

APPENDIX C: COASTAL ZONE MANAGEMENT



FEMA

U.S. Department of Homeland Security
FEMA-4085-DR-NY
Sandy Recovery Field Office, Forest Hills Tower
118-35 Queens Blvd., 6th Floor
Forest Hills, NY 11375

January 12, 2016

Mr. Jeffrey Zappieri,
Consistency Review, New York Coastal Management Program
New York Department of State
99 Washington Avenue, Suite 1010
Albany, New York 12231-0001

Re: State's Coastal Management Program Consistency Review of FEMA-4085-DR-NY Super Storm Sandy: Patchogue Out-of-District Sewer Extension Project

Dear Mr. Zappieri:

The Federal Emergency Management Agency (FEMA) is proposing to provide federal funding from its Public Assistance (PA) Program to assist Suffolk County (Sub-Grantee) with the Patchogue Out-of-District Sewer Extension project in the Village of Patchogue off Patchogue Bay. The applicant proposes to construct a new collection system to connect 648 parcels to existing conveyance and treatment systems. The project would include the decommissioning of existing on-site sewage treatment systems (such as septic systems and cesspools), construction of new low-pressure sewer mains and collectors, service laterals, and on-site house connection piping and low-pressure sewer grinder pump stations to connect all flow from the proposed 648 properties within the project area. The West Avenue pump station would also be upgraded to provide pumping capacity for the increased sanitary flows and the existing emergency generator would be replaced in-kind.

The purpose of the project is to 1) mitigate short-term and repetitive, adverse impacts on human life and property associated with on-site wastewater system failures in the Patchogue River watershed caused by natural hazards and 2) to mitigate long-term, adverse impacts associated with such failures on surface waters and coastal wetlands that reduce the ability of these waters and wetlands to provide natural protection against storm surge.

New York State Coastal Policies 1 through 44 have been reviewed with respect to the proposed mitigation measure to be performed per FEMA's disaster recovery operations. Based on this review, FEMA has determined that the above referenced proposed activities are consistent with the policies of the New York State Coastal Management Program (CMP) and will not hinder the achievement of those policies. A summary of the proposed project's consistency with the State Coastal Policies is included as an attachment.

FEMA is seeking the New York Department of State's (NYDOS) concurrence with FEMA's Coastal Zone Consistency Determination, in accordance with the requirement of the Coastal Zone Management Act of 1972 (15 CFR Part 930), prior to the release of federal funding to the grant recipient.

FEMA Environmental Planning and Historic Preservation (EHP) looks forward to your office's feedback within 60 days of receipt of this letter. If you have any questions, please contact Brandon Webb at 917-753-2821 or at brandon.webb@fema.dhs.gov.

Sincerely,

**BROCK A
GIORDANO**

Digitally signed by BROCK A GIORDANO
DN: c=US, o=U.S. Government, ou=Department of
Homeland Security, ou=FEMA, ou=People,
cn=BROCK A GIORDANO,
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Date: 2016.01.12 11:16:35 -05'00'

