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 New York Container Terminal, Inc. (NYCT) operations in Staten Island Community District 1. The Proposed Action would facilitate the construction and installation of a new 50-foot deep container ship berth ("Berth 4") and associated marine container 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 berth and associated marine container terminal would be located on an approximately 39-acre site (referred to as the "Berth 4 site"), which encompasses part of Block 1306, Lot 14; and Block 1309, Lots 1, 2, 10 and part of Lot 5. It 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. This site is largely owned by or leased to the Port Authority of New York and New Jersey (the "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 NYCT. Development on the Berth 4 site would include a container ship berth with a 50-foot mean low water depth, along with a 1,340-linear-foot pile-supported wharf, four ship-to-shore 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 (collectively referred to as the "Proposed Project").

The Proposed Action would also include the demapping of a segment of Richmond Terrace and an unimproved segment of Catherine Street, and the relocation of a segment of Western Avenue to provide for a more efficient and functional layout with respect to the new marine terminal, the existing Howland Hook Marine Terminal (HHMT) which is operated by NYCT, and an adjacent intermodal rail yard. An electrical substation and crane maintenance facility serving Berth 4 would be located in the northeast corner of the approximately 25-acre area south of Richmond Terrace between the intermodal rail yard and the relocated Western Avenue. The remainder of this area would serve as ancillary space for both the HHMT and the proposed Berth 4, and would be used for truck chassis storage (relocated from the Berth 4 site) and for the storage of empty containers. The "project site" encompasses this area, the Berth 4 site and the segments of Richmond Terrace, Catherine Street and Western Avenue to be mapped and/or demapped (a total of approximately 71 acres). The directly affected area also includes approximately 4.33 acres of underwater lands adjacent to the Berth 4 site where some dredging activities associated with the Proposed Action would take place.

The Proposed Action is comprised of the following: 1) disposition via lease of City-owned land on the Berth 4 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; 4) a City Planning Commission special permit for development within a railroad right-of-way; and 5) a number of State and/or Federal actions, as detailed in Section C below. The Proposed Action would facilitate the re-use of an 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 the Howland Hook Marine Terminal, 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 A-1 illustrates the location of the Howland Hook Marine Terminal in the context of the NY Harbor region. As shown in Figure A-1, HHMT is one of five container terminals in the Port of New York and New Jersey (PONYNJ). These include: (1) Howland Hook Marine 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-operated 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 rail freight network.

The Howland Hook Marine 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.

Over the past five years, the Port Authority, City of New York, and NYCT have collaborated in upgrading the Howland Hook Marine Terminal. Approximately $400 million has been invested in deeper channels, longer berths, restored rail service, and new cranes and yard equipment. With these improvements, the HHMT has a sustainable practical 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. In 2008, a surge in container traffic resulted in an annual throughput of approximately 540,000 lifts, greater than the terminal's sustainable practical capacity of 450,000 lifts per year. It is important to note however, that this level of throughput resulted in decreased efficiency and substantially higher operating costs. Containers needed to be handled multiple times within the terminal, and truck queues and wait times at the terminal increased substantially. Overall, a throughput greater than 450,000 lifts per year is not sustainable over the long-term with the present facilities operated by NYCT at the Howland Hook Marine Terminal. Figure A-3 illustrates NYCT's performance for the period from 1996 through 2007 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 container ship berth and associated marine container terminal. As shown in Figure A-4, the Berth 4 site

[1] A lift is the single movement of a container, usually loaded, to or from a berthed vessel.
[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

