

**APPENDIX D**  
**COASTAL ZONE CONSISTENCY**

June 20, 2018

Mr. Robert Conway  
MTA Capital Construction  
2 Broadway, 8<sup>th</sup> Floor  
New York, NY 10004

Re: **F-2018-0544**  
Metropolitan Transportation Authority  
Phase 2 – Second Avenue Subway  
105<sup>th</sup> Street to 125<sup>th</sup> Street; 125<sup>th</sup> St. to Lenox Ave.,  
Manhattan, New York, NY

**No Permit Review Necessary - No Jurisdiction;**  
**General Concurrence – No Objection to Funding**

Dear Mr. Conway:

The Department of State has reviewed your Federal Consistency Assessment Form and supporting information submitted to this Department related to the above proposal.

According to the information and plan drawings submitted, the proposed activity does not appear to require a federal permit, license, or other form of federal authorization. Therefore, further review of this project by the Department of State, and concurrence with your consistency certification, are not necessary.

Additionally, based on our review of the materials submitted, the Department of State has no objection to federal financial assistance in support of the proposed activities.

If you have any questions or need any additional information regarding this matter, please contact us at (518) 474-6000.

Sincerely,



Jeffrey Zappieri  
Supervisor, Consistency Review Unit  
Office of Planning, Development,  
and Community Infrastructure

JZ/ TS

Cc: COE/ NYD – Steve Ryba  
NYSDEC/ Region 1 – Roger Evans



Department  
of State



May 22, 2018

Mr. Jeffrey Zappieri  
Consistency Review Unit  
Office of Planning and Development  
New York State Department of State  
Suite 1010  
99 Washington Avenue  
One Commerce Place  
Albany, NY 12231-0001

RE: PHASE 2 OF THE SECOND AVENUE SUBWAY, NEW YORK, NY

Dear Mr. Zappieri:

With the recent opening of Phase 1 of the Second Avenue Subway Project (the Project) in Manhattan, the Metropolitan Transportation Authority (MTA) is now advancing Phase 2 of the Project. Phase 2 would extend along Second Avenue from the Phase 1 limits at 105th Street to 125th Street and then curve west along 125th Street to about Lenox Avenue. New stations would be constructed at 106th Street, 116th Street, and 125th Street between Lexington and Park Avenues (see **Figure 1**).

A Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) were issued in 2004 for the full-length Project, which would extend about 8.5 miles along Manhattan's East Side from Hanover Square in Lower Manhattan to 125th Street in Harlem. In conjunction with the 2004 FEIS, a coastal zone consistency assessment was conducted in accordance with the New York City Waterfront Revitalization Program (WRP) and New York State coastal zone management program. The coastal zone assessment concluded that once operational, the Second Avenue Subway Project would be consistent with all applicable state and local coastal zone policies. Measures were stipulated in the 2004 FEIS to avoid and minimize impacts to resources within the coastal zone during construction of the Project, including measures to avoid significant adverse impacts on wetlands or natural features that protect against flooding and erosion; best management practices for stormwater management and erosion control, to be incorporated in a Construction Environmental Protection Plan (CEPP); and construction protection plans (CPPs) to protect historic resources.

Subsequent to the 2004 FEIS, the New York City WRP policies and the Coastal Zone Boundary Maps have been updated. At the time of the 2004 FEIS, Phase 2 was not within the Coastal Zone Boundary, whereas a portion of Phase 2 is now within the revised boundary (see **Figure 2**). In addition, the design of Phase 2 has advanced and has been refined, although the alignment remains largely consistent with the design presented in the 2004 FEIS.

The MTA, along with the Federal Transit Administration (FTA) serving as lead agency, is preparing a Supplemental Environmental Assessment (EA) for Phase 2 in accordance with the National Environmental Policy Act (NEPA) to evaluate potential changes in impacts of modifications to the design of Phase 2. The MTA has also reviewed the modified design of Phase 2 with the current WRP policies and certified consistency with the WRP through the preparation of a WRP coastal assessment form (CAF) with policy discussions, as well as a state CAF and a federal CAF. These documents are enclosed for your review. We respectfully request your concurrence with the coastal zone consistency assessments.

Thank you for your assistance in this matter. If you have questions or need additional information please contact me at (212) 878-7452 or [rconway@mtahq.org](mailto:rconway@mtahq.org).