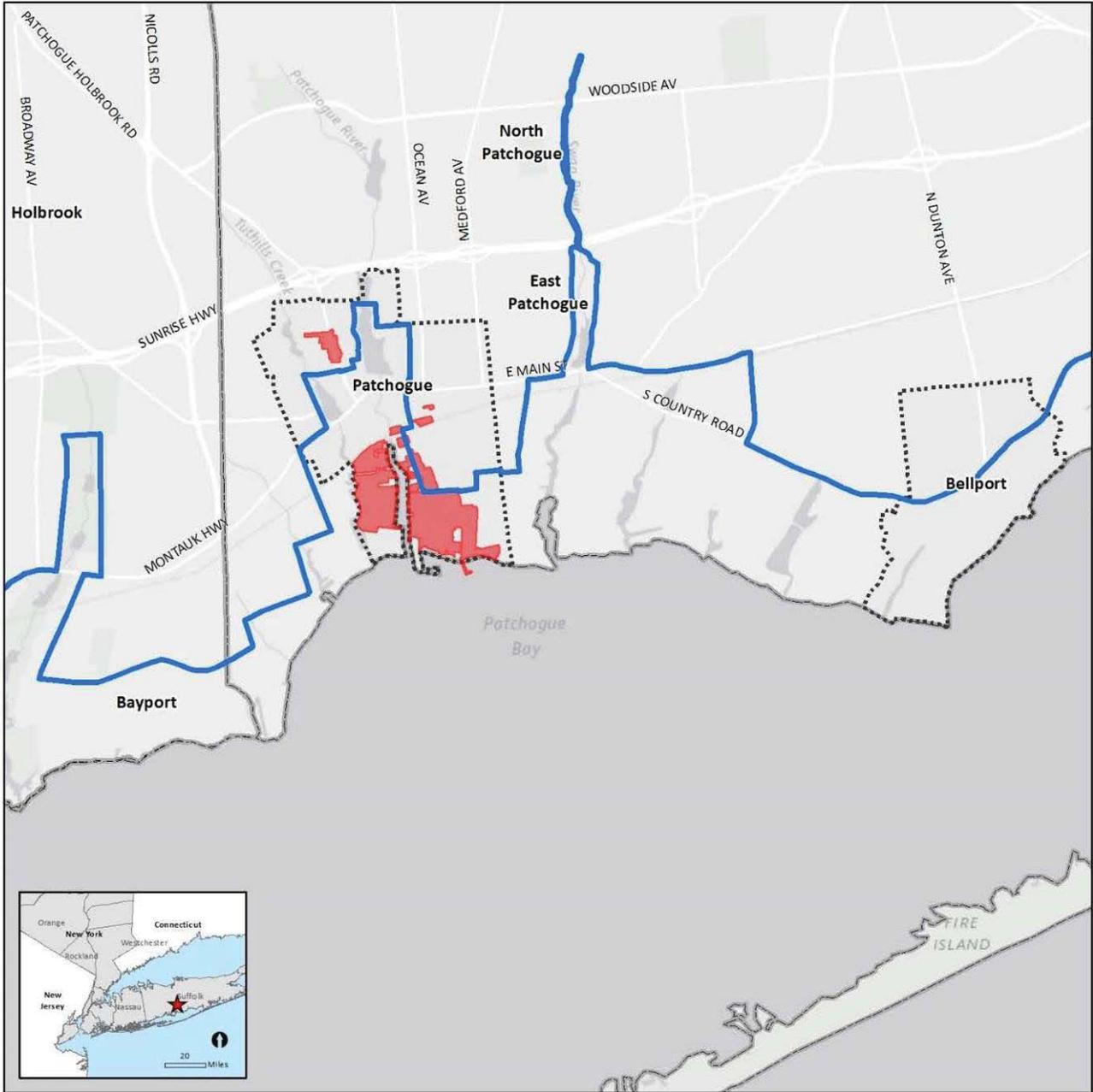
Brock Giordano
Acting EHP Branch Director
New York Sandy Recovery Field Office/4085-DR-NY
Cell: 347.574.1467

BG/ks

Encl:

Project Location with Coastal Zone
Existing Land Uses
Project Proposal
Consistencies with Coastal Policies of New York Worksheet

ATTACHMENTS



- Legend**
- Project Area
 - Coastal Boundary
 - Suffolk County Village Boundary
 - Suffolk County Towns