Project Site

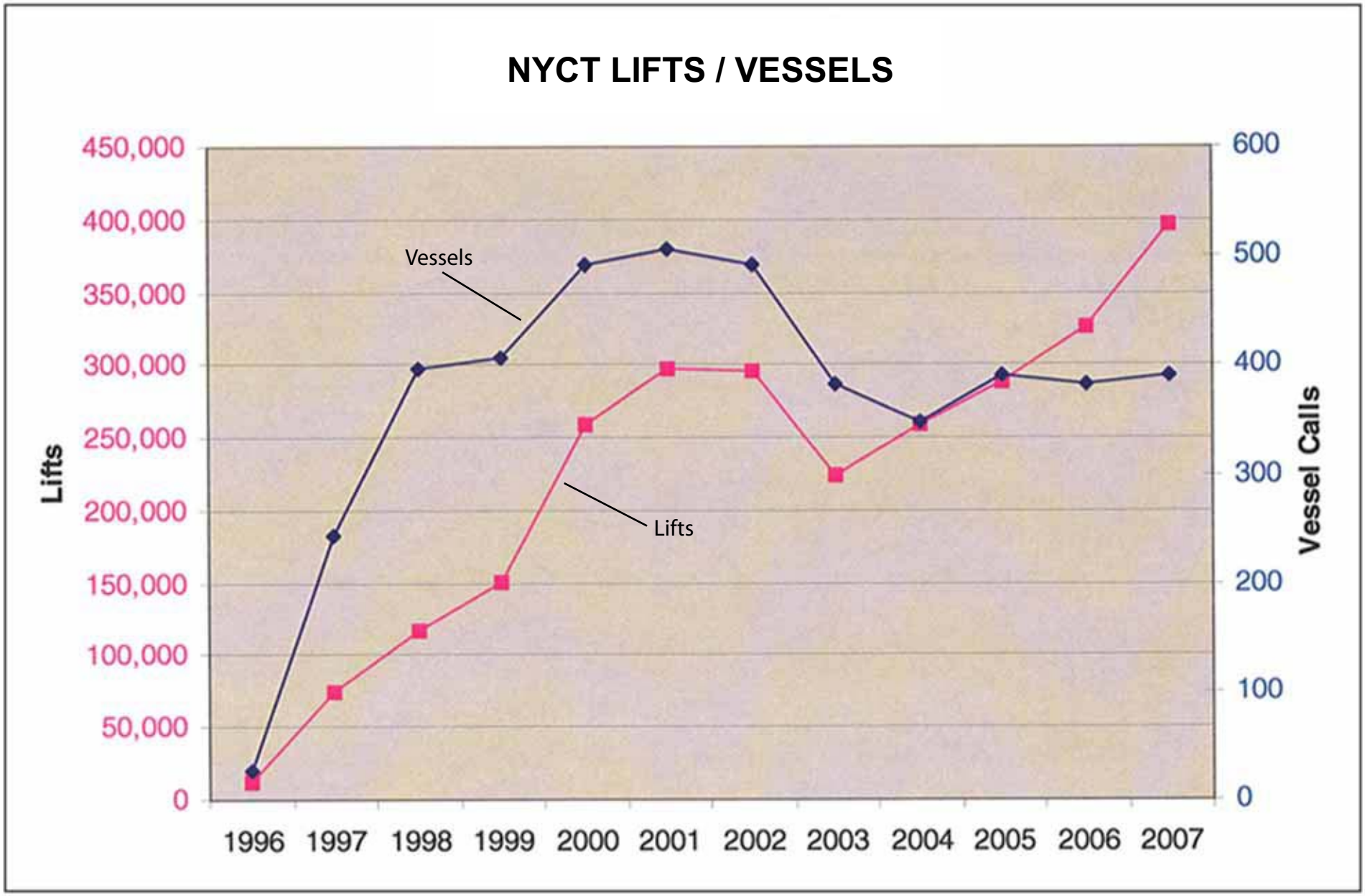


Figure A-3
Terminal Performance 1996 - 2007

Figure A-4

Existing Conditions at Proposed Berth 4 Site

Proposed Berth 4 Site

encompasses approximately 39 acres located northeast of the existing HHMT on the east side of Bridge Creek. The Berth 4 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. The Proposed Action would also include the demapping of a segment of Richmond Terrace and an unimproved segment of Catherine Street, and the de-mapping and re-mapping of a segment of Western Avenue along a new alignment. These mapping/de-mapping actions would provide for a more efficient and functional layout with respect to the new marine terminal, the existing marine terminal and an adjacent intermodal rail yard.

The specific alignment for a relocated Western Avenue has not been finalized. One option under consideration, shown in Figure A-5, would relocate the intersection of Western Avenue and Richmond Terrace approximately 450 feet to the east. The realigned roadway would continue southward roughly parallel to the existing Western Avenue before turning westward and rejoining the original alignment at a point approximately 1,800 feet south of Richmond Terrace. This would provide for a fully contiguous container terminal, would minimize terminal vehicle use of Western Avenue, and would provide for the separation of container terminal activity from the adjacent public roadway network. An option that would have the new roadway rejoin the existing alignment somewhat further to the south may also be considered.

In addition to the Berth 4 site, the project site encompasses the approximately 25-acre area south of Richmond Terrace between the intermodal rail yard and the relocated Western Avenue, and the segments of Richmond Terrace, Catherine Street and Western Avenue to be mapped and/or demapped. The Proposed Project also includes the dredging of an approximately 4.33-acre area to the south of the bulkhead line adjacent to the Berth 4 site to create the proposed ship berth.

As illustrated in Figure A-2, the project site is a former industrial site served by two local roadways (Western Avenue and Richmond Terrace). The Berth 4 site is mostly vacant, although a portion is currently used by the NYCT for truck chassis storage. 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 of the Berth 4 site and Arlington Marsh and Mariners Marsh Park to the east. (Mariners Marsh Park is unmapped parkland under the jurisdiction of the New York City Department of Parks and Recreation.) The Goethals Bridge, located south of the site, provides vehicular access between Staten Island and New Jersey. The existing Goethals Bridge would be replaced by a new cable-stayed bridge by 2014 under the Port Authority's Goethals Bridge Replacement (GBR) Project which is currently undergoing environmental review. 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 project site 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 Howland Hook Marine Terminal, 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 HHMT. The Staten Island Corporate Park, also located to the south of the project site, 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 container ship 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 (which is independent of the Proposed Project), is being undertaken

by the Unites States Army Corps of Engineers (USACE) with the Port Authority as the local sponsor, and 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 safely reach terminals in the PONYNJ.

