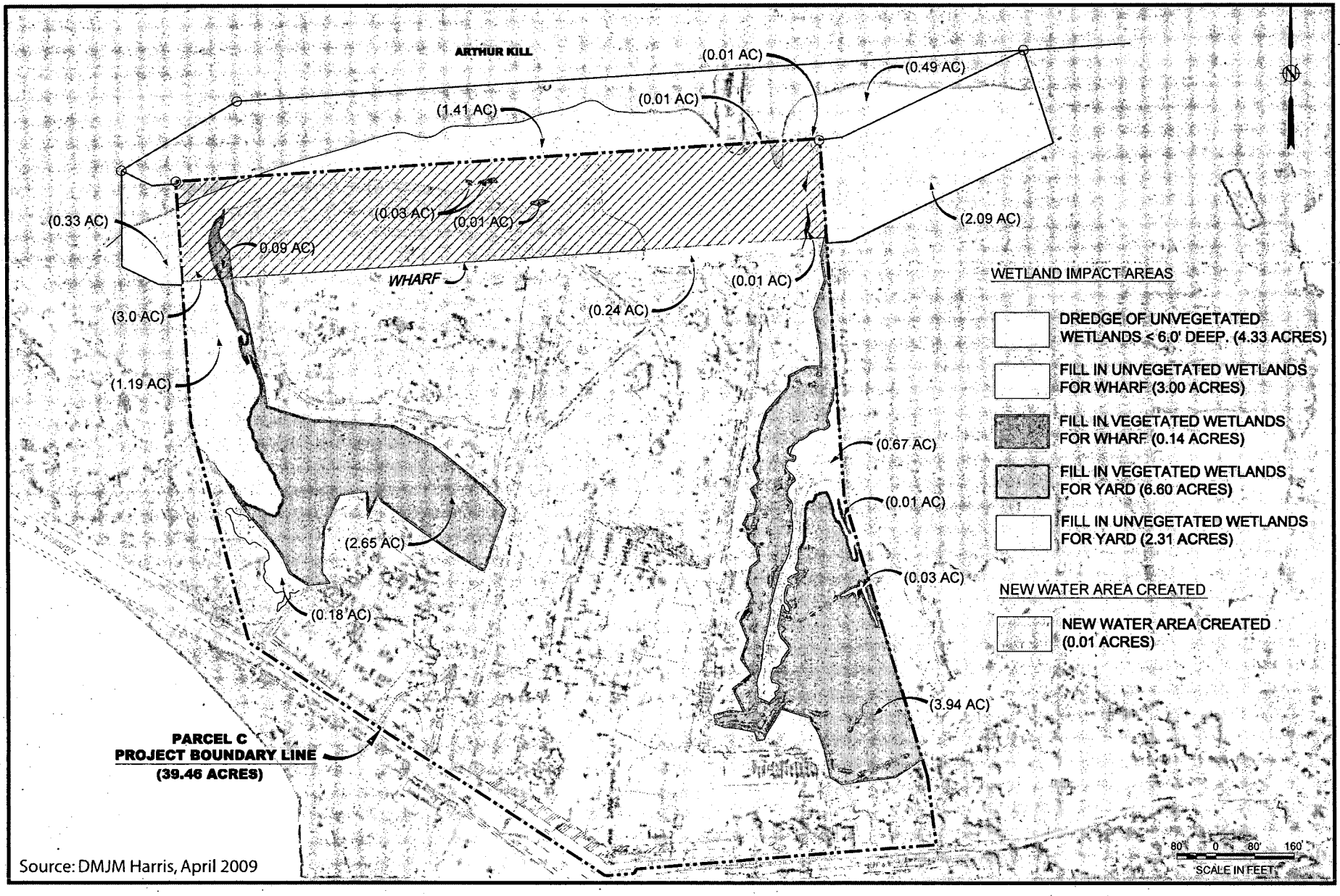
Development of the Proposed Project would require dredging of existing bottom materials in an area spanning approximately 4.33 acres, with an estimated 12.05 acres of wetlands to be filled. In total, approximately 16.38 acres of water bodies and tidal wetlands would be affected by the Proposed Action (refer to Figure A-7 for affected areas). A vertical king pile bulkhead would be constructed along the waterside face of the wharf to retain the existing landfill material. With the bulkhead in place, additional fill would be placed over the existing soil material to achieve a uniform grade. The concrete wharf deck would be supported on piles, but would also be cast on top of the proposed fill. Approximately 425,777 cubic yards of dredging would be required within the Arthur Kill along the northern property boundary of the project site. The proposed dredging would be necessary to provide adequate area for maneuvering the large deep-draft vessels that would access Berth 4 from the Arthur Kill, and also for side slope areas to maintain the desired Berth 4 dredge footprint and prevent adjacent sediment from re-entering the footprint.

The Proposed Action also includes an amendment to the City Map to map and de-map segments of public streets (Richmond Terrace, Western Avenue, and an unimproved segment of Catharine Place) as part of the project site's planned improvements. The street mapping action would facilitate the consolidation of spaces on the project site and at the existing container terminal, providing for a more efficient and functional layout.

IV. PURPOSE AND NEED

The purpose of the Proposed Action is to ensure the long-term viability of container operations in New York City, respond to faster than-anticipated growth of the container cargo market, and establish modern, sustainable marine terminal operations at the NYCT into the foreseeable future. Proposed state-of-the-art cargo handling equipment would allow Berth 4 to achieve throughputs of 9,211 lifts/acre/year or 15,660 twenty-foot equivalent units (TEU) by 2014. As shown in Table 1 below, the Berth 4 proposal would increase the near-term capacity of the NYCT complex from 450,000 lifts to 800,000 lifts (765,000 TEU to 1.36 million TEU) by 2014, an increase of 78 percent.

The purpose of and need for the Proposed Project are discussed in greater detail below, with a focus on four primary issues: North Atlantic market trends, PONYNJ container terminal market trends, existing NYCT facility capacity, and long-term environmentally friendly operations.