Sincerely,



Robert Conway  
Project and Environmental Officer  
MTA Capital Construction

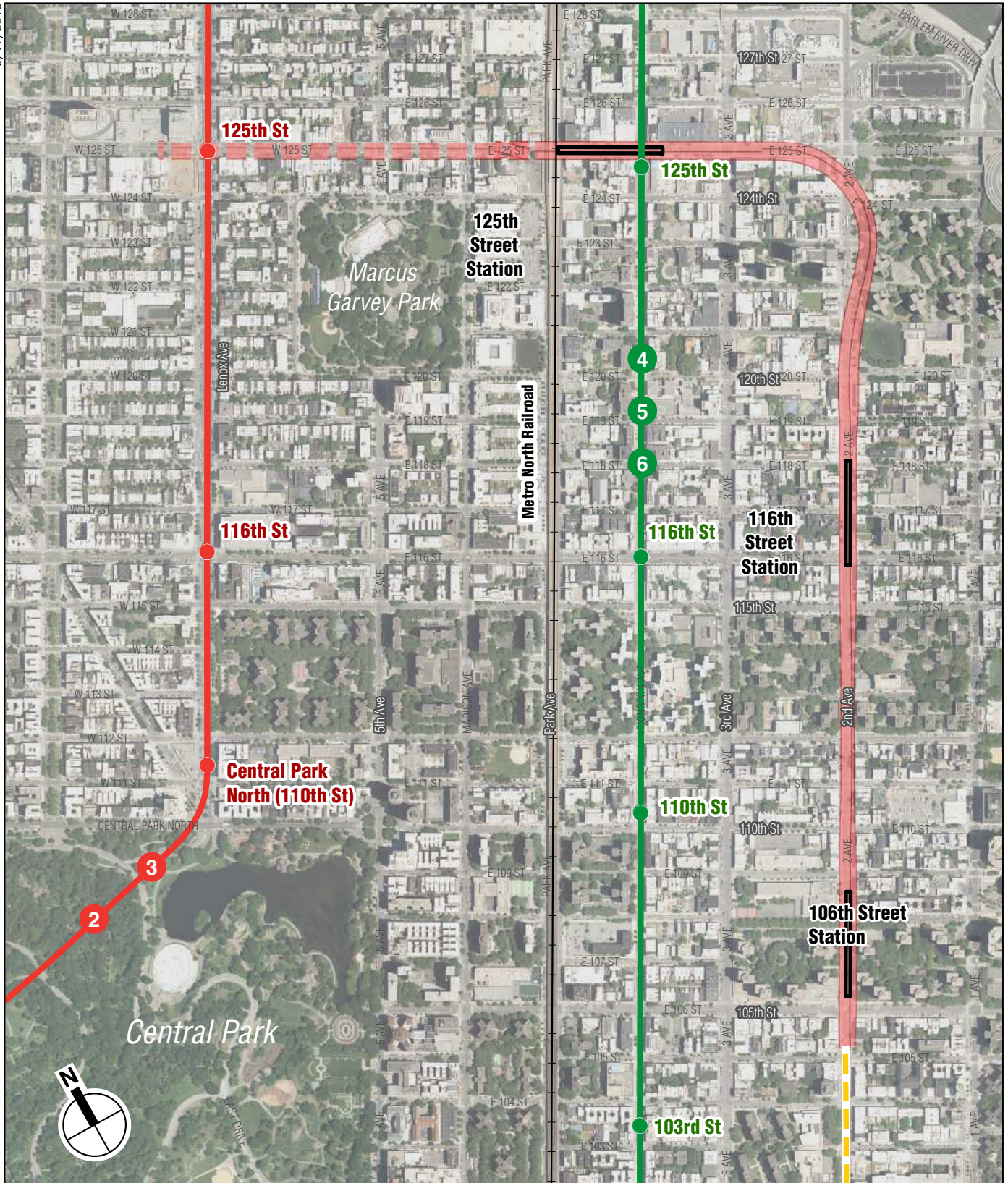
Enclosures:

- (1) NYCWRP CAF
- (2) State CAF
- (3) Federal CAF

CC: Michael Marrella, Director of Waterfront and Open Space, New York City Department of City Planning