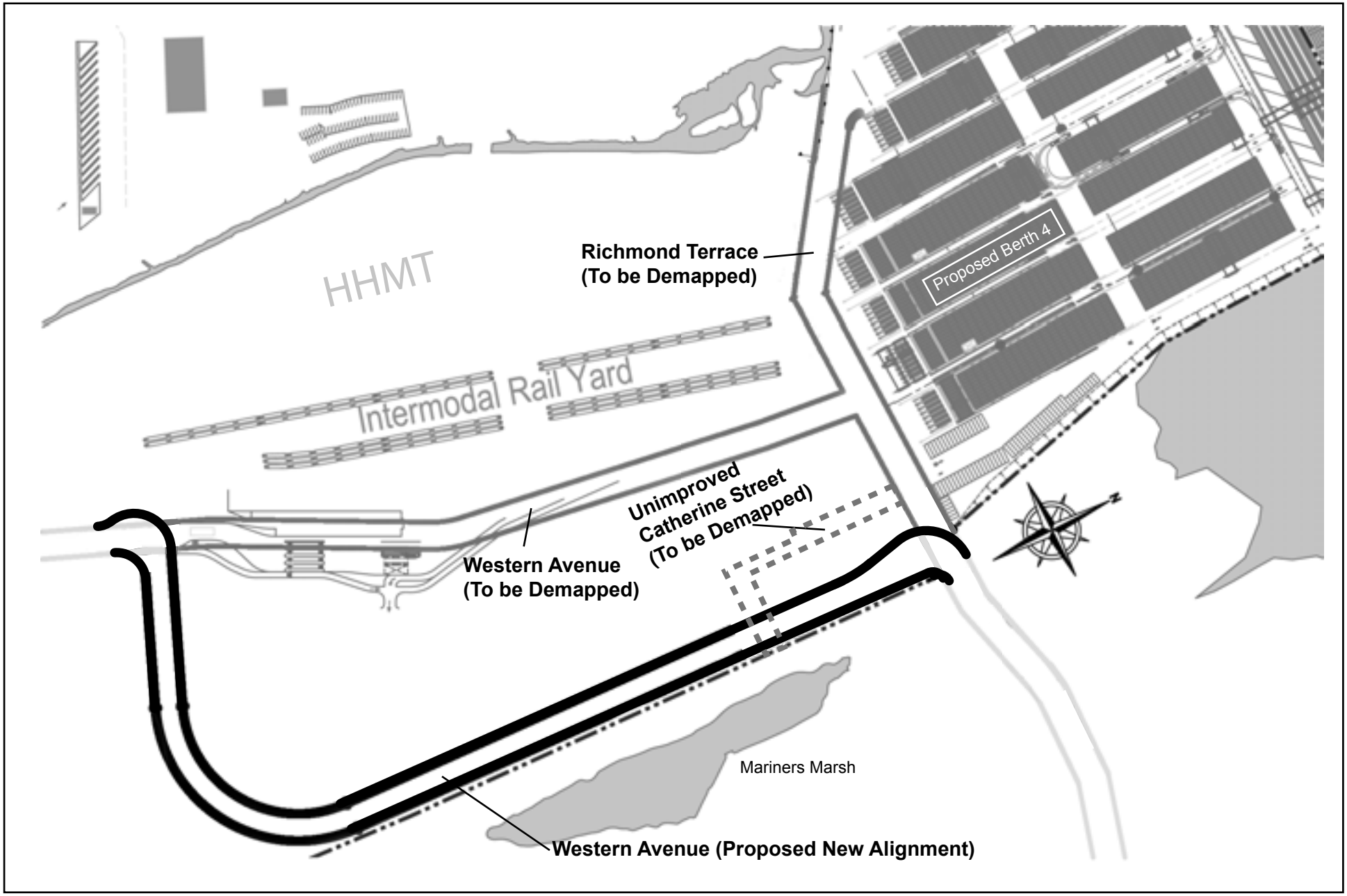
The Port Authority has also initiated planning studies regarding the feasibility of developing a new I-278 eastbound exit ramp that would provide a direct connection for trucks traveling between the Goethals Bridge and the existing Howland Hook Marine Terminal. The planning for the eastbound ramp project is independent of both the proposed New York Container Terminal Expansion project and the Goethals Bridge Replacement Project. The independent utility attributed to a new eastbound ramp is due to the fact that traffic engineering studies indicate that the local roadway system is expected to reach capacity in the near future. Therefore, the eastbound ramp would be needed to provide sufficient roadway capacity for future growth. In addition, neither the Port Authority, nor the NYCT, have plans to construct any other new I-278 connections between the Bridge and the terminal, nor do current cargo and traffic projections indicate that any additional roadway connection capacity will be needed, although the new Goethals Bridge design will allow for a possible westbound ramp connection in the future.