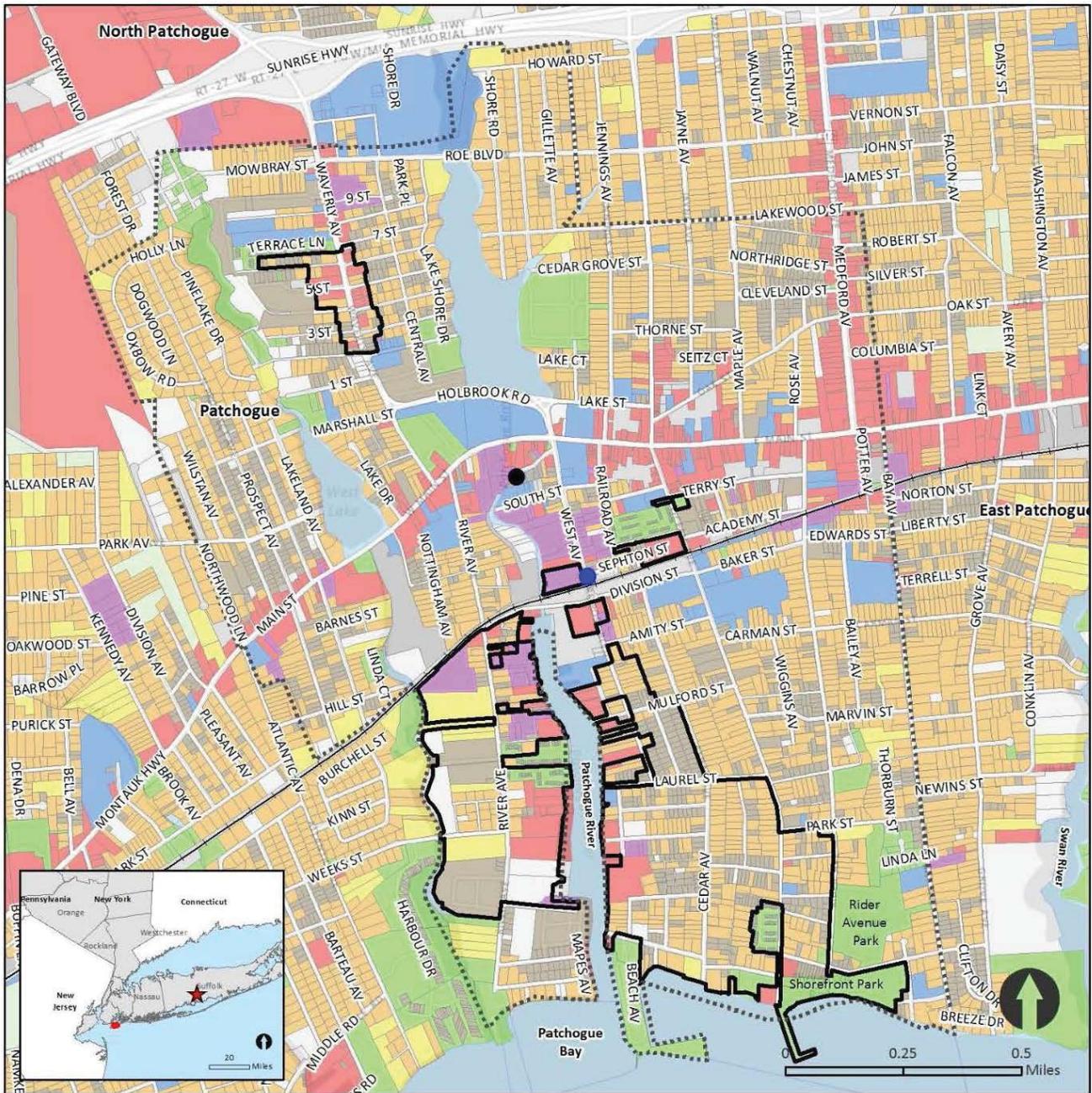
Figure 10
Coastal Zone

**Village of Patchogue
Out-of-District Sewer Extension**

Source: U.S. Fish and Wildlife Service; Suffolk County GIS; NYS Dept. of State; NYS Department of Environmental Conservation; FEMA; ESRI World Imagery; ESRI Street Map; Engineering Report for the Coastal Resiliency & Nitrogen Mitigation Plan (CRNMP) for the Patchogue River (H2M 2014)



Figure A: Patchogue Out-of-District Sewer Extension Project Location with Coastal Zone



- Legend**
- Project Area
 - Village Boundary
 - Town Sewer Districts
 - Village Sewer Districts
 - Private Sewer Areas
 - Patchogue Sewage Treatment Plant
 - West Avenue Pump Station
 - Long Island Railroad
 - Roadways

- Existing Land Use**
- Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Commercial
 - Industrial
 - Institutional
 - Recreation and Open Space
 - Agricultural
 - Vacant
 - Transportation
 - Utilities
 - Waste Handling and Management
 - Underwater Land