Source: DMJM Harris, April 2009

Figure A-7
Waterbodies & Wetlands Affected by the Proposed Action

Table 1 – NYCT Existing and Proposed Berth Throughputs			
NYCT Terminal Complex	Berths 1-3	**Berth 4**	Berths 1-4
Acres*	147	**39**	185
Throughput: Lifts/Year			
2004	260,000	--------	260,000
2006	326,000	--------	326,000
2007	400,000	--------	400,000
2014	450,000	**350,000**	800,000
2014 (TEU/year)	765,000	595,000	1.360 million
Throughput: Lifts/Year/Acre			
2004	1,769	--------	1,769
2006	2,217	--------	2,217
2007	2,721	--------	2,721
2012	3,061	**9,211**	4,324
2014 (TEU/acre/year)	5,204	15,660	7,350

** Does not include the adjacent rail yard; ** Estimated maximum*

Source: Joint Permit Application, DMJM Harris, November 2007

North Atlantic Container Market Trends

With the transition of the U.S. economy from a manufacturing base to a service-oriented economy, the demand for imported goods is strong. The U.S. East Coast, with its large and rapidly growing population base, is fueling import demands that in turn, generate demand for container terminal throughput in North Atlantic ports, especially the PONYNJ. The size of vessels deployed for maritime commerce is increasing and is expected to continue to increase in the foreseeable future. The next generation of mega-vessels with capacities approaching 10,000 TEU is expected to replace existing Post-Panamax[3] vessels on the Pacific trade routes. (Pacific trade routes have historically utilized larger vessels than North Atlantic routes.) The displaced Post-Panamax vessels will then begin operating on North Atlantic routes including to and from the PONYNJ.

These larger ships will require greater channel depths than current vessels. Whereas ships calling at PONYNJ ports currently have up to an approximately 38 foot draft (requiring a 41-foot deep channel and berth), the larger capacity ships have a draft of up to approximately 48 feet (requiring a 50-foot deep channel and berth). Therefore, water depth and the previously mentioned Harbor Deepening Project are important factors in the ability of terminals like the NYCT to handle future cargo movements since the former Pacific trade route vessels will make up an increasing share of the North Atlantic market in the coming years. The proposed Berth 4 and other improvements at the NYCT would allow it to accommodate these new, larger classes of container ships, thereby ensuring the long-term viability of the NYCT.

A recent market study estimates that the US economy will grow an average 2.0% per year from 2008-2013, below the long-term average of 3.1%. Therefore it is the opinion of NYCT's consultant, the Port of NYNJ is likely to see volume growth roughly in line with the national average of 5.4%. The Port's sizable local market and strong intermodal connectivity to hinterland markets will continue to drive demand, thus keeping NYNJ as a "must call" facility on the US East Coast. As these economic shifts are

[3] Vessels classified as Post-Panamax exceed the maximum dimensions of what will fit through the Panama Canal.

viewed as cyclical and would only temporarily reduce the rate of growth, and because the Proposed Action seeks to ensure long-term vitality in the PONYNJ, there is still a need for improvements at the NYCT.

Port of New York & New Jersey (PONYNJ) Container Terminal Market Trends

As shown above in Figure A-1, the New York Container Terminal is one of five container terminals in the PONYNJ: (1) New York Container Terminal, (2) Elizabeth Marine Terminal, (3) Port Newark, (4) Global Marine Terminal, and (5) Red Hook Container Terminal. A Comprehensive Port Improvement Plan (CPIP) for the PONYNJ was completed in 2005, which defined water and landside infrastructure improvement initiatives to accommodate the region's capacity demand through the year 2060.

The mean annual growth rate in trade through the PONYNJ from 1996 through 2005 was 8.7 percent, as shown in Table 2. Assuming the trend shown in Table 2 continues, actual capacity in the PONYNJ will be reached in the short-term. By 2017, the PONYNJ will have achieved its limit of 8.6 million TEU. Given these forecasts, there is an urgent need to focus on adding wharf length and berth depth within the PONYNJ to address long-term capacity constraints. The approved Harbor Deepening Project discussed above will establish 50-foot depths in certain PONYNJ navigation channels. Completion of the HDP in 2012 will enable the larger ships in the fleet to call at PONYNJ terminals.

Table 2

Summary of Million TEUs Per Year at Major North Atlantic Ports, 1995-2005

Port Location	Mean Annual Growth	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
PONYNJ	8.7%	4.80	4.48	4.07	3.75	3.32	3.05	2.83	2.47	2.46	2.27
CHARLESTON	7.0%	1.98	1.86	1.69	1.59	1.53	1.63	1.48	1.28	1.22	1.08
HAMPTON	6.3%	1.98	1.81	1.65	1.44	1.30	1.35	1.31	1.25	1.23	1.14
SAVANNAH	12.7%	1.90	1.66	1.52	1.33	1.08	0.95	0.79	0.73	0.73	0.65
BALTIMORE	2.7%	0.60	0.56	0.53	0.48	0.49	0.51	0.50	0.49	0.49	0.47
HALIFAX	3.8%	0.55	0.53	0.54	0.52	0.05	0.55	0.46	0.43	0.43	0.39
All	7.8%	11.82	10.90	10.90	9.11	8.26	8.04	7.37	6.64	6.64	6.01

Source: Joint Permit Application for Proposed Berth 4 and Associated Terminal Expansion at Parcel C, DMJM Harris, November 2007

Existing NYCT Facility Capacity

As noted above, the existing New York Container Terminal is comprised of one 3,011-foot wharf with three berths along the Arthur Kill. With this wharf arrangement and the corresponding yard storage and support services, the capacity of the existing terminal is an annual container throughput of 450,000 lifts. The NYCT has been operating at near capacity (approximately 400,000 lifts/year) since 2007 and the entire PONYNJ would reach its capacity by the year 2017, as stated earlier. This means that the NYCT's market share in the PONYNJ has been declining since 2007. The proposed expansion of the NYCT would significantly increase the capacity of the existing terminal, which would keep the NYCT, New York City's main container terminal, competitive in the market for the long term.

The highly competitive nature of terminal marketing and operations necessitates that actions to expand terminal capacity be implemented or constructed in such a way that the facility continues to operate as

close to normal as is reasonable. Moreover, the plan has to be coordinated with the relevant actions of other agencies and entities. Thus, the NYCT has a need to add facility capacity in a way that avoids the disruption of existing operations and makes sense in the context of the schedule completion of the HDP and the Port Authority's improvements to the Goethals Bridge.

Long-Term Environmentally Friendly Operations

Like most terminals in the PONYNJ, the New York Container Terminal has developed and improved its operations incrementally over the years. Currently, the NYCT and other terminals in the PONYNJ use diesel-powered yard equipment, including rubber-tire gantry (RTG) cranes, yard tractors and other equipment. The type of equipment used largely governs the way the yard is configured and the potential capacity of the yard. The NYCT will soon reach the limit of the operational and capacity improvements it can make without significant redevelopment of its facilities and the substantial disruption in operations that such a redevelopment could cause. The NYCT sees a need not only to respond to higher than forecast growth in the container market, but also to respond with a long-term view that is consistent with modern terminal design. Thus, the NYCT's next step requires a commitment to an entirely different and updated operational design from that which is currently used at the NYCT and elsewhere in the PONYNJ.