Nina Chung, Federal Transit Administration

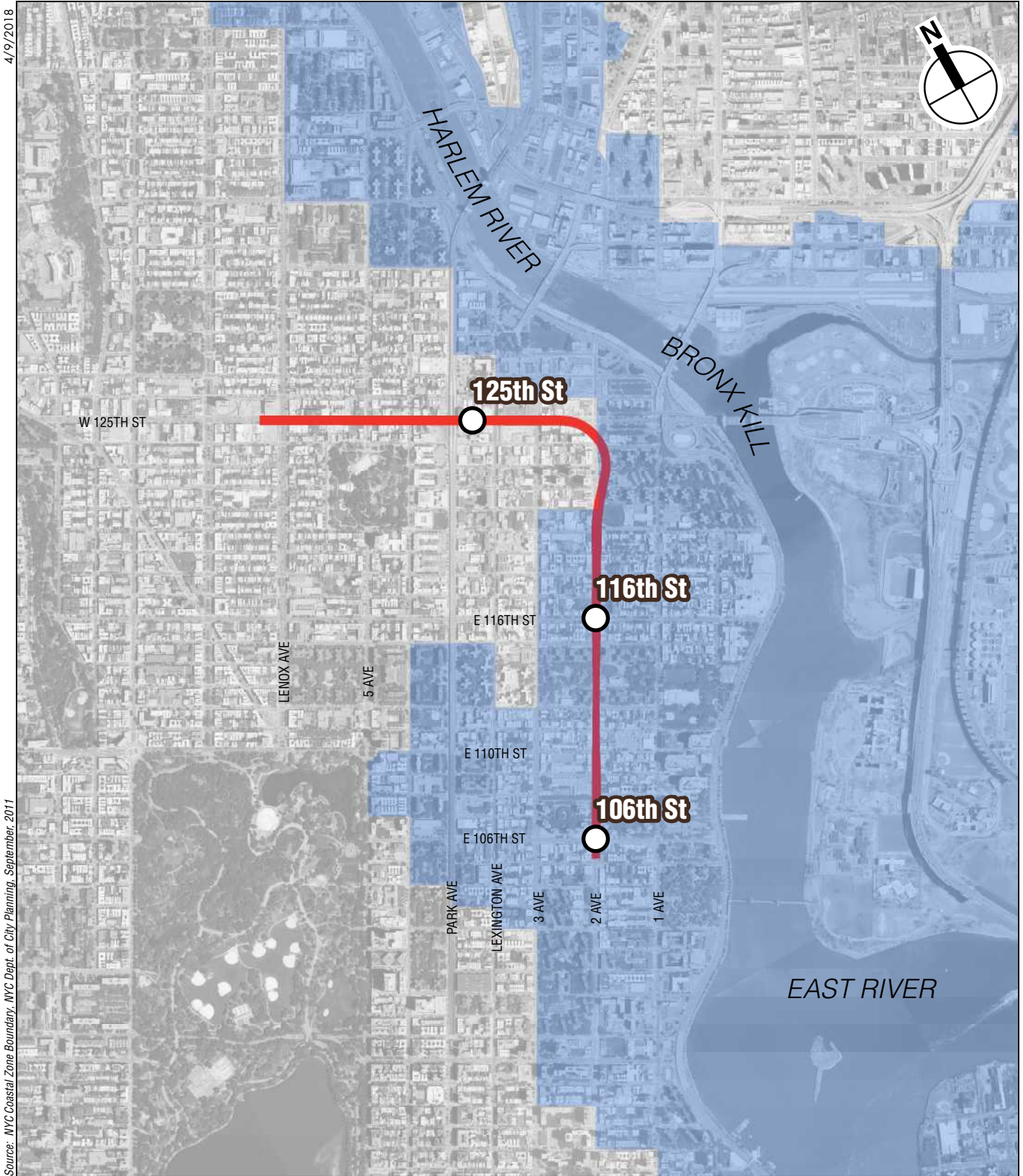







- Proposed SAS Phase 2 Alignment
- Proposed SAS Phase 2 Tail Tracks
- Proposed Station
- SAS Phase 1 Limits
- Existing Stations
- Existing Subway Lines
- 2 3 Existing Subway Lines
- 5 6 Existing Subway Lines







Source: NYC Coastal Zone Boundary, NYC Dept. of City Planning, September, 2011

-  Proposed SAS Phase 2 Alignment
-  Proposed Station
-  Coastal Zone Boundary

0 2,000 FEET

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

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

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

### A. APPLICANT INFORMATION

Name of Applicant: Metropolitan Transportation Authority (MTA)

Name of Applicant Representative: Robert Conway, Project and Environmental Officer

Address: 2 Broadway, A16.74, New York, NY 10004

Telephone: (212) 878-7452 Email: rconway@mtahq.org

Project site owner (if different than above): \_\_\_\_\_

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

#### 1. Brief description of activity

With the recent opening of Phase 1 of the Second Avenue Subway in Manhattan, the Metropolitan Transportation Authority (MTA) is now advancing Phase 2 of the project. A Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) were issued for the full-length Second Avenue Subway in 2004 by the Federal Transit Administration (FTA) in accordance with the National Environmental Policy Act (NEPA). A Supplemental Environmental Assessment (EA) is being prepared for Phase 2 in accordance with NEPA to evaluate design modifications and changes in background conditions.