Figure 12

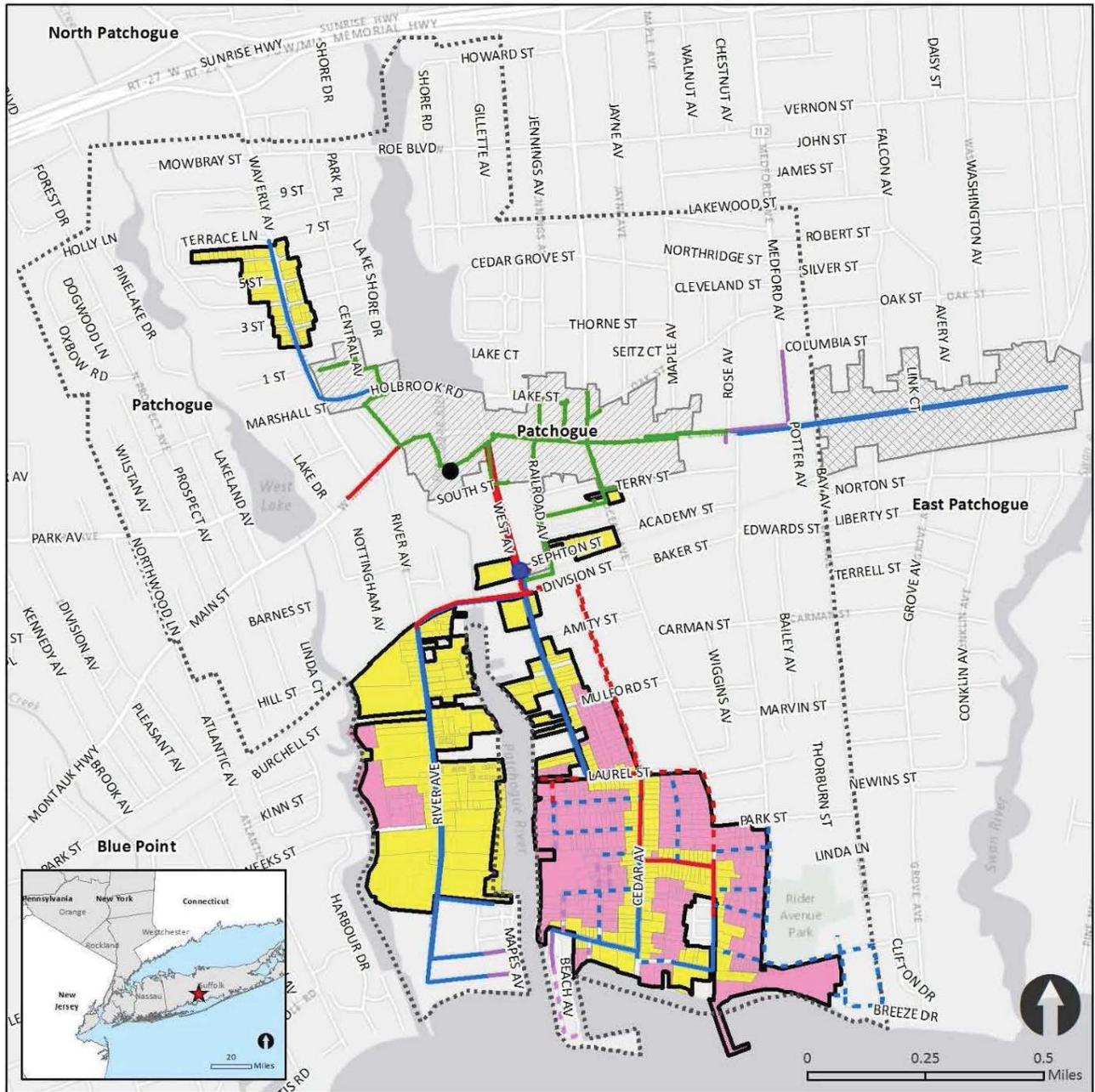
Existing Land Use

**Village of Patchogue
Out-of-District Sewer Extension**

Source: U.S. Fish and Wildlife Service; Suffolk County GIS; NYS Dept. of State; NYS Department of Environmental Conservation; FEMA; ESRI World Imagery; ESRI Street Map; Engineering Report for the Coastal Resiliency & Nitrogen Mitigation Plan (CRNMP) for the Patchogue River (H2M 2014)



Figure B: Existing Land Uses



Legend

- Village Boundary
- Patchogue Sewage Treatment Plant
- West Avenue Pump Station
- Town Sewer Districts
- Village Sewer Districts
- Private Sewer Areas

Sewer Lines

- In-District Gravity System
- Existing 2 Inch LPS Force Main
- Existing 3 Inch LPS Force Main
- Existing 4 Inch LPS Force Main
- Proposed 2 Inch LPS Force Main
- Proposed 3 Inch LPS Force Main
- Proposed 4 Inch LPS Force Main

- Project Area
- Project Area

- Parcels with Existing Sewer Infrastructure that
- Parcels that Require Sewer Infrastructure and

*The CRNMP identified 648 parcels for sewer extension illustrated here as the Project Area. The proposed project has been reduced to approximately 616 parcels within the existing project area, with exact parcels to be determined on a priority basis following field work during engineering design.