Modern terminal planning is spurred not only by economics but also by initiatives founded in the U.S. Clean Air Act Amendments, which encourage use of spatial and technological opportunities to reduce emissions, and the Port Authority's Green Ports Program. The Green Ports Program encourages terminals to employ environmentally sound technologies and practices. Modern terminal design trends are focused on minimizing emissions by the choice of equipment and fuel used, yard design that focuses on densifying operations, and taking advantage of multi-modal opportunities. Shorter handling times per container yield less emissions and fuel costs. Time saving per container also means higher throughputs, which are not only good for the terminal but also for the PONYNJ and the regional economy.

The Future Without the Proposed Action (No-Action Condition)

In order to assess the potential effects of the Proposed Action, the "future No-Action" (No-Build) and "future With-Action" (Build) conditions will be analyzed for an analysis year, or Build Year of 2014. For analysis purposes, all components of the Proposed Project are assumed to be implemented by 2014. The No-Action scenario identifies similar development projections for 2014 absent the Proposed Action. The incremental difference between the With-Action and No-Action scenarios serves as the basis for impact analyses.

In the future without the Proposed Action, the project site would remain mostly vacant, terminal capacity and operation at the NYCT would remain unchanged, there would be no loss of wetlands, and the benefits associated with the proposed terminal expansion project would not occur. The NYCT would not be able to accommodate future increases in demand.

The Future With the Proposed Action (With-Action Condition)

In the future with the Proposed Action, a new berth would be constructed, increasing the capacity and improving the function of the New York Container Terminal. This would also increase the capacity of the PONYNJ, which would be expected to improve the distribution of goods throughout the region and stimulate the local economy. It is estimated that the With-Action scenario will result in the loss of approximately 16.38 acres of wetlands. As the Proposed Action would result in significant adverse

impacts to natural resources, the EIS will include an extensive description of mitigation efforts related to the loss of wetlands.

V. TECHNICAL ANALYSES

For each technical area, the *CEQR Technical Manual* defines thresholds, which, if met or exceeded require that a detailed technical analysis be undertaken. Preliminary screening analyses were conducted for the Proposed Action using the guidelines presented in the *CEQR Technical Manual*, to determine whether detailed analysis of a given technical area is appropriate. These analyses are provided below and identify which areas require more detailed analysis that will be provided in the Environmental Impact Statement (EIS).

Land Use, Zoning and Public Policy

According to the *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy is appropriate if an action would be expected to result in a significant change in land use. In addition, a land use analysis characterizes the uses and development trends in the area that may be affected by a proposed action. The analysis also considers the action's compliance with and effect on the area's zoning and other applicable public policies. Even when there is little potential for an action to be inconsistent with or to affect land use, zoning, or public policy, a description of these issues is usually appropriate to establish conditions and provide information for use in other technical areas. A detailed assessment of land use and zoning is appropriate if the proposed action would result in a significant change in land use or would substantially affect regulations or policies governing land use.

The Proposed Action would result in the development of a new container ship berth and marine container terminal on a currently vacant parcel on the Arthur Kill in the Arlington neighborhood of Staten Island, adjacent to the existing New York Container Terminal. The Proposed Action requires City approvals for 1) disposition via lease of land adjacent to and southeast of the proposed project site to the Port Authority; 2) demapping and mapping of public streets and easements as part of the site's improvement program; and 3) approval of the filling of City-owned land along the waterfront to create the new berth. The Proposed Action also includes the following State and Federal approvals: NYSDEC Protection of Waters Permit; NYSDEC Tidal Wetlands Permit; NYSDEC Section 401 Water Quality Certification; NYDDEC General Permit for Stormwater Discharge; Waterfront Revitalization Act/Coastal Zone Consistency/Waterfront Revitalization Program; New York State Office of General Services (NYSOGS) Permit; United States Army Corps of Engineers (USACE) Section 404 Permit; USACE Section 10 Permit; Compliance with the Marine Protection Research and Sanctuaries Act (1972); in addition to CEQR-SEQRA-NEPA Coordination.

These actions and the anticipated construction of the new berth and marine container terminal would result in changes to land use on the project site, and therefore warrant a detailed assessment of land use, zoning and public policy as described in the attached "Scope of Work for an EIS."

Socioeconomic Conditions

A socioeconomic assessment may be necessary if an action is expected to create substantial socioeconomic changes within the area that would not be expected to occur in the absence of the action. The *CEQR Technical Manual* provides guidelines to determine whether a socioeconomic assessment is appropriate. Typically a socioeconomic assessment is required if a proposed action meets one or more of

the following tests: (a) the action would directly displace residential population so that the socioeconomic profile of the neighborhood would be substantially altered; (b) the action would displace substantial numbers of businesses or employees, or would displace a business that plays a critical role in the community; (c) the action would result in substantial new development that is markedly different from existing uses in a neighborhood. According to the *CEQR Technical Manual*, a residential development of 200 units or less, or a commercial development of 200,000 sq. ft. or less would typically not result in socioeconomic impacts, unless it generates socioeconomic conditions that are very different from prevailing conditions.

Under CEQR, the principal issues of concern with respect to socioeconomic conditions are: direct (or primary) residential displacement; direct (or primary) business or institutional displacement; indirect (or secondary) residential displacement; indirect (or secondary) business and institutional displacement; and effects on specific industries.

Direct Residential Displacement

Currently, there are no residential buildings or residents located on the project site. The Proposed Action is not expected to directly displace any residential dwelling units on the project site, and therefore would not result in significant adverse impacts related to direct residential displacement and a detailed analysis is not warranted.

Direct Business/Institutional Displacement

With the exception of some truck chassis storage for the adjacent NYCT, there are no businesses or institutional buildings located on the project site. The Proposed Action is not expected to directly displace any businesses or institutions on the project site, and therefore would not result in significant adverse impacts related to direct business or institutional displacement. A detailed analysis is therefore not warranted.

Indirect Residential Displacement

There are no residential uses located in the immediate vicinity of the project site; the closest residences are located roughly ½-mile to the east of the site on the other side of Mariner's Marsh Park. Therefore, the Proposed Action is not expected to result in any significant adverse impacts related to indirect residential displacement and a detailed analysis is not warranted.

Indirect Business/Institutional Displacement

The Proposed Action would expand the existing NYCT operations onto a currently vacant site, and is therefore not expected to (1) introduce a new type of economic activity that would change the existing economic patterns; (2) add to the concentration of one economic sector that would change the existing economic patterns; (3) introduce economic activity that would lead to higher commercial rents or lower property values; (4) directly or indirectly displace residents, workers, or visitors who form the base of existing businesses in the area. As such, the Proposed Action is not expected to result in any significant adverse impacts related to indirect business/institutional displacement and a detailed analysis is not warranted.

Adverse Effects on Specific Industries

As the Proposed Action would have a direct effect on the marine cargo handling industry, specifically the handling of containerized cargo, a detailed analysis of the Proposed Action's potential to affect the operation and viability of this specific industry will be provided as described in the attached "Scope of Work for an EIS."