Zoning at and around the project site 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 Garden Homes Community; 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 on a previously utilized marine-related site and partial brownfield located immediately adjacent to and northeast of the NYCT-operated Howland Hook Marine Terminal 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-linear-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 existing facilities at the adjacent Howland Hook Marine Terminal. Utilizing these existing facilities would allow the new berth to achieve the anticipated 350,000 additional lifts per year within the space available on the Berth 4 site. Figure A-6 shows the conceptual plan for Berth 4 and the marine container terminal. The Proposed Action also includes 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, the relocation of a portion of Western Avenue, the demapping of the portion of Richmond Terrace west of the relocated Western Avenue, and the demapping of an unimproved segment of Catherine Street. These roadway mapping/demapping actions are necessary to provide for a more efficient and functional layout with respect to both the new marine terminal and the existing marine terminal and intermodal rail yard. An electrical substation and crane maintenance facility serving Berth 4 would be located in the northeast corner of the approximately 25-acre area south of Richmond Terrace between the intermodal rail yard and the relocated Western Avenue. The remainder of this area would be used for truck chassis storage (relocated from the Berth 4 site) and for the storage of empty containers in support of the three existing berths at the HHMT and the



New York Container Terminal Expansion EAS

Figure A-5
Proposed Road Alignment (Preliminary)

Berth 4 2014 Conceptual Plan

Figure A-6
Conceptual Plan for Berth 4

proposed Berth 4. In addition, it is important to note that a high level of security must be maintained at all NYCT-operated facilities for the purposes of both homeland security and customs enforcement. Relocating Western Avenue and demapping a portion of Richmond Terrace would facilitate security by allowing all operations at both the HHMT and the proposed Berth 4 to be secured within a single contiguous area, undivided by a public street.

As noted above, NYCT currently employs approximately 555 employees at the HHMT. Construction of Berth 4 and its associated marine container terminal would create up to 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, as shown in Figure A-7. A 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 Berth 4 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.

IV. PURPOSE AND NEED

The City of New York and the larger New York/New Jersey metropolitan region are dependent on the capability to import and export goods – food, clothing, machinery, electronics, paper, etc. – using intermodal shipping containers. These containers are handled through specialized marine terminals. The Port of New York and New Jersey is the largest container handling hub on the Atlantic Coast of North America, and the second largest geographic concentration of container facilities in the US, behind only Los Angeles and Long Beach.

Container volumes through the PONYNJ have grown steadily over the past two decades, and the Port has periodically acted to increase its container handling capacity, through a variety of strategies including channel deepening, terminal expansion (via redevelopment of underutilized properties and landfills), equipment and operational improvements, and landside access improvements.

Today, the PONYNJ facilities are approaching capacity and new container capacity will be needed to keep pace with projected demand. There are many different possibilities for adding capacity at the PONYNJ, and it is likely that most – if not all – of these will need to be pursued at some point before the year 2040. Expansion of the existing Howland Hook Marine Terminal (HHMT), operated by New York Container Terminal (NYCT), is one important strategy to meet a significant share of the region's growing container handling needs in the immediate near term.

The purpose of the Proposed Action is to ensure the long-term viability of container operations in New York City, secure the jobs and local and state tax revenues generated by this industry, respond to growth of the container cargo market, and establish modern, sustainable marine terminal operations at HHMT. The terminal currently offers three vessel berths. The proposed project would add a fourth berth to (a)

handle the largest ships planned for the world fleet; (b) operate at an extremely high level of efficiency, and (c) respond to a critical shortfall of container capacity. Each of these factors is discussed below.

Berth 4 Would Help Meet the Region's Need to Accommodate Larger Containerships Following Expansion of the Panama Canal

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.

It is also important to note that the planned expansion of the Panama Canal will triple its capacity upon completion of the project in 2014. With this expansion, 99 percent of the world's container fleet will be able to transit the Canal, compared to 90 percent today. This is expected to further increase demand at U.S. East Coast ports, as well as increase the average size of vessels calling at U.S. East Coast ports. These larger ships will require greater channel depths than current vessels. Whereas ships calling at PONYNJ terminals 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), as well as up to 1,200 linear feet of berth space.