**Village of Patchogue
Out-of-District Sewer Extension**

Source: U.S. Fish and Wildlife Service; Suffolk County GIS; NYS Dept. of State; NYS Department of Environmental Conservation; FEMA; ESRI World Imagery; ESRI Street Map; Engineering Report for the Coastal Resiliency & Nitrogen Mitigation Plan (CRNMP) for the Patchogue River (H2M 2014)

Figure 3

Project Area



Figure C: Patchogue Out-of-District Sewer Extension Proposal

Summary Table for Project's Consistency with Coastal Policies of New York State

Policy 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

Consistent. Proposal does not change existing land uses. Presence of sewers may positively affect future redevelopment potential.

Policy 2

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

N/A. Proposal does not affect positively or negatively water dependent uses.

Policy 3

Further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

N/A. Proposal is not under a port authority nor interferes with port authority land-uses.

Policy 4

Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

N/A. Proposal does not affect positively or negatively the economic base of surrounding water-dependent facilities due to existing zoning requirements.

Policy 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Consistent. Construction of sewers in coastal area provides appropriate public infrastructure for development. Project area is currently built out to existing zoning and no change in land use is anticipated.

Policy 6

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Consistent. FEMA will provide a 60-day consistency determination review period to the NYS DOS Coastal Management Program before processing the federal disaster relief grant specifically for declaration of NY-4085.

Policy 7

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

Consistent. Proposal's construction impacts will be limited to within road rights of way and landscaped portions of developed lots (i.e., within previously disturbed areas) thus, no expected negative impacts to SCFWHs have been identified. Viable SCFWHs will also be protected indirectly by complying with permit requirements prescribed for protecting state's natural resources.

Policy 8

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub lethal or lethal effect on those resources.

Consistent. Proposal would not introduce hazardous wastes or other pollutants into the abutting aquatic ecosystem based on implementing Best Management Practices such as employing barrier controls at locations adjacent to aquatic areas. It is anticipated that activities will not adversely impact environmentally sensitive vegetation, soils, and/or animal resources. Overall, project will be beneficial to fish and wildlife resources as it will reduce discharges of untreated sewage to aquatic habitats.

Policy 9

Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

Consistent. While the proposal is not directly related to a natural resources/wildlife conservation management plan, it would improve water quality and tidal marsh habitat conditions over time, which would provide expanded opportunities for recreational use of fish and wildlife resources.

Policy 10

Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood, maintaining adequate stocks, and expanding aquaculture facilities.

Consistent. While developing commercial fish and shellfish resources is not a direct outcome of the proposal, the project would improve water quality in the Great South Bay and expand tidal marsh habitat, which would improve conditions for commercial fish and shellfisheries.

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.

Consistent. Infrastructure would not be placed in coastal erosion hazard areas and purpose of project is to reduce hazards to human health that result when existing on-site sewage systems overflow or fail during floods and storms.

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.

Consistent. Proposal has been sited to avoid encroaching on any area of potential effects. Thus construction activities will occur within disturbed and/or improved properties and follow best management practices listed in NYDEC permits for minimizing erosional/flooding damages to surrounding natural resources.

Policy 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

N/A. Proposal does not include construction of or require erosion protection structures.

Policy 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Consistent. Proposal is not anticipated to impact flood capacity and flows or increase erosion/flooding because project elements will be placed underground in previously developed areas.

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.

N/A No dredging and/or filling in coastal waters are identified for this proposal.

Policy 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Consistent. Proposal is not for erosion protective structures and is intended to assist existing development that requires location within or adjacent to an erosion hazard area to be able to function with a reduced impact on environmental health and protective wetlands.

Policy 17

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

Consistent. While the proposal will not directly implement non-structural measures to minimize damages from flooding and erosion, the project is intended to improve conditions for the development of protective tidal marshes.

Policy 18

To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

Consistent. Proposal protects the economic and social interests of the state and its citizens through employing a risk reduction measure to reduce impacts from future high-energy events. All work will be done using construction best management practices per state/federal permit requirements.

Policy 19

Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

Consistent. Proposal does not change existing access to public water-related recreation resources or facilities.

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.

Consistent. Proposal does not change existing access to public water-related recreation resources or facilities.

Policy 21

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

N/A. Policy is not the proposal's purpose since it does not affect positively or negatively the siting of water-dependent and water-enhanced uses and facilities.

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.

N/A. Policy is not the proposal's purpose since it does not affect positively or negatively the existing land uses nor does it provide water-related recreational opportunities.

Policy 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.