Additional economic effects can be expected from the Proposed Action including new permanent jobs and sales tax revenues for the City and State. As described in the attached "Scope of Work for an EIS," the socioeconomic analysis will also assess the benefits of the proposed project in terms of employment, total effect on the local economy, and tax revenues realized by the City and State during the construction and operation of the retail space. Overall economic activity associated with future uses will be estimated using the RIMS II model from the U.S. Department of Commerce, Bureau of Economic Activity. Construction costs and public investments/costs associated with the infrastructure improvements planned as part of the Proposed Project will also be described.

Community Facilities and Services

The demand for community facilities and services is directly related to the type and size of the new population generated by the Proposed Project. New residential developments tend to affect facilities, such as public schools, day care centers, libraries, and hospitals. According to the *CEQR Technical Manual,* a detailed community facility analysis is conducted when a project would have a direct or indirect effect on a community facility.

Direct effects occur if a project would physically alter a community facility, whether by displacement or other physical change. Analysis of police and fire facilities is typically conducted only when a direct impact is expected. Indirect effects occur if a project would add population to an area, which may potentially affect service delivery. As detailed below, the Proposed Project is not expected to exceed the CEQR threshold for analysis of police and fire facilities, public schools, libraries, or health care facilities; and a detailed analysis is not warranted.

Public Education Facilities

According to the *CEQR Technical Manual,* an analysis of public schools is required if a Proposed Project would introduce more than 50 elementary and/or intermediate school students or 150 high school students. The Proposed Project is the expansion of an existing marine container terminal and is not expected to introduce any new elementary, intermediate or high school students to the area. As such, the Proposed Project would not result in significant adverse impacts to public education facilities and a detailed analysis is not warranted.

Public Libraries

The *CEQR Technical Manual* states that an analysis of libraries would be required if a Proposed Project would result in more than a five percent increase in the ratio of residential units to libraries in the borough. As the Proposed Project would not introduce any new residential units, it would not exceed the CEQR threshold for analysis. Therefore, an impact to library resources would not result from the Proposed Project, and a detailed analysis is not warranted.

Health Care Facilities

According to the *CEQR Technical Manual,* a detailed analysis of health care facilities is required for large projects introducing a sizable number of new low-or moderate-income residents who may rely on nearby emergency and/or outpatient clinic services. An assessment of health care facilities is typically conducted if a proposed project would generate more than 600 low-to moderate-income units. As the Proposed Project would not introduce any new residential units to the area, it does not meet the threshold for analysis of public health care facilities. Significant adverse impacts to public health care facilities are therefore not expected to occur, and a detailed analysis is not warranted.

Public Day Care Centers

The *CEQR Technical Manual* requires a detailed analysis of publicly-funded day care centers when a proposed project would produce substantial numbers of subsidized, low- to moderate-income family housing units that may therefore generate a sufficient number of eligible children to affect the availability of slots at public day care centers. As the Proposed Project would not introduce any new housing units, significant adverse impacts to public day care centers are not expected and a detailed analysis is not warranted.

Police and Fire Protection

Police protection for the area encompassing the project site is provided by the 120th Precinct, with a station house at 78 Richmond Terrace. Engine Company 158 at 65 Harbor Road and Engine Company 166, Ladder 86 at 1400 Richmond Avenue provide fire protection in the area.

According to the *CEQR Technical Manual*, a detailed assessment of project impacts on police or fire service delivery is conducted only if a proposed project would affect the physical operations of, or access to and from a station house. As the Proposed Project would not result in any physical changes to any existing police or fire stations, a detailed analysis of police and fire protection services is not warranted.

Open Space

The *CEQR Technical Manual* defines open space as publicly or privately owned land that is publicly accessible and designated for leisure, play or sport, or land set aside for the protection and/or enhancement of the natural environment. An open space analysis is conducted to determine whether or not a project would have a direct impact resulting from the elimination or alteration of open space, or an indirect impact resulting from the overtaxing of available open space. A direct impact would physically change, diminish or eliminate an open space or reduce its utilization or aesthetic value. An indirect effect may occur when the population generated by a proposed project would be sufficient to noticeably diminish the ability of an area's open space to serve the existing or future population. According to the guidelines established in the *CEQR Technical Manual,* a project that would add fewer than 200 residents or 500 employees, or a similar substantial number of other users to an area, is typically not considered to have indirect effects on open space.

The project site does not currently contain any publicly accessible open space that is designated for leisure, play or sport. The existing wetlands and marshes in and around the project site (Bridge Creek, Arlington Marsh and Mariner's Marsh) and the Proposed Project's potential effects on those resources are discussed in the Natural Resources section of this attachment. The Proposed Project is not expected to

cause the physical loss of publicly accessible open space, change the use of any existing open space so that it no longer serves the same user population, or limit public access to any existing open space.

In addition, development of the Proposed Project is expected to introduce the equivalent of approximately 311 full-time employees, which would be substantially fewer than the CEQR threshold of 500 additional employees. As such, a detailed open space analysis is not warranted. The EIS will provide a qualitative screening assessment of open space as discussed in the attached "Scope of Work for an EIS."

Shadows

The *CEQR Technical Manual* notes that a shadow assessment should be undertaken for actions that result in new shadows long enough to reach a publicly accessible open space (except within an hour and a half of sunrise or sunset), historic landscape or other historic resources (if the features that make the resource significant depend on sunlight), or important natural features where the shadow adversely affects its use or vegetation. Shadow assessments are typically prepared for actions resulting in structures 50 feet high or taller, and for shorter structures adjacent to important features such as parks, historic resources, or important natural features.

The Proposed Project would include the construction of the following permanent structures: a three-story marine operations building, a one-story crane operations building, five one-story security booths, and four movable quayside cranes for loading and unloading ships. The largest proposed building is the marine operations building at 45 feet tall, which is shorter than the 50-foot CEQR threshold for a detailed shadow impact analysis. The four quayside cranes are expected to be greater than 50 feet in height, however, given their location adjacent to the proposed ship berth, any shadows that they cast would fall primarily within the boundaries of the proposed marine container terminal or the adjacent Arthur Kill. In addition, given their mobility and relatively open design, they are not expected to cast substantial shadows. As none of the proposed structures would create shadows that reach publicly accessible open space, historic resources, or other important natural resources, no significant adverse shadow impacts are expected as a result of the Proposed Action, and a detailed analysis is not warranted.

Historic Resources

An assessment of historic resources is usually needed for projects that are located adjacent to historic or landmark structures, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated. The *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed on the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements.

Historic resources include both architectural and archaeological resources. Actions that could affect archaeological resources and that typically require assessments are those that involve above ground construction resulting in ground disturbance or below ground construction, such as excavation. Actions that trigger an architectural resources assessment include new construction, demolition, or significant alteration to any building, structure, or object or landscape feature; construction, including but not limited to, excavation, vibration, subsidence, dewatering, and the possibility of falling objects; additions to or

significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and the introduction of significant new shadows or significant lengthening of the duration of existing shadows over an historic landscape or on an historic structure with sunlight dependent features.