#### 2. Purpose of activity

The purpose of the Second Avenue Subway, as stated in the project's 2004 FEIS, is to address the problems and deficiencies in access and mobility associated with an overburdened transit infrastructure that is struggling to accommodate existing customers and the continuing growth on Manhattan's East Side. As with each phase of the Second Avenue Subway, Phase 2 will provide incremental progress towards achieving the project's purpose and need.

**C. PROJECT LOCATION**

Borough: Manhattan Tax Block/Lot(s): Numerous

Street Address: Corridor: Second Ave (from 105th to 126th Sts) and 125th St (from Second to Lenox Aves)

Name of water body (if located on the waterfront): N/A

**D. REQUIRED ACTIONS OR APPROVALS**

Check all that apply.

**City Actions/Approvals/Funding**

**City Planning Commission**

Yes  No

- City Map Amendment
  - Zoning Map Amendment
  - Zoning Text Amendment
  - Site Selection – Public Facility
  - Housing Plan & Project
  - Special Permit
  - Zoning Certification
  - Zoning Authorizations
  - Acquisition – Real Property
  - Disposition – Real Property
  - Other, explain: \_\_\_\_\_
  - Concession
  - UDAAP
  - Revocable Consent
  - Franchise
- (if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_

**Board of Standards and Appeals**

Yes  No

- Variance (use)
  - Variance (bulk)
  - Special Permit
- (if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_

**Other City Approvals**

- Legislation
- Rulemaking
- Construction of Public Facilities
- 384 (b) (4) Approval
- Other, explain: \_\_\_\_\_
- Funding for Construction, specify: \_\_\_\_\_
- Policy or Plan, specify: \_\_\_\_\_
- Funding of Program, specify: \_\_\_\_\_
- Permits, specify: \_\_\_\_\_

**State Actions/Approvals/Funding**

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

**Federal Actions/Approvals/Funding**

- Federal permit or license, specify Agency: \_\_\_\_\_ Permit type and number: \_\_\_\_\_
- Funding for Construction, specify: FTA Capital Investment Grant
- Funding of a Program, specify: \_\_\_\_\_
- Other, explain: \_\_\_\_\_

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



## E. LOCATION QUESTIONS

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

## F. WRP POLICY ASSESSMENT

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

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

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

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

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

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

## G. CERTIFICATION

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

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

Applicant/Agent's Name: Metropolitan Transportation Authority (MTA), Robert Conway

Address: 2 Broadway, A16.74, New York, NY 10004

Telephone: (212) 878-7452 Email: rconway@mtahq.org

Applicant/Agent's Signature: 

Date: 5/22/18



## Submission Requirements

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

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

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

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

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

### **New York City Department of City Planning**

Waterfront and Open Space Division  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271  
212-720-3696  
[wrp@planning.nyc.gov](mailto:wrp@planning.nyc.gov)  
[www.nyc.gov/wrp](http://www.nyc.gov/wrp)

### **New York State Department of State**

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

## Applicant Checklist

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

## **New York City Waterfront Revitalization Program Consistency —Expanded Assessment**

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### **INTRODUCTION**

With the recent opening of Phase 1 of the Second Avenue Subway in Manhattan, the Metropolitan Transportation Authority (MTA) is now advancing Phase 2 of the Project. Phase 2 would extend north along Second Avenue from the Phase 1 terminus at about 105th Street and curve west along 125th Street to about Lenox Avenue. As the engineering for Phase 2 has advanced, the revised design is referred to as the Modified Design.

A New York City Waterfront Revitalization Program (WRP) Coastal Assessment Form (CAF) was prepared for the Modified Design of Phase 2 of the Second Avenue Subway. As required by the form, this discussion provides additional information for questions in that form where the response was that the project would promote that policy. The form does not include any responses indicating that the project would hinder a policy.

### **POLICY ASSESSMENT APPLICABLE TO OPERATIONAL IMPACTS**

*Policy 1: Support and facilitate commercial and residential development in areas well suited to such development.*

*Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.*

*Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.*

This policy seeks to encourage redevelopment on appropriately located vacant and underused land not needed for other purposes such as industrial activity. While the Second Avenue Subway Project would not involve construction of commercial or residential buildings within the Coastal Zone, it would support such development, where appropriate, by providing public transportation services to residents and workers in these buildings. Ancillary facilities and entrances constructed for Phase 2 may allow incorporation of retail uses to enliven the streetscape, and these uses would be compatible with the existing land use pattern of commercial uses primarily along the avenues (such as Second Avenue) and major cross-town streets (such as 106th, 116th, and 125th Streets) where stations are proposed.

