

VA



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NY HARBOR HEALTHCARE SYSTEM MANHATTAN CAMPUS

Appendix D: Coastal Zone Consistency Assessment for the VAMC Manhattan



DRAFT ENVIRONMENTAL ASSESSMENT FOR
FLOOD MITIGATION MEASURES
Design and Construction of Perimeter Flood Wall

MANHATTAN, NEW YORK



Compliance with the New York State Coastal Management Program and the New York City Waterfront Revitalization Program

At the local level, New York City's Waterfront Revitalization Program (WRP) was approved by New York State in 1982. It contains 12 policies addressing local issues and guidelines for application of the state's 44 Coastal Management Program (CMP) policies in the New York City context. In 1999, City Council approved a revised WRP in compliance with State and Federal policies to simplify and clarify the review process for actions reviewed within the City and to bring the City's policies into conformance with local waterfront plans (Department of City Planning, The New Waterfront Revitalization Program: A Proposed 197a Plan). The new WRP consolidates the 44 Statewide and 12 City-specific policies into 10 New York City coastal zone policies. The revised New York City Plan was accepted by the Federal Department of Commerce in September 2002. In 2012, these policies were updated to incorporate considerations surrounding the waterfront that have evolved as a result of numerous waterfront planning efforts that have taken place since 2002. These policies are now the operable Coastal Zone Management Policies in New York City. As such, the Proposed Action is reviewed in terms of the 10 WRP policies.

Upon review of the New York City WRP Consistency Assessment Form (CAF), the WRP policies applicable to the construction of a floodwall at the Veterans Affairs Medical Center (VAMC) Manhattan are indicated in the table below. The following section reviews these policies and assesses their consistency with the project.

Note: This document substitutes the review of the CMP policies given the locally-adopted WRP in New York City.

CZM Policy Number	CZM Policy Name	Applicable to Project	Not Applicable to Project
Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.			
1.1	Encourage commercial and residential development in appropriate coastal zone areas		X
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public		X
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed		X
1.4	In areas adjacent to Sensitive Maritime and Industrial Areas, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.		X
1.5	Integrate consideration of climate change and sea level rise into planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	X	

CZM Policy Number	CZM Policy Name	Applicable to Project	Not Applicable to Project
Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.			
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas		X
2.2	Encourage a harmonious relationship between working waterfront uses, compatibly upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.		X
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.		X
2.4	Provide infrastructure improvements necessary to support working waterfront uses.		X
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront development and infrastructure, pursuant to WRP Policy 6.2.		X
Policy 3: Promote use of New York City's waterways for commercial and recreation boating and water-dependent transportation.			
3.1	Support and encourage in-water recreational activities in suitable locations		X
3.2	Support and encourage recreational and commercial boating in New York City's maritime centers.		X
3.3	Minimize conflicts between recreational boating and commercial ship operations.		X
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.		X
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water dependent uses.		X
Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.			
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.		X
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.		X
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.		X
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.		X
4.5	Protect and restore tidal and freshwater wetlands.		X
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.		X

CZM Policy Number	CZM Policy Name	Applicable to Project	Not Applicable to Project
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.		X
4.8	Maintain and protect living aquatic resources.		X
Policy 5: Protect and improve water quality in the New York City coastal area.			
5.1	Manage direct or indirect discharges to waterbodies.	X	
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	X	
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.		X
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.		X
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.		X
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.			
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.	X	
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 projects in the city's Coastal Zone.	X	
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.		X
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.		X
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.			
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	X	
7.2	Prevent and remediate discharge of petroleum products.	X	
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.	X	
Policy 8: Provide public access to, from, and along New York City's coastal waters.			

CZM Policy Number	CZM Policy Name	Applicable to Project	Not Applicable to Project
8.1	Preserve, protect, maintain and enhance existing physical, visual and recreational access to the waterfront.		X
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.		X
8.3	Provide visual access to the waterfront where physically practical.		X
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.		X
8.5	Preserve the public interest in and use of lands and waters held in public trust by the state and city.		X
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship. The following principles should be applied as appropriate and to the extent practicable.		X
Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.			
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	X	
9.2	Protect and enhance scenic values associated with natural resources.		X
Policy 10: Protect, preserve and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.			
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.		X
10.2	Protect and preserve archaeological resources and artifacts.		X

Analysis of Applicable Policies

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

1.5 Integrate consideration of climate change and sea level rise into planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

The VAMC Manhattan provides services the community in acute medicine, surgery, acute psychiatry, neurology, and rehabilitation medicine. The campus houses a designated clinical care unit and a Research Center for Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection. This floodwall would serve to protect the services that the VAMC Manhattan provides to the community. The construction of a floodwall at VAMC Manhattan would be designed to incorporate modeled storm surge and wave heights of a 100-year flood based on FEMA flood maps and the high-water mark from Hurricane Sandy. Also, predictions of sea level rise from the New York City Panel on Climate Change will be incorporated into the design process.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

This project is not considered essential to water-dependent or industrial uses. However, the floodwall will be designed to incorporate modeled storm surge and wave heights of a 100-year flood. Predictions of sea level rise from the New York City Panel on Climate Change will be incorporated.