Archaeological Resources

Preliminary evaluation of the potential effects related to the Proposed Project indicates that most of the project site would be subject to shallow subsurface impacts associated with removal of vegetation and preparation of the surface for filling. Plans also call for the area to be capped with packed fill. These activities are not expected to have an impact on prehistoric resources at the site, which if they exist, are likely to be well below present grade in this area. Deep subsurface disturbance would, however, occur in the southeastern corner of the project site where up to seven feet of deposits would be removed from the present grade. The LPC letter in Appendix A indicates that there is potential for the recovery of remains from 19th Century and Native American occupation on the project site. Thus, a detailed assessment of archaeological resources is warranted, as discussed in the attached "Draft Scope of Work for an EIS."

Architectural Resources

The LPC letter (Appendix A) also indicates that there are no formally designated architectural resources within the project site or in its immediate vicinity. All of the buildings and features on the project site that were once part of a Procter & Gamble facility built during the first half of the twentieth century have been demolished or removed, although a number of foundations and pads from these buildings remain. These surface remains of former structures associated with the Procter & Gamble facility are likely to be affected by development of the Proposed Project.

Though the Proposed Project is not expected to result in significant adverse impacts on historic resources, further consultation with NYC Landmarks Preservation Commission and the New York State Historic Preservation Office will be needed before proceeding. As discussed in the attached "Draft Scope of Work for an EIS," the EIS will include, for informational purposes, a brief description and images of any historic structures within ¼-mile of the project site, and would elaborate on why the Proposed Project would not result in significant direct or indirect impacts on architectural resources.

Urban Design and Visual Resources

An analysis of urban design and visual resources is appropriate if a proposed action would a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use, or arrangement than exists in an area; b) change block form, demap an active street, or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity, or streetscape elements; or c) would result in above ground development in an area that includes significant visual resources.

The Proposed Action would potentially demap and map portions of two active streets (Richmond Terrace and Western Avenue), dredge, fill and pave a portion of waterfront land that includes tidal wetlands, and allow for the expansion of the existing New York Container Terminal along the Staten Island waterfront. The project site is currently undeveloped and includes a capped landfill. Much of the site is vegetated and contains areas of tidal wetlands. The southern portion of the site is currently used for truck chassis storage. Views of the site are available from the adjacent properties along the Staten Island waterfront, the City of Elizabeth (New Jersey) waterfront, and surrounding waterbodies.

Aesthetic impacts would potentially occur as a result of construction of a marine cargo terminal on the presently undeveloped site. Views of the project site from the City of Elizabeth would be changed from a mostly vegetated parcel to an active marine cargo terminal with four cranes with 45-foot clearance for loading and unloading cargo on large vessels. These viewsheds would be observed from along the linear pedestrian walkway and town homes that line the Arthur Kill at a distance of more than 900 feet. Additional views from adjacent areas along the Staten Island waterfront would also potentially be affected.

Given the scale of the Proposed Project, it has the potential to affect the area's urban design and visual resources, and could result in significant adverse impacts. Therefore, a discussion of the Proposed Project's effect on urban design and visual resources is warranted and would be provided in the EIS, as discussed in the attached "Draft Scope of Work for an EIS."

Neighborhood Character

Neighborhood character is defined by the *CEQR Technical Manual* as a combination of the elements that give a neighborhood a distinct personality, including land use, urban design, visual and historic resources, socioeconomic conditions, traffic and noise. According to the *CEQR Technical Manual*, an assessment of neighborhood character may be appropriate if a proposed action impacts any of those individual elements within a neighborhood. It is also possible that several moderate changes in the elements that contribute to a neighborhood's character could lead to a significant impact on neighborhood character.

By developing a currently underutilized site as a marine container terminal, the Proposed Project would result in changes to the project site that would potentially affect land use, urban design, visual and historic resources, socioeconomic conditions, traffic and noise, and thus would be expected to potentially affect the character of the surrounding neighborhood. Therefore, an assessment of neighborhood character is warranted, and will be provided as described in the attached "Draft Scope of Work for an EIS."

Natural Resources

As indicated in the *CEQR Technical Manual*, a natural resource is defined as plant and animal species and any area capable of providing habitat for plant and animal species or capable of functioning to support environmental systems and maintain the City's environmental balance. Such resources include surface and groundwater, wetlands, dunes and beaches, grasslands, woodlands and landscaped areas, gardens and built structures used by wildlife. Two conditions determine whether an adverse impact on a natural resource might occur, and therefore whether an assessment may be appropriate: the presence of a natural resource on or near the site of the action; and an action that involves direct or indirect disturbance of that resource.

The project site is designated as part of the Staten Island Significant Maritime and Industrial Area (SMIA), which serves to protect and encourage working waterfront uses. In addition, there may be a portion on the eastern edge is designated as part of the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA), an interconnected network of tidal and freshwater wetlands along the Arthur Kill. Tidal Wetlands Habitats associated with Bridge Creek and Arlington Marsh have been identified on the project site. In addition, the adjacent Arthur Kill and nearby Kill van Kull and Newark Bay serve as important fisheries resources and are designated as Essential Fish Habitat by National Oceanic and Atmospheric Administration (NOAA) Fisheries.

Development of the Proposed Project would include dredging along the Arthur Kill of an area comprising approximately 4.33 acres and filling of approximately 12.05 acres of tidal wetlands. In total, an estimated 16.38 acres of wetlands (including littoral zone, intertidal marsh, mud flats and formerly connected tidal wetlands) would be affected by the Proposed Action. However, the Proposed Project is not anticipated to destroy or significantly impair the viability of this area as a fish or wildlife habitat. As described below, physical, biological and chemical parameters of the adjacent waterbodies would be maintained and would remain the same following construction.

Water depths north of the project site in an approximately four acre area would be deepened to accommodate large, deep draft vessels. However, this area is negligible compared to the size of the Arthur Kill, Kill van Kull and Newark Bay and would not alter the physical parameters of any of these waterbodies. The proposed berthing area immediately adjacent to the Arthur Kill will be deepened to 50 feet below the mean low water line as part of the Harbor Deepening Project.

Biological parameters would be affected on a localized basis where fill placement or dredging occurs in a functioning wetland. Immobile prey species at these locations would be impacted by these activities in the filling or dredging footprint. However, dredging and filling activities are not expected to impact any motile species at these locations; as such species would be expected to vacate these areas. No chemical parameters within the Arthur Kill or Kill van Kull would be altered by the proposed activity. Where fill placement is necessary in wetlands and/or waterbodies, only clean fill will be used. Construction related impacts and related biological effects, such as turbidity and sedimentation would be temporary and localized in nature and would cease following construction. Suspended sediments would eventually settle out of the water column and benthic organisms would recolonize bottom sediments once restabilized.