Therefore, the Phase 2 Modified Design is consistent with this policy.

*Policy 5: Protect and improve water quality in the New York City coastal area.*

*Policy 5.1: Manage direct or indirect discharges to waterbodies.*

*Policy 5.2: Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.*

The Phase 2 Modified Design would not generate additional impervious surface so would not increase stormwater runoff volumes. Runoff entering the new subway system would be conveyed in a safe manner to the City's sewer system and ultimately to the East River as is the case for runoff from the project area under existing conditions. Stormwater management measures will be designed in accordance with the New York City Department of Environmental Protection's (NYCDEP's) Guidelines for the Design and Construction of Stormwater Management Systems and Chapter 31 of Title 15 of Rules of the City of New York (RCNY). These guidelines require management of stormwater such that water quality is treated and discharge rates to the City's sewer system do not exceed allowable levels. By treating stormwater runoff in accordance with NYCDEP regulations, potential water quality impacts from the proposed development will be avoided.

Therefore, the Phase 2 Modified Design is consistent with this policy.

***Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.***

*Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.*

*Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of project's in the city's Coastal Zone.*

The segment of Phase 2 between 102nd Street and 110th Street is located in the Preliminary FIRM 100-year floodplain Zone AE, with a base flood elevation of 12.00 feet (NAVD88)<sup>1</sup> (see **Figure 1**). North of 110th Street, the 500-year floodplain encroaches on portions of the proposed subway alignment up to approximately 120th Street. The remainder of the proposed subway alignment to 125th Street and west to its terminus in the vicinity of Lenox Avenue is not within the 100-year or 500-year floodplain as mapped by FEMA in its Preliminary FIRM for New York City.

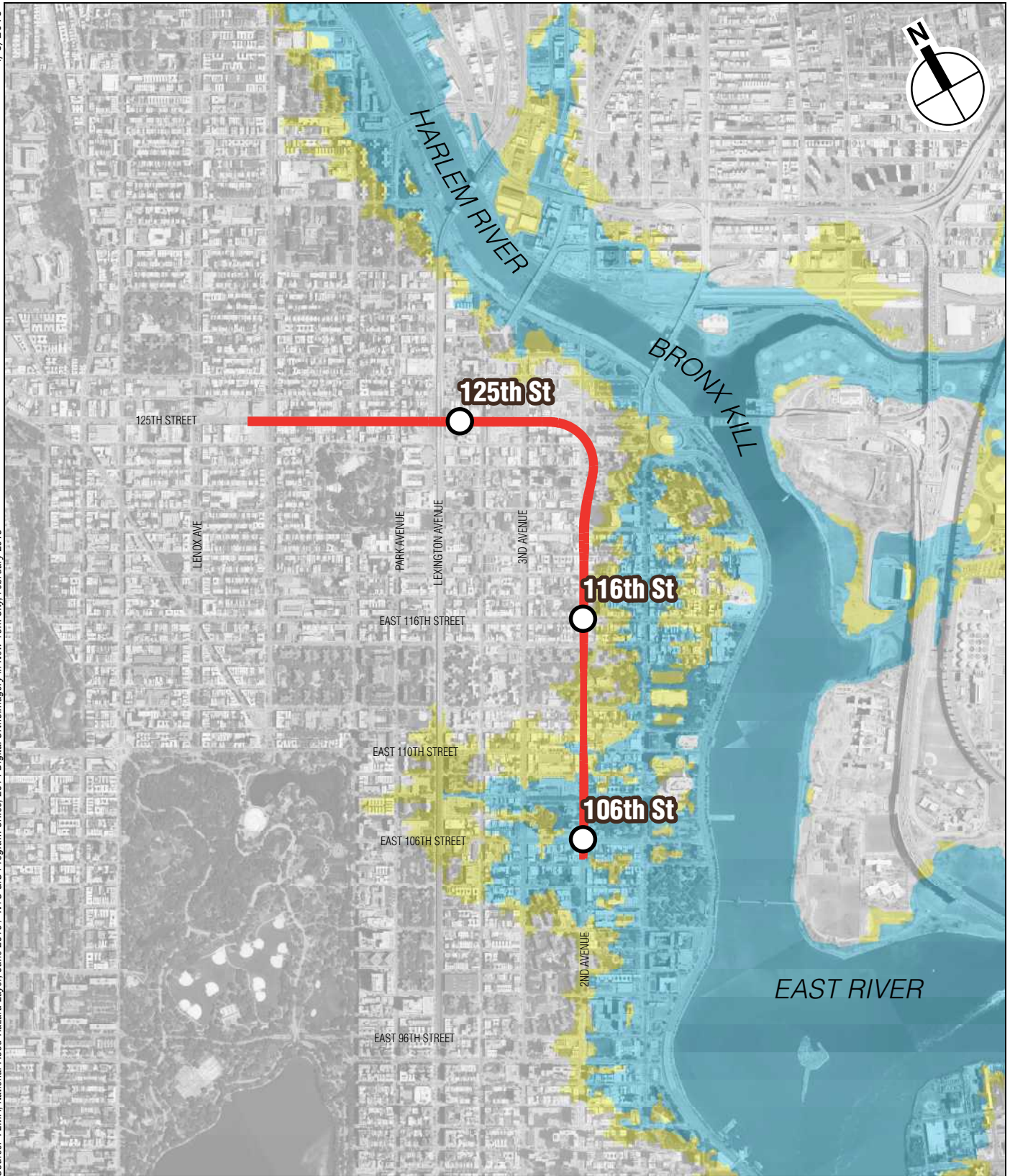
Sea level rise would result in higher elevations of any severe storm flooding, including hurricanes and other severe events. New York State has adopted sea level-rise projections for use in infrastructure planning and permitting (6 NYCRR Part 490). The New York City Panel on Climate Change (NPCC) projected that sea levels are likely to increase by up to 10 inches by the 2020s, 30 inches by the 2050s, 58 inches by 2080, and up to 75 inches by the end of the century under the "High" scenario projections. These sea level rise changes would increase the 100-year base flood elevation in the project area from 12.00 feet at present to 12.8 feet by 2020, 14.5 feet by 2050, 16.8 feet by 2080, and 18.3 feet by 2100. In addition to increasing flood depths, these projected increases in flood elevations would expand the land area within the future 100-year floodplain north up to 125th Street and west to Lexington Avenue.<sup>2</sup>