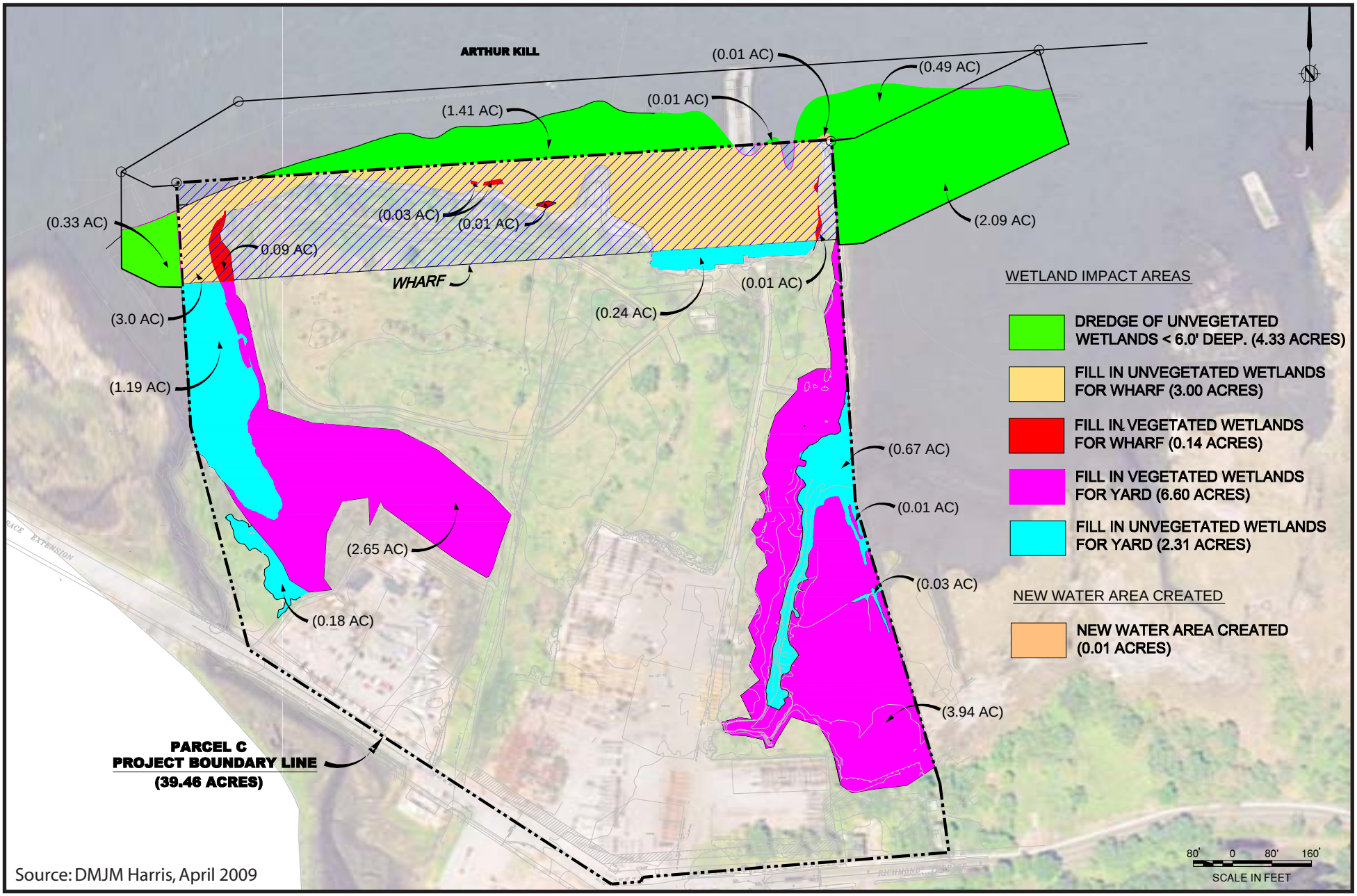
As shown in Figure A-1, HHMT is one of five container terminals in the PONYNJ: (1) Howland Hook Marine Terminal, (2) Elizabeth Marine Terminal, (3) Port Newark, (4) Global Marine Terminal, and (5) Red Hook Container Terminal. The approved Harbor Deepening Project (HDP) will establish 50-foot depths in certain PONYNJ navigation channels, enabling larger ships to call at PONYNJ terminals, including the HHMT, by 2012. The proposed Berth 4 would be specifically designed to accommodate these new, larger classes of container ships, thereby supporting the long-term viability of marine container operations in New York City.

Berth 4 Would be One of the Most Efficient Terminals in the U.S. and Would Substantially Upgrade the Overall NYCT Operation

The Howland Hook Marine 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 sustainable practical capacity of the existing terminal is an annual container throughput of 450,000 lifts. HHMT has been operating at or near capacity since 2007.