While the Proposed Action would necessitate impacts (e.g., filling, shading and dredging) to approximately 16.38 acres of wetlands on and adjacent to the project site, these impacts would be mitigated such that no net loss (acreage or functions) would occur. Proposed mitigation, as detailed in Table 3 below, includes wetland creation, restoration and enhancement at one or more potential sites, resulting in a surplus of wetlands with improved conditions over those at the existing site. It is assessed that proposed mitigation would be a significant improvement over the functions and benefits currently provided by existing on-site wetlands. Due to these significant adverse natural resources impacts, a detailed assessment is warranted as described in the attached "Draft Scope of Work for an EIS."

Table 3
Summary of Wetland Impacts and Mitigation Required

Impact Type	Acres of Impact	USACE Mitigation Ratio	NYSDEC Mitigation Ratio	Proposed Acres of Mitigation
Vegetated Wetland Impacts*	6.74	1:1	3:1	20.22
Unvegetated Wetland Impacts**	9.64	0	2:1	19.28
Total	16.38	6.74	Varied	39.50

Notes:
* Mitigation required by both USACE and NYSDEC
** Mitigation required by NYCDEC only. USACE considers these areas intertidal/subtidal shallows and regulated them as waters of the U.S., including for all dredge/fill activities.

Hazardous Materials

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

The Proposed Action would result in the development of a marine container terminal on a site previously occupied by industrial uses that also includes a capped construction and demolition (C&D) debris landfill and several inactive pipelines used for petroleum products. Previous site investigations have identified contamination of soils with historic fill consistent with the urbanized and industrial nature of the site, several semi-volatile organic compounds (SVOCs) (predominantly PAH compounds), metals, and petroleum and non-petroleum oils; and contamination of groundwater with the SVOC bis(2-ethylhexyl)phthalate and metals. The Port Authority is currently undertaking a Voluntary Cleanup Program (VCP) for much of the project site in accordance with conditions set by NYSDEC. However, as excavation and construction activity associated with development of the Proposed Project could potentially increase pathways to exposure, the Proposed Action has the potential to result in significant adverse hazardous materials impacts, and a detailed hazardous materials assessment is warranted. As described in the attached "Draft Scope of Work for an EIS," the hazardous materials chapter of the EIS will describe and discuss the findings of the Voluntary Cleanup Program for the project site. Additional data presented in the chapter will be based on a Phase I Environmental Site Assessment (ESA) to be prepared for the areas of the site not covered by the VCP.

Waterfront Revitalization

The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool. As originally adopted in 1982 and revised in 1999, it establishes the city's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. When a proposed project is located within the coastal zone and it requires a local, state, or federal discretionary action, a determination of the project's consistency with the policies and intent of the WRP must be made before the project can move forward.

A review of the City's coastal zone boundary maps indicates that the entire project site is located within the designated NYC coastal zone boundary (refer to Figure 4 in the EAS Form). In addition, as mentioned above, the project site is located within the Staten Island Significant Maritime and Industrial Area (SMIA) with the possibility that the eastern portion may be located within the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA). Therefore, in accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the Proposed Action's potential for inconsistency with WRP policies was undertaken. This preliminary evaluation requires completion of the new Consistency Assessment Form, which was developed by the Department of City Planning to help applicants identify which Waterfront Revitalization Program policies apply to a specific application.

A Consistency Assessment Form (CAF) was prepared for the Proposed Action and is provided in Appendix B to this attachment. As indicated in the CAF, the Proposed Action was deemed to require further assessment of several policies, including 1, 1.3, 2, 2.3, 3.1, 3.2, 4, 4.1, 4.2, 5.1, 5.2, 5.3, 6.3, 7.1, 8,

9.2 and 10. As such, a detailed assessment of the Proposed Action's consistency with the applicable policies of the Waterfront Revitalization Program is warranted as discussed in the attached "Draft Scope of Work for an EIS."

Infrastructure

For CEQR, the City's infrastructure system comprises the physical systems supporting its population, including water supply, wastewater treatment and storm water management. Other infrastructure components are addressed separately under CEQR. Given the size of the City's water supply system, and the City's commitment to maintaining adequate water supply and pressures, only very large developments or actions that would generate an exceptionally large demand for water (e.g., more than one million gallons per day) would warrant a detailed water supply assessment. Similarly, only actions with unusually large flows could have potential impacts on wastewater treatment.

The Proposed Project would include the development of an approximately 39-acre site for maritime industrial use and the potential demapping and mapping of portions of Richmond Terrace and Western Avenue. The additional water demand associated with the Proposed Project (an estimated 15,550 gallons per day assuming the equivalent of 311 full-time workers at the site) would be well below the CEQR analysis threshold of one million gallons per day. However, as discussed in the attached "Draft Scope of Work for an EIS," the EIS will disclose the project's infrastructure demand and the potential effects of the Proposed Project on wastewater treatment and stormwater management systems, especially as they relate to the filling and paving of wetland areas and the potential relocation of portions of Richmond Terrace and Western Avenue. The stormwater will flow through an approved stormwater treatment system needed to meet the State NPDES requirement. The present plan is to relocated existing permitted outfalls to a appropriate locations to meet the needs of the project. A construction stormwater discharge permit will also be filed and the construction site will maintain control of all stormwater discharged during construction.

Solid Waste and Sanitation Services

According to the *CEQR Technical Manual*, a detailed solid waste and sanitation services assessment is appropriate if an action enacts regulatory changes affecting the generation or management of the City's waste or if the action involves the construction, operation, or closing of any type of solid waste management facility. The *CEQR Technical Manual* also states that actions involving construction of housing or other development generally do not require evaluation of solid wastes unless they are unusually large. However, the *CEQR Technical Manual* recommends that an action's solid waste and service demand (if relevant) be disclosed.

The Proposed Action would facilitate the development of a container ship berth and associated marine container terminal on Staten Island that would employ the equivalent of approximately 311 full-time workers and would require solid waste and sanitation services. It would not result in regulatory changes in the generation or management of the City's waste nor would it involve construction, operation, or closing of a solid waste management facility. The NYCT currently employs an estimated 555 workers; with the addition of the equivalent of approximately 311 new workers on the site, solid waste generation is not expected to be unusually large. Although a detailed analysis is not required, consistent with CEQR, the Proposed Project's demand for solid waste and sanitation services will be disclosed as described in the attached "Draft Scope of Work for an EIS."