The proposed project has been designed to accommodate flooding up to an elevation of 17.9 feet (NAVD88), which would comply with New York City Transit's Flood Resiliency Design Guidelines (DG312) in protecting the stations against floods. In order to avoid impacts to the

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<sup>1</sup> FEMA's 2015 Preliminary FIRMs are in effect in NYC for building code, zoning, and planning purposes in accordance with Local Law 96, in effect January 6, 2014. At this writing the 2007 Effective FIRMs remain in use for flood insurance purposes.

<sup>2</sup> NYC Department of City Planning Flood Hazard Mapper



- Proposed SAS Phase 2 Alignment
- Proposed Station
- 100-Year Floodplain
- 500-Year Floodplain

0 2,000 FEET

**SECOND AVENUE SUBWAY PHASE 2**

FEMA Preliminary (2015)  
Flood Hazard Areas  
**Figure 1**



Second Avenue Subway during future severe flooding events, a combination of permanent and temporary (deployable) measures would be used. The 106th Street Station and the 116th Street Station would be designed to be consistent with NYCT's updated flood design standards. Most importantly, critical electrical and ventilation equipment will be located above the design flood elevation. In addition, the Modified Design will include providing watertight structures around elevator headhouses and canopy entrances to stations, watertight equipment hatches and manholes, and flood barrier systems for station entrances that can be rapidly deployed before a storm. In addition, the sidewalk gratings present in Second Avenue above the tunnel built in the 1970s will be eliminated and no new sidewalk gratings will be installed. These types of elements could be enhanced in the future as necessary depending on flood levels experienced at that time.

Therefore, the Phase 2 Modified Design is consistent with this policy.

## **POLICY ASSESSMENT APPLICABLE TO CONSTRUCTION IMPACTS**

***Policy 7:** Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.*

*Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.*

*Policy 7.3: Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.*

As with the analysis conducted for the Second Avenue Subway in the 2004 FEIS, the current project would be constructed to avoid discharging solid waste or hazardous materials (e.g., petroleum products, soils contaminated with heavy metals or solvents) into the City's coastal waters. Specifically, prior to any work on the site, a CEPP would be created to provide guidance related to hazardous materials or chemicals that may be encountered in project construction areas. After the design of project elements is more fully developed, but prior to the start of construction, additional soil and groundwater sampling may be undertaken at certain sites if determined necessary by MTA in project construction areas where contaminated materials were identified. This additional work would be designed to confirm the presence of contaminated materials, to address worker safety and to identify any soil or groundwater that would require special off-site disposal. With these controls in place, the project would be consistent with this policy within the Coastal Zone.