Like most terminal operators in the PONYNJ, New York Container Terminal, Inc. has developed and improved its operations incrementally over the years. Currently, NYCT and other terminal operators 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. NYCT is reaching the limit of the operational and capacity improvements it can make at the HHMT without significant redevelopment of its facilities and the substantial disruption in operations that such a redevelopment could cause. NYCT sees a need not only to respond to recent growth in the container market, but also to respond with a long-term view that is consistent with modern terminal design. Thus, NYCT's next step requires a commitment to an entirely

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



Source: DMJM Harris, April 2009

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

different and updated operational design from that which is currently used at the Howland Hook Marine Terminal and elsewhere in the PONYNJ.

Proposed state-of-the-art cargo handling equipment would allow Berth 4 to achieve throughputs of 8,974 container lifts per acre per year -- or 15,256 twenty-foot equivalent units (TEU) per acre per year -- by 2014. This would be one of the most efficient operations in the U.S. As shown in Table A-1, below, introducing the efficiencies offered by Berth 4 alongside the existing three berths would increase the sustainable practical capacity of the NYCT-operated facilities from 450,000 lifts/765,000 TEUs to 800,000 lifts/1.36 million TEUs annually by 2014, an increase of 78 percent.

Table A-1
NYCT Existing and Proposed Berth Throughputs

NYCT Terminal Complex	Berths 1-3	**Berth 4**	Berths 1-4
Acres*	147	**39**	186
Throughput: Lifts/Year			
2004	260,000	--------	260,000
2006	326,000	--------	326,000
2007	400,000	--------	400,000
2008**	540,000	--------	540,000
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
2008**	3,673	--------	3,673
2014	3,061	**8,974**	4,301
2014 (TEU/acre/year)	5,204	**15,256**	7,312

** Does not include the adjacent rail yard.*
*** Terminal operated above its sustainable practical capacity of 450,000 in 2008.*

Source: NYCT.

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, 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.

Berth 4 Would Help Meet Critical Shortfalls in Regional Container Handling Capacity

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 Port's sizable local market and strong intermodal connectivity to hinterland markets will continue to drive demand, thus keeping the PONYNJ as a "must call" facility on the U.S. East Coast.

A Comprehensive Port Improvement Plan (CPIP) for the PONYNJ, completed in 2005, defined water and landside infrastructure improvement initiatives to accommodate the region's capacity demand through the year 2060. As shown in Table A-2, below, the CPIP forecast a total demand of 3,954,000 TEUs for the PONYNJ by 2007, increasing to 5,020,000 TEUs by 2015. By contrast, actual demand in 2007 totaled approximately 5,299,000 TEUs. Table A-2 also shows an updated forecast of regional container demand that reflects current economic conditions.

Table A-2

Regional Container Demand Forecast for the Port of New York and New Jersey (000 TEUs)

	2000	**2007**	**2010**	**2015**	**2020**	**2025**	**2030**	**2035**	**2040**	**2045**	**2050**
CPIP	2,923	3,954	4,500	5,020	5,600	6,306	7,100	7,769	8,500	9,173	9,900
Revised	---	5,299	6,153	7,597	9,381	10,485	11,719	13,098	14,639	16,362	18,288
Actual	3,050	5,299	---	---	---	---	---	---	---	---	---

Source: Transystems Corporation.

Even allowing for a protracted economic downturn of up to five years, regional container demand is expected to increase substantially over the long term, due to rising population, production, and consumption. Overall, it is anticipated that regional demand will exceed the current capacity of the PONYNJ by 2015. Improvements at HHMT, along with planned improvements at other marine terminals in the region, will be needed to meet this shortfall and keep pace with growing demand through the year 2040. The proposed Berth 4 would therefore provide critically needed capacity to accommodate increases in regional demand expected in the near term. By itself, Berth 4 does not meet all of the region's needs; but it is a key element of a larger, comprehensive strategy to ensure these needs are met.

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 operational by 2014. The No-Action scenario incorporates 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 Berth 4 site would remain mostly vacant, terminal capacity and operations at the HHMT would remain unchanged, and the benefits associated with the proposed terminal expansion project would not occur. NYCT would not be able to accommodate future increases in demand. In the future without the Proposed Action, there would be no potential for significant adverse

impacts in areas such as land use, urban design, historic resources, natural resources, hazardous materials, the city's Waterfront Revitalization Program, traffic, air quality and noise.

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

In the future with the Proposed Action, a new container ship berth would be constructed, increasing the capacity and improving the function of the NYCT-operated facilities on Staten Island. 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. As discussed below in Section V, "Technical Analyses," the Proposed Action may result in significant adverse impacts in a number of areas. To the extent feasible, mitigation measures to lessen or eliminate any significant adverse impacts will be identified and proposed.

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 NYCT-operated Howland Hook Marine 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; 3) a City Planning Commission special permit for development within a railroad right-of-way; and 4) 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; NYSDEC 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 container ship 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 "Draft 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 HHMT, there are no active businesses or institutional buildings located on the Berth 4 site. A number of vacant former industrial buildings on the project site south of Richmond Terrace are in the process of being demolished; however, several other buildings are currently leased from the Port Authority by a warehouse management business with an estimated 10 to 20 employees. The potential effects of the displacement of this business as a result of the Proposed Action will be assessed as described in the attached "Draft Scope of Work for an EIS."