Energy

According to the *CEQR Technical Manual*, all new structures requiring heating and cooling are subject to the New York State Energy Conservation Code, which reflects State and City energy policy. The *CEQR Technical Manual* indicates that a detailed assessment would be limited to actions that might somehow affect transmission or generation of energy, or that generate substantial indirect consumption of energy (such as a new roadway).

The Proposed Project is the development of a new container ship berth and marine container terminal on Staten Island located in the area serviced by Consolidated Edison (ConEd). Electrical service needs at the proposed terminal would include power for various types of cranes; berthed ship power requirements; refrigerated container (reefer) power; high mast lighting; perimeter lighting; and electrical service to a three-story marine operations building, a one-story crane operations building, and five one-story security booths. Given the anticipated energy needs of the proposed marine container terminal, an energy plan has been developed for the project site, which calls for a new on-site substation.
The Proposed Project would involve the construction of new structures that would comply with the New York State Code, and would not affect transmission or generation of energy, or generate substantial indirect consumption of energy. However, as described in the attached "Draft Scope of Work for an EIS," the EIS will include a description of the energy systems that would supply the project with electricity and/or natural gas, and an estimate of the Proposed Project's energy usage.

Traffic and Parking

The objective of traffic and parking analyses is to determine whether a Proposed Project is expected to have significant impacts on street and roadway conditions or on parking resources. This includes the sufficiency of street and highway elements to adequately process the Proposed Project's expected traffic flow and operating condition changes, and the effect of the Proposed Project on parking resources in the area.
According to the *CEQR Technical Manual*, a preliminary trip generation analysis for a project will generally be appropriate to determine the volume of vehicular trips expected during the peak hours. In most areas of the City, including the project area, if a proposed project is projected to result in fewer than 50 peak hour vehicular trip ends, traffic impacts would be unlikely, and therefore further traffic analysis would not be necessary.

The Proposed Project includes the construction of a container ship berth and associated marine container terminal, and the potential relocation of portions of Richmond Terrace and Western Avenue near the project site. The roadway network serving the environs of the project site includes two major highway corridors and a network of local streets.

A preliminary travel demand forecast was prepared to determine the volume of new peak hour vehicle trips that would be generated by the Proposed Project. As discussed in the "Transportation Planning Assumptions Technical Memorandum" provided in Appendix B to the "Draft Scope of Work for an EIS," the majority of these new trips are expected to consist of trucks hauling containers to and from the proposed marine container terminal. Based on the estimated increase in container lifts per year resulting from development of the Proposed Project, and the characteristics of truck travel at the existing New York Container Terminal facility, it is anticipated that the Proposed Project would generate approximately 210 new truck trips in each of the weekday AM and midday peak hours, and 96 trips in the PM peak hour. In addition, approximately 61 peak hour employee auto trips would also be generated in each of the weekday AM and PM peak periods, and 23 in the midday peak period. As the total peak hour vehicle trips

would exceed the 50 trips/hour *CEQR Technical Manual* threshold, a detailed assessment of traffic is warranted as described in the attached "Draft Scope of Work for an EIS." An assessment of the Proposed Project's effects on parking will also be provided.

Transit and Pedestrians

The objective of transit and pedestrian analyses is to determine whether a proposed project would have a significant adverse impact on public transit facilities and services and on pedestrian flows. According to the general thresholds used by MTA New York City Transit and specified in the *CEQR Technical Manual*, detailed transit analyses are typically warranted if a proposed project would generate more than 200 new subway and/or bus trips during peak hours. A proposed project that generates fewer than 200 transit riders is considered unlikely to create a significant impact on public transit facilities.

There are no subway stations in the vicinity of the project site. (Staten Island's only rail passenger service, the MTA-operated Staten Island Railway, provides service along the eastern portion of the borough between St. George and Tottenville, and does not serve the island's North Shore.) Two NYC Transit local bus routes do serve the project site: the S40 (which connects the site to the St. George Ferry Terminal) and the S90 (a limited-stop service between the site and the ferry terminal). Both of these routes terminate on Western Avenue adjacent to the project site.

It is anticipated that development of the Proposed Project would result in the addition of the equivalent of 311 full-time workers at the NYCT. However, most of these new workers are expected to drive to and from work, and project-generated transit demand on the two bus routes serving the project site is therefore expected to remain below the 200 trips/hour *CEQR Technical Manual* threshold for a detailed transit analysis. A detailed analysis of transit conditions is therefore not warranted.

Projected pedestrian volume increases of less than 200 pedestrians per hour at any analyzed pedestrian element (sidewalk, corner area or crosswalk) would also not typically be considered a significant impact. Due to the location and nature of the proposed container terminal facility, it is not expected that the Proposed Project would increase pedestrian volumes beyond this CEQR threshold in any peak hour hour. As a result, a detailed analysis of pedestrian conditions is not warranted.

Air Quality

According to CEQR guidelines, air quality analyses are conducted in order to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by "mobile sources," pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., "stationary sources." As per the *CEQR Technical Manual*, an air quality assessment should be carried out for actions that can result in either significant mobile source or stationary source air quality impacts.

Development of the Proposed Project would involve the expansion of the existing NYCT facility in northwestern Staten Island, including the construction of a new ship berth and marine container terminal buildings, and would also result in additional vehicular and maritime travel demand.

Mobile Sources

Mobile source impacts could arise when an action increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing mobile sources. For this area of

New York City, the screening analysis for a detailed mobile source assessment is a project-generated increment of 100 vehicles through an intersection during any peak hour.

As noted above, the Proposed Project is expected to exceed the *CEQR Technical Manual* threshold of 100 vehicle trips per hour through an intersection during peak periods. Therefore, the Proposed Project could potentially result in significant adverse mobile source air quality impacts, and a detailed analysis is warranted and would be provided in the EIS as discussed in the attached "Draft Scope of Work for an EIS." In addition, given the type of uses proposed for the project site, it is considered likely that an analysis of particulate matter (PM10 and PM2.5) from mobile sources will be necessary due to the anticipated truck traffic volumes generated by the Proposed Project.

Stationary Sources

Stationary source impacts could occur with actions that create new stationary sources or pollutants, such as emission stacks for industrial plants, hospitals, or other large institutional uses, or building's boiler stacks used for heating/hot water, ventilation, and air conditioning (HVAC) systems, that can affect surrounding uses. When uses are added near existing or planned future emissions stacks, the new uses might be affected by the emissions from the stacks, or when structures are added near such stacks and those structures can change the dispersion of emissions from the stacks so that they begin to affect surrounding areas.

The Proposed Project would involve the construction of a new container ship berth and associated maritime facilities in an existing manufacturing district adjacent to the existing New York Container Terminal. The Proposed Project would include the construction of a marine operations building, a crane maintenance building, and up to five security booths. As the Proposed Project would result in increased emissions from the marine terminal expansion, a stationary source air quality impact analysis is warranted to determine the effects of emissions from on-site activities (including marine-related activities and any proposed HVAC systems) on pollutant levels. A detailed analysis of stationary source air quality will be provided in the EIS, as described in the attached "Draft Scope of Work for an EIS."