Consistent. FEMA will be consulting with the State Historic Preservation Office and Participating Tribes per Section 106 of the National Historic Preservation Act, to address any proposed ground disturbing activities as identified in submitted project plans. Any identified adverse effect(s) for standing structures will be mitigated through the Abbreviated Consultation process outlined in the New York Programmatic Agreement.

Policy 24

Prevent impairment of scenic resources of statewide significance.

Consistent. Proposal does not impact known scenic resources of statewide significance.

Policy 25

Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

Consistent. Proposal purpose is to reduce discharges of raw sewage into buildings and the environment. Over time the proposal is expected to improve conditions for the development of tidal marsh habitat, which may contribute to the overall scenic quality of the coastal area.

Policy 26

Conserve and protect agricultural lands in the state's coastal area.

N/A. No agricultural land is present in the vicinity of the proposal. There is a small area of mapped farmland soils, but it is entirely developed in urban uses and is within the boundaries of the Village of Patchogue.

Policy 27

Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

N/A. Policy is not the proposal's purpose since it does not involve siting and construction of energy facilities.

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.

N/A. Policy is not the proposal's purpose since ice management practices are not involved in construction activities.

Policy 29

Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

N/A. Policy is not the proposal's purpose since project activities do not include development of energy resources.

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.

Consistent. The proposal purpose is to prevent the discharge of raw sewage into surface and ground waters. Sewage would be collected from the project area and routed to the local treatment plant before discharge. The location of discharge would change and the quality of the discharge would be improved significantly.

Policy 31

State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Consistent. Proposal does not involve review of or modification to coastal water classifications or water quality standards.

Policy 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

Inconsistent. The proposal is to convert the area to a conventional public sewer system with wastewater treatment plant and requires the use of public funds because the cost of the conventional facility is unreasonably high for the local tax base.

Policy 33

Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.

Consistent. Best management practices will be used to control storm water runoff during and after construction; there would be no change in impervious surfaces or the volume, quality, or location of stormwater runoff following construction. The project would not construct combined sewers or combined sewer overflows.

Policy 34

Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

N/A. Policy is not the proposal's purpose since this project will have no impact on vessel discharges.

Policy 35

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

N/A. Policy is not the proposal's purpose since the project does not involve dredging and filling in coastal waters, nor disposal of dredged material.

Policy 36

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

N/A. Policy is not the proposal's purpose since the project does not involve shipment and storage of petroleum and other hazardous materials.

Policy 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Consistent. Project purpose is to reduce the non-point discharge of nitrogen and organics from sewage into coastal waters. Best management practices will be utilized during construction of the project to reduce the potential discharge of soils into coastal waters.

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.

Consistent and Inconsistent. The purpose of the project is to improve the quality of surface and groundwater by reducing the discharge of untreated sewage from on-site treatment systems. However, the collection of wastewater into a sewer system would potentially reduce the amount of recharge into the shallow groundwater layer as compared to the existing condition by a negligible amount.

Policy 39

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

Consistent. Proposal will use best management practices listed in federal/NYSDEC permits for transport, storage, treatment and disposal of all C&D, hazardous waste, etc. during the construction. There are no significant anticipated adverse impacts on fish and wildlife resources, surface and groundwater quality, recreation areas, scenic resources or agricultural land.

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.

N/A. Policy is not the proposal's purpose or function since the facility is not a steam electric generating or industrial facility.

Policy 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Consistent. Proposal is not anticipated to impact state or national air quality standards.

Policy 42

Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.

N/A. Policy is not the proposal's purpose or function as it does not propose reclassifying land areas pursuant to the federal Clean Air Act.

Policy 43

Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

Consistent. Proposal is not anticipated to cause acid rain precursors.

Policy 44

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

Consistent. Proposal will not adversely impact tidal or freshwater wetlands, and project purpose is to improve conditions for the development and maintenance of tidal marshes, increasing the benefits derived from these areas.

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DEPARTMENT OF STATE

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ANDREW M. GUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

January 26, 2016

Mr. Brock A. Giordano
Acting EHP Branch Director
Sandy Recovery Field Office
118-35 Queens Boulevard, 5th Floor
Forest Hills, New York 11375

Re: **F-2016-0041(FA)**
FEMA – Village of Patchogue
Out of District Sewer Extension
Village of Patchogue, Suffolk County
General Concurrence - No Objection to Funding

Dear Mr. Giordano:

The Department of State received the information you submitted regarding the above matter on 1/13/2016.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of FEMA funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2016-0041(FA).

Sincerely,



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

JZ/dc