The transport of construction spoils would be done in accordance with NYCT's Hazardous Waste Management Policy and all applicable laws and best management practices, and in a manner that minimizes potential degradation of coastal resources. Specifically, compliance would be assured concerning the applicable regulations in 40 CFR Part 260-282 and the appropriate regulations in New York State (e.g., 6 NYCRR 360, 364) and in other states where project wastes may be transported or disposed. Management of excavation areas and the transport of spoil material would comply with measures specified in the project-specific CEPP, the New York State Standards and Specifications for Erosion and Sediment Control and the SPDES General Permit for Stormwater Discharges from Construction Activity.

Therefore, the Phase 2 Modified Design is consistent with this policy.

***Policy 10:** Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.*

*Policy 10.1: Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.*

*Policy 10.2: Protect and preserve archaeological resources and artifacts.*

Archaeological assessments completed in the project area subsequent to the 2004 FEIS have identified areas of archaeological sensitivity in the vicinity of the Phase 2 alignment. Additional buildings and the East Harlem Historic District have also been newly designated as historic resources within the corridor and the Area of Potential Effect for the Modified Design would extend farther west along 125th Street just past Lenox Avenue.

The Programmatic Agreement (PA) prepared in conjunction with the 2004 FEIS describes the procedures that would be followed to document and protect cultural resources that could be impacted by the construction of the subway. Consistent with the requirements of the PA, a Supplemental Phase 1A Archaeological Documentary Study has been prepared to evaluate the potential for impacts to archaeological resources in areas within the Supplemental APE that were not assessed in the 2004 FEIS. In the event that adverse effects are identified, mitigation measures similar to those described in the 2004 FEIS would be developed and implemented pursuant to the terms of the PA and in consultation with SHPO and the Section 106 consulting parties. Similarly, an APE for architectural resources has been established to identify any historic resources near the Phase 2 Modified Design alignment and associated ancillary facilities and entrances, and consistent with the 2004 FEIS, construction protection plans (CPPs) will be developed in consultation with SHPO to protect any resources within proximity to Phase 2.

Therefore, the Phase 2 Modified Design is consistent with this policy.

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes," then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)
- (b) Financial assistance (e.g. grant, loan, subsidy)
- (c) Permit, license, certification

2. Describe nature and extent of action:

**With the recent opening of Phase 1 of the Second Avenue Subway in Manhattan, the Metropolitan Transportation Authority (MTA) is advancing Phase 2 of the project. A Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) were issued for the full-length Second Avenue Subway in 2004 by the Federal Transit Administration (FTA) in accordance with the National Environmental Policy Act (NEPA). A Supplemental Environmental Assessment (EA) is being prepared for Phase 2 in accordance with NEPA to evaluate design modifications and changes in background conditions.**

3. Location of action:

New York

New York

Corridor: Second Ave (from 105th to 125th Sts) and 125th St (from Second to Lenox Aves)

County

City, Town or Village

Street or Site Description

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

(a) Name of applicant: Metropolitan Transportation Authority (MTA)

(b) Mailing address: 2 Broadway, A16.74 New York, NY 10004 [ATTN: Robert Conway]

(c) Telephone Number: Area Code (212) 878-7452

(d) State agency application number: \_\_\_\_\_

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes  No

If yes, which federal agency?

Federal Transit Administration (FTA)

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

	<u>YES</u>	<u>NO</u>
1. Will the proposed activity be <u>located</u> in, or contiguous to, or have a <u>significant effect</u> upon any of the resource areas identified on the coastal area map:		
(a) Significant fish or wildlife habitats?	_____	<u>X</u>
(b) Scenic resources of statewide significance?	_____	<u>X</u>
(c) Important agricultural lands?	_____	<u>X</u>
2. Will the proposed activity have a <u>significant effect</u> upon:		
(a) Commercial or recreational use of fish and wildlife resources?	_____	<u>X</u>
(b) Scenic quality of the coastal environment?	_____	<u>X</u>
(c) Development of future, or existing water dependent uses?	_____	<u>X</u>
(d) Operation of the State's major ports?	_____	<u>X</u>
(e) Land and water uses within the State's small harbors?	_____	<u>X</u>
(f) Existing or potential public recreation opportunities?	_____	<u>X</u>
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?	_____	<u>X</u>
3. Will the proposed activity <u>involve</u> or <u>result in</u> any of the following:		
(a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?	_____	<u>X</u>
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?	<u>X</u>	_____
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?	_____	<u>X</u>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	_____	<u>X</u>
(e) Mining, excavation, filling or dredging in coastal waters?	_____	<u>X</u>
(f) Reduction of existing or potential public access to or along the shore?	_____	<u>X</u>
(g) Sale or change in use of state-owned lands located on the shoreline or under water?	_____	<u>X</u>
(h) Development within a designated flood or erosion hazard area?	<u>X</u>	_____
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	_____	<u>X</u>
4. Will the proposed action be <u>located</u> in or have a <u>significant effect</u> upon an area included in an approved Local Waterfront Revitalization Program?	<u>X</u>	_____

