

## **APPENDIX L**

### **Federal Consistency Assessment**

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

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

A. APPLICANT (please print)

- Suffolk County Department of Public Works, Office of Vector Control
1. Name: \_\_\_\_\_
- 335 Yaphank Avenue
2. Address: \_\_\_\_\_
3. Telephone: Area Code (631) 852-4010 \_\_\_\_\_

B. PROPOSED ACTIVITY

1. Brief description of activity:

See attached narrative.

2. Purpose of activity:

Restore degraded marsh habitat and prevent future marsh degradation.

3. Location of activity:

Suffolk	Islip	Timber Point Marsh Gardiner Park,
County	City, Town, or Village	Pepperidge Hall, West Sayville
		Street or Site Description

- NWP 27
4. Type of federal permit/license required: \_\_\_\_\_
5. Federal application number, if known: \_\_\_\_\_

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

\_\_\_\_\_

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

1. Will the proposed activity result in any of the following: YES / NO

- |                                                                                                                                                                                |                                     |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) . . . . . | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) . . . . .                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) . . . . .                                                                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) . . . . .                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) . . . . .                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) . . . . .       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Siting of a facility essential to the generation or transmission of energy? (27) . . . . .                                                                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) . . . . .                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) . . . . .                                                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) . . . . .                                                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) . . . . .                                                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) . . . . .                                                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES / NO

- |                                                                                                    |                                     |                                     |
|----------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| a. State designated freshwater or tidal wetland? (44) . . . . .                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,) . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. State designated significant fish and/or wildlife habitat? (7) . . . . .                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. State designated significant scenic resource or area? (24) . . . . .                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. State designated important agricultural lands? (26) . . . . .                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Beach, dune or barrier island? (12) . . . . .                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) . . . . .                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. State, county, or local park? (19, 20) . . . . .                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i. Historic resource listed on the National or State Register of Historic Places? (23) . . . . .   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

3. Will the proposed activity require any of the following: YES / NO

- |                                                                                                                                        |                                     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| a. Waterfront site? (2, 21, 22) . . . . .                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) . . . . . | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) . . . . .                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. State water quality permit or certification? (30, 38, 40) . . . . .                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e. State air quality permit or certification? (41, 43) . . . . .                                                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

#### D. ADDITIONAL STEPS

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

#### E. CERTIFICATION

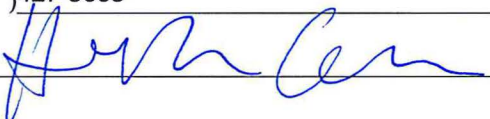
The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this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

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

Applicant/Agent's Name: Hannah Emouna, Nelson Pope & Voorhis

Address: 572 Walt Whitman Road, Melville, NY 11747

Telephone: Area Code (631) 427-5665

Applicant/Agent's Signature:  Date: 3/6/17

#### F. SUBMISSION REQUIREMENTS

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

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

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

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

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



**CONFORMANCE WITH NEW YORK STATE  
COASTAL ZONE MANAGEMENT POLICIES**

**1. Will the proposed activity result in any of the following:**

- b) Physical alteration of more than two acres of land along the shorelines, land under water or coastal waters? (2,11,12,20,28,35,44)

*Policy 2      Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.*

Response: The proposed project does not include the siting of buildings or other structures. Only marsh restoration is proposed.

*Policy 11      Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.*

Response: The proposed project does not include the siting of buildings or other structures. Only marsh restoration is proposed.

*Policy 12      Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.*

Response: The proposed project involves restoration of coastal marsh. Restoration of marsh land will help minimize damage to natural resources and neighboring properties from flooding and erosion.

*Policy 20      Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and It shall be provided in a manner compatible with adjoining uses.*

Response: The proposed project involves restoration of coastal marsh and will not inhibit access to publicly-owned foreshore or the immediately adjacent lands.

*Policy 28      Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.*

Response: The proposed project involves restoration of coastal marsh and does not proposed any ice management practices.

*Policy 35      Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.*

Response: The proposed project meets the existing State dredging permit requirements. The proposed marsh restoration in designed to enhance natural protective features and restore the coastal marsh to more natural conditions.

*Policy 44      Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

Response: The proposed project is the restoration of a coastal marsh and is intended to enhance the benefits derived from the area.

- h) Mining, excavations, or dredging activities, or the placement of dredged or fill materials in coastal waters? (15,35)

*Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.*

Response: Excavation and dredging activities are designed to be restorative in nature and will not cause an increase in erosion to such land.

*Policy 35 Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands*

Response: The proposed project meets the existing State dredging permit requirements. The proposed marsh restoration is designed to enhance natural protective features and restore the coastal marsh to more natural conditions.

**2. Will the proposed activity affect or be located in, on , or adjacent to any of the following:**

- a) State designated freshwater of tidal wetland? (44)

*Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

Response: The proposed project is the restoration of a coastal marsh and is intended to enhance the benefits derived from the area.

- b) Federally designated flood and/or state designated coastal erosion hazard area? (11,12,17)

*Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.*

Response: The proposed project does not include the siting of buildings or other structures. Only marsh restoration is proposed.

*Policy 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.*

Response: The proposed project involves restoration of coastal marsh. Restoration of marsh land will help minimize damage to natural resources and neighboring properties from flooding and erosion.

*Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.*

Response: The proposed project is a coastal marsh restoration and the no structural erosion control methods are proposed.

- c) State designated significant fish and/or wildlife habitat? (7)

*Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.*

Response: The proposed project is the restoration of a coastal marsh and will maintain the viability of fish habitat in the area.



**3. Will the proposed activity require any of the following:**

a) Waterfront site? (2,21,22)

*Policy 2 Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.*

Response: The proposed project does not include the siting of buildings or other structures. Only marsh restoration is proposed

*Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.*

Response: The proposed project is a coastal marsh restoration and will not inhibit water dependent and water enhanced recreation in the area.

*Policy 22 Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.*

Response: The proposed project is a coastal marsh restoration and does not include any development on site.

d) State water quality permit or certification? (30,38,40)

*Policy 30 Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.*

Response: The proposed project is a coastal marsh restoration and does involve the discharge of pollutants.

*Policy 38 The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.*

Response: The proposed project is a coastal marsh restoration and as such will offer increased protection of the quality of the surface and groundwater supplies.

*Policy 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.*

Response: The proposed project is a coastal marsh restoration and does not include discharge from major steam electric generating and industrial facilities.