Indirect Residential Displacement

There are no residential uses located on or immediately adjacent to the project site; the closest residences are located more than ¼-mile to the east of the site on the other side of Mariners 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 mostly vacant industrial 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 "Draft 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 "Draft 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 Mariners Marsh Park) and the Proposed Project's potential effects on those resources are discussed in the Natural Resources, Air Quality and Noise sections 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 analysis 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 "Draft 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. (The potential effects to marine life from shadows cast on underwater areas by the proposed wharf and the periodic presence of container ships will be addressed as part of Task 10, "Natural Resources.")

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 Action 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 areas 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 Berth 4 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 Berth 4 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 Berth 4 site or in its immediate vicinity. All of the buildings and features on the Berth 4 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.

Although 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 existing New York Container Terminal operations along the Staten Island waterfront. The Berth 4 site is currently undeveloped and includes a capped landfill. Much of the Berth 4 site is vegetated and contains areas of tidal wetlands. The southern portion of the Berth 4 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 container terminal on the presently undeveloped site. Views of the Berth 4 site from the City of Elizabeth would be changed from a mostly vegetated parcel to an active marine container terminal with four cranes with 45-foot clearance for loading and unloading containers 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.

Tidal Wetlands Habitats associated with Arlington Marsh and with Bridge Creek have been identified on the Berth 4 site, and the eastern project boundary abuts the Northwest Staten Island/Harbor Herons Special Natural Waterfront Area (SNWA), an interconnected network of tidal and freshwater wetlands along the Arthur Kill. Arlington Marsh was assessed in the New York City Wetlands Transfer Task Force's September 2007 report *Recommendations for the Transfer of City-Owned Properties Containing Wetlands*, and the city-owned portions of Arlington Marsh were subsequently approved for transfer to the New York City Department of Parks and Recreation. Potential wetlands mitigation sites were also identified in the report at Bridge Creek and at the Arlington Marsh Peninsula as well as the Arlington Marsh Cove. In addition, to facilitate development of the Proposed Project, Western Avenue would be relocated closer to Mariners Marsh Park, which is unmapped parkland under the jurisdiction of NYCDPR. It is also noted that the project site falls within the Asian Longhorn Beetle quarantine zone, requiring that any host species trees being removed would need to be disposed of according to all applicable regulations. Lastly, 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 dredged or filled under the Proposed Action. Therefore, due to the potential for significant adverse natural resources impacts, a detailed assessment is warranted as described in the attached "Draft Scope of Work for an EIS."

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 active and 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 Berth 4 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 Berth 4 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 project 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, the Berth 4 site is located within the Staten Island Significant Maritime and Industrial Area (SMIA), and the eastern project boundary abuts 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, 2, 2.3, 3.1, 3.2, 4, 4.1, 4.2, 5.1, 5.2, 5.3, 6.3, 7.1, 7.2, 8, 8.2, 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 71-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 demapping and/or relocation of portions of Richmond Terrace and Western Avenue.

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. 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 Technical Manual* guidelines, 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 (Con Ed). 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 demapping and/or 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 -- the Staten Island Expressway (I-278), which operates in an east-west direction and connects the Goethals Bridge to New Jersey with the Verrazano-Narrows Bridge to Brooklyn; and Route 440 (the West Shore Expressway), which operates in a north-south direction along western Staten Island. Access to the Howland Hook Marine Terminal and the project site is provided by a network of local roadways, including Richmond Terrace and Western Avenue, which border the HHMT and the Berth 4 site; Goethals Road North and Gulf Avenue which parallel and provide access to and from I-278; and Forest Avenue which connects these latter two roadways via an underpass beneath I-278. Project-generated traffic is expected to be most concentrated at the intersection of Western Avenue and Goethals Road North (which is in proximity to the main truck gate for the HHMT and future Berth 4), and along Goethals Road North and Gulf Avenue.

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. The majority of these new trips are expected to consist of trucks hauling containers to and from the proposed marine container terminal. Additional auto trips by new employees are also anticipated. Based on the estimated increase in container lifts per year and employment resulting from development of the Proposed Project, and the characteristics of truck and worker travel at the existing Howland Hook Marine Terminal, it is anticipated that approximately 222, 217 and 109 new truck trips would be generated in the weekday AM, midday and PM peak hours, respectively. In addition, approximately 88 peak-hour employee auto trips would also be generated in the weekday AM peak hour, none in the midday peak hour and 44 in the PM peak hour. By contrast, the Proposed Project is expected to generate relatively few new vehicle trips on Saturdays and Sundays as trucks do not pick-up or deliver containers on weekends (the HHMT's truck gates, which would also be used by trucks en route to and from the proposed Berth 4, are closed on weekends), and no more than 10 employees would arrive or depart in any peak hour due to lower weekend staffing levels. As the total peak hour vehicle trips would exceed the 50 trips/hour *CEQR Technical Manual* threshold on weekdays, a detailed assessment of weekday 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 project site. 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 marine 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 Technical Manual* guidelines, air quality analyses are conducted in order to assess the effects 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 an existing marine container terminal in northwestern Staten Island, including the construction of a new container 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 result in new vehicular travel demand exceeding 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 volumes of truck traffic generated by the Proposed Project.