Noise

According to the guidelines established in the *CEQR Technical Manual*, an initial impact screening would consider whether a proposed action would generate any mobile or stationary source noise, or be located in an area with high ambient noise levels. A noise analysis examines a project for its potential effects on sensitive noise receptors (which can be both indoors or outdoors), including the effects on the interior noise levels of residential, commercial, and institutional uses. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with industrial and manufacturing operations or building heating, ventilating, and air conditioning systems) and construction noise (e.g. trucks, bulldozers, power tools, etc.).

As previously described, the Proposed Project is the expansion of the existing New York Container Terminal facility in northwestern Staten Island, including the construction of a new ship berth and marine container terminal. The proposed project would include wharf construction, harbor dredging, surcharge work, rail mounted gantry (RMG) installation and other site development.

As existing noise levels in the vicinity of the project site are relatively high reflecting high levels of vehicular (and particularly truck) traffic as well as noise from aircraft, rail and other sources, and as the Proposed Project is not expected to result in a 100 percent increase in passenger car equivalent (PCE)

values along roadway segments where project-generated traffic would be most concentrated, significant adverse noise impacts from project-generated traffic are considered unlikely, and a detailed noise analysis is not warranted. The EIS will therefore provide a qualitative review and screening assessment of noise, as described in the attached "Draft Scope of Work for an EIS."

Construction

Construction impacts, although temporary, can include disruptive and noticeable effects arising during a project's construction. Determination of their significance and need for mitigation is generally based on the duration and magnitude of the impacts. Construction impacts are usually important when construction activity could affect traffic conditions, archaeological resources, integrity of historic resources, community noise patterns, and air quality conditions. In addition, because soils are disturbed during construction, any action proposed for a site that has been found to have the potential to contain hazardous materials should also consider the possible construction impacts that could result from contamination.

The historical uses and conditions of the project site and the surrounding area indicate the potential for adverse impacts related to hazardous materials; thus, development of the Proposed Project could have hazardous materials-related construction impacts. The potential construction impacts related to hazardous materials, as well as the potential for construction-related impacts on historic and archaeological resources, transportation, air quality, and noise, will be assessed in the EIS as described in the attached "Draft Scope of Work for an EIS."

Public Health

Public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. Many public health concerns are closely related to air quality, hazardous materials, construction, and natural resources.

According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if a project results in a) increased vehicular traffic or emissions from stationary sources resulting in significant adverse air quality impacts; b) increased exposure to heavy metals and other contaminants in soil/dust resulting in significant adverse impacts, or the presence of contamination from historic spills or releases of substances that might have affected or might affect ground water to be used as a source of drinking water; c) solid waste management practices that could attract vermin and result in an increase in pest populations; d) potentially significant adverse impacts to sensitive receptors from noise and odors; e) vapor infiltration from contaminants within a building or underlying soil that may result in significant adverse hazardous materials or air quality impacts; or f) exceedances of accepted federal, state, or local standards. Depending on the results of the hazardous materials, air quality, and noise assessments, a public health analysis may be warranted. If so, this analysis will be provided in the EIS as described in the attached "Scope of Work for an EIS."

APPENDIX A

Waterfront Revitalization Program
Consistency Assessment Form

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: New York Container Terminal
2. Address: 300 Western Avenue
3. Telephone: 718-568-1749 Fax: _____ E-mail: ahubler@nycterminal.com
4. Project site owner: Port Authority of New York & New Jersey

B. PROPOSED ACTIVITY

1. Brief description of activity:

   New York Container Terminal (NYCT) operates a container and bulk handling facility in Staten Island Community District 1. The Proposed Action would facilitate the expansion of the NYCT facility through the construction and installation of a new 50-foot deep berth ("Berth 4") and associated marine terminal on a portion of the former Port Ivory site, a previously utilized marine-related site and partial brownfield located adjacent to the existing NYCT facility. The Proposed Project includes the planned Berth 4 with a 50-foot mean low water depth, in addition to a 1,340-foot pile-supported wharf, four quay cranes, a container storage and handling facility, a three-story marine operations building, a one-story crane operations building, and five one-story security booths.

2. Purpose of activity:

   The purpose of the Proposed Action is to ensure the long-term viability of container operations in New York City, respond to faster than-anticipated growth of the container cargo market, and establish modern, sustainable marine terminal operations at the NYCT into the foreseeable future. Proposed state-of-the-art cargo handling equipment would allow Berth 4 to achieve throughputs of 9,211 lifts/acre/year or 15,660 twenty-foot equivalent units (TEU) by 2014. As shown in Table 1 below, the Berth 4 proposal would increase the near-term capacity of the NYCT complex from 450,000 lifts to 800,000 lifts (765,000 TEU to 1.36 million TEU) by 2014, an increase of 78 percent.

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

   The project site is roughly bordered to the north by the Arthur Kill, to the west by Bridge Creek, to the east by Arlington Marsh, and to the south by Richmond Terrace (with the exception of a small portion in the southeast corner the extends just south of Richmond Terrace). The project site is largely owned or leased from the City of New York by the Port Authority of New York and New Jersey ("Port Authority"), with a small area in the southeastern corner owned by the City of New York and a second small area owned by New York Container Terminal.

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:

   Refer to Section C, "Required Approvals and Review Procedures," in the Scope of Work.

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:

   The NYC Department of Small Business Services (DSBS)

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

   (1) Disposition of Land; (2) Amendments to the City Map; (3) Filling of Land - Given these discretionary actions, the Proposed Project is also subject to review pursuant to the Uniform Land Use Review Procedure (ULURP)

C. COASTAL ASSESSMENT

Location Questions:	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?	✓	
2. Does the proposed project require a waterfront site?	✓	
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	✓	

Policy Questions	**Yes**	**No**

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? (4.1and 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:_____

Address:_____

_____Telephone_____

Applicant/Agent Signature:_____Date:_____

APPENDIX B

Landmarks Preservation Commission Letter

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre St., 9N, New York, NY 10007 (212) 669-7700

ENVIRONMENTAL REVIEW

NLA/106-R — PROJECT NUMBER

10/17/06 — DATE RECEIVED

PROJECT B 1309 L 10:

(X) No architectural significance

( ) No archaeological significance

( ) Designated New York City Landmark or Within Designated Historic District

( ) Listed on National Register of Historic Places

( ) Appears to be eligible for National Register Listing and/or New York City Landmark Designation

(X) May be archaeologically significant; requesting additional materials

COMMENTS LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century and Native American occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2001).

rB1309L10r10162006rAY

Amanda Sutphin — SIGNATURE

10/17/06 — DATE