Policy 3: Promote use of New York City's waterways for commercial and recreation boating and water-dependent transportation.

There is no in-water work proposed for the design and construction of the floodwall around the VAMC Manhattan. Therefore, commercial and recreational boating and water-dependent transportation will not be impacted.

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

The quality and function of ecological systems within the New York City coastal area will not be negatively impacted. The project area does not include any Significant Coastal Fish and Wildlife Habitat, Special Natural Waterfront Area, Ecologically Sensitive Maritime and Industrial Area, Recognized Ecological Complexes, nor is it impinging on any freshwater or tidal wetlands. Therefore, this policy does not apply.

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

5.1 Manage direct or indirect discharges to waterbodies.

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

Design of the proposed floodwall and floodgates would also have the potential to impact the surface water quality resources surrounding the proposed project site, including the East River. As part of the Proposed Action, design would include analysis of potential storm water runoff during and after proposed construction activities along with management of nonpoint source pollution. Therefore, the proposed action will be in compliance with Policy 5.1 and 5.2.

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.

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.

The proposed floodwall would function as a first line of defense to reduce future property damage and interruptions of VAMC Manhattan service during flooding events such as those experienced in October 2012 as a result of Hurricane Sandy. The completed floodwall and floodgates would lower the risk of damage to property and the need to close the facility and thus limit the vital medical services the facility provides.

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 projects in the city's Coastal Zone.

As stated previously, the floodwall at VAMC Manhattan would be designed to incorporate modeled storm surge and wave heights of a 100-year flood based on FEMA flood maps and the high-water mark from Hurricane Sandy. Also, predictions of sea level rise from the New York City Panel on Climate Change will be incorporated into the design process.

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.

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

The Proposed Action will not generate additional exposure pathways to hazardous materials after construction. There would be no long-term or permanent direct impact on hazardous materials or solid waste as a result of the Proposed Action. Once constructed, the floodwall and the floodgates are both passive systems that will not require the storage or use of hazardous materials for their continued operation.

Elements of the Proposed Action construction could result in the short-term generation and/or transportation of hazardous materials or solid waste, if contaminated soils are encountered during construction. If stained soils are observed or if soils are found contaminated with petroleum products, the VA would comply with applicable local, state and federal regulations regarding its proper disposal. If construction activities, such as excavation result in the discovery of previously-unknown hazardous substances, the VA would be responsible for removing and disposing of contaminated media in accordance with state laws and regulations for hazardous waste management.

Excavation dewatering will necessary to complete the Proposed Action. It is likely the groundwater encountered will be contaminated. The VA would comply with applicable local, state and federal regulations regarding its proper handling.

There is an additional risk of minor spills and leaks of petroleum products during maintenance and equipment refueling during construction. If a spill or leak of fuel or other hazardous substances occurs, it would be addressed according to New York State Department of Environmental Conservation (NYSDEC) containment and remedial action procedures. Potential risk to human health and the environment attributable to an accidental release would be reduced by implementing a Spill Prevention, Control and Countermeasure (SPCC) Plan during construction.

7.2 Prevent and remediate discharge of petroleum products.

As stated previously, the minor risk of spills and leaks of petroleum products during maintenance and equipment refueling during construction would be addressed according to NYSDEC containment and remedial action procedures. Potential risk to human health and the environment attributable to an accidental release would be reduced by implementing a SPCC Plan during construction.

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.

Elements of the Proposed Action construction could result in the short-term generation and/or transportation of hazardous materials or solid waste, if contaminated soils are encountered during construction. The VA would be responsible for removing and disposing of contaminated media in accordance with state laws and regulations for hazardous waste management.

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

The proposed floodwall will not impact public access to, from, and along New York City's Coastal Waters.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

9.1 Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The area surrounding VAMC Manhattan consists of a mix of residential, commercial, and public land use. The property is bound to the north by Hunter College Brookdale Health Sciences Campus, to the south by Peter Cooper Village (a private residential development), to the west by New York University College of Dentistry and commercial buildings, and to the east by the Asser Levy Recreation Center. The proposed floodwall would be adjacent to the playground and future running track at the Asser Levy Recreation Center. In addition, the public baths at the Recreation Center are listed on the National Register of Historic Places (90NR00679). Floodwall design would incorporate aesthetic design to complement the surrounding neighborhood.

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

The Proposed Action should result in No Significant Impact on cultural, historic, archaeological and architectural resources under NEPA, and No Adverse Effect to historic properties under Section 106. For more information, see the Section 3.3 Cultural Resources in the Environmental Assessment.

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