Analysis of On-Site Activities

Stationary source impacts could occur with actions that create new stationary sources of 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 marine container terminal in a manufacturing district adjacent to the existing Howland Hook Marine 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 vessels and container handling operations, and any proposed HVAC systems) on surrounding uses, including nearby open space resources such as Mariners Marsh Park. 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."

Greenhouse Gas Analysis

The Proposed Project's potential to contribute to greenhouse gas (GHG) emissions will also be addressed in the EIS. As described in the attached "Draft Scope of Work for an EIS," the methodology will be based on recent CEQR analyses of development projects in New York City, and also generally follow the preliminary draft guidance from NYSDEC.

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 NYCT's existing marine container operations 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.

In terms of the effects of a Proposed Project on community noise levels, the *CEQR Technical Manual* noise criteria consider 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.

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 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 impacts from new project-generated traffic are therefore considered unlikely under *CEQR Technical Manual* criteria, and the EIS will therefore provide a qualitative review and screening assessment of noise with respect to project-generated traffic.

It should be noted, however, that the Proposed Action would also include the relocation of a portion of Western Avenue closer to Mariners Marsh Park, which is unmapped parkland under the jurisdiction of the New York City Department of Parks and Recreation. Although existing traffic volumes along Western Avenue are relatively light, and substantial numbers of new project-generated vehicle trips are not expected on the relocated roadway segment, an assessment of the potential for noise impacts on this parkland from traffic along Western Avenue will also be provided in the 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, the 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. Also, as the project site falls within the Asian Longhorn Beetle quarantine zone, any host species trees being removed would need to be disposed of according to all applicable regulations. 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 "Draft Scope of Work for an EIS."

Environmental Justice

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.

APPENDIX A

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 — 10/17/06

PROJECT NUMBER — 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

10/17/06

SIGNATURE — DATE

APPENDIX B

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, Staten Island, NY 10303
3. Telephone: 718-568-1801 Fax: 718-273-9121 E-mail: jdevine@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 the Howland Hook Marine Terminal (HHMT) in Staten Island Community District 1. The Proposed Action would facilitate the expansion of NYCT operations through the development of a new 50-foot deep ship berth ("Berth 4") and associated marine container terminal on a previously utilized marine-related site and partial brownfield located adjacent to the existing HHMT facility. The Proposed Project includes the planned Berth 4 in addition to a 1,340-linear-foot pile-supported wharf, 4 quay cranes, a container storage and handling facility, a 3-story marine operations building, a 1-story crane operations building, and five 1-story security booths. The Proposed Action would also facilitate the demapping of a segment of Richmond Terrace and an unimproved segment of Catherine Street, and the relocation of a segment of Western Avenue to provide for a more efficient and functional layout. A portion of the approximately 25-acre area south of Richmond Terrace between an existing intermodal rail yard and the relocated Western Avenue would be used for an electrical substation and crane maintenance facility serving Berth 4; however, most of this site would function as ancillary space for both the Proposed Project and the existing HHMT, and would be used for truck chassis storage and for the storage of empty containers.

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 growth of the container cargo market, and establish modern, sustainable marine terminal operations at the NYCT into the foreseeable future. Employing state-of-the-art cargo handling equipment, the proposed Berth 4 would increase the sustainable practical capacity of the NYCT-operated complex from 450,000 lifts to 800,000 lifts per year (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 proposed Berth 4 and associated marine container terminal would be located in northwestern Staten Island on a site 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. The project site also encompasses segments of Richmond Terrace, Catherine Street and Western Avenue that are to be mapped and/or demapped, and the area bounded by Richmond Terrace on the north, Mariners Marsh Park on the east and the HHMT intermodal rail yard on the west (a total of approximately 71 acres). The directly affected area also includes approximately 4 acres of underwater lands adjacent to the Berth 4 site where some dredging and filling activities associated with the Proposed Action would take place.

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; (4) development within a railroad right-of-way. 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
S1 Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	✓	
S2 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 James J. Devine, President and CEO, New York Container Terminal

Address 300 Western Avenue, Staten Island, NY 10303

Telephone (718) 568-1801

Applicant/Agent Signature _____ Date: 7/30/13