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or  
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State  
Office of Coastal, Local Government and Community Sustainability  
One Commerce Plaza  
99 Washington Avenue, Suite 1010  
Albany, New York 12231-0001

If assistance of further information is needed to complete this form, please call the Department of State at (518) 474-6000.



E. REMARKS OR ADDITIONAL INFORMATION

The 44 State Policies and 10 New York City Local Waterfront Revitalization Plan (WRP) Policies were evaluated in the 2004 FEIS. The Phase 2 alignment is largely the same as presented in the 2004 FEIS; however, planned entrances and ancillary facilities would be larger and some locations have been shifted because previous sites are no longer available or would result in constructability concerns. Additionally, tail tracks are proposed to extend further west to about Lenox Avenue. These changes have introduced no new Coastal Zone Consistency impacts. Further, as described in Section 10, the project would be resilient and adaptable to potential future climate conditions. Therefore, the current Preliminary Engineering (PE) design would be consistent with the new sub-policies as outlined in the WRP. Once operational, the current PE design would be consistent with all applicable state and local coastal zone policies and would not alter conclusions of the 2004 FEIS.

Preparer's Name: Robert Conway  
(Please print)

Title: Project and Environmental Officer Agency: Metropolitan Transportation Authority (MTA)

Telephone Number: (212) 878-7452 Date: May 21, 2018

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

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

A. APPLICANT (please print)

1. Name: Metropolitan Transportation Authority (MTA)
2. Address: 2 Broadway, A16.74, New York, NY 10004 [ATTN: Robert Conway]
3. Telephone: Area Code (212) 878-7452

B. PROPOSED ACTIVITY

1. Brief description of activity:

With the recent opening of Phase 1 of the Second Avenue Subway in Manhattan, MTA is advancing Phase 2 of the project. A Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) were issued for the full-length Second Avenue Subway in 2004 by the Federal Transit Administration (FTA) in accordance with the National Environmental Policy Act (NEPA). A Supplemental Environmental Assessment (EA) is being prepared for Phase 2 in accordance with NEPA to evaluate design modifications and changes in background conditions.

2. Purpose of activity:

The purpose of the Second Avenue Subway is to address the problems and deficiencies in access and mobility associated with an overburdened transit infrastructure that is struggling to accommodate existing customers and the continuing growth on Manhattan's East Side. Phase 2 will provide incremental progress towards achieving the project's purpose and need.

3. Location of activity:

<u>New York</u>	<u>New York</u>	<u>Corridor: 2nd Ave and 125th St</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: No Federal Permit required; NEPA EA

5. Federal application number, if known: \_\_\_\_\_

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

NYSDOS #F-2003-0324 (FA)

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

1. Will the proposed activity result in any of the following: YES / NO
- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) . . . . . | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) . . . . .                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) . . . . .   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) . . . . .       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Siting of a facility essential to the generation or transmission of energy? (27) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) . . . . .   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES / NO
- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| a. State designated freshwater or tidal wetland? (44) . . . . .                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,) . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. State designated significant fish and/or wildlife habitat? (7) . . . . .                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. State designated significant scenic resource or area? (24) . . . . .                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. State designated important agricultural lands? (26) . . . . .                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Beach, dune or barrier island? (12) . . . . .   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) . . . . .                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. State, county, or local park? (19, 20) . . . . .  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i. Historic resource listed on the National or State Register of Historic Places? (23) . . . . .   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

3. Will the proposed activity require any of the following: YES / NO
- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
| a. Waterfront site? (2, 21, 22) . . . . .  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) . . . . . | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) . . . . .                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. State water quality permit or certification? (30, 38, 40) . . . . .   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. State air quality permit or certification? (41, 43) . . . . .   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document) . . . . .

D. ADDITIONAL STEPS

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

E. CERTIFICATION

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

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

Applicant/Agent's Name: Metropolitan Transportation Authority (MTA)

Address: 2 Broadway, A16.74, New York, NY 10004 [ATTN: Robert Conway]

Telephone: Area Code (212) 878-7452

Applicant/Agent's Signature:  Date: 5/24/12

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.**

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

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

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

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